

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 110 of 2023

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SUO MOTU

Versus

GUJARAT NATIONAL LAW UNIVERSITY (GNLU) & ANR.

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Appearance:

MS KRINA P CALLA(2959), Amicus Curiae, for the Applicant(s) No. 1

MR KRUTIK PARIKH, ASST.GOVERNMENT PLEADER for the Opponent(s)
No. 2

MR KAMAL TRIVEDI, SR.ADV. with MS DHARMISHTA RAVAL(707) for the
Opponent(s) No. 1

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CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL
and
HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 12/03/2024

ORAL ORDER
(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL)

1. On a Suo Motu cognizance taken of a daily newspaper report (Ahmedabad Mirror) published on 22.09.2023 of an incident relating to the ordeal faced by two students of Gujarat National Law University (in short as "GNLU"), under the order dated 25.09.2023, the present PIL has been registered.
2. This Court while taking cognizance of the report recorded that the newspaper raises an issue of grave concern, which has direct impact on the psychological and physical well being of students. The report does not suggest any action taken by the administration for want of formal complaint, which was not a correct approach. The direction has, thus,

been issued to the GNLU to identify and record the statement of the students by maintaining total confidentiality. It was directed that the statement of a female student shall be recorded by a female member/professor of the University only. In case the allegations are found to be genuine and inspiring confidence, necessary steps as permissible under the law shall be taken immediately. The report was directed to be placed before the Court on the next date of hearing. The Court has further directed to place the names of Members of the Internal Complaint Committee to be placed on record and also apprise the Court of the norms or Standards of Procedure or regulations adopted by the University in dealing with the issue of harassment by ragging meted out to the students.

3. In response to the said order, in an affidavit filed on 09.10.2023 of the Registrar (In-charge), GNLU, it was stated that there does not appear to be any substance in any of the anonymous posts posted in the Instagram, which have been quoted by the Ahmedabad Mirror in the aforesaid report. It was averred therein that on 19.09.2023 at around 8:30 p.m. the Registrar received Whatsapp message from Dr.Dhanya, Assistant Professor of Research at GNLU about a Whatsapp message, accompanied with three posts, wherein name of GNLU was reflected. Those three posts contained heading

“vocal victim#54, vocal victim#55, vocal victim#56”. Thereafter at about 8:56 p.m., Dr. Prabhavati Baskey, Assistant Professor of Law & Warden (Girls Hostel) also forwarded the same posts through Whatsapp to the Registrar. It is further stated that the said posts appeared on an anonymous Instagram ID called “sevenangrywomen_nlud”, which appears to have been created by students of National Law University, Delhi. The said Instagram page contained various anonymous complaints against various National Law Universities in the country.

4. It is further stated therein that immediately on receiving the aforesaid message and the posts from Dr.Dhanya and Dr.Prabhavati Baskey, the Registrar called Dr.Baskey, Warden of the Girls Hostel and requested her to visit the girls hostel immediately and to enquire about the posts and submit the report by the next date. Dr. Prabhavati Baskey visited the Girls Hostel on the same night and met more than 80 students in the Girls Hostel and addressed their concern and assured all support from the administration and stayed in the Hostel until midnight. Subsequently, on 20.12.2023, a report was submitted by Dr.Baskey from which it was apparent that the girls staying in the Hostel did not have any information regarding the alleged incidents.
5. On 19.09.2023 at around 9:16 p.m., the Registrar called Mr.

Santosh Thakur, Deputy Section Officer, IT Department, to enquire about the possibility of tracing the identity of the students who had posted the messages on the Instagram page, so that further information can be gathered if possible, in order to take appropriate action. However, it was informed by the IT person that it was not possible to identify any one as the messages of the Instagram were all anonymous.

6. On 20.09.2023, again, the answering respondent called upon Dr. Mahesh Chaudhary, Head, Students Welfare & Chief Warden (Hostels) to ascertain the facts relating to Instagram Posts and requested him to call an urgent meeting of Students Welfare and Grievances Redressal Committee, a Committee consisting of all the Class representatives to ascertain the facts relating to the posts reflected on the Instagram page "sevenangrywomen_nlud".
7. Dr. Mahesh Chaudhary, Head, Students Welfare & Chief Warden (Hostels) along with Mr. Sanjeev Chaudhary, Assistant Professor of Law & Warden (Boys Hostel) and Dr. Prabhavati Baskey, Assistant Professor of Law & Warden (Girls Hostel) had convened a meeting of the Students Welfare and Grievances Redressal Committee at around 3:00 p.m. in which eight Class representatives had participated. As per the minutes of the said meeting, when the Class representatives were asked about Instagram posts they

showed ignorance about the identity of the victims or the perpetrator of the incidents. However, the members of the Students Welfare and Grievances Redressal Committee had voiced issues relating to Internal Complaint Committee and requested to reconstitute the same.

8. From the Minutes of Meeting of the aforesaid Committee at Page No."19" of the paper book (Annexure -R3) appended to the Affidavit of the Registrar (In-charge), GNLU, it may be noted that the Class representatives brought-forth that the Internal Complaint Committee had not been reconstituted and was not functional at which discussion was made and information was given to the Member of the Students Welfare and Grievances Redressal Committee that the Internal Complaint Committee was functional and had been resolving the issues whenever it had been approached. However, the website page of the Internal Complaint Committee may not be an updated one and that issue would be brought to the knowledge of the Internal Complaint Committee. It was, thus, intimated to the Committee that there was absolutely no awareness amongst the students about the Internal Complaint Committee being functional.
9. It is further contended that on the same day, i.e. 20.09.2023, Dr.Shwetha Narayan, Clinical Psychologists visited the GNLU and interacted with the students. Ms. Heena Goswami,

Convener, Gender Sensitization Committee was also requested on 20.09.2023 to conduct gender sensitization programme. The Registrar also requested Dr. Asha Verma, Head, Centre for Women and Child Rights and the Chairperson of the Internal Complaints Committee along with Ms. Heena Goswami, Faculty Convener, Gender Sensitization Committee on 20.09.2023 to convene a meeting of the office bearers of all students committees. The meeting was convened by Dr. Asha Verma on 21.09.2023 wherein more than 80 office bearers of various committees had participated. The discussion was made about social media posts and students were requested to inform about the incident if they were aware as mentioned in the social media report. However, as per the minutes of the meeting appended at Annexure-R-4, none of the students was aware of any incident and the posts were anonymous.

10. Meanwhile, on 22.09.2023, an article appeared in the Ahmedabad Mirror and on 23.09.2023 itself, the Gender Sensitization Committee had organized gender sensitization awareness programme about the POSH Act by calling an outside expert to deliver a lecture and address the students.
11. A protest letter was sent to the Editor, Ahmedabad Mirror. On 26.09.2023, the GNLU constituted Fact Finding Committee and Mr. Keshav Kumar, IPS & Former Director

General of Police was requested to Chair the Fact Finding Committee. As per the constitution of the Committee indicated in Paragraph No."16" of the Affidavit of the Registrar, other three members were Professors and Associate Professors of the University.

12. An Email dated 27.09.2023 has been sent to the students giving information about the constitution of Fact Finding Committee requesting them to come forward and share information relating to the anonymous report. The Internal Complaint Committee was reconstituted on 26.09.2023 itself and information was also uploaded on the website of GNLU. On receipt of the notice from the Registrar of the High Court on 30.09.2023, the Registrar (In-charge) sent Email to the students requesting them to come forward and give their statement by 05.10.2023. Professor (Dr.) Anjani Singh Tomar was appointed to record the statement of the female students in compliance of the order passed by this Court. Professor (Dr.) Anjani Singh Tomar submitted the report dated 07.10.2023 before the Registrar (In-charge), which was appended as Annexure-R-11 that the no student came to meet her and deposed in relation to the email circulated by the Registrar.
13. It is stated in the affidavit of the Registrar that a Handbook on Prevention, Prohibition and Redressal of Sexual

Harassment prepared by the girl students is already posted and had been distributed to each of the students during their orientation programme conducted on the eve of their joining GNLU. The regulations framed by the GNLU, namely the Prevention of Sexual Harassment at the Gujarat National Law University (Redressal of Complaints) Regulations have also been notified.

14. Having considered the above noted contentions in the affidavit of the Registrar (In-charge) dated 09.09.2023, in our order dated 11.10.2023, taking strong exception to the manner in which the matter has been dealt with at the level of the University and the Registrar (In-charge) who came to know about the incident of Instagram posts on 19.09.2023, we made the following observations:-

1. The affidavit filed by the Registrar, Gujarat National Law University, seems to be an overt anxious effort to dilute the whole matter by making inquiries in a summary way and further stating that there does not appear to be any substance in the anonymous post posted on the Instagram, which was quoted in the news report of "Ahmedabad Mirror" dated 22.09.2023, Suo-Motu cognizance of which has been taken by the Division Bench of this Court vide order dated 25.09.2023.

2. We are taking strong exception to the stand of the Registrar, Gujarat National Law University in the affidavit dated 09.09.2023 filed before us, when a fact finding inquiry by a Committee headed by a retired IPS namely Shri Keshavkumar, Former Director General of Police to ascertain the allegations made in the complaint reported in the newspaper, is still underway.

3. It is further relevant to note that one Professor namely Anjani Singh Tomar, Chairperson, has been made a member of the above noted Fact Finding Committee, even after she had submitted a report dated 07.10.2023 dismissing the whole incident. It is startling to note that in his affidavit, the Registrar of the University admitted that he had received messages on WhatsApp on 19.09.2023 from one of the Assistant Professor of the Gujarat National Law University as also from the Warden of the Girls Hostel forwarding similar posts and, thus, got knowledge of the Instagram posts. He asked the Warden of the Girls Hostel namely Ms. Prabhavati Baskey to visit the Girls Hostel and she reported to him that after interviewing more than 80 students in the Girls Hostel and addressing their concern, none of the girls in the hostel had any information with regard to the alleged incident. A report, according to the statement made in the affidavit, was submitted by the Warden namely Dr. Prabhavati Baskey on 20.09.2023, a copy of which is appended at page '17' and '18' of the paper-book. In the similar fashion, another report had been obtained from Ms. Anjani Singh Tomar, Professor of Law after the newspaper report was published. In the report dated 07.10.2023, appended at page '31' of the paper-book, submitted to the Register, Gujarat National Law University, it was stated by Ms. Anjani Singh Tomar in one line that no student came to meet her or deposed in relation to the email circulated by the Registrar. The same person, who has submitted the report on 07.10.2023, has been inducted as a member of Fact Finding Committee and made Chairperson of the Internal Complaint Committee.

4. We strongly disapprove the manner in which the Institute is dealing with the report which was posted on the Instagram and later published in the newspaper on 22.09.2023, more so, the manner in which, the Registrar, Gujarat National Law University has acted on receipt of the report of the incident on 19.09.2023. University It seems that the Authorities are making effort to cover up the whole issue, to save the image of the institution. The identification of the complainant - student has not been made till date at the ends of the University. The Professor writing that no student came to depose before him, reflects insensitivity of the University Authorities.

5. We may further note that there was agitation by the students about the constitution of ICC, i.e. Internal Complaint Committee. The ICC has been reconstituted on 26.09.2023. However, the working of the ICC in the institution even prior to its reconstitution is also to be looked into.

6. When we raised all these issues during the course of submissions, Shri Kamal Trivedi, learned Senior Counsel, appearing on behalf of Gujarat National Law University, submitted that he will personally look into the matter in the capacity of the Advocate General, State of Gujarat, to ensure that the Fact Finding Committee constituted by the University on 26.09.2023, be reconstituted with independent respectable members of the society having no concern with the institution at all. The functioning / constitution of the ICC in the institution is also to be relooked. The annual report of the ICC as also its constitution in the last three years is, therefore, to be placed before us. The Registrar of the University is warned to remain careful in future while submitting his affidavit before this Court in the matter.

7. On the assurance given by the learned Advocate General, the matter is posted on 02.11.2023.”

15. Pursuant to the aforesaid order dated 11.10.2023, Additional Affidavit was filed by the Registrar (In-charge) bringing on record the reconstitution of the fact finding Committee by the Office Order No.24 dated 20.10.2023. We, therefore, adjourned the matter on 02.11.2023, fixing it on 18.12.2023 to place the report before us. It was further adjourned on the request of the fact finding Committee brought before us through the learned counsel for the University. The report of the Fact Finding Committee has been submitted in a sealed cover on 22.02.2024, which was taken on record.

16. In the meantime, one more affidavit dated 21.02.2024 has been filed by the Registrar (In-charge) stating therein that the information of Internal Complaint Committee was uploaded at the website and the method of filing the complaint is covered by the regulations framed by the University. The Internal Complaint Committee is completely independent in its functioning and in order to prevent interference and pressure for lodging complaint, the University has provided separate Email ID i.e. icc@gnlu.ac.in.
17. The sealed envelope containing report of the fact finding Committee was opened by us on 28.02.2024 in the presence of Ms. Krina P. Calla, the learned amicus curiae and Mr. Kamal B. Trivedi, the learned Advocate General appearing as a learned Senior Counsel on behalf of the GNLU and also for respondent No.2-State.
18. Having perused the seriousness of the issue mentioned in the report, a query was raised as to who would be the competent body/authority to take action on the report, whereupon the matter was posted today on the request of the learned Senior Counsel to make an enquiry. Two signed copies of the Fact Finding Committee report have again been kept in the same envelop, which was sealed in the Court itself on 28.02.2024.
19. Today, when the matter was taken up, the copy of the GNLU Act, 2003 along with the details of the General Council

Members, the list of the Member of the Executive Council, Academic Council and Finance Committee have been placed before us by Ms.Dharmishta Raval, learned advocate appearing for the GNLU. It was brought before us that by virtue of Section 12 of the Act, 2003, the General Council is the Apex authority of the University, which is empowered to exercise such powers as it may deem necessary for the performance of the functions and the administration of the University, as per Section 15(e) of the GNLU Act, 2003. The Visitor is to preside over the meeting of the General Council and in the absence of the Visitor, the Chairman shall preside over the meeting and in absence of the Chairman, a Member of the General Council nominated by him shall preside. At present, as per the information supplied to us, by learned advocate Ms.Dharmishta Raval, the Chairman of the General Council has not been nominated.

20. Be that as it may, the report of the Fact Finding Committee brings out certain serious issues pertaining to the performance of functions and the administration of the University, on a confidential survey conducted by the Committee. It was noted by the Committee during the initial inquiry sufficient number of students were not coming forward to talk with the Committee and there was some hesitation and inhibition on the part of the students in approaching the Committee.

A blind google form was then prepared by the Committee to

conduct the confidential survey and circulated amongst the students with the help of some students without involving the University in any manner. The confidential survey protected the anonymity of the students and gave them a chance to give their fair opinion and express themselves without fear of facing any repercussions. A questionnaire in a format was prepared and circulated amongst the students. It was further noted that on receipt of the Google form by the students, one of the students forwarded the same to one of the members of the Committee to ascertain the veracity thereof and only after getting affirmation that it was actually the Committee, which was independently conducting the survey, initially 11 google form responses were received by 19.01.2024.

21. The Committee Members then interacted with the girl students of 2nd Year on 19.01.2024 in the Conference Hall, 1st Floor, Academic Block, who were intimidated by the University on the request of the Committee. The Committee found that there was a general fear amongst the students to approach the faculty in case of any difficulty because of the negative response, which they normally received. It was alleged that one of the faculty members had indulged in victim shaming. The infrastructural issues such as lack of proper lighting in the campus and only one of the CCTV Cameras being there has been raised therein. It has been noted that no CCTV Cameras are set up in the

isolated areas. The grievance with respect to the living condition, medical facilities etc. were also voiced by the students.

22. The Committee Members requested the students to participate in the confidential survey, which protected their anonymity so as to assist the committee in protecting their interests. Resultantly, total 34 responses were received, wherein a report of third incident apart from the two incidents highlighted in the newspaper report was brought forward.
23. In the response of the students noted by the Committee as a result of the Confidential Survey, the third post had been forcefully removed owing to the intervention of the Registrar (In-charge), GNLU and the Faculty Warden of the Girls College. The details with regard to the incident has been recorded in the Committee report tabulating the important responses given by the students. There are allegations of the non-cooperation of the Faculty Members specifically Member of the Internal Complaint Committee before its reconstitution after our intervention in the present matter. The Committee noted its findings after it took a round around the campus between 4:00 p.m. to 4:30 p.m. and found that certain areas are secluded with hardly any lights. The Committee was told during the course of the meeting with the girl students of all batches on 02.02.2024 that after the incident, the students took it up with

other Faculty Members, but it was of no avail.

24. There are other various issues, which have been noted and highlighted by the Committee, which are of grave concern and, in our considered opinion, need immediate attention of the Apex body of the University. The Committee has given findings *inter alia* that the GNLU authorities want to cover up such issues, which are likely to bring disrepute to the institution and that they are more concerned about the reputation of the GNLU rather than plight of the victim. The students were highly critical of the role played by the Faculty, Member of the Internal Complaint Committee/ Internal Fact Finding Committees and the Female Warden. Only 8.8% of the students were aware of the existing Internal Complaint Committee and the procedure to be followed for approaching the Internal Complaint Committee. Only 26.5% of the students were aware of the Students Welfare and Grievances Redressal Committee, which implied that such Committees have not conducted wide awareness/sensitization programmes or are mostly only on paper.

25. The Fact Finding Committee has made certain recommendations on the suggestions made by the students including Class representatives during the course of their visits to the GNLU. Taking note of the State of affairs brought by the Committee in its report submitted before us, we find that the

manner in which the Registrar (In-charge) of the University has responded in his affidavit dated 09.10.2023, the contents of which have been noted hereinabove, affirms our view that there was an overt anxious effort to dilute the whole issue by making summary inquiries at the ends of the Registrar (In-charge). The findings of the Committee about the lack of empathy by the administration of the University and effort made by the administration to cover up the whole issue affirmed our prima facie belief expressed in our order dated 19.09.2023 extracted hereinabove. The role of the University authorities in the entire incident is required to be looked into, firmly.

26. We, therefore, request the General Council to convene a meeting at the earliest so as to take cognizance of the report of the fact finding Committee (constituted by the University on the intervention of this Court) and do the needful. The intimation with regard to the date fixed for convening the meeting of the General Council shall be given to the Registrar General, High Court of Gujarat by Ms. Dharmistha Raval learned counsel appearing for the GNLU.

27. The Confidential Report of the fact finding Committee shall be circulated by the Registrar General, High Court of Gujarat, amongst the members of the General Council once the meeting is convened. The Registrar General, High Court of Gujarat is directed to prepare the copies of the report in a highly

confidential manner only a day before the date of the meeting and keep them in separate sealed envelopes for circulation to each Member present in the meeting of the General Council on receipt of the intimation of the date fixed for such meeting. We may note that one copy of the Confidential Report of the fact finding Committee has been sent to Mr Kamal Trivedi, learned Advocate General as recorded in the report itself.

28. Mr. Kamal Trivedi, learned Advocate General shall intimate this order to the concerned authority for necessary action on their part. The decision of the General Council shall be placed before this Court on the next date fixed.

29. Stand over to 04.04.2024.

(SUNITA AGARWAL, CJ)

(ANIRUDDHA P. MAYEE, J.)

SUDHIR