

Dr. Pramod Kumar,  
Registrar and Secretary to the Executive Council,  
Jawaharlal Nehru University

03.10. 2017

Dear Dr. Pramod Kumar,

Thank you for preparing and sending the draft minutes of the 269<sup>th</sup> Meeting of the Executive Council. I must say that great urgency has been shown in preparing and circulating the draft minutes on this occasion because in the case of previous meetings, this process has usually taken a much longer time. Indeed, the covering letter seems to have been prepared on the day of the meeting itself!

As on previous occasions, I have things to say on the draft minutes which I place before you for your consideration. Going by past experience, however, I doubt very much whether my comments will in any way change the way the proceedings of the 269<sup>th</sup> Executive Council meeting are recorded in the minutes. Yet I submit them to you, partly simply because I would like to dutifully discharge my responsibilities as a member of the Council and more importantly for, even if indirectly, filling gaps in the record resulting from both the absences in the minutes and the fact that some of us were not allowed to express fully what we had to say on the items in the agenda.

To begin with, the draft minutes of the 269<sup>th</sup> Executive Council Meeting do not mention that I had wanted to raise a point of order at the beginning of the meeting but this was disallowed by the Chair even without hearing what it was. I may therefore mention here that what I had wished to point out was that the notice for the 269<sup>th</sup> Executive Council meeting and the agenda papers were not received by members within the time specified in Regulation M 2 (which are “at least 14 days before the meeting” for the notice and “at least 7 days in advance of the date of the meeting” for the agenda). This problem was further aggravated by the fact that several items (6.6 to 6.11) were tabled in the meeting itself giving little time to members for examining the papers/issues even though the nature of the items did not warrant such a procedure.

I had also wanted to raise a point with regard to what is recorded in the draft minutes as information shared by the Vice-Chancellor about the progress with the proposals to

establish a School of Engineering and a School of Entrepreneurship and Management. This point was simple – namely, that let alone any wider discussion in the University these proposals have never even been ever considered and decided upon by the Academic and Executive Councils even though these are necessary parts of the statutory procedure for creating new schools of studies. Presenting such proposals before the UGC without the endorsement by these two statutory bodies represents therefore an infringement of statutory provisions – and is therefore not something that I can find myself capable of complimenting the Vice-Chancellor for.

On the draft minutes related to specific agenda items, my observations are given below.

**1. Item 1: Confirmation of the Minutes of the 268<sup>th</sup> Meeting of the EC** – The draft minutes are silent on the fact that I had submitted in writing my comments the minutes of the 268<sup>th</sup> meeting and was given very little time in the 269<sup>th</sup> 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.

**2. Item 3: Report of Action Taken on the Minutes of the 268<sup>th</sup> Meeting of the EC** - The draft minutes, in the section on observations, are silent on at least three matters that came up for discussion:

- In the case of denial of promotions to faculty members and amendment of the recommendation by the Executive Council of the recommendations of the Selection Committee (Item 4.23 in the ATR), I had raised the issue of the representation made by one of them and the fact that it pointed towards the fact that Selection Committee recommendation as well as the Executive Council decision may be inconsistent with the UGC Regulations and JNU's Statutes unless the Selection Committee had given the candidate less than 50 per cent in the overall evaluation based on the stipulated criteria and

the weighting pattern. No satisfactory answer was, however, provided as to why this was incorrect and nor was the House informed that the Selection Committee had indeed done such an evaluation.

- The issue of confirmation of the services of Professor Rajeev Kumar also came up in reference to item 4.28 in the ATR and a decision was taken to confirm him.

- I had also drawn attention in relation to item 03 (i) of the ATR to the fact that the University has already received from the UGC in 2013 the relevant DOPT rules on fixation of pay of re-employed persons, and it is to the same DOPT that JNU's letter seeking clarifications on this matter has been forwarded by the UGC. As such JNU should be able to fix the pay of re-employed faculty according to the UGC letter of 2013 and enclosed DOPT rules as is being done in other Universities and need not wait for any other clarification. I was requested to give a note on this which I shall do in the next few days.

Also, in the matter of the pending cases of promotion and that of Dr. Neelima Mondal (Observation with serial No. ii), some of us had argued that since all of the cases had been processed through rules approved by the JNU Executive Council and applied without discrimination or favour, there is actually no need to take these to the UGC. In this regard, I had also written in advance of the meeting to the Chairperson.

**3. Item 4.1: Approval of Appointment of Chairpersons** – The draft minutes do not seem to have incorporated the changed situation with regard to serial no. 12. The Council was informed that the term of the existing Chairperson was extended for a few days only because the new Chairperson was away at the time he would normally have assumed office because of a family situation and that he had subsequently taken over before the Executive Council meeting.

**4. Item 4.2: Approval of the Appointment of Special Coordinator, North East India Studies programme** - I had dissented on this decision on the ground that a University Statutory body should not in this way grant legitimacy to external intervention in the affairs of the University. The draft minutes do not record my dissent.

**5. Item 4.8: Amendment to Regulation M-7** – The minutes should here at least record that this decision was notified before the meeting based on e-mail endorsements and was not

really discussed in the 269<sup>th</sup> meeting. The reasons for my dissent are already there in my e-mail response.

**6. Item 4.9: Consideration of the Recommendations of Selection Committees for Faculty Appointments** – The draft minutes do not record that I reiterated even in this item my already stated position that I am unable to endorse the presented recommendations of the selection committees until the information asked for with regard to their proceedings are provided.

**7. Item 4.10: Approval of Panel of Experts** – I would like to add here that an additional issue I have behind my dissent, other than the ones mentioned, is that the panels have not come to the Executive Council after approval of the same by the Academic Council.

**8. Item 5.3: Replacement of GSCASH by ICC** – The detailed reasons for my dissent has been already submitted in writing. What is, however, odd is that the draft minutes refer to a “detailed discussion” that never really took place and in fact was prevented by the Chair who pushed for a quick decision. It is also strange that even though as many as six members of the Council, including all three women members, registered their dissent on the decision, the draft minutes reduces their number to a “few” for reasons we can only speculate on.

**9. Item 6.5: Decision to Create a Professional Development Fund** – The draft minutes do not record the date from which this is to come into effect though that was discussed in the meeting.

**10. Item 6.10: On the Complaint of Plagiarism** – The draft minutes do not reflect that a point was raised that the person concerned had not been given any opportunity to defend himself against the charge made. My understanding was that eventually the decision in these circumstances and in the light of the reports was to not issue any warning to the faculty member but only convey a serious concern.

**11. 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.

**11. Any Other Matters** – My dissent on the decision recorded under Serial No. 1 under this head is on the basis that the Executive Council had no grounds to take a summary decision of this kind in gross violation of the principles of natural justice. The Chair brings a complaint to the Council against a faculty member about events that most members of the Council were not witness to. The item is not on the agenda and the faculty member's side of the story is not even sought or considered necessary before a decision of such magnitude is taken. This is an indefensible decision under the given circumstances that can only lower the esteem of JNU's Executive Council.

As regards Serial No. 4 which directly concerns me, I would simply say that I made no objectionable remark against the members of the Executive Council even if some chose to interpret it that way. I was only expressing my protest at the refusal of the Chair to allow me a reasonable opportunity to express my views on a serious matter like the issue of replacement of GSCASH by the ICC. Indeed, the context was the discussion on Item 5.3 rather than 'Any Other Matter'. Moreover, it is the Chair and not me who remained intransigent and came in the way of a resolution of the issue. Be that as it may, the decision of a stricture against me has been placed on the record – and there it shall remain, along with the decision referred to in the previous paragraph, as a symbol of the erosion of democracy that ails JNU today. That is all I can say on behalf of those to whom I am accountable as an elected representative.



(Surajit Mazumdar)