

## **How To Prepare Comments On Representations ?**

*(Prepared for the Vice-Chancellors & Registrars Conference, 2015)*

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*January, 2015  
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1. Comments under separate paras should be prepared for each para of the representation of the applicant and each such paragraph should be numbered.
2. If the assertions of the applicant made in any particular para of his representation are to be contradicted and denied, then begin with "The statements of the applicant, being wrong, are denied." Thereafter, elaborate and state the relevant reply to this para.
3. The comments/reply of the University should normally be confined to the assertions made and the pleas raised by the applicant in particular paragraph of his representation.
4. Normally a separate sub-paragraph should be given under the same paragraph for a particular part of controversy involved in the matter.
5. Necessary facts relating to the core controversies involved in between the parties which require decision by the Chancellor should be pleaded in the comments/reply. Unnecessary facts which do not reflect upon the rights and liabilities of the parties or the controversies involved in the case need not be stated in the comments/reply. Brevity indicates clarity and therefore detailed facts mentioned in the representation of the applicant may not always be necessary to be quoted. After proper marshalling of facts, only the relevant facts necessary for deciding the controversy involved should be stated.

6. Writing lengthy sentences in comments/reply should normally be avoided as the same may lead to mistakes and ambiguity.
7. If any additional or special fact or plea is also relevant to the case of the applicant, the same may be stated in additional paras under the title "Additional Pleas" to be added after the parawise reply to the representation of the applicant is over.
8. Avoid repetitions.
9. Avoid using offending and harsh words.
10. Comments in reply must not be ambiguous, vague, non-speaking and cryptic. But the same should also not be unnecessarily lengthy.
11. Admission of the facts and the case of the applicant should be avoided in the comments/reply as far as possible. Admission of any fact or case of the applicant absolves him of his burden to prove that fact. However, a fact emanating from any unquestionable or authentic record should normally not be denied and in suitable cases, the same may be admitted in reply/comments.
12. Quote Sections, Rules, Statutes, Ordinances, Regulations, G.Os. and extracts from Rulings etc. in support of the reply/comments and in contradiction of the plea of the opposite party where ever necessary.
13. Prepare first only the draft of the reply/comment and after revising and comparing the same with the record, make necessary changes therein if required and only thereafter prepare the final version of the reply/comments.
14. Comments/reply, if not prepared by the Vice-Chancellor himself, must be placed before him for his careful scrutiny and approval and the same must

be signed and dated by him before being submitted to the Chancellor's Secretariat.

15. Comments/reply must not be directly sent by the Registrar or any other Officer of the University. Only the Vice-Chancellor, under his signature, should send it to the Chancellor's Secretariat.
16. Annexures, if necessary, should be attached with the comments/reply and the same should be mentioned in the concerned paragraph of the comments/reply.
17. The copies of documents attached as Annexures with the comments/reply of the University are often not certified by the Registrar of the University. The proceedings before the Chancellor under Section 68 of the UP State Universities Act, 1973 are of quasi-judicial nature. A copy of any document etc. of the University duly certified by the Registrar of the University is per se prima facie admissible evidence u/s 70 of the said Act without any further proof or authentication of the same. The copies of documents etc. of the University attached with the comments/reply of the University, therefore, must be duly certified by the Registrar.
18. In case any over-writings, cuttings or erasures occur in comments/reply, the same should be initialed by the officer making the same.