

*National Law School of
India University*

Principles of Conduct

September, 2002

NATIONAL LAW SCHOOL OF INDIA UNIVERSITY

PRINCIPLES OF CONDUCT

SEPTEMBER - 2002

PART I. OBJECTIVES

(1) The National Law School of India University Act, 1986, mandates the University, inter alia, to "**develop in the student and the research scholar a sense of responsibility to serve society in the field of law**" (Section 4(1)). Thus a main object of the University is to inculcate in students and research scholars such values and principles as are conducive to the development of a sense of responsibility in them to serve society in the field of law. Such a sense of social responsibility cannot be externally imposed; it emanates from the inner sense of ethical and moral values of each individual.

(2) Another core purpose ~~of the~~ for which the University exists is to "**advance and disseminate learning and knowledge**" To fulfill this core mandate, each member of the University community will need to uphold and promote those values that are essential for learning and the advancement of knowledge such as self discipline, intellectual humility and the capacity to listen, uncompromising commitment to truth, a peaceful and harmonious environment that safeguards the human dignity and self-respect of each student and scholar and promotes calm and quiet reflection and fraternal courtesy and cooperation.

(3) The University's anthem, Tagore's *Gitanjali*, sets out in powerful terms the values to which the University is committed and reaffirms value-based education and research as the core purpose of the University. It is set out here so that we may once remind ourselves of the values that are celebrated in the poem:

*Where the mind is without fear and the head is held high;
Where knowledge is free;
Where the world has not been broken up into fragments by narrow domestic walls;
Where words come out from the depth of truth;
Where tireless striving stretches its arms towards perfectionism;
Where the clear stream of reason has not lost its way into the dreary sand of dead habit;
Where the mind is led forward by thee into ever widening thought and action;
Into that heaven of freedom, my Father, let my country awake.*

(4) The Constitution of India contains the core values to which we are committed as a nation -- justice, liberty of thought, expression, belief, faith and worship; equality of status and of opportunity; fraternity assuring the dignity of the individual and the unity and integrity of the nation.

(5) The NLSIU Act places on the Director the responsibility and authority to maintain discipline among the students.

(6) These principles of conduct and related procedures are intended to best achieve the above purposes and mandate of the University with respect to the education of its students, including the proper maintenance of discipline among students. *There can be no single view on what personal values and behaviours are conducive to the achievement of these goals. Nor can values be imposed.* Each of us has the responsibility to reflect in our own minds on the mandate of the University and its pledge of value-based education and define for ourselves those personal values and behaviours that we each believe will assist in the realization of these goals. Equally, it is the responsibility of the University to identify and commend those core values and behaviors which the University considers as the minimum necessary for

the achievement of these goals. These values are not static. They will need to be continually discussed and debated within the community and must evolve over time. The minimum commended core values of the University include the following:

- (i) **TRUTHFULNESS** in word and deed.
- (ii) **NON-VIOLENCE** towards all -- sentient beings and inanimate nature;
- (iii) **COMPASSION** towards all;
- (iii) **RESPECT FOR THE INHERENT EQUAL HUMAN DIGNITY AND EQUAL STATUS OF ALL PEOPLE** irrespective of status or position; abjuring of prejudice or discrimination against anyone including on the basis of gender, caste, religion or region; respectful and courteous behavior towards all.
- (iv) **FREEDOM**: Respecting the freedom of all, including their freedom of thought, belief and their freedom to dissent; and exercising such freedom with responsibility not to harm others or impinge on their freedom.
- (v) **PLURALISM AND PLURI-VERSALISM**; respect for and tolerance towards beliefs, ideas and views of others; willingness to listen to and respect ideas opposed to one's own; upholding the right and freedom of each person to pursue, discover and cherish the truth as he or she sees it.
- (vi) **PROFESSIONALISM**: upholding the highest standards of professionalism, analytical rigour and sound reasoning; striving towards the highest quality in all work.
- (vii). **SAFEGUARDING THE INTERESTS OF THE COMMUNITY AND AVOIDING HARM TO THE COMMUNITY** including--
 - (a) Avoidance of any injury or violence - physical or verbal -- to any other member of the community;
 - (b) safeguarding and enhancing the safety and well-being of oneself and of others; avoidance of behavior which places any other person at risk -- actual or potential.
 - (c) avoidance of unhealthy and harmful competition with other members of the University community; promotion of the mutual fraternity and unity of the community and avoidance of groupism at all levels;
 - (d) Sensitivity towards the opinions, beliefs, moral values and sensibilities of other members of the community and avoidance of public behavior that causes undue disturbance or offence to other members of the community.

These values affirm our human dignity, promote the interests of the individual and the common purposes that bring us together in the University. They represent the way each of us would want to be treated and would like others to behave towards us. They lie at the core of the causes to which law is dedicated -- justice, equality, freedom, social responsibility, respect for persons and property, freedom and due process. In essence, they call for behaviour that avoids harm to members of the University community and promotes the purposes of the University community.

(7) It is also necessary for the University to explicitly identify the types of misconduct which are inconsistent with its mandate and mission and the above values and the processes by which issues of misconduct would be dealt with.

(8) These Principles and Procedures codify, with necessary modifications based on experience, existing rules, approaches and practices with respect to disciplinary matters. All matters covered by the University's Code to Combat Sexual Harassment shall be covered exclusively by that Code and not by these Principles and Procedures. In case of any doubt regarding whether a matter is covered by these Principles and Procedures or the Code to Combat Sexual Harassment, the Director shall make a final decision on the applicable framework.

(9) These Principles and Procedures apply to all students of NLSIU.

PART II: MISCONDUCT

(a) Major Misconduct

Major Misconduct consists of:

1. Conduct that causes serious physical or emotional harm to any person, whether or not a member of the University community, or could reasonably be considered as likely to cause such harm, including ragging violent behaviour of any kind such as assault, fighting, injuring others, manhandling and other such debasing forms of behavior; outraging or attempting to outrage the modesty of any person; possession of weapons, explosives or any other similar materials that are inimical to the safety of any member of the University community; threatening the lives or peace of others on the campus or in its precincts.
2. Conduct that seriously and materially harms the University, its goals, its work, its ethical standards or its learning environment including (a) willful disobedience of instructions of the University (including from teachers, officers of the University, Warden or any other person associated with teaching or administrative work of the University); disrupting peace and order in the University including riotous or disorderly behavior; willfully damaging University property; willfully causing loss to the University; maliciously bringing down or maligning the status or reputation of the University; and (b) *dishonesty* including lying, theft or fraud; dishonesty in any academic work or any other aspect of University functioning; cheating in exams, plagiarism; malpractice in examination/abetting the use of malpractice in examination; misrepresentation, including obtaining any degree, diploma, honour, prize, award or recognition by fraud or misrepresentation;
3. Conduct hazardous to human health, safety and well being including consumption or possession of alcohol in the University premises, consumption of drugs, narcotics/psychotropic or similar substances; entering the University premises after consuming and while under the influence of alcohol, drugs, narcotics/psychotropic or similar substances; bringing, or being party to any effort or scheme to bring, alcohol or any of the aforementioned substances into the University campus; supplying drugs or narcotics/psychotropic substances including to a member of the University community regardless of where the supply occurs; being under the influence of alcohol or any of the aforementioned substances within the University precincts.
4. Repeatedly committing minor misconduct on more than four occasions during the student's career in NLSIU; and abetment of Major Misconduct.

(b) Minor Misconduct

"Minor Misconduct" consists of:

1. Minor disruption or disturbance of University work or activities including: Disturbing, by making undue noise or otherwise, any class, any University event, the halls of residence, the academic block or the library; leaving the classroom or moving about in the classroom during class without the permission of the teacher; reading material not concerned with the class, using mobile phones or other electronic devices, or engaging in any activity inconsistent with the learning objectives of the class or University event; behaving in a class or any other University event or function in a manner that is inconsistent with the behaviour and conduct reasonably expected on the occasion, (e.g., sleeping in class)
2. Lack of respect and courtesy towards the community and individual members of the community including : Discourteous or disrespectful behavior towards teachers, administrative staff and/or guests of /visitors to the University; verbal abuse and use of obscene language or language known to be offensive to others (such as gender/caste/regional/linguistic epithets); being inappropriately dressed or attired in public/community areas; indecent behavior; indecent public behavior including indecent public display of affection.
3. Behavior that is injurious to others including : Defaming or maliciously injuring the reputation of any other member of the community; smoking in University premises outside any areas designated by the University as smoking areas.
4. Failure to observe University Regulations including : being outside the campus without required permission of designated authorities, returning to the campus without prior permission after the designated hour by which students resident on campus should have returned and staying overnight outside the campus without prior permission of the wardens; using a two-wheeler without a helmet including allowing a pillion rider to ride without a helmet.
5. Abetment of Minor Misconduct; any behavior likely to encourage or cause other students to engage in misconduct.

PART III : PROCEDURES

Section 1. Initiation of Proceedings

- (a) Where any faculty member, staff or student of the University is of the view that a student may have engaged in misconduct, he/she may submit a written request to the Director or Registrar to investigate the matter and determine whether or not misconduct has occurred. In such cases, the Director or Registrar as the case may be may instruct DARIC to institute an inquiry.
- (b) Where the Director or the Registrar is of the view that a student may have engaged in misconduct, he/she may instruct DARIC in writing to inquire into the matter and determine whether or not such violation has occurred.
- (c) Where DARIC is of the view that that a student may have engaged in misconduct, DARIC may, with the prior approval of the Director or Registrar, initiate an inquiry to determine whether or not such violation has occurred.
- (d) Upon receiving instruction or approval for instituting an inquiry, DARIC shall carry out a preliminary review of the matter and (a) determine who shall be parties to the inquiry; and (b) determine whether or not the alleged misconduct should be treated as Major Misconduct or Minor Misconduct. DARIC shall convey its decision in this regard to all parties.
- (e) Where two or more students are concerned and involved in any alleged misconduct, DARIC may hold a joint inquiry regarding such misconduct or misbehavior as against all of them in a common proceeding.
- (f) The Director or Registrar may place a student against whom an allegation of misconduct has been made under suspension pending inquiry if he/she is satisfied that such suspension is necessary (a) to ensure that a fair inquiry is conducted into the allegations under these Principles and Procedures without direct or indirect interference in the process by, or on behalf of, such student; (b) for the safety and well being of any student(s) and/or the students against whom the allegations are made; or (c) in the best interests of the University, for reasons to be set out in writing.

Section 2. Inquiry:

- (a) DARIC shall, as part of the communication referred to in para 1 (d), inform the parties to any inquiry about the procedure to be used by DARIC with respect to such inquiry. The procedure set out by DARIC for inquiries shall normally be the procedures set out in Annex 1 hereto for Major Misconduct and Annex 2 hereto for Minor Misconduct. In all cases, DARIC shall ensure that persons charged with violation of the Principles of Conduct of the University shall have every reasonable opportunity to be heard and that principles of natural justice are followed before a final view is taken by DARIC with respect to their conduct.
- (b) On completion of the inquiry if DARIC concludes that any student may have engaged in misconduct, DARIC shall recommend to the Registrar an appropriate Corrective Action with

respect to the misconduct. Such Corrective Action shall be based on the suggested Corrective Actions set out in Part IV below.

(c) Promptly after the conclusion of the inquiry, a report shall be prepared by DARIC and submitted to the Registrar which shall contain:

- (i) the charges and the statement of imputations of misconduct;
- (ii) the defence or admission of the student in respect of each charge;
- (iii) an assessment of the evidence in respect of each charge;
- (iv) the findings on each charge and the reasons therefor;
- (v) if DARIC finds that one or more of the parties has engaged in misconduct, a recommendation on the corrective action with respect to each such party; and
- (vi) the record of inquiry which shall include:
 - (a) the written statement of defence, if any, submitted by the student;
 - (b) the oral and documentary evidence produced in the course of the inquiry;
 - (c) written briefs, if any, filed by the student who is the subject of inquiry, during the course of the inquiry; and
 - (d) the orders, if any, made by DARIC in regard to the inquiry.

Section 3: Action on the Inquiry

(a) The Registrar shall review the recommendation submitted by DARIC pursuant to Section 2 above and shall implement the recommendation unless the Registrar finds that the inquiry carried out by DARIC or the recommendations for Corrective Action are vitiated by any gross irregularity or illegality or malafides.

(b) Where the Registrar decides to reject the findings and recommendations of DARIC pursuant to Section 3(a) above, the Registrar shall return the entire proceedings to DARIC for re-consideration or further inquiry on any aspect.

(c) On receipt of a communication from the Registrar under Section 3(b) above, DARIC shall consider the issues identified by the Registrar and reconsider its prior decision in response to the issues raised by the Registrar and, if DARIC feels necessary, make further inquiry into the matter.

(d) Upon completion of its consideration under Section 3(c) above, DARIC shall submit its conclusions and recommendations to the Registrar.

(e) If the Registrar is satisfied that the findings and recommendations of DARIC as resubmitted under Section 3(d) above satisfactorily address the concerns raised by the Registrar under Section 3(b) above, the Registrar shall implement the recommendations made by DARIC under Section 3(d) above.

(f) If the Registrar is still of the view that the findings and recommendations resubmitted by DARIC under Section 3(e) above suffer from any gross irregularity or illegality or malafides or are not in the best interests of the University, the Registrar shall submit the matter to the Director for a final decision.

(g) Final orders made by the Registrar under Sections 3(a) and (e) of these Procedures and by the Director under Section 3(f) shall be communicated in writing to the concerned parties who shall also be supplied with a copy of the report of the inquiry, the findings and the proposed Corrective

Action Copies of depositions of witnesses shall be made available for perusal to a party concerned with such deposition.

(h) Given that these proceedings involve young people and recognizing the need for the protection of their reputation, the proceedings under these Procedures shall be treated as strictly confidential and shall not be divulged by any faculty or staff member or any of the parties to anyone not involved in the inquiry process.

Section 4: Review

- (a) A person with respect to whom Corrective Action is to be taken pursuant to Section 3 above may, within fifteen working days of receiving a communication of such Corrective Action, or a person who feels aggrieved by any decision of DARIC or the Registrar under these Procedures, request the Director to review such action or decision on the ground that such Corrective Action and the Inquiry on which it is based is vitiated by gross irregularity or illegality. The reasons for requesting the review shall be clearly and fully set out in the request along with all supporting documentation.
- (b) The Director may entertain a request for review after the expiry of the fifteen day period referred to in Section 4(a) above, if he/she is satisfied that the concerned requestor had sufficient cause, beyond his/her control, for not submitting the appeal in time.
- (c) Upon the written request of the person seeking a review under Section 4(a) above, the Director may provide an opportunity to such person for oral representations to be made to elaborate and explain the written submission without raising new grounds.
- (d) (i) After due consideration of the request for review and any oral representation, the Director shall, without disturbing any finding of fact, either (a) confirm the actions taken by the Registrar under Section 3 above; or (b) set aside the action taken by the Registrar under Section 3 on the ground that it suffers from gross irregularity or illegality or is not in the best interests of the University.
(ii) In all cases, the Director shall not interfere with findings of fact and shall set down the reasons for his final decision under Section 4(d)(i) above in writing, which shall be made available to the Registrar, DARIC, the person requesting the review and any other person affected by the review process as determined by the Director.
- (e) The Director's decision on the review shall be final. Where the Director so deems necessary, the Director may delay the implementation of the decision of the Registrar pending completion of the review described in this Section for such period as the Director deems fit.

Section 5: General

- (a) The proceedings established here are intended to facilitate the University to decide on the appropriate actions that are most likely to result in the long term positive development of the personality, character, values and potential of students; and preserve and enhance the overall learning environment of the University. They are to be distinguished in this respect from court proceedings and other administrative proceedings intended merely to punish.
- (b) All persons involved in these proceedings shall do so in their individual capacity. Representation is not allowed. Where any person feels that he/she requires assistance to participate in these proceedings, a request to this effect may be made to DARIC which shall consider the request and take necessary action.

(c) In cases of alleged sexual harassment, the Procedures set out in the University's *Code to Combat Sexual Harassment* shall apply. Any question on whether a matter is covered by the *Policy and Procedures to Combat Sexual Harassment* shall be decided by the Director in consultation with the Sexual Harassment Policy Advisor.

(d) Where the corrective action proposed involves permanent rustication or permanent ~~d~~barment from appearing for an examination, such corrective action shall be considered and imposed by the Executive Council of the University under paragraph 32 (2) of the schedule of the NLSIU Act. In all other cases, the corrective action shall be imposed by or under the authority of the Director as provided in these Principles and Procedures.

PART IV:CORRECTIVE ACTIONS

(1) Corrective Actions for Major Misconduct:-

- a) disqualifying the student from appearing for examinations; canceling retrospectively the results of the examinations taken by the student and requiring the student to retake such examinations which shall be marked as repeat (R) ;
- b) disqualifying the student from representing the university in any activity during the period of rustication;
- c) Termination of and debarment from holding any post / office either elected or otherwise in an activity based committee, hostel committees or other student of other University committees or bodies.
- d) Suspending from attending or taking the examinations in which case supplementary examination will be marked as (R) ;
- e) Suspension from classes and from access to the University premises for a specified period;
- f) permanent rustication ; and.
- g) In all cases of proven major misconduct, the concerned student shall be immediately removed from any position of responsibility in any student activity including the Student Bar Association and shall be barred from holding any such position for such period as the University may determine.

(2). Corrective Actions for Minor Misconduct:-

- a) Censure/ admonition / reprimand.
- b) Fine.
- c) Suspension for a period of six or more days (less than a trimester) during which no attendance of classes or entrance into the Campus (except with the prior written permission of the Registrar) will be allowed.

NOTE :-

(1) When any Corrective Action for misconduct is imposed on any student, the University may indicate in the Character Certificate of the student that the character of the student is unsatisfactory

(2) Keeping in mind the central objective of the University of sustaining and building values and character, past record shall be a relevant factor in determining the nature of the Corrective Action for both major and minor misconduct.

PART V. DEFINITIONS

1. In these Procedures, unless the context otherwise requires
 - (a) "Director" means, the Director of National Law School of India University ;
 - (b) "Registrar" means, the Registrar of National Law School of India University;
 - (c) "Corrective Action" includes any action taken under these procedures for any misconduct under the University's disciplinary powers.
 - (d) "Student" means a student duly enrolled and either attending classes and/or pursuing studies in any program or course of the National Law School (including the B.A.,LL.B. (Hons.), LL.M., M.Phil., JSD, Ph.D., LL.D., M.B.L., Diplomas in Medical Law and Ethics, Human Rights, Environmental Law courses or any other Degree/Diploma/Certificate courses as and when offered by the National Law School of India University, Bangalore); and
 - (e) "DARIC" means the University's Disciplinary Matters Advisory, Review and Investigation Committee appointed by the Director for the purposes specified by him, and shall have such membership as the Director shall determine from time to time.

ANNEX 1:
MODEL PROCEDURES
FOR ALLEGED MAJOR MISCONDUCT

1. Statement of Charge : DARIC shall draw-up or cause to be drawn up:-
 - (i) a summary description of the alleged misconduct.
 - (ii) a statement with respect to each alleged act or omission of misconduct, which shall contain : -
 - (a) a statement of relevant facts including any admission made by the student;
 - (b) identification of the Core University Values alleged to have been violated by the student; and
 - (c) a list of documents and witnesses, on the basis of which the alleged act of misconduct is proposed to be sustained.
- (2) DARIC shall deliver or cause to be delivered to the concerned student a copy of the Statement of Charge, and a list of documents and witnesses by which each statement of charge is proposed to be sustained and shall require the student to submit within such time as may be specified, a written statement of his/her defence and to state whether he desires to be heard in person.
- (3)
 - (a) On receipt of the written statement of defence, DARIC may inquire into such charges which are not admitted, or where all the charges have been admitted by the student in his written statement of defence, the committee shall record its findings on each charge after taking such evidence as it may think fit and shall act further in the manner laid down in these rules.
 - (b) If no written statement of defence is submitted by the student, DARIC may inquire into the charges as stated in rule 5(a) above.
- (4) The student shall appear in person before DARIC on such day and at such time as DARIC may specify by notice in writing, or within such further time as DARIC may allow.
- (5) If the student has not admitted any of the charges in his written statement of defence or has not submitted any written statement of defence, the Committee shall ask him whether he admits any charge or has any defence to make and if he admits any of the charges, DARIC shall record the plea, sign the record and obtain the signature of the student thereon. In the case of charges denied by the student, the Committee shall proceed to inquire after taking evidence of witnesses and record its finding on such charges.
- (6) DARIC shall, if the student fails to appear within the specified time or refuses or omits to plead, shall adjourn the case to a later date after recording an order that the student may, for the purpose of preparing his defence, within such time as shall be stipulated by the Committee ;
 - (i) inspect the documents specified in the list referred to in sub rule (3);
 - (ii) submit a list of witnesses to be examined on his behalf;

- (iii) apply orally or in writing to inspect and take extracts of the statements, if any, of witnesses mentioned in the list referred to in sub rule (3) and DARIC shall permit him to take such extracts as early as possible before the commencement of the examination of any witnesses.
- (7) On the date fixed for the inquiry, the oral and documentary evidence by which the charges are proposed to be proved shall be examined by DARIC. The witnesses shall be examined by DARIC and be cross examined by the concerned student/students. The witnesses may be re-examined on any points on which they have been cross examined, but not on any new matter.
- (8) When the case substantiating the charge is closed, the student shall be required to state his defence , orally or in writing as he may prefer. If the defence is made orally, it shall be recorded and the student shall be required to sign the record.
- (9) The evidence on behalf of the student shall then be produced. The student may examine himself on his own behalf or may request another LL.B. student to examine the witnesses. The witnesses produced by the student shall then be examined and shall be liable to cross-examination and re-examination.
- (10) DARIC may, after the student closes his case, and shall, if the student has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the student to explain any circumstances appearing in the evidence against him.
- (11) DARIC may, after the completion of the production of evidence, hear the student or permit him to file written brief of his case if he so desires.
- (12) If the student to whom a copy of the charges have been delivered, or served, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before DARIC or otherwise fails or refuses to comply with the provisions of this rule at any stage of the inquiry, DARIC may hold the inquiry ex-parte.

ANNEX 2:
MODEL PROCEDURES
FOR ALLEGED MINOR MISCONDUCT

1. With respect to alleged Minor Misconduct, DARIC may adopt the following summary procedure.

- (a) DARIC shall inform the student in writing of the proposal to take action against him and the imputations of misconduct on which action is proposed to be taken and give him/her a reasonable opportunity of making such representation as he/she may wish to make against the proposal;
- (b) DARIC may hold an inquiry as provided for Major Misconduct in Annex 1 where DARIC is of the opinion that such inquiry is necessary;
- (c) Taking due account of the representation, if any, submitted by the student under Clause (a) or the record or inquiry, if any, held under clause (b) into consideration, DARIC shall recording a finding on each imputation of misconduct or misbehavior.

2. The record of the proceedings in such cases shall include :

- (a) a copy of the intimation to the student of the proposal to take action against him/her;
- (b) a copy of the statement of imputations of misconduct or misbehavior delivered to him/her;
- (c) the student's representation, if any;
- (d) the evidence produced during the inquiry,if any;
- (e) the finding on each imputation of misconduct or misbehavior; and
- (f) the orders, findings and recommendations for Corrective Action in the case together with the reasons therefor.