

To:

Shri Oomen Chandy  
Hon'ble Chief Minister  
Government of Kerala

**Re: Protest Petition Against Termination of Leading Academic from  
CUSAT MHRD IP Chair Position**

Dear Sir:

As a group of law teachers, lawyers, law students, legal professionals and members of the public, we write to express our deep concern and anguish at the unexpected removal of a leading IP academic, Prof NS Gopalakrishnan from his position as the Ministry of HRD Chaired Professor of Intellectual Property (IP) law at Cochin University of Science and Technology (CUSAT).

We understand that the relevant order by the CUSAT Syndicate (the highest decision making body of CUSAT) terminates his deputation to the MHRD IP Chair and asks that the MHRD Chair Professor position be advertised immediately.

It is our genuine suspicion that this unexpected termination is arbitrary and amounts to an abuse of discretion, given that the said order cites no reason for the dismissal, such as a failure to perform. In fact, a member from the CUSAT syndicate itself has gone on record expressing his disagreement with the Syndicate order.

Please see attached article from leading law blog, Livelaw, which states thus:

Prof. K Mohan Kumar, member of the University Syndicate said, "I don't agree with the decision of the Syndicate. Prof. Gopalakrishnan is an eminent person in this field and he has done extremely well at his office. I conveyed my disagreement to the syndicate. It is not fair to remove Prof. Gopalakrishnan from his post and this is a politically motivated decision. There is no alternative for Prof. Gopalakrishnan."

As you may be aware, Prof NSG is one of the foremost authorities on intellectual property from India and indeed one of the very first Indian academics to have specialised in this esoteric subject. Today, he is a well-known IP name in India and abroad. He is the author of a leading book on IP and criminal law, a case law book and the author of numerous articles in reputed national and international journals.

He has taught at some of the finest institutions including the National Law School Bangalore. That he made an indelible mark on many students is more

than evidenced by the fact that a significant number of signatories to this petition are all his former students. He is consulted regularly by the government on issues of IP policy. In particular, he played a pivotal role in shaping the current copyright amendments which served to revolutionise our copyright norms in several respects, including the creation of a copyright exception for the disabled and a mandatory royalty sharing clause to help poor music composers and lyricists.

He represents India at most IP negotiations abroad (particularly at WIPO) and has played a significant role in sharing India's global IP position on several fronts.

The MHRD IP Chair was established to further IP research, policy and advanced IP teaching in India. Given this mandate, Prof NSG has outperformed on all counts and it is a well-known fact that he helped place CUSAT on the global IP map owing to his international presence and the various IP activities that he conducts at CUSAT.

His removal has also triggered strong reactions from the Ministry of HRD (which funds the IP Chair) and an official is quoted in the attached Livelaw article as saying:

"A senior official at the Ministry of HRD told, "We are shocked. He is an international expert. He has been helping the Ministry in various matters including policy making, international negotiations and legislative drafting.....These Chairs are set up by the Central Government and they have been grooming these Professors, there should be continuity....If Universities according to their whims and fancies, go on removing the Chairs and Coordinators without informing the Central Government which has set up the Chairs, it would not help in policy making for which the Chairs were established.

Prof. Gopalakrishnan was removed in an arbitrary manner without informing us. We give the grants, salary and all other necessary expenditure for the Chair; they should show the courtesy to inform us in advance....We will take up the issue with the Universities directly; we are writing a strong letter to them. Either they will have to reinstate these people or we will remove the Chairs. We don't want to give Chairs to those Universities who behave in such arbitrary manner."

It would be a shame if the state of Kerala and a reputed University such as CUSAT were to lose out on the MHRD Chair owing to an arbitrary transgression by the CUSAT syndicate.

While we no doubt appreciate the fact that the Syndicate has discretion in matters such as this, we fear that this dismissal amounts to an abuse of

discretion. The termination order by the Syndicate disallowing him from continuing as the MHRD Chair Professor of IP Law cites no reason for such termination. As you know, the Constitution of India mandates that discretion by government agencies (including public funded Universities) be exercised in a fair manner and not arbitrarily or whimsically.

We would therefore urge you to please investigate this matter, as it sends out a very unhealthy signal that extremely committed academics who have contributed immensely to the growth of a University can be dismissed at the drop of a hat without rhyme or reason.

Thanking you, we remain:

Most sincerely yours,

**Signatories**

List of legal academics

List of law students

Ex Students of NLSIU and CUSAT

List of lawyers

List of other members of the public

Cc:

Hon'ble Chancellor of CUSAT (Governor of Kerala)

Hon'ble Minister of Education

Hon'ble Secretary, Ministry of Education

Hon'ble Chief Justice, Kerala High Court

Hon'ble Minister for HRD

Hon'ble Secretary, MHRD

Hon'ble Vice Chancellor, CUSAT

All Syndicate Members