

**[STATE] BOARD OF TECHNICAL
EDUCATION RULES, 2003**

**THE JAMMU AND KASHMIR STATE BOARD OF
TECHNICAL EDUCATION RULES, 2003**

Notification SRO-300, dated 9th September, 2003.— In exercise of the powers conferred by section 33 of the Jammu and Kashmir State Board of Technical Education Act, 2002 (Act No. XXIV of 2002) the Government hereby makes the following rules:—

1. *Short title and commencement* .—(1) These rules may be called the Jammu & Kashmir State Board of Technical Education Rules, 2003.

(2) They shall come into force from the date of their publication in the Government Gazette.

2. *Definitions*.— In these rules unless the context otherwise requires,—

- (a) “Act” means the Jammu & Kashmir State Board of Technical Education Act, 2002 ;
- (b) “Academic Committee” means the Academic Committee of the Board;
- (c) “Affiliation and Accreditation Committee” means the Affiliation and Accreditation Committee of the Board ;
- (d) “Board” means the Board of Technical Education established under section 3 of the Act ;
- (e) “Certificate” means a certificate awarded by the Board of any course of study in accordance with the provision of the Act, or the rules or regulations made thereunder ;
- (f) “Chairman” means Chairman of the Board ;
- (g) “Examination Committee” means the Examination Committee of the Board ;
- (h) “Executive Committee” means the Executive Committee of the Board ;
- (i) “Finance Committee” means the Finance Committee of the Board ;
- (j) “General Body” means the General Body of the Board and all other members of the Board as appointed, nominated or co-opted under section 5 and section 6 of the Act ;

- (k) “Government” means the Government of the *State of Jammu and Kashmir ;
- (l) “Industrial Training Institute (ITI)” means an institution approved by the Government, Director General, Employment and Training, Government of India, National Council of Vocational Training or State Council for Vocational Training for imparting industrial training in any specified discipline ;
- (m) “Institution” means an institution imparting technical education or industrial training or both ;
- (n) “Member” means a member of the Board and includes the Chairman and Secretary thereof ;
- (o) “Prescribed” means prescribed by the provisions of Act or the rules made thereunder ;
- (p) “Regulations” means the regulations made by the Board under section 34 of the Act ;
- (q) “Secretary” means the Secretary of the Board ;
- (r) “Technical Education” means programmes of education, research and training in engineering technology, architecture, town planning, management, pharmacy, applied arts and crafts and such other programmes or areas, as the Government may, by notification in the **Government Gazette, declare from time to time.

3. *Constitution and power of Board.*— Subject to such directions as the Government may give in this behalf and other provisions of the Act and these rules, the Board, constituted under section 5 of the Act, shall exercise all the powers including those for making regulations and bye-laws as envisaged under the Act.

4. *Temporary association of persons with the Board for a Particular purpose.* —

- (a) The Board may co-opt such persons, not exceeding three, who may be the experts in the field of technical education, as the members of the Board.

* Now Union Territory.

** Now Official Gazette.

- (b) The term of office of the co-opted members shall be three years.
- (c) Subject to the provisions of the Act a co-opted member may be re-copted.

5. Meetings of the Board. —(1) The meetings of Board shall ordinarily be held in the months of March and/or September every year.

(2) The meetings held in the month of March shall be called annual meeting of the Board in which the budget for the ensuing financial year shall be passed.

(3) At the annual meeting of the Board, the Secretary shall present the audited annual accounts and balance sheet of the Board.

(4) Every meeting of the Board shall be presided over by the Chairman and in his absence by the member nominated by him.

(5) All questions arising in a meeting of the Board shall be decided by majority of votes of the members present in the meeting and in case of equality of votes, the person presiding at such meeting shall have a casting vote as well.

(6) One third of the total strength of the Board at the time of the meeting of the Board shall form the quorum.

Explanation:— For the purpose of this sub-rule fraction exceeding one half be counted as one and other fractions shall be disregarded.

(7) The Board shall observe such rules of procedure in regard to transaction of business in its meeting as may be laid down by the bye-laws.

(8) The Secretary shall submit the Annual Report to the Government within ten days, after its approval by the Board.

(9) The meetings of the Board shall be held at such places as the Chairman may from time to time direct.

6. Committees of the Board. —(1) The Board shall subject to the provisions of the Act appoint all or any of the Committees including a sub-committee as envisaged under sub-section (1) of section 14 of the Act.

(2) A motion for the appointment of a committee and/or a sub-committee may be moved by any member of the Board at any time; provided that such a motion defines the purpose for which the committee/sub-committee is appointed. The

terms and conditions of appointment of each committee shall be such as may be prescribed by the Board.

(3) The term of office of the members other than ex officio members of various committees shall be such as may be fixed by the Board in each case.

(4) Each committee shall consist of at least three but not more than seven members.

(5) The committee shall meet at such intervals as may be required.

(6) The dates and venue for the meeting shall be decided by the Chairman or the convener of the committee from time to time.

(7) The Member-Secretary for the committee shall record the minutes of the proceedings of the meeting of the committee. The minutes shall be got confirmed and signed by the members of the committee before circulation.

(8) The Chairman/Convener of a committee shall furnish to the Secretary of the Board a copy of the report of every meeting of the committee to be laid before the next meeting of the Board.

7. *Powers and duties of Chairman.*— (a) Subject to the superintendence, control and direction of the Board, the Chairman shall exercise such powers as may be necessary to ensure that provisions of the Act, rules, regulations and bye-laws of the Board are fully observed.

(b) He shall exercise such other powers and perform such other functions as may be laid down by the regulations of the Board.

8. *Powers and duties of Secretary.* —(1) The Government shall appoint a Secretary of the Board on such terms and conditions as may be specified for performing such functions as may be entrusted to him under provisions of the Act and the rules or the regulations made from time to time.

(2) (a) He shall be the Chief Executive Officer of the Board and shall be responsible for carrying out the day to day functions of the Board under the over-all charge, guidance and control of the Chairman of the Board ;

(b) he shall be the custodian of all the records of the Board and shall be responsible for the efficient functioning of its officers ;

- (c) he shall have powers to take all such steps as may be necessary to conduct technical examinations and for award of Certificates and Diplomas ;
- (d) to appoint the ministerial and lower grade and contingent staff subject to such rules and procedures as may be laid down by the Board from time to time.

(3) To exercise the disciplinary control over the staff of the Board, an appeal shall lie to the Chairman against the orders passed by the Secretary.

(4) To sanction all kinds of leave to the officers and employees of the Board including personal on deputation to the Board.

(5) To perform any other functions as may be entrusted to him either by the Chairman, or the Board under the provisions of the Act, rules or regulations made thereunder.

(6) To draw and spend money of the Board in accordance with the authorities, delegations and procedures as laid down under the provisions of the Act, rules and bye-laws of the Board.

(7) The Secretary may delegate any of his powers to any officer of the Board with the approval of the Board.

9. *Employees of the Board, conditions of services thereof.* —(1) Subject to the prior approval of the Government, the Board may create posts and appoint officers as it may deem necessary for the purposes of discharge of its functions and the performance of its duties. The Board may also take officers and staff on deputation from Government and from other institutions.

(2) The pay scales of the officers and staff shall be in accordance with the pattern of pay scales approved by the Government for the Government employees from time to time.

10. *Powers of the Board.*— Subject to such directions as the Government may give in this behalf and to other provision of these rules, the Board shall exercise all the powers including those for making regulations in respect of academic, administrative, financial and other matters of the Board and its employees as may be required to carry out the functions as envisaged under the provisions of the Act, rules or regulations of the Board.

11. *Funds of the Board.*— (1) The funds of the Board created under section 20 of the Act shall be kept in the Jammu and Kashmir Bank or at the discretion of the Board be invested in securities authorized by the Government.

(2) The funds of the Board shall be utilized for payment of salaries and allowances of the Secretary and the other employees of the Board and the remuneration payable to the examiners in relation to or in connection with the conduct of the Board examinations, the allowances, if any paid to the members of the Board, or its Committee for attending the meetings of the Board or its Committees or any other matters incidental thereto as are necessary for carrying out the purpose of the Act, rules and regulations of the Board.

(3) The money of the Board lodged shall be drawn by the Secretary in such manner as may be prescribed.

(4) The Board may devise scheme to spend its surplus funds for the development of Technical Education in the *State.

(5) The Board shall keep proper accounts of its income and expenditure and also annual accounts/balance sheet of the Board shall be subject to audit by an auditor appointed by the Government.

12. *Migration or transfer of student from one institute to another.* —(1) In consonance with the provisions of the Act, the procedure for migration or transfer of students from one approved institution to another shall be as under:—

Migration/transfer of the course shall be allowed only, if,—

- (i) the candidate possesses the entrance qualification not below the level prescribed for the concerned courses by rule ;
- (ii) the candidate should have studied and passed all the subjects prescribed as essential under the entrance qualification including experience/other conditions, if any ;
- (iii) the percentage of marks obtained in entrance qualification shall not be less than that secured by the last student admitted to the course by the Board ;
- (iv) genuine hardship to the candidate ;
- (v) the candidates have passed all the papers of 1st year diploma in full and there is no backlog ;
- (vi) the institution/Board from which transfer/migration is sought is an AICTE approved institution.

* Now Union territory.

(2) A migration will be allowed subject to the availability of seat in Polytechnic Institute and neither any seat will be reserved nor created for migration.

(3) No migration shall be allowed where there is variation of more than two subjects.

(4) No migration shall be allowed from a Government institution to a private institution.

13. *Affiliation of Institute.* —(1) To carry out the purpose of sub-section (3) of section 13 of Act, the affiliation/recognition of any polytechnic/institution imparting Technical Education situated within or outside the *State having obtained no objection certificate from the Government and approval from AICTE shall be governed by the Rules enumerated hereafter:—

- (a) an educational institution imparting Technical Education courses desiring to be affiliated for the purpose of examination conducted by the Board shall apply to the Secretary of the Board as per the format prescribed by the Board. The application shall be accompanied by No Objection Certificate, issued by the Government provided that the institution, which does not produce prior NOC from the Government and approval of the AICTE shall be affiliated by the Board ;
- (b) any Institution, Government or private which is not affiliated with the Board shall not be permitted to present candidates for any examination conducted by the Board except with the special permission of the Chairman subject to such terms and conditions as may be prescribed by him ;
- (c) the existing institutions, if any, functioning without formal affiliation of the Board shall apply to the Board for affiliation within three months from the date of issuance of these rules. Chairman may, however, for special reasons, to be recorded in writing, condone any delay in submitting an application for affiliation.

Applicants applying for affiliation shall remit fee as may be fixed from time to time.

Application for affiliation shall set out in detail the following person which the inspecting team appointed by the Board shall report and recommendations in the light of AICTE norms,—

* Now Union territory.

Whether there is a real need for the Institution in the locality/area ;

The constitution and personnel of the governing body in the case of private institutions ;

Whether it guarantees satisfactory standard of academic efficiency for the purpose for which affiliation is sought and that it is established on permanent basis ;

- (d) whether its financial resources are such as to enable its continued sustenance/maintenance ;
 - (e) the qualifications and grades of pay and conditions of the teaching staff ;
 - (f) the examination or examinations for which it desires affiliation ;
 - (g) the number of disciplines alongwith intake in each class/branch approved by AICTE ;
 - (h) the library facility ;
 - (i) the facilities of laboratories available with the Institute ;
 - (j) the number of halls available with the Institute with their seating capacity.
- (4)
- (i) On receipt of the application for affiliation the Chairman shall appoint an Inspection Committee for inspection of the Institute ;
 - (ii) the Inspection Committee shall fix the date of inspection of an institution well in advance so that intimation to the Institution concerned is given at least two weeks earlier than the date fixed for the inspection ;
 - (iii) the Inspection Committee shall in their report and recommendations, state whether and in which disciplines or on what conditions affiliation should in their opinion be granted ;
 - (iv) the inspection shall be conducted within two months from the date of appointment of the committee.

(5) Each Inspector appointed to conduct the inspection of an Institution for grant of affiliation shall be paid remuneration at the rates fixed by the Board from time to time.

- (6) (i) The report of the inspection team shall be submitted to the Affiliation Committee, which shall be constituted by the Chairman from time to time ;
- (ii) the Affiliation Committee shall meet at least once in a year ;
- (iii) any other information, which the committee may call for in connection with the application of affiliation, shall be supplied by the institution.

(7) No Institution shall be affiliated or continued to be affiliated unless it complies with the following requirements:—

- (i) that it shall be open to inspection by such person or persons as the SBOTE may depute for this purpose ;
- (ii) that rules, regulations, guidelines issued by the Technical Education Department are duly followed ;
- (iii) that the norms laid down by the All India Council for Technical Education AICTE are followed ;
- (iv) that the Institute/course has been approved by the AICTE for the period for which the affiliation is required and the conditions specified in the approval letter of the AICTE are fulfilled ;
- (v) that no candidate is shifted from one course/discipline to another course/discipline of study by the Institute without the prior permission of the SBOTE ;
- (vi) that if called upon to do so, it shall, place its halls, laboratories, workshop, furniture, equipment, staff etc. at the disposal of the SBOTE for holding refresher courses, conducting examinations, evaluation, etc.;
- (vii) that the procedure of admission to various courses as prescribed by the Government from time to time is followed.

(8) If the SBOTE is satisfied that an Institution deserves affiliation, it shall direct the Registrar to enter its name in the list of affiliated Institutions to be

maintained by him and the Registrar shall inform the Institution accordingly, specifying the terms and conditions, if any, and the period for which it has been affiliated.

(9) Where an institution desires to add or change a discipline in respect of which affiliation has been granted, the procedure prescribed for seeking affiliation, shall be followed.

(10) An Institute affiliated by the Board for the purpose of any of its examinations shall submit to the Board, Annual Returns, showing the personnel and pay of the teaching staff. Any change in the teaching staff and management shall be communicated to the Board within a period of one month.

***(11) Every affiliated institute shall at least once every year depending upon requirement, more than one inspection can be held.**

- (12) (i) If the Board is of the opinion that any institute affiliated by it has, by reason of deterioration, ceased to meet the requirements of a quality Institution, it shall institute such inquiry as it thinks fit. The report of the inquiry will be placed before the Affiliation Committee. The report of the inquiry along with the recommendations of the Affiliation Committee will be submitted to the Board at its next meeting and the decision taken by it will be conveyed to the institution. In case the Board is expected to meet within two months of the receipt of the recommendations, the matter will be placed before the Chairman for orders. The matter shall be thereafter submitted to the Board for confirmation.
- (ii) In any case in which the Board or the Chairman may decide that action is necessary upon the report/recommendations, it will first call upon the Institute to show cause as to why such action should not be taken against it.
- (iii) No action shall be taken by the Board or the Chairman on any report without first giving the Institution concerned an opportunity of making a representation, it may wish to make, to the SBOTE.
- (iv) The Board may, if so satisfied, issue a warning to the governing body of the institution, to remove the defect or defects to which attention has been drawn, failing which its affiliation will be

* Attention of concerned Administrative Department is required for review of this sub-rule so that necessary amendment is carried out. (....Author....)

withdrawn or withdrawn in one or more disciplines/courses. the Board shall have the power to extend, from time to time, the period so fixed.

- (v) If within the time fixed by the Board, or within such further time as may be allowed by it the institution fails to satisfy the Board about conforming to requirements, the Board shall suspend or withdraw affiliation to the institute or suspend or withdraw recognition in one or more disciplines/branches.
 - (vi) The Board may, at a subsequent date, after report by such person or persons as it appoints, restore the affiliation of an institution, or if affiliation was withdrawn in one or more disciplines/courses, revive the same subjects to such conditions as may be deemed fit.
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