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**The report of fact finding committee constituted by the Aliah University Executive Council  
on matters relating to some demands and allegations made by the students against the  
university authority**

**I (Background)**

In view of the student agitation, boycott of classes and disruption of normal works of the University, the Executive Council of the Aliah University in its meeting held on 26<sup>th</sup> November 2016 unanimously decided to constitute a Fact Finding Committee (FFC) to probe into the demands and allegations made by the students against the University authority having the following composition: Prof P Ishwara Bhat (Chairman), Justice Intaj Ali Shah (Vice- Chairman), Prof Md. Sirajul Islam (Convener), Prof Uttam Bandopadhyay (Member), Mr. Nurul Islam (Member) Dr. Sk. Md. Abu Nayeem (Member Invitee).

The first meeting of the FFC took place at the Board Room of the Aliah University New Town Campus on 3<sup>rd</sup> December 2016 at 2 PM. (Members present: All members)

At the very outset of the meeting Honourable Vice Chancellor, Aliah University, Prof A T Khan submitted copies of two writ petitions (a) 27402 (w) of 2016 filed by Mr. Giasuddin Mondal, a student; and (b) wp do 26584 of 2016 filed by Mr Abdul Goffar Gazi along with one letter dated 3/12/2016 pointing out the withdrawal of the writ petition no. 27402. Hence, the question whether the FFC's work suffers from sub judice is to be examined. It was also doubted whether the Honourable Chancellor's permission is required to proceed with the inquiry.

The FFC, after due deliberation, concluded that only the process of selection relating to appointment of Junior Assistant on the basis of advertisement dated 6/8/2015, and for which written test was held on 2/7/2016, only is under sub-judice and the FFC will not inquire into the matter. All other matters can be proceeded with. The Chancellor's permission is not required in view of clear provision under section 30 (19) of the Aliah University Act, 2007 (WBAAct XXVII of 2007) which states that the Executive Council shall exercise the following powers and perform the following functions, which inter alia include "to entertain, adjudicate upon and, if thought fit, to redress the grievances of officers of the

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University, the teaching staff, other employees and the students of the university, who may, for any reason, feel aggrieved.” In view of this, the FFC has jurisdiction to inquire into the demands and allegations except that which is under sub judice.

### II (Procedure)

The FFC first called the student leaders who had submitted their demands and allegations against the Aliah University Authority. The students appeared before the FFC are: (i) Mr Kabirul Islam; (ii) Mr. Abdul Rouf; and (iii) Mr. Faizal Khan. The FFC interrogated the students in detail, heard their narrations and received the documents handed over by them which are marked Annexure 1 to Annexure 10. Then the FFC called the Registrar and asked for information on various matters relating to which students had submitted their complaints. The Hon'ble Vice Chancellor was also asked to give his version about the demands and allegations. The FFC members asked questions to all the persons who made statements before it. Adequate time was given for expressing their views. Some copies of official papers relating to the issues were collected from the University authorities.

The FFC met on 10.12.2016 for its second meeting for further collection of evidence and documents and for observations based on spot inspection of laboratories, library and other premises within the University campus in the presence of students and authorities. The Vice Chancellor submitted a letter objecting to the presence of Dr Sk Abu Nayeem, Assistant Professor, Dept. of Mathematics, as an Invitee member to the Fact Finding Committee, who has a personal grievance against the University Authority. So, Dr Sk Abu Nayeem was requested to stay in his Chamber and it was intimated that he might be called in case of need. Later when the Committee interacted with the Heads of various Departments and when visited library and laboratories, Dr Nayeem was called to accompany, and he joined. Some more documents were collected from the University authorities. The Heads of the Departments who came before the Committee and made statements were:

- (1) Prof Babulal Seal , Department of Statistics
- (2) Dr Vishnupriya Chatterjee, Department of Electrical Engineering
- (3) Dr Khandekar Lutful Hassan, Department of Computer Science
- (4) Prof Mehdi Kalam, Department of Physics
- (5) Dr Aminul Islam, Department of Bio Science

(6) Dr Ikbal Ali, Department of Electronics

(7) Dr Parveen Alam, Department of Management and Business Studies

They were asked to give details and observations about the respective laboratories, and sufficiency of lab & book facilities. Their statements were recorded and documents submitted by them were received. The findings of the FFC are based on documentary evidence, statements recorded during inquiry and facts observed during spot visit.

### **III (Findings about demands on facilities)**

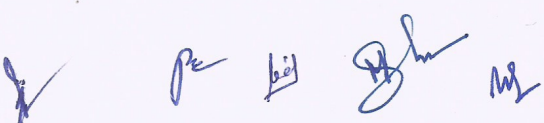
In 1780, the Anglo-Oriental Madrasa was established for the education of Muslim minority in Bengal. Thereafter Calcutta Madrasa College for higher education was established. A separate Madrasa ministry was established as a unique feature of Bengal. In the year 2008, the Aliah University was established, and was conducting its academic and administrative activities in Haji Muhammad Mohsin Campus and rented buildings in Salt Lake Sector-5. Thereafter, two new campuses were developed in Park Circus (Gorachand Road) for Humanities and New Town Campus for Science and Engineering by using the fund provided by MA & ME, State Government of West Bengal. The shifting to the new campuses took place in 2014.

1. On the demand related to running of the MCA Department, which is said to being run with the help of temporary faculties at present, it is observed that the department was opened in 2009 without any sanctioned posts. Even other Departments like History and Law are also opened without any sanctioned posts from the inception. The university authorities informed the FFC that efforts are put to have sanctioned posts, and pending the same, suitable candidates are working on temporary basis.
2. In the matter of laboratories of various departments, the students' demands are to provide for adequate facilities. The FFC visited different laboratories like labs of Physics, Chemistry, Computer Science, Civil, Mechanical, Electrical, Electronics & Communication, Bio Science etc. As per Prof Seal, in the Department of Statistics, the lab has 10 computers and there are 20 students at present. Since the Integrated M Sc started in 2016, the number may be increased. Since it is a new department, few books are available in the library and new books are yet to be purchased.

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According to Dr Vishnupriya Chatterjee, in Electrical Engineering lab there are insufficient numbers of plug points. There are inadequate hardware equipments, a lacunae dealt by having software version or simulation. With more number of plug points the present problem would be solved, he said. In Computer Science lab, according to Dr Khandekar Lutful Hassan, there are facilities for 70 capacity and another 70 capacity is going to be installed soon. One lab Assistant and one contractual lab assistant are working. More than 800 students from CS, MCA and M Tech Integrated are using the lab. General Computer section provides facility of 216 computers whereas approximately 330 is required. As per Prof. Mehdi Kalam, the Physics lab is presently sufficient but going to be improved in future. According to Dr. Aminul Islam, Bio Science, the newly opened Department's lab is more or less adequate. Dr Parveen Alam of the Department of Management and Business stated that the Department has adequate facilities. Dr Ikbali Ali of the Department of Electronics pointed out that software lab is sufficient but hardware requires equipments and improvements. Also, tables and chairs are inadequate. During the visit of FFC to various laboratories, it was noticed that the labs were not kept neat and tidy, and equipments and furniture were inadequate.

3. Regarding the demand for students relating to admission of all B Tech students to various PG courses and fellowships, the University authorities responded that depending upon the admission guidelines of the University and GATE scoring the matter will have to be dealt.
4. On the demand that M Tech programs need to get AICTE approval, the authorities informed the FFC that efforts are put.
5. The demand for permanent placement cell, the authorities informed that there is a Placement Cell. The FFC views that there is need for improving its performance.
6. About the demand for full free education to poor students, the University authorities informed that the fee is very nominal and the minority students are getting scholarships.
7. Regarding the demand for hostel facilities for all the students it was told by the authorities that the newly constructed hostel has capacity of 1000 students whereas the total number of students in Aliah University is 5000. The new constructions may substantially meet the requirements.



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8. Concerning the demand by the students that there shall be no other new departments to be opened without sufficient faculty and facilities, the university authorities agreed upon it. The FFC is also of the same opinion.
9. Students have demand for better conditions in toilets conforming to Islamic culture and for drinking water. On inspection of the premises the FFC found that the toilets are not well maintained, and need to be improved. Faculties have told that drinking water is supplied in big jars and there is adequate supply. Permanent arrangement may be thought of.
10. The demand related to library facilities was examined by FFC team by visiting the library premises. It is found that the total number of books for various departments in the new town campus is far from satisfaction. The furniture in the reading room are inadequate. The library should be shifted to the library building. There is delay (more than one year) in transfer of new books from acquisition section to lending/reference section. It appears, there is no permanent librarian and the present library staff is not fully equipped.

### IV (Findings about allegations)

The allegations made by the students are broadly under two heads: (a) financial mismanagement; (b) irregularities in making appointments of the faculty and non teaching staff; and (c) personal allegation.

#### On financial mismanagement

- A. Regarding work order concerning partition of various chambers (VC, Registrar and CoE), the allegation is about not following the tendering process. The authorities received 3 quotations. Note sheet was generated by Store & Purchase section of the university. Quotations were obtained from three agencies, and the lowest quotation was accepted. The Registrar has signed and VC has approved. Subsequently, work order was issued by the registrar. The tendering process was not followed as the works were done in parts and having value of less than Rs 5 lakhs when done partly.
- B. In the matter of sanctioning of Rs One lakh for iPhone/iPad, students have raised a complaint. After examining the relevant documents the FFC observes as

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follows: One Mr. Sayed Ahmed Baba, former Principal Secretary, MA & ME Dept., Govt. of West Bengal verbally instructed for procurement of a iPhone and iPad for supervision of the day to day activities of MSDP project under Centre for Vocational Studies, Aliah University. Accordingly, Mr. Sohail Khan of Purchase Section, Aliah University was asked to initiate the procurement process. As Sohail Khan was then a contractual employee and the matter was related to CVS section the amount of Rs. 1,00,000/- was issued in the name of Ms. Samina Khatoon, Junior Superintendent, Aliah University. In the meantime, Mr. Sayed Ahmed Baba was transferred and hence the Iphone & Ipad was not purchased. The amount of Rs. 1,00,000/- was returned to the Accounts Section by Ms. Samina Khatoon on 16/03/2016.

- C. The allegation related to the approval of purchase of furniture worth of Rs 1,72,76,272 is taken up for inquiry. For purchase of furniture for Aliah University, after obtaining quotation from DGS&D listed firm, the Finance section submitted an application to MA&ME Dept of WB Government seeking release of fund for Rs 1, 72, 76, 272. The Government sanctioned the fund for purchase of furniture soon before the inauguration of the new town campus. Without referring to the Finance Committee or Purchase Committee the Finance Officer prepared a note sheet for the procurement of furniture. The Registrar agreed upon it on 29.9/2014. It was also approved by the Vice chancellor on the same day. The purchase order was issued on 30.9.2014 by Vice Chancellor in the absence of the Registrar. The university authorities informed FFC that furniture were taken to stock register after numbering. The question whether there could be direct purchase by the university authority without reference to FC or PC is to be examined in the light of WB Government notification from Finance Department No 5-100-F(Y) dated 25.6.2012. Rule 47 B (7) states: "Materials for which the Director General of Supplies and disposals (DGS&D) and National Informatics Centre Services Incorporated (NICSI) rate contracts available can be purchased directly from the enlisted agencies of DGS&D and NICSI at approved rate of contracts." Although this may absolve from the further need of procedural requirement like reference to FC or PC, the position emerging from Rule 47 C needs to be looked into. As per 47 C "For high value purchase exceeding Rs 10

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lakhs or for purchasing plant, machinery, equipments etc., of complex and technical nature, bids shall be invited in two parts as under (a) technical bid and (b) financial bid”, and requires scrutiny and acceptance of technical bids by competent committee or authority and ranking of financial bids before awarding of contract to Lowest One (L1). Ideally it requires that in the matter of purchase of furniture worth of high purchasing value from DGS&D vendor, the above formalities shall be followed. The urgency of the matter might have constrained the authorities either advertently or inadvertently to deviate from the Rule 47 C. The Finance Officer did not act upon Rule 47C. The University authorities informed FFC that the matter relating to purchase through DGS&D was placed before the EC, and was approved by the EC and that the transaction was also audited. The EC has to take a call on the issue of deviation from Rule 47C.

- D. The allegation regarding engagement and extension of service provider for maintenance of nursery/garden without the consent of Registrar is taken up for inquiry. It is found from the records provided by the University that three quotations were obtained from the nurseries, and the lowest quotation was accepted. The first work order (No AU/REG/PO/0167/14-15) was issued on 26-12-2014 by the Registrar against NIQ no.005/AU/REG/Quot./14-15 dated 20-11-2014 at the rate of Rs 4.50 per square meter per month for a period of three months whereas the NIQ rate is Rs 9 per Square meter (No 3072/NKDA/Engg-40/2010(IV) dated 28-6-2014). This was extended for six months, and thereafter extended for 12 months for the same rate. It was also found that work order and all extension letters were issued by the Registrar.
- E. Regarding the allegation that release of 10 % of course fee towards the Phase I and Phase II of MSDP programme for vocational studies which is worth of Rs 36,23, 400 and Rs 96,17,820 respectively was done by the Vice Chancellor without intimating to the Registrar, the available documents are looked into. Aliah offers skill development training programme to the school drop-out children through State Fund and Central Government fund under MSDP. The Aliah University has MoU with WB Technical Education Department to execute the above programmes in coordination with MA&ME Department. The MoUs are signed by the Registrar. 50% amount is released by the government after

selection and completion of admission procedure relating to different skill development programme. After completion of training the remaining amount was to be released. Since necessary and relevant documents were not submitted by the authorities, FFC finds it difficult to arrive at any findings.

### **On irregularities in making appointments**

The University is governed by the Aliah University Act the Statutes made there under as well as the UGC Regulations on recruitments. Under the statutes 18(2) of the schedule enacted under Section 44 of the Aliah University Act for the appointment of Professors, Readers, Lecturers, Administrative staff etc., there shall be constitution of Selection Committees having required composition for the purpose of selection of suitable candidates for the advertised positions. Under the UGC Regulations minimum qualifications to be satisfied for various teaching positions are prescribed. In addition, various routine procedures are to be followed. The recruitment process involves advertisement, receiving of application, scrutiny and screening of applications in the light of UGC norms, formation of selection committee as per the law, evaluation of presentation by the candidates interview, recommendation for selection to be submitted to EC by the Selection Committee, approval of the recommendation by the EC, issuing of appointment order and confirmation of the appointments, after completion of probation period.

Allegations have been made by students about deviation from the norms at various stages.

The University advertised for various faculty positions (i. Advt No AU/APPT-11/2013, dated March 14, 2014; ii. AU/APPT-20/2014 dated 20-2-2014). As per office records and oral acceptance by the authorities, two applications submitted by candidates after the last date for filing application were also received and considered in spite of clear bar under clause (f) of the notes in advertisement. One of the applicants, viz., Dr Parveen Alam was called for interview and was selected as Associate Professor, Management Studies.

The received applications were screened by expert committees. But there is strong suspicion about the issue whether the screening committee has strictly adhered to



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the requirements of fulfilling the prescribed essential qualification by the candidates. In the cases of Dr Mukulesur Rehman, Dept of Physics, Dr S K Safayat Ali, Dept of Civil Engg, Dr Faruque Ahmed Dept. of Physics, Dr. S K Mainul Haque, Dept. of Electronics and Communication Engeneering Dr. Akhtarul Alam, Dept. of Chemistry, Dr. Parveen Ahmed Alam, Dept of Management Studies, Dr. Amzad Hossain, Dept. of English, Dr. Mehdi Kalam, Dept. of Physics, Ms. Sumana Paul and Dr. joydeep Sengupta, dept. of Mathematics, Dr. Babu Lal Seal, Prof. of Statistics Mr. Abhisek Modal, Dept of Civil Engineering , Mrs. Gargi Chakraborty, Dept. of Biological Science the FFC opine that since the issue is very complicated and all available data are not in their hands and the time available is very short, it needs further investigations.

In some of the Selection Committees for selecting Associate Professors, the Head of the Department was not called to act as member of the Selection Committee. This is a glaring deviation from the requirement under the Statutes which mandate that HoD shall be one of the members.

In the appointment of Junior Assistants, there is a questionable approach on the part of the University authorities. The advertisement was for recruitment to three posts. But four persons were selected as per the verbal statements of university authorities.

It is also noticed that in the History departments two teachers were recruited earlier without sanctioned posts.

There are allegations about appointments to contractual positions in non teaching posts named are Mr. Rabiul Islam, Computer Instructor, Dept. of Arabic, Mr. Tapan Kumar Bachar, Office Assistant, Finance Section, Mr. Ajit Mondal, Electrician cum Generator Operator cum Pump Operator. The allegation needs further inquiry because of non submission of relevant documents and records.

Allegation also was made by the students concerning the undue advantage given to Samina ,Khatun, Jr. Superintendent of CVS. It was found that the attendance register showed absence of the employee but appropriate action was not taken. Though V.C. has discretion to assign duty to any employee, however, for the betterment of the institution FFC would request him to send her to the CVS dept.

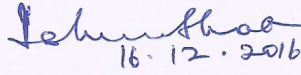
Since the allegations relating to appointments require detailed inquiry, and involve complicated issues involving right to employment of various persons, which the

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present FFC could not do within the limited time, the prima facie findings are made to take further course of action.

Before closing our report we would make some general observations: Aliah University is established with a great aspiration for the education and development of the minority and backward communities. The present deadlock arising from stoppage of classes and disruption of normal activities in a nascent University of 9 years old, which has a glorious tradition and heritage of 250 years, will be a serious setback for its growth. There is a good campus and big hope for the society. There shall not be impairment of this august institution meant for the advantage of minority community en masse. It shall not fail due to lack of good governance.

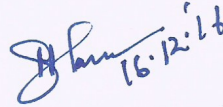
Prof. P. Ishwara Bhat (Chairman)

  
16.12.2016

Justice Intaj Ali Shah (Vice- Chairman)

  
16/12/16

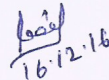
Prof Md. Sirajul Islam (Convener)

  
16.12.16

Prof Uttam Bandopadhyay (Member)

  
16.12.2016

Mr. Nurul Islam (Member)

  
16.12.16

Date 16, December, 2016

Kolkata, Aliah University Board Room

