

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).24295/2004

(From the judgement and order dated 24/06/2004 in WP No. 30845/2003 of The HIGH COURT OF

KERALA AT ERNAKULAM)

UNIVERSITY OF KERALA

Petitioner(s)

VERSUS

COUNCIL, PRINCIPALS', COLLEGES, KERALA & ORS

Respondent(s)

(With prayer for interim relief and office report )

WITH SLP(C) NO. 24296-24299 of 2004

(With prayer for interim relief and office report)

Date: 12/12/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner(s)

Mr. Rajinder Sachar, Sr. Adv.

Mr. R. Sathish, Adv.

Mr. M.K.Chandramohan Das, Adv.

Mr. Gopal Subramaniam, ASG

Mr. R.Satish, Adv.

For Respondent(s)

Mr. E.M.S. Anam, Adv.

Mr. K.R. Sasiprabhu ,Adv

Mr. Balraj D. Dewan, Adv.

Mr. M.K. Michael ,Adv

Mr. M.K.D. Namboodiri ,Adv

Mr. Shivaji M. Jadhav ,Adv

UPON hearing counsel the Court made the following

O R D E R

Heard Mr. Gopal Subramaniam, learned Additional Solicitor

General, learned counsel for the Association of Indian Universities and other

parties in the proceedings.

Certain suggestions have been given as to the modes governing elections to the Students' Unions. Mr. Gopal Subramaniam, learned ASG suggested the three areas which need focussed attention are:

- (a) Criminilisation in Students' Union elections.
- (b) Financial transparency and limits of expenditure.
- (c) Criterion for being eligible to contest elections.

Certain suggestions have also been made by the counsel, the Principals of Colleges i.e. respondent no. 1. The suggestions prima facie appear to focus on the aforesaid areas. Therefore, we direct constitution of a Committee by the

Ministry of Human Resources and Development, Union of India. The members of the Committee shall be

1. Mr. J.S.Lyngodoh, Retd. Chief Election Commissioner
2. Dr. Zoya Hasan
3. Professor Pratap Bhanu Mehta

4. Dr. Daya Nand Dongaonkar (Secretary General of the Association of Indian Universities).

Two other members shall be nominated by the Ministry of Human Resources and Development. It shall be ensured that while nominating the members, one of them should be preferably a Chartered Accountant as financial angles are to be examined. Dr. Daya Nand Dongaonkar shall be the Convenor of the Committee. The Committee shall recommend its views on the relevant aspects including those highlighted by learned Addl. Solicitor General and the suggestions made by respondent No. 1. In addition, they shall also make recommendations on aspects which are required to be observed to maintain academic atmosphere in the educational institutions and stress should also be to see as to how indisciplines and divisions on the basis of political beliefs and such other avoidable considerations. The Committee shall express its views as to the eligibility of candidates e.g. maximum age limit, standard of educational performance, maximum ceilings of expenses for the election, indication of the sources for expenditure. It shall also examine as to whether it would be desirable to require the candidates to submit details of expenditure, furnishing of returns by the Union in respect of its transactions and scrutiny of the returns. They shall also suggest a forum for ventilating grievance in case a dispute arises as regards the fairness, eligibility of the candidate and/or the non-

observance of norms while holding the elections. The Ministry of Human Resources

and Development is requested to

constitute and notify the Committee within a period of three weeks. We request the

Committee to submit its report to this Court within a period of four months from the

date of notification of the constitution of the Committee. The Committee shall issue

notices to such parties as it deems proper and invite suggestions from those interested

in the subject matter and consider them. The Committee shall give its suggestions in

respect of the elections to University colleges and the affiliated colleges. Wide publicity

of the constitution of the Committee and the invitation of suggestions to be given to the

Committee shall be made by the Ministry of Human Resources and Development. A

copy of the order be handed over to the learned Additional Solicitor General for

necessary follow-up action. It needs no emphasis that while making the

recommendations, the Committee shall also focus on the need to

ensure that undesirable elements do not enter into the unions which would be

undesirable for having academic atmosphere in the institutions. The matters shall be

listed after submission of report by the Committee.

(Shashi Sareen)

Court Master

(Vijay Aggarwal)

Court Master