

**Proceedings of the Sitting on 11-05-2010 of Hon'ble Vice Chairperson
Shri Maurice Kujur with Secretary,HRD(DHE), Chairman, UGC, VC,
AMU & VC,JMIU**

A list of the officers present in the sitting is at Annexure.

ISSUE

Representation of STs in Aligarh Muslim University (AMU) and Jamia Milia Islamia University (JMIU) as per the prescribed percentage.

BACKGROUND

2. The Commission has been receiving data from the UGC for all Central Universities in respect of representation of the STs in teaching and non-teaching posts in these institutions for compilation and incorporation in its Annual Report. It was noticed that representation of STs in Aligarh Muslim University and Jamia Milia Islamia University, which are Central Universities, was very low. It was understood that the reservation policy of the Govt. of India is not binding on a minority institution like AMU. A clarification regarding their minority status was sought from the UGC vide Commission letter dated 15.01.2010. As there was no response, a communication dated 16.02.2010 was sent to the AMU and the JMIU expediting requisite clarification in the matter.

3. JMIU vide their letter dated 24.02.2010 mentioned that the University was not having minority status and followed all guidelines pertaining to reservation to the SCs/STs in admission as well as in recruitment.

4. AMU vide their letter dated 11.03.2010 mentioned that as per Section 2(L) and Section 5(2)c of the AMU Act, 1920 (as amended upto date), AMU is a Minority Institution. Further Hon'ble Supreme Court in its Judgement dated 24.04.2006, had stayed the judgement of the Hon'ble High Court of Allahabad quashing Section 2(L) and Section 5(2)c of AMU Act and has ordered to maintain status quo in this regard.

5. Govt. of India, Ministry of Human Resource Development (Dept. of Secondary & Higher Education), vide their Order No. F.No. 6-30/2005 U-5 dated 06.12.2005 have issued directions to the UGC that in exercise of the powers vested under Section 20(1) of the UGC Act, 1956, it has to ensure effective implementation of the reservation policy in the Central Universities and those of Institutions Deemed to be Universities receiving aid from the public funds except in minority institutions under Article 30(1) of the Constitution.

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6. It was noted that though Jamia Milia Islamia is a Central University and not a Minority Institution too, the representation of STs was far below the prescribed percentage. Though, AMU is claiming to be a Minority Institution, but there was no clarification in this regard. In view of this, Sh. Maurice Kujur, Hon'ble Vice Chairperson, National Commission for Scheduled Tribes decided to discuss the matter with the Secretary, Department of Higher Education, Ministry of Human Resource Development, Chairman, UGC, Vice-Chancellor, Aligarh Muslim University and Vice-chancellor, Jamia Milia Islamia University on 11.05.2010 at 1130 hrs. in the Commission.

DISCUSSION

7. The Commission desired to know the reasons for lack/absence of representation of STs in teaching and non-teaching posts in the JMIU and AMU vis-à-vis specified percentage of representation (7.5%) and the efforts made by these Universities to make up the shortfall to achieve the stipulated target.

8. The Registrar, JMIU informed the Commission that at present, out of total 24 posts of Lecturer identified for STs, 14 posts had been filled up, 8 posts were lying vacant, while 2 posts had lapsed (1 in the year 2008-09 and 1 in 2009-10) as per UGC directives issued in July, 2002. It was further informed that 8 vacant posts of Lecturers had already been advertised and these were likely to be filled within next 3-4 months. As per information available with the Commission, out of 109 posts of Professors and 176 posts of Readers, the representation of ST candidates is nil. The Registrar, JMIU explained that the reservation policy of the Govt. of India was applicable in the University both for admission and recruitment. In the 200 point roster, the ST point is at 14 and in case of less than 14 vacancies, they were not able to consider ST candidates against the reserved vacancies. The Commission pointed that the operation of roster as explained by the University is not correct. After the implementation of Post Based Roster from 02.07.1997, 50% of the vacancies can be filled up by the reserved category candidates, till such time the prescribed percentage of reservation is achieved. The reserved vacancies once attempted for recruitment are categorized as backlog vacancies in the subsequent recruitment attempts and these vacancies are over and above the 50% reserved vacancies. The reserved vacancies should be filled up like this process and if required concerned official must be imparted training for the purpose.

9. Regarding non-teaching posts, out of 7 posts identified for STs, 3 had been filled and 04 were vacant. These vacant posts had been advertised many times, but due to paucity of suitable candidates, these posts could not be filled in. He further explained that post based rosters

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are being annually vetted by the Internal Auditors and then examined by the Registrar. The reservation policy of Govt. of India is implemented in all streams of the University like allocation of hostel, houses etc. A separate SC/ST Cell is also set up in the University to look after the welfare of SCs/STs and ensuring implementation of the reservation policy.

10. The Chairman, UGC explained that, there were 40 Central Universities receiving grants as Central Institution among other deemed Universities and Institutions. Aligarh Muslim University is the only Central University with minority status receiving grants from the UGC in addition to other institutions viz colleges etc having minority status.

11. VC, AMU explained that in accordance with the Section 2(L) and Section 5(2)(c) of the AMU (Amendment) Act 1981 and Article 30(1) of the Constitution, AMU is a Minority Institution and as per the UGC guidelines, reservation policy is not applicable to Minority Institutes. He further intimated that the Hon'ble High Court of Allahabad in its Judgement dated 05.01.2006 in SA No 1324/2005 stated that AMU is not a minority institution within the meaning of Article 30 of the Constitution. Further Sections 2(l) and 5(2)c introduced in the Aligarh Muslim University Act 1920 by the 1981 Amendment Act are invalid and those insertion are struck out and also the Muslim quota of 50% in post graduate course in Department of Medicine was invalid. Subsequently, AMU approached the Hon'ble Supreme Court against the Judgement of the Hon'ble High Court of Allahabad. Hon'ble Supreme Court in its decision dated 24.04.2006, stated that status quo as on the filing of writ petition in High Court of Allahabad should be maintained in AMU. The Council for AMU also gave an undertaking that 50% reservation to Muslims will also not resorted to.

Chairman, UGC observed that though a relaxation of 5% marks was being provided in respect of SC/ST category for appointment on teaching posts at Masters level in AMU, such efforts of the University were not visible in terms of number of teaching and non-teaching staff from ST category in the University.

RECOMMENDATION

In view of the above discussion, the Commission recommended that:-

- (i) Jamia Milia Islamia University should take necessary steps to fill up the backlog ST vacancies both in teaching and non-teaching category within a period of three months. Vacant posts of Professor and Reader identified for STs should also be filled up by adopting the correct procedure as per reservation policy. They should also arrange training of their officials regarding operation of Post Based Rosters.

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- (ii) UGC should amend the guidelines so that ST reserved vacancies are not lapsed as expressed by the Registrar, JMIU.
- (iii) Aligarh Muslim University through their Executive Council, should take special initiatives to recruit candidates from weaker sections of the society (especially STs) in the teaching and non-teaching category to reflect diversity in representation in these categories.

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ANNEXURE

The following were present in the sitting on 11.05.2010 :

NCST

1. Shri Maurice Kujur, Hon'ble Vice ChairpersonIn Chair
2. Shri Aditya Mishra, Joint Secretary
3. Shri Vinod Aggarwal, Director
4. Shri K. C. Behera, PS to VC

Ministry of Human Resource Development

1. Shri R. D. Sahay, Director

University Grant Commission

1. Shri S. K. Thorat, Chairman
2. Shri M. S. Yadav, Chief Statistical Officer

Aligarh Muslim University

1. Prof. P. K. Abdul Aziz, Vice-Chancellor

Jamia Milia Islamia University

1. Prof. S. M. Sajid, Registrar