

Approval by AICTE

As per the law, Universities do not require AICTE approval for conducting Technical Programs. Only technical institutions which are affiliated to Universities require approval. As ICFAI University, Jharkhand is a Self-Financed University established under Jharkhand State Act, it does not require AICTE approval. This standing of law was notified in the Supreme Court Judgment dated 24th September 2001, in the case of Bharathidasan University Vs AICTE. An extract from the relevant judgment is given below.

Bharathidasan University vs. AICTE (Appeal (civil) 2056 of 1999) Question of Law before Supreme Court:

Whether the appellant-University should seek prior approval of AICTE to start a department for imparting a course or programme in technical education or a technical institution as an adjunct to the University itself to conduct technical courses of its choice and selection? Supreme Court of India held that: The power to grant approval for starting new technical institutions and for introduction of new courses or programmes in consultation with the agencies concerned is covered by Section 10(k) which would not cover a `University but only a `technical institution. **Observation of The Supreme Court: Section 2(h) defines `technical institution for the purposes of the Act, as follows:- technical institution means an institution, not being a University, which offers courses or programmes of technical education, and shall include such other institutions as the Central Government may, in consultation with the Council, by notification in the Official Gazette, declare as technical institutions** Since it is intended to be other than a University, the Act defines in Section 2(i) `University to mean a University defined under clause (f) of Section 2 of the University Grants Commission Act, 1956 and also to be inclusive of an institution deemed to be a University under Section 3 of the said Act. Section 10 of the Act enumerates the various powers and functions of the AICTE as also its duties and obligations to take steps towards fulfillment of the same. One such as envisaged in Section 10(1)(k) is to grant approval for starting new technical institutions and for introduction of new courses or programmes in consultation with the agencies concerned. The Act, for all purposes and throughout maintain the distinct identity and existence of `technical institutions and `universities and it is in keeping tune with the said dichotomy that wherever the University or the activities of the University is also to be supervised or regulated and guided by the AICTE, specific mention has been made of the University alongside the technical institutions and wherever the University is to be left out and not to be roped in merely refers to the technical institution only in Sections 10, 11 and 22(2)(b). It is necessary and would be useful to advert to Section 10(1)(c),(g),(o) which would go to show that Universities are mentioned alongside the `technical institutions and clauses (k),(m),(p),(q),(s) and (u) wherein there is conspicuous omission of reference to Universities and reference being made to technical institutions alone. So far as the question of granting approval, leave alone prior or post, Section 10(1)(k) specifically confines the limits of such power of AICTE only to be exercised vis-à-vis technical institutions, as defined in the Act and not generally. When the language is specific, unambiguous and positive, the same cannot be over-looked to give an expansive meaning under the pretext of a purposive construction to perpetuate an ideological object and aim, which also, having regard to the Statement of Objects and Reasons for the AICTE Act, are not warranted or justified. Therefore, the regulation insofar as it compels the universities to seek for and obtain prior approval and not to start any new department or course or programme in technical education (Regulation 4) and empower itself to withdraw such approval, in a given case of contravention of the regulations (Regulation 12) are directly opposed to and inconsistent with the provisions of Section 10(1)(k) of the Act and consequently void and unenforceable.

Full Judgment Available at: <https://indiankanoon.org/doc/1384523/>