

**IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRAORDINARY CIVIL WRIT JURISDICTION
WRIT PETITION (CIVIL) NO. OF 2020**

IN THE MATTER OF:

AISHE GHOSH AND ORS.

...PETITIONERS

Versus

JAWAHARLAL NEHRU UNIVERSITY
THROUGH ITS REGISTRAR

...RESPONDENT

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PETITIONER

THROUGH

ABHIK CHIMNI, AMAN SHUKLA,

AARTI AND MAYANK GOYAL
ADVOCATES FOR THE PETITIONER

8571, C-8, VASANT KUNJ

NEW DELHI

NEW DELHI- 110057

DATED

MOBILE NO. 9971830490

AISHE GHOSH AND ORS. ...PETITIONERS

JAWAHARLAL NEHRU UNIVERSITY
THROUGH ITS REGISTRAR ...RESPONDENT

To,
Ms. Monika Arora,
Standing Counsel for Jawaharlal Nehru University,
Delhi High Court
New Delhi

Ma'am,
This is to inform you that the accompanying Writ Petition filed on behalf of the Petitioner is likely to be listed on ____ January 2020 at 10.30 am.

Kindly take notice accordingly.

Filed by:

PETITIONER

THROUGH

**ABHIK CHIMNI, AMAN SHUKLA,
AARTI AND MAYANK GOYAL
ADVOCATES FOR THE PETITIONER**

8571, C-8, VASANT KUNJ

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DATED

MOBILE NO. 9971830490

AISHE GHOSH AND ORS. ...PETITIONERS

JAWAHARLAL NEHRU UNIVERSITY
THROUGH ITS REGISTRAR ...RESPONDENT

To,
The Registrar,
High Court of Delhi,
New Delhi

Kindly treat this accompanying writ petition as an urgent one under the High Court orders and rules. The ground of urgency is that ex-parte reliefs have been sought for by the Petitioner.

It is therefore prayed that the accompanying writ petition be treated as an urgent one and be listed for hearing on .01.2020.

PETITIONER

THROUGH

**ABHIK CHIMNI, AMAN SHUKLA,
AARTI AND MAYANK GOYAL
ADVOCATES FOR THE PETITIONER**

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THROUGH ITS REGISTRAR

...RESPONDENT

MEMO OF PARTIES

1. Aishe Ghosh
D/o Debashish Ghosh
President, JNUSU
Room No. 259, Koyna Hostel, JNU Petitioner No. 1

2. Saket Moon
S/o Pramod Moon
Vice-President, JNUSU
155 Old, Brahmaputra Hostel, JNU Petitioner No. 2

3. Satish Chandra Yadav
S/o Triveni Yadav
General Secretary, JNUSU
137 (E), Brahmaputra Hostel, JNU Petitioner No. 3

4. Md. Danish
S/o MD Belal
Joint Secretary, JNUSU
216 Narmada Hostel, JNU Petitioner No. 4

Versus

JAWAHARLAL NEHRU UNIVERSITY,
Through its Registrar,

New Mehrauli Road
New Delhi – 110067

...Respondent

PETITIONERS

THROUGH

**ABHIK CHIMNI, AMAN SHUKLA,
AARTI AND MAYANK GOYAL**
ADVOCATES FOR THE PETITIONER
8571, C-8, VASANT KUNJ

NEW DELHI

NEW DELHI- 110057

DATED

MOBILE NO. 9971830490

SYNOPSIS

That the present writ petition is being filed by the members of Jawaharlal Nehru University Student Union (“JNUSU”) challenging the Inter Hostel Administration (“IHA”) decision dated 28.10.2019 amending the Hostel Manual, the Minutes of the 283rd Meeting of the Executive Council (“EC”) dated 13.11.2019 ratifying the IHA decision and the High level committee dated 25.11.2019 making further amendments to the Hostel Manual. That the aforesaid decisions are malafide, arbitrary and illegal and adversely affect the student community of the Respondent University bringing far reaching changes to the provisions of the Hostel Manual. That amendments to the Hostel Manual include an increase in hostel fee, affect rights of those in reserved categories *vis a vis* allocation of hostel rooms and also reduce the representation of the JNUSU in the IHA amongst several other changes. That the minutes of the impugned IHA Meeting also stated that mess services, sanitation services, room charges, amongst others category of charges will be increased by 10% every Academic Year, i.e., from the Monsoon Semester

The notice for the IHA meeting was issued by the Assistant Registrar, IHA & Member Secretary on 17.10.2019 stating that the IHA meeting would convene on 28.10.2019. The notice issued was not communicated to the JNUSU, even though clause 1.5.1 of the

Hostel Manual clearly lists 3 of the 9 categories comprising the IHA to be members of the JNUSU.

That the IHA meeting convened at 10 am on 28.10.2019 and was adjourned almost immediately. That the Hostel Presidents, who are all members of the IHA and are democratically elected representatives were sent an email dated 28.10.2019 at 2.50 pm stating that the reconvened meeting is to take place at 3pm. That this action of the Chairperson of the IHA insured that the IHA was held with no student representation, defeating the mandate of the Hostel Manual of including the views of the stakeholders when changing the provisions of the Hostel Manual.

Subsequent to this JNUSU and Hostel Presidents wrote to the JNU administration on 09.10.2019, 15.10.2019, 23.10.2019, 28.10.2019 and 02.01.2020 bringing to their attention the illegalities. However, the Respondent University refused to take any action and in fact allowed the ratification of this illegal meeting through the Minutes of the 283rd Meeting of the EC dated 13.11.2019.

That in a continuation of arbitrary decision making by the authorities of the Respondent University a High Level committee (“HLC”) was setup *via* circular dated 24.11.2019. That this HLC committee was notified on the 24.11.2019 and this committee made further illegal amendments to the Hostel Manual through a Circular dated 25.11.2019.

That further the Minutes of the 283rd Meeting of the EC dated 13.11.2019 introduced a Below poverty line (“BPL”) category for

students which is irrational and arbitrary. The impugned 283rd EC minutes fails to explain how the BPL is being made applicable to the students of the University. No clarity has been even provided in the amended IHA or the minutes of the EC on how this categorization is to work in the Respondent University. Further “Merit-cum-Means Scholarships” are existing in the Respondent University. That the financial category of this scholarship is laid down clearly as applicable to students whose income does not exceed INR 2, 50,000. That students in the Respondent University who fall under the category of merit cum means scholarship benefited from a reduced rate in terms of Hostel room rent. Now, this right has been retracted due to the illegal decision making of IHA, EC and HLC.

Therefore, the malafide, illegal and arbitrary decision making of the Respondent University’s administration is seeking to undermine the JNU Act, 1966 and the legal mandate of the Hostel Manual adversely affecting the rights of the students of the Respondent University. That it is prayed that the decisions of the IHA dated 28.10.2019, 283rd Meeting of the EC dated 13.11.2019 and HLC dated 25.11.2019 may be set aside and a fresh IHA as per law may be reconvened.

LIST OF DATES

1966	JNU Act,1966 came into force.
13.03.2018	The Inter Hostel Administration Committee Manual was amended to incorporate a consensual democratically approved hike in the Hostel Manual, for which the students have been abiding by since then.
20.03.2019	Order dated 20.03.2019 passed by this Hon'ble Court in N. Sai Balalji & Ors vs JNU in W.P.(C) 2370/2019 & CM APPL No.11060/2019, where this Hon'ble Court acknowledged the importance of student representation in welfare committees.
06.09.2019	Elections for the JNU Students Union 2019-20 were conducted.
17.09.2019	Order of this Hon'ble High Court in Anshuman Dubey vs JNU in WP (C) 9707/2019 directing the Election Committee to declare the result of the JNU Student Union Election.
03.10.2019	The Inter Hall Administration Committee circulated a draft of Hostel Manual.

- 09.10.2019 Letter from the JNUSU through the Petitioners stating that they unequivocally object to the Draft Hostel Manual and further pointed out that as per the Hostel manual members of the JNUSU are significant members of the composition of the IHA Committee and as such, invite and notice of meetings must also be sent to them.
- 15.10.2019 Members of the JNUSU wrote to the Chairperson of the Academic Council, requesting for student's representation in bodies concerning student welfare.
- 17.10.2019 Notice of the IHA committee meeting to be held on 28.10.2019 was issued, however the notice categorically excluded JNUSU.
- 23.10.2019 A letter from the JNUSU to the Vice-Chancellor stating that as significant members of the composition of the IHA committee their presence at any meetings is necessary. That this Hon'ble Court has also appreciated that it is necessary to involve the students representative in welfare committees such as the IHA.

- 28.10.2019 A meeting of the IHA committee was scheduled at 10:00 am, notice for this meeting was never sent to the members of the JNUSU.
- 28.10.2019 The IHA Committee Meeting was convened at 10 am and thereafter adjourned without any intimation to the Hostel Presidents.
- 28.10.2019 The IHA Committee was reconvened at 3:00 PM, without any student participation. the emergent rationale for calling the emergency reconvening has not been made out. That members of the committee were intimated *via* email 10 minutes prior to the meeting i.e. at 2:50 PM ensuring that the composition of the IHA as given in clause 1.51 of the Hostel Manual was undermined.
- 28.10.2019 A letter from the JNUSU to the Vice Chancellor's office bringing to the notice of the VC the illegalities of the adjournment of the IHA Committee meeting without intimation to the Hostel Presidents. The Letter also reiterates that the JNUSU and the Hostel presidents are against the draft hostel manual circulated and as such the demand of the students is that the same

should be withdrawn, following which a new draft with the consultation of the students and other student representatives must be circulated.

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| 11.11.2019 | Letter sent from the JNUSU to the MHRD outlining the malafide nature in which the JNU Administration had conducted the IHA Committee meeting, the letter compares the fee structure and clearly shows the arbitrary nature of the amendments to the Hostel Manual. |
| 13.11.2019 | A press release regarding the hike in the hostel fees as per the IHA Committee's illegal meeting was issued by the JNU Administration. |
| 13.11.2019 | The Executive Council held their 283 rd meeting wherein they approved the hike in fees for the hostel and also illegally amended and changed the terms of the fee structure as given in the Hostel Manual. |
| 14.11.2019 | A notice to all Hostel presidents was sent by the Executive Council intimating them of the changes to the IHA manual as per the meeting dated 13.11.2019. |

- 24.11.2019 The Vice Chancellor of the University set up a High Level Committee which had no authority and jurisdiction in law to look into the hike in fees and redress the grievances of the JNUSU and the student body.
- 25.11.2019 A circular outlining the new fee structure, implementing the recommendations of the High Level Committee as set up illegally by the VC, was issued and thereafter ratified by the EC.
- 29.11.2019 Letter from the JNUSU to the MHRD intimating them of the increase fee structure and praying for a roll back of the same in view of the illegal decision making process seen in the Respondent University. Further pointing out the arbitrary manner of decision making in the Respondent University vis a vis the amendments in the Hostel Manual.
- 10.12.2019 and
11.12.2019 The MHRD held meetings with the JNU SU and JNU Administration developed a basic record of discussions on the basis of which the negotiations were to be carried out.

- 23.12.2019 Order dated 23.12.2019 passed by this Hon'ble Court in Suraj Kumar vs JNU WP(C) No. 13632/2019, where this Hon'ble Court directed the VC to sit down with the Students representatives and try and resolve the logjam regarding the issues in the Respondent University
- 27.12.2019 Letter from the JNUSU to the VC requesting a formal dialogue to resolve the logjam in compliance of Order dated 23.12.2019 in Suraj Kumar vs JNU WP (C) No. 13632/2019.
- 30.12.2019 A Circular were issued by the Respondent University intimating the students that registrations would be conducted in accordance with the new fee structure and revised charges therein.
- 30.12.2019 That a circular was issued by the Respondent University bringing into effect from January 2020 the revised charges as passed with mala fide intent illegally by the Inter Hall Administration dated 28.10.2019, the 283rd Executive Council dated 13.11.2019 and the

circular of the High Level Committee dated 25.11.2019. That this was done even as MHRD was holding consultations with JNUSU and the JNU Administration.

02.01.2020 Letter form the JNUSU to the VC stating that the registrations being carried out ought to be done as per the old rates as the Draft Hostel Manual. That the new IHA meeting held on 28.10.2019 was invalid as it was with malafide intention and undermined the legal mandate of the Hostel Manual. That further due to the lack of student representation during the meeting of the IHA Committee as well as the fact that the MHRD was looking into these illegalities in an effort to resolve the matter.

15.01.2020 That to enforce the illegalities of the illegal decision making process arbitrarily amending the Hostel Manual to increase fee hike a circular was issued by the Respondent University imposing late fine on students who would not register in January 2020 on the illegal rates passed by the impugned IHA dated 28.10.2019.

AISHE GHOSH AND ORS. ...PETITIONERS

JAWAHARLAL NEHRU UNIVERSITY
THROUGH ITS REGISTRAR ...RESPONDENT

MOST RESPECTFULLY SHOWETH:

1. The Petitioners are the democratically elected office-bearers of the JNUSU for the academic year 2019-20, and are constrained to approach this Hon'ble Court being aggrieved by the arbitrary and illegal acts of the Respondent University in ensuring unlawful changes to the Hostel Manual. The Petitioners are specifically challenging the Minutes of the IHA issued on 28.10.2019, the jurisdiction of the High Level Committee constituted on 24.11.2019 and their recommendations given on 25.11.2019 as also "Item Nos. 6.25, 6.26 and 6.27 and Annexure 9 of the 283rd Meeting of the Executive Council dated 13.11.2019, ratifying the illegal

IHA meeting dated 28.10.2019 and the HLC Committee's findings on revision of Hostel charges amongst other changes through circulation by Executive Council ("EC") *vide* Circular dated 25.11.2019. That the aforesaid decisions to bring about amendments in the Hostel Manual are contrary to the provisions of the JNU Act, 1966, Statutes, Ordinances and the Hostel Manual. The amendments include reducing JNUSU representation in the Inter Hall Administration ("IHA"), increased rates as applicable to hostel residents and also brought amendments to the clauses of the Hostel Manual adversely affecting the Reserved category student's in the Respondent University.

2. The Petitioners are the elected office-bearers of the JNU Students Union for the academic year 2019-2020. The Petitioners herein were the successful candidates in the election conducted on 06.09.2019 and the results that were declared on 17.09.2019 following the direction of this Hon'ble High Court in Anshuman Dubey vs Jawaharlal Nehru University in WP (C) 9707/2019 wherein this Hon'ble Court directed that the Election Committee is permitted to declare the final result and the University is permitted to notify the result thereafter. A true copy of the Judgement passed by the Hon'ble Court, dated 17.09.2019, is annexed herewith as **ANNEXURE P1**. This notification by the

Respondent University is to be a mere declaration and does not give the Respondent University any legal power to recognise the Union. Once the election results are declared by the Election Committee, the Union comes into legal existence from such specific date, in the facts of the present case the declaration of the results by the Election Committee was on 17.09.2019.

3. The JNU Act, 1966 along with the Statutes as provided in the Second Schedule therein contains elaborate provisions that mandate decision-making in a manner that encourages student participation and ensures the representation of the students in the decision making bodies of the JNU Act, 1966.
4. Since the inception of the JNU, the Jawaharlal Nehru Students' Union ("JNUSU") has been an integral part of administrative decision-making as well as various other aspects involving student welfare in JNU. The elections of the JNUSU are conducted in a democratic manner every year by the student body. It is submitted that the model of Students Union as had been active in JNU, was praised and seen as a template upon which the Lyngdoh Committee Report dated 23.05.2006 which made its recommendations for students Unions in Universities in general. The members of the Lyngdoh Committee included Dr. Pratap Bhanu Mehta, Prof Ved Prakash and Dr. Zoya Hasan.

5. It is relevant to note that the JNUSU is socio-politically aware body with a sense of responsibility towards the nation. It made representations in the form of meaningful dialogue and peaceful protests to espouse various causes relevant to the nation and engaged authorities in relation to these causes and issues. However, it is relevant to note that historically protests organized by the JNUSU and the JNU community as a whole have never been violent, and they have never been irresponsible 'protests for protest's sake'. Instead, these protests have always been informed by painstaking and thoughtful reflection, and sensitivity to people's rights, gender and social justice. This is why such protests have helped shape and change important policies in JNU and beyond. A few instances of the same are detailed hereunder:
 - a. In 1998, the JNUSU proposed and agitated for an independent committee to look into sexual harassment complaints – making JNU one of the first institutions in the country to set up the GSCASH (Gender Sensitization Committee Against Sexual Harassment) in 1999 following the Supreme Court's 1997 directive. The UGC SAKSHAM Report (2013) has recommended the examples and experience of the JNU GSCASH, because of its autonomous and representative nature, as a resource for other Universities to emulate.

b. OBC reservations in Central Education Institutions became a law in 2008 (the CEI Act 2006 based on 93rd Constitution Amendment) following the Supreme Court verdict (*Ashok Kr. Thakur's* case, 10 April, 2008). But at the stage of actual implementation, it was the JNUSU which identified and first blew the whistle on the faulty and distorted interpretation of "cut-off marks" that were depriving OBC students of University seats to which the law entitled them. JNUSU documented the ways in which the JNU Administration, backed by the then Government of India, were faultily interpreting the legal definition of "cut-off marks" to divert around 400 OBC seats to the general category during the course of admissions for next three years (2008-10). The Delhi High Court (7 September, 2010), and later the Supreme Court (18 August 2011) held the JNU Administration's interpretation of "cut-off" to be wrong in law and upheld the position of JNU students in historic judgments of national significance. This had the impact of a correct and equitable implementation of OBC reservations in letter and spirit not just in JNU but also in institutions of higher education across the country.

- c. In December 2012, JNU students were at the forefront of the anti-rape agitation on the streets of Delhi which prompted swift action from the authorities in relation to the particular incident as well as to bring about reforms in criminal law.
 - d. That it is well known that the JNUSU is a body that is at the forefront of the fight for Social Justice, so much so that the members of the JNU SU were also invited to meet with the members of the Justice Verma Committee to share their views and contribute towards the Report.
6. Apart from the above, the JNUSU is a necessary invitee member of various committees set up under the JNU Act, 1966, its statutes and ordinances and JNU Manual. For instance, the JNUSU is an invitee to the Academic Council, the Campus Development Committee, the Inter Hall Administration Committee etc. This is necessary keeping in mind that the larger framework of the JNU administration is to be carried out with the participation of the student body. This is the intent of the JNU Legal regime. That was also recognized and appreciated by this Hon'ble High Court while passing Order dated 20.02.2019 in N. Sai Balaji & Ors. Vs. JNU & Anr. in W.P.(C) 2370/2019. That this Hon'ble High Court noted that Student participation is mandated by the JNU especially as per the JNU Manual 8's composition and

those committees that are concerned with student welfare must allow student representation. A true Copy of the Order dated 20.03.2019 passed in W.P.(C) 2370/2019 is annexed hereto and marked as **ANNEXURE P2**.

7. The Respondent is a University set up under the provisions of the Jawaharlal Nehru University Act, 1966 and therefore comes within the definition of State under Article 12 of the Constitution of India, 1950.
8. The present Petition is being filed seeking to quash the Draft Hostel Manual illegally approved by the IHA on 28.10.2019 and ratified by the 283rd Meeting of the Executive Council of the Respondent held on 13.11.2019. Consequently, the Petitioners are also praying for a writ of mandamus or any other writ, order or direction, directing the Respondent to allow registration of students with the Respondent University as per the provisions of the Hostel Manual as in existence prior to 28.10.2019. The Petitioner's also are seeking to quash the changes made to the Hostel Manual through the High Level Committee notified on 24.11.2019 and its recommendations dated 25.11.2019. That this High Level Committee does not have the legal mandate and jurisdiction to affect change in the Hostel Manual. That the mandate and powers of bringing any changes to the hostel manual is with the IHA as per the provisions of the Hostel Manual.

9. The facts leading to the present petition are as follows:

- a. It is submitted that the Respondent University is a central university and has been established by a central act, namely, the Jawaharlal Nehru University Act, 1966. It is submitted that the Respondent University was set up with the intention of promoting the study of the principles for which Jawaharlal Nehru worked during his life-time, national integration, social justice, secularism, democratic way of life, international understanding and scientific approach to the problems of society. A true copy of the Jawaharlal Nehru University Act, 1966 is annexed herewith as **ANNEXURE P3**.
- b. Since the inception of the Respondent University, the Hostel/Residence of the students is governed by the provisions of the Hostel Manual. The Hostel Manual envisages the formation of an Inter-Hall Administration Committee which is the apex deliberating body of the Respondent University vis-à-vis the power to take decisions regarding to student welfare. A true copy of a the unamended JNU Hostel Manual is annexed herewith and marked as **ANNEXURE P4**.

- c. It is submitted that the Hostel Manual in force provides for adequate student representation in the IHA Committee through the elected heads of the JNUSU i.e. the President, the General Secretary and the JNUSU IHA Convenor, in addition the manual also provides for all Hostel Presidents to be members of the committee. It is essential to note that all these members are elected student representatives and therefore essential to bringing on record the views of the student community at large. It is submitted that these aforesaid members are the student members of the IHA Committee.
- d. That the Hostel Manual also contained the charges to be paid for availing of the residence within the Respondent University. The following were the rates prior to the illegal IHA held on 28.10.2019:-

S. No.	Particulars	Existing charges
1	Mess Bill	As per actual
2	Establishment Charges	1,100/- per semester
3	Crockery, Utensils	250/- per year
4	Newspaper	50/- per year
5	Room Rent – Single seater	20/- per month
6	Room rent – Double seater	10/- per month
7	Utility Charges (Water and Electricity Charges)	Nil
8	Service Charges (Mess Services, Sanitation Services, Supporting Staff Services)	Nil
9	Refundable Mess Security/Mess	5,500/-

	Advance	
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- e. That the most recent amendments to the IHA was seen implemented through an Executive Committee Meeting dated on 13.03.2018 i.e. the 272nd EC Meeting which ratified increase in the fee structure as was agreed upon by the IHA Committee. It is important to note that this previous IHA Committee meeting was carried out in a democratic manner and as such all amendments to provisions were debated by the JNUSU before the implementation of provisions. That since then, the students of the Respondent University had been availing of the hostel services at the aforementioned rates in the Table above. A true and typed copy of the screen shot of the Minutes of the 272nd EC Meeting of the Executive Council dated 13.03.2018 is annexed hereto and marked as **ANNEXURE P5 (Colly)**.
- f. That a draft Hostel Manual was floated and circulated among the student body on 03.10.2019 with undesirable changes which proposed a significant increase in the fee structure, further also changed the composition of the IHA by reducing the JNUSU representation in the IHA. Changes were also seen in reservation categories of Hostel Manual

affecting the existing social justice framework of the Hostel Manual. Further, the Draft Hostel Manual, *inter alia*, reduced the representation of the JNUSU in the IHA Committee to only one/two member of the JNUSU. A true copy of the Draft Hostel Manual circulated on 03.10.2019 is annexed herewith as **ANNEXURE P6**.

- g. On 09.10.2019, the JNUSU wrote to the Dean of Students of the Respondent University stating that they as elected representatives of the University unequivocally object to the Draft Hostel Manual and stated that Clause 1.5.1 of the Hostel Manual mandated that the JNUSU President, JNUSU General Secretary and the JNUSU-Convenor are a part of the IHA Committee, and therefore, these members of the IHA Committee should be invited to all meetings of the Committee. It is pertinent to note that the letter was never replied to, despite the fact that such a decision bringing out significant changes ought to have had the student participation and assent as mandated in the Hostel Manual in the Clause 1.5.1. A true copy of communication to the Dean of Students dated 09.10.2019 is annexed herewith as **ANNEXURE P7 (Colly)**.

- h. It is important to point out that the Respondent University has also refused to allow student representation on the Academic Council, despite orders of this Hon'ble Court recognizing previously that JNUSU must be part of all welfare and statutory institutions of JNU in *N. Sai Balalji vs JNU* in W.P. 2370/2019 Order dated 20.03.2019. The Petitioners herein have written to the Chairperson of the Academic Council, requesting for representation on the same on 15.10.2019. However, no response was forthcoming from the Academic Council of the Respondent University. A true and typed copy of the Letter dated 15.10.2019 is annexed herewith as **ANNEXURE P8 (Colly)**.
- i. That on 15.10.2019 the Dean of Students issued a notice stating that the JNUSU for the Academic Year 2019-20 is yet to be notified, without stating any reasons for the same. A true and typed copy of the Notice dated 15.10.2019 is annexed herewith as **ANNEXURE P9 (Colly)**.
- j. That on 17.10.2019 a notice for the meeting to be held of the IHA Committee on 28.10.2019 was issued. It is pertinent to mention that no members of the JNUSU were intimated of this meeting despite

the fact that they were members per the composition of the IHA Committee.

- k. On 23.10.2019 a letter from the JNUSU to the Vice-Chancellor stating that as significant members of the IHA committee their presence at any meetings is necessary. The Petitioners apprised the Vice-Chancellor that they had fulfilled all requirements as per the Lyngdoh Committee recommendations and as they had not received any communication from the Dean of Students office otherwise, they should be invited to all meeting concerning student welfare. However, no response was received from the Vice-Chancellor to the above stated letter. That this Hon'ble Court has also in N. Sai Balaji vs JNU in W.P.2370/2019 in order dated 20.03.2019 appreciated that it is necessary to involve the student's representative in welfare committees such as the IHA. That curiously in that case also the Respondent University had sought to try and delegitimize the elected JNUSU. A true and typed copy of the letter dated 23.10.2019 is annexed herewith as **ANNEXURE P10 (Colly)**.
- l. On 28.10.2019, following the notice on 17.10.2019 a meeting of the IHA Committee was scheduled at 10 AM for the discussion on the Draft Hostel Manual

and all the proposed amendments. It is very important to note here that no members of the JNUSU were given notice or invitation through the Respondent University's notice dated 17.10.2019. This despite the fact that 3 members of the JNUSU make up the composition of the Committee as per clause 1.5.1 of the Hostel Manual. This meeting was essential in light of the impact of the amendments on the student population which is the stakeholder affected by these amendments. However, after convening this meeting the IHA Committee was adjourned arbitrarily without consulting the JNUSU or the Hostel Presidents till further notice.

- m. However, through the surreptitious and *mala-fide* actions of the officials of the Respondent University, the Draft Manual was passed without any student representation. That out of a total of 19 members, none of them were present and their views were not taken into consideration in spite of the fact that welfare committees should have student representation. A letter dated 28.10.2019 by the 9 Hostel Presidents and the Petitioners sent to the Dean of students and received by the Vice Chancellor, stating that the meeting was arbitrarily adjourned without the consultation of the Hostel

Presidents and that they were not even given intimation of the same. The Petitioners herein, along with the Hostel Presidents, stated that the Hostel Presidents and the JNUSU representatives were entitled to be a part of the IHA Committee meeting to discuss the Draft Hostel Manual. They also made it clear that they demand a full withdrawal of the Draft Hostel Manual and that any such future draft shall only be prepared after consultation with all stakeholders, such as the students of the Respondent University. A true and typed copy of the Letter dated 28.10.2019 is annexed herewith as **ANNEXURE P11 (Colly)**.

- n. However, despite adjourning the meeting of the IHA Committee on 28.10.2019 itself, the Chairperson of IHA of the Respondent University surreptitiously reconvened the IHA Committee meeting at 3:00 PM only informing the Hostel Presidents *vide* email sent at 2:50 pm. That is 10 minutes prior to the meeting. It is submitted that the Draft Hostel Manual was passed by the IHA Committee without even hearing the representations of the student body or the Hostel Presidents. In fact, shockingly it had come to the notice of the union that the entire deliberation was finished in 10 minutes, clearly showing malafide

intention. That it is submitted that the entire process was a farce and undermined the provisions of the JNU Hostel Manual. That this IHA was conducted with mala fide intention to run the pre-intended Writ of the JNU Administration. A true copy of the email sent at 2:50 PM regarding the reconvening the IHA Committee meeting to 3:00 PM is annexed hereto and marked as **ANNEXURE P12**.

- o. That 4 Hostel Presidents who somehow managed to reach there after the 10 minute notice were shocked to find that the IHA meeting was already over and the Draft Manual had been accepted in the meeting without any discussion or deliberation by any Hostel President at the time. Later three other Hostel Presidents also arrived, and the 7 Hostel Presidents together submitted a Dissent Note stating that they were not included in any discussion or deliberation. However, the IHA Minutes included names of the 4 Hostel Presidents even though they had arrived after the decision had been passed by the JNU Administration, and they had also written a Dissent Note stating that the decision was taken in their absence. A true and typed copy of the Note dated 28.10.2019 at 3:00 PM is annexed herewith as **ANNEXURE 13 (Colly)**.

p. That the Chairperson of IHA issued minutes dated 28.10.2019, approving all the changes made in the IHA through the illegal meeting held at 3 PM on 28.10.2019. That the mess services, sanitation services, mess admission dues, guest meal charges, room charges, amongst others will be increased by 10% every Academic Year, i.e., from the Monsoon Semester. A true and typed copy of the minutes of IHA dated 28.10.2019 is annexed herewith **ANNEXURE P14 (Colly)**.

q. It is submitted that the Hostel Manual clearly provided for adequate student representation on the IHA Committee in Clause 1.5.1. Clause 1.5.1 of the Hostel Manual is extracted below for ease of reference:

“1.5.1: IHA Committee (composition, quorum, meetings, powers and functions)

(a) Composition

i.	<i>Dean of Students</i>	<i>Chairperson</i>
ii.	<i>Associate Dean of Students</i>	<i>Member</i>
iii.	<i>All Provosts</i>	<i>Members</i>
iv.	<i>All Sr. Wardens</i>	<i>Members</i>
v.	<i>All Hostel Presidents</i>	<i>Members</i>
vi.	<i>President, JNUSU</i>	<i>Member</i>
vii.	<i>Gen. Secy, JNUSU</i>	<i>Member</i>
viii.	<i>JNUSU-IHA, Convenor</i>	<i>Member</i>
ix.	<i>AR./D.R. (IHA)</i>	<i>Member-Secretary”</i>

As can be seen from the excerpted provision, the Hostel Manual clearly provided for the

representation of the JNUSU as it recognized that any decisions in relation to the Hostels provided to the students would have a direct financial impact on them and JNUSU is the democratically elected body of the student community in the JNU. Further 4 out of the 9 categories highlight student representation, showing the intention of the JNU Manual to include the views of the stakeholders who are the affected party. Therefore, the Hostel Manual envisaged that the students would be provided with adequate representation in the IHA Committee.

- r. That the JNUSU is a necessary invitee member of various committees set up under the JNU Act, 1966, its statutes and ordinances and JNU Manual. For instance, the JNUSU is an invitee to the Academic Council, the Campus Development Committee, the Inter Hall Administration Committee etc. This it is necessary to keep in mind that the larger framework of the JNU Administration has shown malafide intentions towards JNUSU with regards to including them in the process of making this decision. A true copy of Manual 8 is annexed herewith as **ANNEXURE P15.**

- s. It is submitted that on 11.11.2019, the JNUSU wrote a letter to the Ministry of Human Resource Development (“**MHRD**”) highlighting the arbitrary, surreptitious and *mala-fide* nature in which the JNU Administration had passed the Draft Hostel Manual. The JNUSU, through the Petitioners herein, in detail laid down all their objections to the Draft Hostel Manual, including the issues of increasing the Hostel Fees and the reduction in representation in the IHA Committee. A true copy of the Letter dated 11.11.2019 issued by the Petitioner herein to MHRD is annexed herewith as **ANNEXURE P16**.
- t. That on 13.11.2019, at the 283rd Meeting of the Executive Council of the Respondent University, the Executive Council accepted and ratified the changes made in the Draft Hostel Manual and accepted the amendment including the increase of the Hostel Fees and the adverse changes affecting reserved category student without considering any of the objections raised by the students of the Respondent University and the Petitioners. That the EC shockingly also made further changes, even though the EC had no legal authority to do the same and that is strictly the jurisdictional mandate of the IHA as per the

provisions of the JNU Hostel Manual. A true copy of the Press Release of the Respondent University dated 13.11.2019 is annexed herewith as **ANNEXURE P17**. A true copy of the relevant pages of the minutes of the 283rd Meeting of the Executive Committee dated 13.11.2019 is annexed hereto and marked as **ANNEXURE P18**. Further the specific changes that were made by the EC could only be made through IHA or under chapter 9 wherein the changes brought to 2.6.1 and 3.6.2 could, in the alternative under special circumstances, be done by the dean of students in consultation with the Senior Wardens or the Provosts. Both these changes were however done by the EC.

- u. A comparative chart of the increase in fees as compared to the earlier rates are as given below:

S. No.	Particulars	Existing charges	Revised Charges	Revised charges for eligible BPL category
1	Mess Bill	As per actual	As per actual	As per actual
2	Establishment Charges	1,100/- per semester	1,100/- per semester	1,100/- per semester
3	Crockery, Utensils	250/- per year	250/- per year	250/- per year
4	Newspaper	50/- per year	50/- per year	50/- per year
5	Room Rent – Single seater	20/- per month	600/- per month	300/- per month
6	Room rent – Double seater	10/- per month	300/- per month	150/- per month
7	Utility Charges (Water and Electricity)	Nil	As per actual	50% of as per actual

Charges)				
8	Service Charges (Mess Services, Sanitation Services, Supporting Staff Services)	Nil	As per actual	50% of as per actual
9	Refundable Mess Security/Mess Advance	5,500/-	Rs. 5,500/-	Rs. 5,500/-

- v. As can be seen from the comparative table above, and the reduction of the student representation on the IHA, the Draft Hostel Manual had adverse financial repercussions on the students. It is pertinent to note that the JNU Annual Report itself for the year 2017-2018, it showed that 40.03% of the student population of the Respondent University comprises families which earn less than Rs. 1,44,000/- per annum.
- w. Therefore, the fee hike in the hostel fees directly impacted the future of thousands of students who might not be able to avail the benefits of a Public Funded Central University. As submitted above, the purpose of enacting the JNU Act was to ensure that people from all sections of society are able to gain quality education at subsidized rates which falls

within the ambit of accessible education which is a constitutional obligation.

- x. That further changes were also brought to the composition of the IHA reducing the JNUSU representation in the IHA. Also, clause 2.2.5 of the Hostel Manual was amended adversely affecting SC/ST students of P-1 category to be allotted hostel rooms on priority basis. That this an example of the harmful amendments made and what far reaching effects they have had on the student community. These amendments are far reaching and have been passed arbitrarily without any democratic discussion as allowed through the provisions of the Hostel Manual.
- y. Following this, the Acting Dean of Students sent a notice to all hostel presidents intimating them of the changes that had been made to the increased fee structure and intimated them that the EC had given its assent to the same. A true copy of the notice dated 14.11.2019 is annexed hereto and marked as **ANNEXURE P19.**
- z. It is submitted that the Executive Council acted arbitrarily in accepting and ratifying the Draft Hostel

Manual. It is submitted that the Executive Council failed to appreciate the fact that the representations and objections of the JNUSU were not even placed before the IHA Committee before passing the Draft Hostel Manual. Further, the Executive Council failed to appreciate the fact that the JNUSU is entitled to attend the IHA Committee meetings, through the JNUSU President, General Secretary and the JNUSU-IHA Convener as voting members, as per Clause 1.5.1 of the Hostel Manual. This opportunity was not afforded to the JNUSU and therefore, the Draft Hostel Manual could not have been accepted and therefore is illegal. Further, it failed to take note on the arbitrary adjournment and reconvening of the IHA meeting on the same date giving only 10 minutes notice to the hostel presidents rendering their right to attend meetings a legal nullity.

- aa. It is pertinent to mention herein that it is the IHA which has the power and autonomy to make decisions and changes in the Hostel Manual. As such, it is clear from the actions of the EC that there is clear malafide intention in their functioning as not only does the EC take up the issue of hostel fee,

accepts it and ratifies the same, but goes on to make further changes and amendments therein. It is clear that the EC has acted in a malafide manner and has therefore ratified the fee hike issues and further in violation of the Hostel Manual taken cognizance and made changes in its 283rd EC Minutes dated 13.11.2019. It is also to be pointed that the EC is headed by Vice-Chancellor of the Respondent University and their actions are illegal and ought to be quashed.

- bb. Further, the Executive Council showed total non-application of mind while creating a 'Below Poverty Line' Class of students. It is submitted that the criteria of 'Below Poverty Line' has not been provided in the Draft Hostel Manual. In fact, there is no clarity on the categorization required by the BPL and how the University has the requisite data to apply the BPL category to admitted students. No clarity has been even provided in the amended IHA on this issue. Further "Merit-cum-Means Scholarships" are existing in the Respondent University who are given scholarships, the financial category is laid down clearly as applicable to students whose income does not exceed INR

2,50,000. A true of the e-Prospectus of the Academic Session 2019-20 showing the same is annexed herewith as **ANNEXURE P20**. That the bringing in of the BPL category is completely irrational and arbitrary and instead does harm to the system of Merit cum Means through which a substantial set of students gain benefits. That a detailed note explaining the irrationality of the BPL being made applicable to the students of Central University. A true copy of the note by Mr. Pronob Sen is annexed herewith as **ANNEXURE P21**.

cc. Thereafter, the students of the Respondent University went on to collectively democratically protest against the actions of the Respondent University and the illegally imposed Draft Hostel Manual. That the JNU administration through its mala fide action managed to illegally oust the JNUSU and not allow the Hostel Presidents to put forward their views, undermining the legal mandate of the Hostel Manual. As there was no recourse from the administration in order to address the grievances of the students there was no other option and they were constrained to protest so as to ask for immediate intervention and a reconvening of the

IHA as per legal regime listed down in the Hostel Manual.

- dd. Shockingly, in response to the student agitations the Vice-Chancellor (“VC”) ignored all communications and requests of JNUSU and other students and arbitrarily set up a High-Level Committee to find a solution to the issues regarding the hostel fee hike. Instead the VC oversaw the setting up of a High Level Committee, which without any jurisdiction made further changes to the hostel manual. A true copy of the Circular issued by the Respondent University dated 24.11.2019 is annexed herewith as **ANNEXURE P22**.
- ee. It is pertinent to note that this High Level Committee was also illegal and could not have been set up to look into the hostel fees. This is important to note as the IHA was the legal body to determine and change fee structure in the university. By setting up a High Level Committee the VC has undermined the autonomy of the IHA, as provided in the JNU legal regime in the Hostel Manual. Further, in complete disregard of the reason for the peaceful protest being carried on, the High Level Committee was set up on 24.11.2019, without any student interaction and with complete disregard of the views of the students

JNUSU and Hostel Presidents. Following this, on 24.11.2019 a circular was passed.

ff. It is interesting that the HLC meeting was notified on 24th November and within 24 hours on 25th November, certain Amendments were made and a notification informing of these changes were issued to stakeholders of the University. It is clear that there were no deliberations and consultations of any kind the decision was taken by the Committee in a mere 24 hours. The EC also approved the same through circulation that the undermining of the IHA and the lack of consultation along with the urgency clearly shows malafide intent as there was no such urgency to bring about such measures. Showing that the sole intention was only through its writ to illegally impose a fee hike and further undermine the social justice framework of the hostel manual including the reservation clauses of the Hostel Manual. A true copy of the Circular issued by the Respondent University dated 25.11.2019 is annexed herewith as **ANNEXURE P23.**

gg. It is interesting to note here that though the minutes of the 283rd Executive Committee dated 13.11.2019 had already been circulated and had been ratified however, even though the HLC meeting was held 12

days later, the meeting sought to approve retrospectively all the changes made by the EC in their 283rd meeting through circulation amongst the EC members. This kind of urgency clearly shows malafide intention on the part of the Respondent University as there were no immediate circumstances that necessitated such steps to be taken a. In fact, changes to the Hostel Manual were made as recently as in 2018. It is also clear that the registration on new Semester will only begin in January 2020, and therefore an IHA meeting could have been convened in the following months. This is another instance of the malafide and collusive action the JNU Administration is carrying out in order to disenfranchise the JNUSU and the students of JNU from their rights to debate and contribute as significant members in committees that affect student welfare.

- hh. It is submitted that the MHRD held a meeting on 10.12.2019 and 11.12.2019 with the JNUSU and the administration of JNU to resolve the present dispute. It is submitted that during the course of these negotiations, a basic record of discussions on the basis of which the parties would negotiate was developed. Further, JNUSU also met MHRD as

recently as 9th and 10th January where JNUSU met Secretary and Joint-Secretary to further negotiate. A true copy of this record of discussion dated 10/11.12.2019 is annexed hereto and marked as **ANNEXURE P24 (Colly)**.

- ii. It is pertinent to note that this Hon'ble Court in Suraj Kumar Vs. JNU in WP (C) No. 13632/2019 had passed an order directing the VC of the Respondent University to "*take requisite steps to engage with the students and attempt to break the logjam*". However, till date no invitation has come to the JNUSU President and the Respondent has continued to impose illegal minutes of the 283rd meeting of the EC. A true copy of the Order 23.12.2019 in Suraj Kumar Vs. JNU in WP(C) No. 13632/2019 are annexed herewith as **ANNEXURE P25**.
- jj. That JNUSU wrote a letter dated 27.12.19 to JNU Vice Chancellor to take cognizance of the situation and initiating dialogue. The Petitioners reiterated the directions of this Hon'ble Court and requested that a dialogue be started between the JNUSU and the VC/JNU Administration regarding the Draft Hostel Manual. However, no response was forthcoming from the VC or the administration. A true copy of the Letter dated 27.12.2019 issued by the Petitioners

to the VC of the Respondent University is annexed herewith as **ANNEXURE P26**.

kk. That a circular dated 30.12.2019 was issued by the Respondent University in which certain new rates were given for registration of the students, that these rates have no legal basis at all and have been whimsically imposed and that therefore have no bearing in law and the students therefore cannot be asked to register upon these rates which do have the requisite legal sanction as per the JNU Act, 1966 Statutes, Ordinances and Hostel Manual. That despite the fact that the MHRD has stepped in in order to rectify and resolve the issues concerning the hike in fee structure, the JNU Administration has gone ahead and released circulars for registering students as per the increased fee structure. That the increased fee structure as per Circulars of the Respondent dated 30.12.2019 which is annexed herewith as **ANNEXURE P27 (Colly)**.

ll. Therefore, in accordance with the Orders passed by this Hon'ble Court, JNUSU issued a letter to the VC of the Respondent University appealing to his office for an internal dialogue within the Respondent University in order to resolve the issues, however it is important to note that the VC never replied to the

letter not was there any imitation on his part to meet with the representatives of the JNUSU

mm. Thereafter, the JNUSU, through the Petitioners, issued a letter dated 02.01.2020 to the VC stating that the registration ought to be done at the earlier rates as the Draft Hostel Manual was invalid due to the lack of student representation during the meeting of the IHA Committee and therefore, ought to be recalled. A true copy of letter dated 02.01.2020 sent to the VC from the JNUSU is annexed hereto and marked as **ANNEXURE P28**.

nn. That the MHRD, the JNU Administration and the JNUSU were in discussions to hear the views of the JNUSU regarding the illegal and arbitrary decisions made by the IHA EC and the HLC. That these decisions were clearly supported with malafide intention by the JNU Administration headed by the Vice -Chancellor. That these meetings took place on 10-11.12.2019 and 9-10.01.2020. That a certain record of discussions was issued by MHRD dated 12.12.2019 which listed out certain possible terms and conditions. A true copy is attached herewith.

oo. That a Circular issued by Respondent University dated 15.01.2020 coercively imposed the illegally and arbitrarily raised fee by imposing fines for non-

payment. These imposing rates are illegal and arbitrary and with malafide intention are being coercively imposed by the Administration. JNU Administration has linked registration to the necessary payment of these illegal rates. A true copy of the Circular dated 15.01.2020 is annexed herewith as **ANNEXURE P29**.

pp. Therefore, as can be seen from above, the Respondent University has repeatedly refused to engage into any dialogue with the student body or the JNUSU with regards the Draft Hostel Manual which has been illegally and arbitrarily passed by the IHA Committee and the Executive Council of the Respondent University without giving any opportunity to be heard to the student body, as represented by the JNUSU. Therefore, the Draft Hostel Manual, the Minutes of the IHA Committee Meeting dated 28.10.2019 and the Minutes of the 283rd Meeting of the Executive Council of the Respondent University dated 13.11.2019, as well as the High Level Committee as set up by the VC on 24.11.2019 and the recommendations of the High Level Committee in the Circular dated 25.11.2019 are liable to be quashed on the following grounds.

GROUND:

That in view of the submissions made hereinabove, the Petitioner seeks quashing of the Draft Hostel Manual, the Minutes of the IHA Committee Meeting dated 28.10.2019 and the Minutes of the 283rd Meeting of the Executive Council of the Respondent University dated 13.11.2019 as well as the High Level Committee as set up by the VC on 24.11.2019:-

1. Malafide actions of the Inter Hostel Administration Committee and violation of the JNU Hostel Manual

A. Because the Dean of Students of the Respondent University on 28.10.2019 adjourned the IHA meeting and thereafter with mala-fide intention adjourned the meeting for the same day for 03:00 PM. That the IHA Committee was reconvened without consulting the JNUSU or the Hostel Presidents and thereby violated the rights of JNUSU to represent the student community before the IHA and raise their objections on the Draft Hostel Manual. In fact the IHA Committee wrote an email at 2.50 pm, which is ten minutes prior to the meeting informing the Hostel Presidents of the IHA meeting. The intention of the Respondent University's administration is clearly to deny the democratic mandate of the elected student

representatives by not allowing them to fulfill their legal obligations under the JNU Act, Statutes, Ordinances and Manual.

B. That the mess services, sanitation services, mess admission dues, guest meal charges, room charges, amongst others will be increased by 10% every Academic Year, i.e., from the Monsoon Semester. In effect perpetuating a recurring increase of hostel fee upon the students.

C. Because the Dean of Students of the Respondent University surreptitiously reconvened the IHA Committee and sought to make the meeting an emergency, even though there was no urgency regarding the issue of amending the Hostel Manual. In fact the new semester was to only begin in January 2020 and therefore even if any changes had to be applied as early as from the next semester there was enough time to reconvene a meeting with proper notice. Further it is to be noted that the previous changes were made only recently on 13.03.2018 through the IHA and ratification of the 272nd Executive Council was done only a year earlier with adequate deliberation and consultation and importantly with the inclusion of the JNUSU

and the Hostel Presidents. There was therefore no requirement for an emergency meeting.

- D. Because the Hostel Manual clearly provides for adequate student representation on the IHA Committee in Clause 1.5.1 which clearly states that the JNUSU President, General Secretary and the JNUSU-IHA Convenor are members of the IHA Committee and that notice for the meetings have to be served on them. That of the 9 categories of representatives, 4 are specifically student representatives. However, no notice for the reconvened meeting was served on the JNUSU members or the Hostel Presidents except an email received by some hostel presidents at 2:50pm for a 3:00 pm meeting, ensuring that they would be unable to attend the same.
- E. Because though Clause 1.5.1 of the Hostel Manual provides for an emergency meeting of the IHA Committee, there was no such emergency in the present case and therefore, the reconvened meeting could not have been called, that the same was done with the malafide intention of keeping the student representation i.e. the JNUSU and the hostel presidents out of the decision making process regarding the same.

F. Because the Hostel Manual envisages that the students would be provided with adequate representation in the IHA Committee and through the surreptitious and *mala-fide* actions of the officials of the Respondent University, the Draft Manual was passed without any student representation.

2. Malafide and Arbitrary Actions of the 283rd Executive Council

G. Because the Executive Council acted arbitrarily in accepting the Draft Hostel Manual by failing to appreciate the fact that the representations and objections of the JNUSU were not even placed before the IHA Committee before passing the Draft Hostel Manual.

H. That the EC also showed total non-application of mind while creating a 'Below Poverty Line' Class of students. It is submitted that the criteria of 'Below Poverty Line' has not been provided in the Draft Hostel Manual. In fact, there is no clarity on the categorization required by the BPL and how the University has the requisite data to apply the BPL category to admitted students. No clarity has been even provided in the amended IHA on this issue. Further "Merit-cum-Means Scholarships" are

existing in the Respondent University who are given scholarships, the financial category is laid down clearly as applicable to students whose income does not exceed INR 2,50,000. That the category of students availing merit cum means scholarship now do not benefit anymore from a reduced rate provided to their Hostel room rent.

- I. Because the Executive Council sought to without any jurisdiction, function as a parallel IHA Committee and change the applicable rates on establishment fee, and the rules as to dress code and curfew.
- J. Because the Executive Council failed to appreciate the fact that the JNUSU is entitled to attend the IHA Committee meetings, through the JNUSU President, General Secretary and the JNUSU-IHA Convener as voting members, as per Clause 1.5.1 of the Hostel Manual. This opportunity was not afforded to the JNUSU and therefore, the Draft Hostel Manual could not have been accepted.
- K. Because the Executive Council showed total non-application of mind while creating a 'Below Poverty Line' Class of students without even explaining the criteria of 'Below Poverty Line' in the Draft Hostel Manual.

3. Malafide actions of the Vice Chancellor in Setting up of a High Level Committee to run as a parallel IHA

L. Because the High-Level Committee was set up by the VC without any jurisdiction in law to bring amendments to the provisions of the Hostel Manual. The JNU Hostel Manual clearly provides that it is the IHA which has powers to bring about amendments to the Hostel Manual. However, the VC has sought to create a parallel committee to amend the hostel manual without considering the stakeholders involved, this is against clause 1.5.1 of the IHA Manual.

M. Because the VC has no power to constitute a committee to decide on issues of fee hike and that the issue of Hostel Fees is squarely within the ambit of the IHA Committee and therefore, no High-Level Committee can be formed to decide on issues which are within the ambit of the IHA Committee as specifically empowered under the Hostel Manual.

N. Because despite the orders of this Hon'ble Court in Suraj Kumar Vs. JNU in WP (C) No. 13632/2019 directing the VC of the Respondent University to *“take requisite steps to engage with the students and attempt to break the logjam”*, the VC has not

engaged in any dialogue with the JNUSU or the student community and has instead set up a committee being the head of the Respondent University and sought to ensure that the statutory obligations of the JNU Act, Statutes, Ordinances and the Manual are defeated in letter and spirit.

4. Illegal actions of the Administration in registering students as per the increased fee structure

- O. Because students have started registering with the Respondent University on the basis of the Circular dated 30.12.2019 notifying the fee hike despite the fact that the fee hike is without any basis and was passed in a surreptitious and a *mala-fide* manner.
- P. That the fee hike is not only illegal because of the arbitrary manner in which the IHA meeting dated 28.10.2019 was held but also because subsequently, through the Minutes of the 273rd meeting of the EC dated 13.11.2019 and the HLC dated 24.11.2019 illegally changes were brought about in the IHA rendering the decisions of the IHA dated 28.10.2019 itself a nullity by their own actions.
- Q. That the students ought to be protected from such coercive actions of the Respondent University to

impose the illegally passed amendments to the IHA.

5. Willful disregard of Precedent as laid down by this Hon'ble High Court in WP (C) 2370/2019 Order dated 20.03.2019

R. Because as per the Orders of this Hon'ble High Court, it has been acknowledged that there is a necessity to have student representation in committees that concern the welfare of the Student body.

S. Because this Hon'ble Court has held that it is important for members of the student body to be represented in committees concerning their welfare. To this extent Order dated 20.03.2019 passed in N Sai Balaji Vs. JNU in W.P.(C) 2370/2019 held that no prejudice shall be caused in attending such welfare meetings by Students' Union. This even though GRC through the Dean of Students had sought to through mala fide action try and adversely affect the elected JNUSU.

T. Because the Administration has continued to act in malafide, through the present Grievance Redressal Committee ('GRC') which was formed on 30.07.2019 for the JNU SU Election 2019-20. That the scope of the GRC is clearly set out in clause

6.8.1 and 6.8.4 of the Lyngdoh Committee Report (LCR) and as such the GRC's exclusive purpose would be the redressal of election related grievances, and as such it follows that the GRC can only function within its bounds during the period of the Election process and up to 3 weeks thereafter. As such the existence of the GRC and the exercise of its powers is restricted to the period of the Election process. However, it is submitted that despite the election results being declared as of 17.09.2019, the GRC is still functioning beyond the purview of the LCR. That this is a clear instance of malafide and collusion on the part of the JNU Administration by allowing the GRC to continue in existence beyond its ambit.

U. Because the decisions being made in such committees have financial repercussions on the students and as such their assent or dissent to the changes ought to be recorded and debated.

V. Because changes to the fee structure as has been carried out illegally are far reaching and as such, the students must be allowed to voice their concerns in regard to the same.

6. Below Poverty Line irrational in categorizing students in Central Universities

W. The Jawaharlal Nehru University (JNU) administration has announced a concession in hostel fee rates for students belonging to Below Poverty line (BPL) families. Unfortunately, the administration has not clarified how and in what manner it proposes to identify such students. This is not surprising since there are a number of very serious problems associated with both the concept and in its application.

X. In fact, there is no clarity on the categorization required by the BPL and how the University has the requisite data to apply the BPL category to admitted students. No clarity has been even provided in the amended IHA on this issue. Further “Merit-cum-Means Scholarships” are existing in the Respondent University who are given scholarships, the financial category is laid down clearly as applicable to students whose income does not exceed INR 2,50,000. That the bringing in of the BPL category is completely irrational and arbitrary and instead does harm to the system of Merit cum Means which already exists and through which a substantial set of students gain benefits.

Y. Dr. Pronob Sen a Former Chairman, National Statistical Commission (2013-16); Principal

Economic Advisor, Planning Commission (2010-12); and Chief Statistician of India (2007-10) points out that the Tendulkar Committee poverty-lines continued to be used until 2014, when the Planning Commission was abolished. The NITI Aayog has not officially adopted any poverty line, and therefore at this moment there is no official definition of poverty in the country.

Z. Despite the fact that for 35 years (1979–2014) India has had highly sophisticated official poverty-lines, these have never been used for identifying BPL families. The reason for this is three-fold:

- a. Each survey questionnaire is very complex and takes about 2.5 hours to fill even by highly trained enumerators (as compared to about 10 minutes for the Population Census questionnaire), which means that it will take about 125 million man-days to cover all families in the country.
- b. Household expenditures in India display strong seasonal behaviour due to the importance of seasons (especially monsoons) on economic activity and to the effects of festivals on expenditures. This can result in the same family being classified

very differently depending on which time of the year it has been surveyed.

- c. The possibility of deliberate misreporting of expenditure by households to avail BPL benefits since there is no objective way of verifying the claims.

AA. Dr. Pronob Sen further explains that Because of these infirmities, the BPL estimates based on the official poverty-lines adopted by government from time to time were made on the basis of sample surveys, which gave only estimates of the percentage of people below the poverty line at the national and state levels. These estimates were used only for mostly two purposes:

- a. As an analytical tool for assessing the impact of development strategies and policies on the poor in the country. This was very useful for planning and policy-making purposes.
- b. For disbursing central funds meant for anti-poverty programmes to the States. Thus, each state would receive a share of the funds equal to the share of the BPL population of the state in the total BPL population in the country.

PRAYER

In light of the above facts and circumstances, the Petitioner humbly prays this Hon'ble Court to:

- a. Issue a writ of certiorari or any other writ, order or direction quashing the Minutes of the Inter-Hall Administration Committee meeting dated 28.10.2019 of the Jawaharlal Nehru University approving amendments to Hostel Manual;
- b. Issue a writ of certiorari or any other writ, order or direction quashing the Item Nos. 6.25, 6.26, 6.27 and Annexure 9 of Minutes of the 283rd Meeting of the Executive Council dated 13.11.2019 of the Jawaharlal Nehru University;
- c. Issue a writ of certiorari or any other writ, order or direction quashing circular dated 24.11.2019 constituting the High Level Committee and quash the Circular dated 25.11.2019 passing recommendations of the High Level Committee;
- d. Issue a writ of mandamus or any other writ, order or direction directing the Jawaharlal Nehru University to refund the excess fees collected from the students as per the Draft Hostel Manual or in the alternative for the fee to be adjusted as per the unamended Hostel Manual in the upcoming Monsoon Semester, i.e., July 2020;

- e. Issue a writ, order or direction to reconvene a fresh IHA meeting as per law to reconsider the issues illegally passed in the IHA minutes dated 28.10.2019;
- f. Issue a writ, order or direction allowing the students of JNU to register for the Winter Session-January 2020 as per the old fee structure as existing prior to the impugned IHA minutes issued on 28.10.2019;
- g. Issue a writ of certiorari or any other writ, order or direction to set aside late fines as issued in Circular dated 15.01.2020 for registration in Winter Semester-2020;
- h. Pass any other Orders that this Hon'ble Court may deem fit.

PETITIONER

THROUGH

**ABHIK CHIMNI, AMAN SHUKLA,
AARTI AND MAYANK GOYAL
ADVOCATES FOR THE PETITIONER
8571, C-8, VASANT KUNJ**

NEW DELHI

NEW DELHI- 110057

DATED

MOBILE NO. 9971830490

AISHE GHOSH AND ORS. ...PETITIONERS

JAWAHARLAL NEHRU UNIVERSITY
THROUGH ITS REGISTRAR ...RESPONDENT

**APPLICATION FOR INTERIM STAY UNDER ARTICLE 226 OF
CONSTITUTION OF INDIA, READ WITH SECTION 151, CODE
OF CIVIL PROCEDURE, 1908 ON BEHALF OF THE
PETITIONER**

MOST RESPECTFULLY SHOWETH:

1. That the present accompanying Writ Petition is being filed against the illegal and unauthorized actions of the Respondent praying for *inter alia* the quashing of the Minutes of the IHA issued on 28.10.2019, the jurisdiction of the High Level Committee constituted on 24.11.2019 and their recommendations given on 25.11.2019 as also Item Nos. 6.25, 6.26 and 6.27 and Annexure 9 of the 283rd Meeting of the Executive Council dated 13.11.2019, ratifying the illegal IHA meeting dated 28.10.2019 and the HLC Committee's findings on revision of Hostel charges

amongst other changes through circulation by EC *vide* Circular dated 25.11.2019.

2. That the accompanying Writ Petition may be read as part and parcel of the present application and the same is not being reiterated herein for the sake of brevity.
3. That the present application has been filed under Article 226 of Constitution of India, read with Section 151, Code of Civil Procedure, 1908 in the nature of a Stay restraining the Respondent herein from giving effect to the draft hostel manual.
4. That the application herein has also been filed seeking interim relief in the nature of a Stay restraining the Respondent herein from registering students of the university under the new fee structure and also restraining the respondent herein from charging late fees/dues on the students who have not registered/ not registered as per the increased fee schedule.
5. That the Respondent surreptitiously convened the meeting of the Inter Hostel Administration Committee without the requisite notice to the JNUSU, and then thereafter, adjourned and reconvened the meeting with the mala fide intent of removing all student representation in order to pass the increased fee structure. That as such the committee itself is

illegal and hence any recommendation or assent to the increased fee structure must be quashed. That because the Respondent has been registering students for the new term as per the increased fee structure, this would give effect to the illegal actions of the IHA and as such would corrupt the ends of justice. It is therefore most respectfully prayed that this Hon'ble Court would be pleased to stay the effect of the IHA Committee and the increased fee structure during the pendency of the present matter.

6. That the students who have already registered for the new semester have done so as per the new increased fee structure and as such, it would meet the ends of justice if the students were allowed to continue to register under the old fee structure till this Hon'ble Court passes direction and judgement on the illegality of the Respondent vide the IHA committee and the ratification of the Executive Committee.
7. Because the MHRD has intervened and has attempted to come to an accord between the JNUSU students and the Administration, as such till the same is resolved, nothing should be carried out that would obstruct the ends of justice.
8. That unless there is a stay on the actions of the Respondent herein, there would be irreparable pecuniary loss and hardship meted out to the student Body. Further, by not

granting a stay, it would amount to the Administration carrying out a fait accompli.

9. That the balance of convenience lies in favor of the Petitioner herein and the Petitioner has a good prima facie case on merits. That there would be no prejudice caused to the Respondent if the stay as prayed for was granted, however as has been mentioned herein above, the Petitioners and other similarly placed persons in the student body would be directly and negatively impacted if the stay was not granted.

10. That it is important to note that unless the stay is granted, it would amount to allowing the Respondent to carry on with their illegal activities and would amount to be giving effect to the same. This would lay down a very dangerous precedent, that the Respondent can oust the voice of the student body and act upon it, thereby taking advantage of its wrongdoing.

11. As such it is in the interests of Justice that the reliefs as prayed for be granted in favor of the Petitioner herein.

PRAYER

In light of the above facts and circumstances, the Petitioner humbly prays this Hon'ble Court to:

- a. Pass an appropriate order staying the impugned Minutes of the Inter-Hall Administration Committee meeting dated 28.10.2019.
- b. Pass an appropriate order staying the impugned Item Nos. 6.25, 6.26, 6.27 and Annexure 9 of Minutes of the 283rd Meeting of the Executive Council dated 13.11.2019.
- c. Pass an appropriate order staying the impugned Circular issued by Registrar constituting the HLC Committee dated 24.11.2019 and the Circular dated 25.11.2019 issued by the Registrar recommending changes as recommended by the HLC and approved by the 283rd Meeting of the EC dated 13.11.2019.
- d. Pass a direction in favour of the Petitioner and against the Respondent restraining the Respondent from taking any actions which would give effect to the draft hostel manual, the recommendations of the IHA committee dated 28.11.2019, the Executive Council meeting dated 13.11.2019 and the High level Committee and its recommendations dated 24.11.2019;
- e. Pass a direction in favour of the Petitioner and against the Respondent restraining the Respondent from registering the students for the new term on the basis of the new fee structure through Circular dated 15.01.2020 for registration in Winter Semester-2020;

- f. Pass a direction in favour of the Petitioner and against the Respondent restraining the Respondent from imposing late fees on students for registrations in Winter Semester-2020;
- g. Pass a direction allowing the students of JNU to register as per the old fee structure as existing prior to the impugned IHA minutes issued on 28.10.2019 for the Winter Session-January 2020; and
- h. Pass any other Orders that this Hon'ble Court may deem fit.

PETITIONER

THROUGH

**ABHIK CHIMNI, AMAN SHUKLA,
AARTI AND MAYANK GOYAL
ADVOCATES FOR THE PETITIONER**

8571, C-8, VASANT KUNJ

NEW DELHI

NEW DELHI- 110057

DATED

MOBILE NO. 9971830490

**IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRAORDINARY CIVIL WRIT JURISDICTION
WRIT PETITION (CIVIL) NO. OF 2020**

IN THE MATTER OF:

AISHE GHOSH AND ORS. ...PETITIONERS

Versus

JAWAHARLAL NEHRU UNIVERSITY
THROUGH ITS REGISTRAR ...RESPONDENT

**APPLICATION UNDER SECTION 151 OF THE CODE OF
CIVIL PROCEDURE, 1908 ON BEHALF OF THE
PETITIONER FOR EXEMPTION FROM FILING
CERTIFIED COPIES AND TRUE TYPED COPIES WITH
MARGINS AND SPACING AS SPECIFIED,
LEGIBLE/CLEAR COPIES OF THE ANNEXURE TO THE
WRIT PETITION**

MOST RESPECTFULLY SHOWETH:

1. The Petitioner has filed the instant writ petition seeking the issuance of a writ in the nature of certiorari or any other appropriate writ, order or direction for quashing of the Minutes of the IHA issued on 28.10.2019, the jurisdiction of the High Level Committee constituted on 24.11.2019 and their recommendations given on 25.11.2019 as also Item Nos. 6.25, 6.26 and 6.27 and Annexure 9 of the 283rd Meeting of the Executive Council dated 13.11.2019, ratifying the illegal IHA meeting dated 28.10.2019 and the

HLC Committee's findings on revision of Hostel charges amongst other changes through circulation by EC *vide* Circular dated 25.11.2019.

2. The contents of the writ petition may be treated as forming part and parcel of the present application as the same are not being reiterated herein for the sake of brevity.
3. That the accompanying Writ Petition is being filed on an urgent basis and on account of which the Petitioner has been unable to obtain/file the certified copy of the orders dated, 20.03.2019 passed by this Hon'ble Court in N. Sai Balalji & Ors vs JNU in W.P.(C) 2370/2019; 17.09.2019 passed by this Hon'ble Court in Anshuman Dubey vs JNU in WP (C) 9707/2019; and 23.12.2019 passed by this Hon'ble Court in Suraj Kumar vs JNU WP(C) No. 13632/2019 and clear typed copies of certain other documents in the prescribed layout i.e. margins, spacing etc. as specified.
4. That the Applicant/Petitioner is seeking leave/exemption from filing the certified copy of the above-mentioned order and true typed and clear copies of the certain documents.
5. That the Applicant/Petitioner however undertake to file the certified copy of the said order and the true typed and clear

copies of said documents as and when required/directed by this Hon'ble Court.

6. That no prejudice will be caused to the Respondents if the present application is allowed by this Hon'ble Court.
7. That the present Application has been made *bona fide* in good faith and in the interest of justice.

PRAYER

In view of the facts and circumstance stated hereinabove, it is therefore, most humbly prayed that this Hon'ble Court may be pleased to:

- (i) Pass an order exempting the Applicant/Petitioner from filing the certified copy of the order dated 20.03.2019, 17.09.2019 and 23.12.2019 passed by this Hon'ble Court in WP(C) No. 13632/2019, WP (C) 9707/2019 and WP(C) No. 13632/2019 annexed to Petition;
- (ii) Pass an order exempting the Applicant/Petitioner from filing the true typed clear copies with proper spacing, margins etc. of certain documents annexed to the Petition;

(iii) Pass such other further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstance of the present case.

PETITIONER

THROUGH

**ABHIK CHIMNI, AMAN SHUKLA,
AARTI AND MAYANK GOYAL
ADVOCATES FOR THE PETITIONER**

8571, C-8, VASANT KUNJ

NEW DELHI

NEW DELHI- 110057

DATED

MOBILE NO. 9971830490