

Statement on the Judgment in Subhanshu Singh & Ors. Vs JNU (21.3.17)

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The JNUTA greets the judgment in *Subhanshu Singh & Ors. vs Jawaharlal Nehru University* with some dismay. **Even as we respect the judgement of the Hon. Delhi High Court, our view is that the ruling has been given on an issue that was not before the court in the first place – the mandatory/binding nature of UGC Regulations.** The main prayer made in the petition however was for, given the grave nature of the violations of the JNU Act, due process and established practice, a direction to the university to hold an Academic Council “to deliberate the adoption and implementation of the UGC Notification 2016 in light of the clarifications received from the UGC”.

Instead of addressing the ill-intentioned deviation from statutory procedure by the JNU administration, the judgement has undermined the JNU Act, and has grave implications for the autonomy of educational institutions. Are university statutory bodies to be reduced to mere rubber stamps and is the observance of due process a mere empty formality? JNUTA does not agree with this as a necessary reading of the UGC’s powers, as the very Regulations under consideration themselves assert the importance of adoption into the statutes of each university.

- Clause 4.2 states that extension beyond the permitted period of three years for M.Phil. and six years for PhD will be *“will be governed by the relevant clauses as stipulated in the Statute/Ordinance of the individual Institution concerned.”*
- Clause 5.2.1 of the UGC Regulations 2016 requires institutions of higher education to *“decide on an annual basis through their academic bodies a predetermined and manageable number of M.Phil. and/or Ph.D. scholars.”*
- Clause 5.3 states that admission criteria shall be decided *“keeping in view the guidelines/norms in this regard issued by the UGC and other statutory bodies concerned, and taking into account the reservation policy of the Central/State Government from time to time.”*
- Clause 8.1. allows for Research Advisory Committee or *“an equivalent body for similar purpose as defined in the Statutes/Ordinances of the Institution concerned”*.
- Clause 9.4 asks *“the Academic Council (or its equivalent body) of the Institution”* to evolve mechanisms to check plagiarism.

If the UGC Regulations are mandatory “without any deviation”, the JNUTA expects that the JNU administration shall, in service to the oath of fealty to the UGC that it has sworn repeatedly over the past few months, call an Academic Council meeting immediately.

The JNU administration is in the process of framing yet another admission policy. Even as we must brace ourselves for further exhibitions of bumbling ineptitude (and shall react to the proposals at the appropriate time), **the JNUTA would like to flag the importance to all teachers of Centres/Schools/Special Centres of giving due recognition to existing**

students.

- Clause 5.2.2 of the UGC notification states that the admission notification is issued “well in advance” and must specify “the number of seats for admission, subject/discipline-wise distribution of available seats”. There can thus be no prospectus without the specification of the intake for the exact intake by each Centre/School/Special Centre.
- Clause 5.6 states the university must post the list of all the M.Phil. / PhD registered students on its website on a year-wise basis.

The JNUTA considers the first responsibility of teachers in this scenario is to ensure supervisory arrangements for the nearly 1000 students who took admission in the academic year of 2016 at once.

While the JNU administration was forced to agree in Court that the Regulations would not apply to students enrolled in years preceding 2016, the batch of students currently doing M.Phil./PhD coursework or in the first year of Direct PhD is directly affected. **It is essential that all students admitted into the M.Phil//PhD and Direct PhD programmes be assigned supervisors first, before the intake for 2017-18 is addressed.**

The JNUTA also thinks it necessary that each Centre also provide the information (name of student, approved title and supervisors) regarding deregistered students, irrespective of whether the University is asking for them or not. In a situation when the Registrar can tender mendacious affidavits and the Vice-Chancellor and Rectors can brush aside the very Act that establishes their office, we cannot be sure that no unexpected difficulties will present themselves to these students at the time of their re-registration for submission.

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