

**UNIVERSITY OF DELHI**



**GOVERNANCE AND ACCOUNTABILITY :  
CRISES AND OPPORTUNITIES**

**1994**

# UNIVERSITY OF DELHI



## GOVERNANCE AND ACCOUNTABILITY : CRISES AND OPPORTUNITIES

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## Introduction

This monograph on Governance and Accountability: Crises and Opportunities reflects my thinking on the need for some structural and processual changes in our University. I was contemplating presentation of these thoughts early in my tenure. Some of these have emerged piecemeal over the last two years : the proposals for autonomous resource generation, the revitalization of system of tutorials, the rationalization of admission procedure, examination reforms, perspective planning for departments. The impulse to present a comprehensive range of proposals was further reinforced by the disciplined and highly constructive dialogue at a special meeting of the Executive Council to discuss the term post for Principals. At that meeting (held on May 5, 1993) I had assured the Council that I will present a comprehensive monograph for its consideration. It has been somewhat delayed for which I extend my apologies.

By definition, such a presentation addresses issues which range across jurisdictions of specific statutory bodies. Some issues are necessarily addressed to all of us, associationally as well individually.

All the issues raised here are ones which invoke contention and dialogue. But these require final resolution as well for the future well being of this great institution of learning and national development. On vexed issues, the collective tendency to defer final decisions is understandable. But consumption of a slice of eternity is more than deferment; it is the signature tune of a morbid *status quo* in a late twentieth century world impatient with it.

I must clarify that in order to preserve the integrity of discussion I have even forsaken the benefit of collective discussion with the team members, a privilege that they could justly claim to be theirs. I have done so in order to release them from any *ex officio* burdens of concurrence with my thinking and to ensure that their individual articulation of opinion is available to us, even when it is one of disagreement. Perhaps, some of the flaws in this monograph could have been rectified by consultative processes within the team. On the other hand, I believe, that only a robust dialogue amongst all of us could pave a path to structural changes towards the modes of decision-making.

Many things get said during such an inaugural exercise. I would request you to take the present endeavour as an opportunity for responsible democratic dialogue, without the spirit of adverserality and with full respect for the *bona fides* of every participant in the dialogue. The contradictions in a University must, I believe, be of a non-antagonistic variety as the ultimate task of a University is to equip future generations to address antagonistic contradictions in civil society and state. It is a historic imperative for the Universities, therefore, *not* to reproduce within themselves

antagonistic contradictions but to develop a somewhat 'transcendental' ability in ourselves to stand, howsoever slightly, above and beyond the manifestly unjust political, social and economic ordering of Indian society. The University is the ideal site for the enactment of the Fundamental Duties of Citizens proclaimed by Article 51-A of our Constitution.

I place this monograph in your hands with the confidence that we will have the collective wisdom to address our present day problems and to move ahead for enhancement of our University's contribution to national development in the future.

Delhi  
15 February 1994

UPENDRA BAXI  
Vice-Chancellor

## ONE

### Broadening Representation in Governance

1. In so large a system as the University of Delhi with its striking diversities, the principle of elective representation has undoubtedly introduced dynamism and increased accountability. It has also introduced issues of more effective and accountable participation. The Academic Council has now twenty-six elected teacher representatives and five student representatives; the Executive Council has two elected teachers and four other elected members from the Court. In the college Governing Bodies, teacher representation (two members) is structured by rotation in accordance with prescribed principles.
2. A dynamically growing system must constantly keep under review the scope for increased participation/representation in its governance. Such a review must assess the progress of widening of representation; its long and short term benefits and costs viewed from the standpoint of both governance and accountability and processes by which representation is made both responsive and responsible to the development and well being of the University system as a whole. This monograph does explore some of the issues in the chapters which follow. In this chapter, I address two distinctive areas of broadening representation which should have been addressed long ago.
3. These two areas relate to *karmchhari* and student representation in the University and college governance. The same principles and logic of justification which apply to elected teachers-representation and students representation extend, in my opinion, to *karmchhari* representation in the Executive Council of the University and Governing Bodies of colleges. I believe this to be the logical unfoldment of democratization of University governance. But what is self-evident to some may appear problematic for others. The labour of justification is in itself also necessary and desirable for a fuller policy articulation. In effect, there are two related but distinct issues involved: *first*, the principles/justification for broadening participation and *second* the modalities thereof.
4. As to *justification*, *karmchharis* are not *adjuncts* of a university or colleges as going systems. They are, rather, *integral parts* of these. As with other integral parts of the system, the *karmchharis* too merit representation and participation in decision-making bodies. *Karmchhari* representation will assist a more crystalized articulation of their standpoints: it will also assist the decision-making bodies to activate understanding of complexity and constraints of decision-making. Such representation will also enhance a sense of belonging; it will also enable a wider institutional endeavour at cooperative management/governance. Article 43-A of the Constitution also requires of 'State' institutional endeavour to attain worker-participation in management.



5. The justification for non-representation of *karmcharis* may only be that even in its absence their interests are, in fact, being looked after by the Governing Bodies and the Executive Council. And when this is perceived not to be the case, the unions effectively espouse their grievances. Besides, it may be argued that the addition of an elected representative may not make all that difference to the situation, overall. Also, the functions of the Executive Council and of the Governing Bodies, involve crucial decisions on appointments of teachers and Principals, their service conditions including disciplinary matters and reemployment which do not involve, and should not involve, *karmchari* participation.
6. The first point is in essence, paternalistic; the second does not inherently militate against an experiment in *karmchari* representation; the third raises issues of modality of participation and not of the principle of inclusion/representation. The third aspect is relevant to student representation as well. This aspect is best addressed later in the context of delimiting certain areas of abstention, if so advised.
7. Similar justificatory principles may also be advanced for student representation in the Executive Council and the Governing Bodies of Colleges. Student participation in governance may reinforce the axiomatic point that teachers, *karmcharis* and administration exist to provide service to students. Students representation may bring the consumer standpoint as a critical deliberational/decisional inputs in areas of pedagogy, examination, curricular reforms, student welfare services (such as cultural activities, NSS, NCC and health services).
8. Against this, it may be urged that in the university system the objectives of student representation are well and effectively served by the adequate provision at the Academic Council level. It would be inaccurate to say that students are not represented in the University governance; this remains true only of *karmcharis*. Besides, it might be argued that the jurisdiction of the Executive Council decision making will have to exclude student participation at least on the following matters: (a) disciplinary proceedings against students; (b) unfair means cases; (c) matters affecting integrity of examinations (d) disciplinary action over teachers, administrators; (e) appointment of teachers and administrators. Such functional exclusion may itself suggest that the Executive Council is not, perhaps, a good site for student representation.
9. On the other hand, student participation in college governance attracts none of the foregoing. Outside functional committees (e.g. Joint Students Teachers Committee/Sports/Library/Cultural Activities) students have no participation whatsoever. Since there is no counterpart to the Academic Council in the colleges, it may be argued that a student representative should find a place on the college Governing Body. Clearly, she would not participate on some matters within the Governing Body's jurisdiction (e.g. (d) and (e), above, in para 8).
10. One may then say that broadening of representation will signify *karmchari* representation in the Executive Council and student and *karmchari* representation in the College Governing Body. Of course, the idea of also having student representation in the Executive Council would

continue to attract adherents as well as opponents. But one must recognize the plain fact that the University governance structure already provides for student participation both through the Academic Council as also, somewhat indirectly in the Executive Council through the alumni representation. If a beginning has to be made, it should be first made in an arena where it is conspicuous by its absence; namely, colleges. And this beginning, I believe, is important.

11. The *modality* of ensuring at least *one* student and *one karmchari* representative in the college Governing Body, and one *karmchari* representative in the Executive Council may be the same as now existing, with some necessary modification, as prevails for representation of teachers in the Executive Council and of students in the Academic Council.
12. The other arena of representation involves the question of modality of teacher-representation in the Governing Bodies of Colleges. It has been frequently suggested that these be elected by the Staff Council. Why, if at all, the rotational system of representation of two teacher members may be said not to have worked well is a question still in search of an answer. The suggestion has met with opposition on the ground that the present system is equitable in allowing a large number of teachers to take their turn in participative management. The Staff Councils, in any event, perform their obligations, by and large, in every college. And teacher-members on the Governing Bodies are also members of Staff Council. On the whole, unless it is demonstrated that the existing system needs a change, the present position may continue.
13. It must also be realized that any change in the present system of teacher-representation in the Governing Bodies will also affect the nature of the proposed *karmchari* and student representation in Governing Bodies and of *karmchari* in the Executive Council. Of course, arguments can be effectively advanced that all representation should be, in a sense, associational. But this is not the principle inscribed on our statutes as they exist. Besides, it must be well understood that in matters of statutory changes, the approval of the Hon'ble Visitor is mandatory and the impact of structural changes in Delhi University has to be considered in the light of impact on other Central Universities. The visitorial action stands thus constrained by larger implications. Bearing this fully in view, adoption of the method of election already approved for the Executive Council and Academic Council in its extension to *karmchari* and student representation is an eminently sensible way of broadening the representative element. Even the proposed innovation may have to be negotiated with patient care, if the reports about the adoption of the Gnanam Committee report by the UGC and the Ministry of Human Resource Development are accurate.

## TWO

### Headship of University Departments

1. Not being a historian of academic innovations at Delhi University, and having studied in a University where Headship is still permanent and Deanship elective, I have no clear idea as to the evolution of our system. Since 1973, when I was privileged to join the Delhi University, I have been a part of the Delhi system and I accept it as 'given'. Obviously, a fuller understanding of the scientific reasons for innovation is helpful but this is a research enterprise beyond the scope of this monograph.
2. Taking the present system as a historic 'given', the issue is: how do we assess the scope for the innovations within the working of the system? In other words, how do we identify the administrative, dialogical (democratic), and academic costs of the system and what do we do to ameliorate these? The fact that such costs exist should not be denied, although the extent/incidence of such costs may invite honest and considered differences of opinion.
3. *Administrative Costs* relate to stability and continuity. Many colleagues who assume Headship have no taste or talent for administration; often enough they have a superogatory approach to administration as 'file pushing', 'fire-fighting', 'para-political' and 'unacademic' exercise. This necessarily interferes with the development of the capacity to learn administration or such learning entails high costs for the individual or the system. Academics always learn administration on the job since they are not trained for it. And the learning costs have to be borne by the local unit as well as the University as a going system. But the costs of unwillingness to learn administration on the job cannot be thus wholly absorbed. And these cause many difficulties. For example:

--if the Head of Department (HOD) has no clear idea of the Act, Statutes and Ordinances, and fails to develop an information-base, recommendations made or actions taken become impugnable/vulnerable

--if the HOD has no grasp of financial procedures, and does not consult her colleagues or the University Office, irregularities occur causing departmental protests on the one hand and the need for elaborate rectificatory effort on the part of the University on the other; given the dynamics of our system, these matters become also newsworthy and foci of democratic protest

--efficient acquisition, operation and maintenance of instrumentation/equipment, stocktaking/verification, write-off procedures often get ignored, and sometimes cumulatively; this arises out of a devaluation of such tasks

- supervisory functions over administrative staff also get a low priority with a high-minded HOD
- overall state of communication and relations with University administration often become problematic
- some HOD do not often appear at the meetings of statutory bodies or relish committee work, essential to University administration.

4. *Dialogical Costs* are costs which are intrasystemic. These are incurred in various ways:

- low or seasonal attendance in the office prevents dialogical interaction with students, karmcharis, teachers (this is often attributed to off-campus housing, travel costs etc., conditions not exactly unknown when offices are accepted and often sought)
- lack of schedule of meetings of staff, and statutory bodies (Faculty in case of single Department where the HOD is also the Dean), Committee of Courses, Research Committee, the Board of Research Studies or its functional equivalents
- inadvertent or structured bureaucratization of the office, resulting in either case to a lack of access by colleagues to meet with the HOD
- inability to maintain levels of peer-group communication, especially with senior colleagues or superannuated ones (this is always a difficult enterprise on both sides); in India the notion of *primus inter pares*-first among equals-is difficult of operational grasp
- assymetrical use of power of Headship, arising as a compensatory mechanism when the HOD feels that her legitimacy is not acknowledged either because of lesser academic eminence or because of dynamics of the history of the Department, one major consequence of which is 'factionalism', apperceived or real.

5. *Academic Costs* are costs which arise out of perceived or real lack of academic initiatives (past/present/future) manifest in

- an inability to project the department's strength before the University, the UGC, other resource agencies
- an inability to make full use of available resources whether through Departments of Special Assistance, Centres of Advanced Studies, COSIST and the like
- the lack of leadership in organizing periodic seminars/discussions within the Department
- the lack of initiative in strengthening collaborative post-graduate teaching by constant interaction with teachers
- indifference to well-meaning efforts by the Vice-Chancellor (e.g. only one HOD responded to my letter a year ago on evolution of an innovative information/media

policy; about six Departments have responded to my request for perspective plan documents upto year 2010!)

- initiating measures for optimum utilization of library services, equipment/instrumentation, and departmental space
- energizing collective review of departmental growth potential and profile
- generation of internal debate and introspection on pedagogy, examination and evaluation and better academic services to students
- ensuring regularity and routine of teaching.

6. In identifying these costs, I do not wish to suggest that these costs are uniform across all the departments; nor do I minimize the difficulties, in the contemporary context, of performance of basic tasks inherent in the office. But the notion of the HOD as an academic and administrative entrepreneur is in need of vigorous reinstatement in our University and needs to be articulated, despite risks of misunderstanding.
7. How to foster team work in Departments is, indeed, a major problem. A department as a collectivity is entitled to preserve its integrity and potential for excellence with the leadership of its Heads. But such leadership requires both the acceptance of the status of a head being *primus inter pares* and willingness to cooperate by all especially senior colleagues. Unfortunately in my experience, both those attributes are scarce commodities in many of our Departments. Consequently, the situation where increasingly Departments become veritable battlefields; this does not auger well for our University. Nor is the tendency to involve, which is becoming all too frequent, the Vice-Chancellor and the Team to negotiate/mediate intra-departmental conflicts a good one for the Departments or the University. I need not burden this monograph with a detailed narration. But it must be mentioned that Departments of Special Assistance, for example, have proved to attract constant mediation in terms of sorting out working differences between the Co-ordinator and the HOD. There are also situations where leave rules are flouted and examination work is delayed by overseas visits in some departments requiring considerable efforts by Vice-Chancellor or Pro-Vice-Chancellor to ensure performance of tasks. As against this, certain departments are exemplary in terms of collective management of academic responsibility; for such departments, the very idea of involving the Vice-Chancellor and his colleagues in their day-to-day or policy functioning is an anathema. And rightly so.
8. The HOD also complain , rightly or wrongly, fairly or unfairly, about the attitude and response of the university administration. Clearly , some ameliorative measures are needed to reorient the situation.
9. First, the University administration, and the offices of the Registrar, Finance Officer and University Engineer have to accord greater dignity and priority to the office of the HOD. It is

only when HOD's effectiveness relative to the larger University administration is made manifest that HOD can discharge her role effectively. Meeting with or writing to Vice-Chancellor or Pro-Vice-Chancellor or Director, South Campus, can help expedite matters but these offices cannot substitute the administrative machinery, Nor ought these offices try to do so. My periodic meetings with HOD have constantly reiterated the theme.

10. In this context, as to financial matters, I am convinced that a degree of devolution of financial authority is overdue. My insistent requests at the meetings with Heads for concrete suggestions have yielded at least one document from the present Head of Sociology Department. Instead of awaiting - now it is more than eighteen months - further such suggestions, I am consulting with the Hon'ble Treasurer and will bring before the Executive Council shortly a considered proposal for such devolution, with full accountability.
11. As regards engineering/maintenance needs, problems have been frequently experienced concerning electricity/power supply, routine repairs, and related infrastructural needs. There is no substitute for effective liaison with the University Engineer's office in this regard. A system of monthly report to the Pro-Vice-Chancellor by the University Engineer on such matters is being instituted. The Pro-Vice-Chancellor may also consider a cell within minor works committee to deal with persistent complaints of non-attendance/non-compliance.
12. As regards maintenance of equipment in Science departments, after due deliberation, a committee of senior science professors is guiding the USIC. The USIC has its own distinctive problems which are also sought to be redressed. But by definition the USIC is not equipped to serve all instrumentation/equipments. Some are to be serviced by manufacturers/sellers, under tie-in conditions of contract. There are some equipments, though fortunately rare, whose commissioning and maintenance require, under contract, services of overseas experts. Given the resource constraint, we have to tolerate non-use/non-repair of these until the contract period runs out or lends itself to suitable renegotiation.
13. As to the relations with the office of the Registrar, it has to be appreciated that it can only respond to requests which are consistent with the overall framework of policy. This particularly applies to transfers/postings. By convention, we need to transfer staff/officers every five years, with some permissible exceptions. The HOD's demand of prior consultation, and their insistence on a particular staff/official, to the point of non-relieving a person ordered to be transferred, introduces all kinds of tensions and contradictions in administration. Other matters pertain to delay in disposal, lack of acknowledgment and matters of 'civility'. These are being attended to and the system of periodic meetings with HOD has proved helpful in this regard. Perhaps, a measure of administrative decentralization is also worthy of consideration, and for this purpose a small committee to suggest a set of alternatives may be helpful. However, on the whole, only a cooperative administrative culture on all sides can smoothen the presently ruffled brows. This is a common and continuing endeavour. Towards this end, for example, a standing committee of Science Heads, Registrar, Finance Officer was established a year and half ago; it should continue to meet. Similarly, such committees may be set up faculty-wise.

The reconstituted office of the Dean (see chapter three) may also be of considerable assistance on this count.

14. Even with efforts at resolution of some apperceived/real tensions with the Department and University administration, the real tasks of administration/academic leadership/entrepreneurship remain with the Departments and Heads. Amelioration requires some changes in attitudes as well as of work-style.
15. As regards attitudinal changes, the fact that burdens of Headship have to be shared equally by all senior colleagues and the complexities are inherent in the office itself should induce cooperation rather than adverseriality among colleagues. In some single Department faculties, markedly, rotation encourages dissensus rather than consensus, conflict rather than cooperation; this is also the case with some, comparatively, smaller departments. Larger departments are able, on the whole, to pull together with latent conflict, although it triggers into 'newsworthy' conflict from time to time, affecting their standing and prestige, derived from years of collective academic effort. Sometimes, this conflict results in unsavoury situations even before UGC Visiting Committees with consequent embarrassment all round. Perhaps, such behaviour may derive some justification in a situation of permanent Headship; it has none within a rotational Headship.
16. In some departments Heads have been unable to convene or conduct staff meetings, so deep is the division that it is even marked by crisis of civility in conversation. The responsibility of the HOD here increases phenomenally; and not all HOD are temperamentally inclined to graciously forbear high dignity costs. The resultant dialogical costs prove inimical to all sides and to the good name of the Department.
17. Not too often, but noticeably frequent, is the tendency of the incoming Head to reverse policy/administrative measures of the outgoing Head, without labours of justification for such wide ranging changes. It is not appreciated that the compliment might be later returned, causing around demoralization, if not deterioration, in human relations affecting adversely the growth of the department.
18. The personality characteristics of HOD also vary. This is quite natural. But when they translate themselves into an overall administrative style, the variations become striking. Some HOD have high rule of law orientation, others have high flexibility : some are democratic (tolerant of reasoned dissent), other undemocratic (devaluing any dissent as subversive of the authority); some devote a lot of working time to affairs of Department, at another extreme some are relatively conspicuous by abstention; some are strong-willed persons, some are weak; some believe in planning, some allow things to drift; some teach, others don't. The personality characteristics play no role in appointment to Headship, which is by rotation in accordance with seniority. While this is a cost to be borne, there is obviously a need to limit it somehow. A department is always more than its Head. It cannot be allowed to be treated as an appendage or embodiment of a HOD's personality.

- 19 How attitudinal changes can be fostered is an important question. But it is beyond the bounds of my competence to address. Certainly, the problem of attitudinal change can be addressed by cooperative procedures. For example, the outgoing HOD, the incoming HOD, and the successor (next-in-line) HOD should constitute a triumvirate, a troika, in all matters of common facilities, perspective planning, negotiations with the UGC, and troubleshooting operations within the Department. Such collaboration can go a long way in ameliorating instability/discontinuity in administration and will obviate a situation, not too uncommon, when the outgoing HOD in the first phase, and the successor HOD in the second phase, tend to devote their energies in testing the leadership skills of the incumbent HOD. Ways of constructive *kar seva* need to be found in such situations, potential or actual.
20. Strange though it may sound, certain initiation ceremonies for the HOD are necessary. The following measures are necessary :
- a) the outgoing HOD should present to the incoming HOD a memorandum of tasks which were initiated but remain to be fully accomplished;
  - b) the HOD should on assumption of the charge be met with by the Registrar, Finance Officer, University Librarian, Controller of Examinations, University Engineer in a briefing session;
  - c) some orientation to service rules, leave rules and University Calendar should be provided, may be through the auspices of CPDHE;
  - d) the Dean of the Faculty (in case of multi department Faculty) should also be in contact with the HOD on assumption of office;
  - e) the HOD should constitute a consultative committee of outgoing and successor HOD with a view to maintain continuity of overall framework of the Department where she may also discuss her general ideas of change;
  - f) the HOD should have inaugural meetings with post graduate and doctoral students;
  - g) an inaugural staff meeting be convened to discuss the possible plans for the next three years to strengthen the Department, focussing especially on regularity and routine of teaching;
  - h) a schedule of meetings of staff committees and statutory bodies should be evolved.
21. These are small, but not wholly symbolic, measures. I believe these carry the potential of addressing creatively some of the problems indicated above.
22. Are any further measures needed ? Probably not. But I need point out the inflexibility in our legislation, which is assymetrical also. A HOD is normally appointed for a period of three years. While it is open for HOD to submit her resignation within this period on grounds other than personal (usually grounds adduced are academic assignments or burdens, too heavy, of



administration), it is not usually open to the University to abridge the term of a Head of the Department. Similarly, while rotation has to be, more or less, strictly followed, a colleague is always free to decline headship. As to the latter, a question arises whether the burdens of office should not be equally shared as a matter of duty by all concerned colleagues. As to the former, while pragmatically a premature resignation may be accepted, how far is such unilateral prerogative justified ?

23. Surely, "academic" reasons, in themselves compelling, ought not to be legitimately allowed as a ground for resignation from Headship; in a rotational system, Headship is a part of privileged burden and if it involves 'academic' costs, these have to be borne. Similarly, termination of Headship sought on the ground of sabbatical or overseas assignments should not stand readily justified. The difficulties of 'management' should also not be an easily-conceded ground. I believe the only ground for declining Headship or shortening one's term could be health or some adversity attacking the well-being of the incumbent or the family. This may seem harsh or unjustified when stated. But it must be reiterated that in a rotational system Headship is an obligation associated with a position; and so is the attendant obligation of giving one's best to that office when one's turn comes.
24. Similarly, we might address the issue of duration of Headship. A three year period may be good enough from the standpoint of near- equal access to office amongst as many colleagues as possible. This is an important consideration, no doubt. But so is the question: is it viable duration for effective administrative/academic leadership ? Much will here depend on the significance we wish to give to this factor. Would a four year term, renewable after first two years, be a preferable alternative ? This would diminish somewhat the rotational access. But it would also allow the incumbent as well as administration an opportunity to assess the 'headship' performance, an element significantly lacking in the present system. This system will also discourage premature resignations; it will also make those unwilling to share burdens of Headship reconsider their role obligations in the collective management and well-being of the Department. This measure may also have its impact, in the present system, on Deanship. I suggest it for your anxious consideration.

## THREE

### Deanship: An Agendum for Alternate Restructuration

1. No one who is not a Head of the Department, under the present system, may become a Dean of the Faculty in a multi-department faculty. In single department Faculty, the Head necessarily becomes the Dean of the Faculty. In the former, Deanship is rotated by an order of precedence of departments; whoever is the HOD of a relevant Department becomes the Dean of the faculty. Under university legislation, the functions of Dean are different from that of HOD. As with Headship by convention, no superannuated Professor is usually eligible for Deanship.
2. In my considered opinion, the existing system is unsatisfactory. Times without number, Deanship changes depending on the period of duration of the Headship. It is not uncommon that if a HOD has 6-9 months left, and the department's turn for Deanship occurs, Deanship also rotates for that duration. Also, the combination of both roles in a single department Faculty does not pay adequate attention to the rational of differentiation of the two statutory offices. To be precise, overall, Deanship becomes a pertinent effect of Headship or, crudely put, its appendage.
3. What are the statutory functions of the Dean? Under Statute 12 (2), *first*, the Dean "shall be the executive officer of the Faculty, and shall preside at its meetings"; *second*, under clause (3) the Dean "shall issue the lecture lists" of the University Departments; *third*, she "shall be responsible for the conduct of teaching therein"; *fourth*, under Clause(4), the Dean has the right to be present "at any meeting of any committee of the Faculty" and to address it, without powers of vote, unless she be a member of the committee; *fifth*, Deans of Arts or Social Sciences and of Science, and one Dean by rotation enjoy *ex-officio* membership of the Executive council [Statute 5(1)], and all Deans are *ex officio* members of the Academic Council.
4. Excepting the first and fifth functions, Deans in practice do not perform any other functions. The second function is in disuse; the third has totally atrophied; the fourth is rarely invoked. The role of Deanship in academic affairs is, compared with the Heads, miniscule. Yet it is an honorific position of considerable symbolic stature. It was considered, in the statutes, as an important position of academic leadership and coordination. The conduct of teaching was a primary responsibility of the Dean; the right to address committees of the Faculty and to remain present was designed to enable the Dean to discharge her role obligations effectively and *ex-officio* participation in the Executive Council and Academic Council was designed to facilitate articulation of the perspective of the Faculty as a whole in these bodies.
5. It is clear, that Statute 12 (1-A) in making Deanship a Professorial prerogative underscored this

academic leadership role of the Deanship. Although one may interrogate the logic of this intendment, its rationale would also warrant examination.

6. It is also to be noted that under the Act the Deans are declared to be the officers of the University whereas Heads are not. While under Statute 19(1) the HOD is an ex-officio member of selection committee, the Dean is not, whereas both are members of selection committee for the purposes of recognizing teachers as Professors or Readers. Interestingly, duties of Heads of Department are not as explicitly defined as those of the Dean.
7. Clearly, in the present situation, Deanship does not adequately rise to the obligations placed under the Statute, given the *de facto* autonomy of the Departments and their Heads. Nor does it compare well with international practice where Deanship is valorized only because of its academic eminence and position of leadership. It is unlikely that Deans would have much impact on the conduct of teaching or policy-making within or across Departments. Yet the Dean's role as a coordinator in the faculty meetings is preeminent. Of course, in the formation of various committees of Academic Council and Executive Council and by the Vice-Chancellor the services of Deans are often called upon and are generously available. The Deans decide important issues, including equivalence.
8. Overall, however, the institution of Deanship needs to be revitalized, without infringing the autonomy of Departments. The position of Dean must be made eminent in terms of academic planning of the University. Deans should provide, as it were, the 'academic arm' of the University administration. They should be in a position to review the state of pedagogy, examination and research in each Faculty and assist their evaluation and expansion. They alongside with the concerned Heads, should be able to articulate the needs of Departments, especially smaller departments. They should also assist performance of mediatory/interventionist assignments which the Vice-Chancellor and her team are insistently called upon to do.
9. The Delhi University has, overall, fortunately a tradition of having leading academics as Vice-Chancellors and team members. One hopes that the tradition will continue in the future. But even a well-endowed team needs push and prodd towards constant striving for academic excellence in the University. Corresponding with the administrative team, one should have the benefit of an academic team as well. The small community of Deans is ideally suited for the purpose. But this function/role can only be discharged when the present system is suitably modified. May I offer the following package of proposals ?
10. *First*, the Dean of a Faculty must be chosen not routinely but from amongst the nationally/internationally renowned University Professors.
11. *Second*, to facilitate this, Deanship should be delinked from Headship, without making a Head less eligible to be a Dean.
12. *Third*, Deans should be nominated by Vice-Chancellor and should have a term of office co-terminus with that of the Vice-Chancellor.

13. *Fourth*, the practice of rendering re-employed colleagues ineligible for Deanship should be discontinued.
14. *Fifth*, the Deans should assist the Vice-Chancellor in academic planning and resource generation tasks. Both tasks are related and the second is going to assume salience in the years to come, under apposite policies duly formulated by the Executive Council.
15. *Sixth*, in such a system many honorary assignments/positions such as the Deanship for Planning and Administrative Reforms should rotate among the Deans.
16. *Seventh*, as officers of the University, the Deans should comprise a part of Academic Team of the Vice-Chancellor interacting with the statutory Team.
17. *Eight*, consequently, some of the Deans should assume specific burdens for areas such as resource raising, initiation/monitoring of curricular reforms, evaluation of examinations processes, planning and development.
18. The advantages of reinforcing the office of Dean for the University as a growing and going system are enormous. The Vice-Chancellor, and her 'team', are overworked. Diversification of strategic initiatives, monitoring implementation and generation of new approaches is the need of a modernized management. Ideally, a University like Delhi needs five to six co-Vice-Chancellors, each autonomous in her assigned field, as also accountable. I don't think that either the University or the Indian Parliament would be responsive to such a 'radical' suggestion; it appears 'radical' only to the extent that needs of efficient governance and administrative modernization of University structures remain woefully underestimated. In the circumstances, reorientation and reinforcement of the office of the Deans is the only way in which we can move forward.
19. Consistent with a culture which, rightly or wrongly views any expansion of the powers of the Vice-Chancellor with 'healthy' suspicion, one can foresee an objection to the Vice-Chancellor appointing co-terminus Deans. I believe such suspicions are unworthy. Even if I am mistaken in my assessment, the present system does not discourage, rightly, creation of honorary offices required by the exigencies of administration. The preferred alternative seeks to avoid such ad hoc, regime-variant expedients. It seeks to reorganize academic administration by refashioning the office of statutory Deans, who are under the Act already officers of the University. It also seeks to more efficiently utilize the administrative resources already placed at the service of the Deans; the fact that these may need to be slightly augmented is no argument against the proposed innovation. I commend it for your careful consideration.
20. I also propose an additional innovation for single department faculties. One implication of my proposal would entail delinking of Headship from Deanship for such faculties as well. In some central universities this is the standard practice as well as the norm. The combination of Headship and Deanship in one person is justified only by the linkage between the two positions. Even for such faculties, two separate positions will facilitate the proposals so far adumbrated. We ought to, as far as possible, preserve the distinct role of the two offices; this is difficult of accomplishment when the same incumbent combines in herself both the offices.

## FOUR

### Faculties and Other Associated Statutory Bodies

#### A. THE FACULTIES

1. The composition of Faculties and their names stand prescribed by Statute 9 and 9-A. Statute 10 describes its powers and, referentially, duties. Ordinance XIV (A) specifies department associated with each and (B) provides procedures for its meeting and powers.
2. Preceding the issues of composition of the Faculties and their committees, which seem to have worked well, overall, it is necessary to address the issue of its academic tasks and responsibilities. Statute 10 provides the following description of the Faculties. They shall
  - (a) have such powers and perform such duties as may be assigned to them by these Statute and Ordianances;
  - (b) from time to time, appoint such committees of courses as necessary;
  - (c) consider and make such recommendations to the Academic Council pertaining to their respective spheres of work as may appear to them necessary;
  - (d) consider such matters as may be referred to them by the Academic Council.
3. Such a generalized description of their statutory tasks is expected to be supplemented by conventional norms; and each Faculty has developed these to fulfil these tasks as a legal entity.
4. I believe that the foregoing description of tasks while necessary is wholly insufficient. It is insufficient relative to academic tasks; and conventional norms have not always proved adequate to academic tasks. Nor are they adequate for addressing the planning tasks.
5. As academic bodies, next only to the Academic Council, the Faculties should have more specific description of their responsibilities than is the case now. When I surveyed the state of curricular (as distinct from syllabii) reform across Faculties and Departments, and shared my anxieties with colleagues, I was struck by two facts: (a) curricular, as distinct from syllabi changes were so infrequent as to be rare; and (b) strangely, the distinction between the two had often enough had to be elucidated ! It would make an interesting study to examine the rate, direction and depth of curricular changes in our University. I had hoped that the Academic Renewal Committee would be able to accomplish these. But if we look at changes since May 1990 we would find that all the major curricular transformations we have been able to initiate and accomplish have occurred after an average time span of 15 plus years! In some cases, the

time - gap for correlative curricular changes between undergraduate and master's programme is quite striking as well. And it is my belief that if we were to study the initiative of the University Grants Commission through Curriculum Development Centre Reports (in which some of our distinguished colleagues participated) and our Faculty/Department response, it might even be demonstrated that very few Departments/Faculties have discussed these Reports extensively, formulated their views on these or acted upon these when it was thought necessary.

6. Planned curricular change, a constant and self-renewing agendum of activities of the Faculties, is a strong indicator of academic health and potential of the University. The claim that we might have done comparatively well than other universities is, on the whole, just and it is to our credit. But even so the claim has to be empirically substantiated. And in no case, it furnishes a ground for complacency.
7. Curricular, as distinct from syllabii, changes involve re-examination of structures of knowledge, reassessment of teaching and learning processes/ methods (pedagogy) and methods of examination/evaluation. It is my view, based on experience, that our present system does not provide incentives/leverage for consistent dedication to these tasks.
8. If we were able to address these tasks, we would have been also able to evolve multi-disciplinary initiatives across faculties/departments. We have not, for example, addressed the issue of joint appointments across Faculties/Departments, although I have slated an item for the Academic Council's consideration. There seems to be no provision for postgraduate students enrolling in courses in related disciplines for credit. It is rare for departments/faculties to interact on a systematic bases for common epistemic, cognitive or pedagogic endeavours. Nor, in my experience as Vice-Chancellor, have I been called to respond to such initiatives.
9. I do not wish to be understood as saying that we are not doing well, or as well as we can, in our appointed spheres. This is most certainly the case. But I do wish to be understood as saying that the present system does not encourage systematic exploration of our common future in terms of the great academic potential the Delhi University undoubtedly has.
10. Perhaps, a part of the reason of this state of affairs lies in the inadequate description of the tasks of faculties and associated bodies in our legislation. I do believe that we should amend Ordinance XIV-B as additional clause 1 -A to provide the following delineation of the academic tasks of the Faculty:
  - "(1) The Faculty shall keep under review the state of the curriculum, pedagogy and examination in each academic discipline associated with it and it shall once in three years submit a considered report on these aspects to the Academic Council.
  - (2) To this end, the Faculty shall request the committee of courses in respective disciplines under its jurisdiction to present a report, *inter alia* on the following at the end of every twenty four month period:

- (a) the need, if any, of changes in the curriculum;
  - (b) a survey of the state of teaching/learning processes both in terms of regularity and routine of teaching and in terms of pedagogic reforms, if any;
  - (c) a survey of examination results for the period based on a statistical analysis of performance by students and on a content - analysis of reports required to be submitted by each examiner paperwise;
  - (d) a statement of difficulties, if any, experienced in the processes of learning, teaching and evaluation
- (3) The Faculty shall also keep under review initiatives at multi-disciplinary collaboration between and among Faculties and Departments and evolve, from time to time, proposals for such collaboration for the consideration of the Academic Council.
- (4) For the foregoing purposes, special meetings of the Faculty shall be convened on a schedule to be determined by the Dean of each Faculty.
- (5) Each Faculty shall, at the commencement of the academic year, promulgate its annual schedule of meetings to be reported to the Academic Council. Additional meetings will be convened as deemed necessary from time to time [N.B. This last formulation will replace the first sentence of the present Ordinance XIV-B 1(1)].
11. Without a necessary consequential amendment to the provisions relating to powers/responsibilities of the Academic Council, one would expect that the Academic Council would wish to ensure compliance with the present amendment. In any case, the amendment will enhance the effective role of Deans and Heads as academic leaders/entrepreneurs.
12. The Faculties (unless they be single-Department Faculties) ought also to have their responsibilities enhanced, and powers enlarged, in relation to planning. Insofar as planning requires autonomous resource generation (outside maintenance and development plan assistance), concrete proposals are being made in the companion monograph on the subject. But other aspects of planning are quite important, too. And I address these in what follows.
13. *First*, the five year development plans ought to be put forward by Departments to the Faculties before they are taken up by the University planning processes. A more extensive deliberation is needed than is available now. Suitable processes should be initiated in this regard, including if necessary, by an adequate task - specific provision in Ordinance XIV-B.
14. *Second*, administrative centralization ought to be avoided in filling up the posts under the Centre for Advanced Studies (CAS) and Departments of Special Assistance (DSA). This involves several decisional stages. My suggestions are specific relative to each stage.

- (a) **ADVERTISEMENTS;** The present procedures, given the high cost of advertisements, require consolidation of advertisements. This takes a good deal of time and effort and advertisements do get delayed, despite best efforts even on the part of the Vice-Chancellor.

To obviate this, the procedure henceforth should be to advertize CAS/DSA posts, out of its own budget, separately on an expeditious basis through the Registrar's Office.

- (b) **RESEARCH ASSOCIATES;** These positions are filled by a Selection Committee, headed by the Pro-Vice-Chancellor, the Head and two experts. The Pro-Vice-Chancellor is *ex-officio* member of all Statute 19 Committees. For a limited number of posts, large number of eligible candidates are interviewed. The time-constraints of the Pro-Vice-Chancellor have, naturally to be taken into account. This, under the existing advertisement and recruitment procedures often delays the whole process by mid-life of the posts.

It would be sensible, in my considered opinion, that interviews for the post of Research Associate should be done by a Committee comprising: The Dean, the Head of the Department, a nominee of the Executive Council (nominated by the Vice-Chancellor) and two experts.

- (c) **OTHER ACADEMIC POSITIONS UNDER CAS/DSA:** These necessarily have to be filled under Statute 19 procedure. While we tend to give these some priority, given the present resource constraints, these selections tend to get clustered with other departmental selections. This also delays the process. A Selection Committee with relevant experts and Visitor's nominee participation costs an average Rs.40,000/-. The separate advertisement will not justify its costs if Selection Committees are to remain clustered. On the other hand, the general revenues of the University cannot any longer absorb unit costs for special interviews.

Accordingly (of course depending on time constraints of Visitor's Nominee and expert members) Selection Committee for CAS/DSA posts where necessary should be declustered and the cost of these must be borne on the budget of these programmes. There should be no difficulty in providing this as posts lying unfilled till mid-term generate counter-productive savings in any case.

(I cannot help thinking that if Faculties/Departments were proactive in terms of their defined responsibilities, such suggestions would have emanated and institutionalized long ago. Instead, the systems within Delhi University are reactive and judgemental. We should together realize the importance of initiatives which mark the release of collective energies for common tasks).

15. Third, such decentralization needs to extend to co-sharing of responsibilities for staff development. Administration is nothing but time-management of routine as well as policy



decisions. But time-management is impossible without a sense of schedule and cooperation among decision-makers. The latter in the present system as regards selection/promotion/senior grade matters consists of complaints/grievances/pressures. I have from time to time commissioned studies of pending posts, promotions, senior grade across departments and prioritized them. Certainly, the establishment (teaching) office should be more efficient/active. But it is also the co-equal responsibility of Departments/Faculties.

16. Accordingly, from now on, the Head of Department should be required to furnish to the Dean and the Dean in turn to the Administration of the beginning of every year the following consolidated information:
  - (a) permanent posts advertized for which appointments are pending;
  - (b) renewal of advertisements, where these have 'lapsed':including changes in desirable qualifications, if any (the present procedure is for the administration to write/remind HODs);
  - (c) list of merit promotions and senior grade positions due for the academic year;
  - (d) complete information about office, residential address, telephone numbers, fax (if any) of the members of Selection Committee panel approved by the Committee of Courses including replacements, if any, in case of death or disability (the amount of difficulty in tracing, at times, all these details is simply unconscionable for the Vice-Chancellor's office and could be so easily be avoided!)
17. I also suggest that the Executive Council evolve the same procedure for the committee for Senior Grade as has been suggested for the Research Associates, to minimize burdens on Pro-Vice-Chancellor's time management and to prevent unnecessary backlogs
18. Furthermore, and incidentally, the present Executive Council resolution on readvertisement of posts needs a review. The present system of 12+3 months revalidation by the Vice-Chancellor is no longer adequate. Given the growing costs of advertisements, it is also resource intensive. Accordingly, at least 18 months validity period has become an absolute imperative. I suggest that the Resolution be modified accordingly.
19. Further suggestions on administrative decentralization on these lines are also welcome.

## B. RESEARCH

20. Ordinance VI-B provides for at least seven Boards of Research Studies. While adequate in terms of delineation of structures, powers and procedures, the provisions of this Ordinance, I believe, are simply not adequate in terms of cumulative understanding of the place and role of research in our University. Clearly we need to reorient this instrumentality.

21. In the present system it is difficult if not impossible, for the University as a whole to have any overview of research trends/output on an incremental/cumulative scale. (Even the task of putting together a decent survey of annual research at the time of the convocation each year proves enormously difficult!) There seems to be precious little coordination/conversation among the different Boards.
22. The present system is diffused in terms of (a) collection of information (system-wide), (b) coordination of research procedures and policies across disciplines, (c) generation of any overview of the rate, direction and depth of doctoral research (d) responsiveness and accountability to the system as a whole.
23. In order to avoid any misunderstanding, I must say that I stand for diversity, innovation, experimentation, and relative autonomy. I also remain averse to the centralization of tasks and responsibility. But we have a common responsibility for coordination of standards, powers, procedures and overall transparency/accountability in decision making.
24. "Standards" are notoriously difficult to define/delineate across disciplines; in each discipline a whole lot depends on the state of art. Some disciplines are situated within the global traditions of production of knowledges; others are relatively culture/region bound. In some disciplines international experts are available as examiners, in others, evaluation is limited to national expertise. Traditions of supervision also vary across disciplines, from paternalism to professionalism; so do the perceptions concerning the value of multidisciplinary.
25. All this must be conceded. Even if we lay aside the notion that a Ph.D. dissertation may be an 'original' contribution to knowledge, we must at least acknowledge that the multifariousness of 'standards' must allow a situation whereby a core notion of common standard across all disciplines signifies at least the following. Ph.D. studies have to inculcate
  - (a) habits of scrupulous, independent research;
  - (b) scholarly maturity;
  - (c) grounding in research methods and craft;
  - (d) ability to address new areas of knowledge;
  - (e) competence in articulatory style;
  - (f) disposition for academic/epistemic engagement;
  - (g) civility and rectitude;
  - (h) hopefully, a creative engagement, if not commitment, to utilize knowledges for just causes.
26. It is a matter of collective introspection as to how far we maintain a common standard, in these and related, dimensions. At the moment, there is no such forum where anxieties on this score

can be responsibly articulated. All we have are 'success' stories and 'horror' stories of 'declining standards' from time to time and a genuinely complacent attitude that we do better than others. In the folklore with which the campus is rife, we have our own evaluations about our Ph.D. products from this or that department but no way to address or ameliorate the situation.

27. To start with, some collective procedures are necessarily innovating the existing ones. It seems to me best to start with the creation of a forum, building on the existing structure and relating and interacting with it. One may name it any other way; I tentatively name the idea as a University Board of Research Studies. Perhaps, the best way to describe its composition, functions, responsibilities, is to formulate the idea in terms of an additionality to Ordinance VI-B as a new clause 2-A reading as follows:

- "(1) There shall be a University Board of Research Studies comprising
- (a) the Pro-Vice-Chancellor;
  - (b) Chairpersons of all Boards of Research Studies;
  - (c) three distinguished academics from outside the University system to be nominated by the Vice-Chancellor;
  - (d) two members of the Academic Council.
- (2) The Pro-Vice-Chancellor shall be the Chairperson of the Board and shall convene at least three meetings of the Board in each academic year.
- (3) The Board shall have the responsibility, and all powers necessary, to prepare an Annual Research Report for publication every year on the eve of the Annual Convocation.
- (4) The Board shall prepare *inter alia* the following statement giving details about:
- (a) the total number of supervisors in each discipline recognized by various Boards;
  - (b) the total number of Ph.D. candidates enrolled each year and supervisors assigned, giving details also about teacher-candidates;
  - (c) the number of Ph.D. dissertations submitted each year and the number recommended for the award of the degree;
  - (d) the number of degrees actually awarded;
  - (e) the number of rewriting/resubmissions recommended (Department-wise);
  - (f) the number (Department-wise) of candidates declared ineligible for the award of Ph.D. degree;
  - (g) the number of Ph.D. dissertations recommended worthy of publication;

- (h) the number (with details) of published Ph.D. dissertations by Delhi University or by other publishers in India or abroad.
  - (5) The Board shall initiate a study of procedures for enrolment to Ph.D. courses and send to relevant Board of Research Studies its recommendations, if any, from time to time for innovations in the procedure.
  - (6) Where a difference of opinion exists between the University Board and the Boards of Research Studies, the matter shall be placed before the Vice-Chancellor who, upon a consideration of the differences, may either address the differences or bring these before the Academic Council for resolution as deemed fit.
  - (7) The Board shall present every two years a review of the adequacy of infrastructural facilities necessary for effective research; this report will be based on consultation with each Board of Research Studies, and shall be presented to the Academic Council, and with its recommendations to the Executive Council for necessary action, if any.
28. I commend for your consideration adoption of this measure.

## FIVE

### Governance Structure of Colleges

#### A. GENERAL DESCRIPTION

1. As is well known, Ordinances XVIII and XX provide for the governance of the colleges, the latter relates to University maintained colleges and former to Trust/Administration colleges.
2. The broad principles governing the formation of Governing Bodies are as follows:
  - a) the term of Governing Bodies shall be one year;
  - b) Governing Body shall have two teacher representatives by "rotation according to seniority";
  - c) the Chairperson shall be elected for one year term and remain eligible for re-election;
  - d) the Governing Body shall appoint a treasurer from its membership;
  - e) the Principal shall be the member-secretary;
  - f) the Governing Body exercises the power to appoint Principal, Vice-Principal, Bursar, Librarian, Director of Physical Education, members of the teaching staff and is also responsible for academic promotion;
  - g) the Governing Body is also the appointing authority for administrative staff;
  - h) the Governing Body also have the power to take decision about the termination of services of teachers, but with the prior approval of the Vice-Chancellor; similarly, termination by a teacher of her services may be accepted also with the prior approval of the Vice-Chancellor;
  - i) the Governing Body shall maintain and administer Provident Fund, in accordance with the rules prescribed by the Government of India;
  - j) the Governing Body shall maintain accounts as prescribed by the University Grants Commission and have them audited as per rules;
  - k) the Governing Body shall have, subject to the foregoing, "general supervision and control of the affairs of the college, and maintain records of its proceedings....;

- l) the Executive Council may
  - i) extend, at the request of the Trust/Delhi administration, or on its own, the term of the governing body for three months subject to a maximum of six months;
  - ii) under Statute 30(1)(D) expand the membership of Governing Body by nomination of other members as per the Statute;
  - iii) from time to time organize inspection of the college to ensure compliance with the conditions of the Ordinance or of recognition.
3. The mode of constitution of Governing Body is that the Trust or the Delhi Administration proposes a set of nominees/names which are then approved by the Executive Council. In case of the Administration, 5 names are to be provided from within the list of names approved by the Executive Council; those names are of eminent persons in various walks of life. A resolution of the Executive Council dated 21-8-1975 prescribes that in case of Trust colleges the Trust will nominate not less than 50% more names than the required member, out of which the Executive Council may approve names (subject to certain criteria of exclusion of 'close relations' as prescribed in the Resolution). The convention is, however, to endorse the names proposed by the Trust. By convention, nominations by 'minority' institutions are always accepted.
4. The Executive Council also nominates two representatives to each Trust/Administration college Governing Body. Particular care is taken to ensure that as many professorial colleagues participate; by convention no Professor is nominated to more than two Governing Bodies, and the maximum term is three years. This convention has been particularly reinforced since 1990, with occasional exceptions where necessary in the overall interests of the Institution concerned and the University.
5. As regards the University maintained colleges, the Governing Body is approved by the Executive Council; it comprises eminent persons. The Chairperson is also appointed by the Executive Council. The Hon'ble Treasurer is the ex-officio member of all University maintained colleges.
6. Statute 30, *inter alia*, provides three sets of powers to the University. *First*, the power to disaffiliate [Statute 30(5)], *second*, the power to expand the Governing Body [Statute 30(1)(D)]; *third*, the power to 'inspect' colleges [Statute 30 (4) ]. The first, to the best of my knowledge, has not been invoked for reasons not difficult to imagine. The second power stands heavily conditioned by the normativity of natural justice and desiderata of due process enunciated by the Hon'ble Delhi High Court recently. The third power is routinely used, but not helpfully so (if I may say so) in either diagnostic or therapeutic ways.
7. The third power, as per the Statute, envisages an Academic Council Committee 'inspection' *at least* once in two years (it may be annual or even periodic, if so required). The inspection report shall be considered by the Academic Council which shall then forward it to the Executive Council. The Executive Council "shall forward a copy of the inspection report to the Governing Body of the College... with such remarks, if any, as it deems fit for suitable action."

8. Section 6-A of Ordinance XVIII also provides, as is well known, for Staff Council in each college with decision-making powers as regards five matters mentioned therein [Sub-section 5(a)] and recommendatory functions in relation to five listed matters [Sub-section 5(b)]. The administrative staff of the college is outside the purview of the Staff Council.
9. On the whole, the governance structure of colleges as it has evolved may be said to be satisfactory. It provides a distinct legal identity to each Governing Body. It provides the University with powers of disaffiliation, expansion of Governing Body and inspection. It provides for a fair measure of democratic participation. The Governing Body, as well as Staff Council, remain subject, within their jurisdiction, to the Act, Statutes and Ordinances and other norms, from time to time, stipulated by the Executive Council.
10. And yet problems and even crises, continue to arise, engulfing often the energies of the University administration, and even the entire University system at times. In the recent times, and certainly in my experience, college-based problems have shown this tendency to grow, proliferate and persist. The Vice Chancellor and the University administration are expected to somehow solve these problems. The expectations are strong and intense. It is not fully realized that the University's legal powers are specified and enumerated; they are quite limited. Often, demands are made for 'take over' of colleges, or 'removal' of Principals; these lie clearly outside the University's competence. Often, too, the University representatives are supposed to play a 'positive', 'decisive' role, to act on the behest of University administration; they do act 'positively' and in aid of compliance with University norms but it is not fully appreciated that as members of the Governing Body they do not enjoy any more privileges than their colleagues. It is expected that the Vice Chancellor and her colleagues should often exercise their moral influence but it is not fully appreciated that criticism, often uncharitable as well as inaccurate, of the Vice Chancellor, and associational dynamic of demand articulation and protest, do not always enhance this moral authority; indeed, very often such steps for moral mediation stand enfeebled by these processes as Governing Bodies, or their Chairpersons, take a stand on their autonomy.
11. From a functional standpoint, then, one may wish to say that the system of governance has not worked all that well, even if only a few colleges every so often provide a site for crises of governance and accountability for the entire University system.
12. We have to collectively introspect as to why this is so and what we can do in the future to ameliorate this situation. In what follows, I wish to share my understanding/analysis to further our dialogue.

#### B. EXPECTATIONS OF GOVERNANCE AND ACCOUNTABILITY

13. In my limited experience, there appears to be an endemic conflict between expectations of governance and of accountability. The conflict has become so endemic as to justify the description of crises of governability and of accountability in the very lifelines of Delhi

University: namely, the colleges. The crises involve three parties in constant interaction: teachers, Principals and Governing Bodies, or often principally the Chairperson. My description of these features of 'expectations' and 'crises' will be ideal-typical: that is, it may accentuate certain aspects of an empirical mix with a view to focus on the determinants or the 'mode' of the situation. As Max Weber has taught us, 'ideal type' is a methodological device; ideal types are *not* real types ('reality' is always more complex than the tools of analysis). And, if one may add, ideal types are also not to be confused with stereotypes.

14. The ideal typical expectation of teaching faculty in a college is that of *transparency* in administration; of *civility* and *accessibility* in Principal-Teacher relationship and teacher-Governing Body relationship, of fullest standards of *accountability* in day to day administration, and of democratic *participation* in governance. When these expectations seem frustrated to a considerable body of teachers, crises arise.
15. The ideal typical expectation of Principals of colleges is that of *transparency* in staff council, of *civility* from individual teachers and teachers as a body, of *collaboration* in common tasks and responsibility which participation entails. This set of expectations, often, extends to a demand for *deference* due to the office of the Principal. Crises arise when a Principal perceives that these expectations are not met.
16. The Governing Body's expectations are difficult to spell out, given its annual existence. Of course, some members continue for more than one term; some continue even longer. But, at least in the Delhi Administration Colleges, Chairpersons change, on average, every year; and so does the Treasurer. The teacher-representatives and University nominees also register periodic turnover. Governing Bodies, all the same, expect the Principal to be a good manager in several senses of the term. And they expect deference from the teaching faculty to their collective decisions. When confronted with a crisis between teaching staff on the one hand and Principal on the other, Governing Bodies are expected on all sides to show transparency, civility, accessibility, accountability and expedition, superior to the parties in conflict. In this, they often fail.
17. Each college has, of course, its own history and group dynamics. Differential patterns of interaction exist between and among teachers and Principals. Each teacher, and sub-group of teachers, has distinctive attitudes towards the role of 'authority' in the collective life of a college. Attitudes to Principal vary from alienation to antagonism to affection. The same is true of the Principal in relation to her colleagues, whether an 'insider' or 'outsider'.
18. To this we must add a two level understanding of 'politics'. Both the Principals and teachers have their own 'ideological politics'; and some Principals and teachers are also political activists in the sense of owing allegiances to party formations. Similarly, if especially Chairpersons of Administration colleges have such allegiances, those of the private Trust colleges register an intersection between industry and politics. The articulation of expectations and emergence of crises often got related to 'politics' at either or both the levels. And 'management' of contradictions between 'ideological', and 'party' politics in the context of an



educational community where 'power' can scarcely be defined as such or with capital 'P' often lends itself either to an 'accommodative' style (following the Benthamite principle of utility) or 'partisan' style (alignment with a dominant group, for the 'time being'). In either model, transparency is the first casualty; and civility and deference the second. Bases of judgment also begin to distance themselves from corporate/collegiate well-being of the institution. On the other hand, democratic accountability claims gain salience, depending on the articulatory style of colleagues affected from time to time.

19. Politics, in both the senses, gives constant dynamism to college governance. It provides the terrain on which strategic issues may be defined and delineated. It fashions attitudes and alliances. It gives content to expectations and crises. Even as it provides equilibria to forces, it also provides for the emergence of dissensus and confrontation with the authority - structure. Politics energizes, mobilizes; it also constitutes ever changing agenda of action, big or small. Both types of politics ultimately define, over time, the collective character of an institution and its eventual destiny. While academic institutions in India ought to give primacy to academic activities, it would be a mistake (in my considered opinion) to think that this may be achieved without at the same time acknowledging the primacy of the political.
20. Having acknowledged this, it must also be appreciated that politics at either level serves its purposes (whatever they may be) inadequately if it entails a sacrifice of professionalism. We may no longer envisage teaching and research as a vocation. But teaching remains a learned profession and politics in academic institutions becomes distinctive only to the extent it is *constrained by the traditions of the profession*.
21. Obviously then the traditions of profession set limits to pursuit of ideological and party politics even as they impact on the traditions of pursuing politics. I think that the lamented Dr. Zakir Hussain summed up the poignant dialectic rather well when he observed that "we have too much politics in education and too little education in politics". We need to ponder this observation everywhere in India for that "too much" threatens the traditions of teaching/research as a learned profession and that "too little" threatens the traditions of good politics.
22. There is no doubt that professionalism in educational administration calls for a higher degree of transparency and accountability; there is also no doubt that the highest standards of professionalism in teaching, learning and research are in themselves powerful tools for democratic participation and effective politics from the academe. (Bertrand Russell and Noam Chomsky, to mention but two of twentieth century exemplars, illustrate this last point acutely well.)
23. It is from these perspectives (which I know may prove contentious) that I now address some specific problems of governance and accountability in our colleges.

#### C. THE STABILITY AND DURATION OF COLLEGE GOVERNING BODIES

24. Is the present duration of governing bodies adequate in terms of producing professionalism and accountability? This, I know, is not the question of first impression; it has been discussed in

the past. And while the question concerns generally the three types of colleges (university maintained, trust and administration colleges, leaving aside the 'minority' institutions), it seems to have been primarily addressed in relation to Delhi Administration colleges. In the seventies, an innovation was adopted and abandoned, both obviously for good reasons.

25. In the system as it generally functions the highest turnover of Chairpersons and members is in the Administration colleges; the lowest, perhaps, in private Trust colleges; University maintained colleges are usually held by a convention where Chairperson may be renewed for three (occasionally four) years and members may be renewed for three years.
26. Is the duration now existing at all problematic? One answer would be to say "it hardly matters", given the fact or the hope, or both in some cases, that by and large the teachers and the Principals decide basic issues while being relatively permanent, the Governing Bodies come and go. On this kind of approach, no further reflection is necessary.
27. Another mode of addressing the issue of duration will consist in problematizing the existing practice. It may be said that the three broad patterns provide an asymmetry: private Trust colleges perpetuate, overall, their membership; in contrast, administration colleges experience frequent and sometimes dramatic shifts in composition. It may be argued that as a matter of principle such asymmetry in governance ought to be removed. In a sense, apart from first principles, in contemplating policy change one has also to have available some detailed empirical analysis of the both types of Governance duration, in times of normalcy as well as crises, in terms of transparency, civility, accountability, participation, professionalization, stability and academic development. Surely, proposals for structural innovation need to be based on something more than changeful corpus of opinions, attitudes, and value judgements shaped by recent events and experiences. The policy pay-offs of such a scientific exercise may be doubted. Sceptics might regard even such a suggestion as a program to postpone action for change. To some the suggestion may even smack of scientism.
28. A third response would be a pragmatic one. It would invoke the fact that most Governing Bodies of Administration colleges do not get even a full year: their formation is often delayed, cutting further into management time. Moreover, the wise convention evolved by us of not extending their term by one or two period of three months each ought to be continued as providing incentive to expeditious decision - making by the Delhi Administration. Accordingly one might suggest a two or three year term for the Governing Body, with provision of retirement of one-third members in case the tenure is for three years. This idea has emanated at least once in my tenure from the Administration itself. The pragmatic proposal would commend itself on ground of experimentation: it may be argued that if it does not work satisfactorily we may revert to the existing system or innovate further. Against this it might be argued that some such experiment was tried in the past but abandoned. If so, a retrial seems to me still a sensible innovation from the standpoint of professionalism and accountability. Of course, many details may need to be worked out; the views of the state government will also provide further deliberational impact. The constitution of the elected component of Executive Council and

Academic Council as regards duration of the term of membership may provide a useful structural analogy.

29. It would appear to me that from many standpoints the high turnover of administration colleges Governing Bodies deprives the institutions of the virtues and values of shared understanding and perspectives and a mature involvement with well-being and growth of the college. The pragmatic approach needs to be carefully considered for adoption.
30. As regards Trust colleges, one may argue that it overvalues long tenure; very often Chairpersons continue lifelong and core membership remains common. The question of innovation here, it must be appreciated, raises not just policy issues but also some legal issues. In my experience, the latter were highlighted in regard to one college where the agreement between the Trust/Registered Society and the University set terms which could not be bypassed. As regards policy, innovative proposals will only marshal consensus between parent bodies, Governing Bodies and the University if empirical studies show high and cogent policy pay-offs. The Executive Council has, in my opinion, wisely not formally sought fullest compliance with its own Resolution mentioned earlier but rather left it to the trusts to progressively ensure exclusion of more than prescribed (and known) 'close relations' and promotion of incremental turnover of nominees.

#### D. THE STATUS OF NOMINATED MEMBERS OF GOVERNING BODY

31. What are the legal relations between a member of Governing Body, the Society/Trust nominating her and the University approving the nomination?
32. It should be clear that no person has *right*, fundamental or any other, to be *nominated* by the Society/trust. It follows given this that no person's right, fundamental or any other, is violated when the Executive Council withholds its approval.
33. When nominated and approved, does a member have a right to complete the term ? In other words, is it open to the nominating body to withdraw the nomination ? If it is, is it necessary for that body to seek the approval of the Executive Council? If yes, can the Executive Council withhold approval ?
34. Similarly, may the Executive Council, after approving a nomination, withdraw its approval during the term of office ?
35. In the actual practice, these questions do not arise frequently for consideration. But a rare situation provoke these with intensity.
36. The question of the right to complete the term has been authoritatively examined by the Hon'ble Delhi High Court in the *B.D.Wadhwa v. Hardayal Devgun*, ILR(1973) II Delhi 678. In that case, two members of the Maitreyi College impugned a Resolution of the Executive Council

dated 16 July 1972, reconstituting the Governing Body to their exclusion, although they were earlier appointed with others for a period of three years w.e.f. November 21, 1970. Two members of Laxmibai College also impugned the same resolution. They were appointed for a period of three years w.e.f. November 16, 1971. They were divested of their membership by the Administration even before the completion of one year of membership.

- 37 The writ petitions were sustained in the first instance. The learned Single Judge of Delhi High Court decided that a "member of the Governing Body" is the "holder of a statutory position for a term of appointment." As such, she can be removed from membership during the term "only for a cause and after granting a hearing but not otherwise." Since this was not done, the resolution of the Executive Council was struck down.
38. In the Letters Patent Appeal, the Division Bench of the High Court, reversed this decision. Chief Justice S.N. Andley (with Justice S.N. Shankar) ruled that
- (a) the "Act does not talk either of a Governing Body or of its members in relation to a College", they are not, therefore, "offices" under the Act;
  - (b) the Statutes and Ordinances "do talk of Governing Bodies and its personnel, tenure, duties and functions" vide Statute 30 (1) (C) (i) and Ordinance XVIII;
  - (c) the Statutes and Ordinances form a part of "subordinate legislation";
  - (d) from this it does not follow, necessarily that a Governing Body is a "statutory body" and its "members are recognized by statutory law:"
  - (e) "In our opinion, the member of a Governing Body cannot be held to be a holder of a statutory office even though as such member he may have to conduct himself in accordance with the provisions of the Act, Statutes and Ordinances" (p.686)
- 39 The learned Chief Justice then addressed the question "whether the holder of an office which is not a statutory office even though appointed for a term has a right to continue in office till the expiry of the term." In this context, the negative answer was supported by the following considerations:
- (a) "even though the appointment is subject to the approval of the Executive Council of the University" it is the Delhi Administration which is the appointing authority (p 687);
  - (b) the Delhi Administration "does not make the appointment in exercise of any power under any Statute";
  - (c) therefore, the power to appoint is purely an "executive power";
  - (d) the power to appoint includes the power to terminate membership (p 687);
  - (e) this plenitude of power is not affected by the term of duration, from time to time, prescribed by Ordinance XVIII (p 687);

- (f) therefore, an appointment may be terminated before tenure, being an "appointment at pleasure" (p 687);
  - (g) therefore " even if the tenure of one year had not expired on July 16, 1972, in the case of Laxmibai college, it could be terminated even before the expiry of the term without cause" ((p 692);
  - (h) "to summarize:
    - i) the appointment by the Delhi Administration of a person or persons as a member of the Governing Body is at pleasure;
    - ii) even though the appointment was for the tenure of three years, it could be terminated before the expiry of the tenure;
    - iii) members of the Governing Body of the Society do not hold a statutory office;
    - iv) the appointment can be terminated without cause" (p 689).
40. *Wadhwa*, in effect, holds that the society/trust which nominates member to Governing Bodies may at any time terminate membership without giving reasons or hearing to the affected members. Does such termination require approval of the Executive Council ? And may in that case the Executive Council defer or deny termination? Although the Hon'ble High Court does not address these issues, it is categorical that notwithstanding the power in the Executive Council of "approval", the power of the nominating authority is without limitation." We do not find any limitation on the power of the Delhi Administration to dismiss or rather terminate the appointment of a person as a member of Governing Body of a Society..."(p 689). Once 'appointment' is terminated under this power, it would follow that the substratum on which approval /disapproval rests becomes *non est*, non existent.
41. On the second question ( see paragraph 34), the Delhi Court has ruled in *Mittal* case in 1992 that the Vice Chancellor may not in her emergency powers (even if later ratified by the Executive Council) terminate the approval accorded to a member of the College Governing Body in circumstances which create a possibility of stigmatizing that person without full compliance with natural justice standards. The decision recognizes the power in the Executive Council to terminate its " approval" in such circumstances where standards of 'natural justice' are fully complied with.
42. In recent weeks, strong views have been expressed concerning the decision by the Delhi Administration divesting a member of a College of his membership. It is insisted that the approval of the University is prerequisite for such a measure. Disappointment, and even outrage, has been articulated by the DUTA as the University's lack of response on this issue. It does not seem to be sufficiently appreciated that *Wadhwa* is settled law, which has stood the test of time for two decades.

43. It is, perhaps, possible for the Executive Council if so advised to evolve procedures of approval for termination of membership of Governing Body for the future. But until such procedures are evolved, the *Wadhwa* ruling holds the field. And whatever procedures one may wish to evolve should comply with the letter and spirit of the High Court decision, which is binding on us all.
44. In my understanding, policy reconsideration seems urged by the apprehension that the *Wadhwa* doctrine may create a situation where in situations of regime change, many existing Governing Bodies may be reconstituted by recourse to the process of large-scale divestiture of membership. It is argued that if this apprehension is justified, depending on regime-change, Governing Bodies can be overturned mid-term affecting adversely the governance of colleges. It is also argued that in such a scenario University autonomy will be severely eroded.
45. The apprehensions have to be assessed in the light of past experience and anticipation of future developments. As to the past, it does not seem that mid term divestiture of membership in the Governing Bodies has been a standard practice; in fact, it has been rare. The burden of showing that it may be otherwise in the future must remain on those who view this past as a 'benign' aberration of power.
46. In practice, too, in so far as changes in Governing Bodies are sensitive to transitions in regimes of governance, there seems to be an element of political rationality which favours preferred changes at the end of the term rather than mid-course. The same political rationality, perhaps, led to reversal of an insistence on three year term in the seventies.
47. One may argue, not so much on analysis of strategies of political rationalities, but on a principle namely, that executive power is increasingly more likely to be abused to the regime's advantage, no matter what the regime is, in the future. Accordingly, for the future, the Executive Council should insist on its approval for any such divestiture. How is this to be accomplished in the face of *Wadhwa* enunciations? If the power of nomination is an unlimited, executive power ( see para 39 supra) how far may the Executive Council seek to limit it? Given the *Wadhwa* description of plenitude of State's power, how may the Executive Council deal with a situation where, under the new procedure, the Administration prefers to disregard the Executive council's disapproval ? Any attempt at extending the Executive Council's power over the executive power of the State has to be in this area consensual; but if we were to seek consensus between the University and the State Government, can we responsibly proceed by taking as axiomatic the abuse of power? (Notionally, and for the purposes of argument, this axiomatic 'compliment' may also be directed to the University !)
48. Any attempt at innovation has to be addressed in terms of the binding law . Innovation would stand constrained by settled law, and will have to move within available hermeneutical possibilities, and not just by an occasion-inspired, episodic strategies of reading the law.
49. Should the Executive Council be all inclined to innovate procedures, it would be well-advised

to proceed with the help of the most anxious, and authoritative, legal advice. This much is clear: what the Executive Council approves are 'nominations' and nothing else. When the substratum - 'nomination' - is removed, the very ground of 'approval' vanishes. Also, if we innovate the procedure and make Executive Council approval a condition precedent of divestiture of membership, and if the Executive Council does *not* approve the proposed action, microfine questions may arise for the High Court or the Supreme Court to decide. And, to my mind the only way to achieve this result is to recognize, by changes in University legislation, members of the Governing Body as holders of "statutory offices." The wisdom of such a move, and the feasibility of it, will have to be carefully explored. In any case, any such change will necessarily involve judicial process and power. And this will in the long run transfer to the judiciary to the task of defining authoritatively the scope of University autonomy as an operative value.

50. The matter is not free of fateful complexity. I believe we should move, if at all we need to, with scrupulous care and deliberate speed.

#### E. IS THE PERSONNEL ADEQUATE ?

51. Statute 30(1)(C)(i) provides for a Governing Body comprising no more than twenty persons, including two university representatives, two members of the teaching staff and the Principal (*mutatis mutandis* for the Evening Colleges). But the average size of the Governing Body is fifteen. If we were to add a student and karmchari representative (as proposed in Chapter One), it will be seventeen.
52. Of course, the statute does not compel a minimum; it prescribes the maximum. Nor is the maximum limit necessarily sacrosanct, though a considerably larger size will be considered inimical to effective decision-making.
53. Would, then, a further expansion serve any worthwhile purpose ? If so, what would be the modalities of addition? And in exceptional circumstances requiring invocation of statute 30 (1) (D) would the power of adding "not more than one-half" of the membership need to be slightly lowered ?
54. The issue of 'adequacy' of members of Governing Body is in a sense an issue related to the tasks it has to perform. If our conclusion is that the tasks have not grown or even if they have the present constitution serves these well, no further consideration is necessary.
55. The issue, however, may be considered from the standpoint of broadening representation. On this Chapter One proposals, I believe, are in the right direction.
56. The issue can also be considered a little more flexibly by providing Governing Body to coopt one more teacher member. But this may introduce diversity and criteria of cooptation may appear 'undemocratic' or otherwise problematic.

57. Yet another mode of addressing the issue is to increase participation by committee procedures, suitably legislated in place of existing conventions, if any. This would leave the size of the Governing Body intact and compact and yet facilitate wider participation.
58. The first such Committee should be a statutory Provident Fund committee to be prescribed in the Ordinance itself. The management of Provident Fund is obviously a fiduciary responsibility. Despite the association of teacher-member, complaints and ever-increasing protests concerning Provident Fund management are growing. Obviously, the conventional procedure does not seem to have worked well, for whatever reasons, in some institutions. The DUTA seems to believe that it is not working well almost everywhere. A statutory sub-committee of the Governing Body with the following composition should help us address and need for transparency, professionalism and accountability:
- i) The Principal
  - ii) The Treasurer
  - iii) One University representative
  - iv) One teacher-representative in the Governing Body
  - v) One representative each of the subscribers to be elected by the teaching and the administrative staff respectively.

59. Another statutory committee should be devoted to academic development. The Staff Council's recommendatory powers under Ordinance XVIII 6-A (5) (b) extend to

" formulation of recommendation on introduction of new teaching posts in the departments and expansion of existing departments...

" formulation of policies for recommending names of teacher for participation in seminars and conferences and financial assistance to teachers"

The decision-making powers extend to "laying down guidelines for the purchase of books and laboratory equipment in consultation with the appropriate departments." While I have no clear idea of how this division works, I have been made aware and have had occasionally to mediate difficulties and tensions in a few situations. Regardless of this, and without affecting Staff Council's advisory jurisdiction, an Academic Development Committee as a statutory subcommittee of the Governing Body could enhance the collective, collegial efforts at planned, sustainable development of college.

60. Given the present situation of resource constraint, academic development will also require resource-generation responsibilities within a prescribed University framework to meet legitimate but unmet needs by the maintenance and development grant. I am aware, for example, of the virtually non-existent funding for travel grants for college colleagues to participate in national/international seminars. Similarly for example, the introduction of Physics integrated course has led to difficulties in some colleges in obtaining the requisite

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computer systems. Alumni support, bequests and donations plus portion of college development fees can be deployed to build or expand a development fund; the interest from the corpus can assist legitimate but unmet needs. In addition to Staff Council deliberations, a sub-unit of the Governing Body can assist evolution of a wide-ranging action programme, including an annual review of regularity and routine of teaching, monitoring of pass, fail, and distinction ratios in results, devising programmes of remedial instruction for weaker students and perspective planning. The possible composition of such a committee inclusive of the Principal and a university representative, can be worked out in broad detail. Once again such a functional committee would meet that perspectives of professionalism, responsive governance, participation and accountability more fully than the present arrangement.

61. The two committees will have the advantages also of greater deliberative time. The Governing Bodies will also receive responsible deliberational input. Some of the present discontents both as regards Provident Fund administration and academic planning will be hopefully both addressed and redressed. And if these committees function imaginatively and efficiently - and there is no reason to suppose otherwise - college governance would stand to gain immensely on all counts.

#### F. INSPECTION/REVIEW

62. Statute 30 (4), earlier referred to, provides for inspection "at least once in two academic years" (not precluding an annual or periodic inspection). It provides for corporate application of mind by the Academic Council and the Executive Council. The Executive Council is obligated to forward the inspection report to the Governing Body of the college with such remarks, if any, it thinks appropriate. I observed earlier that the system has not proved either diagnostic or therapeutic.
63. Early in my tenure, I took considerable interest in the system of inspection. Together, we took several steps such as, refashioning the proforma, constructing a schedule, constituting committees for two campuses for follow-up and overall review. Although I did not like the term 'inspection' and suggested 'review' (for reasons stated in paragraph 65), I did, and do, believe that the system could be more effectively administered than has been the case.
64. The reasons for our collective inability or unwillingness to deploy this statutory power and process should be carefully understood. Clearly, it provides, notionally, a powerful medium both for accountability and good governance of the colleges. The Inspection Committees, I believe, do their best to gather as much information as possible; they have access to all sections of the college; and they do provide some valuable suggestions. But rarely do we get the time in the Academic Council to consider these reports and rarely are any views communicated by the Executive Council to the college Governing Body.
65. I personally do not favour the word 'inspection'. The tasks are one of 'review' not of 'audit', academic or otherwise. The review is a peer-group exercise. It is a cooperative endeavour to

share information about the observance of rules/regulations, overall state of infrastructure, development needs and plans, special difficulties and disunitive features. Certainly, such a review should alert us to potential problems which then ought to be collectively addressed at various levels.

66. I believe that we should give a most anxious consideration to the very conception of inspection/review, the nature of 'interaction', the time for conscientious deliberation and potential for collective problem-solving, without adverseriality, acrimony and crisis.
67. This, however, is easily said than done. We must think of many concrete steps in this direction. *First*, the proforma should be parsimonious and kept constantly under review. *Second*, the nomination of the review committees must be accomplished at the commencement of every academic year. *Third*, the calender of visits to colleges should also be prepared in advance, flexible only to the point of desperate necessity. *Fourth*, the Committee should prepare an executive summary of two to three pages. *Fifth*, time - schedule should also be fixed for the two campus sub-committees to process the reports, with their own comments. *Sixth*, within a time schedule, the summaries should be printed and circulated to the Academic Council as a part of agenda. *Seventh*, if the Academic Council cannot address itself to available reports in two consecutive meetings, the Vice-Chancellor shall stand authorized to present these on behalf of the Academic Council to the Executive Council. *Eighth*, a subcommittee of the Executive Council may present to the Executive Council observations, if any, to be communicated to the college. *Ninth*, the Governing Body shall within two months of the communication of the observations advise the Vice-Chancellor of its views/action taken. *Tenth*, the Vice-Chancellor shall inscribe these responses on the agenda by way of reporting to the Executive Council and Academic Council. For all this, a proper time-schedule is of the essence. Since it is a recurrent statutory assignment, *not* a discretionary one, it should not prove difficult to prepare and adhere to such a schedule.

#### G. THE RESPECTIVE ROLES OF THE CHAIRPERSON AND THE PRINCIPAL

68. The legislative scheme provides for the respective role-obligations of the Chairperson and the Principal. The importance of the office of Principal is writ large in our legislation. She is, *inter alia*, (i) the chief executive officer of the college; (ii) Chairperson of the staff council (with emergency powers subject to requirement of reporting to the Staff Council); (iii) member-secretary of the Governing Body and member of all major committees, including the Selection Committee. The Chairperson of the Governing Body (or her nominee) is on all selection committees (including promotions and redesignations) and the Chairperson is a member of the Apex Committee for the selection of the Principal. The Chairperson plays a *primus inter pares* role in decisions regarding selection of a Principal and her re-employment. The Chairpersonship is as important a position as that of Principal for the well-being and development of a college. However, the term of the office of a Chairperson is one year whereas a Principal, like all teachers, is relatively permanent.
69. So long as the relations between Chairperson and Principal are cooperative, and oriented

towards a common endeavour at professional governance of a college, certain conventions are fully operative. Some of these operative conventions are:

- (i) there is mutual deference to each other's position and jurisdiction;
- (ii) there is sustained consultation and interaction between Chairperson and Principal;
- (iii) the Chairperson is kept informed and advised, and her opinion is sought, where necessary;
- (iv) meetings of Governing Body and other committees where Chairperson's presence is necessary are convened in consultation;
- (v) communications sent by the Principal are duly received by the Chairperson and acknowledged/acted upon and *vice versa*;
- (vi) in difficult situations involving conflict between staff and the Governing Body, the Principal acts to achieve both dignity and justice; the Chairperson also when difficulties arise between the staff and the Principal lends her moral mediation;
- (vii) by and large, the Chairperson leaves matters of internal administration to the Chief Executive Officer of the College.

This is an illustrative list. Obviously, no legislation codifies all these attributes of reciprocity and cooperation between Chairperson and Principal.

70. These have arisen in the past, and would arise in the future, situations when the Chairperson has to take decision independently of the Principal. These involve three situations: (a) appointment of the Principal; (b) recommendation on re-employment; (c) enquiry into allegations against the Principal or management of crises situations involving the dignity of the office and of the incumbent. Naturally, in all these situations the Chairperson has to act in collaboration with other members of the Governing Body.
71. Situation (c) above may occur in context of reemployment or outside of it. Taking this latter first, the Chairperson initially, and Governing Body as a whole, have to take a view of serious allegations of unjust enrichment by an incumbent Principal or abuse/*mala fide* use of power for personal gain, or serious misconduct relating to course of a Principal's duty. A *prima facie* determination of the need to hold an enquiry immediately raises the piquant situation of persuading the Principal to proceed on leave. In case of recalcitrance, the cooperative relationship and operative conventions between the Principal and the Chairperson break down, completely or partially. A management crisis ensues, with battle lines drawn around in the college and outside.
72. Such situations do not, fortunately, arise too often but they do manifest themselves from time to time. Since there are no norms governing such proceedings, actions by Chairperson and Governing Body become legally contentious on the issue of compulsory leave or standing aside during the period of *bona fide* enquiry. In recent times, a writ petition by a Principal on a Governing Body resolution sending a Principal on leave became a matter of anxious judicial

consideration; however the writ proved infructuous by the flux of events; and the issue whether a Principal charged with serious criminal offence, outside the 'conduct' of office, should be suspended' or placed under leave is currently *sub-judicie* before the Hon'ble High Court.

73. Professionalism, transparency, accountability should rule out *in limine* such situations from arising. If a *bona fide* approach, with due process, suggests *prima facie* case for enquiry, the Chief Executive Officer should not prove recalcitrant in offering to step down pending a reasonably expeditious or time-bound enquiry. But in case of recalcitrance, our procedures must be explicit for such situations. And since Principals are teachers, these should extend in similar situations to teachers. There is, in terms of good governance, no justification whatsoever for not having clarity on process/procedures for such situations. If we do not have a general policy, selecting individual situations for action becomes difficult and would be also manifestly unfair.
74. When enquiry is urged on allegation in the context of reemployment, a wholly different dynamic arises. This becomes all the more acute when a successor Chairperson decides to unilaterally review, for whatever reasons, the Governing Body's recommendation, already approved by the Vice-Chancellor, and utilizes discontent/allegations to review the decision on reemployment. When a Chairperson is seen to forsake collegiality and concordance with the rule of law (both in the sense of compliance with University legislation and the law of the land) intractable complications arise often with incalculably deliterious impact on collegiate life.
75. A Chairperson in such situation, to legitimate her action, has to (a) activate support from sections of academic and administrative staff and (b) mobilize some internal support from amongst the membership of Governing Body. In return, the Principal, perceiving a situation of injustice, has to make a crucial choice: resign/retire gracefully or combat what is seen as arbitrary exercise of power. If the latter course is preferred, the Principal, too, has to mobilize support from a cross-section of staff and Governing Body. In such a scenario, the institutional life by a college becomes deeply factionalized and fractured. In a dynamically developing scenario, strategic alliances get formed and deployed on all sides, inside and outside the college as well as within and outside the University.
76. The cooperative framework, and the operative consensus between the Chairperson and the Principal, comprehensively collapses. The statutory scheme stands subverted, in big ways and small. For example, the Chairperson refuses to
  - receive official communications from the Principal or if received fails to acknowledge or act on these
  - convene meetings of Governing Body or to sort out matters
  - decide crucial matters in consultation with all the Governing Body colleagues
  - comply with the operation of authoritative decisions in modes manifestly outside the framework of her powers and responsibilities

- adopt the role-responsibilities for governance instead becoming or being perceived as an active adversary of the Principal.

A similar syndrome is also manifested in the behaviour of the Principal. The situation assumes propositions of a civil war, which proliferates to the life of University as a whole, with the DUTA and Karmchari associations constrained or choosing to demand nothing less than the ouster of the Principal, whether legally permissible or not.

77. In the circumstances, the more conscientious and normative the University administration is the more it is perceived to be and attacked as 'partisan' or 'vulnerable' and the less scope it has for any moral mediation.
78. As hostilities increase, and battle lines get drawn, the real issues/grievances and professional ways of redressing these recede; adverse publicity for the College and University results; teaching invariably suffers; and issues of principle tend to be lost in all kinds of ego-politics around.
79. No matter how genuine the underlying issues, the claims and needs of governance and accountability stand severely sacrificed in the process. Pyrrhic victories are proclaimed for various actors but the overall institutional costs are enormous, and abiding, even from a rigorously dialectic point of view.
80. Even if the rate of recurrence of such situations may not be alarmingly high, the tendency itself poses enormous strains on governance and accountability values.
81. Professionalism requires us to combat such tendencies. Policies and strategies should be at hand which lead to expeditious and equitable resolution of crises, alleged or real, in the governance of institutions.
82. Effective deployment of inspection/various systems is one such structural measure (see pp 36-37)
83. Even if we develop the academic/political will to make these procedures effective, we would need to prescribe norms for handling such situations. These norms might include innovation of procedures/powers for sending Principals/teachers on leave pending *bona fide* due process satisfaction on *prima facie* charge of 'misconduct' (to be tightly defined), with norms requiring time - bound disposal.
84. But it should be realized also that if there are errant Principals, there also happen Chairpersons who are equally errant. The only way to address this problem is to define precise role-obligations of Chairpersons. They ought at the very least to avoid unilateralism, act within the framework of the rule of law and remain accountable to the Governing Body as a whole.
85. When this does not happen, the Governing Body must be expected to behave as a collectivity devoted to values of transparency, accountability and well-being of the institution. Accord-

ingly, it should be made obligatory for it to meet, and take appropriate decisions including change in Chairpersonship by democratic procedures. If a Chairperson feels aggrieved by deficiency in procedure adopted to accomplish this change, she may appeal to the nominating authority, or the approving authority, whose decision shall be final.

86. Moreover, the issue of reemployment of a Principal should be kept distinct from the issue of enquiry into misconduct. Reemployment does not preclude initiation/culmination of such an enquiry and consequential action. The differentiation between reemployment of a Principal as Principal and of teacher *qua* teacher, in the short and long runs, puts to severe interrogation the system of reemployment as a whole. Anyway, the law as to former is now settled by a recent decision of the Hon'ble Delhi High Court (See Annexure B.)
87. Prolonged absence, without leave, from teaching because of crises situation concerning integrity of administration in college - whether it relates to the Governing Body or the Principal - is simply unconscionable. Abstention from academic duties even if considered legitimate from the standpoint of democratic participation and rectification, is of dubious moral validity when indefinite or prolonged in such contexts.
88. In an already complex issue, this too becomes a bone of contention, more so when law and order authorities are deployed. The situation, around, assumes unfortunate, and sometimes ugly, proportions.
89. The University Administration is expected to uphold fully rival and contradictory sets of expectations. The democratic movements insist on conventional/official venue and the collective right to protest. The management expects of the University that order of moral mediation as would allow a modicum of environment for decision-making on the agenda. When the law and order authorities are deployed, by the Principal, the democratic movement naturally complains even more articulately of highhandedness, excesses, and insists on apologies by, and even transfer of, police officials.
90. The University administration's scope for exercise of moral authority is made minuscule in a process where all sides expect it to play a heightened, and decisive, role. I must confess to a sense of inadequacy as your Vice-Chancellor in coping with such situations, although I have done my conscientious best so far. Professional administration, which should be our collective quest, should help avoid such situations where a bulk of teachers and representative associations tend to think of any administration as a 'necessary evil'. We ought to strive together, to minimize and eradicate its provenance.

#### H. THE VENUE OF GOVERNING BODY MEETINGS

91. By convention and just community expectation, as well as for eminent functional reasons, if not by legislation, it is assumed as an operative norm that Governing Body meetings shall be

held in the premises of the institutions and nowhere else. The DUTA insistence on this score while fully justified ought not really to be needed in the first place. The normal practice fully reinforces this perspective.

92. In crisis-situations, however, rationalities undergo transformations on all sides. A Governing Body meets to transact an agenda. It may meet socially/informally but may not transact authoritative agenda. In crisis-situations, however, either conditional regulation of access by members to conventional/official venue or other semi-coercive techniques are considered justifiable and just from the associational standpoint. When as a result no business can be transacted, and it needs to be, it is often perceived rational by the management, as an exceptional measure, to shift the venue.
93. It should be clear that if the Governing Body meetings are to be held in the conventional/official venue, the right to access to venue cannot be regulated at will by those who insist on such location.
94. At the same time, I do not see much justification in the Chairperson or Principal or members of the Governing Body in refusing to receive or meet compact delegations of teachers to present their standpoint. To treat such a demand as unreasonable or subject to law and order regulation is counter-productive as well as undemocratic, even in a minimalist sense of that term.
95. On the other hand, it is similarly undemocratic to prescribe a course of decision by a statutory body, acting within the jurisdiction and rule of law constraints. A crisis-situation involves conflict of rights, not reducible to be any Manichean logic. Statutory bodies should not be expected to be free of all constraints, ready, willing and able to yield to a particular outcome pre-ordained by a democratic aspiration or movement. The availability of judicial process/power has reiterated the nature of their constraint.
96. The critical point is the potential for democratically negotiated, responsible and legitimate outcome of any struggle. The forces which would combat arbitrariness and innovate accountability cannot escape either of the virtues they proselytize. Well, in the hurly-burly of University life, they can often enough. But the overall system then remains in place and the transformative/redemptive potential of democratic movement stands periclitated. I don't expect ready agreement on this. But I beg that all of us think about these propositions, debate them, and arrive at a tolerable range of operative consensus.
97. In this context allow me to invite your attention to the famous French saying "The more things change, the more they remain the same". If we are not together to set limits to conflict - potential, the deep structure of talent, initiatives, strategies and enterprises for system-transformative resolution of conflicts may also be inhibited. Such eternal return of *status quo* may serve the ends of politics; does it serve any of the espoused objectives of structural change for good governance ?

## SIX

### Term Post For Principals

1. The special meeting of the Executive Council on this issue [see Annexure 'A' for the text of the motion] produced a most dignified and rigorous debate. At the conclusion of the discussion, it was acknowledged by all that arguments *pro* and *con* were finely poised but that any change will have far-reaching effect, for weal or woe, and accordingly my suggestion that the proposed change be considered, if at all, in the wider context of the crisis of governance and accountability in the Delhi University system was accepted.
2. In what follows, I summarize, to the best of my ability, the principal arguments on both sides.
3. The proponents for a term-post put forward the following salient propositions:
  - (a) all academic - administrative positions in the University, including that of the Vice-Chancellor, are term posts; the justification for this arrangement also extends to Principals;
  - (b) since the position of the Principal is a pivotal position, any appointment which turns out to be weak or deficient has detrimental impact for whole generations on the institutional life of a College;
  - (c) a term appointment, renewable by another term or even maturing into a permanent tenure, will provide incentives to Principals to perform their role-responsibilities more adequately;
  - (d) the term appointment will also enable Principals an opportunity to revert to teaching faculty if she finds the assignment too demanding or unworthy;
  - (e) when the Principal is an internal appointee from the college itself, the term-appointment will ensure (i) greater accountability in administration and (ii) benefits of mature experience of administrative role, upon return to teaching assignment, will thus accrue to the Staff Council proceedings;
  - (f) in no case, should re-employment beyond sixty years be given to the Principal as such because upon re-employment, in effect, the position of the Principal is that of non-tenured teacher and it is difficult for her to maintain the same level of leadership and institutional commitment;



- (g) even as an experimental measure, for Principals to be selected in future, the policy of term-appointments will provide a more empirically informed assessment of structural - cost benefits of such a measure.
4. As against this, the arguments against term post for Principals were. basically, as follows:
- (a) the analogy between administrative positions in the University and Principals is indeed, a weak one; the justification for a fixed term for Vice-Chancellor, and the rotational terms for Deans and Heads cannot, and ought not, to extend to Principals; the latter are not posts but constitute only a rotational obligation of being a professor/reader(as the case may be) and the former is justified by considerations which in no way extend to Principalship;
  - (b) with the effective democratization of college governance, a weak or deficient Principal can be made accountable/responsive by properly functioning staff councils;
  - (c) there exists a two-tier cadre in colleges (Principals and Lecturers); term appointment of Principals will lead to ineffective administration as a non-tenured Principal will be vulnerable to pressures in basic decisions which might be inimical; the role of the Principal is that of leadership, and populism - or the anxiety to please everyone - weakens that role;
  - (d) a Principal is a teacher, and recognized as such; accordingly, there should be no discrimination — if the principalship is a term appointment, should teaching faculty also be structured on a similar pattern ? ;
  - (e) a statistical analysis would show that increasingly the post of candidates for Delhi College principalship is furnished by candidates internal to college itself or to the community of colleges of Delhi University as a whole; whatever scope that still exists for attracting non-Delhi based talent will be eroded; in addition, leave rules will have to be drastically amended to provide a satisfactory renewable term appointment to candidates for Principalship from within Delhi University system;
  - (f) there is no assurance that even as an experimental measure the innovation will assist Delhi University system; indeed the costs of the innovation are writ large on it, disfavoring it at the outset (e.g. leadership costs; the ultimate prospect of Principalship rotation from amongst senior teachers in the college; the importance of the present system which enables maturity in administrative style to emerge and of the networking with university administration, the UGC and the Delhi Administration, where necessary);
  - (g) as to reemployment, Principalship is a "post" against which reemployment may be given; any departure will invite judicial review, besides being unjust in its approach to the responsibility that Principals discharge on their jobs, not all of which are pleasant and some of which are very taxing indeed.

5. It must be stated that the issues are finely posed; with the exception that the High Court of Delhi has in its decisions in *N.S.Kapur v. University of Delhi* (decided on October 7, 1993) and *Smt. Neeta Agarwal v. Dr. Raj Wadhwa* (decided on October 13, 1993) held that : (a) the Governing Body may lawfully recommend, and the Vice-Chancellor approve, the re-employment of a Principal as a Principal under clause 3-A, Ordinance XII and (b) that despite the letter of 5 July 1993 from the Ministry of Human Resource Development "there appears to be no ambiguity in explanation to clause 3-A... "Reemployment" in the explanation refers to the reemployment of a Principal who has been a distinguished teacher" (see Annexure B, for the full text of these decisions)
6. Before proceeding further, it must be noted that the issue has been widely discussed, and press statements issued, by Delhi University Teachers' Association and the Association of the Principals of Delhi University Colleges. The gist of their public debate traverses, broadly, the grounds summated in paragraphs 3 and 4 of this Chapter. Occasionally the press statements have an acrimonious edge. As this monograph goes to the press, I stand served by an insistence on the demand for term post by the DUTA as an integral part of their Charter of Demands with further indication of "collective" action by the DUTA. In response, I also, if the past is any guide, expect memoranda from the Principals' Association.
7. I do not arrogate to myself the privilege of appraising the role of democratic associations on this issue excepting to say that the politics of confrontation cannot be a substitute to the politics of sustained dialogue in matters of structural innovation. The constraints of the system cannot be simply wished away in contemplating innovation. Any change in University legislation remains subject to the Visitorial approval. And the absence of any consensus will, surely, affect such decision-making. On matters of structural change, the University ought to speak with one voice (e.g. the changes in procedures for readership redesignation in colleges approved unanimously by the relevant statutory bodies).
8. To revert to the main issues debated so far, it was clear in the Executive Council discussion that the proponents stipulated an additional term of five years and related their insistence on the proposal that under the innovation Principalship should rotate according to a roster of seniority from within the colleges. Responding to the issue of possible procedural wrangle over the powers of Governing Bodies, which would be modified by the proposed innovation, it was also suggested that the experiment be initiated at least with the University maintained colleges. The counter-argument to this was that if a writ was filed and admitted on Article 14 (equal protection under the law and equality before the law) such an experiment may well be judicially invalidated.
9. The proponents of change, naturally, remain disposed to dismiss all arguments against it as manifesting 'conservatism', 'status quoism' and 'resistance to change.' The opponents of change caution wariness against 'adventurism', 'populism' and 'reckless' dilution of a time honoured system which, overall, has served the University well. While noting these attitudes, I must say that neither set of attitudes augurs well for dialogism.

10. **In the present system as it exists the issue squarely posed, is : how should the system deal with principals who prove themselves incompetent or unaccountable ? It is no answer, in my opinion, to pose the counter question: How shall we deal with teachers who prove incompetent or unaccountable? This question is important and is dealt with separately in other chapters. There is merit in dealing with the issue of incompetence/unaccountability of Principals in a discrete manner.**
11. **The first issue is, of course, conceptualization of `incompetency' or ` unaccountability'. The prevalent attitude that most or all existing Principals are such, cannot be accepted in all fairness and responsibility. Nor may be the associational judgments, either of a DUTA or of the Principals' Association, be taken at face value, because the relative autonomy of college administration can only be preserved by the Staff Councils and Principals and Governing Bodies acting together in good faith. The tendency to involve the University administration in the daily acts of governance, it seems to be insufficiently realized on all sides, is inimical both to the federal character of the University as well as genuine empowerment/democratization at a local level. In a curious irony, my own endeavour at preserving this valuable structural feature of University governance has been variously criticized!**
12. **We need a clearly articulated set of norms for Principal's role-obligations. It must be appreciated that in most matters of administration the Principal acts on the aid and advice of Staff Committees, elected by the Staff Council. When a Principal deviates from, or defies, this there exist--or ought to exist--procedures for democratic discussion and rectification. It is only when these do not work, or are not allowed to work, that the relationship between the Principal and the faculty members becomes problematic and the intervention/mediation of the University is sought.**
13. **In my experience, the intervention/mediation is sought in the following contexts**
  - (a) where the Principal is perceived as not taking firm disciplinary action against errant students who have insulted/attempted to assault teachers;
  - (b) where the Principal is perceived not to follow the norms of the University in advertizing academic positions or in the process of actual recruitment;
  - (c) where there exists a conflict of opinion between staff committees and the Principal on matters of policy;
  - (d) where 'mismanagement' of Provident Fund is discovered suddenly, despite staff representation on the Provident Fund Committees;
  - (e) where the Principal is seen to 'favour' management against teachers;
  - (f) where the Governing Body is 'discerning' or 'discriminatory' on matters of re-employment of teachers;
  - (g) where problems of 'seniority' involve divergent interpretations of rules and practices;

- (h) where the Principal is seen as taking consistent positions against the advise of the Staff Council or as disregarding the DUTA intervention;
  - (i) where the Principal is seen involved in proposing Governing Body's recommendation proposing 'termination' of teachers for violating leave rules, or chronic absenteeism in taking classes;
  - (j) where a Principal does not abstain from duty in circumstances when the Governing Body is investigating allegations of maladministration;
  - (k) when a Principal refuses to stand down in circumstances where serious criminal charges are being pressed against her under the law of the land.
14. This listing is typical, not exhaustive. It summates my experience during the past few years. It also provides the wherewithal to press favours experimentation in innovation in term post when viewed cumulatively. The narration also presents the position of the Principal as a conflicted site.
15. On the other hand, my experience also reveals the following on the 'side' of Principals:
- (a) Principals usually complain of a syndrome of having all responsibilities and no power; they complain about lack of both power and authority;
  - (b) Principals say that they have to negotiate complex and often contradictory 'pressures' - those emanating from local Staff Councils and 'leaders', from the DUTA, from the normativity of Universities regulations and from the Governing Body. *Ad nausuem*, both formally and informally, they have compared their role with that of Draupadi in Mahabharata;
  - (c) Principals maintain that they lack authority to ensure regularity and routine of teaching;
  - (d) Principals tend to see invocation of University mediation/intervention as 'destabilizing' their administration, as infringement of their autonomy, as dilution of their role-responsibilities to the Governing Bodies;
  - (e) in private, and occasionally in public, they lay heavy responsibility on the University administration for a partisan, and often weak-kneed, approach to mediation/intervention.
16. Obviously, with such diametrically opposed perceptions, the Vice-Chancellor and her team cannot have the requisite moral authority to negotiate situations. I refer to moral authority alone because they have little or no legal authority to intervene/mediate. When the perceptions are so conflicted, much of the time and talent of University administration is engulfed by local problems which should be redressed at local democratic levels.

17. Indubitably, the determination of norms concerning 'competence' and 'accountability' itself becomes a conflicted site; neither the teachers nor the body of Principals can afford, in the circumstances, a rational discourse on these values. But the future lies only in such discourse, which, paradoxically, should not be unnatural but wholly congenial to a University community.
18. In this perspective, I would think that a rational management of the present system should generate the following norms:
- (a) a Principal should be physically present in college premises, regularly at all times (most do, but there are noteworthy exceptions to which the norm is addressed);
  - (b) a Principal ought to engage in regular teaching, both graduate, and post-graduate;
  - (c) a regular schedule for Staff Council meetings should be promulgated, and adhered to, in order to bring about transparency and democraticity in administration;
  - (d) the Principal should at all times fully involve the local disciplinary committee and JSTC in relation to student-teacher relationships; in no case, assault on the dignity or person of the teacher(s) should be sought to be 'negotiated';
  - (e) in no case ought a Principal violate University norms; when in doubt, or in questions of ambiguity/contention, the Principal ought to seek authoritative clarification from the University and the University ought to provide it in reasonable time;
  - (f) as long as the existing policy of re-employment continues, it ought to be an obligation of the Principal not to be discriminatory;
  - (g) in cases of proposed 'termination' of teachers, rules and requirements of University legislations and natural justice, or legal advice, should be strictly adhered to.
19. This leaves broadly, three issues, in my checklist in paragraph 13 - issues (d)', (j) and (k). As to (j) - abstention from duty where the Governing Body is seized of an enquiry - while this is an issue to be determined by the Governing Body, I believe that when allegations involve, prima facie charges of grave moral turpitude, good sense on all sides commends 'standing down' by the Principal and the Governing Bodies, in all conscience, ought to recommend/resolve accordingly. But, in the system as it exists, and as it ought to exist, determination must be made in accordance with the rule of law. That is to say, no one party to the dispute should, or ought, to arrogate to itself the triple 'right' to be the judge, jury and executioner in the case! The determination of the prima facie charge of 'moral turpitude' is a responsible affair, liable to judicial review, given the developments in administrative law concerning 'stigmatization' process. In all such cases, the Governing Bodies ought to proceed in the light of responsible legal advice. 'Legal advice' is, of course, not readily acceptable to protagonists of such action. But mature legal advice is always supported by reasons and legal precedents.

20. In situations falling short of 'moral turpitude', it is no one's right, and it may not also be morally right, to insist on 'standing down'. The Governing Body, should, however, in the wider interest of the Institution be free to accomplish such an outcome. That such an outcome could be litigated successfully is a reality which the Governing Body and teachers will have to learn to bear with dignity, in a rule of law society which we all, rightly, espouse.
21. As to (k) where a Principal is prosecuted under criminal law of the land for serious charges, her position is, I believe, no different from that of a teacher or karmchari. For the latter, we have adopted Central Government rules which, more or less, mandate suspension. For the former, we have a situation of *non liquet* (no law). Whatever applies to a Principal, who is recognized as a teacher, ought to apply to all teachers. We must shed our ambivalence on this issue and adopt a resolution, specifying charges or offences which involve grave moral turpitude (e.g. murder/dowry offences, grivous hurt, rape and offences against women which would automatically result in suspension of teachers and Principals). This will limit the sway of presumption of innocence till proved reasonably guilty; this would also result in prolonged suspension. Given the notorious delays in criminal justice system during the period between trial, conviction, and appeal on acquittal, - teacher/Principal will have to remain under suspension. Obviously perceptions will differ. But, overall, a common policy is indicated. The lack of such a policy makes demands for individualized action appear arbitrary and may even be seen as a 'witchhunt'. The Delhi High Court in a recent situation has thought it fit to order leave. This is a message we must decipher and translate into policy. When we do so, we have to be careful in delineating offences to consider exclusion of 'preventive detention' under 'security' legislation or emergency (which one hopes will never recur) detention legislation. But a tolerably clear and equitable, in terms of equality of treatment, for all University employees should be expeditiously evolved.
22. As to (d) the administration of Provident Fund - it is axiomatic that the University and Colleges only have a fiduciary capacity; any loss to subscribers is, per se, unconscionable. This having been stated, (with the additionality that all rules/regulations must be scrupulously followed), it must be acknowledged that the management of Provident Fund is a cooperative enterprise; this is the rationale of having teachers representatives on the Provident Fund Committees. If the meetings of Provident Fund Committees are not convened, the staff should ensure that these are convened. If the Provident Fund accounts are not duly audited, or furnished to subscribers, the Governing Body ought to devise a standardized system, under the guidance of the Hon'ble Treasurer of the University. The accounts staff of Colleges should suitably undergo training and refresher courses in Provident Fund management; so must the Principals and teacher representatives on Governing Body. The Dean, Planning and Administrative Reforms and the Centre for Professional Development in Higher Education should take regular responsibilities for such in-service training. In any case, I believe, the 'statutory' Provident Fund Committees of Governing Body should be legislated as suggested in the previous chapter (see Para 58, page 35 *supra*).
23. As to the investment of Provident Fund, peculiar difficulties have arisen, and are likely to escalate in the future, owing to the rapid liberalization/privatization/globalization/disinvestment

policies presently pursued. Disinvestment/privatization has obvious implications on investment of Provident Fund. The presently available higher rate of interest may, indeed, become a long-term chimera. These are issues that the Provident Fund Committee of the University will have now to address resolutely in the near future and lot of expert advise will be necessary to evolve a suitable policy.

24. Reverting to the role of Principals, it is clear that we must talk the language of collective responsibility for the administration of Provident Fund. It is simply not right that the past decision makers, and past beneficiaries, should suddenly dredge up the issue of responsibility, fastened only on the head of the Principal, for the management of Provident Fund on the administration.
25. The University Provident Fund Committee provides, from time to time, maximally clear guidelines on the investment of Provident Fund. I also believe that each Governing Body, with the advice of the Hon'ble Treasurer, should proceed to deal with apperceived/accumulated problems/perceptions of Provident Fund administration. If necessary, the Executive Council should so resolve.
26. This exploration should also assess the 'grievance' of the Principals stated in paragraph (15). Obviously, it is inherent in the leadership/management role-responsibility of Principalship to mediate/negotiate the conflicts, tensions, contradictions in points (b) and (d). I do not think that (c) is valid criticism/contention. Where Principals assume constructive leadership roles within their institutions, University's mediation/intervention is superfluous. As to (a) no one prevents Principals from acquiring the requisite moral authority to collectively ensure regularity and routine in teaching. It is my belief that problems usually arise with an authority-centred conception of a role of the office, which minimizes equal dignity and esteem for others. And a power-centric conception which valorizes 'followers' and devalues 'opponents' is the worst possible adversary of attainment of collective goals. Institutions have to be managed and developed by moral exemplarship; legal authority can assist the process, but cannot ultimately generate a *esprit de corps*, which in the long run distinguishes administration based on authority, rather than on mere coercive power.
27. This excursus was necessary to address the issue of the term post for Principals. The innovation has its genesis in perceptions as well genuine 'grievances' with the present system. If the existing system could be endowed with a certain normativity, the more radical innovation would seem premature.
28. Assuming that this conclusion is contested, let me turn to the discussion on the term posts proposal. The idea of a non-tenured posts (outside Vice-Chancellor and her team) needs to be carefully addressed. It is not anticipated in any University thus far. That, clearly, is not an argument. But given the present national situation of University resourcing, and the *de facto* transition in the national policy towards universities, one must not be unmindful of the logic of justification. The proposed innovation may ultimately spill over to the notion, typically American, of "tenure" for all teaching positions. We all know of arguments, pro and con, of

the American system. When a similar position is urged in relation to one section of teachers - namely the Principals - what justification may be cogently available against the transition to the American system wholesale? More so, when such an innovation is considered under the auspices of the DUTA? The duality of standards for 'tenure' is bound to generate an internal dynamic for national thinking and policy on university recruitment in the years ahead. "Retail" solutions quite often buy trouble "wholesale". We need more sustained thinking on the overall logic, from this standpoint, on the proposed innovation.

29. We need also to consider the impact of the proposed innovation on recruitment of Principals. At the moment there are three sources: (a) colleagues outside Delhi University system (b) colleagues from within the system but outside the college and (c) colleagues from within the college. The first--(a) above--is the exception rather than the norm not because people do not aspire to Principalship of Delhi colleges but because the general approach to selections seems to favour colleagues within the system. I am not in a position to assess the wisdom of this preference but I am able to foresee the total disappearance of non-Delhi colleagues' interest in being applicants (no matter how eminent) since the problems of negotiation leave for five years from their parent institutions will be insurmountable, unless Principalship of a Delhi University college is treated by other universities/colleges at par with the Vice-Chancellorship.
30. This would then mean that the pool of candidates available to a Governing Body would comprise colleagues from categories (b) and (c). A question of some importance will arise as to (b) requiring liberalization of leave and lien rules within the Delhi University college system as a whole. This apart, a term-appointment will, probably, constitute a disincentive for application for Principalship to other colleges than one's own; if the term is not renewed or tenure not given, colleagues might justifiably weigh their image/dignity costs, overall, with an uncertain prospect of selection/appointment. To return as a lecturer/reader in the parent college, after or before a five year term, may not, given our situation, be a welcome prospect to many of us. (To give a personal example, when I was awarded a first-ever UGC National Fellowship in Law, senior colleagues asked me: how will I rejoin the Faculty after this? Similarly, it was an object - of none too charitable comment - when I accepted the assignment of Vice-Chancellor of South Gujarat University; and it was a matter of some surprise that I rejoined my position at Delhi University as a Professor ! I expect a similar reception at the end or before my term when I resume my position--formally - since I do teach even now - with the Law Faculty ! Our culture in Universities regards administrative positions with greater esteem than academic positions ! No wonder, appointment of younger or mid-career colleagues as Vice-Chancellors is an exception, rather than the norm !).
31. Perhaps, in the net result, and in the long term, the proposed innovation would result in a situation of rotation of Principalship within and amongst senior colleagues in the college itself. This, I believe, was the deep structure of the proposal for term-post. If it is, we ought to weigh more fully the short and long term implications of this proposal.
32. The prospective outcome, in real terms, has to be fully explored in terms of the role that a Principal occupies in the governance of the college. *First*, the Principal occupies a cadre post



(in the two-cadre system) of the college. *Second*, as member-secretary she is the link between college employees as a whole and the Governing Body. *Third*, the Principal is the Chief Executive Officer of a college and is responsible for financial and administrative affairs of the college. *Fourth*, the Principal is also the *ex-officio* Chairperson of the staff council. *Fifth*, the Principal also is an *ex-officio* member of all selection committees and has responsibilities for advertisements, processing of applications, coordination with the Head of Department, organization of selection committee personnel under the rules and convening and smooth functioning of the meeting. *Sixth*, the Principal has disciplinary powers over karmcharis and pivotal role in their recruitment. *Seventh*, the Principal has the authority to make ad-hoc appointments of teachers where necessary. *Eighth*, the Principal has overall responsibility for student discipline and where it exists for hostel discipline as well as for student welfare. It is true that in academic management the Principal has to rely on various staff committees. But discrete functions and responsibilities remain attached to the office of the Principal. The foregoing list is only illustrative (it does not, for example, include maintenance of harmonious relations in the Governing Body, public relations for college, developmental planning especially when buildings have to be constructed or expanded, provision of housing and/or other amenities for college employees).

33. The foregoing narration of duties, functions and responsibilities of a Principal should enable us to functionally differentiate the office of a rotational Head of the Department or a Dean of the Faculty. No doubt, these offices carry administrative burdens but orders of magnitude are different. The entire University administration looks after tasks which a college Principal has to look after for the entire college - no doubt with the help of his colleagues in the faculty of a college and members of the Governing Body. A Principal is assessed by how efficiently or otherwise these duties are discharged. Inescapable in her situation of office is the burden of total institutional responsibility. This is less so in case of Head of University Department or the Dean as vital administrative overload (financial, developmental, servicing, selection/recruitment of staff etc.) is shared with the University administration. Even so, some colleagues have remained reluctant to accept even rotational Headship or Deanship on various, cogent or otherwise, grounds.
34. An innovative proposal to rotate Principalship among the members of academic staff in accordance with seniority must be addressed from those and related perspectives. Stability and continuity in administration of a college ought not to be discounted as resistance to change or status quoism; these are important administrative inputs. So is the role of academic leadership, even if it may be justly said that not all the Principals fully measure upto the demand or standard inherent to this role. Management of non-academic personnel is also favoured by stability and continuity in organisational leadership. The skills and judgement necessary to deal with changing membership of Governing Body as well as with the University administration, UGC and where necessary the Government is another aspect which is, overall, well-served by a non-rotational Principalship. The ability to withstand sectional pressures from whatsoever quarters in diverse matters is also a characteristic usually associated with a tenured appointment on permanent basis. And the Principal always remains accountable at the bar of the opinion of

teachers, students and karmcharis, not to speak of the formal powers of Governing Body, and Chairpersons, who, in most colleges, remain eminent citizens selected by Delhi Administration. The espousal by the DUTA of college based issues also adds to the dimensions of accountability of college administration.

35. One should be slow and careful in generalizing from a few situations about all Principals for now and the future. No doubt exceptional situations have arisen from time to time and had to be dealt with exceptionally, through a variety of means. But these remain, overall, exceptional.
36. Even so, the case for rotational Principalship can be made from amongst the college faculty. *First*, one may say that sharing of administrative responsibility by senior colleagues provides an element of access to dynamics of decision-making which will enhance the levels of responsibility among colleagues in the staff council: if five colleagues in twenty-five years have the experience of dealing with administration this would serve the institutional interest equally well. *Second*, rotation is a sure antidote to the emergence of existence of any 'vested interest' in administration. *Third*, rotation will provide an incentive to act whereas permanence breeds complacency. *Fourth*, rotation minimizes the potential risk of incompetent/indifferent management/administration, which extends in permanent appointment across at least two generations.
37. The second and third points justify thinking on change but not necessarily the rotational method. The third point can be met by, for example, radical reorganization of the powers and procedures for academic appointments (see chapter seven); similarly, the potential risk factor justifies as much a rotational method as reconsideration of procedures by which Principals are currently being appointed.
38. Similarly (as regards the first point) it may be said that even short of rotational method, colleagues in colleges do get a ringside view of administration (though Vice-Principalship, Bursarship, membership/convenorship of various committees, Teacher-in-charge/ or Heads positions) and that much experience should have been a useful input in the democratic empowerment.
39. None of the justificatory arguments, it may be said, point to rotational method as the only possible direction or destination for innovation. Moreover, the costs of such an innovation must be closely considered, without devaluing or over-valorizing considerations of continuity and stability in institutional administration. Feasibility considerations must also be examined in pressing for rotational method. The university legislation, for example, would have to be considerably modified and if these modifications are not backed by a fair degree of substantive consensus (amongst the affected communities) one may expect articulation of differences in ways which may impede the actualization of such modifications.
40. The acceptability of rotational method should not be pre-judged as 'given'. It is not clear whether all teachers necessarily favour it. It is also not to be assumed that the privileges in

regard to selection of a permanent Principal now existing with the Governing Bodies will be lightly given up by a mere change in University legislation, not based on extensive consultation. The community of Principals would also need considerable justification for fashioning a responsible consensus. And the acceptability of the proposed innovation will also have to entail the Visitorial assent.

41. Bearing all this in view, a fair enough start can be made to qualitatively change the existing situation by the following measures:
  - (a) the norms indicated in paragraph 17 need to be authoritatively articulated;
  - (b) if the present procedure of selection of Principals is considered unsatisfactory, viable alternatives may be suggested both in terms of structuring of the Selection Committee and the 'Apex' Committee procedure (where convening of that committee is the norm whereas in practice it is an exception);
  - (c) the actual process of selection could be strengthened by recourse to 'objective' procedures which tend to minimize the play of subjective elements;
  - (d) 'mismanagement' or 'maladministration' may be clearly defined and procedures designed to rectify the situation as well as to provide disincentives to vexatious and frivolous allegations of this nature;
  - (e) such procedures should guide the Governing Body in dealing with such allegations, which should in reasonable period pronounce its final views, based on a thorough examination and principles of fairness on such allegations.
  
42. I remain aware that protagonists of change may find these suggestions falling short of their expectations of change and opponents would perhaps say that even these suggestions tend to weaken the already enfeebled institution of Principalship. Neither position will be helpful in the short or optimal run. Transparency in administration is an institutional resource. The few steps suggested above could go some way in redressing the difficulties and even the crises of governability and accountability. The steps outline broad measures and the direction of change; a lot of further analyses will be necessary. Nothing in the present framework, excepting our own predispositions, is inhospitable to the proposed changes. I commend these for your conscientious consideration and our collective deliberation.

## SEVEN

### Selection Procedure For College Recruitment

1. As one looks back, the consideration of possible innovations in powers and procedures of recruitment in our colleges provides a rich history, at least, if my analysis is accurate, going back to 1968! It is not for me in this monograph to review this 'history' or to assess our collective progress. Obviously, much has been achieved. Equally, much remains on our agenda.
2. Ever since the assumption of my office, I have been aware, without any systematic recourse to history, of the need to reexamine the processes of academic recruitment in our colleges. In one year plus period of consideration of Readership redesignation in colleges, I had consistently expressed my views as well as concern on this issue. Pursuing these, eventually I established a joint Committee of Academic Council and Executive Council to streamlining the selection criteria under the chairpersonship of the learned Pro-Vice Chancellor, Professor A.L. Nagar. On record, the committee has at least met twelve times from 4.4.91 to 16.7.93. It seems to have addressed itself conscientiously to the problem of the 'criteria' for eligibility for being called for interviews. Important though this is, it was clear to me that the Committee had a wider mandate, which I personally reiterated at its last meeting upon an invitation by the learned Chairperson of the meeting.
3. Obviously, when a Committee is in session, it is improper for me, as the Vice-Chancellor, to express policy views. At the same time, given the extensive time which the Committee has already devoted to its tasks, and the possible 'misrecognition' of the formulation of its terms of reference, it would not be taken amiss, I hope, by the learned members of the Committee if I were to address some of the tasks clearly before it. I do recognize that the procedure I now adopt is somewhat unusual. But it is consistent with the assurance I held out to the Academic Council and more particularly to the Executive Council to share my proposals for structural innovation, of which this monograph is the result.
4. The initial process of recruitment of teachers in colleges stands prescribed by Statute 30 (2) and Ordinance XVIII (7) (4-A). The relevant Statute requires that Selection Committee shall comprise, *inter alia*, at least (a) the Principal; (b) one representative of the University in the Governing Body and (c) one expert nominated by the Academic Council. The Ordinance provides the composition as follows:  
(4-A) Members of the teaching staff shall be appointed by the Governing Body on the recommendation of a Selection Committee constituted as follows:
  - (i) Chairman of the Governing Body or a member of the Governing Body nominated by him;

- (ii) Principal of the college and also the Vice-Principal looking after the evening classes in case the selection is for a teacher for the evening classes;
- (iii) One of the representatives of the University on the Governing Body;
- (iv) One expert nominated by the Governing Body from out of the panel of names suggested by the Head of the Department and approved by the Academic Council';
- (v) Head of the Department in the University in the subject;
- (vi) The Teacher-in-Charge responsible for the teaching of the particular subject.

Three members inclusive of the Chairman and an expert member nominated by the Academic Council or the Head of the Department shall form the quorum.

5. The issue of inconsistency between the Statute and the Ordinance must first be addressed here. It has been maintained, for example, by a distinguished colleague before the Committee, that while the Statute requires one expert to be nominated by the Academic Council, clause (iv) of the Ordinance vests this power in the Governing Body. Clearly, clause (iv) requires a panel to be approved by the Academic Council from within which the Governing Body may nominate an expert. And the Governing Body, in effect, means the Chairperson acting alone or with the aid and advice of the Principal. On this basis, it is argued that contrary to the intendment of the Statute, the Ordinance (a lesser form of the legislation) actually so operates as to transfer the power of the Academic Council to the Chairperson or the Principal or both of them.
6. It is also pointed out that the last paragraph of the clause refers to an "expert member nominated by the Academic Council" for purposes of determining the quorum. This phrase seems to have survived the original formulation of the Ordinance, in its subsequent amendments.
7. Clearly, this reference is quite odd. The quorum rule in the light of clause (iv) must refer to an expert member designated by the Governing Body from the panel nominated by the Academic Council and not to an expert member nominated by the Academic Council.
8. At the same time such an amendment will make the apparent inconsistency more complete ! But on a closer analysis it may not be wholly accurate to say that any delegation contrary to the Statute here occurs because in adopting the Panel the Academic Council is deemed to have nominated all the experts for all the selection committees; since only one expert is required for each committee, the Governing Body is conferred the privilege to name one of the members thus collectively nominated by the Academic Council. If it were otherwise, the Academic Council will have to nominate for each Selection Committee in a college one subject expert on each occasion upon request from the College. In strict interpretation, what clause (iv) does is to operationalize the nominations already made by the Academic Council. Probably, clause (iv) as it exists is inadequately formulated when it authorizes the Governing Body to "*nominate*" an expert "out of a panel of names suggested by the Head of the

Department and approved by the Academic Council." Clause (iv) should be amended to read as under :

One expert out of the panel of the names nominated by the Academic Council, on the recommendations made by the Head of the Department, to be designated by the Governing Body.

Such a reformulation should set at rest any ambiguity; the whole set of names is *nominated* by the Academic Council leaving the Governing Body to *designate* a name out of the Panel.

9. Let me revert to the composition of the Selection Committee. Clearly, three of its members represent 'governance' (Chairperson or her nominee, Principal, university representative); the other three represent academic expertise (an expert out of the Academic Council panel, the Head of the Department, and the teacher-in-Charge of the particular subject). Given clause (iv) of the Ordinance, it now is the prerogative of the Chairperson and the Principal to select a name; obviously the whole Governing Body would rarely perform this exercise. Is this a good model for selection ?
10. The matter, I believe, is not wholly open to play of subjectivities or readings of our history. We have a model in Statute 19 for selection of University teachers. The following table provides a comparison :

| <b>Statute 19</b>   | <b>Ordinance XVIII</b>   |
|---|--|
| 1. The Vice-Chancellor  | Chairperson or her nominee   |
| 2. The Pro-Vice-Chancellor  | The Principal  |
| 3. The Visitor's Nominee  | —  |
| 4. The Head of the Department   | The Head of the Department   |
| 5. Two experts nominated by the Academic Council, <i>not</i> connected with University. | one expert to be selected from the panel recommended by Head of the Department.                |
| 6. Director, South Campus, Principal, UCMS or Professor-in-Charge of Law Centres        | Not applicable   |
| 7. Quorum: Chairperson + 2 members, inclusive of the Visitor's Nominee and Experts      | Quorum: Chairperson and/or Head of the Department or expert nominated by the Academic Council. |

11. The composition of the University and college selection committees differ in a few salient respects:

*First*, the Vice-Chancellor and Pro-Vice-Chancellor stand substituted by Chairperson or her nominee. In case the Vice-Chancellor is not available, the Pro-Vice-Chancellor by designation presides under Statute 19; it is not the case with regard to Chairperson who can depute someone as her nominee. (And for the purpose of quorum, too, the nominee may substitute for the Chairperson). This, to my mind, is exceptionable even if by convention (though not so explicit in the Ordinance) the nominee is a member of the Governing Body. The Ordinance should altogether dispense with this privilege of substitution.

*Second*, barring notable exceptions, in our system as it prevails now, it is not necessary that either the Chairperson or (*stricto sensu* or her nominee) need be an academic personality at all, whereas by tradition (and one hopes it remains so for ever) in our University the Vice-Chancellor and Pro-Vice-Chancellor (and Director, South Campus) are academics, usually eminent in their fields. To this extent, there exists an assymetry in recruitment process of teachers in the University and Colleges with the same designations, qualifications and grades.

*Third*, from the same standpoint, the provision under Statute 19 for two *external* subject experts is not matched by the two *internal* experts (including the Head of the Department) in the Ordinance.

*Fourth*, much the same may be said concerning the Visitor's Nominee under the Statute committee and lack of any functional equivalence in the Ordinance committee. The Visitor's nominee, together with two external experts, makes Statute 19 committee distinct from the Ordinance Committee.

*Fifth*, the rules of quorum (although in actual practice this may not be a functional problem) differ in both procedures.

12. How does one understand/explain/justify these differences in the composition of the Selection Committees for college and University recruitment for lecturership? The vast reservoir we name 'history' would clearly provide a whole array of understandings/justifications. And whatever these be, these are, not to be devalued or delegitimated by an easy-minded approach. I must say that I am *not* (whether I should or should not be is an open question) fully conversant with the detours of history of selection procedures in our University (and in this I may find myself in a distinguished company !) There is no easy way, furthermore, to retrieve a whole history of practices. The best we can do, under the circumstances, is to assume in good faith reasons underlying these differences.
13. Insofar as these 'good' reasons devalue, comparatively, lecturership in colleges in relation to that of University departments, I am wholly out of sympathy with these, despite the understanding of the early history of such 'differentiation'. As of now, at any rate, regardless of early history, lectureships in Departments and colleges are co-equal in terms of designation, grade, promotional avenues, salary and basic academic duties.

14. The "good reasons" may relate also to certain obvious considerations. Surely, the inclusion of Visitor's Nominee in college-based Selection Committee would add to the complexity, cost and overall cumbersomeness of the Selection process. (By an amendment of the Ordinance, we deleted for the same reason the requirement of Visitor's Nominee for Readership redesignation Committees in 1991-92) Similarly, the justification for an internal expert as compared with two outside experts may be cost-based — both in terms of time-costs and expenditure. It may even be argued that both the Head of the Department and subject experts are in a sense 'external' to the college though not external to the University system; and that this carries no implication as to the structuring of objectivity in college selections. But when we put together the entire composition the exclusively intra-systemic character becomes striking.
15. The "good reasons" do not regard 'confidentiality' of experts, a key consideration in University selections, as integral to the college-based selections. Confidentiality, or even secrecy, relates to integrity of Selection Committee process in more ways than one. For one thing, insofar as it is maintained, strong inhibitions operate on possibility of access (crudely put "canvassing"/"lobbying"); for another, internal dynamic of selection process is not made public, placing high value on collective deliberation and decision. The college-based selection process seems to be unable to acquire or retain these characteristics of confidentiality, with the result that all kinds of things get said before and after the selection process which regardless of truth/fictionality of the anonymous discourse, very often create a lack of esteem for the integrity of the process. This may - and does - even happen for University selection process because of acts of indiscretion and breach of good faith by members of the Committee. But this is not due to any structural proclivity of the committee process itself. And in my opinion such happenings are the exception which prove the rule of confidentiality/integrity.
16. By definition, the college committee composition is known to the point of being given: out of six members, at any given point of time five are known. Only the expert to be designated from the Academic Council nominated panel is relatively unknown. But the dynamics of her designation and identity are a part of a relatively free flow of information.
17. To my mind, the differences are those of *kind* rather than of *degree* in these two modes of recruitment. Within the overall framework, I do believe that innovation is needed at least on the following lines:
  - (a) the selection Committee should have at least one expert nominated by the Vice-Chancellor from the Panel approved/nominated by the Academic Council. (Perhaps, this is not a new suggestion: I stand informed that the Academic Council had made this recommendation in September 1986 and the Executive Council had resolved to have its views placed before the Academic Council in December 1986 for its consideration. This does not seem to have happened. In any case, we should, given the lapse of time, put forward this proposal *de novo*);



- (b) the panel prepared by the Head of the Department should at least include names of **subject experts**, where suitable, from among the Central Universities and deemed Universities in Delhi and/institutions of higher learning/research within Delhi;
- (c) the designation of an expert by the Governing Body should be done by a **Standing Committee** of the Governing Body which shall include the Chairperson, Principal, a University Representative and Teacher-in-Charge and the designation shall be, as far as possible, kept confidential till the date of interview;
- (d) the Principal shall confidentially advise the Vice-Chancellor of the name of designated subject expert, whereupon the Vice-Chancellor shall forward confidentially to the Principal the name of the Vice-Chancellor's nominee;
- (e) the Chairperson shall preside over the selection committee meetings. In her absence, the meeting shall be chaired by the Vice-Chancellor's nominee;
- (f) the Selection Committee shall, at the beginning of the meeting, evolve a set of guidelines/ criteria for assessing the candidates giving due regard to:
  - (i) teaching experience, if any;
  - (ii) higher academic attainments above the minimum prescribed;
  - (iii) publications, if any;
  - (iv) research experience or research in progress;
  - (v) communication skills/competence;
  - (vi) overall performance at the interview.
- (g) the Selection Committee shall provide, as far as possible, an equal amount of time to **all** candidates to prove their worth; this does not preclude, where circumstances so warrant, extra time being given to candidates whose potential so warrants;
- (h) three members inclusive of the Chairperson, Vice-Chancellor's Nominee, subject expert designated from the nominated Panel of the Academic Council or the Head of the Department shall form quorum.

18. These proposals aim to 'streamline' both the composition and the procedures for selection. The widening of the Panel to the Delhi based academic subject experts to some extent redresses the heavily intra-systemic character of the present selection processes. The inclusion of Vice-Chancellor's nominee provides for additional subject-expert. The device of standing committee for designation of an Academic Council nominee marks a more collegiate input than seems

to be the case now. Paragraph (g) and (h) indicate broad guidelines whose operationalization, together with the emphasis on confidentiality, are designed to further enhance the integrity of the selection process. The rule about quorum stands appropriately expanded. The suggestions form an overall package such that any dilution of it would result to lower its efficacy.

19. Perhaps, it would be appropriate for the Joint AC/EC Committee led by the learned Pro-Vice-Chancellor to, in the 'first place' consider these suggestions and in the light of further deliberations we should move expeditiously to renovate the existing system.
20. Of course, I remain aware that our labours in the learned committee remain to some extent subject to the judicial outcome in the Special Leave Petition on NET now before the Hon'ble Supreme Court of India. But the fateful outcome will at the very most affect the enormous effort so far invested by the learned Committee on criteria for eligibility for interviews. The structure and process will in any case have to be discretely addressed. The sooner this is done, the better.

## EIGHT

### Reemployment of Teachers

1. At a recent Executive Council meeting, some members objected to reemployment of a particular Professor and sought to adduce 'evidence' to the effect that such a person cannot be considered a 'distinguished teacher.' It was decided, with their dissent, to grant the Professor re-employment.
2. We all know the procedures for reemployment for colleges and Departments. For both, Ordinance XI/XII applies. For colleges, Governing Bodies have the privilege to recommend re-employment, by convention initially for three and subsequently for two years. For Departments, the recommendation ensues from the concerned Department. These recommendations are considered by a committee comprising the Pro-Vice-Chancellor, the Dean of Colleges and the Director (South Campus). The Vice-Chancellor accepts, routinely, these recommendations as a part of institutional morality.
3. Much before the Executive Council remonstrance, I have had to face situations where the Governing Body of a premier college was disinclined to recommend the first reemployment of a Principal; where the same Principal was averse, on written grounds of non-teaching to recommend reemployment of two colleagues; where a chairperson of a Governing Body, nominated by the High Court, sought curiously my intervention to overrule a majority decision of the Governing Body (with his and the Principal's dissent) to reemploy teachers on the ground of workload; where a Head of the Department refused to recommend reemployment of a Professor. In all these situations, I followed (with varying degrees of personal and professional discomfiture) the University's 'institutional morality' which requires favourable consideration of all reemployment cases. In one case where a Professor's services were terminated before I joined, I moved the Executive Council to revoke this and grant reemployment, again on the grounds of institutional morality.
4. The institutional morality is deeply problematic, however. And, in my individual, personal opinion, it needs a close look. It is also not self-consistent because a reemployed person is virtually on a temporary appointment, loses seniority and has to clear P.F. and other dues. In the University a reemployed person, no matter how eminent is not, ordinarily, to be assigned Headship or Deanship and there are also anguished complaints about lack of deference and civility by erstwhile junior colleagues and even former students of the reemployed teachers. I know this because I had to mediate with senior colleagues to salvage the situation as much as I can and assuage the feelings of hurt.
5. The DUTA's stand, obviously endorsed by teaching fraternity as a whole, is straightforward:

all teachers must get reemployment, although from time to time it has assailed reemployment of particular Principals as Principals.

6. My first experience of reemployment process occurred during 1975-1976. During that period an elaborate UGC prescribed proforma placed a whole variety of conditions on which reemployment may be granted, including publications in ten years prior to reemployment, review by peer group and citation index. A distinguished teacher whose attainments did not measure up in terms of proforma was *not* reemployed, despite my strong commendation (as Dean, Law Faculty). The proforma, as well as the particular case, were condemned as an emergency excess. Following this, perhaps, the proforma was discontinued, making reemployment, more or less, a routine function of relevant administrators.
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9. I do not wish to rehearse arguments *pro* and *con* reemployment. These are innumerable, if not legion. And they are, at the end of the day, finely poised on both sides. But what I must address is the manner in which we consider reemployment and moral anxiety accompanying this practice.
10. The Ordinance requires us to indulge in a legal fiction. The phrase 'distinguished teacher' means, in practice, every teacher, regardless of observance of regularity and routine in teaching or other academic attainments implied in the phrase. Moral anxiety arises when evidence is sought to be laid in any forum or by any agent concerning even the minimalist component of distinction—namely, taking one's classes regularly (in absence of permissible leave). Should such 'evidence' be disregarded? Of course, the standard answer for this is : if a colleague is defaulting on her minimal obligations, why 'rake' this up at the time of reemployment ? The powers of persuasion, and if necessary, termination of services provide an answer. This argument is, of course, made with full knowledge, that 'termination' is rarely proposed, when proposed is contested and sought to be reversed, as a 'managerial prerogative' which must be resisted by a 'strong teachers' movement. There are outcries of 'victimization' whenever such action is contemplated. And, of course, we must all stand up against 'victimization'.
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10. The Ordinance requires us to indulge in a legal fiction. The phrase 'distinguished teacher' means, in practice, every teacher, regardless of observance of regularity and routine in teaching or other academic attainments implied in the phrase. Moral anxiety arises when evidence is sought to be laid in any forum or by any agent concerning even the minimalist component of distinction—namely, taking one's classes regularly (in absence of permissible leave). Should such 'evidence' be disregarded? Of course, the standard answer for this is : if a colleague is defaulting on her minimal obligations, why 'rake' this up at the time of reemployment ? The powers of persuasion, and if necessary, termination of services provide an answer. This argument is, of course, made with full knowledge, that 'termination' is rarely proposed, when proposed is contested and sought to be reversed, as a 'managerial prerogative' which must be resisted by a 'strong teachers' movement. There are outcries of 'victimization' whenever such action is contemplated. And, of course, we must all stand up against 'victimization'.
11. The question boils down to the establishment of 'facts' about non-regularity (without leave) in taking classes. And this question is addressed in adversarial terms rather than in cooperative terms. This is unfortunate. Surely, a premier University like ours should be able to devise



objective criteria to determine default in minimal obligations of teaching. The Staff Councils and Principals/Head of the Departments must be in a position to monitor the performance, use persuasion to remedy that situation, and where they should fail to fashion unanimity of approach in decision of how to deal with the situation of crisis. Neither the 'management prerogative' nor the 'strength' of teachers' union is at issue; what is at issue is the minimalist norm of a just academic community. In this perspective, ever since I assumed the office I have requested the DUTA to articulate its own peer-group procedures; the DUTA has informed me from time to time that the matter is under discussion; one Staff Council seems to have adopted a collective resolution; hopefully, a University-wide procedure should evolve before long. These are, indeed, welcome signs. Should they mature, the moral anxiety should abate. In the rarest of the rare case, chronic neglect of teaching duties should warrant either termination or non-reemployment. This, we all ought to agree, should be the case. When it happens (and it ought not to consume slice of infinity) the institution of reemployment would become more secure ethically than it is now; and a common measure of judgment will command consensus. Till then, the difficulties of the present logic of practice will have to be borne, unless the Executive Council in its wisdom wishes to decide otherwise.

12. **Should there be any other thresholds than the minimalist one and should there be some publication or improvement of qualification threshold ? We should be aware of the possibility of "good teaching" v. "research" dichotomy reenacting itself in our discourse. There is no possibility of resolution of this dichotomy in our academic culture. I don't think that much will be achieved by flogging dead horses on this score.**
13. **We moved to a system of *reemployment* from that of *extension* of services, probably under the insistent demands of national policy. But what justifies, one may ask, the two phases of reemployment ? One may maintain the requirement of health upon 60 years and upon 63 years, but with that is there any justification for the two-stage determination of reemployment? The difficulties created by 3:2 years reemployment should be fresh in our minds; some Governing Bodies may split the ratio in 2:1:2. Why should we not have a more transparent policy and do away with 3:2 reemployment ? A good answer may be that such an ordinance may subject the practice to ministerial/visitorial scrutiny. But if we have strength of justification on our side, especially assuring that as at 60 years of age a teacher has been consistent in teaching tasks, should we not hope to ensure that no visitorial veto of the ordinance amendment occurs ? But if does, the present system will have to continue, despite the relative redundancy, if not absurdity, of the two-stage determination.**
14. **The transition from *extension* to *reemployment*, no matter what be its 'history', needs to be examined afresh. To my mind, it is simply unbecoming to play a snakes-and-ladders type game with reemployed teachers. To place them at the last pay drawn, minus pension, in salary, to deprive them of status of seniority, to treat them virtually as fresh employees, is, to my mind, wholly unfair. The financial 'burden' in paying them their salary as with any academic colleague, should be computed and the UGC should be requested to bear it as a part of maintenance. If it doesn't, ways must be found of resource generation to supplement our investment/expenditure. The failure to honour our senior teachers must be a source of collective embarrassment, anxiety, concern and action.**

## NINE

### Regularity And Routine In Teaching

1. Every University system in India experiences difficulties in ensuring regularity and routine of teaching. By this phrase are conveyed the following minimalist behaviour / conduct patterns:
  - (a) a teacher will meet classes including tutorials, as per the assigned schedule;
  - (b) prior intimation of leave of absence will be conveyed;
  - (c) make-up classes where necessary, will be organized;
  - (d) 'adequate' time would be devoted to preparation for classes and interaction with students.

These are minimalist notions of our role obligations as teachers. Every University has in its teaching faculty, in Colleges and Departments, some colleagues who are occasionally unable to meet even these obligations. Problems of a deeper nature arises when such deviation becomes habitual, public, and non-redressable. In such cases, the burden falls either on the other more conscientious colleagues or students.

2. What's the situation in our University ? Has it undergone discernible transformations ? Are these good or bad ? From what benchmarks does one view the present situation ? How does one plan for the near and long term future ?
3. The difficulty in addressing these questions at any coherent level is that we as a community have never addressed these at a collective level. Neither as a teacher since 1973, nor during my tenure as Vice-Chancellor, do I recall a single organized discussion on the state of teaching, barring one initiative (which had no resonance and which I mention in Paragraph 17).
4. The difficulty is compounded by the fact that there is a multiplicity of *informal* discourses within the community involving teachers, Principals, Heads, students and even karmcharis. Moreover, parents, public opinionators and even public leaders also occasionally make inputs to this discourse.
5. At one level, the discourse is deplly *nostalgic*. This 'past' is constructed by some colleagues in terms of their memories of those halcyon days, and in accordance with their academic and institutional biographies. In that 'past', there was *discipline, commitment, accountability*. All these values now stand eroded. This nostalgic vision functions to differentiate teachers among those who are bearers and custodians of a proud tradition of teaching and those who look upon teaching merely as one job, among other roles, to be performed. There is thus prelapsarian

vision which animates a sharp accentuation of the Fall and gives a biting moral edge to the apperceived around decay.

6. The nostalgic critique has certain fallouts. The 'custodians' of a proud tradition are ruthless in their private conversation about all those who think are responsible for this state of affairs. Prime among them are Vice-Chancellors of the University, who are bitterly judged for their failure to provide moral and academic leadership, and teachers' association/groups whose zeal for democratization is said to have eroded residue of minimal accountability. The nostalgic community feels threatened as a critical minority and coalesces together as a secluded congerie of commentators on the decline of standards. The community articulates its *agnst* in all manner of ways, extending beyond the confines of the campus; this carries intangible costs for the University as a whole, of which some are *mindful*.
7. At another level, the informal discourse occurs within the community of colleagues who stands burdened with administrative/managerial tasks - the Deans, Heads, Principals. Their tasks are undoubtedly difficult and complex. Anxious about fallouts of a public critique, they share all available opportunities to articulate both their loss of leadership and loss of authority. They also remain critical of the 'higher' authorities for not exerting enough to improve the state of affairs. This discourse, too, is confined to cascading levels of anonymous informality but carries cumulative costs for the image of the University as a whole.
8. The third group which 'evaluates' the 'decline' in standards comprises retired teachers of the University, including some former Vice-Chancellors and team members and some retired officials like Registrars, Controller of Examinations. There is an element of *apres moi, deluge* element in their critique as also of nostalgia. Transition is itself a portent of disablement in this critique; the successors are perceived by definition to be less eligible to maintain the legacy of high standards.
9. Other groups which participate in a mix of formal/informal discourse are associations. Leaders and articulate members of the DUTA seem to take the view, on the whole, that authorities everywhere in the system must be held responsible for all the major ills of the system. They are also of the view that by and large teachers observe regularity and routine in teaching and the exceptions do prove the rule. Leading representatives of the DUTA say that they are all for dealing with exceptional cases provided due process is followed and there is no victimization. Some point to the concern on the score expressed by staff councils and measures taken to deal with exceptional situations by peer group in the relevant institutions. They favour a dialogical rather than a disciplinary style of approach to problems as they arise.
10. Student associations, by and large, do not participate actively in the informal discourse. In situations of prolonged strikes, they do articulate a concern for classes. Local associations do engage in local level discourse to remedy what to them appear as 'lapses' in teaching.
11. Representatives of karmchari associations occasionally complain in situations where no-work-no-pay is invoked that they are treated differentially than teachers. On these occasions, they, too, problematize the state of teaching as they perceive it.

12. Parents, too, add to this informal discourse. Typically, when their wards wish to migrate to another institution, and this proves difficult, they complain that teaching is indifferent in the institution from which they seek transfer. In contexts like admission, the preference for certain institutions is based on their perceptions of regularity and routine of teaching. Insofar as parents occupy influential positions in government, other academic institutions in Delhi or outside, industry and media, their informal critique carries considerable image-costs for the University.
13. The varieties of informal discourse also include teachers themselves ! Colleagues often speak about other colleagues in unflattering ways; the discourse not being public is rarely face to face, it is a kind of anonymous murmur. This too adds to the complexity of the overall perception of the issues.
14. We are thus confronted with a pervasive duality: an absence of a collective public discourse on the one hand and voluminous and varieagated discursive traditions, which remain informal and uncodifiable, on the other hand. In such a situation, our tradition seems to be one of living with it, coping with it, as best as we can, and doing our best, each in our position, to ensure regularity and routine in teaching. It is my individual considered opinion that this `tradition' has indeed worked well.
15. You may well ask: if this is your conclusion, why proceed further ? To this legitimate interrogation, my response is that the values of transparency, accountability, professionalism to which much of this monograph is devoted, require us to defeudalize our discourse, to deprivatize it, and to problematize our situation with a view to redressing our future. It is considered, by definition, suicidal for a Vice-Chancellor to proceed this way. But this is the assumption we must rigorously and collectively put to test.
16. What concrete messages does the `informal' discourse carry for us ? The following aspects recur:
  - (a) classes do not start on time at the beginning of the year even for the second and third year in many colleges and departments, sending wrong signals aloud;
  - (b) eminent people have reluctantly sought migration for their wards because even Hons. classes not to have been convened for six to eight weeks after the start of the term in some institutions;
  - (c) it is often reported that some teachers "complete"/"cover" their courses quite early in the year or the semester:
  - (d) on common perception, classes for subsidiary are not regularly held or if held not attended by most students (perhaps owing to University special bus schedule);
  - (e) barring a few institutions, no tutorials/preceptorials are held: in most institutions they do not feature even on the teaching schedule;

- (f) in a few cases it is a matter of record that the concerned teachers claimed that they were taking classes on their own schedule though not in accordance with the official schedule either because of difference with the time-table committee or with the Principal;
- (g) in many University departments, because of the liberal practice of our leave rules, teachers proceed on substantial or long leave during the semester after having accepted the teaching load, as per their preference; even, at times, sabbaticals are taken mid-semester (in case where such colleagues are Ph.D. guides, recommendations for extension after statutory five year period are addressed to me on this ground;)
- (h) at least in one case, on record, a Principal and Governing Body recommended action (short of termination) against a teacher who refused to give attendance register on the ground that the college was not following rules of attendance and hence non-return of the register was a justifiable mode of protest (in such situations, whether or not teaching occurred remains a contentious issue);
- (i) some, though few, teachers chose to live outside Delhi; this affects routine regularity in teaching.

17. In addition to these assorted impressions/images/fact-situations, two other formations need to be indicated briefly here. *First*, it is said to well-known that some colleagues are engaged directly or indirectly in business, profession, or extra-mural coaching, which must make demands on their teaching/learning/research/institutional time. In 1976, an elected student-member in the Academic Council alleged that he had a list of as many as 76 teachers thus engaged; I was a member of the Academic Council at that time but the discussion on the issue could not proceed rationally, owing to the indignation it generated. This is a problem of growing importance though it is *not* common or widespread.
18. *Second*, where under the relevant Executive Council Resolution, while consultancy, with prior permission, is allowed, we do not seem to have any mechanism of assessing how it works and whether the way it works does not allow disproportionate academic and institutional costs. In this context it should also be noted that some full-time law teachers seem to have enrolled themselves as full-time practitioners at the Bar, without prior permission of the University. Similarly, some doctors in medical colleges, and even the WUS, despite getting non-practicing allowance, are alleged to resort to private practice. These trends need to be reviewed and policy evolved or clarified.
19. The situations mentioned in the foregoing two paragraphs are, I repeat, not widespread, even though the incidence is difficult to verify, given the lack of of any specific mechanisms as also the possibility of benami transactions. Both for the University administration and the associational movements these prove to be sensitive and complex matters and, if history is any guide, turning the Nelson's eye is considered the most appropriate strategy. Regardless of the wisdom of this tradition of benign indifference, we ought to carefully contemplate a new normativity to address this problem.

20. I had hoped that the Academic Renewal Committee will provide some guidance as well as benchmark surveys. However, the discussions at the Committee focussed on a more general understanding of the problem and the committee explored primarily tutorials and examination systems. Some general causes concerning problems with regularity and routine of teaching were identified as:
- (a) indifferent attitudes of students towards learning;
  - (b) the collapse of tutorial/preceptorial system;
  - (c) the tendency to devalue attendance, even minimal, by relaxation in practice by colleges and the University;
  - (d) the pattern of student union leadership protest on detention of students by the college for very low or zero attendance;
  - (e) the lack of adequate rate of curricular changes;
  - (f) the examination system;
  - (g) the problem of subsidiary courses for which neither student nor teacher motivation was very high;
  - (h) the lack of any machinery to deal with systematically deviant teachers, save termination which is always problematic.
21. The Academic Renewal Committee thought that the revival of tutorial/preceptorial system would be a good entry point for reform. For achievement of this end, extensive consultations were held in 1992 with Principals, staff secretaries, time-table committee convenors and other colleagues both in the main and South Campus. As a result, sustained dialogue ensued. It encouraged colleges which were already persevering with the system as well some other colleges to revive it. In the dialogue some special difficulties were mentioned and addressed:
- (a) the difficulties of space;
  - (b) non-availability of time in evening colleges;
  - (c) the need to reward or atleast acknowledge participation as a way of stimulating and sustaining student motivation/interest;
  - (d) the difficulties with science courses;
  - (e) the problem of motivation and attendance.
22. While this constituted an important initiative, it is difficult to say how far it has been sustained. Information on implementation is scarce even on the point, generally agreed, that tutorial programmes shall be shown on college time-tables. Not much headway was made as regards

Departments of the University who did not have such a system in first place. The matter should, and this is all that I can say, remain on our active agendum.

23. To complete this survey, we ought to note that in the recent months, a leading national daily has systematically focussed on the state of teaching in our colleges. The reports have named colleges, teachers, absences from teaching and rectifications of possible inaccuracy or rejoinders have been published. In early February, the distinguished Editor has also by continuing front page box insertion invited confidential information from students on the state of teaching. It is interesting that some students have written letters correcting the information and conveying their high esteem for some teachers. It is even more significant that some colleagues have explained their position through letters and statements, duly published. This is significant because in, the general course of things, it is believed that if similar queries were raised by Principals, colleagues (teachers-in-charge), or even the Vice-Chancellor the response would have been one of organised outrage or anguish. We must ponder this assymetry in accountability responses.
24. Consistent with the high value we all assign to the freedom of the press, it is to be expected that we should submit ourselves gracefully to the editorial/journalistic scrutiny. At the same time, the invigilation by the national daily creates, or reinforces, a stereotype about the state of regularity of teaching. The stereotype ignores the good work in the maintenance of regularity and routine in our institutions; success stories of dedicated teaching or maintenance of high standards, though occasionally covered, are not newsworthy! The media focus on the state of teaching, at a time of a general ideological offensive against universities and the attempt at the devaluation of their role, should provide us justified ground for anxiety.
25. Having surveyed the situation as best as one can, it is now necessary to address it in terms of some policy measures, bearing in mind that 'perceptions' are as important in such matters as 'reality'.
26. *First*, as you might have noted already, in most preceding chapters reference to regularity and routine of teaching has not merely been recurrent but has also guided some suggestions for renovation of our institutions. Thus in the chapters on Headship, Deanship and Faculties as well as on college governance, collective addressal of this task, and constant review has been built in (see Chapters Two, Three, Four and Five respectively.) These, if adopted and implemented, will ameliorate, in course of time, 'perceptions' as well as the situation on the ground.
27. *Second*, as stated in paragraphs 17-19 above, we ought to think about some articulate norms for monitoring consultancy and associated enterprises, which tend to deflect some of us from dedication to teaching customarily, and rightly, required of us.
28. *Third*, attendance norms, minimal as they are, should be more strictly enforced at colleges, Departments and Standing Committee (Students) levels. This is perceived as problematic but given a reasonable degree of determination at all levels, we may expect an overall change in

the image as well as reality. Even student leaders and associations should - and at times they do - realize that the importance and marketability of Delhi University degree is due to its constant endeavour at maintaining its academic integrity. If we were able to evolve a rational system which is seen to be fair and just, the cogency of protest - often necessitating law and order operation - would lessen.

29. The most typical situations in which insistence on minimal attendance is relaxed at all levels involve the following perceptions/elements:
- protesting students say classes were not regularly held
  - concerned teachers say students did not attend classes regularly
  - often, differences arise between teachers and Principals when the latter are perceived lax on attendance and the former are perceived as strict or vice versa
  - often, students and sometimes teachers point to favoured exceptions for some and harshness to others; in this scenario, all kinds of attributions of ulterior motives abound
  - many HOD of University Departments, unable to withstand pressures, simply forward and even recommend applications for favourable consideration, even on a mass scale
  - often the Standing Committee (Students) is accused of either being too generous or too strict
  - often the University's unpredictability in deciding on overall policy issues bears all the burdens of multiplicity of specific responsibilities at many levels
  - the University administration in turn often points to discrimination *inter se* between and among colleges/departments
  - sometimes provisional admissions to examinations are obtained through a court order
30. In this typical (not exhaustive) description, we find all crucial elements disfavouring the image and reality of fair implementation of attendance rules. And all kinds of pressures, cross-pressures and outcomes ensue.
31. If this reading is justified to some extent or the other, if not wholly, our task clearly becomes one of reordering/reorienting the system in which
- (a) compliance with attendance norms should be the collective responsibility of each institution (colleges/departments);
  - (b) this responsibility should be discharged in accordance with fixed time - schedules, and articulate procedures and norms which are promulgated and are fair;
  - (c) the scope of the Standing Committee (Students) tasks may be restricted to individual cases of genuine hardship (never mass situations) on clearly articulated general guidelines within which determinations may take place;
  - (d) a policy of broad non-intervention stands enunciated by the University administration in organized compliance with the attendance norms.



For a highly talented student and teacher community like ours, this kind of articulation and commitment should not pose an insuperable task even though it may look formidable.

32. *Fourth*, as regards University Departments, barring unforeseen contingencies, it seems necessary to evolve certain guidelines on the administration of leave rules. Both sabbatical/ and substantial leave (not related to participation in short-term conferences, in India or overseas) should be planned events and the planning should exclude, as far as possible, seeking or obtaining such leave in the middle of teaching programme. Where the Department has also undertaken responsibilities for examinations, this factor also ought to be borne in view, in terms of one's share of responsibilities in planning such leave. As already noted earlier (Chapter Two) the obligations of Headship ought to preclude available such leave during one's term of duty. To the extent such considerations are relevant also to the colleges, a similar self-denying ordinance should be followed. In proposing all this, I am not unmindful of the fact that opportunities for academic/scientific development are not just individual gains (they also enrich the institutions). But a call for measure of individual planning and an administration of leave policy consistent with regularity and routine of teaching is not, and should not be, considered antithetical to these values.
33. *Fifth*, in a common endeavour to sustain and enhance standards of teaching there should be no scope whatsoever either for superogatory attitudes or for polemics. Only through the dignity of discourse can we proceed to address, professionally, a common agenda. I think it necessary to reiterate this because my own experience in this University reinforces this wisdom. Extended dialogues with the DUTA office-bearers and executive, for example, have shown that the democratic teachers' movement is willing and able to cognize the problem. To the best of my information, the DUTA has formulated certain guidelines and sent these to Staff Councils for their consideration. Even if the progress is considered slow, the initiative is praiseworthy. The University Departments, too, should take their own initiatives. Collective responsibilities of this nature can only be transacted collectively through dignity of discourse, goodwill and professionalism on all sides. The processes are under way and we should, each within our jurisdiction, reinforce tendencies towards resurgence.
34. We are, as ought to be the case, a reticent community. Even as we tackle some problems/ tendencies which make us anxious, we have also to learn how, as it were, to put our best foot forward. We have, in other words, to project all that is resiliently good in our teaching and learning traditions. One way to do so is to engage in a public discourse about our alleged or real 'failings' and seek to redress these. Another, and equally important, way is to think of positive community relations/forums through which we can combat projections of 'images' of our University, in this era of a general devaluation of University education manifest, most cruelly, through a wayward shift in resourcing policies to which the "images" provide a most disproportionate community legitimation. How best to proceed with the task should be an issue high on our agenda of deliberation and action.

## TEN

### An Ombudsperson For The University ?

1. The Delhi University has a variety of grievance redressal mechanisms for teachers, *karmcharis*, students. These have, on the whole, functioned to the overall satisfaction of the University community. From time to time, however, discontent has been expressed with these instrumentalities.
2. As with most matters discussed in this monograph, the absence of database on contentious issues makes any determination/ monitoring an inescapably uncertain enterprise, which registers play of various, and at times, intransigent subjectivities. Any assertion as to the relatively efficient functioning of the system or a subsystem becomes immediately contentious. Until we evolve suitable system of database, the conflict of perceptions/judgements is something we have to live with in mutual tolerance and good faith.
3. Most grievance-handling procedures are non-statutory. Perhaps, the only procedure which is statutory is provided by Statute 6(2)(ix) which authorizes/obligates the Executive Council to  

entertain, adjudicate upon, and if it thinks fit, to redress any grievances of the officers of the University, the teaching staff, the students and the University's servants, who may, for any reason, feel aggrieved, otherwise than by an act of the Court.

Closely read, the following powers are vested in the Executive Council

- (a) the power to entertain or *not* to entertain "any grievances" from specified constituencies;
  - (b) the power to determine, at its absolute discretion ("if it thinks fit") whether to entertain or not to entertain;
  - (c) in exercising this power, the Executive Council has to determine (i) whether there is a 'grievance', (ii) whether or not to deal with it;
  - (d) 'grievance' is defined subjectively—the "officers, teaching staff, the students and University's servants" may bring to notice any matter on which "for any reason, *feel* aggrieved." (The appellation 'servants' is a linguistic hangover, which we ought to alter).
4. The normal procedure seems to be that such 'grievances' when received are studied by the administration and appropriately dealt with. Given the overall differential in legal literacy, some are addressed to the Vice-Chancellor and some are addressed to Chairperson, Executive

Council, with specific reference to the statutory provision. We have, mindful of this, looked, as far as possible, into all the petitions with due deference. Those which require action have been acted upon - where the decision - making powers of the Executive Council are involved these are itemized on the Executive Council agenda.

5. In my experience, most petitions from students relate to unfair means cases and from individuals in administrative and academic staff to pay fixation, promotions and service matters. Some relate to disciplinary matters.
6. At a recent meeting of the Executive Council some members, quite rightly, expressed the view that the Executive Council should be kept informed about the petitions and the ways they have been disposed of. I agreed with this suggestion since statutory petitions are required to be considered by the Executive Council as per the above-quoted provision. Additionally, I also suggested that I will nominate a sub-committee of the Executive Council to which some of the petitions may be referred.
7. Naturally, petitions raise individual grievances. But some of these grievances are embedded in policies duly considered and approved by the Academic Council and Executive Council. Petitions are accordingly disposed of by the administration in accordance with settled policies. Some of these policies are nationally negotiated ones with the University Grants Commission and the Union Government (e.g. merit promotions of teachers; cadre issues for karmcharis). Some other invite reconsideration of long settled statutory decisions. Some even relate to Executive Council resolutions on which the ink has not even dried !
8. In all these situations the aggrieved person(s) do not feel that their grievance has been adequately handled. But their grievance is not handled thus because it is a grievance arising as a necessary consequence of conscientiously considered statutory policy. This raises the question whether the statutory provision for individual grievance redressal should be converted into a procedure for initiating an agenda item for a reconsideration of the settled policy. This is an issue of some moment; the issue is whether grievance procedure should be allowed to be utilized to create specific exception to a general rule or to innovate a settled policy underlying the rule.
9. I concede that in a dynamic system we ought to keep our accumulated wisdom, animating all policy formations under review. The question, however, is whether the exigency of an individual seeking exceptional treatment from the regime of rule/policy should be made, as it were, the "trigger" for such review. In my considered opinion, review of policies ought to occur, whenever necessary, outside individual grievances and individualized considerations thereof. This also accords with the clear intendment of the statutory provision.
10. This having been stated, and without evaluating the history of grievance redressal machinery for teachers, karmcharis and students, I do believe that we need to consider some innovation. The Law Commission of India, under the Chairpersonship of Justice D.A. Desai, had examined this issue in the context of University matters constituting a heavy load on adjudication. This

specialized report was considered by the Association of Indian Universities. Opinions of teaching communities were sought, seminars held. But very little change has emerged. The experience of Maharashtra and Gujarat Universities Tribunals was also canvassed. I do not know at what level of the AIU, UGC, national government and the national movement of teachers and karmcharis this matter currently rests. Having administered the system as the Vice-Chancellor of South Gujarat University, I am able to say that our experience with the Gujarat Tribunal had been very encouraging, in terms of accessibility, expedition and justice. I do believe that we would benefit from a close consideration of the Law Commission's Report.

11. But should informal or formal opinion be otherwise, we ought to consider additional alternatives within our system from the standpoint of transparency, accountability, professionalism and justice. The tendency of individual grievances to persist and proliferate and to readily transform themselves into collective grievances often having system - wide consequences and expensive/litigation cumulating into "autonomy costs" through judicial enunciation of what we ought to do needs to be addressed for our individual and collective well-being.
12. It must be acknowledged that collective, often militant, action and litigation pose undue burdens on the system. The costs of each in terms of time, resources, money and morale on all sides are exorbitant. When University - wide issues tend to get judicialized, the cumulative autonomy costs also tend to be high. Judicial recourse also symptomizes the system inability to resolve/cope with grievances. Often, it might also represent a passing -the-buck syndrome, with additional costs to the image and reality of responsive/responsible governance.
13. From all these standpoints, it is time that we consider carefully a University Ombudsperson system. The policy regarding the office, personnel, costs and jurisdiction of Ombudsperson would need to be carefully worked out. Clearly, recourse to Ombudsperson would require exhaustion of available University fora. Equally clearly, once these are exhausted and yet individual sense of aggrievement persists, recourse to Ombudsperson should be allowed and encouraged. The Ombudsperson jurisdiction should be University - wide, inclusive of the University administration, colleges, recognized institutions and associated institutions. The reports of the Ombudsperson, based on prescribed procedures, shall be presented and considered by the relevant decision - making body. While the reports would be entitled to the highest esteem, the decision of the relevant governance unit, within its jurisdiction, shall, however, be final. The Ombudsperson should, ideally, be an eminent retired judge or an eminent academic nominated by the Executive Council for a term. The relevant Ordinance/ Statute should require that unless the Ombudsperson processes are resorted to, recourse to judicial processes would not be allowed. This "ouster" clause, as lawyers call it, is a legitimate device, well recognized and sustained by the jurisprudence developed by the High Courts and the Supreme Court. The jurisdiction and power of the Ombudsperson shall be so designed as to respect the legal competence of all statutory bodies of the University; the Ombudsperson shall, however, provide a forum for review in all such matters, where a reasonable grievance may persist. Clearly, the jurisdiction will relate to final determinations within the system, for example, in regard to (a) admissions; (b) administration of attendance rules; (c) migration of students; (d) service related grievances of karmcharis and teachers. We would need to exclude

from the jurisdiction of the Ombudsperson at least the following matters: (a) matters of appointment, selections, promotions under the relevant statutory powers and procedures and (b) the unfair means cases. The administration as well as the individuals concerned may activate the jurisdiction of the Ombudsperson.

14. I commend to you a close consideration of this proposal for reasons already canvassed. Even if there are apprehensions - well or ill founded - I believe that we should experiment with this innovation. Should we be willing to do so, the range of details - some of which I have so far indicated - could be more closely examined.

## ELEVEN

### Student Services

#### INTRODUCTION

1. It is axiomatic that a University exists primarily to serve its students. But often in the University as an organization this axiomatic utterance becomes platitudinous and even dysfunctional! In the nature of things, students form a transient population whereas teachers, karamcharis, administrators form a relatively stable presence. The Delhi University is fortunate in having a tradition of a range of student services. Whether we have a dynamic conception of student services is a debatable question. In what follows, I briefly outline the existing 'system' and suggest basic and sustained strategies of action for our collective consideration.
2. In this Chapter, I wish to designate under 'student services' the following:
  - (a) admissions;
  - (b) services for the disabled students;
  - (c) sports and physical education;
  - (d) cultural advancement;
  - (e) special services for students from the weaker/weakened sections;
  - (f) career guidance and placement services;
  - (g) overseas students;
  - (h) the NSS and NCC.
3. This Chapter does not deal with pedagogic services, which have, in several Chapters, been the focus of this monograph. Nor does it deal with the proposals for examination reforms, which will shortly be considered by the Academic Council at a special meeting based on a report by a specialist committee.
4. I must also acknowledge at the outset that I have no empirical data concerning the evolution of student services. It is time that we commissioned such a special study. *Faute de mieux*, I pool my perceptions as a teacher and as an administrator in the observations which follow.

#### A. ADMISSIONS

5. It is a matter of considerable satisfaction that since May 1990 progressive reforms in admission procedures have ameliorated the hardships experienced in admissions, especially by the elimination of the "first come, first served" rule/practice. Although discontent continues to be expressed owing to the marked preference for certain colleges, the actual volume of grievances coming before the Specialist Committees suggests that the changes have led to a positive

improvement of the system. Further changes are, indeed, possible within the existing system and the Admission Committees as well as the Academic Council Advisory committee does its best to promote incremental changes.

6. One recurrent theme has been that of 'centralization' of admissions. In many ways, we have moved towards this. The admission of SC/ST students has been 'centralized' - taking care of 22- $\frac{1}{2}$  % of total students admitted every year. In professional courses, administration of admission stands centralized through the modality of admission tests. The preliminary admission form made available by the University is now being accepted by colleges. The cut off percentages are pooled and disseminated by the University information office to press and electronic media. Grievances are also handled by the Specialist Committees at both the campuses. One can progress further in this direction of student services.
7. The demand for 'centralization' consists however, in the advocacy of the policy that University should directly admit students and distribute them, as per the order of their preferences, and availability of seats, to the colleges. This was one of the several important issues which I requested all colleges to examine through deliberations in Staff Council in 1991-92. Out of about 32 responses received, the preponderant view disfavoured such centralization for a variety of reasons. Among these were the federal character of the University, the statutory privileges of colleges to admit students, the relative autonomy of colleges, apprehensions concerning over-centralization of powers in the University.
8. In addition, the enormity of tasks entailed by 'centralization' seem to be underestimated, when not ignored, by the proponents of this model. *First*, the sheer size of the centralized operation, even with the aid of computerization, stands unexamined; last year about six lakhs preliminary university admission forms were distributed. Even if this is to be regarded as a gross indicator, a centralized model will have to cope with a very large volume of applications. *Second*, the available seats for the pass and honours courses are disproportionate to the growing demand for enrolment and this factor will generate its own dynamic in a totally centralized model. *Third*, and equally, if not more, important if a centralized model is to work efficiently and equitably, students and parents must cooperate in designating a serial order of preference for colleges and courses by which they will be bound. An admission form which is incomplete will have to be rejected *in limine*; this will not be acceptable in practice even though there might be acceptance, initially, on principle. Judicial power and process could also be activated. *Fourth*, the likely impact of stay orders by any court (on, for example, operation of wait lists, migration, special admissions on sports) on the conduct of centralized admission could contribute not just to litigational burdens but also to substantial setbacks in teaching and examination schedule. *Fifth*, the question of adequate guidance on choices of courses/colleges would also pose difficulties of organization.
9. On balance, while continuing innovation in procedures of admissions remains on our agenda, a 'centralization' model would seem to entail (even if legally permissible, a difficult question) more costs than benefits.

## B. SERVICES FOR DISABLED STUDENTS

10. In regard to admissions, the standardization of procedure since May 1990 which has eliminated many hardships unnecessarily imposed on disabled admission seekers has been universally welcomed and has worked well. Perhaps, even the innovative procedures can be further improved; but the basic changes brought about by our collective effort have worked well.
11. However, post-admission difficulties continue. These are several and their incidence varies in accordance with the nature of disability. The spastic students need trained amanuensis who can transcribe their dictation in examination. I found to my horror that such amanuensis were disallowed on traditional rules and that even spastic students were required to undergo every year medical certification! These problems have now been appropriately dealt with but I doubt whether the administrative culture and elaborate apparatus have learnt from this the need to deal distinct disabilities differently. What applies as a rule to orthopaedically disabled may not apply to visually disabled and what extends to both may not extend to spastics.
12. The difficulties of the visually handicapped have been more vigorously articulated. These concern the inadequacy of braille library and audiotape facilities, remuneration for readership, access to office information notified on notice board or otherwise circulated/communicated, safety of movement through University or college campuses, competence of amanuensis. The listing is illustrative, not exhaustive. Barring notable exceptions like *Mubahisa* (a voluntary campus based association of teachers/students/*karmcharis* and individual initiatives at fraternity), the problems of the visually handicapped do not receive due attention. In job-oriented courses the three percent reservation for the disabled, if distributed automatically across the disabled, gives one seat per hundred to visually disabled, whose population seems larger than other categories. This has posed no end of problems for me in dealing with Departments who adopt a Portia-type logic, regardless of the insistent, and empathetic urgency, of the demands of the visually disabled.
13. Other categories of physically disabled students - with aggravated multiple orthopaedic disabilities - have received very little systematic attention. Also it seems that the deaf and the dumb have virtually no place on our campus. While the office of the Dean, Student's Welfare in both the campuses does its conscientious best, there exist no specialized mechanisms. I regret to have to say this but it is an agonizing truth that the University system as a whole, the campus culture as a whole, remains broadly indifferent, and at times, even inhospitable, for the distinctly disadvantaged group of students.
14. It is this perception which led me to establish a forum called "The University Service for the Disabled" with an honorary Coordinator. The emergence of this forum, even in the short time of its working, has proved to be very worthwhile in terms of focussed attention on the problems and progress of disabled students in our University. One hopes that its further institutionalization will provide impetus towards cultural/attitudinal change in our collective approach to disability. I also hope that the forum, assisted by an advisory committee, will be able to



mobilize community-based resource generation extending to the society, industry, state-- obviously necessary for further progress, desperately required in this area.

15. I have not so far referred to problems of the students who need psychiatric care during their association with us. From my own observation, I believe we have a high incidence of such students who need timely, considerate and expert assistance. Most of the situations of psychic distress and even disorders involve students not only from the weaker sections - who are in any case unfortunately wholly invisible - but also others. Our health care facilities do extend to them. But the overall social cultural perceptions/attitudes prove to be inhibitory in the extreme. This is an area which demands a more sustained attention, which I hope will emanate, by way of collaborative efforts, from our colleagues in psychology, sociology and social work departments.
16. Catalytic career counselling of our disabled students is critical. Perhaps, we should formulate an alumni association of our disabled students which will form a continuing cooperative enterprise of concerned colleagues.

#### C. SPORTS AND PHYSICAL EDUCATION

17. While we are all proud of our talent and achievement in sports and the good work of the Sports Council, the University Directorate of Sports, and the community of Directors of Physical Education, it cannot be fairly said that the University has been able to evolve a distinct policy towards sports and physical education. The fact that even in the absence of a University-wide sports policy we have registered high attainments, at national and international level, is, indeed amazing.
18. A policy framework on sports and games within the University will at least have following features:
  - (a) a systematic overview every year by University community, as a whole, of our expectations, attainments, shortcomings, difficulties;
  - (b) planned autonomous generation of resources for installation/maintenance and expansion of infrastructural facilities;
  - (c) special efforts at generating resources to support/subsidize talented students, especially from the weaker sections of society;
  - (d) strategies for combating gender disparity and discrimination in programmes of sports, games and physical education;
  - (e) strategies for fostering sports for the disabled students;
  - (f) ever-increasing involvement of non-playing students, teachers, administrators and karmcharis in University and sports activities.
19. This last needs special attention. It is amazing but true that, barring ceremonial occasions,

sports activities and events are not attended by senior faculty, administrators or 'leaders' - 'representatives' of all major associations, otherwise conspicuous by their presence in most other university activities. Of course, all of us have our time - constraints but these seem to operate pre-eminently in relation to sports. The relative absence of enthusiasm by most sections of the University community marginalizes sports activities— organizers and players—making this community also somewhat alienated from the wider University culture. To put the point sharply, a perception of 'ghettoization' of sports persists. The Sports Council ought to ponder this and suggest remedial steps, both long and short term.

20. I have also witnessed a tendency to suspect admissions in sports quota. Times without number, and with varying degrees of emphasis, it has been alleged that this procedure is abused to a point that 'undesirable elements' rather than 'sports' people take the most advantage of it, with all round costs to sports as well as the ethos of colleges/departments. Even if there is an element of truth in this feature, it is unfortunate that some of us allow it to reinforce our tendency of 'disdain' or indifference towards sports organization and events. But the general perception requires keeping the admission procedures under strict review and dealing with wrong or improper admissions. It would be unfortunate if the processes itself, and the activity, were to be stigmatized as a whole.
21. We need to develop a much more dynamic engagement with sports colleagues, programmes and events. We need to appreciate the fact that while, for eminently sensible reasons, administration of sports is organized distinctively, it remains, overall, an integral aspect of student services. We, accordingly, ought to expect from the University's Sports Council an endeavour in many directions including:
  - (a) preparation in collaboration with experts of a history of evolution of sports in Delhi University for wide dissemination;
  - (b) formulation of draft sports policy on the lines suggested in paragraph 18;
  - (c) perspective planning, with special emphasis on resource generation;
  - (d) ways of honouring and associating, distinguished sportspersons (past and present) of our University.

#### D. CULTURAL ADVANCEMENT

22. At the University level, there exist at least three systems engaged in cultural advancement of the campus life (outside teaching/learning/research activities): the Culture Council, the Gandhi Bhavan and the Women Studies and Development Centre. Their contribution, on the whole, has been notable in each distinctive realm. But, clearly, much more remains on the agenda.

##### (i) THE CULTURE COUNCIL

23. The Culture Council, organized under the auspices of an Executive Council Resolution has fostered a wide variety of activities. In the last two years especially it has expanded its scope

of concern for folk/indigenous traditions as well as sent out teams to universities and inter-university festivals. Some planning was under the way to invite an inter-university festival in Delhi. All this is laudable and should continue to be the principal aspect of the Council's work.

24. One aspect which concerned me somewhat was the lack of active relation with the cultural community as well as institutions in Delhi. I took a series of initiatives last year to talk with a whole range of creative artists and critics in Delhi, some of them of great renown. I felt greatly encouraged by their enthusiasm for and perception of the potential of the Delhi University. Among the notable suggestions made were:
- (a) the need for systematic dialogue between students and creative people (or cultural workers);
  - (b) widening of the Culture Council's interest to the domain of folk arts;
  - (c) innovating new modes of increasing aesthetic sensitivity on the campus;
  - (d) devising orientation programmes, short-term courses (without examinations/diplomas/degrees) on aesthetic appreciation;
  - (e) devising certificate programme related to mass media (TV compering/programme production/interviewing/editing etc.) for which there now exists a growing market demand;
  - (f) organizing student art displays through the entire University system;
  - (g) organizing visits/discussions of/by prominent creative artists/critics in colleges/university, leading to scheduling of 'artists' workshops;
  - (h) networking with cultural institutions/organizations/movements within Delhi as well as 'cross - country';
  - (i) inviting eminent cultural people from overseas to interact with students and faculty.
25. The range of suggestions is richly stimulating. I realize that achievements of most, if not all, of these purposes would require reconceptualization/reorganization of the Culture Council in many different ways. We would need, for example, to debureaucratize its functioning, provide for participatory modes by students and teachers, organize a wide margin of functional autonomy. We obviously need a far wider engagement of enthusiastic colleagues. We need also to relate to our former students and colleagues who have distinguished themselves.
26. It is a matter of disappointment for me that I have been unable to follow through my own initiatives in this regard. That is one of the hazards of the office. But I believe that a compact committee of eminent people should help us concretize the basic directions in which the programme of the Culture Council should move in the next decade or so.

(ii) THE GANDHI BHAVAN

27. It is our good fortune to have been endowed with a Gandhi Bhavan. And it has been served well by a very distinguished Director and an eminent Advisory Committee. Its programmes have been, naturally, low key rather than high profile. The Gandhi Bhavan has provided a forum for occasional discussions on Gandhian thought and practice; it has organized national/international seminars; it has endeavoured to promote awareness of Gandhian concept and methods of health and well-being (nature cure, yoga exercises, promotion of values of simple life style (through accent on Khadi and village industries products). It has built up a sizeable working library. And it provides a meeting ground for likeminded people.
28. The Gandhi Bhavan's resources are slender. It has been unable to reach out to colleges, departments and other institutions in the Delhi University system.
29. What should be the role of Gandhi Bhavan in the collective cultural and academic life of our University ? How should the Gandhi Bhavan relate, if at all, to other institutions within the Delhi University system ? What levels of social engagement should the Gandhi Bhavan encourage/maintain in its programme ? If it has to be adequately resourced, how best may this be done through the Gandhian traditions and values ? Not all of these issues have been raised or addressed systematically nor has there been a participatory approach involving us all to evolve a suitable agenda. Clearly, some thinking has been done from time to time but we need to move much ahead on all these four questions.
30. The first question is critical. Should it be the role of Gandhi Bhavan, as seems to be the case all over India, to hold dialogues on the relevance of Gandhi's thought and praxis to contemporary India ? I have thought this highly impertinent because, I believe that we ought to be asking ourselves the reverse question: "how do we make ourselves relevant to Gandhian thought and practice ?" My formulation at the Gandhi Bhavan meetings has been heard with dignity but without consensus towards a plan of action.
31. Regardless of this aspect, it also needs to be asked: what distinctive roles University-based Gandhi Bhavan may play ? There are a large number of Gandhian institutions: is there a special mission for University - based Bhavans ? This issue has received considerable attention. Some of the suggestions which I have been offering are, probably, worthy of reiteration:
- rigorous and critical studies of selected texts of Gandhi through well-planned weekly / fortnightly sessions at the Gandhi Bhavan; this may later on provide a basic model for Gandhi study circles in clusters of colleges/departments;
  - critical identification of areas of research in Gandhian/post-Gandhian thought and practice in India since independence;
  - where necessary relate with University Departments on issues where serious/critical research may be encouraged/promoted;

- publishing/disseminating information about research accomplished, or in progress, within the Delhi University system.

In addition, suggestions have been made to provide short-term diploma/certificates and even degree course in Gandhian studies. In all these matters, clearly, our perspective cannot be hagiographic; our engagement with Gandhian/neo - Gandhian traditions of thought and action should encounter critiques (e.g. gender-based, praxiological, ideological)

32. The second question relating to, as it were, the 'internal relations' of Gandhi Bhavan to other systems within the University has yet to be fully addressed. I have already stated the possible linkages with the research communities within our system. In addition we may ask : how should the Gandhi Bhavan relate to students, teachers and karmchari associations as well as to systems such as the Centre for Women's Studies and Development (and Cells in colleges), the NSS, the Department of Adult, Continuing and Extension Education, the Delhi University Women's Association ? The Gandhi Bhavan Committee, I believe, should have continuous dialogical interaction with these communities to develop sustained programmes of activities.
33. The third question also, partly, invites attention to the linkages with the network of Gandhian institutions nationally and in and around Delhi. In addition to the privilege of sustained association, such networking will also provide a mapping of social engagement programmes within which our action plan could also emerge. For example, the Gandhi Bhavan should be engaged in community-wide initiatives for literacy, temperance movements, disaster relief programmes, and programmes for the amelioration of weaker/weakened sections of society. Peace and environment are two other related arenas of action. The Gandhi Bhavan has yet to relate to the Bertrand Russell Society in India, yet to participate in Hiroshima commemorative peace-rallies on August 6 every year. Above all, the Gandhi Bhavan has to share a special solicitude for students hailing from weaker sections of society.
34. The fourth question has been addressed : in 1992 the Gandhi Bhavan proposed an annual levy of Rs.5 per student for support of its activities. While the Executive Council agreed in principle, it wished to have a considered plan of action. The possibility of an occasional subvention from the Culture Council was also explored in the Executive Council discussion. The plan of action is awaited. It should, of course, include greater engagement by students which could be stimulated by a whole range of activities (debates, essay competitions, study circles, book grants/gifts and even limited stipends). Gandhiji's unique public articulation style entailed "deterritorialization" and mass 'mobilization'. A Gandhi Bhavan, accordingly, cannot be localized; it must perigrate; nor can it be an activity which involves a handful of people. These perspectives, I hope, will guide evolution of plans of action.
35. I am requesting the newly constituted committee of Gandhi Bhavan to consider these and related suggestions. Certainly, the Governing Body expanded/reoriented programmes of activities will need augmentation of its resources. When an annual fee of Rs.5/- was suggested in 1992, one of the major component mentioned was travel costs within Delhi to reach distant colleges. While all essential costs must be met, a lot of thinking is necessary on the issue of

resource raising and expenditure planning could be designed on a distinctly Gandhian pattern entailing voluntariness, simplicity, minimization of needs, sharing and sacrifice. These are not easy matters. But I do believe that the Executive Council, as and when concrete proposals come before it (including some subvention from the Culture Council corpus, if it is desperately necessary) should consider the matter in some depth.

### (iii) CENTRE FOR WOMEN'S STUDIES AND DEVELOPMENT

36. The CWSD at the University and about twenty Cells in colleges derive some support from the University Grants Commission and relevant Ministries of the Union Government. The CWSD engages in some research. It also provides some counselling facilities. It articulates, from time to time, gender parity issues at national as well as local levels. Violence against women, literacy and other programmes of empowerment, and awareness - raising tasks inform, overall, the work of CWSD and the college Cells.
37. The CWSD also seeks to play some kind of coordinating role with college Cells. I was privileged to attend one meeting with CWSD college Cells.
38. Comparatively low resourcing and ad hoc project funding pose recurrent problems for CWSD and the Cells. But their marginalization, consistent with the overall patriarchal culture, also affects their reach within the University community. Conceptions of Women's studies and development, and agenda of action, often seem disproportionately heavy compared with available human, organizational and financial resources. It must also be appreciated that colleagues who serve the CWSD as well as the Cells do so a labour of love and have competing commitments on their time as well.
39. In my tenure as Vice Chancellor, I have seen little or no interest or concern with the plight or future CWSD or the Cells, outside of the circle of colleagues actually involved in their activities. Nor do student associations seem to be beneficiaries of their activities or impact. This is both disappointing and puzzling. It is also striking that barring *causus celebre* involving gender aggression on the campus, and in the nation, the CWSD and Cells are not noticeably articulate on issues of institutionalized indignity relative to women students on our campus, which is becoming increasingly acute.
40. I believe that CWSD and Cells should work together systematically to analyze the increasing tendency of sexual harrasment by some students (and outsiders) which is commonly, but comprehensively inaccurately called by the name 'eve-teasing' and propose concerted programmes of action. In collaboration with the Disciplinary Committees of the Staff Councils in colleges, and with the office of the Proctor, it should launch programmes which tackle and address this menace. The CWSD and Cells together should archive case histories and disseminate these widely through the campus communities. A focussed programme of action is critical on this count; otherwise, all task of 'cultural advancement' as an aspect of student services will be wholly futile, at least in my considered opinion. I feel puzzled by the need to reiterate the importance of such a strategy to constantly combat sexism on our campus.

41. Clearly, unless women students themselves feel empowered, sexual harassment will be accepted fatalistically. Not to be able to walk through the University campus in the evening without being accosted with open sexual advances or verbal aggression, and often physical battery and assault, is not something that we should allow to be treated as a part of fate. The Proctor and I have had to act frequently to improve police patrolling but most complaints are after-the-event and confidential. While I have the satisfaction of doing my bit, it has not been enough, so pervasive is the menace. And even a most conscientious administrative effort cannot be a substitute for community mobilization. Surely, the CWSD and Cells should be more actively engaged with their problems in a *participatory* way, taking help from gender-sensitized students and colleagues.
42. From time to time, CWSD/Cells have thought about the introduction of courses in Women's studies. This innovation has already occurred in many Universities. Even if fully-fledged curriculum leading to Degree courses may be distant in our University, surely there is scope for wider educational effort through capsule courses under the joint auspices of CWSD and the activities of the Adult, Continuing and Extension Education.

#### E. SPECIAL ASSISTANCE TO STUDENTS FROM WEAKER/WEAKENED SECTIONS

43. The Constitution described a large mass of Indian humanity, towards which it directed special State solicitude and commanded vigorous action, as the "weaker sections of society". That was in 1950. If after four decades they still remain "weaker" we have to find an alternate rubric to describe them. I prefer the expression "weakened"--- that is the weaker sections have further been weakened by four decades of "benign neglect".
44. But when we do state bashing, which is entirely legitimate in a democratic society, it is often not realized that we are also indulging, some way or the other, in self-flagellation. In minor and major ways, we, too, ignore the weaker/weakened sections in our campus communities.
45. The history of experimentation at the national level, under the auspices of the University Grants Commission, of "remedial instruction" for the students of this section is well-known. Although in its brief existence in the seventies on our campus, and at national level, it may not be said to have worked well, or even taken-off, the programme had at least the merit of serving a constitutional reminder about Universities' social and special responsibilities. I have raised since 1990 formally with DUTA the need to collectively pursue remedial instruction but perhaps the difficulties are overwhelming.
46. What are these ? Experience reveals that insofar as the programme is directed specifically to SC/ST students there is a degree of lack of acceptability, as it seems to reinforce the stigmatization process. Experience also indicates when such programmes are deprived of any remote possibility of stigma, there is participation but after a while enthusiasm on all sides ebbs. Therefore, there are no 'takers', on the side of students as well as teachers, for remedial instruction.

47. For teachers, the problems of time, space and resources seem never-ending. But experience has also shown that these are not insuperable, either.
48. Remedial instructional programmes are not considered an integral part of students services in our system. This deprives us of even possibility of coordinated innovation and overview. This needs to be redressed.
49. I also believe that our eminent Faculty of Education has a specialist role to play in terms of understanding and analysis, and devising strategies for innovation/action. Absence of remedial instruction relates not just to failure and drop-out rates, but also to unfair practices and careers in deviance, when not fostered by these but at least appropriated by certain formations of vested interests. This directs attention not just to vigorous action for pedagogic/cultural advancement but also to the wider costs which are, ineluctably, imposed on the system by alienation, deviancy and planned waste of human resources.

#### F. CAREER GUIDANCE AND PLACEMENT SERVICES

50. Outside a couple of domains (mainly in professional courses) we do not seem to have any specific strategies for career guidance or placement services programme. In any campus - wide formulation of policy, we must of course learn from these domains.
51. "Career guidance" is a multi-level process. The first level relates to counselling as to choice of courses and colleges at the initial stage of university admissions. At this level, many initiatives exist at unit level: at the university level, special emphasis to this is being given in the scheduled caste/tribes admission process. The second level relates to further planning of post-graduate courses; on this score, except for informal advice, nothing by way of career guidance facilities exists. The third level is mid-career choices when students plan for overseas studies or for civil and other competitive services. It is an open question whether we should at all have any special services for the latter sector; in fact, preparation for services examinations constitutes a substantial diversion from studies and certainly classroom attendance and participation. At the same time, such career counselling for students from the weaker section of society is provided on an organized basis in some universities.
52. "Placement services" relate to service opportunities, in government or private sector. The tasks here include: making available relevant information, guiding students to choices commensurate with their abilities and attainments; encouraging on-campus dialogue between employing agencies and aspirants; and in some cases recommending suitable placement. For students belonging to weaker sections, training programmes for skills of presentation, articulation and generally facing interview boards should be quite useful.
53. Do we need to experiment with career guidance/placement services at a University - wide level? If so, what will be the order of resources involved? How much of help we may expect from our alumni in government and industry? For career guidance, what kind of collaborative planning among teachers and researchers will we require to sustain? Are there any success



stories in India which we may emulate? These and related questions, integral to the provision of adequate student services, need to begin to be addressed in our system.

#### G. OVERSEAS STUDENTS

54. We have an increasing number of overseas students, many of whom come to us on exchange/bilateral programmes. The office of Foreign Student Adviser is our primary instrumentality. It has performed exceedingly well in all respects: information, admissions, accommodation, cultural services and related facilities. The FSA office has also been active in relating to Embassies and in promoting programmes of commonwealth student exchange. The University - and in some cases college - hostels have been solicitous of their well being.
55. Even so, in my perception we do need to move ahead. Many of us who have been overseas have benefited from the system of 'foster parents' but we seem typically unenthusiastic to reproduce it in India. Even customary hospitality on "auspicious" or festival days seems an exception. Students' associations / the DUSU/DURA and at college levels — do not seem to interact with them at any cultural/social levels. Nor is the Culture Council able to encourage overseas students concerts/programmes in our institutions. The problem of alienation, of whatsoever degree, gets aggravated when overseas students have to organize their own accommodation. Of course, there exist informal networks of relations and exchange but as a community we do not seem to have organized opportunities for sustained interaction with overseas students. To address some of these issues, recently an informal Association of Foreign Students has come into existence.
56. The FSA office being specially designed to meet the functional needs of overseas students is not adequately linked with the Culture Council, the CWSD, the Gandhi Bhavan, or the general organization of students' welfare in the University. Some overseas students may also stand in need of remedial instructions; this also needs to be examined.
57. The Executive Council needs to find some time every year to consider an Annual Report on overseas students to be furnished by the FSA. It would be a good idea to invite the FSA to such a meeting to discuss further plans. The Advisory Committee for overseas students may also devise ways and means to address some of the matters highlighted in paragraph 55.

#### H. THE NSS AND NCC

58. I do not have any empirical data on either of these programmes. In order to understand how the University system has fulfilled the objectives of the NSS, we would need to have recourse to national/official evaluation and have a University wide assessment of it. But at the level of dominant impression, this much is clear: our attainments are likely to be asymmetrical and, overall, compared with many leading universities, not exactly inspiring.
59. The reasons for this impression are many and varied. The range of purposes of NSS is not all that clear, and while it leaves scope for autonomous formulation much of it is determined by the national policy. The involvement of students and teachers is not very high. Complaints

are also heard that remuneration is inadequate, budgets low, procedures complex. In the evening institutions, NSS activities tend to be an exception rather than the norm. Social service, within the university cultures, does not command high value. It is also often said that the activity is marginalized; barring Annual Days, NSS does not (neither does the NCC) attract much notice by the community. There are occasional hints by some generous colleagues about 'scandals' in the management of NSS funds. In the Departments of the University NSS may be said to be virtually non-existent.

60. Not a pretty or solacing picture, this. On the other hand, those who remain interested and committed present a more optimistic profile. Despite all difficulties, the NSS programmes do expose/orient students and teachers to the wider *social milieu*. NSS programmes have been imaginatively extended: at least in one evening college, these have been harnessed to literary mission. Visits to theatres of crises or sites of disaster develop in students a sense of empathy and social engagement. Going to nearby villages or serving the urban poor, changes perspectives of those involved. Even if a low key activity, it is essential for imparting the edge of social relevance to university education.
61. Perhaps, a total picture will combine and recombine all these view points — positive as well as negative. But it is time for assessment. Is NSS an imposition of national policy or does it serve a conscientious need of the University community for social engagement? If the latter, how is this need to be articulated? How would this articulation constitute a worthwhile input into the national policy? Are levels of motivation adequate? Are they sustained in actual acts of participation? Are management/administration modes participatory or bureaucratic? Which are the success stories, which the failure narratives? To what extent have we conceptualized NSS as an aspect of student services? What is the socio-economic profile of students committed to NSS? How do we assess the tangible results, from time to time, in terms of the impact on NSS programmes on people?
62. I am absolutely sure that these questions, and more, have agonized all those involved in our NSS system. However, there is no organized articulation. I propose that the NSS Advisory Committee of the University with assistance from Delhi School of Social Work and the Department of Sociology undertake a University wide evaluation of the state of NSS and suggest an action programme to the Executive Council. In outlining such a programme, the critical issue of whether and if so how may we make NSS a co-curricular activity needs to be at long last frontally addressed.
63. The position as regards the NCC is equally, if not more, disturbing. All issues raised for the NSS equally extend, *mutatis mutandis*, to the NCC as well. The lack of enthusiasm, to my mind, for the NCC is so profound as to lead me to characterize the NCC as a dying institution in our University. I sincerely hope that I am proved wholly wrong on this count.
64. In my continuing discussions with the NCC organization, three issues have been recurrent. From their perspective, the issue of low motivation may be tackled only when colleges are persuaded to induct on their staff career officials designated by them to assist the management

of the NCC. Second, they urge a system of incentives; students who have successfully accomplished NCC ought to be given certain "recognition" for the pursuit of graduate and post graduate studies. Some Universities have done this. Third, there is need, eventually, to make the NCC co-curricular; a major policy paper suggesting models has been made available to all Universities since the eighties, with little response.

65. Each of the three ways of making NCC viable is accompanied by substantial difficulties. The first is beset by our norms and procedures of recruitment as also by the diminishing paying capacity of our institutions. The NCC is also unable to consider deputation which is a *via media*, because of its own resource position. The second is ruled out by our mind-set : even if constitutionally permissible, the scepter of lowering standards immediately makes us inhospitable to the suggestion. However, considering NCC performance, alongside with sports and cultural attainments, in admissions is a perfectly sensible approach, and should be seriously considered by us. The third proposal of co-curricularity does not seem to have been considered by us. On this score, we should not altogether rule out either NSS or NCC as co-curricular endeavours. I believe that the Academic Council should at least address the national policy formulations on this count seriously.
66. It is of course not for me, as an aborted NCC cadet in my undergraduate days, to wax eloquent on values and virtues which NCC inculcates and which our students do need: discipline, camaraderie, physical fitness and awareness of values of national honour and integration. However, it is indubitable that an exposure to NCC is extremely worthwhile. Even as we address larger policy issues, we ought to encourage NCC training amongst our students.
67. Both the NSS and NCC remain, as they should, functionally autonomous. But there is no reason why these do not form a part of integral thinking, if any, within the University about 'students services'. We ought to pursue this trend.

#### CONCLUSION

68. From the foregoing - and necessarily inadequate - presentation, may I now invite attention to the need for some innovation in the organization of students' services ?
69. *First*, the existing structure of the offices of Dean of Students Welfare needs to be streamlined. We need to have provision for DSW offices per each campus (I have in mind the progressive expansion of our incipiently multi-campus system). This must be accepted as a principle of organizing student services.
70. *Second*, without inhibiting recourse to Honorary assignments, the positions of DSW in each campus must be provided in the maintenance budget.
71. *Third*, the historic anomaly whereby DSW, South Campus, position is created as an "administrative" post should be dispensed with, after due consideration. By their very nature, the positions of DSW should be considered "academic" ones.

72. *Fourth*, in place of existing procedures (which vary across the Main and South Campus) we must provide that the DSW may be appointed by the Vice-Chancellor and shall be co-terminus with the term of office of the Vice-Chancellor.
73. *Fifth*, the traditional workload of DSW office should be reconceptualized. At the present, the office moves between managing "warfare" and "welfare"! Its essential tasks involve mediation in political processes marking the formation of the Union and its subsequent functioning. Its functions also include handling legitimate grievances of students with various authorities in the University system and outside. What makes the assignment of DSW complex, demanding and difficult is the conflicting set of role-obligations. For example :
- the Vice-Chancellor and her team expect a "trouble free" management of student relations;
  - students expect the DSW to support all demands, legitimate or otherwise, with the Administration;
  - since at a University level, student elections are contested with support by leading national political parties, expectations quite often conflicting emanate from outside the University system;
  - DSW is expected to be "impartial" and yet her actions are perceived in terms of factional yields of competitive student politics;
  - the DSW is usually expected to be *reactive* (responsive to student demand formation) rather than *proactive* (initiating measures of change);
  - when DSW is honorary, there are conflicting burdens on time arising from dual assignment.
74. In such a "high - voltage" or "live-wire" assignment, the DSW has also to negotiate her own role-dilemmas with the structures of authority. Each team-member has her jurisdiction and protocol. The Registrar and Finance Officer also tend to exact some accountability from the DSW. Heads of department and Principal remain ambivalent: the DSW is expected to solve "problems" created by students but never to act in ways which impinge their autonomy or "lower" standards. The qualities of head and heart expected of a DSW are not often, naturally enough, available in abundance.
75. Caught in the need to constantly mediate conflicting role-expectations, and need to provide results, the DSW is, situationally, unable to focus on the students services in an integrated manner. It would be miracle if she were able to do so !
76. Keeping the historically formed domain of DSW intact, and as being indispensable to the University system, there is need to evolve a distinct group of officers and to plan a coordination network among all these.
77. Accordingly, a reorganization of students services, by way of 'enhancement', is necessary to attend specifically, and with relative autonomy, to the following specialist tasks :(a) special

needs of students belonging to SC/ST; (b) disabled students; (c) career guidance and placement services; (d) distinctive problems of women students. One may either contemplate diversification of the Deputy Dean system, with functional autonomy, or creation of coordinate offices. The question of autonomy, accountability, coordination and centralization in structuring a reorganization of student services - as also of resources - will need to be looked at. Initially, all these new positions will cater to both the campuses.

78. In the period 1991-92, one learned member of the Executive Council insisted on an office of Dean (Admissions). The idea animating this proposal was to improve the existing level of services during the admission 'season'. Dean (Admissions) would coordinate implementation of all policies, handling of grievances through Specialist Committees, SC/ST admissions, public and media relations, information dissemination. I found the idea attractive. I also found that in the present system the DSW's office discharges, with the help of University Information Officer, all such tasks fairly well. But this innovative proposal also needs a close analysis, especially in terms of projection of an image of the very distinctive concern that this University maintains for its fresh entrants.
79. *Fifth*, even as we accomplish this reorganization, we will need to attend to the tasks of systematic integration of student services. Our survey has so far brought to attention different degrees of coordination in student services. Integration as coordination does not imply any kind of centralization. On the other hand, coordination enhances the scope, the quality, and depth of student services. In the present system, sectoral specialization (as in case of sports, Gandhi Bhavan, Foreign Students, Culture Council, CWSD and Cells, Services for the Disabled) also means a degree of marginalization, with the attendant loss of potential to change the pattern of overall mobilization of the campus community, even for causes considered most worthy by each one of us. The system - gains through functional units doing their enterprises in relative isolation as best as they can, also result in the system-loss of information, overview and constant policy planning. The University administration, too, tends to become complacent as long as events and enterprises happen without too many problems; but it lacks the push and prod for further redesigning and development.
80. It has become necessary, and I so propose to the Executive Council, to create a University Council for Student Services to achieve, without any loss of functional autonomy, an overall coordination in our student services. The Council will necessarily have to draw upon the representatives from all the units. And among its principal tasks will be to :
- (a) prepare a comprehensive annual report on the state of students services in the University;
  - (b) foster inter-sectoral collaboration for mobilizing student energies and commitment;
  - (c) address distinctive resource generation needs and bring these, from time to time, to the attention of the Executive Council;
  - (d) propose coordinated development plans for student services.

The proposed Council will need to be high-powered, effectively functional and therefore a compact body. It may work through sub-committees and task forces. The time for such an ambitious enterprise is now.

## TWELVE

### Zero Hour : Issues of Structuring Participation and Time

1. The system of 'zero hour' where preeminently elected members of the Academic Council and Executive Council raise questions, make comments and hold the University administration accountable is an important democratic innovation. The way 'zero hour' functions is that a large number of issues are raised, often speeches made, which are noted by the chairperson and then briefly responded to before the agenda is taken up. Often enough, the chair's response also is sought to be made an event for further clarification and discussion.
2. The 'zero hour' is a misnomer in the sense the average time is always more than an hour; in the Academic Council it is in the vicinity of two hours plus; in the Executive Council, overall, the average is the same.
3. There is also a substantive discussion on the agenda. This, in practice, means that the average duration of the meetings of the Academic Council and the Executive Council is six-plus hours.
4. In my experience, 'zero hour' discussions are marked by the following attributes —
  - (a) they articulate anxieties, issues of policy and detail of University administration;
  - (b) considerable 'homework' is done by the participants, in terms of marshalling facts and studying past practice and University legislation;
  - (c) some issues turn out to be deeply emotive; indignation, rancour and occasional breach of civility mark articulation on such issues;
  - (d) there is a strain towards reiteration of the issues/questions in the same meeting and from meeting to meeting;
  - (e) it does not seem to be customary for non-elected membership of the Academic Council and Executive Council to participate; although Heads of the Department do occasionally respond to questions relating to them or to clarify the issues under discussion;
  - (f) the *resumé* of zero-hour often appears, attributed by the names of members, in the local press;
  - (g) some subject-matters which feature in zero-hour in the Academic Council also feature in the Executive Council zero-hour, and vice-versa;

(h) overall, the 'zero-hour' provides occasion for an extended critique of the administration, and often enough of the Vice-Chancellor.

5. I take down extensive notes of the discussions in zero-hour and try to respond to as many of them as possible. If any major point is not responded, learned members immediately remind me of it. Often enough, many members are seen to be noting down my observations for their personal record, and some of these are often quoted later as 'assurances' from the chair. The notes from 'zero-hour' where they warrant action or analysis are followed up from time to time. In this sense, the discussions during 'zero-hour' enhance the overall responsiveness of the administration.

6. Many dissatisfactions have been expressed with the system.

*First*, there is a contradictory articulation : some colleagues say the time available is not enough; others say the 'zero-hour' ought not to exceed an hour.

*Second*, colleagues who fully utilize 'zero-hour' have themselves very often wondered aloud about its utility; they say nothing follows out of it in the sense that the issues raised are not taken sufficiently seriously, some even go so far as to say that it has only become a ritual, while fully participating in it !

*Third*, some colleagues feel that as a result of extended 'zero-hour' items on the agenda do not receive as serious consideration as they deserve; often, they are rushed through. Accordingly, both in the Academic Council and the Executive Council some members, including distinguished Visitor's Nominees, have suggested that time-management issue should be addressed cooperatively in ways whereby the integrity of zero hour as well as of the agenda is equally well observed. Suggestions have also been made, perhaps in desperation, that one meeting of the statutory bodies should be wholly for general discussion followed by a meeting without zero hour, zeroing in on instead on agenda.

7. These perceptions are important. The crucial issue is articulation of democratic participation. Participation is also a function of *time*. Time-management must be civil and effective; and it can only be attained by a spirit of cooperation among the learned members. A university's time is the academic time of the nation. We all understand that it should be well and effectively used and managed. It is in this perspective that I address the three discontents.

8. As to the first, both perceptions are valid. Those colleagues who wish to participate in the zero hour, rightly, feel that time given to them is not adequate. We have increased the elected component from 20 to 26 in the Academic Council. At an average of 10 minutes per speaker, the zero-hour should be of 260 minutes. What should be the response time from the chairperson ? If we restrict it to 30 minutes at the minimum, and 45 minutes at the optimum, the total zero hour time will be 290 or 305 minutes. The zero hour time then should be of the duration of 4 hours and 50 minutes. If we were to add for the Academic Council ten minutes on average for the elected students, this will add another 50 minutes. Let us add to this at the

minimum four hours for discussion and decision on agenda items. The total duration of the meetings of Academic Council should then be, on the average, ten hours. Since we accomplish the overall 'zero-hour' plus agenda in average of six hours-plus meeting, the feeling will persist that the time is not adequate for both the 'zero-hour' as well as the 'agenda'.

9. But neither the Executive Council nor the Academic Council is to be conceptualized even for the zero-hour as a dialogical forum between the elected members and the Vice-Chancellor. We have increased by the creation of about twenty new departments, the ex-officio component of the Academic Council membership to 68. They, too, have their own problems/issues to articulate. If this were to happen systematically, including six Professors and two nominated members in the Academic Council (and *mutatis mutandis* for the Executive Council) the average time of the meetings (including the response time) would have to be enhanced at least by 90 minutes (on the assumption that nine additional speakers average of ten minutes each, will need to be accommodated.)
10. The response time, ideally, also ought to be pluralized. As a Vice-Chancellor, I have taken it upon myself to seek to respond to all the major points. But there is division of responsibility among the members of the Team. There exist two logical possibilities : either the 30/45 minutes response time be divided among the Team members, depending on their allocated jurisdictions or the response time must escalate to 10 minutes per member of the Team, with additional overall response time for the Vice-Chancellor. In the former, the possibility of further discussion, to which the Vice-Chancellor should finally respond, ought not be ruled out, but this will further enhance the overall 'zero hour' time.
11. The second discontent is not, in my considered opinion, very just. But to meet it, I introduced a system of *aide memoir* of zero-hour. This was the device of a simple note of issues raised and action proposed/ promised if any. The system fell by disuse; there was no notable enthusiasm for it after a while. I have no difficulty reviving it because I keep notes any way and act on them when action is warranted.
12. In my experience, the third discontent is not fully warranted. For the Executive Council, a bulk of its agenda is derived from the Academic Council recommendations. A whole part of its agenda, is of 'reporting' items. And another substantial part is furnished by the recommendations of the Selection Committees and Unfair Means Committee. For the remaining items which require extended policy consideration, the time is not inadequate, though often (a) some items have to be deferred, and (b) some members—especially the nominees of the Hon'ble Visitor and Chancellor—remain unavailable, their having to leave by 7:30 or 8:00 P.M.
13. For the Academic Council, the major agendum is curricular reform and associated questions of policy. I do believe that the Academic Council does find time to discuss these in considerable depth. The Academic Council has also the benefit of extended consideration of many items through its Standing Committee on Academic Affairs. By convention, its recommendations are honoured as are those of the Standing Committees on Students, Admissions and Equivalence.



14. At the same time, the feeling that regular agenda is often summarily expedited has as its basis the relative disproportion between the 'zero hour' and the agenda; the disproportion is perceived acutely in terms of the waning of interest in discussion as we go into late hours of the evening. It is also true that items which ought to be decided as per the agenda are deferred for the want of time required for an in-depth discussion.
15. Many a suggestion has been made in the past, and during my tenure, to reorganize the procedures. One suggestion, already formalized but not honoured by convention, is that questions should be formulated in writing and put in advance and also responded in writing, allowing only supplementary discussion limited to a maximum of sixty minutes. This proposal has the merit of a more systematic, responsible and responsive interaction; it also avoids 'surprise' questions/issues and off-the-cuff responses. It also forms an archive of sorts. This is something we ought to try at least as an experiment, which also ought to be perpetuated if successful.
16. A possible objection to such an innovation is that this procedure may deprive participation of its spontaneity. This is misconceived since participation in 'zero-hour' does, in order to be meaningful, requires prior preparation and even a measure of floor coordination. Quite often, the learned members consult notes on issues which they prefer to address. And the alternative here suggested allows a fuller measure of spontaneity in addressing supplementaries *within the allotted time*.
17. Another possible objection could be bureaucratization of responses by the University administration. I personally do not think that the administration will offer evasive answers to questions/ issues which are tightly/precisely formulated. Certainly, boundaries of competence/ jurisdiction will have to be preserved under the Act, Statutes, Ordinances. Matters which are the preserve of the Academic Council may not be at all or authoritatively dealt with by the Executive Council and *vice versa*. Even under the existing system, these boundaries have to be strictly maintained to preserve the respective, autonomous roles of these statutory bodies.
18. In fact, it is the Administration which would find the proposed innovation more cumbersome. *First*, it would increase its epistolary workload. *Second*, it will be responsible for accuracy and authenticity of the information. *Third*, responsibility/responsiveness of follow-up action will increase. *Fourth*, this would also increase burdens of coordination when questions/issues relate not just to the Central Office/South Campus but to departments and other institutions. *Fifth*, the administrative overload will increase for the maintenance, and even publication of zero-hour questions/issues, as formulated in writing.
19. Overall, time is ripe for further democratic experimentation with the institution of the zero-hour. Appropriate detailed instruments by way of resolutions may be worked out depending on the path of a preferred innovation to the existing system.

## THIRTEEN

### Requisitioning of Meetings Of Executive Council And Academic Council

1. The procedure for requisitioning of the meetings of Executive Council and Academic Council has been laid down as follows:

#### *Executive Council*

"But on a requisition signed by any five members of the Executive Council to convene a special meeting thereof, the Vice-Chancellor shall convene a special meeting on a date fixed by him. At such meeting only such subjects as the signatories to the requisition have set forth in the requisition shall first be brought forward and disposed of."

#### *Academic Council*

"But on a requisition signed by any ten members of the Academic Council to convene a special meeting thereof, the Vice-Chancellor shall convene a special meeting on a date fixed by him but within fifteen days from the date of receipt of notice of requisition. At such meetings only such subjects as the signatories to the requisition have set forth in the requisition and which appertain to the powers and duties of the Academic Council in accordance with the Act, the Statutes and the Ordinances, shall first be brought forward and disposed of. In case the Vice-Chancellor is of the opinion, upon legal advice, that the matter does not fall within the powers of the Academic Council, he will report the matter to the Academic Council at its next meeting with a list of reasons in this behalf".

2. My own understanding of history of these procedures is rather limited. But I fully appreciate the democratic principle animating this privilege. Broadly put, the requisition procedures enable members of both the bodies to bring to their specific attention issues/aspects which require consideration but do not seem to receive it.
3. *Annexure C* indicates the number of special/requisitioned meetings of Academic Council since 1978. The information available is not comprehensive, though on the whole reliable. Out of 17 meetings, 4 were special meetings; out of 14 requisitions, 5 were regretted (items 11, 13, 14 and 17). Curiously, if we were to complete the information, my tenure will register statistically a far higher rate of regretting requisition than any other ! (This may be because it may also mark relatively the highest number of `requisitions', too). I say `curiously' because I

have striven my best to adhere to a schedule of AC/EC Meetings. The schedule as to Academic Council meetings has been partly dislocated because of the emergence of a new phenomenon of DUTA `whip' based on notions of `mandate' (see Chapter Fourteen). Objectively, it has to be said that requisition had to be regretted when matters were manifestly outside the statutory jurisdiction of the Academic Council.

4. Be that as it may, the nine requisitioned meetings held in this period involved weighty issues. A rough content analysis discloses that these meetings addressed the following structural/policy issues:
  - "democratization" of governance (item 10)
  - examination reforms (item 15)
  - applicability of Ordinance XII (items 3,10)
  - service conditions and promotions (items 6,16)
5. On the whole, it has to be acknowledged that initiatives for requisition were guided by the desire for participative deliberation on issue of considerable, and in some cases far reaching, significance. And on average the requisition behaviour shows that the initiative has been sparingly exercised: the period 1979-1981 and 1991 onwards shows the highest incidence of this initiative.
6. At the threshold, the procedure enables members to move requisition and places the responsibility on the Vice-Chancellor, as the Chairperson, to decide whether such a meeting should be convened. The Vice-Chancellor is to form an opinion on professional legal advice. When the opinion is against convening such a meeting, dissatisfaction arises and is massively articulated, aggravating both the problems of participation and time-management.
7. We need to obviate this problem by co-sharing of responsibility. Our procedure implicitly entails such a responsibility. In any democratic proceeding, the responsibility of requisitionists must at least entail :
  - (a) clear-cut enunciation formulation of an issue, since a whole meeting of the relevant body has as its agenda usually the request for requisition, and
  - (b) a demonstrable awareness that the requisitioned agendum falls within the statutory jurisdiction of the bodies concerned.

If neither responsibility is discharged by the requisitionists, it is not fair to castigate the chair for a ruling *not* to convene the meeting. I believe that both these responsibilities can be adequately discharged if there was a requirement that the request for requisition is in form of

a resolution which may be specifically and in detail considered by the Chairperson and then by the relevant body.

8. When a requisitioned meeting is convened, problems of effective time - management and responsible discussion also arise and need to be addressed. In the absence of any procedure, I have followed the practice of inviting speakers as per the serial order of signatures, each requisitionist to address the meeting. When the number of requisitionists for Academic Council is the prescribed minimum (ten) on an average of 15 minutes per speaker, the initiation of discussion takes at least 150 minutes. But the number may be higher, in which case the time for initiation also increases. Since requisitioning of meeting is a collective act, involving serious application of mind, it should be possible to evolve in a cooperative spirit the introduction of the theme/issues by a team of five members selected by the requisitionists from amongst themselves with a reasonable time limit say about 75 minutes. After the initiation, structured discussion may follow in which all other members could participate with equal responsibility for issues raised and for time - management.
9. The issue of co-responsibility should also be looked at critically in the context of the recent tendency of requisitioning the meetings of the Academic Council. If this tendency continues, the requisition procedure would tend to become an alternate, or supplementary method, of convening the Academic Council. Although, as stated before, I am not a student of the history of this procedure, it seems reasonable to assume that the rationale of the requisition procedure was to remedy those situations where the meetings were not convened for long periods of time or where matters of grave urgency or structural matters requiring, but not receiving, due attention were involved. The devices of a calender for Academic Council meetings and the important mechanism of zero-hour were addressed to ensure more orderly, efficient and democratic functioning of the Academic Council. Frequent requisitioning behaviour may suggest that the Academic Council is not, as a whole, able to perform its statutory obligations. It may suggest, in other words, that the Academic Council is not satisfied by its own deliberative or decisional outputs. Remembering at all times that statutory bodies are collegiate bodies, with collective responsibilities, we ought to avoid as a fraternity such an impression or image about ourselves in the discharge of our statutory responsibility. While we must vigorously articulate, maintain and respect honest differences of opinion, we must also avoid, as a community, notions of any adversarial relationship between and among the membership of statutory bodies.

## FOURTEEN

### Representation And `Mandate'

1. During my tenure as Vice-Chancellor, I have been made aware by elected teacher members in the Executive Council and Academic Council of their view that they not merely represent their electorate (and are, naturally, accountable to it) but also carry, a `mandate' on specific issues. On certain issues, the `mandate' is structured by a common policy approach to proceedings on the meetings of statutory bodies, evolved in meetings of the DUTA. In a few situations, the `mandate' was said to extend to the stalling of the Academic Council meetings until and unless the Vice-Chancellor provided certain `assurances' on matters internal to the management of certain colleges, even when to everybody's knowledge these matters were being debated and discussed at all other relevant fora. The meetings had to be adjourned frequently, since such `assurances' were in my honest judgment ill-advised and outside the jurisdiction of the statutory body.
2. The notion of `mandate' and the structuring of the `mandate' on specific issues, raises questions both of theory/ ideology and practice. These need to be considered with responsible care by all of us as they have an immeasurable impact, for weal or woe, on the future of the University.
3. *First*, we need a vigorous dialogue on the issues of `representation' and `mandate'. As political theorists know well, deep perplexities attend these notions at their very foundations. These may lie unresolved at theoretical/ideological levels. But in relation to democratization of university governance, we should at least revisit these complexities. How do we, for example, conceive the notion of `representation' in university systems? Is it to be conceived on the same lines as in the political process? Are we to make any distinction between the domain of `politics' in general and `politics' on campuses? And if so, are we as community of learners and thinkers willing to extend the logic of `representation' and `mandate' to its full implication which political systems rarely allow (for example, the right to recall, intra-party democracy, referendum procedures)? Or are we to mime the fractured understanding in politics of notions of representation/mandate in our campuses? If, on the other hand, our models of representation/mandate have a distinctive inner logic, how is it to be articulated? As teachers (and I speak as one) we need to raise these issues and elaborate a lively discourse for our present and future well-being.
4. *Second*, the notion of representational mandate as currently practiced has as its premise that all other sections of membership do not represent anything else but the burdens of their office! Heads of Departments, Professors, the University administration being nominated can, at best and at worst, `represent' their own selves, when not their `vested' interests in their offices! If this is the deep structure of the notion of representation/mandate, we must proceed all the way

and follow the advocacy of elective principle altogether. On this logic, Heads, Deans, Principals, Vice-Chancellor and her team must be elective offices. The short and long term implications of even such a thought experiment will need very responsible analysis, even though at first sight this may seem seductively to promote whatever we may chose to call 'democratization'. In principle, such a thought-experiment would require at least a close analysis of the roles and responsibilities assigned to these offices in terms of constituency-specific obligations entailed in 'representation' and 'mandate' notions.

5. Till such time that such like issues are most anxiously addressed at the level of desirability and feasibility, the least we could do is to privilege democratic representation without deprivileging the nominated/ex-officio participation, more so in view of the reality that the 'electorate' includes all teachers by virtue of their membership of the DUTA.
6. *Third*, is a statutory body to be subjected to 'mandates' such that it may not be in a position to address its agendum till a particular issue, even if rightly agitating the minds of teacher representatives, is resolved in a manner in which they prefer it to be resolved? Notionally, one may concede such a probability, in the rarest of rare cases where the University's administration is conducted in ways beyond the reason of rectificatory discursive rationality and in a manner self-evidently and comprehensively subversive of the statutory framework. It is to meet such a situation that the visitorial power to institute an enquiry in the affairs of the university is, presumably, prescribed in our Act, and university legislations generally. In other situations, not proceeding with consideration of a properly processed agenda of the meeting, unless associationally stipulated prior conditions are fulfilled regardless of the jurisdiction of the body and the overall wisdom of following such a course of action, poses a contradiction between collective role responsibilities of members of a statutory body with their role-responsibility as members of an organization. If not addressed, this contradiction carries the potential of historic diminution of the role of statutory bodies as well as of democratic participation. We must think together and work together to avoid either consequence, given the proud traditions of our university.
7. None of the foregoing is an argument against representation/participation. I remain committed to a more effective democratization of university governance and was privileged, *inter alia*, to initiate the expansion of the elected membership of the Academic Council. I remain concerned with effective modes of democratic participation and convinced that one has to distinguish between and among different fora/arenas of such participation. Insistence—no matter how well motivated and sincere—that certain matters be sorted out in a forum which has no statutory competence to deal with it does not advance the goals of participatory governance. It only aggravates the parlous plight of the Vice-Chancellor who alone is obligated by the Act with the statutory responsibility to uphold the Act, statutes and legislation of the University. While holding a Vice-Chancellor accountable is wholly justified, weakening of her role - responsibilities is not necessarily good, in the short and long run, for the University as a whole. Our overall understanding of notions of representation and mandate should also be characterized by our concern with the integrity of forums and procedures which made representation so valued in the first place.

8. We must learn and strive to maintain a rational distinction between `representation' and `veto'. The system, recently innovated in my tenure, whereby the DUTA holding a meeting prior to the Academic Council meeting, and issuing a `whip', is to my mind, unfortunatc. It mixes up different logics of "associational movement" and representational participation in statutory bodies.

25 March, 1993

**Sub :** Requisition for meeting of the Executive Council for Amendment of Ordinances XVIII/XX for conversion of Principalship of Colleges into term-post, and for Enforcement of Ordinance XII with respect to Re-employment of Principals.

Dear Professor Baxi,

As someone who has been associated for long years with the history of renovations within the life of the university, you will recall that until a couple of decades ago the headship of faculty/ departments used to be of permanent tenure. In consequence, however, of the provenly deleterious effects of unchangeably vested administrative authority over a desired culture of free and fearless intellectual enquiry, those headship came, in general recognition, to be seen as inimical to a sound and healthful academic ethos. The details here are too well known to need iteration. As a result, permanent headships gave way to headship by rotation. The burgeoning of scholarly production and of the overall content and quality of debate since that change is for everyone to see despite odds of other kinds, chiefly pertaining to the curtailment of funding in higher education.

That far-reaching decision with respect to the headship of faculty/departments became in course of time the basis of the perception that worthwhile academic and ideational output requires as precondition a de-bureaucratized and open support system. Whereas all apex administrative positions within the university now operate on a term basis in buttress of that perception, the post of Principal remains illogically and anachronistically a permanent entitlement. Especially after the injunction in Ordinance XVIII which stipulates that subsequent to the establishment of staff councils as statutory decisionmaking bodies in regard to academic and pedagogic matters, Principals shall function as Principals-in-Council, our failure thus far to revoke the permanency of the Principal office seems particularly out of place.

May we submit to you that the need to carry forward the sound history of opening up authority structures within academic institutions has over the years acquired added urgency and pertinence in relation to the office of the Principal. It is hardly an obscure fact that as the quality of appointments to Principalships has tended vastly to deteriorate, the permanency of the post has, demonstrably become the source of much that afflicts the colleges. Today in Delhi University we have a Principal who is charged with direct involvement in murder, another who was caught copying in his law examination some years ago, several others complicit in gross violations of financial rectitude and of proprieties with regard to appointments to various posts of teaching and other staff, and there is nothing



we can do ! Hardly a Principal stands out any more on the strength of outstanding contributions to learning. Hardly a Principal fulfils the statutory obligation of teaching a minimum of six classes a week.

It is equally our experience that the permanency of the Principals' office has had the effect of reinforcing all the other undesirables in the life of colleges. Coteries of the mutually unacademic and insecure have become today's reality. Nor can it be unknown to you that the permanent privileges of the post have over the years led to fierce jockeying among hopefuls, causing the most unedifying political wrangles and chicaneries to flourish at the expense of the overall credibility of the system. All this, while the post of the Vice-Chancellor, appointed to supervise the entire university remains a term-post.

There is, indeed, not one good reason for continuance of the present position, except a habitual inertia such as hampers and puts off break through. This is particularly inexplicable in view of the fact that any amendment to Ordinance XVIII in this regard need have no bearing on the present incumbents whose conditions of service will remain commensurate with their terms of appointment.

In the last meeting of the Academic Council, while responding to a requisition by ten elected members for a meeting of the AC to debate the issue you clarified that the matter fell within the purview of the Executive Council. In the light of that clarification, may we now urge you to place the matter on the agenda of the EC. Naturally, details pertaining to alternative procedures within a term-based structure will emerge from the debate within the council. We do suggest, however, that the difficulty here, if any, is far from awesome. On the spur, for instance, it seems a feasible and workable idea that a seniority roster of all teachers eligible to be Principals, either within a college or across all Delhi University colleges be drawn up, locally or centrally. The job then could be offered to any willing person in accordance with seniority on the roster against an allowance over and above existing salary. On completion of the term (which could be between 3 to 5 years), the teacher would return from lien to the parent department within his own college or the parent college.

We are hopeful that the force of what we propose will weigh with you, and that the matter shall be taken up at the earliest, so that the vacations can be utilised to initiate and obtain amendments to Ordinance XVIII and XX in this regard.

In the meanwhile, as we have been repeatedly pointing out, re-employment granted to Principals *qua* Principals is wholly violative of law a fact established by the rejection of amendments sought by the university at the hands of the Visitor. The case here has been persuasively made by several members of both the AC and the EC, and especially by a member of the AC in full detail in writing to you. In view of that reality, we urge you to discontinue granting reemployment to Principals except as "distinguished teachers"; wherever so reemployed, the law as at present requires that they function as other reemployed teachers and not be entrusted with any administrative/financial responsibilities, nor be nominated to sit on Governing Bodies.

We are fully cognizant of the fact that the sort of amendment we seek will not but draw

resistance; but we also know that that sort of occurrence has always been a concomitant to change. Conversely, the opinion in favour of the transformation and of the projected gains to colleges and to the general academic life within campus is unmistakably strong as well. It is upto you first, as Chairman of the Executive Council, and then upto the Council to recognize the merit of the argument and to do what the system requires—might one add, at considerable saving in money terms as well.

With warm regards,

1. Sd/-  
Badri Raina
2. Sd/-  
K. P. Chinda
3. Sd/-  
R. K. Oberoi
4. Sd/-  
Sudanshu Mittal
5. Sd/-  
Rajeev Saxena
6. Sd/-  
Gyanesh Choudhary

**In the High Court of Delhi**

C. W. P. No. 4697 of 1993 and C. M. No. 7699/93.

Date of decision : October 7, 1993.

N. S. Kapur and another..... represented by Mr. Anil Nauriya,  
Advocate with  
Ms. Hemantika Wahi,  
Advocate.

versus

The University of Delhi .....represented by .....  
and others.

Coram :

Hon'ble Mr. Justice D. P. Wadhwa  
Hon'ble Mr. Justice D. K. Jain.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. Whether referred to the reporter or not ?

D. P. Wadhwa, J : (Oral)

The petitioners, who are respectively a reader and Lecturer in the S. G. T. B. Khalsa College (for short college) affiliated to the University of Delhi, have filed this petition under Article 226 of the Constitution seeking to have the reemployment of the fifth respondent as Principal of the college quashed. The four other respondents are respectively University of Delhi (the University for short); Vice-Chancellor of University of Delhi. Governing Body of SGTB Khalsa College itself. It is stated that the re-employment of the fifth respondent as a Principal is in contravention of clause 3-A of the Ordinance XII of the University. The University has been established under the Delhi University Act, 1922, and under section 30 is empowered to issue ordinances for various matters prescribed therein. Under these powers Ordinance XII was issued which relates to college appointee teachers. Under clause 1. unless the context otherwise requires, a teacher includes a Principal of a College, under Ordinance XII. Under clause 3-A, the retirement age of a Principal or a teacher is 60 years.

Under sub-clause (2), however, the governing Body of a College may, with the approval of Vice-Chancellor, re-employ any distinguished teacher after he has attained the age of 60 years for a period not exceeding 5 years on the whole but not beyond his completing the age of 65 years, if the Governing Body is satisfied that such re-employment is in the interest of the College. There is an explanation to clause 3-A which says that a Principal who has been a distinguished teacher may also be re-employed under the provisions of this clause. It would be appropriate to set out clause 3-A in extenso :-

- 3-A 1. Subject to the provisions of clauses 6, 7 and 8 of the Agreement of Service, a person appointed permanently as a Principal of College or institution or as a teacher therein shall be entitled to be in the service of that College or Institution until he completes the age of sixty.

Provided that a Principal or a teacher, as the case may be, who has completed the age of sixty years and is still in the service of the College, or Institution by virtue of the provisions which were in force prior to 1-4-1975, shall continue to be in such service for the unexpired period of the extensio already given to him.

2. The Governing Body of a College or an Institution may, with the approval of Vice Chancellor, re-employ any distinguished teacher after he has attained the age of 60 years for a period not exceeding 5 years on the whole but not beyond his completing the age of 65 years, if the Governing Body is satisfied that such re-employment is in the interest of the College or Institution.
3. Subject to the provisions of subclause (2), the terms and conditions of service of a re-employed teacher including his salary, leave and other benefits admissible to him will be in accordance with the rules prescribed by the Government of India from time to time.

Explanation :- A principal who has been a distinguished teacher may also be re-employed under the provisions of this clause.

Contention raised is that a Principal though he can be re-employed under the explanation but only as a teacher and not as a Principal. On this account the appointment of fifth respondent is under challenge.

Let us have a few facts. Fifth respondent who was working as a Principal of the College reached the age of superannuation on 8 October 1990. His employment was extended under clause 3-A aforesaid for a period of three years. Earlier there was no challenge to his re-employment as a Principal. Now when the Governing Body of the College again met on 24 July 1993 and passed a resolution for re-employment of the fifth respondent for two more years, and which resolution has since been approved by the Vice-Chancellor, there is this challenge. Perhaps this challenge has been made on account of a letter dated 5 July 1993 of the Director in the Ministry of Human Resources and Development, Government of India, addressed to the Registrar of the University. Again we reproduce this letter in extenso :-

Please refer to the correspondence resting with c. o. letter No. D. (D) /93/7959 dated the 29th April 1993 from Shri J.C. Sachdev, Deputy Registrar, to Shri S. S. Mahlawat regarding re-employment of Principals in colleges of Delhi University.

The matter has been examined in consultation with Law Ministry. On a close reading of Clause 3A of Ordinance XII of the University it is noted that Explanation given thereunder is meant for removing disqualification from being re-employed as a teacher in respect of a Principal who is also a distinguished teacher. It does not entitle a Principal to be re-employed as Principal. This is also clear from the language of the Explanation which does not make a Principal eligible for re-employment unless he is a distinguished teacher. Re-employment of a superannuated Principal as Principal is, therefore, violative of provisions of Ordinance XII of the University.

The University may like to revise their stand in the light of the above position advised by the Law Ministry and take appropriate measures to ensure that no violation of the impugned Ordinance occurs. The University may also apprise the Government of the action taken.

Mr. Nauriya contended that there was no provision for re-employment of a Principal as a Principal on superannuation. He said that under sub-clause (2) of clause 3-A of Ordinance XII of the University, the Governing Body of a College may with the approval of the Vice-Chancellor, re-employ any distinguished teacher upto the age of 65 years, and under the explanation to clause 3-A, a Principal who had been a distinguished teacher may also be re-employed but only as a teacher and not as a Principal. Mr. Nauriya derives strength from the aforesaid letter of the Government of India. We, however, do not find that the contention raised by the petitioner is correct. To us there appears to be no ambiguity in the explanation to clause 3-A. It is not denied that fifth respondent himself is a distinguished teacher and has been taking classes in the College. "Re-employed" in the explanation refers to re-employment of a Principal who has been a distinguished teacher. That being so, a Principal can also be re-employed after the date of his superannuation upto his completing the age of 65 years. The view expressed is not correct. The challenge, therefore, fails and this petition is dismissed in limine.

October 7, 1993

**In the High Court of Delhi**

C. W. P. No. 4171 of 1993 and C. M. No. 6658/93.

Date of decision : October 13, 1993.

Smt. Necta Aggarwal & Ors. ....represented by Mr. S. C. Gupta,  
Senior Advocate, with  
Mr. Pradeep Nandrajog,  
Advocate.

versus

Dr. (Mrs.) Raj Wadhwa.....represented by Mr. Rajendra Dhawan,  
Advocate, with Mr. R. C.  
Berry, Advocate, for  
R-1.  
Mr. V. P. Chaudhary,  
Senior Advocate, with  
Mr. Rajan Sareen,  
Advocate, for R-3.

Coram :

Hon'ble Mr. Justice D. P. Wadhwa.

Hon'ble Mr. Justice D. K. Jain.

1. Whether reporters fo local papers may be allowed to see the judgment ?
2. Whether referred to the reporter yes or not ?

D. P. Wadhwa, J : (Oral)

This petition has been filed by six petitioners who claim themselves to be eligible to be appointed as Principal of the Vivekananda College, Vivek Vihar, Delhi (college for short) and thus, challenge the re-employment of the first respondent as Principal of the college. The Vice-Chancellor of Delhi University and the Chairman, Governing Body of the college have been impleaded as respondents.

Petitioners say that the Statute of the Delhi University provides that every college shall have a duly constituted Governing Body consisting of not more than twenty persons approved by the Executive Council of the university and including, among others, at least two representatives of the teaching staff and the Principal of the College as Member-Secretary. It is stated that the Governing Body of the college is thus a statutory body/authority. The college itself was started by the Delhi Administration and is an affiliated college of the University. It is not necessary for us to go into details as to how the appointment of the employees of the college including as well of Principal and other teaching staff is to be made. Admittedly, the first respondent was Principal of the college. She attained the age of 60 years on 31 July 1993. The Governing Body of the college resolved to re-employ the first respondent as Principal for a further period of three years or till she attained the age of 63 years whichever was earlier. This was approved by the Vice-Chancellor of the Delhi university and a letter to this effect dated 9 June 1993 was written to the Principal, Vivekananda College, that "the Vice-Chancellor has been pleased to approve the proposal of the College for the re-employment of Dr. (Mrs.) Raj Wadhwa Principal in Vivekananda College w. e. f. 1.8.1993 for a period of 3 years or till she attains the age of 63 years whichever is earlier". It appears, on the basis of a letter dated 5 July 1993 issued by the Central Government in the Ministry of human Resources and Development, the Chairman of the Governing Body of the College on 30 July 1993 wrote a letter to the first respondent that she could continue to work as a Principal only upto the end of the month, i. e., 31 July 1993. She was directed to hand over the charge of the Principal of the College to Mrs. Neelam Bakshi or in case of her non-availability to the next seniormost persson (now the first petitioner before us) w. e. f. 31 July 1993. There was dispute as to the authority of the Chairman, Governing Body, to address such a letter. On 4 August 1993 the University again wrote a letter to the first respondent in reply to her letter to the Vice-Chancellor. She was informed that subsequent to the approval by the Vice-Chancellor to the decision of the Governing Body of Vivekananda College to re-employ her as Principal of the College after superannuation w. e. f. 1 August 1993, so far as the Delhi University was concerned she continued to be validly re-employed and recognised as Principal of the College.

On 4 August 1993 itself Dr. (Mrs) Raj Wadhwa filed a writ petition in this Court (C.W.P. No. 3667/93) challenging the aforesaid letter of the Chairman of the Governing Body. When that matter came up for admission we stayed that letter and ultimately on 11 October 1993 on a statement made by the Chairman of the Governing Body that he had agreed to withdraw his letter dated 30 July 1993 that petition was dismissed as withdrawn.

The present petition was also listed on 11 October 1993. The principal ground of attack was that under the relevant Ordinance of Delhi University a Principal could not be re-employed as a Principal and reliance was placed on letters written by Central Government as well as the Chairman, Governing Body, as aforementioned. It was brought to the notice of the counsel for the petitioners that this Court in a writ petition (CWP No. 4697/93 N. S. Kapoor and another v. The University of Delhi and others, decided on 7 October 1993) had taken a decision that under the relevant ordinance (Ordinance XII) a Principal could be re-employed as a Principal. We had also expressed our view in that decision that the stand taken by the Central Government in their letter dated 5 July 1993 was not correct. The counsel, however, wanted time to study that judgment. Mr. Gupta, learned counsel

for the petitioners, submitted that under the relevant clause (clause 3-A of Ordinance XII) before the Governing Body could pass a resolution to re-employ a teacher after superannuation the approval of the Vice-Chancellor had to be obtained beforehand. He said he was supported by a decision of this Court in *Dr. B. L. Kapur v. Madan Lal Khurana* (CWP No. 3674/90, decided on 20 January 1992). He took us through this judgment but we are unable to find as to how Mr. Gupta could get support from this judgment. Rather, the Bench pointed out that all that rule 3-A of Ordinance XII required was : whether re-employment was to be granted, for the Governing Body to pass a necessary resolution and seek approval of the Vice-Chancellor. We do not find any merit in this petition. Moreover, we are not satisfied with the bona fides of the petitioners in filing this petition. As noted above, representatives of the teaching staff are on the Governing Body, and as per the relevant rules the Vice-Chancellor of the Delhi University approved the proposal of the Governing Body for re-employment of first respondent as Principal of the College. There is no error in the procedure adopted by the Governing Body or the Delhi University. The Chairman of the Governing Body has also since withdrawn his letter dated 30 July 1993. In spite of our stating the law in clear terms we have not been able to understand the insistence of the petitioners to proceed with this petition. This petition, therefore, fails and is dismissed with costs. Counsel fee Rs. 2,000/-

October 13, 1993



## Statement of Requisitioned Academic Council Meetings from 1978 onwards

| Sr.<br>No. | Date of the<br>A. C. | Type                    | Subject matter   |
|------------|----------------------|-------------------------|--|
| 01.        | 08.02.1978           | Special                 | Recommendations of the Committee appointed by the Vice-Chancellor for streamlining the functioning of the Council.   |
| 02.        | 21.03.1979           | Special                 | Recommendations of the Faculties with regard to the restructuring of the Courses at the under-graduate level in view of the 10+2+3 pattern of education.   |
| 03.        | 23.07.1979           | Requisition<br>admitted | a) Applicability of Ord. XII to the Colleges maintained by the Central Govt. and Delhi Administration.<br><br>b) Recommendations of the Medical Council of India regarding 50% NPA to the teachers in Medical Colleges.  |
| 04.        | 06.08. 1981          | Requisition<br>admitted | Regarding affairs of the Rao Tula Ram College.   |
| 05.        | 02.11.1981           | Requisition<br>admitted | a) Posts of Directors of Physical Education should be redesignated as Lecturers-in-Physical Education.<br><br>b) The University should pursue with the U.G.C. the approval of the pending proposal for introduction of Physical Education at the Under-graduate level. |
| 06.        | 14.12.1981           | Requisition<br>admitted | The Delhi University Teachers' Association Proposal for the promotion of teachers in the colleges.   |
| 07.        | 23.01.1982           | Requisition<br>admitted | a) Formation of Admission Committees of various Faculties/Departments.<br><br>b) Formation of the A.C. Agenda Committee.   |

|     |            |                       |   |
|-----|------------|-----------------------|---|
| 08. | 18.03.1982 | Requisition admitted  | The alleged irregularities in the conduct of the Medical Entrance Examination of the University. -  |
| 09. | 17.09.1984 | Special               | To consider question relating to appointment of teachers in the colleges in accordance with the new qualifications of teachers.   |
| 10. | 29.12.1985 | Requisition admitted  | <ol style="list-style-type: none"> <li>1. To assess the progress in regard to the implementation of the resolution passed in the last meeting of the Academic Council held on 28.11.1985.</li> <li>2. To consider the recommendation of the Working Group on democratisation constituted by the Executive Council for (a) increasing the number of elected teacher members in A. C. from 20 to 26 with increased reservation for specified categories, (b) increasing teacher representation on College Governing Bodies by providing for election of two teachers &amp; representation of the Bursar.</li> <li>3. To assess the situation regarding implementation of the amended statute for re-constitution of College Governing Bodies.</li> <li>4. To amend the statute relating to representation of elected teachers on the A.C./E.C. so that the limit of 2 terms in a life-time can be lifted.</li> <li>5. In view of the problems arising therefrom to reconsider the decision of the A. C. to the effect that if the teacher does not complete M. Phil./Ph. D. within 8 years of appointment, his/ her increments shall be stopped.</li> <li>6. To consider the progress in regard to implementation of Ordinance XII in Professional Colleges of the University.</li> </ol> |
| 11. | 03.09.1989 | Requisition regretted | Violation of the University Act, its statutes, Ordinances and Regulations in relation to "matters dealing with examinations, appointments, admissions in the College of Vocational Studies" and "other academic matters."   |

- |     |   |                       |  |
|-----|---|-----------------------|--|
| 12. | 07.03.1991                                      | Special               | To consider implementation of the GOI policy about the reservation for SC/STs in all Central Universities.                           |
| 13. | 27.08.1992                                      | Requisition regretted | To discuss affairs of the Daulat Ram College.  |
| 14. | 18.02.1993                                      | Requisition regretted | (a) Regarding reemployment to Principals as well as making the Principal's post a Term-post.   |
|     |   | Requisition regretted | (b) Regarding reconsideration of the University's decision in respect of reservation of 20% posts in the University and in Colleges. |
| 15. | 18.06.1993                                      | Requisition admitted  | Examination Reforms.   |
| 16. | 02.12.1993                                      | Requisition admitted  | Implications of the Judgement of the Hon'ble High Court of Delhi in the matter of Raj Singh vs. University of Delhi.                 |
| 17. | 10.12.1993<br>(date of request for requisition) | Requisition regretted | To consider academic crisis that has overtaken in the Department of Botany.  |

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