

**BEFORE THE HON'BLE CHAIRPERSON H.P. PRIVATE EDUCATIONAL
INSTITUTIONS REGULATORY COMMISSION SHIMLA-171002**

Case No. 6 of 2015

Instituted on: 03-03-2015

Decided on: 01-04-2016

In the Matter of:

Manav Bharti University, Laddo, Sultanpur (Kumarhatti), Solan (HP)-173 229
through its Registrar.

Present: Dr. Akhilesh Ranaut, Officiating Registrar

ORDER

- I. Several complaints regarding issuing of degrees of un-approved courses by Manav Bharti University (MBU) have been received by the H.P. Private Educational Institutions Regulatory Commission (HP PERC) from different sources from time to time. These complaints were both general in nature that fake degrees are being awarded by MBU through unauthorised Study Centres and also specific reference about the individuals. In order to look into these complaints a Fact Finding Inquiry was ordered on 20.08.2014. The following were the members of Fact Finding Committee:

1. Shri CRB Lalit, IAS (Retired)
2. Shri Gian Chand Raita, Advisor, HP PERC Shimla
3. An Expert Officer as may be required by the Committee.

Against Sr. No.3, the officer associated was Mr. V.K. Vohra, Retired Additional Controller of Examinations/ Planning and Development Officer, HPU.

The terms of reference of the Committee were as under:

- (a) To examine the number of unapproved courses offered/run by the University since its inception.
- (b) To examine year-wise/course wise students admitted, admission criteria followed and students passed out in respect of courses mentioned in the complaints.

- (c) To examine whether the degrees/ certificates/ diploma awarded by the University in respect of courses mentioned in the complaints (were as per UGC/ AICTE norms?
- (d) To examine whether the University has opened any study centre/ examination centre outside its campus?
- (e) To examine the specific complaints as received by the Regulatory Commission.
- (f) Any other matter incidental to the complaints regarding awarding of fake degrees.

II. The Committee visited MBU on 25.8.2014 and requisitioned the documents/ information as required. Over a period of time the Committee held series of hearings to obtain necessary information and thereafter submitted a very detailed report with the accompanying records on 6.1.2015. The findings issue-wise are as under.

(a) Number of unapproved courses offered/run by the university since its inception.

The inquiry report covers in detail the list of courses offered between the years 2009 and 2013. Of 45 courses started in the session 2009-2010; 31 were subsequently dropped. In this context, it deserves to be mentioned that courses run between 2009-2011 were unapproved and not according to the nomenclature, action had already been taken earlier by the HP PERC and in some cases were referred to the Government as it pertained to year prior to the existence of the HP PERC and at this stage no action is warranted by the HP PERC.

(b) Year-wise/course wise students admitted, admission criteria followed and students passed out in respect of courses mentioned in the complaints (Annexure-A)

There are several very important points emanating from the inquiry on this issue. As of December, 2013; 194 degrees were awarded to students and till that year there were 470 students who had passed out but not awarded degrees. As far as 2 courses are concerned that were mentioned in the complaints, diploma in Computer Application, several aspects arise which too cast a doubt on the nature of admissions. The fact that the first semester examination was held in June, 2011 and the second in December, 2011 actually raises severe doubts about the actual conduct of the course specially as students were from Madhya Pradesh. The Committee's effort to authenticate the information through checking receipts and date of collection of fees were un-successful as the University informed that the record of counter-foils of receipt books for the years 2009 to 2011 were not available.

(c) Whether the degrees/ certificates/ diploma awarded by the University in respect of courses mentioned in the complaints were as per UGC/ AICTE norms?

As far as PhD programme although applications were received for admission but no degree for PhD was awarded by MBU.

(d) Whether the University has opened any study centre/ examination centre outside its campus?

MBU denied opening of study centres and examination centres to the Fact Finding Committee outside the State of Himachal Pradesh. Manav Bharti University (Establishment and Regulations) Act, 2009 and the UGC (Establishment of And Maintenance of Standards in Private Universities) Regulations, 2003 do not permit the University to have regional centres/ campus/ institutions. However, all the violations pertain to the period prior to the existence of the HP PERC. Students admitted for DCA and

Diploma in Veterinary Science were all from outside the State of Himachal Pradesh. **(to be compared from the list of degrees awarded)**

(e) Specific complaints as received by the Regulatory Commission.

Complaint of Dr. J.C. Bhatia regarding fake degrees and opening of off-campus study centres:

As stated earlier, the MBU denied such opening and in addition supplied copy of advertisement published in different newspaper on 18.6.2011 and 19.6.2011. MBU called for applications for PhDs and received applications for 76. The Government vide its notification No. EDN-A-Ka(5)-1/2011 dated 17/02/2012 had constituted an Inspection Committee to look into the matter who directed the University to discontinue PhD, as a result of which money was refunded.

There is another complaint regarding DCA Courses which has been referred to earlier. In short, the admissions made in the course do not meet requirements of the Regulatory Bodies. Their degree cannot be considered valid. DCA course has also been discontinued by MBU.

(f) Any other matter incidental to the complaints regarding awarding of fake degrees.

These degrees do not figure in the list of 194 degrees issued by the University and, therefore, possibly forged. Similarly the names that figured in the complaint made by Shri Sanjay Sharma do not figure in admission register. Additionally the University has informed that in respect of these degrees the case is pending in the Court of CJM Mohali (Punjab). The Fact Finding Inquiry Committee has also pointed out that the total number of degrees printed by the University were 27000 out of which 194 stood awarded, 36 cancelled and the balance were lying un-utilized.

III. On receipt and examination of the Fact Finding Report, the HP PERC vide its notice No. HPPEREC/28/MBU Vol-II/2013-2062 dated 03.03.2015 issued directions under Rule 5(1-A) of H.P. Private Educational institutions (Regulatory Commission) Amended Rules 2012 to MBU to comply with the following directions and report compliance to the Commission latest by 10.03.2015:

(a) **Disclosure of degrees awarded:**

The University should make disclosure of the degrees awarded since its inception till date through its website indicating name of student, percentage, name of course, date of admission, registration/ enrolment number of the students and serial number of the degree making it clear that degrees other than that disclosed, are not recognised and valid. Further, the reasons for issuance of degrees in a random manner and not in sequence manner be clarified.

(b) **Sealing of the unused degree form:**

In view of the fact that there are no security features in the degrees devised and lying unused, therefore, the University should seal these un-used degree format, after preparing abstract thereof and copy thereof sent to the Commission. New degrees format be printed with adequate security features and issue thereof made serial wise.

(c) **Issue of Fake degrees**

As the University is denying issuing of degrees/ marks sheets of 12 students as mentioned in the notice, which are with the complainants and in the notice of University with its signature and logo, required to show cause why action has not been taken by the University against such degrees/ marks sheet holders and complainants.

(d) **Admitting students through lateral Entry**

It has been observed by the Commission that the MBU had admitted 3 students in MCA, 1 student in B.Sc. OWT and 2 students in B. Pharma (Allopathy) through lateral Entry, though

website of the University. Perusal of the same clearly demonstrated that the University had not uploaded the information in a clear and accessible manner. Dr. Akhilesh had been given the devised format and directed that the information be submitted to the Commission on this format. Copy of the devised and approved format was kept on record of the case file. This information should be uploaded on the University Website besides submitting authenticated hard copies to the Commission on 26.6.2015 and accordingly the case was adjourned for such date. The University vide its email sent on 25.06.2015 stated that University staff had gone on summer break and the desired information was not possible to be submitted at the moment and the same will be submitted after 30th July, 2015. The case was thus fixed for 7.7.2015. On 7.7.2015 none appeared on behalf of the MBU. A serious view was taken that after affording various opportunities the University had failed to upload the desired information on the devised format by 17th July, 2015 and also to appear in person before the Commission on 21.7.2015, as the matter had already been delayed considerably and there were many excuses/ pretexts/ justifications for delay which were being cited from time to time such as poor internet connectivity, the University staff on summer break etc. which lacked credibility. There were many complaints about the authenticity of degrees being issued in the name of MBU. Public disclosure was critical to bring these issues to closure. Though HP PERC in its last communication had clearly indicated that to be the last opportunity, however, in order to afford one more opportunity, the time for disclosure of above information and personal appearance was enlarged to 21.07.2015. On 21.07.2015 Dr. Akhilesh Ranaut, HoD Law and officiating Registrar MBU appeared in person. Dr. Akhilesh stated that due to some accident at Kandaghat there was traffic jam, as such he could not reach the HP PERC at 11.30 AM. He further stated that the desired information was being uploaded by the University on its website and the task shall be completed by 3.30 PM and prayed that the case be adjourned for 4.00 PM. The prayer made by Dr. Akhilesh was granted. Case called was at 4:00 PM when Dr. Akhilesh appeared in person. He stated that the University had uploaded information with regard to degrees/

diplomas/certificates awarded by Manav Bharti University (in abstract form) and details of passed out students and degrees awarded till date, which is based on Convocation held in December, 2013 and covers degrees of students admitted during the year 2009-2010 and 2010-2011; and details of passed out students but degrees to be awarded for the years 2009-2010 to 2012-13 (upto June, 2013). He also handed over authenticated hard copy of the above. He also submitted his written statement in support of oral submissions. The documents submitted are taken on record. Orders in the case were reserved.

After examining the information uploaded by the University it was found that the same was not in conformity with the information submitted to the Fact Finding Committee and Enrolment Register submitted to HP PERC. The University was afforded opportunity to explain position in the matter in a personal hearing on 3.11.2015 failing which it was made clear that it shall be presumed that the University had nothing to say in the matter and action under Section 11 of the H.P. Private Educational institutions (Regulatory Commission) Act, 2010 shall be initiated. On 3.11.2015 Dr. K.K. Singh, Assistant Professor, Pharmacy & acting Register MBU appeared in person. Dr. K.K. Singh stated that the regular Registrar is out of State and sought adjournment of case after Diwali. Prayer of Dr. K.K. Singh accepted being the last opportunity. He was directed to reconcile the record and give appropriate explanation to Secretary HP PERC on 18th and 19th November, 2015. The matter was adjourned for final hearing for 26.11.2015. However, in case the matter was not reconciled by MBU on the dates so fixed, the matter was reserved for final orders and no hearing shall take place on 26.11.2015.

Office report called for. Dr. Manoj Chauhan Secretary of the Commission stated that in compliance of the Orders dated 3.11.2015 Shri Akhilesh Ranaut visited office on 18.11.2015 and thereafter on 24.11.2015 for reconciliation of record in respect of discrepancies. He further stated that the case could not be fixed for 26.11.2015 in view of pending clarification from the University.

The University was directed to host the reconciled position regarding award of degrees by 15th January and the case was thereafter listed for hearing on 19.1.2016. The University was also asked to depose on affidavit regarding the accuracy of the information they have uploaded and submitted before the Commission indicating that this was the final position.

On 19.01.2016 Shri Akhilesh Ranaut HoD Law, MBU appeared in person. Shri Ranaut submitted affidavit dated 18.1.2016 sworn in by Dr. K.K. Singh, Registrar before the Oath Commissioner. He also submitted hard copy of the details of students uploaded on the website of the University. He further submitted that complaints made by Dr. J.C. Bhatia regarding selling of degrees by Manav Bharti University and opening of off campus study/ examination centres in Delhi, Mumbai and Bihar; representations/complaints of Shri Amit Chandra, Ms. Smriti Vohra, Mr. Rahat U Khan and Smt. Indra Devi; complaint made by Shri Mahipal Singh Ghuraiya regarding Under Graduate course , complaint of Shri Rahul Gupta alleging various educational scams; awarding of back-dated degrees without examination (B. Tech, M. Tech, Ph. D, LLB, LLM and MBBS; complaint regarding fake degrees /without examinations/ Running study/ examination centres outside jurisdiction/ charging Rs. 50,000/- per study centre etc; Award of B. Tech. (Mechanical degree in favour of Dhanke Devidas Sitaram during the year 2012 are false.

The documents submitted were taken on record. Representative of the University was directed to issue a public notice in the newspaper in rebuttal of the complaints made by Dr. J.C. Bhatia regarding selling of degrees by Manav Bharti University and opening of off campus study/ examination centres in Delhi, Mumbai and Bihar; representations/complaints of Shri Amit Chandra, Ms. Smriti Vohra, Mr. Rahat U Khan and Smt. Indra Devi; complaint made by Shri Mahipal Singh Ghuraiya regarding Under Graduate course , complaint of Shri Rahul Gupta alleging various educational scams; awarding of back-dated degrees without examination (B. Tech, M. Tech, Ph. D, LLB, LLM

and MBBS; complaint regarding fake degrees /without examinations/ Running study/ examination centres outside jurisdiction/ charging Rs. 50,000/- per study centre etc; Award of B. Tech. (Mechanical degree in favour of Dhanke Devidas Sitaram during the year 2012, so that same is in public domain and this should be done within 15 days from today. The Commission shall not interfere with the complaint made by Shri Sanjay Sharma with regard to result-cum-detailed marks card in respect of 10 students, which matter is already subjudice before the Learned Chief Judicial Magistrate Mohali (Punjab). The University was directed to ensure that new degrees should be printed in seriatim having multiple security features. All records including counter foils of admission, fees etc be maintained by the University for a sufficient longer period and provisions should be made for this in the ordinance of the University. Compliance in this regard be submitted on or before the next date of hearing which was fixed for 19.02.2016. On 19.02.2016, I was on tour. Office report called for. It was reported that Dr. Akhilesh Ranaut, Law officer (MBU) Solan attended office of the HP PERC on 19.02.2016 and submitted letter dated 18.2.2016 in compliance to order dated 19.01.2016. Letter dated 18.02.2016 was taken on record. Orders in the matter were reserved.

V In compliance of order dated 19.1.2016, the University has submitted letter dated 18.02.2016 alongwith its enclosure i.e. Public Notice, which was published in the newspaper “Amar Ujala” on 14.02.2016. The Public Notice reads, “This is for the information of all the general public that certain fake degrees in the discipline of B. Tech, M. Tech, Ph.d. LL.B, LL.M and MBBS are brought in the notice of Manav Bharti university in a complaint/ representation made by Dr. J.C. Bhatia, Amit Chandra, Ms. Smriti Vohra, Mr. Rahat U Khan, Smt. Indira devi, Sh. Manipal and Sh. Rahul Gupta. In this regard, it is made clear in the interest of general public that alleged degrees have not been issued by University and does not belong to Manav Bharti University, Solan. Further, there is no off campus/ study centre/ examination centre are being run by the University for any purpose and no fee of any kind is fixed thereof. REGISTRAR”.

It has been ensured by the MBU in this letter dated 18.2.2016 to incorporate eight multiple security features viz. Micro Text Line, Void Pentagraph, Q.R Code, Anti Scanning Ink, U.V. Invisible Ink, Watermark Logo, High Resolution Border, Hologram with non tearable paper (water, oil, grease resistance) according to UGC guidelines in new degrees to be printed. It has further been stated that the University is already n practice of preservation of documents. However, suggestion of HP PERC for keeping record for sufficient longer time will be implemented.

VI. I have gone through the entire case file meticulously. From the inquiry of the Fact Finding Committee and the proceedings before the Commission the following point emerged and conclusions are arrived:

(a) The nature of administrative control and supervision of processes reflect weak administrative control in multiple ways. Firstly, the fact that no counterfoil of receipt books could be produced before the Fact Finding Committee. Secondly, the overall situation wherein the printed degrees have been issued in random manner, the degrees do not have secrecy features and have been printed for each programme starting with Sr. No.1. This has also exposed the process of award of degrees by University to potential misuse.

In the light of above, the MBU is ordered:

- (i) To ensure that they maintain counterfoils of receipt books for all transactions for years after students have passed out and that accounts should be maintained digitally and such records should be preserved in perpetuity.
- (ii) To seal the old degrees and abandon using the series and get new degrees printed with proper multiple secrecy features which it issues seriatim. This will preclude any danger of repetition of complaints which have been received regarding MBU.
- (iii) The MBU was ordered to upload information pertaining to the degrees that it has actually awarded on its website and also the details of the passed out candidates. After several hearings the

MBU has now made a public disclosure through its website of list of the details of (1) degrees awarded till date and (2) details of passed out candidates from the University. This can be accessed by anybody from their website. The MBU needs to keep updating this as a continuous process as and when degrees are awarded or students passed out but have not been awarded degrees.

The public notice referred in para-V has effectively clarified that all degrees apart from those on the website are fake and have not been issued by the University.

- VII. In view of the compliance reported by MBU as indicated in para-V and findings rendered in para-VI of the Order, the controversy involved has been set at rest. In the interest of transparency of award of degrees and to obviate possible malpractices, all the Private Universities in the State are ordered to make public disclosure on their respective websites regarding course wise degrees awarded till date and list out candidates who have passed out but award of degrees is awaited.

Copy of the order be supplied to the MBU.

Operative part of para-VII of the order, so far as applicable to all the State Private Universities be communicated to all separately.

Copy of the order is not required to be supplied to complainant(s) in view of the public notice issued by MBU.

Copy of the orders be supplied to the Director Higher Education Himachal Pradesh (through whom reference of UGC regarding complaint of Dr. J.C. Bhatia has been received) with reference to his letter dated 7.8.2014.

Case file after completion be consigned to record room.

Announced.

Sd/-
(Sarojini G. Thakur)
Chairperson