

IN THE HIGH COURT OF DELHI AT NEW DELHI
WRIT PETITION (C) NO. 2764 OF 2011

Nandini Dutta & Ors

....Petitioners

Versus

University of Delhi & Ors

...Respondents

SUBMISSIONS ON BEHALF OF THE PETITIONERS

1. The petitioners have filed an affidavit in rejoinder dated 9.5.11 which serves also as written submissions on behalf of the petitioners, and therefore this submission may be treated as in addition to the submissions made in the rejoinder.
2. In the affidavit in rejoinder dated 9.5.11, (which the petitioners request this Court to treat as the written submissions, since the rejoinder is drafted in that manner), the petitioners have put on record in considerable detail how the so called resolutions of the Academic Council and the Executive Council were manipulated and the reasons why the shift over to the semester system in the manner being done will cause chaos. By way of summary the petitioners have argued:
 - a) That the double examination system for the entire university and its affiliated colleges is just impossible, will take valuable time away from teaching, result in the dilution of course content, sabotage the present system of intensive and conceptual learning and replace it by an examination oriented rote learning system, undermine the honours courses which is the mainstay of the University, particularly affect weaker section students and weaken interdisciplinary learning and adversely affect extracurricular activities.
 - b) That the double examination semester system has already had disastrous results with very high rates of failure as evidenced by the results documented in our petition.

- c) That the Academic Council's resolutions and the Executive Council's resolutions were repeatedly manipulated and the minutes do not reflect the true situation and that the numerous dissents have been put on record again and again.
- d) That the statutory role to be played by the Committee of Courses (CoC), the faculties, the staff councils and the other statutory bodies have been undermined by the University that has acted in a highhanded manner.
- e) That the Vice Chancellor has unlawfully invoked his emergency powers to decide academic matters while restrained on this was clearly laid down by the Hon'ble Delhi High Court vide its judgment and the Visitor (Nandini Compilation, page 299-306) .
- f) That the academic opinion of the majority of the teaching staff has been ignored.
- g) That the tendentious sketchy comparison with the University of Madras and the University of Bombay is inappropriate and if considered in full detail, to an extent, supports the arguments of the petitioners (Nandini, Index Vol-II, page 4-6).
- h) That the actions of the respondents are in breach of the University of Delhi Act, the Statutes, the Ordinances and the Regulations. (Section 17 read with statute 10 and Ordinance XIV-B(6) of DU Act, 1922 (Nandini, Compilation, page 240-242, Nandini, Rejoinder affidavit, para 54, 55, 56, 57, Statutes 11 (G) 1,2, Regulation 3(5) Vol. 2 of University Calendar)
3. The submissions made herein, are, in the main, on the interim arrangement that should prevail until the matter is finally heard on 15.7.11 as scheduled.
4. The present situation pertaining to the implementation of the semester system for the undergraduate courses is that, apart from 13 science

courses operating in the semester mode, and the few courses which have all along been in semester mode, all other courses taught in the various departments and faculties and colleges such as Bachelor of Arts Honours & Programme, Bachelor of Commerce Honours and Programme, are, as of today, taught in the annual mode. Thus 80% of the teaching in the 77 colleges affiliated to the University is today in the annual mode.

5. What the University proposes to do is to make a drastic change over to the semester system and is forcing the colleges to announce the same in their admission brochures and prospectus, without even a semblance of any preparation being done, and in an utterly irresponsible manner. Without even a basic course structure ready in many of the courses, this is going to cause utter confusion and chaos leading to irreparable damage to the career and lives of students and the reputation of the University. The petitioners herein explain what is mostly likely to happen if the University is allowed to force the colleges to print in their brochures that teaching will be done in the semester mode, as required by the specific clause 10 of University notification dated 19.4.11.

6.

- a) The academic session for undergraduate courses starts around mid July, the admission for which starts from the beginning of June. Preparation of the time-table in any college is a formidable exercise, which begins with allocation of workload, in the form of specific papers of various courses to the individual teachers and involves the difficult task of avoiding any conflicts in utilization of classrooms and teaching time of both the teachers and the students.
- b) For effective teaching to be in place by mid-July, this entire exercise must begin by the third week of April. However, this exercise cannot be initiated without having complete information about the syllabus and structure of various courses, including the number of papers, the number of lectures and tutorials to be allocated to each of these papers, the number of optionals to be allowed, the concurrent component etc. In other words, if the

colleges are forced to announce semester based teaching for all the courses when even basic information on these semesterized courses are not available, this is going to throw the entire teaching schedule into disarray.

- c) In the prevailing circumstances, courses have not yet been allotted to teachers and thus teachers to date do not have any idea about what they will be teaching in July, nor will they now have adequate preparation time to teach these courses for further reasons explained below.
- d) Teachers are at the moment busy with invigilation of examinations, given that the examination schedule is running one month late this year. These are being carried on in conditions of 42 degrees Centigrade – with only one to two fans per room of 60-70 students. This is the cost of the University desire to push through everything without any consideration to those who are affected by it. We shall not lament here the conditions under which the teachers are also performing their duties in such conditions foregoing any summer break or other break from December 2010 to October 2011. Nevertheless, this process of examinations will go on for another three weeks from today – well into early June. This will further cut any meaningful preparation time for the new courses.
- e) Immediately after the exams, or sometime during later during its term, will start the evaluation of scripts. The same teachers will be then involved in this evaluation, which normally goes on for between a month and a half and two months. Even assuming the University finds some revolutionary way to cut down the time taken to complete this task at the risk of jeopardizing the students career by rushing through it, the minimum it will take will be 30-40 days, which means at earliest evaluation can be over is by end of July. As per Delhi University examination schedule the examinations will go upto third week of June.
- f) By the beginning of June, the new applications for admissions will start pouring in. The University has already advanced the date for

the new admission to 15th June instead of 22nd June. But it has also increased the number of rounds of admissions to five from three. Thus admissions for regular students will carry on till the end of the third week of July. After that the admissions to the SC/ST and other reserved categories will start and these are almost interminable. But even if we assume that these will finish extra fast, the earliest date we are looking at is the end of July.

- g) We can anticipate the confusion that will arise from not knowing which subject combinations go with which course, what options students can opt for, which college can offer which courses, and the need to address the anxieties of over a hundred thousand parents who have to idea what their wards are getting into, how the new system is different from the old one, what happens to the Honours courses and how their teaching will commence and so on.
- h) Additionally, if courses that are made hurriedly without consultation are imposed, or worse, courses that have not been made are imposed in July by bifurcation or "any other means", the confusion is going to increase further and will lead the teaching learning process to a chaotic state.
10. The libraries are not equipped with the new readings and there is no material available in Hindi. Neither the teachers not the students will know how to handle this. There will be panic because unlike the earlier system there will not be time to deal with such issues.
11. The prospectus gives the details of the courses for informed choice to be offered to students. No consistent information can be provided in absence of a total structure of a programme, such as B.A. (Hons.) programme, which has not been provided by the University. For courses which the VC plans to impose mechanically by bifurcation, even minimal information about these courses cannot be provided. So the prospectus will misguide and misinform students in the current situation, if Clause 10 of the 19.04.11 Notification is to be followed. It should be recalled here that last year, when the University similarly

forced semesterization of 13 science courses, it led to widespread chaos completely throwing the teaching schedule into disarray.

12. Even today, after almost a year, the University is yet to sort out all the problems arising out of such a hasty introduction of incompletely prepared courses (Indian Express story, Annexure I), as would be evident from the fact that the University has announced datesheet for the science courses without specifying the dates for certain subjects. (DU notification, Annexure – II, III)
13. PRAYER : It is for this reason that the petitioners submit that no such hasty changeover to the semester system, be permitted and hence, there to be a stay on clause 10 on the notification of the University dated 19.4.11. Petitioners ask that, as an interim order, the University be directed to refrain from taking any further steps to semesterize any course other than the 13 science courses referred to above, and not to proceed with semesterization with respect to any course other than the 13 science courses, through bifurcation or any emergency methods that are patently unacademic, until the matter is comprehensively heard and adjudicated by the Hon'ble Court.
14. What else needs to be done? Petitioner suggests, that by way of an interim order, directions be given, (particularly in view of the large scale dissent of the teaching community which the petitioner has put on record), for ascertaining in a formal and transparent manner the views of the teaching community in the following way:
 - a) Through Departmental General Body Meetings (GBMs) of Teachers in all disciplines with an aim to build democratic consensus on the academic reform that needs to be adopted
 - b) Through resolutions adopted after detailed discussions on academic reform in the Staff Councils of all the colleges
 - c) Through academic decision-making arrived at in properly constituted and duly called statutory bodies of the University viz. Committees of Courses, Faculties, Academic Council and Executive Council

15. The above procedure may be started at the beginning of the academic year in July 2011 and completed by end-September 2011.
 - a) The Departmental GBMs may be initiated within 10 days of the re-opening of the university in July, and concluded by the 10th of August 2011.
 - b) The Staff Councils of the Colleges may be convened in the period from the 11th of August 2011 to the 20th of August 2011.
 - c) The Committees of Courses of the various Departments may be convened in the period from the 21st of August 2011 to the 31st of August 2011.
 - d) The meetings of the various Faculties may be held from the 1st of September 2011 to the 10th of September 2011.
 - e) The meeting of the Academic Council may be held with one week's notice after this, i.e., by the 18th of September 2011.
 - f) The meeting of the Executive Council may be held with one week's notice after this, i.e., by the 26th of September 2011.
16. If a substantial majority of the teachers are against the semester system, the proposal of the University to semesterize further courses should be kept in abeyance, subject to substantial academic review to be decided upon later by this Hon'ble Court.
17. As part of these written submissions the petitioners rely on and seek to put on record the following relevant documents:

Nandini Dutta & Others, WP 2674 of 2011