

**Hailing Delhi High Court 's Historic Verdict
Rejecting JNU Administration's Faulty
Cut-Off Criterion Responsible for
Scuttling OBC Reservation in JNU!**

TORCHLIGHT PROCESSION

**8.9.10 (Tonight) from Ganga Dhaba
at 9.30pm**

“Requiring the OBC candidates to secure marks within 10% bandwidth of the last candidate admitted in the General (Unreserved) category amounts to requiring the OBC candidates to compete with the General (Unreserved) category candidates and which is contrary to the concept of reservation. **The cheque of reservation of 27% issued by the legislature to the OBCs in accordance with the Constitution of the country cannot be made to bounce.**”

The cheque of reservation given to these classes by enacting the CEI Act cannot be permitted to be called a bad cheque, a cheque which has come back marked “insufficient funds” or “no admission because you have failed to secure marks 10% lower than the last candidate admitted in the General category”.”

– from the historic verdict of Delhi HC holding JNU's implementation of OBC reservations to be bad in law

Yesterday's Delhi HC verdict, clearly establishing that OBC seats (in JNU, and by implication in other Universities too) have remained unfilled and transformed into general seats, not because OBC students were 'not meritorious enough' but because of a deliberate subversion on part of JNU (and other) Administrations backed by the Central Government. JNU students' patient and painstaking struggle for the past two years, and the efforts of a range of JNU faculty members and progressive individuals beyond JNU (including civil libertarian late K Balagopal, P.S. Krishnan as well as the advocates who presented the case in Court, Mr. Mariaruptham, Mr. Anil Nauriya, Mr. Subba Rao and Mr. A T Rao) must be credited for this verdict will have far-reaching implications even beyond JNU.

UPA-II's Game: Take Away Through Executive What Legislature Has Granted to OBCs

It is doubly shameful that the UPA Government's MHRD, (termed Union of India or UOI in the verdict) took the trouble to send a legal representative to back JNU's unconstitutional and casteist ploy to subvert the OBC quota!

The HC verdict clearly states, “The legislative intent has to be given full impact and cannot be whittled down by Executive decisions. The policy adopted by the respondents UOI & JNU amounts to the Executive taking away what the legislature has given to the OBCs.”

This is the game of the Congress Government at the Centre. With one hand they seek to take credit for the legislation on OBC reservation in CEIs. With the other, they seek to take away the same right, by backing the blatantly bad practice of JNU.

Multiple Odds and Our Struggle

Way back in July-August 2008, when the abysmal non-fulfilment of the first phase OBC quota first came to light, AISA had studied the matter and had identified JNU's faulty definition of 'cut-off' as the reason. Since then, AISA patiently worked to build opinion within JNU on this issue, with the AISA-led JNUSU holding hunger strikes, engaging in wide-ranging discussion with JNU faculty in a symposium on implementation of OBC reservations, backing the arguments with admission data procured through RTI, circulating a detailed note among faculty members and members of Academic Council, approaching several progressive individuals beyond JNU to become active on the matter and so on. The RTI on admission data was secured last year itself to identify actual case studies of students denied admission thanks to the faulty criteria, and to use these cases to build a legal case against JNU – an effort that culminated in the present verdict.

In the entire period since 2008, JNUSU and AISA faced multiple odds in an extremely uphill battle.

JNU Administration and VC's Role in Subverting OBC Reservations

The worst obstacle was the adamantly casteist attitude of the JNU Administration, which even when faced with logic and evidence that was crystal clear and left no room for argument, insisted on continuing with their subversion of OBC quota in JNU.

The HC Verdict, directing JNU to admit the two petitioners within a week of their fulfilling formalities, clearly indicts JNU for adopting a legally untenable interpretation of “OBC cut-off” in order to “make the cheque of OBC reservations bounce.”

Let us remind the JNU VC that he and his hand-picked team, including the known anti-reservationist Director of Admissions, were not unaware or 'mistaken' in their acts. They were fully aware of the truth (having been reminded time and again by JNU students, teachers and other esteemed individuals), and equally determined to subvert the truth and deny OBC students admission.

We ask the Vice Chancellor to answer the following questions:

- When JNUSU held a hunger strike in August 2008, were you not made aware of the faulty criterion of 'cut-off' which was resulting in non-fulfilment of OBC seats? You were fully aware, but you responded by setting up the Aditya Mukherjee Committee to 'look into the matter' and find ways to delay the matter and deny the truth.
- When the JNUSU circulated elaborate explanatory notes to the Standing Committee on Admissions, JNU **P.T.O**

EC and AC throughout 2008-09, you were fully aware of the facts of the matter. These notes, in fact made the *same arguments and analysis of relevant SC verdicts and MHRD directive as those made by the Delhi HC verdict yesterday*, and established that JNU's method was illegal and unconstitutional because "opportunity granted by the Constitution for the reserved category gets tied to the fluctuating performance of unreserved category." Had you then heeded our argument, you would have stopped the irreversible damage done to the careers of several hundred OBC students for all these years and saved JNU the shame of being pulled up by the Court on a matter of social justice.

- When JNU teachers wrote to you on August 2009, were you unaware of the facts?
- Finally, even after JNU's Academic Council endorsed the correct position, you subverted that decision using the plea of a legal notice served by the YFE – a known anti-reservation outfit! Is it not a clear proof of the fact that JNU under your rule is being governed by the anti-reservation ideological prejudice rather than the democratic decision-making bodies and the law of the land?

Will you tell us what kind of justice should be meted out for those responsible for such a wilful subversion of a Constitutional provision for students from deprived categories?

SFI's Long Silence and Refusal to Unmask Administration's Casteist tricks and Mindless Attack on AISA

The second major hurdle in this uphill struggle was the role played by various student groups including the SFI. These organisations ever since 2008 refused to acknowledge the point about faulty 'cut-off criteria' being, and instead resorted to slandering AISA, raising the bogey of 'seat cuts' and alleging that OBC seats were not being filled because 'casteist AISA' was heading the JNUSU! Even today, when the JNU student community achieved a historic victory in the Court, SFI did not think it fit to congratulate the JNU students' struggle for achieving this historic verdict. Instead their very first response is to issue a poster with various falsehoods characteristically abusing AISA and CPI(ML) of being 'casteist'! **Let actions (ours and theirs) speak for themselves.**

- Will SFI show us a *single* leaflet by them, between August 2008 and February 2010, where they have even bothered to acknowledge the issue of faulty 'cut-off' as the basis for non-fulfilment of OBC seats in JNU?
- Will SFI tell us why they did not participate in a single initiative of JNUSU – be it hunger strike, symposium, public meeting etc – on the demand that JNU change its incorrect criterion of calculating OBC cut-off?
- Even after AISA brought to light the RTI data on JNU admissions that revealed the rank injustice against OBC students who were denied admission, why SFI never even bring out a single leaflet or poster responding to the shocking facts?

Will SFI tell us: why this long and calculated silence on such a crucial issue? Did they not know that such silence was a tacit endorsement the casteist manoeuvres of the JNU Administration? SFI's silence and refusal to unmask JNU administration's casteist tricks with "cut-off" criteria on one hand and misdirected attacks against AISA on the other, only weakened the process of consensus building and allowed JNU administration a free run. Despite such slander campaign AISA never got deflected in its agenda and efforts. It was only in March 2010, when a determined struggle was on before the Academic Council Meeting of 18 March, which rejected Aditya Mukherjee Committee's faulty cut-off criterion, that these organisations eventually came around to seeing sense and subsequently supported the filing of the case in Court challenging JNU's faulty position.

JNU Administration's tricks finally Foiled

When JNU Admin., backed by the UPA Government, deliberately tried to subvert and scuttle OBC reservations and "make the cheque to OBC students bounce," they banked on the calculation that students were bound to be swayed by anti-reservation sentiment. They must have been sure (assured by their YFE friends) that students would be the last people to struggle to defend OBC reservations!

What has foiled their unconstitutional and casteist manoeuvres is the remarkable anti-casteist unity, solidarity and struggle to defend reservations displayed by JNU students along with faculty members and democratic individuals. Yesterday's historic verdict is a culmination of a two-year-long sustained struggle.

For JNU students, the challenge remains to ensure that the implications of the HC verdict are fully realised and implemented in JNU. JNU Admin must immediately withdraw the faulty criteria, and fulfil the OBC seats which were wrongly denied to deserving students – and all such students must be granted admission immediately. Those responsible for the deliberate implementation of faulty criteria must take responsibility and face suitable justice.

To salute the Delhi HC verdict and commit ourselves to taking up challenge, we call upon JNU students to join a Torchlight Procession. tonight from Ganga Dhaba at 9.30pm