

(2015) 11 KL CK 0038

In the High Court Of Kerala

Case No : W.P.(C). Nos. 30126 and 30204 of 2015

Kerala Self Financing Engineering College Managements
Association

APPELLANT

Vs

Mahatma Gandhi University

RESPONDENT

Date of Decision : 09-11-2015

Acts Referred:

Constitution of India, 1950 — Article 14

Mahatma Gandhi University Act, 1985 — Section 5(xa), 5(xvii)

Citation : (2015) 4 KLJ 688 : (2015) 4 KLT 652

Hon'ble Judges : V. Chitambaresh, J.

Bench : Single Bench

Advocate : Kurian George Kannanthanam, Sr. Advocate, Tony George Kannanthanam, Thomas George and Alexander Jospeh, for the Appellant; Varughese M. Easo and Anitha Ravindran, Senior Government Pleader, for the Respondent

Final Decision : Disposed Off

Judgement

V. Chitambaresh, J.—A conference of the Vice Chancellors of the various universities in the State was convened by the Chancellor (The Governor of the State of Kerala) on 27.10.2014 at Ernakulam. One of the decisions taken in the meeting pertains to the installation of Closed Circuit Television Camera (CCTV Camera) in the examination centers of institutions. The syndicate standing committee on examination of the Mahatma Gandhi University accordingly on 20.3.2015 resolved to direct the installation of CCTV cameras. It was decided to direct the Principal of all self-financing institutions affiliated to the university to install CCTV cameras in the examination halls in the first phase. The Vice Chancellor of the university accorded sanction for the same as is discernible from the order dated 8.4.2015 issued by the Registrar of the university. The Registrar of the university by order dated 18.4.2015 issued instructions for installation of CCTV cameras in the examination hall. The instructions specified particular brands of CCTV camera of a specified storage capacity and the same was

confined to the self-financing institutions only. The instructions further stipulated that the hard disk should be retained in the safe custody of the Principal to be produced before the university as and when required. The orders aforesaid dated 8.4.2015 and 18.4.2015 issued by the Deputy Registrar-I (Acad) on behalf of the Registrar of the University are impugned. The challenge is by the Kerala Self-Financing Engineering College Managements Association and All Kerala Private Arts and Science Unaided College Management Association. They are primarily aggrieved by the fact that particular brands of CCTV cameras are insisted and that self-financing institutions alone have been targeted. The university adopted the stand that it being the statutory authority to conduct examinations and award degrees has the powers to fix the minimum infrastructural facility to be provided. The installation of CCTV cameras as opined by the Chancellor was to improve the conduct of examinations and the quality of evaluation. True it is that particular brands of CCTV cameras was earlier insisted for uniformity and authenticity which condition has since been diluted. The managements are now free to select the brands of their choice of CCTV cameras for installation as is clarified by the order dated 14.10.2015 of the Registrar. Sections 5(xa) and 5(xvii) of the Mahatma Gandhi University Act, 1985 are relied on to contend that the University is well within its powers to issue such instructions.

2. I heard Mr. Kurian George Kannanthanam, Senior Advocate on behalf of the petitioner in W.P.(C) No. 30126/2015 and Mr. Alexander Joseph, Advocate on behalf of the petitioner in W.P.(C) No. 30204/2015. I also heard Mr. Varughese M. Easo, Standing Counsel for the Mahatma Gandhi University as well as Mrs. Anitha Ravindran, Senior Government Pleader.

3. The time has come for the CCTV cameras to be installed in the examination halls of the educational institutions as has been rightly opined by the Chancellor of the University. CCTV cameras meant for surveillance installed earlier in sensitive areas only have now spread to other places and even near Automated Teller Machines (ATM). The necessity to install CCTV cameras in the examination halls has arisen in view of the reporting of rampant copying during the examinations. The students may perhaps misuse the liberty given by the invigilators and indulge in impersonation or copying from bits and score high marks. The students who take pains to study and write the examinations without indulging in such mal-practices would end up getting lesser marks much to their disgust and frustration. The installation of CCTV cameras would certainly act as a deterrent for a student to indulge in the mal-practices aforesaid for fear of being detected eventually. This is not to say that such CCTV cameras should function even for class internals or viva voce even though the same may be insisted for the external examinations. The external examinations conducted by the university should be free from all mal-practices and one of the remedies is the installation of CCTV cameras. Such surveillance is necessary only in the examination halls lest the privacy of the students and the staff are infringed by continuous use at other places and times. The step taken by the university in that regard in deference to the wishes of the Chancellor to improve the quality of

examinations has to be applauded.

4. The jurisdiction of the university to carry out the aforesaid directions in deference to the opinion of the Chancellor can be traced to the provisions of the Mahatma Gandhi University Act, 1985. The university has the powers to fix the minimum infrastructural facilities that shall be provided in an unaided college under S. 5(xa) of the Mahatma Gandhi University Act, 1985. The university vested with the right to award degrees has a concomitant duty to conduct the eligibility examination free from all mal-practices including copying. The conduct of the examinations in such a manner will certainly add to the impetus to study for a student thereby enhancing the quality of the course itself. The power to do such acts to further the objects of the university as a teaching and examining body can be found in S. 5(xvii) of the Mahatma Gandhi University Act, 1985. I am not prepared to accede to the contention of the petitioners that the university lacks power to issue instructions to install CCTV cameras. It appears that particular brands of CCTV cameras manufactured by NIC, C-DIT or KELTRON were earlier insisted by the university obviously to achieve uniformity and authenticity. The petitioners have their own explanation to choose other brands and the university has later given a free hand to the managements to select brands of their choice. The challenge in the Writ Petitions that particular brands are insisted for installation of CCTV cameras has therefore to be turned down. The only other ground which the petitioners want to canvass is that the self-financing colleges affiliated to the university should not have been singled out. I find justification in the contention of the petitioners in that such mal-practices have been reported even in the aided colleges affiliated to the university. The alleged copying during examinations by a high ranking officer sparked controversy recently and the Government colleges are not free from this menace. It is true that the self-financing colleges alone have been treated differently in the matter of the insistence to install CCTV cameras in the examination halls. The discrimination can be ironed out by directing all the colleges in the State (whether it be self-financing, aided, unaided or Government) to install CCTV cameras. The Secretary to the Department of Higher Education who is the fifth respondent in the W.P.(C) No. 30204/2015 shall take the necessary follow up action in this regard. Every endeavour shall be made to install CCTV cameras in the examination halls of the colleges to function during examination hours by 1.6.2016. To choose a category of colleges alone for installation of CCTV cameras will fall foul of Article 14 of the Constitution of India which has to be averted. The only remedial way is either to do away with installation or do the installation in all colleges and I opt for the latter taking note of the social commitment.

The Writ Petitions are disposed of. No costs.