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NATIONAL LAW SCHOOL OF INDIA UNIVERSITY

PRINCIPLES OF CONDUCT, 2002

1. OBJECTIVES

- 1.1. 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.
- 1.2. Another core purpose for which the University exists is to "advance and disseminate learning and knowledge" To fulfil 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.
- 1.3. 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.



- 1.4. 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.
- 1.5. The NLSIU Act places on the Vice-Chancellor the responsibility and authority to maintain discipline among the students.
- 1.6. 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 behaviours 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;
 - (iv) **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 behaviour towards all.
 - (v) **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.
 - (vi) **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.
 - (vii) **PROFESSIONALISM**: upholding the highest standards of professionalism, analytical rigor and sound reasoning; striving towards the highest quality in all work.
 - (viii) **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 behaviour 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 behaviour 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 v/ant 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.

1.7. 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.

1.8. These Principles and Procedures shall be read in consonance with the University's Rules and Regulations and their subsequent amendments, including but not limited to the applicable Academic and Examination Regulations, NLSIU Residence Life Policy, 2021; NLSIU Information Technology Policies, 2020 and NLSIU Code to Combat Sexual Harassment, 2019.

Provided, all complaints covered by the University's Code to Combat Sexual Harassment shall be covered exclusively dealt with under that Code and not by these Principles and Procedures. Further provided, all complaints covered by NLSIU's Residence Life Policy shall be exclusively dealt with under that Policy and rules pursuant, and not by these Principles and Procedures.

In case of any doubt regarding whether a matter is covered by these Principles and Procedures or any other rule in force, the Registrar shall make a final decision on the applicable framework.

1.9. These Principles and Procedures apply to all students of NLSIU.



2. DEFINITIONS

In these Procedures, unless the context otherwise requires:

- (a) "**Vice-Chancellor**" means, the Vice-Chancellor 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 of India University (including full-time programmes; doctoral programmes and online or hybrid learning programmes); and
- (e) "**DARIC**" means the University's Disciplinary Matters Advisory, Review and Investigation Committee appointed by the Vice-Chancellor for the purposes specified by him, and shall have such membership as the Vice-Chancellor shall determine from time to time.

3. MISCONDUCT

Misconduct consists of:

- 3.1. 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 violent behaviour of any kind such as assault, fighting, injuring others, manhandling and other such debasing forms of behaviour; 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; verbal or written threats or abuse with the intention of causing harassment to any member of the University community; threatening the lives or peace of others on the campus or its precincts.
- 3.2. Conduct that seriously and materially harms the University, its goals, its work, its ethical standards or its learning environment including (a) wilful 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 behaviour; wilfully damaging University property; wilfully 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; misrepresentation, including obtaining any degree, diploma, honour, prize, award or recognition by fraud or misrepresentation.
- 3.3. Conduct hazardous to human health, safety or wellbeing 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; smoking in University premises outside any areas designated by the University as smoking areas.

- 3.4. Disruption or disturbance of University work or activities including causing a disturbance in any class, University event, the academic block or the library; disobeying the instructions of a teacher or staff member in-charge; 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.
- 3.5. Lack of respect and courtesy towards the community and individual members of the community including discourteous or disrespectful behaviour 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 public behaviour.
- 3.6. Failure to observe University Regulations, rules and instructions issued to students from time-to-time.
- 3.7. Abetment of Misconduct: any behaviour likely to encourage or cause other students to engage in misconduct.

4. PROCEDURES

4.1. 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, they may submit a written complaint to the Registrar requesting that the matter be investigated by the DARIC.
- (b) Where the Registrar is of the view that a student may have engaged in misconduct, they may instruct DARIC in writing to inquire into the matter and determine whether or not such violation has occurred. Where the Registrar is of the view that no allegation of misconduct is



made out, they may dismiss the complaint, recording the decision with reasons.

4.2. Preliminary Inquiry

- (a) Upon receiving the Registrar's instruction or approval for instituting an inquiry, DARIC shall carry out a preliminary inquiry of the matter and determine whether a *prima facie* case exists.
- (b) If the DARIC so determines that a *prima facie* case exists, it shall further determine:
 - i. Who shall be parties to the inquiry;
 - ii. Where there are two or more students involved in the alleged misconduct, whether a joint inquiry shall be conducted against all the students; and
 - iii. Whether it is necessary to impose any interim measure on the student/s involved, including placing a suspension pending inquiry if it is satisfied that such measure is necessary to (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 wellbeing 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.
- (c) Where the DARIC has determined that a *prima facie* case exists under Section 4.2.(a) and completed its review under Section 4.2.(b) above, it shall issue notice to the students involved, and additionally provide a copy of the Preliminary Inquiry Report to the parties.
- (d) Where the DARIC has determined there is no *prima facie* case, it shall submit its Preliminary Inquiry Report recording its decision with reasons to the Registrar and the Complainant.

4.3. Inquiry Proceedings

- (a) The DARIC shall initiate its inquiry upon serving notice to the parties involved, as referred to in Section 4.2. (c). The Notice shall include:
 - i. a summary description of the complaint;
 - ii. the alleged misconduct the student is charged with under the NLSIU Principles of Conduct, 2002 and identification of the Core University Values alleged to have been violated;
 - iii. whether the student/s have offered an admission of the charge;
 - iv. the time within which the student/s shall be required to submit their written statement of defence; and
 - v. a list of documents and witnesses, on the basis of which the alleged act of misconduct is proposed to be sustained.
- (b) On receipt of the written statements of defence, DARIC may inquire into such charges which are not admitted, or where all the charges have been admitted by the student in their written



statement of defence, the Committee shall record its findings on each charge after taking such evidence as it may think fit. If no written statement of defence is submitted by the student, DARIC may inquire into the charges *ex parte*.

- (c) The DARIC shall determine whether it is necessary to conduct an oral hearing and if so, shall inform the parties of the date and time of such hearing. Provided, if a party requests to be heard orally, the DARIC shall consider the request and communicate its decision on whether to conduct an oral hearing, which shall be treated as final.
- (d) In the event of an oral hearing, the Committee shall orally examine the parties and their witnesses. Cross-examination shall not be direct, and be conducted by way of submitting questions of the opposite party or their witnesses in writing to the DARIC. The DARIC shall ask only those questions it deems fit.
- (e) In all cases, DARIC shall ensure that the procedure followed shall comply with the principles of natural justice are followed before a final view is taken by DARIC with respect to their conduct.
- (f) 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 Section 5 below.
- (g) 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; and
 - 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.
- (h) The DARIC shall prepare the record of inquiry to be submitted to the Registrar, which shall include:
 - i. the written statement of defence, if any, submitted by the student;
 - ii. the oral and documentary evidence produced in the course of the inquiry;
 - iii. written briefs, if any, filed by the student who is the subject of inquiry, during the course of the inquiry; and
 - iv. the orders, if any, made by DARIC in regard to the inquiry.



4.4. Action on the Inquiry

- (a) The Registrar shall review the recommendation submitted by DARIC pursuant to Section 4.3. 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 mala fides.
- (b) Where the Registrar decides to reject the findings and recommendations of DARIC pursuant to Section 4.4.(a) above, the Registrar shall return the entire proceedings to DARIC for reconsideration or further inquiry on any aspect.
- (c) On receipt of a communication from the Registrar under Section 4.4.(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. Upon completion of its consideration, DARIC shall submit its conclusions and recommendations to the Registrar.
- (d) If the Registrar is satisfied that the findings and recommendations of DARIC as resubmitted under Section 4.4.(c) above satisfactorily address the concerns raised by the Registrar, they shall implement the recommendations.
- (e) If the Registrar is still of the view that the findings and recommendations resubmitted by DARIC under Section 4.4.(d) above suffer from any gross irregularity or illegality or mala fides or are not in the best interests of the University, the Registrar shall reconstitute the Committee to conduct a fresh inquiry into the matter.
- (f) Final orders made by the Registrar under this Sub-Section 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.

4.5. Review

- (a) A person with respect to whom Corrective Action is to be taken pursuant to Section 4.4. 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 Vice-Chancellor 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 Vice-Chancellor may entertain a request for review after the expiry of the fifteen day period if they are satisfied that the concerned requestor had sufficient cause, beyond his/her control, for not submitting the appeal in time.
- (c) Upon receipt of the written request of the person seeking a review, the Vice-Chancellor 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) After due consideration of the request for review and any oral representation, the Vice-Chancellor shall, without disturbing any finding of fact, either (a) confirm the actions taken by the Registrar under Section 4.4. above; or (b) set aside the action taken by the Registrar under Section 4.4. on the ground that it suffers from gross irregularity or illegality or is not in the best interests of the University.
- (e) In all cases, the Vice-Chancellor shall not interfere with findings of fact and shall set down the reasons for his final decision under Section 4.5.(d) 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 Vice-Chancellor.
- (f) The Vice-Chancellor's decision on the review shall be final. Where the Vice-Chancellor so deems necessary, the Vice-Chancellor may delay the implementation of the decision of the Registrar pending completion of the review described in this Sub-Section for such period as the Vice-Chancellor deems fit.

4.6. General provisions

- (a) The proceedings established here are intended to assist the University to decide on appropriate actions 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) In determining the appropriate Corrective Action most likely to result in the long-term positive development of the student, the Committee shall take into account the nature and severity of the misconduct and the past record of the student.
- (c) All persons involved in these proceedings shall do so in their individual capacity. Representation is not allowed. Where any person feels that they require 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.

- (d) 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.
- (e) Where the corrective action proposed involves permanent rustication or permanent debarment 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 Vice-Chancellor as provided in these Principles and Procedures.

5. CORRECTIVE ACTIONS

The corrective action that may be recommended by the DARIC includes, but is not limited to:

- (a) Censure/ admonition / reprimand;
- (b) Fine;
- (c) Public apology;
- (d) Disqualification from appearing for examinations; cancelling 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);
- (e) Disqualification from representing the University in any activity for a specified period;
- (f) Termination of and debarment from holding any post / office either elected or otherwise in an activity-based committee, hostel committees or other student or other University committees or bodies for a specified period.
- (g) Suspension from classes and access to the University premises for a specified period; and
- (h) Permanent rustication.

NOTE: -

- (1) The University reserves the right to inform the parent or guardian of a student against whom disciplinary proceedings are initiated.
- (2) Where a student has found to have committed misconduct under these procedures on more than three occasions, the University shall indicate in the Character Certificate of the student that the character of the student is unsatisfactory.
