

To  
The Vice Chancellor  
JNU

25 February 2016

Sub: Regarding the "High Level" Enquiry on the 9 February Incident

Dear Sir,

As you are well aware, both the JNUSU as well as the JNUTA have been expressing serious concerns over the composition and functionalities of the 'High Level Enquiry Committee' set up by the JNU administration to look into the 9 February incident.

We had pointed out that the Head of this committee is a well-known and recognised spokesperson and supporter of the Youth for Equality (YFE), which has campaigned against reservations and affirmative action. YFE's close overlap with ABVP is all too well-known. Another member of the committee has served as a Chief Proctor earlier, and during his tenure there were repeated student protests against the biased approach of the Proctor towards the numerous acts of violence by ABVP in the campus. We have now come to know that 2 new members are being co-opted into this committee.

- Mere induction of new members in the middle of an enquiry fails to render any additional credibility to the enquiry process. If some depositions have already happened, when will these new co-opted members get the chance to cross question those who have deposed? It is a clear violation of natural justice, and a subversion of a fair enquiry process if all submissions and evidences are not examined and cross-examined in totality from the very beginning.
- Let us remember that in the Hyderabad Central University (HCU) Rohith Vemula case too, the same pattern was followed by the University administration, where a Dalit member was co-opted at a later stage. We are all aware of the disastrous consequences that followed. There is no point in token corrections, a fresh enquiry has to be constituted for a free and fair enquiry to take place.
- We would like to reiterate the very close connections of the Head of the current committee with the YFE. He is not just a sympathiser and supporter of the YFE. **He managed all the funds for the YFE's JNU Unit, contributions to the YFE were transferred to an account under his name, and all financial communications to the YFE were directed to his official address in the Centre for Biotechnology in JNU.** Obviously, no free and fair enquiry can take place with members who effectively run student organisations, particularly in such a sensitive case.
- **Regarding scope and ambit of the enquiry:**

As per the circular of suspending 8 students, the enquiry includes multiple facets: the "incident" and the "slogans" raised. For probably the first time, slogans are the subject matter of a disciplinary enquiry in JNU. If slogans are the matter of consideration, **why aren't slogans raised by ABVP also under consideration?** If slogans allegedly raised by ABVP are not under consideration in this committee, it raises serious concerns on the committee's ideological assumptions and predilections.

If the "incident" is also under consideration in this enquiry, then we have to ask: how come the role of the ABVP in instigating violence and tensions, are not included in the scope of the enquiry? We then need to ask, who called the media and the Delhi Police and when?

- **There are now several question marks on the authenticity of the videos which have been used as 'evidence' and basis for the enquiry committee.** The committee has chosen to use these questionable videos without bothering to crosscheck their authenticity and without ANY despositions from the "accused", and to pass a summary verdict **suspending 8 students within 24 hours.** **The biasedness of the committee is therefore evident not just in the ideological predilections of its composition but also in its actions.**
- The interim report of the enquiry committee and other documents has been submitted to the police and various functionaries of the education Ministry. These documents have been used to further a perception in the outside JNU and so much so even on the floor of the Parliament that the JNU enquiry is over and done with and the

"guilt" of the students has been settled. This, when NOT a single deposition or cross-examination of evidence has happened. Such action irreversibly compromises the neutrality and credibility of the enquiry process.

Given all the concerns outlined above, induction of two new members cannot be used to legitimise the faulty committee and its ongoing prejudiced enquiry process.

- Justice must not only be done but must also appear to be done.
- The Composition and Terms of Reference of the Committee must be reconstituted.

Any fair enquiry can take place ONLY when a) actions taken by the ongoing process whereby 8 students have already been suspended are summarily revoked and b) the enquiry committee and terms of reference are reconstituted to ensure that is unbiased and representative, and c) the entire enquiry process starts afresh.

Sincerely

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