

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:

LAW OFFICER BRANCH(420) for the Applicant(s) No. 1  
MS KRINA P CALLA(2959) for the Applicant(s) No. 1  
MR UTKARSH SHARMA, AGP for the Opponent(s) No. 2  
MR KAMAL TRIVEDI, SR. ADVOCATE 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 : 01/05/2024

ORAL ORDER

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

1. Heard Mr. Kamal B Trivedi, learned senior advocate assisted by Ms. Dharmistha Raval, learned counsel for the respondent University and perused the record.

2. The instant petition in the nature of Public Interest Litigation has been registered on the *suo motu* cognizance taken by this Court vide order dated 25.09.2023 on a daily newspaper (Ahmedabad Mirror) report published on 22.09.2023 of an

incident relating to two students of Gujarat National Law University (GNLU).

3. In the order dated 11.10.2023, having noted the stand of the University on an affidavit filed by the In-charge Registrar, it was recorded that an overt anxious effort was made by the In-charge Registrar to dilute the whole matter by making inquiries in a summary way on his own and then stating that there does not appear to be any substance in the anonymous post posted in Instagram, which was quoted in the newspaper, viz. 'Ahmedabad Mirror' dated 22.09.2023.

4. We have further expressed strong exception to the manner in which the institute has dealt with the report and response of the Registrar on receipt of the information of the report. We have also noted that there were some issues about the constitution of Internal Committee (IC). However, noticing the submission of Mr. Kamal B. Trivedi, learned senior advocate appearing for the University, the matter was posted to seek a response on the report as also the annual report of the Internal Committee.

5. On the next date fixed, i.e. on 02.11.2023, it was intimated to us that a Fact Finding Committee has been constituted by the University vide order

dated 20.10.2023 and the inquiry is underway. The report of the fact finding inquiry was perused by us on 12.03.2024 and noticing the contents thereof, we requested the Governing 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 the Court, to do the needful.

6. The minutes of the 24<sup>th</sup> meeting of the Governing Council of the University held on 23.03.2024 have been brought before us by means of an affidavit of the In-charge Registrar dated 03.04.2024. The Governing Council has taken serious note of the matter and has sought for the response of the Director of the University on the Confidential Report. A High Level Committee has been constituted comprising of a Former Judge, Supreme Court of India, learned Attorney General of India (a member of the Governing Council) and a former Additional Chief Secretary, Finance Department, Government of Gujarat for assessment of past five years' performance of the University in the field of academics, administration, finance as well as safety/security aspects of the students for suggesting further corrective measures to be undertaken in that regard.

7. A Sub-committee of two senior advocates of

the High Court (members of the Governing Council) has also been constituted to ensure that immediate corrective measures for reconstitution of a transparent and vigilant Internal Committee is put in place, which takes care of any allegations like sexual harassment to any of the students, whether against faculty or students and provide for display of such measures be placed at various places in the University. It was resolved that the report of both the High Level Committee and Sub-committee shall be placed before the Executive Council, which shall place the same along with its recommendation before the Governing Council for consideration. It was further resolved that one Assistant Professor Dr. Jagadeesh Chandra T.G. is working as Registrar of the University since 12.03.2019 and the post of Registrar being vacant, there is an immediate need to fill-up the same.

8. By order dated 04.04.2024, we have directed the respondent University to bring the action taken report of the Governing Council on the directions given by it in the aforesaid resolution, be placed on record. In the affidavit dated 29.04.2024, it has been brought on record that the respondent University has issued advertisement in the daily newspaper for filling up the post of Registrar as per the UGC and GNLU norms. The last date of

submission of the application form is 06.05.2024 and the Scrutiny Committee will scrutinize the applications received in the month of May 2024 itself and thereafter, the interviews would be conducted.

9. The Sub-committee has given its report on 02.05.2024 about reconstitution of the new Internal Committee. The Executive Council of the University has considered the said report and accepted the recommendations of the Special Committee vide Resolution dated 26.04.2024. A Virtual Emergency Meeting of the Governing Council (25<sup>th</sup> meeting) was convened on 27.04.2024 and it was resolved to accept the recommendations of the Special Committee and the Resolution of the Executive Committee thereon. The response of the Director of the University and the recommendations of the Fact Finding Committee were discussed in detail. The High Level Committee has been reconstituted on the inability shown by the Chairperson of the previously constituted Committee. It is also resolved that the report of the Fact Finding Committee along with the response of the Director shall be supplied to the High Level Review Committee for its opinion, to suggest corrective measures to be undertaken for ensuring safety and security aspects of the students. The draft

minutes of the 25<sup>th</sup> Governing Council meeting convened on 27.04.2024 brought on record has been perused by us.

10. In the minutes of the Governing Council Meeting, there is a discussion about the aspect of the response of the Director to the report of Fact Finding Committee. It has been noted therein that the University is committed to extend all possible protection to the victims without any gender bias/discrimination and assures to address their concerns/grievances effectively. The University has reconstituted Women Cell and Gender Sensitization Committee for effective functioning and they have been given clear mandate for conducting sensitization programmes throughout the year for all stake-holders. Rules and Regulations and the handbook along with the names and contact details of the members of the Internal Committee have been displayed on the website. Posters notifying the provisions against sexual harassment and consequences of sexual harassment have been displayed at 40 conspicuous places of the University. Dr. Saurabh Anand, who did not discharge his responsibilities effectively as the warden of the Boys Hostel and Head of Alumni Relations has been relieved of these responsibilities on 30.04.2024.

11. It was noted by the General Council that Dr. Prabhavati Bhaskey, Faculty Warden of the Girls Hostel will be relieved from the hostel duties on 30.04.2024 and a new team would assume office on 01.05.2024. Professor Anjani Singh Tomar will be relieved of the additional responsibility given to her, on 30.04.2024. On the anonymous complaint regarding molestation against one Vanshvir Mehlat referred in the Fact Finding Report, an inquiry has been initiated. The anonymous complaint against Mr. Rishabh Mehta for his homophobic remarks with reference to a co-student referred in the Fact Finding Report has been take care of by referring the said complaint to the Student Disciplinary Committee while Mr. Rishabh Sharma has been given a separate single room with attached bathroom.

12. Taking note of the Fact Finding Report, on the apprehension expressed by the Committee with regard to the reported incidents, the Director assured the Governing Council that the University takes a serious note of the opinion expressed by the Fact Finding Committee and all possible measures to prevent all such incidents and to deal with the offenders sternly shall be ensured. It was ultimately resolved on the response of the Director:-

"(i) That the Council is satisfied about the

aforesaid decisions with reference to the corrective measures being taken by the University, with the confidence that the Director, the Faculty Members and the Members of the respective administrative committees of the University shall take appropriate decisions from time to time as exigencies may require in the best interest of the students and in furtherance of achieving the higher goals of the University;

(ii) That the Report of the Fact-Finding Committee along with the response of the Director be supplied to High-Level Review Committee for its information, while enabling it to suggest further corrective measures to be undertaken by the University for ensuring safety/security aspects of the students, as one of the terms of its scope of reference;

(iii) That the GNLU being an autonomous statutory body regulated by the Rules and Regulations and by the decisions taken by the Authorities constituted under the Act, it is now desirable that the issues pertaining to the indoor management are best left to the wisdom of the Apex Authority of the University i.e. the General Council along with other Authorities and the Director of the University."

13. Taking note of the deliberations of the Governing Council in its 25<sup>th</sup> meeting held on 27.04.2024 and the confidence expressed by it on the response of the Director that the Director, Faculty Members and the members of the respective Administrative Committees of the University will take appropriate decisions from time to time that



may be required in the best interest of the students and in furtherance of achieving higher goals of the University, we find that the purpose of taking cognizance of the report by this Court in the public interest of the students of the University (GNLU) has been served. The General Council along with other authorities of the University as well as the Director of the University are responsible to deal with the issues pertaining to the management of the University, to take care of the best interest of the students and in furtherance of achieving higher goals of the University. The trailblazer news report in the "Ahmedabad Mirror" for bringing the issue to the notice of this Court has served its purpose. The Governing Council which is the apex authority of the University has taken the issue on a very serious note and corrective measures have been adopted.

14. We hope and trust that the instructions issued by the Governing Council, the apex body of the University, shall be followed in their true letter and spirit by the Director, Faculty Members and the Members of the respective Administrative Committees of the University on the assurance given by them. We, therefore, find it proper to set the matter on rest.

15. However, before parting with this order, we may take note of the two affidavits filed by the Director and the Registrar of the University dated 30.04.2024. In his affidavit, the Director has given his sincere assurance to this Court on his personal behalf as well as on behalf of the respondent University that he will take utmost care to proactively ensure that the students studying in the University feel safe and also feel confident to ventilate their grievances freely and for that purpose, all corrective measures taken and proposed to be taken as submitted by him to the General Council meeting held on 27.04.2024 as well as such other measures as may be suggested from time to time shall be fully implemented. It is assured that the meeting of the members of the Executive Council of the University will be periodically held in order to enable the Executive Council to satisfy itself about the implementation of the corrective measures taken by the Director. An assurance has been given that the Director will fully cooperate with the High Level Review Committee constituted by the General Council under the Chairmanship of Hon'ble Ms. Justice Indira Bannerjee (Former Judge, Supreme Court of India) and implement the suggestions and directions of the said Committee in its true letter and spirit. He has also assured that he will make best efforts to win the

confidence of the students and to see that a very congenial and ameliorate atmosphere is maintained in the campus of the respondent University.

16. On the said assurance, we can only say that the Director of the University has to prove himself so as to meet the expectations of the Governing Council, the students as also the concern of this Court that the students studying law are to be given such an atmosphere where they can speak their concern without any inhibition while maintaining the discipline of the University. Gender sensitization programmes are required to be held to sensitize the students and the faculty members with respect to all genders including third gender and to maintain a harmonious atmosphere in the University so that every student may grow to be a responsible member of the legal fraternity, who are supposed to voice the concern of the marginalised section of the Society before the law making, law implementing and interpreting authorities.

17. We hope and trust that the Director and the Faculty Members will try to come out of their own biases and prejudices which they carry about any social issue by sensitizing themselves as well during such programmes, so that they may be able to win the confidence of the students for whom they are parents in a residential University. Not a

single incident disturbing the freedom of expression of any student (within the framework of law) or suppression of voice on any social and legal issue shall be tolerated. The suggestions of the Fact Finding Committee to improve the infrastructure of the University by providing safety measures shall be implemented immediately without waiting for the outcome of the report of the inquiry by the High Level Review Committee constituted by the Governing Council.

18. We may record that we have been given assurance by Mr. Kamal B. Trivedi, learned senior counsel appearing for the University that the Governing Council has undertaken the task to ensure that the internal management of the University is supervised frequently and periodically so as to ensure that corrective measures, assured to the Court are brought in place.

19. We may also record the response of the In-charge Registrar who has filed affidavits before us at the initial stage of the proceeding, in haste, without understanding the gravity of the situation. An unconditional apology has been submitted by the Registrar for his statement in the affidavit-in-reply filed on 09.10.2023 and it was stated that there was no intention on his part, let alone willful intention, to disregard the incidents

reported on the Instagram page. He acknowledges that whatever statements made by him in the affidavit filed on 09.10.2023 in the quest of defending the respondent University were inappropriate, without understanding the scope and intent of the instant public interest litigation.

20. Having noted the above, we may record that the Director of the University is silent about the response of the University before this Court. It is difficult to comprehend that the Director was not aware of the stand taken in the affidavit of the in-charge Registrar. It was the duty of the Director to take things in his hands once cognizance was taken. We have, therefore, serious doubt about the role of the Director in submitting response of the University before this Court. However, since the Governing Council of the University has reposed confidence in the Director in order to give one chance to him to make improvements, we do propose to say anything except that the Director of the University has utterly failed in discharge of his duty of submitting a proper response to this Court on behalf of the University. We, however, accept the unconditional apology of the In-charge Registrar.

21. With the above observations, the instant petition registered *suo motu* in the nature of

Public Interest Litigation stands disposed of.

(SUNITA AGARWAL, CJ )

(ANIRUDDHA P. MAYEE, J.)

BIJOY B. PILLAI