

**A REPLY TO THE PRESS NOTE RELEASED BY THE HIMACHAL PRADESH  
NATIONAL LAW UNIVERSITY, SHIMLA**

Hon'ble Himachal High Court has been, not to make too fine a point, *intar alia*, the harbinger of environmental jurisprudence. The Hon'ble Court in a remarkably short duration of its formulation has authored judicial *ratios* which are considered among the paragon echelons of common law system. Further, the Hon'ble Court has without exception, stoically defied executive aggression hued with whimsical tendencies, arbitrary *actus* and thereby secured social well being. Thus, it has reinforced laity's faith in the time tested value of constitutionalism. In essence, the Hon'ble Court has been the avant-garde for expanding the contours of civil liberties and fundamental rights.

Without wishing in any manner to overstate the case, the student fraternity is compelled to consider the possibility that impugned affairs are being portrayed in a manner, which all things being considered and making all possible allowances, is, perhaps not entirely straight forward. The students were forced solely and quite unwillingly by the ocular *misfensence* and *non-ficence* of the University administration to inevitably take the dire resource of a peaceful protest. These aforementioned deficiencies concomitantly, seem to underline their routine working.

Students feel, not without stern indication to back the belief, that Hon'ble Court is being lead and informed in a direction which in *lumen* of factual realities, insofar as they can be reasonably construed, justifiably assigned and ascertained is not wholly true. In gravamen, their Lordships are portrayed an image by the University authorities, to say the least, which is twisted and patently quenched from the severity which dominates the cold dimensions of reality.

It is again pressed that the student fraternity has indefeasible faith in the Hon'ble Chancellor and his brother Judges.

The students of Himachal Pradesh National Law University commenced a peaceful protest on September 17<sup>th</sup>, 2019 asserting legitimate demands concerning basic amenities<sup>1</sup>, academic reforms and administrative transparency.

The Press Note released as a response to the students' interaction with the media, *ex facie*, mentions in the initial paragraphs that the space, then provided, was insufficient for running of classes, library and other curricular activities. On a cursory reading of the above quoted excerpt, it forces one to conclude that the administration intends to state that the accommodation made available by the Hon'ble High Court of Himachal Pradesh was "insufficient". This appalling expression seems inharmonious with the acumen of judicial directions.

**IT IS PERTINENT TO MENTION THE FOLLOWING:**

- In the Press Note, the University Administration has also commented on the notice issued by it to the students, forcing them to vacate their hostels. In Annexure I, which is a notice signed by Registrar it was stated that the students must vacate the hostel with immediate effect, failing which strict action will be taken against the students. The anomaly in the University narrative of "wrong allegation regarding vacating of hostels" is rendered exposed by the construction of the sentence. The second line ends with the phrase "who have still not vacated". Both the expressions are mutually antagonist, destructive and cannot fairly be justified in the same breath within the semantic and logical expanses offered by English language.
- Further, locking the washrooms of the academic block was an attempt to thwart the ongoing peaceful protest. Administration had knowledge that a majority of students were present at the premise. It is not possible for them to use hostel washrooms owing to the distance of hostels from the academic block and the local terrain.
- Administration surreptitiously avoided the issue of removal of water purifiers from the academic block in the press note. Locking washrooms in the academic block could be daily routine but removing water purifiers cannot certainly be a daily routine.

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<sup>1</sup>As acknowledged by the University Administration in the Press Note dated 20.09.2019.

- It is the usual practice of the mess contractor to serve lunch to the students at their respective hostels on non-teaching days unless otherwise directed. However, on September 19, which was a non-teaching day, Mess workers carried the lunch to the academic block due to the presence of most of the students at the premise. However, one of the members on behalf of the administration directed the mess workers not to serve lunch and attempted to seize the plates. Also, the service provider, in conversation with the students, brought to light the strict orders by the administration to not serve the food in academic block.
- The fee bifurcation was an appreciable policy adopted by the University in the prior academic sessions. The prevailing taxonomy of fee bifurcation is silent vis-a-vis the individual facilities within the head of “Facilities Fee”. The same remain unjustified reservoir and is an intentional quagmire to overlook specific demands. Students are primarily concerned about the regressive step undertaken by the consolidating individual fee within the veil of ambiguity offered by “facilities fee”. To be noted here, is the assertion by the administration that the fee structure is in strict accordance with details mentioned in the prospectus. However, the reality portrays stark contrast, the fee structure mentioned in the Brochure (available on the University website and CLAT website, <https://bit.ly/2ko71ii>) provides fee under various heads.
- The university narrative remains elusive of firmness, perusing by and large, taking one reply with another, then in the concluding analysis, it is prudent to state, in general terms, that press note was at best sketchy, exiguous invoking crude generalizations and vulgar oversimplifications, considering the press note was intended as a reply to the grievance letter.

## **REPLIES TO THE ISSUES SPECIFIED IN THE PRESS NOTE**

### **1. BASIC AMENITIES**

- The first issue addressed by the university administration is regarding the availability of basic amenities inside the university campus. It has been asserted by the

administration that most of the basic amenities demanded by the students is meted out by it. However, it is worth emphasizing at the outset that the water purifiers presently installed inside the campus are grossly disproportionate to the number of people availing its benefit (*i.e.* 435 students, excluding the teaching and non-teaching staff). In this regard, we suggest that commercial ROs would be a better alternative. Also, the claim made by the administration regarding the availability of water dispensers on each floor of the academic block is farce.

- Secondly, the washrooms designed, lack quintessential fixtures and remain untended. The Ladies Washroom has no adequate provision for disposal of sanitary napkins leading thereby, to consequential hygiene concerns.
- Subsequently, the prime concern put forth by the student fraternity does not confine itself to on campus facilities but extends predominantly to the inconsistency of the same in hostels. It is pertinent to consider that the overemphasis on the former reflects a devious motivation on part of the administration to eclipse the conspicuous want of latter. Consequently, one is forced unto consider that the press note released on behalf of the University on 20<sup>th</sup> September 2019 reflects apparent disdain for the issue advanced.
- Mindful of the extreme weather conditions and the infrastructure that the students have been- accommodated into, it is of utmost importance to put forth the cardinal concern that the architecture of the buildings is uncanny, whereby certain rooms are devoid of sunlight resulting into breeding of noxious insects as well as fungal growth in and around the premises. Also, clothes and other articles of necessity become breeding ground for such moulds.
- The water purifiers installed inside halls of residence are insufficient and are barely maintained to fulfil the standard requisite. The service file of the same shall be regularly updated and be timely brought to public notice. The hostels are devoid of any common space dedicated for academic and recreational purposes. Further, taking

into consideration the damp and humid climatic conditions, availability of washing machine stands out to be incontrovertible. Not to overstate the case, it is brought to the notice of persons concerned that even geyser, a desideratum in Shimla, is far to be availed in certain hostel rooms.

- To lay emphasis, the hostels lack adequate arrangements for power backup, in absentia of which the power cuts during examination period render students in a state of helplessness, affecting thereby their academic performance.

## 2. HOSTEL CONSTRUCTION

- It is imperative upon any Institution, statutorily made Residential, to ensure that the designated Hostels, rented or owned, shall be kept in habitable condition. In our varsity, the premises rented as Hostels are firstly, scattered, secondly, lack requisite amenities (such as hygiene, water supply, constant electricity supply, frequent pest control measures etc.).
- The averments made by the concerned authorities that the University is embryonic and the topography of the region necessitates the grant of adequate time is taken due consideration of. However, it is also highlighted that the available structures, occupied by the Residents shall be inescapably liveable and be not devoid of any basic amenity. Hostels like Dhami Retreat, Sood Hostel, Chandrashekhar – I call for expeditious remedies.
- Further, *ad-seriatum* representations about sordid Residential complexes have been made which brings to light the callous and loath attitude of the Administration towards the students. The Administration's reply in the press note is incidental, whereas the dominant issue pertaining to the Hostels remains unaddressed. The exigency does not have a bearing on the construction of new hostels, but shall remain addressed by shifting the sufferers to a habitable place.

## 3. WI-FI FACILITIES

- The press note released by the University emphasizes vehemently on the ongoing initiatives to provide Wireless Fidelity services both in campus and hostels. However, it is seemingly perverse that the authorities, after repeated representations have failed to act upon and resolve the said issue for the last 3 years. Noticeably, the shifting of administrative and academic block does not justify the persistent inconveniences in the service provided in hostel premises. Judicial Academy Hostel was *sans wi-fi* incessantly for three academic sessions. The failure to provide highspeed internet access evinces it to be a mere agnomen.

#### 4. LIBRARY TIMINGS

- Library is a temple for any scholar to achieve par excellence in academics, and formulates a pillar upon which any Educational Institution is built upon. The legal profession, wherein knowledge is unfathomable and swotting ends at horizon, mandates uninterrupted access to the Library.
- The routine academic schedule of any student in the University ends at 5 pm in the evening, inclusive of an hour dedicated to Mentor Mentee Session, introduced under the garb of Bar Council of India norms. The current library timings, as amended recently by the authorities are from 7 am to 6 pm, needs careful scrutiny as the same serves as an impediment which indirectly allows only “an hours” access to the library.
- Reasonable provision such as adequate lighting and security, which categorically underline the onus on administration, may yield a substantial solution for the administration’s safety concerns for the students. Moreover, relaxation shall be provided to the students concerned during examination and associated academic engagements.
- The unavailability of transportation facilities post library hours is *ipso facto* reflective of administration’s apathy towards student’s welfare.

## 5. SPORTS FACILITIES

- The alleged preparation of open ground for outdoor sports facility casts reasonable apprehension on the veracity of the same as no such proposal has been brought to the notice of the student fraternity. Even, if the same is in pipeline, it is made imperative on part of administration to figure out the possible manner in which the students may avail the alleged facility as the austere academic schedule which engages the students till 5 pm in the evening offers no likelihood of the same. Also, there exists a reasonable leeway to expand the existing indoor sport activities.

## 6. CURRICULAR AND CO-CURRICULAR ACTIVITIES

- In reference to claims concerning organization of extensive guest lectures by the administration, it is pertinent to highlight that an address by the Hon'ble Judges in the Orientation Programme of a new batch of students cannot accurately be termed as a guest lecture.
- There is an apparent want of lectures by the Senior Advocates of the Supreme Court and High Courts, Partners/Associates of Law Firms, IAS/IPS Officers, Judicial Officers and Professionals belonging to various Governmental and Non-governmental Organisations. The few sessions or lectures organized date back to the previous academic session. Also there has been no visible development in this area in past 6 months.
- No ADR Workshops/Competitions have taken place till date. One day workshop on Mediation will be the first workshop in this area since the inception of the university. It is being scheduled following the ongoing protest by the students.
- Further, as evident from the official website, the University has not signed any MoU with other Institutes, Universities of national and international importance, resultantly no student or faculty exchange program has taken place so far.

- Furthermore, University is functioning without a proper Legal Aid Centre/Room. Legal Aid Camps are not being properly organised. Organising only *Nukkad-Natak* in the name of legal aid camp does not serve the purpose. The university is not actively engaging in the cause.
- Also, the existing infrastructure (academic and administrative blocks) lack ramps for the facilitation of *Divyangs*.
- Low participation of students in various inter-university competitions like Moots, Debates etc. owing to the hostile attitude of the administration is another prominent concern. There is no provision of academic leave with attendance which discourages the students to participate in these competitions. Further, the reimbursement policy concerning the expenses incurred by the students while representing the University in various national competitions *inter alia* moots and sports events is regressive and discouraging. Accommodation and reasonable travel expenses, do not formulate the part of the said policy.

#### **7. STUDENT'S REPRESENTATION AT VARIOUS LEVELS OF ACADEMIC ADMINISTRATION**

- The averments made by the University in this regard are superficial and misleading as the committees are predominantly regulated by the faculty members leaving the students voiceless in essence. The committees are devoid of funds and the student members are mere puppets with no substantial say.

#### **8. WARDEN FOR HOSTELS**

- Wardens being an indispensable part of any Hostel premises ensure discipline and well-being of the residents. Therefore, it is incumbent upon the Administrative authorities to appoint sincere and dedicated staff as Warden.

- To the contrary, it is observed that faculty members have been accorded the task of regulating and maintaining the hostels, who are already under humungous burden of performing academic and administrative spadework. Therefore, the essential duties to be performed in any hostel cannot be taken due care of by the appointed Wardens, which results in neglect of welfare of the Residents.

## 9. ATTENDANCE POLICY

- The attendance rule that our university has been following is not only draconian but also obsolete in nature. Minimum criteria of 75% of attendance is a legitimate clause but the marking mechanism which awards marks to students who get a higher percentage of attendance than the minimum required standard of 75% is the issue at hand here, which needs to be carefully scrutinize as it is not only forcing students to come every day to the University but is also sacking them from taking leave even within those permissible limit of 25% in the form of marks that one may score in each subject. This rule is indirectly making 100% attendance compulsory for each student and also penalizing them if they fail to maintain to these standards.
- Although the Administration has acknowledged the Genuity of the tenable demand of students and has assured its cognizance in the coming academic council meeting, the students herein beseech a written and authoritative assurance for the same.

## 10. MESS FACILITY

- The predominant rationale for introducing the mess facility in any Educational Institution is to relieve the student fraternity of augmenting their food expenditure. However, the incessant increment in *per capita* monthly expenditure, *ceteris paribus* betrays the very premise of its genesis.
- Hygiene being the *condicio sine qua non* for any mess facility, demands compliance with the statutory norms of FSSAI. Frequent stomach aches and food poisoning complaints by the students led to Recurrent requests by the Hospital

Doctors (Dhami Hospital) to inspect the Food quality and get the same certified by a Food Inspector. However, the authorities spurned the tenable implorations.

- Perusing the tender floated by the authorities inviting mess contracts, discrepancies are unearthed reflecting *mala fide* intentions (<https://bit.ly/2kVdz8s>). The accustomed process of soliciting tenders inculcates the invitation of Technical and Financial Bid in sealed covers. The applications were not invited in sealed covers which is malicious abuse of the process. It gave upper hand to the current mess contractor as he could have the prior information about the bidding price of other contenders. Re-winning of the mess contract by the current mess contractor casts reasonable doubt on the impartiality of the university administration.
- The notice did not mention standard process of such tenders i.e. (I) Technical bid (II) Financial bid. There was no proper application form attached with the notice. **However, the tender notice for University Canteen mentions that the Applications/Tenders are to be submitted in sealed covers. It also mentions all the standard processes.** (<https://bit.ly/2m71WLJ>) This shows that the university intends to observe standard and fair process while selecting a Contractor for Canteen but it did not observe same process while selecting mess contractor.
- There were neither any student representation during finalisation of the contract nor is the contract published by the university. The mess menu is decided by the university and the mess contractor. Students had never been a say in deciding the mess menu.

## 11. MEDICAL FACILITIES

- The explicit mention of “provision for purchasing of an ambulance is in the pipeline” is *prima facie* delusive and is an attempt to veil itself from liability that arises on the failure to provide for adequate medical facility. The university administration

procured “**Bolero**” as a designated ambulance, which however serves ancillary purposes, other than rendering the primary service for which the same was obtained.

- The fact asserted via press note that the students are toted to the Dhami Government Hospital (6 kms. Away from the University campus) is *ipso facto* witness that the campus is devoid of any permanent appointed Doctor. The **UGC guidelines on safety of students on and off campus of Higher Educational Institutions** in explicit terms mandates the deployment of medical facilities in the campus and further directs for procuring of at least one ambulance for attending to any emergency situations.
- Further, it is pivotal to bring to light the shortcomings of the nearest Dhami Hospital which is only competent to tackle with minor diseases and stocks limited medicines. Furthermore, Indira Gandhi Medical College, a reputed Hospital in Shimla is resorted to rarely. Even if the authorities opt to refer exceptional cases to the hospital in Shimla, the strenuous channel through which the cases are approved to be referred often leads to complications wherein every second counts.

## **ISSUES LEFT UNADDRESSED IN THE PRESS NOTE**

### **1. CREATION OF A DEMOCRATICALLY ELECTED STUDENT BODY ASSOCIATION**

- Guideline 7 of the UGC Guidelines for Students’ Entitlement, which is mandatory for Universities, states that:

*“The students are entitled to form associations and unions, directly electing their representatives to Students’ Unions and having their representatives on the college/university decision making bodies including internal quality assessment, grievance committees, Gender Sensitisation Committees against Sexual Harassment and the Academic/Executive council. University/colleges shall evolve mechanisms for adequate consultations with students’ representatives before taking any major decision affecting the students.”*

- The need for an elected student body has further been reaffirmed by the Supreme Court of India in the case of *University of Kerala v. Council of Principals of Colleges, Kerala & ors.* [(2011) 14 SCC 357]. The Court in this case held that the recommendations of the Lyngdoh Committee Report of 2005 should be followed in all Universities/Colleges in the country.
- Paragraph 6.1.4 of the Lyngdoh Committee Order, 2005 states that “subject to the recommendations in respect of the possible models of elections, all institutions must, over a period of 5 years, convert from the nomination model to a structured election model.” In light of this, the Student Community requests that the university through an “office order” mandate the formation of a Constituent Assembly (“Assembly”) to undertake the preparation and drafting of a Constitution for the Student Body, along with its powers and procedure (the same has been elaborated upon hereunder).
- On simple perusal of section 29 of the HPNLU Act, 2016 it is very evident that the section is inserted with a view to incorporate any committee and ad hoc committee and empowers Executive Council to constitute the same as it thinks fit. The proposed student body association can be incorporated under this section of HPNLU Act, 2016 by the Executive Council for the proper functioning of the University’s day to day affairs.
- There are various NLUs, which have their Student Body Associations and are functioning very well and efficiently such as NLUO, Cuttack, RMLNLU, Lucknow, NUJS, Kolkata, NLSIU, Bangalore, NUSRL, Ranchi and many others.
- Therefore, we deem this demand to be reasonable and hence the authorities must provide us with the utmost appropriate solution for the same.

## **2. TRANSPARENCY IN ADMINISTRATIVE FUNCTIONING**

- Since NLUs are a ‘Public Authority’, they are under a statutory mandate to make public various documents and details pertaining to their functioning (As specified u/s 4(1)(b), RTI Act, 2005). The administration of the university is therefore, under a duty to provide all the Acts, Contracts, Rules, Regulations, Account details etc on the

university's website as the students pay a fee for availing services provided by the university, directly or otherwise.

OBJECTIVE OF RTI:

An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.

We also request you to direct the concerned authorities to publish the following details on the university website as per Section 4(1)(b) of Right to Information Act, 2005:

- i. a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards; councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
- ii. the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- iii. the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- iv. details in respect of the information, available to or held by it, reduced in an electronic form;
- v. the names, designations and other particulars of the Public Information Officers;

Further in *Nishchal Goyal v. University of Delhi* (2018) the Central Information Commission has interpreted Section 4(2) of the RTI Act as follows:

Section 4(2), mandates every public authority to provide as much information *suo-moto* to the public at regular intervals through various means of communications, including the Internet, so that the public need not resort to the use of RTI Act.

- Further the Registrar of the university by virtue of section 32(2)(a) of the HPNLU act 2016, is under an obligation that:
- The Registrar shall- (a) be ex-officio Secretary of all the authorities, committees and other bodies of the University and shall be responsible for circulation of notices and agenda of all the meetings. He shall note and maintain the minutes of the meetings;
- Also, as per the provision 8 of the UGC Entitlement guidelines, every college/university must disclose minutes of the meetings of bodies like Academic/Executive council, sources of income and the financial situation and any other information about its functioning necessary for a student to make a fully informed choice.
- Thereby, under the aforementioned provisions of the RTI Act, 2005 and UGC guidelines, the University being a Public Authority is further under an obligation to provided information Suo-motu as per the above cited judgement pertaining to minutes of meetings of the meetings of Executive Council, Academic Council, Finance Council and Samadhan Committee of the institution as well as other details such as a statement of the boards, councils, committees and other bodies all the issues pertaining to tenders by the University and all the Audit Reports (if any conducted till date); monthly remuneration received by each of its officers and employees; budget allocated to each such body.
- Moreover, HPNLU Halls and Hostel Rules, Examination Rules etc. must necessarily be uploaded on the university website. Lastly, the University should prepare an Annual Report of each year to enable a greater transparency.
- Tender floated shall also be brought to public notice.
- Students should also have access to the scrutinized answer scripts both after the mid semester and end semester.

### **3. DENIAL OF SCHOLARSHIP: GROSS NEGLIGENCE BY ADMINISTRATION**

- It is brought to the kind notice of the persons concerned that the University Administration failed to exercise due care while addressing an issue of utmost importance *vis-a-vis* the grant of Scholarships to the students eligible to avail the same by their respective State Governments. University's negligence is brought to light by stating the fact that the competent authority was not provided with adequate infrastructure to undertake the process. Henceforth, the delayed process highlights the reckless and callous attitude of the Registrar of the University and demands due compensation to be awarded to the affected students.
- Therefore, we deem this demand to be reasonable and hence the authorities must provide us with the utmost appropriate solution for the same.

### **4. TEACHING REFORMS**

- As per the provision 2.7 of the UGC Entitlement guidelines, the students are entitled to give regular feedback on the quality of teaching, students services and institutional infrastructure. The college/university shall establish mechanisms for seeking this feedback regularly and taking student feedback into account for review and improvement.
- The students have been submitting such forms for the last two years yet no fruitful result have noticed till date. In light of the foregoing, we submit that this mechanism is not being complied with by the University in its fullest.
- The academic framework of the University offers Optional papers to students but in essence no such option can be exercised as the list is exhaustive of the total number of such papers deemed to be studied.
- No Extra Credit Courses are offered either by the University or the outside experts from the academia. Faculty-exchange programs are also absent.

- Laying no emphasis on the area of expertise, non-law faculties are assigned law courses.
- No provision for smart class-rooms.

## 5. INTERNSHIP AND PLACEMENT

- The University has established a Internship and Placement Committee with the aim of providing exposure to the students of the practicalities of law. Internships may be undertaken in lawyers' chambers, courts, corporate establishment, etc. However, till date the committee has failed to provide any internship to students and also to formulate a concrete criterion for selecting students for internship and placements.

## 6. TRAVELLING CONVEYANCE

- **University Bus:**

It is submitted that at the time of inception of the University in 2016, only one University Bus was made available which was adequate for a batch of 53 students. Now that the strength on the university is approximately 400, the number of buses has remained the same, *i.e.*, one. This has caused utter inconvenience for the students as they are made to stand in the overcrowded bus in this tough terrain.

- **Traveler for Shimla Residents:**

The University has hired only one Traveler with the capacity of 16 including the driver and the conductor for the compliance of more than 20 students to and from Shimla causing serious inconvenience to them.

## 7. FINANCE FOR VARIOUS SOCIETIES.

- Currently, the university is housing various societies, *inter alia*, the Moot Court society, *Paricharcha*, the Debating society, Sports Committee. All such societies are

utterly underfunded and any expenditure to be made by them has to be carried out through the account of the Registrar curtailing the autonomy on such societies resulting in creation on a rigid and obdurate structure.

- It is putforth that committees should not be relegated to the level of a rubber stamp body without any effective authority. It is pressed that democratic participation of student body is *sine quanon* for the growth of a mature university culture and there is an immediate need to abandon obfuscating cabalistic workings on part of university administration.
- Therefore, it is our sincere request there should be a division the requisite budget in different bank accounts of such societies directly under control of the treasurer of the societies and the statements of the same be reportable before the appropriate authorities.