

The West Bengal National University of Juridical Sciences



AGENDA NOTES FOR THE 53RD MEETING OF THE

EXECUTIVE COUNCIL

TO BE HELD ON 12TH NOVEMBER 2016 AT 2.00 P.M.

AT DR.AMBEDKAR BHAVAN, SALT LAKE, KOLKATA

W.B National University of Juridical Sciences
Dr. Ambedkar Bhavan
Salt Lake, Kolkata
53RD MEETING OF THE EXECUTIVE COUNCIL
12TH NOVEMBER 2016 AT 2.00 P.M.

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Any other matter with the permission of the Chair.

53rd Meeting of the E.C. to be held on 12/11/2016

THE WEST BENGAL NATIONAL UNIVERSITY OF JURIDICAL SCIENCES

Dr. Ambedkar Bhavan

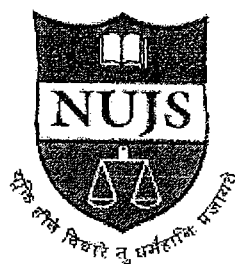
Salt Lake City, Kolkata

**AGENDA NOTES FOR THE 53rd MEETING OF THE EXECUTIVE COUNCIL TO BE
HELD ON 12th November 2016**

Agenda Item No. 1

Confirmation of the Minutes of the 52nd Meeting of the
Executive Council held on 24th September 2016 is placed as
Annexure 1A.

Annexure 1A



The West Bengal National University of Juridical Sciences

MINUTES OF THE 52nd MEETING OF THE
EXECUTIVE COUNCIL

Held on 24th September 2016 AT 11 A.M.



The West Bengal National University of Juridical Sciences

Minutes of the Fifty Second Meeting of the Executive Council of WBNUJS held on Saturday, 24th September 2016 held at 11.00 A.M.

Sl.no	Agenda	Resolution	Remarks
1	Confirmation of the Minutes of the 51 st Meeting of the Executive Council held on 9 th April 2016 and the Minutes of the Extraordinary Meeting of the Executive Council held on 18 th June 2016	The minutes of the 51 st Meeting of the Executive Council held on 9 th April 2016 and the Minutes of the Extraordinary Meeting of the Executive Council held on 18 th June 2016 were confirmed.	
2	Ratification of the Minutes of the 79 th , 80 th , 81 st & 82 nd Meetings of the Finance Committee held on 9 th April 2016, 9 th June 2016, 9 th August 2016 and Minutes of the 82 nd Meeting of the Finance Committee held on 24 th September 2016 placed on the	<p>Ratification of the Minutes of the 79th, 80th, 81st & 82nd Meetings of the Finance Committee held on 9th April 2016, 9th June 2016, 9th August 2016 and Minutes of the 82nd Meeting of the Finance Committee held on 24th September 2016 placed on the table.</p> <p>Resolution</p> <p>The Executive Council approve and ratified the Minutes of the 79th, 80th and 81st Meetings of the Finance Committee held on 9th April 2016, 9th June 2016 and 9th August 2016. The Executive Council directed to place the minutes of 82nd Finance Committee in the next meeting of Executive Council.</p>	

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Minutes of the 52nd Meeting of the Executive Council held on 24/09/2016

	table.		
3	Ratification of the Minutes of the 27 th Meeting of the Academic Council	<p>Ratification of the Minutes of the 27th Meeting of the Academic Council held on 26th August 2016 was placed before the Executive Council.</p> <p><u>Resolution</u></p> <p>The Minutes of the 27th Meeting of the Academic Council held on 26th August 2016 has been ratified.</p>	
4	Appointment of Mr. Sarfaraz Ahmed Khan, Assistant Professor and Coordinator, SPLCJ as Registrar (Acting)	<p>Dr. R. Parameswaran, vide University order no. 1/VC dated August 28, 2014, was nominated as Acting Registrar of the University but due his sudden serious illness he was admitted to a hospital in Chennai where he has undergone a major surgical operation.</p> <p>Therefore to meet the emergency situation, the Vice Chancellor of the University has nominated Mr. Sarfaraz Ahmed Khan, Assistant Professor and Coordinator, SPLCJ as Registrar (Acting). The matter has been submitted for kind information and directions.</p> <p><u>Resolution</u></p> <p>The matter has been approved subject to appointment of the Registrar on permanent basis. As appeal filed by former Registrar is pending, the regular appointment can be taken up in due course.</p>	
5	The tenure of the Vice Chancellor, WBNUJS – Prof. (Dr.) P. Ishwara Bhat	<p>Prof. (Dr.) P. Ishwara Bhat has been serving this University from 2nd December 2011 and his tenure will come to an end on 1st December 2016 as per the appointment letter issued by the Office of the Registrar. The advertisement in this regard was annexed.</p> <p>Also Section 18 of the Schedule of the WBNUJS Act, 1999, Clause (1), (2) and (3) may kindly be referred to in regard to the appointment of the Vice Chancellor for kind perusal and further direction in this regard.</p> <p><u>Resolution</u></p> <p>The Executive Council discuss at length on the above matter and unanimously concluded that in view of the commendable academic and administrative contribution made, good rapport established between the University and Government of West Bengal, and effective leadership provided to the University by Prof. (Dr.) Ishwara Bhat during his first term of five years, there</p>	

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		shall be extension of his tenure for one more term of five years or until he attains the age of superannuation (65 years) whichever may occur first.	
6	Report of the Inquiry Committee on Allegations of Online Fraud	<p>On receipt of the complaint made by five students of the University of the Online Fraud made by a student of the University, Mr. Samyak Sibashish a student of 4th year to be promoted to 5th year, ID – 212032, an inquiry committee had been constituted by the Vice Chancellor of the University comprising of two faculty members who are well acquainted with Cyber issues.</p> <p>Now a report has been submitted by the Inquiry Committee to the Vice Chancellor towards suspension of the alleged student for a period of one year where the student shall be debarred from all activities as prescribed in the report.</p> <p>Clause 32 Sub-Clause(2) of Section 18 of the WBNUJS Act, 1999 states that “Notwithstanding anything contained in the Sub-Clause(1), the punishment of debarring a student from an examination or rustication from the University or a hostel or an institution shall on the report of the Vice Chancellor be considered and imposed by the Executive Council.</p> <p>Provided that no such punishment shall be imposed without giving a student concerned a reasonable opportunity to show cause against the action proposed to be taken against him”.</p> <p>Therefore the matter was placed before the Council for directions.</p> <p><u>Resolution</u></p> <p>The matter has been discussed and deliberated upon. The Executive Council unanimously approved the committee report. However, the punishment of suspension shall be decreased from one year to one semester starting from June, 2016.</p>	
7	Report on decision of the High Court Orders in respect of the cases of Dr.	<p>This is to inform that the writ petition filed by Dr. Surajit Mukhopadhyay, Former Registrar of the West Bengal National University of Juridical Sciences, bearing no. W.P. 25523 (W) of 2014 and W.P. 12652 (W) of 2016 is disposed off by the Calcutta High Court.</p> <p>As per directions of the Extra-ordinary Meeting of the</p>	

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	<p>Surajit Ch. Mukhopadhyay vs. The W.B.N.U.J.S. & Ors.</p>	<p>Executive Council held on 18/06/2016 and High Court Orders, the dismissal orders of Dr. Surojit Mukhopadhyay has been given effect from 26/07/2016.</p> <p>Dr. Mukhopadhyay again filed an appeal before Hon'ble High Court, Calcutta being M.A.T. 1454 of 2016 and C.A.N. 7887 of 2016 praying for release of admissible terminal dues including provident fund, gratuity and leave encashment. Accordingly, the University has submitted affidavit in opposition.</p> <p><u>Resolution</u></p> <p>The Executive Council noted the same.</p>	
8	<p>Detailed Project Report (DPR) – Matter regarding thereof</p>	<p>The matter arises out of the Agenda Item No. 15 of the 51st Meeting of the Executive Council held on 9/4/2016. The Vice Chancellor welcomed all the members of the Building Committee of the University in its meeting dated 8th August 2016 and addressed to all the members that we have advertised in Anandabazar Patrika, The Telegraph and The Hindu on 28/04/2016 towards Notice of Invitation for quotation for the preparation of the DPR and as we had not advertised in the Indian Trade Journal initiating re-advertisement in the Indian Trade Journal has also been done on 13/07/2016. Accordingly, the University received 14 Quotations for the preparation of the DPR collected from the following vendors / construction firms in the form of technical and financial quotes.</p> <ol style="list-style-type: none"> 1. Mitimitra Consultants 2. Asoke Deep Consultants 3. DDF Consultants Pvt. Ltd. 4. Partha Das & Associates 5. Space Design Group 6. Dynamic Projects 7. Wadia Techno-Engineering Services Ltd. 8. CP & DS Associates 9. Aakriti 10. Radiant 11. Enarch Consultants Pvt. Ltd. 12. Prakalpa Space Kraft Pvt. Ltd. 13. Pace Consultants Pvt. Ltd. 14. Haven Consultants Pvt. Ltd. <p>The Vice Chancellor after deliberations has constituted a Technical Sub-committee towards dealing with the quotations comprising the following members.</p>	

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		<p>1. Prof. Sibabrata Halder, Professor, BESU 2. Dr. Sankar Chakraborti, Former Professor, Civil, Jadavpur University. 3. Prof. Sujay Basu, Treasurer, WBNUJS 4. Prof. Swapan Sen, Former Professor, BESU. 5. One faculty member, WBNUJS The Registrar shall be acting as the Secretary of the Committee. At the meeting, the members of the Sub-committee suggested for obtaining certain information from the participating vendors. The procedure has been initiated for obtaining such information and thereafter arrangement shall be made for presentation by the eligible vendor for further proceedings. The matter was submitted for information, perusal and directions.</p> <p><u>Resolution</u></p> <p>Executive council noted the issue and left on Finance Committee to decide further.</p>									
9	Completion of probation of Staff	<p>The following member of the staff has completed probation of one year in the service of the University :</p> <table border="1"> <thead> <tr> <th>S l. N o</th><th>Name</th><th>Designation</th><th>Date of Joining in the post</th></tr> </thead> <tbody> <tr> <td>1</td><td>Mr. Subrata Das</td><td>PA to Computer Centre</td><td>1/5/2015</td></tr> </tbody> </table> <p>The self appraisal of the afore-named staff was placed on the table for discussion and direction.</p> <p><u>Resolution</u></p> <p>The Executive Council has resolved that the employee has successfully completed the probation.</p>	S l. N o	Name	Designation	Date of Joining in the post	1	Mr. Subrata Das	PA to Computer Centre	1/5/2015	
S l. N o	Name	Designation	Date of Joining in the post								
1	Mr. Subrata Das	PA to Computer Centre	1/5/2015								
10	Information on reimbursement of Land Price	<p>The matter arises out of the 46th Executive Council Meeting dated 05/04/2014 towards the allocation of additional land adjacent to KMDA land to the University. In response,</p>									

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	paid by WBNUJS to the Government of West Bengal	<p>Urban Development Ministry, Govt. of West Bengal had sanctioned a KMDA land of 3025 sq. mtr. adjacent to the University campus for its expansion and development of infrastructure and hostel facilities to the students. In this regard the University had paid Rs. 44,84,975/- + Rs. 44,000/- towards procurement of the land. However on assurance, the Government of West Bengal has repaid the full amount back to WBNUJS on donating land to the University. The matter was submitted for information.</p> <p><u>Resolution</u></p> <p>The Executive Council noted with thanks about the gesture shown towards the University by the State Government in this regard.</p>	
11	Annual Audited Accounts 2015-2016	<p>The annual accounts of the University for 2015 -16 has been prepared in terms of sub-section(1) of Section 24 of the Regulations of WBNUJS Act 1999 and audited by M/s Sen & Company, Kolkata the statutory auditors of the University. The annual accounts, together with the auditor's report was placed on the table.</p> <p><u>Resolution</u></p> <p>The Executive Council approved the same.</p>	
12	Revised Budget Estimates 2016-17 & Budget Estimates 2017-18	<p>The Revised Budget Estimate for 2016-17 and Budget Estimates 2017-18 have been prepared and was placed on the table for directions.</p> <p><u>Resolution</u></p> <p>The Executive Council approved the same.</p>	

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13	Renewal of University Doctor / Medial Officer	<p>The matter arises out of the 51st Meeting of the Executive Council held on 09/04/2016 (Agenda Item No. 13). The tenure of Dr.S.K.Bhattacharya, University Doctor will be ending on 30/09/2016.</p> <p>Dr. Bhattacharya at present is getting a consolidated pay of Rs. 17500/- per month. It was proposed that his tenure is extended for a further period of one year with same terms and conditions. This is also to inform that he is attending the University for five days a week at present.</p> <p>The matter was placed for directions.</p> <p><u>Resolution</u></p> <p>The Executive Council extended the tenure of Dr. Bhattacharya for a further period of one year with same terms and conditions from 1st October 2016.</p>	
14	A. Fixing the date of the 18 th General Council Meeting	<p>As per Section 18, Schedule 6, Clause (1) of the WBNUJS Act "An annual meeting of the General Council shall be held on a date to be fixed by the Executive Council unless some other date has been fixed by the General Council in respect of any year" and Clause (2) "The Chancellor shall preside over the meetings of the General Council. In the absence of the Chancellor, the Chancellor shall nominate a member of the Executive Council to preside and in the absence of both of them the Vice –Chancellor shall preside".</p> <p>The University approached the Chancellor in this regard. The Chancellor has kindly agreed to preside over the 18th General Council Meeting to be held on 12/11/2016 at 4.00 p.m. The date may be confirmed by the Executive Council.</p> <p>The matter was submitted for directions.</p> <p><u>Resolution</u></p> <p>The Executive Council approved the date for the Meeting of the Executive Council and General Council to be held on 12th November 2016.</p>	

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	B. Eleventh Convocation	<p>The University is in receipt of the letter from the UGC bearing no. D.O. No. F-1-1/2016 (Secy) dated 19/05/2016 directing all the Universities that "The Degree award date/s shall be within 180 days of the date/s by which the students are expected to qualify and become eligible for them" under Regulation 4.4 of full-fledged Regulations entitled UGC(Grant of Degrees and other award by Universities Regulations, 2008).</p> <p>In compliance with the above directives, the University has fixed its date of Eleventh Convocation on 13th November 2016. Hon'ble Mr. Justice T. S. Thakur, The Chief Justice of India and Chancellor of the University has kindly agreed to preside over the Convocation and Hon'ble Mr. Keshari Nath Tripathi, Governor of West Bengal, will be the Chief Guest and delivering the Convocation Address. The matter was submitted for kind information, perusal and directions.</p> <p><u>Resolution</u></p> <p>The Executive Council also approved the date of the Convocation to be held on 13th November 2016.</p>	
15	Restructuring of RTI Authorities and Cell	<p>During the recent hearing of the appeal filed by Ms. Vaneeta Patnaik, the Chief Information Commissioner (CIC) advised to restructure the RTI Cell.</p> <p>According to him the Registrar of the University shall be the 1st Appellate Authority while any other Officer shall act as PIO.</p> <p>In view of the above, the RTI Authority & Cell need to be restructured as follows :-</p> <ol style="list-style-type: none"> 1) Assistant Registrar (Academics), PIO 2) Registrar, 1st Appellate Authority. 3) One DEO as assigned by the Vice Chancellor / Registrar. 4) One Attendant from the Assistant Registrar (Academics) Office. <p>The matter was submitted for directions.</p> <p><u>Resolution</u></p> <p>The Executive Council approved the same after deliberations.</p>	

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AAI	Proposal from the Government of West Bengal for opening branches of NUJS	<p>The University received a request from the Minister in Charge, Department of Law & Judicial, Government of West Bengal for opening branches of WBNUJS in Siliguri and Asansol in the State of West Bengal for delivering Legal Education across the districts.</p> <p>The matter was put up for kind perusal and directions.</p> <p><u>Resolution</u></p> <p>The Executive Council directed that the matter shall be placed before the Academic Council for further deliberation and opinion..</p>	
AA2	SJA petition	<p>The University received a document submitted by Student Juridical Association on 23rd September, 2016 expressing some grievances.</p> <p><u>Resolution</u></p> <p>The Executive Council decided to look into the matter in the next Executive Council meeting, giving hearing to the students, and address the issues.</p>	

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53rd Meeting of the E.C. to be held on 12/11/2016

Agenda Item No. 2

Minutes of the 82nd Meeting of the Finance Committee

The Minutes of the 82nd Meeting of the Finance Committee is placed before the 53rd Meeting of the Executive Council for ratification as Annexure 2A.

Submitted for approval.

W. B. NATIONAL UNIVERSITY OF JURIDICAL SCIENCES

Dr. Ambedkar Bhavan

Salt lake, Kolkata

Minutes of the 82nd Meeting of the Finance Committee of

W.B. National University of Juridical Sciences

**To be held on 22nd September 2016 at Dr. Ambedkar Bhavan, Salt lake, Kolkata has been
rescheduled to be held on 24th September 2016 at 10.00 a.m..**

The Eighty-second Meeting of the Finance Committee was held on 24th September 2016 at Dr. Ambedkar Bhavan, Salt lake, Kolkata. Following Members were present :-

1. Prof. Sujay Basu
Treasurer, WBNUJS
2. Prof. P. Ishwara Bhat
Vice Chancellor and Chairman, Executive Council
NUJS, Kolkata.
3. Mr. Debasish Datta
Dy, F.A. Secretary to the Government of West Bengal
Higher Education Department (as a nominee of Mr. Vivek Kumar, (IAS), Pr.
Secretary to the Govt. of West Bengal, Higher Education Dept., Government of West
Bengal)
4. Mr. Shomik Ghosh, (Special Invitee)
Commissioner, Finance Dept., Government of West Bengal
Finance Department (as a nominee of Pr. Secretary to the Government of West
Bengal, Finance Department).

Mr. S. A. Khan, Registrar (Acting), Ex-Officio secretary was also present in the meeting.

Mr. Jayanta Mitra, Advocate General, West Bengal and Mr. Paban Kumar Mondal, Secretary, Judicial Department, Government of West Bengal could not attend the meeting due to preoccupations.

The West Bengal National University of Juridical Sciences

Minutes of the 82nd Meeting of the Finance Committee of
WBNUJS to be held on 22nd September 2016 at 05.00 p.m.
has been rescheduled on 24th September 2016 at 10.00
a.m.

Sl. No.	Agenda Item	Resolution	Action taken
1.	Confirmation of the Minutes of the 81 st Meeting of the Finance Committee held on 9 th August 2016	The Minutes of the 81 st Meeting of the Finance Committee held on 9 th August 2016 were confirmed.	
2.	Annual Audited Accounts 2015-2016	<p>The annual accounts of the University for 2015 -16 has been prepared in terms of sub-section(1) of section 24 of the Regulations of WBNUJS Act 1999 and audited by M/s Sen & Company, Kolkata the statutory auditors of the University. The Annual Accounts, together with the auditor's reports were placed as Annexure before the Finance Committee for directions.</p> <p><u>Resolution</u></p> <p>The Vice Chancellor informed that the present auditor has audited our accounts for the first time. The Accounts Officer, WBNUJS informed that on the basis of tendering process we selected him.</p> <p>The Members approved the audited report with the note that communication shall be made with bank for reconciliation as pointed out by the auditor.</p>	

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3.	Revised Budget Estimates 2016-17 & Budget Estimates 2017-18	<p>The Revised Budget Estimate for 2016-17 and Budget Estimates 2017-18 have been prepared and were placed as Annexure before the Finance Committee direction.</p> <p><u>Resolution</u></p> <p>The members unanimously approved the Revised Budget Estimates 2016-17 & Budget Estimates 2017-18.</p>	
4.	Matter relating to contracts awarded for renovation / modernization of Room No. 201, 227 and 328 – Policy Decision about continuation of contracts	<p>It is submitted that the Finance Committee needs to take a decision as to the continuation of the existing contracts entered into with the two vendors (Curtain Centre and Power Systems) in relation to the renovation / modernization of room numbers 201, 227 and 328 in the academic block of the university. It may be noted that the award of these contracts was amongst the corrupt practices for which the former Registrar was dismissed. In this regard a decision may please be taken as to whether the said contracts should be continued with or revoked.</p> <p>While taking the decision the Finance Committee may please be mindful of probable litigation instituted by the concerned vendors (in case of revocation of the contracts). In case the Committee decides in favour of continuance of the contracts, there may be need for re-negotiation of terms in light of the high cost quoted and approved in the tender. The committee may also advise appropriate course of action in the event the vendors do not cooperate in such renegotiation (if any).</p> <p>It may be noted that in the earlier discussions of the Finance Committee a Sub-Committee was constituted to resolve this issue. The Sub-committee is presently dealing with the issue. The matter was placed before the Finance Committee for perusal and directions.</p> <p><u>Resolution</u></p> <p>The Finance Committee directed that the supplementary auditing of the said work needs to be done. For financial auditing, the University auditor may be appointed. For</p>	

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		auditing of the work done and its evaluation, assistance of any Governmental bodies such as PWD, CPWD, WEBEL, etc may be taken.	
5.	<p>A. Guidelines for the newly formed Local Purchase Committee ("LPC")</p> <p>B. Procurement of Online goods / materials by Local Purchase Committee</p>	<p>The University felt the necessity of restructuring the petty purchase procedure keeping in mind the GFR and the Government of India Guidelines.</p> <p>The extract of the relevant portion of the GFR and Government of India guidelines towards purchase procedures are enclosed in Annexure 5B. Attention may be drawn to Rule 146 whereunder, amongst others, expenditure towards purchase of goods upto Rs. 1,00,000 may be authorized by a LPC consisting of three members appointed by the Head of Department.</p> <p>In this regard the Finance Committee is requested to approve the appointment of the members of the LPC by the Purchase Committee of the university. It may be noted that the Purchase Committee is itself constituted by the Vice-Chancellor. The revised procedure for procurement by the LPC is set out in Annexure 5A. This modification is expected to streamline the process of procurement of goods for kind information and directions.</p> <p><u>Resolution</u></p> <p>The Finance Committee approved the matter.</p> <p>The Finance Committee is also requested to approve procurement of goods by the LPC through online / e-commerce websites. The revised procurement procedure (set out in Annexure 5B, for approval) envisages that the LPC will be permitted to authorize expenditure towards purchase of goods by the LPC upto Rs. 1,00,000 after undertaking a comparison of at least three reputed e-commerce websites.</p> <p>It may be mentioned that the option of procurement through e-commerce websites is necessitated by certain urgent requests for procurement (such as from the Centre for Child Rights, WBNUJS (Annexure 5C) as well as similar requests in future) wherein procurement of goods by the LPC through e-</p>	

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		<p>commerce websites will result in a saving of time. The matter was placed before the Finance Committee for directions.</p> <p><u>Resolution</u></p> <p>The Finance Committee approved the matter.</p>	
6.	Renovation of Room No. 107 – Small Seminar Room	<p>The University felt the necessity of renovating Room No. 107 as the furniture, sound system and the walls of the room has worn out or is not working for sometime due to constant use. The room has been made functional in the year 2005 and till then it is been in constant use without any repairs.</p> <p>Accordingly some vendors has been contacted and M/s. WEBEL (A Government of West Bengal Undertaking) has inspected the room and quoted the following for the same as Annexure.</p> <p><u>Resolution</u></p> <p>The Representatives of the Education Dept., Government of West Bengal and Finance Department, Government of West Bengal informed that M/s. WEBEL is authorized to undertake any electronic works or IT related activities. The Finance Committee also suggested to contact WBSIDCL or other organization doing Civil or other small repairs and renovation work. University may explore other options for executing the work on urgent basis.</p>	
7	Procurement of projectors for all classrooms	<p>Procurement of projectors for all classrooms was a long demand of the students as most of the institutes of higher education of repute have these facilities now days.</p> <p>In order to resolve the demand of the students M/s. WEBEL</p>	

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		<p>has been contacted where they provided us a presentation on such and also given a quote for the following placed as annexure for perusal and directions.</p> <p><u>Resolution</u></p> <p>The Finance Committee directed that due to the urgency of the matter and WEBEL is a Government of West Bengal Undertaking Company, we may give order to them without going for tendering of the same.</p>	
8	Claim for Medical Reimbursement by the then Registrar (Acting)	<p>The matter arises out of the Agenda Item No. 4 of the 81st Meeting of the Finance Committee held on 9th August 2016.</p> <p>Dr. R. Parameswaran, vide University order no. 1/VC dated August 28, 2014, was nominated as Acting Registrar of the University but due his sudden serious illness was admitted to a hospital in Chennai and left the University on 25th June 2016 where he has undergone a major surgical operation there and has resumed to his duties recently.</p> <p>It may be noted that as per current rules a maximum Rupees ten thousand is payable towards reimbursement of medical expenditure incurred. Accordingly, an amount of Rs. 10000/- was paid to Dr. Parameswaran towards such reimbursement recently.</p> <p>The Committee may please advise whether part or whole of such claim of Rs. 3,12,598/- should be payable by the University. The matter was placed before the Finance Committee for perusal and directions.</p> <p><u>Resolution</u></p> <p>The Finance Committee discussed the matter at length and decided not to approve the claim of Dr. R. Parameswaran as requested.</p>	

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<p><u>Any other matter with the permission of the Chair</u></p> <p>DPR Regarding – Tendering Process</p>	<p><u>Resolution</u></p> <p>The Committee discussed the matter at length about the 14 engineering firms who have submitted their quotes for preparation of the DPR collected from the different vendors / construction firms in the form of technical and financial quotes. The Officers representing the Pr. Secretary, Higher Education, and Pr. Secretary, Finance Dept. Government of West Bengal have directed that any tendering process above Rs. 5,00,000/- (Rupees Five Lakhs) shall undertake the process of e-tendering as per the rules of tendering process of the Government.</p> <p>In order to abide by the Government Rules the Finance Committee directed that the tendering process followed earlier in respect of the preparation of the DPR shall be cancelled immediately and the University shall go for e-tendering process.</p>	
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Agenda Item No. 3

Minutes of the 28th Meeting of the Academic Council

Ratification of the Minutes of the 28th Meeting of the Academic Council to be held on 12th November 2016 will be placed in the table.

Submitted for approval.

53rd Meeting of the E.C. to be held on 12/11/2016

Agenda Item No. 4

Annual Report of the University for the period 2015-2016

A draft Annual report for the period of 2015-2016 will be placed on the table for consideration.

Agenda Item No. 5

Proposal for modifications / Amendment of specific portions of REGULATIONS of WBNUJS

Due to devaluation of money with the passage of time, the cost of all essential goods have been increased enormously; hence the following portions under REGULATIONS relating to financial matters in Part – II are proposed to be amended :

Rule -7 – Payment upto Rs. 10000/- which was earlier modified in the Executive Council from Rs. 5000/- to be substituted by Rs. 20000/- (petty expenditures). Other instructions may remain unchanged.

Rule – 8 – Expenditure of an emergent nature not provided for in the budget not exceeding Rs. 10000/- to be substituted by Rs. 50000/- at a time and the total amount so spent during one year will be substituted by not exceeding Rs. 5,00,000/- in lieu of Rs. 50000/- as of now. Other instruction may remain unchanged in this rule.

CHAPTER – V – Rules 38, 39 & 42 – Since the rates for travelling allowances & daily allowances for all the categories mentioned under these rules are very old and do not commensurate with the present day expenditures for all those stipulated purposes, the rates for such allowances as currently applicable for and followed in all Central Government Offices may proposed to be adopted in WBNUJS, Kolkata subject to amendment of those rates from time to time with reference to the orders of government of India as & when issued.

Submitted for perusal and directions.

Agenda Item No. 6

Extension / Renewal of Mr. Shiharan Kumar Basu, Accounts Officer, WBNUJS

The matter arises out of the 49th Meeting of the Executive Council dated 22/08/2015 wherein the Mr. Shiharan Kumar Basu was appointed on adhoc basis for one year for the post of Accounts Officer of the University. His tenure has been extended from 08/05/2016 as per the direction of the 51st Meeting of the Executive Council held on 09/04/2016. He has been appointed in the pay scale of 15600-39100 with a grade pay of Rs. 7600/- and his basic pay was fixed at Rs. 24150/- along with other admissible allowances and his tenure will be come to an end on 31/12/2016.

It is proposed for further extension of engagement of the Officer for one year.

Submitted for direction.

Agenda Item No. 7

Framing of Sexual Harassment Policy in the University

Adoption of the Rules for the Sexual Harassment Policy has been felt necessary by the University. Accordingly the draft rules to be adopted has been placed as Annexure 7A in the Executive Council for its kind perusal and direction.

Submitted for directions.

NUJS Policy on Prevention, Prohibition and Redressal of Sexual Harassment 2016

The West Bengal National University of Juridical Sciences ('NUJS') is committed to maintaining and strengthening an educational, employment and living environment free of harassment and intimidation. Sexual harassment impedes equal employment and educational opportunities and is antithetical to the standards of the University community. NUJS does not tolerate acts of sexual harassment. This University policy, framed in pursuance of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the allied Rules and University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations 2015, seeks to ensure prevention and prompt redressal of acts of sexual harassment.

PART- I - APPLICATION AND DEFINITIONS

1. Title, Scope and Application

(1) This Policy may be called the NUJS Policy on Prevention, Prohibition and Redressal of Sexual Harassment 2016.

(2) This Policy applies to students, academic staff, non-academic staff, service-providers, residents and outsiders who engage with any University Functionary or student.

2. Definitions

- a) "Academic staff" includes any person appointed or engaged by the University for the purposes of teaching or for research. This would include employees who have permanent positions by way of tenure or those employed on a contractual or casual basis. Additionally it would also include those who are part-time, or ad-hoc, or visiting, or honorary members of the staff and persons interning at the University.
- b) "Act" means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- c) "Aggrieved Person" means a person of any gender, who alleges to have been subjected to any act of sexual harassment by the respondent.
- d) "Consent" must be affirmative, unambiguous, conscious and voluntary. It may only be given verbally.

Explanation 1: The burden to obtain consent lies with the person initiating any sexual activity.

Explanation 2: Consent does not imply a blanket acquiescence. It must be ongoing and applies only to the specific sexual activity the initiator seeks to engage in. It can be revoked at any point.

Explanation 3: An incapacitated person cannot give consent. Silence or lack of resistance cannot be construed as consent. Nor can a mere previous sexual or past/current dating relationship form the basis for assuming consent.

Explanation 4: Presumptions based upon contextual factors (such as clothing, alcohol consumption, frequent communication or correspondence, or dancing) are irrelevant, and cannot be considered as evidence of consent.

Explanation 5: It shall not be a valid excuse to claim that consent arose from the intoxication or recklessness of the respondent.

e) "Counsellor" includes any person appointed/authorised by the University authorities, who has established credentials and expertise in the field of social and personal counselling on issues pertaining to incidents of sexual harassment.

f) "Eminent woman" includes a woman or a trans-woman not employed or otherwise attached to the University, and one who has experience of working in the field of gender equality.

g) "Incapacitation" is a state of physical and/or mental inability wherein a person lacks the awareness and capacity to make informed rational decisions. Illustratively incapacitation includes but is not limited to sleep, blackouts, and psychotic breakdowns.

In situations where intoxicants or medication are involved, incapacitation connotes a state where consumption has impaired awareness, decision-making capacity, and the ability to make fully informed judgments. Voluntary intoxication on the part of the complainant cannot be used as a defense by the respondent.

h) "NGO" includes any Non-Governmental Organisation registered under the Societies Registration Act 1860 or as a public charitable trust recognised by law. It must have been engaged in working for gender justice, especially in terms of alleviating the status of women.

i) "Non-teaching staff" includes persons engaged in discharge of administrative functions or those functions with respect to academic affairs and would encompass persons working in the Registrar's office, the accounts office, the Assistant Registrar Academic's office, the Hostel and the library. It shall include persons employed on a casual basis or employed through contractors.

j) "Outsider" includes any person who is not a student, or a resident, or service provider, or academic member or part of the non-teaching staff.

k) "Resident" includes any person who permanently or temporarily resides in the accommodation/premises owned or managed or allotted by the University.

l) "Rules" means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

m) "Service provider" includes any person who caters to services on the campus. It includes security staff and persons, who work in the canteen, hostels including the mess, provider of healthcare service, as well as persons working in any premise allotted on the campus. It shall also include persons employed through contractors.

n) "Sexual Harassment": For the purposes of this policy, one or more 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 constitute sexual harassment when:

i) A person's employment or education or living conditions or involvement in University activities is made contingent on submission to the referred conduct; or

ii) Evaluation of decisions, and the making of decisions regarding a person's employment or education or living conditions or participation in University activities, are made factoring in submission to or rejection of such conduct; or

iii) When the referred conduct either unreasonably interferes with professional or academic progress or creates a hostile environment in the University.

Examples of such conduct include but are not limited to:

i) Unwanted sexually coloured statements whether they be made in person, in writing or electronically.

ii) Sexual violence in forms including but not limited to rape, molestation, battery and assault.

iii) Other unwanted physical or sexual advances including but not limited to groping or kissing or touching oneself in public.

iv) Unwanted personal attention either via communication through any medium or visits or stalking or pressure for unnecessary personal interaction.

v) Making photographs, video, or other visual or auditory recordings of a sexual nature of another person without consent, even if the activity documented was consensual.

vi) Sharing such recordings or other sexually harassing electronic communications without consent.

vii) Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Explanation: Peer to peer harassment is also covered within the ambit of this clause.

o) "Student" means a person duly admitted and pursuing a programme of study, whether at the undergraduate, or post-graduate level, or for a diploma with the University or through regular mode or distance mode and includes exchange students.

Provided that a student who is in the process of taking admission in any programme in the University, although not yet admitted, shall be treated for the purpose of this Policy, as a student of the University, where any incident of sexual harassment takes place against such student;

Explanation: Students from any other college/university, visiting NUJS for a conference, workshop or seminar or as official representatives of their college/university, as the case may be, in any moot, debate, fest, or any other extracurricular competition or event, shall be covered by this clause for the duration of the concerned competition or event as the case may be.

p) "Third party" shall include a NGO representative or an eminent woman academician as appointed by the University.

q) "University authorities" shall refer to the Vice-Chancellor of the University, as well as any such person to whom his power may be delegated. For faculty members, non-teaching staff and service providers, the appropriate authority is the Executive Council. For students the appropriate authority is the Vice-Chancellor.

r) "University Functionary" includes academic staff, non-teaching staff and service provider engaged by the University.

s) University includes

- a. Any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided by the University;
- b. Any institute, stadium, sports complex, venue or facility, whether residential or not, used for programmes and activities of the University
- c. Any place visited by the employee or student arising out of or during the course of employment or study, including transportation provided for undertaking such journey or study.
- d. Any canteen, bank counter situated in University premises

PART II - INTERNAL COMPLAINTS COMMITTEE AND SUPPORT COMMITTEE

3. Internal Complaints Committee

(1) An Internal Complaints Committee shall be constituted for investigating offences defined as sexual harassment under this policy.

(2) The ICC shall comprise of

- a) a Presiding Officer who shall be a woman and a member of the academic staff;
- b) three other members from the academic staff and/or the non-teaching staff, at least two of whom shall be women
- c) one other member from a NGO which is committed to the cause of women and as defined by clause 2 (g).
- (d) Three students, if the matter involves students, who shall be enrolled at the undergraduate, master's and research scholars programmes.

Such persons shall be nominated by the Vice-Chancellor. Provided however that student-members shall be nominated after consultation with the SJA Office-bearers.

(3) Notwithstanding anything stated in clause 3(2), the Vice-Chancellor may also nominate an additional member from the academic staff or the non-teaching staff on a case-by-case basis.

Provided that such appointment shall only be made if a request is made by the complainant in writing to the Vice-Chancellor.

(4) Members of the ICC shall hold office for a period of 3 years from the date of nomination.

Provided that no member shall be eligible for more than two continuous terms.

(5) Members of the ICC shall recuse themselves if they have a conflict of interest with either of the parties involved in the proceedings. Such vacancy shall be filled by a fresh nomination in accordance with this policy.

The member shall also recuse himself if he/she is one of the parties to the proceedings.

(6) Presiding Officer or any Member of the ICC may also be removed from the office if there is sufficient reason to believe that he/she

- (a) has contravened the provisions of section 16 of the Act; or
- (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her
- (c) he/she has been found guilty in any disciplinary proceedings; or

- (d) has so abused his/her position as to render his/her continuance in office prejudicial to public interest.

Provided however that such removal can be effected only after a resolution by the Executive Council.

- (7) The member nominated from amongst NGOs shall be paid such fee or allowances for holding the proceedings of the ICC as may be approved by the Vice-Chancellor of the University, with approval from the Finance Committee.

4. Support Committee

- (1) The Vice-Chancellor may also nominate a support committee consisting of not more than 4 members, two of whom shall be women, to facilitate the proceedings.

Provided that, at least half of the members so nominated shall be students. Such students shall be nominated after consultation with the SJA Office-bearers.

- (2) The Support Committee should receive appropriate training from an organization or a body of experts committed to the cause of sexual harassment.

- (3) The Support Committee should act as facilitator and mediator in the proceedings and not as representative of either party.

The Support Committee members should act as observers during the proceedings, to ensure that the proceedings are conducted in compliance with this policy.

Any member of the Support Committee may offer the necessary assistance to either party including filing of documents or advising on available recourse and remedies.

- (4) Members of the Support Committee shall hold office for a period of one year.

PART III - COMPLAINT AND INVESTIGATION PROCEDURE

5. Reporting

- (1) Any aggrieved person - student, member of academic staff, member of non-teaching staff, service provider or resident - who believes that he/she has been a victim of sexual harassment, may make a complaint to the Internal Complaints Committee constituted under Section 3 of this Policy.

The complaint may also be made by a witness or any other person having knowledge of the sexual harassment, with the consent of the affected person.

In the absence of a complaint, the ICC shall have the power to investigate incidents that may amount to sexual harassment, as defined under these Rules, after obtaining due consent, in writing from the affected person. Following such investigation, the ICC may take appropriate remedial action.

(2) The complaint may be lodged directly with the ICC or with any of the members of the ICC.

(3) A complaint may also be lodged with the Vice-Chancellor, a member of the academic staff, a member of the non-teaching staff, or the SJA office-bearers in accordance with the procedure established under these Rules.

(4) If the complaint is made through any such channel mentioned in the preceeding clause, the person to whom such complaint is made shall bring it to the notice of the ICC within three working days of its receipt. On receiving a complaint from such intermediary, the ICC shall contact the aggrieved person and inform him/her of the recourse available under these Rules.

(5) Notwithstanding anything provided in this provision, any complaint alleging sexual harassment by the Vice-Chancellor shall be filed before the Local Complaint Committee constituted under Section 6 of the Act and having jurisdiction over the University.

6. Time-limit on complaints

The complaint should be made within three (3) months of occurrence of the incident/(s), and in the case of a series of incidents, within a period of three months from the date of the last incident, amounting to the alleged sexual harassment.

Provided that if due to any extenuating circumstances, such complaint cannot be made within the specified time frame, such circumstances may be considered by the ICC and if the reasons are found to be strong, the time frame for filing the complaint may be extended up to six (6) months from the occurrence of the alleged incident.

7. Form of the Complaint

(1) The complaint may be oral, in writing or by email. If the complaint is oral, it shall be reduced in writing by the member of the ICC receiving the complaint and authenticated by the complainant under his/her signature or thumb impression.

(2) The complaint should comprise of the date/(s) of the incident/(s) and details about the incident/(s) including the name/(s) of the respondent.

The complainant may also attach names of witnesses or any documentary evidence to substantiate his/her complaint. However, the absence of such evidence at the time of the complaint shall not affect the substance/merit of the complaint.

8. Cognizance and investigation

(1) The ICC shall take cognizance of the complaint at the earliest and in any case within 7 days of receiving the complaint.

A copy of the complaint and other supporting documents shall be sent to the respondent within 7 days of receiving the complaint.

(2) Upon receipt of the copy of the complaint, the respondent shall file his/her reply to the complaint, along with a list of documents and names and addresses within a period of ten days.

(3) The ICC shall conduct a prompt, thorough and impartial investigation of a complaint as necessary and appropriate, in accordance with the principles of natural justice.

In conducting the investigation, the ICC shall also follow the procedure for conducting enquiries as may be laid down by the Service Rules of the University.

(4) At least 3 members, including a woman member, of the ICC shall be present for each hearing.

(5) Both parties shall be given the opportunity to appear before the ICC and present their case and/or submit names of any witnesses or documentary evidence substantiating their case. The ICC shall have the power to call upon any such witnesses and record their statements. The proceedings shall be conducted in such language as may be familiar to the complainant and the respondent.

Explanation: Absent exceptional circumstances, the complainant and respondent should inform the ICC in writing at least 48 hours in advance of the hearing the names of any witnesses he/she wishes to testify. Any information shared during a hearing is confidential.

An advisor of the complainant's choice may accompany the complainant to any meeting with University authorities, investigation or hearing. The advisor's role in any meeting or hearing is limited to quietly conferring with the complainant and the advisor shall not address any other participant or the hearing panel without the permission of the Presiding Officer. The Presiding Officer shall ordinarily grant such permission wherever it appears to her that the complainant is unable to present his/her views and questions.

A complainant or respondent shall not question each other or other witnesses directly, but may raise questions to be asked of that party through the ICC, which will determine whether to ask them.

(6) The minutes of the proceedings of the ICC shall be recorded in English and where the complainant or the respondent is not conversant with English, in addition, in such language as may be familiar to them.

(7) If a party is not present for more than 3 consecutive hearings, without sufficient cause, the ICC may, after giving that party a notice of 15 days, give an ex parte decision on the complaint.

(8) The ICC will make every effort to complete its investigation within ninety days of a report of sexual harassment.

(9) The Inquiry Report of the ICC, including its decision and recommendations, and reasons for arriving at such decision, will be communicated to the concerned parties and the Vice-Chancellor, in writing, at the earliest and in any case within 7 days of completion of the investigation.

Notification of the decision and the reasons shall be individually given to the respondent and complainant on the same day.

(10) If the allegations against the respondent are proved to be true, the ICC shall also recommend the penalties or corrective action that may be taken against him/her to the Vice-Chancellor.

(11) The Vice-Chancellor shall act on the recommendation of ICC within a period of thirty days from the date of receipt of the Inquiry Report, unless an appeal against the findings is filed within that time by either party.

9. Conciliation

At any point before the submission of the Inquiry Report of the ICC under clause 8 (9) of the Policy, the aggrieved party may seek conciliation, through a written request to ICC, in order to settle the matter. No monetary settlement shall be made as a basis of conciliation. The ICC shall facilitate a conciliation process through ICC, once it is sought.

Explanation: Conciliation cannot be prescribed by the ICC on its own even where subsequent consent is given by aggrieved party. A prior written request from the aggrieved party shall be mandatory.

PART IV - PROTECTION OF COMPLAINANT AND CONFIDENTIALITY

10. Protection of the Complainant

(1) The ICC shall also take note of the inherent power asymmetry and/or the vulnerability of the complainant in such cases and take steps to ensure that he/she is not subjected to a hostile environment during the investigation.

The ICC may request the Vice-Chancellor to take any such measures to ensure that the complainant is not subjected to a hostile environment during this investigation. Such a request shall be implemented by the Vice-Chancellor without delay.

(2) The ICC shall also take steps to ensure that the complainant is offered the services of a counsellor in accordance with this policy. Such counselling shall not however be mandatorily imposed on the complainant.

11. Counselling

(1) The complainant shall be informed by the University authorities of the option to avail counselling, concurrent with the lodging of a sexual harassment complaint. Thereafter it is the complainant's prerogative to decide whether he/she wishes to go to a counsellor.

(2) A female counsellor should be made available in pursuance of the mandate in the preceding clause.

(3) If the complainant does avail the services of a counsellor, such services shall be provided in a strictly confidential manner to the extent permitted by law.

(4) The counselling may be provided throughout the investigation process and even after its culmination, if the complainant so wishes.

(5) In the event that the individual who has been harassed wishes to keep the matter private and not lodge a complaint, assistance in the form of counselling is still available, if he/she wishes to avail the same. Such an individual may directly approach the counsellor appointed by the University authorities in such case. In such situations the contents of the exchange between the counsellor and complainant shall be kept confidential, unless not revealing such information would put the complainant's safety at stake.

(6) Additionally any member of the University - a student, staff or service provider - may approach the counsellor for information on preventing and coping with sexual harassment. The nature of this exchange shall be confidential as well, to the extent permitted by law.

12. Other Action Pending Inquiry

The Internal Complaints Committee, at the written request of the complainant and on being satisfied that there is prima facie basis in the complaint, may recommend to the Vice-Chancellor, to

- a) Restrain the respondent from reporting on the work performance of or working in the same school/department as the complainant
- b) Restrain the respondent, where the complainant is a student, from supervising any of his/her academic activity
- c) Suspend the respondent from work or, hostel or the University (where the respondent is a student), till the completion of the inquiry,
- d) Transfer the complainant or the respondent to another section or department to minimise the risks involved in contact or interaction,
- e) Grant leave to the aggrieved person with full protection of status and benefits for a period of up to three months,
- f) Direct recusal of any member of the Internal Complaints Committee due to conflict of interest, or
- g) Such other measures as may be commensurate to the gravity of the complaint and necessary for protecting the complainant during the pendency of the inquiry.

13. Confidentiality

(1) All information shared during counseling, on lodging a complaint and during the process of inquiry, including but not limited to the identity and address of the complainant, the respondent and witnesses as well as recommendations made by the Internal Complaints Committee/Appeals Committee and actions taken, shall be kept confidential to the extent permitted by law and this Policy.

(2) The obligation to maintain confidentiality is on any person entrusted with the duty to handle or deal with, in any manner, counseling, complaints, investigation, recommendations and action with respect to sexual harassment, which includes but is not limited to University authorities, the counselor, members of the Internal Complaints Committee and Appeals Committee, the aggrieved person, the respondent and witnesses.

(3) In addition to the exceptions provided by law, this obligation shall not apply in the event the University fails to take action on a complaint. In such cases, if the complainant or his/her representative feels compelled to communicate such inaction to the media or public, such person shall not be bound by this clause.

(4) The complainant or the respondent may discuss the Report of the ICC or the Appeals Committee with any other person for the purpose of pursuing further legal redress. Any such discussion shall not be considered a breach of the obligation of confidentiality.

Any violation of confidentiality clause would attract penalties as prescribed by the service rules if applicable. Where no service rules apply, a penalty of Rs.5,000, as prescribed by law, may be imposed by the University.

PART V - PENALTIES AND CRIMINAL COMPLAINT

14. Criminal Complaint

(1) Where, the complaint indicates the commission of a criminal offence and the investigation of the ICC leads to *prima facie* evidence supporting the complaint of sexual harassment, it shall be the duty of the ICC to inform the complainant of his/her right to initiate action in accordance with the law with an appropriate authority.

(2) The ICC may also recommend, after obtaining written permission of the complainant, to the Vice-Chancellor that a criminal complaint be filed before the appropriate forum.

15. Penalties/Corrective Action

If the respondent is held guilty of sexual harassment as defined in this policy, the ICC may recommend to the Vice-Chancellor to take any or a combination of the following penalties:

(1) In the event the respondent is a student,

- (i) Warning, reprimand or censure which shall be recorded in his/her character certificate.
- (ii) Public written apology displayed prominently on all notice boards in the University.
- (iii) A "no contact" order between the respondent and the complainant.
- (iv) Withholding of privileges such as access to the library, auditoria, halls of residence, scholarships, allowances, etc.
- (v) Bar on representing the University in any co-curricular/extra-curricular activities.
- (vi) Removal and/or bar on holding any positions of responsibility in the University.
- (vii) Suspension from the Hostel
- (viii) Rustication from the University.
- (ix) Performance of community service
- (x) Mandatory attendance in a sexual harassment workshop or counselling program.

Explanation: Any such order shall also be communicated to his/her parents.

(2) In the event the respondent is a member of the academic staff or non-teaching staff, appropriate action in accordance with the relevant service rules.

- (3) In the event the respondent is a service provider,
 - (i) Termination of any subsisting contractual arrangement,
 - (ii) Suspension for such time as the Committee may deem fit,
 - (iii) Debarment from any further contractual arrangement or other financial arrangement with the University.
- (4) In the event the respondent is an outsider,
 - (i) Debarment of the person from participation in any University programme or activity or entering the premises of the University.
 - (ii) Forwarding of the complaint and the Report of the ICC
 - (a) to the Internal Complaints Committee of the concerned organization, where the respondent is employed or otherwise works for any other workplace or establishment including law firm, company, non-governmental organisation or a university, or
 - (b) to the Head of the Academic Institution where the respondent is currently studying.
- (5) Any other remedy or corrective action in accordance with the law that the ICC may deem fit.
- (6) The aggrieved person is entitled to the payment of compensation. The Vice-Chancellor shall issue direction for payment of the compensation recommended by the ICC, which shall be recovered from the offender. The compensation payable shall be determined on the basis of
 - (a) mental trauma, pain, suffering and distress caused to the aggrieved person;
 - (b) the loss of career opportunity due to the incident of sexual harassment;
 - (c) the medical expenses incurred by the aggrieved person for physical or psychiatric treatment;
 - (d) the income and status of the alleged perpetrator and the victim; and
 - (e) the feasibility of such payment in lump sum or in instalments.
- (7) The ICC may request the Vice-Chancellor to take any such measures to ensure that the complainant is not subjected to a hostile environment as a result of the penalties imposed on the respondent.

16. Sexual Harassment as a Misconduct under Service Rules

Acts defined as sexual harassment under this policy shall be deemed to be a misconduct under the NUJS Service Rules.

17. Action against malicious complaint

If the ICC concludes that the allegations made were false, malicious or the complaint was made knowing it to be untrue, or forged or misleading information has been knowingly provided during the inquiry, the complainant shall be liable to be punished as per the provisions of Clause 15 (1) of this Policy where the complainant is a student, as per clause 15 (2) of this Policy where the complainant is an employee and Clause 15 (3) where the complainant is an outsider.

Provided that the mere inability to substantiate a complaint or provide adequate proof shall not attract the provisions of this clause.

Provided further that no penalty shall be taken in pursuance of this clause without an inquiry, in accordance with the procedure prescribed in Clause 8 of this Policy.

PART VI - APPELLATE MECHANISM

18. Appeals Committee

(1) The Vice-Chancellor shall, within one month of this Policy coming into force, constitute an Appeals Committee.

(2) The Appeals Committee shall be independent of the Internal Complaints Committee and shall comprise of a Chairperson, and four other members.

Provided that at least two of the members so nominated shall be women.

Provided further that at least one of the members so nominated shall be 'third party members' (as defined in this Policy)

(3) Members of the Appeals Committee shall hold office for a period of 3 years from the date of nomination.

Provided that members are eligible for not more than two continuous terms.

(4) Members of the Appeals Committee shall recuse themselves if they have a conflict of interest with either of the parties involved in the proceedings. Such vacancy shall be filled by a fresh nomination in accordance with this policy.

The member shall also recuse himself if he is one of the parties to the proceedings.

(5) Presiding Officer or any Member of the Appeals Committee may be removed from the office if there is sufficient reason to believe that he/she

- (a) has contravened the provisions of section 16 of the Act; or
- (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him
- (c) he/she has been found guilty in any disciplinary proceedings; or
- (d) has so abused his/her position as render his/her continuance in office prejudicial to public interest.

Provided however that such removal can be effected only after a resolution by the Executive Council.

(6) The third party members nominated to the Appeals Committee shall be paid such fee or allowances for holding the proceedings of the Appeals Committee as may be approved by the Vice-Chancellor of the University, with approval of the Finance Committee.

19.Procedure and Form of Appeal

(1) In the event the Internal Complaints Committee does not take any action on a complaint, or if the complainant or respondent is aggrieved with its decision or with the action taken by the University authorities, he/she shall, subject to clause 19, have the right to appeal to the Appeals Committee. The appeal may be made on one or more of the following grounds:

- (a) new information (available after a hearing) of a nature such that the verdict or sanction may have been different;
- (b) procedural errors within the hearing process which may have substantially affected the fairness of the hearing; and/or
- (c) the finding was inconsistent with the weight of the information.

(2) The appeal should be lodged either orally or in writing or through email,

(a) within 30 days after the decision is communicated in writing to the aggrieved party, where the appeal is against a decision of the ICC, and

(b) within 15 days of filing of the complaint, where the appeal has been made against inaction of the ICC.

Provided, if due to any extenuating circumstances, the appeal cannot be made within the specified time frame, the Appeals Committee may, for reasons in writing, extend the time frame for filing the appeal by another 15 days.

(3) The appeal may be lodged directly with the Chairperson of the Appeals Committee or with any member of the Appeals Committee.

(4) An appeal may also be lodged with any University Authority, academic or non-academic staff or the SJA (in case, the appellant is a student). In the event an appeal is lodged with any person other than a member of the Appeals Committee, that person shall submit the written appeal to the Appeals Committee within 3 days of its receipt.

(5) If lodged orally, the appeal must be converted to writing by a member of the Appeals Committee and shall be authenticated by the complainant by signature or a thumb impression.

(6) The Appeals Committee shall take cognizance of the appeal within 7 days of receiving the appeal.

(7) The Appeals Committee shall dispose the appeal at the soonest and no later than 90 days from the receipt of the appeal.

(8) At least 3 members, including a woman member, of the Appeals Committee shall be present for each hearing.

(9) The Appeals Committee shall report to the Vice Chancellor and the parties concerned its findings and recommendations on the nature of the action to be taken, in writing, within 7 days of completion of hearing the appeal.

20. Powers and Duties of the Appeals Committee

(1) While hearing the appeal, the Appeals Committee shall have the same powers as the ICC to summon any person as witness as well as any official record.

(2) All parties shall be given an opportunity to be heard and present their case adequately. The Appeals Committee shall be bound by the principles of natural justice.

(3) The Appeals Committee shall take every step to ensure that the complainant is not subject to hostile treatment/environment during the appeal.

(4) The Appeals Committee shall also take steps to ensure that the complainant is offered the services of a counselor in accordance with this Policy. Such counseling shall not however be mandatorily imposed on the complainant.

(5) Members of the Appeals Committee shall recuse themselves if they have a conflict of interest with either of the parties involved in the proceedings. Such vacancy shall be filled by a fresh nomination in accordance with this Policy.

Provided that a member shall also recuse himself if he is one of the parties to the proceedings.

(6) The Appeals Committee shall have the same powers as vested with the ICC under Part V of the Policy.

21. Appeal as prescribed by law

In the event the appeal is not heard, or if the appellant or respondent is aggrieved with the decision of the Appeals Committee or with response of the University authorities in pursuance of such decision, he/she shall have the right to appeal as prescribed by any law.

PART VII- MISCELLANEOUS

22. General Duty of the University Administration

The University Administration, particularly the Vice-Chancellor, shall take every step to ensure that the complainant is not subject to hostile treatment/environment during the proceedings.

arising out of a complaint under this Policy.

23. Information Dissemination

The University Administration, particularly the Vice-Chancellor, shall inform, students, faculty and staff, through periodic emails and display of notice at conspicuous places on campus of:

- a) Composition of the Internal Complaints Committee, the Support Committee, and the Appeals Committee,
- b) Method of initiating a complaint against sexual harassment,
- c) Penal consequences of sexual harassment, and
- d) Content of this Policy

24. Orientation Workshops

The University Administration, particularly the Vice-Chancellor, shall take steps to

- a) Organize compulsory workshops and awareness programmes on an annual basis for the students, staff and Faculty of the University in languages they understand.
- b) Conduct capacity building programmes for the Members of the Internal Complaints Committee.
- c) Conduct sensitization programmes and workshops for all members of various Committees set up under this policy.

Such workshops and programmes shall, preferably, refer to the UGC Saksham Report, for incorporation of training modules.

25. Annual Report

The Internal Complaints Committee shall submit to the District Officer constituted under Section 5 of the Act and to the Vice-Chancellor an Annual Report in the month of March every year. This Annual Report shall contain the following details:

- a) Number of complaints of sexual harassment received in the year
- b) Number of complaints disposed of during the year
- c) Number of cases pending for more than ninety days
- d) Number of workshops or awareness programmes carried out
- e) Nature of actions taken by the University Administration

26 Complaint against Staff and Students of NUJS for acts done outside the University

This Policy shall extend to acts done by staff, teaching or non-teaching and students of the University, while representing the University in academic or extracurricular event. Any complaint pertaining to acts amounting to sexual harassment committed by staff, teaching or non-teaching and students of the University, while representing the University in academic or extracurricular event, shall be addressed in same manner as a complaint filed under Part III of the Policy.

27. Review

The Internal Complaints Committee shall conduct a regular and half yearly review of the efficacy and implementation of the anti-sexual harassment policy.

28. Commencement

This Policy shall come into force on December 1, 2016.

Agenda Item No. 8

Renewal of Services of the adhoc employees of the University

1. Mr. Prasun Banerjee, TA (Civil) – Mr. Banerjee's tenure will come to an end on 30/11/2016. He is presently getting the salary of Rs. 22000/- per month. His services may be renewed from 01/12/2016 for a period of six months.
2. Mr. Soumen Chowdhury, TA (Computer Centre) - Mr. Chowdhury's tenure will come to an end on 30/11/2016. He is presently getting the salary of Rs. 22000/- per month. His services may be renewed from 01/12/2016 for a period of six months.
3. Ms. Swapna Roy, Cook in Vc's Residence – Ms. Roy's tenure will come to an end on 30/09/2016. She is presently drawing Rs. 12,165/- per month for her services. The University proposes to renew her services for six months upto 31/03/2017 with a 3% annual increment as per practice.
4. Mr. Prabir Khotel, University Electrician (Adhoc) – Mr. Khotel is serving the University on adhoc basis from 01/02/2011 and his present pay is Rs. 16000/- (Rupees Sixteen thousand only) per month. His tenure came to an end on 01/08/2016 and the University proposes to renew his services for one year i.e. upto 31/07/2017.
5. Mr. Manabendra Ghosh, Assistant (Adhoc) – Mr. Ghosh's tenure will come to an end on 31/12/2016 and thereby the University felt necessary to renew his service for a period of six months w.e.f. 01/01/2017. He is presently drawing a salary of Rs. 20000/- per month.

Submitted for kind approval and directions on the above.

Agenda Item No. 9

Renewal of Services of Mr. N. Konar, Research Fellow

The tenure of Mr. N. Konar has come to an end on 31/03/2016. His tenure may be extended for one year i.e. upto 31/03/2017 with a consolidated pay of Rs. 30000/- per month.

Submitted for information and direction.

Agenda Item No. 10

Recruitment for the post of Assistant Professor, Law

The matter arises out of the 51st Meeting of the Executive Council held on 09/04/2016 (Agenda Item No. 6) for handling of the additional workload, one faculty to be appointed for one year after advertisement in the University Website with a pay scale admissible for Assistant Professor due to the involvement of two regular teachers in the Centre for Child Rights, WBNUJS.

Accordingly the matter has been published in the WBNUJS Website and applications has been received from few incumbents. A Selection Committee has formed for the said recruitment with the following members :

1. Prof. (Dr.) P. Ishwara Bhat, Vice Chancellor, WBNUJS
2. Prof. (Dr.) T. R. Subramanya, Research Fellow, CRSGPP, WBNUJS
3. Prof. (Dr.) Manik Chakraborti, Professor (Law), Burdwan University.

As per the recommendation of the Selection Committee, Mr. Kumarjit Ray has been appointed for the post of Assistant Professor (Law) for the period of one year.

Submitted for perusal, information and directions.

Agenda Item No. 11

Vacancy due to resignation submitted by Faculty Members

Ms. Jasmine Joseph and Mr. Daniel Mathew who were working as Assistant Professors, Law have submitted resignation from their respective posts in the University. The University has accepted their resignation and two posts of Assistant Professors have become vacant due to this resignation.

Submitted for directions for the next course of action.