

Department of Law,
University of Jaffna
16.07.2020

The Competent Authority
University of Jaffna

Through:
Dean/Arts
Head/Law

Sir,

Resignation from the Post of Senior Lecturer in Law

I write to give notice of resignation from the post of Senior Lecturer of the Department of Law, University of Jaffna. I write this letter with utmost pain and sadness given the circumstances that have forced me to take this decision.

I am compelled to resign from my post because of the the ban imposed on me by the Council of the University of Jaffna to engage in private legal practice, a decision taken at the 441st meeting of the Council on 09.11.2019.

I was not consulted by the Council prior to the ban, in violation of fundamental principles of natural justice and fairness. The decision of the Council in my view constitutes an abject surrender of the autonomy that this University holds in trust for the benefit of its academic staff *vide* their academic freedom, a freedom that is quintessential to the proper functioning of any university.

As you are aware on 23.12.2019 I filed a Fundamental Rights Petition in the Supreme Court challenging the decision of the Council and that of the University Grants Commission which it purportedly relied on (Fundamental Rights Application Case Number SC/FR/498/2019). The matter is still pending before the Supreme Court for grant of leave to proceed and interim order. For close to eight months now I have been waiting with the hope that the Supreme Court will take up my case, but for reasons beyond my control the matter could not be taken up yet. Sadly, I have run out of patience. I wish for certainty in what I do. It is now time for me to take a firm decision and hence this letter of resignation.

Sir, I joined this University because I was interested in teaching, learning, scholarly research and in promoting and contributing to a public understanding of law and justice. When I completed my undergraduate degree in law, I was split between two persuasions – the teaching of law and the advocacy of law. I decided to give preference to the former with the hope that I will not have to completely forego the latter. As a

law student who frequented Hulftsdorp during my undergraduate days I was convinced that an understanding of how the law was practiced – the law as it lived – was important to a deeper and proper contextual understanding of law. I hesitate to use the word ‘practical knowledge’ in describing the utility of an understanding law in practice as I believe that it is wrong to dichotomise practice and theory in legal education. It is for this reason that within two weeks of joining the University of Jaffna as a permanent lecturer in 2010 I wrote to the Council and sort permission to engage in practice without affecting my duties as an academic. The Council gave me that permission. I understood the permission granted to me as part and parcel of my contract with the University. In my close to a decade of teaching and learning I am most certainly convinced that my engagement in practice has enhanced my appreciation and understanding of the law in myriad ways. My time in practice has also helped define my research agenda and my public engagements in furthering a public understanding of law and justice. **That this engagement has been robbed from me strikes at the very heart of my role as a teacher of law.**

Sir, I have also found my practice to provide me with personal satisfaction of being able to contribute in my own small way to the betterment of lives of those who have sort my service and to the upholding of moral values that I consider important. These engagements have given what I would describe as ‘feel-good’ moments that have been important to keep my interest in law alive. Moments like when I appeared seeking the permission of court for aborting the foetus of a 13 year old girl who had been raped by her neighbour, challenging the arbitrary closing of a drainage system in the name of development, challenging the conduct of a private company for oil spillage leading to a mass environmental crisis, challenging the ban on the right to memory in a post-war context, challenging restrictions on the freedom of expression and association and challenging the State to respond to the grievances of two fathers and a mother searching for their missing children for more than two decades. I have described these as ‘feel-good moments’ because they were important for me to sustain an interest in law as an instrument of social change. **I cannot continue my work as a law teacher whilst being barred from this social engagement that I have had with the law – something that I consider as being an inseparable part of the profile of an engaged academic.**

Sir, as my colleagues in the Faculty Board of Arts and Senate are aware, I have in my engagement with the governance of the University always acted in furthering academic freedom and autonomy. This is not an interest that I have developed in the last year or so after the imposition of the ban on me, but an interest with which I entered the University of Jaffna, a space that I had known ever since I became a conscious human being, given my father’s long association with it. I joined the University being aware of the central place that it enjoys in a community that values

social mobility *via* education. I joined this University in particular as opposed to any other law teaching Universities in the country, wanting to make a contribution to the upliftment to the University that has a crucial role to play in bettering the lives of the community that I grew up in and the country it serves. I have always pushed for greater transparency, rule of law and good governance in the running of the University.

Sir permit to say that, in my limited experience, the track record of my University in upholding the rule of law, good governance, academic freedom and basic norms of dignity has been bitterly disappointing. I wish not to dwell on this in any further detail in this letter, but permit me to add a word of caution that I worry that the University is run by interests that are largely self-serving and have nothing to do with the founding motto of the University – ‘மெய்ப்பொருள் காண்பது அறிவு’ (discernment is wisdom). It is a very sad state of affairs that will continue to be a challenge to attracting good talent and retaining whatever talent that is left in the University.

In conclusion, given the ban on my legal practice, for reasons laid out in detail above, I have come to the conclusion that I no longer can serve as a legal academic with this University without feeling most fundamentally constrained. Just to make it clear, I am not leaving the university because legal practice will be more financially rewarding. If I had thought so I would have chosen a full-time career as a practitioner 10 years ago, when I took oaths as an attorney-at-law. My first love will always be teaching but I will not agree to be constrained merely to a classroom.

Please be rest assured that I will seek to re-join the University in the event of the Supreme Court ruling in my favour in the interim and/or final hearing of my case. My primary interest shall continue to be in teaching, and I will come back to the University of Jaffna, whenever I can do so with my independence, dignity and autonomy intact.

I shall continue to support my colleagues in the Department of Law in whatever way I can in being able to continue to carry out the basic functions of teaching and learning. I will also strive to complete the curriculum revision work that I have given leadership to over the last 18 months, including the introduction of clinical legal education, prior to my resignation taking effect three months from today.

Thank you



Dr. K. Guruparan