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NEED FOR THE STUDY

Education is the most important principal instrument to channelise the society for good citizenship. College is one of the most important formal agencies of higher education. In school are the minds of the men moulded and in colleges, sharpened like diamonds.

It is a need of the hour that the procedures relating to the establishment of colleges has to be analysed in detail, as a number of colleges are being opened almost everyday. It is also a known fact that Teachers in colleges undergo, enormous practical problems in getting their due promotion, to work on lien, undue reversion, unlawful termination etc. Hence it is inexplicable to focus robust attention, relating to the establishment of colleges, maintenance of colleges, its related problems and the service conditions of private college teachers in Tamil Nadu. The regulations of management of these colleges, which had been enjoying “Grants” from the Government of Tamil Nadu, were subjected to streamlining by the Tamil Nadu Private Colleges (Regulation) Act, 1976 and the Tamil Nadu Private Colleges (Regulation) Rules, 1976. The efficacy of this Act and its Rules, has not yet been systematically studied by anybody till date. Hence the present study.
BACKGROUND OF THE PROBLEM

Now-a-days, there exist, a lot of problems among the managements, college teachers and bureaucrats, in the interpretation of the “The Tamil Nadu Private Colleges Act & its Rules 1976” which resulted in the inamicable situation among them and hence a number of cases are pending in the various fora of the judiciary.

It is in this context that the thought of analysing these problems emanated and hence the present study is entitled “OBJECTIVITY AND VALIDITY OF TAMIL NADU PRIVATE COLLEGES (REGULATION) ACT 1976 AND ITS RELATED RULES AND REGULATIONS”.

TERMS AND DEFINITIONS

OBJECTIVITY - Refers to the non-provision of scope for different meanings and interpretations of a section/sub-section/clause/sub-clause/rule/sub-rule from an individual to another.

VALIDITY - Refers to the fulfillment of the objects of the Act in terms of the interpretations of sections/sub- sections/clauses/sub-Clauses in tune with the constitutional provisions.

TAMIL NADU PRIVATE COLLEGES (REGULATION) ACT 1976 & ITS RELATED RULES & REGULATIONS - Refers to sections, sub-sections, clauses, sub-clauses, rules and sub-rules as enshrined in the Tamil Nadu Ordinance II of 1976, the judgments of the litigations related to the Act, Rules and Regulations and Proceedings of the Government (Govt.) in the form of governmental orders from time to time.
OBJECTIVES OF THE STUDY

The specific objectives of the study are as follows:

(1) To identify whether there is any ambiguity/subjectivity in the different sections/sub-sections/clauses/sub-clauses/rules/sub-rules of Tamil Nadu Private Colleges (Regulation) Act 1976 and its related rules and regulations.

(2) To examine whether the provisions in the Act and its related rules and regulations are in tune with the Constitutional provisions in India.

(3) To assess the extent of realization of the purposes for which the Act was made.

HYPOTHESES

The present study has been designed to verify the following hypotheses:

(1) There are a few ambiguities/subjectivities in the Act and Rules which require operational definitions and revisions in rules and regulations.

(2) Some of the provisions in the Act and Rules are not in tune with the constitutional provisions.

(3) Some of the purposes for which the Act and Rules were made are not realised.
METHODOLOGY-IN-BRIEF

A Preliminary Analysis of the Tamil Nadu Private Colleges (Regulation) Act & its related rules and regulations published in English Version by Accounts Test Centre, Madurai as well as Malathi Publications, Chennai was carried out by the Investigator with a view to comprehend the structure of the Act and its related rules and regulations. The Constitution of India, published in English Version by Singhvi (2008) was collected and perused in terms of fundamental rights and Articles pertinent to Indian Education. A perusal of the Writ Law Reporters and All India Reporters, with reference to each case was done by the Investigator with a view to identify the cases relating to the Tamil Nadu Private Colleges(Regulation) Act and its related rules and regulations. An in-depth analysis of the above said documents and the related G.O.’s collected was carried out in terms of the scope for various meanings and interpretations of section/sub-section/clause/sub-clause/rule/sub-rule by different individuals. The identified sections, sub-sections, clauses, sub-clauses, rules and sub-rules were scrutinized for their consistency with the constitutional provisions of India, in general and fundamental rights as well as Articles, pertinent to education, in particular. The results of analyses of the Act, Cases, Constitutional Provisions, Judgments of related cases and the G.O.’s were subjected to scrutiny by a panel of ten practising advocates of Madras High Court. Their suggestions
and modifications were incorporated in the results. The extent of the fulfillment of the purpose of the Act was assessed, based on the results of final analysis.

The conclusions were evolved in terms of each objective of the study, based on the verification of hypotheses, formulated. Suitable remedial measures were worked out and suggestions for further investigations indicated.

LIMITATION AND SCOPE OF THE STUDY

Though serious attempts were made by the Investigator to identify all the cases relating to Tamil Nadu Private Colleges (Regulation) Act and its related rules and regulations, eighteen cases alone were found reported in the law journals. Therefore, there is a chance for missing cases, due to the non-reporting of the same in the journals concerned. Hence it cannot be claimed that all the cases have been involved in this study. This is a limitation of the study.
Yet it is hoped that the ambiguities as well as subjectivities prevalent in the Act and the constitutional provisions will be made known. The contradictions and deviations will be identified. Also suitable amendments, modifications and rectifications will be worked out in such a way as to ensure realizing all the purposes of the said Act.