



# Bill Summary

## The National Academic Depository Bill, 2011

- The National Academic Depository Bill, 2011 was introduced in the Lok Sabha on September 5, 2011 by the Minister of Human Resource Development, Shri Kapil Sibal. The Bill was referred to the Standing Committee on Human Resource Development (Chairperson: Shri Oscar Fernandes), which is scheduled to submit the report within three months.
- The Bill seeks to establish a national database of academic awards in electronic format, which can be verified and authenticated. The central government shall appoint a depository as the National Academic Depository to establish and maintain the national database.
- The Bill makes it mandatory for every academic institution (college, university, and boards that award Class X and XII certificates) to lodge every academic award with the depository. The depository shall provide training to the staff of the academic institution and recover a reasonable cost of the training. Disputes regarding cost shall be adjudicated by the State Educational Tribunal.
- On a request made by the depository, an academic institution has to verify within seven days that the award was issued by the institution.
- Any person may apply to the depository or a registered agent to verify and authenticate any specific award. The depository shall inform the person within three days whether the award could be verified and authenticated.
- A depository has to meet certain conditions: (a) it has to be registered under the Securities and Exchange Board of India Act, 1992 or is a fully owned subsidiary of such a depository; (b) its memorandum of association specifically mentions being a depository service for academic awards as one of its objectives; and (c) it fulfils other terms and conditions that may be prescribed.
- The central government shall authorize a depository to begin operations only when it is satisfied that there are (i) adequate systems for storage and retrieval of records from the national database, (ii) safeguards to ensure that its automatic data processing system is secure, (iii) adequate network through which the depository shall maintain continuous electronic communication with academic institutions and other concerned bodies, and (iv) adequate number of facilitation centres, established by the depository, to provide services.
- The central government shall review the working of the depository every ten years. If satisfied with the working it shall renew the registration for another 10 years. If not, the registration may be revoked. The central government may also revoke the appointment of a depository on certain grounds such as willful default, breach of terms and conditions, and financial viability.
- The depository has to provide for registration of academic institutions, access to the national database to registered academic institutions, training to academic institutions to lodge and retrieve academic records, verify and authenticate any academic award in the national database and ensure that databases are designed in such a way to facilitate online interaction with the Central Identities Data Repository to be created under the National Identification Authority of India Act, 2011.
- The depository also has to fulfil certain requirements such as adequate mechanisms for monitoring and evaluating controls, data recovery mechanisms and safeguards, maintain data backup and ensure a secure online connectivity. These measures shall be inspected annually by a panel of independent experts, appointed by the central government.
- The depository shall register academic depository agents to assist in providing services. These agents cannot be minors, be of unsound mind, hold any equity share capital or have any other interest in the depository.
- The Bill lists various offences and penalties. For example, if any person, not authorized to do so, accesses the database, downloads or damages any data, introduces computer viruses, shall pay a fine of upto Rs 1 crore. Such cases shall be adjudicated by the National Educational Tribunal. It also includes certain offences such as hacking, and tampering with computer source documents for which the penalty shall be in accordance to the Information Technology Act, 2000.

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