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F.No. : 1-101/PGRC/AICTE/Regulation/2019

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Public Notice
on DRAFT
All India Council for Technical Education (Redressal of Grievance of Students)
Regulations, 2019

AICTE has notified All India Council for Technical Education (Establishment of Mechanism for Grievance Redressal) Regulations, 2012 in official Gazette of India on 25th May, 2012. In supersession of these Regulations, AICTE has prepared a draft "All India Council for Technical Education (Redressal of Grievance of Students) Regulations, 2019". These Regulations are aimed at addressing and effectively resolving grievances of students related to the AICTE approved Technical Institutions.

The draft All India Council for Technical Education (Redressal of Grievance of Students) Regulations, 2019 is available on AICTE website for inviting suggestions. The feedback and comments on the above draft All India Council for Technical Education (Redressal of Grievance of Students) Regulations, 2019, may be sent to AICTE via e-mail pubgrv@aicte-india.org on or before 20th August, 2019.

Member Secretary, AICTE

Draft

**ALL INDIA COUNCIL FOR TECHNICAL EDUCATION
New Delhi, the July, 2019**

NOTIFICATION

F.No. 1-101/PGRC/AICTE/Regulation/2019- In exercise of the power conferred under clause (1) of Section 23 of the All India Council for Technical Education, Act, 1987 (52 of 1987), and in supersession of the All India Council for Technical Education (Establishment of Mechanism for Grievance Redressal) Regulation 2012, the All India Council for Technical Education makes the following Regulations, namely:

1. SHORT TITLE, APPLICATION AND COMMENCEMENT:

- a. These regulations shall be called as the All India Council for Technical Education (Redressal of Grievance of Students) Regulations, 2019.
- b. They shall apply to all Technical Institutions recognized or approved by the All India Council for Technical Education as per Section 10(k) of the All India Council for Technical Education Act, 1987.
- c. They shall come into force from the date of their publication in the Official Gazette.

2. OBJECTIVE:

To provide opportunities for redressal of certain grievances of students already enrolled in any institution, as well as those seeking admission to such institutions, and a mechanism thereto.

3. DEFINITION: IN THESE REGULATIONS, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (a) "Act" means the All India Council for Technical Education Act, 1987;
- (b) "Council " means the All India Council for Technical Education
- (c) "UGC" means University Grants Commission
- (d) "Technical Education" means programs of education as defined under section 2(g) of the All India Council for Technical Education, Act, 1987
- (e) "Technical Institution" means an Institution as defined under section 2(h) of the All India Council for Technical Education, Act, 1987;
- (f) "aggrieved student" means a student, who has any complaint in the matters relating to or connected with the grievances defined under these regulations.
- (g) "declared admission policy" means such policy, including the process there under, for admission to a course or program of study as may be offered by the institution by publication in the prospectus of the institution;
- (h) "Grievance" means and includes, complaint(s) made by an aggrieved student in respect of the following namely:
 - i. admission contrary to merit determined in accordance with the declared admission policy of the institution;
 - ii. irregularity in the process under the declared admission policy of the institution;

- iii. refusal to admit in accordance with the declared admission policy of the institution;
 - iv. non-publication of prospectus by the institution, in accordance with the provisions of these regulations;
 - v. publication by the institution of any information in the prospectus, which is false or misleading, and not based on facts;
 - vi. withholding of, or refusal to return, any document in the form of certificates of degree, diploma or any other award or other document deposited by a student for the purpose of seeking admission in such institution, with a view to induce or compel such student to pay any fee or fees in respect of any course or program of study which such student does not intend to pursue;
 - vii. demand of money in excess of that specified to be charged in the declared admission policy of the institution;
 - viii. violation, by the institution, of any law for the time being in force in regard to reservation of seats in admission to different category of students;
 - ix. non-payment or delay in payment of scholarships or financial aid admissible to any student under the declared admission policy of such institution, or under the conditions, if any, prescribed by the Council;
 - x. delay by the institution in the conduct of examinations, or declaration of results, beyond the schedule specified in the academic calendar of the institution, or in such calendar prescribed by the Council;
 - xi. failure by the institution to provide student amenities as set out in the prospects, or is required to be extended by the institution under any provisions of law for the time being in force;
 - xii. non-transparent or unfair practices adopted by the institution for the evaluation of students;
 - xiii. delay in, or denial of, the refund of fees due to a student who withdraws admission within the time mentioned in the prospects, or as may be notified by the Council;
 - xiv. complaints of alleged discrimination of students from Scheduled Castes, Scheduled Tribes, Other Backward Classes, Women, Minority or persons with disabilities categories;
 - xv. denial of quality education as promised at the time of admission or required to be provided; and
 - xvi. harassment or victimization of a students, other than cases of harassment, which are to be proceeded against under the penal provisions of any law for the time being in force; and
- (i) "Student Grievance Redressal Committee" means a Committee constituted under these Regulations;
 - (j) "Ombudsperson" means the Ombudsperson appointed under these regulations;
 - (k) "Prospectus "means and includes any publication, whether in print or otherwise, issued for providing fair and transparent information, relating to an institution, to the general public (including to those seeking admission in such institution) by such institution or any authority or person authorized by such institution to do so;

- (l) "Region "means a geographical territory, comprising of States, so determined, for the purpose of facilitating enforcement of these regulations; namely, Central Region comprising Madhya Pradesh, Gujarat and Chhattisgarh; Eastern Region comprising Andaman and Nicobar, Sikkim, Orissa, Jharkhand, Assam, Manipur, Nagaland, Mizoram, Tripura, Meghalaya, Arunachal Pradesh, West Bengal; Northern Region comprising Bihar, Uttar Pradesh, Uttarakhand; North West Region comprising Chandigarh, Haryana, Jammu and Kashmir, Delhi, Punjab, Rajasthan, Himachal Pradesh; Southern Region comprising Tamil Nadu, Puducherry; South Central Region comprising Andhra Pradesh, Telengana; South Western Region comprising Karnataka, Lakshadweep, Kerala; and Western Region comprising Goa, Maharashtra, Daman and Diu, Dadra and Nagar Haveli.
- (m) "State" means a State specified in the First Schedule to the Constitution and includes a Union territory;
- (n) "Students "means a person enrolled, or seeking admission to be enrolled, in any institution to which these regulations apply;

4. MANDATORY PUBLICATION OF PROSPECTUS, ITS CONTENTS AND PRICING:

- (1) Every institution, shall publish and/or upload on its website, before expiry of at least sixty days prior to the date of the commencement of the admission to any of its courses or programs of study, a prospectus containing the following for the information of persons intending to seek admission to such institution and the general public, namely:
- a. the list of programs of study and courses offered along with the broad outlines of the syllabus specified by the appropriate statutory authority or by the institution, as the case may be, for every course or program of study, including teaching hours, practical sessions and other assignments;
 - b. the number of seats approved by the appropriate statutory authority in respect of each course or program of study for the academic year for which admission is proposed to be made;
 - c. the conditions of educational qualifications and eligibility including the minimum and maximum age limit of persons for admission as a student in a particular course or program of study, specified by the institution;
 - d. the process of selection of eligible candidates applying for such admission, including all relevant information in regard to the details of test or examination for selecting such candidates for admission to each course or program of study and the amount of fee prescribed for the admission test;
 - e. each component of the fee, deposits and other charges payable by the students admitted to such institution for pursuing a course or program of study, and the other terms and conditions of such payment;
 - f. rules/regulations for imposition and collection of any fines specified heads or categories, minimum and maximum fine;
 - g. the percentage of tuition fee and other charges refundable to a student admitted in such institution in case such student withdraws from such institution before or after completion of course or program of study and the time within and the manner in which such refund shall be made to that student;

- h. details of the teaching faculty, including their educational qualifications, along with their type of appointment (Regular/visiting/guest) and teaching experience of every member thereof.
- i. information with regard to physical and academic infrastructure and other facilities including hostel accommodation and its fee, library, hospital or industry wherein the practical training is to be imparted to the students and in particular the amenities accessible by students on being admitted to the institution;
- j. all relevant instructions in regard to maintaining the discipline by students within or outside the campus of the institution, in particular such discipline relating to the prohibition of ragging of any student or students and the consequences thereof and for violating the provisions of any regulation in this behalf made by the relevant statutory regulatory authority; and
- k. any other information as may be specified by the Council:

Provided that an institution shall publish / upload information referred to in items (a) to (k) of this regulations, on its website, and the attention of prospective students and the general public shall be drawn to such publication on the website through advertisements displayed prominently in different newspapers and through other media.

- (2) Every institution shall fix the price of each printed copy of the prospectus, being not more than the reasonable cost of its publication and distribution and no profit be made out of the publication, distribution or sale of prospectus.

5. STUDENT GRIEVANCE REDRESSAL COMMITTEE (SGRC):

- (i) A complaint from an aggrieved student relating to the institution shall be addressed to the Chairperson, Student Grievance Redressal Committee (SGRC).
- (ii) Every AICTE approved institution shall constitute Student Grievance Redressal Committee (SGRC) with the following composition, namely:
 - a. Principal of the college - Chairperson;
 - b. Three senior members of the teaching faculty to be nominated by the Principal - Members and out of three one member shall be female and other from SC/ST/OBC category;
 - c. A representative from among students of the college to be nominated by the Principal based on academic merit/excellence in sports/performance in co-curricular activities- Special Invitee.
- (iii) The term of the members and the special invitee shall be of two years.
- (iv) The quorum for the meeting including the Chairperson, but excluding the special invitee, shall be three.
- (v) In considering the grievances before it, the SGRC shall follow principles of natural justice.
- (vi) The SGRC shall send its report with recommendations, if any, to the concerned institution and a copy thereof to the aggrieved student, within a period of 15 days from the date of receipt of the complaint.

- (vii) Any student aggrieved by the decision of the Student Grievance Redressal Committee may prefer an appeal to the Ombudsperson, within a period of fifteen days from the date of receipt of such decision.

6. APPOINTMENT, TENURE, REMOVAL AND CONDITIONS OF SERVICES OF OMBUDSPERSON:

- (i) Each affiliating University, Technical University, Private University, Deemed to be University shall appoint Ombudsperson for redressal of grievances of students under the UGC (Redress of Grievances of Students) Regulations, 2019.
- (ii) There shall be one or more part-time functionaries designated as Ombudsperson to hear, and decide on, appeals preferred against the decisions of the SGRCs.
- (iii) For institution who are offering diploma level course(s) and are affiliated to Board of Technical Education (BTE), the concerned Directorate of Technical Education (DTE) shall appoint an Ombudsperson for redressal of grievances of student.
- (iv) For Institution who are not affiliated to any University and offering Diploma, Post Diploma, Post Graduate Certificate, Post Graduate Diploma Course (s) in Management, Computer Applications & Travel and Tourism, the Council shall appoint an Ombudsperson for redressal of grievances of student.
- (iii) The Ombudsperson shall be a Retired District Judge or a retired Vice Chancellor or Professor (who has worked as Dean/HOD and 10 years' experience as professor at State/Central Universities/Institution of eminence).
- (iv) The Ombudsperson shall not, at the time of appointment, during one year before appointment, or in the course of his tenure as ombudsperson, be in a conflict of interest with the Institution where his personal relationship, professional affiliation or financial interest may compromise or reasonably appear to compromise, the independence of judgement toward the Institution.
- (v) The Ombudsperson shall be appointed for a period of three years or until he or she attains the age of 70 years, whichever is earlier, from the date of assuming office, and shall be eligible for reappointment for another one term for the same State or region, as the case may be.
- (vi) For conducting the hearings, the Ombudsperson shall be paid a sitting fee, per diem, in accordance with the norms fixed by the Council, and shall, in addition, be eligible for reimbursement of the expenditure incurred on conveyance.
- (vii) The State Government, in the case of an Ombudsperson of a State, and the Council (for Council appointed Ombudsperson), may remove the Ombudsperson from office, on charges of proven misconduct or misbehaviour as defined under these regulations.
- (viii) No order of removal of Ombudsperson shall be made except after an inquiry made in this regard by a person not below the rank of judge of the High Court in which a reasonable opportunity of being heard is given to the Ombudsperson.

7. FUNCTIONS OF OMBUDSPERSON:

- i. The Ombudsperson shall hear appeals from an aggrieved student, only after the student has availed all other remedies provided under these regulations.
- ii. While issues of malpractices in the conduct of examination or in the process of evaluation may be referred to the Ombudsperson, no appeal or application for reevaluation or re-totalling of answer sheets from an examination, shall be entertained by the Ombudsperson unless specific irregularity materially affecting the outcome of specific instance of discrimination is indicated.
- iii. The Ombudsperson may avail assistance of any person, as amicus curiae, for hearing complaints of alleged discrimination.
- iv. The Ombudsperson shall make all efforts to resolve the grievances within a period of 30 days of receiving the appeal from the aggrieved student(s).

8. PROCEDURE FOR REDRESSAL OF GRIEVANCES BY OMBUDSPERSONS AND STUDENT GRIEVANCE REDRESSAL COMMITTEES:

- (i) Each institution shall, within a period of three months from the date of issue of this notification, have an online portal where any aggrieved student may submit an application seeking redressal of grievance.
- (ii) On receipt of an online complaint, the institution shall refer the complaint to the appropriate Student Grievance Redressal Committee, along with its comments within 15 days of receipt of complaint on the online portal.
- (iii) The Student Grievance Redressal Committee, as the case may be, shall fix a date for hearing the complaint which shall be communicated to the institution and the aggrieved student.
- (iv) An aggrieved person may appear either in person or authorize a representative to present the case.
- (v) Grievances not resolved by the Student Grievance Redressal Committee shall be referred to the Ombudsperson, within the time period provided in these regulations.
- (vi) Institutions shall extend co-operation to the Ombudsperson or the Student Grievance Redressal Committee, in early redressal of grievances; and failure to do so may be reported by the Ombudsperson to the Council, which shall take action in accordance with the provisions of these regulations.
- (vii) The Ombudsperson shall, after giving reasonable opportunities of being heard to both parties, on the conclusion of proceedings, pass such order, with reasons there for as may be deemed fit to redress the grievance and provide such relief as may be appropriate to the aggrieved student.
- (viii) The institution, as well as the aggrieved student, shall be provided with copies of the order under the signature of the Ombudsperson, and the institution shall place it for general information on its website.
- (ix) The institution shall comply with the recommendations of the Ombudsperson; and the Ombudsperson shall report to the Council any failure on the part of the institution to comply with the recommendations.
- (x) The Ombudsperson may recommend appropriate action against the complainant, where a complaint is found to be false or frivolous.

9. INFORMATION REGARDING OMBUDSPERSONS AND STUDENT GRIEVANCE REDRESSAL COMMITTEES:

An institution shall furnish, prominently, on its website and in its prospectus, all relevant information in respect of the Students Grievance Redressal Committee(s) coming in its purview, and the Ombudsperson for the purpose of appeals.

10. CONSEQUENCES OF NON-COMPLIANCE:

The Council shall in respect of any Technical institution, which wilfully contravenes or repeatedly fails to comply with the recommendation of the Ombudsperson or the Student Grievance Redressal Committee, as the case may be, proceed to take one or more of the following actions, namely:

- (a) withdrawal of approval granted to the Technical Institution;
- (b) withdrawal of declaration of fitness or entitlement to receive grants or financial assistance from the Council;
- (c) withholding any grant allocated to the Technical Institution;
- (d) declaring the institution ineligible for consideration for any assistance under any of the general or special assistance programs of the Council;
- (e) informing the general public, including potential candidates for admission, through a notice displayed prominently in suitable media and posted on the website of Council, declaring that the institution does not possess the minimum standards for redressal of grievances;
- (f) recommend to the affiliating university for withdrawal of affiliation, in case of a university affiliated institution or DTE affiliated institution;
- (g) such other action as may be deemed necessary and appropriate against an institution for non-compliance.

Provided that no action shall be taken by the Council under this regulation, unless the institution has been given an opportunity to explain its position and an opportunity of being heard has been provided to it.

(Prof. Alok Prakash Mittal)
Member Secretary