



## The WB National University of Juridical Sciences

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### STUDENT JURIDICAL ASSOCIATION

26<sup>th</sup> May, 2024

To,

The Hon’ble Chief Justice of India,

Supreme Court of India, New Delhi.

*also* Chancellor, The West Bengal National University of Juridical Sciences, Kolkata.

**Subject: Regarding the allegations of sexual harassment against the Vice Chancellor, NUJS, and expression of solidarity with our Associate Professor \*\*\*\*\***

We, the students of the West Bengal National University of Juridical Sciences (hereinafter, “NUJS”), stand in solidarity with Associate Professor \*\*\*\*\* in her legal actions against the Vice Chancellor, NUJS.

This statement is being made in light of the allegation made by Associate Professor \_\_\_\_\_ that she has been made a victim of sexual harassment and misconduct by the Vice Chancellor on several occasions between September 2019 and December 2023. She has reportedly faced delays in salary, denial of promotional opportunities and professional threats arising from her resistance against the Vice Chancellor’s alleged demands. The Order of the Hon’ble Calcutta High Court dated 22.05.2024<sup>1</sup> states that the local committee (‘LC’) instituted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (‘PoSH Act’) rejected Associate Professor \_\_\_\_\_’s complaint on the grounds of limitation. As the Order notes, the alleged acts of sexual harassment were of a continuing nature, commencing in September 2019 and the latest incident taking place in December 2023.<sup>2</sup> The alleged incidents between December 2023 and April 2023 related to her detrimental treatment in the workplace pursuant to the alleged acts of sexual harassment. The LC did not consider the April 2023 actions as “sexual harassment”, and the Petitioner was not allowed to be heard at the Executive Council (‘EC’) meeting dated 21.12.2023, even as procedurally it could not have decided on merits at that stage.

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<sup>1</sup> WPA No. 10583 of 2024.

<sup>2</sup> Id, para 12.

We strongly condemn the presumption of falseness made regarding Associate Professor \_\_\_\_\_'s complaints and deliberate attempts by the Vice Chancellor to circumvent the appropriate legal procedure by abusing his position of power. These alleged actions constitute blatant patriarchal exploitation and an attempt to undermine Associate Professor \_\_\_\_\_'s respect and dignity at her workplace.

The **NUJS Policy on Prevention, Prohibition and Redressal of Sexual Harassment, 2016** (hereinafter “Policy” or “NUJS Policy”), states that sexual harassment for the purposes of the policy may include unwelcome sexual advances or requests for sexual favours, whether express or implied as well as “any physical, **verbal, non-verbal conduct** of a sexual nature when acquiescence to the same is leveraged against the individual’s **employment, or involvement in University activities or interferes with professional or academic progress or creates a hostile environment in the University.**” The same is supplemented by **Sections 2(n)(iii) and 3(2)** of the PoSH Act.<sup>3</sup> It is appalling that the concerned PoSH Committee, as well as members of the University Administration, have been complicit in this oppression and do not consider such actions to be of a “sexual nature”. Indian women have been systematically denied any acknowledgement of their experience due to archaic, outdated notions of what constitutes “harassment” or “misconduct.” The reiteration of such stereotypes in court proceedings is unacceptable.<sup>4</sup>

An arbitrary dismissal of the Complainant’s claims not only taints the principles that NUJS has historically espoused but also creates an unsafe institutional atmosphere and trust deficit for students, particularly victim-survivors of harassment.

Section 19 of the PoSH Act obligates employers to provide a safe workplace environment.<sup>5</sup> **The alleged hostility and indifference by the University Administration and repeated retaliatory actions undertaken by the Vice Chancellor against the complainant are unequivocally condemned by the student body.** We also condemn the actions of other faculty and non-faculty staff who have allegedly subjected Associate Professor \_\_\_\_\_ to stigmatic, retaliatory and punitive actions.

It is necessary to note the blatant violation of the West Bengal National University of Juridical Sciences Staff Ethics and Code of Conduct (‘MCC’) insofar as the Vice Chancellor has endeavoured to abuse the power vested in him. The MCC requires a staff member to “Maintain absolute integrity and absolute devotion to duty, high ethical standards and honesty at all times.” It is evident that the Vice Chancellor’s actions in circumventing established procedures to quash the complaint against him, refusing to recuse from a committee meeting addressing the allegations against him, and making appointments without EC approval is a blatant violation of the MCC which cannot be sustained.

Considering that the meeting of the NUJS EC to decide the extension of the Vice Chancellor’s tenure is scheduled for 28th May 2024, severe and prompt consideration of the General Body’s demands is imperative to secure this institution’s future.

In light of the above, we make the following **unconditional demands**.

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<sup>3</sup> Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, S. 2(n)(iii), 3(2).

<sup>4</sup> Id.

<sup>5</sup> Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, S.19.

1. **We demand** immediate steps be taken to ensure that Associate Professor [REDACTED] is not further victimised or subjected to any harassment or hostility from faculty/non-faculty staff. We demand a thorough, unbiased investigation against the Vice Chancellor regarding allegations of sexual harassment and intimidation.
2. **We demand** the immediate suspension of the Vice Chancellor from his office and that he be prevented from undertaking any duties or responsibilities as the university's Vice Chancellor until his acquittal. We resolutely demand that he be disallowed from making executive decisions regarding the university and its functioning.
3. **We demand** that any alleged attempts by the Vice Chancellor to influence EC meetings called to hear the grievances of Professor [REDACTED] be deemed an abuse of power and authority vested in him by the University. Further, his alleged refusal to recuse himself from such meetings violates the basic principles of natural justice. We demand that he be restrained from influencing the course of any proceedings instituted against him and that he recuses himself from any subsequent EC meeting called to discuss the same subject-matter. We strongly condemn the EC's decision in the 93rd meeting dated 27/11/23 and 21/12/23 to vilify Professor [REDACTED]'s decision to approach the Hon'ble Chancellor with her grievances, despite the same not being prohibited by the NUJS Act or any law for the time being in force. The remedy to approach the EC under Sub-clause 9 of clause 9 of the Schedule to the NUJS is not an exhaustive remedy, and Professor [REDACTED] was not in any way precluded from approaching the Hon'ble Chancellor.
4. **We demand** that the farcical and retaliatory fact-finding committee created by the Vice Chancellor against Associate Professor [REDACTED] be dismissed. We condemn the alleged actions of the Vice Chancellor and his close aides within the faculty for misusing the authority vested in the University's administration to arm-twist and intimidate the victim and cause her aggravated suffering.
5. **Finally, we resolutely demand** that owing to a lack of confidence of the NUJS General Body towards the Vice Chancellor, coupled with the allegations discussed, **no extension be granted to him for the position of Vice Chancellor.** We note that the Vice Chancellor has allegedly attempted to immunise himself against allegations surrounding inappropriate sexual conduct by abusing the authority vested in him as the Vice Chancellor and Chairman of the EC, and in doing so, has betrayed the trust placed in him as the head of an institution such as NUJS.

Given these considerations, we hereby wish to relay to your Hon'ble Lordship our collective decision to resolutely stand against the extension of the Vice Chancellor's term as the Vice Chancellor of our institution. We also wish to relay our pain and disappointment with our institution for failing Associate Professor [REDACTED] so tremendously. We humbly pray to your Hon'ble Lordship to take note of the allegations of sexual harassment and institutional marginalisation and our just demands, which attempt to salvage not only the institutional reputation of NUJS but also the idea of a safe space for all students, victim-survivors and those from vulnerable communities in our university.

Thanking You,

On behalf of the General Body of the West Bengal National University of Juridical Sciences (NUJS),



**Indrayani Bhadra**  
**President**  
**Student Juridical Association**



**Yastika Handa**  
**Vice-President**  
**Student Juridical Association**