



Public Inquiry Against the JNU Vice-Chancellor, Charge 1: Repeated Violations of Statutory Provisions and Obligations

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Introduction to the Proceedings

Starting from today, the Jawaharlal Nehru University Teachers Association is holding a public inquiry against Professor M. Jagadesh Kumar, Vice-Chancellor, Jawaharlal Nehru University on seven charges. Before members of a jury of eminent persons drawn from academia, journalism, the legal profession, the arts, and social movements, JNUTA shall present evidence to substantiate its claim.

What JNU should be

The most recent articulation of what JNU aspires to be is ironically to be found in the self study report that was presented by the JNU Administration to the visiting National Assessment and Accreditation Council (NAAC) team between October 9 and 11 2017, and certified as true to the best of his knowledge by the Vice-Chancellor, Prof. M. Jagadesh Kumar himself. The report presents a stunning picture of a model university, academically and culturally vibrant, healthy university space

where social and gender justice in education is cherished as an essential feature of academic excellence, and one in which all decisions are taken through a consultative, democratic process. The GSCASH is still in office (in fact close to two pages are devoted to the GSCASH), the deprivation points system is in place, reservation policy is fulfilled, JNU has had no cut in research admissions, all the statutory bodies are functioning as per their powers in the JNU Act, recruitment and promotion are conducted in complete conformity with the UGC Regulations and the JNU Act and Statutes, and the university is a haven for the free expression of all manners of opinion.

But contrary to the vision presented in the NAAC report, the reality of JNU is however — as anyone who has been reading the newspapers in the past 18 months or so knows — quite different. In fact, the lies in the NAAC report that the JNU VC has certified as “true to the best of his knowledge” are made possible only because the report only covers the JNU of 2012 to 2016. In other words, the JNU Vice-Chancellor has hidden his own misdeeds by editing the first full academic year of his reign out. Just a smattering of events in the last two months illustrate just how bad things are in JNU:

- The 2017-18 M.Phil./PhD admissions to JNU have seen an overall 83% cut from the previous year. Actual admissions are reported to be less than 100 out of this 194 seats. Intake for 2018-19 is projected to be just a little more than 50% of the 2016 values. None of these decisions about intake and admission policy have been deliberated upon by the Academic Council, the only forum with the authority to do so by the JNU Act.
- National reservation policy has been violated with impunity, with

confirmed admissions of only 3 SCs, 2 STs, and 13 OBCs for the 2017-18 admissions. The JNU innovation of awarding deprivation points for regional, economic and gender backwardness has been dispensed with entirely for research admissions.

- Hailed as a landmark example of how to address sexual harassment in universities by the late Justice Verma Commission of Inquiry Report, and presented as a model for other universities by the UGC's Saksham Guidelines, JNU's Gender Sensitisation Committee Against Sexual Harassment has been abruptly wound up and replaced by a committee in which all the faculty members are nominated by the Vice-Chancellor. Today the replacement Committee is busy organising self defence classes in collaboration with the Delhi Police but has not a word to say about the fact that JNU women students are being harassed and defamed in the name of hostel security checks.
- The full effects of the Vice-Chancellor's arrogating to himself the power (which the UGC or the JNU Act does not give him) to determine who is an expert in every field taught and researched in JNU, and to call only those he has so named to Selection Committee meetings are being felt in full now. The last two months have seen Selection Committee after Selection Committee stacked with 'experts' whom the Vice-Chancellor has picked. Academic considerations are being subordinated in the selections made, with an alarming frequency. The names of these so-called experts and the Minutes of these Selection Committees are not even being shown to the Executive Council. Any protest at these violations by the ex-officio members in Selection Committees, such as heads of departments or Deans, is met with a swift reprisal and disciplinary action. With about 280 appointments and scores of promotions in the offing, the academic future of the university looks

bleak.

- The promotions of several teachers have been held up for nearly two years, instead of implementing the already existing decisions of the Executive Council based on the relevant UGC Regulations on counting of past service, the Vice-Chancellor has to overturn every decision already made. In one case, a colleague is being harassed because her joining report is on a Monday, rather than a Sunday thirteen years ago, when she returned from a post-doctoral stint at Harvard. Other teachers have been denied promotion on trifling grounds that have no basis in rule, despite outstanding CVs.
- JNU is a residential university and the hostel wardens play a very important role in maintaining order, good humour, freedom from violence, and democracy in hostel functioning. Further, hostel wardenship is the means by which younger colleagues can avail of university accommodation. Over the past six months or so, more than 20 wardens have been summarily informed that they are to be relieved of wardenship within the next six months, without any explanation.
- All norms that have ensured democracy of functioning have been given the complete go-by. The appointments of Heads of departments and Deans of faculties is no longer one by the principle of seniority by rotation. In the School of International Studies, the third senior-most Professor was designated Dean and in the School of Social Sciences, the sixth.
- Disciplinary action and vindictive punishment has become the norm, without even the cursory gesture towards due process, Just in the last week 15 students have been issued show-cause notices for a range of very severe punishments, faculty have been removed from their positions as chairs for daring to disagree with the Vice-Chancellor. A

ever-growing round the clock surveillance, whose only aim is to retrofit every opinion and act into the language of misdemeanour, has pinned all democratic discussion and dissent under the gaze of a ruthless panopticon. Even while there may be humour to be found in a JNU administration that surround itself with barricades at the sight of a poster by some young women resolving to read the works of Audre Lord near his office, this cannot override the overwhelming sense of despair that for this Vice-Chancellor, the university has to become a bootcamp in which the message has to be delivered through a tank rather than through reflection, consultation, and mutual respect. Universities demand democracy, both as an institution that promotes intellectual inquiry as well as social change. To produce both, there can be no unassailable authorities.

Why this public inquiry?

JNU is a public institution, funded by the taxes that the people of India pay, which must be run in accordance with the framework laid down by the JNU Act. For each of the decisions above, the Vice-Chancellor is responsible, as they have been taken by him alone or with his approval. By the JNU Act of 1966, Statute 4, it is the Vice-Chancellor, who “has the responsibility for maintaining and promoting the efficiency and good order of the University” and his duty to “see that the provisions of the Act, these Statutes, the Ordinances and the Regulations are duly observed and the decisions taken by the authorities of the University are implemented”. But even beyond the JNU Act, the hostile atmosphere engineered by Prof. M. Jagadesh Kumar is leading to the rapid destruction of the university itself, an institution that Jawaharlal Nehru famously defined as standing for

humanism, for tolerance, for reason, for the adventure of ideas and for the search of truth, and for the onward march of the human race towards ever higher objectives.

The format of the inquiry that will be followed is that every day, JNU teachers shall argue the seven different charges we have levelled at Prof. Jagadesh Kumar before a jury of 5-6 eminent persons drawn from academia, the law, social movements and the arts. Jury members shall comment on both daily and submit their final observations to be delivered as a verdict on the 27th. Although Prof. Jagadesh Kumar has not consented to be part of this proceedings, we shall make every effort to record his response to the charges once presented.

Presentation of Charge 1: Repeated Violations of Statutory Provisions and Obligations

The Charge as served can be found [here](#).

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**Statement in support of Article 1 of the Charge Memorandum:
Repeated Violation of Statutory Provisions and Obligations**

Jawaharlal Nehru University was created through an Act of the Indian Parliament. Section 4 of the JNU Act, 1966, sets out the basis objects of the institution which are broader in scope than narrowly defined academic instruction:

The objects, of the University shall be to disseminate and advance knowledge, wisdom and understanding by teaching and research and by the example and influence of its corporate life and in particular the objects set out in the First Schedule

Section 10 of the JNU Act also defines the basic Authorities of the University, which are bodies and not individuals and it is through whom that other bodies like Schools of Studies, Centres, etc. and their corresponding decision-making bodies are created.

Section 10 of JNU Act, 1966

The authorities of the University shall be the Court, the Executive Council, the Academic Council, the Schools of Studies, the Finance Committee and such other authorities as may be declared by the Statutes to be authorities of the University.

The status of the Vice-Chancellor defined by the Act is that of an Officer of the University who chairs authoritative bodies but is not a substitute for them.

Section 9. (3) of JNU Act, 1966

There shall be a Vice-Chancellor appointed in the manner prescribed by the Statutes who shall be the principal executive and Academic Officer of the University and ex officio Chairman of the Executive Council, Academic Council and Finance Committee.

The Act also defines the powers of the authoritative bodies. The powers of the Court are mainly powers of ratification and review and it is the Executive and Academic Councils which are empowered to make key decisions and clearly in academic matters, the special role of the Academic Council has explicit acknowledgement.

Sections 12 and 13 of JNU Act, 1966

12. (1) The Executive Council shall be the Executive Body of the University, and its constitution and the terms of office of its members, other than ex-officio members, shall be prescribed by the Statutes.

(2) It shall be in charge of the general management and administration (including the revenue and property) of the University.

13. (1) The Academic Council shall be the academic body of the University, and its constitution and the terms of office of its members, other than ex-officio members, shall be prescribed by the Statutes.

(2) The Academic Council shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation, and be responsible for the maintenance of standards of instruction, education and examination within the University, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

Statutes 14 and 16 then elaborate the powers of these two bodies.

The JNU Act also gives the Executive Council powers, subject to relevant restraints, to make statutes and ordinances and also the power to make regulations to all authoritative bodies. Here too, however, the special position of the Academic Council finds recognition.

Section 16. (2) of JNU Act, 1966

The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter in this section provided;

Provided that the Executive Council shall not make any Statutes or any amendment of a Statute affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing an opinion on the proposal, and any opinion so expressed shall be in writing and shall be considered by the Executive Council;

Provided further that no Statute shall be made by the Executive Council affecting the discipline of students, and standards of instruction, education and examination except after consultation with the Academic Council.

Section 17 (2) of JNU Act, 1966

The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

Extract from Statute 36.

(1) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government.

(2) The said Ordinances may be amended, repealed or added to at any time by the Executive Council provided that –

- (a) no Ordinance shall be made affecting the conditions of residence or discipline of students, except after consultation with the Academic Council;
- (b) no Ordinance shall be made:

- (i) affecting the admission or enrolment of students or prescribing examinations, to be recognised as equivalent to the University examinations, or
- (ii) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examination or any course of study,
- unless a draft of such Ordinance has been proposed by the Academic Council

(3) The Executive Council shall not have power to amend any draft proposed by the Academic Council under clause (2) 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.

Section 18 of JNU Act, 1966

The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees appointed by them and not provided for by this Act, the Statutes or the Ordinances in the manner prescribed by the Statutes.

Clearly, therefore, the functioning of the Vice-Chancellor has to be within the framework of statutory provisions, and Statute 4 in fact makes ensuring the general adherence to Statutory provisions the principle responsibility of the Vice Chancellor.

Statute 4 (2)

It shall be the duty of the Vice-Chancellor to see that the provisions of the Act, these Statutes, the Ordinances and the Regulations are duly observed and the decisions taken by the authorities of the University are implemented.

Professor M. Jagadesh Kumar, however, has failed to himself uphold and implemented what he is expected to ensure from the entire University, as the following instances given under Serial Nos. 1 to 5 will establish.

1. Regulation M 1 of the University adopted by the Executive Council contains the provisions governing the conduct of Academic Council meetings including their frequency:

Clause (3) of Regulation M 1:

The Council shall meet as often as necessary but **not less than two times in each semester of the academic year.**

Since he took over as Vice-Chancellor in January 2016, the following is the schedule of four Academic Council meetings convened by him:

- 140th – 9th May 2016 and adjourned meeting reconvened on 27 May 2016
- 141st – 7 October 2016 and adjourned meeting reconvened on 20 October 2016
- 142nd – 23 December 2016 and adjourned meeting reconvened on 26 December 2016
- 143rd – 9 May 2017 and adjourned meeting reconvened on 16 June 2017

What is notable is that so many of the meetings have been during vacations (6 December to 5 January and 13 May to 21 July) and Regulation M 1 Clause (3) has been violated with impunity in letter and spirit. Four meetings have been convened and we are approaching the end of four semesters. Only one meeting was held during the winter semester 2016-17 (6 January 2017 to, that too during the summer vacation. None has been held so far in Monsoon semester 2017-18, and it appears unlikely that any will be held before the vacations begin because no notice has been sent out yet for the 144th Meeting while the Executive Council has been scheduled for 16 November 2017.

The minutes on Item 4 of the 142nd Academic Council, as written by the Administration itself and approval of the Vice-Chancellor, states as follows:

04 Considered the Intake/proposed offers for admission to various programmes of study as suggested by various Centres/Schools for the Academic Year 2017-18, and;

Approved the Intake/proposed offers for admission to various programmes of study as suggested by various Centres/Schools

for the Academic Year 2017-18 as per **Annexure – IV** and **Annexure – V**. However, it was felt that final intake would be decided after a clarification on intake is received from the UGC on this issue in the light of adoption of UGC Gazette Notification of May 5, 2016.

The final intake announced in the prospectus for 2017-18 and those set out in the abovementioned Annexures IV and V, however, did not match for the M.Phil/Ph.D and Direct Ph.D programmes, the final intake representing a big cut (see enclosed Annexures 1 and 2 to this Statement) in the number of seats which was *never approved by the Academic Council*. Thus, the intake announcement by the University in its prospectus was in violation of the statutory provisions.

Recourse to even the line on the UGC Regulations in the minutes (on which more later) does not provide a sanction for the intake announcement given the following clause in those very regulations giving sanction to what was already the established practice in JNU:

Higher Educational Institutions (HEIs) referred to in sub-clause 1.2 above and Colleges under them which are allowed to conduct M.Phil. and/or Ph.D. programmes, shall:

5.2.1 decide on an annual basis through their academic bodies a predetermined and manageable number of M.Phil. and/or Ph.D. scholars to be admitted depending on the number of available Research Supervisors and other academic and physical facilities available, keeping in mind the norms regarding the scholar- teacher ratio (as indicated in Para 6.5), laboratory, library and such other facilities;

By what method was the intake for various research programmes in 2017-18 determined? Certainly not something that was authorized by a decision of the Academic Council. Neither did the Academic Council approve the changes in the Admission Policy implemented in 2017-18 admissions.

For the 2018-19 admissions, the intakes for all programmes have been again announced in the prospectus (see Annexure 3 to this Statement) without any Academic Council approval as there has been no meeting of

the Council. In fact, even the intake for programmes other than research programmes (PG and UG) have not been approved. Again, by what method the intake figures have been arrived at is not known as they certainly do not flow from the 'Guidelines' sent by the Administration to the Centres (this will be elaborated when Article 3 is taken up).

If the minutes of the Academic Council available on record conclusively establish the violation of Statutory provisions in matter of admissions by the Vice-Chancellor, this is despite the fact that minutes themselves are not accurate records of the proceedings of these meetings, and the meetings themselves are often conducted in a way whose objective is to impose the Vice-Chancellor's writ on the Academic Council irrespective of the opinion of its members. Evidence of this are what was said by members of the Academic Council.

34 members of the Academic Council, more than half the number present at the 142nd meeting of the Academic Council pointed out all procedural violations during the AC meeting, including the incorrectly recording of the minutes of the 141st meeting of the AC (See Annexure 4 to this Statement).

One member present also detailed what happened in the 142nd meeting in a media article (See Annexure 5 to this Statement). A similar story was repeated in the 143rd Academic Council meeting where the house overwhelmingly (44 to 20) insisted that the minutes of the 142nd AC were incorrectly recorded, and that they must be corrected to reflect the actual discussions and decisions that were taken. Despite the fact that 44 members —overwhelming majority of the 143rd (A) AC meeting— spoke at

length about the necessity of minutes being a faithful record of the actual discussion, that minutes can only be confirmed on the floor of the house, and how amendments moved on the floor must and indeed should be made and all objections registered. The Amendments moved were the following:

- That the 142nd AC did not approve any seat cuts for M.Phil/Ph.D admissions and in fact had approved intake figures that were about 83% higher.
- No revisiting of JNU's progressive admission policy was approved by the 142nd AC
- The weightage of written exam to viva voce for M.Phil./PhD was approved at 80/20.

However, the VC ruled that he would append only nine of the objections that he received in January 2017 to the minutes. Upon the House raising objections to this decision, he abruptly adjourned the meeting and left, without supplying a reason for such an adjournment. On 11 May 2017, thirty-six faculty members of the JNU Academic Council (a clear majority of members present at that time) wrote to the Registrar of the University to **ensure that the opinion of the AC is adequately reflected in the Minutes being drawn up of the meeting. [See Annexure 6 to this Statement]**

The abovementioned letter also stated categorically that the meeting be reconvened either before the vacation begins or after the period denoted as "Summer Vacations" in the JNU Academic Calendar. But, once again showing utter disregard of the Statutes and Regulations of JNU, the VC reconvened the 143rd Academic Council meeting at a notice of just four

days on the 16th of June 2017. [As per Regulation M1, 3(1): “A written notice of every meeting shall be circulated by the Registrar to the members of the Academic Council at least 21 days before the meeting.”]

In the reconvened 143rd AC meeting, members were also not allowed to register their dissent. 34 teachers submitted the note of dissent for the Part A proceedings (see Annexure 7 to this Statement), but this was rejected by the Registrar, because this was a clear majority of those present.

After not allowing members to discuss agenda items and then manipulating the minutes to manufacture ‘decisions’ of the Academic Council, without the AC members being even given an opportunity to see the draft minutes, let alone confirming them, these were placed before the Executive Council as ‘recommendations’ of the AC. This has happened repeatedly as can be seen from the extracts of different documents given below:

From Comments of Elected Representative dated 16.12.2016 on Minutes of 266th Executive Council meeting

Item 6.1: Consideration of the Recommendations of the Academic Council

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.

From Minutes of 267th Executive Council Meeting held on 03.01.2017

6.1 Considered the recommendations of the Academic Council held on 23.12.2016 and its adjourned meeting held on 26.12.2016, and;

Resolved to approve the recommendations of the Academic Council held on 23.12.2016 and its adjourned meeting held on 26.12.2016, given as **Annexure – III**, with the following observations.

1. One of the members opined that all the recommendations of the Academic Council should be approved by the Executive

Council only after confirmation of the Minutes in the next meeting of the Academic Council.

In his view adequate discussion did not take place in the last Academic Council meeting and, therefore, those Agenda Items be referred back to Academic Council. The Chairman clarified that decisions on Agenda Items were taken after due deliberations and, therefore, it was incorrect to say that discussion did not take place. The Chairman further clarified that only those decisions needed approval of Executive Council which have a bearing on important policy matters, like introduction of new programmes, amendments to Ordinances, admission policy, evaluation system, etc. Further, he said that observations on certain items, if any, can also be taken up in the next Academic Council meeting at the time of confirmation of the Minutes, without changing the context of the decisions already taken. In addition, follow-up action on the decisions taken by Academic Council need to be taken up immediately after receiving comments, if any, without waiting until the next meeting for timely implementation of decisions.

However, four Executive Council members wanted their dissent to be recorded.

From Comments of Elected Representative dated 21.07.2017 on Minutes of 268th Executive Council meeting

Item 6.1 (A): Consideration of the Recommendations of the Academic Council – The draft minutes do not record the dissent I had expressed along with other members on the decision to ratify the supposed recommendations of the Academic Council which were brought as an additional item to the Executive Council and once again before the minutes of the Academic Council had even been circulated to AC members and despite it being known that what the Academic Council has decided is known to be disputed by many members.

As is clear from the statutory provisions spelt out earlier, Ordinances governing the University's M.Phil/Ph.D programmes have to be created by the Executive Council on the basis of the draft prepared by the Academic Council. However, amendments to these Ordinances have been notified through a process involving the violations listed previously:

- First manipulation of the minutes of the 142 (B) Academic Council where no discussion on these was actually permitted.
- Second, presenting these before the 266th Meeting of the Executive Council as 'recommendations' of the Academic Council before circulation of the AC minutes or their confirmation.

As if these were not enough, Professor Kumar has then manufactured further amendments to the Ordinances. This is clear from the

discrepancies between what his own Administration has recorded in the minutes of the two bodies and what has been notified.

All of these were brought to the attention of Professor Kumar in the 268th Meeting of the Executive Council.

Extract from the Letter of Elected Representatives dated 6 July 2017 on the proceedings of the 268th Meeting:

For the third successive time, the supposed recommendations of the Academic Council (AC) were tabled in the Executive Council even before the members of the AC had an opportunity to see the draft minutes. This is despite the fact that on each occasion several members of the AC have gone on record to dispute the University Administration's version of what were the decisions of the AC – and this is true even on this occasion. Indeed it is extremely surprising that the Executive Council was not informed about the letter addressed to it and submitted by 50 members of the Academic Council in which they have stated that the 142nd AC did not adopt the ordinances which were placed before the Executive Council as the AC's recommendations (copy enclosed). In the Executive Council meeting it had also been pointed out that the notified ordinances were at variance with even what was claimed by the University Administration in the minutes to be adopted by both the Executive Council and AC. In substantiation of that point, please find attached a report on the discrepancies.

For the letter from Academic Council members mentioned (see Annexure 8 to this Statement).

These were, however, completely ignored even when the minutes were prepared, as can be seen from the following:

From Comments of Elected Representative dated 21.07.2017 on Minutes of 268th Executive Council meeting

Also missing in the draft minutes is the fact that the issue of discrepancies between notified Ordinances and what appears in the minutes of Academic and Executive Council minutes had been raised in the meeting. A report on those discrepancies has subsequently been given to you and the Chairperson as an annexure to a letter dated 6 July 2017 from me and two other colleagues who are elected teachers' representatives.

Further, Clause 6.1 (ii) of the Ph.D Ordinance has been subsequently deleted by an executive fiat and applied retrospectively. This clause stated that:

6.1: The candidate shall be considered for confirmation by the Committee for Advanced Studies and

Research on the basis of the following:....

(ii) Completion of all the prescribed M.Phil./M.Tech./MPH course work as per the respective Ordinances with a minimum CGPA of 6.5.

However, a circular was issued on 25.9.2017 with the approval of the Vice Chancellor (Annexure 9 to this Statement) which has rendered this clause inoperative without any discussion in the Academic Council and without the due process of amending an Ordinance.

3. On the Issue of Experts for Selection Committees, the details of violations will be elaborated along with other dimensions of the issue when Article 2 is placed. However, the violations of statutory provisions listed therein constitute components of this charge too.
4. The minutes of the 269th Executive Council held on 18 September 2017 state the following:

The Council was also apprised of the decision taken by the University Grants Commission in accepting the proposal of the University for establishment of School of Engineering, and School of Management and Entrepreneurship with full funding. In this connection, a workshop was held with participation of all IITs in the country and Deans and Chairpersons of the University.

As mentioned earlier, the Academic Council is the principal academic body of the University and Statute 16 elaborates its relevant powers of the Academic Council. This authorises the Academic Council to make proposals for establishment of new departments inside the University.

From Statute 16 of JNU

Subject to the provisions of the Act and these Statutes, the Academic Council shall, in addition to all other powers vested in it, have the following powers, duties and functions, namely:-.....

(ii) to make proposals to the Executive Council for the establishment of Departments, Colleges, Institutions of higher learning, Special Centres, Specialized Laboratories, Libraries and Museums;

(iii) to formulate, modify or revise schemes for the organization of, and assignment of subjects to Schools of Studies;

Further, all Schools of Studies have to be created through an Ordinance made by the Executive Council on the recommendation of the Academic Council:

Statute 18 (1) of JNU

The University shall have such Schools of Studies, Special Centres and Specialized Laboratories as may be specified in the Ordinances.

No proposal to create the Schools of Engineering and Management has ever been discussed or decided upon in the JNU's Academic and Executive Councils. Yet the Vice-Chancellor has gone ahead to seek, on his own, permission and funding for creation of such Schools. This unauthorized move on his part represents a gross violation of Statute 16 and other provisions.

The Executive Council decision to replace GSCASH by the ICC has also resulted from Professor Kumar's willful and deliberate ignoring of the procedure for changes in GSCASH rules and procedures laid down within those rules by an Executive Council decision.

When the Executive Council at its 269th meeting on 18 September 2017 took up the agenda item 5.3, the pre-existing GSCASH rules passed by the Executive Council decision on 18 September 2015 vide resolution no (5.1/EC18.09.2015) and approved in the 44th JNU Court Meeting dated December 5, 2016 (under the present Vice-Chancellor) were operative. Clause X (4) of those rules also specified the process that had to be followed if any change is necessitated in them by evolving laws, regulations and guidelines.

X (4) Amendment to the Rules & Procedures of GSCASH

- Amendments to the Rules and Procedures of GSCASH shall have effect only if they are in consonance with the letter and spirit of the Supreme Court Judgement, the Report of the Working Group on Sexual Harassment headed by Karuna Chanana, the Policy, and the Rules and Procedures based on the guidelines laid down by the Hon'ble Supreme Court of India, in its ruling on the Writ Petition (Criminal) Vishaka vs. State of Rajasthan (reported as 1997 (6) SCC 241) on 13 August 1997, on the prevention and deterrence of Sexual Harassment at the Workplace, Saksham guideline by UGC ,Justice J.S. Verma Committee Report and Work Place Act.
- Amendments shall be effected by a decision taken in a Special Meeting of GSCASH called for the purpose.
- iii. The proposed amendment (s), together with the objectives and reasons thereof, shall be recorded in writing and circulated by the proposer of the amendment (s) at least fifteen working days prior to the Special Meeting called for the purpose.
- An amendment motion shall be adopted by two-thirds of the members present and voting. In the event of a tie on an amendment motion, it shall be put to vote one more time. If a tie recurs, the amendment motion shall be reconsidered by another Special Meeting to be called after at least fifteen working days. In the event of a tie occurring for the third time, the decision of the Chairperson shall be final.
- GSCASH amended rules should be placed before the EC prior to adoption.

By placing the matter directly before the EC for a decision, the Vice-Chancellor violated this laid down statutory procedure.

All the instances highlighted in Serial Nos. 1 to 5 of this statement serve to establish that there is substantial evidence of Professor M. Jagadesh Kumar's complete lack of respect for statutory provisions and that he is willing to brazenly breach them repeatedly. As such he is guilty of the charge mentioned as Article 1 of the charge memorandum.

[Additional observations](#) by Prof. Ravi Srivastava

[Annexures to Charge 1](#)

The VC's Defence by JNUTA

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