

# **Arunachal Pradesh State Council for Technical Education Act, 2010**

ARUNACHAL PRADESH

India

## **Arunachal Pradesh State Council for Technical Education Act, 2010**

### **Act 09 of 2010**

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Arunachal Pradesh State Council for Technical Education Act, 2010(Act No. 09 of 2010)Last Updated 15th February, 2020[Dated 20.04.2010]An Act to provide for regulation, establishment, working of Institutions and constitution of State Council for Technical Education in the State of Arunachal Pradesh and matters connected therewith or incidental thereto ;Be it enacted by the Legislature of the State of Arunachal Pradesh in the Sixty- first Year of the Republic of India as follows :-Chapter-I Preliminary

### **1. Short title, extent and commencement.**

(1)This Act may be called the Arunachal Pradesh State Council for Technical Education Act, 2010.(2)It shall extend to the whole of the State of Arunachal Pradesh and applicable to all the colleges and /or the institutions of Technical Education be it Government, Non-Government Institution situated within the territorial jurisdiction of the State of Arunachal Pradesh, imparting technical/professional education within the concept of University Grants Commission or All India Council of Technical Education or within the concept of any Council created by Government of India to regulate a particular technical education and recognised by the department of Higher and Technical Education of the State.(3)It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint.

### **2. Definitions.**

- In this Act, unless the context otherwise requires,-(1)"Technical Education" - means special branch of education, training and research in the field of engineering/technology/professional education imparted by various institutions, which lead to award of a diploma (2 to 3 years duration) or degree or post graduate degree (3 years to 4 years duration) in any technical discipline of engineering/

technology/profession viz. Civil, Mechanical, Electrical, Chemical, Electronic, Telecommunication, Instrumentation, Information Technology, Architecture, Textile, Pharmacy, Interior Design, Travel and Tourism Management, Hotel Management, Office Management and Secretarial Practice, Management, Town Planning and other diversified related professional/technical courses approved by the AICTE and recognised by a university/deemed university or an institute duly established by law and approved by the Arunachal Pradesh State Council for Technical Education.(2)"Council" - means the Arunachal Pradesh State Council for Technical Education;(3)"All India Council for Technical Education (AICTE)" - means the All India Council for Technical Education established under the All India Council for Technical Education Act, 1987;(4)"Centre" - means and includes institution or the place specified by the Council for the purpose of holding the examinations and includes the premises attached or appurtenant thereto.(5)"Technical Institution" - means an institution, not being a University which offers courses or programmes of technical education, and shall include such other institutions as the State Government may in consultation with the Council, by notification in Official Gazette declare;(6)"Affiliated Institution" - means Government or self financed institution in private sector affiliated to Council in respect of any course or courses of study other than degree courses in accordance with the provisions of the Act and rules made thereunder;(7)"University" - means a University defined under clause(f) of section 2 of the University Grants Commission Act, 1956 (3 of 1956) and includes an institution deemed to be a university under section 3 of the University Grants Commission Act, 1956 (3 of 1956);(8)"Certificate" - means the Certificate awarded by the Council to a person for successfully completing in an affiliated institution in such courses of study as maybe prescribed from time to time by rules or regulations;(9)"Diploma" - means the Diploma awarded by the Council to a person for successfully completing in an affiliated institution in such courses of study as may be prescribed from time to time by rules or regulations and includes a preparatory diploma, advance diploma, higher diploma, intermediate diploma, or a diploma awarded after completing post diploma course;(10)"Chairman" - means the chairman of the Council appointed under the provisions of the Act;(11)"Director" - means the Director, Higher and Technical Education, Government of Arunachal Pradesh;(12)"Secretary" - means the Secretary of the Council appointed by the State Government of Arunachal Pradesh;(13)"Management or Managing Committee" - in relation to an affiliated institution means the managing committee or the Governing Body managing the affairs of the institution;(14)"Regulations" - means regulations or by-laws approved by the Council under the provisions of the Act;(15)"Rules" - means the rules made by the State Government under the provisions of this Act;(16)"Prescribed" - means prescribed by rules and regulations made under this Act;(17)"State" - means the State of Arunachal Pradesh;(18)"State Government" - means the State Government of Arunachal Pradesh;(19)"Member" - means a member of the Council and includes the Chairperson of the Council;Chapter -II Establishment of the State Council for Technical Education

### **3. Establishment of the Council.**

(1)There shall be established by the State Government by notification in the Official Gazette a Council to be called the Arunachal Pradesh State Council for Technical Education.(2)The Council shall be a body corporate by the name aforesaid, having perpetual succession and common seal, with power to contract and shall by the said name sue and be sued.(3)The Council shall have its Head Office at Itanagar and the Council may, with the prior approval of the State Government,

establish offices at any place in the State.

#### **4. Composition of the Council and Governing Body and term of office.**

(1)The Council and its Governing Body shall consist the following members, namely: -(i)Honourable Minister of Education, Government of Arunachal Pradesh shall be ex-officio Chairman of the Council;(ii)Commissioner/Secretary(Education), Government of Arunachal Pradesh;(iii)commissioner (Finance), Government of Arunachal Pradesh or his authorised representative;(iv)Commissioner (Planning), Government of Arunachal Pradesh or his authorised representative;(v)Commissioner (IT), Government of Arunachal Pradesh or his authorised representative;(vi)Commissioner (Labour and Employment), Government of Arunachal Pradesh or his authorised representative;(vii)One representative dealing with Technical Education in the Human resource Development (MHRD), Government of India;(viii)One representative from All India Council for Technical Education (AICTE), Eastern Region, Kolkata;(ix)One representative from North Eastern Institute of Science and Technology, Nirjuli, (Not below the rank of Professor/Associate Professor);(x)One representative of the Rajiv Gandhi University, Doimukh, from the Engineering faculty;(xi)One representative from Indian institute of Technology, Guwahati, (Not below the rank of Professor/Associate Professor);(xii)Two Principals, one each from Government Polytechnic and private Polytechnics (if any), nominated by the State Government;(xiii)Chief Engineer, Public Works Department, Government of Arunachal Pradesh (ex-officio);(xiv)Chief Engineer, Rural Works Department, Government of Arunachal Pradesh (ex-officio);(xv)Chief Engineer, Power Department, Government of Arunachal Pradesh (ex-officio);(xvi)Director of Higher and Technical Education, Government of Arunachal Pradesh (ex-officio);(xvii)Director of School Education, Government of Arunachal Pradesh (ex-officio);(xviii)Director State Forest Research Institute, Government of Arunachal Pradesh (ex-officio);(xix)Director of Urban Development, Government of Arunachal Pradesh (ex-officio);(xx)Director, Department of Industries, Government of Arunachal Pradesh (ex-officio);(xxi)Director, AYUSH (ex-officio);(xxii)Director, Handloom and Handicrafts, Government of Arunachal Pradesh (ex-officio);(xxiii)Director, Board of Practical Training, Eastern Region, Kolkata (ex-officio);(xxiv)Director, National Institute of Technical Teachers' Training and Research, Kolkata (ex-officio);(xxv)Two representatives from amongst the faculty members of the Polytechnics of the State;(xxvi)Secretary of the Council - ex- officio Member Secretary.(2)Term of a member, other than ex officio member, on the first constitution shall be of five years and thereafter three years.(3)The procedure to be followed by the members in discharge of their functions shall be such as may be prescribed.

#### **5. Co-option of experts.**

- The Council may co-opt experts not exceeding four, from the IITs, Degree level engineering colleges, and from relevant fields of industries. However, such persons shall be expert in the subjects including the courses of study prescribed by the Council. Names of the co-opt persons and their term of office shall be notified in the Official Gazette.

## **6. Meetings of the Council.**

(1)The Council shall meet at such time and place as desired by the Chairman of the Council as and when required. However, the Council shall meet at least once in an academic year. The Council shall observe such rules and procedures in regard to the transaction of business at its meeting (including the quorum of such meetings) as may be prescribed by regulations.(2)The Council shall also hold Annual General Meeting at the end of academic year.(3)In case of any emergency the Chairman may convene and conduct the Council meeting at a short notice.(4)The Chairman and in his absence any other member chosen by the members present at the meeting shall preside over the meeting.(5)All the questions which come up before the meeting of the Council shall be decided by a majority of votes of the members present and voting, and in the event of equality of votes, the Chairman, or in his absence the person presiding , shall have right of casting vote

## **7. Officers of the Council and power to authenticate orders and other documents and instruments of the Council.**

(1)The Council shall have the following officers as and when the State Government feels it necessary and expedient:-(a)Secretary;(b)Joint Secretary;(c)Deputy Secretary;(d)Assistant Secretary;(e)Controller of Examinations;(f)Any other officers as maybe required;(g)Finance/Accounts Officer;(2)The State Government may appoint a suitable candidate on the posts mentioned above in sub-section 1(a) to (f) by open selection or on transfer or on deputation, on the same grade and pay scales as are payable to similar positions in the Directorate of Higher and Technical Education and such officers shall exercise such powers and discharge such functions/duties as may be assigned under this Act or as directed by the State Government.(3)The Finance/Account Officer as mentioned above in sub-section 1 (g) shall be appointed by the State Government from the Department of Accounts and Treasury in such manner and shall exercise such powers and perform such duties/functions as may be stipulated under rules or required by the Chairman or Secretary from time to time.All decisions of the Council shall be authenticated by the signature of the Chairman or any member authorised by the Council in this behalf, and all other orders, documents and instruments issued by the Council shall be authenticated by the signature of the Member- Secretary or any other officer authorised by the Council in this behalf.The director, Higher and Technical Education, Government of Arunachal Pradesh shall exercise all the powers and duties of the Secretary where no Secretary is appointed.

## **8. Powers, functions and duties of the Council.**

- The Director, Higher and Technical Education, Government of Arunachal Pradesh shall exercise all the powers and duties of the Secretary where no Secretary is appointed. Subject to the provisions of this Act, the functions and duties of the Council shall be -(a)to affiliate institutions, prescribe courses of study, conduct examinations and provide directions from time to time for up-gradation from lower to higher classes;(b)to prescribe standard for buildings and equipments required for affiliation of institutions;(c)to prescribe the manner and qualifications of students for admission in affiliated institutions;(d)to admit students to examinations conducted by the Council;(e)to conduct

examinations, declare the results and award certificate or Diplomas according to the norms of All India Council for Technical Education (AICTE);(f)to advise the State Government on co-ordinated development of technical education under the provisions of this Act;(g)to fix the fee for affiliation, admission, academics, examination, certification etc. and maintain the proper account for the same as per rules for the time being in force;(h)to carry out such other orders and directions as may be issued by the State Government from time to time;(i)to receive contribution, grants from, the Government of India, MHRD and AICTE schemes etc;(j)to carry out such other duties as may be conferred/assigned to it by the rules made under this Act;(k)(a)the Council shall have all such powers as may be necessary for discharge of its functions and in performance of its duties, subject to the provisions of this Act, or the rules and regulations made there-under;(b)in particular and without prejudice to the generality of the foregoing powers conferred to the Council under sub-section (I) (a) of this section, the Council shall also have the following powers:-(i)to cancel the affiliation of the institution not fulfilling the norms and standards specified by the Council;(ii)to frame the rules relating to academic activities and conduct of examinations.

## **9. Powers of the State Government.**

- The State Government shall have the following powers in respect to the Council:-(a)to communicate its views on any matter done or conducted by the Council or in respect of any matter with which the Council is connected and Council thereupon report to the State the action taken or proposed to be taken in regard thereto;(b)to take action against the Council if it fails to discharge its functions upto the satisfaction of the State Government within a reasonable time, after giving due consideration to the representation or explanation furnished by the Council, if any, and issue such directions consistent with the provisions of this Act, and rules and regulations made thereunder as deemed fit. The Council shall comply with such directions, within the stipulated time specified therein, failing which the State Government may take all such other steps as it deems necessary to give effect to such directions;(c)notwithstanding anything contained in sub-sections (a) and (b) of this section the State Government, in any emergency, which in its opinion requires that the immediate action should be taken, may without prior reference to the Council, issue such directions or take such other steps consistent with the provisions of this Act, as it deems fit.(d)to inspect any technical institution which the State Government has permitted to establish or start, at any time as and when necessity arises. If a recognised institution is found not functioning in accordance with and not complying or conforming to the standards of AICTE, the State Government shall have the power to withdraw its permission or No Objection Certificate.

## **10. Powers and Duties of the chairman.**

- The Chairman shall have the following powers, namely:-(a)to take all necessary actions required for implementing the decisions of the Council and exercise such other powers and perform such other duties as may be prescribed by rules and regulations;(b)to take such decisions with regard to matters falling within the purview of the Council on the recommendations of the Committees constituted under sub-section (1) of section 14 of this Act, as the chairman may deem fit. The Chairman shall inform the Governing Body of the Council of every such decision in the next Annual General body Meeting;(c)the Council may, however, subject to the provisions of sub-sections (b) (c)

of section 10 or other wise of this Act confirms the orders passed by the Chairman, shall be final and binding, and shall not be questioned in any court of law and shall prevail over any other order passed by the Chairman or the Council under the provisions of this Act.

## **11. Powers and duties of the Secretary.**

- The Secretary of the Council shall be the Chief Executive Officer of the Council and shall be subject to the superintendence, control and directions of the Chairman and the Council, be responsible for the execution of its directions. The Secretary shall exercise such other powers and perform such other duties as may be prescribed by the rules and in particular :-(1)be responsible for the preparation of Annual Report, Annual Budget and accounts of the Council;(2)be responsible for ensuring proper utilization of the fund ;(3)be responsible for convening meetings of the Council with the approval of the Chairman and maintain the minutes of such meetings;(4)shall be the custodian of the common seal and assets of the Council.

## **12. Formation of Committees and Sub- Committees.**

(1)The Council shall constitute various committees viz., Academic Committee, Examination Committee, Inspection and Affiliation Committee, and such other Committees as may be required from time to time and prescribed by rules for the functioning of the Council. The Secretary shall be the Ex-officio Chairman of every such committee;(2)A committee constituted under sub-section (1) of this section shall consist of such members and such other persons as the Council in each case appoint. The term of the Committee members shall be such as may be prescribed under the rules;(3)A Committee of the Council may co-opt such persons and for such period as it may deem fit, provided that the number of persons co-opted shall not exceed one third of the total members of the Committee;(4)A co-opted member of the Council may resign by submitting resignation letter to the Chairman of the Council;(5)A casual vacancy in the Committee caused by resignation under sub-section (4) above or arising out of any other cause, shall be filled by fresh appointment or co-option in the manner prescribed in sub-section (2) or (3) above, as the case may be;(6)A Committee appointed under this Act, may constitute a sub-committee for such purpose as may be prescribed by rules and for such period as it may deem fit.

## **13. Power of the Council to make rules.**

- Subject to the provisions of this Act, and in particular, with regard to any matter relating to the Council or any other subjects, the State Government may, by rules prescribed :-(a)The procedure for transaction of the business of the office and officers of the Council and the composition of the bodies not specified in this Act;(b)The mode of appointment or recruitment, as applicable, and the conditions of services of the Chairman, Secretary and other officers and employees and their powers, functions and duties;(c)Creation, evaluation and restructuring of departments under the Council;(d)The procedure for conferment of certificates and diplomas ;(e)The provision for grant of scholarships and awards;(f)The number of seats in different courses of studies and the procedures for admission of students to such courses including the reservations of seats;(g)Fees chargeable from the students for various courses of studies;(h)Other matters which are to be or may be

prescribed.

## **14. Powers to frame Regulations.**

(1)The Council shall have the power to frame Regulations from time to time under the provisions of this Act, and the Regulations so framed shall be submitted to the State Government for its approval and the State Government may approve the same with or without modification(2)Subject to the provisions of this Act, regulation may be provide additionally for all or any of the following matters namely: -(a)Admission of the students to the institutions and their enrolment(b)The courses of study to be laid down for certificates, diploma; and other academic distinctions;(c)The conduct of examination and the conditions and mode c appointment and duties of examining bodies, center superintendent, deputy superintendent, examiners, invigilators tabulators, paper setters, moderators etc;(d)The fee to be charged for admission to various examination: and other academic distinctions;(e)Maintenance of discipline among the students in the affiliate! institutions;(f)To take action against those institutions and their promoters what are found running the institutions in contravention of this Act;(g)All other matters as may be prescribed in the rules under the provisions of this Act;(h)To fix the rate of remunerations/honorarium of centre superintendent, examiners, invigilators, tabulators, paper setters moderators etc. and also the travelling allowances and daily allowances payable to the members of the Council, experts and other members of the Committees and Sub-committees and the persons co-opted thereto and other persons engaged by the Council and mode of their payment;(i)To prohibit any admission or examination of an institution, unless it has been properly inspected and recommended by a Committee of experts deputed by the Council and affiliated with the Arunachal Pradesh State Council for Technical Education is granted;(j)A separate code of ethics one each for teachers and students of the institution for technical education shall be brought through regulations, to be notified in the Official Gazette.(3)Subject to the approval of the State Government the Council may make additional Regulations or amend or supersede the existing regulations.

## **15. Laying of rules and regulations before Legislative Assembly.**

- Every rule and regulation made by the Government of Arunachal Pradesh under this Act, shall be laid as soon as may be, after it is made, before the Legislative Assembly of Arunachal Pradesh, while it is in session, for a total period of ten days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following the session or the successive sessions aforesaid ,the Legislative Assembly makes any modification in the rule or resolves that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so, however such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## **16. Miscellaneous.**

(1)The terms and conditions of service of all the officers and the employees of the Council shall be specified by the State government from time to time.(2)No suit or legal proceeding shall lie against

any officer or employee of the Council for anything done or intended to be done in good faith in pursuance of the provisions of this Act.

## **17. Fund of the Council.**

- The Council shall maintain account in Nationalised Bank for all receipts including grants received from the State Government, or Government of India, or from other funding agencies, which is not prohibited by any law for the time being in force. This fund shall be used for recurring/non-recurring expenditure of the Council.

## **18. Annual Report of the Council.**

- The Annual Report shall be prepared within three months from the close of the financial year and submitted in Annual meeting of the Council for its approval.

## **19. Maintenance of Account.**

(1)The Annual Accounts and Balance Sheet of the Council shall be prepared showing all the incomes and expenditures of the Account.(2)The Account shall be audited by an authorised Chartered Accountant/ Government Auditors at the discretion of the Council.(3)The Annual Accounts and Balance Sheet along with Audit Report shall be presented before the Council in its Annual meeting and shall be submitted to the Government thereafter.

## **20. Power to remove difficulty.**

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removal of the difficulty

## **21. Savings.**

- Notwithstanding anything contained in this Act, rules, regulations, instructions, guidelines, office memoranda, circulars, orders, appointment or any other order made or issued or anything done or action taken in regard to establishment, management etc. before coming into force of this Act, shall continue to be in force as if they were made under the corresponding provisions of this Act, until and unless superseded under the provisions of this Act.