

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, PART III, SECTION IV]

UNIVERSITY GRANTS COMMISSION

NOTIFICATION

New Delhi, the _____ of _____, 2022

F. No. 1-38/2021 (DEB-I). - In exercise of the powers conferred by sub-section (1) of section 26 read with clause (j) of section 12 of the University Grants Commission Act, 1956 (3 of 1956) with the previous approval of Central Government, the University Grants Commission hereby makes the following regulations to amend the University Grants Commission (Open and Distance Learning Programmes and Online Programmes) Regulations, 2020, namely:-

1. **Short title and commencement.** - (1) These regulations may be called the University Grants Commission (Open and Distance Learning Programmes and Online Programmes) Second Amendment Regulations, 2022.

(2) These shall come into the force on the date of its publication in the Official Gazette.
2. In the University Grants Commission (Open and Distance Learning Programmes and Online Programmes) Regulations, 2020 (hereinafter referred as the “principal regulations”), in clause (3) of regulation 1 of the principal regulations, the following shall be substituted, namely:—
*“These regulations shall apply to a University referred to under clause (f) of section 2 of the Act, an Institution Deemed to be University under section 3 of the Act and an Autonomous College:
Provided that the University Grants Commission may, by order, exempt a Higher Educational Institution or Higher Educational Institutions from the application of these regulations.”*
3. In the principal regulations, after clause (c) in regulation 2, the following clause (ca) shall be inserted, namely:—
“(ca) “Autonomous College” means a College that has been conferred the status of an Autonomous College under the University Grants Commission (Conferment of Autonomous Status Upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2018 and any amendments thereto;”
4. In the principal regulations, in clause (l) in regulation 2, the following shall be substituted, namely:—
““Franchising” for the purpose of these regulations, means and includes the practice of allowing, formally or informally, any person or institution or organisation, other than the Higher Educational Institution recognized or entitled under these regulations, to offer programmes of study through the Open and Distance Learning Mode or the Online Mode on behalf or in the name of such Higher Educational Institution, and the terms ‘franchise’ and ‘franchisee’ shall be construed accordingly.

Provided that the services provided by a Technology Service Provider to the Higher Educational Institution as permissible under these regulations shall not be construed as franchising;”

5. In the principal regulations, in clause (n) in regulation 2, the following shall be substituted, namely:—

““Higher Educational Institution” means and includes a University referred to under clause (f) of section 2 of the Act, an Institution Deemed to be University under section 3 of the Act and an Autonomous College which is offering programmes through conventional mode and/or through Open and Distance Learning mode and/or through Online mode, in the field of higher education or research therein;”

6. In the principal regulations, after clause (p) in regulation 2, the following clause (pa) shall be inserted, namely:—

“(pa) “Intellectual Property Rights” means any and all rights associated with intangible assets owned by person or institution or organisation and protected against use without consent and include types, not limited to, patents, design, trademarks and copyrights;”

7. In the principal regulations, in clause (x) in regulation 2, the following shall be substituted namely:—

““Post Graduate Diploma” means a programme of study with a minimum duration of one year or two years as approved by the statutory authorities of a Higher Educational Institution and concerned statutory or regulatory body or council, as applicable with graduation as the minimum entry level qualification;”

8. In the principal regulations, after clause (ze) in regulation 2, the following clause (zf) shall be inserted, namely:—

“(zf) “Technology Service Provider” means any person or institution or organisation having expertise in providing the services relating to the use of technology as permissible under these regulations and as approved by the statutory authorities of a Higher Educational Institution.”

9. In the principal regulations, in clause (A) in regulation 3, the following shall be substituted, namely:—

*“(A) **Open and Distance Learning Mode:** (a) Higher Educational Institutions having a valid accreditation by the National Assessment and Accreditation Council with a minimum score of 3.26 on a 4-point scale, or having a rank in the top-100 in the ‘University’ category or in the corresponding category (for an Autonomous College) of the National Institutional Ranking Framework (NIRF), at least twice in three preceding cycles (at the time of application), shall be permitted to offer programme(s) in Open and Distance Learning mode without the prior approval of the Commission and upon satisfying the following conditions:*

- (i) *The Higher Educational Institution shall offer Undergraduate, Postgraduate and Post Graduate Diploma programmes in permissible disciplines as per these regulations in Open and Distance Learning mode and as per the UGC notification on specification of degrees and in strict compliance with the provisions of these regulations with the approval of the statutory authorities of the Higher Educational Institution and the concerned statutory or regulatory body or council, as applicable;*
- (ii) *The Higher Educational Institution shall be required to submit application and/or information in prescribed format along with prescribed fee and comply to all the provisions of the regulations and shall be required to submit an affidavit in the prescribed format to the UGC;*

(b) Any Higher Educational Institution, may apply for offering programmes through the Open and Distance Learning mode, which fulfils the following conditions, namely:-

- (i) *shall be accredited by the National Assessment and Accreditation Council with minimum score of 3.01 on a 4-point scale;*
or
having a rank in the top-100 in the 'University' category or in the corresponding category (for an Autonomous College) of the National Institutional Ranking Framework (NIRF), at least once in two preceding cycles (at the time of application):

Provided further that the NAAC condition mentioned above shall not be applicable to the Open Universities already recognised by the Commission for offering Open and Distance Learning Programmes for the academic year 2019-2020. These Open Universities shall be required to submit an affidavit that they shall obtain NAAC accreditation prior to the completion of the current recognition period, as specified in the Commission order already issued, failing which the Commission shall not accord further recognition to the programmes of such Open Universities under Open and Distance Learning mode:

Provided also that the NAAC condition mentioned above shall not be applicable to Open Universities seeking recognition for the first time from principal regulations and shall be required to obtain National Assessment and Accreditation Council (NAAC) accreditation within one year of their becoming eligible for accreditation by the National Assessment and Accreditation Council (NAAC), failing which the Commission shall not accord further recognition to the programmes of such Open Universities under Open and Distance Learning mode:

Provided also that an Institution Deemed to be University under section 3 of the Act shall offer programmes in Open and Distance Learning mode in accordance with the extant regulations of the Commission in respect of Institutions Deemed to be University and in compliance of these regulations.”

10. In the principal regulations, in clause (B) in regulation 3, the following shall be substituted, namely:—

*“(B) **Online Mode:** (a) Higher Educational Institutions having valid accreditation by the National Assessment and Accreditation Council with a minimum score of 3.26 on a 4-point scale, or having a rank in the top-100 in the ‘University’ category or in the corresponding category (for an Autonomous College) of the National Institutional Ranking Framework (NIRF), at least twice in three preceding cycles (at the time of application), shall be permitted to offer programmes in Online mode without the prior approval of the Commission and upon satisfying the following conditions:*

- (i) The Higher Educational Institution shall offer Undergraduate, Postgraduate and Post Graduate Diploma programmes in permissible disciplines as per these regulations in Online mode and as per the UGC notification on specification of degrees and in strict compliance with the provisions of these regulations with the approval of the statutory authorities of the Higher Educational Institution and the concerned statutory or regulatory body or council, as applicable;*
- (ii) The Higher Educational Institution shall submit application and/or information in prescribed format along with prescribed fee and comply to all the provisions of the regulations and shall be required to submit an affidavit in the prescribed format to the UGC;*

Provided further that a Higher Educational Institution having valid accreditation by the National Assessment and Accreditation Council with a minimum score of 3.26 on a 4-point scale, or having a rank in the top-100 in the ‘University’ category or in the corresponding category (for an Autonomous College) of the National Institutional Ranking Framework (NIRF) at least twice in three preceding cycles shall be permitted to enrol International Learners also.”

“(b) Any Higher Educational Institution, may apply for offering programmes through the Online mode, which fulfils the following conditions, namely:-

- (i) shall be in existence for at least three years; and*
- (ii) shall be accredited by the National Assessment and Accreditation Council with minimum score of 3.01 on a 4-point scale;*

or

shall be in the top-100 in the ‘University’ category or in the corresponding category (for an Autonomous College) of the National Institutional Ranking Framework (NIRF), for at least once in last two preceding cycles (at the time of application):

Provided further that the condition mentioned at item (ii) of sub-clause (b) shall not be applicable to the Open Universities already recognised by the Commission for offering Open and Distance Learning programmes or Online programmes for the academic year 2019-2020. These Open Universities shall be required to submit an affidavit that they shall obtain National Assessment and Accreditation Council (NAAC) accreditation prior to the completion of the current recognition period, as specified in the Commission order already issued, failing which the Commission shall not accord further recognition to the programmes of such Open Universities under Online mode:

Provided also that the NAAC condition mentioned above shall not be applicable to Open Universities seeking recognition for the first time from principal regulations and shall be required to obtain National Assessment and Accreditation Council (NAAC) accreditation within one year of their becoming eligible for accreditation by the National Assessment and Accreditation Council (NAAC), failing which the Commission shall not accord further recognition to the programmes of such Open Universities under Open and Distance Learning mode:

Provided also that an Institution Deemed to be University under section 3 of the Act shall offer programmes in the Online mode in accordance with the extant regulations of the Commission in respect of Institutions Deemed to be University and in compliance with these regulations”

11. In the principal regulations, in sub-clause (v) of clause (A) in regulation 4 the following shall be substituted, namely:—

“the entry level qualifications, curriculum, credit, duration and pass or fail criteria shall be the same: (a) for a programme in Conventional mode and the proposed same programme in Open and Distance Learning mode or Online mode in the case of a Dual Mode University or an Autonomous College, as the case may be; and, (b) for a programme in Open and Distance Learning mode and the proposed same programme in Online mode in the case of an Open University;

Provided that this clause shall not be applicable where the Higher Educational Institution proposes to offer a programme through the Open and Distance Learning mode where the same programme is not being offered in the Conventional mode or proposes to offer a programme through the online mode where the same programme is not being offered either in conventional mode or ODL mode:

Provided further that for taking admission in any programme in Open and Distance Learning and/or Online mode, the minimum requirement shall be obtaining the entry level qualification only and higher percentage as cut off for admission shall not be insisted.”

12. In the principal regulations, in sub-clause (x) of clause (A) in regulation 4, the following shall be substituted for the Explanation, namely:—
- “Explanation: (a) A Private University established under a State Act shall be eligible to offer programmes through the Open and Distance Learning mode from its Head Quarters only and duly recognised off-campus centre(s), and an Autonomous College shall be eligible to offer programmes through the Open and Distance Learning mode from its campus only;*
- (b) A Private University established under a State Act and an Autonomous College shall not offer programmes through the Open and Distance Learning mode from a Learner Support Centre;”*
13. In the principal regulations, after sub-clause (x) of clause (A) in regulation 4, the following sub-clause (xi) shall be inserted, namely:—
- “(xi) in the case of an Autonomous College, a copy of such application has been submitted to the Parent University as defined under the University Grants Commission (Conferment of Autonomous Status Upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2018 and any amendment thereto:*
- Provided that for the recognized or entitled programmes under Open and Distance Learning mode and/or Online mode as per these Regulations, the Parent University shall ensure enrolment of the learners admitted by Autonomous College.”*
14. In the principal regulations, after sub-clause (x) of clause (A) in regulation 4, the following sub-clause (xii) shall be inserted, namely:—
- “(xii) Submission of the programme accreditation certificate for the programme offered through the Open and Distance Learning mode or the Online mode, as the case may be, seeking further recognition after the current period of recognition from the academic session as notified by the Commission:*
- Provided that a Higher Educational Institution which is entitled to offer programmes through the Open and Distance Learning mode or the Online mode, as the case may be, shall submit programme accreditation certificate in respect of all the Open and Distance Learning and/or Online programmes, as applicable, from the academic session as notified by the Commission.”*
15. In the principal regulations, in sub-clause (ii) of clause (B) in regulation 4, the following shall be substituted, namely:—
- “A Higher Educational Institution shall be eligible to offer programmes leading to the award of a degree at the undergraduate and postgraduate levels, and the award of a Post Graduate Diploma, as the case may be, through the Open and Distance Learning mode even if such programme is not being offered by the Higher Educational Institution through the Conventional mode:*
- Provided further that Science based programmes, which require hands-on experience, experimental setup, shall be offered only by the Higher Educational Institutions*

having NAAC score of 3.26 and above or by the Open universities or by the Higher Educational Institutions having rank in top-100 in University category or in the corresponding category (for an Autonomous College) of National Institutional Ranking Framework (NIRF), at least twice in three preceding cycles:

Provided further that the science-based programmes shall only be offered by the Higher Educational Institution from the Head Quarters or from such Learner Support Centres which have been offering the same programme in the Conventional mode for atleast seven years.”

16. In the principal regulations, in sub-clause (ii) of clause (C) in regulation 4, the following shall be substituted, namely:—

“A Higher Educational Institution shall be eligible to offer programmes leading to the award of a degree at the undergraduate and postgraduate levels, and the award of a Post Graduate Diploma, as the case may be, through the Online mode even if such programme is not being offered by the Higher Educational Institution through the Conventional mode or the Open and Distance Learning mode:

Provided that any programme requiring practical or laboratory course as a curricular requirement, shall be prohibited through Online mode, except in cases where practical component is limited to programming and coding including software tools.”

17. In the principal regulations, in sub-clause (iv) of clause (C) in regulation 4, the following shall be substituted, namely:—

“The application is accompanied with evidence of the Higher Educational Institution having access to the learning platform for the proposed programmes of study, duly approved by the statutory authorities of the Higher Educational Institution empowered to decide on academic matters, with respect to-

(a) learner authentication - integrated with Aadhaar or other government recognised identity for Indian learners and Passport for foreign learners;

(b) learner registration - through a web application with supporting documents;

(c) payment gateway – using Digital Payment system;

(d) learning management System - which tracks the delivery of Programme, learner's engagement, assessment, results, and reporting supported by analytical tools that can help the teachers to extract and use the relevant reports.”

18. In the principal regulations, after sub-clause (iv) of clause (B) in regulation 4, the following sub-clause (v) shall be inserted, namely:—

“The application is accompanied with evidence to ensure that the Higher Educational Institution offering programmes in the Open and Distance Learning mode does not have any franchise arrangement and the ownership of offering Open and Distance Learning programme and compliance to all the provision of the regulations shall be that of Higher Educational Institution only.”

19. In the principal regulations, in sub-clause (vi) of clause (C) in regulation 4, the following shall be substituted, namely:—
- “The application is accompanied with evidence to ensure that the Higher Educational Institution offering programmes in the Online mode does not have any franchise arrangement and the ownership of offering online programme and compliance to all the provision of the regulations shall be that of Higher Educational Institution only.”*
20. In the principal regulations, in clause (1) in regulation 5, the following shall be substituted, namely:—
- “A Higher Educational Institution intending to offer a programme through Open and Distance Learning mode and/or Online mode for academic session and for subsequent years, shall make an online application, as invited by the Commission in the format notified by Commission and upload the same on the specified portal along with scanned copy of all the documents specified therein, prior to commencement of the academic session of the programme intended to be offered by such Higher Educational Institution:*
- Provided that the programmes of the Higher Educational Institutions recognised by the Commission under UGC (Open and Distance Learning) Regulations, 2017 and UGC (Online Courses or Programmes) Regulations, 2018 shall remain valid programmes for the period as mentioned in the Commission Orders. These Higher Educational Institutions shall submit an affidavit to the Commission that they shall comply to provisions of these regulations prior to the beginning of next academic session from the notification of these regulations. However, after the expiry of the recognition period as specified in the already notified Commission Orders, the Higher Educational Institution for the said programmes shall be required to apply afresh as per the subregulation (1) of regulation 4.”*
21. In the principal regulations, in clause (a) in regulation 9, the following shall be substituted, namely:—
- “the establishing Act and Statutes there under, or the Memorandum of Association, as applicable to the Higher Educational Institution (or decisions of the statutory authorities in case of an Autonomous College), empowering it to offer programmes through the Open and Distance Learning mode or the Online mode, as the case may be;”*
22. In the principal regulations, in sub-clause (2) (ii) of clause (A) in regulation 13, the following shall be substituted, namely:—
- “The minimum duration of a programme leading to the award of a Post Graduate Diploma shall be one year or two years, as approved by the statutory authorities of the Higher Educational Institution and concerned statutory or regulatory body or council, as applicable.”*
23. In the principal regulations, in sub-clause (4) of clause (A) in regulation 13, the following shall be substituted, namely:—

“A Higher Educational Institution, other than an Open University, shall offer a programme through the Open and Distance Learning mode or the Online mode with the same number of total credits and minimum duration as that of the corresponding programme in the Conventional mode:

Provided that this clause shall not be applicable where the Higher Educational Institution offers a programme through the Open and Distance Learning mode or the Online mode which is not being offered in the Conventional mode or Open and Distance Learning mode.”

24. In the principal regulations, in sub-clause (1) (iv) of clause (C) in regulation 13, the following shall be substituted, namely:—
- “The delivery of programmes in Online mode shall be through a learning platform approved by the statutory authorities of the Higher Educational Institution and in compliance with any guidelines in respect of learning platforms issued by the Commission from time to time.”*
25. In the principal regulations, in sub-clause (iv) of clause (2) in regulation 14, the following proviso shall be inserted, namely:—
- “Provided further that a Technology Service Provider shall not admit a learner to any programme in Open and Distance Learning Mode and/or Online mode for or on behalf of the Higher Educational Institution.”*
26. In the principal regulations, in sub-clause (3) of clause (A) in regulation 15, the following shall be substituted for paragraph (ii) and paragraph (iii), namely:—
- “(ii) For Open and Distance Learning Mode and Online Mode: the learner shall satisfy the minimum attendance requirement stipulated by the statutory authorities of the Higher Educational Institution and the attendance records shall be maintained by the Higher Educational Institution:”*
27. In the principal regulations, in clause (1) in regulation 16, the following shall be inserted before the words “Each award shall also be uploaded on the National Academic Depository”, namely:—
- “In the case of a Post Graduate Diploma programme, the Higher Educational Institution shall also mention the duration of such programme.”*
28. In the principal regulations, in regulation 22, the following shall be substituted, namely:—
- “Equivalence of qualification acquired through Conventional or Open and Distance Learning and Online modes.— Degrees at undergraduate and postgraduate level in conformity with UGC notification on Specification of Degrees, 2014 and post graduate diplomas awarded through Conventional mode or Open and Distance Learning mode or Online mode by Higher Educational Institutions, recognised / entitled by the Commission under these regulations, shall be treated as equivalent.”***

29. In the principal regulations, in regulation 24, the following shall be substituted, namely:—

“Offering of Certificate and Diploma level Programmes.— A Higher Educational Institution recognised or entitled to offer programmes for the award of a degree at the under graduate or post graduate level, or for the award of a Post Graduate Diploma, through the Open and Distance Learning mode or the Online mode may also offer Certificate or Diploma programmes, other than programmes in prohibited disciplines, through the Open and Distance Learning mode and the Online mode but subject to the condition that: (a) such Certificate or Diploma programme(s) have prior approval of the statutory authorities of the Higher Educational Institution and the regulatory body concerned, and (b) the delivery mechanism for such programme(s) conforms to the applicable quality standards for education through the Open and Distance Learning mode and the Online mode, as the case may be. The Higher Educational Institution shall be solely responsible for any legal issues arising out of non-compliance of such requirements.”

30. In the principal regulations, in regulation 26, the following shall be inserted, namely:—

“Provided that this clause shall not be applicable to Autonomous College.”

31. In the principal regulations, after regulation 26, the following regulation 26-A shall be inserted, namely:—

“Complete ownership and responsibility of Higher Educational Institutions for offering Open and Distance Learning and Online programmes: The Higher Educational Institution shall have complete ownership of, and responsibility for, the following in respect of each programme that is proposed to be offered through the Open and Distance Learning mode and the Online mode:

- i. Intellectual Property Rights relating to the contents developed in-house by the Higher Educational Institution;
- ii. Higher Educational Institutions shall have an option either to have 100% in-house content development or have minimum 60% in-house content development and maximum 40% external contents from Open Educational Resources (OER)/ Massive Open Online Courses (MOOCs) and such other modes, and the Higher Educational Institutions shall provide options to the students for accumulating credits;
- iii. Admission
- iv. Design of the curriculum;
- v. Development of the content relating to the programme;
- vi. Teaching –Learning credits;
- vii. Assessment/Evaluation
- viii. Award of the degree / diploma /certificate.

Provided that the Higher Educational Institution may avail the services of a Technology Service Provider(s) for the purposes of Technology Maintenance, Learning platform, ICT support (including production and animation), Technology Support for

proctored examination, Cloud Support, Advertisement and Marketing and Placement of learners.

Provided further that any advertisement or marketing activity in respect of such programme(s) shall be solely and expressly in the name of the Higher Educational Institution.”

Provided further that the entire responsibility of offering the Open and Distance Learning and/ or Online programmes with or without support of the Technology Service Provider shall be of the recognized/entitled Higher Educational Institution only.

32. In the principal regulations, after clause (III) in Annexure III, the following clause (IV) shall be inserted, namely:—

“IV. Autonomous College:

- 1. An Autonomous College shall be eligible to offer programmes through the Open and Distance Learning mode from its campus only.*
- 2. Autonomous Colleges shall be governed by University Grants Commission (Conferment of Autonomous Status Upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges) Regulations, 2018 and any amendments thereto.*
- 3. Autonomous Colleges shall not offer programmes through the Open and Distance Learning mode from any Learner Support Centre.*
- 4. No Autonomous College can offer a programme through the Open and Distance Learning mode and the Online mode, or other related activities, by a Franchising arrangement.*
- 5. Territorial jurisdiction shall not be applicable in the case of an Autonomous College offering programmes through the Online mode under these regulations.”*

33. In the said Principal Regulations, in clause (B) in Annexure VI, the following shall be substituted as Table 1, namely:—

<i>S. No.</i>	<i>Level of the Programme</i>	<i>Duration of the programme</i>	<i>Credits</i>
<i>1.</i>	<i>Bachelor's Degree, Bachelor's Degree (Honours)</i>	<i>As per UGC Notification on Specification of Degree, 2014</i>	<i>As per UGC guidelines</i>
<i>2.</i>	<i>Master's Degree</i>	<i>As per UGC Notification on Specification of Degree, 2014</i>	<i>As per UGC guidelines</i>
<i>3.</i>	<i>Post Graduate Diploma</i>	<i>1 year or 2 years</i>	<i>As approved by the statutory authorities of the Higher Educational Institution and</i>

			<i>concerned statutory or regulatory body or council, as applicable</i>
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34. In the principal regulations, in sub-clause (A) of clause (II) in Annexure VII, the following shall be inserted, namely:—

“(iv) For Post Graduate Diploma Programmes (1 year duration): Self Learning Material should be ready in all respect for first semester and its approval by the statutory authorities of the Higher Educational Institution.

In the principal regulations, in sub-clause (B) of clause (II) in Annexure VII, the following shall be inserted, namely:—

(iv) For Post Graduate Diploma Programmes (1 year duration): First semester e-learning material in four quadrants for each course in the first semester of study and its approval by the statutory authorities of the Higher Educational Institution.”

35. In the principal regulations, in clause I in Annexure VIII, the following shall be substituted for the proviso, namely:—

“As provided in the Explanation to sub-clause (x) of clause (A) in regulation 4 of the principal regulations:

“Explanation: (a) A Private University established under a State Act shall be eligible to offer programmes through the Open and Distance Learning mode from its Head Quarters only and duly recognised off-campus centre(s), and an Autonomous College shall be eligible to offer programmes through the Open and Distance Learning mode from its campus only;

(b) A Private University established under a State Act and an Autonomous College shall not offer programmes through the Open and Distance Learning mode from a Learner Support Centre.”

36. In the principal regulations, Annexure IX shall be removed.

(Rajnish Jain)
Secretary (UGC)

Note : The principal regulations were published in the Gazette of India, Extraordinary Part-III, section 4 vide F. No. 1-1/2020 (DEB-I) dated 4th September, 2020.