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**GOVERNMENT OF ARUNACHAL PRADESH
LAW AND JUDICIAL DEPARTMENT
ARUNACHAL PRADESH CIVIL SECRETARIAT
ITANAGAR**

NOTIFICATION

The 7th May, 2010

No.LAW/LEGN-9/2010-The following Act of the Arunachal Pradesh Legislative Assembly which received the assent of the Governor of Arunachal Pradesh is hereby published for general information.

(Received the assent of the Governor on 20-04-2010)

**The Arunachal Pradesh Colleges and other Institutions of Higher Education
(Establishment and Regulations) Act, 2010**

(ACT NO. 6 OF 2010)

AN

ACT

to provide for regulation of the establishment and working of the Colleges and Other Institutions of Higher Education in the State of Arunachal Pradesh.

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. (1) This Act may be called the Arunachal Pradesh Colleges and Institutions of Higher Education (Establishment and Regulations) Act, 2010.
- (2) It shall extend to the whole of the State of Arunachal Pradesh and applicable to all the colleges and for the institutions of Higher Education be it Government College, or non-Government College and situated in the territorial jurisdiction of the State of Arunachal Pradesh imparting general education within the concept of University Grants Commission or technical education 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.

Short title,
extent and
commencement.

2. In this Act, unless the context otherwise requires,-

Definitions.

- (1) “**General Higher Education**”- means every branch of education including special education but other than technical education which leads to award of a degree in an educational discipline by a University/ deemed University or an Institute duly established by law i.e. post secondary.
- (2) “**Technical Education**”- means special branch of education, training and research in the field of engineering technology/professional education imparted by various Institutions, which leads 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 recognized by a University/deemed University or an institute duly established by law and approved by the Arunachal Pradesh State Council for Technical Education.
- (3) “**Council**”-means the Arunachal Pradesh State Council for Technical Education;
- (4) “**College Code**”- means the code as may be prescribed by Rules under this Act;
- (5) “**College/Institution of higher learning**”- means a Government college and non-Government College/Institution by whatever name called, means college/institution engaged in imparting instructions leading to the award of academic/ professional degree in general or technical education and affiliated with a University/Council/deemed University for the purpose of award of certificates;

- (6) **“Secretary”**- means Secretary (or by whatever name or Designation called) of Education under the State Government or any other Officer to whom power has been delegated to function as such, by the State Government on this behalf.
- (7) **“Competent Authority”**-means any authority specified as Competent Authority by the Government by notification to perform the function of the Competent Authority under this Act for such area or for such purposes as may be specified in the notification;
- (8) **“Educational Agency”**- means and includes the Directorate of Higher & Technical Education in respect of Government colleges and in respect of non-Government educational Institutions, a committee, society, trust, or an association sponsoring, managing, administrating, controlling, and running an Institution of Higher Education;
- (9) **“Employee”**- means member of teaching or non-teaching staff employed by a College/Institution whether Government or non-Government;
- (10) **“Foundation Society”**- means a body of person incorporated by law, which funds and maintains an educational Institution affiliated with a University and where the society is registered under the Societies Registration [Extension to Arunachal Pradesh Act, 1978 (No. 6 of 1978)] or Arunachal Pradesh Co-operative Societies Act, 1978 (No.3 of 1979) or under any other law for the time being in force or the person(s) appointed by the State Government to manage the affairs of the Society;
- (11) **“Governing Body”**- means the governing body constituted under the relevant provision of this Act;
- (12) **“State”**- means the State of Arunachal Pradesh;
- (13) **“State Government”**- means the State Government of Arunachal Pradesh;
- (14) **“Directorate of Higher & Technical Education”**- means Directorate of the Higher & Technical Education working under the State Government;
- (15) **“Supervision and Inspection”**- means regular or surprise visit to the College/Institution for the purpose of appraisal of physical infrastructure like class rooms, playground, library, laboratories and other related matters as well as functionaries (academic and administrative) required to maintain quality standard of higher education and examination and scrutiny of records (academic and administrative), accounts and other book maintained by the college/institution mandated by regulator/law or otherwise;

- (16) **“Management”**- means the governing body of a College/ Institution as defined by this Act under which it is registered for the purpose and the expression management of the Institution shall be construed accordingly;
- (17) **“Government College”**- means a College, which is under the direct administrative control of the State Government;
- (18) **“Non-Government College”**- means other than a Government college, in other words, a College/Institution which is not under the direct administrative control of the Government and is managed by a Society, Trust, Association of persons, and similar organisation.
- (19) **“President of the Foundation Society”**- means a person duly elected as President (by whatever name called) by foundation society and exclusively head thereof and in case of the society registered under the provisions of Societies Act, a person appointed by the State Government to look after the management of the affairs of the society;
- (20) **“Teacher”**- means any person appointed to impart educational instruction/training in the College/Institution;
- (21) **“Non-teacher”**- means any person appointed to perform ministerial or menial works in the College/Institution.
- (22) **“University”**- means a University established or incorporated by a Central or State Act or any other institution established in consultation with the University concerned and duly recognised by the University Grants Commission under the provisions of UGC Act, 1956 and working in the jurisdiction of the State of Arunachal Pradesh.
- (23) **“National Regulator”**- means any regulatory body created by Central Legislation for regulating the activities and to maintain the quality norms in any field of higher education in the country, such as University Grants Commission (UGC), All India Council for Technical Education (AICTE), Bar Council of India(BCI), Medical Council of India (MCI), Pharmacy Council of India (PCI), Indian Nursing Council(INC), Dental Council of India (DCI), Central Council of Homeopathy (CCH), National Council of Teacher’s Education (NCTE), Indian Council for Agricultural Research (ICAR) etc.;
- (24) **“Regulation of Higher and technical Education”**- means the regulations on General and Technical Education and other diversified technical/ professional education and all other related activities of higher education within the territory of the State, by rules as may be prescribed under this Act;
- (25) **“Prescribed”**- means prescribed by the rules and regulations made under this Act.

Chapter-II

Establishment of Non Government Colleges and Other Institutions of Higher Learning

3. No educational institution of higher learning shall be established except in accordance with the provisions of this Act and any person who contravenes the provision under this Act or whose permission has been withdrawn/cancelled continues to run such institution shall liable to be punished with a simple imprisonment for a term of not less than fifteen days or with a fine of maximum of Rupees Three thousand or with both.

Non Government Colleges and other Institutions of Higher Learning not to be established except after permission.

4. The institutions already functional in imparting higher education which were established and recognised in accordance with the existing rules and regulations issued in this regard by the Government from time to time before coming into force of this Act, shall automatically deem to be higher educational institutions within the provisions of this Act. However, all such institutions have to comply with the provisions of this Act and the rules and procedures established there under within the time stipulated:

Special provision in respect of existing institutions.

Provided that any non-Government institution imparting education, which is existing at the commencement of this Act, but which has not been granted recognition as per the rules and regulation for the time being in force, may apply afresh under the provisions of this Act, and rules, regulations and procedures established there under and such application shall be disposed off within a period of ninety days of their receipt by the Competent Authority.

5. The Competent Authority shall, from time to time, conduct survey to assess the needs and requirements of higher education of the society/ locality under its territorial jurisdiction, and bring to the notice of public in the prescribed manner through public media (local newspaper, television and radio) inviting application on prescribed format for seeking permission to:

- (a) establish new institution of higher learning; or
- (b) opening higher classes in the existing institution; or
- (c) starting new and innovative courses in the existing institution (Certificate, Diploma, Degree, Post Graduate Degree etc);

6. Any society registered under the provisions of the Societies Registration Act 1860, or under the Arunachal Pradesh Societies Registration [Extension to Arunachal Pradesh Act, 1978 (6 of 1978)] or Arunachal Pradesh Co-operative Societies Registration Act, 1978 (3 of 1979) and willing to establish an institution of higher

Permission for the establishment of Institutions of Higher Learning.

Application for grant of permission.

learning, may submit an application on the prescribed format for the purpose that can be obtained from the office of the Director Higher and Technical Education, Government of Arunachal Pradesh, Itanagar on tendering an amount to be notified separately, latest by 31st October of the year preceding the academic year in which the proposed institution is going to be functional along with following documents.-

- (a) the proof of the registration of the society including the copy of the constitution, in case of the incorporate-body the copy of incorporation along with memorandum of association and articles of association;
- (b) the details of the management and management body along with the name of the office bearers with address and their acceptance to act in such capacity;
- (c) the copy of the rules, regulations, procedures, for the internal administration and financial position of the intended institution;
- (d) powers, functions, responsibility and accountability of the key position holders in the society in clear terms;
- (e) the details of the funds available with the society with respective proofs;
- (f) the details of the land, if any, and the ownership proof thereof or the registered lease deed;
- (g) the permission of the Competent Authority for acquiring the land for proposed institution;
- (h) the copy of the approved plan of construction from civic authority;
- (i) the details of building space with area classification for classroom, laboratories (in case of practical subjects), library, student activities, canteen, teachers' common-rooms, toilets, Computer laboratory, parking space for staff and students, internal garden space, facilities for wastage and garbage handling, potable water supply, electricity facilities with ownership proof or a registered rental/lease agreement thereof, for a minimum period of 5 years with documentary evidence;
- (j) the details of movable properties with proper classifications such as office furniture, class-room furniture, laboratory equipments for each subject, computers for student learning, office equipments, teaching aids, canteen furniture, teachers common-room furniture, reprographic equipment in library, internet and e-learning facilities, etc.;
- (k) the details of the areas for outdoor playground, indoor play facility, mentioning the proximity with the main building of the institution;

- (l) the copy of the intended budgets for at least three years with clear and detailed classification, head-wise (capital and revenue) of receipts and payments;
- (m) the proposed intake of the students diploma, degree, PG degree, faculty-wise etc, and expansion programme;
- (n) the details of the teaching and non teaching positions in the existing institution or for a newly proposed to be set up, recruited.
- (o) the details of the Higher Education Institutions available within an area of 20 kilometers, where the proposed institution is to be established;
- (p) the feasibility report with full justification in order to cater to the needs for providing the higher education facility to the local community; adequacy of financial resources for the successful and efficient running and maintenance of the institution as prescribed by the Competent Authority; and finally healthy environment of the proposed location, suitable for an institution of higher learning;
- (q) an undertaking from the Educational Agency or Governing Body of the institution that all the requirements of all the Regulators (Central and State) as applicable on the institutions of higher learning have been complied with and copy of approval if already received is to be enclosed;

7. (1) The Corpus/ Endowment Fund as may be prescribed shall be deposited by Educational Agency of a Non Governmental (or Private) Institution only [not applicable to the Government College], according to the procedure prescribed, before the Secretary (Education) grants the approval for the establishment of the institution of Higher Learning.

Corpus/
Endowment
Fund.

(2) The Corpus Fund (Endowment) of the Non Government (or Private) Institution shall be deposited in a separate joint account of the management of the institution and the Secretary (Education), in a nationalized bank. In no circumstances the Corpus Fund shall be allowed to be withdrawn; however, the Government reserves the right to permit the Educational Agency to withdraw the interest component earned on the deposits every after five years for running and maintenance of the institution at its discretion. In extra ordinary circumstances the Educational Agency may withdraw the interest component after a lapse of three years with the special permission of the Secretary (Education), with certain laid down conditions for the purpose. But in no case this period can be reduced to less than three years.

8. The extent of land and accommodation to be provided by the institution of higher learning shall be as prescribed by the State Government. Further, the Educational Agency shall provide suitable buildings for establishing the proposed institution as per the specification laid down by the State Government.

Extent of
Land and
accommodati
on to be
provided.

9. It shall be mandatory for Educational Agency to have its own permanent structure on its own land. However, if it is possible then the Educational Agency, may request the Secretary (Education) who may permit after recording the reasons in writing.

Requirements
as to location
of the
institution.

- (a) if the institution is proposed to be located within the premises of a institution belonging to an Urban or Rural Local Body, the Educational Agency shall get the prior permission of the local body as the case may be, to locate the proposed institution and to utilize the infrastructural facilities like accommodation, furniture, library, laboratory, playground etc. belonging to the already existing institution until separate infrastructural facilities are created for the proposed institution. The Educational Agency shall enclose the permission letter along with the application for the establishment of institution of higher learning. The Educational Agency shall take all necessary steps to create and provide required infrastructural facilities exclusively for the institution as early as possible.

Further, it shall be mandatory on the part of Educational Agency to create and provide separate infrastructure in all respects within a period of five years from the date, permission is granted to establish the institution of higher learning in case, the Educational Agency fails to conform to this mandatory provisions, the permission so granted shall stand forfeited automatically.

Also further, it will be the sole discretion of the Educational Agency to decide the type of institution of higher learning to be set-up at the venue.

- (b) If the non-Government institution is proposed to be located in a private building or accommodation, prior permission from the Secretary (Education) has to be obtained. In such a case, Educational Agency has to submit a certified copy of the lease-deed of not less than five years with an undertaking that the building/accommodation is sufficient to cater to the needs of the proposed institution of higher learning. In addition to this, a documentary evidence is to be furnished that the Educational Agency has sufficient land in its ownership and funds to construct a separate building, that is to come-up within a period of five years along with the details of building plan, as approved by the concerned authority, if any, for the area.
- (c) If the private institution of higher learning is proposed to be located within the premises of already existing institution, the Educational Agency shall provide all movable infrastructures like furniture, laboratory, library etc. and other improvements to make it suitable for the purpose of higher learning.
- (d) If the institution is proposed to be set-up in an accommodation/ building donated by the Donor, in such cases the legal documentary evidence shall be produced to support the gift deed.

- (e) In case the institution of higher learning is not covered by the aforesaid clauses, in such cases the decision of the Secretary shall be final and binding.
- (f) Priority shall be given to the Educational Agency which wants to start institution of higher learning in the following areas:
 - (1) Districts, Sub-divisions, and circles where there are no facilities of higher learning.
 - (2) Remote areas where accessibility is a major hindrance.
 - (3) Where the physical distance is more than 50 km from the existing institution of higher learning. However, in deserving cases it may be reduced to 20 km at the discretion of the Secretary (Education).
 - (4) In urban area where institution of higher learning does not exist at present owing to non-fulfillment of prescribed numbers of student attributed by low population growth with low density.
 - (5) Where literacy rate is poor with particular reference to the higher education rate among the women.
 - (6) Where the private Educational Agency wish to start institution of higher learning in Public-Private Partnership Mode (PPP Mode)
 - (7) When the Educational Agency plans to start the institution of higher learning with residential facility.

10. The Competent Authority on his satisfaction that the procedural requirements of application, as laid down in this Act, have been complied with, shall nominate a committee of experts in the manner prescribed, to inspect the proposed institution within a period of ninety days of the receipt of the application, to ascertain the extent, conditions are full-filled, on a date convenient to both the parties. The committee after the visit of the institution shall furnish a written report within a month's time mentioning findings and remarks so as to grant permission or not as the case may be. Further, the report has to elaborate on the aspects of courses of studies, subjects, intake capacity and the conditions of admission, and other, relevant points, which have to be stipulated at the time of granting permission.

11. (1) On receipt inspection report with satisfactory recommendations therein from the Expert Committee for the grant of permission, the Competent Authority may grant permission. However, if the Competent Authority differs with the recommendation of the Expert Committee due to valid reason(s) may refuse the grant of permission, after giving a reasonable opportunity to be heard to the Educational Agency and recording the reasons thereof, in writing.

Inspection before the grant of permission.

Grant of permission.

- (2) In case the Competent Authority decides to grant permission, it shall initially accord a letter of intent, subject to fulfillment of such condition(s), as may be prescribed in the stipulated time. However it shall not go beyond the 31st May of the concerned year of the start of the academic session. The concerned Educational Agency shall intimate the Competent Authority that the short comings listed in the intent letter has been fully met and shall make a written request to the Competent Authority for ordering a final inspection, to grant final permission to start the institution of higher learning from the forth coming academic session. Thereafter, on securing the permission from the Competent Authority, the Educational Agency shall approach the University having jurisdiction over the territory for affiliation of the institution and courses of studies.
- (3) However, after the initial process of inspection for grant of permission, the Competent Authority shall ensure regular supervision and monitoring of the institution by appointing person/persons to submit every year's progress report of the institution. In case the progress is not found satisfactory for consecutive three years, the permission shall stand withdrawn forthwith, after serving a due notice to the Educational Agency.
- (4) the permission once granted shall remain valid for a period of one year and shall terminate automatically and for applying afresh, the entire process has to be followed.
- 12.** No permission shall be granted to up-grade a higher secondary school into an institution of higher learning. However, with the prior approval of the Secretary (Education), within the same premises an institution of higher learning may be started, if the Educational Agency ensures all infrastructural facilities exclusively to start an institution of higher learning as required under this Act. No permission for up-gradation.
- 13.** No application for introducing the new faculties, courses, subjects, and classes will be entertained for an initial period of three years from the start of the institution. However, the Competent Authority at his discretion, after considering the infrastructural facilities and funds position for introducing the additional-ties and the yearly progress reports of the earlier permitted courses etc. of the institution, after recording the reasons and justifications in writing, may accord permission, after three years to the Educational Agency to do so. Application for starting new faculties, courses, subjects and classes.
- 14.** The Educational Agencies granted permission to start institution of higher learning shall not commence their academic programme without obtaining affiliation of the Concerned University or the national regulatory body. Permitted institutions to seek affiliation from concerned University.
- 15.** Notwithstanding anything contained to the contrary in any law for the time being in force, the university shall not affiliate any institution without the permission or approval of the Directorate of Higher and Technical Education. On grant of No affiliation without permission.

affiliation, the university shall send a copy of the letter of affiliation to the Directorate of Higher and Technical Education for necessary action.

- 16.** (1) No institution to whom the permission to establish an institution of higher learning has been granted to cater the needs of a local area shall be allowed to shift or transfer the location of the institution. However, the institution so shifted to a feasible area for betterment of education and building space or other facility should be within the said local area with prior permission of the Competent Authority.
- (2) Any violation of sub-section (1) above shall amount to withdrawal of permission automatically and shall need no notice from the Government.
- (3) In no circumstances an Educational Agency to whom permission has been granted to start an institution of higher learning, shall transfer or alienate such permission or institution to another Educational Agency or Institution.

Restriction on transfer or shifting of institution.

- 17.** (1) Where the management of any educational institution contravenes any of the provisions of this Act and the rules framed there under; the Competent Authority for reasons to be recorded in writing, withdraw the recognition of the institution or initiate such other action as deemed fit, after giving a due opportunity of being heard, to the management of the institution before such withdrawal or action as the case may be.
- (2) Where in the opinion of the Government that the permission granted to an institution of higher learning in public interest, need to be withdrawn, it may, after serving one month's notice to the management of such institution to make representation in writing, withdraw the permission by notification.
- (3) The Competent Authority shall withdraw permission accorded to a non-Government institution either permanently or for any specific period as deemed fit in the circumstances, including a permanently or temporarily recognised/affiliated institution, which has failed to meet the provisions of this Act, in the opinion of the Competent Authority.

Withdrawal of permission.

- 18.** The examination system, be it internal or external assessment or partially internal and partially external or both, shall be governed by the rules, regulations and procedures formulated in the best interest of the quality of higher education, its reliability, and effectiveness for the students.
- 19.** Under no circumstances a women's institution shall be permitted to be converted into a co-educational or boys' institution or a rural institution to an urban institution or vice versa, without the permission of the Government.

Control over examination system.

Restriction on change of nature.

- 20.** (1) The prospectus and application form for admission of students and any advertisement, by whatever name called, shall contain the full disclosure of the permission so granted by the Government.

Regulation of admission.

- (2) The admission shall be regulated strictly in accordance with the admission rules, regulations and procedures prescribed from time to time by the affiliating University for various courses.
- (3) In no circumstances the intake of students shall be allowed to exceed the approved strength. The Chairman of the Management Body including the Administrator/Principal of the institution shall be personally liable for the violation under this Act.

- Fee structure. **21.** The State Government shall constitute a Standing Committee as per the norms of the National Regulators for the purpose of regulating the fees structure of the Non-Governmental institutions.
- Restriction on the use of income. **22.** Any income from the fund raised a specific purpose, shall be used for that specific purpose only, and no part of it should be diverted for other purpose or should not be used for other commercial purposes.
- However, any surplus earned, may be used to meet the deficit of salary payments in non-Governmental institution, with the specific approval of the State Government. For this purpose, institution shall make an application to the State Government. On the receipt of application and after due inspection and scrutiny of accounts and records permission may be granted by the State Government.
- Establishment of separate Cells in Directorate of Higher & Technical Education. **23.** Two permanent cells shall be established at the office of the Directorate of Higher and Technical Education, each headed by an officer:-
1. one for handling the affairs of private institutions of general higher education; and
 2. another for handling the affairs of technical education;
- Recruitment to academic posts. **24.** Recruitment to academic posts shall be made as per the norms, conditions and procedures stipulated by the national regulators constituted under the Central Legislations, to name a few, UGC in the matters of general institutions and for other technical institutions such as AICTE, NCTE, BCI, MCI, AYUSH etc. Where no such regulator exists, the norms notified by the State Government from time to time shall be followed.

Chapter-III

Some Special Provisions for Government Institutions of Higher Learning

Procedure and norms for establishment of Government College.

25. It shall be mandatory for the Government to follow the following procedures for establishment of a new Government institution of higher learning:

- (1) The Government shall constitute a permanent standing committee of seven members of which the Secretary (Education) shall be the chairperson, Director Higher and Technical Education as Member-Secretary, one member of the finance department not below the rank of deputy Secretary, one Principal of Government institution of higher learning, one Principal of non-Government college, one Eminent Educationist to be nominated by the Government and one public representative of the area where the institution is proposed to be established, for considering the feasibility of establishing a new college. While considering the proposal the committee shall take into account the following:
 - (a) the total number of students that may be available for admission in the area on the basis of the 10+2 institutions and an estimated enrolment for coming five years of establishment.
 - (b) availability of road communication, health care facility, educational institution in the area for the wards of the academic and non-academic staff at the proposed area where institution is to be established and availability of residential buildings on rental basis, in the adjoining area;
 - (c) the courses that are going to be offered;
 - (d) total financial implication on infrastructure and for running and maintenance of the proposed institution;
 - (e) proposal before the Government for considering the establishment of non-Government college in the area;
 - (f) the distance of the nearest institution of higher learning of similar nature;
- (2) On receiving favorable recommendation as stated in sub-section (1) above, another committee of five members of which the Director Higher and Technical Education shall be the Chairperson, Joint/ Deputy Director-Higher and Technical Education as member-secretary, one Principal of Government institution of higher learning, Deputy Commissioner of the district where the institution is proposed to be established and one Eminent Educationist to be nominated by the Government for considering and recommending the suitable site for establishing a new college. While selecting the site, the committee shall take into account the following:-

- (a) if the institution is proposed to be established within the premises of an institution belonging to a Government department, the prior permission of the department, the existing infrastructural facilities like accommodation until new infrastructural facilities are created for the proposed institution, availability of land for playground and the scope for future expansion of the institution etc;

However, Government shall create and provide full-fledged infrastructure as far as possible in all respects within a period of five years from the date of establishment of the institution of higher learning;

- (b) in case of new site the distance from the town, availability of road communication health care facility educational institution for the wards of the academic and non-academic staff of the proposed institution and the residential buildings on the rental basis, the adjoining area; source of water, local transport system, electricity facilities etc.
- (c) if the institution is proposed to be set-up in an accommodation/ building or land donated by the Donor, in such cases the legal documentary evidence to support the gift deed shall be produced.

26. Priority shall be given by the Government to the following areas in the matters of starting institutions of higher learning:

Priority

- (a) where literacy rate is poor with particular reference to the higher education rate among the women;
- (b) establishment of institutions of science and technology, vocation and profession, higher learning to cater the need of growing economy of both the State and the nation;
- (c) in Districts, Sub-divisions, and Circles where there are no facilities of higher learning;
- (d) in remote areas where accessibility is a major hindrance;
- (e) where the physical distance is more than 50 km from the existing institution of higher learning. However, in deserving cases it may be reduced to 20 km at the discretion of the Government;
- (f) in urban area where institution of higher learning does not exist at present owing to non fulfillment of the prescribed numbers of student due to low population growth and low density;

- (g) where the private Educational Agencies are not willing to start institutions of higher learning independently or in Public-Private Partnership Mode (PPP Mode);

- Qualifications, recruitment of Teacher and other employees and their service conditions.
- 27.** The qualifications, recruitment process and other service conditions of academic posts shall be strictly as per the norms recommended by the national regulators of higher education in the country from time to time, such as UGC, AICTE, BCI, MCI, PCI, INC, DCI, CCH, CCIM, NCTE, ICAR etc., as applicable. The recruitment of faculties shall be through the Arunachal Pradesh Public Service Commission. For non-academic posts, qualifications, recruitment process and other service conditions shall be strictly as per the norms as notified by the State Government from time to time.
- Transfer and posting of teachers and other employees.
- 28.** The transfer and posting of the academic and other employees working in the Government institutions of higher learning shall be such, as may be prescribed.
- Allotment of Quarters from college pool.
- 29.** The allotment of college pool of quarters wherever available shall be regulated as per existing norms or any other such rules as may be prescribed.
- Maintenance of Accounts in respect of institutional fees and other collections.
- 30.** All Government institutions of higher learning shall maintain the fee collection in the institution as per existing norms or any other such rules as may be prescribed.

Chapter-IV

Miscellaneous Provisions

- Ethics for Teachers and Students.
- 31.** Separate code of ethics one each for teachers and students of the institution of higher learning shall be brought through regulations.
- Powers to make rules and Regulations.
- 32.** (1) Subject to the provisions of this Act, the Government may, by notification, make rules to carry out all or any of the provisions of this Act.
- (2) In particular and without prejudice to the generality of foregoing sub-section such rules may provide for:-
- (i) the manner in which any enquiry under this Act shall be held;
 - (ii) the registers, statements, reports, returns, budgets, and other information to be maintained or furnished by the approved institutions of higher learning for the purpose of this Act;
 - (iii) the establishment of administration and maintenance of the institution of higher learning;

- (iv) the recognition to the institutions of higher learning and the condition thereof;
- (v) the recognition to the institutions of higher learning and officer by whom it shall be made;
- (vi) standard of education and courses of studies in the institutions of higher learning;
- (vii) preparation and submission of development plans/projects/ schemes for institutions of higher learning and their contents;
- (viii) the power and functions of the officers and other subordinate staff working in the Directorate of Higher and Technical Education;
- (ix) the regulation of the use of library, maps, plans, instruments, other laboratory and sports equipments in the institutions of higher learning;
- (x) the regulation for admission into the institutions of higher learning for academic courses, private study, and other special courses and attendance thereof;
- (xi) the qualification required and other conditions to be fulfilled for appearing at the examination conducted by the authorities under this Act and the method of evaluation and revaluation of answer scripts;
- (xii) the manner of conducting class test and examination within the institutions of higher learning;
- (xiii) regulation of seeking information by any person relating to administrative procedures or any other information and fees to be charged for such information;
- (xiv) the conditions and regulation of the co-education in the institution of higher learning and regulation thereof.
- (xv) regulation on the issue of certificates and documents and the fee to be charged for such issues;
- (xvi) the regulation on all other matters, that are necessary and expedient to implement the provisions of this Act, or where the provisions are deficient or not available at all in this Act, in the opinion of the Government ;
- (xvii) Rules for regulating transfer and posting and allotment of pool quarter etc.

33. 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 for 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.

34. (1) The Government or the competent Authority, may by order authorize any officer as inspection officer for inspection officer of an institution of higher learning, however, the office so appointed may not be below the rank of inspecting officer under the Government, for the inspection of an institution of higher learning.

Inspection
of
Institution
of Higher
Learning.

(2) The officer as authorized under the sub-section (1) shall enjoy the powers of inspection on all the working aspects of the institution of higher learning.

(3) The management and the employees of the institution of higher learning shall be bound to extend all reasonable and necessary facilities and helps to such inspector as are required for the conduct of inspection.

(4) The management shall be bound to follow all the directions and suggestions given by the inspector. However, the aggrieved management by such directions and suggestions may prefer an appeal within a period of thirty days from the receipt of such instructions to the Authority, whose decision shall be final and binding on such appeal.

Protection of
action taken in
good faith.

35. No suit, prosecution or other legal proceedings shall lie against the State Government or any officer of the Government for anything which is in good faith done or intended to be done under this Act or the rules made there under.

Power to
exempt an
institution from
the provisions
of this Act.

36. In case if there is any contractidory provisions in this Act, the State Government may, by ordinary or special order, subject to such terms and conditions as are reasonable and necessary or without such conditions, exempt an institution or class of institutions, partially or fully from the preview of this Act .However, the reasons must be recorded while granting such exemptions in the order itself.

Powers to
remove
difficulties.

37. 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 inconsistence with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the difficulty.

Savings.

38. Notwithstanding anything contained in this Act, rules, regulations instruction guidelines, office memoranda, circulars, orders, appointment or any other made as 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

**C.P. Mansai,
Secretary to the
Government of Arunachal Pradesh,
Itanagar**