



Speed – Post

विश्वविद्यालय अनुदान आयोग
बहादुरशाह जफर मार्ग
नई दिल्ली-110 002
UNIVERSITY GRANTS COMMISSION
BAHADURSHAH ZAFAR MARG
NEW DELHI-110 002

F. No. 8-22/2011(CPP-I/PU)

December, 2011

The Registrar,
People's University,
Bhanpur, Bhopal – 462 037
Madhya Pradesh.

27th DEC

Sub: - Establishment of People's University, Bhopal (Madhya Pradesh) as a Private University

Sir,

With reference to State Government Notification No. क्र 2774-172-इक्कीस-अ-(प्रा.) dated 04.05.2011 on the above subject, I am directed to say that People's University, Bhopal (Madhya Pradesh) has been established by the Madhya Pradesh Legislature through an amendment in Madhya Pradesh Niji Vishwavidyalay (Sthapana Avam Sanchalan) Andhiniyam – 2007 as Madhya Pradesh Act (No. 18 of 2011) – **People's University, Bhopal** as a State Private University and is empowered to award degrees as specified by the UGC under section 22 of the UGC Act 1956 through its main campus in regular mode with the approval of statutory bodies / councils, wherever required.

As per the judgement of the Hon'ble Supreme Court in the case of Prof. Yashpal Vs State of Chhattisgarh there is no provision to have Regional Centres / off Campus beyond the territorial jurisdiction of the State.

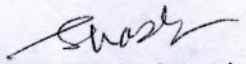
Keeping in view of the above, you are requested to adhere on the following:-

1. No off campus centre(s) is opened by the University outside the territorial jurisdiction of the State in view of the judgement of Hon'ble Supreme Court of India in case of Prof. Yash Pal Vs State of Chhattisgarh.
2. In case the University has already started any off campus centre outside the State, it must be closed immediately. It may also be ensured that any off campus centre within the State shall be opened only as per the provision laid down in the UGC (Establishment of and maintenance at standards in Private University) Regulation 2003 and with the prior approval of UGC.
3. The University shall not have any affiliated Colleges.
4. The University has to follow UGC (Minimum standards and procedure for award of M.Phil / Ph.D degree) Regulations, 2009.

The University is required to follow the UGC (Establishment of and Maintenance of Standards in Private University) Regulation, 2003 (copy enclosed) & other Regulations issued from time to time and posted on UGC website www.ugc.ac.in.

You are also requested to send the information in the prescribed format (copy enclosed) for inspection purpose as per UGC Regulations referred to above within one month from the date of receipt of this letter.

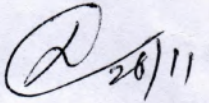
Yours faithfully,

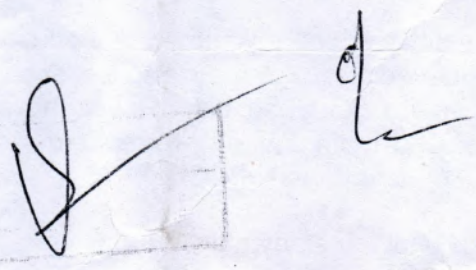

(Shashi Bala Arora)
Under Secretary

Encl: As above.

Copy to: -

1. The Education Secretary, Government of India, Ministry of Human Resource Development, Department of Higher Education, Shastri Bhawan New Delhi – 100 001.
2. The Principal Secretary, Govt. of Madhya Pradesh, Deptt. of Higher & Technical Education, 3rd Floor, Vallabh Bhawan, Room No.325, Mantralaya, Bhopal – 462 004.
3. Publication Officer, UGC, New Delhi for posting on Website.
4. SO (CPP-I), UGC New Delhi.
5. Guard File.


(Dharam Vir Yadav)
Section Officer



23236351, 23232701, 232
23235733, 23232317, 232

www.uqc.ac.in



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SPEED-POST

No. F. 8-22/2011 (CPP-I/PU)

December, 2011

The Principal Secretary
Govt. of Madhya Pradesh
Deptt. of Higher & Technical Education
3rd Floor, Vallabh Bhawan, Room No.325
Mantralaya, Bhopal - 462 004
Madhya Pradesh.

Sub: - Establishment of People's University, Bhopal (M.P) as a Private University.

Sir,

I am directed to inform you that People's University, Bhopal (Madhya Pradesh) has been established under an Act called the Madhya Pradesh Niji Vishwavidyalay (Sthapana Avam Sanchalan) Andhiniyam - 2007 as Madhya Pradesh Act (No. 18 of 2011) (04.05.2011) and not by separate Act as provided in sub para 3.1 & 3.2 of UGC (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003.

So far as the UGC (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003 is concerned, regulations 3.1 and 3.2 thereof Provides as under:-

"3.1 Each private university shall be established by a separate State Act and shall confirm to the relevant provisions of the UGC Act, 1956, as amended from time to time.

"3.2 A private university shall be a unitary university having adequate facilities for teaching, research, examination and extension services."

At this stage it is relevant to note that so far as Section 2(f) of the UGC Act, 1956 if concerned, the same defines the university in the following manner: -

"2(f) University means a university established or incorporated by or under a central Act, a provincial Act or a State Act.

It is necessary to point out that the UGC (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003 as well as section 2(f) of the UGC Act, came up for consideration before the Hon'ble Supreme Court in the case of Professor Yashpal and Anr Versus State of Chhattisgarh & Ors (2005 (5) SCC 420). The Hon'ble Supreme Court after examining the various provisions of aforesaid UGC Regulation, particularly in paragraph 54, 55 and 56 of the judgement concluded in para 57 to the following effect: -

"57 In view of Regulation 3.1, a private university can only be established either by a separate Act or by one compendious Act where the legislature specifically provides for establishment of the said university....."

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Further while interpreting Section 2(f) of the UGC Act vis-avis private university as a separate class, the Hon'ble Supreme Court held in para 59 of the judgement that "we are of the opinion that having regard to the Constitutional scheme and in order to ensure that enactment made by parliament, namely, the University Grants Commission Act is able to achieve the objective for which it has been made and UGC is able to perform its duties and responsibilities, and further that the State enactment does not come in conflict with the central legislation and create any hindrance or obstacle in the working of the latter, it is necessary to read the expression established or incorporated" as established and incorporated in so far as the private universities are concerned."

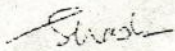
It is further relevant to note that issue of the mode of establishment of University also came up for consideration in the case of Prem Chand Jain and Anr Versus R.K. Chhabra (1984 (2) SCR 883). The Hon'ble Supreme Court in the said case while considering the effect of Section 2(f) and Section 23 observed as under:-

"The word established" or incorporated" referred to Acts under which Universities are established or incorporated, several Universities in this country have been either established or incorporated under special statutes, such as the Delhi University Act, The Banaras Hindu University Act, the Allahabad University Act etc. In these cases there is a special Act either of the Central or the provincial or the State legislatures established and incorporating the particular university. There is also another pattern = where under one compendious Act several universities are either established or incorporated - for instance, the Madhya Pradesh Universities Act, 1973

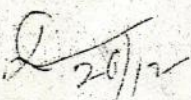
In the present case the Madhya Pradesh Private Universities Act, 2011 is a general statute which neither confirms to the provisions of Section 2(f) of the UGC Act read with Regulation 3.1 and 3.2 of the UGC (Establishment of and Maintenance of Standards of Private Universities) Regulations, 2003 nor the same confirms to the law laid down by the Hon'ble Supreme Court in the case of Prof. Yashpal

I am further directed to request to you send a separate Act in respect of People's University, Bhopal (Madhya Pradesh).

Yours faithfully,


(Shashi Bala Arora)
Under Secretary

Copy to. - The Registrar, People's University, Bhanpur, Bhopal - 462 037, Madhya Pradesh.


(Dharam Vir Yadav)
Section officer