

GOVERNMENT OF INDIA
MINISTRY OF EDUCATION
DEPARTMENT OF HIGHER EDUCATION
RAJYA SABHA
UNSTARRED QUESTION NO-2115
ANSWERED ON- 19/03/2025

Constitutional Validity of UGC regulations

2115 Ms. Sushmita Dev:

Will the Minister of **Education** be pleased to state:

- (a) the manner in which Government has reconciled University Grants Commission (UGC) regulations with the State laws that prescribe qualifications and selection processes for Vice-Chancellors;
- (b) whether the UGC's regulations on Vice-Chancellors appointments are mandatory for the State Universities, if so, the details thereof; and
- (c) whether the UGC's regulations override the State laws on Universities under Article 254 of the Constitution, if so, the details thereof?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF EDUCATION
(DR. SUKANTA MAJUMDAR)

(a) to (c): Education is a subject in the Concurrent List and both the Parliament and the State legislatures have powers to legislate. As per Entry 66, List I of Schedule VII to the Constitution of India, the power to legislate for "coordination and determination of standards in institutions for higher education or research and scientific and technical institutions", vests in the Central Government. UGC notifies Regulations in the exercise of powers conferred under Sub-section (1) of Section 26 of UGC Act 1956 (3) of 1956.

UGC Regulations are applicable to every University established or incorporated by or under a Central Act, Provincial Act or a State Act, every Institution including a Constituent or an affiliated College recognized by the Commission, in consultation with the University concerned under Clause (i) of Section 2 of the University Grants Commission Act, 1956 and every Institution deemed to be a University under Section 3 of the said Act.

UGC Regulations are enacted by the UGC in the exercise of powers conferred under UGC Act, 1956. As per the UGC Act, every rule and regulation made under the said Act shall be laid before each House of the Parliament.

The UGC Draft Regulations 2025 strongly uphold and reinforce India's federal structure by balancing national standards and state autonomy in higher education. These regulations are designed to ensure academic excellence while respecting the diverse educational frameworks of different states.

The draft UGC regulations 2025 provide more autonomy to the States and Higher Education Institutions (HEIs). State governments/Union Territories, shall follow either UGC regulations or the rules of the State Government for the direct recruitment to the post of Assistant Professor, Associate Professor and Professor in colleges coming under their purview, by following the minimum qualifications as given in the UGC draft regulations. The regulations set minimum standards but allow state universities to frame their own additional criteria over and above the minimum standards for faculty appointments and promotions, preserving the autonomy of state universities.
