

IGNOU

MINUTES OF THE EMERGENT MEETING (57th MEETING) OF THE BOARD OF MANAGEMENT OF THE INDIRA GANDHI NATIONAL OPEN UNIVERSITY HELD ON SATURDAY, MARCH 21, 1998 AT 1200 HOURS IN THE CONFERENCE ROOM, BLOCK 8, IGNOU CAMPUS, MAIDAN GARDI, NEW DELHI-110068

The following were present:

1. Prof. R.G. Takwale, Vice-Chancellor - Chairman
 2. Dr. S.K. Gandhe
 3. Prof Suhash Chakravorty
 4. Prof Habibur Rehman
 5. Prof RVR Chandrasekhar Rao
 6. Dr. Kiran Karnik
 7. Prof Afzal Mohammad
 8. Prof M M Pant
 9. Dr. A R Khan
 10. Dr. D D Kaushik
- Shri KJS Prasada Rao, Registrar - Secretary

Shri P.R. Dasgupta, Shri C.R. Kamalanathan, Shri A.C. Muthaiah, Shri J.P. Javali and Dr. (Ms) Shakuntala Verma could not attend the meeting.

Before the items were taken up, the Vice-Chancellor gave a brief account of the reasons for convening the emergent meeting; one was the Show Cause Notice issued to the University by the Visitor on the action taken by the Vice-Chancellor to revert Ms Urmila Sharma, Finance Officer to her parent organisation, and the other, the situation arising out of non-release of grants during 1997-98. The Vice-Chancellor mentioned that, in some ways, both these issues were inter-related since the Finance Officer had to some extent contributed to the situation leading to the non-release of the grants.

The Vice-Chancellor explained the sequence of events which culminated in his decision to revert Ms. Urmila Sharma, Finance Officer to her parent organisation. The immediate cause was her conduct and behaviour both before and at the meeting of the Finance Committee on 14-2-98, which continued on 20-2-98, Although she is the Secretary of the Finance Committee as per statute 10 and has to function as Finance Officer under the control of the Vice-Chancellor, as per statute 6, she did not issue the notice for the meeting of the Finance Committee even after she was asked to do so by the Vice-Chancellor. Also, against all canons of principles governing the procedures to be followed at the meetings of authorities, she repeatedly disrupted the proceedings of the meeting of the Finance Committee on 14/2/1998 insisting that she should be allowed to speak on what she perceived as certain "discrepancies" in calculations when serious discussion on a policy issue was in progress. At the instance of other members of the Finance Committee, the Vice-Chancellor, as Chairman, who has responsibility to regulate the proceedings, had to tell her to wait for her turn. Her subsequent action at the Finance Committee meeting on 20-2-1998 was even more disturbing. She had circulated a statement to the members of the Finance Committee without the approval or permission of the Vice-Chancellor and Chairman of the Finance Committee. When the Vice-Chancellor asked through a Memo to explain her behaviour and misstatements in the note circulated to the Finance Committee members, she avoided replying pointedly to the main issues referred to her in the said Memo. Moreover, there were several other instances where Finance Officer had overstepped her position and complaints to this effect had been made to the Vice-Chancellor by certain Heads of Divisions. As Principal Execution Officer of the University and whose duty it is to maintain discipline in the University, the Vice-Chancellor came to the conclusion that her continuance in the University was not in the interest of the University and felt immediate action was called for. Keeping all these aspects in view, the Vice-Chancellor, exercising the powers of the Board of Management under section 10(3) of the Indira Gandhi National Open University Act, decided to revert her to her parent organisation and issued a notice for her reversion to her parent organisation, and to her giving 7 days' notice. The Vice-Chancellor also stated that the university had sought legal opinion from a Senior Advocate of Supreme Court on the specific issues mentioned in the Show Cause Notice, and his opinion supports the legality of the action taken by the University.

After giving this background, the Vice-Chancellor suggested taking up the listed items:

Before the items were taken up for discussion, the Board was informed that certain comments were received from Shri PR Dasgupta, Education Secretary, and a Member of the Board of Management, on both the items of the agenda. As per the instructions of the Chairman, the comments of the Education Secretary as also copies of the letters received from Shri Naved Masood dt 19-3-98 to Vice-Chancellor and Shri Barun Mitra's letter dated 19-3-98 to Finance Officer which were relevant to the items under discussion were circulated to members.

ITEM NO. 1 TO CONSIDER THE MATTER RELATING TO THE REVERSION OF THE FINANCE OFFICER TO HER PARENT CADRE.

BM 57.1.1

The Board noted the points raised in Mr P R Dasgupta's letter on the termination of the deputation of Ms Urmila Sharma. The VC stated that in view of the extraordinary situation, it is necessary that members expressed their opinions freely and frankly on the issues. In the course of discussion, the following views were expressed:

- (i) Since the Visitor has issued a show cause notice to the University on the subject of reversion of Ms Urmila Sharma, the Board, at this stage, may not discuss the issue or take any decision on the subject.
- (ii) The very purpose of a show cause notice is to afford an opportunity to the university to make its position clear as to whether it has followed the statutory provisions correctly or not and, therefore, there is nothing wrong in Board discussing the matter.

- (iii) Not mentioning the provisions of the Act and Statutes under which a decision is communicated should not make the decision bad in law, and as such, no violation of the Act, and the Statutes has taken place.
- (iv) There were instances in the past, where action taken by the Vice-Chancellor was ratified by the Board although it was not specifically mentioned that VC had taken such action under Section 10(3) of the Act.
- (v) The show cause notice issued by the Visitor implies that it was issued only after the Visitor had satisfied himself as to the correctness of the procedures or otherwise followed by the University.
- (vi) The Finance Officer should have in the first instance made an appeal to the Board of Management as Statute 10(3) specifically provides for such appeals. Her going to the Visitor first and then representing to the Board to consider her case under Statute 7(2)(1) does not appear to be in conformity with the provisions of the Act and Statutes of the University.
- (vii) The issue of the reversion of FO seems to have a bearing on the non-release of the grants from the Government.
- (viii) The deputation terms under which she was appointed provide for premature reversion; hence her reversion cannot be termed as a case of removal or punishment.
- (ix) The Department of Education, MHRD, could have consulted the University to ascertain the facts before placing the matter before the Visitor merely based on a representation made by an aggrieved employee.

BM 57.1.2

The Board of Management taking all the issues involved into account, resolved as follows:

i)

The decision taken by the V-C under Section 10(3) of the IGNOU Act on the reversion of services of Ms Urmila Sharma, FO to her parent Department is ratified.

ii)

The University should send a formal reply to the show cause notice issued by the Visitor.

iii)

Respecting the pre-eminent position of the Visitor in relation to the University, the Board expressed the hope that the reply to the show cause notice would be duly considered and disposed off by the Visitor to enable the university to take action for implementation of the above decision of the Board.

ITEM NO. 2

TO CONSIDER THE SITUATION ARISING FROM NON-RELEASE OF GRANTS DURING 1997-98.

BM 57.2.1.

Comments received from Shri PR Dasgupta, Education Secretary, were noted. The VC explained at length the efforts made by the University to get the plan grants released but without any success. First, the University was told, that the plan allocation required EFC clearance; then the University was told that since the plan allocations were not firmed up, the stage of EFC clearance was not reached; later, the University was advised to seek clearance for a specific project on the basis of the current years' outlay; and when the EFC clearance was sought, the university was told to submit detailed utilisation plan for the remaining provision in the budget of Rs.11.31 crores specifying the proposed items of expenditure. Earlier the university was told to take up the matter to the Finance

Committee. The University is now told that "it will be against all canons of fiscal propriety to release funds to the university merely to avoid its surrender". Against this background, the agenda note circulated on the subject was discussed. Considering the proposals made in the agenda note and also taking into account the discussions held at the meeting, the Board decided as follows:

- (i) The Board expressed concern that the funds voted by the Parliament have not been fully released to the university and that a part of the income generated by the university through fees collected from the students is being cut from the grants sanctioned in the succeeding years. The Board was of the firm view that the funds budgeted in 1997-98 should be made available to the university during this year itself, and if, for any procedural reasons, it is not possible to release the grants in full during the current year, the Government should add the unreleased grants to the provision to be made in the next year.
- (ii) The Board approved the proposal to sanction total development grants amounting to Rs.1 crore each to the three eligible State Open Universities, namely, BRAOU, YCMOU and KOU, from the plan grants already released by the MHRD. The Board also agreed that if the proposed outlay of Rs.10 crores for the OPENET is released by the MHRD during the current year, an additional grant of Rs.1 crore each may be released to the above three State Open Universities as DEC's contribution to their network.

- (iii) The Board expressed serious concern over the malicious campaign carried out in the press against the University and its demoralising impact on the university community and the image of the university, and resolved that a delegation of 3-5 members of the Board led by the VC should meet the Visitor and place before him the relevant issues relating to the management and finances of the university including its autonomous functioning, in the proper perspective.

The meeting ended with a vote of thanks to the Chair.

(R G Takwale)
Vice-Chancellor