



KARNATAKA STATE OPEN UNIVERSITY

Manasagangotri, Mysore-570 006, Karnataka, INDIA

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No. KSOU/VCPS/87/2011-12

Date : 17-06-2011

Sir,

Sub.: Show Cause Notice

Ref.: Your Notice No.F.No.DEC/KSOU/KAR/11/5880,

Dated: 10.6.2011.

Before traversing on the observations made in the above Notice, I wish to invite your reference to the following provisions of law and also the Karnataka State Open University Act, 1992 (hereinafter referred to as Act):

I. 1. **Objects of the University:** The objects of the University shall be to advance and disseminate learning and knowledge by a diversity of means, including the use of any communication technology to provide opportunities for higher education to a larger segment of the population and to promote the educational well being of the community.....
(vide Section 4 of the Act);

The University shall have the powers, namely -

2. To provide for admission and for instruction in such branches of knowledge including technology, vocations and professions as the University may determine from time to time and to make provision for research. (vide Section 5 (1) (i) of the Act);

3. To hold examination and confer degrees, diplomas, certificates or other academic distinctions or recognitions including Ph.D. on


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persons who have pursued a course of study or conducted research in the manner laid down by the Statutes and Ordinances. (vide Section 5(1)(iii) of the Act);

4. To establish, maintain and recognise Study Centres in the manner laid down by the Statutes. (Vide Section 5(1)(x) of the Act);

5. To enter into, carry out, vary or cancel contracts. (vide Section 5(1)(xviii) of the Act);

6. To recognize any institution of higher learning or studies for such purposes as the University may determine and to withdraw such recognition. (Vide Section 5(1)(xxi) of the Act);

All India Council for Technical Education Act, 1987:

7. To grant approval for starting new technical institutions and for introduction of new courses or programmes in consultation with the agencies concerned. (vide Section 10(k) of the AICTE Act);

8. **Judgement of the Hon'ble Supreme Court** of India in the case between Bharathidasan University and another VS AICTE and others, reported in (2001) 8 SCC 676, holding that the AICTE Act does not require a University to obtain prior approval of AICTE for starting a department or unit as an adjunct to the University itself to conduct technical education courses of its choice;

II. From the above provisions, it is clear and beyond doubt that the Karnataka State Open University is empowered -



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- (i) To start technical courses without the approval of the AICTE (Please note that the University is not imparting education in BE and ME courses -the allegation made in this behalf is false);
- (ii) Approval for introduction of each Course by DEC is also not provided in any Act where the Courses are approved by the Academic Bodies of the University. However, recognition of DEC is required to the University which has already been granted upto 2012-13;
- (iii) There is no territorial jurisdiction for Open Universities as observed in your Notice itself;
- (iv) As pointed out above, the University is empowered to establish Study Centre by framing Statutes. The University has framed a set of Statutes in this behalf and sent for the assent of the Chancellor;
- (v) It may please be noted that the Study Centres are not franchised as alleged in your Notice. Admissions of students in the Study Centres are strictly on the approval of the University and by fulfilling the eligibility conditions. Courses are taught as per the Syllabi framed by the University. And examinations are conducted by the University under its strict vigilance. As such, they are the Study Centres of the University but managed by the private institutions recognized by the University under Memorandum of Understanding executed as per the aforesaid proposed Statutes. The technical courses taught in these Study Centre are **under face to face system only**;
- (vi) As could be seen from the provisions of the University Act, the face to face education is not barred expressly. University is fully

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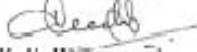
empowered to determine diversity of means to disseminate knowledge and learning.

(vii) As pointed out in the provisions of the Act, research Degrees are also included in the curriculum of the University. It may please be noted that the M.Phil Degree is of two years duration and Ph.D. is in accordance with the UGC Regulations of 2009 and they are **not on distance education system.**

It may please be seen that the Karnataka State Open University is established by the Karnataka State under Concurrent powers of the Constitution - vide Sch. VII, List III, Entry 25. The provisions of the Act have not been specifically superseded by any Central enactment and as such, the provisions remain to be legal and valid.

Therefore, I request you to withdraw the Show-cause Notice immediately under intimation to the University.

Yours faithfully,


(K. S. Rāṅgappā)

Enclosures:

1. Copy of the Supreme Court Judgment;
2. Copy of the Statutes proposed by the University.
3. A copy of the University Act.

To,

The Director,
Distance Education Council,
IGNOU, Maidan Garhi,
NEW DELHI - 110 068.