

പതിനാലാം കേരള നിയമസഭ

പതിനാറാം സമ്മേളനം

നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നമ്പർ : 1739

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മറുപടി നൽകേണ്ടത്

കലാലയ രാഷ്ട്രീയം

ചോദ്യം

ഉത്തരം

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(ഉന്നത വിദ്യാഭ്യാസവും
നൂതനപക്ഷക്ഷേമവും
വഖഫ് ഹജ്ജ്
തീർത്ഥാടനവും വകുപ്പുമന്ത്രി)

(എ)	കലാലയ രാഷ്ട്രീയം നിരോധിച്ചുള്ള കോടതി വിധികൾ മറികടക്കാനും ക്യാമ്പസ് രാഷ്ട്രീയത്തിന് നിയമ സാധുത നൽകുന്നതിനും നിയമ നിർമ്മാണം നടത്താൻ സർക്കാർ തീരുമാനിച്ചിട്ടുണ്ടോ;	(എ) യും (ബി) യും	കലാലയ രാഷ്ട്രീയം നിരോധിച്ചുള്ള കോടതി വിധികൾ മറികടക്കുവാൻ നിയമ നിർമ്മാണം കൊണ്ടുവരാൻ സർക്കാർ തീരുമാനിച്ചിട്ടില്ല. എന്നാൽ "2019 ലെ കേരള വിദ്യാർത്ഥി യൂണിയനുകളും വിദ്യാർത്ഥി പരാതി പരിഹാര അതോറിറ്റിയും ആക്ട്" എന്ന പേരിൽ ഒരു ആക്ട് പുറപ്പെടുവിക്കുന്നതിന് സർക്കാർ ഉദ്ദേശിക്കുന്നുണ്ട്.
(ബി)	കലാലയ സംഘർഷങ്ങൾ ലഘൂകരിക്കാൻ എന്തെല്ലാം നിർദ്ദേശങ്ങളാണ് ഉൾക്കൊള്ളിച്ചിരിക്കുന്നത്;		

(സി)	കലാലയ രാഷ്ട്രീയത്തെക്കുറിച്ച് പഠിക്കാൻ നിയോഗിച്ച ജസ്റ്റിസ് കെ. കെ. ദിനേശൻ കമ്മിറ്റിയുടെ പ്രധാന ശുപാർശകൾ എന്തെല്ലാമാണ്;	(സി)	കലാലയ രാഷ്ട്രീയത്തെക്കുറിച്ച് പഠിക്കാൻ നിയോഗിച്ച ജസ്റ്റിസ് കെ. കെ. ദിനേശൻ കമ്മിറ്റിയുടെ ശുപാർശകൾ അനുബന്ധമായി ചേർത്തിരിക്കുന്നു. (അനുബന്ധം I)
(ഡി)	ഇക്കാര്യത്തിൽ സ്വീകരിച്ച തുടർ നടപടികൾ എന്തെല്ലാമാണെന്ന് വിശദമാക്കുമോ?	(ഡി)	കമ്മിറ്റിയുടെ ശുപാർശകൾ പരിശോധിച്ച് നടപ്പിലാക്കുന്നതിനായി ഉന്നതവിദ്യാഭ്യാസ വകുപ്പിനു കീഴിലുള്ള എല്ലാ സ്ഥാപനങ്ങൾക്കും സർവ്വ കലാശാലകൾക്കും നിർദ്ദേശം നൽകിയിട്ടുണ്ട്.



സെക്ഷൻ ഓഫീസർ

salary and humane conditions of service as a model employer (2) If not, get rid of the risk of maintaining self financing colleges or courses by the university. Instead, focus on the powers, functions and duties of the University as enjoined by the Act and the Statutes. (see 6.13)

- 6) Being a course of study in the medical field which generates job opportunities to members of lower and middle class families, here and abroad, Government in the Health Department and KUHS may bestow special attention to proper conduct of nursing colleges. (see 7.9.)
- 7) It is only proper that Government takes appropriate decision in the matter of stipend to interns on the basis of the report from KUHS, at the earliest. (see 7.11.7)
- 8) Government may frame First Statutes under section 42 of the APJ Abdul Kalam Technological University Act, urgently, taking into consideration the observations made in this Report. (see 8.5)
- 9) Amend clause (ii) of sub-section (2) of Section 60 of the APJ Abdul Kalam Technological University Act by including unaided colleges also within the purview of that clause (see 8.7)
- 10) All India Bar Council has to take serious note of the observations made in Chapter IX of this Report and arrange to conduct inspections in the Law Colleges run by self-financing private managements for necessary action. Government may forward relevant portion of this Report on "Law Colleges" to the Chairman, All India Bar Council, New Delhi for information. (see 9.3, 9.4 & 9.5)
- 11) B.Ed courses shall be converted into integrated courses so that candidates who seek admission to the course after passing + 2 examination will be able to acquire double graduation, namely, BA and B.Ed or B.Sc and B.Ed at a single stroke. The total period required for the course will be four years. Regulations issued by NCTE permit the conduct of such integrated courses. Universities may initiate action to permit the managements to start integrated courses as stated above (see 10.7)
- 12) Government may, if it considers necessary, set up a separate Committee for regulating admission and determining tuition fee for students of professional colleges other than medical and engineering and all non-professional colleges/courses by enacting a law to that effect or amending the existing law to entrust that function also to the Admission and Fee Regulatory Committee

presently in office with appropriate changes in the members who are to represent the disciplines to which the students are to be admitted and whose tuition fees are to be determined. (see 11.2)

- 13) Law relating to installing CCTV system in college campuses is covered by Government circulars, regulations of Apex bodies and judgment of the High Court. University has to deal with grievances of students relating to installation of CCTV within the boundaries of the law mentioned above. However, in cases where the managements install CCTV in violation of the above principle of law and interfere with the right to privacy, university has the duty to examine the grievance on merit and take necessary action. (see 13.4)
- 14) Government may constitute District Level and State Level Ombudsman to deal with disputes between the students and the managements, except disputes relating to internal assessment for which alternate grievance redressal forum will be functioning, by incorporating necessary provisions in the legislative enactment to be made covering all relevant aspects of self financing colleges. (see 13.5)
- 15) Election of office bearers and representatives of the students organizations shall be made in accordance with the recommendations contained in the Lyngdoh Committee Report as modified by the order of the Supreme Court. (see 14.3)
- 16) Consider the scope of bringing a legislation ensuring freedom of speech and expression, to assemble peaceably and without arms and to form associations or unions to all students in the institutions of higher education as guaranteed by Article 19 of the Constitution of India and the reasonable restrictions to be statutorily made for the exercise of the above rights. (see 14.12)
- 17) System of internal assessment in the self financing colleges may be regulated on the basis of the recommendations made by the Vice-Chancellors' Committee subject to the condition that the minimum score insisted for internal assessment shall be dropped. Instead a combined minimum (IA marks plus final examination marks) can be insisted upon for a pass. (see 15.7)
- 18) SC/ST and OEC students in the self financing institutions in the State are entitled to the benefits without reference to whether they were admitted in the merit quota or management quota and also without insisting that they should have been admitted from the list prepared by the Commissioner of Entrance Examinations. There are Government Orders granting the benefit of fee

concession, lumpsum grant etc. to OEC students Hence, it is the duty of the SFC managements and the State to see that the above benefits are made available to students belonging to OEC. (see 16.2)

- 19) Complaints of SC/ST/OEC students that managements of self-financing educational institutions used to extract money from them which is far in excess of the prescribed rate of special fee and other fee shall be enquired into and action taken to stop such malpractices. (see 16.3)
- 20) OEC students are eligible for stipend from the Backward Class Development Department. As soon as the amount is received from the department, the managements/college authorities are bound to pay that amount to the students concerned. But reimbursement is not made and the college authorities are misappropriating that amount. This is a serious allegation that needs to be enquired into by the Backward Class Development Department. If the allegation is found true, even *na facie*, the Police in the Vigilance Department shall be informed without any delay. (see 16.4)
- 21) Government may take up the grievance of ST/SC and OEC students about the delay in granting lumpsum grant and and do what is necessary including directions to departments. (see 16.6)
- 22) Reserving community quota seats has been found to be unconstitutional by the High Court. In spite of that, decisions are being taken at Government level and university level to reserve certain percentage of seats in the colleges as community quota. It is recommended that the findings in the judgment of the High Court shall be given effect to. (see 16.7)
- 23) Identity of the college shall be made clear in the prospectus, the portals, the web sites and other notifications inviting applications from students so that there shall not be any confusion as to whether it is a government college or a government controlled self-financing college (see 16.8)
- 24) Article 15(5) of the Constitution enables the Legislature to make a law providing reservation to backward classes and scheduled castes and scheduled tribes for admission to educational institutions run by private institutions except those managed by minority communities. Unless, a law is passed by the Legislature, the backward classes will not be able to enjoy the benefit of Article 15(5) of the Constitution. Government may take immediate action

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to bring appropriate legislation in the matter of admission to colleges for which no legislation has so far been made. (see 16.9)

- 25) There is dire need to lay down by law, the conditions of service of the staff of the self financing colleges, because one of the major reasons for the unsatisfactory conduct of SFCs is the absence of duly framed rules or regulations for fixing the staff strength on the basis of workload, qualifications for appointment to the teaching and non-teaching posts, pay scales and other allowances, tenure of post, eligible leave, conduct and discipline etc. Government and the universities may take immediate action as recommended in paragraph 10 of Chapter XVII of this Report (see 17.1)
- 26) Teachers, other academic staff and members of non-teaching staff have the fundamental right to form associations, assemble peaceably and raise demands by way of collective bargaining. They can request the management, through the forum of the Association, to redress their grievances in regard to conditions of service. Government may constitute a forum for adjudication, to wit a Tribunal, to entertain and resolve all disputes between the management and the employees or between employees and employees of self financing colleges. (see 17.11)
- 27) Government may make appropriate statutory provisions to form Parent-Teacher Association in the self financing colleges. PTA shall be made compulsory. Orders or rules made applicable to PTA in aided private schools can be adopted with necessary modifications. It shall be made clear that the management shall not directly or indirectly interfere with the functioning of organizations of students, employees and parent-teachers or self financing colleges. (see 17.12)
- 28) In the matter of fixing the affiliation fee, administration fee etc. higher amounts are collected from the self financing managements than the aided private managements. There is no justification for such discrimination. Universities shall examine this grievance of the managements and rationalize the collection of fees etc. (see 18.2.1)
- 29) Grievances on the score of practical examinations shall be examined by KTU and decisions shall be taken to promote academic excellence (see 18.2.3)
- 30) Statutory Provisions may be made making NAAC accreditation mandatory for all colleges which have the minimum period of service. In the alternative, rules may insist that every institution shall publish all the relevant details like, how old the college is,

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how much land area and built up area is there, what laboratories and learning equipments are there, how many students were admitted last year, how many students graduated in the last academic year, what was the percentage of pass in the university examinations, how many companies visited the campus last year for campus recruitment and how many students got placement etc, in their web sites. Still another option is for the University to collect all these information and to put all of them in the University Web Site itself, under the name of each affiliated college. This information can be easily gathered by the University, at the time of annual affiliation process. (see 18.2.5)

- 31) Prohibit by law the imposition of fine on students by the managements for any reason whatsoever. It is illegal on the part of the managements to collect from the students any amount other than the tuition fees. Law should make it clear in the manner done in the enactments made by other States that collection of any amount other than tuition fee will be deemed to be capitation fee (see 18.2.6)
- 32) Self financing colleges shall be treated on par with government/aided colleges as they are educational institutions. Exemptions and concessions granted to government/aided colleges in the matter of electricity charges, property tax etc. shall be extended to self financing colleges also. Appropriate statutory provisions may be made in this behalf. (see 18.2.8)
- 33) Prohibit by law the practice of the managements of self financing colleges collecting fees in advance for future semesters also for the reason that the students may leave the college mid-way. Similarly, the practice of the managements collecting the entire amount towards tuition fee for all the semesters from a student who leaves the college mid-way is not permissible. This practice also shall be prohibited. Practice followed by the managements withholding the original certificates of the students for one reason or the other shall not be allowed to continue. Necessary legal provisions may be made prohibiting the above practice. (see 18.3)
- 34) Uniform provisions shall be made by amending the University Act with regard to governing bodies and managing councils of private colleges including unaided colleges. (see 18.4)
- 35) Managements of aided colleges who are running unaided colleges or courses shall not utilize, in any manner, the facilities meant for aided colleges. Aided colleges and unaided colleges shall function as watertight compartments. If the managements violate this

⊗ for the benefit of the unaided colleges.

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principle, their action will be unlawful attracting penal provisions. At any rate, it will be a fraud on the Higher Education Department and the public (see 18.5)

36) (i) Government may take over all the government controlled self financing institutions and integrate them with the government colleges so that a substantial number of SFCs will be transformed as institutions directly under the Government. Students of all such colleges will have a common procedure for admission and uniform rate of fees as they belong to a homogenous class; or

(ii) maintain government controlled SFCs as they are now, for some more time, but provide additional budgetary support to the institutions to cover up the deficit due to fall in tuition fees and increase in expenses on account of payment of salary in the prescribed pay scales and providing other service benefits to the staff; or

(iii) integration may be accepted in principle and institutions may be converted as pucca government institutions in a phased manner. While ordering conversion of the institutions as government institutions, it is open to the Government to lay down terms and conditions and other principles governing integration. Qualified employees shall have to be paid emoluments equal to that of their contemporaries working in government and aided private colleges. Benefits made available to government employees while in service can be extended to them. But retirement benefits under Part-III of KSR need not automatically be given. Teaching and other staff of the government controlled institutions were appointed without undergoing the process of consultation with the Public Service Commission. Hence, those employees cannot, as of right, claim benefits, in all respects, equal to that of government employees unless so ordered by the Government. However, granting equal benefits to them as that of government employees, while in service, is only just and reasonable. None of the rights presently enjoyed will be lost to the employees. In the matter of conferring new rights, it is open to the employer to lay down such terms and conditions in the order integrating the new institution with the employees working there. Hence, no legal objection can be raised by the employees of the government controlled colleges if merger is ordered on terms. But in the matter of other benefits including pension, gratuity etc., Government have the power to take a policy decision based on financial resources and to incorporate the same in the form of terms and conditions of integration. The employees who would be covered by the integration order, will be governed by the

terms and conditions stated therein, because it will be only on the understanding, the integration would materialize. (see 20.7)

- 37) Perspective plan pertaining to professional and higher education institutions shall be prepared by conducting survey. Notification in this behalf shall be made entrusting the work to higher education council as mentioned in Chapter - XXI of this Report. (see 21.2)
- 38) Perspective plan for KTU is a statutory requirement. The same shall be done in terms of Section 61 of the Act (see 21.3)
- 39) Officers of the departments concerned shall be directed to communicate the views of the Government, promptly and furnishing all relevant details, to the Apex bodies in response to applications for starting new colleges. (see 21.4)
- 40) Government may review the fee structure now in force in the government colleges and examine the scope of upward revision of fees for reasons stated in this report. (see 23.2)
- 41) Government may, by law, constitute a fund, making use of the caution money deposits from the managements, to rehabilitate students who suffer desertion due to abrupt closure of colleges and to compensate the loss and injury caused to students consequent on mismanagement, maladministration, harassment, human rights violations etc. of the managements. (see 23.3)
- 42) Government may introduce a scheme, statutory or otherwise, to render financial support to students from economically weaker sections on merit-cum-means basis. Financial support can be rendered as scholarships or stipends or loans including "honour loans" (see 23.4)
- 43) It shall be the statutory obligation of the managements to furnish, periodically, relevant information to the Government and the university, for the benefit of the public, in answer to a questionnaire structured by the Higher Education Department, Government of Kerala in consultation with the affiliating universities. (see 25)

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