



Standing Committee Report Summary

The Educational Tribunals Bill, 2010

- The Standing Committee on Human Resource Development submitted its 225th Report on ‘The Educational Tribunals Bill, 2010’ on August 20, 2010. The Chairperson was Shri Oscar Fernandes.
- The Bill seeks to set up educational tribunals at the national and state level in order to resolve disputes between universities, teachers and statutory regulatory authorities. The Committee recommended that the Bill be passed after incorporating the suggested amendments.
- The Committee observed that no specific assessment about quantum of litigation has been carried out. It recommended that before setting up tribunals, the magnitude of cases and costs incurred in litigation should be assessed. A minimum court fee should be fixed to ensure viability of the tribunals.
- At present, Orissa and Gujarat have state educational tribunals. However, their jurisdiction is limited to service condition of teachers, grants-in-aid etc. The Committee pointed out that the status of existing tribunals is unclear. Also, it is unclear if state governments would accept all the provisions regarding state tribunals.
- The state educational tribunal shall be composed of three members. The Committee observed that it would be difficult for a three member tribunal to take up sizeable number of cases. It recommended that there should be a five member state educational tribunal.
- Since the number of educational institutions vary from state to state, the Committee felt that one educational tribunal per state cannot be made uniformly applicable.
- The Committee stated that there is no clear rationale for fixing a minimum age limit of 55 years for members of the tribunals. It recommended that competent people with adequate knowledge and experience, irrespective of age, should be considered.
- In case there is a vacancy in the chairperson’s post, other two members shall hear cases in the state educational tribunals. However, this leaves the possibility of cases being heard without a judicial member (since chairperson is the only judicial member). The Committee pointed out that a recent Supreme Court judgment states that every two-member bench of the tribunal should always have a judicial member. Also, whenever any larger or special benches are constituted, the number of technical members should not exceed the judicial member. The Committee were of the view that certain provisions of the Bill violate the Supreme Court judgment and should be re-thought.
- The Committee recommends that the term “unfair practice” should be defined in the Bill so that it is not open to interpretation by the courts.
- The Committee expressed reservation about the composition of the national educational tribunal which shall have three Secretary to the government of India as members since it would lead to bureaucratization of tribunals. Also, they may not be easily available for sittings.
- The Selection Committee to recommend panel for national tribunal includes the Chief Justice of India and Secretaries, Higher Education, Law and Justice, Medical Education and Personnel and Training as members. The Committee recommended that there should be adequate representation of the academia in the Selection Committee.
- The Committee proposed that the government needs to identify the lacunae of the existing tribunal systems and ensure that orders of the tribunals have some force.
- The Committee stated that all viable alternatives such as setting up of district tribunals in areas where there are higher concentration of institutions should be explored.
- The Committee noted that the Bill does not include the word “student” in the main body. It should be made clear that students themselves can seek justice under the Bill.
- The Committee recommended that separate mechanisms needed to be devised to ensure justice in case of public and private institutions. Also, SC/STs should be duly represented in the tribunals.

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