

The Vice Chancellor
Himachal Pradesh National Law University
Shimla
17th September, 2019

SUBJECT: REDRESSAL OF GRIEVANCES OF UNIVERSITY STUDENTS

Ma'am

It is humble submission before your good self that we introduce ourselves as the students of Himachal Pradesh National Law University. It is only due to extreme duress that we before you pray for you to intervene in this matter of utmost urgency and concern. We write this letter as our future lies in a dark abyss due to the ignorant attitude of the management towards the demands of students. So, we have come forth in solidarity, not to protest, but to reasonably demand that the inexplicably obtuse administration of this University comes forth with answers to these pressing issues.

Today, the HPNLU student association is writing this application in order to try and make the administration understand our side of the story and to change the apathy with which they treat the challenges and troubles every student faces on a daily basis.

The authority has always shielded itself behind the apparent "infancy" of the establishment but this does not suffice anymore. The administration has always treated our perfectly legitimate and basic demands as if we were asking for frivolities and perks. There is a difference between bickering for perks and compromising with basic facilities. The difficulties which we face everyday have now worn our patience thin and we no longer have any trust upon the administration. Furthermore, the problems aren't only regarding facilities or a lack thereof, but also include serious issues such as a blatant lack of transparency and academic hurdles.

Accordingly, the following are the demands of the students' association-

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 (attached hereto as ANNEXURE-II) 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 the functioning very well and efficiently such as NLUO, Cuttack, RMLNLU, Lucknow, NUJS, Kolkata, NLSIU, Bangalore, NUSRL, Ranchi.

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(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. Since 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* 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 is under 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 requisite provision of the RTI Act, 2005, and requisite provisions of the UGC, the University being a Public Authority is further under an obligation to provided information Suo-moto 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.

VAUGE FEE STRUCTURE:

In the current academic session, the entire fee has been charged under very vague head misleading the students as to the use of the same like facilities fee Rs 37,500.

Therefore, we deem this demand to be reasonable and hence seek a clarification from the authorities concerned.

AN ALTERNATIVE: ERP (Enterprise resource planning)

A Web-based, University Management Systems (UMS) using state of the art open source technologies along with integration of academic and general administration modules with the Online Fee Collection Solution and should have features involving but not limited to:

- Student Information Management.
- Online & Offline Admission.
- Online & Offline Fees Payment.
- Affiliated College Coordination.
- Entire University Examination Management.
- Office Automation.
- Store and Inventory Management.
- Hostel & Canteen Management.
- Library Management.

- Results
- RTI, etc.

3. ACADEMICS:

For every Institution the academics are paramount but in the current state of the University, academics have faced serious setbacks due to the following noncompliance and negligence on part of the authorities-

1. No external workshops for Moots (**specially for the First-year students**)
2. No external workshops for Debates
3. No guest lectures by eminent Jurists, lawyers, professor of other Universities, foreign facilities, etc
4. No student exchange programme
5. No seminar on various legal databases such as SCC, Manupatra, etc

Therefore, we deem these demands to be reasonable and hence the authorities must provide us with the utmost appropriate solution for the same, also in light of no external workshops on Moots and Debates the upcoming Intra competitions be postponed until such external workshops are conducted.

4. LACK OF BASIC FACILITIES:

This is very embarrassing for us to inform you that despite repetitive requests on behalf of students the University is reluctant in providing the basic necessities. The events transpiring at HPNLU, since inception is greatly distressing. The constant defense taken by the University administration i.e. “the nascent stage” has been given due consideration. The students of the college are paying a hefty amount of fees and in return they are not getting even the basic human amenities which are necessary for human sustenance.

CLEAN DRINKING WATER:

The university has not provided for RO system in the main Academic Building of the University and has fail to carry out regular maintenance of RO systems affixed by the university at various other places including the various hostel buildings.

INTERNET FACILITIES:

WiFi routers are available in select hostels only and the same remain out of order most of the time. While the situation in the University campus is far worse as the routers are not yet installed let alone have access to internet in classrooms.

AVAILABILITY/MAINTENANCE OF HOSTEL AMENITIES:

The Hostel rooms allotted to the boarders lack critical amenities and the ones that have been provided aren't maintained properly. The rooms lack basic necessities such as clothes pegs, ample lighting. Toilets and Bathrooms of many hostels are in dire need of repairs. There are **no proper laundry facilities available** in any hostel, bar one.

MESS FACILITIES

According to UGC Guideline on Safety of Students On and Off Campuses of Higher Educational Institutions, in case of food outlets, canteens and messes, Higher Educational Institutions should ensure that standards of quality and hygiene are strictly observed and the food on offer is certified through hygiene test reported by expert doctors for foods, water and cleanliness. There would be a strong and effective bulwark against food poisoning and spread of food and water borne diseases.

The following issues are faced by us in regards to the mess facilities:

- Mess Contract was given to the same contractor despite the authorities' promise of changing the contractor.
- The quality of food and raw material is not up to the mark. Balanced Diet is not provided as there is no provision of fruits, juices, milk, eggs, etc.
- Many students have fallen sick due to the contaminated food. Students have faced issues like food poisoning and one student was even diagnosed with Hepatitis A.
- Extremely unhygienic mess and utensils. Most of the times the utensils are just rinsed using dirty water.
- Insects, pieces of the scrubber, kerosene and other impurities are regularly found in the food.
- The authorities defend themselves that the faculty eats the same food, but the contention remains invalid because the faculty aren't paying Rs.27000/- , unlike the students.

5. INSTANCES OF NEGLIGENT ACTIONS BY THE ADMINISTRATION

The students have recently faced instances where due to the gross negligence on the part of the administration, the students have faced sever monetary losses like the scholarship issue of residents of Uttar Pradesh and many other States as well.

Therefore, we deem this demand to be reasonable and hence the authorities must provide us with the utmost appropriate solution for the same.

6. LACK OF ADEQUATE MEDICAL FACILITIES

The university has promised that medical services will be available 24*7. However, even in the new campus of the university there is no Medical Centre for on spot medical urgencies without being forced to visit any inadequately supplied Hospital, to the likes of Dhami Hospital.

As per UGC Guidelines on Safety of Students on and off campus of Higher Educational Institutions, there should be on campus medical facilities made available 24*7 to the students which include presence of a qualified doctor as well as a female doctor/ nurse mandatorily.

Students have also faced difficulties in receiving adequate medical attention during emergencies and have had to rely on external transport as and when visiting the deemed Medical Centre of HPNLU, that is “Community Health Centre” Dhami, the Doctors there refer the students to IGMC Shimla for further consultation, medical tests, etc. the University declines to provide any transportation for the same, by saying that “the university is not authorised to do so”.

In addition to this, UGC Guidelines on Safety of Students on and off campus of Higher Educational Institutions mandates at least one ambulance must be kept in ready mode for attending emergencies and crisis situations. The University uses a Bolero as an ambulance but the vehicle is ill equipped to qualify as an ambulance as it lacks basic facilities like a stretcher bed.

With regard to provision of adequate medical facilities inside the campus, following concerns need to be addressed like basic first aid necessities such as ice packs or bandages aren't stocked in adequate quantities, as a result of which the students are forced to return commodities such as crepe bandages after use, which is an extremely unhygienic and unhealthy practice.

7. LIBRARY REFORMS:

1. EXTENSION OF LIBRARY TIMINGS

The Student Community feels that the University Library's timings are not adequate to meet the rigorous demands of law school. This is clearly evidenced by the fact that other National Law Universities, both competing with us and below us in the CLAT ranking list, have longer library hours than ours. For instance, National Law School of India University's (“NLS”) library is open and accessible twenty-four hours a day. National University of Juridical Sciences, West Bengal's (“NUJS”) is accessible to Moot teams twenty-four hours a day, and the same facility is extended to

all during examinations. Hidayatullah National Law University's ("HNLU") library is open until 3 a.m. every day.

Therefore, we deem it reasonable to demand that the University Library timings be extended to match those of other NLUs. Further, the library should not be opened late and closed early on Sundays. This will ensure that our student community's access to library resources is at par with those of other NLUs.

2. NUMBER OF BOOKS ON EACH SUBJECT:

The current structure of the library has provided a strong base for the students but the biggest issue faced by the students is that the number of the books available at the disposal of the students is so inadequate that the students hardly get to see the covers of the books let alone having them available for reading.

Therefore, we request that adequate number of books are made available at the earliest.

3. COMPUTER LAB AND IT OFFICER:

The authorities have made the submissions of various projects and assignments by the students on fixed date mandatory by the academic calendar but have failed to provide the means to accomplish this task that is a proper computer lab along with a qualified IT professional who can manage all the affairs pertaining to the field.

7. DEEMED ATTENDANCE POLICY

As per the prior submissions made before you which have been duly accepted by your Hon'ble office in the document no. 150 date 13th August, 2019 and 189 dated 4th September, 2019, regarding quashing of the current attendance mechanism followed by University, it is submitted that the same should be made to have immediate effect i.e the current semester as no examinations for the semester have been carried out and compliance with a new and befitting policy can be easily adopted in current system.

8. APPOINTMENT OF DEDICATED STAFF AS WARDENS IN THE HALLS OF RESIDENCE:

It is best if dedicated staff is appointed as wardens of the Hostels. The present arrangement of wardens, who are also direct faculty members to the boarders prevent them from bringing up issues affecting them for fear of prejudicing themselves in the eyes of the warden inside the classroom and also over burned the concerned faculty member.

Therefore, we deem this demand to be reasonable and hence the authorities must provide us with the utmost appropriate solution for the same.

9. TEACHING AND NON-TEACHING STAFF REFORMS

Teaching Staff:

Allocation of subjects according to the specialisation of University Professors:

The knowledge and efficiency of any professor can only be matched by the students when the faculty having specialisation in that very subject is allocated to teach that specialised subject to the entire batch in its totality, that is **SAME BATCH SAME TEACHER**, as opposed to the current mechanism being followed in the University, which helps in establishing a standardization in the knowledge that the faculty impart to the students and further helps in streamlining the examination scheme.

Compliance of feedback forms:

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.

But, we submit before you that this mechanism is not being complied by the University in its fullest. The students have been submitting such forms for the last two years, where every student is made to stay back after appearing for Terminal Examinations, yet no fruitful result have noticed till date.

Non-teaching Staff:

Behavior of such staff:

It is humbly submitted before you that the conduct and behavior of the non-teaching staff is far below the acceptable standard. As per the above-mentioned **provision 2.7, of the UGC Entitlement guidelines**, the non-teaching staff is also an integral part of the student's services and institutional infrastructure, thus the students request that a feedback form for the non-teaching staff is maintained and compiled by the authorities.

10. INTERNSHIP AND PLACEMENT

The University has after a long time established a Internship and Placement Committee with the aim of exposing the students to see how law works in practice. Internships may be undertaken in lawyers' chambers, courts, corporate establishment, etc. but till date the same has failed to provide any

internships to students and also to formulate a concrete criterion for selecting students for internship and placements.

Therefore, we deem this demand to be reasonable and hence the authorities must provide us with the utmost appropriate solution for the same.

11. FINANCE FOR VARIOUS SOCIETIES.

Currently the university is housing various societies like the Moot Court society, Paricharcha the Debating society and many others, but 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 and also the same has resulted in creation on a very old school and rigid structure.

Therefore, we request you to divide 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 reportable before the appropriate authorities.

12. TRAVELLING CONVEYANCE

University Bus:

The submission of the students in this regard is that since the inception of the University in 2016 with 60 only one University Bus has been made available and now that the strength on the university is approximately 400 the number of buses has remained the same that is 1, which has caused utter inconvenience for the students as they are made to stand in the overcrowded bus for which the students are being charged a hefty fee.

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 for them

Therefore, we deem this demand to be reasonable and hence the authorities must provide us with the utmost appropriate solution for the same.

RIGHT TO PROTEST AND PEACEFULL ASSEMBLY IS THE FUNDAMENTAL RIGHT OF THE STUDENTS.

“We can appreciate that holding peaceful demonstration in order to air their grievances and to see that their voice is heard in the relevant quarters is the right of the people. Such a right can be traced to the fundamental freedom that is guaranteed under Articles 19(1)(a), 19(1)(b) and 19(1)(c) of the Constitution. Article 19(1)(a) confers freedom of speech to the citizens of this country and, thus, this provision ensures that the petitioners could raise slogan, albeit in a peaceful and orderly manner, without using offensive language. Article 19(1)(b) confers the right to assemble and, thus, guarantees that all citizens have the right to assemble peacefully and without arms. Right to move freely given under Article 19(1)(d), again, ensures that the petitioners could take out peaceful march. The “right to assemble” is beautifully captured in an eloquent statement that “an unarmed, peaceful protest procession in the land of “salt satyagraha”, fast-unto- death and “do or die” is no jural anathema”. It hardly needs elaboration that a distinguishing feature of any democracy is the space offered for legitimate dissent. One cherished and valuable aspect of political life in India is a tradition to express grievances through direct action or peaceful protest. Organised, non-violent protest marches were a key weapon in the struggle for Independence, and the right to peaceful protest is now recognised as a fundamental right in the Constitution.” **As held in Mazdoor Kisan Shakti Sanghatan vs Union of India 2018.**

Thanking you in anticipations

Students of Himachal Pradesh National Law University

PRAYER:

Upon perusal of these few pages, the reader will find that we have not made any demand which might be deemed undue, impertinent or impractical. All these demands are perfectly genuine, reasonable and sound. They are integral in helping us fulfill the very purpose for which all of us are here today. If these demands are not met, this very purpose will, invariably, stand defeated.

We are not asking for anything which is impossible to be made available. Keeping in mind the current infrastructure shortcomings, demands for change in Unproductive class timings, Smart-classes, E-Books, Campus Residence, Canteen/Cafeteria, Increase in Curfew and Library timings, etc. have not been made, although even students of recently-established NLUs avail of all these facilities and the ones which we HAVE ASKED for.

The facilities provided by an institution are **DIRECTLY PROPORTIONAL** to the amount of progress made by that institution and its students. One just needs to look at the simultaneously-established MNLU-N and DNLU to put into perspective the poor condition of our own institution.

We refuse to accept your oft-quoted EXCUSES of “**LACK OF INFRASTRUCTURE**” and “**LACK OF FUNDS**”. The hard-earned money of our parents should no longer be MISUSED and should only be used for what it is meant for, i.e. to meet OUR pressing needs and conveniences as we earn our degree.

WE EXPECT, NAY! DEMAND A PRACTICAL, USEFUL AND BEFITTING REPLY.

SHOW US THAT YOU CARE, BECAUSE WE NO LONGER FEEL YOU DO.