

PNQ

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Debate No. 27 of 31.07.2007

ORAL ANSWERS TO QUESTIONS

EASTERN INSTITUTE FOR INTEGRATED LEARNING IN MANAGEMENT (EIILM) – MAURITIUS BRANCH CAMPUS

The Leader of the Opposition (Mr N. Bodha): *(By Private Notice)* asked the Minister of Education & Human Resources whether, in regard to the registration of a Branch Campus of the Eastern Institute of Integrated Learning Management University, Sikkim (EIILM), in Mauritius, he will, for the benefit of the House, obtain from the Tertiary Education Commission, Information as to –

- (a) the status of the University as set by the appropriate accrediting body in the country of origin, indicating the courses offered and the qualifications awarded so far and their recognition by the University Grants Commission of India; and
- (b) the courses accredited by the Tertiary Education Commission for the Branch Campus and the recognition of the qualifications to be awarded to those already enrolled.

Mr Gokhool: Mr Speaker Sir, with your permission, I'll answer the PNQ and also PQ No. B/934 as it relates to the same issue and I am prepared to answer supplementary questions relating to this question.

Mr Speaker, Sir, as indicated in my reply to the PNQ of the Leader of the Opposition on Tuesday 24 July 2007, it is the policy of the Government, as part of the ongoing education reform program, to increase access to tertiary education.

As, also indicated in the National Human Resource Development Plan, highly trained and educated manpower is the single most important condition for the country's transition to a knowledge based society. The present unemployment profile in the country is such, that only 5.5% of the unemployed have tertiary education while the newly emerging sectors in the economy, including amongst others Finance, ICT, Manufacturing, Tourism, the Knowledge-Hub, the Land-Based Oceanic Industry and, the Agro Industry require a manpower profile with a high academic/professional background. The nation's Human Resource Development Plan clearly indicates, that over the coming years the above sectors will require around 11,000 trained personnel at tertiary and professional levels

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As also indicated, the Gross Tertiary Enrolment ratio, that is, the percentage of people in the age group 20-24, enrolled in tertiary education, is on the increase from 26,074 in 2004 to an expected 35,000 in 2007. From an increase of 24% in 2004, it is estimated to reach 40% in 2010.

The Tertiary Education Commission is the agency set up by Government and has as objects to promote, plan, develop and coordinate post-secondary education in Mauritius and to implement an overarching regulatory framework to achieve high international standard.

Education development should, therefore, be viewed as a national priority and as true patriots, we must not do anything that may jeopardize the future of this sector in particular in relation to countries who have supported the development of Mauritius.

Mr Speaker, Sir, with regard to part (a) of the question, every university has its own internal mechanism, that is, its senate or a similar organ which accredit the programmes. In some cases, an institution may require an external body. In the case of EIILM, it can confer its own degree, it can approve its own programme. In other words, it has its own accreditation system. It is confirmed by sections 22 and 23 of the UGC Act, which, with your permission, I will quote, Mr Speaker, Sir.

Section 22 - Right to confer degrees –

“The right of conferring or granting degree shall be exercised only by a University established or incorporated by or under a central Act, a Provincial Act or a State Act or an institution deemed to be a University under section 3 or an institution specially empowered by an Act of Parliament to confer or grant degrees.”

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It is important to note that in view of section 22 of the UGC Act -

“The right of conferring or granting degrees shall be exercised only by a University or an institution deemed to be a University under section 3 or an institution specially empowered by an Act of Parliament to confer or grant degrees.”

What is a degree and what it connotes is not given in the UGC Act, but the meaning of the word was given in dictionaries and standard books.

Mr Speaker, Sir, from its inception, Eastern Institute for Integrated Learning in Management (EILM) had run the Postgraduate Diploma in Business Management (PGDBM) approved by All India Council of Technical Education, Government of India. The Institute started offering MBA programs under Visva Bharati, a Central University since 1999. EILM got the status of ‘Constituents College of Visva Bharati’. Visva Bharati had involved EILM faculty representatives on its “Board of studies”; the examination papers were set and evaluated also by different faculty members of EILM. EILM carries the legacy of having conducted the University of Bradford’s BBA (Honors) program for one full-term (1998-2001). Proving the credentials of world-class learning environment, a student at EILM campus secured the highest position (gold medal) among all the students. EILM has a history of achieving global quality standards through: EQUIS (European Quality Certification for University Education), reciprocal acceptance of academic standard by University of Bradford, UK and AICTE, Government of India at the same time. The faculty EILM enjoys wide acceptance in the national and international academic community.

By way of example, let me state that before becoming a University in Mauritius, the University of Mauritius was operating as a College of Agriculture. The same pattern is being used by DCDM, UTM (which was previously MIPAM and SITRAC). This trend is worldwide. This is a developmental process in the tertiary education sector.

EILM, Sikkim, does not require recognition by UGC in line with its Act and I quote the latest judgement -

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“A full-fledged State government recognised University under Amity University, Uttar Pradesh Act of 2005, the varsity till now had escaped university status under the UGC Act, much to the detriment of students.

The Delhi High Court directed the UGC to include the varsity’s name in the universities listed on its website. It ruled that institutions “incorporated or established” by a Central, State or Provincial law as a “university” are independent of official recognition or approval by the Commission.

The ruling from the Court came on a petition filed by Amity University challenging its non-inclusion in the website listing state-wise the number of recognised universities imparting higher education in the country.”

This is the judgment -

“I find that there is no provision either in the UGC Act or in the regulations which require a recognition/approval of the UGC before a University is regarded as one under the Act.”

Mr Speaker, Sir, there are some 45 undergraduate and postgraduate courses offered in thirteen different fields. There are no qualification awarded so far and it has *de facto* recognition by virtue of being set up by an Act of Parliament and there is the academic guide to study EILM University where all the programs that the University proposes to offer is provided. There are 13 departments and this is the document which exists to guide the students.

As regards paragraph (b) of the question, a similar question, as I mentioned earlier, has been put and I am going to answer that. I am providing the following information –

The Institution, that is, the Mauritius Branch Campus has advertised for the following seven courses –

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Bachelor in Business Administration
Master in Business Administration
Bachelor of Computer Application
BA Journalism & Mass Communication
BA Advertising & Mass Communication
BA Hospitality Management
BA Fashion Marketing & Promotion.

However, it is to be noted that only one programme was submitted for accreditation, namely, Bachelor in Business Administration and to date this has been accredited. Six other programmes namely, Master in Business Administration, Bachelor Computer Application, BA Journalism & Mass Communication, BA Advertising & Mass Communication, BA Hospitality Management, BA Fashion Marketing & Promotion was submitted to TEC for accreditation and are currently under process for accreditation.

As pointed out earlier, the courses at Sikkim are self accredited by virtue of its being set up by an Act of Parliament. However, our framework here requires that they be accredited by TEC as well. This process is under way.

As regards the recognition of the qualification, it is to be noted that no one has been enrolled to date, but applications have been received. For those who will be enrolled on the Bachelor of Business Administration Course (which has already been accredited by TEC), the degree is already recognised by virtue of being already accredited by TEC.

Thank you, Mr Speaker, Sir.

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(PNQ Contd.)

Mr Bodha: Mr Speaker, Sir, I thank the hon. Minister for the answer. In view of the fact that we are upholding the authority of the apex body of Tertiary Education in India whether - the hon. Minister has cited the UGC Act - he will agree with me that under section 2 (f) of that Act and I quote -

“University” means a University established or incorporated by or under a central Act, a Provincial Act or a State Act, and includes any institution as may, in consultation with the University concerned, be recognised by the Commission in accordance with the regulations made in this behalf under this Act.”

My first question is whether he will agree with that definition of University, that is, section 2 (f)?

Mr Gokhool: Mr Speaker, Sir, I don't have a legal background, but I will try to answer this question. I think the Leader of the Opposition is right to refer to the Act, but I have also referred to a judgment in Court which has given interpretation to the Act whereby it says this is not required. I am going by the judgment which is the latest one.

Mr Bodha: Mr Speaker, Sir, in view of the fact that the hon. Minister has cited section 22(1) –

“On conferment of a degree (...)”

He is right. But he has to cite section 22(3) because he mentioned that “degree” is a degree as per dictionary meaning, but the Act itself, Mr Speaker, Sir, defines “degree”. May I ask him whether he is aware that section 22(3) says –

“For the purposes (...)”

He has been misled in the answer.

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(PNQ Contd.)

“For the purposes of this section, “degree” means any such degree as may, with the previous approval of the Central Government, be specified in this behalf by the Commission by notification in the official Gazette.”

That is the official Gazette of India. That is the definition of the “degree”. Will he agree with me?

Mr Gokhool: Mr Speaker, Sir, as I said in my main reply, the University (EIILM) Sikkim has been created by an Act of Parliament of the State and I have already indicated that there is no need for the institution to be recognised, because it has got its own laws; and, secondly, I have here the authority from the apex Ministry. The Leader of the Opposition is referring to the apex Commission. I am going to refer to the apex Ministry which looks after higher education in India. I quote the communication which has been addressed to TEC –

“Higher education, being in the concurrent list both the central as well as State Government, are empowered to establish universities.”

But, in this case, it is simply a branch; it is not yet a university.

Mr Speaker: Can I remind the hon. Minister that when he is quoting from documents he has to lay these on the Table of the House?

Mr Bodha: Mr Speaker, Sir, is the hon. Minister aware that in the regulations of TEC, section 4 (d) says –

“In the case of an overseas applicant, documentary evidence certifying that –

- (i) the parent institution operates lawfully as a University or deemed University and is accredited by the appropriate accrediting body and is reckoned to be a brand name institution in the country of origin;”

My question is whether the EIILM Sikkim qualifies under this regulation of TEC?

D27P03CO1
PNQ (contd)

Mr Gokhool: Mr Speaker, Sir, as I answered in my PNQ last week, the criteria and procedures for TEC are well laid down and any applicant must ensure that it satisfies them. These have been satisfied. If there is any problem between EIILM and UGC, this has to be sorted out between them, but for our purpose, EIILM should satisfy all the conditions laid out. Should EIILM not satisfy or if there is information to the contrary, then TEC can act because the registration is not given indefinitely. There is a timeframe which is given and if there is any information contrary to what is required, then, TEC will have to assume its responsibility.

Mr Bodha: Mr Speaker, Sir, the hon. Minister has referred to section 2 (f). May I ask him whether there was a letter sent to UGC in India dated 26 January 2005, addressed to Dr. Teeluck Ken, Secretary, UGC on the subject of Eastern Institute of Integrated Learning Management University, Sikkim, and whether he has been made aware of the answer of the UGC which was sent to me this morning by fax? May I ask him whether he is aware that there was a written letter by TEC regarding UGC?

Mr Gokhool: Mr Speaker, Sir, with regard to the processing of application, TEC can seek information. It does not need to have the green light. It has to satisfy itself that all the information are provided so that the application can be processed. TEC may seek information not only from UGC, but from other universities as well, because it has to satisfy that the conditions are being complied.

Mr Bodha: Mr Speaker, Sir, as the hon. Minister has not answered my question, to enlighten the House may I read what the undersecretary of UGC has written on 18 March—

“Kindly refer to our email 26 January. In this regard I am directed to inform you that the Eastern Institute of Integrated Learning Management University, Sikkim, is not included in the list of universities under section 2 (f) of the UGC Act 1958.”

May I lay this on the Table, Mr Speaker, Sir?

(Interruptions)

D27P03CO2
PNQ (contd)

This is a document sent by the UGC to TEC. May I ask why the TEC Board members have not been notified of this document, Mr Speaker, Sir, which dates back to March? We know that on the Board paper of 07 April, there is one paragraph saying that a recommendation is being put in abeyance until the answer of UGC. May I know whether he has this document, Mr Speaker, Sir?

Mr Gokhool: Mr Speaker, Sir, the Leader of the Opposition is referring to a letter. I am sure he is having a lot of information; we know how this is happening.

(Interruptions)

As I said, this is a serious matter and I just mentioned that TEC is duty bound to seek information. I am aware of the letter which the hon. Leader of the Opposition is referring to. That is why I am saying ..

(Interruptions)

Mr Speaker: Order!

Mr Gokhool: Mr Speaker, Sir, I think I have answered the question of the hon. Leader of the Opposition. I think the way a Board operates is very simple. The Chairman decides on the agenda and the Secretary of the Board ensures that all documents are laid down.. It is not necessary that all the documents go to the Board. The Board has to be

(Interruptions)

Mr Speaker, Sir, The Board is provided with all the information that is available and, on that basis, the application is processed.

Mr Bodha: Mr Speaker, Sir, a lot has been said about the relationship between UGC and TEC. May I lay on the Table of the Assembly an agreement, which is a MoU, signed between the TEC and the University Grants Commission on 18 April 2007? When the UGC Chairman came to Mauritius on a visit between 15 and 19, Mr Speaker, Sir, do you know what is said there? First of all...

Mr Speaker: Can I request the hon. Leader of the Opposition to put it in the form of a question?

Mr Bodha: Mr Speaker, Sir, is he aware of the following ...

(Interruptions)

D27P03CO3
PNQ (contd)

Mr Speaker: Order! Order!

Mr Bodha: In this Memorandum, is he aware that the University Grants Commission – it is said that it is an agreement between TEC and UGC - is set up under the UGC Act 1956 and is responsible for providing funds, coordination and determination and maintenance of standards in institutions of higher education in India? This was signed in Mauritius. May I ask him whether he is aware of two beautiful paragraphs, Mr Speaker, Sir? First, paragraph 9 reads as follows –

“Mutual recognition of qualifications and equivalence of qualifications. Both parties commit themselves to collaborate on issues pertaining to recognition and equivalence of qualifications according to the rules and procedures in their respective countries.”

That is, in India and in Mauritius. But paragraph 10 is even better. It relates, Mr Speaker, Sir, to the registration and recognition of institutions and accreditation of programmes - that is why I framed the Private Notice Question as I did and it says, Mr Speaker, Sir –

“Both parties commit themselves to collaborate on issues pertaining to registration, recognition of institutions and accreditation programme according to the rules and procedures of the respective countries.”

Mr Speaker, Sir, this was signed on 18 and flouted on 03 May. May I ask him whether he is aware of all this?

Mr Gokhool: In fact, when the UGC delegation came, I met them. It was MoU with regard to staff development and other issues

(Interruptions)

Mr Bodha: May I lay this document on the Table?

Mr Gokhool: Mr Speaker, Sir, he is referring to ...

(Interruptions)

Mr Speaker: Let the Minister answer! Order!

D27P03CO4
PNQ (contd)

Mr Gokhool: Mr Speaker, Sir, he is referring to paragraphs 9 and 10 which relate to intentions that there should be mutual recognition. As I indicated in the first part of my reply, the EIILM, Sikkim, is created by Act of Parliament. I have already said in my main reply that there is no need for it to apply for recognition. Let me also inform the House that EIILM has applied to UGC; it does not need to, but just like we accredit a programme and once the programme is accredited, we do not have to seek the recognition of EIILM, because we have our own mechanism to accredit the programme. Similarly, EIILM may apply to accredit its programme with UGC, but it is not really necessary, because it is a university by itself; it has got its internal mechanism for accreditation.

(Interruptions)

Mr Speaker: Order! Order!

D27/P04/mt/1

(pnq) contd.

(Interruptions)

Mr Speaker: Order! Order!

Mr Bodha: Mr Speaker, Sir, as the hon. Minister cited a case in the High Court of India, may I ask him whether he is aware of another case in the Supreme Court of India, which is the writ petition, No. 19 of 2004, which establishes the supremacy of Indian Parliament over State legislation. Is the hon. Minister aware that in the Regulation it is said that "all the regulations shall apply (...)"

(Interruptions)

Mr Speaker: Order!

Mr Bodha: ..."(....) to every private university established by, or incorporated, under a State Act before, or after, the commencement of these regulations 2003"? Is he aware of this, Mr Speaker, Sir?

Mr Gokhool: Mr Speaker, Sir, these are Acts which are made in the Indian context....

(Interruptions)

Mr Speaker: Order!

Mr Gokhool: Is the hon. Leader of the Opposition implying that TEC or any other institution created by the Act of Parliament in Mauritius should seek the approval, or the green light, of another institution in another country?

(Interruptions)

This is not the case! But, there are arrangements at the level of TEC to ensure that all conditions are being complied, and if the conditions are not being complied...

(Interruptions)

Mr Speaker: Order!

D27/P04/mt/2

(pnq) contd.

Mr Gokhool: Mr Speaker, Sir, I have here from the website of UGC – I'll lay a copy on the Table of the Assembly – the list of universities which are considered not to be registered or approved by UGC, but EIILM does not appear on that list. What is accreditation? It means that university starts operation, it has got its Senate; it develops its programme and accredits the programme. Accreditation means recognition.

EIILM has recognized its programme; TEC has accredited one programme which means recognition...

(Interruptions)

Mr Speaker: Order! Order!

Mr Gokhool: The fact of the matter is that TEC has recognized one programme and that recognition holds.

Mr Bodha: Mr Speaker, Sir, as the Act of Parliament which created the EIILM, in Sikkim, was passed in April 2006, may I ask the hon. Minister whether there were any courses at that University of Sikkim for the academic year 2006-2007?

Mr Gokhool: Mr Speaker, Sir, as I have mentioned, 13 courses are being run. Otherwise, there is a whole list of programmes which the University proposes to run. Prior to that, as I have indicated in my reply, the university was an institution which was involved in tertiary education. That track record is taken into account and there are 13 courses which are offered at present.

Mrs Hanoomanjee: Mr Speaker, Sir, the hon. Minister has just said - and I believe this is serious – that TEC decided on the basis of information which was available at the time. Now that the hon. Minister has had additional information, can I ask him what he proposes to do?

D27/P04/mt/3

(pnq) contd.

Mr Gokhool: Mr Speaker, Sir, the information that is being provided by the hon. Leader of the Opposition is one side of the story.

(Interruptions)

He is referring to UGC, and now that the matter is a public issue, I think the onus and the responsibility is for UGC to ensure that ...

(Interruptions)

Mr Speaker: Order!

Mr Gokhool: It is for UGC to ensure that the procedures have been followed, that all the conditions have been fulfilled and inform TEC...

(Interruptions)

Mr Speaker: Order! Order, please!

Mr Gokhool: Mr Speaker, Sir, on the basis of the exchange which is going on, of course, we are taking notes of the points raised by the hon. Leader of the Opposition, but I think the onus lies with UGC to take appropriate action in the light of the information which is available.

Mr Mohamed: Mr Speaker, Sir, I would like to ask the hon. Minister the following. Following the fact that the hon. Leader of the Opposition has referred to writ petition, Civil No. 19 of 2004 of the Supreme Court of India, whereby he refers to this judgment of having reaffirmed the supremacy of the National Parliament over the Provincial or State Parliament – most probably the Leader of the Opposition is referring to what he, in fact, stated last week.

And I quote what he said last week from the Hansard –

“The Supreme Court ruling says –

The impugned Act which specifically makes provision enabling a University to have an off-campus centre outside the State is clearly beyond the legislative competence of the Chattisgarh legislature.”

D27/P04/mt/4

(pnq) contd.

This is what was said by the hon. Leader of the Opposition last week. And, is he aware that this judgment, which is in my hand, Mr Speaker, Sir, never says, anywhere in there that those are the words of the Supreme Court of India. In fact, and in truth, those are the words, as stated in paragraph 41, at page 65 of the judgment which Dr. Dhawan made to the Court and were never the words of the Supreme Court of India and in so doing he has misled Parliament.....

(Interruptions)

Mr Speaker: Order! Order! Order, I said! I'll request the hon. Member to withdraw the words "misled Parliament".

Mr Mohamed: May I withdraw it ...

Mr Speaker: No, the hon. Member should withdraw it without any qualification. That is my ruling.

Mr Mohamed: I withdraw the word 'misled', but then ...

(Interruptions)

Mr Speaker: No! I am sorry! The hon. Member should withdraw purely and simply, unequivocally, and without any 'but'!

Mr Mohamed: I do that, Mr Speaker, Sir.

(Interruptions)

Mr Speaker: Order! Let the hon. Minister answer!

D27/P04/mt/5

(pnq) contd.

Mr Gokhool: Mr Speaker, Sir, I think the hon. Member is right in referring to

(Interruptions)

Mr Speaker: Order!

Mr Gokhool: I am answering.

Mr Speaker: Hon. Minister, please address the Chair!

Mr Gokhool: Mr Speaker, Sir, I am aware and this is why I said in my main reply that on issues of such an importance we have to be careful in the way we provide information to the House. And that is why I think it is the duty of the hon. Leader of the Opposition to clarify the issue raised by hon. Mohamed.

(Interruptions)

Mr Speaker: The question is that a judgment has been cited on both sides of the House, including the hon. Minister. It is a matter of interpretation and, therefore, the question of misleading the House does not arise.

(Interruptions)

Order!

Mr Gokhool: I think it is very important in the context of the debate for the hon. Leader of the Opposition to clarify whether those were the words of the judge.

Mr Speaker: The hon. Minister cannot put questions to the hon. Leader of the Opposition.

D27/P04/mt/6

(pnq) contd.

Mrs Dookun-Luchoomun: Mr Speaker, Sir, may I ask the hon. Minister whether he does not consider that it is the responsibility of TEC to ensure that, whatever institution is set up here, in Mauritius, students get value for the money that they are going to spend on that?

Mr Gokhool: Mr Speaker, Sir, I think I'll refer the hon. Lady to the TEC Act and also to the Rules and Regulations of TEC as regards accreditation and I'll lay a copy of the document on the Table of the House. There is a whole set of procedures for accreditation and this is not the first time that TEC is accrediting programmes. TEC has been accrediting since it was created. The whole procedure is laid out precisely to safeguard the interests of the students.

Mrs Dookun-Luchoomun: It is clear, Mr Speaker, Sir, that TEC has failed to do so in this case. I would like to ask the hon. Minister whether he is going to see to it that TEC reviews the whole procedure so as to ensure that students are being given institutions of certain standards?

Mr Gokhool: As I have mentioned, Mr Speaker, Sir, there is a whole set of procedures laid out to ensure accreditation, that is, quality of programmes which are approved by TEC.

Mr Bodha: Mr Speaker, Sir, one course has been accredited in Mauritius. May I ask the hon. Minister whether the other applications are being considered by the TEC and how is it that the Chief Executive of the Branch Campus has stated in public, in advance, that he is sure that they are going to have accreditation for the five courses?

.../...

DR/D27/P05/01
(PNQ Cont'd)

Mr Gokhool: Mr Speaker, Sir, I cannot answer for what the Chief Executive has said. But what I can say is that one course has been accredited, others are in process, but this is not the first time. The hon. Leader of the Opposition will notice that there are many institutions which advertise programmes while they have sent their documents for processing by TEC or MQA.

Mr Bodha: Mr Speaker, Sir, in view of all that has been said, may I ask the hon. Minister and the hon. Prime Minister whether a Commission of Inquiry should not be put on that matter to set records straight and to see whether the registration was valid or not, according to the law in Mauritius and in India?

Mr Gokhool: This is part of the typical demagogical strategy of the Opposition.

(Interruptions)

Mr Speaker, Sir, I said

(Interruptions)

Mr Speaker: Order! Hon. Soodhun, order, please!

Mr Gokhool: In my reply to the previous PNQ, I said that, as Minister responsible for Education and Human Resources, I have to ensure quality and today I am going a little further. I am telling it to the House. If the Leader of the Opposition or the Opposition can prove that anything wrong has been done by TEC, I am prepared to take my responsibility.

Mr Speaker: Time is over! The Table has been advised that Parliamentary Questions Nos. B/893 and B/894 addressed to Dr. the hon. Prime Minister have been withdrawn. Questions addressed to Dr. the hon. Prime Minister!