

# CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

**Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)**

**Information Commissioner**

**CIC/SA/A/2015/000995  
(Video Conference – Hissar)**

**Neeraj Siwach Vs. AICTE**

**Important Dates and time taken:**

|                             |                      |                                  |
|-----------------------------|----------------------|----------------------------------|
| RTI/CPIO:3-3/24-4-15(52)    | FAA Order: 21-5-2015 | 2 <sup>nd</sup> Appeal:24-6-2015 |
| Disposed of with directions | Hearing:11-08-2015   | <b>Decision:</b> 20-08-2015      |

**Parties Present:**

1. The appellant is not present for video conference from Hisar. The Public Authority is represented by Mr. Anand Kumar another.

**Facts:**

2. Appellant by his RTI application sought following information:
  - a. Certified copies of all notifications, office order, and basis of according approval to B. Tech. Civil Engg. course by AICTE
  - b. Certified copies of all notifications, office order, and direction with regard to approved and sanction of number of seats in B. Tech Civil Engg.
  - c. Certified copies of all notifications, office order, direction of AICTE showing that university degree is valid for recruitment and promotion etc.
3. The PIO replied that no prior approval is needed for any course from AICTE.

4. The First Appellate Authority disposed of the appeal information could not be provided since it is not AICTE approved institution. Not satisfied, appellant approached the Commission.

**DECISION:**

5. The respondent officer explained that the Universities can start the technical courses without any prior approval of the AICTE, at their own risk as per Supreme Court's decision in *Bharatidasan* case. However Universities are under obligation to conform to the standards and norms laid down by the AICTE. Being autonomous there is no bar for the Universities to start technical courses. Students have to check about the approval or standards of the course. If they face any difficulties because of lack of AICTE approval for the course, the AICTE will not be responsible. He said the UGC is the appropriate authority to give recognition to the Universities and to advise to seek approval of AICTE for their courses.
6. The All India Council for Technical Education (AICTE) is the statutory body and a national-level council for technical education, under Department of Higher Education, Ministry of Human Resource Development. Established in November 1945 first as an advisory body and later on in 1987 given statutory status by an Act of Parliament, AICTE is responsible for proper planning and coordinated development of the technical education and management education system in India. The AICTE accredits postgraduate and graduate programs under specific categories at Indian institutions as per its charter.
7. As stipulated in, the National Policy of Education (1986), AICTE be vested with statutory authority for planning, formulation and maintenance of norms and standards, quality assurance through accreditation, funding in priority areas, monitoring and

evaluation, maintaining parity of certification and awards and ensuring coordinated and integrated development and management of technical education in the country.

8. The Ministry of Human Resource Development also constituted a National Working Group to look into the role of AICTE in the context of proliferation of technical institutions, maintenance of standards and other related matters. The Working Group recommended that AICTE be vested with the necessary statutory authority for making it more effective, which would consequently require restructuring and strengthening with necessary infrastructure and operating mechanisms.
9. AICTE is vested with statutory authority for planning, formulation and maintenance of norms and standards, quality assurance through school accreditation, funding in priority areas, monitoring and evaluation, maintaining parity of certification and awards and ensuring coordinated and integrated development and management of technical education in the country as part of the AICTE Act No. 52 of 1987. The AICTE Act, objective of which reads:

To provide for establishment of an All India council for Technical Education with a view to the proper planning and co-ordinated development of the technical education system throughout the country, the promotion of qualitative improvement of such education in relation to planned quantitative growth and the regulation and proper maintenance of norms and standards in the technical education system and for matters connected therewith.

10. The Hon'ble Supreme Court in its order dt. 25.04.2013 in CA No.1145/2004 in ***Association of Management of Private College vs. AICTE & another*** observed that role of AICTE was not regulatory and was only Advisory/recommendatory one of providing guidance and had no authority empowering it issue or enforce any sanction by itself. SC stated: "as per provisions of the AICTE Act and University Grants Commission (UGC) Act, the Council has no authority which empowers it to issue or enforce any sanctions on colleges affiliated with the universities as its role is to provide guidance and recommendations."
11. Hence, a request had been made to the Ministry of HRD to amend Section 2 (g) of the AICTE Act, 1987 to give its regulatory status.

12. AICTE has been granting approvals to Technical Institutes and Colleges requiring affiliation from Universities and Board of Technical Education. However, in view of the judgment of Supreme Court of India in case of **Association of Management of Private Colleges vs. AICTE and Adaikalamath College etc Vs. AICTE**, the AICTE was not able to initiate any step for starting approval process for Technical Institutions/ Colleges affiliated and requiring affiliation from Universities.

13. Further, it is stated that vide its order dated 17.04.2014 passed in the SLP(C) No.7277/2014, the Apex Court directed as under :

In the counter affidavit filed on behalf of respondent No.1 i.e. All India Council for Technical Education (AICTE), it is stated that Approval Process Handbook (2013-14) is presently in force and the same has been extended and made applicable for the Academic Year 2014-15 as well.

AICTE shall now proceed in accordance with the Approval Process Handbook for the Academic Year 2014-15 insofar as the members of the petitioner Association and all colleges and institutions situated similarly to the members of the petitioner Association are concerned and necessary orders shall be issued by AICTE within ten days. Prayer for interim relief is ordered accordingly.

14. Further, the Supreme Court has passed following order on May 9, 2014 :

The order dated 17.07.2014 passed by this Court is clarified and it is directed that prior approval of All India Council for Technical Education (AICTE) is compulsory and mandatory for conduct of a technical course including the MBA/Management course by an existing affiliated Technical College and also new Technical College which will require affiliation by a University for conduct of its Technical Courses/Programmes for the academic year 2014-15.

15. Then the AICTE had issued a public notice on 10.05.2014, inviting applications both from New Technical Institutions/Technical Colleges and existing Institutions/Colleges for consideration of their approval for the session 2014-15.

16. Due to paucity of time to publish the Approval Process Handbook 2014-15, the approval process was initiated as per Handbook 2013-14 and completed within the time-frame.

17. In I.A. No. 9 of 2014 in the SLP (c) No. 7277 of 2014 filed by AICTE Supreme Court on 15.12.2014 gave an interim relief, to initiate process of approval for 2015-16 and the process was accordingly completed.

18. The respondent officer further added that a 4-Member Committee consisting of Directors of IITs has looked into the strengthening of the AICTE and its report is under submission to the MHRD. The Commission finds no reason to interfere with the FAA order.

19. According to Supreme Court in Bharthidasan University case, prior approval of AICTE was not necessary to commence a new department or course and programs in technical education, but the universities are expected to maintain standards and norms prescribed by AICTE. The judgment made it clear that the AICTE could cause an inspection of the University to examine the maintenance of standards. On 11.6.2012 the AICTE notified "All India Council for Technical Education (Information for Maintenance of Standards and Conduct of Inspection of Technical Entities of Universities) Regulations, 2012. Some of rules are very significant:

3.1: The technical entities of the Universities and technical institutions declared as Deemed to be University / Private University / State University shall upload such information as desired by the Council in the format prescribed on the web portal of the Council at URL : [www.aicte-india.org](http://www.aicte-india.org) at such intervals as specified by the Council.

3.2: The information referred to in Regulation 3.1 may also be submitted as hard copy to the Council in the prescribed format.

3.3: The technical entities of the Universities and technical institutions declared as Deemed to be University / Private University / State Universities, who shall not submit the information to the Council by the date prescribed by the Council, shall not be entitled for any financial or any other kind of assistance from the Council. Council may take any such action as it may deem fit against defaulting technical entities.

3.4: The Council shall also report its finding in respect of the technical entities of the universities to the Central and/or State Government concerned and the University Grants Commission for necessary action as deemed necessary.

3.5: The Council may cause an inspection of the technical entities of the Universities and technical institutions declared as Deemed to be University / Private University / State Universities, to verify the information furnished by them and to ascertain the standards of technical education.

3.6: The Council after giving due opportunity to the concerned University to explain its position shall publish the names of such technical entities of the Universities and technical institutions declared as Deemed to be University / Private University / State Universities on its official website, who in its opinion are **not maintaining the standards of technical education as prescribed by the Council and/or not following the norms/standards/policies laid down by the Council** from time to time for maintaining the standards of the technical education.

3.7: The Council shall also report its findings alongwith its recommendations in respect of the technical entities of the universities and institutions declared as Deemed to be University to the Central and/or State Government concerned, the University Grants Commission and the relevant accreditation bodies/agencies in India for necessary action at their end.

20. In *Indrajeet Kathuria vs State (Education Department)& Ors*, Rajasthan High Court on 13 August, 2012, said: it is apparent that after uploading of the necessary information as desired by it, inspection can be made by the AICTE to ascertain its correctness and in case any violation of norms, standards etc. is found, recommendation for taking necessary action can be made by the AICTE to the Central and/or State Government concerned; however, such action can only be taken in accordance with Regulation 3. But, court noted that no such exercise has been undertaken by the AICTE.

21. Thus respondent authority has a duty to advise the people about the standards of each institution after due inspection. Though approval is not needed, its disapproval, if found that a particular University is not maintaining required standards, can properly guide the students and their parents in deciding on appropriate institution to pursue the education. The Commission notes that such recommendations are not coming forth from the AICTE and because of that the students and parents are confused while substandard courses are being sold at exorbitant fees. Failing MBAs and B.Techs reflect this inaction giving rise to suspicion of corruption everywhere.

22. Recognizing the “need for restructuring and strengthening” the AICTE to address challenges, the Ministry of Human Resource Development set up a review committee led by former education secretary M.K. Kaw in November 2014. MK Kaw panel has recommended converting the All India Council of Technical Education (AICTE) into a statutory constitutional body and suggested ending the affiliation system

of technical schools in the next 10 years. More than 11,000 professional schools, including engineering and management schools, fall under the purview of the AICTE.

The panel's report said,

“AICTE should be recognized as the chief instrument of state policy in order to establish India as the technical education superpower of the world. It should be converted into an apex constitutional authority to promote orderly, integrated and coordinated development of technical education... technical education should be a fundamental right.... It has to get converted into a facilitating agency which promotes technical education... through suitable schemes of mentoring and guidance, faculty improvement, development of research and incubation infrastructure, grant of financial assistance to deserving institutions... and so on.... New institutions should be allowed only if there is substantial unmet demand pertaining to an area of specialization.”

**23.** The panel suggested that third-party ratings should be used as the “fulcrum of regulation” and that “norms shall measure outcomes rather than be obsessed with physical inputs alone”. It asked the AICTE to improve the functioning of sub-standard institutions with help from “senior faculty drawn from higher technical institutions who will act as mentors and trainers”.

**24.** There is a strong need for the AICTE to inspect the deemed universities and institutions offering technical courses and ascertain if they are maintaining standards, and if concluded they are not, their names should be published in official website, so that students are informed about courses and standards. AICTE can use its recommendatory power to inform the people about the standards of the courses in Universities.

**25.** The Commission directs AICTE to inform the appellant how many institutes are inspected by its teams and how many Universities/institutions are found to be conforming with the standards and norms laid down by AICTE, within one month from the date of receipt of this order. With the above observations the appeal is closed.

(M. Sridhar Acharyulu)  
Information Commissioner

Authenticated true copy

(Babu Lal)  
Deputy Registrar.

Address of the parties :

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