

**ADMISSION SUPERVISORY COMMITTEE & FEE REGULATORY COMMITTEE  
FOR PROFESSIONAL COLLEGES OF KERALA**

HEAD OFFICE:  
T.C. 15/1553-4, PRASANTHI BUILDINGS,  
M.P. APPAN ROAD,  
VAZHUTHACAUD,  
THIRUVANANTHAPURAM - 695 014.  
PHONE/FAX:0471-2335133

CHAIRMAN  
JUSTICE J.M.JAMES

ERNAKULAM OFFICE:  
RAM MOHAN PALACE  
OLD HIGH COURT BUILDING  
ERNAKULAM - 682 031  
PHONE/FAX : 0484 2394311.

*E-MAIL:* [justicejamescommittee@gmail.com](mailto:justicejamescommittee@gmail.com)

**ASC 100/15/MBA/DIRECTIVES**

**Re: Directives for the conduct of MBA Programme in Self  
Financing colleges in Kerala 2015-16.**

When the Professional education like Medicine, Dental, Engineering, MBA etc. became more in demand and the Government or Government aided institutions were insufficient to impart quality education in these streams, the self-financing professional colleges were thought of and allowed to function.

Imparting quality professional education without any exploitation or capitation fee collection, the Government introduced certain controls on these institutions. This was resisted by the private education minority and non-minority institutions which came into functioning under Article 30 and Article 19(I)(g) of the Constitution of India. But the institutions challenged the control exerted by the Government on them.

In a democratic style of administration the Government would emphasize on different areas of socio-political-economic-cultural-welfare activities. In India, the importance of education has always been emphasized by every Government in authority. The global socio-political-economic changes also affected

Indian administrative thoughts and actions to concentrate in the field of education.

Education was accepted as the most important tool of development by every Government in power. Different nations improved their educational standards to attract the best brains from other countries. India too have acclaimed educational institutions. But they were not adequate to meet increasing demands of the posterity. Hence, apart from the Governmental institutions private institutions were also encouraged. While some private institutions concentrated on quality education and academic excellence, some other institutions were functioning on business lines. Governmental controls were resented. They, therefore, approached the Hon'ble Supreme Court of India challenging the steps initiated to control the conducting of the educational institutions under minority and non-minority protections.

The Hon'ble Supreme Court of India had elaborately dealt with various aspects of Self Financing Private Colleges through the judgement dated 31.10.2002 in TMA Pai Foundation Case Vs State of Karnataka [(2002) 8 SCC 481]. Later in Islamic Academy of Education Vs. State of Karnataka [(2003) 6 SCC 697], the Hon'ble Supreme Court delivered a judgment on 14.08.2003, interpreting, explaining, clarifying and giving effect to various provisions and directions laid down in TMA Pai Case. The Court also formulated certain schemes and implemented certain directives for effective control, supervision, guidance and for ensuring academic excellence, transparency, merit, non-exploitation as well as prevention of collection of capitation fees during admission or

otherwise from the students for the professional courses in India. The court, inter alia, directed the State Governments to constitute a Committee for supervising the admissions of the students in the Professional Courses [Admission Supervisory Committee -ASC] and another Committee for regulating the fees that are collected under various heads by the Professional Colleges from time to time [Fee Regulatory Committee- FRC].

The aftermath of Islamic Academy education case, cited above, was P.A. Inamdar Vs State of Maharashtra [(2005) 6 SCC 537]. The Hon'ble Supreme Court discussed and laid down in detail, inter alia, the power and authority of ASC and FRC, the procedure for supervision for entrance examinations, the admissions of candidates in self-financing professional colleges, so on and so forth.

In Kerala, following the Islamic Academy of education case cited above, in the year 2003, four Committees were constituted through G.O (p) No. 161/03/H.Edn dated 11.11.03 for this purpose. Two Committees under ASC for Technical and Medical Streams and Two Committees under FRC also for these two streams.

In the year 2006, Act XIX was enacted which brought into practise two effective Committees; ASC with five members and FRC with six Members, the Chairman being a retired High Court Judge, in both the Committees.

The Act XIX of 2006 was challenged before the Hon'ble High Court of Kerala in Lisie Medical & Educational

Institutions and Ors Vs State of Kerala and Ors (WP© No.17873/2006) case. Some of the provisions of the Act have been set aside through its judgement dated 04/01/2007. This judgment is under challenge in appeal by the State of Kerala before the Hon'ble Supreme Court of India and the same is pending.

With the remaining provisions of Act XIX of 2006, the Committees function from the year 2006. Many of its actions had been challenged before the High Court of Kerala and before the Hon'ble Supreme Court of India and all the issues, actions and decisions were repeatedly discussed and answered.

The courts have unequivocally laid down that the ASC has got power to supervise all the admissions of the Self Financing Colleges under different streams of courses, notified by the Government of Kerala under the Act ensuring merit, academic excellence, transparency, prevention of exploitation and collection of capitation fees. .

Basing on the Court rulings and principles laid down, the FRC has got the power to regulate the fees being collected by the Professional Colleges from the students and to interfere at every stage whenever there is exploitation, capitation fee collection or profiteering.

The Courts have reiterated that at every stage of admission, the professional Colleges have to take prior approval from the ASC and the Admissions and consequent procedural actions shall only be after the approval of the ASC.

In the academic year 2014-15 while scrutinising the MBA admissions, the ASC has noted alarming and disquieting trends in the admission of MBA Students by most of the Self Financing Colleges in Kerala. There had been instances where even the students who not only failed but with negative marks in Entrance Tests, such as MAT, CMAT, KU-MAT, ASMIK MAT etc. have been admitted. An interaction with managements and educational experts by the ASC representatives revealed that the standard of MBA education, as a whole, with very few exceptions notwithstanding, has deteriorated and an overhaul of the entire system of MBA education with a change in curriculum and calendar of the University Activities is urgently to be brought about to save the MBA education in Kerala, so as to enable the students who complete the course to be capable of facing the stiff competition in the open employment market of management field.

The Committees, therefore, decided to have elaborate discussions with the representatives of Universities, Faculty Members of MBA, Subject experts, Deans of the Universities, the Self Financing College Management Representatives, the Government officials, Vice Chancellor of Technical University and all other interested persons. Accordingly on 29.01.2015, a conference was convened by the ASC/ FRC at Thiruvananthapuram. Opportunities were given to each person, who participated in the discussion, to put forward his views. Each one of them expressed his/her opinion. The Self Financing College Management Association representatives also expressed their views and opinions on the agenda fixed by the Committee.

Despite the differences of opinion on each point of agenda, after elaborate deliberations, there emerged a view to improve the system of MBA education by improving the curriculum, having an academic calendar being strictly adhered to by the Universities and institutions, timely conduct of the examinations and declaration of the results by the Universities, curbing the practice of unnecessarily conducting the entrance tests by different agencies, admitting qualified students from the accepted management tests in India like; CAT, MAT and CMAT, and take such other steps which are required to improve the system of education as well as opening of opportunities to the successful students in the field of placement. Another point was grading of institutions by an agency and regulating the fees to be collected by each institution according to such grading.

The Committee fully accept that the Universities in Kerala, to which the Self Financing MBA Colleges are affiliated, are functioning under University Acts, statutes, regulations, ordinances and rules framed thereunder with conventions and precedents. Each University is independent with various bodies constituted for effective control and administration of all the affiliated colleges under it. The Committee is fully aware of the above provisions. But Act XIX of 2006, as interpreted and directed by the Hon'ble High Court of Kerala and Hon'ble Supreme Court of India, gives power and authority to ASC and FRC to ensure, as stated above, transparency, Merit, Academic excellence prevention of capitation fee collection and profiteering by Self Financing Colleges. In case of any violation, at any stage, the ASC/ FRC can step in and regulate the activities of the Self Financing

Colleges. This is, of course, without infringing the provisions governing the Universities according to which they function.

Therefore, the ASC/FRC would function in collaboration with the Universities for achieving the tests laid down by the Hon'ble Supreme Court of India. The Universities shall, therefore, extend all cooperation to the committees to achieve the above objectives and aims of Act XIX of 2006 as well as the orders/ directives issued by the courts of law in India.

Considering the deliberations which the committees had with the representatives who participated in the Conference on 29.01.2015, and also the feedbacks/suggestions received from various agencies, the Committee issues the following directives to all the Self Financing MBA Colleges in the state of Kerala for implementation from the Academic year 2015-16.

#### **I. PROSPECTUS:**

The Prospectus of the MBA programme being issued by the institutes/colleges shall contain the following details:

- i) A brief introduction about the institute/college including its history, present status and the educational agency which manages the institute/college.
- ii) Vision, Mission and Objectives of the institute/college.
- iii) Constitution of the Governing Council with names of office bearers.
- iv) Names of important functionaries (Manager, Director, Principal, etc.)
- v) Address and contact details (with website address)

- vi) Academic programmes offered with no. of seats and specializations/electives offered.
- vii) Fee structure with full details
- viii) Details of Faculty members:-
  - (a) Regular with photo
  - (b) Part time/Visiting/Guest.
- ix) Details of infrastructure (physical and academic)
- x) Student facilities
- xi) Results of three previous years with pass percentage.
- xii) Placement details of three previous years
- xiii) Industry-institute interaction programmes
- xiv) Admission procedure
- xv) Eligibility criteria

## II. Entrance Test:-

II.1. Students seeking admission to the MBA programme in self-financing colleges should have a **positive** score in any **one** of the following tests:

- (a) CAT (conducted by IIM)
- (b) MAT (conducted by AIMA)
- (c) CMAT (conducted by AICTE)

II.2. The University departments, university centres and distance education centres of universities have to set an example to the self-financing colleges by adopting the above pattern of admission.

## III. Group Discussion and Personal Interview:-



III.1.The maximum weightage for Group Discussion and personal interview for the Admission process should be limited to 20 percent and the Group Discussion and personal interview should be conducted by the Institute/college under the supervision of the concerned University.

#### **IV. Academic Calendar:-**

IV.1.Each University shall prepare an Academic calendar inclusive of dates of examination and publication of results before the commencement of the MBA programme to be followed by the self-financing colleges affiliated with the University. Such academic calendar shall not be changed and the ASC shall interfere when any such change in the calendar is detrimental to the interests of the MBA students.

#### **V. Closure of Admission:-**

V.1. The last date for closure of admissions to the MBA programme shall be 30<sup>th</sup> of September every year.

#### **VI. Monitoring of Academic Programme:-**

VI.1. Each University shall monitor and evaluate the entire curricular and co-curricular activities of the affiliated MBA institutes/colleges and shall ensure that academic excellence is maintained throughout the course duration. The entire activities should be listed-out and shall be monitored by the University through a panel of senior academicians/ industry experts in the Commerce and Management area who shall submit a report of their evaluation to the University with a copy to the ASC on or before 31<sup>st</sup> May of every year.

## **VII. Grading of Institutions:-**

VII.1. The Fee Regulatory Committee [FRC] shall expedite, in consultation with the Government (Higher Education Department), the grading of MBA institutes/ colleges and the tuition fees for the course period shall be regulated accordingly. The FRC shall also regulate all the other fees prescribed/suggested by the institutes/colleges keeping in view of P.A. Inamdar case, cited above.

## **VIII. UNDERTAKING TO BE GIVEN BY THE INSTITUTE:-**

Along with the prospectus to be given to ASC, every institute shall submit an undertaking with respect to the Director/ Principal that he/ she is not holding similar posts in any other institute across the country.

Though the Committee had deliberations on 29.01.2015, as stated above, the power and authority of ASC and FRC were challenged through series of Writ Petitions by managements, colleges/institutions, students and others before the Hon'ble High Court of Kerala. The Committees, therefore, have waited for the decisions of the Court. As per the judgement dated 10.04.2015, disposing of thirteen (13) Writ Petitions through a common judgement, the Hon'ble High Court of Kerala held that the ASC and FRC have complete power and authority to control and regulate the self-financing professional colleges of Kerala as per the provisions of Act XIX of 2006.

The Committee have met on 06.05.2015, at the ASC Office, Vazhuthacaud, Thiruvananthapuram and approved the directives. It was decided to circulate the directives to all the MBA Colleges and Universities.

Therefore, the Committees now issue these Directives to all the MBA Institutions/colleges in Kerala and the Universities with which they are affiliated.

E-mail these Directives to all the colleges and Universities as above.

Dated on this the 11<sup>th</sup> day of May 2015

**Sd/-**

**Justice J.M James  
Chairman  
Admission Supervisory Committee  
and  
Fee Regulatory Committee**