

IN THE SUPREME COURT OF INDIA  
EXTRAORDINARY CIVIL JURISDICTION  
CIVIL WRIT PETITION NO. 7 OF 2000

COMMON CAUSE  
(A Registered Society)

... Petitioner.

Versus

Union of India & Ors.

... Respondents.

I N D E X

SR. NR.	PARTICULARS	PAGES
1.	List of Dates and Synopsis	A, B & C
2.	Writ Petition alongwith Affidavit in support.	1 - 13
3.	ANNEXURE "A-1" Press report dated 24-6-1998 in The Hindustan Times.	14
4.	ANNEXURE "A-2" Press report dated 18.6.1999 in The Hindustan Times.	15
5.	ANNEXURE "A-3" Press report dated 27.8.1998 in The Hindustan Times.	16
6.	ANNEXURE "A-4" Press report dated 16.2.99 in The Times of India.	17
7.	ANNEXURE "A-5" Press report dated 24.12.98 in The Hindustan Times.	18
8.	ANNEXURE "A-6" Press report dated 8.4.99 in The Times of India.	19
9.	ANNEXURE "A-7" Press report dated 11.9.98 in The Hindustan Times.	20
10.	ANNEXURE "A-8" Press report dated 22.9.98 in The Hindustan Times.	21
11.	ANNEXURE "B" Letter dated 29.8.98 to the Secretary, GOI, Min. of Human Resource Development.	22-23
12.	ANNEXURE "C" Letter dated 3.10.98 to the Secretary, GOI, Min. of Human Resource Development & Secy. All India Council for Technical Education.	24-25
13.	ANNEXURE "D" Letter dated 24.10.98 from Medical Council of India.	26
14.	ANNEXURE "E" Letter dated 25.8.98 from University Grants Commission.	27-28

Contd.....

SR. NR.	PARTICULARS	PAGES
15.	ANNEXURE "F" Letter dated 8-10-98 from COMMON CAUSE to the Secretary, University Grants Commission.	29
16.	ANNEXURE "G" Order dated 7.7.1998 from Ministry of Human Resource Development.	30-31
17.	ANNEXURE "H" Report of the Task Force on Fake universities.	32-41
18.	ANNEXURE "I" Letter dated 14.8.99 from COMMON CAUSE to the Secy. Min. of Human Resource Development.	42
19.	ANNEXURE "J" Letter dated 23.11.98 from COMMON CAUSE to the Secy. Ministry of Human Resource Development.	43-44
20.	ANNEXURE "K" Letter dated 26.10.99 from Director, COMMON CAUSE addressed to the Secy., Min. of Human Resource Development, Secretary, University Grants Commission, Secretary, Medical Council of India and Secretary, All India Council for Technical Education.	45-46

Petitioner

Through

H. D. Shourie  
Director, COMMON CAUSE

New Delhi.

Dated :

SYNOPSIS AND LIST OF DATES

1. During the last few years there has been a multiplication and proliferation of universities, institutions and organisations in the country, advertising their claims of eligibility and capability of giving educational courses and training programmes in all sorts of subjects. Through these advertisements they have been luring and duping young students because quite a number of them do not have the capability and accreditation that they are claiming in their advertisements. The fees charges by them are high, often involving expenditure of lakhs of rupees.
2. As a public interest organisation the Petitioner has been greatly concerned about these unfortunate developments which do not appear to have been effectively controlled by the concerned governmental and other authorities. The Petitioner has written a series of letters on the over-all subject to Respondent No.1, Ministry of Human Resource Development of the Union of India, and in relation to the specific subjects, to the concerned authorities, namely, the University Grants Commission, Medical Council of India and All India Council for Technical Education, Respondents Nos. 2, 3 & 4. Facts appearing in the newspapers' advertisements relating to such courses and training programmes have been brought to their notice. The concerned authorities have also indicated that 18 universities advertised in the newspapers have been found to be fake



B

and that there are indications that 10 other advertised universities are also reported to be fake.

7-7-1998

3.

Eventually the Ministry of Human Resource Development, Respondent No.1, set up a Task Force of experts vide their Order dated 7-7-1998 for a thorough examination of the entire matter and to make specific recommendations. The Task Force completed its task and submitted its Report in September, 1998. The Petitioner, after repeated efforts, has been able to get a copy of the Report of the Task Force. It has been placed at Annexure 'G' of this Petition. This Report highlights the facts of proliferation of the fake universities and of "teaching shops", which has been taking place, claiming their capacity and capability of providing courses and training programmes in various subjects. The Report of this Task Force also mentions that this matter was taken up by the Committee of Petitions of Lok Sabha and the recommendations made by the Committee have been mentioned in the Report. In mentioning these developments and highlighting their seriousness the Task Force has suggested that the Union of India in the Ministry of Human Resource Development, Respondent No.1, should issue an Ordinance aiming particularly at the enhancement of punishment which should be awardable to persons found guilty. Under the present provisions of Section 24 of the University

September, 1998

C

Grants Commission Act, the maximum punishment awardable is only Rs 1000/- fine and three months imprisonment. The Task Force has expressed that the procedure of effecting amendment of the statute will take a long time and, therefore, the concerned Ministry should get an Ordinance issued which can be followed up by effecting amendment of Statute.

4. The Petitioner has been pursuing this matter with Respondent No.1, to ascertain what action has been taken on the recommendations of the Task Force. No indication has been forthcoming from them, and also from Respondents Nos. 2, 3 & 4 that they are taking effective action on serious problem of proliferation of "teaching shops", non-eligible institutions and fake universities, and whether any positive and effective action is being taken to apprise the people about these matters so that gullible young persons are not misled by being lured to take up the courses and programmes being offered by these non-eligible institutions and universities.

Hence this Writ Petition.

---

IN THE SUPREME COURT OF INDIA  
EXTRAORDINARY CIVIL JURISDICTION  
CIVIL WRIT PETITION NO.            OF 1999.

In the matter of :

COMMON CAUSE (A Registered Society)  
through its Director  
Shri H. D. Shourie  
A-31 West End,  
New Delhi - 110021.

... Petitioner.

Versus

1. Union of India,  
Ministry of Human Resource Development,  
Shastri Bhawan,  
New Delhi - 110001,  
Through its Secretary.
2. University Grants Commission,  
Bahadur Shah Zafar Marg,  
New Delhi - 110002.  
Through its Secretary.
3. Medical Council of India,  
Aiwan Ghalib Marg,  
Kotla Road,  
New Delhi-110002  
Through its Secretary.
4. All India Council for  
Technical Education,  
Indira Gandhi Satium  
I. P. Estate,  
New Delhi - 110002  
Through its Secretary

... Respondents.

PETITION UNDER ARTICLE 32 OF THE  
CONSTITUTION OF INDIA FOR ISSUANCE  
OF A WRIT IN THE NATURE OF MANDAMUS  
OR ANY OTHER APPROPRIATE WRIT, ORDER  
OR DIRECTION, DIRECTING THE RESPONDENTS  
TO INITIATE URGENT CONCRETE ACTION,  
AND TO ALSO LAY DOWN DEFINITE POLICY,  
TO ENSURE THAT FAKE UNIVERSITIES AND  
INADEQUATELY EQUIPPED AND INCOMPETENT  
EDUCATIONAL INSTITUTIONS, IN THE NATURE  
OF "TEACHING SHOPS", ARE NOT ALLOWED TO  
OPERATE IN THE COUNTRY AS HAS HITHERTO BEEN  
IN EVIDENCE FOR A NUMBER OF YEARS, WHICH  
HAVE BEEN ADDRESSING HOODWINKING GULLIBLE  
STUDENTS, DESIROUS OF DEVELOPING THEIR CARRERS,  
AND WHICH HAVE BEEN CHARGING VERY HIGH FEES  
FOR ADMISSION TO THESE UNIVERSITIES AND  
INSTITUTIONS, AND HAVE BEEN OPERATING TO THE  
EXTREME DETERIMENT OF THE INTERESTS OF YOUNG  
STUDENTS, OFTEN LEADING TO THE CAUSATION OF  
RUIN OF THEIR CAREERS DEVELOPMENT AND THEIR  
FUTURE EMPLOYMENT OPPORTUNITIES, THESE ACTION  
BEING VIOLATIVE OF PROVISIONS OF ARTICLE  
21 OF THE CONSTITUTION OF INDIA.



To

Hon'ble The Chief Justice of India and His Lordship's  
Companion Justices of the Supreme Court of India.

The Humble Petition of the Petitioner abovenamed,  
MOST RESPECTFULLY SHEWETH :

1. That the Petitioner is a Society duly registered under the Societies Registration Act, 1860, and is engaged in taking up various common problems of the people for securing redressal thereof. The Petitioner Society has also brought to Court various constitutional problems. The Petitioner has an established locus standi in its capacity as a bonafide public interest organisation for taking up matters of general public importance. The Petitioner is submitting the present public interest Petition for consideration of the Hon'ble Court.
2. That Respondent No.1 is the Ministry of Human Resource Development of the Government of India, responsible for implementation of legislations relating to all aspects of Human Development including Education. Respondent No.2 University Grants Commission is the authority created under a statute for dealing with all administrative matters relating to the universities in the country. Respondent No.3 is the Medical Council of India, body created under the aegis of the Ministry of Health and Family Welfare for dealing with all problems relating to medical institutions including hospitals as well as teaching institutions. Respondent No.4 , All India Council for Technical Education is the authority established under the Ministry of Human Resource Development for dealing with all problems relating to the institutions concerned with Technical Education.

3. That there are reports of very serious manipulations and stratagems being resorted to by various unscrupulous elements which are creating conditions jeopardising appropriate career development of young students who look forward to acquire education and degrees for exploring avenues of their employment. Numerous advertisements frequently appear in the newspapers and magazines offering admissions to students in various universities and institutions, in India and abroad, in different areas of study including engineering, medical, computers etc. The aspiring young persons are lured by these attractive advertisements and arrange funds for defraying the cost of admission, travel, board and lodging. A number of these universities and teaching institutions have apparently developed during the last few years.

4. That this matter has been taken up by the Petitioner with Respondent No.1 and also with Respondents No. 2, 3 & 4. Various reports, which have appeared in the newspapers on the subject, have been brought to their notice. Some of these newspapers reports are submitted at Annexure 'A'. It will be evident from these Press reports that these development are considered as a matter of serious concern. It was inter-alia mentioned in a newspaper report (HT dated 22-8-98) that thousands of aspiring medical students are being duped by several agencies which are promising them admissions in medical colleges in various countries; they are charging as much as Rs 2.00 lakhs for securing admission; the cost of other expenses including Air fare, accommodation charges, and other expenses stated to be another Rs 4.00 lakhs annually. It



is stated in this newspaper's Report that many of the medical colleges thus advertised are likely to be derecognised by the year 2001 A.D. by Respondent No. 3, the Medical Council of India. The Petitioner had brought this matter to the notice of Respondent No.1 through the letter dated 29-8-1998 (Copy at Annexure 'B') with copy to Medical Council of India. Likewise, the Petitioner also brought to the notice of Respondent No.1 and Respondent No.4, All India Council for Technical Education (Annexure 'C') vide letter dated 3-10-1998, the reports of a number of engineering colleges of doubtful competence being set up and operating, charging heavy fee. Respondent No.3, Medical Council of India in its letter dated 24-10-98 (Annexure 'D'), expressed its inability to deal with the matter of aspiring students being attracted abroad for medical studies because it did not have any authority or power to take action against any agency or Agents who are reported to be duping the aspiring students. University Grants Commission sent to the Petitioner (vide their letter dated 15-8-1998 - Annexure 'E') a list of 18 universities found to be fake. The Petitioner wrote to the University Grants Commission (vide letter dated 8-10-1998 - Annexure 'F') enquiring whether UGC has the requisite powers to deal with fake universities and other institutions.

5. That eventually Respondent No.1 set up a Task Force for examining and submitting Report on the setting up of private universities and mushrooming of fake colleges and universities. The Task Force was constituted by Order dated 7-7-1998 (Annexure 'G'). It appears to have submitted its Report in September, 1998. The Report of the Task Force is quite comprehensive. Its copy is placed at Annexure 'H'. Following important points emerged from this Report :-

- (i) Several instances of universities and institutions, not established under law, and distributing degrees to students, have been known to the Government of India for about ten years.
- (ii) The Committee on Petitions of Lok Sabha took the cognizance of these reports and made the following specific recommendations :
- (a) "The machinery for watching implementation of the provisions of the UGC Act may be streamlined and made more effective and purposeful. If need be, the provisions of the UGC Act may be suitably amended so that there is a self-working system aimed at checking the activities of institutions/organisations which tend to exploit the gullible youth by resorting to illegal methods.
- (b) The penalty envisaged in Section 24 appears to be too mild. In order that it may have a deterrent effect, it may be suitably enhanced and even imprisonment may be provided for amending the relevant section of the Act."

University Grants Commission Act mentioned above in sub-para (b) is only to the effect that fine of Rs 1000/- will be levied for the offence besides provision of penalty of sentence to imprisonment for three months. The Task Force has said that this punishment has over the years become a "joke".

- (iii) A Bill for amending the University Grants Commission Act was introduced in Rajya Sabha in December, 1991 providing for severe punishment under Section 24 of UGC

raising the fine to Rs 1.00 lakh and sentence of imprisonment to six months. This Bill was withdrawn in 1995 and fresh Bill was introduced in June, 1995, in Rajya Sabha. This new Bill has provided for punishment upto three years and fine of Rs 1.00 lakh. Once again for various other reasons, the Bill was withdrawn.

- (iv) The Task Force pointed out that there have been reports of 18 universities having been found to be fake and that the Association for Indian Universities has named ten other universities to be fake. This problem, according to Task Force, needs to be attended to by the Government.
- (v) Accordingly, the Task Force has suggested that an Ordinance should be proclaimed "within the next few weeks", obviously because of the importance and urgency of the matter. The Task Force has stated that issuance of Ordinance will have two advantages; one that the matter would be taken care of without any further loss of time because more than four decades have already gone by, and second if the issue is linked up with the passage of new UGC Amendment Act, the enactment may take anything from few months to a few years. It has been urged by the Task Force, therefore, that a decision on this matter cannot be delayed any further; issuance of an Ordinance would ensure this.



(vi) The Task Force has also suggested certain modifications in Section 20(3) and Section 23 of the UGC Act and has specifically suggested that Section 24 of the Act should be amended as follows:

"Whoever contravenes the provisions of Section 22 or Section 23 shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and shall simultaneously be liable to fine which shall not be less than one lakh rupees but which may extend to ten lakh rupees.

"If the person contravening is an association or a body of individuals, every member of such association or body who knowingly or willfully authorize or permit such a contravention shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to ten lakh rupees."

The suggestion of Task Force, in substance, is that the offences should be cognizable and non-bailable. In regard to the registration of the colleges by any university, the Task Force has made certain concrete suggestions. These appear in paragraph 4.3 of its Report. Various other recommendations have been made by the Task Force in relation to establishment and recognition of any university, conduct of examinations, awarding of degrees by the universities, and other connected matters.

6. That the Petitioner has since written to the Respondent No.1 ( Annexure I ) dated 14-8-99 enquiring as to what action has been taken on the recommendations of the Task Force. The Petitioner had previously also made this enquiry vide letter dated 23-11-98 (Annexure J ). No reply has yet come forth from the Respondent No.1. The subject is of obvious importance and urgency, and it is a matter of serious concern that no communication

is yet available from the Respondent No. 1 whether or what action has been taken on the recommendations of the Task Force.

7. That meanwhile the Petitioner has noticed that newspapers are continuously carrying all sorts of advertisements relating to various training programmes which are being offered by certain institutions and organisations. The Petitioner has, as an instance, communicated to the Respondents No. 1, 3 & 4 (Annexure 'K') dated 26-10-99 copies of 28 advertisements which were culled from three newspapers of Delhi on three recent dates. Particulars of these advertisements are mentioned in this Annexure. It has not been considered necessary to burden this Petition with photo-copies of these 28 advertisements. The fact of appearance of these various advertisements, making claims of their accreditation and competence, furnishes indication of the gravity of the matter which necessitates immediate action by Respondent No.1 in consultation with Respondents No. 2, 3 & 4.

8. That in view of the above, the present Petition is being preferred on the following

GROUND

(a) Because during the past many years there has been proliferation of various institutions and organisations claiming status of universities accredited institutions and competent organisations making all sorts of alluring efforts to the young students for development of their careers by giving them training and courses in various disciplines and awarding them degrees, charging high fees for these.



- (b) Because enquiry made by the University Grants Commission Respondent No. 2 has shown that 18 such institutions claiming the status of universities were found to be fake universities and it has been reported that ten more such institutions are believed to be fake universities.
- (c) Because a number of other organisations and institutions, claiming to be competent to give training programmes in specified subjects, including medical, which have been and are advertising their programmes to attract students for development of their careers, may possibly include fake institutions and organisations which are charging high fees and luring young students through such advertisements.
- (d) Because the Petitioner has not been able to get any satisfactory response from any of the Respondents to the communications sent to them on the subject. The Petitioner was eventually informed that a Task Force had been set up by Respondent No.1 to go into this entire matter and to come forth with definite recommendations. The Task Force was constituted by the Order dated 7-7-98 ; it has since submitted its Report embodying specific recommendations. Among its recommendations the Task Force has suggested immediate action by Respondent No.1 through issue of an Ordinance, inter-alia making necessary amendments in the existing UGC Act wherein punishment to offender in this context is limited only to fine of Rs 1000/- and



sentence of three months' imprisonment. This punishment is found to be too inadequate to create any deterrent effect. Suggestion has been made to increase sentence of imprisonment to three years and infliction of fine to Rs 1.00 lakh. Envisaging that it will take a long time to get the amendment made in the Act through the Parliament, the Task Force has suggested the issue of an Ordinance which would be followed up by getting the requisite amendment effected through the Parliament. No information is yet available as to what action is contemplated by Respondent No.1 on these important recommendations of the Task Force. The matter has been before the Respondent No.1 for quite a few months.

9. That the above grounds are being taken without prejudice to one another and the Petitioner craves leave to add to or to amend the above.

10. That the present Petition is being submitted bona fide and in general public interest.

11. That no other Writ Petition or Proceeding has been initiated by the Petitioner in any High Court or the Supreme Court of India on the subject matter of the present Petition.

12. That the Petitioner has no alternative equally efficacious remedy in law for the cause of action being agitated herein.

PRAYERS

In the above premises, it is prayed that this Hon'ble Court may be pleased:

- (i) to issue a writ, direction or order or in the nature of mandamus and/or any other appropriate writ, direction or Order directing Respondent No.1 in consultation with Respondents No. 2, 3 & 4 where necessary.
- (a) to indicate to the Hon'ble Court as to what concrete steps are proposed to be taken on the recommendations of the Task Force constituted by the Order dated 7-7-98 (Annexure 'G' ) and when will these steps be taken;
- (b) to communicate as to how the present menace of mushrooming and proliferating incompetent and non-accredited "teaching shops", making various offers of courses and training programmes to young persons, can be effectively checked;
- (c) to consider ways and means, and to report to the Hon'ble Court, as to what steps can be taken to launch immediate enquiry into the capability, eligibility and competence of the institute or organisation or university claiming to offer specific training programmes or courses for career

development of young persons, and to initiate appropriate action against those institutions, organisations and universities which are found to be fake or incompetent to offer such courses and training programmes;

(d) to pass such other and further orders as may be deemed necessary on the facts and in the circumstances of the case.

FOR WHICH ACT OF KINDNESS, THE PETITIONER SHALL AS IN DUTY BOUND, EVER PRAY.

Petitioner

Through

H. D. SHOURIE  
DIRECTOR, COMMON CAUSE.

New Delhi

Dated: