

JNUTA PRESS RELEASE ON W.P.(C) 1896/2017 Jawaharlal Nehru University vs. Commissioner of Police, JNUSU, JNUTA and JNUSA

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The JNU administration has filed a Writ Petition in the High Court of Delhi against the Police Commissioner of Delhi, JNUSU, JNUTA, and JNUSA. An attempt was made to serve Ayesha Kidwai with the writ at 550 pm (after office hours) on 27 February in her office, with the information that the matter would be heard on the morning of 28 February. Prof. Kidwai reminded the advocate from Ms. Monika Arora's office that advance service required the parties to be served the notice 24 hours in advance, and requested the advocate to return the next morning. However, no further contact was made with Ayesha Kidwai after this phone call until the time of this note. JNUTA has however managed to obtain a copy of the writ in the interim period.

The writ petition is dated 27 February and asks the Hon'ble High Court to direct the police to enter campus to remove the blockade and escort the university officials inside the administration building, direct JNUSU to immediately remove the protesting students inside and outside the Administration Block, take legal action against JNUSU, and importantly, to direct JNUSU, JNUTA, and JNUSA that protests on campus may only take place at a distance of 200 metres

from the Administration building and only in the “specially dedicated places for carrying out any kind of protest within the University campus” — the Open Air Theatre and the Students Activity Centre.

JNUTA (cited somewhat perplexingly as ‘Ayesha Kidwai, Chairperson JNUTA’) has been made a party because it:

1. could be inspired by the “ruckus” created by the students to “also resort to such pressure and unlawful techniques”;
2. did not help the “Administration of the University to resolve the present issue”
3. has staged a protest against “the notice imposing ban on protests, dharna within 20 metres of the Administrative Block”;
4. needs to be communicated a restriction that “no protest/gherao/agitation/ nukkad natak/play/cultural programs/etc can be organised within radius of 200 metres of the Administrative Building.”

Even as JNUTA heaves a massive sigh of relief that the spelling of ‘siege’ has at last been mastered in a document officially issued by JNU, **it is appalled by the fact that this writ petition dated the 27th of February presents a picture that the disruption of work in the administration building as ongoing.** It even states that the blockade has vitiated the normal day to day functioning of the whole university since February 9, and adversely affected “the regular taking up of classes”. **This is an act of blatant deception, as on the 27th of February the Vice-Chancellor himself issued a notice declaring that work had resumed without hindrance in the administration building.** Indeed in this period, the Vice-Chancellor

and his team have issued regular notices and circulars about admission policy and intake, held Press Conferences, made unilateral announcements of policy and even celebrated a Basant Utsav at KC OAT. The fact of the matter is that not one day of classes has been lost, sessional, tests, talks, conferences, have been, and are being held as normal right from the beginning of the semester and even more so since February 9. And yet the Registrar of JNU has no compunctions in signing an affidavit included in the writ that the contents of the petition are true and correct to his knowledge and belief.

The JNUTA is therefore very surprised to learn that despite the obvious falsehood of this petition, and the fact that it has not been served the writ or informed of any dates, a hearing was held in the court of Justice V. Kameshwar Rao yesterday. **JNU was represented by no less than the Addl. Solicitor General of India, Tushar Mehta, who argued vociferously for police intervention, the reimposition of the 'rule of law' in JNU, and that the matter at hand is a Constitutional matter that does not fall in the purview of the Education bench.** For the parties on the opposing side, only the Delhi police was represented by Adv. Rahul Mehra, who fiercely contested the propositions in the writ and the contentions by the counsel for the petitioners. **The matter has now been referred to Chief Justice for the Delhi High Court for a decision to which bench it shall be assigned, on the 6th, and may be heard further on that day itself after rostering.**

The JNUTA has therefore had to retain legal counsel to represent the interests and the perspective of JNU teachers, and shall of course respond in a manner which is cooperative to and respectful of the

judicial process. Its stand in the court will be the unequivocal assertion of Constitutional guarantees and values, including the right to peaceful and non-violent protest for all constituents of the JNU community, a stand that it has consistently maintained and acted upon since February last year.

The JNUTA requests the entire JNU community to take the fact of this writ petition, the arguments in court that have been made (and will be made), and the personages who are involved as counsel and their official affiliations to the ruling regime, as indicative of the seriousness of the matter. While we may allow ourselves a chuckle or two at the irony of Delhi police arguing that there are no grounds for intervention in JNU, the fact that JNU has chosen to go to court against all the three major constituents of the university is no joking matter. **The JNU community must collectively ensure that the peace in JNU is maintained in the face of this and any other provocation.**

The JNUTA shall strive to build the maximum unity of all unions and associations to truthfully and sincerely repulse this challenge to our civil liberties. Our success is assured, because as it is said in the legal register we have now been thrust into, ‘Fraus et jus nunquam cohabitant’ *Fraud and justice never dwell together.*

Ayesha Kidwai

Pradeep K. Shinde

President, JNUTA

Secretary, JNUTA

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