



JAWAHARLAL NEHRU UNIVERSITY TEACHERS ASSOCIATION

Shri Pranab Mukherjee
The Visitor, Jawaharlal Nehru University
Honourable President of India
Rashtrapati Bhavan
New Delhi 110004

16.5.17

Respected Pranab Mukherjee ji,

This is in continuation to a letter written by teachers of JNU dated 26 January 2017 seeking your intervention regarding the imposition of the *University Grants Commissions (Minimum Standards and Procedure for Award of M.Phil./Ph.D. Degree) Regulation, 2016* (henceforth, UGC Regulations 2016), on JNU teachers and students.

We have come as a delegation to you on behalf of the Jawaharlal Nehru University faculty, and specifically, the members of the Executive Council (EC)/Academic Council (AC) of the university, to report to you that the JNU administration, *vide* a letter by Assistant Registrar (Evaluation) of 21.04.2017 (No. Eval. 1/3(43A)/2017) has notified a series “amendments” to the JNU Ordinances that ‘adopt’ the UGC Regulations 2016. As we have detailed in our earlier letter, these Ordinances were never discussed nor approved by the 142nd AC meeting, and we had requested you to annul the fabricated resolutions that adopted them.

By Statute 36.5 in Schedule II of the JNU Act, *all “Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor and the Court, and shall be considered by the Court at its next meeting.”* We presume that this statute has been followed by the errant JNU administration; in any case, please find a copy attached in Annexure I. Please also see a detailed critique of the Ordinances contained in the same Annexure.

We are writing to you to request you to exercise the powers vested with the Visitor under Statute 36.5, to direct the suspension of these Amended Ordinances with immediate effect, until such time that the JNU Court can meet and take a considered view of them.

Statute 36.5, Schedule II, JNU Act, 1966: The Visitor may, by order direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance and any order of suspension under this Clause shall cease to have effect on the expiration of one month from the date of such order or on the expiration of fifteen days from the date of consideration of the Ordinance by the Court whichever period expires later.

The reasons we ask for this suspension of the Ordinance is as follows:

1. We enclose a letter from 48 members of the AC and EC stating that these Ordinances were never discussed or approved by the 142nd AC (Annexure 2). 50 members of the AC/EC have also written to the Registrar requesting that this fact be placed before the Executive Council (Annexure 3).
2. The 267th EC was made aware by elected representatives of the faculty that Resolution 6 of the 142nd AC had no basis in fact, as these amendments to the Ordinances had not been discussed or approved by members of the 142nd AC. Faced with this information, the EC should have recognised, following Statute 36.2 that no draft of the Ordinances had been proposed by the Academic Council. It should have, in that case, sent the 'Ordinances' back to the Academic Council for discussion.
3. Even if the 267th EC was misled into believing that the draft Ordinances were legitimately proposed by the AC, by Statute 36.3, it could not have made amendments to them. This statutory provision states:

Statute 36.3, Schedule II, JNU Act, 1966: The Executive Council shall not have power to amend any draft proposed by the Academic Council under clause (2)¹ but may reject the proposal or return the draft to the Academic Council for reconsideration, either in whole or in part, together with any amendments which the Executive Council may suggest.

In a statutory violation, the EC did not return the draft Ordinances to the AC.

4. Most shockingly, in the notified Ordinances, many changes have been made – whole clauses inserted, words and phrases reworded and the text reorganised even beyond those formulated by the 267th EC. These egregious violations are not, of course, sanctioned by any statutes, and may amount to serious misconduct by one or few officials of the university. Accountability for these

¹ It should be noted that the Ordinances are quite obviously under the scope of Statute 36.2 as they affect "the admission or enrolment of students" as well as "the conditions, mode of appointment or duties of examiners or the conduct or standard of examination" and every "course of study".

lapses must be fixed. (Please see Annexure 4 for a comparative table of illegal amendments, including a series of additions and deletions even post the Executive Council's approval.)

5. **Since these Ordinances have been given a retrospective effect – from May 5, 2016 – they will adversely affect the research careers of over one thousand students admitted in July 2016, who will not be able to work on topics of their own choosing and with supervisors most suited to the research topic.** Moreover, since the Masters of Technology/PhD degree and the Masters of Public Health/PhD degree are effectively derecognised, the very programmes in which students have been admitted stand retrospectively altered. (Proposals to further amend these Ordinances to make this segregation of degrees complete are on the Agenda of the currently adjourned 143rd Academic Council meeting.) All retrospective effect that harms the career of student is of course unlawful, but in the instant case, also indicates that the University administration has resiled from its affidavit given to the Hon. High Court of Delhi in the recent case *Shubhanshu Singh & Ors. v. Jawaharlal Nehru University*.

We are very thankful to you for meeting this delegation of JNU teachers and for the opportunity to explain to you as to why these Ordinances shall comprehensively destroy the academic fabric and future of this great University. **We urge you to intervene immediately to save the integrated research character of our University and its and issue an order suspending the Ordinances notified on 21 April 2017 as soon as possible.**

In conclusion, we would like to emphasize that our objective in asking for this suspension of these illegally imposed Ordinances is to facilitate the free and smooth operation of procedures under the JNU Act for the harmonisation of the UGC 2016 Regulations with the reservation policies of the government, objects of the University, as listed in the First Schedule of the JNU Act, 1966, and enshrined in various statutes. It is only this effort that shall be in consonance with the vision of the Parliamentarians who enacted the JNU Act fifty years ago (see Annexure 5 for an account of this vision).

Yours truly,

Ayesha Kidwai
President, JNUTA