

പതിമൂന്നാം കേരള നിയമസഭ

ഒൻപതാം സമ്മേളനം

നക്ഷത്രചിഹ്നമിട്ടചോദ്യം നം. * 218

19.06.2013-ലെ മറുപടിക്ക്

സ്വാശ്രയ മെഡിക്കൽ കോളേജുകൾ നടത്തിയ പ്രവേശന പരീക്ഷ

ചോദ്യം

ശ്രീ. ടി. വി. രാജേഷ് :
ശ്രീ. കോടിയേരി ബാലകൃഷ്ണൻ :
ശ്രീ. ആർ. രാജേഷ് :
ശ്രീ. എം. ചന്ദ്രൻ :

ഉത്തരം

ശ്രീ. വി. എസ്. ശിവകുമാർ
(ആരോഗ്യവും കുടുംബക്ഷേമവും
ദേവസ്വവും വകുപ്പ് മന്ത്രി)

(എ) സ്വകാര്യ സ്വാശ്രയ കോളേജ്
മാനേജ്മെന്റുകൾ സ്വന്തം നിലയിൽ
നടത്തിയ പ്രവേശന പരീക്ഷയിൽ ക്രമക്കേട്
നടന്നുവെന്ന ആരോപണത്തെക്കുറിച്ച്
ജസ്റ്റീസ് ജെ. എം. ജെയിംസ്
ചെയർമാനായ പ്രവേശന മേൽനോട്ട
സമിതിയുടെ കണ്ടെത്തൽ
എന്തൊക്കെയാണ് ; സമിതിയുടെ
റിപ്പോർട്ടിന്റെ പകർപ്പ് ലഭ്യമാക്കാമോ ;

(എ) സ്വകാര്യ സ്വാശ്രയ കോളേജ്
മാനേജ്മെന്റുകൾ സ്വന്തം നിലയിൽ
നടത്തിയ പ്രവേശന പരീക്ഷയിൽ
ക്രമക്കേട് നടന്നുവെന്ന
ആരോപണത്തെക്കുറിച്ച് ജസ്റ്റീസ്
ജെ. എം. ജെയിംസ് ചെയർമാനായ
പ്രവേശന മേൽനോട്ട സമിതിയുടെ
കണ്ടെത്തലുകൾ അടങ്ങുന്ന
റിപ്പോർട്ടിന്റെ പകർപ്പ് അനുബന്ധമായി
ചേർക്കുന്നു.

(ബി) മെഡിക്കൽ കൗൺസിലിന്റെ നിബന്ധനകൾ
ലംഘിച്ചുകൊണ്ട് മാനേജ്മെന്റുകൾ
നടത്തിയ പരീക്ഷ ജസ്റ്റീസ് ജെ.എം.
ജെയിംസ് ചെയർമാനായിട്ടുള്ള പ്രവേശന
മേൽനോട്ട കമ്മിറ്റിയുടെ
അംഗീകാരത്തോടേയും
മേൽനോട്ടത്തിലുമായിരുന്നോ ; പരീക്ഷ
വീണ്ടും നടത്താൻ അനുവദിക്കുന്നത്
മെഡിക്കൽ കൗൺസിലിന്റെ
നിബന്ധനകൾക്കനുസൃതമായാണോ ;
എങ്കിൽ മെഡിക്കൽ കൗൺസിൽ
അംഗീകാരം നൽകിയതിന്റെ പകർപ്പ്
ലഭ്യമാക്കുമോ ;

(ബി) കേരള പ്രൈവറ്റ് മെഡിക്കൽ കോളേജ്
മാനേജ്മെന്റ് അസോസിയേഷന്റെ
കീഴിലുള്ള സ്വകാര്യ സ്വാശ്രയ മെഡിക്കൽ
കോളേജുകളിലെ മാനേജ്മെന്റ്
സീറ്റുകളിലേക്ക് പ്രവേശനം
നടത്തുന്നതിലേക്കായി അഡ്മിഷൻ
സൂപ്പർവൈസറി കമ്മിറ്റിയുടെ മേൽ
നോട്ടത്തിൽ പ്രത്യേക പ്രവേശന പരീക്ഷ
നടത്താൻ അനുമതി നൽകിയിരുന്നു.
എന്നാൽ പ്രസ്തുത പരീക്ഷയിൽ
ക്രമക്കേടുകൾ നടന്നതായി
കണ്ടെത്തിയതിന്റെ അടിസ്ഥാനത്തിലാണ്
വീണ്ടും പരീക്ഷ നടത്താൻ കമ്മിറ്റി
നിശ്ചയിച്ചത്. ഈ വർഷത്തെ മെഡിക്കൽ
പ്രവേശനം സംബന്ധിച്ച് പ്രത്യേക
പരീക്ഷ നടത്തുന്നതിൽ ബഹു :
സുപ്രീംകോടതി തടസ്സങ്ങളൊന്നും
ഉന്നയിച്ചിരുന്നില്ല.

(P.T.O.)

(സി) കേരള പ്രൈവറ്റ് മെഡിക്കൽ കോളേജ് മാനേജ്മെന്റിന്റെ കീഴിലുള്ള എട്ടു സ്വകാര്യ കോളേജുകളിലെ എല്ലാ സീറ്റുകളിലേക്കും മെഡിക്കൽ കൗൺസിൽ ഓഫ് ഇന്ത്യ പ്രവേശന പരീക്ഷ നടത്തുകയും കേരള പ്രവേശന പരീക്ഷ കമ്മീഷണർ അനൗദ്യോഗികമായും ചെയ്യുന്നതിനുള്ള ശേഷം ഇവർ സ്വന്തം നിലയിൽ പരീക്ഷ നടത്തിയതിനെതിരെ എന്തു നടപടികൾ സ്വീകരിക്കാനുദ്ദേശിക്കുന്നു ; വ്യക്തമാക്കുമോ ;

(സി) 13.5.2013-ൽ ബഹു : സുപ്രീം കോടതിയുടെ വിധിന്യായപ്രകാരം വിവിധ സംസ്ഥാനങ്ങൾക്കും സ്വകാര്യ കോളേജുകളുടെ കൺസോർഷ്യത്തിനും മറ്റ് സ്ഥാപനങ്ങൾക്കും സ്വന്തമായി പരീക്ഷ നടത്തുന്നതിന് ബഹു : സുപ്രീം കോടതി വിലക്കേൾപ്പെടുത്തിയിരുന്നില്ല. മാനേജ്മെന്റുകൾ പ്രത്യേക പരീക്ഷ നടത്തുന്നതിൽ നിയമപരമായ തടസ്സങ്ങളൊന്നുമില്ല എന്ന് നിയമവകുപ്പ് നിയമോപദേശം നൽകുകയും ചെയ്തിരുന്നു. ഇതിന്റെ അടിസ്ഥാനത്തിലാണ് കേരള പ്രൈവറ്റ് മെഡിക്കൽ കോളേജ് മാനേജ്മെന്റ് അസോസിയേഷന്റെ കീഴിലുള്ള സ്വകാര്യ സ്വകാര്യ മെഡിക്കൽ കോളേജുകളിലെ മാനേജ്മെന്റ് സീറ്റുകളിലേക്ക് പ്രവേശനം നടത്തുന്നതിലേക്കായി പ്രത്യേക പ്രവേശന പരീക്ഷ നടത്താൻ അനുമതി നൽകിയത്.

(ഡി) നിയമവിരുദ്ധ പരീക്ഷ തടയാതിരുന്നതിന്റെ ഉത്തരവാദികൾ ആരൊക്കെയാണു പരിശോധിച്ചിട്ടുണ്ടോ ; ഇവർക്കെതിരെ എന്തു നടപടികളാണ് സ്വീകരിക്കാൻ ഉദ്ദേശിക്കുന്നത് ;

(ഇ) നിയമവിരുദ്ധ പരീക്ഷയ്ക്ക് മേൽനോട്ടം വഹിച്ച കമ്മിറ്റിയെ പിരിച്ചുവിടാൻ നടപടി സ്വീകരിക്കുമോ ?

(സി) & (ഇ)

ബഹു : സുപ്രീം കോടതിയുടെ വിധിന്യായപ്രകാരം നിയമവിധേയമായാണ് പരീക്ഷ നടത്തിയത്. പരീക്ഷ ക്രമക്കേട് കണ്ടെത്താൻ ഉത്തരവാദിയാണ് വീണ്ടും പരീക്ഷ നടത്തുവാൻ ജസ്റ്റിസ് ജെ.എം. ജയിംസ് കമ്മിറ്റി തീരുമാനിച്ചിട്ടുള്ളത്. കമ്മിറ്റിയെ പിരിച്ചുവിടേണ്ട സാഹചര്യം നിലവിലില്ല.

സെക്ഷൻ ഓഫീസർ

അനുബന്ധം

Minutes of the meeting of the Admission Supervisory Committee for Professional Colleges held at NRHM Conference hall at Trivandrum at 2.00 PM on 06-06-2013 (Thursday)

Present:

- | | |
|--|--------------------|
| 1. Hon'ble Justice J. M. James | - Chairman |
| 2. Dr. Abraham IAS. Principal Secretary to the Govt. Higher Education dept. Govt. of Kerala | - Member Secretary |
| 3. Sri. Rajeev Sadanandan IAS Secretary to Government, Health & Family Welfare Dept. Govt. of Kerala. | - Member |
| 4. Sri. Ramaraja Premaprasad Law Secretary, Govt. of Kerala. | - Member |
| 5. Dr. S. Anirudhan | - Member |

Item No. 1.

ASC-245 / 13 / MBBS – 2013 – Conduct of Entrance Examination for MBBS Course in the Management Quota seats – req.

The Committee in its meeting dated 28-05-2013 has decided to allow the Kerala Private Medical College Management Association (KPMCMA) to conduct the MBBS entrance examination to admit 35% of the management quota seats as per the agreement entered into between KPMCMA and the Government. One of the members of this Committee was deputed as supervisor and another person from the Medical Education service as the observer for conducting the examination.

2. Accordingly the test was conducted in MES Raja Residential School at Calicut. On completion of the examination the OMR answer sheets were collected back and handed over to LBS Center, Trivandrum, for evaluation and preparation of the rank list, which even now remains with LBS. Dr. S. Anirudhan, one of the members of the Committee who officiated as observer has filed his report. The Committee considered the same. While so there had been wide spread agitations by students and youths of political organizations outside the venue of the test. Heavy police force was deployed by law enforcing authority to maintain the law and order situation at the test premises.

3. The allegations against the conducting of the test by the management was that the question papers set by the management Association was deliberately leaked out for pecuniary consideration and benefits of the managements. To ensure that the candidates who met the pecuniary requirement of the management were given special tuition and preparation to answer the questions contained in the question booklets throughout the previous day in a restricted area where entry was only for those students whom the management indent to train the test.

4. The agents and representatives of the Management Association asked the candidates of the MBBS entrance test in management quota to contact those agents and representatives to surely secure admission in the

management quota seats. SMS in the mobile numbers of the candidates and their parents were sent. Some of the parents of the candidates have allegedly paid token amounts to the managements and the balance amount would be paid after the completion of the admission.

5. Some of the electronic media persons, using hidden cameras, video graphed inter se conversations between the agents and representatives of the management on the one side and the parents as well as the media persons on the other side. This was telecast on the night editions of the TV channels on 30th May 2013, the previous night of the entrance test. With the help of the police protection test was held on 31st May 2013 (Friday).

6. Except the above stated commotions, nobody gave any authoritative complaint to this Committee. Therefore no immediate action could be taken. Nevertheless the Committee felt that a deliberation on the whole about what had happened on 30th and 31st of May, needed an effective evaluation.

7. Accordingly on 3-6-2013 the Committee met at NRHM Conference hall, Trivandrum and discussed threadbare both the legal and factual implications of the whole matter. The Committee found, in the absence any reasonable and acceptable materials; no action can be taken

against the conducting of the examination by the managements under the supervision of this Committee. Considering the seriousness of the issue involved, together with the public agitations and commotions created on the conduct of the test and also to sustain the transparency in conducting the test as well as the professional excellence, the Committee decided to call, from the individuals, organizations, media and the general public, the materials or evidence that they may possess with regard to the allegations about the conducting of the entrance test. It was also requested that those materials may be produced before the Committee on or before 06-06-2013 at 2.00 P.M at NRHM Conference Hall Trivandrum. Further decision was that the Committee would take a final decision on the entrance examination already held on 31-05-2013 thereafter. The Chairman was authorized to issue urgent press releases and give wide publicity about the proposed enquiry. The persons or organizations or media, who cannot send the materials earlier to 06-06-2013 to the Committee, were requested to appear personally before the committee at 2.00 PM with acceptable materials and produce those evidence directly before the Committee.

8. Those persons intent to produce the materials relating to the allegation made against the managements and who wants their names to be kept secret would also be protected by keeping their names and details confidential. Accordingly the Chairman had held a press conference at

Trivandrum and requested the individuals, organizations, the media and the public to appear before the Committee and give all those materials in their possession or hand over the same in the Ernakulam Office of the committee.

9. Some complaints were received in the office at Ernakulam, both by Post and directly. Other persons appeared before the Committee at Trivandrum and filed their complaints. The sub editor of reporter T.V and the reporter of India vision T.V appeared personally before the Committee and also filed the CD containing the story recorded by them for their respective TV channels and telecast on various days through their media.

10. The Committee heard each person who appeared before it, went through the contents of their complaints as well as their suggestions. The Committee also have seen the visuals recorded in the CD submitted by the TV channels.

11. A candidate who appeared for the entrance test on 31-5-2013 at Calicut appeared before the Committee with his father and brought to our notice the mistake in OMR sheet, not having sufficient place to write the number of question booklet. He also stated that he received message in his mobile to contact the management, for the management seats. He alleged that some of the students who got the questions prior to the

examination not only wrote all the answers but did not even use their worksheets attached with the question booklet to arrive at the results while solving the problems also.

12. The father of a female candidate had complained that his daughter was prevented from entering the examination hall by the agitators because of which she could not enter the hall. Hence she was denied the opportunity to write the examination. It was requested that she be given further opportunity to write the examination.

13. The father of another female candidate had complained that his daughter had applied for MBBS and BDS entrance tests but was not allowed to appear by issuing the admit card. All the efforts to contact the management authorities failed. Therefore she was denied the opportunity to write the test. The photocopy of the application submitted by her was also produced.

14. The Secretary of the SFI, Kerala State Committee had submitted about some of the imported problems faced by the students from the Management Association, their collection of Capitation and exorbitant other fees, under various heads and their suggestions as well as demands to stop such activities by the managements.

15. The State Secretary of ABVP, has alleged that the capitation fee were collected by the managements from the candidates who appeared for the MBBS entrance test and therefore requested to cancel the entrance test of 31-05-2013 and also take evidence from TV channels which had secretly recorded the activities of the managements.

16. The Reporter of the reporter TV appeared before the Committee and filed a statement stating that prior to 31-05-2013 the managements have received capitation fees from the candidates and gave special training so as to ensure MBBS seats. This was done in the kitchen of the corporate office of the KMCT Medical College. He also talked to the parents of the students and understood from them that an amount of Rs. 35 lakhs for ordinary seats and Rs.57 lakhs for NRI seats collected as bribe for allotting the MBBS seats. In the CD produced by him, which we had seen the recorded version of conversations between himself and the agent of the management who claimed that he was collecting money for reserving seats with the knowledge of the management authorities. He, therefore, requested that appropriate enquiry may be conducted and the examination may be cancelled.

17. The reporter of India Vision news channel has filed a complaint as well as a CD and stated before the committee that after receiving huge money from the candidates the management of the Malabar Medical

College, Calicut, gave practice to the candidates who appeared for the entrance test before the test date and the reporter of the India Vision has recorded the activities in and around the premises of the college that has taken place.

18. A retired Professor who is also Doctor, aged more than 70 and having worked in different Private Medical Colleges after his retirement at the age of 55, has sent in a detailed letter giving the particulars of colleges and their collection of capitation fees and other fees, in different names, but without giving the adequate medical educations to the students. There are no suitable doctors, Paramedical staff, office staff and librarians in any departments of such medical colleges. The managements collect exorbitant fees under different unauthorized heads and conduct examination flouting all the rules. He narrates that these type of colleges would get the question papers from the University or close the examination hall and the invigilators would supply the answers to the questions. He, therefore, requests the Committee to correct all these malpractices by taking appropriate steps.

19. The committee had detailed interactions with all the persons who appeared before it. Every aspects stated before the committee was repeatedly clarified and attempts were made to bring out the truth from them. All the persons have stood by the complaints that the capitation fees

were collected before hand and question papers leaked to those candidates. Training as well as practice for writing test was given to those candidates in a clandestine manner in the hideouts of the colleges of the management. The activities of the agents of the managements and the representatives of the managements were also emphasized by each one of them.

20. The Committee has viewed the CD in the Committee hall itself. Each shot that appears in the CD was asked to be explained by the reporter who was present before us. This has been done in the case of the CD's produced by India Vision TV and Reporter TV.

21. After the collection of evidence was complete, the Committee thoroughly analyzed and appreciated the evidence made available before it. The pros and cons of each material that has come up for consideration of the Committee, was analyzed in detail. All the persons who have attended the meeting have come of their own on knowing about the sitting of the Committee at NRHM Hall, Trivandrum, from print and electronic media. No special request or invitation was given to anybody. Some of the participants have complained that there was shortage of time to bring all the affected persons before the Committee. But the Committee explained to them that the fastness with which the committee acted was to safeguard

the interest of the students and take such remedial steps which are required to bring about transparency in conducting of the entrance test.

22. The absence of the representatives from KPMCMA was also discussed. As all the print and electronic media gave wide publicity about the meeting of the Admission Supervisory Committee, it was felt by the Committee that the absence of the management representatives cannot be said as not deliberate. The Committee also was of the view that by not being present before the Committee, the managements had lost the best opportunity to explain about the facts placed before the Committee by the individuals, organizations and the media. Therefore the committee decided to appreciate the evidence and the materials placed before it and to come to an equitable and just finding to protect the interest of the students, the management and also allay the fears and apprehensions in the minds of the students, parents and the public at large.

23. With the materials having presented before the Committee particularly those produced by Electronics Media, the Committee concluded that there are strong reasons to believe that the integrity of conducting the Entrance Test by KPMCMA has been compromised. The allegation that the question papers have been leaked out to the prospective candidates, prior to the test, for pecuniary considerations, thereby resulting into exploitation as well as defeating various directions

given through different judicial pronouncements by the Apex Court, are prima-facie established. As per the provisions contained in the Act 19 of 2006, it is necessitated that the equity and transparency be brought into effect while conducting the entrance test. The acts from the part of the Management have also affected the excellence in professional education. Hence the bounten duty of the Committee is to take effective measures to fully achieve the objectives contained in the Act 19 of 2006.

24. In view of the above discussions, conclusions and findings the Committee unanimously decides as follows:

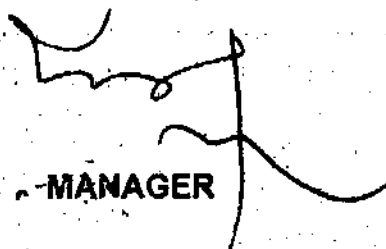
1. To cancel the MBBS Entrance Test conducted on 31-05-2013 in the MES Raja Residential School, Kozhikode by KPMCMA.
2. The Commissioner for Entrance Examinations (CEE), Kerala, is requested to conduct entrance examination afresh, following the required procedures for all those candidates who have registered for the Entrance Test of KPMCMA on 31-05-2013, provided they are otherwise qualified as per the MCI regulations and Supreme Court directions.
3. The fresh Entrance examination for the MBBS Management quota seats of KPMCMA should be held on 22nd June 2013 (Saturday).

4. The venue for the examination and timings of the examination will be announced latter.
5. The Principal Secretary, Health & Family welfare Department, may cause the issuance of such Governmental orders, as may be necessary, so that the CEE could take further steps to conduct the entrance test as stated in decision number 2 above.
6. The Secretary KPMCMA is directed to deposit an amount of Rs.1,50,000/-, in addition to the Rs.2 lakhs already deposited, so as to the successful conduct of the entrance test scheduled on 22-06-2013.

Sd/

CHAIRMAN

By Order


MANAGER