

Date 13.07.2020

To,
The Hon'ble Chief Justice
The High Court of Madhya Pradesh
Jabalpur, India – 482001

Subject- SEEKING INTERVENTION OF THIS HON'BLE COURT ON ORDER OF UGC REGARDING MANDATORY CONDUCT OF EXAMINATION OF FINAL YEAR STUDENTS BEFORE END OF SEPTEMBER, 2020 AND ON WAIVER OF EXAM FORM FEE AND OTHER FEE APART FROM TUITION FEE.

Your Lordship,

Form the past eighty four years The High Court of Madhya Pradesh is acting as a temple of justice. It has always stridden towards developments of society and has successfully retained its relevance by never allowing the waiver of any constitutional values even in times of great crisis. I am Avni Jain a final year law student pursuing B.A.LL.B (Hons.) from Department of Law, PIMR, Indore. As a law student I feel the staunch burden to speak up at a time when students are asked to choose either their career or life.

I'm writing this letter to the Hon'ble Lordship to bring the court's attention towards the consequential threat on the lives of millions of students by the order of University Grants Commission regarding compulsory conduct of final term examination. I further want to draw the attention of this Hon'ble court towards the impassive levying of fee by the colleges and universities even in the times of great crisis not only in Indian economy but also in the global market.

On 22nd June the esteemed Chief Minister of Madhya Pradesh on perceiving the great threat by virtue of Covid 19 pandemic on the lives of millions of students who are pursuing their Under-graduation as well as Post graduation from the various colleges and universities in the state of M.P announced the general promotion and declared that the final year students shall be marked according to their highest performance in the previous year examination. (Official tweet of the Hon'ble Chief Minister of Madhya Pradesh is attached herewith and marked as **Annexure 1**)

Yet, on 6th July 2020 the University Grants Commission by shunning all the possible threats on lives of not only millions of final year students but all the administrative and helping staff of the colleges and universities ordered the compulsory conduct of final year examination by the end of September, 2020 in offline (pen & paper)/ online/ blended (online + offline) mode. (Copy of press release of said letter dated 6th of July, 2020 is annexed herewith and marked as **Annexure 2**). (Copy of UGC Guidelines dated 6th of July, 2020 is annexed herewith and marked as **Annexure 3**)

By this order of UGC the final year students suffered a huge mental setback. It is my earnest request to the Hon'ble Lordship to help and preserve the rights of the students by looking into pivotal issues mentioned below –

I. THAT THE ABOVE MENTIONED ORDER OF UGC VIOLATES THE FUNDAMENTAL RIGHT OF FINAL YEAR STUDENTS ENSHRINED UNDER ARTICLE 21 (PROTECTION OF LIFE AND PERSONAL LIBERTY) OF THE CONSTITUTION OF INDIA.

1. UGC by ordering the compulsory conduct of exams is turning its back on the health & safety of the students. Writing of exams without any difficulty by opting either ways suggested by UGC is not feasible. If the college or university conducts offline exams the students are exposed to the menace of Covid 19, as to appear in the offline exams students who have already travelled to their hometowns are forced to travel from one place to another, in order to attend the exams at the examination center. They'll have to stay in shared accommodation and in the same hostel rooms and organize their food from the outdoor sources which are not safe seeing the rapid transmission of virus in the state.
2. We cannot ignore the presence of increasing asymptomatic cases in the state. Assuming that colleges made the necessary arrangements against Covid 19, even then asymptomatic cases could not be identified causing great threat towards health and safety of students. (Copy of article of Times of India is annexed herewith and marked as **Annexure 4**)
3. As per the data of Ministry of health and Family Welfare till date 8,55,079 people in India are affected by Covid 19 and 23,174 people died due to this deadly virus, the vaccine for which is still not discovered. In Madhya Pradesh 17,632 people are affected by this virus and 653 people lost their lives on account of Covid 19. As per the data M.P has 4.2% death rate due to Covid 19 which is second highest in the entire country.

4. In a recent study titled 'Estimating the global spread of COVID-19' researchers from Massachusetts Institute of Technology (MIT) predicted that India may record the highest number of fresh cases in the world by the end of winter in 2021 with about 2.87 lakh cases per day by early 2021 if a vaccine or treatment isn't developed soon. (Copy of the Article is annexed herewith and marked as **Annexure 5** and the original report can be accessed on https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3635047)
5. Seeing the above mentioned data and situation of Madhya Pradesh forcing students to give offline exams is in absolute violation of fundamental right to life enshrined under Article 21 of Indian Constitution.
6. If the college or university conducts online exams the students are exposed to the myriads of problems which might arise in an online examination like unstable internet connection, crashing of computers and laptops, electricity power cuts etc. Further giving online exams would be impossible for students who do not have personal computers or laptops. These are some serious issues which must be taken into account before asking students to sit for online examination.

II. PROVISION OF EXAMINATION THROUGH SPECIAL CHANCE MENTIONED IN THE ORDER BY UGC IS HIGHLY UNPREDICTABLE AND CAN COST STUDENTS A WHOLE ACADEMIC YEAR.

7. Your Lordship, UGC in its order provided that the final year students who are unable to appear in the examination "may be given opportunity to appear in the special examination which may be conducted by university as and when feasible". This point in the order is highly uncertain as no one knows when this pandemic ends and when would it become feasible for universities to conduct these special exams. Further use of word 'may' do not provide any mandatory obligation on universities to conduct these special exams, and there is a possibility that colleges might evade to conduct these special exams.
8. On presuming that colleges will conduct special exams, even then no date is provided in the order as to when and how these special exams can be conducted. In any condition this order impedes the career of the final year students and UGC is pushing them into the trench of uncertainties.
9. By reason of these uncertainties students are unable to plan further course of action as without a degree students are unable to get the jobs, they wouldn't get admission for higher studies, they wouldn't be able to sit in competitive exams and eventually it'll make

students to lose their entire academic year. These facts are causing massive impact on mental condition of students.

III. ORDER OF UGC IS IN CONTRAVENTION OF ARTICLE 14 OF INDIAN CONSTITUTION.

10. It is humbly submitted before this Hon'ble Court that by the aforementioned order UGC is acting in contravention of right to equality enshrined under Article 14 of Indian Constitution as UGC has not provided the compulsory conduct of examination for students other than final year and these students are promoted based on their previous year performance. Therefore, UGC by mandatorily requiring final year students to appear for examinations by September end is discriminating specific class of final year students with other students and thus is acting arbitrarily and against the fundamental right to equality guaranteed by the Constitution.

IV. IMPASSIVE LEVYING OF OTHER FEE ALONG WITH EXAMINATION FORM FEE BY THE COLLEGES AND UNIVERSITIES

11. Your Lordship, with great regret I would like to draw your attention towards the practice of impassive levying of fee by the various colleges and universities even in the times of great crisis not only in Indian economy but also in the global market. It is pertinent to mention here that in view of the Covid 19 induced lockdown, several parents have undergone substantial pay cuts and even layoffs. It is extremely difficult for a large section of the students to even pay their tuition fee, still several colleges in Madhya Pradesh without any empathy towards student community are charging them for the expenses which never incurred due to lockdown like – Infrastructure/development fee, library fee, Internet fee, Co-curricular activities fee, other fee and so on.

12. Further, several colleges without even declaring the date and mode of examination are compelling students to pay the examination form fee and on failure of discharging this fee are harassing students by imposing heavy fines. It is imperative to mention that, if the college conducts online exams then students are required to buy own computers/laptops and pay for personal internet connection. Therefore charging thousands of rupees in the name of examination form fee is not justifiable and is arbitrary and unreasonable. (Copy of one such notice of my college is annexed herewith and marked as **Annexure 6**)

13. I humbly request this Hon'ble Court to take cognizance into this matter and grant injunction against this daylight legal extortion until the matter is finally decided and

disposed off. I further lay my trust in the judicial fraternity of Madhya Pradesh and pray the Lordship to take cognizance on all the issues mentioned above which are blatantly violating fundamental rights of the student community and pass any other Order, Direction, or Relief that it may deem fit in the Best Interests of Justice, Fairness, Equity and Good Conscience for This Act of Kindness, the Shall Forever Pray.

Thank you for your time and consideration!

Yours Sincerely,



Avni Jain

Vth Year Student, B.A.LL.B(Hons.)

Department of Law, Prestige Institute of Management and Research, Indore.

Avnijain193@gmail.com

Thread

Shivraj Singh Chouhan ✓
 @ChouhanShivraj

मेरे बच्चों [#COVID19](#) से उत्पन्न विपरीत परिस्थितियों में मैंने आपके हित में कुछ फैसले किये हैं। स्नातक प्रथम एवं द्वितीय वर्ष तथा स्नातकोत्तर द्वितीय सेमेस्टर के परीक्षार्थियों को गत वर्ष/सेमेस्टर या आंतरिक मूल्यांकन के आधार पर अगली कक्षा या सेमेस्टर में प्रवेश दिया जायेगा।

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9:36 PM · Jun 22, 2020 · [Twitter for Android](#)

6.3K Retweets and comments 35.2K Likes

Shivraj Singh Chouhan ✓ @ChouhanShivraj · Jun 22
 Replying to @ChouhanShivraj

स्नातक अंतिम वर्ष एवं स्नातकोत्तर चतुर्थ सेमेस्टर के परीक्षार्थियों के पूर्व वर्षों/सेमेस्टर्स के सर्वाधिक अंकों के आधार पर अंतिम वर्ष/सेमेस्टर के परीक्षा परिणाम घोषित किये जायेंगे। जो परीक्षा देकर अपने अंकों में सुधार चाहते हैं, वे आगामी घोषित तिथि पर ऑफलाइन परीक्षा दे सकेंगे।

2K
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Shivraj Singh Chouhan ✓ @ChouhanShivraj · Jun 22

मेरे बच्चों, स्कूलों को खोलने के संबंध में 31 जुलाई को समीक्षा कर निर्णय लेंगे। 12वीं कक्षा के ऐसे विद्यार्थी जो किसी कारणवश 12वीं की परीक्षा नहीं दे पाये हैं, उनके लिए एक बार फिर परीक्षा आयोजित होगी। मेरे बच्चों मैं सतत तुम्हारे उज्ज्वल भविष्य के लिए प्रयत्नशील हूँ।

564
 1.4K
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**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



प्रो. रजनीश जैन
सचिव
Prof. Rajnish Jain
Secretary



ANNEXURE 3
विश्वविद्यालय अनुदान आयोग
University Grants Commission
(मानव संसाधन विकास मंत्रालय, भारत सरकार)
(Ministry of Human Resource Development, Govt. of India)
बहादुरशाह जफर 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/-

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)

Printed from

THE TIMES OF INDIA

33% Covid cases in MP are asymptomatic

TNN | May 31, 2020, 04:58 AM IST

Bhopal: Madhya Pradesh with an approximate positivity rate of 6.1% of those tested for Covid-19, could have nearly one-third cases which are asymptomatic, according to Indian Journal of Medical Research. There are red, orange and green zones in MP for Covid-19. These patients were asymptomatic but tested positive .

MP now has a total of 7891 positive cases spread across 51 districts. The death toll is 343 of which about 235 deaths have happened in Indore, Ujjain and Bhopal.

The average daily rate of positive cases has increased from 35 in Lockdown 1.0 to 222 in Lockdown 4.0. "This is due to more testing which is good. But this shows that at the end of the lockdown of 66 days, the trend is going up at a much higher pace," said Jan Swasth Abhiyan, representative, Amulya Nidhi.

When contacted, MP health department official said, "Asymptomatic data of Covid-19 is not prepared separately."

Going by health bulletins, more samples are being received, but the number of daily tests are lesser than the daily samples received. Madhya Pradesh still has only 20 testing labs whereas Maharashtra has 78 testing labs, Tamil Nadu has 71 and Gujarat has 39 test labs, he said.

"It is crucial to increase testing capacity of MP, otherwise the situation will go out of hand in the coming days," he added.

Going into lockdown 5.0, there are 25 Category 1 Covid hospitals in the state. As the average rate of positive cases has now gone up from 35 in Lockdown 1.0 to 222 in Lockdown 4.0, it is essential to assess the future need for Covid hospitals, ventilators and oxygen cylinders which are crucial for critical patients. "It is important to maintain transparency and in public interest, number of ventilators, oxygen cylinders and ICU beds must be increased," he said.

*** GFX

Number of positive cases found during lockdown period

Average Daily Rate of Positive cases

Observation

Lockdown 1.0 25 March 2020 – 14 April 2020

(21 days)

732

35

Lockdown 2.0 15 April 2020 – 3 May 2020

(19 days)

2096

110

Lockdown 3.0 4 May 2020 – 17 May 2020

(14 days)

2140

153

Lockdown 4.0 18 May 2020 – ongoing

(11 days) scheduled to end on 31 May 2020

2668

222

Tuesday, 14 July 2020

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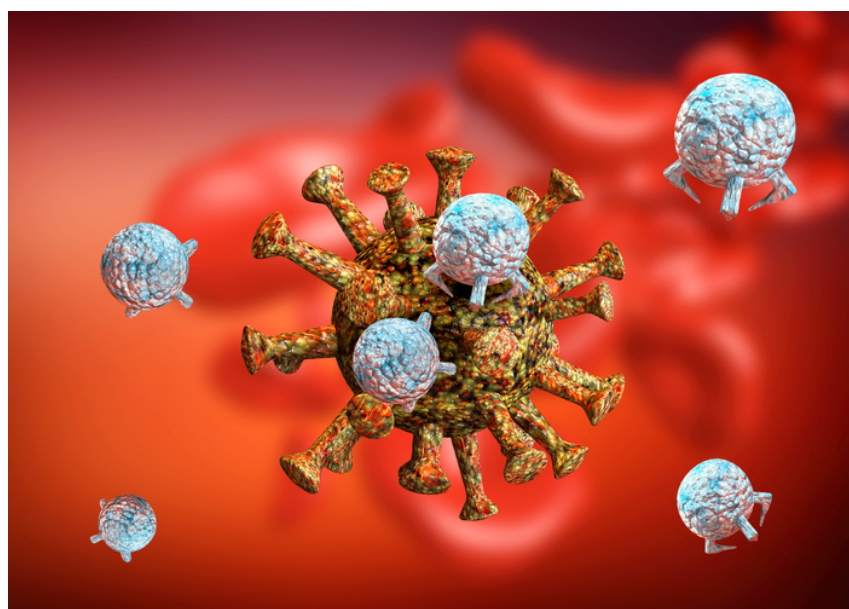
HEALTH



India may see 2.87 lakh Covid cases a day by winter 2021: MIT study

Posted: 📅 Jul 08, 2020 03:57 PM (IST) Updated: ⌚ 5 days ago

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The top 10 countries by projected daily infection rates at the end of winter 2021 are India, US, South Africa, Iran, Indonesia, Nigeria, Turkey, France and Germany, says study.

New Delhi, July 8

In the absence of a COVID-19 vaccine or drugs, the researchers from Massachusetts Institute of Technology (MIT) have warned that India might record 2.87 lakh coronavirus cases per day by the end of winter 2021.

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The world may witness 249 million (24.9 crore) cases and 1.8 million (18 lakh) deaths by spring 2021 if there are no effective treatments or vaccination, according to the study conducted by the researchers Hazhir Rahmandad, TY Lim and John Sterman of MIT's Sloan School of Management.

"In this paper, we build and estimate a multi-country model of the Covid-19 pandemic at a global scale," the study authors wrote.

For the findings, the MIT research team use a multi-country modified SEIR (Susceptible, Exposed, Infectious, Recovered) model, a standard mathematical model for infectious diseases used by epidemiologists, to simultaneously estimate the transmission of Covid-19 in 84 countries (4.75 billion people).

The model tracked community transmission, excluding the global travel network and instead separately estimating the date of introduction of patient zero for each country.

Within each country, the core of the model tracks the population through susceptible, pre-symptomatic, infected pre-testing, infected post-testing, and recovered states.



"Our model captures transmission dynamics for the disease, as well as how, at the country level, transmission rates vary in response to risk perception and weather, testing rates condition infection and death data, and fatality rates depend on demographics and hospitalisation," they explained.

According to the study, the top 10 countries by projected daily infection rates at the end of winter 2021 are India, US, South Africa, Iran, Indonesia, Nigeria, Turkey, France and Germany.

India will be the worst affected country due to coronavirus followed by the US (95,000 cases per day), South Africa (21,000 cases per day) Iran (17,000 cases per day), and Indonesia (13,000 cases per day) at the end of winter 2021.

The MIT researchers also said that Infections are 12 times higher and deaths 50 per cent higher than previously reported.

"While actual cases are far greater than official reports suggest, the majority of people remain susceptible. Waiting for herd immunity is not a viable path out of the current pandemic," Rahmandad said.



"Every community needs to keep the pandemic under control until a vaccine or treatment is widely available. A slow and half-hearted response only increases the human costs without offering much of an upside in terms of economic output," Rahmandad noted.

As of Wednesday morning, the overall number of global COVID-19 cases has increased to more than 11.7 million, while the deaths have soared to over 543,000, according to Johns Hopkins University.

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(Dr. Yogeshwari Phatak)

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