

**ANNUAL DECISION-MAKING / TEACHING CASE STUDY
COMPETITION – 2016**

**HOW PLEthora OF BAD DECISION-MAKING
CAUSED LAW AND ORDER PROBLEM
ON THE UNIVERSITY CAMPUS
(Part-I)**

BY

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*Good decisions come from experience
And experience comes from bad decisions.
--Unknown*

One of the oldest colleges in the State of Goa had gained distinctive reputation for providing high quality degree education in the entire state, since Goa's Liberation from the Portuguese colonial rule in 1961. Over the years this city-based college had acquired all the laurels any college could vie for- NAAC accreditation at "A" Grade, ISO Certification, Green Certification and UGC award of "College with Potential for excellence" (CPE). In September 2015, the college decided to strictly implement Goa University's Ordinances OC-45 and OC-17 pertaining to the UGC-mandated requirement of minimum 75% attendance. Having analysed the attendance record, the college Attendance Committee detected that around 108 students of the First Year and Second Year of college were not meeting the requirement and were informed that they were debarred from answering the Semester 1 and Semester 3 examination scheduled for the month of October 2015. This decision was conveyed to the students just two days before the examination without giving the students any early warning or enough time to make up for their attendance to become eligible for appearing at the examinations.

Hearing this news the students immediately approached the Principal who orally informed them that they could answer the Supplementary Examination in the month of May 2016 along with the main Examination for their next Semester. Having been pacified the students quietly left the Principal's chamber and moved

on considering the solution given by the Principal as reasonable and hence acceptable.

However, on the re-opening of the college after the Winter Vacation break and at the beginning of the Even Semester, in the month of November 2015, these debarred students unofficially learnt that they were not eligible to appear for the Supplementary Examination of May 2016 and would have to repeat the year to make up for their lack of minimum 75% attendance. This sudden realization agitated the students and they rushed to the Principal to clarify the situation. The Principal clarified that the students were required to repeat the entire Semester since they had not fulfilled the mandatory minimum requirement of 75% attendance.

The Principal had gone back on her earlier assurance of permitting the debarred students to appear at the year-end Supplementary Examination after some senior faculty members had brought to the notice that the debarred students were not eligible to appear for Supplementary Examination but were required to repeat the entire Semester as per the University's Ordinances on the subject.

Hearing this shocking news the students panicked and sought to seek advice from their teachers who advised them to once again approach the Principal to provide some way out of the situation which could save their one year. When the students again met the Principal they were rebuked and no solution was provided them. This enraged the students who being around hundred in number constituted about 1/8 of the entire college strength and felt that such large number of students could not have been debarred without properly following the requirements of the

University to give regular intimation and display the attendance status on the notice board at the end of each month of teaching classes.

The students seeing no other remedy approached the General Secretary of the Students Council of Goa University to take up their grievance. This set in motion a long period of student agitation beginning from the college and reaching the highest echelons of power in the state of Goa. The student leaders of the University Students Council directly walked into the Principal's office along with a large group of debarred students and demanded that justice be done to them. The Principal informed that the Supplementary Examination could be permitted only if the University authorities allowed it. The Principal realizing the strong expression of anger among the students and gravity of the situation, especially the fear that it could become a law and order problem on the college campus, tried to once again pacify the students and told them that she would consult the teaching faculty members to see if there could be any remedy for the situation. The Principal also retorted the students to meet the University authorities to find a way out of this situation.

Hence the students met the Vice Chancellor of the University. The Vice Chancellor told them that the University does not look into the attendance of First Year and Second Year of the degree programme since these are managed internally by the college and hence the issue must be settled at the college level. Accordingly, the students returned to the college and informed what the Vice Chancellor had said. Hence, immediately in December 2015 the Principal called for a meeting of all the heads of various teaching departments of the college and

expressed her willingness and inclination to find a solution to the problem of the debarred students. The Principal informed the heads that since according to the Vice Chancellor it was an internal matter the college could find a way out of this imbroglio.

After a long discussion and deliberation on the plight of such large number of students likely to lose one whole year, it was unanimously decided and resolved by the Principal along with all the heads of departments that the students could be given 'remedial' classes for Odd Semester which were to be over and above their Even Semester classes during the Even Semester period. The heads assured the principal that in the larger interests of the students and in order to help save one year's loss by the debarred students the faculty members would volunteer to conduct these extra 'remedial' classes purely as a one-time solution and as a humanitarian gesture. The students also wrote to the Principal requesting conduct extra classes for them. The students were told about the college decision to engage extra 'remedial' but no assurance was given to the students that the attendance of the said extra classes would entitle them to appear at the Supplementary examinations at the end of the Even Semester in May 2016. This was done by the college to pre-empt any punitive action by University or claim by the debarred students.

Thereafter from January 2016 to March 2016 the requisite number of extra 'remedial' classes were conducted by the teaching faculty and around half the number of debarred students attended these thereby fulfilling the 75% attendance requirement. Some of the debarred students had left the college in the previous

Semester itself and some others had decided to take a 'drop' for that academic year and rejoin afresh in the forthcoming academic year.

The students who had fulfilled the 75% attendance requirement by attending the extra 'remedial' classes were thereafter permitted to appear for the Supplementary Examination held in May 2016. The debarred students were happy that they could appear for both the Main Examination of the Even Semester and the Supplementary Examination of the previous or Odd Semester. The results were declared for the Main Examination in May 2016 for the Even Semester and those of the Supplementary Examinations for Odd Semester were to be declared immediately thereafter.

However, suddenly certain print and electronic media persons came to the college and questioned the Principal about the holding of the Supplementary Examinations for Odd Semester and wanting to know under what specific rules these exams were permitted and whether they were legally tenable. Realising that the media was taking unexpected but keen interest in the holding of the Supplementary Examinations for Odd Semester and enquiring about the date of declaration of the result, the Principal thought it fit to unofficially and informally consult the new registrar who had taken up office only a few days earlier and was well-versed with the University statutes and ordinances being already a senior Professor in the same University. The Registrar having heard the Principal orally informed her that it would be wholly inappropriate to declare the results of the Supplementary Examinations for Odd Semester since the same would be in contravention of the University's relevant ordinances. The Principal therefore

decided that results for the Supplementary Examinations for Odd Semester would not be declared. Hence the results for Supplementary Examinations for Odd Semester were not declared till end of May 2016. The college sent an sms message to all the debarred students stating that all the debarred students were required to take readmission before end of the month of May 2016 informing the students that due to some unavoidable circumstances Supplementary Examination answered by the debarred students is considered null and void»

This agitated the debarred students once again and they met the Principal and demanded an explanation for non-declaration of the result of their Supplementary examination. The Principal again informed the already agitated debarred students that the University is not likely to accept the results of the Supplementary examination and may declare it as 'null and void' being in violation of University Ordinances which do not permit holding of any extra 'remedial' classes to complete the attendance requirement after the Semester is over. However, the Principal promised the students that a letter requesting a special consideration for their plight would be written to the University authorities.

The students were now much irritated and angry and there being no one else to turn to, they approached the local MLA and other MLAs to take up their case with the University authorities. The entry of politicians aggravated the situation and resulted in a six-hour long 'Gherao' of the Vice Chancellor in his chamber with media giving live coverage of the pandemonium and bedlam in the University campus. A strong posse of Goa Police was sent to bring the situation under control as the agitated students could take law into their own hands and

indulge in unlawful acts. Suddenly the University campus became a battleground for the student agitation. Police force came to be posted in the University campus round the clock for several days to prevent any law and order situation.

At the Meeting of the Academic Council, the highest academic body of the University rejected the request of the Principal to declare the results of the Supplementary Examinations for the debarred students and it also condemned the unlawful actions of the agitating students as well as those of the college which had precipitated this critical law and order situation.

Having been disallowed to declare the results the college refused to declare the results even till the end of June 2016 and with the time fast approaching for closing of the Admissions, the students got furthered agitated and decided to take the matter to the Honourable High Court as was advised by the Academic Council in its Press Note. The Principal decided to appeal to the Chancellor of the University, namely the Governor of the State of Goa, to overturn the decision of Academic Council in favour of the agitating students by permitting the college to declare the results of the Supplementary Examinations so that the successful students can immediately take admission to the next class. The local politicians and MLAs also met the Governor to request an immediate intervention in the matter to prevent any further escalation of the issue and to give succor to the agitating students.

The students filed a Writ Petition before the High Court of Bombay at Goa praying for a Writ of Mandamus and pleading that the college be ordered to immediately declare the results of the Supplementary Examination which it had

withheld. Fearing adverse observations by the court and possibly an order going in favour of the students, the college authorities decided to declare the result on the morning of the first hearing for Admission of the Writ. The results came to be declared in the morning and when the matter came up before the High Court the counsel for the debarred students sought withdrawal of the Writ since their prayer for declaration of the results was granted by the college. The High Court accordingly permitted the withdrawal of the Writ.

The successful students from among the those debarred, were immediately given admission by the college and by mid July 2016 the debarred students started attending their regular classes and even though this was a month after the beginning of the academic year in the college it was within the closing date of admissions.

The University responded by setting up a Three-Member Fact Finding Committee which visited the college in the third week of July 2016 and conducted a thorough inquiry by examining all the attendance records and other relevant documents. In its Report submitted within a week this Three-Member Committee concluded that while there were lapses on the part of college authorities in following the prescribed procedure for maintaining proper attendance records and therefore recommended to the Academic Council of the University to grant benefit of doubt to the debarred students and confirm their admission.

Just at this time the monsoon session of the Goa State Legislative Assembly was underway where this issue reverberated. One of the prominent MLAs sought Calling Attention Motion in the house to discuss the issue of the students

attendance. The Members of the Legislative Assembly unanimously resolved that the issue be amicably resolved keeping in mind the academic interests of the students. The Chief Minister himself being an alumnus of this same college also hoped that matter could be resolved in a peaceful manner without any danger to law and order.

The University thereafter circulated a questionnaire to be filled up by each of the debarred students regarding the procedure and protocol carried out by the college which the students filled and sent back. A Special Meeting of the University's Academic Council was again summoned by the Vice Chancellor to take a final decision on the matter. This meeting was held on the last day of the month of July 2016 to finally close the matter.

The following options lay before the Academic Council of the University:

1. To reject the declaration of results by the erring college on the ground that since the Supplementary Examination was contrary to Ordinances, the results too were null and void, thus leading to loss of one academic year for the debarred students.
2. To accept the results as valid by giving a benefit of doubt to the students for the lapses incurred by the college in not following the procedure laid down by University for maintaining the students attendance record and intimation of the same to the students.
3. To take punitive action against both the college authorities as well as the debarred students who had indulged in unlawful behavior of 'gherao-ing the VC.

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PERCEPTION OF THE CASE WRITER

The case stated here is a real one which made newspaper and TV media headlines for several days due to the agitation by the students which at one instance seemed to be getting out of hand when they 'gherao-ed' the Vice Chancellor and kept him confined to his chamber for six long hours. This incident almost precipitated a serious law and order situation at the hands of agitating students causing unrest and tension in the University campus and compelling the University authorities to call in the a strong posse of Police force from the Indian Reserve Battalion (IRB) and Goa Reserve Police (GRP).

Such a situation would have never arisen if the college authorities had adhered to the time-tested rules and regulations they were bound to uphold. While the college had correctly debarred those students who fell short of the mandatory attendance requirement of 75% attendance, the college authorities firstly should have not been lax in following the procedure as laid out by the University through its Ordinances OC-17 and OC-45, and secondly, the college authorities should not have buckled under the pressure of the debarred students, the University's Student Council or the political big-wigs who tried to influence the course of events to take political mileage out of the issue which was purely an educational and academic one.

The crux of this case lies in the failure of the college to following the Ordinances concerning the mandatory requirement of minimum attendance of 75% and the same was further compounded by further acts of poor decision-making and even

bad decision-making catapulting an otherwise relatively simple and manageable issue into a complicated one making media headlines and being discussed in the Legislative Assembly which has much more other serious business to transact in the short Monsoon Session.

This small issue was allowed to unnecessarily develop into a major one dragging some of the highest government functionaries into it such as the Governor of the State, the Chief Minister and Education Minister, the Director of Higher Education, the Secretary (Education) and others. This avoidable issue having gone out of the control of the academic authorities unnecessarily becoming a law and order problem at one point and was always in danger of snow-balling into a major student agitation and conflagration.

The issue is a very good example of the negative fall-out arising out of bad decision-making by authorities and organizations especially when clear-cut rules and regulations are provided to take appropriate decisions. The case cited herein initially shows an all round failure of decision-making on the part of the institutional authorities as well as the higher governmental authorities who allowed the issue to escalate and almost become a major flashpoint in the academic and social domains.

The credit must ultimately go to all the stakeholders who in the final analysis tried to cool-headedly solve the problem by arriving at an amicable and logical solution which did not do much harm to any of the stakeholders. Though this issue was a creation of bad decision-making in its inception, its closure was made possible by

sobre decision-making at the Legislative Assembly level, Goa Government level and Goa University level.

The wiser and saner counsels ultimately prevailed at the Special Academic Council meeting called by the Vice Chancellor of Goa University giving a more fair and just decision that favoured the debarred students on the grounds of "benefit of doubt" and ultimately ensured that the interests of the students primarily guided the decision-making in the Academic Council. The final decision by the Academic Council of accepting the results declared by the college and permitting the students to proceed to the next class showed courage, maturity and understanding of the situation. And while the long festering issue was ultimately resolved in a peaceful and harmonious manner, it taught valuable lessons to all concerned, that when it comes to decision-making, "a stitch in time saves nine" and that "good decisions come from experience and experience comes from bad decisions".

EXECUTIVE SUMMARY

The case spelt out here is an extremely good example of what happens when decision-making goes awry. The case concerns the debarring of the students of a prestigious college in the state of Goa on the statutory ground of not possessing the mandatory 75% attendance during the Odd Semester of the academic year 2015-2016.

The issue which was an entirely internal matter of the college snowballed into a major law and order problem as the bad decision making and poor application of mind caused the issue to engulf the Goa University's campus with affected students 'gherao-ing' the Vice Chancellor and keeping him detained for six long hours in his own office, and thereby compelling the University authorities to summon Police force on the campus to bring the situation under control. This issue dragged some of the highest functionaries in the state of Goa into its vortex which included among others, the Governor of Goa, the Chief Minister, the Education Minister, the Secretary of Education and the Director of Higher Education. It also resulted in ugly involvement of opportunist politicians in the otherwise academic issue, with students for a while, becoming pawns in a larger political game plan of political parties for the forthcoming Legislative

Assembly elections in the State almost presenting them a ground for the political recruitment of the students as future leaders.

The facts of the case, which are born out of bad decision-making, are detailed out in the case study. The author's perception are set out in the subsequent section wherein the author has criticized the failure of the decision-making on the part of various authorities, especially those from the college which sullied the name of an otherwise reputed and prestigious college in the highly literate state of Goa.

This case can be considered as a classic case of failure of decision-making leading to serious consequences not just for the institution but also for the academia, polity and society at large. Bungling at the decision-making level opened the flood-gates of agitation, ultimately leading to a law and order problem. Such poor and bad decision-making can be extremely detrimental to both the field of education as well the society. An amicable resolution has been the saving grace of this entire unwarranted episode and that fortunately came from some mature and sobre decision-making by authorities at higher level acting cool-headedly in public interest and in the larger interest of the students and to ensure peace on the educational campus.