

Defeats the purpose altogether



THONGKHOLAL HAOKIP

On 22 June this year, I got a chance to visit Churachandpur Government College for the first time. The college is located in the heart of Churachandpur town in southern Manipur. Inside the campus, I saw a huge poster on the wall of the library building with the words, "Your Students' Union Leaders". Among them, I noticed to my surprise, two elderly persons who would, in no way, be enrolled as undergraduate students.

The Lyngdoh Committee Report, which framed guidelines on students' union elections in colleges and universities, immediately came to mind. One of the recommendations on eligibility criteria for candidates to students' unions in colleges says, "Undergraduate students between the ages of 17 and 22 years may contest elections". Later on, I was informed that both happen to be faculty members in the college, with one of them being the principal.

This is a practice peculiar not only to this college alone but to all public-funded colleges of Manipur and the North-east as a whole. In this region, in government-funded and

partially-funded colleges and higher secondary schools, the principal is the ex-officio president and another faculty member is in the students' union. In some other parts of India too, such a composition of the students' union is also imposed despite, perhaps, resistance.

The Lyngdoh Committee report

The Supreme Court of India on 2 December 2005 ordered the setting up of a committee of experts "to streamline the process of elections by prescribing guidelines". Under the direction of the Supreme Court, the Union ministry of human resource development constituted a committee under the chairmanship of JM Lyngdoh, former chief election commissioner of India. The committee was "mandated to express its views as to the eligibility of candidates, like maximum age limit, standard of educational performance, maximum ceilings of expenses for the election, indication of the source of expenditure". It submitted its report on 26 May 2006.

The Supreme Court on 22 September 2006 directed the recommendations of the committee to be followed in all colleges and universities



A representational photo of a students' union election in Manipur University

of the country. In pursuance of this, the department of higher education of the Union HRD ministry directed the University Grants Commission to take necessary steps to ensure the compliance of the Supreme Court order.

The Lyngdoh Committee felt the need for student representation for the overall development of students and therefore, "recommended that university statutes should expressly provide for student representation". One of the core recommendations of the committee, which was accepted by the Supreme Court for implementation, was, "The union/representative body so elected shall only comprise of regular students on the rolls of the institution. No faculty member, nor any member of the administration shall be permitted to hold any post on the executive of such representative body, nor shall be allowed to be a member of any such representative body". The primary objective for the exclusion of faculty members was to ensure that student grievances were not hijacked, diluted or concealed; rather, properly represented to the authority concerned in a fair and

transparent manner.

Despite such notifications by the UGC, the higher education regulator of India, to all colleges and universities, different practices are continuing. Take for instance, the West Bengal Universities and Colleges (Composition, Functions and Procedure for Election of Students' Council) Rules, 2017, which requires the students' council to be composed of three teachers, who would be nominated by the principal from amongst the teachers of the college, as the president, vice-president and treasurer. The Directorate of Education in different states of the North-east has, so far, not taken any notice of the non-compliance of the notification from the UGC.

In the Indian federal set up, the Constitution provides demarcation of power between the Union and state governments into three lists. Education comes in the Concurrent List where both the Union and state governments have jurisdiction.

In most cases, the Union government supplements or assists state governments in various undertakings on this subject, mainly in terms of funding.

The presence of faculty as executive members of students' unions in colleges in India, particularly in the North-east, goes against the rationale with which the unions should be set up

Students' unions in essence

In colleges, students' unions are set up to work for the welfare of students. It makes formal representations to college authorities for any grievance. Every aggrieved student can approach the union with the hope to redress their grievance, which the union has the duty to bring to the notice of the appropriate authority. The grievance can also be against a member of the teaching or non-teaching staff of the institution. In such a situation, the presence of teaching or other non-teaching staff in the students' union can obstruct the proper functioning of the grievance redressal mechanism.

One thing is quite clear — the presence of faculty as executive members of students' unions in colleges and other institutions in India, particularly in the North-east, goes against the rationale with which the unions should be set up. It is not only in contradiction with the Lyngdoh Committee recommendation on the composition of students' unions, but also violates the fundamental right to form associations or unions guaranteed in Article 19(1)(c) of the Constitution of India, read along with clause (4) of the said Article.

Faculty members can, at best, be patrons or advisers but not executive members. It defeats the very idea of setting up students' unions.

The writer is assistant professor at the Centre for the Study of Law and Governance, Jawaharlal Nehru University, New Delhi