

JNU's July 14 Circular: 2016 batch is safe, but then why was there a seat cut at all?

29 JUL
2017

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On 14 July, the JNU administration released the circular below stating that the UGC Regulations 2016 will only have a prospective application, i.e. from the batch of 2017-18, thereby admitting that JNUTA has been right all along. In the meantime 56 out of 67 M.Phil./PhD programmes, and 37 out of 50 Direct PhD programmes have had no research degree admissions whatsoever, teachers — and particularly Chairpersons and Deans — have been treated with utter contempt and all their observations ignored, the JNU Statutes, Ordinances, Rules and Regulations violated with impunity, and the student community punished in myriad ways for expressing their dissent.

The 14 July Circular and what it entails

Jawaharlal Nehru University

New Delhi

Evaluation Branch

Urgent

Ref./Eval.1/3(43A)/2017

Date:14/07/2017

Circular

The Evaluation Branch sought clarifications from Legal Cell of the University w.r.t. applicability of UGC (Minimum Standards and Procedure for Award of M.Phil./Ph.D. Degrees) Regulations, 2016 in JNU. In response, the Legal Cell, in consultation with the University Standing Counsel, has informed as under:

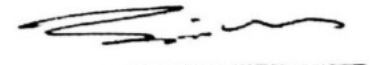
“The University Grants Commission (Minimum Standards and Procedure for Award of M.Phil./Ph.D Degrees) Regulations, 2016 will have prospective application as per clause 12.1 of the Notification.

The UGC Regulation, 2016 will be applicable to the scholars getting enrolled for the Academic year 2017-18. The students already enrolled in the integrated M.Phil./Ph.D courses or those scholars that are yet to be allocated to their supervisors will not be affected by the 2016 Regulation.”

In the light the above legal opinion, all Deans of the Schools/Chairpersons of the Special Centres are hereby informed that:

1. The said UGC Regulation, 2016 will be applicable from Academic Year 2017-18.
2. The students, who will get admission in the Academic Year 2017-18 onwards, shall be governed by the provisions of the UGC Regulation, 2016 and M.Phil/Ph.D Ordinances amended in December, 2016 as per the approval of Academic Council and Executive Council.
3. The supervisor(s) to be allocated to the students admitted before A.Y. 2017-18 as per previous rules of the University.
4. All the orders issued with respect to grant of relaxation from 5.00 CGPA to 4.5 CGPA extended to reserved category students (SC/ST/PH/OBC), extension of one/two years to female students, granting of maternity leave for 240 days, and other relaxations/benefits granted as per the UGC Regulation 2016 in respect of the M.Phil./Ph.D. students stand withdrawn.
5. Evaluation process of dissertation/thesis for award of M.Phil./Ph.D. degrees shall be applicable as per previous Ordinances/Regulations (prior to December,2016)

This has approval of the competent authority.



(SAJJAN SINGH)
ASSISTANT REGISTRAR (EVAL.)

- **No application of the UGC 2016 Regulations to the 2016 batch:**
Contrary to what was announced on February 16, Centres can freely assign supervisors to research students, without taking into account the 2016 Regulations supervisor caps, as per the academic logic of assigning supervision determined by research topic, expertise, and workload. illegal retrospective application caused so much anxiety and stress to the students of the What cannot be remedied at this stage however is the months of anxiety and stress caused to the 2016 batch of

research students over the allocation of supervisors of their choice and of matching interests/expertise. This sorry episode is yet another example of the now well-recognised approach of this administration — bludgeoning their way through institutional mechanisms of the university, paying no heed to the interests of students.

- **No carry-over of supervisor-student ratio:** Given that the Regulations will only have prospective application from the date of enrolment of the 2017-18 batch, **Clause 6.5 of these Regulations, which determines research scholar-supervisor ratio, can also have no retrospective application.** Given that the Ordinances apply equally to students and research supervisors, the only logical conclusion is that the supervision counter of all faculty members at the point of application of the UGC 2016 Regulations for the academic year 2017-18 must be set to zero; to do otherwise, would be a violation of the applicable Ordinances (which do not have any mention of caps). **As a consequence, the JNU administration cannot use the pre-2017-18 supervision facts/conjectures of JNU faculty as a pretext to restrict intake.**
- **No justification for the seat cut for the 2017-18 admissions:** Not one seat should have been cut for the 2017-18 admissions, as the past supervision details of faculty cannot be counted. As JNUTA had [pointed](#) out in the past, the UGC 2016 Regulations were just used as a pretext to target JNU; as a result, the University has now landed in multiple violation of the Constitutional provisions for reservation and the Central Educational Institution (Reservation in Admissions) Act, 2006. Teachers' counsel against this disastrous step, exemplified in almost every statement by JNUTA since the 142nd AC, but most notably [here](#), [here](#), and [here](#), has been ignored to the institution's great detriment.

- **More victims, as now there is a retrospective effect of the July 14 Circular:** The objective of having a Legal Cell and Standing Counsel is for the university not to make illegal decisions; however, the JNU administration's flip-flops has today created even more victims. As declared in point 4 above, students have evidently been granted grade relaxations, extensions of time, and maternity leave as per the UGC Regulations; those orders have now been summarily withdrawn. This could affect these students' careers quite disastrously, as these university notified Ordinances based on the UGC Regulations in April 2017, and the evaluation/ leave applications of students in the M.Phil./pre-PhD coursework could have guided by them. The JNUTA is already hearing of cases of new victims and is very concerned. *The JNUTA expects a legally responsible and legally respectful handling of all such cases, as it is the ineptitude of the JNU administration that has created this ludicrous situation of a retrospective application of JNU's legal Ordinances to a time when there was an illegal retrospective application of a set of illegal Ordinances, when actually the legal Ordinances should have been applicable at the time!*
- **JNU's autonomy is intact:** By finally making the correct decision to apply the UGC 2016 Regulations prospectively, and not from their date of notification in the Gazette of India, the JNU administration has admitted that JNU can decide when and in which manner to adopt UGC's "binding" Regulations, in keeping with other laws and the provision of its own Act. JNUTA has repeatedly pointed out that JNU's adoption of the Regulations must be sensitive to the CEI Act and the research character of JNU.

As JNUTA has repeatedly pointed out, there are many issues that still

need to be addressed in UGC 2016 Regulations, particularly in their reflection in the Revised Ordinances, which teachers overwhelmingly reject. Now that the JNU administration has, because of the relentless pressure mounted upon it by the JNU community, retreated from the position of a hasty and unthinking application of the UGC 2016 Regulations, **the space for an academically oriented harmonisation of the applicable provisions of the UGC Regulations with the JNU Ordinances, its legitimate admission and reservation policies, should be created.** The JNU administration must reach out to the JNU teachers, specially the Chairpersons and Deans, at once.

The JNUTA requests all teachers to attend the JNUTA GBM on 1 August 2017 at 4.00 p.m. to discuss this, and several other pressing issues.

Ayesha Kidwai Pradeep Shinde
President Secretary

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