



जवाहरलाल नेहरू विश्वविद्यालय शिक्षक संघ
Jawaharlal Nehru University Teachers Association
New Delhi-110067

Memorandum Submitted to the High Powered Committee, MHRD

November 21, 2019

To
Prof. V S Chauhan
Chairman,
High Powered Committee, MHRD

Dear Prof. Chauhan,

We, members of the Executive Committee of the Jawaharlal Nehru University Teachers Association (JNUTA) express our appreciation to the HPC for inviting us to share our view point on the current impasse in JNU. This consultation process is most welcome in the context of us facing an administration which does not consult the elected bodies of teachers and students in taking major decisions in the University. The JNUTA also expresses its appreciation to MHRD for finally recognising, by forming this HPC, that the JNU administration cannot run the affairs of the University on its own and needs external advice. In other words, the Vice Chancellor is incompetent to run the affairs of the University. However, we would like to emphasize, and the High Power Committee would also agree, that this consultative process initiated by you cannot be a substitute to the institutional and statutory mechanisms as prescribed by the JNU Act.

It appears, at first glance, that the current unrest in JNU has arisen from the steep hike in hostel charges and changes in the hostel manual. However, we would like to put upfront that what is at stake at the current juncture is the JNU Act and its statutes. The current impasse is a culmination of concerns that have accumulated over the past four years. Since we understand that the mandate of the HPC is to find a view to restore the normal functioning of JNU; it should be apprised of the larger background, which can be described as the governance failure and alarming mismanagement of the University over the last four years under the current Vice Chancellor.

We trust that the HPC may find it useful to take the following as Terms of Reference (TOR). We would like to place before you this background as follows:

1. The present Administration is neither transparent, nor respectful of the JNU Act and Statutes. It is run by cronyism, leading to questionable decisions in the Executive council and also in selection committees. The VC has, since his appointment, violated the rule and practice of appointing Chairpersons and Deans on the principle of rotation while respecting seniority. The VC has been disruptive and autocratic in the running of the University and has been appointing Deans and Chairpersons without regard to either the JNU Statutes or the practices as they have evolved in the University. Therefore, any consultation with the Deans and their opinions today have very little legitimacy since most of them have superseded their colleagues and serve out of turn at the pleasure of the VC.
2. Restoration of normalcy can only be ensured through restoring the statutory process as per the JNU Act made by the Parliament of India and not as implemented and interpreted by the current VC.
3. We also want to underline to the Committee that there is huge financial mismanagement in the University and change of financial priorities to the point of undermining the JNU Act and its vision. A University runs on cross subsidisation so that it may realise its core goals— therefore, financial allocations and priorities are core to the current impasse. The fee increase cannot be discussed in isolation to this larger financial context.
4. In 2016, JNU received a UPE grant of 60 crores as a result of its grade of A plus, to improve research quality, cross-disciplinarity, without sacrificing any core objective— educating the poor and underprivileged, implementing reservation policy fully, and increasing participation of people from all over India in the university.
5. What we have today is that the UPE money earmarked for research and teaching is gone, corpus fund payments for student and faculty research have been discontinued, social justice in research (as seen in student admissions and faculty promotions) has been dismantled. There have been massive seat cuts, reserved faculty positions have been left vacant and SC/ST faculty have been denied promotion. Instead, the University is weighed down by wasteful, non academic expenditure— a 250% increase in spending on security despite the fact that the quality of security stands compromised, use of the National Testing Agency (NTA) to conduct the JNU Entrance Examination twice in a year which has raised the cost of conducting the examination several times, and massive cuts in library expenditure, which has direct academic consequences.

With specific reference to the fee hike, we would like to bring the following facts to the notice of the HPC:

1. JNU is primarily a post-graduate and research University where more than two-thirds of the students are enrolled in M.Phil/PhD programme. It is a universally accepted principle that higher education in general and research in particular are social goods which contribute to society's progress in several important ways. To encourage students to pursue research careers, therefore, governments support such endeavours by compensating them for losing out on potential earnings during that period through fellowships and scholarships of various kinds. The Indian government has also acknowledged the same principle by providing fellowships (JRFs/SRFs by the UGC and CSIR and non-NET fellowships by the UGC) for students pursuing research degrees. This is further evident in the UGC policy of providing advance increments (3 for MPhil and 5 for PhD) to those joining the teaching profession after completing their research degrees. This objective cannot be achieved if those who receive these are expected to bear the costs of their education and training. It is against the established principles and policies of the Government of India.
2. The JNU Act and Statutes mandates that as a national university the best talent from across the country must be attracted to enter the University. The residential facilities for most of its students is, therefore, an important aspect of JNU's mandate. JNU's admission policy has always encouraged students from diverse backgrounds to come and study at JNU – ensured historically not only through the national reservation policies but also the system of deprivation points that JNU crafted as a mechanism to help neutralize the disadvantages many talented students faced on account of their social and economic background. Around 5500 students of the total strength of above 8000 stay in JNU Hostels. The current fee hike therefore impacts a large number of existing students of the University. Education and residential facilities in JNU had to be provided at a reasonable cost so that the lack of means did not come in the way of anyone's entry and continuation in JNU.
3. There are 17 hostels in JNU and it is important to note that all of them have been running smoothly for decades now. There does not seem to be any urgent cause for

the the proposed steep fee hike and no explanation has been forthcoming from the JNU administration about the sudden financial crisis that has necessitated such a steep hike in hostel charges.

4. The hostel fee hike is not only about increasing the hostel charges but about adopting a totally different model of running the JNU hostels. As per the existing rule, all students pay the consumable charges including food, utensils, etc. which amounts roughly around Rs. 2700 to 3000 per month per student. Now in the name of hostel fee hike by burdening students with an additional amount of Rs. 3000 per month, the JNU administration is introducing an entirely self-financing model of running hostels. It has decided to charge students for services, which includes salaries of workers, maintenance and utility charges for water and electricity. This is not therefore a 'normal' fee hike. Charging students for paying for salaries of workers is not only detrimental for the students but also for workers. It is ironical that while the charges for electricity and water have been made free upto a certain level of consumption in Delhi, which an individual student is unlikely to cross, the JNU administration has decided to impose these charges now. The current model imposed by the JNU administration leading to fee hike is a complete departure from the previous principle of running a public university and amounts to a violation of the mandate of the Parliamentary Act through which JNU was set up.
5. In fact, the students who get the UGC/CSIR fellowship actually give up their HRA, which is a minimum of Rs. 7500 per month per student. The fellowship holders thus are already paying/forgoing a huge sum for their stay in the hostel. The total amount of HRA forgone by the students receiving fellowships in JNU itself is a significant amount.
6. Only some post graduate students based on the income criterion get a meager sum of Rs 2000 per month as the merit cum means (MCM) scholarship which is less than the mess charges that they currently pay every month. It is pertinent to note that this amount comes from the sale of the prospectus and the entrance examination fees paid by the applicants for the JNU entrance examination. The rest of the MA students do not get any scholarship. The steep increase on what they have been already paying till now will be impossible to bear and therefore carries a high degree of urgency.

Given the above, the implications of the proposed fee hike are as follows:

1. Over 40% of the students currently enrolled in JNU belong to families with a total income below Rs.12000 per month or Rs. 1.44 lakhs per year. After the hike in the mess bill, the expenditure on the hostel bill alone per child with the family income of Rs 12000, would be 45% of the total household income; for families with lower income the burden would be much higher. This would amount to denial of the right to education to students from under-privileged backgrounds.
2. More than two-thirds (60%) of JNU students belong to marginalised social backgrounds (SC/ST/OBC). Since a large majority of them come from low income families, the fee hike will lead to a disproportionate number of students from these sections having to leave the education system entirely.
3. JNU is the only University with more than 50% women students. Women students from all social background will be doubly disadvantaged with the fee hike. The withdrawal of deprivation points for admissions in MPhil-PhD programmes in JNU has already resulted in a drop of their share in the University.
4. The fee hike would thus not only alter the socio-economic composition of existing students of the University, it would deter students from marginalised sections (women, SCs, STs, OBCs, as well as Persons with Disabilities) from seeking admission to JNU in the future. This would altogether alter the very character of JNU which it has nurtured since its inception.
5. The so called “rollback” of the fee hike announced by the JNU Administration on 13 November 2019 is actually not a rollback. There is significant increase in the existing hostel fee even after the rollback.
6. The ‘rollback’ (of 50% of the increased charges) has been announced for the students only from BPL families. It is unclear as to how the university will identify such students, given that this is no longer the criterion for the Government of India for providing aids or subsidies. As per the last GOI records (2015), an average BPL

family earns around Rs. 27000 per year; after the so called “rollback”, an average student from this category would have to pay around Rs. 48,000/- per student annually, which is 170% of the average household income. Such a proposal is nothing but making a mockery of the plight of the BPL families of the country.

7. While the fee hike has been proposed in the name of a lack of funds, JNU has increased expenditures on non-academic heads. For example between 2016-17 and 2017-18, there has been an unprecedented increase of 82% on security expenses. Also, the expenses for conducting online entrance examinations in 2018-19 has resulted in an increase of nearly three times from the previous years, which was approximately 3 crores. Its important to note that shifting towards the online mode of conducting entrance exams has resulted in a complete alienation and exclusion of the teachers from the evaluation process which was implemented despite widespread objections by teachers.

8. It is to be noted that receipts under academic heads generated by charging students/applicants have gone up significantly. For example there has been a three-fold increase in the price of the application forms and prospectus in the recent past without due consultation with the students and teachers. The proposed fee hike is yet another extreme attempt to transfer the financial obligations of the University to the students.

9. The decision to recommend a steep hike in hostel charges was deliberately pushed through the Inter-Halls Administration (IHA) meeting of the University held on October 28, 2019 without giving students, who have statutory representation in the body, the opportunity to present their views. It is important to note that the proposal was not even discussed at the Hostel and Khand levels, as has always been the practice.

10. The JNU Students Union (JNUSU), which too is part of the IHA, hasn't even been recognised by the JNU Administration even though a perfectly legitimate election process was successfully concluded a few months ago and the Delhi High Court had permitted declaration of the results. This refusal to recognise the JNUSU

has been compounded by the persistent refusal to engage in any dialogue with the students who have been protesting for weeks, an attitude that has become a defining character of the Administration led by the Vice-Chancellor Professor M. Jagadesh Kumar.

Ever since Professor M. Jagadesh Kumar took over, he has deliberately subverted the established institutional mechanisms and processes that characterise the democratic ethos of JNU. The fee hike is only one of several such instances of the Vice Chancellor's high-handed decision making process. He has completely stalled all the processes of democratic decision making and dialogue with teachers and students. Over the past four years, the Vice Chancellor has been guilty of violating the following:

- I. Destroying the time-tested admission policy of JNU and violating the constitutionally mandated Reservation System and the Central Educational Institutions (Reservation in Admissions) Act 2006. In the year 2017-18, 83 per cent of the MPhil-PhD seats were cut by the JNU Administration by wrongful implementation of the UGC regulations. The Honourable High Court of Delhi had described this as a "national waste". However, the Vice Chancellor continued to violate the constitutionally mandated reservation system and the CEI Act 2006 even after that.
- II. Repeated Violation of the JNU Act, Statutes and Ordinances: The JNU Administration has been repeatedly violating the statutory provisions to run the highest academic decision-making body of the University, namely the Academic Council. These meetings have also been repeatedly characterized by high handedness and undemocratic conduct by the Chair. Even as the actual members of the Council are thus being disenfranchised in multiple ways, the list of "special" invitees called by the administration has reached upto 33.
- III. Violation of the principle of seniority and rotation in the appointment of Chairpersons and Deans- at present, seven Deans of Schools and several Chairpersons have been appointed by violating the principle of seniority and rotation. In the School of Social Sciences, the current Dean has been appointed by superseding 59 senior Professors. This amounts to denial of legitimate right to several senior faculty to make their contribution in the development of the Schools. The Deans and Chairpersons are also the ex-officio members of the Academic and Executive Council. Hence, by handpicking them, the Vice Chancellor is stacking the decision

making bodies by people of his own choice and running the administration according to his whims and fancies. Several faculty have challenged this denial of legitimate right in the Delhi High Court and the matter is currently *sub-judice*.

IV. Undermining the Integrity of the Faculty Selection Process: The JNU Vice Chancellor has violated all provisions of fair and just process for faculty selection as specified in the Statute of the University. He amended the regulation M 18: the VC has now delegated to himself the power to add names to the panel of experts, without placing these in the Academic Council. Several JNU teachers filed a writ in the Delhi High Court and the Hon'ble Delhi High Court has upheld the teachers' viewpoint that the Vice Chancellor cannot add names to the panel of experts without approval by the Academic Council.

V. Harassing Teachers and denying them their Legitimate Dues: The Vice Chancellor is running this University like his personal fiefdom and all voices of dissent and disagreement are criminalised by either appointing enquiry committees against teachers or denying them their legitimate dues. He issued Chargesheets to 48 JNU teachers under CCS Conduct Rules for raising their voice against his authoritarian functioning. The JNU teachers once again moved to the Court and the Hon'ble Delhi High Court stayed the enquiry process. Over 100 teachers are faced with one or the other kind of show cause notice. The Vice Chancellor has also vindictively denied promotions to several faculty members including those from the marginalised sections by violating UGC regulations. Promotions of several faculty members have been held up for four years now because of the issue of counting of past service despite clarifications sent by the UGC.

VI. Undermining students safety and welfare: The Vice Chancellor, instead of protecting the model institution of GSCASH, that was constituted in JNU in 1999 after the landmark Vishakha judgment of the Supreme Court in 1997, dismantled GSCASH. The JNU community is also very alarmed at the Vice Chancellor's callous disregard for students' safety, as reflected in the matter of the disappearance of Najeeb Ahmed in October 2017. A large quantum of monetary and other penalties have been imposed on students for exercising their right to raise their demands.

VII. The JNU teachers as well as students have peacefully resisted this maladministration of the past four years. In situations where there was no other avenue of redress available, members of the student as well as faculty community

have sought legal recourse. Over 60 cases have been filed against actions of this administration during the tenure of this VC! Although the administration has already lost a large number of these cases, it continues to persist with its arbitrary actions.

In the view of the JNUTA, the following three points become very clear:

Firstly, there is little possibility of normalcy being restored on the JNU campus unless the hike in hostel charges is completely withdrawn, so that students can be reassured that a large section of them is not going to be staring at a desperate and immediate crisis.

Secondly, the possibility of addressing the recurrent problems arising from the way JNU is being governed is impossible while the current Vice Chancellor continues in office. His track record proves he will not change his approach and in these circumstances the strains in the relationships between the Administration and different sections of the University community cannot be repaired.

And third, the JNUTA believes that the current fee increase impasse has been built to legitimise the wasteful expenditure of the current administration and changing the whole academic governance of this University. It is a case of grave financial improprieties and conversion of the administrative structure to legitimise the ongoing financial mismanagement.

We do hope that you will be able to give adequate consideration to the above concerns and see the present crisis as having been brought on by the Vice Chancellor's attempt at changing the inclusive teaching, learning, and research culture of this prestigious university.

Sincerely,

D K Lobiyal
JNUTA President

Surajit Mazumdar
JNUTA Secretary