

To,
Chief Justice of High Court of Bombay,
Bombay High Court, Fort,
Mumbai, Maharashtra - 400032

Date – 21 May 2024

Subject – Institutional Casteism, Sexual Harassment, Ragging, and Hooliganism at ILS Law College

Dear Sir,

We, the undersigned students and alumni of ILS Law College, Pune, are writing this letter to bring to your attention the recurring issues of institutional casteism, sexual harassment, ragging, and hooliganism faced by students at the college, and the persistent inaction by the college administration. This letter describes a few instances to highlight the difficult challenges faced by students. We would like to clarify that there are many instances, but only a few are being mentioned here.

Previously, students have filed complaints with the college authorities, but no action was taken. Some students escalated their concerns to higher authorities. For example, in a sexual harassment case, a student sought assistance from the Union Ministry of Women and Child Development, leading to a police complaint and media coverage in the Pune Mirror. Similarly, in a case of ragging, the involvement of the police and the University Grants Commission (UGC) was necessary when the college authorities refused to take action. However, after the appointment of an inquiry officer by the college, it was found that the officer lacked jurisdiction. Consequently, the student had to appeal to the Vice-Chancellor of Savitribai Phule Pune University, to which ILS Law College is affiliated. Despite these efforts, the college authorities have remained indifferent and failed to address the students' grievances. Therefore, we are approaching the judiciary as a last resort.

Institutional Casteism

The institution's leadership and faculty predominantly come from a specific demographic background (the Marathi Brahmin community), resulting in a lack of diversity and representation. Additionally, memorial events primarily honor individuals from the same demographic, potentially excluding other voices and perspectives. Attempts by students to promote diversity and inclusivity have faced challenges due to inadequate support from the college administration.

Moreover, the college has consistently denied students the opportunity to organize a Phule Ambedkar Memorial lecture and other events for three consecutive years. This year, students sought to invite a prominent human rights lawyer, Advocate Asim Sarode, for a lecture on 'Socio-Legal Lawyering and Expanding Judicial Creativity'. However, the Officiating Principal refused permission, citing potential controversy and ongoing student assessments (VIVAs). This refusal was unreasonable as the proposed legal topic was not contentious, and the lecture was to be scheduled after the completion of the VIVAs. Moreover, during the proposed lecture time, several halls were available, with some hosting activities such as quizzes and Marathi debate society sessions. Such unwarranted denials are particularly surprising given that ILS Law College is affiliated with Savitribai Phule Pune University, and Dr. B R Ambedkar is recognized as the Father of the Indian Constitution. Therefore, it should be organic for a memorial lecture in the name of Phule and Ambedkar to be held in a law college affiliated with SPPU, such as the ILS Law College. Similar lectures are conducted in numerous other esteemed colleges and universities across India.

We are troubled by instances of favoritism among certain faculty members, where Brahmin students appear to receive preferential treatment. Non-Brahmin students, despite their merit, often encounter indifference and even hostility for trivial reasons, while Brahmin students seem to be favored for appointments to various college bodies. Although it's challenging to pinpoint bias definitively, the consistent appointment of Brahmin students by specific faculty members, leading to their over-representation, raises concerns. This trend is observable in appointments to bodies such as the Moot Court Society and the Anti-Ragging Committee, where the last two appointees have both been Marathi Brahmins. Since these appointments are prestigious and impactful on students' resumes, this perceived bias affects the career prospects of non-Brahmin students. Among students, there's a jest that possessing a Brahmin surname increases one's likelihood of being appointed to one of these bodies.

Nevertheless, it's imperative to acknowledge that diversity, as highlighted in numerous judicial rulings such as *B. K. Pavitra vs Union of India*, (2019) 16 SCC 129, enhances merit and fosters a more inclusive decision-making environment by incorporating a variety of perspectives and life experiences. Hence, college bodies must prioritize reflecting the inherent diversity present on campus.

Sexual Harassment

The college's history of inaction regarding instances of sexual harassment has drawn significant attention, as evidenced by a recent article in Pune Mirror titled 'ILS student files molestation case, says law college did not help her' (dated 31 October 2020). This article highlights a disturbing case where a female student accused her fellow classmate of stalking and molesting her over an extended period. After lodging a complaint with the college and consequent inaction by authorities, the student sought assistance from the Union Ministry of Women and Child Development, resulting in a formal complaint filed with the Deccan police station. The accused, also a student at the same college, faces charges under sections 354(D) (stalking) and 506 (criminal intimidation) of the Indian Penal Code (IPC). This incident underscores ongoing concerns about the college's response to such matters, particularly given past instances of alleged indifference.

Despite media coverage and complaints to the Union Ministry of Women and Child Development, the college's response to sexual harassment allegations remains inadequate. About two years ago, over 15 female students filed a complaint against an individual, yet the college failed to take appropriate action. Moreover, Section 19 (c) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 mandates the organization of workshops and sensitization programs related to the Act, yet such initiatives are notably absent among students. This gap highlights the urgent need for the college to prioritize proactive measures to address sexual harassment and foster a safe and supportive environment for all students.

The culture of misogyny also extends to the bodies of students where multiple women, queer, and transgender students across alumni batches have been body-shamed and cloth shamed by Professors, in front of classrooms, other staff members, and the public at large within the institution. The blatant sexism of Professors inside classrooms where explicit differential

treatment is practiced against vocal female students is rampant and is alarming since female Professors are also an equal party to this discrimination. The ILS student code has specific clauses that are meant to police bodies in the name of professionalism. This is discriminatory against the entire student body who should be allowed to express their identities in whichever form they wish to. The cisheteronormative idea is patriarchal, derogatory, and violates our fundamental rights.

Ragging

The college's pattern of inaction towards incidents of ragging is exemplified by a disturbing case at the Boys Hostel, raising serious concerns about the institution's response to student complaints. In one instance, a student was physically assaulted and verbally abused for inquiring about a suspicious incident involving the burning of a room in the hostel. Even after the student reported the ragging incidents to the Rector and Officiating Principal, no action was taken despite repeated complaints. Additionally, prior to this, the assailant had a history of troubling students, including physical assaults, all of which were reported to authorities but the college took no cognizance.

Despite lodging a complaint, the Officiating Principal refused to address the issue, even after a threatening encounter between the involved students was witnessed by staff. Subsequently, a complaint was filed with the UGC, leading to the college's belated appointment of an inquiry officer, which was not in accordance with the UGC guidelines. The matter was escalated to the VC of SPPU, prompting the discontinuation of proceedings in front of the inquiry officer by the victim. The student had also filed a police complaint regarding these incidents. The college, however, still went on to file a report absolving the assailant of any liabilities without informing the victim. The report is currently under challenge.

This blatant disregard for due process and safety protocols violates the Maharashtra Prohibition of Ragging Act, 1999, and UGC Regulations on Curbing the Menace of Ragging in Higher Educational Institutions, 2009. The college failed to take timely action as mandated by both, and the inquiry was conducted without the complainant's presence, further compromising fairness. Despite ongoing intimidation faced by the complainant, the college neglected to implement any interim measures, exacerbating the situation.

The college faces significant challenges in addressing issues affecting minority students. Instances such as a professor's inappropriate reference to a Muslim student fasting during Ramadan, and subsequent threats of legal action against complaining students, highlight a lack of effective mechanisms to address faculty misconduct. Additionally, incidents of anti-Muslim remarks written outside a student's room underscore a failure to address discrimination within the campus community. Despite reassurances, no steps were taken to identify those responsible or take appropriate action.

Hooliganism

The degrading treatment at the ILS Boys Hostel is not only limited to frequently overflowing or clogged washrooms (many of which do not have flushes), the humiliating effect of some washrooms not having windows, detrimental effect on health when hostel walls get covered with fungus during rains, frequent citing of mud and insects in the water coolers, and the presence of most lewd, misogynistic, and casteist remarks on the walls; but also extends to abuses being loudly hurled, and tube lights, liquor bottles, and heavy firecrackers being thrown at watchmen. A room was also set on fire from inside last year but the college did not conduct any inquiry or punish anyone even when the incident was reported.

Despite frequent complaints, the college has not effectively solved these problems related to hooliganism. It is still common for dustbins to be set on fire and washroom mirrors to be broken. The college, instead of addressing issues, issued a notice on 1st April 2024 saying that the college is not responsible for any inconvenience caused to the students in the Boys Hostel. This notice was signed by the Rector and the Officiating Principal. The relevant paragraph from the notice is as follows:

“The hostel residents are hereby informed that henceforth if it is found that the facility/equipment is tampered with or damaged, the College will not be responsible for the inconvenience caused to the residents of the hostel.”

The conduct of the college authorities, particularly those who serve as law professors, is alarming and falls short of basic ethical standards. The students are now speaking out amidst a climate of fear about selective and arbitrary actions regarding attendance, internal examination marks, and the looming threat of selective prosecution. Previously, professors have resorted to unethical tactics to stifle student voices, including intimidation with potential

criminal cases that could adversely affect their future careers. All of this creates a very degrading and dehumanizing environment which has been severely affecting the mental health of the students. Therefore, we kindly ask that the names of the students who have signed this letter remain confidential from the college authorities.

The problem faced by students is exacerbated by the absence of a democratic student association in college. Students face problems on campus due to their status as students and because of the social groups they belong to. It is imperative in such situations for a student to not feel alone and for students to act collectively. However, it is very difficult in the present circumstances as there is no student body to hold the administration accountable. Hence, it has become habitually convenient for authorities to disregard individual student concerns and this is also the main reason for the mishappenings described above.

Therefore, in the light of the above instances, we hereby demand the following:

1. An independent inquiry committee should be established to investigate these claims and to ensure the effective functioning of grievances redressal bodies for sexual harassment, ragging, and caste discrimination.
2. There should be a codified 'diversity and inclusion policy' for ensuring effective representation of SC, ST, OBC, OMS, gender minority, and religious minority students, and also students belonging to non-English backgrounds who are not proficient in English in all the cells, research assistantships, organizing committees, and other bodies and activities in which students participate.
3. The abhorrent, sexist, and misogynist dress code that has existed in ILS should be repealed immediately so that students can consider the campus a safe space where they won't be objectified, shamed, and harassed by faculty on the clothes they wear. This is to promote bodily autonomy of the student body which is enshrined as a fundamental right under Article 21 of our Constitution.
4. The college should undertake immediate sensitization of students, teaching, and non-teaching staff around issues of caste-based and ethnic discrimination, gender discrimination, religious discrimination, sexual harassment, and ragging.
5. To ensure accountability in all aspects of college life, there should be an officially recognized student body, based on free and fair elections and effective representation of all marginalized communities by the means of reservations, of all the students from the college. The Constitution governing the student body and its related activities, including but

not limited to receiving funds from the institution for fests, public lectures, and activities, should be drafted by students and promptly approved by the college. This will guarantee student autonomy for generations to come. Any and all amendments to this Constitution will be unanimously passed by a majority after general student body meetings exclusively.

6. The appointment criteria for various cells and other bodies should be codified and strictly followed, and the appointment should not depend on the discretion of the faculty (as it has led to favoritism and discrimination).

7. There should be an effective redressal mechanism for addressing misconduct by any faculty members and other non-teaching staff.

We hope for your urgent intervention to address these pressing issues and ensure a safe and inclusive environment for all students at ILS Law College.

Thank you for your attention to this matter.

Yours sincerely,

Students and Alumni of ILS Law College, Pune