

IN THE HON'BLE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. 739 OF 2020

IN THE MATTER OF: _____

YUVA SENA

...PETITIONER

VERSUS

UNIVERSITY GRANTS COMMISSION & ...RESPONDENTS
ORS.

**SHORT AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.3 -
MINISTRY OF HOME AFFAIRS**

ADVOCATE FOR THE RESPONDENT NO. 3: BV BALRAM DAS

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Through:

BV BALRAM DAS

Advocate for the Respondent No. 3 (MHA)

Dated: __. 08.2020

New Delhi

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MINISTRY OF HOME AFFAIRS

MOST RESPECTFULLY SHOWETH:

Block, New Delhi 110 001, and presently at New Delhi, do hereby solemnly swear and affirm as follows:-

1. That I am the officer-in-charge of the present matter and I am well conversant with the facts and circumstances of the present case. I am therefore competent to depose by way of the present affidavit, which has been prepared on the basis of records available in the Ministry of Home Affairs, Govt. of India (hereinafter referred to as the "MHA"). I crave leave to file a more detailed affidavit as and when required by this Hon'ble Court.
2. That I have read and understood the contents of the present writ petition.
3. That, at the outset, the MHA denies all the averments in the present writ petition save and except those that are specifically admitted in the instant short affidavit.
4. That, in so far as averments relating to the MHA in the writ petition are concerned, it is humbly submitted that the Union Home Secretary in his capacity as Chairperson, National Executive Committee, had

initially issued orders dated 24.03.2020, 15.04.2020, 01.05.2020 & 17.05.2020 with mandatory guidelines, revised guidelines & new guidelines, respectively, regarding a nation-wide lockdown and other issues. These orders had been issued pursuant to directions issued by the National Disaster Management Authority (hereinafter referred to as “**NDMA**”) and in exercise of powers under section 10(2)(l) of the Disaster Management Act 2005.

5. That, thereafter, vide order 30.05.2020, the Union Home Secretary in his capacity as Chairperson, National Executive Committee, had issued guidelines in exercise of powers under section 10(2)(l) of the Disaster Management Act 2005 for, *inter alia* for, the phased re-opening of areas outside the containment zones (i.e. guidelines for ‘Unlock-1’). This was followed by an order dated 29.06.2020 issuing mandatory guidelines for ‘Unlock-2’ which were to be in force up to 31.07.2020. The guidelines for Unlock-2 stated (in material part) that *“[i]n areas outside Containment Zones, all activities will be permitted, except the following: (i) schools, colleges, educational and coaching institutions will remain closed till 31 July, 2020. Online/distance learning shall continue to be permitted and shall be encouraged....”*
6. That, in the meanwhile, however, the Ministry of Human Resource Development, Govt. of India after careful consideration (hereinafter referred to as the “**MHRD**”) wrote to the MHA vide a letter dated 04.07.2020 regarding conduct of Final Term Examinations of the Universities/ Institutions to be conducted as per the UGC ‘Guidelines on Examinations and Academic Calendar for the Universities’ which are framed, *inter alia*, to provide for uniform criteria for grant of degrees throughout the country.
7. That the MHA duly examined the request of the MHRD and the Union Home Secretary responded on 06.07.2020. Taking into consideration the academic interest of a large number of students, it was decided to grant exemption for the opening of educational institutions for the purposes of holding examinations / evaluation work for Final Term Examinations of the Universities / Institutions. Such Final Term Examinations were to be compulsorily conducted as

per the 'Guidelines on Examinations and Academic Calendar for the Universities'; and as per the detailed Standard Operating Procedure (SOP) for the conduct of such examinations, which had been approved by the Union Ministry of Health & Family Welfare

8. That the Union Home Secretary in his capacity as the National Executive Committee has issued guidelines for 'Unlock-3', vide order dated 29.08.2020, which is in force up to 31.08.2020. Needless to say, we do not intend to continue to require schools, colleges, educational and coaching institutions to remain closed till 31.08.2020, the universities / institutions will be and are clearly intended to be exempted from the said restriction for the limited purpose of holding Final Term Examinations / evaluation work in terms of the UGC guidelines on examinations.
9. That, even otherwise, the Union Home Secretary has granted the aforesaid exemption for conduct of Final Term Examinations in exercise of powers under section 10(2)(l) of the Disaster Management Act 2005. The said provision empowers the National Executive Committee to "lay down guidelines for, or give directions to, the concerned Ministries or Departments of the Government of India, the State Governments and the State Authorities regarding measures to be taken by them in response to any threatening disaster situation or disaster".
10. That any submissions or averments to the contrary in the present writ petition are therefore wrong and are hence denied.
11. That the present affidavit is bona-fide and in the interest of justice.

BV BALRAM DAS
COUNSEL FOR THE RESPONDENT NO. 3

DATED: 13.08.2020
NEW DELHI

VERIFICATION:

I, the above named deponent, do hereby verify that the facts stated in the above affidavit are true to my knowledge. No part of the same is false and nothing material has been concealed therefrom.

Verified at New Delhi, on the 13th day of August, 2020.