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INCOME TAX DEPARTMENT

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GOVT. OF INDIA

PRAVIN KUMAR
SHAMBHU NATH PRASAD
12/02/1983

Permanent Account Number
AVDPK6027F

Pravin Kumar
Signature





Subject Re: Regarding my Suspension from the Institution (IIT Mandi) against a Complaint of Sexual Harassment

From pravin_k <pravin_k@students.iitmandi.ac.in>

To <minister.hrd@gov.in>, <secy.dhe@nic.in>, <r.subra@nic.in>, <subodh.bhargava@wartsila.com>

Cc <bhaumik@ee.iitd.ac.in>, <SKKaura@samtelgroup.com>, <rajpkhilnani@gmail.com>, <sandhu.edu@nic.in>, <subrahdy@gmail.com>, <pstohrm@nic.in>

Date 2019-02-27 16:21

Priority Highest

Respected Sir/Madam,

This is again bring to your kind consideration that in my previous e-mails I have already mentioned you all about my current situation, but I didn't get any reply/assurance from any of you in this regard which is making me very traumatized and consequently hopeless and helpless. Further, in the absence of any academic and economic support from my institution (IIT Mandi), it is extremely difficult for me to stay outside and continue my research work in long run. All this posing an enormous amount of stress with a feeling of victimhood on me. Therefore, this is again my humble request to you all to do the needful in this regard as soon as possible and help me to come out of this situation and complete my research work with immediate effect. For that I will always be obliged to you.

Thanking You.

Sincerely Yours,
Pravin Kumar
Research Scholar (D13020)
School of Humanities and Social Sciences
Indian Institute of Technology, Mandi
Mandi (Himachal Pradesh) - 175005.

On 2019-02-12 16:10, pravin_k wrote:

Respected Sir/Madam,

This is to bring your kind consideration that I am a research scholar of School of Humanities and Social Sciences, Indian Institute of Technology, Mandi (Himachal Pradesh) and I am currently going through a very radical decision of a one year suspension from the campus due

to a baseless and completely concocted allegation made by one of my fellow researcher.

In this regard I had already intimated you all in my previous e-mail, but I didn't get any reply/assurance at your end till now, which is very disappointing to me as I am continuously in a state of severe stress and trauma nowadays due to the uncertainty in the completion of my current Ph.D. program.

Further, I would like to intimate to you that some authorities of the institution (IIT Mandi) are forcing me diplomatically to stick to the decision given by the ICC of the institution and also intimidating me that if I will go further with this matter than it may hamper my career as well, which causes a kind of fear that whether I could ever be able to complete my Ph.D. or not.

Therefore, it is my humble request to you all that please look into my matter as soon as possible and do the needful in this regard so that I could be able to complete my Ph.D. program as soon as possible.

For that I will always be obliged to you all.

Thanking You.

Sincerely Yours,
Pravin Kumar
Research Scholar (D13020)
School of Humanities and Social Sciences
Indian Institute of Technology, Mandi
Mandi (Himachal Pradesh) - 175005.

On 2019-01-29 17:34, pravin_k wrote:

Respected Sir,

I am a research scholar of School of Humanities and Social Sciences, Indian Institute of Technology, Mandi (Himachal Pradesh), I joined the institution on February, 10th 2014 under the supervision of Dr. Shail Shankar to pursue my Ph.D. with the institution.

This is with reference to my arbitrary suspension from the institution (Suspension letter no: IIT Mandi/Students/SWDC/2018-19, Dated: 02nd November, 2018 [Enclosure No. 2]) for the period of one year

(Effective from: 29th June, 2018 to 28th June 2019) on the basis of a malafide, fake and baseless complaint against me made by one of my fellow researcher, Amrutha N V (D15046), of the same institution.

The concocted sequence of events mentioned in the complaint purportedly occurred during my duty leave period (9th June, 2018 to 19th June, 2018) while I was attending a workshop at Motilal Nehru National Institute of Technology [MNNIT], Allahabad, Uttar Pradesh.

The above complaint had been inquired into by an internal complaint committee (Sexual Harassment Complaint Committee) of the institution (chaired by Dr. Tulika P. Srivastava, associate professor school of basic sciences; external member Ms. Aruna Kapoor, retired as second session judge, registrar general of high court of Himachal Pradesh; and Ms. Monika Pathak, superintendent; Ms. Sushma Kumari, senior assistant, Dean's office; Mr. J. R. Sharma, finance and accounts

officer; and Dr. Chayan Kanti Nandi, associate professor, school of basic sciences as advisory board members[Enclosure No. 3]) during the period of August, 2018 to October, 2018. After the completion of their sham inquiry they had officially communicated to me their final decision through Dean Students of the institution Dr. Suman Kalyan Pal (Associate professor, School of Basic Sciences) on 20th November, 2018 [Enclosure No. 2] as quoted below:

“This is in continuation of my letter no IIT Mandi/Students/SWDC/2018-19/ dated 29th June, 2018 [Enclosure No. 1] regarding the complaint of sexual harassment against you.

The Sexual Harassment Complaint Committee (SHCC) after conducting detailed investigations, found you guilty of the charges against you. The following action is being taken against you based on the suggestions of SHCC.

1. You are suspended from the institute for the period of one year, which includes the suspension period you already served, i.e. till 28th June 2019.
2. During the suspension:
 - a. You shall not be allowed to enter the IIT Mandi campus in North, South, and Mandi, unless specifically called by the Institute Authorities.
 - b. You shall not receive scholarship or any other financial support from the Institute.
 - c. You shall be barred from all Institute activities, events and shall not represent Institute in outside events.
 - d. You shall undergo counselling with an institute-approved counsellor/psychiatrist to ensure that you realize the gravity of your offence and that you do not repeat such acts in IIT Mandi or elsewhere.
3. You shall be permitted to rejoin at the end of the suspension period subject to a satisfactory report from the counsellor/psychiatrist. In case the report is unsatisfactory, the suspension may be extended.
4. After your suspension period, you will not receive scholarship from the institute.”

This was a completely biased decision at the end of inquiry committee as the inquiry committee (SHCC) of the institution had not followed the required guideline and procedures of UGC (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) regulations, 2015 [Dated: 5th July, 2015; D.O.No.F.91-9/2015 (GS/MHRD)] [Enclosure No. 6] and the norms mentioned in Handbook on Sexual harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 for Employer/Institutions/Organizations/Internal Complaints Committee/Local Complaints Committee [Enclosure No. 7] specially recommended by UGC to address an issue of such type in higher education institutions of our country.

Here are the various grounds which prove that the constitution and the whole redressal procedure adopted by the inquiry committee of the institution (SHCC) was utterly biased and discriminatory in nature:

- 1) In blatant disregard of lawfully established norms, there was no student representation in the so called internal complaint committee (SHCC) constituted by the institution during the process of redressal/inquiry. While it is mandatory that if the matter under inquiry involves students, then three students, who shall be enrolled

at the undergraduate, master's, and research levels respectively, should be the members of the internal complaint committee and also the redressal procedure. These students should be elected through a transparent democratic procedure. (UGC Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions regulations, 2015, page: 15, 3.2c).

2) It is the responsibilities of the inquiry committee to prepare relevant interview questions, conduct necessary interviews and ensure that parties are made aware of the process and their rights and responsibilities within it. But nothing such had been done by the inquiry committee. (Handbook on Sexual harassment of Women at Workplace Prevention, Prohibition, and Redressal Act, 2013 for Employer/Institutions/Organizations/Internal Complaints Committee/Local Complaints Committee, page: 25, 4.4 5,6,7).

3) Interview should be conducted with each person separately and in confidence. The complainant and respondent should not be brought face to face with each other. But in my case this guideline also was not followed by the inquiry committee. (Handbook on Sexual harassment of Women at Workplace Prevention, Prohibition, and Redressal Act, 2013 for Employer/Institutions/Organizations/Internal Complaints Committee/Local Complaints Committee, page: 31, 4.8.8.3).

4) To ensure confidentiality and unbiasedness in the inquiry process an audio-video equipment should be used, which again was not done in my case. (Vishakha Guideline, UGC Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions regulations, 2015, page: 15, 3.2.2)

5) The inquiry committee must gather and keep record of all the documents and relevant information to ensure an unbiased process of inquiry. But this too was not done here and the inquiry committee had refused the evidences produced by me and my appeal to call my witnesses to produce their statements before the inquiry committee. (Handbook on Sexual harassment of Women at Workplace Prevention, Prohibition, and Redressal Act, 2013 for Employer/Institutions/Organizations/Internal Complaints Committee/Local Complaints Committee, page: 25, 4.4.3).

6) Before finalizing the findings the ICC shall share its finding with both the parties and provide them an opportunity to make representation against it i.e. before the committee. The committee never did this (Handbook on Sexual harassment of Women at Workplace Prevention, Prohibition, and Redressal Act, 2013 for Employer/Institutions/Organizations/Internal Complaints Committee/Local Complaints Committee, page: 32, 4.8.13).

7) It is the right of the respondent and responsibility of the inquiry committee and the other concerned authorities of the institution to provide a copy of the statements along with all the evidences and the report submitted by the inquiry committee, to the accused. But after making extensive effort and so many requests to different apex authorities, I still didn't get a single document from them. (Handbook on Sexual harassment of Women at Workplace Prevention, Prohibition, and Redressal Act, 2013 for Employer/Institutions/Organizations/Internal Complaints Committee/Local Complaints Committee, page: 25, 4.3b, page: 33, 4.8.15)

Even after the receiving of the "decision order" of the internal complaint committee (SHCC) from the Dean Students of the institution, I appealed to the Director (Prof. Timothy A. Gonsalves) on 21st

November, 2018 with immediate effect to look into the matter [Enclosure No. 4]. I specially mentioned that the entire decision made by the internal complaint committee (SHCC) is biased and also requested him to make necessary orders to make available all the documents of the inquiry as soon as possible to me. But after making several efforts and repeated requests over a period of one and half months, on 4th January, 2019, I got a reply from Dean Students of the of the institution (Dr. Suman Kalyan Pal) mentioning that 'in response to your email appeal to the Director, I am directed to convey to you that the decision has been taken by a duly constituted committee and as no new facts have been brought to light, your appeal is disposed of and the decision conveyed in on 2nd November, 2018 stands' [Enclosure No. 5]. Additionally, after making so many requests to the apex authorities of the institution (the Director & the Dean Students) I didn't get any single document related to inquiry, as well as the assurance to make it available to me (which is a legal right of a person against whom charges have been made) till date from their side. Further, in keeping with this extrajudicial malafide order, I am facing a suspension since 29th June, 2018. I have been forcibly expelled from the campus and I am not getting my due financial assistance (MHRD Scholarship for Ph.D. scholars) from the institution which makes me suffer extensively on academic, social, emotional, and economic fronts. Without my scholarship it is extremely difficult for me to support myself outside of the campus and continue my research work. All these despotism, discrimination, ignorance, and persecution led by the apex authorities put excessive stress and trauma upon me and left me with a feeling of helplessness, harassed, and victimized. All this incur heavy costs to my research work as my 5th year of research work is going to finish on 10th February, 2019.

I would also like to submit before you that I have been a very sincere scholar throughout my academic career. There is no instance of such type of denunciation against me in any of the educational institution visited by me across the nation. I have never done/shown any malicious behavior in/outside the campus. There is not a single complaint of such nature against me in the current institution before this fabricated slur on my character by vested interests. I herewith state that the current complaint is completely fictitious.

In view of above I, therefore, humbly request you to please quash the order of my suspension and grant me the permission to be back in the campus so that I could continue writing my thesis in a proper way. I also request you to please make necessary orders to the concerned authorities of my institution to release my scholarship amount, stopped since 29th June, 2018, so that I may cover all my living and research expenses as I am suffering severely on the financial front since then and till now. Further, I also request you to please constitute an independent inquiry committee to look into the whole matter with immediate effect. For that I will always be obliged to you.

Thanking You.

Sincerely Yours,
Pravin Kumar
Research Scholar (D13020)
School of Humanities and Social Sciences

Indian Institute of Technology, Mandi
Mandi (Himachal Pradesh) - 175005.

Enclosures:

- 1)A copy of letter of provisional suspension issued on 29th June, 2018 by the Dean Students of the Institution.
- 2)A copy of final letter of suspension issued on 2nd November, 2018 by the Dean Students of the Institution.
- 3)A copy of the constitution of ICC/Sexual Harassment Complaint Committee of the Institution.
- 4)A copy of appeal to the Director of the Institution against the decision of SHCC.
- 5)A copy of reply received from the Dean Students of the Institution against the appeal.
- 6)A copy of “UGC (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) regulations, 2015 [Dated: 5th July, 2015; D.O.No.F.91-9/2015 (GS/MHRD)]”.
- 7)A copy of “Handbook on Sexual harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 for Employer/Institutions/Organizations/Internal Complaints Committee/Local Complaints Committee [Enclosure No. 7]” specially recommended by UGC.