

Dear all,

We are making a representation in order to ask for the support of alumni for remedying the grave issue of sexual violence on the NLSIU Campus.

In the early hours of 23.12.2016, a student of the current fourth year batch ('Respondent') sexually assaulted a batch mate ('aggrieved student') (an act which also constitutes an offense under Section 376 of the IPC) in a bus on the way back from their Mid Law Party. Subsequently, the aggrieved student filed a complaint with the college authorities on 24.12.2016 under the Code to Combat Sexual Harassment, 2002 ('Code'). A Sexual Harassment Inquiry Committee was formed after this, however, the first and only hearing of this Committee was held after considerable delay in April, 2017. After months of inactivity, the Committee ('SHIC') was reconstituted and the proceedings finally began afresh through regular hearings in August, 2017. The SHIC followed due procedure by examining and cross-examining the aggrieved student, the respondent and their witnesses. Ultimately, the SHIC submitted its report in November 2017 recommending rustication as the corrective action. The same was approved by the Registrar through a public order dated 27.11.2017 (as attached below). The Respondent then filed a review with the Vice Chancellor, where he was given adequate opportunity to represent himself (by written petitions and an oral hearing). Subsequent to this, the Vice Chancellor upheld the order of the Registrar on 23.01.2018. Under Sec. 32(2) of the NLSIU Act, an order for rustication has to be approved by the Executive Council in a meeting, which is yet to take place.

While the approval of the Executive Council was pending, the Respondent on 29.01.2018 petitioned the National Commission for Scheduled Castes ('NCSC') seeking a stay on the implementation of the Registrar's order. Pursuant to this the NCSC issued a letter to the VC on 30.01.2018, (i) informing college of the pending inquiry and requesting the college to submit the relevant documents and (ii) requesting the VC to cancel the rustication order passed by the registrar under Rule 7.2(a)(v) of the Rules of Procedures of the NCSC ('Rules of Procedure'). In light of this the VC informed the NCSC (03.02.2018) that in obedience of their order, no further action has been taken. We submit that this action of the NCSC is *ultra vires* to the Rules of Procedure which only grant them powers of a civil court for the purposes of conducting an investigation (powers like summoning witnesses, and asking for documents) and in no way allows them to issue a restraining order to the implementation of an internal order of the college. Moreover the same was done in violation of the Principles of Natural Justice since no opportunity of being heard was given to the College or to the aggrieved student before issuing the same. Further, the College is in no way bound by the *ultra vires* order of the NCSC.

Grievances of the Students

(i) The grave incident of sexual assault took place and the complaint was filed in December 2016. It has been 1 year and 4 months, but no action has been taken against the Respondent. Rule 18 of the Code provides that "total time frame for the inquiry process from the time inquiry is initiated to the recommendations being made by the SHIC shall not exceed three months and from then on to the final decision by Registrar or Director shall not

take more than one additional month.” However the SHIC took 11 months to make the recommendations, without any reasons for the unreasonable delay that has occurred. Post that, under Rule 19(E) of the Code, the VC has the power to delay the implementation of the Registrar’s order for a period of 1 month pending the completion of the review process. However 5 months have passed since the Registrar’s order and no serious effort has been made to implement the corrective action against the Respondent.

It should also be noted that under Section 11(4) of the Sexual Harassment (Prevention, Prohibition and Redressal) Act, 2013, (‘Act’) the inquiry by the Internal Committee of a workplace is to be completed within 90 days. It has been around 500 days since the filing of the complaint.

(ii) This delay in implementation is more troubling in light of the trauma it is causing the aggrieved student to be sitting in class every day with the perpetrator of this heinous crime. This undermines the effort it took on the part of the aggrieved student to access an institutional mechanism and undergo inquiry proceedings for 11 months. We also believe that this delay will disincentivise students from filing a complaint with the SHIC in the future, therefore defeating the purposes of the Code and the Act.

(iii) The matter is further being delayed due to the *ultra vires* order issued by the NCSC. We clarify that we are in full support of any inquiry that may take place regarding the claims made in the Respondent’s petition and we in no way wish to hinder that. The NCSC is an extremely important body and is concerned with the grave matter of atrocities being committed against members of Scheduled Castes and we are in full support of their mandate. However in this particular case, to stay an order of the Registrar without any inquiry being conducted by the NCSC violates principles of natural justice. The same vitiates the due process of law and undermines the justice secured by the aggrieved student after months of hardship.

Demands

(i) The college administration should immediately take all steps required to hold the Executive Council meeting as required by the NLSIU Act in order to ensure implementation of the Registrar’s order issued on 27.11.2017 regarding rustication of the Respondent.

(ii) The college administration should not stay the order of the Registrar based on the *ultra vires* recommendation of the NCSC dated 30.01.2018.

To this end we request the Alumni of National Law School to come out and support this petition to ensure that justice is delivered on the NLSIU campus and it continues to be a safe space for its students. In order to do so please reply to the Google Form (<https://goo.gl/forms/wV8ZlAxvzxT4Ungv1>) with your name and the year you graduated in. Additionally/Alternatively we request you to send the VC the following email on vice-chancellor@nls.ac.in -

“Dear Sir,

I am <insert name> from the Class of <insert year>. I am writing to you inquiring about the implementation status of the Registrar's order dated 27.11.2017 pursuant to SHIC No. 06/2016. We urge you to take the required action at the earliest.

Regards,"

Thank you for your time and support.

Sincerely,

Savitri Phule Ambedkar Caravan, NLSIU
AOW- The NLS Feminist Alliance
Law and Society Committee, NLSIU.