

To
The Hon'ble Chief Justice
High Court of Delhi
New Delhi

08.07.2020

Respected Lordship,

The Courts, with their admirable wit, brevity and sophistication, have always stood to safeguard the fundamental rights guaranteed under the Constitution of India. They have, regardless of any social status, abided by the values of social justice- the signature tune of the Constitution. However, with the recent turn of events, I, as a student, find myself, like a myriad of other students, in a state of despair, anguish and helplessness.

I write this letter to appeal, through this Hon'ble Court, to the humanity and moral sense of the Ministry of Human Resource Development ('MHRD'), University Grants Commission ('UGC') and other academic bodies adamant to conduct the examination of students when the Coronavirus has taken over the world and totally changed our lives. Although MHRD has suggested an alternative model for conducting examination such as online Open Book Examination ('OBE'), it has lost sight of the socio-economic barriers which many students not only from remote areas but also from the cavernous depths of metro cities face.

Ministry of Home Affairs ('MHA') vide notification dated 06.07.2020 permitted the conduct of exams by Universities and Institutions and ordered the Universities to compulsorily conduct examination of final year students as per UGC guidelines and Standard Operating Procedure (SOP) approved by the Union Ministry of Health and Family Welfare. (ANNEXURE 1)

In furtherance of the aforementioned notification, UGC vide notification dated 06.07.2020 issued revised guidelines for University examination for terminal semester students whereby it instructed Universities to conduct exams in offline (pen & paper)/online/blended (offline + online) mode. (ANNEXURE 2)

These guidelines for compulsory examination of final year/terminal semester students are in flagrant violation of the fundamental rights and moral values as they fail to take into consideration the infrastructural disparities and insurmountable torment faced by students from economically backward class due to lack of facilities. Such hardships even led to some unfortunate incidents in the last few months. One such heart-wrenching incident occurred in Howrah district of West Bengal where a sixteen-year-old student committed suicide after failing to attend online classes in the absence of smartphone and computer. (ANNEXURE 3)

In another incident, a fourteen-year-old girl, daughter of a daily wager, set herself ablaze after missing her online classes due to lack of television and smartphone. (ANNEXURE 4)

This is not how an education system should be. The academic evaluation and examination system shall not outweigh the lives of students.

In fact, when the idea of the online evaluation was initiated, many universities and colleges refused to conduct exams citing lack of infrastructure and provided relaxation to students. States *viz.* Madhya Pradesh, Rajasthan, Chhattisgarh and West Bengal, *inter alia*, cancelled exams for students from all semesters owing to the increasing cases of Coronavirus. However, the revised order implies that these States will now be forced to change their stand. Recently, the University of Delhi also failed to properly conduct the mock OBE for final year students due to technical glitches among other issues. Moreover, whilst it is unlikely that the number of COVID-19 cases will significantly decline by the end of

September 2020, it would be perilous to conduct examination through offline mode despite social distancing norms. Considering all these factors, the online, as well as the offline exam system, seems unfeasible at the moment.

Additionally, the recommendation by UGC regarding the provision of examination through special chance (Point no. 2 of UGC Guidelines dt. 06.07.2020) is in abject contravention to student welfare since, by the time these examinations through special chance will be conducted (most likely by the beginning of next year), most of the Universities would have closed their admission application for postgraduate courses. Besides, it would also be detrimental for students who have already been placed/received pre-placement offers.

In a country like ours, where more than half of the population struggles to arrange two square meals for themselves, where the migrant workers had to starve and walk barefoot to their hometowns, where people do not have a proper electricity supply, where people in some parts of the country do not have access to internet service with reasonable speed and quality, how can the government issue guidelines based on its blatant assumption that all students have access to smartphones, laptops, personal computers, books etc? Are we just a land of affluent urban class people having unlimited access to all the facilities required to ‘graduate’?

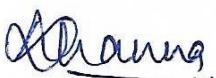
To further startle your lordship’s conscience, the agony surpasses all description when such guidelines are forcefully imposed on students with special needs. Anxiety and trepidation have enveloped us all equally and under such circumstances, no student should be made to go through the unnecessary pressure of examination and evaluation.

Furthermore, the premier universities in India also cater to the academic demands of students from across the border, which poses another issue of difference in time-zone for conducting online exams. Students, irrespective of their nationality, should not be troubled and dismayed due to an issue wholly out of their control. An education system should work in the best interest of the students and not against them.

Your lordship, more than anything else, the students crave for their fundamental rights and human rights to be protected. As a student and former Joint Secretary, Law Centre-1 Students' Union, University of Delhi, I urge and implore you to take steps to serve the interests of all the stakeholders regardless of their social or economic disabilities, by adopting an alternative model of examination and prevent the situation from culminating into an implicit acceptance of social injustice and upheld the values enshrined in the ever so reverential Constitution of India.

I am sure you will do your best to safeguard the interests of the student community.

Yours faithfully



(AASTHA KHANNA)
**LL.B. student & Former Joint Secretary
Law Centre-1, Faculty of Law,
University of Delhi**

ANNEXURE 1

pib.gov.in
“5” (Home-MHA)

**Press Information Bureau
Government of India**

Ministry of Home Affairs permits conduct of examinations by Universities and Institutions

New Delhi, July 6, 2020

Ministry of Home Affairs, in a letter to Union Higher Education Secretary, today permitted conduct of examinations by Universities and Institutions. The final Term Examinations are to be compulsorily conducted as per the UGC Guidelines on Examinations and Academic Calendar for the Universities; and as per the Standard Operating Procedure (SOP) approved by the Union Ministry of Health & Family Welfare.

NW/RK/PK/AD/DD

ANNEXURE 2

**UGC Revised Guidelines on Examinations and Academic Calendar
for the Universities in view of COVID-19 Pandemic**

Introduction

The University Grants Commission (UGC) has issued Guidelines on Examinations and Academic Calendar for the Universities in View of COVID-19 Pandemic and Subsequent Lockdown on 29th April, 2020. In these Guidelines it was proposed to conduct the examinations in July 2020. The said Expert Committee was requested to revisit the Guidelines for Examinations and Academic Calendar as the number of COVID cases are still rising and likely to increase further. The Report of the Expert Committee was considered and approved by the Commission in its emergent meeting held on 6th July 2020.

In continuation to earlier Guidelines issued on 29.04.2020 and based on the Report of the Expert Committee, the following *Revised Guidelines on Examinations and Academic Calendar for the Universities in view of COVID-19 Pandemic* were also approved by the Commission in its emergent meeting held on 6th July 2020:

GUIDELINES

In view of the emerging situation related to COVID-19 pandemic in India, it is important to safeguard the principles of health, safety, fair and equal opportunity for students. At the same time, it is very crucial to ensure academic credibility, career opportunities and future progress of students globally. Academic evaluation of students is very important milestone in any education system. The performance in examinations gives confidence and satisfaction to the students and is a reflection of competence, performance and credibility that is necessary for global acceptability.

1. Mode of Terminal Semester/ Final Year Examinations (2019-20)

The universities are required to complete the examinations by the end of **September, 2020** in offline (pen & paper)/ online/ blended (online + offline) mode following the prescribed protocols/ guidelines related to COVID-19 pandemic.

2. Provision of Examination through Special Chance

In case a student of terminal semester/ final year is unable to appear in the examination conducted by the University for whatsoever the reason(s) may be, he/she may be given opportunity to appear in special examinations for such course(s)/ paper(s), which may be conducted by the university as and when feasible, so that the student is not put to any inconvenience/ disadvantage. The above provision shall be applicable only for the current academic session 2019-20 as a one-time measure.

3. Backlog of Papers in Respect of Terminal Semester(s)/ Final Year Students

The students of terminal semester/ final year students having backlog should compulsorily be evaluated by conducting examinations in offline (pen & paper)/ online/ blended (online + offline) mode as per feasibility and suitability.

4. The guidelines regarding intermediate semester/ year examinations will remain unchanged as notified on 29th April, 2020.
 5. The relevant details, if need be, pertaining to the Admissions and Academic Calendar in the universities and colleges shall be issued separately in place of those mentioned in the earlier guidelines issued on 29th April, 2020.
 6. Notwithstanding the above guidelines regarding conduct of examination and commencement of next academic session, every university/ institution has to ensure that it is prepared in all respects to carry out the academic activities following necessary protocols/guidelines/directions/advisories issued by the Central/State Governments and MHRD/ UGC from time to time, in view of COVID-19.
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विश्वविद्यालय अनुदान आयोग

University Grants Commission

प्रधान संसाधन विकास मंत्रालय, भारत सरकार

(Ministry of Human Resource Development, Govt. of India)



सत्यमेव जयते

प्रो. रजनीश जैन

सचिव

Prof. Rajnish Jain

Secretary

विश्वविद्यालय अनुदान आयोग

University Grants Commission

(प्रधान संसाधन विकास मंत्रालय, भारत सरकार)

(Ministry of Human Resource Development, Govt. of India)

बहादुरशाह ज़फ़र मार्ग, नई दिल्ली-110002

Bahadur Shah Zafar Marg, New Delhi-110002

Ph.: 011-23236288/23239337

Fax: 011-2323 8858

E-mail : secy.ugc@nic.in

D.O.No.F.1-1/2020 (Secy)

6th July, 2020

UGC Revised Guidelines on Examinations and Academic Calendar for the Universities in view of COVID-19 Pandemic

Respected Madam/Sir,

The University Grants Commission (UGC) has issued Guidelines on Examinations and Academic Calendar for the Universities in View of COVID-19 Pandemic and Subsequent Lockdown on 29th April, 2020. In these Guidelines it was proposed to conduct the examinations in July 2020. The said Expert Committee was requested to revisit the Guidelines for Examinations and Academic Calendar as the number of COVID cases are still rising and likely to increase further. The Report of the Expert Committee was considered and approved by the Commission in its emergent meeting held on 6th July 2020.

In continuation to earlier Guidelines issued on 29.04.2020 and based on the Report of the Expert Committee, the *UGC Revised Guidelines on Examinations and Academic Calendar for the Universities in view of COVID-19 Pandemic* were also approved by the Commission in its emergent meeting held on 6th July 2020. A copy of the same is enclosed.

In view of the emerging situation related to COVID-19 pandemic in India, it is important to safeguard the principles of health, safety, fair and equal opportunity for students. At the same time, it is very crucial to ensure academic credibility, career opportunities and future progress of students globally. Academic evaluation of students is very important milestone in any education system. The performance in examinations gives confidence and satisfaction to the students and is a reflection of competence, performance and credibility that is necessary for global acceptability. UGC is constantly making efforts to address various issues related to teaching, learning, examinations, academic calendar etc. in the difficult times of COVID-19 pandemic.

The Commission approved the recommendations of the Expert Committee regarding conduct of terminal semester(s)/ final year(s) examinations by the universities/ institutions to be completed by the **end of September, 2020** in offline (pen & paper)/ online/ blended (online + offline) mode.


.....contd. 2/-

-2-

The guidelines regarding intermediate semester/ year examination, as notified on 29.04.2020 will remain unchanged.

The relevant details, if need be, pertaining to the Admissions and Academic Calendar in the universities and colleges shall be issued separately in place of those mentioned in the earlier guidelines issued on 29th April, 2020.

You are requested to adopt the above guidelines and complete the terminal semester(s)/ final year examinations accordingly. It is reiterated that the Universities should give paramount importance to health and safety of students, faculty and staff and adhere to the Government protocols/ guidelines related to COVID-19 while conducting the examinations.

With kind regards,

Yours sincerely

Encl.: As above.



(Rajnish Jain)

To

1. The Vice Chancellors of all Universities
2. The Principals of all Colleges

Copy for kind information to:

1. The Principal Secretary/Secretary to the Governors of all state/Lt. Governors of all Union Territories.
2. The Principal Secretary/Secretary, Department of Higher Education, all State Government/Union Territories



(Rajnish Jain)

ANNEXURE 3

With no computer or smartphone, 16-year-old student commits suicide after failing to attend online classes

In Focus



Mirror Now Digital

Updated Jun 20, 2020 | 11:45 IST



The 16-year-old Class 10 student was concerned about her academic performance after she failed to attend online classes due to unavailability of a computer or a mobile phone.



The victim studied in an English medium school in the Bally area. | Photo Credit: ARI

KEY HIGHLIGHTS

- The incident took place in Nischinda area of Howrah district of West Bengal on Thursday.
- After the lockdown in view of coronavirus pandemic, most of the schools across the country have started online classes.

Howrah: In a tragic incident, 16-year-old class 10 student allegedly committed suicide after she failed to attend online classes in the absence of a computer or a smartphone.

The incident took place in Nischinda area of Howrah district of West Bengal on Thursday.

According to a report in Times of India, the victim has been identified as Shabini Kumari Sau, who was found hanging in her room. No suicide note was found from the victim's room.

The victim studied in an English medium school in the Bally area. After the lockdown in view of coronavirus pandemic, most of the schools across the country have started online classes.

"Shibani was my youngest child. Before the announcement of the lockdown on March 25, My wife, the eldest son, and I went to our hometown in Bihar's Samastipur. Shibani and my other son stayed back in Nischinda. The two siblings shared a smartphone which accidentally got damaged after it fell from her brother's hand on March 26 when the lockdown was underway. The phone could not be repaired due to a total shutdown. Even the phone repairing shops could not be opened during the unlocking," said Shibani's father Santu Sau, who works as a bus driver.

"My daughter was fearful that she may fail in exams as she could not attend the online classes. She was feeling very depressed. She called on me from another phone (basic) and told me about her concerns. I assured her that I would come back to Nischinda and would buy her a smartphone. I told her not to be upset and arrange the class notes from her other classmates," Sau further added.

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News / India / 'I'm going': Kerala girl commits suicide after missing online class

'I'm going': Kerala girl commits suicide after missing online class

Devika Balakrishnan was only 14. Her father, a daily wager, says she'd been depressed at being unable to join online classes. And she'd been pushing for the television to be repaired, he adds.

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4000+ STUDENTS STUDYING AT
AMITY SCORED 90%+ IN CLASS XII BOARDS [REVIEW](#)

Jemon Jacob | P S Gopikrishnan Unnithan |
Thiruvananthapuram | June 2, 2020 | UPDATED: June 2, 2020 12:59 IST



Image for representation.

HIGHLIGHTS

- Kerala launches online classes for Classes 1-12
- Malappuram girl sets herself ablaze after missing class
- Charred remains found in front of neighbourhood building

A Class 9 student set herself ablaze and died yesterday in Valanchery, a town in Kerala's Malappuram district, after she missed an online class.

The reason: she had no television or smartphone at home.

The charred remains of Devika Balakrishnan, 14, were found yesterday in front of an unoccupied house in her neighbourhood. She had been missing since 3.30 pm.

The police have registered a case of unnatural death. They said a suicide note found in her room bore the following, heartbreaking message: "I'm going."

Devika's father, 45-year-old daily wager Balakrishnan, said she had been depressed at being unable to join the online class.

He hasn't been able to work since he fell sick.

"She had been telling us to repair the television [so she could] attend the online class. But we had no money to repair the television and we have no smartphone," reads Balakrishnan's statement to the police.

Education Minister Prof. C. Raveendranath has ordered a probe of the circumstances that led to Devika's death, to be conducted by the District Education Officer.

"We have conducted a survey about facilities at the homes of students and introduced neighbourhood classrooms for poor students who have no television or smartphones. We have launched the online classes on an experimental basis and will be re-telecasting all classes again and again. But it was unfortunate that the girl committed suicide," Raveendranath told Indiatoday.in.

Kerala has reopened schools, launching online classes through the Victors Channel; it broadcasts 30-minute-long classes for 4.1 million students, from Classes 1 to 12.