



MADRAS LEGISLATIVE ASSEMBLY

**THE MADRAS PRIVATE EDUCATIONAL
INSTITUTIONS (REGULATION)
BILL, 1966**

(L.A. BILL No. 14 OF 1966)

(Report and Proceedings of the
Joint Select Committee)

OCTOBER, 1966



GOVERNMENT OF MADRAS

1966

LEGISLATIVE ASSEMBLY DEPARTMENT
MADRAS

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THE MADRAS LEGISLATIVE ASSEMBLY.

THE MADRAS PRIVATE EDUCATIONAL INSTITUTIONS (REGULATION) BILL, 1966 (L.A. BILL No. 14 OF 1966).

Composition of the Joint Select Committee.

Hon. Sri M. BHAKTAVATSALAM (*Chairman*)

Hon. Sri R. VENKATARAMAN

Sri M. ALAGIRISWAMY

Sri RAMA. ARANGANNAL

Sri R. S. ABUMUGAM

Sri A. P. DHARMALINGAM

Sri SAW. GANESAN

PULAVAR K. GOVINDAN

Sri N. MAHALINGAM

Sri K. A. MATHIALAGAN

Sri G. RAJARAM

Sri P. RAMACHANDRAN

Sri M. S. SELVARAJAN

Srimathi A. SUARES

Sri C. P. CHITRABASU

Sri G. KRISHNAMOORTHY

Srimathi LAKSHMI KRISHNAMOORTHY

Sri M. RAJAH IYER

Sri K. RAJARAM.

Secretariat

Sri C. D. NATARAJAN—*Secretary.*

Sri M. SHANMUGASUBRAMANIAM—*Deputy Secretary.*

Sri G. RAGHAVAN—*Assistant Secretary.*

REPORT OF THE JOINT SELECT COMMITTEE ON THE
MADRAS PRIVATE EDUCATIONAL INSTITUTIONS
(REGULATION) BILL, 1966 (L.A. BILL No. 14 OF
1966).

To

THE HONOURABLE THE MADRAS LEGISLATIVE
ASSEMBLY, MADRAS.

The Joint Select Committee appointed to consider the Madras Private Educational Institutions (Regulation) Bill, 1966 (L.A. Bill No. 14 of 1966), has the honour to make this report.

2. The Bill was published in English in the *Fort St. George Gazette* Extraordinary, dated the 5th August 1966, and in Tamil in the *Fort St. George Gazette*, dated the 31st August 1966.

3. The Joint Select Committee was appointed by the resolution of the Assembly and the Council, dated the 9th and 10th August 1966, respectively.

4. The Committee held four sittings in all. At its first sitting held on the 20th September 1966 at Fort St. George, Madras, the Committee elected Hon. Sri M. Bhaktavatsalam, Chief Minister, as Chairman and also decided that representations from persons and institutions interested in the Bill be received by 3rd October 1966. Thirty-two memoranda were received from individuals and institutions. At its sitting held on the 18th October 1966, the Committee recorded evidence of individuals and associations interested in the Bill. At its meetings held on the 19th and 20th October 1966, the Committee considered the Bill clause-by-clause and has made certain changes in the Bill. The important changes are noted below :—

APPLICATION OF THE ACT.

Clause

The Committee is of the view that private educational institutions imparting technical education having on rolls 50 or less number of students and other institutions having on rolls 100 or less number of students and those imparting medical education should be exempted from the operation of this Act. The Committee is also of the view that any institution with an annual receipt of Rs. 6,000 or less should not be affected by this Act. However, the Committee has decided that restrictions with regard to the names to be used by private educational institutions and regulations with regard to the issue of certificates and diplomas by such institutions should be made applicable to all the private educational institutions. Accordingly, sub-clause (3) of clause 1 has been inserted.

DEFINITIONS.

Clause 2.

The Bill as originally stood covered only institutions which trained students for the various examinations conducted by the University, State Governments and other bodies authorised by the State Government, but it did not cover institutions which awarded their own certificates, degrees or diplomas. The Committee has decided that the Act should cover institutions which award their own certificates, degrees or diplomas and has amended the definition of "certificate, degree or diploma" accordingly.

The original Bill defined 'educational institution'; now the Committee has decided to modify the definition so that it may specifically refer to 'private educational institution'.

APPLICATION FOR PERMISSION.

Clause 4.

The Committee has decided that the maximum amount that could be prescribed as application fee should be reduced from one thousand rupees to five hundred rupees. Clause 4 has been amended accordingly.

SCHEME OF MANAGEMENT.

Clause 5.

The proposal in the original Bill was that any person running an educational institution or proposing to establish an educational institution should prepare a scheme for the management of that institution. The Committee has decided to drop this requirement and so clause 5 of the original Bill has been omitted.

DEPOSIT OF SECURITY.

Clause 6.

On a consideration of the representations made on behalf of the private educational institutions, the Committee has decided that the proposal to demand security from the manager of every private educational institution should be given up and so clause 6 has been deleted.

REQUIREMENT WITH RESPECT TO NAME OF PRIVATE EDUCATIONAL INSTITUTIONS.

New clause 5.

The Committee is of the view that the names adopted by the private educational institutions should be such as not to mislead the public into the belief that those institutions are regular

recognized educational institutions like colleges or schools. So, the Committee has decided to include a new provision requiring private educational institutions to include in their names the words "Tutorial Centre" or "Tutorial Institute" or "Training Centre" and accordingly, new clause 5 has been inserted.

GRANT OF PERMISSION.

Clause 7 (re-numbered as clause 6).

The Committee has decided that in granting or refusing to grant permission to start or run private educational institutions, the need for such institutions or the method of imparting education need not be specifically mentioned as factors to be taken into consideration by the competent authority and that it would be sufficient if the particulars contained in the application are considered by the competent authority.

The Committee has also decided that wherever permission is refused, one-half of the application fee should be refunded to the applicant.

This clause has been modified accordingly.

TRANSFER OF PERMISSION.

Clause 9 (re-numbered as clause 8).

It was felt that provision should be made enabling the manager to apply to the competent authority for prior approval of any transfer of the management proposed by him, jointly with the intending transferee in addition to the provision already contained in the Bill requiring the transferee to apply for approval of the transfer after the transfer has actually taken place. The Committee has also decided that the maximum fee for approval of transfer should be reduced from five hundred rupees to two hundred and fifty rupees.

The clause has been re-drafted accordingly.

ANNUAL AUDIT OF ACCOUNTS.

Clause 12.

The provision in the original Bill was that only auditors appointed by the "competent authority" should audit the accounts of the private educational institutions. On a consideration of the objections raised against this provision, the Committee has decided that the institutions might be allowed to have their accounts audited by any chartered accountant in practice within the meaning of the Chartered Accountants Act, 1949 (Central Act XXXVIII of 1949), and with a provision requiring the manager to submit to the "competent authority" the report of such chartered accountant on the audit.

The clause has been amended to give effect to these decisions.

CLOSURE OF PRIVATE EDUCATIONAL INSTITUTION.

Clause 15 (re-numbered as clause 13).

The Committee considers that before allowing closure of a private educational institution, the "competent authority" should satisfy itself that adequate arrangements have been made either for the continuance of the instruction of the students or for the refund of the fees paid by the students.

The clause has been recast on the above lines

INSPECTION.

Clause 16 (re-numbered as clause 14).

The Committee had decided to dispense with the mandatory provision that there should be annual inspection by the "competent authority" of every private educational institution and that the "competent authority" might inspect whenever it considers necessary. The re-draft of the clause provides for this.

APPEALS.

Clause 19 (re-numbered as clause 17).

The Committee considers that instead of leaving the time for preferring an appeal to be prescribed by rules, a period of two months from the date of receipt of the decision by the manager should be specified in the clause itself as the time within which appeals should be preferred.

Provision has also been made empowering the appellate authority to pass such interlocutory orders as it may deem fit.

PENALTIES.

Clause 20 (re-numbered as clause 18).

In the original clause 20, it was provided that any person contravening any of the provisions of the Act or any rule made thereunder, "shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to five thousand rupees".

The Committee has decided that punishment by imprisonment should be dispensed with and that the maximum amount of fine also should be reduced to one thousand rupees and that for a continuing offence a daily fine up to a maximum of one hundred rupees would suffice.

The clause has been amended accordingly.

All the changes made by the Committee are indicated in the annexed Bill and the clauses have been re-numbered wherever necessary.

The Committee has authorized the Chairman to sign the report and has decided to request the Hon. Speaker to order the publication of the Bill in the *Fort St. George Gazette* under Rule 241-A of the Madras Legislative Assembly Rules before presenting it to the House.

FORT ST. GEORGE,
MADRAS-9,
25th October 1966.

M. BHAKTAVATSALAM,
Chairman.

ANNEXURE.

THE MADRAS PRIVATE EDUCATIONAL
INSTITUTIONS (REGULATION) BILL, 1966.

L.A. Bill No. 14 of 1966.

(As amended by the Joint Select Committee.)[NOTE.—The changes made are sidelined or underlined and the portions omitted are indicated by dots.]

ARRANGEMENT OF CLAUSES.

CHAPTER I.

PRELIMINARY.

CLAUSES:

- 1 Short title, extent, application and commencement.
- 2 Definitions.

CHAPTER II.

PERMISSION FOR ESTABLISHING OR RUNNING PRIVATE
EDUCATIONAL INSTITUTIONS.

- 3 Private educational institution to obtain permission.
- 4 Application for permission.
- 5 Requirements with respect to name of private educational institution.
- 6 Grant of permission.
- 7 Power to cancel permission.
- 8 Transfer of permission.
- 9 Special provision regarding certificates, degrees or diplomas, issued by private educational institutions.
- 10 Annual list of private educational institutions to be published.

CHAPTER III.

ACCOUNTS, AUDIT, INSPECTION AND RETURNS.

CLAUSES :

- 11 Accounts.
- 12 Annual audit of accounts.
- 13 Closure of private educational institution.
- 14 Inspection.
- 15 Directions of the competent authority.
- 16 Private educational institutions to furnish returns, etc., and information.

CHAPTER IV.

MISCELLANEOUS.

- 17 Appeals.
- 18 Penalties.
- 19 Offences by companies.
- 20 Cognizance of offences.
- 21 Jurisdiction of criminal courts.
- 22 Power to exempt.
- 23 Competent authority, etc., to be public servant.
- 24 Civil courts not to decide questions under this Act.
- 25 Finality of orders passed under this Act.
- 26 Indemnity.
- 27 Power to make rules.
- 28 Power to remove difficulties.
- 29 Act to override other enactments.
- 30 Publication of rules, commencement of rules and notifications and placing of rules, notifications and orders on the table of the Legislature.

A Bill to provide for the regulation of certain unrecognized private educational institutions in the State of Madras.

BE it enacted by the Legislature of the State of Madras in the Seventeenth Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

1. *Short title, extent, application and commencement.*—

(1) This Act may be called the Madras Private Educational Institutions (Regulation) Act, 1966.

(2) It extends to the whole of the State of Madras.

(3) (a) Sections 5 and 9 shall apply to every private educational institution.

(b) The other provisions of this Act shall apply to every private educational institution having at any time more than—

(i) fifty students on its rolls, in case it imparts technical education; or

(ii) one hundred students on its rolls, in any other case; or

(iii) six thousand rupees as its annual receipts.

(c) Notwithstanding anything contained in clause (a) or (b), nothing contained in this Act shall apply to any educational institution—

(i) maintained, recognised or approved by or under authority from the Government or maintained or approved by, or affiliated to, any University established by law; or

(ii) imparting medical education.

(4) It shall come into force on such date as the Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “academic year” means the year commencing on the first day of June;

(b) “certificate”, . . . “degree” or “diploma” means any certificate, degree, diploma or other academic distinction granted or conferred by . . .

(i) any University established by law; or

(ii) any institution established or incorporated by or under any law or declared by Parliament by law to be an institution of national importance and empowered by or

under any such . . . law to grant or confer any certificate, degree, diploma or other academic distinction; or

(iii) (1) any officer or authority empowered, or

(2) any body of individuals not falling under sub-clause (i) or . . . (ii) established or approved,

in this behalf by the Central Government or any State Government; or

(iv) any other institution not falling under sub-clause (i), (ii) or (iii);

(c) "competent authority" means any person, officer or other authority authorised by the Government, by notification, to perform the functions of the competent authority under this Act for such area or in relation to such class of private educational institutions, as may be specified in the notification;

(d) "Government" means the State Government;

(e) "manager" in relation to a private educational institution means . . . the person in whom the authority to manage and conduct the affairs of the private educational institution is vested;

(f) "private educational institution" means any college, school or other institution, whether or not called a tutorial college, . . . school or institute or training centre established and run with the object of preparing, training or guiding its students for any certificate, . . . degree or diploma. . . and includes any institution mentioned in sub-clause (iv) of clause (b).

CHAPTER II

PERMISSION FOR ESTABLISHING OR RUNNING PRIVATE EDUCATIONAL INSTITUTIONS.

3. Private educational institution to obtain permission.— Save as otherwise provided in this Act, on or after the date of the commencement of this Act—

(a) no private educational institution . . . in existence on that date shall, after the expiry of six months from the said date, be run; and

(b) no private educational institution shall be established,

without the permission of the competent authority and except in accordance with the terms and conditions specified in such permission.

4. *Application for permission.*—(1) The manager of every private educational institution in existence on the date of the commencement of this Act and of every private educational institution proposed to be established on or after that date shall make an application to the competent authority for permission to run such institution or to establish such institution, as the case may be.

(2) Every such application shall—

(a) be in the prescribed form;

(b) be accompanied by
such fee not exceeding five hundred rupees as may be prescribed; and

(c) contain the following particulars, namely:—

(i) the name of the private educational institution and the name and address of the manager;

(ii) the certificate, . . . degree or diploma for which such private educational institution prepares, trains or guides or proposes to prepare, train or guide its students or the certificate, degree or diploma which it grants or confers or proposes to grant or confer;

(iii) the amenities available or proposed to be made available to students;

(iv) the names of the members of the teaching staff and the educational qualifications of each such member;

(v) the equipment, laboratory, library and other facilities for instruction;

(vi) the number of students in the private educational institution and the groups into which they are divided;

(vii) the scales of fees payable by the students;

(viii) the sources of income to ensure the financial stability of the private educational institution;

(ix) the situation and the description of the buildings in which such private educational institution is being run or is proposed to be established; and

(x) such other particulars as may be prescribed.

5. *Requirements with respect to name of private educational institution.*—(1) Every private educational institution shall include in its name—
private educational

(a) the words "Tutorial Centre" or "Tutorial Institute", if it prepares, trains or guides its students for any certificate, degree or diploma granted or conferred by any University established by law or by any institution, officer, authority or body of individuals mentioned in sub-clause (ii) or (iii) of clause (b) of section 2; and

(b) the words "Training Centre", if it is an institution mentioned in sub-clause (iv) of clause (b) of section 2.

(2) Subject to the provisions of sub-section (1), no private educational institution shall style itself under any name except in accordance with such rules as may be made in this behalf and without the approval of the competent authority.

6. Grant of permission.—On receipt of an application under section 4 the competent authority may grant or refuse to grant the permission after taking into consideration the particulars contained in such application :

Provided that the permission shall not be refused under this section unless the applicant has been given an opportunity of making his representations :

Provided further that in case of refusal of the permission the applicant shall be entitled to refund of one-half of the amount of the fee accompanying the application.

7. Power to cancel permission.—(1) The competent authority may, at any time, cancel the permission granted under section 6, if such permission has been obtained by fraud, misrepresentation or suppression of material particulars or where after obtaining the permission, there is contravention of any of the provisions of this Act or any rule made thereunder or of any of the terms or conditions of the permission or of any direction issued by the competent authority under this Act.

(2) Before cancelling the permission under sub-section (1), the competent authority shall give the manager an opportunity of making his representations.

8. Transfer of permission.—(1) (a) Whenever the management of any private educational institution is proposed to be transferred, the manager and the person to whom the management is proposed to be transferred may, before such transfer, apply jointly to the competent authority for approval of the transfer.

(b) On any transfer of the management of the private educational institution, without approval having been obtained for such transfer under clause (a), the

transferee shall, if he desires to run it as such, within three months of the date of the transfer, apply to the competent authority for approval of the transfer.

(c) An application under clause (a) or (b) shall be in such form, contain such particulars and be accompanied by such fee not exceeding two hundred and fifty rupees as may be prescribed.

(2) The competent authority may, on receipt of the application and the fee under sub-section (1) and after making such inquiry as it thinks fit, approve the transfer subject to such conditions as it may impose or refuse such approval :

Provided that the approval shall not be refused under this section unless the applicant has been given an opportunity of making his representations.

9. *Special provision regarding certificates, degrees or diplomas issued by private educational institutions.*—Any certificate, degree or diploma issued by any institution mentioned in sub-clause (iv) of clause (b) of section 2 shall be in such form and contain such particulars as may be prescribed.

10. *Annual list of private educational institutions to be published.*—The Government shall publish on or before the first day of June in each year in the *Fort St. George Gazette*, a list containing the names of all private educational institutions which have been granted permission under section 6 during the period ending with the thirty-first day of March immediately preceding and a list of private educational institutions in relation to which such permission has been cancelled during the period aforesaid.

CHAPTER III.

ACCOUNTS, AUDIT, INSPECTION AND RETURNS.

11. *Accounts.*—Every private educational institution shall keep accounts in such manner and containing such particulars as may be prescribed.

12. *Annual audit of accounts.*—(1) The accounts of every private educational institution shall be audited at the end of every academic year by a chartered accountant in practice within the meaning of the Chartered Accountants Act, 1949 (Central Act XXXVIII of 1949)

(2) The manager shall, within six months after the end of the academic year, submit to the competent authority the report of such chartered accountant on the audit of the accounts under sub-section (1).

13. *Closure of private educational institution.*—(1) No private educational institution and no class in a private educational institution shall be closed without a notice in writing having been given to the competent authority and without satisfying the competent authority that adequate arrangements have been made either for the continuance of the instruction of the students of the private educational institution or the class, as the case may be, for the period of study for which the students have been admitted or for the refund of the fees paid by the students.

(2) The period of notice under sub-section (1) shall be such as may be prescribed and different periods of notice may be prescribed for different classes of private educational institutions.

(3) No notice under sub-section (1) shall be withdrawn without the consent of the competent authority.

14. *Inspection.*—(1) Any private educational institution may be inspected by the competent authority whenever it considers necessary.

(2) The competent authority may direct the manager to rectify the defects, if any, found during the course of the inspection, within such time as the competent authority may fix in this behalf.

15. *Directions of the competent authority.*—Without prejudice to the provisions of section 14, the competent authority may, from time to time, issue such directions regarding the management of a private educational institution as it may think fit and it shall be the duty of the manager of such private educational institution to carry out such directions within such time as may be fixed by the competent authority in this behalf.

16. *Private educational institutions to furnish returns, etc., and information.*—Every private educational institution shall, within such time or within such extended time as may be fixed by the competent authority in this behalf, furnish to the competent authority such returns, statistics and other information as the competent authority may, from time to time, require.

CHAPTER IV.

MISCELLANEOUS.

17. Appeals.—(1) Any manager aggrieved by any decision of the competent authority under any of the provisions of this Act may, within two months from the date of the receipt of the decision by him, prefer an appeal against such decision to such authority as may be prescribed :

Provided that the appellate authority may, in its discretion, allow further time not exceeding one month for preferring any such appeal, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of making his representations, dispose of the appeal as expeditiously as possible.

(3) The appellate authority may, pending the exercise of its powers under this section, pass such interlocutory orders as it may deem fit.

18. Penalties.—(1) If any person contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act or any rule made thereunder, he shall be punishable with fine which may extend to one thousand rupees and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

(2) If any person wilfully obstructs any person, officer or authority from entering any private educational institution in the exercise of any power conferred on him or it by or under this Act, he shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees or with both.

19. Offences by companies.—(1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate, and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

20. Cognizance of offences.—No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by an officer . . . authorised by the Government in this behalf.

21. Jurisdiction of criminal courts.—No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

22. Power to exempt.—Notwithstanding anything contained in this Act, the Government may, subject to such conditions as they deem fit, by notification, exempt any private educational institution or class of private educational institutions from all or any of the provisions of this Act or from any rule made under this Act.

23. Competent authority, etc., to be public servant.—Every authority and every officer duly authorised to discharge any duty imposed on it or him by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

24. Civil courts not to decide questions under this Act.—No civil court shall have jurisdiction to decide or deal with any question which is by or under this Act required to be decided or dealt with by any authority or officer mentioned in this Act.

25. Finality of orders passed under this Act.—(1) Any order passed or decision taken by any authority or officer in respect of matters to be determined for the purposes of this Act, shall, subject only to appeal, if any, provided under this Act, be final.

(2) No such order or decision shall be liable to be questioned in any court of law.

26. Indemnity.—(1) No suit or other proceeding shall lie against the Government for any act done or purporting to be done under this Act or any rule made thereunder.

(2) (a) No suit, prosecution or other proceeding shall lie against any authority or officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder without the previous sanction of the Government.

(b) No authority or officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of the duties or the discharge of the functions imposed by or under this Act.

(3) No suit, prosecution or other proceeding shall be instituted against any authority or officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder after the date of the expiry of six months from the date of the act complained of.

27. Power to make rules.—(1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the form in which the application referred to in sub-section (1) of section 4 shall be made and the particulars which such application shall contain;

(b) the manner in which accounts shall be kept under section 11 and the particulars which such accounts shall contain;

(c) the manner of conveying decisions of the competent authority to the manager; and

(d) any other matter which has to be, or may be, prescribed.

28. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

29. Act to override other enactments.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

30. Publication of rules, commencement of rules and notifications and placing of rules, notifications and orders on the table of the Legislature.—(1) All rules made under this Act shall be published in the *Fort St. George Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(2) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(3) Every rule made and notification issued under this Act and every order made under section 28 shall, as soon as possible, after it is made or issued, be placed on the table of both Houses of the Legislature and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule, notification or order or both Houses agree that the rule, notification or order should not be made or issued, the rule, notification or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, notification or order.

FORT ST. GEORGE,
MADRAS-9.

C. D. NATARAJAN,
Secretary, Legislative Assembly.

PROCEEDINGS OF THE JOINT SELECT COMMITTEE
ON THE MADRAS PRIVATE EDUCATIONAL
INSTITUTIONS (REGULATION) BILL, 1966 (L.A.
BILL No. 14 OF 1966).

(As approved by the Chairman.)

Tuesday, the 20th September 1966.

The Joint Select Committee on the Madras Private Educational Institutions (Regulation) Bill, 1966 (L.A. Bill No. 14 of 1966), met at 10-30 a.m. on Tuesday, the 20th September 1966, in the Lounge Room, Fort St. George, Madras.

The following Members were present

Hon. Sri M. BHAKTAVATSALAM
Hon. Sri. R. VENKATARAMAN
Sri SAW. GANESAN
Sri P. RAMACHANDRAN
Sri K. A. MATHIALAGAN
Sri M. S. SELVARAJAN
Sri R. S. ARUMUGAM.
Sri M. ALAGIRISWAMY
Srimathi A. SUARES
Sri G. RAJARAM
Pulavar K. GOVINDAN
Sri RAMA. ARANGANNAL
Sri K. RAJARAM
Sri G. KRISHNAMOORTHY
Sri C. P. CHITRARASU
Sri M. RAJAH IYER
Srimathi LAKSHMI KRISHNAMOORTHY.

Secretariat.

Sri M. SHANMUGASUBRAMANIAN—*Secretary-in-charge.*

Sri G. RAGHAVAN—*Assistant Secretary.*

The Secretary to Government, Law Department (Sri T. S. Ramalingam) and the Secretary to Government, Education and Public Health Department (Sri S. Krishnaswami) were also present.

Proposed by Sri Saw. Ganesan and seconded by Sri P. Ramachandran and Sri M. S. Selvarajan, Hon. Sri M. Bhaktavatsalam was elected as the Chairman of the Joint Select Committee.

At the outset, the Chairman called for the views of the members on the procedure to be followed.

Sri Saw. Ganesan suggested that the Committee might call for written memoranda from institutions and individuals who would be affected. He added that the Committee might also visit some centres where such educational institutions were located.

Sri P. Ramachandran expressed the view that the Committee need not visit institutions. Sri K. A. Mathialagan and Sri Rama Arangannal endorsed the suggestion to call for written memoranda only.

After a brief discussion on the scope of the Bill, the Committee decided to call for written memoranda from interested individuals and institutions so as to reach the Secretary, Legislative Assembly Department, on or before 3rd October 1966 and also to record evidence of the representatives of institutions and others who desired to tender oral evidence on the 18th October 1966. The Committee further decided to consider the Bill clause-by-clause on the 19th and 20th October 1966.

The Committee then adjourned to meet again at 10-30 a.m. on Tuesday, the 18th October 1966 at the Committee Room, Legislators' Hostel (Old), Mount Road, Madras.

Tuesday, the 18th October 1966.

The Joint Select Committee on the Madras Private Educational Institutions (Regulation) Bill, 1966 (L.A. Bill No. 14 of 1966), met in the Committee Room, Legislators' Hostel (Old), Government Estate, Mount Road, Madras, at 10-30 a.m. on Tuesday, the 18th October 1966. The following members were present :—

Chairman.

Hon. Sri M. BHARTAVATSALAM

Members.

Sri SAW. GANESAN

Sri P. RAMACHANDRAN

Sri A. P. DHARMALINGAM

Sri N. MAHALINGAM

Sri M. S. SELVARAJAN

Sri R. S. ARUMUGAM

Sri M. ALAGIRISWAMY

Srimathi A. SUARES

Sri G. RAJARAM
Pulavar K. GOVINDAN
Sri RAMA. ARANGANNAL
Hon. Sri. R. VENKATARAMAN
Sri M. RAJAH IYER
Srimathi LAKSHMI KRISHNAMOORTHY.

Secretariat.

Sri M. SHANMUGASUBRAMANIAM—*Secretary-in-charge.*
Sri G. RAGHAVAN—*Assistant Secretary.*

Sri S. Krishnaswami, Secretary to Government, Education and Public Health Department and Sri Ramalingam, Secretary to Government, Law Department, were also present.

At the outset, Hon. Sri R. Venkataraman suggested that the Committee might take up the examination of witnesses in two groups, one relating to Tutorial Colleges and another relating to technical institutions.

The Committee then proceeded to examine the representatives of tutorial institutions.

A gist of evidence tendered by the witnesses is appended.

A draft of the Bill containing all the official amendments proposed to be moved by the Government in the Joint Select Committee was circulated to the Members, and the Hon. Sri R. Venkataraman explained the scope of these amendments.

The Committee then adjourned to meet again at 10-30 a.m. the next day at the Members' Lounge Room, Fort St. George.

Wednesday, the 19th October 1966.

The Joint Select Committee on the Madras Private Educational Institutions (Regulation) Bill, 1966 (L.A. Bill No. 14 of 1966) met in the Members' Lounge Room, Fort St. George, Madras, at 10-30 a.m. on Wednesday, the 19th October 1966. The following were present :—

Chairman.

The Hon. Sri M. BHAKTAVATSALAM

Members

The Hon. Sri R. VENKATARAMAN

Sri Saw GANESAN

Sri M. S. SELVARAJAN

Sri R. S. ARUMUGAM

Sri M. ALAGIRISWAMY

Srimathi A. SUARES

Sri G. RAJARAM

Pulavar K. GOVINDAN

Sri RAMA ARANGANNAL

Sri M. RAJAH IYER

Srimathi LAKSHMI KRISHNAMOORTHY

Secretariat.

Sri M. SHANMUGASUBRAMANIAM—*Secretary-in-Charge.*

Sri G. RAGHAVAN—*Assistant Secretary.*

The Secretary to Government, Law Department (Sri T. S. Ramalingam) and the Secretary to Government, Education and Public Health Department (Sri S. Krishnaswami) were also present.

The Committee took up for consideration the Bill, clause by clause.

Clause 1.

This was read and approved.

Clause 2.

The Committee decided to introduce the following new sub-clause, as sub-clause (a) :—

' (a) " academic year " means the year commencing on the first day of June '.

In existing sub-clause (a), the words " or diploma " were added, and it was re-numbered as (b).

In the existing sub-clause (a) (i) [re-numbered as (b) (i)] for the word " University ", the words " any University established by law " were substituted.

In the existing sub-clause (a) (ii) [re-numbered as (b) (ii)] the following was substituted :—

" (ii) any institution established or incorporated by or under any law or declared by Parliament by law to be an institution of national importance and empowered by or under any such law to grant or confer any certificate, degree, diploma or other academic distinction; or "

In the existing sub-clause (a) (iii) (1) [re-numbered as (b) (iii) (1)] the word " any " was added.

For the existing sub-clause (a) (iii) (2), the following was substituted :—

" (2) any body of individuals not falling under sub-clause (i) or (ii) established or approved, in this behalf by the Central Government or any State Government; or "

The Committee also decided to include the following as item (iv) in the new sub-clause 2 (b) :—

" (iv) any other institution not falling under sub-clause (i), (ii) or (iii); "

In the definition of " competent authority " in clause 2 (b), the word " private " was added before the words " educational institutions " and the existing sub-clause 2 (b) was re-numbered as 2 (c).

For the existing sub-clause 2 (c), the following was substituted as sub-clause 2 (f) :—

(f) " private educational institution " means any college, school or other institution, whether or not called a tutorial college or school or institute or training centre, established and run with the object of preparing, training or guiding its students for any certificate, degree or diploma and includes any institution mentioned in sub-clause (iv) of clause (b).

The existing sub-clause 2 (d) was retained. In the existing sub-clause 2 (e) the word " private " was added before the words " educational institution " and the reference to managing Committee was omitted.

The existing sub-clauses (f) and (g) and the explanation were omitted.

Clause 2, as amended, was approved.

CHAPTER II.

In the Chapter heading, the word " private " was added before the words " educational institutions ".

Clause 3 (a) was recast as follows :—

" (a) no private educational institution in existence on that date shall, after the expiry of six months from the said date, be run; and "

In sub-clause (b), the word " private " was added before the words " educational institution ".

The clause, as amended, was approved.

Clause 4.

The Hon. Sri R. Venkataraman suggested that the proposal to require a scheme of management from the proprietors of private educational institutions could be removed and this was agreed to by the Committee.

Sri Rama. Arangannal and Sri Saw. Ganesan expressed the view that the application fee of Rs. 1,000 could be reduced.

After some discussion, at the suggestion of the Chairman, the Committee decided to prescribe an amount not exceeding two hundred and fifty rupees as application fee.

The Committee also expressed the view that Government would prescribe grades of fees taking into consideration the income, strength and other relevant particulars of the institutions.

The Committee further decided to dispense with the proposal to demand security deposit from these institutions.

In the light of the above discussion, clause 4 was recast as follows :—

" 4. *Application for permission.*—(1) The manager of every private educational institution in existence on the date of the commencement of this Act and of every private educational institution proposed to be established on or after that date shall make an application to the competent authority for permission to run such institution or to establish such institution, as the case may be.

(2) Every such application shall—

(a) be in the prescribed form;

(b) be accompanied by such fee not exceeding two hundred and fifty rupees as may be prescribed; and

(c) contain the following particulars, namely :—

(i) the name of the private educational institution and the name and address of the manager;

(ii) the certificate, degree or diploma for which such private educational institution prepares, trains or guides or proposes to prepare, train or guide its students or the certificate, degree or diploma which it grants or confers or proposes to grant or confer;

(iii) the amenities available or proposed to be made available to students;

(iv) the names of the members of the teaching staff and the educational qualifications of each such member;

(v) the equipment, laboratory, library and other facilities for instruction;

(vi) the number of students in the private educational institution and the groups into which they are divided;

(vii) the scales of fees payable by the students;

(viii) the sources of income to ensure the financial stability of the private educational institution;

(ix) the situation and the description of the buildings in which such private educational institution is being run or is proposed to be established; and

(x) such other particulars as may be prescribed".

Clause 5.

As the Committee had decided to dispense with the requirement of scheme of management, this clause was omitted.

Clause 6.

The Committee had decided to dispense with the demand of security deposit and so, this clause was also omitted.

New clause 5.

The Hon. Sri R. Venkataraman explained that the idea of Clause 22 was that no tutorial institution should adopt the word "college" which word had a dignity and sanctity about it and it is understood as referring to colleges recognised by Universities.

Sri M. Rajah Iyer said that the existing institutions could be allowed to continue to use their present names and that the restriction might be imposed in respect of future institutions.

The Hon. Sri R. Venkataraman said that all the private institutions should be prohibited from using the word "college" in their names and that the words "tutorial institute" in the case of those preparing students for the P.U.C., B.A., etc., and the words "training centre" in the case of those preparing students for technical examinations, would be the proper expressions.

The Committee decided to shift the clause 22 as clause 5 and to recast it as follows :—

5. *Requirements with respect to name of private educational institution.*—(1) Every private educational institution shall include in its name—

(a) the words " Tutorial Institute ", if it prepares, trains or guides its students for any certificate, degree or diploma granted or conferred by any University established by law or by any institution, officer, authority or body of individuals mentioned in sub-clause (ii) or (iii) of clause (b) of section 2; and

(b) the words " Training Centre ", if it is an institution mentioned in sub-clause (iv) of clause (b) of section 2.

(2) Subject to the provisions of sub-section (1), no private educational institution shall style itself under any name except in accordance with such rules as may be made in this behalf and without the approval of the competent authority.'

Clause 7.

Sri M. S. Selvarajan suggested that in granting permission for a private educational institution, the need for the same need not be a factor to be considered by the competent authority.

This was agreed to by the Committee.

Pulavar K. Govindan suggested that the method of imparting education also need not be taken into consideration in granting permission. This was also agreed to by the Committee.

The Committee also decided to make provision for the refund of one-half of the application fee in the case of refusal of permission. The clause was recast as follows, as clause 6 :—

6. *Grant of permission.*—On receipt of an application under section 4, the competent authority may grant or refuse to grant the permission after taking into consideration the particulars contained in such application :

Provided that the permission shall not be refused under this section unless the applicant has been given an opportunity of making his representations :

Provided further that in case of refusal of the permission the applicant shall be entitled to refund of one-half of the amount of the fee accompanying the application."

Clause 8.

This was re-numbered as clause 7 and approved.

Clause 9.

Sri M. S. Selvarajan suggested that three months' time might be given for applying for recognition of the transfer of an educational institution.

The Chairman suggested that a fee of not exceeding two hundred and fifty rupees would be sufficient for application for approval of the transfer.

It was also suggested that the approval of transfer should not be refused unless the applicant was given an opportunity of making his representation.

The Committee agreed to these proposals and accordingly, clause 9 was recast and renumbered as (8) as follows:—

“ 8. *Transfer of permission.*—(1) On any transfer of the management of the private educational institution, the transferee shall, if he desires to run it as such, within three months of the date of the transfer, apply to the competent authority in such form and with such fee not exceeding two hundred and fifty rupees as may be prescribed for approval of the transfer.

(2) The competent authority may, on receipt of the application and the fee under sub-section (1) and after making such inquiry as it thinks fit, approve the transfer subject to such conditions as it may impose or refuse such approval :

Provided that the approval shall not be refused under this section unless the applicant has been given an opportunity of making his representations.”

New clause 9.

The Hon. Sri R. Venkataraman suggested that there should not be unauthorized issue of certificate, diploma, etc., by private educational institutions and at best, such institutions could issue only a certificate to the effect that “ so and so had studied in that institute or had undergone training for such and such period ”.

The Committee agreed with that view and decided to insert a new clause, as clause 9, as follows:—

“ 9. *Special provision regarding certificates, degrees or diplomas issued by private educational institutions.*—Any certificate, degree or diploma issued by any institution mentioned in such-clause (iv) of clause (b) of section 2 shall be in such form and contain such particulars as may be prescribed.”

Clause 10.

It was decided to add the word “ private ” before the words “ educational institutions ” and the clause as amended was approved.

CHAPTER III.

Clause 11.

The clause was approved with the addition of the word " private " before the words " educational institution ".

Clauses 12, 13 and 14.

The Committee decided that, on consideration of the evidence tendered before it, it would be better if the educational institutions were allowed to have their accounts audited by their own auditors, provided they were authorised auditors and that the competent authority need not appoint auditors for the said purpose. Accordingly, the clause was recast as follows and clauses 13 and 14 were omitted :—

" 12. *Annual audit of accounts.*—(1) The accounts of every private educational institution shall be audited at the end of every academic year by a chartered accountant in practice within the meaning of the Chartered Accountants Act, 1949 (Central Act XXXVIII of 1949).

(2) The manager shall, within six months after the end of the academic year, submit to the competent authority the report of such chartered accountant on the audit of the accounts under sub-section (1)."

Clause 15.

The Chairman suggested that before giving permission for closure of private educational institutions, it should be seen whether proper alternative arrangements had been made for the students to continue their studies, failing which arrangements should be made for the refund of the fees collected from the students.

The Committee agreed with this view and the clause was amended as follows and numbered as clause 13 :—

" 13. *Closure of private educational institution.*—(1) No private educational institution and no class in a private educational institution shall be closed without a notice in writing having been given to the competent authority and without satisfying the competent authority that adequate arrangements have been made either for the continuance of the education of the students of the private educational institution or the class, as the case may be, for the period for which the students have to be educated or for the refund of the fees paid by the students.

(2) The period of notice under sub-section (1) shall be such as may be prescribed and different periods of notice may be prescribed for different classes of private educational institutions.

(3) No notice under sub-section (1) shall be withdrawn without the consent of the competent authority."

Clause 16.

The Committee decided that inspection be made whenever the competent authority thought it necessary and that there need be no compulsory inspection once a year.

The clause was recast as follows and re-numbered as clause 14.

“ 14. *Inspection.*—(1) Every private educational institution may be inspected by the competent authority whenever it may think necessary.”

(2) The Competent authority may direct the manager to remove the defects, if any, found during the course of inspection, within such time as the competent authority may fix in this behalf.

Clause 17.

The word “ private ” was added before the words “ educational institution ” and it was re-numbered as clause 15.

Clause 18.

The word “ private ” was added before the words “ educational institution ”, and the clause was re-numbered as 16.

CHAPTER IV.

Clause 19.

It was suggested by Sri Saw. Ganesan that two months' time might be given for preferring appeals.

The Committee agreed with this view and also decided to amend this clause in accordance with the amendments made in the previous clauses. Accordingly, this clause was amended as follows and re-numbered as 17 :—

“ 17. *Appeals.*—(1) Any manager aggrieved by any decision of the competent authority under any of the provisions of this Act may, within two months from the date of the receipt of the decision by him, prefer an appeal against such decision to such authority as may be prescribed :

Provided that the appellate authority may, in its discretion, allow further time not exceeding one month for preferring any such appeal, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

(2) On receipt of an appeal under sub-section (1) the appellate authority shall, after giving the appellant an opportunity of making his representations, dispose of the appeal as expeditiously as possible.

(3) The appellate authority may, pending the exercise of its powers under this section, pass such interlocutory orders as it may deem fit."

Clause 20.

The Chairman suggested that the proposal to impose the punishment of imprisonment as a penalty for contravention of the provisions of this Act appeared harsh, in view of the persons affected by the Act and said that a punishment of fine alone would be proper.

Sri M. Rajah Iyer agreed with this view and suggested further that the maximum fine fixed as five thousand rupees might be reduced to one thousand rupees and that the maximum fine of five hundred rupees for every day of contravention might be reduced to one hundred rupees.

This was agreed to by the Committee and the clause was recast as follows and re-numbered as 18 :—

"18. *Penalties.*—(1) If any person contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act or any rule made thereunder, he shall be punishable with fine which may extend to one thousand rupees and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

(2) If any person wilfully obstructs any person, officer or authority from entering any private educational institution in the exercise of any power conferred on him or it by or under this Act, he shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees or with both."

Clause 21.

This was approved by the Committee without any amendment, and re-numbered as 19:

Clause 22.

This clause had been already shifted as clause 5, and amended.

Clause 23.

The word "duly" in the expression "officer duly authorised" was omitted and the clause re-numbered as 20, was approved.

Clause 24.

This was re-numbered as 21 and approved.

Clause 25.

It was suggested that a tutorial institution imparting instruction in non-technical courses having less than 100 students and institutions imparting instruction in technical courses having less than 50 students and institutions having annual receipts of less than six thousand rupees, as also institutions imparting medical education, should be exempted from the operation of the Act and that the Government should have power to exempt any educational institution or class of educational institutions from the provisions of this Act.

The Committee agreed with this view and directed that the present clause 25 be redrafted and submitted for consideration the next day.

Clauses 26 to 29.

These were read and approved.

Clause 30.

After some discussion, this clause was recast as follows, in the light of the amendments made earlier:—

“ 27. *Power to make rules.*—(1) The Government may make, rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

(a) the form in which the application referred to in sub-section (1) of section 4 shall be made and the particulars which such application shall contain ;

(b) the manner in which accounts shall be kept under section 11 and the particulars which such accounts shall contain ;

(c) the manner of conveying decisions of the competent authority to the manager ; and

(d) any other matter which has to be, or may be, prescribed.”

Clauses 31, 32 and 33.

These were read and approved and re-numbered as 28, 29 and 30 respectively.

The Committee then adjourned to meet again at 11-30 a.m. the next day namely, Thursday, the 20th October 1966.

Thursday, the 20th October 1966.

The Joint Select Committee on the Madras Private Educational Institutions (Regulation) Bill, 1966 (L.A. Bill No. 14 of 1966) met in the Members' Lounge Room, Fort St. George, Madras, at 11-30 a.m. on Thursday, the 20th October 1966. The following Members were present:—

Chairman.

The Hon. Sri M. BHAKTAVATSALAM

Members.

The Hon. Sri R. VENKATARAMAN

Sri Saw. GANESAN

Sri M. S. SELVARAJAN

Sri R. S. ARUMUGAM

Sri M. ALAGIRISWAMY

Srimathi A. SUAREZ

Sri G. RAJARAM

Pulavar K. GOVINDAN

Sri RAMA. ARANGANNAL

Sri M. RAJAH IYER

Srimathi LAKSHMI KRISHNAMOORTHY

Secretariat.

Sri C. D. NATARAJAN—*Secretary.*

Sri M. SHANMUGASUBRAMANIAM—*Deputy Secretary.*

Sri G. RAGHAVAN—*Assistant Secretary.*

The Secretary to Government, Law Department (Sri T. S. Ramalingam) and the Secretary to Government, Education and Public Health Department (Sri S. Krishnaswami) were also present.

The Committee resumed consideration of the Bill, clause by clause.

Clause 1.

At the outset, the Hon. Sri R. Venkataraman suggested that the restriction on the application of the Act to certain educational institutions be indicated in clause 1 itself by the insertion of a new sub-clause. This was agreed to by the Committee.

It was also decided that so far as restrictions on names of private educational institutions and the issue of certificates, degrees or diplomas were concerned, the Act should be applicable to all the

private educational institutions. Accordingly, the following was added as sub-clause (3) and the old sub-clause (3) was re-numbered as sub-clause (4).

“(3) (a) Sections 5 and 9 shall apply to every private educational institution.

(b) The other provisions of this Act shall apply to every private educational institution having at any time more than—

(i) fifty students on its rolls in case, it imparts technical education; or

(ii) one hundred students on its rolls, in any other case; or

(iii) six thousand rupees as its annual receipts.

(c) Notwithstanding anything contained in clause (a) or (b), nothing contained in this Act shall apply to any educational institution—

(i) maintained, recognised or approved by or under authority from the Government or maintained or approved by, or affiliated to, any University established by law; or

(ii) imparting medical education.”

The caption of clause 1 was suitably amended to include the word “application” after the word “extent”.

New clause 5.

REQUIREMENTS WITH RESPECT TO NAMES OF PRIVATE EDUCATIONAL INSTITUTIONS.

Sri M. Rajah Iyer suggested that for the words “Tutorial Institute”, the word “Tutorial” be adopted. After some discussion, the Committee decided to add the words “Tutorial Centre” before the words “Tutorial Institute”.

Re-numbered clause 8.

TRANSFER OF PERMISSION.

Sri M. Rajah Iyer pointed out that at present there was provision only for the transferee to make an application for the recognition of the transfer. He said that in the absence of provision for the manager to make such an application, the continuity of that institution would be broken and that, as was allowed in the case of aided educational institutions, there should be a provision in the Act enabling the manager as well as the transferee to make a joint application to the competent authority for the approval of the transfer. The Law Department was requested to modify the clause suitably.

Re-numbered clause 13.

CLOSURE OF PRIVATE EDUCATIONAL INSTITUTIONS.

The Committee decided to change the phrase "continuance of education" as "continuance of instruction" and the expression "for the period for which students have to be educated" as "for the period of study for which the students have been admitted".

Re-numbered clause 14.

INSPECTION.

For the word "every", the word "any" was substituted. For the expression "may think necessary", the expression "considers necessary" was also substituted.

In sub-clause (2), for the phrase "remove the defects", the phrase "rectify the defects" was substituted.

The Committee decided to request the Hon. Speaker to order the printing and publication of the Bill under Rule 241-A of the Legislative Assembly Rules.

The Committee also decided to authorize the Chairman to sign the report on its behalf and present it to the House.

The Committee then adjourned.

C. D. NATARAJAN,
Secretary, Legislative Assembly.

APPENDIX

Tuesday, the 18th October 1966.

to The Hon. Sri R. VENKATARAMAN : I thank you for sending your memorandum and also for coming here to make representations in respect of the Bill under consideration. The evidence that you are giving here is confidential. It should not be published either by giving information to the Press or otherwise and I want to caution you that, otherwise, you may become liable for proceedings under Contempt. The evidence that we propose to receive will be under two heads— one relating to tutorial colleges which prepare students for University and other examinations conducted by recognised authorities, and the other relating to institutions which award their own certificate, diploma, etc. There may be some institutions which have both the tutorial function as well as the awarding of certificates. I would like you now to lead evidence in respect of matters relating to tutorial colleges which prepare students for University and other examinations.

Sri A. N. PARASURAMAN : The first point in my memorandum is that the Bill is unnecessary, as the malpractices and abuses vaguely complained of in the statement of objects and reasons can be dealt with under the ordinary law of the land. Moreover, the Bill is made to apply to institutions other than those purporting to issue diplomas and holding out false hopes to students. There are no misleading names, no issuing of alluring prospectuses, no granting of diplomas or degrees by tutorial colleges and no misleading advertisements. Students who join tutorial colleges do so with their eyes open and after getting the advice of their parents who pay the fees. The parents countersign the application form. They are fully advised as to the courses they have to join, the fees they have to pay and the co-operation we expect from the parents. After knowing all these things, they sign the form and return it. I may add that if there are any malpractices either in our institutions or in any other institutions, as good citizens it is our duty to help in putting down those malpractices.

In the absence of tutorial colleges, the interests of students will suffer. Many of them will become frustrated and demoralised. Such students will create problems of discipline both inside and outside educational institutions, and will become the unsuspecting victims of all kinds of unscrupulous persons. I may be permitted to add that this type of tutorial institutions do not exist in North India ; facilities of this type of coaching do not exist there. If the failed students have to join regular colleges for a further period, then the discipline of the college will suffer. There

was a supplementary section in the School Final Class before the Twenties. No High School teacher would pick up the courage to go to that class. It was composed of notoriously indisciplined people, because the Headmaster had no power to detain them or to send them up. They demoralised the regular colleges. An additional tutorial section was opened in the Pachaiappa's College in 1917 when Professor Rollo was the Principal. Such distinguished professors as Mr. Seshadri, Mr. Subramania Ayyar and Mr. Rollo taught the students. Their experience was so bad that they dropped it like a hot potato. By passing the examination with the help of a tutorial college, the student qualifies himself sooner and gets time to be used purposefully, as in learning shorthand, typewriting, accountancy, etc. Moreover, students are eligible by themselves to appear for the examinations for which the tutorial colleges prepare them. So there is no question of tutorial colleges making them qualified or issuing certificates of competency.

The institution of September examinations by the University and the Government created the need for tutorial institutions. Before that, these institutions were not there. They have been satisfying this need for over 40 years. During all these years, a succession of Governments have felt no need to control or regulate or prohibit them. Students have felt satisfied with their working.

...The Bill as framed now is full of unworkable, harsh and stringent provisions. The nature of the control to be exercised is not specifically set forth. The conditions under which the tutorial colleges are to function are left to administrative discretion. The qualifications of the competent authority have not been laid down in the Act.

Ousting the jurisdiction of civil courts is to deny justice and subject the tutorial colleges to arbitrary administrative control liable to be influenced by considerations extraneous and irrelevant to educational efficiency.

As regards the point that the Bill makes an inroad on the fundamental rights of the citizens, I do not wish to take up the time of the Committee, because I am no lawyer and what I say about law has no particular value in this place.

The Bill, when it becomes law, will discourage private initiative, may compel many institutions to close down, prevent others from being started and force the surviving institutions to function without freedom or initiative and hence with reduced efficiency. They will be unable to adapt themselves to changing needs and conditions, because they will be subject to interference even in details of administration. An institution like Santiniketan cannot

come into existence under the provisions of the Bill. Like the Kasi Vidyapeed, experiments in education cannot be conducted if this Bill comes into existence.

The Bill has many provisions which are confiscatory. The provision for a heavy application fee is unprecedented. This is much more a penalty than a licence fee. This itself will prevent many institutions from being started. If the objective of the Bill is to make institutions run efficiently, it would go against it. The demand for a security deposit is humiliating. It is amounting to treating respectable citizens engaged in the honourable task of educating the people as criminals. The forfeiture of security deposits at the whim and fancy of the competent authority is a permanent threat like the Sword of Democles and it will be an extra-legal tax. The fees fixed for auditors and for inspections are not justifiable. Financial burdens are imposed on the institutions without any corresponding benefits to those institutions.

So far as my institution is concerned, we have been allowing chartered accountants to audit our accounts for over 32 years and all these accounts have been passed by the Income-tax Department without any aspersion or reflection.

As regards the appointment of auditors, the institutions do not receive any Government aid or help in auditing money in trust. No Government audit is required for proprietary concerns, partnership concerns, etc. Even in the Companies Act when a Company is mismanaging or treating its funds wrongly, there is a special auditor appointed. But that special auditor himself has not the powers of the special auditor contemplated in the present Bill. In this Bill, the auditor is clothed with all the powers of the Government auditor. This is entirely uncalled for.

Then, the introduction of the Government official is an extraordinary and unprecedented provision, never thought of even in regard to institutions receiving Government aid. It will mean harassment and unnecessary interference and it may give rise to the abuse of power. Their experience and training is not calculated to understand the new trend or anticipate new needs. For example, I am proposing to introduce Audio Visual Education in Physics, Chemistry, Mathematics and also even in regard to the teaching of the English language. We have very few Government officials trained either to understand or appreciate the need. If he were on the management of my Committee, surely he would consider it as an extraordinary extravagant expenditure and will veto it. So, it will mean harassment and unnecessary

interference and it may give rise to abuse of power. Also the Bill does not even envisage any qualification for such a nominee.

Then, the proprietary right of the management is proposed to be taken away without a corresponding benefit to the society.

Then, magisterial powers are given to the auditors. This Bill confers powers on the auditor which are not within its scope and object. Such a provision presumes widespread mismanagement. The auditor has no such powers in dealing with institutions managed or controlled by the Government. The provision seems to assume that principals of tutorial institutions are holding in trust the moneys of the public for which they are accountable and that these institutions are being mismanaged. With your permission, I may say, that there are members belonging to the legal profession who handle lakhs of rupees belonging to their clients. It is perfectly legal for a lawyer to put into his own account his client's money. There are Nursing Homes which handled the problem of life and death. They are not asked to make a deposit or take an insurance policy for lakhs and lakhs of rupees to cover the lives of the people who may collapse under the operation table.

The Hon. Sri R. VENKATARAMAN : Do not argue but please state what you want to be done so that it will be helpful to the Members of the Committee.

Sri PARASURAM : I am sorry.

The penalties prescribed include imprisonment and fine for violating the provisions of the Bill or the arbitrary conditions attached to the permission or the arbitrary directions of the competent authority. The penalties are uncalled for and insulting. They will lead to exploitation of the tutorial colleges by unscrupulous persons, and they may prevent self-respecting persons from starting or running tutorial colleges.

I have finished my supplementary information. If you ask any question, to the best of my ability, I will answer it.

The Hon. Sri R. VENKATARAMAN : If any witness wants to refer to any point not covered by Sri Parasuram, he can do so.

SRI PARASURAM : Now I will ask my Manager to place certain facts and figures before you.

Then the Manager, the Minerva Tutorial College read as follows :—

Our staff is more or less permanent. Our teaching staff consists of fully qualified teachers in their respective subjects and they are equal if not better, in their academic attainments to those found in the regular recognised institutions. Their work is constantly supervised by the Superintendent of Studies and guided by our Principal. In the high school department the teacher-pupil ratio is 1 : 25 and in the college section it is 1 : 3.

We have a well-equipped laboratory and every science student is trained to perform every experiment prescribed for his course. Our equipments shine by use.

We give weekly written tests. In the June-September 1966 session in the night school sections alone, over 50,000 exercises have been corrected.

The Hon. Sri R. VENKATARAMAN : This has no relevance to the Bill before us. You may leave that statement you read with the Committee.

(Then Sri P. N. Raman, Principal, Trichy Tutorial College, Tiruchirappalli, expressed his views.)

WITNESS : I would like to submit the following facts regarding some of the points raised in the Bill. The Bill wants every college to have a well-equipped laboratory but tutorial colleges cannot afford to have such fine laboratories which the regular colleges have. We are having only the minimum equipment to conduct practical classes. In the case of the regular colleges, they are financed by the Government. Further, the students have already undergone training in the regular colleges and therefore, our duty is simply to refresh their memory with regard to the equipment and they are perfectly satisfied with our laboratory facilities. Our Library has got, 2,000 volumes but I do not think that any student has taken advantage of it and used it.

With regard to buildings, I would say that we are not expected to have such a massive building as the regular college has. We are trying to solve our own economic problem by locating the tutorial college in whatever building available. I would like to add that about 2,000 to 3,000 teachers are employed and if they are thrown out of employment, they, the intelligentsia, will join the unemployed people and will give trouble and headache to the Government.

Sri M. RAJAH IYER : How many of them are full-time teachers and how many of them part-time teachers ?

WITNESS : In my college, out of 100 teachers, 80 of them are full-time teachers and 20 part-time teachers teaching technical subjects.

I am collecting Rs. 3 lakhs and paying Rs. 2 lakhs towards salaries. I am also paying income-tax.

The Hon. Sri R. VENKATARAMAN : I would request you to express your views on the different clauses of the Bill. If you say that particular provision should be modified in such and such a way that would be more helpful to the Committee.

WITNESS : I agree with what all was said by Mr. Parasuram, our President. I have also submitted a memorandum. I request honourable Members to understand our difficulties.

The Hon. Sri R. VENKATARAMAN : Government are alive to your difficulties.

WITNESS : We request that the Bill be dropped.

(Sri M. K. R. Dikshitulu, Murthy's Tutorial Institute, Mylapore, then expressed his views.)

WITNESS : I am not against the Bill in toto. But there are certain provisions, already referred to, which run counter to our interests and which will affect the Tutorial Colleges very adversely.

I would appeal to the Government to collect only a nominal licence fee from the Tutorial Institutes, and not heavy sums.

There should be no invidious distinction between regular aided schools and tutorial institutions. In the former, there is no Government nominee. The same principle may be applied to the tutorial institutions also.

About auditor, I would suggest that a list of approved auditors be supplied to each institution and the institutions may choose one of them and then the audit report may be sent not only to the Government but to the institution concerned also, so that the institutions may reply to the audit objections as is done in high schools and colleges.

The tutorial institutions are a boon to retired people. After retirement I have been working there for the last 12 years. I am getting more emoluments than what I was getting as Headmaster of a regular high school. The discipline in tutorial colleges is far better than in regular schools, for, students here concentrate more on their studies and they do not indulge in unnecessary or anti-social activities. There is no question of strike, etc., in our institutions.

CHAIRMAN: That is, perhaps due to retired veterans like you.

WITNESS: Further, such an arrangement will help retired people to get jobs and they would not be left in the lurch. For, there is no age-limit for teachers here, like politicians and even Ministers, I would say. Therefore, experienced and retired teachers are utilised for manning these institutions.

CHAIRMAN: No age-limit is prescribed in the Bill.

WITNESS: Postal tuition given is very useful to several officers in Government and private organisations. They get tuition in respect of University Examinations and Public Service Commission examinations.

Appeal provision should be there.

Provision regarding security deposit should be modified.

(Prof. N. S. Mani of Mani's Tutorial College, Madras-18, then expressed his views.)

WITNESS: I request that in the Definition Clause, item (c) 'Educational Institution', which includes tutorial college or school also, may be modified. It is this section which creates hardship for us. At the present time, failed S.S.L.C. candidates are not re-admitted in schools and for their benefit we have to run these institutions. It helps middle-class and lower middle-class people. Our tuition is efficient, effective and economic also. Therefore, I request the Chairman and the Members of the Committee to modify the definitions clause in regard to tutorial colleges and schools.

(Sri R. Sankaranarayanan, Principal, Students' Tutorial College and High School, Madurai, then expressed his views.)

WITNESS: There is great need for these tutorial institutions and it had been stated so by eminent educationists like Sri G. R. Damodaran, Sri T. S. Rajan and others.

The Hon. Sri R. VENKATARAMAN: We do not want testimonials. You may say your views on the provisions of the bill.

WITNESS: If these institutions are taken away, many students will be put to hardship. Therefore I suggest that tutorials may be omitted from the purview of the bill. First, I request you to drop the Bill. But if you will proceed with the Bill, then make it workable. We are prepared to register, submit annual returns, etc. But we should not be put to unnecessary hardships.

(Sri M. S. Nadar, Principal, Kumari Tutorial College and High School, Fort Station Road, Tiruchirappalli; then gave his views.)

WITNESS: In Chapter II, Clause 7, while enumerating the various conditions to be satisfied for grant of permission, equipment, laboratory, library and other facilities have also been provided for. I have to state here that the students who come to our institutions stay with us only for about 2 or 2½ months and every time they come to the institution, they do not remain for more than 2 hours. Within that short space of time, there is no time for them to refer to library books or make use of very detailed equipment in the laboratory. So much so, this shortened course is only for a few months and the lack of equipment or library books would not materially affect the students. Therefore this provision need not be insisted upon. Tutorial colleges and schools may be excluded from the purview of the provisions.

(Sri G. V. Krishnasami, National Tutorial College, expressing his views in Tamil said.)

The witness said that too much of restriction would put the institutions to the necessity of answering queries from the authorities and they would not have enough time to devote for teaching their students. They should have only simple laws with minimum controls. Officers should not be given too much of discretionary powers.

Tutorial institutions should not be asked to have equipments on a par with institutions who get grants and subsidies from the Government.

Since tutorial institutions are functioning even in small towns, there was not much possibility for malpractice. In local people will be witnessing things.

If equipment and security deposit are insisted upon many institutions would close down and thereby there would be monopoly created. Monopoly in education was dangerous and in such monopolistic institutions, all the difficulties of regular educational institutions like overcrowding, etc., would crop up. Therefore, it was necessary to have competition for better efficiency.

The necessity for a nominee of Government was not clear and if that was necessary, the local councillor be nominated. There is some difference in the fees charged by the various institutions. Only a nominal licence fee should be levied. The provision relating to security deposit should be dropped. If security deposit is insisted, only rich people who can afford to pay the security deposit will be able to start tutorial institutions, resulting in monopoly. We are teaching the

students in Tamil and we give them adequate home work. We also conduct weekly tests. We adopt easy methods of teaching. A teacher may not possess a University degree, but still he may be an authority on the subject and possess sufficient experience. So, Government should not insist on certain qualifications for teachers employed in tutorial institutions, as in the regular colleges.

The competent authority should not be given discretion to fix the licence fee. The bill itself should contain a provision prescribing the licence fee based on income and the strength.

Government should encourage competition and no room should be given for monopoly in the field. Then only we can expect a higher standard of education. Qualifications should not be so rigid as in approved educational institutions. If Tamil medium is adopted in colleges, there may not be much scope for more tutorial colleges. Students themselves are able to judge whether efficient tuition is given in a particular institution.

Sri M. RAJAH IYER : I would like to know whether you want certain qualifications to be prescribed for the staff of the tutorials.

Sri A. N. PARASURAMAN : The tutorial institutions should have staff as well-qualified as those teaching in regular institutions. Unqualified teachers should not be employed by tutorial colleges.

Sri M. RAJAH IYER : Can you indent on the services of the regular teachers to do part-time work in tutorial colleges or would you like to have a separate staff to man the tutorials?

Sri A. N. PARASURAMAN : It is better for the tutorial colleges to have a staff of their own. Where a member of the staff has not got adequate work for the entire day, we may be prepared to take on loan qualified people from other regular recognized institutions.

Sri P. N. RAMAN : Qualification means experience and competence. Experience and competence should be taken into account and not merely academic qualifications.

Sri M. S. SELVARAJAN : Do you agree that a panel of auditors may be constituted by the Government, so that the institutions may select one among the panel?

Sri K. R. DIKSHITULU : The panel may be framed and supplied to the institutions, so that each institution may select its own auditor.

Sri A. N. PARASURAMAN : All the members of the Institute of Chartered Accountants are duly qualified to be taken as auditors, unless the Society of Auditors have censured them, particularly, or unless an auditor is required to be specially qualified for the type of work entrusted to him.

CHAIRMAN : I would like to know from you whether you are absolutely satisfied with the teaching you now give with the little equipment that you have. You admitted that your library and laboratory are not as much equipped as in the recognised institution.

Sri A. N. PARASURAMAN : Most of the institutions are having all the necessary equipment to carry on.

CHAIRMAN : I am just wondering if you, the experienced managers of tutorial colleges, think that with this little equipment you can provide satisfactory teaching, whether I can ask our educational authorities to examine whether we can reduce the equipment which is getting so costly.

Sri A. N. PARASURAMAN : The tutorial institutions are making an intensive use of all the equipment they have. Further, if the generosity of the Chairman can be counted upon, it will be a good idea to have in every college centre a laboratory started by Government, a library equipped by the Government and staffed by the Government where students, on payment of a nominal fee, will be permitted to do their experiments prescribed for the University examination.

Srimathi A. SUARES : Do you keep a check on the results secured each year?

Sri A. N. PARASURAMAN : After we have completed our task of instructions we do not care to find out who has passed and who has not passed. I am speaking for myself. I only have a rough and ready test. I do not find old faces in new classes in my college. Nor do I receive complaints of inadequate teaching or neglect.

Sri P. N. RAMAN : I have refused admission for students in large numbers. I have refused admission for 700 students.

Pulavar K. GOVINDAN : What will be the teacher-pupil ratio in your tutorial college?

Sri A. N. PARASURAMAN : For school-final class—25 students for one teacher and for the college course—32 students for one teacher. If we take into consideration the shortage of teachers, this is the practicable ratio.

CHAIRMAN : Please say what will be the proper teacher-pupil ratio, which, if exceeded, will affect the quality of teaching.

Sri A. N. FARASURAMAN : One teacher can have 45 to 50 students.

Sri P. N. RAMAN : We do not have permanent staff as regular colleges.

Sri RAMA. ARANGANNAL : You say that the Bill should be dropped. But some people think that if some clauses of the Bill relating to the control of tutorial institutions are changed suitably, the Bill can be proceeded with. What is your view about it?

Sri A. N. PARASURAMAN : I feel that there should be unconditional registration of names like newspapers. A nominal fee may be charged to cover the administrative expenses involved in the transaction. Just like income-tax returns we can have annual returns furnishing figures in respect of teachers, fees collected and excess of income. We can give such returns to the Education Department.

Mr. CHAIRMAN : Do you agree to the principle of regulation of the levy of fees by some authority?

WITNESS : The fees depend upon the personal service. It will go by contract. It cannot be regulated. I pay to the Chief Professor and others more than what they will get in regular schools.

Sri RAMA. ARANGANNAL : Some tutorial colleges are against the security deposit, and they feel that licence fee will be sufficient. If a newspaper has to be started, an application has to be made to the Chief Presidency Magistrate. There is police enquiry.

WITNESS : I have suggested unconditional registration.

Sri RAMA. ARANGANNAL : What should be the qualifications of the competent authority?

WITNESS : Unless the Bill specifies the items of work he has to do, it is not possible to say what his qualifications should be.

For registration, there may be registration officers. They may verify whether the particulars furnished are correct. A competent authority is not required.

Sri RAMA. ARANGANNAL : Is not a competent authority required to see whether the institutions are working satisfactorily?

WITNESS: A committee is not at all required for that. There is no need for a competent authority.

Mr. CHAIRMAN: Several students resort to these institutions, pay fees and think that they will derive benefit. Some institutions may charge more fees. Should there not be some regulation?

WITNESSES: There is no need for it.

Sri SAW. GANESAN: The main object of this Bill is to see that the public are not deceived, since you are using the name, 'College'. The name should be "Tutorial Centre" or "Tutorial Institute". The word "Tutorial" should be added to make the position clear.

WITNESS: The word "Tutorial" is used in many names, such as Minerva Tutorial College, Tiruchirappalli Tutorial College. In advertisements relating to the colleges, the word "tuition" is emphasised. No students have joined the tutorial colleges thinking that they are regular colleges. In the application form there is a column asking whether "tuition" is required for appearing for the September examination or for the March examination.

Sri SAW. GANESAN: Will all these institutions which have not got 'Tutorial' in their names add this word in their names?

WITNESS: I think all of us agree to it. We do not wish to sail under false colours.

Sri SAW. GANESAN: You say that the institutions should not be made to pay the security deposit. At the same time you have agreed to registration. Can we take it that all of you are agreed with regard to registration?

WITNESS: Yes. The Federation has agreed to it.

Sri SAW. GANESAN: Do you think that the Government can take steps to regulate the syllabus and hours?

WITNESS: In this respect we are giving a covenant. It is an agreement between the student and the teacher.

Then the witnesses representing the Tutorial Colleges withdrew.

Then Sri K. R. Sundararajan, Principal, Indian Institute of Engineering Technology, Kodambakkam, Madras-24, expressed his views.

WITNESS: In the first place, I do feel that there is no necessity for a Bill of this kind in this State. Having said that, I do not know whether it is necessary for me to go into the clauses of the Bill in detail.

The Hon. Sri. R. VENKATARAMAN : Yes, it is. You may proceed with the clauses of the Bill.

WITNESS : However, if the Bill is to be taken into consideration, the only provision of the Bill I would welcome, is the one with regard to voluntary registration and nothing more.

The Hon. Sri R. VENKATARAMAN : You object to all other clauses of the Bill.

WITNESS : Yes.

(Then Sri K. C. Abraham, Principal, Institute of the Automobile Engineering and Business Management, Madras, and also the General Secretary of the Institute of Automobile Engineers (India), expressed his views.)

WITNESS : Our Institute was started 12 years ago. We had started the Institute in Madras with the idea of training students and making them start their own industries. From our experience, I can say that we have been largely successful. I have also been able to get co-operation from all the automobile industries in India so that these students can be properly employed and that has been a very great success.

When I went through the provisions of this Bill, I was a bit pained because many of the clauses of the Bill were humiliating. Most of the people who are in this field are not for making money or making it a business. For instance, I can quote my own experience. By starting this Institute, we have lost terribly and through very great sacrifices, we have been able to establish this Institute. We started the Institute with 17 students, each paying Rs. 40 per month or Rs. 680 per year. The salary bill is to the tune of Rs. 5,000. The rent for the building is Rs. 800 per month and electricity charges alone come to Rs. 300. So, for the first four or five years, we were having a deficit balance of Rs. 500 to Rs. 600 per month and my own land had to be sold to clear off the debt. Now, we are self-supporting.

The Hon. Sri R. VENKATARAMAN : You need not go into the details of your institution. Now, what are the provisions of the Bill which you want to change?

CHAIRMAN : You may kindly explain such of the provisions you object to and you may also explain how they affect your Institute?

WITNESS : In the first place, I feel that proper enquiry into the working of the existing institutions has not been made while preparing this Bill. For instance, none of the institutions have been called for to submit their data.

Therefore, I submit that if this Bill is necessary, proper enquiries into the working of the existing institutions may kindly be made. I am one who desires that all sorts of mal-practices should be put a stop to. But in case any mal-practices exist, the enquiry committee may look into it and also consider, whether ordinary law cannot be sufficient.

Secondly, in the statement of objects and reasons appended to the Bill, it is stated that some enquiry committee has been appointed by the Government. I do not know what the enquiry committee has done. They have not called for any evidence from any of us. Even the Government of India have prepared a Model Bill without holding such an enquiry. It is only due to the existence of bogus institutions in Delhi and its neighbourhood, the Centre has brought forward that Bill. So far as the Madras State is concerned, our integrity is of a much higher order and if there is any abuse anywhere, let us put a stop to that through the application of the Indian Penal Code.

Another point made is that many institutions give alluring prospectuses. From my experience of the last 12 years, I may say that nobody is lured by the prospectuses. The parents of the students who had been admitted to my Institute had come and met me before I agreed to take responsibility of their children.

The Hon. Sri R. VENKATARAMAN: But you are not taking students only from the Madras State but you are also taking students from other States.

WITNESS: Yes, I also take students from foreign countries.

Now coming to clause 3 of the Bill, I want to know, what would happen to the students already legally admitted to a particular course which may extend to three years in case permission is denied to an institution? Now the present laws operate in their case and this Bill cannot have retrospective effect. So, please save us from the necessity of going to the court to settle this issue.

CHAIRMAN: What is the present duration of the course that you have provided?

WITNESS: Four years.

CHAIRMAN: What fees do you collect?

WITNESS: For the two-year course, it is Rs. 800. It comes to Rs. 400 per year.

The Hon. Sri R. VENKATARAMAN: How much fee do you collect for the four-year course?

WITNESS: On an average it comes to Rs. 400 per year.

For the studentship course, it is only 2 years.

Sri RAMA. ARANGANAL: What is the qualification you prescribe?

WITNESS: P.U.C. passed students are admitted. If the intention of the Bill is to put these institutions on proper lines, provisions regarding exorbitant application fees and security deposit are very drastic, and they are contrary to the spirit of a Welfare State. Demanding security deposit is like treating us as criminals, and demanding good behaviour from us. In the old British days, such moneys were demanded from newspapers and hon. Members of the Committee are well aware of that all. So, security deposit is a humiliating provision and it should be deleted.

CHAIRMAN: Even for aided institutions, endowments are insisted upon, and we have recently increased that also.

WITNESS: Aided schools depend upon Government aid or grant. But private institutions are not like that.

CHAIRMAN: Endowment is not because Government give assistance, but to secure proper management of the school, and in the interests of the students.

WITNESS: As far as private institutions are concerned, it is a contract between the student and the management and if there is a breach of the contract, the students will not leave us alone. In my 12 years of experience, I have never had any such experience. The provision in sub-clause (2) of clause 4 regarding forfeiture of one-half of the fee is adding insult to injury. No reason is made out why the security deposit is demanded and it is not known whether any interest would be paid on it.

The provision regarding appointment of one person by the competent authority in the managing committee is an unnecessary interference with the management and it will create only disharmony.

Sri N. MAHALINGAM: Do you know that there is a representative even in University Bodies?

(Sri K. R. Sundararajan, Principal, Indian Institute of Engineering Technology, Arcot Road, Kodambakkam, Madras-24, again expressed his views.)

WITNESS: My institute was started on 15th August 1947. It was registered under the Societies Act. We have only two categories of teachers, lecturers and professors. Their salary is Rs. 400-20-600 and Rs. 600-50-1,200 respectively we have provident fund contributions also, 1/12 and not 1/16. We do

not restrict teachers in the matter of age and we allow them to teach even till 65, so that their efficiency and experience would not go to waste. Our hostel alone can house 250 students.

We do not object to the Bill provided our difficulties are appreciated.

The Hon. Sri R. VENKATARAMAN: We appreciate your point. Now, Mr. Mahalingam, you may ask your questions.

Sri N. MAHALINGAM: Mr. Abraham, can you give a list of your equipment?

Sri ABRAHAM: As far as practical training is concerned, we have arranged with various workshops for giving intensive practical training; we are giving in our institute preliminary practical training.

Sri N. MAHALINGAM: Have you a list of your equipments?

Sri ABRAHAM: We have several equipments.

Sri N. MAHALINGAM: Can you give me a list of your equipments?

Sri ABRAHAM: I have not brought one.

Sri N. MAHALINGAM: Can you say from memory?

Sri ABRAHAM: We have got all the equipments; for bench practice, for dismantling and refitting; we have a hoist. We have old cars. For servicing and other practical work we send the students to the various workshops.

Sri N. MAHALINGAM: As far as your institute is concerned, you have bench fittings, old cars, hoist and all the minor tools? May I know the number of teachers?

Sri ABRAHAM: Nine in all.

Sri N. MAHALINGAM: You are the principal?

Sri ABRAHAM: Yes.

Sri N. MAHALINGAM: May I know your salary?

Sri ABRAHAM: I am not getting any salary.

Sri N. MAHALINGAM: Who is next to you and what his salary?

Sri ABRAHAM: He is a retired Principal of the Central Polytechnic and he gets Rs. 600.

Sri N. MAHALINGAM: May I know the number of students you have?

Sri ABRAHAM: It is about 80.

The Hon. Sri R. VENKATARAMAN : Both the courses put together, you have only 80 students?

Sri ABRAHAM : Yes.

Sri N. MAHALINGAM : At the end of your course, what do you give the students? Do you give any diploma?

Sri ABRAHAM : We do not give any diploma.

Sri N. MAHALINGAM : What do you give them then?

Sri ABRAHAM : We give them the associate membership of the institute.

Sri N. MAHALINGAM : The headquarters of the institute is Madras, is it?

Sri ABRAHAM : Yes.

Sri N. MAHALINGAM : When was it started?

Sri ABRAHAM : In 1957.

Sri N. MAHALINGAM : So the institute was started in 1957 and till now how many students had you?

Sri ABRAHAM : We have got about 400 students.

Sri N. MAHALINGAM : Is it recognised by the Government of India?

Sri ABRAHAM : Not Yet.

Sri N. MAHALINGAM : It was started in 1957 and yet it has not been recognised. What action has been taken by you?

Sri ABRAHAM : It has been registered last year. We are making efforts.

Sri N. MAHALINGAM : So, for eight years it had been unregistered? You neither issue any diploma, certificate or any such thing and your institute is not also recognised?

Sri ABRAHAM : Our motto is to train the students to start their own industries.

Sri N. MAHALINGAM : So, your institute does not issue any diploma or certificate?

Sri ABRAHAM : We give a certificate saying that the student is admitted as associate of the institute, but we do not give them any diploma of automobile engineering.

Sri N. MAHALINGAM : Mr. Abraham, I want to know this. What do the students get at the end of four years?

Sri ABRAHAM : We do not issue any certificate. We issue a certificate of associate membership of the institute.

Sri N. MAHALINGAM : What is the connection between your students and the All-India Automobile Institute?

Sri ABRAHAM : They are associates.

Sri N. MAHALINGAM : Does the all-India institute conduct the examination?

Sri ABRAHAM : A separate examination is conducted by an external board.

Sri N. MAHALINGAM : Who constitutes the board? Who is the authority that constitutes the board?

Sri ABRAHAM : It is an external board.

Sri N. MAHALINGAM : You referred to the Institute of Automobile Engineers. Does it constitute the board? Or who constitutes the board?

The Hon. Sri R. VENKATARAMAN : Mr. Abraham, the question is this. You said that there was an external board conducting an examination at the end of the four years. Who constitute the board? Do you constitute it yourself or does the all-India institute do it?

Sri ABRAHAM : The all-India institute hold an examination at various centres and after the examination a certificate of associate membership is granted.

Sri N. MAHALINGAM : So, after four years of study the student does not get a diploma or even a certificate, but he gets the membership of the all-India institute. It can be got by paying just the fees? Is it not?

Sri ABRAHAM : By paying the fee alone nobody can become a member. It is not possible. There are only two ways: those who have passed the degree in engineering with three years experience, become associate members and secondly, those who have passed our examination, also can become members after they are admitted.

The Hon. Sri R. VENKATARAMAN : Is this associate membership recognised by the Government of India or any other Government?

Sri ABRAHAM : All automobile industries recognise this.

The Hon. Sri R. VENKATARAMAN : So, it is only private industries who recognise this?

Sri ABRAHAM : Recently, TELCO also have advertised and said that this qualification will be recognised for their recruitment.

The Hon. Sri R. VENKATARAMAN : So this is not recognised by the Government of India nor the examination conducted by a Board of Technical Men?

Sri ABRAHAM: Negotiations are carried for recognition

The Hon. Sri R. VENKATARAMAN: At present it is not recognised, is it not?

Sri ABRAHAM: But negotiations are being carried on. It may be remembered that A.M.I.E. took about 35 years for getting recognition. Government recognition is not an easy thing and it takes time.

Sri N. MAHALINGAM: You are making an incorrect statement.

Sri ABRAHAM: I may be wrong. But that is what I was told.

Sri N. MAHALINGAM: Associate Member of the Institute of Engineers was started by His Majesty the King in England. This was branch of that institution when it was started here originally. At no time was it an institution which was not recognised.

Sri ABRAHAM: Even now the Madras Government have not recognised A.M.I.E.

Sri A. P. DHARMALINGAM: There are two types of tutorial colleges. One coaches students definitely for a Government examination and the other coaches students and gives them a Diploma of its own, and those students do not write Government examinations.

Sri K. R. SUNDARARAJAN: Government have recognized A.M.I.E. as equivalent to B.E. Degree, and for that examination we are training the students.

Sri M. S. SELVARAJAN: Are you not having your own examinations?

Sri ABRAHAM: It is in sections—first studentship, then Section A and then Section B. If the students do not undergo the full course, they do not get any separate certificate for studentship or Section A. It is just like a case of a student who fails in the B.E. Degree examination. My student also will have the same standard as the B.E. student who has failed in the Degree examination because the standard is the same as that of the B.E. Degree.

Srimathi LAKSHMI KRISHNAMOORTHY: Perhaps your institution might have come up to a certain level. But there may be several institutions which do exist and which may be started in future. Should there not be some sort of inspection to see that they have the required workshop facilities?

Sri K. R. SUNDARARAJAN: Workshop facilities and other conditions are absolutely necessary for any educational institution worth the name.

Srimathi LAKSHMI KRISHNAMOORTHY: Should you not have some sort of an inspection, say, by an Inspector of the Education Department? Do you have any objection for such an inspection?

Sri K. R. SUNDARARAJAN: From the Government they can write to us and we will certainly welcome it. Government can ask them to inspect. We do not want to hide anything from the Government.

Sri ABRAHAM: I also welcome any inspection by anyone.

Srimathi A. SUARES: Do these boys get employment after they leave your institutions, particularly outside Madras or in Madras itself?

Sri K. R. SUNDARARAJAN: Not only do the boys get employment, but I go all out to see that every student that goes out from my institution gets an employment positively. But the only thing is, he cannot expect to get the particular amount of salary as dictated by him. I say to them 'you work on this salary. Your work will be recognised and you will come up to the level'. So, nobody going out of our institution is at any time unemployed. We have no difficulty at all in getting them employment. We are not giving any certificates. We are training the students for a certain examination which has been recognised as equivalent to the B.E. Examination by the Government.

CHAIRMAN: What is the total strength of your institution?

Sri K. R. SUNDARARAJAN: On the A.M.I.E. side we have 600 students and on the B.E. side about 400 students, in all about 1,000 students.

Sri RAMA. ARANGANNAL: Some institutions give a Degree or Diploma or Certificate. Is it not?

Sri K. R. SUNDARARAJAN: We do not give any Degree or Diploma. Suppose a student has undergone Section A and B courses and he has failed to secure a pass in the final examination or he has discontinued his studies. If he is poor and if he wants to get an employment, we merely give him a recommendation letter that the student has undergone a course of study in our institution, that he may pass the final examination in another six months or so and that he may be given some job.

Sri RAMA. ARANGANNAL: If some people give bogus Degrees or Diplomas, is it not good to prevent them?

Sri K. R. SUNDARARAJAN: It is certainly wrong and it should be prevented. But the point is, whether the existing laws are not sufficient for the purpose and whether we should enact a new legislation to prevent such institutions.

Sri RAMA. ARANGANNAL : Do you coach students who fail in the B.E. examination?

Sri K. R. SUNDARARAJAN : Yes. We do coach such students who appear again for the Madras University B.E. Degree examination. So, we are also a tutorial college. But you may say the name is misleading. We registered the name "Indian Institute of Engineering Technology" in 1947. The Indian Institute of Technology was started six years ago. Rather they copied our name and they are responsible for the mislead, if any.

Sri SAW. GANESAN : You did not have a copyright for that name.

Sri K. R. SUNDARARAJAN : No.

Sri RAMA. ARANGANNAL : Mr. Abraham, you said that the students must study for four years for becoming a member of your Association. That is a Degree.

Sri ABRAHAM : We do not award any Degree. The students become Associate Graduate Members after passing Section A and B examinations. Our Rules and regulations are similar to those of the institution of engineers.

Sri RAMA. ARANGANNAL : Suppose the students suffix to their names "A.M.I.E." and put up name-boards. Do you think that it is good?

Sri ABRAHAM : We do not confer on them any Degree or Diploma.

Sri SAW. GANESAN : So, it is not a Degree.

Sri ABRAHAM : No, it is not a Degree.

Sri SAW. GANESAN : You said that your institution was registered only last year. For what purpose?

Sri ABRAHAM : Our institution has been registered for various purposes mainly to develop the automobile industry and to train proper men for developing the industry. We have combined the industrialists both in the private and the public sector and also educationists like top Professors of I.I.T., M.I.T., Institute of Science, Bangalore and the institute at Bombay and also other people in the field.

Srimathi LAKSHMI KRISHNAMOORTHY : Under which Act you have registered?

Sri M. ABRAHAM : Under the Societies' Registration Act.

Sri SAW. GANESAN : The absence of the word "tutorial" may mislead the public.

Sri ABRAHAM : It is not the word " tutorial " alone that counts. There is an institution called " Subramaniam Educational Institute ". You must judge the nature of the institution by what it actually does.

Sri SAW. GANESAN : To avoid any doubt or misconception in the minds of the public, will it not be better if we add the word " tutorial " to the names of institutions which are not recognized by Government?

Sri K. R. SUNDARARAJAN : I cannot accept that suggestion. Of course, we do coach some students who have failed in the B.E. examination and who want to complete the course by appearing for the examination once again. But in our institution we also train students who have just passed Pre-University or Intermediate Examination and who have no means to take up the B.E. Degree course, for appearing for the A.M.I.E. Examination. While they are working in some industries and earning, they also study in our institution. If we add the word ' tutorial ' to the name of the institution, we have no chance to train such students because the students may not know it.

Sri SAW. GANESAN : The A.M.I.E. examination is conducted by the Calcutta Institute.

Sri K. R. SUNDARARAJAN : That is correct.

Sri SAW. GANESAN : So, if you train candidates for an examination conducted by the Calcutta Institute, then it will be a tutorial college and there is no difficulty in adding the word ' tutorial ' to the name of your institution. Just like B.E. examination, you are coaching students for the A.M.I.E. examination also.

Sri K. R. SUNDARARAJAN : The definition may be correct legally. If we change the name of the institution like that, students appearing for the A.M.I.E. examination may not come to us at all. Suppose I advertise that failed B.Es. can join the Indian Institute of Engineering Technology. Even if I add the word ' tutorial ' in the advertisement, some parents are not able to understand it and write to me asking whether they can admit their sons for the B.E. course. I reply saying that only failed B.Es. can join the course.

Sri M. RAJAH IYER : You say that so many students seek your course. Why do they come to you when there are recognised courses like the Licenciate Course in Automobile Engineering, etc.?

Sri ABRAHAM : At the present moment there is no Licentiate Course in Automobile Engineering, apart from the post-diploma course. There is no L.A.E. course.

The Hon. Sri R. VENKATARAMAN : An L.M.E. student can opt for automobile engineering. He will still be an L.M.E. After taking L.M.E., he can take another diploma course.

Sri ABRAHAM : Most of the students are not eligible to appear for the L.M.E. course. They are working part-time and studying part-time. These institutions are formed mainly to help people of the working group to come up in their lives.

Sri M. RAJAH IYER : When you are keeping students under you for four years purporting to prepare them for technical courses, don't you think that it is the duty of the Government to have some sort of regulation and control to ensure that there is qualified staff, etc.?

Sri SUNDARARAJAN : I have accepted that compulsory registration is essential. A certain amount of inspection is necessary and I say that that can be done under the existing rules. Various other provisions are not necessary.

Sri RAJAH IYER : Do you think that the ordinary law will take into account all these things? As an educational institute, don't you think that there should be codification of what the requirements of the staff are, what the conditions of service should be, etc.?

Sri ABRAHAM : We say that the continuance of educational institutions must depend upon the satisfaction we give to the students, just as in the case of doctors. Unless a doctor gives satisfaction to his patients, patients will not come to him.

Sri SUNDARARAJAN : I am not very much against the Bill. The Bill should provide for giving exemptions to certain institutions if the Government think that they could be exempted. I do not say that registration should not be done, or that inspection should not be done. I certainly welcome them.

Sri ABRAHAM : I also welcome some of the provisions of the Bill. There should be some control over the coming up of mushroom institutions. My own view is that conditions have not yet arisen in Madras as to warrant control.

(This witness then withdrew. Evidence was over.)