

THE UTTARAKHAND BOARD OF TECHNICAL EDUCATION, ACT, 2003

[Act No. 27 of 2003] (As Amended by Act No. 11 of 2008)

to provide for the establishment and constitution of “Board of Technical Education in Uttarakhand and for matters connected therewith or incidental thereto”,

AN ACT

It is hereby enacted by state Assembly in the Fifty-fourth year of the Republic of India as follows:-

Preliminary

**Short title,
extent and
commencement**

1. (1) This Act may be called the Uttarakhand Board of Technical Education Act, 2003.
- (2) It shall be deemed to have come into force from the date of notification issued by the State Government.
- (3) It extends to the whole of Uttarakhand State.

Definitions

2. In this Act, unless the context otherwise requires:-
- (a) “Technical Education” means the technical/professional education imparted by various technical institutions and managing the teaching and training up to diploma (2 to 3 years), degree and post graduate level (3 to 4 years) duration in various disciplines viz. civil, Electrical, Mechanical, Chemical Engineering, Electronics, Instrumentation, Information Technology, Architecture, Computer Science & Engineering, Pharmacy, Textile Designing, Interior Design and Decoration, Office Management and other diversified professional/engineering courses approved by AICTE and recognized by the Uttarakhand Board of Technical Education and concerned University.
- (b) Board” means the Uttarakhand Board of Technical Education;
- (b-1) All India “Council for Technical Education (AICTE)” means the All India Council for Technical Education established under All India Council for Technical Education Act, 1987;
- (c) “Centre” means the institution or the place specified by the Board for the purpose of holding the examinations and includes the premises attached or appurtenant thereto;
- (d) “Affiliated Institution” means a Govt., Govt. aided or a self financed institution in private sector affiliated to the Board in respect of any course or courses of study other than degree courses in accordance with the provisions of the Act or the rules made thereunder;
- (e) “Certificate” means the certificate awarded by the Board to a person for successfully completing in an affiliated institution such courses of study as may from time to time be prescribed by rules or regulations;
- (f) “Diploma” means the diploma awarded by the Board to a person for successfully completing in an affiliated institution such courses of study as may from time to time be prescribed by rules and includes a preparatory diploma, advance diploma, higher diploma,

intermediate diploma or a diploma awarded for completing a post diploma course;

- (g) “Chairman” means the Chairman of the Board appointed under the provisions of this Act;
- (h) “Vice-Chairman” means the Vice Chairman of the Board appointed by the State Government;
- (i) “director” means the Director of Technical Education, Govt. of Uttarakhand;
- (j) “Secretary” means the Secretary of the Board appointed by the State Government;
- (k) “Management” or ‘Committee of Management’ in relation to an affiliated institution means the managing committee or the Governing Body managing the affairs of that institution;
- (l) ‘Regulation’ means the Bye-laws approved by the Board under the Rules of the Act;
- (m) ‘Rules’ means the rules made by the State Government under section 15 to 18 of the Act;
- (n) ‘State’ means the State of Uttarakhand;
- (o) ‘Member’ means a member of the Board and includes the Chairman and Vice-Chairman thereof.

Establishment 3. There shall be established by the State Government by notification in the Gazette a Board to be called the Uttarakhand Board of Technical Education and such a notification may be made at any time after the commencement of this Act, notwithstanding the fact that one or more of the seats of members are yet to be filled.

Composition of the Board Governing Body 4. (1) Chairman, the principal secretary / secretary department of Technical Education, Government of Uttarakhand will be the (ex-officio) chairman of the Board. The Chairman shall have such powers as may be conferred on him by this Act or the Rules and Regulations made thereunder;

(2) Vice Chairman shall be nominated by the State Govt. on the recommendation of the chairman;

(3) One representative each of the departments of Industries, Finance, personnel and planning of the State Government;

(4) One representative dealing with technical education from the Ministry of Human Resource Development (MHRD), Govt. of India;

(5) One representative of all India Council for Technical Education (AICTE);

(6) One representative of IIT Roorkee (not below the rank of professor/ Asstt. professor);

(7) One representative each of universities established by or under an Uttarakhand Act in which the syllabus of Engineering and Technology is included;

- (8) Chief Engineer, Public Works Department;
- (9) Chief Engineer, Irrigation Department;
- (10) Chief Engineer, Jal Nigam;
- (11) Managing Director, Uttarakhand Power Corporation;
- (12) One principal from amongst the principals of Government and affiliated institutions of the Board nominated by the State Government;
- (13) Director, Basic and Secondary Education, Government of Uttarakhand;
- (14) Director, Training and Employment Govt. of Uttarakhand;
- (15) Director, Industries, Govt. of Uttarakhand;
- (16) One representative from amongst prominent Industrialists nominated by the State Government;
- (17) Director, Technical Education, Government of Uttarakhand;
- (18) Secretary, Uttarakhand Board of Technical Education will be the member Secretary;
- (19) The Uttarakhand Board of Technical Education will be situated at Roorkee (Haridwar).

Co-option of experts **5.** The Board may co-opt. from IIT, Degree level Engineering Colleges and experts in the relevant field from industries, such persons not exceeding three, as may be the experts in subjects included in the courses of study laid down by the Board. Name of the persons co-opted and term of co-option of each shall be notified in the Gazette.

Term of the members **6.** The term of the members shall be three years under the provisions of this Act.

Meeting of the Board **7.** The Board shall meet at such time and place as directed by the Chairman of the Board. The Board shall meet at least twice a year. The Board shall also hold an Annual General meeting at the end of the year. In case of any emergency the Chairman may convene and conduct the Board's meeting at a short notice.

Officers of the Board **8.** The officers of the Board will be as under:-

- (a) Secretary;
- (b) Joint Secretary;
- (c) Deputy Secretary;
- (d) Assistant Secretary;
- (e) Controller of Finance/Accounts Officer.

The State Government may appoint a suitable candidate by open selection from outside the department of Technical Education or on transfer or on deputation on the same grade and pay scales officers from the department of Technical Education, Uttarakhand on the posts as mentioned in para 8 (a) to (d) and such officers shall exercise such powers and perform such duties as may be

prescribed by this Act or State Government.

The Controller of Finance/Accounts Officer shall be appointed by the State Government in such manner and shall exercise such powers and perform such duties as may be prescribed under rules or may be required by the Chairman, Vice-Chairman or Secretary from time to time.

**Powers and
Duties of the
Board**

9. Subject to the provisions of this Act the functions and duties of the Board shall be--
- (a) A affiliate institutions, prescribe courses of study, conduct main stream examination and give directions for the up gradation of curriculum from lower to higher classes;
 - (b) It is mandatory for the technical institutions fulfilling the norms & standards fixed by the Board to get affiliation from the Board for the purpose of examination and award of diplomas/degrees whatsoever, inspections and provide for the registration of bodies imparting technical education or managing professional courses and for matters connected therewith and incidental thereto;
 - (c) To prescribe standard for buildings and equipment of affiliated institutions;
 - (d) To prescribe the manner and educational qualifications of students for admission to affiliated institutions;
 - (e) To admit students to examinations conducted by the Board;
 - (f) To declare results of the entrance examinations and Regular stream examination and award of certificates or diplomas according to the norms of All India Council for Technical Education;
 - (g) To advise the State Government on co-ordinated development of Technical Education as per the provisions under this Act;
 - (h) To fix the fees for entrance examination and other examinations and maintain the ledgers as per the rules;
 - (i) To carryout such orders and directions as may be issued by the State Government from time to time;
 - (j) To receive contributions, grants of Government of India and AICTE schemes etc.;
 - (k) To carryout such other duties as may be conferred upon it by the rules made under this Act;
 - (l) (1) the Board shall, have all such powers as may be necessary for the discharge of its functions and the performance of its duties, subject, to the provisions of this Act, or the rules or regulations made thereunder;
 - (2) In particular and without prejudice to the generality of the foregoing powers, the Board shall have the powers:-
 - (a) to cancel the affiliation of the institution not fulfilling the norms and standards specified by the Board;
 - (b) to cancel an examination or withhold the result of an examination of a candidate or institution as a whole and to

disallow a candidate from appearing in any future examination, if found guilty of:

- ❖ Using unfair means in the examination; or
- ❖ Making any incorrect statement or suppressing material information or fact in the application form for admission to the institution or to the examination; or
- ❖ Fraud or impersonation at the examination; or
- ❖ Securing admission to the examination in contravention of the rules governing admission to such examination; or
- ❖ Any act of gross indiscipline during examination :

Provided that the result of an examination shall not be cancelled on the ground of a bonafide error of the Board, after the expiry of 90 days from the date of announcement of the said result.

- Power of State Government**
- 10.** (a) The State Government may communicate to the Board its views on any work done or conducted by the Board or in respect of any matter with which the Board is concerned and the Board shall thereupon report to the State Government the action taken or proposed to be taken by it in regard thereto;
- (b) If the Board fails to take action within a reasonable time to the satisfaction of the State Government, it may, after considering any explanation furnished or representation made by the Board, issue such directions consistent with the provisions of this Act and the Rules and Regulations made there under as it may deem fit. The Board shall comply with the said directions within the time specified therein failing which, the State Government may take all such steps as it may deem necessary to give effect to such directions;
- (c) Notwithstanding anything in sub-sections (a) and (b) of section 10, the State Government, in any emergency which in its opinion requires that immediate action should be taken, may without prior reference to the Board, issue such directions or take such other actions consistent with the express provisions of this act, as it may deem fit;
- (d) State Government shall have the powers under the provisions of this act to inspect any technical institution which State Government has permitted to start or open any time as and when necessity arises. If a recognized institution is found not functioning according to and not fulfilling the norms and standards of AICTE, the State Government shall have the power to withdraw its permission or 'No Objection' Certificate.

- Powers and duties of the Chairman**
- 11.** (a) The Chairman shall have the powers to take all necessary actions required for implementing the decisions of the Board and exercise such other powers and perform such other duties as may be prescribed by the rules;
- (b) The Chairman shall have power to take such decisions on the recommendations of the committees constituted under sub-section (1) of section 14 of this Act as may be within the jurisdiction of the

Board and as he may deem fit. The Chairman shall inform the Governing Body of the Board of every such decision in its next Annual General Meeting;

- (c) The Board may, subject to the provisions of sub-section (c) of section 10 of this Act confirm the orders passed by the Chairman under sub-section (b) or (c) of section 10 and pass such other orders as may be considered expedient or necessary in regard to the matters arising from the action taken by him;
- (d) Any action taken or orders passed by the State Government under sub-section (b) of section 10 whether in respect of any matter forthwith by the Chairman under sub-section (b) or (c) of section 10 or otherwise, shall be final and shall not be questioned in any court of law and shall prevail over any order passed by the Chairman or the Board under this section.

Powers and duties of the Vice Chairman

- 12.** The Vice-Chairman shall exercise such powers and perform such duties of the Chairman as may be prescribed by rules or delegated to him by the Chairman or the Board under this Action.

Power and duties of the Secretary

- 13.** The Secretary of the Board shall be the Chief Executive officer of the Board and shall subject to the superintendence, control and directions of the Chairman and the Board, be responsible for the execution of its decisions. He shall exercise such other powers and perform such other duties as may be prescribed by rules and, in particular;
- (1) be responsible for the preparation of the estimates of the accounts and annual income and expenditure;
 - (2) be responsible for ensuring that all moneys allotted to the Board are spent for the purposes for which they are allotted;
 - (3) be responsible for keeping the minutes of the meetings of the board; and
 - (4) be entitled to be present at the meeting of the Board and take part in the proceedings.

Formation of committees and sub-committees

- 14.**
- (1) The Board shall constitute different committees viz., course committee, examination committee, Inspection and Affiliation Committee, Entrance Examination Committee and such other committee as may be prescribed by the rules. The Secretary of the Board shall be the ex-officio member of every such committee;
 - (2) Additional Secretary /Joint Secretary, Govt. of Uttarakhand nominated by the State Government shall be the ex-officio designated Director of the Entrance Examination Committee;
 - (3) A committee constituted under sub-section (1) above shall consist of such members and such other persons as the Board may in each case appoint. The term of a committee member shall be such as may be prescribed by the Rules;
 - (4) A Committee of the Board 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 number of members of

the committee;

- (5) A co-opted member of the Board may resign by submitting a written request to the chairman of the board;
- (6) A casual vacancy in the committee caused by resignation under sub-section (5) or arising from any other cause, shall be filled by fresh appointment or co-option in the manner provided in sub-section (3) or (4), as the case may be;
- (7) A committee appointed under this Act may constitute sub-committees for such purposes as may be prescribed by the Rules and for such period as it may deem fit.

Powers of the Board to make Rules

15. Subject to the provisions of this Act, the State Govt. may, by Rules provide for any matter relating to the Board and any subject, in particular provide for:-

- (a) The procedure for transaction of the business of the offices and officers of the Board and the composition of the bodies not specified in this Act;
- (b) The mode of appointment or recruitment, as applicable, and the conditions of service of the Chairman, Vice-Chairman, Secretary and other officers and employees and their powers and duties;
- (c) Creation, evolution or restructuring of departments;
- (d) The procedure for conferment of diplomas;
- (e) The provisions regarding grant of scholarships;
- (f) The number of seats in different courses of studies and the procedure of admission of students to such courses including reservation of seats;
- (g) The fee chargeable from the students for various courses of studies;
- (h) Other matters which are to be or may be prescribed;
- (i) Provide Entrance Examination and make provisions thereto.

Power to frame Regulations

16. The Board shall have the powers to frame Regulations of the Board under the provisions of this Act, and the Regulations so framed shall be submitted to the State Government for its approval as may be necessary and expedient from time to time for its approval with or without modification.

17. Subject to the provisions of this Act, Regulations may be provided additionally for all or any of the following matters namely:-----

- (a) Admission of students to the institutions and their enrolment;
- (b) The course of study to be laid down for diploma certificate and other academic distinctions;
- (c) The conduct of examination and the conditions and mode of appointment and duties of examining bodies, examiners, invigilators, tabulators, paper setters and moderators;
- (d) The fee to be charged for admission to the diploma examination and other academic distinctions;

- (e) Maintenance of discipline among the students in the affiliated institutions;
 - (f) To punish those institutions and their promoters who are found running the institutions in contravention of the provisions of this Act;
 - (g) All other matters as may be provided in the Rules under the provisions of this Act;
 - (h) Board shall have the powers to fix the rate of remunerations/honorarium of Centre Superintendent, invigilators, examiners, paper setters, moderators, and also the traveling allowance and daily allowances payable to the members of the Board, experts and other members of the committees and sub-committees and the persons co-opted thereto, and the mode of their payment;
 - (i) Board shall not permit any admission or examination of an institution unless it has been properly inspected and recommended by a committee of experts deputed by the board and the affiliation with the Uttarakhand Board of Technical Education is granted.
- 18.** Subject to the approval of the State Government the Board may make additional Regulations or amend or repeal the existing Regulations.
- Miscellaneous** **19.** The terms and conditions of service of all the officers and the employees of the Board shall be specified by the State Government from time to time.
- 20.** No suit or other legal proceeding shall lie against any officer or employee of the Board for any thing which is done in good faith or intended to be done in pursuance of the provisions of this Act.
- Funds of the Board** **21.** (1) (a) The Board shall have a general fund (personal ledger Account) to which funds shall be credited.
 (b) Separate general fund (Account) shall be maintained for Entrance Examination.
- (2) The Board shall maintain, as above general funds to which the following funds shall be credited:--
- (a) Examination fee which may be charged by the Board;
 - (b) All fees received for Entrance Examination;
 - (c) All sums received from any other source;
 - (d) All contributions made by the Board;
 - (e) All contributions /donations made in this behalf by any other person or body which is not prohibited by any law for the time being in force or grants received from Government of India or any other funding agency.
- (3) The funds credited to the general fund from time to time shall be utilized for recurring/non-recurring expenditures of the Board.
- (4) All expenditures relating to Entrance Examination shall be met out

of the general fund maintained for entrance examination.

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| Annual
General Body
meeting | 22. | The annual report of the Board shall be prepared within three months from the close of the financial year and submitted in the Annual General Body meeting of the Governing Body for its approval. |
| Maintenance of
Accounts | 23. | <ol style="list-style-type: none"> (1) The annual accounts and balance sheet of the Board shall be prepared showing all the incomes and expenditure. (2) Similarly separate annual account and balance sheet for the Entrance Examination shall be prepared showing all the incomes and expenditure. (3) The accounts of the general funds of the Board shall be audited as per the accounts rules and decided by the State Government. (4) The accounts of the Entrance Examination shall be audited by an authorized Chartered Accountant. (5) The annual accounts and balance sheet and the audit reports shall be placed before the Governing Body in its Annual General Body meeting and shall be sent to the Government thereafter. |
| Powers to
remove
difficulties | 24. | With a view to removing any difficulty in giving effect to the provisions of this Act, the State Government may regulate by order any matter which is to be regulated by a rule or under this Act, anything contained in the Act notwithstanding. |
| Repeal and
savings | 25. | <ol style="list-style-type: none"> (1) The Uttarakhand Board of Technical Education Ordinance, 2003 (Ordinance No. 08 of 2003) is hereby repealed. (2) Notwithstanding such repeal anything done or any action taken under the ordinance referred to in sub-section (1) shall be deemed to have been done or taken under this Act, as if the provisions of this Act were in force at all material times. |
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