

Public Inquiry against JNU VC. Charges 2 and 3: Undermining Faculty Selection Process and Violating Reservation Policy in Admissions

25 ^{OCT}
2017

[ADD A COMMENT](#)

Statement in support of Article 2 of the Charge Memorandum: Undermining the Integrity of the Faculty Selection Process

1. The faculty selection process is a very important issue in the context of a public university for more than one reason:

- The first is of course that quality appointments are necessary in order that the University may maintain the highest academic standards – and therefore the operation of extraneous considerations in appointments need to be checked.
- The second is that insofar as faculty appointments are permanent appointments bringing several financial and other benefits to persons selected whose cost is borne by the public exchequer, every selection process needs to give equal opportunity for all possible claimants to that position to have their case considered.

It follows therefore that the assessment process through which candidates are selected should not only be above board but also appear to be so.

Therefore, the process through which those who have to make the

assessment are arrived at is extremely critical.

2. In the case of Universities like JNU, the appointment of faculty is done by the Executive Council on the recommendation of a duly constituted Selection Committee (except for exceptional appointments under Statute 28). These are laid out in the relevant clauses [(2a) and (9)] of Statute 26 of the University:

From Statute 26 of JNU.

(2) Appointed teachers of the University shall be either –

(a) employees of the University paid by the University and appointed by the Executive Council as Professors, Readers or Lecturers or otherwise as teachers of the University,...

...

(9) No person shall be appointed or recognized as a teacher of the University except on the recommendations of a Selection Committee constituted for the purpose or except when appointed by the Executive Council under Statute 28.

3. The Composition and constitution of Selection Committees for faculty appointments in Universities are currently governed by the University Grants Commission (Minimum Qualifications of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations 2010 published in the Gazette of India on 18 September 2010 (UGC 2010 Regulations hereafter). These Regulations, relevant clauses of which are reproduced below, are mandatory in nature for Central Universities.

In other words, the Vice Chancellor is only permitted by these regulations to call experts from an approved panel, not any expert he/she chooses. Though by no means a perfect mechanism for achieving this purpose, this approval clause is extremely important as it constitutes the sole in-built check against misuse of powers vested in the Vice-Chancellor in matters of appointment of faculty.

4. Statute 27 of JNU defines the composition of Selection Committees in a manner consistent with the UGC 2010 Regulations. Regulation M 18 approved by the Executive Council in turn defined the procedure for creation of a database of experts which envisaged a process involving Centres, the Academic Council and the Executive Council (see below).

The role of the Centres/Schools was critical because identification of experts in different fields has to be based on specialized academic knowledge, as was the approval of the Academic Council, statutorily the highest academic body of the University.

5. On 17th June 2016, a process of replacing the existing list of experts in the database was initiated by the Rector writing to all Deans and Chairpersons for fresh lists of names (Annexure 1 of this Statement)). The lists received from the Centres (usually very long ones with many names) were approved by the 141st(B) meeting of the Academic Council held on 20.10.2016 without any changes. Before, however, the minutes of this meeting had been circulated to members, let alone confirmed, the recommendations of this AC were placed before the 266th Meeting of the Executive Council under Agenda Item 6.1, whose papers were only placed on the table. In those papers, the Academic Council recommendation was reported as below:

Extract from Agenda papers (Tabled) of the 266th Meeting of the Executive Council held on 22 November 2017

09 Considered the revised Panel of Experts for faculty positions additional/updated panel of experts received from the Schools/Centres for approval of Academic Council, and;

Resolved to recommend to the Executive Council the names of experts as listed in additional/updated panel of experts in respect of the following specializations for their inclusion in the databank/database and nomination on various Selection Committees:

1. School of Arts & Aesthetics letter dated 23.06.2016
2. School of Computer & Systems Sciences letter dated 01.07.2016
3. School of Environmental Sciences letter dated 01.07.2016
4. School of Life Sciences letter dated 19.07.2016
5. Special Centre for Nanoscience letter dated 29.06.2016
6. Special Centre for Sanskrit Studies letter dated 01.07.2016
7. Special Centre for Molecular Medicine letter dated 05.07.2016
8. Centre for the Study of Law & Governance letter dated 05.08.2016

9. School of Physical Sciences letter dated 26.09.2016
(Dean, SPS requested to retain the earlier/existing panel)
10. School of Biotechnology letter dated 27.09.2016
11. School of Computational & Integrative Sciences letter dated 23.09.2016
12. Linguistic Empowerment Cell letter dated 03.10.2016

SCHOOL OF INTERNATIONAL STUDIES

13. Centre for Russian and Central Asian Studies letter dated 01.08.2016
14. Centre for East Asian Studies letter dated 25.07.2016
15. Centre for International Trade & Development letter dated 15.07.2016
16. Centre for International Legal Studies letter dated 12.07.2016
17. Centre for European Studies letter dated 02.08.2016
18. Centre for Canadian, US & Latin American Studies letter dated 25.07.2016
19. Centre for Comparative Politics and Political Theory letter dated 08.08.2016
20. Centre for International Politics, Organization and Disarmament
letter dated 19.08.2016
21. Centre for Inner Asian Studies letter dated 25.07.2016
22. Centre for South Asian Studies email dated 03.10.2016
23. Centre for African Studies letter dated 26.09.2016
(Chairperson, CAS requested to retain the earlier/existing panel)

SCHOOL OF SOCIAL SCIENCES

24. Centre for Political Studies letter dated 16.08.2016
25. Centre of Social Medicine & Community Health letter dated 29.08.2016
26. Centre for Economic Studies & Planning letter dated 10.08.2016
27. Centre for Informal Sector and Labour Studies letter dated 03.08.2016
28. Centre for Historical Studies letter dated 24.08.2016
29. Zakir Husain Centre for Educational Studies letter dated 05.08.2016
30. Centre for the Study of Social Systems letter dated 30.06.2016
31. Centre for Studies in Science Policy letter dated 27.06.2016
32. Centre for Philosophy letter dated 11.07.2016
33. Centre for the Study of Discrimination and Exclusion letter dated 01.07.2016
34. Centre for Media Studies letter dated 24.06.2016
35. Centre for Women's Studies letter dated 16.08.2016
36. North East India Studies Programme letter dated 22.07.2016
37. Group of Adult Education letter dated 30.06.2016
38. Centre for the Study of Regional Development letter dated 23 and 26.09.2016

SCHOOL OF LANGUAGE, LITERATURE & CULTURE STUDIES

39. Centre of Indian Languages letter dated 29.06.2016
40. Centre of Spanish, Portuguese, Italian and Latin American Studies
letter dated 21.06.2016
41. Centre of Persian and Central Asian Studies letter dated 18.07.2016
42. Centre for Japanese Studies letter dated 08.07.2016
43. Centre for Chinese & South-East Asian Studies letter dated 28.06.2016
44. Centre for French and Francophone Studies letter dated 01.07.2016
45. Centre of German Studies letter dated 23.06.2016
46. Centre of Russian Studies letter dated 22.06.2016

47. Centre for Arabic & African Studies letter dated 29.06.2016

48. Centre for Linguistics note dated 04.08.2016

49. Centre for English Studies letter dated 19.09.2016

50. Centre for Korean Studies letter dated 26.09.2016

The Council authorized the Vice-Chancellor to finalize panel of experts for approval of Executive Council.

Thus, clearly the Centres had supplied the lists to the University Administration and these were approved by the AC. However, a crucial final line was added in the minutes which suggested that the Vice-Chancellor had been authorized to add names to the panel before placing them for approval of the Executive Council.

6. In view of the circumstances and the last line mentioned above, in the 266th Meeting of the Executive Council the elected teacher representatives raised two issues:

- that the decisions of the EC approving the Academic Council recommendations should be subject to confirmation of minutes by the AC – this was not contested in the deliberations.
- an enquiry was made whether the panel of the experts being placed for approval before the Executive Council had any names added by the Vice-Chancellor – in response the Vice-Chancellor and the Administration insisted that the Vice-Chancellor should always have some discretionary power to add names of experts as and when required. It was on this issue that four members of the Executive Council recorded their dissent. (Three were initially mentioned in the minutes and then subsequently corrected)

7. The minutes of the 266th Executive Council then added another twist to the tale by invoking a 1997 Resolution to suggest that the VC had discretionary power.

Extracts from the Minutes of the 266th Executive Council Meeting of 22 November 2017

6.1 Considered the recommendations of the Academic Council held on 07.10.2016 and its adjourned meeting held on 20.10.2016, and;

Resolved to approve the recommendations of the Academic Council held on 07.10.2016 and its adjourned meeting held on

20.10.2016, given as Annexure – II.

One of the members enquired whether the panels of experts placed before the Executive Council were the same as recommended by Schools/Centres. The Vice-Chancellor informed that these were as per recommendations of Schools/Centres, and the Academic Council has authorized the Vice-Chancellor to finalize the panel of experts for approval of the Executive Council. After discussion, it was also clarified that Vice-Chancellor has been authorized to add names by an earlier resolution of the Academic Council/Executive Council which is reproduced below for information of the members:

“Considered recommendations of the Academic Council made at its meetings held on 17.03.1997 and 18.03.1997 regarding panels of experts on various Selection Committees, and;

“Resolved to recommend to the Executive Council the panels of experts on various Selection Committees for faculty positions. Resolved further to authorize the Vice-Chancellor to make additions, wherever necessary, in the panel of experts in consultation with the experts and such names be reported to the Academic Council at its subsequent meeting.”

The above recommendation of the Academic Council was approved by the Executive Council vide Resolution No. 5.11 at its meeting held on 15.04.1997.

However, three members wanted their dissent to be recorded in this regard.

The minutes, however, made it clear that as on 22 November 2016, the only lists of experts approved by the Executive Council for Selection Committees were those received from the Centres and approved by the Academic Council. In other words, these were the only panels of experts existing which met the conditions laid down in the UGC 2010 Regulations, JNU's Statute 27 as well as Regulation M 18. Calling of any expert for a Selection Committee from outside those panels had therefore no legal basis except the 1997 Resolution which was infructuous as explained below.

8. Extracts from the comments of an elected teacher representative to the minutes given below make it clear that the 1997 resolution was an afterthought which was illegitimately brought into the picture simply to find a justification for the granting of additional discretionary power to the Vice Chancellor in relation to the panel of experts.

Extract from Comments of an elected teacher representative on minutes of the 266th Meeting of the Executive Council
Item 6.1: Consideration of the Recommendations of the Academic Council

a) The draft minutes omit an important element of the decision – namely, that all approvals of the recommendations of the Academic Council are subject to the Academic Council's confirmation of the minutes of its meeting in which they were adopted.

b) With regard to the approval of the panel of experts, the draft minutes cite resolutions adopted by the Academic Council in 1997 and the confirmation of the same by the Executive Council in the same year.

Apart from the fact that these resolutions were not specifically mentioned in the deliberations of the Executive Council meeting in whose minutes they are included, it is also clear from the reading of those resolutions that the authorization given to the Vice-Chancellor to make additions to the panel of experts applied only to the specific panels recommended at that time (and that too with the rider that additions, if any, be reported to the AC). No such authorization was part of the resolution adopted by the Academic Council at its meeting held on 20.10.2016. In any case, this should be a matter for the Academic Council to confirm.

It should also be noted that between the 1997 decision and the current one, new UGC regulations regarding Selection Committees have come into force and have become part of the statutory framework of the University through appropriate amendments to the Statutes. Invoking the 1997 resolution cannot be considered appropriate if it is not consistent with these

statutory provisions. That discretion being given to the Vice-Chancellor to make amendments to the panel is not consistent with existing Statutes is precisely what had been argued by some members and formed a part of the basis for their dissent on the decision.

.....

Even more surprising is the omission from the minutes of the grounds for the dissent by the elected teacher representatives, which were submitted in writing. I am reproducing below the text of the note submitted:

“Extension of the approval to the panel of experts to cover anonymous changes (additions/deletions) that may be made by the Vice-Chancellor to the lists received from the Centres and approved by the Academic Council is inappropriate. Such changes would be violative of both the letter as well as the spirit of the relevant UGC Regulations which are incorporated into Statute 27(2) of the University.”

9. In the subsequent 142nd (B) Meeting of the Academic Council held on 26 December 2016 despite written requests to not hold it during the vacation, the Vice-Chancellor steamrolled the decision to confirm the minutes of the 141st AC and did not pay heed to the objections of several members in a relatively thinly attended meeting. The details of this have already been described in the Statement on Article 1 of the Charge Memorandum. A letter written to the Vice-Chancellor by 34 members of the Academic Council attended by barely 55 members, recording their protest at the way the meeting was conducted, was also sent to members of the Executive Council (Annexure 2 to this Statement). The only acknowledgement of all of this by the Vice-Chancellor was to record the decision of the Academic Council as one which was not unanimous.

Extract from Minutes of 142nd (B) Academic Council Meeting

Item No. 9: On panel of Experts for faculty positions, the Council resolved by majority that the decision already taken by the Academic Council and approved by the Executive Council on 2.11.2016 shall remain unchanged.

10. In almost every Selection Committee constituted for faculty appointments, since the new database of experts was created – and there have been over 30 such committees constituted that have recommended nearly as many appointments across a range of Centres/disciplines – the Vice-Chancellor has called at least two of the three experts from outside the approved panel of experts using his discretionary power (something

that even the 1997 Academic Council resolution neither envisaged nor resulted in). Which are the subject experts he has consulted to identify these experts for selection committees no one knows. In other words, the discretionary power has not even been used rarely and in exceptional circumstances but clearly with the objective of circumventing the provision that experts must be called from a panel arrived at through a due process and approved by the statutory bodies. This has in fact made a complete mockery of that process.

11. By an earlier Executive Council resolution, the Vice-Chancellor has been authorised to issue appointment letters based on Selection Committee recommendations, but the decisions need to be subsequently approved by the Executive Council. Practice was that only if the recommendations were unanimous would the appointment letter be issued without the prior approval of the Council. Prior to the 268th Meeting of the Executive Council held on 30th June, an elected representative had in writing sought information on the Selection Committees and their minutes as given below:

Extract from Letter to Chairperson of Executive Council from elected teacher representative dated 23.06.2017

“With regard to item 4.23 in the agenda, I would like that the minutes of the Selection Committees and any notings by members be also made available to the members of the Executive Council in view of the controversies that have arisen regarding the recommendations of some of them. Please also do provide details wherever experts not included in the panels received from the Centres and approved by the Academic Council have been invited as members of the selection committees.”

The Vice-Chancellor did not respond to this request and when it was repeated orally in the meeting, he refused to share this information with the members of the body which was being asked to approve the decision! Three elected teacher representatives expressed their protest again in writing immediately after the meeting.

Extract from Letter dated 6 July 2017 from three elected teacher representatives on the proceedings of the 268th meeting.

“We would also like to put on record our strong objection to the formal refusal in the meeting to provide the Executive Council and its members: a) information on the number of occasions on which the Vice-Chancellor used his discretion to call experts

from outside the panels received from Centres and approved by the Academic Council; and b) the minutes of the Selection Committees. These too had been asked for in advance in writing in the previously mentioned communication and the request was orally reiterated in the meeting. Since the statutory responsibility for considering the recommendations of selection committees is vested in the Executive Council, denying the information requested while asking the Council to ratify the decisions taken by the Vice-Chancellor in these matters is entirely inappropriate. What is paradoxical is that while the decisions of selection committees ratified by the Executive Council in the past are being opened up and examined afresh for supposed 'correction', information on what is happening at present is being withheld. If the University Administration is not to be vulnerable to the charge that it has something to hide, it could still correct this error and share with the Executive Council members the requested information."

The response to this from the Registrar, received just before the 269th meeting, remained silent on this matter. Predictably, the minutes also recorded the deliberations inaccurately but indirectly revealed that there had been such a discussion.

Extract from Minutes of 268th EC on Item 4.3

One of the members wanted to know the details of differing views, if any, recorded by the expert(s) in their recommendations for recruitment/promotion cases.

On this point, the Executive Council held the view that wisdom of the Selection Committee should be respected and honoured irrespective of one or two differing views since Selection Committee normally consists seven members.

Extract from Comments of Elected Teacher Representative dated 21.07.2017 on Minutes of 268th EC

"The draft minutes do not accurately reflect the issues raised by me and which have been reiterated in the previously mentioned letter dated 6 July 2017. The issue here is that a request was made to share with the Executive Council members some information – about the experts called from outside the previously approved panels and the minutes of the selection committees – before considering the recommendations of selection committees. That this request was denied is what the minutes should state if they are to be an accurate recording of the proceedings. The minutes should also state that some members did not in such circumstances endorse the approval of the recommendations of the selection committees."

In the 269th EC again the matter came up at the time of confirmation of minutes with regard to but was brushed aside and not even mentioned in the draft minutes:

Extract from Comments of Elected Teacher Representative dated 03.10.2017 on Minutes of 269th EC

"The draft minutes are silent on the fact that I had submitted in writing my comments the minutes of the 268th meeting and was given very little time in the 269th meeting to explain these. I did not receive any satisfactory response to these comments – which were in fact dismissed as being the objections of only one person – hence my inability to endorse those minutes. I did, however, manage to make at least one point which I must reiterate here – if the University Administration is absolutely convinced that it has not infringed its statutory obligations by asking the Council to approve decisions in response to selection

committee recommendations even while denying members information asked for (about cases where experts were from outside the approved panels and the minutes of those committees), then it should have the courage to say so in writing and not hide behind the fact that it gets to draft the minutes. Plain honesty surely is not too much to ask for.”

In the 269th EC itself, under item No. 4.10, the Vice-Chancellor sought post-fact approval for names he had added to the panel of experts but refused to share the details of these experts with the EC. Again, when the Dean, SSS raised a simple point that approval cannot be given to additions to a list of experts whose identities and how they have been selected members are not even aware of, the Vice-Chancellor refused to share details.

Extract from Minutes of 269th Executive Council (Item 4.10)

However, the elected members wanted their dissent to be recorded, as they wanted the names of experts alongwith their CV added by the Vice-Chancellor to be placed before the Executive Council. Dean, SSS also expressed the same view. The Council, however, noted that the experts' names should be kept confidential, and if any member desires to see such names, he/she may approach the Vice-Chancellor.

12. The 1997 AC Resolution still required the Vice Chancellor to report additions he or she made to the panel of experts to the Academic and Executive Councils. By a sleight of hand, the Vice-Chancellor has done away with this and the role of the Academic Council in the approval process. In the 269th Meeting of the Executive Council held on 18 September 2017, bringing it as an additional tabled agenda not circulated to members beforehand, the Vice Chancellor engineered an amendment of Regulation M 18 which would eliminate the requirement of approval of experts by the Academic Council and write his discretionary power to add names into the Regulation (Annexure 3 of this Statement). After this amendment, effectively the panel of experts is entirely under the control of the Vice-Chancellor as is evident from the following extracts of the new regulation.

Extracts from Minutes of 269th EC Item 6.11

1. Panel of experts for recruitment to faculty positions received from Schools/ Centres shall be placed before Executive Council for approval.

2. The Vice-Chancellor is authorized to make additions in the panel of experts in consultation with experts and such names be reported to the Executive Council in its next meeting.

A regulation, however, cannot supersede a statute and therefore this amendment is illegal too apart from being unethical – this has been pointed out as shown below which also describes the circumstances in which the amendment was passed.

Extract from comments of an elected teacher representative to the draft minutes of the 269th Executive Council meeting
Item 6.11: Amendment to Regulation M-18 for nomination of Experts on Selection Committees – It is amusing, to say the least, to see the way in which the draft minutes describe my dissent on the decision. Quite clearly, the intention is to belittle the dissent and to suggest that it was an afterthought even though my dissent on this was as predictable as it can get given what I have consistently argued. The fact of the matter was that this was a tabled item which was skipped over by the Chair and the discussion taken to other matters. In other words, there was no deliberation on this item and I was not given any time to explain my position. In such circumstances it is not my dignity but the Administration's which is lowered by an official recording of the dissent in the manner that the draft minutes do. I shall simply stick to recording the reasons for my dissent – which are that I cannot support a bypassing of the highest Academic Body of the university in a matter that is as academic as it gets and I am opposed to a Regulation granting unlimited discretionary powers to the Vice-Chancellor to add names to the panel of experts. In my view this Regulation would be in contravention of UGC Regulations and JNU's Statute 27 derived from those Regulations.

What then emerges from all that has been outlined in Serial Nos. 1 to 12 above is a series of questions.

Would someone who is above board go to such lengths to wrest for himself such discretionary power in a selection process for faculty that the law does not vest in him and which the faculty does not wish him to have?

Would someone who is concerned about his reputation for integrity and of the Institution he heads do what M. Jagadesh Kumar has done in not only grabbing discretionary power in selection matters but also use it almost always to call experts from outside the approved panel? Could it have been the case that experts from the approved panel were suddenly unavailable on such a scale this year that the majority of experts had to be from outside the panel on almost every occasion? If there were legitimate reasons for adding names to the panel of experts, would the Vice-

Chancellor have been so insistent on shrouding his actions in such secrecy? Even if the answer to the above questions is unlikely, M. Jagadesh Kumar is guilty of undermining the integrity of the selection process for faculty appointments. He has provided every reason for all the candidates applying for faculty positions in JNU and the public at large to believe that the faculty appointment process in JNU is rigged.

[Annexures to Charge 2](#)

Article 3 of the Charge Memorandum: Damaging the Interests of Students aspiring for research, wasting public money and violating CEI Act and Reservation Policy

Under the present Vice Chancellor's leadership, admissions to JNU in the year 2017-18 were drastically cut by deliberate misuse of the UGC (Minimum Standards and Procedure for Award of M.PHIL./PH.D Degrees) Regulations, 2016 and by turning a blind eye to the Central Educational Institutions (Reservation in Admission) Act 2006 (henceforth, the CEI Act 2006). This has deprived a large number of potential students from gaining admission to a premier university of the country. This act was directly in violation of the CEI Act passed by the parliament in 2006. The changes in admission policies and shoddy implementation of admissions have resulted in a drastic reduction in the intake of students from deprived communities.

JNU is primarily a research university and typically research programmes account for about two thirds of its student strength. In discharging its role

as a premier research university, JNU has done a stellar national service by training teachers and researchers that are working in educational and research institutions all over the country. Stifling research programmes of the university would thus have far reaching consequences for functioning of institutions of higher education across the country. Many Centres in the university have only MPhil/PhD programmes. Except in the School of Languages, teachers do not have the burden of undergraduate teaching. Apart from teaching in postgraduate classes, supervising research scholars is their primary duty. Stifling research programmes has meant a huge waste of resources in JNU.

The seat cut was introduced in the most autocratic manner in JNU. The UGC Regulations 2016 were brought in Part B of the 141st Academic Council meeting, in which student representatives were not present, though it was clearly an item that should have been placed in Part A of the meeting. Members raised various issues and clarifications were sought. However, the item was wrongly recorded in the minutes as passed and members strongly objected to this when the minutes of the 141st AC meeting were placed for approval in the 142nd meeting. Members also protested that the minutes of the meeting of the Standing Committee of Admissions were presented to the 142nd AC meeting even before they were confirmed by members of the Standing Committee of Admissions. Members of the Standing Committee who were present in the 142nd AC meeting disapproved of those minutes on the floor of the AC meeting.

The disputed minutes of the AC meetings were placed before the Executive Council before these had been confirmed by the AC.

All further decisions were taken directly by the JNU VC, or by the JNU Administration directly under orders from the VC, without consulting the Boards of Studies of Schools or the Academic Council of JNU. These included completely flawed calculation of the intake, giving up the policy of deprivation points, computation of reserved category seats for each Centre, derecognising the Pre-PhD programme in Science Schools, and enforcing 100 per cent weightage to viva-voce marks.

As we attempt to show, the consequences of these decisions, for which the JNU Vice Chancellor has been directly responsible, have been disastrous for JNU's academic programmes.

As the document has tables that cannot be rendered here, please read the rest of the statement or download the statement in [pdf](#)

[Charge 3 annexures](#)

The VC, Prof. M. Jagadesh Kumar's defence

Advertisements

Occasionally, some of your visitors may see an advertisement here
You can hide these ads completely by upgrading to one of our paid plans.

[UPGRADE NOW](#)

[DISMISS MESSAGE](#)

[Edit](#)

SHARE THIS:



LIKE THIS:

[PREVIOUS](#)

Public Inquiry Against the JNU Vice-Chancellor, Charges 6 and 7: Undermining JNU's Anti-Sexual Harassment Policy and Displaying a Callous Attitude

JNUTA statement on JNUTA Public Inquiry against Professor M. Jagadesh Kumar, Vice-Chancellor of Jawaharlal Nehru University

Leave a Reply

You are following this blog

You are following this blog, along with 2,453 other amazing people ([manage](#)).

