

GOVERNMENT OF INDIA  
MINISTRY OF EDUCATION  
DEPARTMENT OF HIGHER EDUCATION  
**RAJYA SABHA**  
**UNSTARRED QUESTION No-23**  
ANSWERED ON- 07/12/2022

**FUNCTIONING OF UGC**

23 DR. JOHN BRITTAS:

Will the Minister of EDUCATION be pleased to state:

- (a) whether it is a fact that University Grants Commission (UGC) has been formed to deal with the issues concerning standard of University education;
- (b) if so, whether it means that regulations issued from time to time by UGC can supersede original Statutes instrumental in constituting State universities;
- (c) whether Government is aware of complaints that the principles of federalism are compromised when State statutes are undermined; and
- (d) the response thereof?

**ANSWER**

MINISTER OF STATE IN THE MINISTRY OF EDUCATION  
(DR. SUBHAS SARKAR)

(a): The University Grants Commission (UGC) has been established under the UGC Act, 1956 for the co-ordination and determination of the standards in Universities. Section 12 of the UGC Act, 1956 provides that it shall be the general duty of the Commission to take, in consultation with the Universities or other bodies concerned, all such steps as it may think fit for the promotion and co-ordination of University education and for the determination and maintenance of standards of teaching, examination and research in Universities.

(b) to (d): Hon'ble Supreme Court of India in the matter of Prof. Yashpal & Anr. Vs State of Chhatishgarh & Ors, inter-alia, held that *"The consistent and settled view of this Court, therefore, is that in spite of incorporation of Universities as a legislative head being in the State List, the whole gamut of the University which will include teaching, quality of education being imparted, curriculum, standard of examination and evaluation and also research activity being carried on will not come within the purview of the State legislature on account of a specific Entry on co-ordination and determination of standards in institutions for higher education or research and scientific and technical education being in the Union List for which the Parliament alone is competent. It is the responsibility of the Parliament to ensure that proper standards are maintained in institutions for higher education or research throughout the country and also uniformity in standards is maintained"*.

Further, the Apex Court in the matter of Gambhirdan K Gadhvi vs The State of Gujarat has, inter-alia, held that being a subordinate legislation, UGC Regulations become part of the UGC Act, and where the provisions of State University Act are repugnant to the UGC Regulations, the Central Legislation shall prevail by applying the rule/principle of repugnancy as enunciated in Article 254 of the Constitution.

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