



**UNIVERSITY GRANTS COMMISSION
BAHADUR SHAH ZAFAR MARG
NEW DELHI – 1100 02**

Speed Post

No. F.9-8/2008 (CPP-I)

16th April, 2009

**All the State Governments
(As per List Attached)**

Subject: Territorial jurisdiction of the State Universities/State Private Universities- regarding

Dear Sir/Madam,

There is a growing trend of establishment of Private Universities by the State-Governments. As on now, 37 Private Universities established by the State-Governments are in existence as per information available with UGC. It is understood that there are some more private universities about which State Governments have not sent any information to UGC. In addition, there are a large number of traditionally established State Universities.

It is brought to your kind notice that the UGC has received information through RTI applications or through various students visiting UGC Office that the State Universities/State Private Universities established by the State Governments have opened off campuses, study centres and have also created franchise in the name of distance education programmes outside the State. This action on the part of the State Universities or Private Universities established by the State Governments beyond the territorial jurisdiction of the respective State Governments is not permissible in the light of observations made by the Hon'ble Supreme Court of India in the famous Prof. Yash Pal case. The Hon'ble Supreme Court has held the view that Parliament alone is competent to enact laws for any part or for the whole country and the State Legislature can enact law only in respect of its territorial jurisdiction confined to the concerned State. A copy of the relevant extract of the Judgement of the Hon'ble Supreme Court is enclosed herewith.

However, notwithstanding the above provision in law and the judgement of the Hon'ble Supreme Court, the State Governments have enacted laws establishing State Universities and Private Universities which allow them operating beyond the territorial jurisdiction of the concerned State in the form of off-campus/study centres, affiliated colleges and the centres operating through franchises etc. This has resulted into an anomalous situation and is also causing hardship to the student community at large.

Keeping in view the above, I shall be grateful if you kindly use your good offices and take and immediate action on the following:

- i) To take suitable steps for amending the existing Acts made so as to bring the same in conformity with the observations made by the Hon'ble Supreme Court of India in the case of Prof. Yash Pal and State of Chhattisgarh. This should be adhered in all future cases.
- ii) To stop all the State/State Private universities in the State from operating beyond the territorial jurisdiction of your State in any manner either in the form of off-campus/ study centre/ affiliated college and the centres operating through franchises.

Yours faithfully,



(R.K. Chauhan)
Secretary