SAKSHAM

Measures for Ensuring the Safety of Women and Programmes for Gender Sensitization on Campuses

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ज्ञान-विज्ञान विमुक्तये

University Grants Commission
Bahadurshah Zafar Marg
New Delhi

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Preface

Education plays a crucial role in promoting the egalitarian commitments of Equality and Justice enshrined in the Constitution of India. The University Grants Commission (UGC) fully recognizes how integral such education, and especially access to higher learning, is for all to reach their fullest potential, and more especially for the disadvantaged and the marginalized groups, including women. Promoting equity through higher education has always been at the very heart of the agenda of the UGC and reflects its commitment to nurture and preserve democracy within spaces of learning. It promoted this commitment through introduction of schemes for the marginalized sections of the society, particularly the Scheduled Castes (SCs), Scheduled Tribes (STs), Minorities, Differently-abled Persons, and especially, participation of women, cutting across regional and afore-mentioned social groups, to increase their access to, and retention and success in higher education. The outcome of these efforts touched different levels of satisfaction. But some special efforts were still needed to create a more conducive environment for girls and women for their participation and success in higher education.

Unfortunately, the spate of recent disturbing events in the national capital and in other parts of the country have spurred the UGC to review existing arrangements that are currently in place on the campuses of all institutions of higher learning to ensure the freedom, safety and security of girls, and women in particular, and of the entire youth in general. The UGC is committed to a policy of zero tolerance regarding harassment of any kind. Accordingly, a Task Force was constituted to review the present arrangements, identify loopholes and inadequacies and to formulate remedial measures to address the concerns of all girls and women, and of the youth who study and live in the country's numerous and diverse university campuses.

The UGC is very happy with the work output of the Task Force, which set about its responsibilities with commitment and care. The UGC is also grateful to all those who gave of their time and effort, including members of universities across the country, experts, women's organizations, and the members of the Task Force.

The UGC has studied the recommendations contained in this Report. It is of the view that the Report has come up with several fundamental and far-reaching recommendations, all of which are based on the principles of Equality and Justice guaranteed by the Constitution of India, including Rights to Dignity, Bodily

Autonomy and Integrity enunciated in the Bill of Rights for Women in the Justice Verma Committee Report of January 2013, and are in consonance with the Vishaka Guidelines, the Sexual Harassment at Workplace Act, 2013 and the Criminal Amendment Bill, 2013.

The UGC is committed to sharing the concerns and recommendations in this Report with all sections of the university community so that all members of higher education institutions can live, work and study without fear of harassment and violence, in an atmosphere of equality and dignity. This is urgent in the current moment where the youth, the demographic dividend of the nation, is placing its faith in higher education more than ever before in India's history.

I place on record my deep appreciation of the commendable work done by Prof. Meenakshi Gopinath, Member, UGC and Chairperson of the Task Force, Prof. Mary E John (Co-Chair) and its other members for their insightful contributions. It is hoped that the recommendations of the Task Force will go a long way in ensuring the safety of women on our university campuses, thereby enhancing their participation in higher education to the fullest benefit of the society.

Ved Prakash

Chairman
University Grants Commission
New Delhi

November 7, 2013

Dr. Meenakshi Gopinath
Principal

October 30, 2013

Prof. Ved Prakash
Chairman
University Grants Commission
Bahadur Shah Zafar Marg,
New Delhi-110002

Dear Prof. Ved Prakash,

The Task Force set up by you to Review the Measures for Ensuring the Safety of Women on Campuses and Programmes for Gender Sensitization has now completed its mandated task. It is my privilege, on behalf of my Co-Chair, Prof. Mary John and all the members of the Task Force to submit this Report in the faith that its recommendations will be adopted and mandated by the UGC for speedy implementation by all Higher Education Institutions.

The recommendations, if implemented in true spirit, we believe have the potential to realize UGC's commitment towards Gender Justice, Equity and Access on all campuses. They also underscore the importance of gender sensitization initiatives for the full realization of rights to equal citizenship and the need to institutionalize policies of zero tolerance for overt and structural gender based discrimination and violence. The Report foregrounds the crucial role of education in combating the cultures of silence and impunity that sustain practices inimical to gender justice in institutions of learning.

The Task Force has engaged in a broad process of consultation discussion and dialogue with policy makers, senior education administration, faculty, staff and students in Open Forums. It has also drawn on feedback on questionnaires sent out from the UGC as a basis for its recommendation.

Lady Shri Ram College for Women, Lajpat Nagar, New Delhi-110 024 Phone: 2643-4459, 2646-0400 Fax: 2621-6951
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The Open Forums allowed for a range of voices to be brought on board from the Higher Education space that is becoming increasingly heterogeneous. The Task Force has been mindful of the 'normative' and educative role that colleges and Universities need to play to transform consciousness (without relying excessively or exclusively on 'punitive' processes) to combat gender based discrimination on campuses.

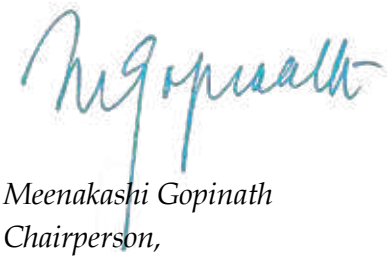
The recommendations reflect this imperative. The support of the UGC and your own encouragement and commitment to this process has enabled the Task Force to look beyond immediate palliatives to suggest substantive, actionable and sustainable initiatives that can provide the template for all expansive and progressive institutions of learning for the country.

We thank you for your unstinted support to this timely initiative to engender equality and justice on our campuses in a manner that can make despair unconvincing and hope practical.

This Report is an attempt to open up spaces for an engagement that must ever be an unfolding, reflective and empowering work-in-progress.

Thanking you,

Sincerely,



Meenakashi Gopinath
Chairperson,
The Task Force to Review the Measures for Ensuring the Safety of Women on Campuses and Programmes for Gender Sensitization.

Acknowledgements

The Task Force acknowledges, with gratitude, the contributions of members of all sections of the academic community - students, teachers and staff, representatives of women's groups and social activists without whose valuable inputs this Report could not have reflected such a wide spectrum of experience and expertise. Their engagement has prompted us to carry the 'voices' that may have otherwise remained 'inaudible'.

At the outset we record our deep appreciation for the proactive manner in which the Chairperson of the UGC, Prof. Ved Prakash initiated this process, and provided it generous support and encouragement throughout its many stages and also for the time afforded us for meaningful deliberations. Dr. Akhilesh Gupta, Secretary UGC, ensured all necessary administrative and financial support, and Dr. Archana Thakur, Deputy Secretary, served as the efficient and committed link that facilitated the interface between the Task Force and HEIs through the process as an excellent team member.

A special thanks to the Vice Chancellors of the Osmania University, Hyderabad Central University; Maulana Azad National Urdu University; English and Foreign Languages University; Kerala, Calicut and Kannur Universities; the Cochin University of Science and Technology; Mahatma Gandhi University; Sree Shankaracharya University of Sanskrit; Jamia Millia Islamia; and the University of Delhi for enabling the interface at the **Open Forums** that provided invaluable insights about the challenges and expectations 'from the ground' on a range of issues around gender inequality, gender based violence and the insecurities faced by women in particular. Thanks are due to the Vice Chancellor of Jawaharlal Nehru University, for permission to draw from their Report of the Committee set up by the Vice-Chancellor to recommend measures to prevent gender based violence and discrimination in JNU, in the aftermath of the incident of July 31st 2013 (chaired by Prof Sudha Pai). Thanks also to the organisers of a dialogue among women's studies centres in West Bengal conducted by the Women's Studies and Research Centre Calcutta University and Ebong Alap in response to the UGC questionnaire on issues of safety prepared by the Task Force and for sharing the Report of their workshop.

Several individuals and organizations extended themselves to help organize the **Open Forums**, committing time and resources to ensure wide participation and candid discussion and feedback. The Task Force acknowledges here the valuable support provided by the following organisations and institutions - Anveshi Research Centre for Women's Studies, Hyderabad; SAKHI Trivandrum; the Centre for Women's Development Studies, New Delhi and Lady Shri Ram College, New Delhi. Many individuals also gave of their time including:

Dr. A. Suneetha, Anveshi Research Centre; Ms. Chitra L, Research Officer, Kerala State Higher Education Council; Dr. Arvinder Ansari, Associate Prof. and Provost, Jamia; Dr. Bulbul Dhar James, Director, SNCWS, Jamia; Ms. Simi Malhotra, Coordinator, Outreach Program, Jamia; Mr.T P Sreenivasan, Executive ViceChairman, Kerala State Higher Education Council; Dr. Sindhu Thulasidharan, University of Kerala; Prof. G. S. Jayasree, University of Kerala; Ms. Mini Sukumar, Calicut University; Ms. Liya Krishnan & Ms. Rekha Raj, Research Scholars, MG University Kottayam; Dr. Muraleedharan, Thrissur; Ms. Swapna Gopinath; Mr. Sumit Jindal & Hardeep Rawat, Lady Shri Ram College; Mr. Sandeep Misra, Data Analyst, CWDS; Mr. Sundaresh, computer assistant, CWDS; Ms. Sheetal Agarwal, Research Assistant, Delhi University; Ms. Sreekumari, WISCOMP.

Dr. Ratnabali Banerjee, Dr. Srinivas and Mr. Gulshan Kumar of the Regional Offices of the UGC went way beyond the call of duty to take forward the work of the Task Force, facilitating dissemination followed by discussions and workshops to elicit responses to the Questionnaire prepared by the Task Force for all HEIs under the ambit of the UGC.

Particular mention must be made of the contribution and assistance of the staff of the CWDS and Lady Shri Ram College (LSR), New Delhi, to the work of the Task force. Thanks are also due to the several Women's Development Cells (WDCs) and Women's Studies Centres of colleges and universities for candidly sharing the experiences and challenges of their work on the ground.

It is our hope that this Report will generate the much needed follow up action on campuses to ensure safety, gender sensitization and zero tolerance for harassment and gender based violence in the landscape of Higher Education in the country.

The recommendations of this Report are based on the principles of Equality and Justice guaranteed by our Constitution and draw on the Rights to Dignity, Bodily Autonomy and Integrity, enunciated in the Bill of Rights for Women in the Justice Verma Committee Report of January 2013. To all those who envision universities and colleges as spaces where education can transform attitudes, perceptions and practices to nurture both equality and freedom for all sections, particularly women, this Report, we hope, will provide a useful reference point.

List of Members of the Task Force

1.	Dr. Meenakshi Gopinath, Member, UGC	Chair
2.	Prof. Mary E. John, CWDS, New Delhi	Co-Chair
3.	Prof. Yogendra Yadav, Member UGC	Member
4.	Prof. Uma Chakravarti, University of Delhi	Member
5.	Prof. Gopal Guru, JNU, New Delhi	Member
6.	Prof. Wasbir Hussain, CDPS, Guwahati	Member
7.	Prof. Sanjay Srivastava, IEG, Delhi	Member
8.	Prof. Susie Tharu, EFLU, Hyderabad	Member
9.	Dr. Kulwinder Kaur, Jamia Millia Islamia .	Member
10.	Dr. (Mrs.) Archana Thakur, DS, UGC	Coordinator

Inducted Members:

1. Dr. Minoti Chatterji, Kamla Nehru College, New Delhi.
2. Dr. Janaki Abraham, Delhi School of Economics, Delhi
3. Prof. Ayesha Kidwai, Jawaharlal Nehru University
4. Ms. Anjali Bharadwaj, Satark Nagarik Sangathan, Delhi

EXECUTIVE SUMMARY

I. Introduction

Institutions of higher education in India today are at a critical juncture in relation to the basic ideals of equality enshrined in the Constitution. The recent expansion in higher education has made colleges and universities more demographically democratic than ever before, with growing diversity and heterogeneity among social groups. Women constitute 42 per cent of all students in higher education in India today. At the same time this closing gender gap hides on-going inequalities and disparities among women and men, which can only be approached with an intersectional analysis that combines gender with region, class, caste, religion, ability and sexuality among others. As institutions of higher education engaged in teaching, research and the spread of knowledge, (Higher Educational Institutions (HEIs) are well placed to reflect on, become sensitized to and oppose all forms of discrimination and harassment, especially sexual harassment on campuses across the country. Claims of equality, dignity and the ability to live, work and study without fear of harassment are intrinsic ingredients of this moment.

Following the gang rape of December 16, 2012 in the city of Delhi and the widespread protests that followed, there has been a new phase of public awareness about the nature and extent of sexual violence in the country and the targeting of students more specifically. There is also more awareness of the misogyny prevalent in contemporary society. As more and more students access higher education in the hope of upward mobility, expanded knowledge and independent futures, the spectre of violence has come to mar the everyday lives and aspirations of the youth. Numerous cases of sexual violence are coming to light, whether it be in metropolitan India or in seemingly more backward locations.

This is the context within which the UGC set up a Task Force to explore the current situation prevailing on campuses across the country in relation to the safety of women

and youth more generally. The Task Force was asked to examine the situation with a view to assess shortcomings both at the level of gender sensitization and sexual harassment related redressal systems, and to suggest measures to redress this.

The deliberations took place against the backdrop of the Convention to end all Forms of Discrimination against Women (CEDAW), the establishment of Vishaka guidelines in 1998 by the UGC, and, more recently, the Justice Verma Committee Report and especially its Bill of Rights. Since the constitution of the Task Force, the Sexual Harassment at Workplace Act has been passed and so has been the Criminal Amendment Bill 2013.

II. Survey through questionnaires among universities and colleges under UGC

In order to determine the status of affairs among the universities and colleges under the purview of the UGC, the first task undertaken by the Task Force was to prepare a questionnaire eliciting information which was sent out by the UGC. About 1,300 questionnaires were received and analysed. The best represented region was the South and the least was the North. It was obvious from the way in which most questionnaires were answered that the authorities were either defensive or in denial over issues pertaining to gender discrimination and sexual harassment on their campuses. The few who answered with some care provided insights into the problems that they faced. Very few colleges have committees functioning according to clear guidelines and face shortcomings in their functioning. These institutions also said that they are unclear about how to deal with issues of sexual harassment and sought clarity from the UGC. Several institutions declared that the absence of a complaint of sexual harassment implied that they were gender equal institutions. Other institutions left all issues of harassment to women's development cells. The Report provides a more detailed analysis of the different views expressed through the questionnaires (See Section II). Women's colleges answered the questionnaire as though issues of gender equality did not apply to them. Therefore it became evident that there is an urgent need to provide all institutions under the UGC with clear guidelines for addressing sexual harassment and for suggestions as to how to improve gender equality on their campuses.

III. Open Forums

The Task Force also undertook visits to different cities and universities and conducted Open Forums with face to face interaction with students, faculty and staff, and also met with senior administrators including Vice Chancellors and Principals (see Section III and Appendix 4). This provided valuable first hand inputs into the problems being faced by sexual harassment committees, the widespread harassment that has become a constant aspect of student life, and the many related problems that are preventing women students from being able to live and study with a sense of dignity, respect and security. Several infrastructural shortcomings were also evident, from lighting to toilets and hostel accommodation. Security guards are often part of the problem in terms of their attitude and behaviour and do not inspire trust. It became clear that securitization and protectionist approaches will not provide safety on campuses. Issues of excessive monitoring, and problematic forms of protecting women students through discriminatory hostel timings, imposition of dress codes and so on came to light. Many of the issues that emerged through the interaction of the Task Force members through these open forums have been discussed in detail in the Report. The Open Forums were widely hailed by all those who participated in them and it was recommended that these be replicated in other universities and even be considered as an annual event to raise awareness among all members of the campus community.

IV. Gender Sensitization

A major finding and deep concern for the Task Force has been that the weakest aspect of our institutions of higher education is their lack of gender sensitivity. This is evident from the mode in which the questionnaires were answered (one cannot speak of course of the many institutions who did not answer them) as well as the Open Forums. This means that there is a widespread culture of not speaking out on issues, one which affects the more socially and institutionally vulnerable students the most.

Gender sensitization is not a matter for students alone but is required in all colleges and universities, and for all sections of the community - students, faculty in all disciplines, support staff and administration.

Gender equality is not addressed in most campuses whether in the classroom or beyond. There is a definite need to work towards a positive interpersonal climate on campuses. Furthermore there is considerable confusion on the subject of discrimination and harassment, where women are usually the first to be blamed or where constraining their movements is thought of as the solution. Basic rights to dignity and respect are also not sufficiently in evidence. There is confusion and ignorance about women's rights, questions of sexuality, interaction among peers, norms of masculinity and femininity, and an understanding of the diverse and heterogeneous composition of college and university campuses.

To provide a concrete means for addressing gender sensitization on campuses, the Task Force has provided a **course module on gender sensitization** in this report that could be disseminated and used as a possible model. The different sections of the course address citizenship and rights, the nature of power, the problem of violence, countering sexual harassment and issues of equality and freedom.

This section of the report also provides **outlines of a series of workshops on gender, masculinity, issues pertaining to sexual harassment and knowledge about the law and rights**. These workshops could be tailored according to the groups being sensitized. HEIs are encouraged to draw upon existing experts in the field to use these formats to sensitize all members of their campuses on issues pertaining to gender, sexual harassment, laws and rights.

V. Sexual Harassment in Universities and Colleges

This section of the report contextualises the basic perspectives and principles that must guide all HEIs in their task of addressing and redressing sexual harassment on campuses against the background of the Vishaka guidelines, and now the Sexual Harassment at Workplace Act 2013. **The Report has emphasized that, in the context of institutions of higher education, the nature of combating sexual harassment as an alternative civic redressal system can and must be given its fullest scope**. Universities are not merely 'workplaces' where faculty and nonteaching staff are employed but are places where students come to learn and be trained for their professional careers, and

to realise their full potential as individuals. It is therefore imperative that all students, particularly women students, are provided with a safe and dignified environment in which they are able to achieve these goals, because only then will they be able to realise the constitutional promise of equality. The goal of Sexual Harassment policy is to end the problem faced by the student/employee through an internal system of relief that is easy to access, and thereby to provide an effective remedy to the aggrieved complainant as quickly as possible so that s/he can continue to study and develop without further impediments. The larger perspective guiding sexual harassment policy is to be educational, preventive, corrective and, when punitive, to carry out processes following a complaint with sensitivity, rigour and justice.

The broad principles and guidelines to be followed have been laid out in the report and are as follows: **Confidentiality** (both with regard to the details of the complaint and the identity of the complainant the absence of which is the biggest impediment to coming forward), providing a context of **non-coercion** as well as interim relief, **fair enquiry** in terms of procedures and the composition of the complaints committee, including recognizing that existing rules will require updating from time to time to be in consonance with the law of the land, and an approach that is oriented towards redressal and being **educational**. **Committees must be representative of the entire community of an HEI, and the administration must to be seen to be endorsing practices of zero tolerance towards sexual harassment**.

The Task Force recognizes that all women and some men can become targets of sexual harassment and violence. Such **vulnerability is compounded by other axes of discrimination and exploitation, based on class, rural location, caste, minority identity, sexuality and so on**. Many of these remain **invisible or stigmatized** and therefore sensitivity must be developed to enable students and staff who are especially vulnerable in these ways to come forward and seek redressal in an atmosphere of trust.

There are also specific structural contexts in HEIs that render particular groups more vulnerable in ways that are often invisible. The first of these are **people with disabilities** who are placed in relations of unique dependency for their basic needs, and which is open to abuse. Secondly special mention must be made of **research students** who are studying and working under a supervisor. Given the singular power that such faculty can have over the future of such students, an **ethics of supervision**

that prevents the abuse of power through sexual harassment is required. Finally, mention needs to be made of students, teachers and staff in the pure sciences, where the perceived gender neutrality in the teaching practices of the sciences can make it harder to recognize social problems and power relations. Research undertaken in a collaborative mode, involving significant funding can also compound dependency on supervisors which is open to the abuse of power. Working in laboratories with long hours and in relatively isolated conditions requires measures that render them safe for women to work in with a sense of security.

Among the staff and faculty, **contract workers, junior faculty, ad hoc or temporary teachers are in vulnerable forms of employment** and are therefore also susceptible to harassment. Gender sensitization measures must also be extended to such groups.

Intimate partner violence must also be recognised and addressed as a valid and critical Sexual Harassment issue. Sensitivity here is of the utmost importance, including the requirement of counselling, if necessary for both parties in a complaint.

VI. Recommendations

As required by the TOR laid down to the Task Force by the UGC, this Report concludes with a number of strong recommendations for further action.

1. **Setting up a Gender Sensitization Unit** within the UGC. This will act as a nodal division to give effect to the policy of zero tolerance of gender based violence on campuses of colleges and Universities.
2. **The Problem of Protectionism:** Campus safety policies should not result in securitization, such as over monitoring or policing or curtailing the freedom of movement, specially for women.
3. **Gender Sensitization:** ALL members of higher educational institutions must undergo processes of gender sensitization, whether students, faculty, administration or support staff. All students must undergo some course or workshop during their period of study. Promotions for staff and faculty should be contingent on participation in gender sensitization programmes.

4. **Sexual Harassment:** All HEIs must formulate guidelines for dealing with sexual harassment in their respective institutions, whether they be autonomous, affiliating, co-educational or women's colleges. The proposed UGC unit on gender sensitization will provide a template to help institutions in this regard and allay fears of non-compliance.

   HEIs must become sensitized to those whose social or structural location renders them especially vulnerable to sexual harassment, whether among students or staff.

5. **Preparation of a UGC Booklet:** A handbook on sexual harassment and gender sensitization to be prepared for all faculties.

6. **Preparation of Courses and Workshop Modules:** A model Gender sensitization course has been prepared and a series of workshops on gender, masculinity, sexual harassment, rights and the law have been suggested. All Refresher courses must have a gender component including issues relating to sexual harassment.

7. **University Services and Infrastructure: Counselling** services must be professional and provided on a full time basis. The provision of **sufficient lighting** in and around campuses, **reliable public transport, toilet facilities and health (including sexual health)** are necessary requirements for women's security and freedom from harassment. **Hostel accommodation** must be enhanced for women students. A requisite number of **female security personnel** are required and all security staff must be gender sensitized.

8. **Women's Studies Centres/ Women's Development Cells**

   Women's studies centres in universities and women's development cells in colleges must be strengthened and provided the means to function autonomously. At the same time they should be enabled to work together with gender sensitization cells and committees on campuses on educational and preventive work.

9. **Recommended Projects/ Research**

   Collation of existing materials and mapping exercises can be undertaken including prioritizing research proposals concerning sexual harassment and violence in universities and colleges.

10. **Regulatory Aspects:** The NAAC in its assessment and accreditation procedures must build in an essential gender audit component as part of the evaluation process. Promotions of faculty and staff to be contingent upon participation in gender sensitization programmes.

I. INTRODUCTION

1.1 Higher Education and Gender in Contemporary India

Colleges and universities are complex institutions engaged in the education of future generations. Institutions of higher education today are more diverse than ever before, and, in terms of numbers, also have a growing proportion of women among their ranks. To this extent these are institutions that may be the closest to fulfilling the potential of India's ideals of equality and social justice. Furthermore, members within these institutions are in a position to reflect on existing hierarchies and differences, oppose the growing prevalence of violence, especially sexual violence and harassment, and impart ideals of rights, dignity and respect.

Nothing less than a quiet revolution has been taking place in institutions of higher education in recent years. In terms of growth and expansion the current situation is unprecedented. There has been much discussion within the UGC and among educational experts about the extent and scope of current expansion, and especially about the accuracy of some of the numbers put out from various sources, such as the Select Educational Statistics, the Census and the various rounds of the National Sample Survey Organisation. Without getting into the details, it is enough to go with the figures put out by the UGC itself on the eve of the Twelfth Five Year Plan (2012-17), with 31,935 higher educational institutions as of August 2011. Out of these just over 600 are universities. The total enrolment is approximately 13 million in colleges and 2 million in universities. (Given all the problems of getting accurate figures and knowing full well about the number of existing and functioning institutions that are not recognised, the actual numbers would be somewhat higher.) In other words, there is no gainsaying the enormous expansion that has taken place, much of it very recent. Indeed, even anecdotally we can vouch for the mushrooming of higher educational institutions of all kinds across the country, some with state financing and many more from private sources. The most common higher educational institution

is the undergraduate college with its arts, science and commerce faculties, and this is reflected in the proportion of students - 42 per cent are Arts, 19 per cent Science, 18 per cent Commerce, 4 per cent Education, and 10 per cent Engineering, 3 per cent Medicine, 2 per cent law, to take only the most prominent.

Out of total enrolment, on average 42 per cent are women, and in many states they are in the majority. In comparison to the figure of 10 per cent at the time of independence, this situation of near parity at the demographic level is a significant aspect of the revolution that has been underway, one that has been growing at a heightened rate in the last decades. Gross Enrolment Ratios of young people in the age group 18-22 years from different social groups using National Sample Survey data for the year 2007-08, give the following picture: Urban (19 per cent) and Rural (11 per cent), Scheduled Caste (12 per cent), Scheduled Tribe (7.7 per cent), OBCs (14.7 per cent) and upper castes (26.64 per cent). Muslims have an enrolment ratio of 9.5 per cent. Though there is no macro data on people with disabilities, here too there has been positive change even if the numbers are small. Other groups that remain overwhelmingly invisible are sexual minorities, who are very vulnerable to discrimination and harassment. In urban India, upper caste youth have crossed 35 per cent enrolment levels with parity between men and women in terms of overall enrolment. There is therefore a complex combination of uneven representation together with very significant rates of growth in enrolment from social groups that even as recently as 20 years ago were effectively marginalised if not excluded from higher education. It is therefore necessary to adopt an intersectional analysis such that gender, class, caste, region, religion, disability and so on, are not treated as stand-alone categories or aspects of identity.[1]

What these numbers are telling us, to put it simply, is that the much cited demographic dividend representing the youth of our country are placing their faith in higher education more than ever before in Indian's history. Families are sending their daughters and sons to college or university for several years, sometimes at considerable cost to themselves, in the hope of a new and better future. Huge aspirations for change are therefore being incubated in HEIs in India today. Claims of equality, dignity and

[1] For further details see Mary E. John "Gender and Higher Education in the Time of Reforms", *Contemporary Education Dialogue,* vol.9, no. 2 July 2012.

the ability to live, work and study without fear of harassment are intrinsic ingredients of this moment.

1.1.2 HEIs and Gender Equity, Safety and Sensitization: Some Issues and Concerns

The responsibility of universities (and colleges) as modern educational institutions is not only to treat women students and all youth regardless of gender as citizens who have a right to safety but to assist them physically, emotionally and intellectually to claim that right and seek to expand its contours. Every effort also needs to be made to provide the college and university community with an atmosphere in which education (in both 'universes' of citizenship and of knowledge) can be freely and fearlessly pursued. In more senses than one, these educational spaces need nurturing, to enhance capacity to anticipate new realities and set the terms of a truly democratic, liberatory discourse for society at large.

Social conditions vary from state to state and the composition of university and college communities displays distinct patterns depending on their size, type and location and how entrenched feudal and patriarchal tendencies are in a particular milieu. **At the same time, the vulnerability of women seems to be pervasively high[2] (see Appendix 3). There are signs of widespread misogyny in contemporary society as women from all groups and regions seek to realise their full potential, especially through education and higher education**. The need is to build self-correcting mechanisms in our society but more especially in institutions of Higher Education. The Constitution needs imaginative interpretation in terms of contemporary conditions and contemporary morality, and the role of HEIs in this enterprise remains crucial. Bodily Autonomy and the Right to Dignity are the core principles around which a contemporary discourse needs to be strengthened. Combating gender based inequities, discrimination and all forms of violence against girls and women has been accorded overriding priority in the Twelfth Plan. This is seen as essential in enabling women to

[2] The National Crime Records Bureau (NCRB) data (although conservative and based on the number of FIRs filed in police stations) showed 24, 923 rape cases, 45,351 cases of molestation and 9,173 cases of verbal harassment of women for the year 2012. See **Appendix 3**.

participate fully in development processes and in fulfilling their social, economic, civil and political rights. Otherwise the potential for genuine democracy and the lessening of structural inequalities through the social mobility promised by access to higher education may remain unfulfilled

Given the realities of a heterogeneous and diverse student body, purely punitive approaches to issues of the 'safety' of women and gender sensitization serves little purpose in terms of meaningful intervention however "well intentio ned" they may be. Instead approaches must be educative, preventive and correctional.

The issue of violence against women on campuses in particular is situated in the larger contexts of the multiplicities of inequities that are only beginning to be redressed. Modes of inclusion therefore do not preclude experiences of alienation, isolation and resentment among students and staff. Moreover, colleges and universities are spaces in which people with different ideas and patterns of socialization about gender issues interact. Cultures of inclusion and sensitivity to diversity become an important pre-requisite to respond to violence of all kinds and more especially when women are targeted. Gender justice on campuses is clearly not an 'isolated operation' requiring quick fix solutions, but an exercise involving a perspectival shift that is able to set down norms of respect, nondiscrimination and the unacceptability of any abuse of power, along with robust processes of debate, discussion and dialogue. This has to be the purpose of a new pedagogy within which issues of gender justice are seen as an integral part - not as 'women's issues' to be ghettoized or added on to academic or curricular agendas as a 'requirement' or afterthought.

Yet, some immediate measures can be taken to 'arrest the tide' of violence that has lately assumed alarming proportions on campuses, as the incident of attempted murder and suicide in a Central University in July 2013 has demonstrated.

A non-discriminatory non-threatening ethos that respects entitlements in universities can also help overcome the reticence and the fear of reprisals that the action permitted against "false, malicious and frivolous complaints" (by the Sexual Harassment Act) could evoke. The responsibility that this clause does not serve as protection for the guilty rests with the HEIs. The transparency and fair mindedness with which they handle power hierarchies and the power dynamics within their increasingly

heterogeneous communities, will have a decisive impact on the constitutional rights that they must strive to protect, of all sections (especially women) at all times.

1.2 Sexual Violence and Harassment in the Contemporary Context

The brutal rape in New Delhi on December 16, 2012 of a 23 year old student evoked a public outcry and sparked massive protests. Debates and discussions nationally and globally served as yet another grim reminder of the range of violence that women - regardless of their location - confront on an everyday basis. It is not accidental that this young woman was a student. The intensity of the demonstrations that were mostly spontaneous (not spearheaded by political formations or their leadership) brought home the ability and tenacity of a large group of young people irrespective of their own political, social or other affiliations to demand reform, accountability and responsibility of those in charge of providing for the safety and security of citizens, particularly women. Since that particular event, there has been a greater awareness of the extent of the violence that women contend with, from the most everyday to the more exceptional. Moreover, it has become apparent that, for a welter of reasons, most forms of violence do not receive either attention or justice. Right next to the capital city in the neighbouring state of Haryana a series of violent acts of rape and murder have been taking place with frightening regularity, too many of them young girls and women, school or college students, many of them Dalit or OBC. Their aspirations are no different from the December 16 victim, even though they have not sparked the same level of protest.

These cases are helping to unpack layers of the debate around issues of gender and misogyny that had become 'invisibilized' in public discourse over the years. A positive fall out of some of the 'official' responses that followed was to situate the debate within the frame of Rights and claims to 'gender' justice and equality. These were given an early fillip by the UN Convention to End all forms of Discrimination Against Women (CEDAW) in 1979 to which India became a signatory in 1993.

Those who "occupied" Raisina Hill and caught officialdom by surprise were by and large seeking the articulation and validation of a discourse that gave clarity and guidance so that out of all the sloganeering the message emerged to deliver Justice and

not vengeance. While addressing the pervasiveness of gender based violence, structures of patriarchy and deep misogyny in society, it was vital to move away from the notion of women as 'victims' needing 'protection', recognise the sources of their vulnerability and demand that the institutions meant to safeguard women's rights be made accountable.

1.3 Vishaka Guidelines, Justice Verma Committee

1.3.1 In its landmark judgment in 1997 (following Vishaka vs. State of Rajasthan), the Supreme Court had for the first time, acknowledged sexual harassment against women as a human rights violation, and outlined **guidelines** making it mandatory for employers to provide for sympathetic and **non-retributive** mechanisms to enforce the right to gender equality for working women.

The Vishaka Judgment was rightly seen as a major victory after years of sustained and relentless campaigning by women's groups, activists and academicians (see **Appendix 1b**). It was spurred by the infamous Mathura and the Rameeza Bee Rape cases in the late 1970s and the Bhanwari Devi case in 1995, (in which a village worker or Sathin of the Women's Development Programme in the State of Rajasthan was raped for trying to stop a child marriage from taking place by male family members, and which became the basis for the subsequent Supreme Court case). The Vishaka guidelines were created in order to make criminally culpable forms of sexual violence and harassment that were prevalent in places of work. Yet, nearly 16 years later, on October 29, 2012 the Supreme Court of India expressed its dismay that the Vishaka guidelines on sexual harassment in the workplace were followed more in breach than in substance and spirit by state functionaries[3].

1.3.2 **The Justice Verma Committee** set up in the wake of the December 2012 tragedy

[3]The data of a survey conducted in late 2012, by Prof. Reicha Tanwar, Director, Women's Studies Research Centre, Kurukshetra University of 200 institutions of Higher Education in the country on the status of committees set up to deal with complaints of sexual harassment reveals that while there is a proforma 'formalistic' compliance on setting up some mechanism, there is little clarity on the purpose/scope of their work. With a few glaring exceptions, the responses to questionnaires revealed little commitment to initiatives for sensitization or gender awareness on the campuses surveyed.

in its path breaking report (hereafter referred to as the Verma Committee Report) of January 23, 2013 on *Amendments of Criminal Law* pushed the envelope of jurisprudence on the issue of gender justice in hitherto unprecedented ways. In a scathing criticism of prevalent structures of criminal justice delivery within a largely patriarchal society, it placed the onus to provide "Adequate Safety Measures and Amenities in Respect of Women" squarely on the state and its various functionaries (pp 260 - 272). In addition to 14 Chapters on suggested reforms and 11[4] Appendices, its Conclusions and Recommendations provide some valuable inputs to the imperative that "the equality of women, being integral to the constitution, its denial is a sacrilege and a constitutional violation. Sustained constitutional violations mean that governance is not in accordance with the Constitution. *A fortiori,* all limbs of the state - the executive, the legislature as well as the judiciary - must respect women's rights and must threat them in a "non-discriminatory manner" (Verma Committee Report, p 415). ***The Bill of Rights*** proposed by the Report (pp 429 - 433, **Appendix 5**), and chapter 14, on ***Education and Perception Reform,*** **Appendix 6**) have been appended to this Report as providing perspectives significant to the work of this Task Force.[5]

[4] Chapter One -Constitutionalism, Republicanism, and Gender Equality, p 24, Chapter Two - Gender Justice and India's Obligations under International Conventions, p 57, Chapter Three - Rape and Sexual Assault, p 70, Chapter Four - Sexual Harassment at the Workplace, p 119, Chapter Five - Other Offences against Women, p 142, Chapter Six - Trafficking of Women and Children, p152, Chapter Seven - Child Sexual Abuse, p 200, Chapter Eight - Khap Panchayats and Honour Killings, p 225, Chapter Nine - Sentencing and Punishment, p 234, Chapter Ten - Provision of Adequate Safety Measures and Amenities in respect of Women, p 260, Chapter Eleven - Medico-Legal Examination of the Victim, p 272, Chapter Twelve - Police Reforms, p 312, Chapter Thirteen - Electoral Reforms, p 340, Chapter Fourteen - Education and Perception Reform, p 383.

[5] There are specific exhortations here to building alternative perspectives and perceptions in the education space e.g. 1) preventing stereotyping and 'blinkered' acculturation, 2) interrogating cultures of 'replication and consensus' in the context of caste and gender, 3) notions of manhood and masculinities and women as the repository of 'honour', 4) received structures of power and entitlement, 5) Recognizing discrimination, 6) abuse of age, authority, power and position by teachers/mentors in the education space, 7) asymmetrical power relations 8) prevalence of transgressions, verbal abuse, and violence and harassment in schools and educational institutions, 9) the need for sexuality education, 10) Psycho-social effects of abuse, 11) Problematic construction of identities 12) kinds of peer pressure, 13) forms of corporatization impinging on autonomy and creativity in the education space, 14) intolerance of alternative sexualities 15) need for 'alternative' life skills training etc.

1.4 Sexual Harassment at the Workplace Act 2013

With the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act 2013, (Sexual Harassment Act) in April 2013, the notion of bodily integrity as explicated in the Verma Committee's **Bill of Rights for Women**) has been given legal sanctity. Sexual harassment is now considered as a violation of the fundamental right of a woman to equality as guaranteed under Article 14 and 15 of the Constitution of India and her right to life and to live with dignity as per Article 21 of the Constitution. It has also been considered as a violation of a right to practice or to carry out any occupation, trade or business under Article 19 (1) (g) of the Constitution which includes a right to a safe environment free from harassment.

The definition of sexual harassment in the Act of 2013 is broadly in line with the Apex Court's definition in the Vishaka Judgment.[6] It also stipulates that a woman shall not be subjected to sexual harassment at *any* workplace. As per the statute, presence or occurrence of circumstances of implied or explicit promise of preferential treatment in employment; treatment about present or future employment; interference with work or creating an intimidating or offensive or hostile work environment or humiliating treatment likely to affect the woman employee's health or safety may all amount to sexual harassment.

The broad definition of the 'workplace' gives the Sexual Harassment Act a very wide ambit. The statute, inter alia, applies to government bodies, public and private sector organizations, NGOs, organizations carrying on commercial, vocational, educational entertainment, industrial and medical activities including **Educational Institutions**, Sports institutions and stadiums used for training individuals. As per the Sexual Harassment Act, a workplace also covers within its scope places visited by employees during the course of employment or for reasons arising out of employment

[6] This includes any unwelcome sexually determined behaviour (whether directly or by implication) such as physical contact and advances, demand or request for sexual favours, sexually coloured remarks, showing pornography, or any other unwelcome physical verbal or non-verbal conduct of a sexual nature. See 'India's New Labour Law', Nishith Desai Associates, Veena Gopalakrishnan, Ajay Singh Solanki and Vikram Shroff, April 30, 2013.
Source: http://www.mondaq.com/india/x/238076/Discrimination+Disability+Sexual+Harassment/Indias+New+Labour+Law+Prevention+Of+Sexual+Harassment+At+The+Workplace

- including transportation provided by the employer for the purpose of commuting to and from the place of employment.[7]

The definition of 'employee' under the Sexual Harassment Act is fairly wide and covers regular, temporary, ad hoc employees, individuals engaged on daily wage basis, either directly or through an agent, contract labour, co-workers, probationers, trainees and apprentices, with or without the knowledge of the principal employer, whether for remuneration or not, working on a voluntary basis or otherwise, whether the terms of employment are express or implied.

The Sexual Harassment Act requires an employer to set up an **Internal Complaints Committee ("ICC")** at each office or branch of an organization employing at least 10 employees. The Sexual Harassment Act also sets out the constitution of the committees, the process to be followed for making a complaint and inquiring into the complaint in a time bound manner. It also empowers the ICC to recommend to the employer, at the request of the aggrieved employee, interim measures such as (i) transfer of the aggrieved woman or the respondent to any other workplace; or (ii) granting leave to the aggrieved woman up to a period of 3 months in addition to her regular statutory/ contractual leave entitlement.

The Act mandates that the employer or the person designated in-charge of any workplace nominate an Internal Complaints Committee (ICC) for every branch of the workplace that employs more than ten persons. One-half of the total members of the ICC must be women, and it must comprise: (a) a woman Presiding Officer, chosen from amongst the employees of the workplace and necessarily employed at a senior level: (b) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge; (c) one member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

[7] Section 2(o), Sexual Harassment Act, 2013. Two excellent presentations of the Act and its interpretations are available at sources:
http://www.slideshare.net/RohitNaagpal/prevention-and-prohibition-24169664
http://www.slideshare.net/sukanya.patwardhan/law-the-sexual-harassment-of-women-atworkplace?utm_source=slideshow02&utm_medium=ssemail&utm_campaign=share_slideshow_loggedout

A Flowchart showing the process for Complaint and Inquiry is at **Appendix 2**. It depicts in brief, the process to be followed by the aggrieved employee to make the complaint and by the employer to inquire into the complaint. The law allows female employees to request for **conciliation** in order to settle the matter although a monetary settlement **should not be made** as a basis of conciliation. (See **Appendix 13** for details on conciliation.)

In addition to ensuring compliance with the other provisions stipulated, the Sexual Harassment Act casts certain **obligations upon the employer** to, inter alia,

i. provide a safe working environment
ii. display conspicuously at the workplace, the penal consequences of indulging in acts that may constitute sexual harassment and the composition of the Internal Complaints Committee
iii. organise workshops and awareness programmes at regular intervals for sensitizing employees on the issues and implications of workplace sexual harassment and organizing orientation programmes for members of the Internal Complaints Committee
iv. treat sexual harassment as a misconduct under the service rules and initiate action for misconduct.
v. The employer is also required to monitor the timely submission of reports by the ICC.

If an employer fails to constitute an Internal Complaints Committee or does not comply with any provisions contained therein, the Sexual Harassment Act prescribes a monetary penalty of up to INR 50,000. A repetition of the same offence could result in the punishment being doubled and / or de-recognition.

The government is in turn required to set up 'Local Complaints Committees' ("**LCC**") at the district level to investigate complaints regarding sexual harassment from establishments where the ICC has not been constituted.

The ICC also needs to involve a member from "**amongst non-governmental organizations** or associations committed to the cause of women or who have had experience in social work or have legal knowledge."

The law allows the employer to initiate action against the complainant in case of a "false or malicious complaint". This provision, although meant to protect the employer's interests, is likely to prove a deterrence to reporting such incidents and filing complaints, which may in turn defeat the purpose for which the law has been enacted.

In case the allegation has been proved, the Sexual Harassment Act allows the ICC to recommend to the employer to deduct from the respondent's salary such sums it may consider appropriate to be paid to the aggrieved woman[8].

The Sexual Harassment Act only addresses the issue of protection of women employees and is not gender neutral. Male employees, if subjected to sexual harassment, cannot claim protection or relief under the law[9]. However, many guidelines against sexual harassment in universities have taken the next step to becoming gender plural. They recognise that men can be subjected to sexual harassment beyond ragging incidents, especially if they are identified as belonging to a sexual minority. Such cases also require all the efforts of educational, corrective and if necessary punitive responses through proper procedures.

The Criminal Law (Amendment) Act 2013, took the historic step of amending the Indian Penal Code (IPC) to also include several other new offenses (in addition to rape) such as causing grievous hurt through aid attacks, sexual harassment use of criminal force on a woman with intent to disrobe, voyeurism and stalking as inviting punishment. Importantly the Act further amended the IPC to criminalize the failure of a public servant to obey direction under law. It has also made the non-treatment of a raped woman by any public or private hospital an offence. While the Criminal Law (Amendment) Act has introduced long overdue changes in the law, it is recognized that this can be seen as but a first step in the long journey to ending violence in India through criminal law governance and police reforms and last but not least, **Curricular Reform.**

It is here that institutions of Higher Education can and must play a pivotal role in effectively combating the entrenched patriarchal practices/structures and mind sets and the corresponding cultures of impunity and silence that sustain them,

[8] This may require certain corresponding changes to the Payment of Wages Act, 1936 of India, which restricts the nature of deductions that may be made from an employee's salary.
[9] Ibid.

and conspire/militate against gender justice and perpetuate pervasive violence in society.

1.5 Establishment of the UGC Task Force and its TOR

The Task Force was set up on January 8, 2013 Vide Office Order No. F.1-67/2013(Cm.) by the Chairman, UGC (**Appendix 1a**). It comprised the following members:-

1.	Dr. Meenakshi Gopinath, Member, UGC	….	Chair
2.	Prof. Mary E. John, CWDS, New Delhi	….	Co-Chair
3.	Prof. Yogendra Yadav, Member UGC	….	Member
4.	Prof. Uma Chakravarti, University of Delhi	….	Member
5.	Prof. Gopal Guru, JNU, New Delhi	….	Member
6.	Prof. Wasbir Hussain, CDPS, Guwahati	….	Member
7.	Prof. Sanjay Srivastava, IEG, Delhi	….	Member
8.	Prof. Susie Tharu, EFLU, Hyderabad	….	Member
9.	Dr. Kulwinder Kaur, Jamia Millia Islamia	….	Member
10.	Dr. (Mrs.) Archana Thakur, DS, UGC	….	Coordinator

1.5.1 The Terms of Reference of the Task Force are the following:-

(i) To analyse and assess the extent to which the existing arrangements for safety of women, both students and employees in particular, and youth in general, are adequate on the campuses of the institutions;

(ii) To identify short comings in the existing systems and to suggest measures to put in place strong safeguards.

(iii) To evaluate grievance Redressal mechanisms for gender specific concerns and to suggest measures to strengthen them;

(iv) To suggest academic measures and action programmes to bring about changes in practices and attitudes within society towards recognizing the fundamental right to gender equality;

(v) To suggest how gender education and sensitization can be made an integral part of the university curriculum in all subject domains;

(vi) To suggest how awareness of gender sensitive issues can be made an essential eligibility criterion in the future recruitment of university staff -both teaching as well as non-teaching.

Prof. Yogendra Yadav and Prof. Wasbir Hussain being unable to participate in the deliberations owing to existing commitments, the Task Force co-opted four more members with wide experience and expertise in working on issues relating to gender justice and violence against women. They include:

1. Dr. Minoti Chatterji, Kamla Nehru College.
2. Dr. Janaki Abraham, Delhi School of Economics, Delhi
3. Prof. Ayesha Kidwai, Jawaharlal Nehru University
4. Ms. Anjali Bharadwaj, Satark Nagarik Sangathan, Delhi

In addition to scheduled meetings a series of consultative meetings, site preparatory visits and campus interactive visits were conducted by the members (see **Appendix 4**).

Detailed deliberations at the very inception informed the Methodology that the Task Force adopted which could serve as future praxis for the follow up on the recommendations in this Report.

1.5.2 Orientation and Methodology

There was broad consensus that several recommendations of the Verma Committee Report provide extremely valuable perspectives that the Task Force could draw upon that are both unprecedented and path breaking. In addition, the promulgation of The Sexual Harassment Act in April 2013 and the Criminal Law Amendment Act add a further imperative to compliance on the part of HEIs in particular. The Report of the

Task Force is premised largely on the constitutional guarantee of **equality** for gender justice. It also draws on the current discourse on women's entitlements and Rights to *bodily integrity, dignity, work, and Equality of Access to Education.*

Universities need to be particularly familiarized with the proposed **Bill of Rights for Women** in the Verma Committee Report, (**Appendix 5**) and also the section on *Education and Perception Reform* as set out in Chapter 14 of the Verma Committee Report (**Appendix 6**).

It was agreed that:

1.5.3 The widest possible publicity be given to the existence of the Task Force and its openness to inputs from all sections (and constituencies) of the Higher Education space. To this effect, the UGC website established an on-line response link to solicit inputs, suggestions and concerns. An advertisement was also issued in some national dailies to elicit suggestions of other stake holders in the Higher Education sector.

1.5.4 **Mandatory** responses and feedback from all HEIs (Higher Education Institutes) covered under 2(f) and 12(b) be elicited on a **questionnaire** regarding (a) Existing arrangements for the safety of students, women and employees on campus, the nature of complaints received, and specific safety issues; (b) Gender equality and sensitization measures on campus; (c) gender related courses offered on Campus; (d) Comments and suggestions for the UGC.

1.5.5 Members of the Task Force therefore undertook a number of activities in order to fulfil the TOR. Questionnaires sent out to all HEIs under the UGC and a number of **face to face Open Forums** were undertaken in order to gain some understanding of the situation within HEIs. Members met with senior administrators and consulted with Committees dealing with Sexual Harassment on campuses. The experience of two long standing Committees and their Guidelines in the University of Delhi and the Jawaharlal Nehru University were particularly valuable. (see **Appendix 11 and 12.)** The main chapters of this Report provide feedback and reflections based on these efforts. The Report concludes with a set of recommendations for the UGC.

II. QUESTIONNAIRE BASED SURVEY AMONG UNIVERSITIES AND COLLEGES

2.1 Method of eliciting information from all institutions under the purview of the UGC through questionnaires

The Terms of Reference of the UGC appointed Task Force began by asking the Task Force to assess the extent to which "the existing arrangements for safety of women, both students and employees in particular, and youth in general, are adequate on the campuses of the institutions". Towards this end, the first major method adopted by the Task Force was to prepare a questionnaire to elicit information on existing arrangements for addressing safety, the presence of a policy on sexual harassment, and related issues pertaining to gender sensitization measures on campuses. (The questionnaire has been attached to this Report as **Appendix 7**). In February 2013, with a covering letter from the UGC Chairperson, this questionnaire was sent to all the universities and colleges across the country that come under the purview of the UGC, with the request to fill it in and return it to the UGC within a month. All in all, 1,307 questionnaires were received by May 2013, a majority of which (1,017) were sent via e-mail while the rest (320) were received by post, including 83 universities and a large number of colleges from the southern region. The overall quality of the information received has been extremely uneven, ranging from a relatively small number of institutions that took care to provide honest information, supplemented with further evidence such as their annual reports, while many more unfortunately did not fill out the questions properly or simply declared them to be not applicable. **In fact, we have to place on record that the mode in which many of the questionnaires were filled out betrayed defensiveness on the part of the institution concerned, if not insensitivity and denial**. A handful of institutions did not answer the questionnaire but simply wrote a letter addressed to the UGC Chairperson saying they were taking care of safety related issues, and in some cases provided the names of the members of their complaints committees. Nonetheless, in spite of these limitations, these questionnaires

have opened a window onto the state of affairs among the institutions that the UGC seeks to regulate and therefore the analysis is pertinent. Together with the more in depth Open Forums that were conducted face to face by the Task Force it is possible to make a provisional assessment of the situation prevailing and therefore also to consider what needs to be done.

2.2 Background Information and Rationale

2.2.1 Background Information:

Out of the total number of valid questionnaires received, 83 were universities while the rest were colleges. The universities themselves provide an indication of the extreme heterogeneity that is now in existence, from a few older well established Central Universities in the capital region, some very new Central universities that have just set up their campuses (often in rural areas), a few State universities, and a significant number of private universities. The largest universities with their widespread affiliated college system reported over 2 lakh women students (which are over 50 per cent of the total student body), while the new universities reported only a few hundred women students overall. Among the colleges, 12 per cent were women only colleges while the rest were co-educational. Among the women's colleges several were relatively speaking quite large with 2,000-3,000 students enrolled. On the other hand, among the co-educational institutions the number of women students ranged from a few hundred to a thousand or so. When it comes to their urban or rural location, interestingly, the break up was almost even, with 46.5 per cent located in rural areas. In terms of government and private colleges there was considerable diversity, with proportionately more private institutions responding.

Table 1: Region wise Distribution of State Responses

Region	No of Institutions
North	
Uttar Pradesh	**14**
Uttarakhand	**2**
Himachal Pradesh	**1**
Jammu & Kashmir	**1**
Punjab	**7**
Haryana	**12**
Delhi	**7**
West	
Rajasthan	**33**
Gujarat	**61**
Maharashtra	**275**
Madhya Pradesh	**46**
East	
Bihar	**21**
Jharkhand	**15**
Chattisgarh	**19**
Odisha	**96**
West Bengal	**62**
North East	
Assam	**48**
Arunachal Pr.	**5**
Meghalaya	**6**
Manipur	**4**
Nagaland	**10**
Sikkim	**2**

Tripura	**2**
Mizoram	5
South	
Kerala	90
Tamil Nadu	84
Karnataka	266
Andhra Pradesh	98
Union Territories Excluding Delhi	
Andaman & Nicobar	1
Daman & Diu	1
Puducherry	4
Goa	8
India	**1,307**

By way of the all India distribution of these institutions, Table 1 above provides the overall picture, with states grouped according to broad region --North, Northeast, East, West, South and Union Territories other than Delhi. The considerable unevenness among those institutions that chose to respond is very palpable, with the South overall at one end of the spectrum and the North at the other. (Though we acknowledge that there is a skew in the existing distribution of colleges across the country, with 33 per cent in the South and 10 per cent in the North, this cannot explain the near default on the part of the northern states

overall, or the other patterns among the various states). Two states stand apart from the rest, with Maharashtra (275) and Karnataka (266) providing the highest number of responding institutions. Interestingly these are also the states from which a large number of questionnaires were sent by post, thus belying any claims that those with better electronic facilities were at an advantage. The UGC received information from the UGC director of its Eastern Regional office in Kolkata that a special letter with a copy of the questionnaire was sent to all the colleges of the Eastern region, with a list of these colleges attached. The best respondent in the Eastern region is, surprisingly, the state of Odisha from where 96 questionnaires were received. Andhra

Pradesh, Kerala and Tamil Nadu in the South had responses in the range of 80-100, followed by Gujarat and West Bengal with just over 60. Noteworthy in the North East is the case of Assam with 48 responses, and small numbers from several north eastern states should also be pointed out. The worst respondents by far are in the northern states, with Haryana and Uttar Pradesh just entering double digits with 12 and 14 questionnaires respectively. Delhi received filled questionnaires from several major universities but practically no colleges.

2.2.2 Measures for Ensuring Safety

The first question posed was whether the institutions had received any complaints on the grounds of sexual harassment, transport, lighting, toilet facilities, accommodation and counselling. Most institutions simply answered in the negative. But some of them admitted otherwise and with the following proportions – sexual harassment (7.3%), public transport (8.3%), lighting (14.8%), toilets (22.3%), accommodation (16.5%), health (17.8%), and counselling (10.2%). Thus lack of adequate toilet facilities figures the highest and actual complaints of sexual harassment the lowest. Those who provided details would say, typically, that they had an arrangement with a nearby doctor or clinic or that a doctor visited the campus occasionally (under health). Those who did admit to deficiencies reported that lighting was insufficient (in rural areas this included lack of boundary walls in some cases), that students had to rely on private transport including bicycles or tractors, that there were not enough or no hostels for women students and so on. Under counselling, there were frequent reports that members of the faculty including lady teachers were there to provide counselling where necessary, and some mentioned faculty from the psychology department. Only a miniscule number actually said that they had a full time counsellor on campus.

The next question in this section was an open ended one about existing arrangements on the campus for ensuring the safety of both students and employees. No options were provided, and answers could be multiple. Answers were grouped under various thematic heads. From almost half the institutions (48.5%), by far the most common response was that of having some kind of grievance committee for women (some explicitly called them anti-sexual harassment committees, some clubbed them

with anti-ragging cells which is a distinct UGC directive to all its colleges). In terms of security arrangements the following were mentioned – having CCTV 10.5 per cent (a number of colleges said that they wished to install these and requested for financial assistance to do so), female security guards 18.5 per cent, a vigilance committee 26.6 per cent, and patrolling guards 10.9 per cent (in a few cases colleges reported that their own students and teachers monitored the campuses). 8.3 per cent said they provided a complaint box, a bare 4 per cent had a helpline number and 9 per cent mentioned a separate common room for girls, even separate stair cases in a few cases. Smaller percentages responded with notions of 'value education', lectures and orientation programmes, and counselling as measures for ensuring safety.

2.2.3 Sexual Harassment Policy and Experiences

The next set of questions focused on the existence and use of a policy on sexual harassment. First and foremost it is important to highlight the question –which asked whether they had a **Policy** in the first place. This was an attempt to go beyond vague assertions of compliance. 57.1 per cent answered in the affirmative and 75 per cent out of these provided some information to substantiate their claim. Affiliated colleges often cited the policy of their university (this was particularly common in the case of Maharashtra), others provided information about the composition of the committee (which is not the same thing as having a set of guidelines). But too much reliance cannot be placed on these figures since in some case it was doubtful whether in fact there was any clear policy in place beyond moral statements, anti-ragging statements and such like. **Moreover, there is widespread conflation between the presence of a women's development cell or more rarely a women's studies centre in a particular college or university and a distinct organizational structure to deal explicitly with sexual harassment.**

When probed further as to when the policy was established, 42 per cent answered that it had been established very recently, between 1-3 years, and 51 per cent between 4-10 years, with only a tiny number having more long standing guidelines. (It should be remembered that the UGC sent out a directive after the Vishaka Guidelines came out. A booklet related to the Supreme Court judgement was prepared by the MHRD

in 1999 and a letter sent out by the then UGC Chairperson Prof Armaiti Desai to all Vice Chancellors and Principals (dated March 1999) to set up sexual harassment committees to hear complaints. Only a few universities seem to have responded at that time, both central and state.) **It is mandatory for sexual harassment committees to submit an annual report**. When asked about this most admitted that they had not done so, with 24 per cent saying that they had. Here too we have to approach this figure with some caution since in some cases this simply amounts to a report by the women's development cell. In terms of publicizing their policy, 32.8 per cent said that they put it on their notice board, 16.9 per cent that it is either in their prospectus or on their website, 12.5 per cent that they communicated this personally as and when necessary, 7.5 per cent that this happened in college assembly meetings.

The next set of questions in this section pertains to actual complaints and the outcomes that followed. As might be expected, the vast majority (83.5%) declared that they had never received any complaints of sexual harassment in the history of their institution. Indeed, the fact that they had not received complaints was frequently a basis for an institution to state not only that the entire issue of sexual harassment did not affect them but also that gender discrimination on campus did not apply to them either (including filling out the questionnaire). With some exceptions, it is the universities who provided more information about the receipt of complaints and had by far the highest number of cases. 14.2 per cent had between 1-4 complaints and these were predominantly colleges, while 2.5 per cent had between 5-12 complaints over the last two years, of which 20 were universities. A number of respondents said that the complaints were 'minor' or inconsequential and resolved 'immediately'. In response to the question as to how long it took to deal with a complaint 15.2 per cent claimed that it would not be more than 1-2 days (and this included some who said this even though they had never received any), about 8.8 per cent said 1 week, while more realistic periods were once again provided by universities, ranging from 1 to 6 months. About 60 per cent of those who admitted to having received complaints said that they were able to resolve them.

To the question as to whether they had encountered shortcomings, about half admitted that they had. Here the few who gave further details were important. A number said that they encountered problems and lack of clarity with the guidelines and how to implement them. Others said that they needed legal advice. Still others

said – and this is particularly noteworthy for demonstrating a high level of sensitivity – that women students found it hard to raise their voices to lodge a complaint, and needed to overcome their 'timidity'. Very few provided details about the nature of the complaints. Among those who did so, these were evenly divided between cases involving outsiders on campus, student complaints against teachers, and student complaints against other students. Only a few gave details about the kind of penalties awarded, with expulsion from the institution mentioned very rarely. The next question pertained to any suggestions they might have to improve the situation in relation to cases of sexual harassment. About 3.5 per cent suggested self-defence classes for women students, 5.3 per cent women/gender studies classes, and 19.5 per cent awareness programmes. Among other suggestions (totally 21.5%) the predominant ones were security and surveillance related, including raising boundary walls, more security, installing CCTV cameras and such like. Still others called for proper dress codes for women, self-monitoring among students. Even more problematic was the suggestion from a few that parents or guardians needed to be brought into the picture and should be the first to be informed about any problem on campus.

The following section of questions pertained to issues relating to gender equality and sensitization measures on campus. To begin with institutions were asked what measures were in place for raising awareness against harassment or violence in their institutions. About half the respondents provided some answer here, and some gave multiple options which were broadly grouped. The most frequent was to say that they organized awareness programmes (43%). **From what could be seen, these were for students only and did not include all the employees of the institution.** Related to this was inviting people to give lectures, or conduct workshops (36.8%). A few gave further details here including names of people called, often from law or the police, and sometimes from the field of women's studies or women's organization or a well-known public figure. There was clear evidence here of the presence of a women's development cell or women's studies centre which were responsible for such events. In this section it was also evident as to who had answered the questionnaire – the principal, registrar, or someone from the sexual harassment committee or WDC. Other answers included personal discussions with students (18.1%) and conducting essay or poster competitions among students (13.4%). The next question asked what measures

existed to ensure that women students have equal access to campus facilities such as the library, laboratories or any campus event at all times. This question did not elicit any interesting responses – women's colleges said that it did not apply to them, and co-educational institutions declared that they were equal access institutions overall. A few mentioned that they had separate facilities such as common room for girls, or separate stair cases even. Others mentioned efforts such as giving women 'priority' space in the library or promoting sports events for women. It was the following more focused question on whether differential timings for male and female hostel residents to return to their respective hostels (including night outs) that provided some indication of differential policies and rules in place that are quite widespread. Once again women's colleges (and of course those institutions that did not offer accommodation to women students) said the question did not apply to them. Among the rest (about 800 institutions) 349 (or 44%) admitted that they had differential timings, often amounting to at least one hour or more in the evenings. Further details included having to give notice well in advance to a warden or proctor for staying out. A few said that they applied strict timings to both male and female students equally.

The concluding question in this section was to ask an open ended question about what suggestions they might have for improving gender equality on campus. Almost half (46.8%) offered suggestions. These ranged from the mundane to the interesting. Some even said that more mixing between the sexes ought to be encouraged, that women should be empowered to speak up about issues that concern them. Others said that reservations for women students were necessary in certain disciplines such as professional courses (eg. law colleges) and that fee concessions should be provided to encourage women students. There were also repetitions from previous questions so that self-defence courses, classes on gender related issues and more awareness programmes were also mooted.

The final section of the questionnaire concerned gender related courses offered on campus and the presence of a women's development cell. On the matter of there being any course within the broader curriculum of the college or university that had a component relating to women or gender, 29.9 per cent replied in the affirmative. However the answered varied hugely and at times begged the question. At one end of the spectrum there were some colleges and a number of universities where

there were courses in women's studies (often optional in nature) or special papers in particular disciplines such as sociology, political science, home science, education with topics such as women and society, or women and development. Then there were those, especially home science and teacher education institutions that saw their own courses themselves (a primary school level teachers course or a course in nutrition or child development for instance) as being the same thing as a women's/gender studies course. And finally there were those who offered dress designing and beauty courses as an answer to the question. In other words **there was considerable confusion here as to what exactly is a gender/women's studies course, both in terms of content and in terms of purpose. It would appear that many colleges think that a course taken primarily by women with the potential to provide some kind of employment or vocational potential (teachers, nutritionists, designers, beauty course certification) takes care of the need to offer a course on women/gender related issues and topics.**

On the question as to whether they had a women's studies centre or women's development cell in their institutions 38.1 per cent replied that they did. This is a surprisingly large number. Unfortunately not many gave any further information to give some idea of the scope and activities of such cells. Among those that did, some provided details about their programmes (such as conducting workshops, inviting speakers and so on) and some provided attachments of their annual reports.

Finally institutions were asked if they had any other comments or suggestions for the consideration of the UGC. This question did not elicit much response with 29.9 per cent giving some kind of answer. The most common (21.4%) was to request for financial assistance for a range of concerns from raising their walls, to providing CCTV to setting up programmes. 13.3 per cent said that women's studies courses should be made compulsory, 15.7 per cent said that self-defence classes (such as Karate) should be provided and 8.2 per cent asked for periodic visits by the local police.

This then, is the kind of information that could be obtained from the questionnaires sent out. We think that the best way to use this limited information is in conjuncture with the findings obtained through the face to face interactions in the Open Forums that were conducted.

III. OPEN FORUMS

3.1 Context and Background

It was strongly felt by all members of the UGC Task Force that no assessment of the situation was possible without visits to campuses and interactions with members. Ideally the Task Force hoped to visit universities in all the major regions of India, especially the Northeast. Time constraints prevented this from being possible. **However the experience was so positive that one of the recommendations of this Task Force is that further Open forums be organised and that these become regular annual events in institutions.** In addition to the Open Forums conducted by the Task Force, a women's studies centre and a women's organisation in Kolkata inspired by the news of such Open Forums conducted their own Open Forum for universities and colleges in West Bengal, which was addressed by the UGC Director of the Eastern Region, and shared their report of the event with the Task Force. (See **Appendix 8** for their recommendations.)

Open Forums were organized with students, teachers and staff of universities. Interactions were held with senior university and college Administrators including VCs and Principals on their experiences of existing mechanisms (where available) and any new steps initiated by them for safety, especially of women on campuses. The nature of problems encountered on campuses regarding gender based discrimination and violence were foregrounded at the Forums. The **Forums** were organized largely with the help of existing Women's Development Centres and Centres for Women's studies and also drew on the expertise of members of CSOs working in the area.

It was unanimously agreed that these would help ascertain on the ground whether a "gender perspective" even enters the 'acceptable' discourse on campuses. Also unhindered, unmediated feedback of the experiences of teachers, students and staff on the nature and robustness of redress mechanisms were very helpful in formulating suggestions. The Open Forums were primarily an **elicitive** process for the Task Force

to get relevant information and feedback from all sections of campus communities. It did not function as a **Grievance Redress** mechanism and its **Terms of Reference (TORs) were communicated transparently, care being taken not to overstep its mandate or raise unrealistic expectations on what it was meant to deliver**. A special attempt was made to interact with members of Gender Sensitization committees, Committees Against Sexual Harassment and Complaints Committees on campuses to ascertain the approach and methods adopted to deal with the challenges faced in fulfilling their stated objectives.

The Forums worked extremely well, and the interactions were revealing of a large number of shared concerns **across** institutions that are otherwise dissimilar. Indeed, the Forums were something of an eye opener both to the hosts and to the members of the Task Force, given the extent and depth of issues that emerged around sexual harassment and regarding gender issues more broadly.

It was strongly felt that the Open Forums provided a template on which to build UGCs future interventions of gender sensitization and safety of women on campuses, where mandatory site visits by the UGC could be an on-going activity with two or three experts evaluating the efficacy of these measures across all funded institutions in the country. The process could also foreground and publicize institutional frameworks in this regard, with possibly an added incentive such as a research grant or workshop funding to put these processes in place.

The Open Forums were extremely well attended. Based on the turn out everywhere it is reasonable to assume that the views expressed were shared by a large number of members of the respective campuses. Over all, VCs, Registrars and Principals struck us as keen to firm up existing mechanisms relating to women's safety and take up fresh initiatives. However, we did not feel that there was adequate appreciation of the long term initiatives required to set up a "woman-friendly" and gender equal campus. **In other words, not merely ensuring a campus in which sexual harassment would be punished, but a campus sensitive to gender questions and committed to women's equality.**

3.2 Observations and Feedback from Open Forums

The feedback from the Open Forums (OFs) falls broadly into four categories/rubrics/ concerns. They include:

3.2.1 Concerns regarding measures for Gender Sensitization including the content and conduct of refresher courses, teaching modules and workshops to address issues of gender based violence and cultures of impunity and silence that are prevalent on campuses, including the reinforcement of stereotypes. The need for academic and theoretical inputs, including learning modules on gender issues was emphasized.

3.2.2 Shortcomings in the workings of institutional redress mechanisms such as Internal Complaints Committees Against Sexual Harassment and Gender Sensitization Committees set up to respond to such issues, and lack of transparency and information about their constitution, structure and mandate.

3.2.3 Requirements of specific facilities on and near campuses to ensure the safety and security of students and women belonging to different professional constituencies on campus. Also, there is a need to upgrade infrastructural facilities on campuses, the lack of which impedes women's access to equitable arrangements necessary for academic, intellectual and professional growth.

3.2.4 Special requirements of women students and staff to ensure dignity, equality of access, bodily integrity and an enabling environment for the protection of their right to work and study.

3.3 The Main Issues that Emerged

3.3.1 Gender Sensitization Issues

3.3.1.1 Overall, gender sensitization emerged as the weakest aspect in the process of addressing issues on campus, while being arguably the most critical in terms of creating a conducive ethos on campus and an understanding around the meaning of gender equality and freedom, and problems of harassment. Many women testified to

the constant and everyday aspects of harassment and teasing, which they felt simply had to be endured. Students from regions such as the North East also reported the compounded experience of racial and sexual stereotyping. In some cases, the problem of harassment was quite severe, especially where students were being followed or even being propositioned by outsiders while going for a walk.

3.3.1.2 There was a widespread **tendency to blame the victim** who reports sexual harassment/ assault implying that she/he had somehow "asked for it".

Several speakers stressed that **locking the women up was not the answer**; the custodial responsibility was to make university spaces safe enough for them to live with a sense of freedom and equality. There were protests about early hostel hours where women students had to be "in" by 6 pm; hostel terraces were locked at 6.30 or not open at all; transport between the main campus and undergraduate hostels stopped at 7pm, and in some universities did not exist at all.

3.3.1.3 Students pointed out that the terms "women" and "gender", if used without due care, led to homogenisation and could be problematic. It was important to take note of the backgrounds of 'women,' their caste/regional experiences, including harassment with regard to normative notions of women. Obscene comments, imposition of dress codes, assumptions about sexual availability, could be exacerbated by religious, regional, or caste power/difference. Students who chose to wear the **hijab** were subject to odd comments. Situations of harassment could be compounded and lead to acute vulnerability for **dalit or minority women.** Among the most vulnerable and invisible women are **women with disabilities**, since they require constant assistance and are frequently placed in situations of dependency. A number of cases where visually impaired women had been subjected to abuse by others were also brought to the attention of the Task Force members. The Task Force also heard about cases of severe victimisation and harassment among **sexual minorities**, regardless of gender. In one particularly tragic case, a male student who was taken to the police station on charges of homosexual behaviour towards another student committed suicide.

3.3.1.4 The issue of students from rural and more 'traditional' backgrounds into larger city universities and colleges may need special attention from the CASH committees

in the sense that it is not just experiences of discrimination but also different ideas about 'appropriate' behaviour for men and women creates **confusion and alienation** among students which needs to be explicitly addressed. **Gender sensitive education for imparting unfamiliar notions of rights and equality are necessary**.

3.3.1.5 Students **and faculty in minority institutions** were particularly vocal about the need not to compromise on issues pertaining to gender equality on campuses. While respect for diversity is necessary, every encouragement must be provided to minority students to express their experiences of harassment or discrimination in an atmosphere of safety and confidentiality. The procedures and guidelines to handle complaints must be seen to be adhered to.

3.3.1.6 There is clearly a need for **gender sensitization** of the whole community, especially security staff and administrators. Many said that this training should be mandatory.

3.3.1.7 Faculty and students spoke of the need to work towards a **positive interpersonal climate on campuses**. It was not enough to focus on harassment or make penal provisions. The university was a living space as well as a work space. It was a place where it should be possible to think further about equality, to take risks, to experiment, to learn about how not just to tolerate but to live well with others who are different—socially, economically, in terms of religion, race, sexual orientation or ability. **Students felt that the university should help women transition from the protected atmosphere of the home, into a real life situation where she had to be independent**. They felt the university did not take the women students seriously enough. Notices for lectures rarely reached women's hostels; they were not encouraged to go on educational trips or speak up at lectures or in class. Many stressed excessive moral policing and insistence on dress codes was echoed by several students.

3.3.2 Counselling. There was considerable difference of opinion about counselling. Some faculty and students felt that counselling tends to individualize and sometimes medicalize what are social issues, and that counsellors who were sensitive to complexities such as those involving caste, minority experience or sexuality were very rare.

Others acknowledged this, but pointed to the critiques and recommendations that had emerged out of feminism and gay movements, and argued that there was an urgent need for the services of **trained/retrained counsellors**. ***Contexts where young people from different backgrounds were living together may require some rethinking of standard concepts and protocols of counselling***. Though many of these issues are social, individuals experience them personally and institutional spaces in which they can open up are essential. The purpose of counselling is to help the person to deal with the harassment and trauma. Further, an adequate number of counsellors were necessary; it was not enough to have a counsellor visit for a few hours once a week. Hours must be well publicised. Moreover, the idea that a teacher or even senior woman administrator in a college could double up as a counsellor was questioned and the ethics of such an arrangement in terms of confidentiality, trust and conflict of interest cannot be overemphasized. Overall the members got the idea that counselling is necessary but its assumptions and protocols require thoughtful and engaged retooling if they are to be sensitive to the complexities of campus life today.

3.3.2.1 .Special emotional and academic support was required both at the personal and institutional level for students from marginalized groups. Students pointed out that the overwhelming majority of them were from rural SC, ST and OBC backgrounds. The university "does not attend to any of them"; a student leader observed. Another one asked, "How do we make the university work for these students?" Students with disabilities were especially vulnerable and their requirements for assistance open to abuse. In elite families, it was pointed out, there may be a culture of speaking out, but not so with those who come from "depressed backgrounds" that were often conservative about women. Women students and non-teaching staff from such backgrounds remain silent about harassment though there is a lot of it at every level. Several students pointed to the gap between students and teachers which are often exacerbated by class, caste, or rural/urban differences.

The university does not do enough to change problematic ideas about gender and rights. "Gender equality is not part of the syllabus, nor is it openly discussed at forums like this which are attended by both teachers and students; women students feel inferior and do not speak up in class or elsewhere." Such is the silence that in one case that was brought before us, a male teacher who had struck up relations on

promise of marriage with 13 students had not been charged or punished. Only after several years as they began to speak up, had the full extent of the problem emerged. **More student friendly forums are needed to enable students, especially those whose socialisation or backgrounds make it hard to speak up, to be able share their concerns and experiences**.

3.3.3 Women teachers and non-teaching staff complained that glass ceilings operated at every level and they had to fight for privileges or promotions; they also complained about lack of encouragement or recognition for research, patenting, innovation. A dalit women finance officer reported that her upper caste colleagues openly refused to "work under her". A woman librarian complained about the men who were her juniors deliberately using "objectionable" language in her presence. Instances were reported of women teachers being commonly insulted by male students.

3.3.4 CASH Committees called for a compulsory 2 module course on gender, specifically designed with the experiences and contexts of specific HEIs in mind. Women students asked for more discussions and libraries of books that dealt with gender equality in the hostels.

3.3.5 There was also a call for a culture of open discussion; of more events like the Open Forums. Students need more such forums to express themselves and to be taken seriously.

3.3.5.1 One student suggested that the TV channels (not just Doordarshan, she stressed) should have spots that educate men about what can be regarded as harassment and show women what they can legitimately complain about. "We take too many things as inevitable, however disturbing they are for us," she said.

3.3.5.2 Another possible initiative is a festival week at the beginning of each academic year where such issues are presented and discussed in different forums and through different media—talks, discussions, films, plays; in short a week of cultural events. This would also help the juniors meet seniors and get a feel for campus activities.

3.3.5.3 Some teachers suggested **self-defence classes** as important to build self confidence in young women.

3.3.6 Sexual Harassment Committees and their Functioning

a) Many colleges and universities had Sexual Harassment Complaints Committees (CASH) in place. Some had grievance cells for complaints, but no specific sexual harassment complaints committee.

b) **Information** about CASH committees and procedures for filing cases was not common knowledge. Most students, teachers and non-teaching staff did not know of the existence of such a committee.

c) Suggestions made were: **information including procedures to be followed for making complaints to be placed in university handbooks and websites**. There should be CASH complaint boxes in different locations and in the women's hostels; elections should help for CASH representatives; there should be CASH newsletters; student CASH representatives for each batch/year would make the committee more accessible.

d) **Too often cases dragged on without resolution**, increasing the stress for the victim. Quick investigations that are perceived as unbiased and small punishments that are perceived as corrective rather than punitive were likely to be most effective.

e) **Complaints committees lack clarity** about their constitution, status, functioning and powers; e.g. it was not clear whether it was mandatory that their recommendations be complied with, and if so within what period. More guidelines were required.

f) In some cases, there was **poor coordination** between terms of successive committees, files and papers were not handed over, cases left unresolved.

g) CASH committees often had no funding, **no physical location that served as an office, no secretarial or office assistance**. In these conditions it was difficult to maintain necessary records. Lack of common understanding between the committee and the university administration about their function and status was another issue.

h) Students complained that **nominated CASH committees were often perceived as protecting the faculty**. They felt that no serious action will or can be taken against teachers.

i) Students also reported **pressure on them to withdraw cases** not just from faculty, but also from parents and peer groups. Fear of identification and future harassment prevents many from coming forward. Students reported that a senior administrator had said to a student "you should have come to me; what was the need to go to the Complaints Committee?"

j) **Redressal.** Senior faculty stressed the need for sensitivity to the contexts in which harassment was occurring and the unprecedented heterogeneity of campuses now. The committee needs to be mature in its handling of issues. **The focus should be on relief to the victim and resolution of the issue.** Students should be helped to move out of what had become an uncomfortable situation for them. Punitive recommendations are necessary at times, especially if the offender was in a position of institutional power. In cases involving students, depending on the nature of the complaint, a written apology and commitment to change could work. In hostel meetings, women students also generally agreed that what they wanted was for the behaviour to stop. They were not interested in "spoiling the boy's career". In fact the danger that this might happen was sometimes a hindrance to their making or pursuing complaints. It is necessary to point out that the sexual harassment redressal mechanism is itself an alternative system to a court of law and is not primarily punitive in its orientation. Moreover, even punishments are graded across the spectrum from an apology to more severe penalties, depending on the nature of a particular case.

k) **Members of the faculty stressed the need for official and formal counselling, not only for those being harassed but also for those doing the harassing, some of whom were also mentally distressed**. Several teachers talked about the need for counselling of those accused of harassment.

l) Overall, there was a sense that careful attention needs to go into the culture of adjudication that is developed in CASH processes and the strategies that these committees develop; that there should be more sharing of these processes and reflection on them, between universities; CASH committees should be encouraged to put out newsletters.

3.3.7 Issues pertaining to Infrastructural and Health Facilities on Campuses

a) **Better lighting** on campus. Women students felt insecure returning to their hostels from sports, extra-curricular activities, library, laboratory, coaching classes, visits to the medical centre, talks and lectures. They complained that even where street lighting was in place, ***there was no consistent maintenance***. Fused bulbs were not systematically replaced and long stretches could remain dark for weeks. Students talked of "road romeos" who threw stones at the lights. This could easily be dealt with, they pointed out, by protecting street lighting with metal mesh. Students asked that the road area around the campus, especially near the gates be well lit.

b) Large campuses require **reliable transport** between women's hostels and classrooms, laboratories, library, sports and other recreational facilities. On large campuses without regular and reliable transport women were particularly disadvantaged. Women students complained bitterly about lack of university or public transport.

Crowded buses are an excuse for sexual harassment of students who use them and this is often a daily experience for commuting students.

The problem of lack of public transport is exacerbated where colleges are located in poorly served sections of a city or in rural areas. The Task Force heard the tragic case of a women's college in a semi-rural area where students from nearby villages came to class using tractors. On one occasion the tractor capsized, leading to the death of some of the women students. Day scholars who have to depend on others for their transport are also subject to daily harassment from men as they make their way to and fro from college. Parents and college administration also attempt to 'control' the situation by maintaining strict timings such that students are expected to go straight home as soon as classes are over in the afternoon. There is no question that such students could attend programmes in the evenings. This leads to strict segregation among men and women students in many colleges in terms of their ability to participate in the full life of the college or university. Women students reported even policing and denying themselves in order to keep parents and the administration 'happy', otherwise their very chance of pursuing an education would be in jeopardy.

a) **Dependency.** Students stressed that without a shopping centre, pharmacy or photocopy facility on campus, and no buses, they had to turn to their male classmates for all their "small, small needs." The fact that there were no buses into campus increased their dependency on the male students (which in turn led to expectations, maybe involvement and, even exploitation). Several women students spoke about the dependency that ensued, and how this left them vulnerable sexually and personally. "The university should be a place where we get rid of the fears we come with; a place where we can practice being equal. We should not be put into situations that continue our dependency. We need training by the women's cell to fend for ourselves and be independent." A student from one campus reiterated.

b) **Crowding. R**esidential facilities for women students remained limited although numbers in relation to male students had increased; the pressure led to tensions, between students, inadequate and over used toilet and bath facilities unsanitary conditions, shortage of drinking water, breakfast and lunch queues that were so long that students had to miss their meal if they were to be in time for classes. In one campus, a mess catered to over 1,000 students. Even research scholars did not get single rooms. Crowding was a problem in most campuses where residential facilities for women were far less than those available for men. The UGC must respond proactively to the widespread shortage of women's hostels.

c) **Toilet Facilities.** In all the universities these were in poor condition, too few and therefore over-used and vulnerable to clogging (for which the women were blamed) in disrepair, dirty, often without disposal bins. Bathroom doors could not be shut properly. There were reports of toilet and bath queues, inadequate water supply, no disposal facilities for sanitary towels; recurrent urinary tract infections. Sensitized students not only complained about these problems but also emphasized that due to processes of contractualisation of workers and reducing their numbers, it was not possible for existing workers entrusted with the task to maintain the toilets and bathrooms. Also they were not provided with adequate or functional cleaning tools and materials.

d) Health Facilities.

(i) Here too students reported shortfalls: lack of a full time gynaecologist, lack of trust, inadequate availability of medicines, and no medical help at night. There were either no ambulances or they were not operable.

(ii) **Nutrition** Women students felt that their diets lacked adequate calcium and iron, and highlighted that the B12 deficiencies that were being reported were accurate. In several hostels it was shocking to hear that both the quantity and nutritional content of food provided was inadequate.

(iii) **Exercise and recreation**. Largely there were no gyms for women students; but everywhere women students had to be very persistent to participate in sports. Those who made it into teams were welcomed, but there was no facility for those who just wanted to play especially in co-ed campuses. There was a serious dearth of common recreation, discussion or study spaces in the hostels, and few facilities for extra-curricular activities. Students were confined to their rooms in the evenings. In some cases even the door to the terrace was locked at 6.30.

(iv) **Sexual health**. Education about sexuality, contraception, STD etc., was far from adequate. Urinary tract infections and menstrual irregularity were common complaints and inadequately addressed.

(v) **Attitude of medical personnel.** Students reported being asked extremely insensitive questions even when they went with small medical complaints. Minimum courtesies were sometimes not observed. In one case, when a woman student entered for a consultation, the doctor's friends would remain in the room.

(vi) **Health of contract workers.** Hostel assistants, cleaning staff and security personnel throughout many universities are now contract workers. In each university about one third of them are women. They have no toilet or resting/lunch places, no leave, no ESI cards, and no maternity leave; pregnant women continue to work on wet, slippery floors, sick women continue to work in the kitchen. The understanding of "equality" was such

that women were required to do all the heavy lifting and pushing jobs as well. They were told that if they wanted the job, they should be "equal"!

e) **Security and security personnel. The dissatisfaction with security personnel (and police)** *was serious and widespread. This needs to be seriously noted and systematically addressed.*

Women at all levels, and especially students, complained about the attitude of security staff. They created an atmosphere in which it was difficult to access them, let alone make a complaint. Security personnel took it on themselves to act as moral police. They blamed the women and interrogated the complainant instead of providing security. Women described the responses of security personnel as "insulting", "unacceptable", "gender insensitive", and "threatening". Senior security staffs have been reported as making comments like: "Security is not for students it is for property" and "if they can go out in the bushes, there is no need to feel insecure". Students from the North-East were particularly vulnerable; Dalit and OBC students complained about being targeted.

There was a demand, not only for gender education/ sensitization for security staff, but broader diversity training, and punishment for those who misbehaved. Students reported **harassment also from the police.** On one campus women students returning at night were summarily taken away to the police station and subjected to comments about their dress and behaviour until dawn. Their cell phones were confiscated; they were not allowed to call their teachers or friends or teachers. Women students pointed out that the very police who were so focused on the women students looked past the drug peddling that was taking place under a flyover a hundred meters down the road.

On one campus, a male student who had been taken to the police station, returned and committed suicide. Students on protest at the time of these hearings said he had been unable to bear the humiliation and that a quarrel between students should not have been taken to the police. This case was complicated by the fact that the complaint of sexual harassment against him was made by another male student.

Faculty and students on several campuses pointed out that universities seemed keener to install security cameras than work on creating an atmosphere that is not

hostile to women or mandating responsible and gender sensitive behaviour from key personnel.

As this feedback clearly demonstrates the experience of conducting face to face Open forums was immensely fruitful and has provided a basis for some of the recommendations of this Report.

IV. GENDER SENSITISATION

4.1. Rationale and Scope

It should be obvious that the term 'Gender Sensitization' is extremely broad in scope and envelops and gives direction to problems related to combating Sexual Harassment more specifically. Gender Sensitization implies accepting the basic rights associated with Gender equality among all persons, and non-discrimination towards those whose gender identity places them in a situation of disadvantage or vulnerability. In the context of Higher Education Institutions such as universities and colleges, which are places where people work, study and often live together over several years in the context of teaching and learning, the nature and scope of gender sensitization is particularly important. As has become evident from the previous sections of this report, particularly the feedback from the questionnaires and the Open Forums, assumptions about gender are quite contradictory and confused. Further, in terms of the implementation of sexual harassment policies this is the weakest aspect evident in the functioning of committees and cells set up in HEIs to deal with such matters. This situation should be a wakeup call for the UGC. Many might well harbour the mistaken belief that as educational institutions our HEIs are intrinsically better off in creating and imparting an ethos of equality than the average workplace, but this is not the case. Moreover, as has already been mentioned in the introduction, the complex hierarchies and inequalities that structure HEIs, the prevalence of misogyny, as well as the real heterogeneity among students makes for a particularly challenging situation that must be explicitly addressed. At the same time, it is our assessment that HEIs are also well placed to take on this challenge.

There is considerable acknowledgement of the need to address students and make them more gender sensitive and inculcate notions of rights and respect towards everyone irrespective of gender, class, caste, region, language, religion, sexual orientation, ability and so on. However, it is necessary to emphasize that everyone

working on campuses must be gender sensitized, including faculty and all sections of the administration and support staff.

There are many ways in which this can be achieved and the feedback from the Open Forums in the previous section offers a number of them. These range from shorter term events and programmes, workshops and orientation exercises, to longer term processes such as courses for students. The former should be structured in ways to ensure that everyone participates and these can be differently structured depending on the group that is involved**,** whether first year undergraduate students, or, say, research scholars; whether more senior level administrators or other classes of employees; whether it be faculty from the sciences or the social sciences. On the other hand, whether courses on gender should be made compulsory across the entire student body is a matter that needs more discussion. Making a course compulsory would ensure that all students are exposed to a longer pedagogic engagement with issues of gender and related issues of inequality, but it could also lead to resistance and resentment and vitiate the very purpose for which it has been created.

We offer below an outline for a possible course on gender sensitization which could be offered both at the under graduate and postgraduate level. In the next section we offer basic outlines of possible workshops that address gender issues, masculinity and questions that surround sexual harassment in the context of HEIs. The final section offers some courses on legal literacy relating to sexual harassment, gender violence and related forms of discrimination.

4.2 Suggested Course Module

Gender Sensitization (2 Credit Course Module for Colleges and Universities)

Objective: The aim of this course is to help analyse the context and factors that are shaping gender in India more generally, and among young people in higher education more specifically. In using the term 'gender' we are referring to the entire set of relations and structures that are involved in producing men and women in society, including norms of femininity and masculinity. This course is not narrowly about 'women' alone.

Gender equality and the fundamental freedoms guaranteed to all citizens are core ideals that need to be highlighted as the basis for a genuinely free, just and open society. However, it is one thing to name these ideals and another to actualise them in every day interactions. The challenge is precisely that of connecting the idea of and desire for equality to a world that is often unequal and discriminatory in practice.

Colleges and universities are complex institutions engaged in the education of future generations. Institutions of higher education today are more diverse than ever before, and, in terms of numbers, also have more women among their ranks than ever before. Members within these institutions are in a position to reflect on existing hierarchies and differences, oppose the growing prevalence of violence, especially sexual violence and harassment, and impart ideals of rights, dignity and respect. Students also carry a range of notions about gender related issues, whether 'traditional' or 'modern'. Only through open discussion in classrooms can some of the problems of violence be directly addressed and not be taken for granted or suppressed. This course is an effort to help structure such discussion by providing frameworks of analysis, and a clear notion of rights and responsibilities. With the help of case studies and examples from popular culture as well as from everyday life, it also seeks to provide concrete illustrations of how such violence is reproduced or resisted in society through every day practices and relationships, and what is needed in order to gain a critical perspective on them.

SECTION I: Citizenship

This section introduces students to the idea of citizenship and its implications. It will draw on the Indian Constitution and the recently proposed Bill of Rights by the Justice Verma Committee appointed by the Government of India, to flesh out what kinds of rights and freedoms everyone is or should be entitled to. It will therefore provide a basis for non-discrimination, whether because of gender or any other dimension of a person's identity or social background, be it class, caste, region, religion, sexuality, ability, and so on.

A useful text that can help concretise how those responsible for creating the Indian Constitution envisioned the equality of men and women in the future nation is B.R.

Ambedkar's writings at the time of defending women's rights over the passing of the Hindu Code Bill. (Reference in bibliography, **Appendix 15**).

The **Bill of Rights from the Justice Verma Commission** has been included in the Appendix to this Report. It is crisp and short and can also be a basis for discussion.

SECTION II: Power and Inequalities

It is essential that students grasp some of the essential aspects of how power is exercised in a modern democratic society which enjoys formal equality. This is particularly difficult to bring out since hierarchies are frequently hidden from view or are naturalized (thus male aggression is wrongly naturalized). It is common to conceive of power as something that only comes from a distance – from governments for instance, or economically strong nations, or from those who control large resources. Power is exercised in all institutions and relationships including those that are close to us, such as families and even friendships. Thus, power relations are at work in a range of situations and contexts, be it where we work, where we live, where we study, or where we have fun, be it 'public' and 'private' places. It is necessary to spend time on the various ways in which power is exercised, and understand the way this exercise of power is gendered. This is also the context in which to discuss the different kinds of inequalities that exist in our society including gender relations.

This section is therefore critical for the course as a whole. It will introduce students to gender inequalities and the many ways in which women experience oppression. There is now a very large literature available in several languages that can be drawn upon to discuss aspects of gender discrimination and patriarchal structures (see bibliography in **Appendix 15**). There are numerous sites and modes in which discrimination is reproduced, whether in public life (such as in political representation) or in families (as in property rights).

Depending on the scope of the module, students can discuss the concept of patriarchy. What is patriarchy? How do we understand different patriarchies?

In the context of marriage and man-woman relationships why are men seen as having to be taller than a woman, be more qualified, to have a bigger salary?

Why do women have to change their name at marriage? Why is there so much resistance to women inheriting parental property?

The theme of labour and employment can also be a useful way to illustrate how even though the Constitution states that no one should be discriminated against in the sphere of work, the actual economy does not reflect this. With the help of Census or National Sample Survey data that is publicly available, students and teachers can see how small are the numbers of women who enter national statistics as workers compared to men, whether in agriculture, manufacturing or services. They can also see how many women are 'housewives', who both in national accounting and in popular understanding are thought of as contributing nothing productive to society no matter how hard they may be working. Students can discuss to what extent even the work that women are paid for in employment is so often perceived as extensions of the (unpaid) 'love' and 'care' they do in their homes, such as school teaching, nursing, the hospitality industries and, of course, paid domestic work, all of which have a correspondingly low status in society.

Given that 'gender' always refers to a relationship – between men and women, men and men, and between these and other gender categories – this section will pay particular attention to an often ignored aspect of gender studies, viz., the making of masculine cultures. This will highlight the different ways in which boys are taught to be 'men' and how this impacts upon gendered violence in particular and gender hierarchies in general. The discussion will borrow from a wide variety of sources – media images, popular culture, legal pronouncements, familial and religious discourses, etc. – to encourage students to think critically about their own identities. Since masculinity refers to everyday practices, it is important to engage young people on the topic of how daily interactions reflect deep-seated prejudices and the ways to counter these (see **Appendix 9**).

It cannot be over emphasized that gender relations do not exist in a vacuum. It is not enough to say that being men and women in society carry different values and privileges. These are never constituted in isolation, but are shaped by other relations of power caste, class or ethnicity. The literature on the subject of masculinities speaks of dominant or hegemonic masculinity, which is the overall norm to which all men

are subjected but which very few men in society are actually able to attain. Women too are heterogeneous and can be more or less privileged. Forms of dependency and vulnerability among women therefore are extremely important and sensitive issues. Consider the difference between, say, an able bodied woman and a woman who is physically challenged, and their vulnerability to sexual harassment.

While statistics are one way of introducing students to the reality of discrimination, another useful resource is popular culture – films and advertisements are excellent media since these are easily identified and known by all. Advertisements can be used to show how norms of masculinity are produced and can be analysed to reveal the working of power. Car advertisements for instance, assume that the buyer is male, and even treat the car as masculine. The Raymonds Suitings ad 'the Complete Man' offers a clever non-violent depiction of masculinity, where the man appears gentle, yet in complete control, and is 'completed' by his Raymond suit. Then again, there are advertisements that present changing ideals about masculinity (like the muscular John Abraham advertising a skin lightening cream). It will be useful to encourage students to go beyond simple gender dichotomies and to look at the way in the world of consumption that young people are so pressured by, it is not only women who are 'objectified'. A discussion of these images can also help students recognise the ways in which both men and women are shaped and pressured under oppressive norms that make a vast majority experience themselves as 'failures'.

Students must be encouraged to speak about their experiences and situations. In order to facilitate this, language is central, so that even if the official language of instruction may be English, students should be encouraged to speak in the language in which they are comfortable. Language is also critical for understanding the everyday playing out of gender, given common and colloquial expressions and terms for women and men. Students can explore the misogyny, casteism and anti-worker perspectives in language use.

The subject of mobility can be brought up to reveal how power differences structure gender relations in everyday spaces. Gender discrimination is particularly visible among students in terms of freedom of movement. Public places are the ones where women experience considerable constraint and policing, so much so that the

pervasive belief is that the only way to keep women safe is within closed or private spaces – in a hostel, at home. Women students should be encouraged to share their experiences of moving through and occupying public and private spaces.

The nature of gender and its inherent complexity and diversity can be further addressed in this module by taking the concrete example of the college or university itself. Students should be encouraged to explore where the men and women are in the structure of the college/university – such as in different disciplines, in administration, and so on. In most colleges and universities in India today, the student body is remarkably diverse, with both rural and urban, upper caste and 'reserved' category students based on caste, tribe and disability. In most co-educational colleges the number of women students can also be quite high. At the same time, the faculty or administration would probably have a different gender break up. By exploring the composition of all those who live, teach and work in a college or university, abstract notions of the intersections of class, caste and region with gender can come alive, from those who head the institution, to its many employees including the security guards (who are supposed to keep the campus safe) and those workers who keep the institution clean. It will also be interesting to look at how leadership among students may be gendered in a co-educational context. Thus, students may look at the composition of the students union over several years and take this as a starting point of a discussion on gendered roles in everyday life among students. But this is also tricky terrain, since we tend to approach gender and social differences stereotypically. Boys are stereotyped as 'aggressive', girls as 'modest', rural students as 'timid' and so on. It needs to be stressed that there is nothing natural about these. Moreover, the nature of the authority wielded by administrators and teachers must not be lost sight of. Colleges and universities are places where knowledge is imparted and learning takes place through specific relationships of power that are given a special sanction and justification.

SECTION III: Violence

The previous section should have laid the ground for this section. In this section the important issue is to bring out the relationship between power and violence, especially

forms of violence that are sexual. The important point to grasp is that unlike in the past, contemporary democratic societies do not openly sanction the exercise of violence, which has been reserved for the state. (Thus in history we read about conquering armies who would kill the men from the defeated people and rape or capture the women. The rules of contemporary warfare do not permit this. It is another matter that such rules are frequently broken). Corporal punishment by teachers (again a common occurrence till recently) is no longer allowed. Acts of violence in the home by husbands against their wives, or by adults against children are against the law. Any form of violence therefore is against one's rights as a citizen. It constitutes an abuse of power and also violates one's rights as a person deserving of respect and dignity, and constitutes an abuse of power.

One way to introduce the topic is to look at the languages we use and the hidden violence that they embody. All languages are deeply misogynist (and casteist) and a discussion around common words and terms (not merely eve-teasing) may help in alerting students to ways of speaking that are otherwise taken for granted. The discussion on space and mobility in the previous section can be taken further here so that links can be drawn between the exercise of power through the control of women's mobility and the justification of violence in public spaces. Some men do take advantage of situations of anonymity such as a crowded bus or a poorly lit street to harass women. Much of the daily harassment that especially young women suffer can be of a more generalized 'anonymous' nature – stares, catcalls and comments – so much so, that women have 'schooled' themselves to treat this as part of 'normal' life. It should also be noted that young women from less privileged backgrounds (first generation learners for instance), striving to improve their lives through access to higher education, become frequent targets of sexual harassment and even sexual assault by men from other social groups as a means of humiliation or exploitation. Depending on the route they have to traverse from their homes to college and back, it can be quite traumatizing. So students must be encouraged to share such incidents and colleges must be made accountable to address these issues. This is where the availability of safe, reliable and non-crowded public transport, the kind of lighting on and around campuses becomes crucial.

At the same time, the abuse of authority or trust from those in power may be harder to recognize and protest against. Therefore, it is absolutely essential not to confine discussions of violence to public spaces alone. It is a well-known fact but difficult to digest that most acts of violence performed against women or girls are by perpetrators known to the victim, not by strangers. This means that most men take advantage of the existing relationships of authority or trust they are in when they carry out acts of sexual harassment or assault. These may be family relatives, neighbours, friends, or people in a more publicly structured relation of authority such as employers or teachers or seniors. This also means that there are no spaces that are intrinsically safe or free or guaranteed protection. Women can experience vulnerability in all kinds of spaces not just public ones, though often we are made to believe that all that should be feared are strangers or moving about alone.

There is another dimension to sexual harassment and violence among young people, one which finds strong support unfortunately in popular films. Relationships, friendships and romance appear to be full of contradictions. If we were to believe popular films (which we most definitely should not!) then **the best way for a boy to win the affection or love of a girl is to harass her in public! The other myth often represented in popular cinema is that when a woman says No to a man's proposition, she actually means yes**. These myths are widespread and certainly not confined to any particular region of the country in popular cinema. Students and teachers can fruitfully discuss films both old and new which depict practices of harassment but which are made palatable or even endearing as forms of romantic play or comedy. Issues range from what might seem 'harmless' behaviour, but which involve stalking, pulling at sarees or dupattas, humiliating the woman, all of which are acts of overt harassment and not ways to express desire. There are also themes of 'obsessive' love which popular culture is replete with, where a woman who says no is not acceptable, and where the 'hero' gains huge sympathy by making himself vulnerable to the point of putting his life at risk. On the other hand, there are equally strong notions that the 'good' man is one who protects women, especially those whose affections he wishes to gain. Such protectionism often reduces the woman to a person without agency, who is helpless and unable to think or act for herself. **Students should therefore discuss forms of protectionism and distinguish between support that is enabling and those that are effectively infantilizing for women.**

SECTION IV: Understanding and Combating Sexual Harassment

In this section, existing rules and guidelines on what counts as sexual harassment can be used and disseminated so that students are better informed about them.

UGC guidelines and booklets can be the basis for discussion. The notices and announcements against sexual harassment that have been mandated by the UGC to be put up on college notice boards, websites and brochures should be part of the discussion. Events and poster making can be organized around this.

Sexual harassment takes many forms. The most important principle is that it is against the consent of the person and is experienced by the person concerned as violence. Acts of sexual harassment can be by an employer or teacher who is in relationship of authority. Situations of the abuse of trust also happen among friends. Thus women also experience sexual aggression amounting to rape from a friend or intimate partner. Violence among intimate partners is also prevalent where one partner harasses the other in ways that make the other person feel victimised. All of these constitute sexual harassment and should be opposed.

Everyday quasi anonymous forms of harassment on the road, in public transport and in campuses need different attention depending on their nature. The discussion needs to highlight the different tasks and responsibilities in preventing and combating sexual harassment. The authorities have a responsibility in ensuring that all students have access to safe public transport, to well-lit streets and campuses, functional toilets and so on. Everyone, including men and women students need to be aware that there is nothing 'harmless' about so-called 'eve teasing'. Such behaviours are unacceptable. Women and men should also be encouraged to oppose such behaviour, whether as perpetrators, victims or – quite often – as bystanders. Women are socialized into believing that if they are being harassed then somehow they are at fault. Attempts to 'protect' women from harassment can reinforce this belief by curtailing and constraining them, whether through enforcing dress codes, maintaining different timings, or by bringing in guardians whenever there is a problem. Combating sexual harassment can be best achieved by building women's confidence (including conducting self-defence classes on campuses). Students should be enabled to protest against incidents as and when they happen. A sporadic incident

can possibly be tackled right away, but all forms of abuse of power or sources of on-going discomfort and fear based on unwanted sexual attention must be reported to the complaints committee.

SECTION V: Equality and Freedom

The course can be concluded by revisiting the fundamental ideals of citizenship and rights with which the course began. While these are rights given to us as a democratically governed nation, frequently the right to freedom and equality has had to be realized concretely by movements and struggles in society. These include women's movements, movements against violence, anti-caste movements, movements to promote communal harmony, movements over land and resources, and so on. History would attest that rights and freedoms are rarely simply granted but have to won over and struggled for by the people affected. This is very much the case when it comes to gender equality and freedom from violence. This section would look at examples of such struggles and protests (see bibliography in **Appendix 15**).

4.3 Workshop Series on Gender, Masculinities, Sexual Harassment, Laws and Rights

An essential aspect of gender sensitization must take the form of conducting a range of short term orientation courses and workshops for ALL members of the university and college community, students, faculty and staff. We offer below a range of such possible workshops to provide an indication of their scope which extend beyond narrow notions of gender and sexual harassment issues.

The course module described above may be used as an outline for a five day (one part per day) or a one day workshop on gender. In addition, a workshop on gender is given below. Reading material and/ or films and other visual material may be used as the starting point for discussion on the range of issues outlined. A list of suggested readings and visual aids is given in **Appendix 15.**

4.3.1.1 Gender Workshops

The course module described above may be used as an outline for a five day (one part per day) or a day's workshop on gender. If appropriate students, faculty or non-teaching staff may be asked to read one section per day and this can be starting point of a discussion on the range of issues outlined.

Workshop 1 : What is gender?

Workshop 2 : The pressure to perform gender in particular ways. Illustrate with examples from cinema, advertising, etc.

Workshop 3 : Many bodies, many sexualities. Recognising diversity in gender and sexuality.

Workshop 4 : How do gender relations intersect with other axes of inequality and discrimination such as caste, class, region, minority identity, disability and so on?

Workshop 5 : (For a workshop with students) Gender Equality in interpersonal relationships.

Workshop 6 : Power and Violence against women: combating myths and understanding legal provisions.

4.3.1.2 Making Men: Masculinities and Everyday Life

Rationale: While it is extremely important to have recourse to legal remedies and to know one's rights in the case of gender-based discrimination, violence and harassment, gender is, simultaneously, a complex social and cultural terrain. An understanding of the latter is a prerequisite towards comprehending ones rights and forming informed opinions towards issues of social and gender justice. In particular, this workshop aims to highlight the fact that masculinity should not be considered a 'natural' category and requires critical reflection. An understanding of the cultures of masculinity – and gender in general – also emphasizes the fact that issues of justice and equality are not aspects to be solved only through legal means. Rather, that they also require an understanding of the processes and beliefs that create the conditions of injustice and discrimination in the first place. An understanding of masculinity (or, masculinities)

also allows us to reflect upon our attitudes towards those – including, say, homosexual men and transgenders – who may not approximate to the dominant gender ideals.

1) What is masculinity? What are the different terms and practices invoked to characterize it?
2) Are men born violent or do they learn to behave in certain ways?
3) What is the role of families, education and 'tradition' in the making of masculine cultures?
4) How are masculinities represented in the media and popular culture?
5) How do masculine perspectives unfold within institutions such as bureaucracies and law courts?
6) What is the relationship between masculinity and 'public' and 'private' spaces? How are men and women characterized as belonging to specific spaces?
7) Are norms of masculinity changing?
8) For the workshop participatory exercises as developed by NGOs could be drawn on (see **Appendix 9** for more information.)

4.3.2 Understanding Sexual Harassment on Campus Workshops

What constitutes sexual harassment and how to deal with it, is a source of major confusion for most people, whether students, faculty or administrators. Even members of sexual harassment committees, as the Task Force members repeatedly found, are not aware of processes and procedures, which will be more fully addressed in the next section of this report. Here we provide a workshop series dealing with sexual harassment. A workshop for members of sexual harassment committees would have to be more detailed.

Workshop 1: Defining Sexual Harassment in the Workplace.

1. **Understanding Sexual Harassment**

   Sexual harassment is about any unwelcome sexually determined behaviour (whether directly or by implication) such as physical contact and advances, demand or request for sexual favours, sexually coloured remarks, showing

pornography, or any other unwelcome physical verbal or non-verbal conduct of a sexual nature.

- ❖ Sexual harassment is a form of violence against women and a human rights violation. It is a violation of fundamental rights as laid down in the Indian Constitution. Such behaviour transgresses common dignity and gender equality and denies equal opportunity
- ❖ Sexual harassment creates an intimidating, hostile, offensive and therefore stressful working environment.
- ❖ The first principle of sexual harassment is that it is against the consent of the person concerned.
- ❖ This may occur in public with open and even boastful sexist attitudes, comments and behaviour, or only in private, when the aggressor is alone with the victim.
- ❖ What is wrong with the term 'eve-teasing':
  - The word 'teasing' trivializes the harassment and presents it as 'just fun'.
  - It presents the image of 'Eve' the temptress and tends to lay the blame on the woman, deflecting the issue to what the woman was wearing, why she was out late and so on.
- ❖ Discuss the definition of Sexual harassment in the Vishaka Guidelines, the Sexual Harassment in the Workplace Act and in different university policies (especially where variations exist).
- ❖ Discuss types of sexual harassment, quid pro quo sexual harassment, and hostile working environment sexual harassment.

  Below are a few example of each:

  Quid Pro Quo Harassment

  - I am due for a promotion. The librarian has to write my confidential report. Yesterday he came over to me and said, 'you must come out with me so that just the two of us can be together'.

- My PhD supervisor says that if I spend more time with him alone in the evenings, he will allow me to submit my dissertation soon.
- Some students from my village helped me when I first joined the university. They now want to spend time with me alone and visit me at odd times even though I have said that I do not like it.
- Male students with motorbikes offer me lifts to move around in the campus and then expect something in return which makes me very uncomfortable.

Hostile Working Environment

- The male staff in my office crack sexual jokes about women and use abusive language. Some of them watch pornography in the office. I feel very uncomfortable.
- I have been receiving obscene sms messages from someone who clearly knows my whereabouts.
- Street lighting on the way back to the hostel from the library is poor. Some men hang around and try to grab at us when we walk back at night.
- In the art class the teacher makes obscene and embarrassing comments on women students and their work.
- My class mate is a friend. He has been following me around wherever I go and is now saying that because I haven't begun a relationship with him he is getting very depressed and will harm himself. I feel victimised and afraid. How can I stop this behaviour?

Workshop 2: Dealing with an event of sexual harassment

- Discuss your University's policy.
- According to the policy, who can make a complaint of sexual harassment?
- What is the Jurisdiction laid out in the policy? Do spaces outside the

university campus that the complainant and respondent visited for work fall within the jurisdiction of a University ICC?

- What are the procedures followed once a complaint to the ICC is made?
- Discuss the protections offered to the complainant and the respondents offered in the pendency of an inquiry into her complaint.

What are the ranges of redressal mechanisms – both punitive and non-punitive -available according to your University policy on sexual harassment?

Workshop 3: Guidelines for a Complainant

- Stress that it is not the fault of the person harassed (Too often women are blamed for harassment they face).
- Follow your instinct. If you are uncomfortable with someone's behaviour or feeling threatened take note of this feeling.
- Keep a careful record of the harassment faced. If this involves smses, emails etc then keep them. If they involve Facebook posts or the like on the internet, take photographs of these pages which you can show as evidence.
- Talk to your friends and people you are comfortable with about the harassment.

Where appropriate try to tell the person to stop the behaviour.

Workshop 4: Redressal of Sexual Harassment and Disciplinary action

- Why is the ICC an alternate redressal mechanism? What are the guiding principles of a civil procedure?
  - The most important is that the nature of evidence required to prove a case is very different from that required in a criminal case.
- What are the interim reliefs granted to the complainant under the law, and the rules of the institution?
- Should different acts of sexual harassment invariably attract the same kinds

of penalties? How is the impact of sexual harassment on the complainant to be assessed and redressed?

Workshop 5 Interactions with other laws and rules

- Protection against Domestic Violence Act
- Sections of the IPC
- Prevention of Atrocities Act
- Anti-Dowry Legislations
- Service Conditions of employees and existing disciplinary committees.
- Making a complaint under the IPC.

Workshop 6: Procedures and Guidelines for the functioning of a committee (for members of sexual harassment committees)

1. Procedures to be followed in recording a complaint.
    a. Use a standard format for the recording of complaints --if there has been a series of incidents, seek information about all previous incidents; collect evidence like messages, emails and any other relevant documents, including itemised call records.
    b. Reduce oral complaints to writing using the standard format--ensure that the complaint is as far as possible in the words of the complainant. Ensure that all documents submitted by the complainant are authenticated on every page, countersigned by the member of the ICC who has recorded/ received the complaint.
2. Development of a standard procedure for the constitution of Inquiry Committee, designation of Inquiry Officer, and a clear definition of its role, responsibilities, and powers.
    a. Duties of the Chief Inquiry Officer: supply of the complaint and other documents to the respondent; the issue of summons to witnesses; conduct

of meetings of the Inquiry Committee, and the adoption of minutes; correspondence with the complainant, respondent, witnesses and officials.

b. Roles and responsibilities of other members of the Inquiry Committee, including the NGO representative.

3. Granting interim relief to complainants: addressing requests for transfer, leave, medical care/leave, protections against victimisation.
4. Implementation of guarantees of confidentiality and principles of natural justice, including serving restraint orders, and interim disciplinary action.
5. Procedures to be followed in formal enquiry:
   a. Order and manner of inquiry: the necessity of adopting a mode of inquiry whereby the respondent has a full opportunity to understand the case being made out against him before he presents his defence.
   b. Dealing with depositions: verbatim vs. sense-based reduction of oral depositions. Use of questions and answers. Administration of an oath of confidentiality, and signatures on attendance sheets. The necessity of the deposition being explained to the witness in a language s/he can understand, and the use of translation/interpretation. Also, the need for the authentication of depositions (preferably on the same day) by all witnesses, particularly the respondent.
   c. Procedures for the cross-examination of the parties and their witnesses, modulated by the guiding principles of gender-sensitivity and non-coercion. Supply of authenticated and anonymised depositions to both parties.
   d. How to summon and interview official witnesses and access official records.
6. How to write an enquiry report: The need to address all the aspects of evidence, and depositions with regard to the complaint as well as procedural objections.
7. Protocols for submitting an enquiry report.

Workshop 7: Preventive sensitisation work.

1. Objectives and goals for sensitisation work.
2. Why the need for a sexual harassment policy and ICC? What relief will it provide?
3. The need for participation by students, teachers, office staff and maintenance staff in the ICC to create a safe and dignified atmosphere in the college/university.
4. Instruments for community outreach: Open fora on experiences of all students and women staff, surveys, newsletters, talks, conventions, etc.
5. Role play, improvisations and performance of plays followed by discussion.

4.3.3 Know Your Rights and Know the Law: Legal Literacy Workshops

Workshops can also be organised that look at issues of gender and sexual harassment in the context of legal rights and remedies offered by the courts. Basic knowledge about how to file a complaint, what to do when faced with illegal detention or arrest, what to do when one is battered or stalked, equal opportunity legislation, freedom of expression and its violation, are addressed in these workshops (see **Appendix 13** for details).

V. SEXUAL HARASSMENT IN UNIVERSITIES AND COLLEGES

The UGC's commitment to the just redressal of sexual harassment in Universities can be seen from the fact that soon after the Vishaka judgement of August 1997, circulars were issued to all universities, advising them to establish a permanent cell to address and redress sexual harassment, to develop guidelines to combat such harassment, violence against women and ragging at the universities and colleges. It further advised the universities to proactively create a conducive atmosphere on university campuses, where the status of women is respected. In March 1999, a booklet related to the Supreme Court judgement was prepared by the MHRD and a letter was sent out by the then UGC Chairperson Prof Armaiti Desai to all Vice Chancellors and Principals (dated March 1999) to set up sexual harassment committees.

In response to this circular in the decade that followed, some HEIs responded positively and instituted such Internal Complaints Committees (ICCs); yet, the observance of the UGC letter appears to have been more in letter than in spirit. The data of a survey conducted in late 2012 by Prof. Reicha Tanwar, Director, Women's Studies Research Centre, Kurukshetra University of 200 institutions of Higher Education in the country on the status of committees set up to deal with complaints of sexual harassment reveals that while there is a proforma 'formalistic' compliance on setting up some mechanism, there is little clarity on the purpose/scope of their work. Most importantly, even though Vishaka guidelines made preventive work central to the work of standing committees, the responses to their survey revealed little commitment to initiatives for sensitization or gender awareness on the campuses surveyed.

The Task Force's impression echoes that of the 2012 survey. Based on the responses received to the questionnaires sent out as part of the Task Force's assessment and the inputs received from the Open Forums as well as other submissions, it has found that while many colleges and universities have a ICC in place, some still have generic grievance cells for complaints, but no specific sexual harassment complaints committee. Most committees have not received a single complaint of sexual harassment, nor have they conducted sustained awareness campaigns on this human rights violation.

Even in universities where complaints committees are in place, students, teachers and non-teaching staff do not know of its existence. Information about procedures for filing cases is not common knowledge. In general, ICCs and administrators lack clarity about their constitution, status, functioning and powers, and the procedures that must be followed in inquiry. ICCs often have no funding, no physical location that serves as an office, no secretarial or office assistance, making the maintenance of necessary records difficult. Commonly, ICC members have little understanding of gendered violence, experience of dealing with sexual harassment and violence against women. When compounded by the absence of legal awareness or training, the inquiry function of these committees tends to be compromised, with the result that far too often cases drag on without resolution.

Moreover, even where ICCs have been functional, their track records did not inspire enough confidence in the University community. In the open forums and other interactions with members of the Task Force **students complained that nominated ICC committees were often perceived as protecting the faculty, and expressed the fear that in the absence of student representation on these committees, no serious action would ever be taken against teachers**. They also pointed to the weakness of ICCs in empowering them to combat the pressure on them to withdraw cases --not just from faculty, but also from parents and peer groups. Fear of identification and future harassment prevents many from coming forward. **Also in these Open Forums, faculty stressed the need for ICCs to be mature in its handling of issues, and its focus should be on relief to the victim and resolution of the issue**.

The Task Force is therefore of the opinion that it needs to formulate a set of guiding principles that must govern the composition, functioning and redressal mechanisms of ICCs in Universities, as derived from its understanding of the relevance of the Vishaka judgement and the Sexual Harassment Act, 2013 to universities as workplaces.

5.1 Understanding the role of ICCs in University

The implementation of the Vishaka guidelines and the 2013 Act in universities must be predicated upon a clear understanding of the nature and significance of sexual

harassment redressal mechanisms in the context of an institutional space such as the University and other Institutes of Higher education. These are not merely 'workplaces' where faculty and non-teaching staff work but are primarily places where students come to learn and be trained for their professional careers, and to realise their full potential as individuals. It is therefore imperative that all students, particularly women students, are provided with a safe and dignified environment in which they are able to achieve these goals, because only then will they be able to realise the constitutional promise of equality.

The University-level ICC, when conceived of as an implementation of the Vishaka guidelines, was a mechanism to both prevent any violation of a safe and dignified environment and to ensure that if such violations do take place they are effectively and speedily dealt with. It is for this reason that ICCs have been put in place to provide a *civil redressal mechanism* in contrast to a criminal --primarily punitive --process. The goal of the SH policy is to end the problem faced by the student/employee through an internal system of relief that is easy to access, and thereby provides an effective remedy to the aggrieved complainant as quickly as possible so that she can continue to study and develop without further impediments.

This is very important to recognize for two reasons. One, in relation to how cases are resolved, in that redressal does not necessarily have to be punitive and instead may be educational, (depending on the nature of the case) and two, in relation to the nature of evidence sought.

Prior to the Vishaka guidelines, sexual harassment was addressed as a law and order problem in universities and was only addressed as and when a case came up. Committee members were not seen as needing an understanding of gender or gendered violence. This had implications for how cases were dealt with and also meant that no preventive work was done. In contrast, the Vishaka guidelines made it necessary for all institutions to set up standing committees. These committees have to be representative of the different sections of the University community, and must be autonomous (i.e. independent of existing structures of power), accountable and accessible.

The Vishaka guidelines also effected a change in the way that redressal and disciplinary actions were to be conceived. Whereas earlier sexual harassment was only

treated as a matter of criminal law, where the metric of 'beyond reasonable doubt' as laid down by the Indian Evidence Act, would have to be applied, ICC enquiries are bound by the 'preponderance of possibility' standards set for domestic enquiries. More suited for the inter-personal and non-public nature of sexual harassment in the workplace, these standards enable ICCs to hear and evaluate complaints in a manner that is more sensitive to the impact of sexual harassment on the individual. At the same time, the foregrounding of this subjective component adds further responsibility on ICCs with regards to the fair and just conduct of sexual harassment enquiries: the principles of natural justice must be observed in all cases, and the procedures it employs must be impartial and rigorous.

Finally, the Vishaka guidelines make the constitution of ICCs in every workplace an expression of the employer's commitment to a non-discriminatory workplace, in which the dignity, health and safety of every woman is guaranteed. This commitment therefore entails not only the deterrence of sexual harassment, but also its prevention. The employer, through the ICC, must ensure that the institution adopts a policy against sexual harassment that addresses the issues of its particular environment and the challenges and vulnerabilities of people who work and live there. Such a policy must be given adequate and sustained publicity, with the aim of educating and sensitising the entire university community about what sexual harassment is and the higher education institution's zero tolerance to it.

Part of the preventive work should also be the enabling of discussions on the campus on issues of gender, sexuality, consent and violence for example. It should be stressed that sexual harassment is by definition against the consent of the person concerned. It should not be confused with consensual relationships between men and women on a campus. Thus, preventive work should in no way focus on censuring these. It must also be emphasized that the policing of students, or the impositions of dress codes for either or both men and women students and employees in the work place do not constitute 'prevention' in any form, as the restriction of any individual's liberty and autonomy is discriminatory, and cannot be the basis for justice and redressal.

5.2 Guiding Principles

Guiding Principles for the constitution and functioning of anti-sexual harassment committees in Universities.

The Task Force is of the opinion that the following six principles must be adopted as the directive principles for the institution and functioning of sexual harassment policies.

5.2.1 Confidentiality

A major impediment to the lodging of complaints of sexual harassment is the apprehension that the very act of a complaint will lead to adverse publicity for the complainant. Confidentiality with respect to the details of the complaint, the complainant's identity and the person(s) who she has charged must therefore be mandatorily guaranteed, but by itself, this is not enough, as confidentiality must extend both to the procedures employed in enquiries and the witnesses involved in them for the guarantee to be truly meaningful.

Since sexual harassment is an exercise of power that is traumatic for complainants, the enquiry process should not be one that either replicates such inequalities or causes trauma to the complainant. ICC proceedings should therefore ensure that:

At no time in the complaints receiving and recording procedure should the respondent(s) and the complainant be placed face to face, or put in a situation where they may be face to face (e.g. they shall not be called at the same time and be made to wait in the same place), in order to protect the complainant from facing further trauma and/or safety problems.

Following the Supreme Court directions in (W.P(C) 4427/2008 Page 20 of 28), the identity of witnesses should not be revealed to the respondent or any person acting on his behalf.

Complainants and other witnesses should not be examined in the presence of the respondent. This can be derived from the High Court judgement in the Bidyut Chakraborty v. Delhi University & Ors.: 2009 VI AD, as modified by the Supreme

Court, wherein the court observed that it was not obligatory for the ICC to examine the complainants and other witnesses who were to depose against the respondent, in his presence.

Finally, the maintenance of confidentiality with regards to the proceedings of ICC enquiries should be the responsibility of all persons involved in the enquiry, including the complainant, the respondent and all witnesses. An oath of confidentiality must be administered to all parties with regards to the substance of their deposition during the enquiry; however, this commitment should not be interpreted as barring any party from approaching higher institutional authorities as well as the criminal\civil justice system for redress of specific grievances.

5.2.2 Non-coercion and Interim Relief

The 2013 Act has built on the Vishaka guidelines by adding that the following acts may also amount to sexual harassment:

presence or occurrence of circumstances of implied or explicit promise of preferential treatment in employment;

threat of detrimental treatment in employment;

threat about present or future employment;

interference with work or creating an intimidating or offensive or hostile work environment; or

humiliating treatment likely to affect the woman employee's health or safety.

These provisions call for an explicit recognition of the fact that in a workplace, the exercise of patriarchal power may equally be expressed by the abuse of institutional power. It is therefore incumbent upon ICCs that once a complaint has been lodged, they should take steps to minimise such abuses. For example, some university rules require an order of restraint to be issued to the respondent as soon as the complaint is filed, prohibiting all direct or indirect contact with the complainant, her family or witnesses. Violations of the order of restraint are viewed as aggravating the offence committed.

An explicit protection from victimisation must be provided to all students and employee complainants and witnesses, by which in the pendency of a complaint and even after, the person charged with sexual harassment shall be expressly prevented from supervising or evaluating any academic or work-related activity of the complainant\witness.

This protection should explicitly extend to the supervision of research and writing of the Confidential Reports of the complainant. Importantly, if the research work of the complainant has been retarded because of her pursuing a complaint of sexual harassment against her supervisor or any other person employed or studying in the HEI, the concerned institution must ensure that the complainant should not be disadvantaged or penalised for any delays with regards to her academic work. Furthermore, the institution must ensure that she is sanctioned a reasonable amount of extra time to complete her work.

Furthermore, the 2013 Act also envisages the ICCs as providing interim relief to the complainant. The Act empowers the ICC to recommend to the employer, at the request of the aggrieved employee, interim measures such as (i) transfer of the aggrieved woman or the respondent to any other workplace; or (ii) granting leave to the aggrieved woman up to a period of 3 months in addition to her regular statutory/ contractual leave entitlement. University-level ICCs must obviously guarantee these at the very minimum; however, in a workplace as complex as the University, special attention must be paid to provide reasonable interim relief to students, particularly research students, as well. Appropriate procedures that are in consonance with the guarantee of confidentiality must be put in place in all HEIs.

Finally, it is important also to recognise that the principle of non-coercion must also guide the ICCs in recognising that the persons affected by sexual harassment may not always be women. Same-sex harassment and violence is a reality of our campuses and our society, and a commitment to non-coercion must also enable HEIs to redress such discriminatory acts. ICCs in educational institutions must also therefore be empowered to receive complaints of sexual harassment by men and women who have suffered same-sex harassment.

5.2.3 Fair Enquiry

All ICC enquiries must be carried out in accordance with a detailed procedure for inquiry into a complaint of sexual harassment, starting from the filing of the complaint, examination and cross-examination of witnesses, right up to the submission of the report. The governing principle should be complete transparency and impartiality, and the guarantee of principles of natural justice to both the complainant and the respondent, tempered with due attention to the aspects of confidentiality and non-coercion. (See **Appendix 12** for recommended procedures for Cross-examination and **Appendix 13** for issues related to Conciliation.)

At the very minimum the procedures must include the following points:

- Information about who may file a complaint to the committee, the channels through which it may be made, and the procedure employed to record a complaint.
- The composition of enquiry committees must include an NGO, comprise at least 50 per cent woman and be headed by a woman). A good practice would be to ensure that representatives of the constituency of the complainant and the respondent are members of the Enquiry Committee (i.e., if the complaint is filed by a student against an academic staff member, then the Enquiry Committee must include one student and one academic staff member).
- Ensure that the Enquiry Committee fulfils certain responsibilities towards the complainant and the respondent: for example, timely notification of the membership of the Enquiry Committee and the schedule of its hearings, the provision of the complaint to the respondent as well as the supply of all documents and authenticated but anonymised depositions to both parties, and the provision of support services like counselling and translation services, etc.
- Ensure that the accused/respondent is informed about the nature and the details of the complaint against him, and is provided with all the evidence has been submitted against him during the course of the enquiry (including the authenticated (anonymised) depositions of the witnesses from the complainant's side).

- The order and manner of enquiry, including the order of witnesses to be summoned, the procedure for the examination and cross-examination of witnesses, as well as rules for the protection of witnesses and the complainant.

It is important also to recognize that the Rules by which ICCs must function will have to be updated and revised from time-to-time, both because of the fact that Court judgements and other laws and Rules will continue to revise the legal framework within which the 2013 Act is to be implemented, as also because the experiences of the ICCs at the institutional level will throw up new challenges. As the requisite legal knowledge need not necessarily be available at the institutional level in general and with the ICCs in particular, full institutional support must be extended to ICCs in all aspects of the law.

5.2.4 Orientation towards Education and Redressal

Given the complexity of the University as a workplace, the ICC must fully exploit its potential as an alternative dispute resolution mechanism; while there must be zero-tolerance for quid pro quo harassment involving a teacher\employee and a student or those in any other hierarchical relationship, many cases of peer harassment between students would benefit from being considered as an opportunity for education and sensitisation, rather than stringent punitive action. While decisions on individual cases can only be made on the basis of the facts of the case itself, this guiding principle should be reflected in providing a range of penalties that sexual harassment may attract, all the way from warnings and apologies up to dismissal. See for example the JNU GSCASH Rules and the Delhi University Ordinance XV (D) for such a range.

An oft-neglected aspect of the need for an educative and sensitisation approach is raised by issues of sexuality. For many young persons, the years in University are the first time that they can begin to address questions of sexual orientation and sexuality. Such self-discovery is often traumatic, and in the face of (internalised) social taboos and ridicule, may lead to behaviour that is violative of the rights of another. Such cases cannot, and must not be dealt with only at the punitive level; while all steps must be taken to ensure that the sexual harassment stops, an equal concern must be shown to the individual who is dealing with his/her own sexuality. In fact, discussing

questions of sexuality and addressing the rights of sexual minorities should be an activity that must be undertaken by all ICCs in HEIs.

The specific redressal a particular complaint demands will similarly have to vary according to individual cases, but the objective of the interventions by ICCs must first and foremost be to ensure that the sexual harassment stops at once. Redressal at the end of an enquiry in which harassment has been established must be tailored to address the needs of the complainant – be they academic or personal. Events of sexual harassment and enquiries into complaints exact a tremendous toll on the complainant's health and concentration and merely punitive recommendations do not address these.

5.2.5 Representative Committees

Since the UGC notification of 1998, many educational institutions have constituted their Vishaka-compliant committees through a variety of modes, including direct election, and in many cases, these modes have been incorporated into the Rules, Regulations, Statutes, and/or Ordinances of the institution concerned.

Representative committees have been challenged and upheld in the courts. In the Dr. B.N. Ray vs. Ramjas College & Ors judgement on 21 May 2012, the Hon. High Court of Delhi observed (with regards to Delhi University): "In our view, such a composition also meets the objective of ensuring that all sections of the college community have full faith in the functioning of Committee on account of presence of their representatives on it. The findings of such a broad based Committee are likely to be better received and accepted by all the sections of the college community". And in response to this being challenged …"…We also fail to appreciate how inclusion of students or representatives of students or non-teaching employees, including the representative of Group D employees, can be said to be violative of Article 14 of the Constitution. It was very much in the domain and competence of the University to provide, by way of Ordinance, that the members of the Committee would include representatives from all the sections of the college community".

A core guiding principle is that individual institutions should be empowered to choose whichever method of composition of ICCs that is deemed appropriate by the

work place community (students, employees and the person(s) in charge of the HEIs), as long as the composition of the ICC complies with the Act of 2013, and is given the force of Rules, Regulations, Statutes and/or Ordinances of the institution concerned.

While it could be the case that the mode of direct election is not feasible across all HEIs, it is nevertheless important that the composition of ICCs does not replicate the power inherent in workplace hierarchies. ICCs must contain representation from all sections, particularly junior levels, of the workplace. Furthermore, such representation must not be directly nominated by the employer; rather, transparency and a principled basis for membership on the ICC should be arrived at after involving all sections of the HEI community.

5.2.6 Administrators' Zero-Tolerance to Sexual harassment and gender-discrimination

The 2013 Act makes employers liable for an institution's non-compliance with the provisions of the Act (including the failure to constitute a Committee, include details of sexual harassment cases in the annual report etc.). The first instance of such violation is punishable with a fine of INR 50,000, and repeated violations are likely to result in higher penalties.

In the Task Force's view, the heads of educational institutions must mandatorily extend full support to the ICCs to ensure that prevention and deterrence of sexual harassment in the workplace is actually affected. The best practice should be to treat ICC recommendations as binding, and to consider any dilution or enhancement of the action recommended as needing written justification. Furthermore, the educational institution must afford all possible institutional resources to the functioning of the Complaints Committee, including office and building infrastructure (computers, photocopiers, audio-video equipment, etc.), office staff, and counselling and legal services as well as a sufficient allocation of financial resources. In addition, at the very minimum, the following steps need to be taken by persons in charge of HEIs to ensure:

- An annual notification notifying the names and contact details of the members of the ICC.

- Publication and dissemination of the HEI's policy against sexual harassment and its rules.
- Provision of legal, medical and counselling assistance to complainants.
- Implementation of the guarantees of confidentiality and protection against victimization.
- Provision of an atmosphere in the workplace in which the functioning of the ICC are not subjected to undue "pressure from senior levels".
- Forward to the government department concerned as well as the UGC, the Annual Report of GSCASH together with a written report on the Action Taken by the HEI upon the decisions/recommendations of the GSCASH and/or the Appeals Committee.
- Ensure that the ICC organizes programmes for the gender sensitisation of the HEI community through workshops, seminars, posters, film shows, debates, skits, etc.
- Ensure the sensitivity of the HEI security services and other institutional services to the ICC with regards to the redressal of complaints of sexual harassment in the workplace.
- Organize mandatory training sessions for members of the ICC, so that they may discharge their functions in a law-abiding manner, and that the ICCs function in compliance with the 2013 Act.

5.3 Specially Vulnerable Groups

Sexual harassment is an assertion of power. Though all women and some men can be the targets of sexual harassment, the feedback obtained from the Open Forums as well as long standing experience of ICCs makes it evident that vulnerability can be compounded.

Firstly, the vulnerability of women can be compounded through forms of existing social discrimination based on region, class, caste, minority identity or sexual

orientation among others. Many of these aspects of identity or social background remain invisible or stigmatized and therefore sensitivity must be developed to enable students and staff who are vulnerable in these ways to come forward and seek redressal in an atmosphere of trust.

Secondly, women can find themselves in vulnerable situations for reasons having more to do with the structures of HEIs themselves. Here we include women with disabilities who are placed in relations of unique dependency because they are differently abled, and hence require forms of assistance for their basic needs. This situation is exacerbated by the lack of facilities on campuses which are built only with the abled bodied in view. This is also why campuses must be disabled friendly. The differently abled can be particularly susceptible to harassment or abuse. Access to institutional structures such as anti-ragging committees or ICCs must be enabled and facilitated. Some universities have provided for enabling committees to address the special needs of the differently abled students and it is suggested that these committees work with women's cells to provide counselling and facilitation in terms of access to ICCs where needed.

Special mention must also be made of research students whose work and study places them under a supervisor. Research supervision carries considerable power with it since the degree and future of a student hangs on the successful completion of such research to the satisfaction of the supervisor. Research typically is contingent on regular interactions where the supervisor mentors the student and guides her or him through the process. Such power can be misused in a variety of ways to intimidate, create a hostile environment, or communicate quid pro quo statements all of which can lead to sexual harassment and considerable trauma for the student. Students typically experience these problems in isolation and, precisely because they fear reprisals if a complaint is made, can feel quite helpless with their future at stake. In the next section below some considerations are suggested for an ethics of supervision. In science departments supervisors can have enhanced power over their students, including through joint experiments, working late hours in laboratories, on projects involving significant funding, all of which lead to heightened control over students. Even simple matters such as disbursement of scholarships and financial grants to students make it more difficult for the aggrieved student to bring complaints against

their supervisors. Typically also science departments are somewhat isolated from the rest of the university community. The Task Force was made aware of particularly tragic cases where a case of harassment followed by isolation led to the suicide of the victim.

Staff and faculty can also be specially vulnerable depending on the nature of their employment. Contract workers and all ad hoc and part time employees or faculty, which is now a growing proportion of those employed in HEIs, are working in conditions which can be further exploited. Junior faculty especially at entry level or when awaiting promotion can also find themselves vulnerable to harassment. Clear guidelines against sexual harassment must therefore also be sensitive to employees on campuses who would ordinarily find it difficult to complain because their rights to employment are not secure.

5.4 Intimate Partner Violence

Intimate Partner Violence is a term that is used in order to help people recognise the unacceptability of the violence they may be experiencing in their personal relationships and friendships with others. Such violence can occur in a variety of situations – where the relationship is otherwise consensual, in a relationship that one party has attempted to end, or when feelings are no longer mutual. It can take the form of physical, emotional, sexual or psychological actions by a person in order to gain power over the other. Such behaviour can be aggressive and seek to humiliate the other person and so lead to loss of self-esteem. There could be attempts to control the actions or decisions of the other person, or take even more complex forms where a person threatens to harm him or herself in order to maintain the relationship. While gender inequalities are such that the aggressor is usually a man, the complex nature of personal relationships is such that men may occasionally feel victimised as well.

If a person is feeling victimised in such a relationship, it is imperative to recognise that this is wrong and is a form of harassment. It is important not to hide such a situation especially if it is not coming to an end and to bring it to the notice of friends, and to a person in a position of responsibility, whether a counsellor or a member

of the gender sensitization committee. Early efforts to deal with such violence can prevent the situation from deteriorating further or on occasion coming to extremely tragic ends. Gender sensitization is crucial so as to enable young people to distinguish between affirmative friendships and relationships, and those that are causing harm.

5.5 Ethics for Research Supervision

The perspective that should guide ethics for research supervision is to maintain clear norms in the relationship such that neither is the student violated nor does her research suffer. Time spent with supervisors must be professionally oriented and not be personal. Unnecessary requests to spend time with supervisors should be avoided. All meetings should be during office hours in office space. Doors should either have glass – and this should also include laboratory doors which usually must be kept closed --or else doors should be kept open during meeting times.

Any complaint made by a student about a supervisor must be forwarded to the Sexual Harassment committee and officially acknowledged. Following this the supervisor must be suspended and another faculty member assigned in consultation with the student.

VI. RECOMMENDATIONS

6.1 Setting up a Gender Sensitization Unit within the UGC. This will act as a nodal division to give effect to the policy of zero tolerance of gender based violence on campuses of colleges and Universities. The **unit will** be tasked with the responsibility to:

1. Assist and support universities and colleges to meet mandatory requirements to end gender based violence and harassment including provisions for the safety of women students and employees on campuses.
2. Provide going assistance and oversight for the functioning of the Complaints Committees Against Sexual Harassment on Campuses and also to monitor their compliance with the requirements of the Sexual Harassment Act of 2013.
3. Produce materials for courses and workshops on issues pertaining to gender sensitization, sexual harassment and legal literacy with the help of recognised experts in the field and make these available to all constituent universities and colleges. A **UGC handbook** with directives, guidelines and course and workshop materials to be prepared.
4. To ensure that regular training programmes including workshops and short term courses on gender sensitization become an on-going activity within both the curricular and co-curricular spaces.
5. Provide information on research work, publications and lecture material with regular updates. A **website** and on line courses be also developed by the unit.
6. Maintain an updated directory of experts and trainers with detailed coordinates for dissemination to HEIs.
7. Ensure that all institutions under 12(f) and 12 (b) submit an annual Gender Audit of their campuses to the UGC. The modalities and specifics of the audit (including format for submission) may be detailed by the Unit in consultation with experts, teachers, students and members of civil society. This should be a requirement along the lines of Annual Submission of Accounts. The unit will

also be responsible for maintaining a log of complaints and the redress processes adopted by universities in response to complaints.

8. Provide legal advice and guidance to HEIs that is in consonance with the larger policy framework of non-discrimination that recognizes that gender based violence often gets exacerbated at the intersections of the multiple fault lines of caste, class, religion and disability.

   Note: As the requisite legal knowledge (regarding compliance with the Sexual Harassment Act 2013 and the Criminal law Amendment Act) is not easily available at the college/university level in general and the Internal Complaints Committees in particular, the UGC unit may constitute a standing committee comprising lawyers and academics with expertise in the area of law, as well as university administrators to advise the ICCs with regard to the procedure and rules it may follow.

9. Coordinate the conducting of further Open Forums in the country whether on a regional or any other basis for on-going sharing and accountability among HEIs on issues pertaining to gender sensitization and sexual harassment.

10. Process applications for grants by HEIs to run gender sensitization programmes such as courses workshops, etc. and make allocations therein.

11. Recommend funding for expanding gender sensitization programmes and the work of Women's Development Cells and Gender Training Centres in HEIs. These are currently languishing for lack of funds.

The UGC Unit, will comprise trained personnel dedicated exclusively to the tasks, its effective functioning. It may have a Steering Committee to advise and give overall policy direction for its day to day activities comprising academics, NGO practitioners, Lawyers and senior education administrators. This group must have both men and women members.

Significant grants must be set aside for the unit and activities listed above under the 12th plan.

6.2 The Problems of Protectionism

While ensuring safety and access to a non-discriminatory or Sexual Harassment free environment, campus safety policies should not result in **securitization**, over monitoring or policing or curtailing the freedom of movement, specially for women. The provision of safety for women on campuses must eschew the practice or tendency to be overly prescriptive to women by restricting their freedom of movement.

Concern for the safety of all women, but particularly young women students should not lead to discriminatory rules for women in the hostels. The attitude to women's safety in hostels often infantilizes these adult women and does not empower them to learn to strategize about their own safety. Most importantly the focus would have to shift to ensuring a safe environment around the hostel and campus. An urgent issue to address is safety for all women on campuses who want to sit in the library till late or in the science departments to do experiments. Proper lighting and shuttle buses that take students to the hostel or the nearest bus stop are necessary.

The mentality of "policing" as a panacea for deep prejudice only spawns alternative forms of violence and subjugation.

6.3 Gender Sensitization

As the report has repeatedly emphasized, gender sensitization measures are the weakest aspect in the current functioning of committees and cells on campuses of HEIs. In this light the following recommendation need to be accorded the highest priority:

1. ALL members of higher educational institutions must undergo processes of gender sensitization, whether students, faculty, administration or support staff.
2. For employees training in gender sensitization workshops are compulsory and should be an incentive when evaluating candidates for promotion. Such workshops should be appropriately structured depending on the group being sensitized, with innovative methodologies and multiple formats.

3. Among students, orientation workshops must be conducted in their first year. All students should have participated in some programme, workshop or course on gender to be eligible for the award of a degree.
4. Students should be encouraged to take up student led initiatives such as a festival early in the year where issues related to gender sensitization and harassment can be taken up and discussed through different modes such as talks, discussions, films and cultural events.
5. A culture of open discussion and a positive ethos must be the means and the goal of all endeavours of gender sensitization.
6. There must be clarity about 'gender' which includes both men and women, critiques of the norms of masculinity and femininity. Issues of gender, moreover, are always intersected by class, caste, region, religion, sexuality and ability, which must be reflected in the structuring of processes of sensitisation.

6.4 Recognising and Combatting Sexual Harassment

As this report has amply demonstrated, considerable confusion is widespread both in understanding and opposing sexual harassment on campuses. Clarity is required in understanding the specificities of educational institutions as particular kinds of work-places where educational, preventive and correctional approaches to combatting sexual harassment are paramount.

1. All HEIs must formulate guidelines for dealing with sexual harassment in their respective institutions, whether they be autonomous, affiliating, co-educational or women's colleges. The proposed UGC unit on gender sensitization will provide a template to help institutions in this regard and allay fears of non-compliance.
2. Common tendencies of 'blaming the victim', putting pressure on a complainant to withdraw the complaint, and so on, must be actively prevented and countered.
3. Sexual harassment guidelines must be seen to be implemented in the formation of

the necessary committees and their representation. The policy and guidelines must be widely disseminated so that the presence of ICCs is well known to all members of HEIs.

4. Quid pro quo forms of sexual harassment which affect anyone in a situation of subordination, whether as a student, employee, junior member of staff, faculty and so on must be clearly understood as unacceptable and dealt with.

5. "Glass ceilings" and fears over promotion must receive more attention, as the feedback received by the Task Force would indicate widespread practices of discrimination and harassment among women working in HEIs.

6. Compliance must be followed in the carrying out of the activities of committees, seeing through complaints, and in the submission of annual reports.

7. Templates for Gender Sensitization Committees against Sexual Harassment have been provided in **Appendices 5, 6 and 8**.

8. (i) The following composition for Anti-sexual harassment committees is recommended.

    (a) A Presiding Officer who shall be a woman faculty member employed at a senior level at the educational institution;

    (b) Not less than two teaching employees and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge;

    (c) Not less than three students, who shall be enrolled at the undergraduate, masters, and research scholar levels respectively.

    (d) One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

    Provided that at least one-half of the total Members so nominated shall be women.

(ii) Where ICCs do not exist or are not Vishaka-compliant, the following composition for Anti-sexual harassment committees (ICCs) is recommended. It should be noted that the composition is conceived as the basic minimum,

as the size of an ICC may vary depending on the requirements of the institutions. Furthermore, adoption of a particular mode of constitution of the ICC must be discussed widely in the institution in a democratic and transparent manner.

(a) A Presiding Officer who shall be a woman faculty member employed at a senior level at the educational institution;

(b) Not less than two teaching employees and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge;

(c) Not less than three students, who shall be enrolled at the undergraduate, masters, and research scholar levels respectively

(d) One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

Provided that at least one-half of the total Members so nominated shall be women. Persons in senior administrative positions in the HEI, such as Vice-Chancellor, pro-VCs, Rector(s), Registrar, Dean(s), Heads of Departments, etc.), shall not be members of ICCs in order to ensure autonomy.

(iii) The 2013 Act envisages a **maximum term of three years** for the ICC. The Task Force recommends that in an educational institution, a term of two years is adequate. Institutions may also choose to employ a system whereby one-third of the positions of the ICC fall vacant every year.

9. The Rules by which ICCs must function will have to be updated and revised from time-to-time, both because of the fact that Court judgements and other laws and Rules will continue to revise the legal framework within which the 2013 Act is to be implemented, and also because the experiences of the ICCs at the institutional level will throw up new challenges.

10. The UGC must ensure that heads of educational institutions mandatorily extend full support to see that the recommendations of the ICC are implemented

in a timely manner. All possible institutional resources must be given to the functioning of the Complaints Committee, including office and building infrastructure (computers, photocopiers, audio-video equipment, etc.), staff (qualified stenographers, typists, office assistants -- to be appointed on a permanent basis, and counselling and legal services) as well as a sufficient allocation of financial resources.

11. Specially vulnerable groups are particularly prone to harassment and also find it more difficult to complain. Vulnerability can be socially compounded by region, class, caste, sexual orientation, minority identity and by being differently abled. Enabling committees must be sensitive to such vulnerabilities and special needs.

12. Research students and doctoral candidates are particularly vulnerable and guidelines for **Ethics for Research Supervision** must be put in place. This is particularly necessary in the sciences where the power of the supervisor is enhanced. The main considerations for such guidelines have been specified in the main report above.

12. The UGC Guidelines on student entitlements provides within section 6.2 and 6.3 protection for students from ragging and sexual harassment. An additional emphasis could include the right to safety and a safe environment, free of intimidation and abuse on the basis of class, caste, region and community and Gender. Here too a "securitization" approach to these issues must be countered.

13. Each campus should produce a 'status report' on sexual harassment – including on how their sexual harassment policy is working, cases filed, action taken etc., particularly reflecting on the nature of cases that come to the committee and the preventive measures instituted, including workshops organized.

6.5 Preparation of a UGC Handbook

A handbook on sexual harassment and gender sensitization is to be prepared for all faculties. The proposed UGC Gender Sensitization Unit will be tasked with drawing on existing expertise and experience to prepare such a handbook.

6.6 Courses and Workshop Modules

The Task force has prepared a model Course Module on Gender Sensitization. This should be widely disseminated and introduced into undergraduate and postgraduate classrooms.

All Academic Staff Colleges be encouraged to incorporate sessions on gender in their orientation and refresher courses. This should be across disciplines, and preferably mainstreamed. Care must be taken that they are not reduced to an exercise in tokenism.

Orientation courses for administrators conducted in HEIs must have a module on gender sensitization and harassment issues.

Workshops are to be conducted for all sections of the HEI community.

6.7 University Services and Infrastructure

Counselling

Counselling Services must be institutionalised properly in all HEIs. Regular faculty doubling up as counsellors, part time arrangements and so on, which are widely prevalent must be eschewed in favour of well trained (if necessary retrained) full time counsellors. High levels of isolation, alienation and confusion including over gender related problems are growing among students.

6.7.1 Lighting

According to feedback received many HEIs including large campuses have a deficit in lighting and are experienced as unsafe by students. Students should be encouraged to undertake a mapping of the spaces in and around their campuses in terms of lighting. This is a necessary aspect of infrastructure and maintenance.

6.7.3 Security

Security is a necessary aspect of safety, but should not lead to a 'securitization' approach to combatting sexual harassment. A common complaint from students has to do with security. Adequate and well trained security including a good balance of women security staff is necessary. Security must receive gender sensitization training apart from other conditions of service.

6.7.4 Public Transport

Many HEIs suffer from lack of reliable public transport. This includes lack of transport within large campuses between different sections of the university, especially hostels, libraries, laboratories and main buildings, and secondly, colleges that do not have good access for day scholars. Lack of safety as well as harassment is exacerbated when students cannot depend on safe public transport.

Shuttle buses must be provided to enable students to work late in libraries, laboratories and to attend programmes in the evenings.

6.7.5 Toilets

Lack of adequate toilets for women with sufficient water is another common complaint from students both in the main buildings of campuses and in the hostels. This also means sufficient support staff employed with decent wages to maintain them.

6.7.6 Accommodation

For a growing population of young women wishing to access higher education, hostel accommodation is a necessity in both urban and rural areas and at all levels of higher education.

Insufficient accommodation and crowding were common complaints and must be attended to. Many co-educational institutions reported not offering any kind of hostel accommodation to women, thus placing them at a severe disadvantage. Building requisite women's hostels is a priority area in the 12th Plan.

Timings: Maintaining differential timings and codes of behaviour for women hostellers is widespread. Indeed, it has come to the notice of the Task Force that after the December 2012 rape incident many HEIs responded by making their timings and rules for women even stricter and more discriminatory than before. Some administrators even believe that this is the right way of being gender sensitive. It must therefore be reiterated firmly by the UGC that discriminatory timings and other forms of constraining women are NOT valid or acceptable ways of keeping women safe.

Concern for the safety of all women should not lead to stricter discriminatory rules for women in the hostels. The attitude to women's safety in hostels often infantilizes these adult women and does not empower them to learn to strategize about their own safety.

6.7.7 Health

Adequate health facilities are equally mandatory for all HEIs. In the case of women students this must include gender sensitive doctors and nurses, as well as the services of a gynaecologist.

6.8 Women's Studies Centres/ Women's Development Cells

The Women's Development Cells in Colleges must be revived and funded to be able to carry out the range of activities that they are entrusted with. Their identity must remain autonomous of the functioning of sexual harassment committees and ICCs. At the same time they should extend their activities to include gender sensitization programmes in consultation with ICCs and to help to disseminate anti sexual harassment policies on campuses on a regular basis. The 'cultural' space and the 'formal academic space' need to collaborate to render these workshops, innovative, engaging and non-mechanical.

It is vital to bring in Hostel Wardens, Provosts, Principals, Vice Chancellors, Legal Officers and other functionaries within the domain of accountability and

not see these initiatives as primarily the responsibility of Women Development Centres.

6.9 Recommended Projects/ Research

UGC may commission a major project that

a) Collates and lists accessible material of quality that is available from diverse sources (e.g. the IGNOU 4 volume – study material on Women's Empowerment: Perspectives and Approaches; the various manuals prepared by the UGC on Capacity Building of Women in Higher Education. The 5 volume *Gender Basics monographs; Bhalla Ye Gender Kya Hai* and several others). It is not necessary to reinvent the wheel but to draw on existing material of quality which could be recommended to HEIs for training and incorporation in revised curricula. A wealth of material already exists and awaits greater purposive dissemination.

b) Publishes a booklet that summarizes the various judgments over the years that pertain to redressal against gender based violence and issues of gender equity and access.

c) Draws upon and adapts the **"International Technical Guidance** on **Sexuality Education"** manual developed by UNESCO for use in training and dissemination programmes in India.

d) Engages in a detailed **mapping exercise** of prevalent procedures and practices (or lack of them) across HEIs in the country around the issues of safety of women and gender sensitization initiatives. This then, needs to be put out in the public domain or on the UGC website with good practices also highlighted.

e) An indicative bibliography is attached as **Appendix 15**.

6.10 Regulatory Aspects (including NAAC)

The NAAC in its assessment and accreditation, procedures must build in an essential gender audit component as part of the evaluation process.

It is important that potential employees at HEIs be asked at the stage of recruitment about their understanding of gender issues. While this may not necessarily be an indicator of how a person might behave, it is an important step towards foregrounding the behaviour that can be expected from employees

APPENDICES

ज्ञान-विज्ञान विमुक्तये

University Grants Commission

Office Order

No.F.1-67/2013 (Cm.) **8th January, 2013**

Task Force to Review the Measures for Ensuring Safety of Women on Campuses and Programs for Gender Sensitization

Education plays a crucial role in promoting the egalitarian commitments of Equality and Justice enshrined in our Constitution. It is integral to processes that engender and expand horizons of opportunity for all disadvantaged and marginalised groups including women. Promoting equity through higher education is at the very heart of the agenda of the University Grants Commission (UGC) and reflects its commitment to nurture and preserve democratic praxis in spaces of learning. Gender equality, consequently, is integral to this imperative.

Unfortunately, the spate of recent disturbing events in the national capital and in other parts of the country have necessitated the UGC to review the existing arrangements that have been put in place on the campuses of all our institutions of higher learning to ensure the freedom, safety and security of girls and women in particular and of the entire youth population in general. The UGC would strive to ensure zero tolerance on harassment, of any kind, of girls and women on campuses. With the help of the leaders of all educational institutions, the UGC would make concerted efforts to help institutions to put in place a responsive mechanism focusing not only on careful supervision but also on educational interventions, counselling and quick redressal. Accordingly, it is felt appropriate to constitute a Task Force to review present arrangements, to identify any loopholes or inadequacies in them and to formulate remedial measures to address the concerns of all girls and women, and of the youth who study and live in the country's numerous and diverse campuses. The composition of the Task Force is as under:

1.	Prof. Meenakshi Gopinath, Member, UGC	...	Chair
2.	Prof. Mary John. CWDS, New Delhi	...	Co-Chair
3.	Prof. Yogendra Yadav , Member, UGC	...	Member
4.	Prof. Uma Chakravarty, University of Delhi	...	Member
5.	Prof. Gopal Guru, JNU, New Delhi	...	Member
6.	Prof. Wasbir Hussain. CDPS, Guwahati	...	Member
7.	Dr. Sanjay Srivastava, IEG, Delhi	...	Member
8.	Prof. Susie Tharu, EFLU, Hyderabad	...	Member
9.	Dr. Kulwinder Kaur, Jamia Millia Islamia	...	Member
10.	Dr. (Mrs.) Archana Thakur, DS, UGC	...	Coordinator

...2/-

The Terms of Reference of the Task Force will be as under

(i) To analyse and assess the extent to which the existing arrangements for safety of women, both students and employees in particular, and youth in general, are adequate on the campuses of the institutions;

(ii) To identify shortcomings in the existing system and to suggest measures to put in place strong safeguards.

(iii) To evaluate grievance Redressal mechanism for gender specific concerns and to suggest measures to strengthen them;

(iv) To suggest academic measures and action programmes to bring about changes in practices and attitudes within society towards recognizing the fundamental right to gender equality;

(v) To suggest how gender education and sensitization can be made an integral part of the university curriculum in all subject domains;

(vi) To suggest how awareness of gender sensitive issues be made an essential eligibility criterion in the future recruitment of university staff - both teaching as well as nonteaching.

The Task Force may evolve its own procedure to accomplish the task, including cooption of members, as well as to suggest an appropriate future course of action. The Task Force will submit its report within a period of two months from the date of notification. The UGC shall provide all the necessary logistics and support to the Task Force in the conduct of the work entrusted to it.

(Ved Prakash)
Chairman (Acting)

Copy to :

1. **Secretary, UGC for issue of necessary administrative orders.**
2. **Dr. (Mrs.) Archana Thakur, DS, UGC for intimating the Members of the Task Force and convene the first meeting at the earliest date.**

(Ved Prakash)
Chairman (Acting)

Appendix 1(b)

PETITIONER:
VISHAKA & ORS.

Vs.

RESPONDENT:
STATE OF RAJASTHAN & ORS.

DATE OF JUDGMENT: 13/08/1997

BENCH:
CJI, SUJATA V. MANOHAR, B. N. KIRPAL

ACT:

HEADNOTE:

JUDGMENT:

J U D G M E N T

Verma, CJI:

This Writ Petition has been filed for the enforcement of the fundamental rights of working women under Articles 14, 19 and 21 of the Constitution of India in view of the prevailing climate in which the violation of these rights is not uncommon. With the increasing awareness and emphasis on gender justice, there is increase in the effort to guard such violations; and the resentment towards incidents of sexual harassment is also increasing. The present petition has been brought as a class action by certain social activists and NGOs with the aim of focussing attention towards this societal aberration, and assisting in finding suitable methods for realisation of the true concept of 'gender equality'; and to prevent sexual harassment of working women in all work places through judicial process, to fill the vacuum in existing legislation.

The immediate cause for the filing of this writ petition is an incident of alleged brutal gang rape of social worker in a village of Rajasthan. That incident is the subject matter of a separate criminal action and no further mention of it, by us, is necessary. The incident reveals the hazards to which a working woman may be exposed and the depravity to which sexual harassment can degenerate; and the urgency for safeguards by an alternative mechanism in the absence of legislative measures. In the absence of legislative measures, the need is to find an effective alternative mechanism to fulfil this felt and urgent social need.

Each such incident results in violation of the fundamental rights of 'Gender Equality' and the 'Right of Life and Liberty'. It is clear violation of the rights under Articles 14, 15 and 21 of Constitution. One of the logical consequences of such an incident is also the violation of the victim's fundamental right under Article 19(1)(g) 'to practice any profession or to carry out any occupation, trade or business'. Such violations, therefore, attract the remedy under Article 32 for the enforcement of these fundamental rights of women. This class action under Article 32 of the Constitution is for this reason. A writ of

mandamus in such a siltation, if it is to be effective, needs to be accompanied by directions for prevention; as the violation of fundamental rights of this kind is a recurring phenomenon. The fundamental right to carry on any occupation, trade or profession depends on the availability of a "safe" working environment. Right to life means life with dignity. The primary responsibility fro ensuring such safety and dignity through suitable legislation, and the creation of a mechanism for its enforcement, is of the legislature and the executive. When, however, instances of sexual harassment resulting in violation of fundamental rights of women workers under Articles 14, 19 and 21 are brought before us for redress under Article 32, an effective redressal requires that some guidelines should be laid down for the protection of these rights to fill the legislative vacuum.

The notice of the petition was given to the State of Rajasthan and the Union of India. The learned Solicitor General appeared for the Union of India and rendered valuable assistance in the true spirit of a Law Officer to help us find a proper solution to this social problem of considerable magnitude. In addition to Ms. Meenakshi Arora and Ms. Naina Kapur who assisted the Court with full commitment, Shri Fali S. Nariman appeared as Amicus Curiae and rendered great assistance. We place on record our great appreciation for every counsel who appeared in the case and rendered the needed assistance to the Court which has enabled us to deal with this unusual matter in the manner considered appropriate for a cause of this nature.

Apart from Article 32 of the Constitution of India, we may refer to some other provision which envisage judicial intervention for eradication of this social evil. Some provisions in the Constitution in addition to Articles 14, 19(1)(g) and 21, which have relevance are:

Article 15:

"15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.-

(1) The State shall not discriminate against any citizen on only of religion, race, caste, sex, place of birth or any of them.

(2) xxx xxxx xxxx

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

(4) xxxx xxxx xxxx"

Article 42:

"42. Provision for just and humane conditions of work and maternity relief - The State shall make provision for securing just and humane conditions of work and for maternity relief."

Article 51A:

"51A. Fundamental duties. - It shall be the duty of every citizen of India, -

(a) to abide by the Constitution and respect its ideals and institutions, ...

xxxx xxxx

xxxx
(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
xxx xxxx
xxxx"

Before we refer to the international conventions and norms having relevance in this field and the manner in which they assume significance in application and judicial interpretation, we may advert to some other provisions in the Constitution which permit such use. These provisions are:

Article 51 :
"51. Promotion of international peace and security - The State shall endeavour to -
xxxx xxxx
xxxx
(c) foster respect for international law and treaty obligations in the dealings of organised people with one another; and
xxx xxx
xxx"

Article 253 :
"253. Legislation for giving effect to international agreements - Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body."

Seventh Schedule :
"List I - Union List:
xxxx xxxx
xxxx
14. Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries.
xxx xxx
xxx"

In the absence of domestic law occupying the field, to formulate effective measures to check the evil of sexual harassment of working women at all work places, the contents of International Conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work with human dignity in Articles 14, 15 19(1)(g) and 21 of the Constitution and the safeguards against sexual harassment implicit therein. Any International Convention not inconsistent with the fundamental rights and in harmony with its spirit must be read into these provisions to enlarge the meaning and content thereof, to promote the object of the constitutional guarantee. This is implicit from Article 51(c) and enabling power of the Parliament to enact laws for implementing the International Conventions and norms by virtue of Article 253 read with Entry 14 of the Union List in Seventh Schedule of the Constitution. Article 73 also is relevant. It provides

that the executive power of the Union shall extend to the matters with respect to which Parliament has power to make laws. The executive power of the Union is, therefore, available till the parliament enacts to expressly provide measures needed to curb the evil.

Thus, the power of this Court under Article 32 for enforcement of the fundamental rights and the executive power of the Union have to meet the challenge to protect the working women from sexual harassment and o make their fundamental rights meaningful. Governance of the society by the rule of law mandates this requirements as a logical concomitant of the constitutional scheme. The exercise performed by the Court in this matter is with this common perception shared with the learned Solicitor General and other members of the Bar who rendered valuable assistance in the performance of this difficult task in public interest.

The progress made at each hearing culminated in the formulation of guidelines to which the Union of India gave its consent through the learned Solicitor General, indicating that these should be the guidelines and norms declared by this Court to govern the behaviour of the employers and all others at the work places to curb this social evil.

Gender equality includes protection from sexual harassment and right to work with dignity, which is a universally recognised basic human right. The common minimum requirement of this right has received global acceptance. The International Conventions and norms are, therefore, of great significance in the formulation of the guidelines to achieve this purpose.

The obligation of this Court under Article 32 of the Constitution for the enforcement of these fundamental rights in the absence of legislation must be viewed along with the role of judiciary envisaged in the Beijing Statement of Principles of the Independence of the Judiciary in the LAWASIA region. These principles were accepted by the Chief Justices of the Asia and the Pacific at Beijing in 1995 as those representing the minimum standards necessary to be observed in order to maintain the independence and effective functioning of the judiciary. The objectives of the judiciary mentioned in the Beijing Statement are:

> "Objectives of the Judiciary:
> 10. The objectives and functions of the Judiciary include the following:
> (a) to ensure that all persons are able to live securely under the Rule of Law;
> (b) to promote, within the proper limits of the judicial function, the observance and the attainment of human rights; and
> (c) to administer the law impartially among persons and between persons and the State."

Some provisions in the 'Convention on the Elimination of All Forms of Discrimination against Women', of significance in the present context are:

> Article 11:
> "1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on basis of equality of men and women, the same rights, in

particular:
(a) The right to work as an inalienable right of all human beings;
xxxx xxxxx
xxxx
(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
xxx xxxxx
xxxxx

Article 24 :

"States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognised in the present Convention."

The general recommendations of CEDAW in this context in respect of Article 11 are :

"Violence and equality in employment:
22. Equality in employment can be seriously impaired when women are subjected to gender specific violence, such as sexual harassment in the work place.
23. Sexual harassment includes such unwelcome sexually determined behavior as physical contacts and advance, sexually coloured remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruiting or promotion, or when it creates a hostile working environment. Effective complaints procedures and remedies, including compensation, should be provided.
24. States should include in their reports information about sexual harassment, and on measures to protect women from sexual harassment and other forms of violence of coercion in the work place."

The Government of India has ratified the above Resolution on June 25, 1993 with some reservations which are not material in the present context. At the Fourth World Conference on Women in Beijing, the Government of India has also made a official commitment, inter alia, to formulate and operationalize a national policy on women which will continuously guide and inform action at every level and in every sector; to set up a Commission for Women's Rights to act as a public defender of women's human rights; to institutionalise a national level mechanism to monitor the implementation of the Platform for Action. We have, therefore, no hesitation in placing reliance on the above

for the purpose of construing the nature and ambit of constitutional guarantee of gender equality in our Constitution.

The meaning and content of the fundamental rights guaranteed in the Constitution of India are of sufficient amplitude to compass all the facets of gender equality including prevention of sexual harassment or abuse. Independence of Judiciary forms a part of our constitutional scheme. The international conventions and norms are to be read into them in the absence of enacted domestic law occupying the fields when there is no inconsistency between them. It is now an accepted rule of judicial construction that regard must be had to international conventions and norms fro construing domestic law when there is no inconsistency between them and there is a void in the domestic law. The High Court of Australia in Minister fro Immigration and Ethnic Affairs vs. Tech. 128 ALR 535, has recognised the concept of legitimate expectation of its observance in the absence of contrary legislative provision, even in the absence of a Bill of Rights in the Constitution of Australia.

In Nilabati Behera vs. State of Orissa 1993(2) SCC 746, a provision in the ICCPR was referred to support the view taken that an enforceable right to compensation is not alien to the concept of enforcement of a guaranteed right', as a public law remedy under Article 32, distinct from the private law remedy in torts. There is no reason why these international conventions and norms cannot, therefore, be used for construing the fundamental rights expressly guaranteed in the Constitution of India which embody the basic concept of gender equality in all spheres of human activity.

In view of the above, and the absence of enacted law to provide fro the effective enforcement of the basic human right of gender equality and guarantee against sexual harassment and abuse, more particularly against sexual harassment at work places, we lay down the guidelines and norms specified hereinafter for due observance at all work places or other institutions, until a legislation is enacted for the purpose. This is done in exercise of the power available under Article 32 of the Constitution for enforcement of the fundamental rights and it is further emphasised that this would be treated as the law declared by this Court under Article 141 of the Constitution.

The GUIDELINES and NORMS prescribed herein are as under:-

HAVING REGARD to the definition of 'human rights' in Section 2(d) of the Protection of Human Rights Act, 1993,

TAKING NOTE of the fact that the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time,

It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women:

1. Duty of the Employer or other

responsible persons in work places and other institutions:

It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

2. Definition:

For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

a) physical contact and advances;

b) a demand or request for sexual favours;

c) sexually coloured remarks;

d) showing pornography;

e) any other unwelcome physical verbal or non-verbal conduct of sexual nature.

Where any of these acts is committed in circumstances where under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

3. Preventive Steps:

All employers or persons in charge of work place whether in the public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:

(a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.

(b) The Rules/Regulations of Government and Public Sector

bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.

(c) As regards private employers steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.

(d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

4. Criminal Proceedings:
Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.
In particular, it should ensure that victims, or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

5. Disciplinary Action:
Where such conduct amounts to mis-conduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

6. Complaint Mechanism:
Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

7. Complaints Committee:

The complaint mechanism, referred to in (6) above, should be adequate to provide, where necessary, a Complaints Committee, a special counsellor or other support service, including the maintenance of confidentiality.

The Complaints Committee should be headed by a woman and not less than half of its member should be women. Further, to prevent the possibility of any under pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the government department concerned of the complaints and action taken by them. The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

8. Workers' Initiative:
Employees should be allowed to raise issues of sexual harassment at workers meeting and in other appropriate forum and it should be affirmatively discussed in Employer-Employee Meetings.

9. Awareness:
Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in suitable manner.

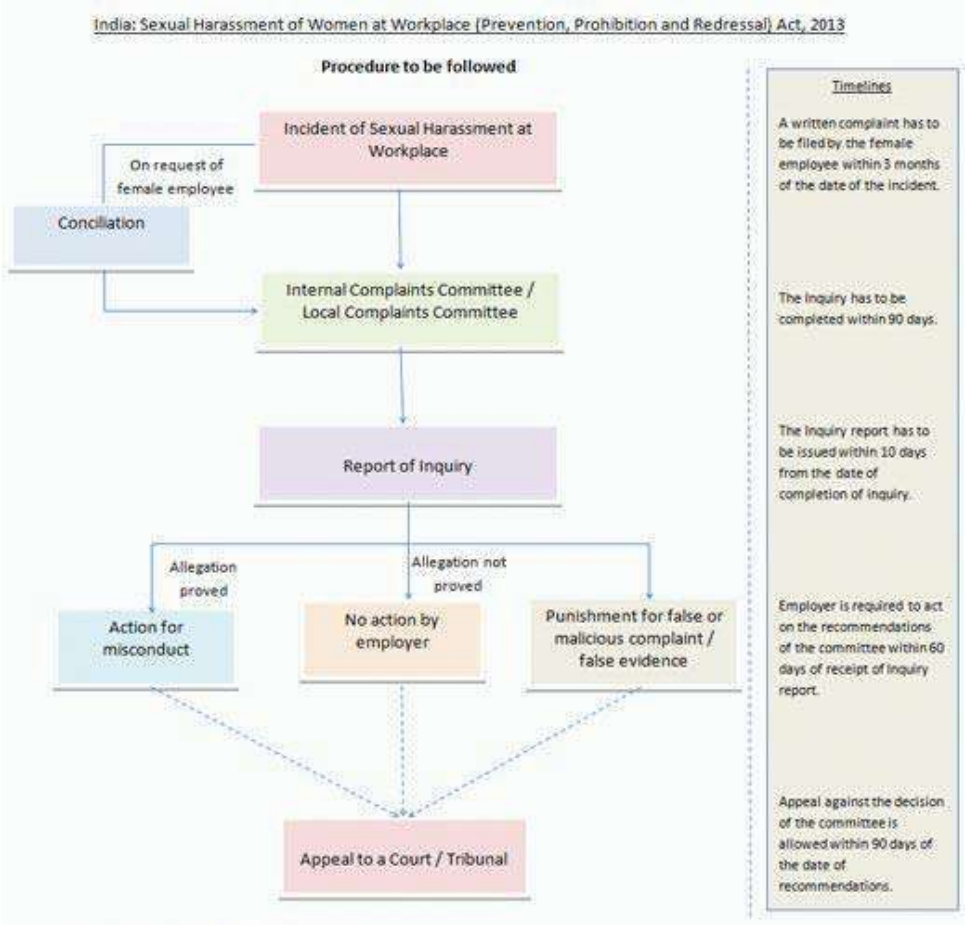
10. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

11. The Central/State Governments are requested to consider adopting suitable measures including legislation to ensure that the guidelines

Rights Act, 1993.

Accordingly, we direct that the above guidelines and norms would be strictly observed in all work places for the preservation and enforcement of the right to gender equality of the working women. These directions would be binding and enforceable in law until suitable legislation is enacted to occupy the field. These Writ Petitions are disposed of, accordingly.

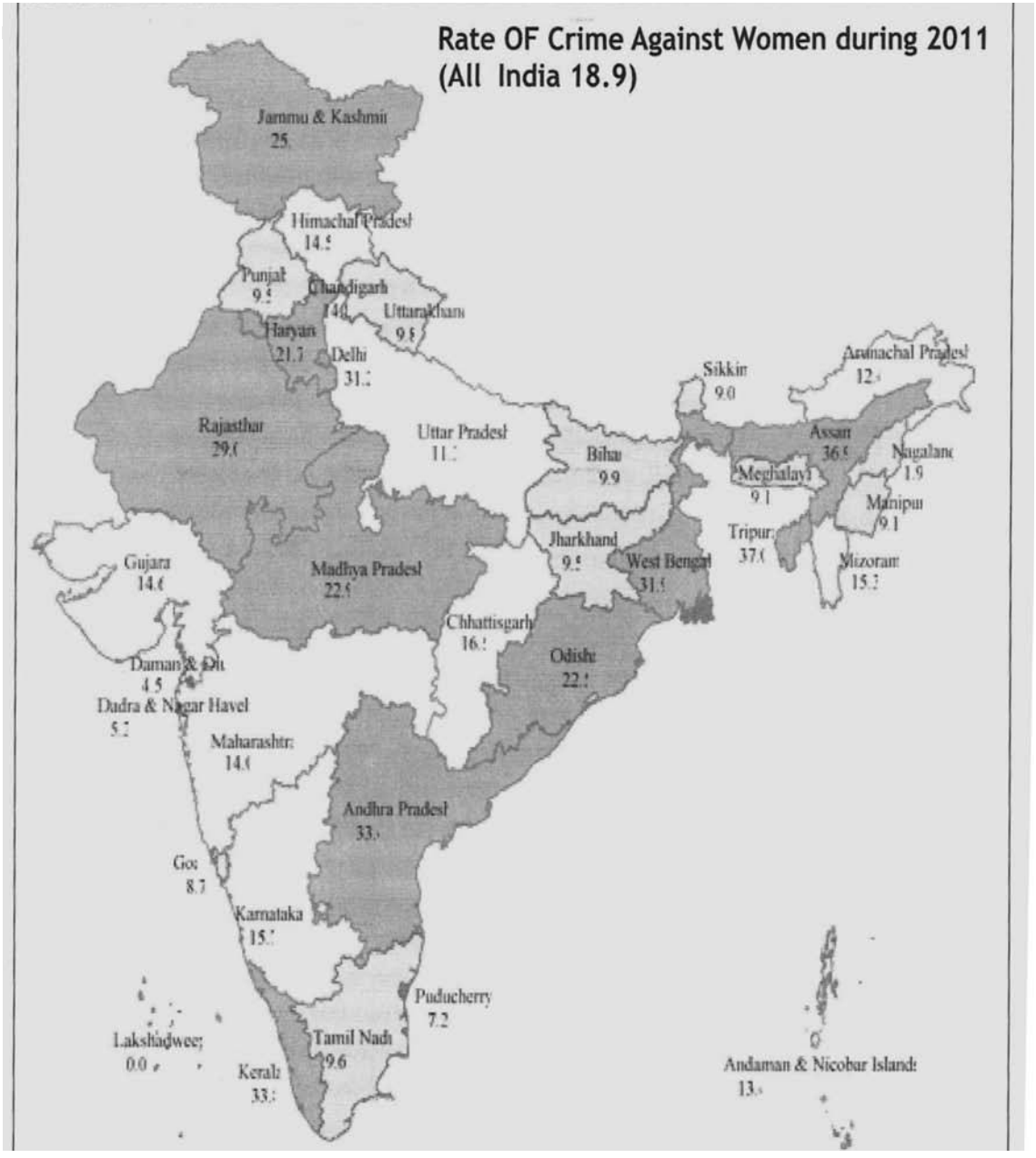
Appendix 2



Scource:

http://www.mondaq.com/india/x/238076/Discrimination+Disability+Sexual+Harassment/Indias+New+Labour+Law+Prevention+Of+Sexual+Harassment+At+The+Workplace

Appendix 3


Rate OF Crime Against Women during 2011
(All India 18.9)
Jammu & Kashmir
25.
Himachal Pradesh
14.5
Punjab
9.5
Chandigarh
14.0
Uttarakhand
9.5
Haryana
21.7
Delhi
31.2
Rajasthan
29.0
Uttar Pradesh
11.2
Bihar
9.9
Sikkim
9.0
Arunachal Pradesh
12.4
Assam
36.5
Nagaland
1.9
Meghalaya
9.1
Manipur
9.1
Tripura
37.0
Mizoram
15.2
Jharkhand
9.5
West Bengal
31.5
Gujarat
14.0
Madhya Pradesh
22.5
Chhattisgarh
16.2
Odisha
22.4
Daman & Diu
4.5
Dadra & Nagar Havel
5.2
Maharashtra
14.0
Andhra Pradesh
33.4
Goa
8.7
Karnataka
15.2
Puducherry
7.2
Lakshadweep
0.0
Tamil Nadu
9.6
Kerala
33.3
Andaman & Nicobar Islands
13.4

Crimes Against Women (2005-2010)							
Crime	Year						% variation in 2010 over 2009
	2005	2006	2007	2008	2009	2010	
Rape	18,359	19,348	20,737	21,467	21,397	22,172	3.6
Incest Rape	N.A	N.A	N.A	309	404	288	-10.3
Kidnapping & Abduction	15,750	17,414	20,416	22,939	25,741	29,795	15.7
Dowry Death	6,787	7,618	8,093	8,172	8,383	8,391	0.1
Torture	53,319	63,128	75,930	75,930	89,546	94,041	5
Molestation	34,175	36,617	38,734	40,413	38,711	40,613	4-9
Sexual Harassment	9,984	9,966	10,950	12,214	11,009	9,961	-9.5
Importation of Girls	149	67	61	67	48	36	-25
Sati Prevention Act	1	0	0	1	0	0	-
Immoral Traffic	5,903	4,541	3,568	2,659	2,474	2,499	1
ındecent Representation of	2,917	1,562	1.200	1.025	345	895	5.9
Dowry Prohibition	3,204	4,504	5,623	5,555	5,650	5,182	-8.3
Total	1,55,553	1,64,765	1,85,312	1,95,356	2,03,804	2,13,585	4.8
Source: National Crime Records Bureau, New Delhi							

Source: National Crime Records Bureau (NCRB)
http://ncrb.nic.in/cii2010/cii-2010/Chapter%.pdf

INCIDENCE OF CRIME AGAINST WOMEN DURING 2012

(All India 2,44,270)

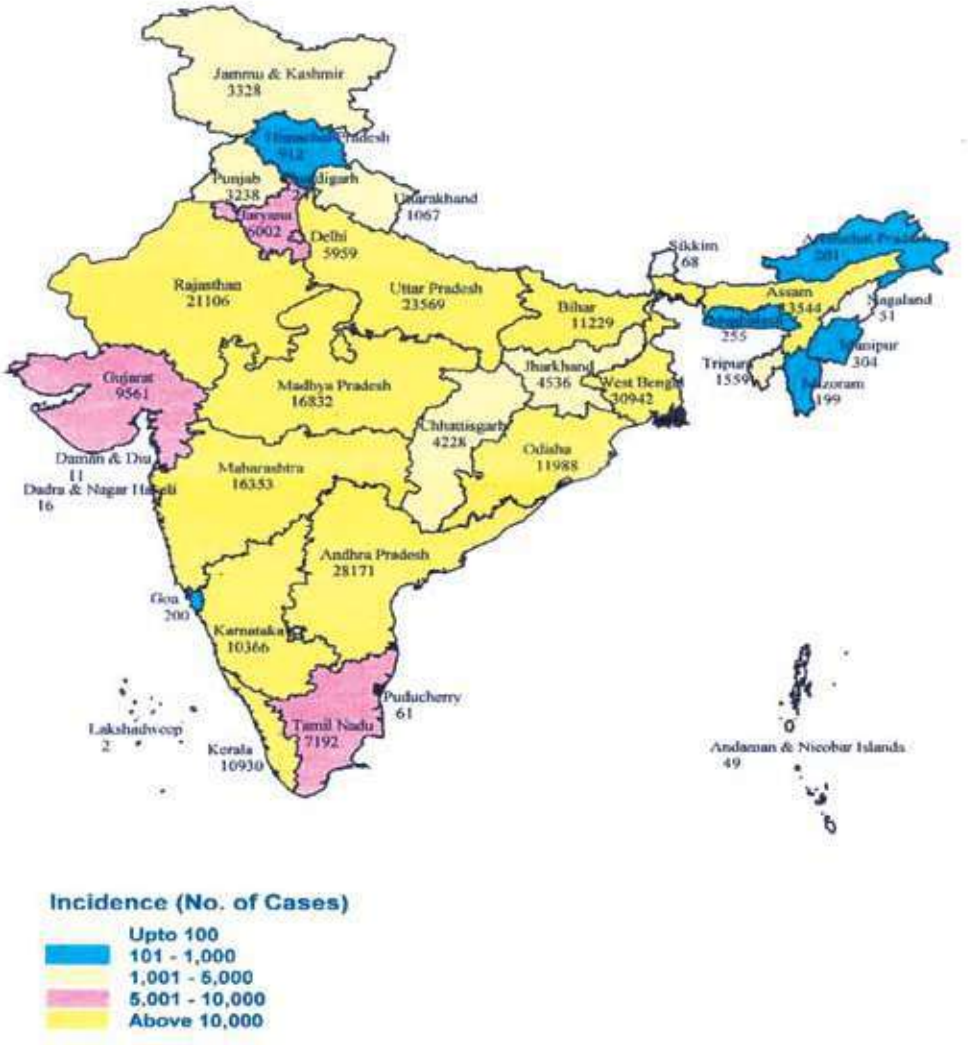


Table 5(A)

Crime head-wise incidents of crime against women during 2008-2012and Percentage variation in 2012 over 2011							
Sl. No.	Crime	Year					Percentage Variation in 2012 over 2011
		2008	2009	2010	2011	2012	
1.	Rape (Sec. 376 IPC)	21,467	21,397	22,172	24,206	24,923	3.0
2.	Kidnapping & Abduction (sec. 363 to 373 IPC)	22,939	25,741	29,795	35,565	38,262	7.6
3.	Dowry Death (Sec. 302/304 IPC)	8,172	8,383	8,391	8,618	8,233	-4.5
4.	Cruelty by husband and relative (Sec. 498-A IPC)	81,344	89,546	94,041	99,135	106,527	7.5
5.	Assault on women with intent to outrage her modesty (Sec. 354 IPC)	40,413	38,711	40,613	42,968	45,351	5.5
6.	Insult to the modesty of women (Sec. 509 IPC)	12,214	11,009	9,961	8,570	9,173	7.0
7.	Importation of girl from foreign country (Sec. 366-B IPC)	67	48	36	80	59	-26.3
A.	Total IPC crime against Women	186,616	194,835	205,009	219,142	232,528	6.1
8.	Commission of Sati Prevention Act, 1987	1	0	0	1	-	-100.0
9.	Immoral Traffic (Prevention) Act, 1956	2,659	2,474	2,499	2,435	2,563	5.3
10.	Indecent Representation of Women (Prohibition) Act, 1986	1,025	845	895	453	141	-68.9
11	Dowry Prohibition Act, 1961	5,555	5,650	5,182	6,619	9,038	36.5
B	Total SLL crime against Women	9,240	8,969	8,576	9,508	11,742	23.5
	Total (A+B)	196,856	203,804	213,586	228,650	244,270	6.8

Source: National Crime Records Bureau (NCRB)

http://ncrb.nic.in/CD-CII2012/cii-2012/Chapter%205.pdf

Appendix 4

Meetings and site visits by Task Force

Preliminary Meetings of Co-Chairs **Jan. 23, 2013**

Planning Meeting of full Task Force **Feb. 5th, 2013**

Preparatory meetings for site visit **Feb. 27th & Mar. 2013**

Site visit to four Universities, Hyderabad & Open Forums - **March 5th & 6th, 2013**,

i) Hyderabad Univ, ii) Maulana Azad National Urdu Univ (MAANU), iii) English and Foreign Languages Univ. and iv) Osmania Univ.

Open Forum at Jamia Millia Islamia, Delhi March 18th, 2013

Open Forum organized by Kerala State Higher Education Council, - April 18th, 2013 Trivandrum, (Members from Univ of Calicut, Univ of Kerala,
Mahatma Gandhi Univ, Sree Shankaracharya Univ of Sanskrit,
Cochin Univ of Science and Technology and Women's Organizations)

Consultations at Delhi Univ by Members Task Force **-April 9, 10th 2013**

Open Forum, Delhi University **- April 13th, 2013**

Draft Report preparatory Consultation of Co-Chairs **- Aug. 23, 2013**

Draft Report preparatory Consultation of Co-Chairs **- Aug. 28, 2013**

Draft Report preparatory Consultation of Co-Chairs **- Sept. 25, 2013**

Consultations at JNU by Member Task Force **- Sept. 2013**

Report preparatory Consultation of Full Task Force **- Sept. 28, 2013**

Final Report Consultation of Full Task Force **- Oct. 9, 2013**

Appendix 5

Bill of Rights Statement of Objects and Reasons

A charter to set out the rights guaranteed to women under the Constitution of India, and to provide for justiciability of the various rights;

And in consideration of India's commitment to international conventions including Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Civil and Political Rights.

And to recognize the historical distinctions, exclusions and restrictions on the basis of gender, while also taking note that certain practices including cultural, social, political, religious and customary norms are patriarchal and impair the agency, dignity and equality of women.

And being firmly convinced that any practice that hinders or endangers the normal growth and affects the physical and psychological development of women and girls should be condemned and eliminated;

And being determined to ensure that the rights of women are promoted, realised and protected in order to enable them to enjoy fully all their human rights;

Part I: Right to Life, Security, and Bodily Integrity

1. Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of violence, exploitation, cruel, inhuman or degrading punishment and treatment targeting women are prohibited.
2. Every woman as the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights.
3. Every woman has the right to be respected as an independent person and to the free development of her personality.
4. Every woman has the right to express and experience complete sexual autonomy including with respect to her relationships and choice of partners.

5. Every woman has the right not to be subjected to medical or scientific experiments without her informed consent; with an exception in the case of an emergency;
6. The State shall ensure to every woman protection from all forms of violence whether the violence takes place in private or public, including unwanted or forced sexual intercourse or activity;
7. The State shall protect, rescue and rehabilitate every woman who is at the risk of or has been a victim of trafficking and all other forms of such treatment.
8. The State shall promptly provide effective mechanisms and accessible services for information, redressal, rehabilitation and reparation of every woman being a victim of violence.

Part II: Democratic and Civil Rights

9. Every woman should have the right to participative governance through participation without discrimination in all elections; representation at all levels in electoral processes; equal opportunity for partnership in decision making and implementation of development and economic programs.
10. Every woman has the right to freedom of thought, conscience, religion, and belief, including the right to adopt, convert, and to hold opinions without interference.
11. Every woman has the right to manifest that person's religion or belief in worship, observance, practice, teaching, ideas, or opinions of her own choosing, either individually or in community with others, both, in public or private.
12. Every woman has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.
13. Every woman has the right to freedom of peaceful assembly.
14. Every woman has the right to freedom of association.

Part III: Equality and Non- Discrimination

15. Every woman shall have the right to equality before the law and equal protection of all the laws.

16. No woman shall be unfairly discriminated on grounds of gender including-

    (1) Preventing women from inheriting family property.

    (2) (b) Any practice including traditional, customary or religious practice that impairs dignity of women and undermines equality between women and men, including the undermining of the dignity and wellbeing of the girl child.

    (3) Any policy or conduct that unfairly limits access of women to land rights and finance and other resources

    (4) Discrimination on grounds of pregnancy

    (5) Limiting access to health care, education and other social welfare.

    (6) Denying access to opportunities including services or contractual opportunities or failure to accommodate diversity.

    (7) Systematic inequality in access of labour, contractual opportunities etc.

    (8) Systemic inequality to opportunities by women as a result of sexual division of labour.

    (9) Or discrimination by virtue of a woman belonging to another sub-sect of caste, religion, region or race.

17. Every woman shall have the freedom to marry any person of her choice and be regarded as an equal partner in the marriage.

18. Every woman shall have the same rights in case of separation, divorce and annulment of marriage.

19. Every woman shall have the Right to Free Education until under-graduate level.

20. Every woman especially the girl-child must be protected from all forms of abuse, including sexual harassment in schools and other educational institutions and provide for sanctions against the perpetrators of such practices;
21. Every woman who suffers abuses and sexual harassment must have access to counseling and rehabilitation services to women who suffer abuses and sexual harassment;
22. Every woman shall have the Right to Reproductive and Sexual Health.
23. Every woman shall have the right to nutritious and adequate food as well as access to clean drinking water.

Part IV: Right to Secured spaces

24. Every woman shall have the right to equal access to housing/shelter and to acceptable living conditions in a healthy environment.
25. Every woman, whatever her marital status has access to adequate housing/ shelter.
26. Every woman should have access to Public Transport facilities without fear of the risk of violation of her dignity in any form by means of teasing, molestation, stalking etc.

Part V: Special protections

27. Every elderly woman must have specific measures commensurate with her physical, economic and social needs as well as her access to employment and professional training;
28. Every elderly woman must have the right to freedom from violence, including sexual abuse, discrimination based on age and the right to be treated with dignity.

29. Every woman with disability must have special protection and specific measures commensurate with their physical, economic and social needs to facilitate their access to employment, professional and vocational training as well as their participation in decisionmaking;
30. Every woman with disability must have freedom from violence, including sexual abuse, discrimination; and the right to be treated with dignity.

Part VI: Special Protection of Women in Distress

31. Every woman below poverty line; and women heads of families including women from marginalized population groups must be able to fulfill their special physical, economic and social needs;
32. Every pregnant or nursing women or women in detention must be provided with an environment which is suitable to their condition and should be guaranteed the right to be treated with dignity.

CHAPTER FOURTEEN
EDUCATION AND PERCEPTION REFORM

Preventing Stereotyping "Male silence response to female expression of emotions or appeal to group solidarity can also serve to reinforce messages of female inferiority encouraging further female silence...One reason little boys become inexpressive is not simply because our culture expects boys to be that way - but because our culture expects little boys to grow up to hold positions of power and prestige[1]."

1. There is a similar expectation upon the girl when we commonly use the phrase that 'girls mature faster than boys'. This expectation is symbolic of women merely being made aware of their sexuality at an early age and at an age when their male counterparts have relatively more freedom at least physically, while having their freedom of expression curtailed.
2. This process of blinkered acculturation is compounded by the other social hierarchies where the girl child is brought up to believe that she is not just the repository of the 'honour' of her own family but also that of her community/ caste etc. False morality is administered from childhood and patriarchy makes women accomplices in its institutionalization and women themselves reinforce patriarchal norms over generations. There is, what Delige explains in a caste context, a culture of 'replication and consensus', there certain practices are replicated over generations having being normalized in a society and the consensus on such a normative values is a corollary of the first principle.[2]
3. Shekhar Seshadri and Viay Chandran, in Rethinking Masculinities write about patriarchy and socialisation; "The perpetuation of patriarchy through socialisation

[1] Andrew E. Taslitz, Extracts From Rape And The Culture of The Culture Of The Court Room, New York University Press (1999) P71

[2] Deliege, R. 1992. 'Replication and consensus: Untouchability, caste and ideology in India', Man, Volume: 155-73.

begins early on with the celebration of a male child's birth. Particularly in South Asia, the way children are brought up throws light on how knowledge about gender roles is constructed within families and in society. Children internalise this socialisation and reproduce traditional gender roles. Socialisation also genders children's play by providing notions of appropriateness, which exclude girls and boys from each other's experiences. Boys are conditioned to believe that power and violence resides unchallenged in their bodies and girls are brought up to uphold notions of traditional values and virtues to protect family honour. Boys are also expected to protect that honour and control girls and women. The construct of virginity or that purity resides in one part of the female body (that has no scientific, philosophical or biological legitimacy) only enables further control of women's bodies and female sexuality. All these are constructs of patriarchy, which men use to negotiate power or dishonour somebody else."[3]

4. Further, they recommend that one must ensure children's experiences are not gendered i.e., "a certain way of playing or relating cannot be constructed as masculine or feminine, but merely as an experience. Once socialisation ceases to be about gender-biased expectations, children's experiences can naturally teach them about inequalities and rights of others."
5. 'Power and entitlement' are also acquired through socialisation processes and later naturalised, rather than vice versa; "Everyone experiences power differently in society. Men may be powerful in many contexts, but powerless in situations."[4]
6. Here the authors also observe the identities that are built through class or caste and have a direct bearing on 'power' being categorised by hierarchies.
7. Additionally, the experience of power is often about entitlement of power. The construct of entitlement is also part of the socialization processes. Male children are conditioned to believe that they are entitled to opportunities or access to facilities over female children. This is not challenged, even in later years, but

[3] Andrew E. Taslitz, Extracts From Rape And The Culture of The Culture Of The Court Room, New York University Press (1999) P71
[4] Ibid

there is very clear knowledge that such an entitlement is being gained at the cost of women. There is a common assumption and 'an oft-repeated public debate' aims at attempting to understand if men are inherently more aggressive than women.

8. "Nature and biology are consistently blamed for male aggression and uncontrolled raging hormones are blamed for violent outbursts in men. The construct being that men are incapable of controlling these, which is in effect a complete abdication of will and responsibility."[5]

9. These ideas emanate from a biased history and reinforce the notion that 'men are always more powerful', assuming them to be able to make better leaders, who indirectly also characterize good leaders as ones who are naturally aggressive, making men appear better decision-makers, and consequently better equipped to be the sole breadearners.

10. Conflicts arise here because a simple examination of male experience shows that boys are expected to achieve masculinity at all odds to prove their manhood through a process of social or psychological evolution using various messages. "If manhood is biologically ordained, why is there a need to constantly prove it or achieve it? Such exercise of power and violence against women and other men not only structure man-woman relationships, but also among men themselves in society."[6] The need, as feminist activism has expressed before us, is to gender every sector in society and explore the ways that institutions discriminate and marginalise women. Institutions, like individual experiences, cannot be dominated on the basis of a perception of biological superiority; this is simply sexism in practice.

11. Stereotyping plagues the functioning of a number of social institutions. Professions like law, medicine, politics are considered predominantly male professions and patriarchal structures in these areas remain largely unchallenged. Women's merit is repeatedly questioned with respect to handling responsibilities within these institutions.

[5] Seshadri, S., Chandran, V., Leach, F. and Mitchell, C. 2006.
'Reframing masculinities: using films with male adolescents to address gender-based issues', F. Leach and C. Mitchell (eds.)

[6] Andrew E. Taslitz 1999

12. The necessity is to not just allow for but also promote alternate forms of masculine expression and encourage expression and engagement with emotions of anger, frustration and other intense feelings. "Constructing tenderness and caring as legitimate emotions across all sectors of society is one such important alternative." Caring and nurturing attitudes are largely understood as feminine virtues, thus one also has to be careful upholding another stereotype, but this would certainly help deconstruct the culture of superiority that pervades the society and is detrimental to all genders.

Recognising Discrimination

13. A study by Mairead Dunne, Sara Humphreys, Fiona Leach, 2003 is instructive understanding on the evidence of gender based violence in schools and developing countries and also the measures which have been taken to address them. Most often, gender violence is not considered differently from other forms of school violence[7].211 As a result, an appropriate gender sensitive framework required to observe and intervene does not exist so that these least desirable aspects of school life are left unreported. Cases of gender based violence in schools can be characterised and reported differently and without reference to gender. Using a gender sensitive frame of reference, genderbased violence can be broadly clustered into two overlapping categories - (a) explicit gender (sexual violence), which includes sexual harassment, intimidation, abuse, assault and rape and implicit gender violence, which includes corporal punishment, bullying, verbal and psychological abuse, teachers unofficial use of pupils for free labour and other forms of aggressive or unauthorised behaviour which is gender specific.
14. It is important for us to note that the international efforts to increase participation in schools have tended to assume that the institution of the school is somewhat neutral. However, the Leach study reveals a large number of reports which seem to suggest to the contrary. Thus, the school is an important venue where the

[7] Leach, F. and Humphreys, S. 2007. 'Gender violence in schools: Taking the a€~girls-as-victimsa€™ discourse forward', Gender & Development, Volume(1): 51-65.

development of sexuality, access and participation with students and teachers, curriculum, examinations and teaching quality all play a certain part in gender differentiation. We understand that the school context affords a very dynamic experience and bearing on the extent to which gender violence can be reduced.

15. The school as a social arena is also marked by asymmetrical power relations. In a certain sense, the entire purpose of law is to correct the asymmetry of power. If that asymmetry of power begins in the arena of a school, we need to consider this closely. This asymmetry is enacted not only through gender but through age and authority. Additional social indicators such as ethnicity, disability and language are additional factors contributing to such an asymmetry. These are fundamental to school experiences and the quality of school life. We also therefore notice that within the school, the gender regime is constructed through every day, taken for granted routine practices. In many schools, girls are responsible for cleaning and boys for digging the school grounds. In some class rooms, girls may sit at the front of the class and boys at the back. The gender boundaries which are drawn within an institution help to construct and reinforce feminine and masculine identities within the school. Thus the school is an important area where 'femininity' and 'masculinity' is attributed. It is necessary that the attribution must take place in a rational, correct, egalitarian and sensible way. We notice that the rights of passage to adulthood are the most critical to students. Transgressions across the boundaries of accepted gender behaviour are discovered through peer pressure, and sometimes by physical assault, intimidation, verbal abuse and deprivation. Among students, violence is perpetrated more often by boys and on both girls and other boys. In other words, violence is perpetrated on boys who do not conform to dominant forms of masculinity and on girls who are not sufficiently modest and retiring in their feminine demeanour. In other words, there is an internal policing which takes place of the boundaries of gender relations in schools.

16. We also notice that by using age/authority, power position, teachers normalise certain aspects of male and female behaviour. We also notice that the use of disciplinary sanctions can sometimes lead to abuse by those in positions of authority. Control through physical strength or economic advantage by male pupils over female pupils or younger male pupils is a case in point. Gender

violence which is engaged in schools is sexual abuse. It can be aggressive and intimating behaviour, unsolicited physical contacts such as touching and groping, assault, coercive sex and rape all of which constitute abuse. In the event of a teacher forming a sexual relationship with a pupil, the same too constitutes abuse. We also are aware of hostel wardens and other social workers who are alleged to exploit their position of authority and perpetrate sexual abuse.

17. We live in a "cult of masculinity", a cult of aggression. The term refers not so much to the quantity of aggression, although there is ample evidence that at least physical aggression (violence) is primarily a male dominion, as to the differing meanings men and women give to aggression. "For most men, aggression, whether physical or verbal is instrumental, a way of controlling others, attaining social or material benefits, dominance, and self-esteem. For most women, aggression is expressive, a release of frustration or anger, viewed as a loss of selfcontrol and a danger to relationships. So conceived, female aggression is more likely to be private, angry and a source of guilt. Male aggression may be unconnected to anger and more often is public; it is necessary prerequisite for attaining self-esteem, social dominance, and closer male bonding. This is not to say that there are no limits on acceptable male aggression. To the contrary, for public aggression to serve as an instrumental means of distributing social and economic resources rather than social chaos, it must be governed by rules. And on overriding rule is that excessive public aggression is directed towards an opponent who has no real chance of winning is bullying and hence unacceptable."[8]

18. Education on gender for young men and adults will need to be distinct from education on gender for children. 'Gender' (and the associated idea of 'masculinity' and 'femininity') is a social (not biological) construct. By young adulthood perceptions of gender are more fixed[9].

19. Touching, harassment and forced intercourse are all seen as normal to masculinity. There is a prevalence of a misplaced belief by young men that a 'real woman' was meant to resist sexual advances. Thus the use of force becomes not only

[8] Andrew E. Taslitz, Extracts From Rape And The Culture Of The Culture Of The Court Room, New York University Press (1999) p25

[9] Verma et al, Challenging and Changing Gender Attitudes among Young Men in Mumbai, India

normal, but (if a real women resists) also essential and ideal. These notions carry over to sexual relationships, and there combine with notions of masculinity that involve explosive sexuality, sexual success, independent from relationships, physical toughness, and loss of empathy.

20. The most crucial question in the context of child sexual abuse is: why is male perpetration of abuse so high? Abuse cannot be looked at in isolation as one related only to sexual harassment but rather as an issue related to children and to childhood; sex and sexuality, violence and violation; and at a deeper level, power and domination, gender and patriarchy and so on. "One construct, related to masculinities, is the association of potency and virility with having sex with virgins or children. Resolution: It is important not to essentialise the experience of abuse to the extent that more psychological scarring results from disclosure acknowledging personal abuse experiences. Open dialogues need to be held on abuse and exploitation with children and adults. Children need to be able to have child-friendly environments in which to express openly any abusive experiences. Above all, the experience of abuse does not determine the rest of the individual's life, reclaiming sexual desire after abusive experiences is just as important an agenda in the healing process."[10]

21. In view of the underreporting of rape or offences against children, it is not possible to have an exactly accurate figure of how many serious offences against children have actually taken place. In the Lancet, a 1998 study of the frequency of rape among a nationally representative sample of 11,735 South African women aged 15-49 found that, of the 159 women who had been the victims of child rape, 33% had been raped by teachers. We are therefore of the opinion that it is not simply enough to speak against child rape but it is important that there must be strong, psychological orientation for teachers to create conditions within the school by which gender mainstreaming is achieved and also to ensure that counselling and corrections take place at the earliest when aberrations are visible. Obviously, this would involve a certain degree of unbiased, mature school teachers who ought to be able to understand the nature of such a sensitive subject.

[10] Andrew E. Taslitz, Extracts From Rape And The Culture Of The Culture Of The Court Room, New York University Press (1999)

22. We have noticed that in United Kingdom, the principle against gender violence is based on what is called the marking of zero tolerance. Thus, we need to bear in mind that one of the initial causes for gender violence in schools may also be on account of discriminatory behaviour on the grounds of ethnicity, religion, age or disability as well as gender. This is the first aberration that a teacher must recognise and immediately correct. Once non- discriminatory attitude and temperament is developed in schools, gender equality will follow normally as a matter of course.

23. We are also concerned with implicit gender violence. We need to also consider that gender violence is an important cause of poor performance and drop out. Forms of sexual intimidation, verbal abuse and physical assault can lead to irregular attendance and under achievement of girls. Thus, we need to consider whether there is a manipulation of gender space by boys both inside and outside the classroom which constricts the participation of girls in lessons while boys themselves are distracted by the need to confirm their masculinity by performances of disrupting the lesson and demanding attention and distraction. These are serious issues.

24. Teacher's wide spread use of verbal abuse can generate low-esteem and is more hurtful than corporal punishment. In other words, there is an intrinsic connection between gender identity and self-worth. Gender discrimination violates the evolution of a strong identity. It is true that notwithstanding this generalisation, there are instances of women who have catapulted and overcome adverse circumstances by sheer determination, extraordinary will power and by a tremendous instinct of survival. But these are not the measures by which we judge the fundamental basis of a prevalent climate in society. The exceptions do not prove the rule nor are the exceptions ever supposed to dictate what corrective steps are necessary for attitudinal changes.

25. Dr. Sheshadri summaries the psycho-social effects of child abuse, diagrammatically below:[11]

When abuse occurs, as in the case of child abuse the following would take place.

[11] Seshadri, S., Chandran, V., Leach, F. and Mitchell, C. 2006.
'Reframing masculinities: using films with male adolescents to address gender-based issues', F. Leach and C. Mitchell (eds.)

Appendix 7

UGC Questionnaire on Safety for Women on college Campuses Survey Coding

Name of Institution :
Place :
State (Code alphabetically)

1) Location
   Urban / Rural Code: 1/2
2) a) Undergraduate b) Postgraduate:
   Undergraduate / Post Graduate /Both Code 1/2/3
3) a) Co-educational b) Women only:
   Co-ed / Women Code 1/2
4) Number of women enrolled
   Enter the number

II. Issues regarding safety of women on Campus
Have you received complaints regarding the following problems?

1) Sexual harassment or other forms of gender violence
   Yes/No Code 1/2
2) Public transport to/from the institution:
   Yes/No
3) Lighting in the campus:
   Yes/No
4) Toilet facilities for women :
   Yes/No
5) Accommodation for women students:
   Yes/No
6) Health facilities for women students:
   Yes/No

7) Counseling services for students:
Yes/No

III. Existing Arrangements on Campus for safety of women

1) What institutional arrangements do you currently have to address issues related to the safety of women on campus, whether students or employees?

1. CCTV/Cameras

2. Personal discussion with Students & Staff

3. Female Security Guard

4. Vigilance committee formed

5. Women's grievance Redressal committees

6. **Patrolling squad in and around campus**

7. Value education to students

8. Lectures on gender sensitive issues

9. Women helpline numbers displayed at various places in campus

10. Suggestion box for girl students to place their suggestions

11. Separate common room for girls

12. Orientation programmes at the beginning of the session

20. **Any other**

2) Do you have a policy and procedure for dealing with sexual harassment?
Yes/No Code: 1/2

3) If so kindly provide details:

a) When was such a policy established?
How many years ago (**give number in years only or fraction**)

b) By what guidelines does it function? (Kindly send a copy along with this form)
Some information/ no information (Code 1/2)

c) How do you publicize your policy and procedures against sexual harassment?

1. Notice Board

2. Brochure

3. Personal Discussion

4. College Assembly

9. Other

d) How many meetings held in last two years?
Give number

e) How many complaints received in last two years?
Give Number

f) Time frame for addressing a complaint
Give the time in number of months

g) What have been the outcomes of the complaints in the last two years? (yes means there have been outcomes, no means no outcomes)
Yes / No

h) What shortcomings have been experienced in this regard? (Yes means that there have been shortcomings, no means no shortcomings)
Yes / No

i) What suggestions would you have to improve the situation?
1. Self defence classes
2. Gender studies mandatory for all courses
5. Other

j) Is there an annual report

Yes/ No

IV. Gender Equality and Sensitization Measures on Campus

1) What measures are in place for raising awareness against harassment or violence in your institution?

1 Lectures, workshops and seminars on gender issues

2 Personal Discussion with Women Students

3 Competitions like debate, elocution etc on gender equality, women empowerment

4 Signboards/notice boards on the campus containing information / message on these issues

5 Helpline numbers displayed

6 Awareness programmes and camps

9 other

2) What measures exist to ensure that women students have equal access to campus facilities such as the library, laboratories, or any campus events at all times?

Equal Code 1
Unequal Code 2
No answer Code 3

3) Are there differential timings for male and female hostel residents to return to their respective hostels? What are the differences in the rules for each? For example the number of 'late nights' and 'night outs' allowed.

Yes / No /Not very different Code 1/2/3

4) Do you have any suggestions for improving gender equality on campus?
Yes /No Code 1/2

V. Gender related Courses offered on Campus

1) Are there any courses that focus on women and gender related topics in any of the departments or centers of your institution? (List these).
Yes/ No

2) Is there a Women's Studies Centre/Department or Women's Development Cell in your institution? If so kindly provide details.
Yes/ No

VI. Any other comments or suggestions for the consideration of the UGC.

1 Compulsory courses in martial arts like karate for girl students for their self defence.

2 Courses on women studies must be made mandatory for the colleges.

3 Regular or periodical visits of local police on the campus can be helpful in for encouraging girl students to lodge the complaints, if any.

4 Separate and exclusive financial assistance is given by UGC to the higher education institutions for organizing gender sensitization programmes and courses.

5 Other

Appendix 8

A dialogue on gender-sensitization policies and programmes in institutions of higher education convened by Ebong Alap and Calcutta University Women's Studies Research Centre (CUWSRC) on May 4, 2013 at CUWSRC, 4th Floor, Alipur Campus, Kolkata 700027

Excerpts from the Report

Inaugural Session

Chair: Ratnabali Banerjee, UGC

The programme starts with Ishita Mukherjee giving an inaugural welcome address. She highlights the main issues at hand in institutions of higher education with regards to gender. She talks about the important step taken up by UGC in this regards with the setting up of a Task Force. She extends her welcome to the chair and panelists of the first session—Ratnabali Banerjee, Sarmistha Dutta Gupta, Jasodhara Bagchi. She also mentions that this is probably the first such colloquium of its kind in the country, at least in the recent past.

Ratnabali Banerjee chaired the inaugural session. As the Joint Secretary of the UGC's Eastern Regional Office, she highlighted what steps are being taken by the UGC. She talks in detail about the UGC measures for ensuring gender equity in universities and colleges. She details the work of the Task Force Committee set up by UGC in view of the increasing numbers of incidents of violence against women. The Task Force Committee is not only looking into ways to ensure safety for women in these institutions but also ways of bringing about changes in perception through gender sensitization at every level in higher education. The Committee will suggest measures to bring about greater sensitivity to issues of gender. Further the Committee is also evaluating the existing infrastructures and systems in place to ensure gender equity on campuses. In order to do this the Committee has a designed a questionnaire which she herself

has been responsible for sending to over twelve-hundred universities in the eastern region. She went on to speak in some detail about the sections in the questionnaire. She adds that there is a suggestion that gender sensitivity be ensured even at the level of recruiting faculty and non-teaching staff members of higher education institutions. However, she also feels that cognitive training for gender awareness and sensitivity should start much before individuals start their undergraduate studies. And in fact, many individuals actually do not come into the ambit of higher education. Therefore, from pre-teen years focus should be given on retraining perceptions about gender. Further, she sees the role of gender sensitization in higher education as crucial because young undergraduate students can be the 'army of volunteers' to reach out to and educate the masses.

Ishita Mukherjee speaks next saying that the purpose of this dialogue is to critically look at our campuses. For instance, it has been quite a long time since certain guidelines like the Visakha Guidelines have been enacted or come into force. Yet many institutions might not still have necessary infrastructure

in place. She feels that Complaints' Committees (where they exist) must be complemented by concrete gender sensitization programme to holistically address gender inequity. Further, Complaints Committee itself functions post facto, as it were, and preventive measure, particularly through awareness raising is crucial. She points to other hazy areas that such committees can/ cannot deal with: for instance, when harassment of students take place outside the jurisdiction of the university/ college campus. She gives an example of the Rajabajar Science College where the students and faculty were joined by many participants from neighbouring institutions of higher education to effectively protest against harassment faced by girl students outside the campus. The protest forced the police to take action. She names a few other colleges where such complaints have been very effectively dealt with such as Gurudas College and Monindra Chandra College under the Calcutta University and St. Xavier's University. Ishita Mukherjee also stressed the importance of sensitizing the staff. So overall she felt an integrated policy would best answer all the needs. Each UGC ordinance should holistically connect to previous ones so that each cell/ activity/ monitoring become interlinked and organically connected. She shares some of the particular difficulties she has faced for instance in the putting up of stationary posters

according to UGC guidelines. She feels that the Women's Studies undergraduate course has facilitated discussions on gender issues with students. The next step would be starting these discussions with faculty, maybe with the help of organistaions that are experienced in conducting such workshops and training such as Ebong Alap.

The next speaker Sarmistha Dutta Gupta contextualizes the thought behind organizing the present dialogue. Ebong Alap has been working consistently on gender issues among students, staff and parents particularly among those who are marginalized due to geographical location, economic conditions and lack of access to the English language. Ebong Alap workshops are designed as a reaction to contemporary situations and happenings. Therefore workshops make people relate discussions to everyday realities. She also mentions some of the books published by Ebong Alap in lucid, conversational Bangla to aid the dissemination of ideas about gender, globalization, communalism, etc. However, gender has been a main component irrespective of what the books are talking about. She details some work Ebong Alap has been doing with school students, teachers, parents and others in a remote island in the Sunderbans.

She feels the need to underscore gender issues as relevant to both boys as well as girls through appropriate modules. Her experience shows that classroom interactions, even if they are classes explicitly on gender studies, often do not give enough opportunities to the students and teachers to address everyday issues that arise from gender inequity. And this is where, she feels, an NGO like Ebong Alap has a role to play in facilitating conversations through workshops, discussions, film screenings and so on. In order to do that Ebong Alap needs to have conversations with teachers and faculty about the needs of the students, which then is why such a workshop is of paramount importance. The recent incidents of violence against women, sharply underscored the need for gender sensitization, among young people in particular. In fact, a lot of young women, she feels, are losing confidence in an environment of continued violations and inaction on part of the police and administration. In this context, specifically arising out of concerns about issues of gender equity, the UGC formed a Task Force in January. Sarmistha Dutta Gupta asserts that this is possibly the first time such a colloquium has happened since the Task Force was set up. She ends her speech with hope for a lively and fruitful discussion among all.

Jasodhara Bagchi felt that without discussions and exchanges, issues of gender will not flourish. She feels that 'complaints cell' is a misnomer and that efforts should be directed at establishing, like in Jadavpur University, counselling cells. She gave examples from advertisements that use gender stereotyping and advocated discussions to raise awareness as opposed to using censorship. She felt that Womens' Studies should not remain limited, rigid and atrophy. She saw a clear role for Ebong Alap here as it engages with evolving ideas and brings people together through discussions. She ended with a quote from Kamla Bhasin which says that the wall should be modified into a bridge to give a fitting reply.

Fourth Session: Presentation by Ebong Alap

Mukul Mukherjee starts by saying how the shared experiences of the teachers has been enriching and thought provoking. She says that problems of attitudinal change can only be addressed by addressing deep-seated prejudices. And ultimately the starting point has to be the familial sphere where such things are addressed from early stages.

Sarmistha Dutta Gupta broadly outlines the work of EA which works with students who are marginalized in terms of their location, their access to English language, their economic backgrounds and so on which also therefore makes it difficult for them to access contemporary debates on gender, globalization and communalism. EA works through workshops and in recent years they have focused exclusively on gender issues particularly pertaining to conceptual clarity on gender and sexuality. One of the focuses has been on constructions of femininity and masculinity to address the oft-asked question about the relevance of gender issues for men. Recognizing the immense importance of making gender relevant for boys and girls, the Ebong Alap team is mixed in terms of gender and it always tries to get colleges/schools to enroll a mixed group of students for the workshops.

EA prefers the format of workshops as opposed to seminars or lecture for knowledge dissemination because it does not remain limited to a fixed hierarchy between the facilitators and the participants. Another way EA facilitates discussion among participants is by showing films/clips and calling on participants to give their

reactions. For example, EA has conducted a film festival on the theme of Women's Work and Gender in a school in Sunderban where they have been working for some time. The films were *Mahanagar* (dir: Satyajit Ray), *Adalat O Ekti Meye* (Dir: Tapan Sinha) and *Ekdin Protiodin* (dir: Mrinal Sen). Ebong Alap also has powerpoints in Bangla on many related topics. Within workshops there are also group discussions —participants are divided into groups and given newspaper clipping which they then have to discuss.

Since many college teachers noted that there was a lack of engagement on the part of students with WS, she feels that Ebong Alap can play a positive role here as students might be less intimidated to open up to facilitators who are not teachers and therefore do not exercise control over them. Young people lack safe spaces to talk about their bodies and sexuality. Ebong Alap facilitators often personalize the workshops through their own life experiences which helps people to open up. However, no two workshops are alike. Everything is modified based on contextual realities including location, age of participants, etc.

The next Ebong Alap member to speak is Rangan Chakravarty. He comments on the questionnaire developed by the UGC Task Force. The questionnaire is divided into three broad sections: physical infrastructure (as with questions about adequate lighting), administrative infrastructure and gender training. The last is very important as it trains the mind, trains perceptions. Gender orientation is very important family level but also among administrative level and among the faculty of an institution of higher education. Patriarchy is not equivalent to men. It's a larger system within which there has to be, he feels, many small revolutions. In this day and age of globalization market forces have been instrumental in mainstreaming certain patriarchal values and universalizing them. Students and young people have to be equipped with teleological and conceptual tools that will better enable to critically examine these things.

Having worked in the field of development and gender, Rangan Chakravarty feels that workshops are usually designed in a 'one size fits all' format. Further, dissemination through seminars is also onesided. But Ebong Alap works through the workshop format and the workshops constantly evolve. Since the common perception is that gender is only for women, there was need to develop material for men. Male insecurity and anxiety is increasing especially around the large number

of women entering the public sphere through jobs. This male anxiety needs to be factored into any discussions on gender. One of the projects should be to create a Gender Reader in Bangla.

Mukul Mukherjee stresses the importance of taking awareness to the right places and welcomes the idea of a gender reader. She feels many students who are not English-savvy will benefit immensely from it. She then invites Ruchira Goswami to speak.

Ruchira Goswami introduces herself as a faculty of National University of Juridical Sciences as well as a member of Ebong Alap. The mixed gender nature of Ebong Alap is a source of great strength, she believes. She relates the experience of conducting a workshop on gender and sexuality with middle-aged women where one male member of Ebong Alap, Aveek Sen, was also present as a facilitator. Although they perceived that this might be a barrier, it led to very interesting and frank discussions.

One other strength of Ebong Alap, Ruchira feels is their work as a team which strategises together and comes up with modules together. The workshop approach of Ebong Alap maintains continuity. It is not like seminars where several different delinked presenters talk about different topics. Instead, Ebong Alap forges links between the sessions, between the speakers and between workshops. While the workshops are designed to be better fit contextually, they are also a learning process. So that what is learnt in a workshop with rural youngsters can then be discussed with urban students she teaches. In fact, while urban students can be more aware of certain gender issues they can also be equally at sea as their rural counterparts when it comes to certain other issues.

Where institutions are interested, it is easy to maintain a process of dialogue with Ebong Alap and for the organization to maintain continuity. It is important for Ebong Alap to get feedback from colleges. Workshops should benefit not only students but also the faculty. Therefore, this forum is a very good place to start this process of dialogues with institutions.

The next speaker, Aveek Sen, says that ideas of workshops also come from the members' experiences. For instance, in teaching *Othello* by Shakespeare to a group of students in Presidency college at a time when the city was seeing a lot of agitation over the death of Rizwanur Rahman in 2007, gave them the idea to start a series of

workshops on 'The Freedom to Choose One's Partner'. Therefore, such discussions can be started through teaching. One of the first workshops in this series was conducted in Jadavpur University by Ebong Alap where students from a number institutions, both urban and rural, had come. The workshop did see a lot of discussion by undergraduate students on freedom of choice in sexual relationships. Aveek Sen also feels that it was much easier to discuss negative aspects of sexuality than talking about the positive aspects such as pleasure. The punitive and the puritanical come much more easily to us. And there is need to be careful about assumptions behind certain controlling measures, the tone and language used.

Fifth Session: Roundtable discussion on the recent UGC questionnaire

Chair: Prof. Jasodhara Bagchi

Jasodhara Bagchi felt that the discussion should not only look into the questionnaire but also look at contextual problems that are there. The questionnaire can be downloaded from the website and sent to UGC, she informs all discussants. Many teachers present attest that the questionnaire has not been circulated in their institutions.

It was suggested that the questionnaire should see women's presence in institutions of higher education more holistically and positively and broaden their approach from a focus on safety of women on campus to their general well-being.

All discussant agree that the question 'have you received complaints' should be expanded to include what kinds of complaints and why. A question on 'what provisions do you have for the well being of students' should be included. Among provisions suggested are spaces where STI and HIV/ AIDS related advice can be given to students as well as installing condom vending machines. Instead of focusing on 'safety' the approach should be more positive. There should be a question on sports and recreation facilities on the campus and the access of female students to these.

Section two should be on infrastructure and the questions rephrased so that just a yes/no answer cannot be given and more details can be provided. Among infrastructural facilities, a creche and day care centre and centre to address issues of students with disabilities should be included.

Just talking about safety is insidious as all sorts of disciplinary and punitive measures can be taken which will actually curtail the mobility and freedom of women on campus. Moreover, the questionnaire needs to asks about Complaints' committees' role in gender sensitization. There should be questions on awareness generation and dissemination of information that the committees are also supposed to undertake. Also, discussants bring up the issue of self-sensitization of the committee/cell particularly in handling alternative sexualities. Couselling Cells and Health Units must also be sensitized to issues of gender and sexuality. The sensitization of teachers and administrative staff must be made compulsory especially and linked to career advancement and promotions. The need for a compulsory, marked project on gender by all students across disciplines is also reiterated.

On the whole, it was strongly suggested that gender sensitization should not be seen as disaster management but as an integral part of an enjoyable campus life which girls and boys cherish. This involves an understanding of the burden of 'common sense' that each of us brings to the institution as also the assumptions that the institution implicitly stands for.

The colloquium closes with a word of thanks from the chair Jasodhara Bagchi.

Appendix 9

Note on Masculinities

Prof. Sanjay Srivastava
Delhi University

Gender norms and categories are directly related to the distribution of power among genders, and hence to issues of social justice, equity and human rights. 'Power', in turn, relates to the control over both symbolic as well as material goods. That is, the *ideas* we hold about men and women - their 'appropriate' roles, capacities, and characteristics - along with the access they enjoy to *material resources* go towards determining their positions with respect to each other. Hence, both symbolic and material processes are of crucial importance when we plan upon affecting changes in oppressive social structures and conditions. *All* social contexts are gendered, and the gendered nature of social contexts 'means that neither male nor female power can be examined entirely in isolation' (Malhotra and Mather 1997:603). 'Gender' is, therefore, a *relationship.*

Hence, the study of feminine, masculine and trans-gender identities concerns the exploration of *power relationships* within the contemporary gender landscape, where certain dominant ideals of manhood impact on women, different ways of being men, as well those identities that may not fit either gender category. This way of engaging with 'gender' is an exploration into the taken-for-granted category of 'man'.

Masculinity refers to the *socially produced but embodied ways of being male.* Its manifestations include manners of speech, behaviour, gestures, social interaction, a division of tasks 'proper' to men and women ('men work in offices, women do housework'), and an overall narrative that positions it as superior to its perceived antithesis, femininity. The discourse of masculinity as a dominant and 'superior' gender position is produced at a number of sites and has specific consequences for women as well as those men who may not fit into the dominant and valourised models of masculinity. These sites include: customary laws and regulations, the state and its mechanisms, the family, religious norms and sanctions, popular culture, and, the media. The mass media is one of the most important means for the transmission,

circulation and reception of local and global masculine identities. With the rise of new technologies of media and communication, representations of masculinities find both local and global anchoring. In this sense, the media becomes a transformative force field with a capacity to change structures of belief.

In order to stand in a relationship of superiority to feminine identity, masculinity must be represented as possessing characteristics that are the binary opposite of (actual or imagined) feminine identity. However, this is not all. Dominant masculinity stands in a relationship not just to femininity but *also to those ways of being male* that are seen to deviate from the ideal. It is in this sense that masculinity possesses both external (relating to women) as well as an internal (relating to 'other' men) characteristics. It is also for this reason that we speak of *masculinities* rather than masculinity (in the singular). It is important, however, to remember that 'masculinity' and 'femininity' are not simply opposite and equal categories, such that (as is frequently said) 'each has its own sphere of activity'. Rather, each stands in a hierarchical relationship to the other and the 'feminine' acts as complement to the masculine, defined in a manner that produces masculine identity as a superior one.

There is also the need to differentiate the linked ideas of 'patriarchy' and 'masculinity'. Patriarchy refers to a *system* of social organization which is fundamentally organised around the idea of men's superiority to women. Within this system, even those who may not approximate to the male ideal (such as homosexual men) still stand to benefit from the privileges attached to being a man. So, as a parallel, we might think of the situation on apartheid era South Africa where all whites - those who supported apartheid and those who opposed it - were potential beneficiaries of the institutionalised privileges of being white. Though it is difficult to posit simple definitions of 'patriarchy' and 'masculinity', we might say that patriarchy refers to the systemic relationship of power between men and women, whereas masculinity concerns both inter and intra-gender relationships. And, while it cannot be argued that under patriarchy *all* forms of masculinity are equally valourised (consider the 19th and 20th histories of upper- caste masculinities versus Dalit masculinities, for example) there is nevertheless an overwhelming consensus regarding the superiority of men over women. Patriarchy 'makes' men superior, whereas masculinity is the process of producing superior men.

The ideas of 'making' and 'producing' are crucial to the study of gender identities, for they point to their historical and social nature. The gigantic archive of 'proper' masculine behaviour - in novels, films, advertisements, and folk-advice - would clearly be unnecessary if it was a naturally endowed characteristic. The very fact that masculinity must consistently be reinforced - 'if you buy this motorcycle you'll be a real man' - says something about the tenuous and fragile nature of gender identities; they must continually be reinforced. Following from this, we might also say that masculinity is *enacted* rather than expressed. For, when we say that something is 'expressed', we are working with the idea that it 'already exists', and gender identities in particular do not *already* exist (say, biologically). There is an entire task of building and rebuilding, consolidation, representation, and enforcement; in other words we must think of gender identities as works in progress.

A crucial task in the study of masculinities concerns the foregrounding of the social nature of gender identities and simultaneously exploration of the possibilities of interventions. When we speak of 'gender', we are speaking of *social* and *cultural* attributes within human society. This approach moves away from the biologism that has historically been part of the study of gender and sexual identities. Biologism is the thinking that suggests that gender and sexual identities:

- are biologically derived
- have been historically stable (i.e. the same since the 'dawn of time')
- are 'essentially' about our 'private' lives, and,
- are 'basically' the same across different cultures
- are normative.

To imagine identities and behaviours as socially and historically constituted is also to imagine the possibility of effecting change in a desired direction. For, if masculine identities vary across time and space - appear in different forms at different times and are different across societies - therein lies the possibility of formulating appropriate policy measures and programmes and projects to influence the contexts within which gender inequalities persist.

Globalisation, Development and Masculinities

Globalisation has been understood in different ways. However, most people agree that it is about living in a more interconnected world with a definite economic, social and cultural process. Economically it is referred to as the reduction and removal of barriers between national borders in order to facilitate the flow of goods, capital, services and labour. Socially and culturally it connects us through the availability of goods, food, entertainment and information that are produced in any part of the globe to be consumed in any other. Even local work and jobs are dependent on the shifts in the global economy. In this scenario relations between men and women are rapidly changing and gender relations are being redefined. This section will build an understanding of how global processes have a bearing on individuals, families and communities living in different parts of south Asia.

Customs, Religion and Masculinities

The formation of identities through religion and cultures of masculinity is a prevalent feature of the region. Religious solidarities are often mobilized through appeals to a shared masculinity. The public expression of religious symbols is the background against which political formations take shape. The manner of expression of these symbols privileges the issue of gender by linking it to the gendering of the nation, i.e. how national identity and gender become linked contexts. Contemporary religiosity, whose contours are more mobile and unpredictable than before, has revealed itself to be one of the most decisive factors in the constitution of all cultural identity. The one element that this religiosity shows is the crucial importance of congregations in maintaining itself and disseminating its message. Almost all these congregations (mainly communities of men) are tied together by ideas of sacrifice, martyrdom, altruistic suicide. A focus on the making of congregations helps us understand how masculine identities might be constructed through ideas of socio-cultural differences, and how cultural differences inhibit the processes of socio-cultural integration.

The nostalgia for a culturally homogeneous society, for a strict separation between men and women in the public, for a close and literal reading of canonical texts,

affects not only the possibilities of public dissent, but also supplies the normative basis of cultural separatism. The move towards homogeneity is made through the vehicle of religious symbols and it becomes important to investigate the scope of such symbols.

A recurrent feature of south Asian cultures is the expression of ethno-nationalism based on the forging of a homogeneous cultural identity. Expressions of ethnic nationalism and linguistic identities are also accompanied with a pervasive collective violence and the cult of charisma. Without exception, the leadership of such movements draws its inspiration from an appeal to a mythic past based on masculinised cultures. The region offers a variety of ethnic movements informed by a series of primordial loyalties.

While ethnic movements seem at odds with the secular consensus of modern states, they also force us to acknowledge that membership to a group can be premised upon an adherence to customary law. Across Asia, the resurfacing of customs that were thought to have been superseded by civil law shows the resilient character of local traditions. Whatever the cultural contents and variations of such customs, the one common factor that they express is that of restrictions to be placed upon women and the role of men as arbiters. The asymmetrical effect of such custom upon men and women needs to be mapped, especially its authorizing of gender based violence.

One of the main justifications of male violence against women is the 'cultural rights' argument, variously posed in the idiom of honor, shame, and the maintenance of solidarity networks. In some societies in Asia, cultural rights have been enshrined as 'customary' law, while in others, honour and shame have been replaced by civil procedures of restitution. To trace the complexities of ethnic violence and its persistence over time, a comparative understanding of the custom of ethnic group solidarity would be of invaluable help in delineating *cultures* of violence.

Media and Masculinities

Mass media is perhaps the most important means for the transmission, circulation and reception of local and global gender identities. With the rise of new technologies

of media and communications, representations of gender - feminine, masculine and ones that don't fit this binary - come to be represented in complex ways. Further, media representations of gender are one of the most significant ways in which social and cultural norms regarding gender are both circulated as well as transformed. Irrespective of the regional context, globalization as a backdrop is fundamental to the ways in which contemporary gender identities are produced and negotiated. However, though new forms of media - satellite television and the internet, for example, - play an active role in circulating representations of masculinities, these also draw upon longer cultural histories, memories, and experiences. The sheer pervasiveness of the media as a purveyor of information and entertainment makes it imperative to understand the ways in which it constructs representations of gender, as well as how these intersect with contexts such as class, religion, caste and ethnicity.

Institutions and Masculinities

The idea that the public sphere is a 'masculinized' one is the starting point for exploring the relationship between gender and the functioning and structure of institutions. Here, the kinds of questions we need to explore include: How is gender power consolidated through civic associations such as clubs and societies that, either implicitly or explicitly, base themselves upon masculinist ideologies? How are the conjoined contexts of patriarchal privilege and masculinist ideals normalized through public institutions such as state bureaucracies, schools, the legal system and the police? The historic division of social life as 'public' and 'private' has simultaneously entailed a division of institution as public and private. And, along with this, there has developed logic of - what might be called - the gender of such institutions. Hence, according to this logic, public institutions have been understood to be the 'natural' preserve of men and hence have tended to operate according to a variety of masculinist ideologies. One example of this is that the media quite often provides accounts of public women through describing what they wear, or, how many children they have. Beyond this, there are even more serious issues, such as the denial of equal opportunities to women through masculinity notions of what men can do and what women are capable. It becomes important, therefore, to explore the gender of our institutions in order to devise strategies if change.

Patriarchy, Masculinity and Sexuality

While patriarchy socially embeds the disprivileging of women as a group, masculinity is the process by which the hierarchy of gender orders is maintained. Amongst other things masculinities has often been described as a policing mechanism that maintains social hierarchies not only between women and men but also between men on the basis of class, caste, culture, religion, sexuality, etc.

Since masculinity is not simply a biological state but an unstable process and a state that has to constantly striven towards, it is inherently unstable. This instablility means that men have to constantly prove their manhood in various social spheres including their sexual lives. Performance therefore becomes the cornerstone of men's sexual practices and yet another arena that men have to negotiate within the context of experiencing power.

Organisations for Workshops on Masculinities

There are a number of groups and individuals around the country that have well developed workshops that explore cultures of masculinity[1]. They are carried out with the full awareness that there are no magical 'cures' for changing attitudes towards gender, and that what is important is to introduce and reinforce ideas regarding masculinities that are based upon feminist principles. Such programmes explore topics such as 'Histories of masculinities', 'The media and masculinities', 'Masculinities and violence', Masculinities and institutions' and 'Masculinities and sexualities'.

The involvement of organizations such as the Center for Health and Social Justice (CHSJ), Men Against Violence Towards Women (MAVAW), South Asian Network to Address Masculinities (SANAM) and Forum to Engage Men (FEM) in regular workshops sessions at universities across the country should be considered. Such workshops could form part of a university's extra-curricular schedule, without any element of compulsion.

[1] Sanjay Srivastava, "Masculinity and its Role in Gender-based Violence in Public Spaces". Centre for Equity and Inclusion, 2012

Recently, some universities have taken the lead in broadening the idea of gender as a relationship between men, women and other genders. These universities have included specific courses on masculinities in their gender studies programmes at the post-graduate level. The UGC could consider a formal mechanism through which feminist understanding of the cultures of masculinities forms part of gender studies curricula at universities. There is now a sufficient body of work on the topic which can be drawn upon. SANAM has developed teaching materials for university level participants. However, there is lack of resources of this kind in languages other than English and the UGC could sponsor either original works or translations of appropriate material.

Appendix 10

Rules and Procedures of the Gender Sensitization Committee against

JAWAHARLAL NEHRU UNIVERSITY

Rules and Procedures of the Gender Sensitization Committee against Sexual Harassment (GSCASH)

I. BACKGROUND OF THE RULES AND PROCEDURES

These are the Rules and Procedures of the Gender Sensitization Committee against Sexual Harassment, which is the body constituted by Jawaharlal Nehru University, New Delhi (vide the Notification dated 16 April 1999), on the recommendations of the Working Group on Sexual Harassment, headed by Prof. Karuna Chanana, appointed by the Vice-Chancellor on September

1997. This body shall implement the Jawaharlal Nehru University Policy Against Sexual Harassment (vide the Circular dated 25 February 1999 - Schedule 1) as also the guidelines laid down by the Hon'ble Supreme Court of India, in its ruling on the Writ Petition (Criminal) Vishaka vs. State of Rajasthan on 13 August 1997, on the prevention and deterrence of sexual harassment at the workplace. The Hon'ble Supreme Court in a subsequent judgment titled Apparel Export Promotion Council vs A. K. Chopra, on 20th January, 1999 has reiterated that incidents of sexual harassment violate fundamental rights to gender equality and right to life and liberty. It may be pointed out that although these Rules and Procedures follow the spirit of the above mentioned judgments, they cover a wider spectrum of sexual harassment in consonance with the requirements of an institution of higher education.

II. DEFINITION OF SEXUAL HARASSMENT

Sexual harassment in this context, (as is described in the Supreme Court Judgment, and the JNU Policy), includes any unwelcome sexually determined behaviour, whether directly or by implication, and includes physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pornography, and other unwelcome physical, verbal or nonverbal conduct of a sexual nature. It shall include, but will not be confined to, the following:

a. When unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature, explicitly or implicitly, are made a term of condition of instruction, employment, participation, or evaluation of a person's engagement in any academic or campus activity.

b. When unwelcome sexual advances and verbal, non-verbal, or physical conduct such as loaded comments, slander, remarks or jokes, letters, phone calls or e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature have the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive campus environment.

III. OTHER DEFINITIONS

i. "Academic staff" includes any person on the staff of the University who is appointed to a teaching and/or research post, whether full-time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation, and shall include employees employed on a casual or project basis. It shall not, however, include any such person on the staff of an autonomous institution to which Jawaharlal Nehru University is the authority awarding degrees.

ii. "Appeals Committee" as defined in Section X (3) herein.

iii. "Campus" includes all places of work and residence in the New Delhi campus of Jawaharlal Nehru University. It includes all places of instruction, research

and administration, as well as hostels, guesthouses, public places and places of residence allotted and administered by Jawaharlal Nehru University, including the premises in the Jawaharlal Nehru University City Centre.

iv. "Complaints Screening Committee" as defined in Section VI.3(B) herein.

v. "Counsellor" includes any woman, empanelled by GSCASH and/or appointed by the University authorities, who has proven expertise in social and personal counselling on matters arising out of incidents of sexual harassment.

vi. "Eminent woman academician" includes a senior woman academician who is not a member of either the academic or the non-teaching staff of Jawaharlal Nehru University, and who has experience in working for gender equality.

vii. "Enquiry Committee" as defined in Section VI.4 herein.

viii. "GSCASH" shall refer to the Gender Sensitisation Committee against Sexual Harassment of the Jawaharlal Nehru University.

ix. "NGO" includes any Non-Governmental Organisation registered under the Societies' Registration Act or as a public charitable trust recognised under law. Such a society/charitable trust must not be affiliated to any political party, and should have been engaged in work for gender equality, particularly for the amelioration of the status of women, for a minimum of three years prior to the date of empanelment. Two-thirds of the registered membership of such a society or charitable trust shall be outsiders with respect to Jawaharlal Nehru University; i.e. at least two-thirds of the membership shall not include any person who is a student, resident, service provider, or a member of the academic staff or non-teaching staff of Jawaharlal Nehru University.

x. "Non-teaching staff" includes any person on the staff of the University who is not appointed to a teaching and/or research post, whether full-time, temporary, ad-hoc, parttime, daily wager, honorary or on special duty or deputation, and shall include employees employed on a casual or project basis, as also persons employed through a contractor. It shall not include any such person on the staff of an autonomous institution to which Jawaharlal Nehru University is the authority awarding degrees.

xi. "Outsider" includes any person who is not a student, resident, or member of the academic or non-teaching staff of Jawaharlal Nehru University. It shall also include any person who is a student, employee, service provider, or resident of any autonomous institution that has its premises/residences in the Jawaharlal Nehru University campus.

xii. "The Policy" shall refer to the Jawaharlal Nehru University Policy against Sexual Harassment, as notified in the Circular dated 25 February 1999 (Schedule 1).

xiii. "Resident" includes any person who is a temporary or permanent resident of any of the accommodations or premises managed and/or allotted by Jawaharlal Nehru University, irrespective of whether he/she is the person to whom the accommodation is officially allotted. It shall not include any such person who is in temporary or permanent residence in the campus of an autonomous institution to which Jawaharlal Nehru University is the authority awarding degrees. It shall also not include any person who is in temporary or permanent residence in an autonomous institution that has its premises and/ or residences in the Jawaharlal Nehru University campus.

xiv. "Service provider" includes any person who runs or manages commercial enterprises, or provides services, on the campus. It includes, but is not limited to, persons working in shops, canteens, hostels and restaurants on the campus, as well as persons working in premises allotted on the campus, such as the shopping complexes, Delhi Vidyut Board, Department of Posts & Telegraph, State Bank of India, Kendriya Bhandar, Mahanagar Telephone Nigam Ltd., DTC, CGHS, and any other such similar services.

xv. "Student" includes any person who is enrolled for any course, whether full time or part time, with Jawaharlal Nehru University, New Delhi and includes an undergraduate or postgraduate student, a Research Scholar, a visitor, and a repeater. It also includes a student of another University or college who has been placed or has opted for placement with Jawaharlal Nehru University or short-term courses at Jawaharlal Nehru University. It shall not, however, include any student enrolled in a course in an autonomous institution to which Jawaharlal Nehru University is the authority awarding degrees.

xvi. "Supreme Court Judgement" shall refer to the guidelines on the prevention and deterrence of sexual harassment in the workplace laid down by the Supreme Court of India on 13 August 1997 in its ruling on the Writ Petition (Criminal) Vishaka vs. State of Rajasthan and the judgment titled Apparel Export romotion Council vs. A. K. Chopra, on 20th January 1999.

xvii. "Third party" shall include the NGO representative or the eminent woman academic serving on, or empanelled by, GSCASH.

xviii. "University authorities" shall refer to the Vice-Chancellor of Jawaharlal Nehru University, by virtue of her/his being the head of the Executive Council of Jawaharlal Nehru University, as well as any such person to whom such power may be delegated such as the Rector(s), and/or any person who is entrusted with any powers and functions to act on behalf of the University under the Jawaharlal Nehru University Act 1969, or Statutes, Ordinances or Rules thereunder. For faculty members and group 'A' officers, the appropriate University authority is the Executive Council, and for students and other employees, it is the Vice-Chancellor.

xix. "University functionaries" includes any person appointed, designated or nominated by the University authorities to a position of service in Jawaharlal Nehru University, and includes, but is not limited only to, the following:

Dean of Students, Deans of Schools, Chairpersons of Centres, Proctors, Provosts, wardens, security personnel, health professionals, as well as persons discharging administrative responsibilities, such as the Registrar and the Finance Officer.

xx. "Vacations" shall refer to the periods May 13 to July 21 and December 6 to January 5.

xxi. "Vacations Committee" as defined in Section V.11 herein.

xxii. "Warden" shall refer to any person, who is nominated, appointed, or designated by the Vice-Chancellor as a Warden of a hostel allotted and/or administered by Jawaharlal Nehru University.

IV. SHORT TITLE AND SCOPE

These Rules and Procedures of the Jawaharlal Nehru University Gender Sensitisation Committee Against Sexual Harassment will be called the Rules and Procedures of GSCASH. The provisions of these Rules and Procedures of GSCASH shall apply to all students, academic staff, and nonteaching staff on active rolls of the Jawaharlal Nehru University, New Delhi, as also to residents, service providers, and outsiders who may be within the territory of JNU at the time of commission of the act attracting GSCASH Rules, on the Jawaharlal Nehru University campus, to the extent specified in these Rules and Procedures.

These rules and procedures shall be applicable to all complaints of sexual harassment made:

IV (i) By a student against a member of the academic or non-teaching staff or a costudent; or by a member of the academic or non-teaching staff against a student or another member of the academic or non-teaching staff; in either case, irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.

IV (ii) By a resident against a student or a member of the academic or non-teaching staff or made by a student or a member of the academic or non-teaching staff against a resident, irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.

IV (iii) By a service provider or an outsider against a student or a member of the academic or non-teaching staff or made by a student or a member of the academic or nonteaching staff against an outsider or a service provider, if the sexual harassment is alleged to have taken place within the campus.

V. COMPOSITION AND PROCEDURES OF GSCASH

V.1. Composition

GSCASH shall have a membership of fifteen persons, of which at least half the members shall be women. The composition of these members is given below while

the bodies, which shall elect or nominate these members are given in the next section.

V.1 (i) Two faculty members (at least one woman) specially elected to serve on GSCASH.

V.1 (ii) Two students (at least one woman) specially elected to serve on GSCASH.

V.1 (iii) One woman officer and one woman staff member specially elected to serve on GSCASH.

V.1 (iv) Two Wardens (at least one woman)

V.1 (v) One representative each of the Jawaharlal Nehru University Students' Union (JNUSU), Jawaharlal Nehru University Teachers' Association (JNUTA), Jawaharlal Nehru University Staff Association (JNUSA) and Jawaharlal Nehru University Officers' Association (JNUOA).

V.1 (vi) One eminent woman academician from outside the University.

V.1 (vii) One woman representative of an NGO.

V.1 (viii) One woman counsellor.

V.2. The Process for Formation of GSCASH

V. 2 (i) The election for the specially elected representatives of students, teachers, staff, and officers (those referred to in Sections V.1 (i) - (iii) above) shall be conducted by the bodies responsible for conducting the elections to the Executives of the respective Unions and Associations. The electoral procedure shall be completed by the month of December each year.

V. 2 (ii) The representatives of the Wardens (those referred to in Section V.1 (iv) above) shall be chosen by the Wardens under Inter-Hall Administration (JNU) and will assume office by March each year.

V. 2 (iii) The representatives of the Jawaharlal Nehru University Students' Union, Jawaharlal Nehru University Teachers' Association, Jawaharlal Nehru University Officers' Association and Jawaharlal Nehru University Staff Association (referred to in Section V.1 (v) above) shall be nominated by the respective Executive Committees, and they will assume office by January each year.

V.2 (iv) GSCASH shall empanel a pool of counsellors, eminent women academicians, and NGOs, as defined in Section III. (v), (vi) and (ix), respectively. However, only one NGO representative, one eminent woman academician and one counsellor shall be invited by GSCASH to attend its meeting at one time.

V.2 (v) The panel of NGOs, eminent women academicians, and counsellors, shall be updated by GSCASH from time to time. GSCASH will strive to maintain continuity in the membership of third party members and counsellors on GSCASH. A decision to remove from the panel a serving or empanelled third party or counsellor shall only be taken in a Special meeting defined in Section V.10 (vi).

V.3. Term of Office of GSCASH Members

Subject to Section V.5 below and barring the third parties and the counsellor, the tenure of each member of GSCASH shall be twelve months from the date of assumption of office.

V.4. Chairperson/Acting Chairperson of GSCASH

The Chairperson of GSCASH shall be a woman faculty member, and shall be elected by the members of GSCASH from amongst themselves. In the event of the Chairperson of GSCASH being unable to discharge her duties for a period exceeding 21 days (barring the period when the University is on vacation), GSCASH shall designate from amongst its members, a woman faculty member to the post of Acting Chairperson of GSCASH for that period. The Acting Chairperson of GSCASH shall have all the powers and duties of the Chairperson of GSCASH outlined herein. As and when the Chairperson resumes duty, the Acting Chairperson shall cease to hold office.

V.5. Disqualification of Chairperson and Members

A person shall be disqualified for being appointed, elected, nominated or designated as, or for being continued as, a member of GSCASH if there is any complaint concerning sexual harassment pending against her/him, or if she/he has been found guilty of sexual harassment/serious misconduct.

V.6. Disqualification of an NGO

A person shall be disqualified for being appointed, elected, nominated or designated as, or for being continued as, an NGO representative on GSCASH if such appointment, nomination, designation, election or continuation is inconsistent with the provisions of Section III.ix.

V.7. Vacancy of a Member Owing to Absence without Intimation

If a member elected or nominated or designated to GSCASH remains absent without written intimation to the GSCASH from three consecutive meetings, her/his office shall thereupon become vacant.

V.8. Resignation of a Member

A member of GSCASH may resign her/his office at any time by tendering her/his resignation in writing to the Chairperson of GSCASH. Such a person shall be deemed to have vacated her/his office as soon as GSCASH has accepted the resignation.

V.9. Filling a Vacancy in GSCASH

If a vacancy arises in GSCASH, GSCASH shall coordinate with the relevant body to arrange for the filling up of the vacancy in the particular category, in accordance with the procedure outlined in Section V.2, within four weeks, barring the period during which the University is on vacation. If the vacancy remains unfilled after the specified period, the Vice-Chancellor may, in consultation with GSCASH, fill up the vacant positions by appropriate nominations for the residual period. No act or proceedings of GSCASH shall be invalidated merely by reason of the existence of a vacancy or vacancies.

V.10. Meetings of GSCASH

V.10 (i) GSCASH shall meet at least five times a semester or at such intervals as may be necessary provided that the interval between two successive meetings shall not exceed 30 days.

V.10 (ii) Members shall be intimated of meetings in writing or by electronic communication.

V.10 (iii) Minutes of all meetings shall be recorded, confirmed and adopted.

V.10 (iv) Any member of GSCASH may request the Chairperson to call an Ordinary Meeting. Forty-eight hours notice shall be required for such a meeting to be called. The quorum for an Ordinary Meeting shall be one-third of the existing members of GSCASH. Motions shall be carried by a simple majority of those present and voting.

V.10 (v) Any member of GSCASH may request the Chairperson to call an Emergency Meeting. At least twenty-four hours notice shall be required for such a meeting to be called. The quorum for an Emergency Meeting shall be one-third of the existing members of GSCASH. Motions shall be carried by a simple majority of those present and voting.

V.10 (vi) A Special meeting shall be called by the Chairperson of GSCASH, with at least twenty- four hours notice. It shall have a quorum of two-thirds of the existing members of GSCASH, and the attendance of at least one of the third party members shall be mandatory. Motions shall be carried by a two-thirds majority of the members present and voting.

V.10 (vii) If the required quorum is not there at any meeting, such a meeting shall be adjourned for not more than seven working days. For the adjourned Ordinary or Special meetings, the required quorum shall be the same as in a regular Ordinary or Special meeting but for an adjourned Emergency Meeting there shall be no requirement of quorum.

V.10 (viii) GSCASH shall hold at least two public meetings every year where it shall report to the University community about its activities. Of these, at least one meeting shall be called specifically for the purpose of the presentation of the Annual Report of GSCASH.

V.11. Vacations Committee

In the period when the University is on vacation, GSCASH shall strive to ensure the discharge of its duties and functions, in accordance with the procedure outlined herein:

V.11 (i) GSCASH shall designate from within itself a Vacations Committee(s), for the period when the University is in vacation, of not less than five members. Not less than half of the members of the said Committee shall be women.

V.11 (ii) The Vacations Committee shall elect from within itself a Convener, who shall be a woman faculty member, and shall exercise all the powers and functions of the Chairperson of GSCASH outlined herein.

V.11 (iii) By May 12 and December 5 each year, GSCASH shall intimate the University community by public notice the contact details including telephone/mobile nos. of the members of the Vacations Committee.

V.11 (iv) The Vacations Committee shall designate from within itself a monthly Complaints Screening Committee, which shall function in accordance with the procedures outlined in Section 3.

V.11 (v) In the event of an enquiry proceedings being necessitated, the Vacations Committee shall call a Special Meeting for the constitution of an Enquiry Committee, in accordance with the provisions of Section VI.4.

V.11 (vi) Save for reasons that the Vacations Committee considers urgent, further action on the complaint shall take place after the end of a vacation, in an Emergency Meeting, called by the Chief Enquiry Officer/Chairperson, GSCASH within three working days of the commencement of the semester.

V.11 (vii) In case of a need for immediate disciplinary action, the reasons for which the Chief Enquiry Officer shall state in writing, the Convener of the Vacations Committee shall call a Special Meeting to discuss, take a decision on the recommendations of the Enquiry Committee, and initiate further action on the complaint, in accordance with the procedures outlined in Section VI.4.

V.12. Annual Report of GSCASH

As required by the Supreme Court Judgement, the University authorities shall forward to the government department concerned, the Annual Report of GSCASH together with a written report on the Action Taken by them on the recommendations of the GSCASH and the Appeals Committee.

VI. FUNCTIONS OF GSCASH

GSCASH shall be responsible for the implementation of the recommendations of the Working Group on Sexual Harassment appointed by the Vice-Chancellor on 5 September 1997 and the Supreme Court Judgement. GSCASH shall have four functions:

VI.1 Gender Sensitisation and Orientation

VI.1 (i) GSCASH will ensure the prominent publicity of the Policy in all Centres, Schools, Hostels, offices of administration, as well as in all public places on the campus such as the library, health centre, residential areas, canteens, shopping centres, etc.

VI.1 (ii) GSCASH will organize programmes for the gender sensitisation of the University community through workshops, seminars, posters, film shows, debates, skits, etc. It may enlist the help of specialized NGOs and any campus body to carry out these programmes.

VI.1 (iii) GSCASH will conduct at least one major activity per semester involving large sections of the University community.

VI.2. Crisis Management and Mediation

VI.2 (i) GSCASH will assist in the mediation of situations arising out of incidents of sexual harassment and sexual assault on the campus.

VI.2 (ii) GSCASH will co-ordinate with the campus security services to devise ways and means by which a system of crisis management that is gender-sensitive as well as prompt and effective is put in place. It will maintain regular contact with the campus security services to ensure that in crises arising out of incidents of sexual harassment, GSCASH members, and/or the volunteers identified by it, shall be intimated without delay.

VI.2 (iii) GSCASH will, through a circular at the beginning of each semester, enlist and activate an adequately representative team of volunteers. GSCASH shall ensure the widespread publicity of the contact details (both official and personal) of all its members and volunteers.

VI.2 (iv) GSCASH will organize training workshops for members and volunteers to equip them to handle sexual harassment cases (including legal and medical aspects of aid). Volunteers will assist in the gender sensitisation, crisis mediation and management duties of GSCASH, but shall not participate in the task of formal redressal of complaints under these Rules and Procedures of GSCASH.

VI.2 (v) In cases in which sexually motivated conduct against a student, or a member of the academic or a non-teaching staff, or a resident and/or a service provider amounts to a specific offence under the Indian Penal Code or any other

Indian law, GSCASH shall assist the affected party in making a complaint to the appropriate authority outside the University.

VI.3 (A) Complaints Filing Process

VI.3 (A) (i) Any student, resident, service provider, outsider, or a member of the academic or non-teaching staff may lodge a complaint of sexual harassment against a student, resident, service provider, outsider, or a member of the academic or nonteaching staff. Third party complaints and witness complaints shall be entertained. The GSCASH shall take suo motto notice of grave violations of the basic principles of gender sensitivity and justice on this campus.

VI.3 (A) (ii) Complaints can be lodged directly with any member of GSCASH, or through existing channels for lodging grievances, such as the University authorities, wardens, teachers, students, union/association representatives, administrative superior, etc. If the complaint is made through any such channel, the person to whom the complaint is made should bring it to the notice of GSCASH within two working days of its receipt by her/him.

VI.3 (A) (iii) Upon receipt of the complaint, the GSCASH member to whom the complaint is made shall forward the same to the Complaints Screening Committee.

VI.3 (A) (iv) The complaint may be oral or in writing. If the complaint is oral, it shall be reduced in writing by the Complaints Screening Committee or the GSCASH member receiving the complaint, on Form I, prescribed for the purpose (Schedule 2), and authenticated by the complainant under his/her dated signature or thumb impression as the case may be.

VI.3 (B) Complaints Screening Committee

VI. 3 (B) (i) Composition

GSCASH shall designate by rotation three persons from amongst its members for a period of one month to receive and screen complaints, henceforth called the Complaints Screening Committee. The names and contact details of these members shall be given widespread publicity by GSCASH.

VI.3 (B) (ii) Functions

a. The Complaints Screening Committee shall receive and record complaints of sexual harassment on Form I (Schedule 2) prescribed for the purpose. It shall carefully study the complaint and may hear the complainant and the defendant as well as other involved parties to determine whether an enquiry by GSCASH is to be instituted.

b. At no time in the complaints receiving and recording procedure shall the defendant(s) and the complainant be placed face to face, or put in a situation where they may be face to face (e.g. they shall not be called at the same time and be made to wait in the same place), keeping strictly in view the need to protect the complainant from facing any serious health and/or safety problems, in accordance with the guidelines in the Supreme Court Judgment.

c. At no time in the complaints receiving and recording procedure shall the past sexual history of the complainant be probed into, as such information shall be deemed irrelevant to a complaint of sexual harassment.

d. GSCASH may issue an order of restraint to the defendant(s) in accordance with the procedure outlined below in Section VI.3(C).

e. The Complaints Screening Committee shall communicate its recommendations, along with the reasons and documentary evidence, if any, thereof, in writing to the Chairperson of GSCASH as soon as possible.

f. The Complaints Screening Committee shall be responsible for making counseling services available to a person requesting for it.

g. In a special provision for physically challenged complainants, or complainants in a serious medical condition, the Complaints Screening Committee may, on determining the complaint to be a prima facie complaint of sexual harassment, recommend the institution of enquiry proceedings.

VI.3 (B) (iii)

a. The complainant may withdraw his/her complaint in writing at any time during the complaints receiving and/or enquiry procedure.

b. The complaints screening/enquiry procedure shall, on such withdrawal, be terminated, save in instances in which the Complaints Screening/Enquiry Committee is informed, knows, or has reason to believe, that the reasons for such withdrawal are the consequences or effect of coercion and intimidation exerted by the defendant(s), or any person on her/his behalf, on the complainant. In such an instance, the complaints screening/enquiry proceedings shall continue in accordance with the procedure outlined in Sections VI.3(C) and 4(C).

VI.3 (C) Restraint Order

VI.3 (C) (i) A restraint order in terms of GSCASH Rules shall provide, on Form IV prescribed for the purpose (Schedule 2), a summary of the complaint, the date(s), time(s), and location(s), of the alleged incident(s). It shall warn the defendant(s) that any attempt on her /his part or by person(s) acting on his /her behalf, to contact, or influence, or intimidate, or exert pressure on the complainant or any person in the complainant's confidence may prove prejudicial to her/his case.

VI. 3 (C) (ii) The complainant or any other person should intimate in writing the Complaints Screening Committee, the Chairperson of GSCASH and/or the Enquiry Committee of any violation of the order of restraint by the defendant(s), or any persons acting on her /his behalf.

VI. 3 (C) (iii) Should the Complaints Screening Committee, the Chairperson of GSCASH, or the Enquiry Committee be convinced of the truth of such allegations,

the Chairperson of GSCASH and/ or the Chief Enquiry Officer may summon the defendant(s) in person and issue a verbal and written warning that such behavior may lead to an adverse inference being drawn against her/him. The Enquiry Committee or GSCASH shall retain the right to close the enquiry proceedings, and to give an ex parte decision on the complaint.

VI. 3 (C) (iv) The Enquiry Committee and GSCASH shall consider all violations of the restraint order when determining the nature of offence of a defendant found guilty of sexual harassment.

VI. 4. Formal Enquiry

Once the Complaints Screening Committee has decided that the complaint merits further investigation, it shall inform the GSCASH. The GSCASH shall conduct formal enquiry and provide its resources to ensure the complainant's safety on the campus. For this purpose, the Chairperson of GSCASH shall convene an Emergency meeting to constitute the Enquiry Committee. GSCASH shall designate from within the members of such committee the Chief Enquiry Officer who shall be a woman.

VI. 4 (A) Composition of the Enquiry Committee

The composition of the Enquiry Committee shall conform to the guidelines below:

a. The Enquiry Committee shall consist of not less than three persons and not more than five persons.

b. It shall have at least 50% women.

c. It shall include at least one third-party, i.e., the NGO representative or an eminent woman academician.

d. In cases involving students/academic staff/non-teaching staff, it shall include a representative of the constituency of the complainant and the defendant (i.e., if the complaint is filed by a student against an academic staff member, then the Enquiry Committee shall include one student and one academic staff member).

e. No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of a GSCASH Enquiry Committee.

f. The membership of an Enquiry Committee shall not be changed or in any other way modified during its proceedings, save for the provisions in Sections V.5 - 8.

g. Members of GSCASH who are representatives of unions/associations of which the complainant and/or the defendant are also members, shall not be eligible to serve on an Enquiry Committee.

h. GSCASH may, at its own discretion, co-opt any person(s) with demonstrable sensitivity to gender issues to be a part of an Enquiry Committee, provided that the majority of members are the members of GSCASH. Such a person shall not serve as the Chief Enquiry Officer.

VI.4 (B) Functions of the Enquiry Committee

a. The Enquiry Committee shall enquire into the complaint of sexual harassment using procedures in conformity with the principles of natural justice and gender sensitivity.

b. The Enquiry Committee shall act on any violation of the order of restraint issued to the defendant in accordance with the procedure outlined in Section VI.3 (C).

c. The Enquiry Committee shall submit a detailed report to GSCASH in which it shall communicate its findings based on its investigations and its recommendations regarding the nature of disciplinary action, if any.

VI.4 (C) Procedure to be Followed by the Enquiry Committee

a. The Enquiry Committee shall not, at any time in the enquiry proceedings, cause the defendant and the complainant and/or their witnesses to be placed face to face, or put in a situation where they may be face to face (e.g. they shall not be called at the same time and be made to wait in the same place), keeping strictly in view the need to protect the complainant from facing any serious health and/or safety problems, in accordance with the guidelines in the Supreme Court Judgment.

b. The Enquiry Committee shall strive to complete the enquiry in the shortest possible time, not exceeding three months from the date that a complaint is referred to it, except for reasons that the Enquiry Committee shall provide in writing to GSCASH.

c. The Enquiry Committee shall provide reasonable opportunity to the complainant and the defendant for presenting and defending her/his case.

d. The Enquiry Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.

e. The Enquiry Committee shall have the power to summon any official papers or documents pertaining to the complainant as well as the defendant.

f. The Enquiry Committee may consider as relevant any earlier complaints against the defendant. However, the past sexual history of the complainant shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.

g. The Enquiry Committee shall have the right to summon, as many times as required, the defendant, complainant and/ or any witnesses for the purpose of supplementary testimony and/ or clarifications.

h. The Enquiry Committee shall have the right to terminate the enquiry proceedings and to give an ex parte decision on the complaint, should the defendant fail, without valid ground, to present herself /himself for three consecutive hearings convened by the Chief Enquiry Officer.

i. The Chief Enquiry Officer shall be responsible for making the defendant and the complainant aware that counselling services can be made available if so desired.

j. Within two days of the institution of enquiry proceedings by GSCASH, the Enquiry Committee shall prepare a summons containing details of the complaint such as the location, date and time on which the incident is alleged to have occurred and shall hand over the same to the complainant (Form VI, Schedule 2) as well as to the defendant (Form Schedule 2) along with a copy of the Rules and Procedures of GSCASH. It shall also intimate the defendant and the complainant the contact details of all members of the Enquiry Committee.

The Enquiry Committee shall also make available to the defendant a true copy of the original complaint(s) lodged by the complainant(s).

k. Within not more than two working days on the receipt of the first intimation of the enquiry, the complainant and the defendant shall submit to the Chief Enquiry Officer, in writing, a list of witnesses, together with their contact details, that she/he desires the Enquiry Committee to examine.

l. On receipt of the first intimation of the enquiry, and not more than two working days after such date, the complainant and/or the defendant shall inform the Chief Enquiry Officer whether they shall wish to exercise the rights afforded in Sections (p) - (r) below.

m. The Chief Enquiry Officer shall convene the first hearing of the enquiry. The defendant, the complainant, and witnesses shall be intimated at least seventy-two hours in advance in writing of the date, time and venue of the enquiry proceedings.

n. If the complainant, defendant, or witness desire to appear before the Enquiry Committee accompanied by one companion of their choice, they shall communicate to the Chief Enquiry Officer the name of that person. Such a person shall have only observer status and her/his presence during the proceedings shall be restricted to the testimony of the individual she/he is accompanying.

o. The identities of all witnesses shall throughout be protected by the Enquiry Committee by the use of a coding system for this purpose.

p. The complainant(s) and the defendant, or any one person on her/his behalf, shall have the right to examine written transcripts of the recordings with the exclusion of witnesses' names and identities. Any person nominated by the complainant and/or the defendant on her/his behalf shall be (only) either a student, or a member of the academic or nonteaching staff of Jawaharlal Nehru University. No person who has been found guilty of sexual harassment shall be accepted as a nominee. The complainant(s)/defendant should inform the Chief Enquiry Officer specifically if they wish to exercise this right. The Chief Enquiry Officer may allow access to such documents on a specific date to be intimated at least two days in advance to each of the parties concerned. At no point in time, however, can the concerned parties take these documents outside the office of the GSCASH.

VI.3 (C) herein. **SEE ATTACHED NOTICE**

Attached below

JAWAHARLAL NEHRU UNIVERSITY
NEW DELHI-110067

GSCASH

Date: 11.02.2013

NOTE

Clause VI.4 (B) a of the GSCASH Rules and Procedures mandates the GSCASH Enquiry Committee to enquire into complaints of sexual harassment using procedures in conformity with the principles of natural justice and gender sensitivity. In view of the rulings of the Hon. Delhi High Court in the *Dr.. B.N. Ray vs. Ramjas College & Ors* judgement on 21 May 2012, the *Dr. Pushkar Saxena v. Govt. of NCT of Delhi & Ors.* WP(C) No. 7592/2001 decided on 16.5.2012, and the *Bidyut Chakraborty (Prof.) v. Delhi University & Ors. 2009*, as well as the rulings of the Supreme Court on SLP No. 23060/2009, the GSCASH shall henceforth employ the following procedure for the cross-examination of witnesses, including the complainant and the defendant.

A. Neither the complainant nor the defendant shall be present during either the examination or cross- examination of witnesses.
B. On the date of the first summoning for the enquiry proceedings, the defendant shall intimate to the Chief Enquiry Officer, whether (s)he wishes the services of an Assistant for the cross-examination of witnesses examined on behalf of the opposite party, and supply the particulars of such person. Any person so nominated shall be only a student, or a member of the academic or non-teaching staff of Jawaharlal Nehru University. No person who has been found guilty of sexual harassment shall be accepted as an Assistant. Provided further that such an Assistant must be of the same gender as the complainant.
C. In case the complainant/defendant do not avail/obtain the services of a Cross-examination Assistant, the written questionnaire, if any, shall be put to the witnesses by the Enquiry Officer. The replies obtained shall be forwarded to the complainant/defendant.
D. All proceedings and statements of the Enquiry Committee shall be recorded in writing and shall be signed by the witness and the members of the Enquiry Committee.

JAWAHARLAL NEHRU UNIVERSITY
NEW DELHI-110067

E. For the purpose of cross-examination, both the complainant and the defendant shall be supplied with authenticated copies of the statements of all witnesses, in which the identities of all witnesses shall throughout be protected by the use of a coding system for this purpose.

F. Cross-examination shall be done by the means of a written questionnaire supplied by the complainant/defendant for witnesses presented by the opposite party. Such questionnaires will be put to the witness By the Cross-examination Assistant. Any additional question may be put with the permission of the Enquiry Officer.

G. The Enquiry Committee shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, or gender-insensitive. Any behaviour, verbal or otherwise, on the part of the Assistant that may have the intent or the effect of intimidating or subjecting the witness to mental and physical trauma, shall be disallowed and may attract the full range of penalties outlined in Section IX of the GSCASH Rules and Procedures.

H. All persons heard by the Enquiry Committee, as well as the Cross-Examination Assistant, shall take and observe an oath of secrecy about the proceedings. Any violation of the oath of secrecy may invite the full range of penalties outlined in Section IX of the GSCASH Rules and Procedures.

Clauses VI.4.C p., q., and r., of the existing Rules and Procedures of GSCASH will, therefore, no longer be in force.

Sd/-

Sangeeta Thapliyal
Chairperson. GSCASH

q. The complainant and the defendant shall have the right of cross-examination of all witnesses. Such crossexamination shall be conducted in the form of written questions and responses via the Enquiry Committee.

r. The defendant/complainant shall submit to the Chief Enquiry Officer, a written list of questions that she/he desires to pose to the witness. The Enquiry Committee shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, or gender-insensitive. Any behaviour, verbal or otherwise, on the part of the defendant or her/his nominee, that is designed to intimidate or subject the complainant to mental and physical trauma, shall be construed as a violation of the order of restraint issued by GSCASH as defined in Section

s. The complainant and the defendant shall be responsible for presenting their witnesses before the Enquiry Committee. However, if the Enquiry Committee is convinced that the absence of either of the parties to the disputes is on valid grounds, the Enquiry Committee shall adjourn that particular meeting of the Committee for a period not exceeding five days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting without prior intimation/valid ground.

t. All proceedings of the Enquiry Committee shall be recorded in writing and the same together with the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof.

u. All persons heard by the Enquiry Committee, as well as observers /nominees, shall take and observe an oath of secrecy about the proceedings. Any violation of the oath of secrecy may invite the full range of penalties outlined in Section IX.

v. If the complainant desires to tender any documents by way of evidence, the Enquiry Committee shall supply true copies of such documents to the defendant. Similarly, if the defendant desires to tender any documents in evidence, the Enquiry Committee shall supply true copies of such documents to the complainant.

w. In the event that the Enquiry Committee thinks that supplementary testimony is required, the Chief Enquiry Officer shall forward to the persons concerned a summary of the proceedings and allow for a time period of seven days to submit such testimony, in person or in writing, to the Enquiry Committee.

x. After concluding its investigation, the Enquiry Committee shall submit a detailed reasoned report of its findings to the Chairperson of GSCASH. In the event that it finds the defendant guilty of sexual harassment, it shall also recommend the nature of disciplinary action to be taken on the complaint as referred in Section IX. It shall also recommend whether GSCASH and the University authorities should, after disciplinary action has been taken, publicise the identity of the offender, the act and the disciplinary action taken. If the Enquiry Committee finds no merit in the complaint, it shall write to the Chairperson of GSCASH, giving reasons for its conclusions.

y. Nothing precludes GSCASH from taking cognisance of any new fact or evidence which may arise or be brought before it during the pendency of the enquiry proceedings and even after the communication of the findings to appropriate University authorities, provided that in the latter case, the composition of the reconvened Enquiry Committee shall be at least half of the members of the Enquiry Committee that originally enquired into the said complaint.

VII. COMMUNICATION OF FINDINGS

VII (i) Within three working days of the receipt of the report and recommendations of the Enquiry Committee, the Chairperson of GSCASH shall convene an Emergency meeting. Each member of GSCASH shall have the right to access the entire enquiry proceedings, or any part thereof, and to participate in GSCASH deliberations on the complaint. Within two working days of the adoption of the report of the Enquiry Committee, the Chairperson of GSCASH shall forward the report of the Enquiry Committee, together with a summary of the opinions of the members of GSCASH (including dissenting opinions) to the Vice-Chancellor for consideration of appropriate University authorities - the Executive Council for faculty members and group 'A' officers, and the Vice-Chancellor, for students and other employees.

VII(ii) Within a reasonable period of time, and not in any case exceeding 30 days from the date of communication of its findings by GSCASH, the appropriate University authority shall convene a meeting with GSCASH, in which at least two-thirds of the Enquiry Committee shall be present, to discuss the findings and recommendations of the Enquiry Committee.

VIII. OBLIGATIONS OF UNIVERSITY AUTHORITIES AND FUNCTIONARIES

i. The University authorities shall, through a notification each academic year, notify the names and contact details of the members of GSCASH, and the fact that GSCASH is the University body responsible for gender sensitisation and enquiries into complaints of sexual harassment.

ii. The University authorities will ensure that the Policy is included in the Admission Brochure and circulated at the time of registration. The University authorities will ensure that recruitment announcements to all academic and non-teaching positions include the following statement, as notification of the Policy: Jawaharlal Nehru University has a Policy against sexual harassment and is committed to providing an environment free from gender discrimination and harassment.

iii. In order to ensure the permanent placement of the Policy, the University authorities and functionaries shall arrange for several copies to be placed on boards for display in prominent places, such as the entrances to the campus, academic and administration buildings, hostels, etc.

iv. The University authorities and functionaries shall provide legal, medical and counselling assistance to those complainants who have to take recourse to the law.

v. The University authorities and functionaries shall forward all complaints of sexual harassment to GSCASH, save in cases in which the complainant has expressly prohibited such forwarding.

vi. The University authorities shall maintain full confidentiality with respect to matters pertaining to GSCASH enquiries into complaints of sexual harassment. The University authorities shall extend all necessary assistance for ensuring full, effective and speedy implementation of these Rules and Procedures of GSCASH.

vii. As is required by the Supreme Court Judgement, the University authorities and functionaries shall strive to create a workplace in which the functioning of GSCASH and/ or the interests of justice are not subjected to undue "pressure from senior levels".

viii. As required by the Supreme Court Judgement, the University authorities shall forward to the government department concerned, the Annual Report of GSCASH together with a written report on the Action Taken by them upon the decisions/recommendations of the GSCASH and/or the Appeals Committee.

IX. PENALTIES

Any student, service provider, resident, outsider, or a member of the academic or non-teaching staff found guilty of sexual harassment shall be liable for disciplinary action.

The penalties listed below (in ascending order) are indicative, and shall not constrain the University authorities from considering others, in accordance with the rules governing the conduct of employees and students in practice at the time.

IX(1) Penalties in Case of Academic Staff

a. Warning, reprimand, or censure.

b. Withholding of one or more increments for a period not exceeding one year.

c. Removal from an administrative position at the Centre, School and/or University levels.

d. Disbarment from holding an administrative position at the Centre, School and/ or University levels.

e. Suspension from service for a limited period.

f. Compulsory retirement.

g. Dismissal from service.
Further, the penalty awarded shall be recorded in his/her Confidential Record.

IX(2) Penalties in Case of Non-Teaching Staff

a. Warning, reprimand, or censure.

b. Transfer

c. Withholding of one or more increments for a period not exceeding one year.

d. Suspension from service for a limited period.

e. Compulsory retirement.

f. Dismissal from service
Further, the penalty awarded shall be recorded in his/her Confidential Record.

IX (3) Penalties in Case of JNU Students

a. Warning or reprimand.

b. Transfer to another hostel.

c. Withdrawal of hostel accommodation for a period up to one semester.

d. Withdrawal of the right to an official character certificate from Jawaharlal Nehru University.

e. Withdrawal of hostel accommodation for the entire period of study.

f. Rustication from the University for a period up to two semesters.

g. Expulsion from the University, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by Jawaharlal Nehru University.

h. Withholding of a degree awarded by Jawaharlal Nehru University. Further, the penalty awarded shall be recorded in his/her Personal File.

IX(4) Penalties in Case of Outsiders

a. Warning, reprimand, or censure.

b. A letter communicating her/his misconduct to her/his place of education, employment or residence.

c. Declaration of the campus as out of bounds for her/him, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by Jawaharlal Nehru University.

d. Any other action as may be necessary.

IX(5) Penalties in Case of Service Providers

a. Warning, reprimand, or censure.

b. Declaration of the campus as out of bounds for her/him.

c. Withdrawal of the right to run/manage/ work in any commercial enterprise, or to provide services, on the campus.

d. Any other action as may be necessary.

In addition to the penalties specified under (1)-(5) above, the person may be advised to undergo counselling and gender sensitisation, and to give a written and/ or public apology to the complainant.

IX(6) Penalty in Case of a Second Offence

A second, or repeated offence, may, on the recommendation of GSCASH, attract a major penalty.

X OTHER FUNCTIONS

X(1) False Complaint/Deposition

i. If the Complaints Screening Committee or the Enquiry Committee finds no merit in any complaint/deposition, it shall write to the Chairperson of GSCASH giving reasons for its conclusions.

ii. Within four working days of the receipt of this communication, the Chairperson of GSCASH shall call a Special Meeting to discuss the recommendations of the Complaints Screening Committee or Enquiry Committee, and to decide whether a show-cause notice shall be issued to the complainant/ witness(es).

iii. Upon the decision to issue a show-cause notice, the Chairperson of GSCASH shall issue it to the complainant/witness(es). The show-cause notice shall cite the bases of the Committee's conclusions and require the complainant/witness(es) to explain, within seven days (in writing and/ or in person), as to why disciplinary action shall not be taken against her/him.

iv. Within four working days of receipt of any explanation from the complainant/ witness(es) to this show-cause notice, or after the expiry of the time specified for such explanation, the Chairperson of GSCASH shall convene a Special Meeting to consider the explanation or any lack thereof.

v. In event of no, insufficient, or unconvincing explanation, GSCASH shall forward its findings to the appropriate University Authority for further action.

X (2) Protection against Victimisation

i. If the complainant is a student and the defendant(s) is a teacher, during the investigation and enquiry, and even after such an enquiry if the teacher is found

guilty, the defendant(s) shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.

ii. If a witness named by the complainant is a student and the defendant(s) is a teacher, during the duration of the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the defendant shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, reexamination, and supervision of research.

iii. If both the complainant and the defendant(s) are members of the academic and/ or nonteaching staff of the University, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the defendant shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized.

iv. If witnesses named by the complainant and the defendant(s) are members of the academic and/ or non-teaching staff of the University, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the defendant shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized.

v. If the defendant(s) is an outsider, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the defendant shall not be allowed to enter the campus, except for the purpose of attending the present enquiry.

vi. If the defendant(s) is a resident/service provider, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the order of restraint issued in accordance with the procedures in Section VI.3(C) shall be in force at all times.

X (3) Provisions for Appeal

i. In the event of the GSCASH not taking action on a complaint, or if the complainant or defendant is dissatisfied with the disciplinary action taken by the University

authorities, she/he shall have the right to appeal to an Appeals Committee. Appeals may be lodged with the University authorities.

a. An Appeals Committee shall consist of:

b. One person nominated by the Executive Council of Jawaharlal Nehru University from amongst its members,

c. One former Chairperson of GSCASH or any former senior woman member of GSCASH nominated by the Vice-Chancellor. The nominee shall chair the Appeals Committee, and

ii. One woman faculty member of the Centre for Women Studies, School of Social Sciences, Jawaharlal Nehru University, or any other senior woman faculty member nominated by the Vice-Chancellor.

iii. The Appeals Committee shall have all the powers and duties of an Appellate Body. It shall consider the appeal, with the appellant deposing in person. It shall have the power to summon any person as witness as well as any official record. On the basis of all the records before it, including the deposition of the appellant, if it is satisfied that the matter needs to be further enquired into, it shall conduct an enquiry in accordance with the guidelines in the Supreme Court Judgement.

iv. The Appeals Committee shall report to the Executive Council of Jawaharlal Nehru University its findings and recommendations on the nature of the action to be taken on the appeal.

X(4) Amendment to the Rules & Procedures of GSCASH

i. Amendments to the Rules and Procedures of GSCASH shall have effect only if they are in consonance with the letter and spirit of the Supreme Court Judgement, the Report of the Working Group on Sexual Harassment headed by Karuna Chanana, the Policy, and the Rules and Procedures.

ii. Amendments shall be effected by a decision taken in a Special Meeting of GSCASH called for the purpose.

iii. The proposed amendment (s), together with the objectives and reasons thereof, shall be recorded in writing and circulated by the proposer of the amendment (s) at least fifteen working days prior to the Special Meeting called for the purpose.

iv. An amendment motion shall be earned by two-thirds of the members present and voting. In the event of a tie on an amendment motion, it shall be put to vote one more time. If a tie recurs, the amendment motion shall be reconsidered by another Special Meeting to be called after at least fifteen working days.

X(5) Miscellaneous

i. The provisions of these Rules and Procedures of GSCASH shall be duly incorporated within any other Statute, Circular or Ordinance of the University as may be relevant, in keeping with the Supreme Court Judgement.

ii. The proceedings under these Rules and Procedures of GSCASH shall not, in any way, be affected by any other proceedings against the defendant preferred by the complainant under any other provision of civil or criminal law, except to the extent specifically ordered by a court of law.

iii. The provisions of these Rules and Procedures of GSCASH shall not restrict the powers of the University or the complainant to proceed against the defendant for any other misconduct, or pursue criminal or civil remedies, whether or not connected with the misconduct within the purview of these rules.

Appendix 11

UNIVERSITY OF DELHI

Policy on Sexual Harassment

UNIVERSITY OF DELHI
2004

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University of Delhi

Policy on Sexual Harassment

PART ONE

1.1 PREAMBLE

The University of Delhi is committed to creating and maintaining a community in which students, teachers and non-teaching staff can work together in an environment free of violence, harassment, exploitation, and intimidation. This includes all forms of gender violence, sexual harassment, and discrimination on the basis of sex/gender. Every member of the University community should be aware that while the University is committed to the right to freedom of expression and association, it strongly supports gender equality and opposes any form of gender discrimination and violence.

Sexual harassment has come to be widely condemned as a form of human rights violation, and as an infringement on life and liberty as defined by the Constitution of India. Such behaviour is seen to transgress common dignity, gender equality, and fundamental rights. Sexual harassment is contrary to anti-discrimination laws [Article 15: "Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth" and Article 19(1)(g): Right to Freedom which upholds a woman's right "to practice any profession, or to carry on any occupation, trade or business"]

The Supreme Court of India, in a landmark judgment in August 1997 *(Vishaka & others vs. the State of Rajasthan & others)* stated that every instance of sexual harassment is a violation of "Fundamental Rights" under Articles 14, 15, and 21 of the Constitution of India, and amounts to a violation of the "Right to Freedom" under Article 19 (1)(g). Another Supreme Court Judgment in January 1999 *(Apparel Export Promotion Council*

vs. Chopra) has stated that sexually harassing behaviour "needs to be eliminated as there is no compromise on such violations". The Supreme Court further reiterated that sexual harassment "is a violation of the fundamental right to gender equality and the right to life and liberty".

These judgments confirm India's international commitment to the International Covenant on Economic, Social and Cultural Rights (acceded to in 1979) and the Convention for the Elimination of Discrimination Against Women (CEDAW, ratified 1993). The Government of India was also a signatory to the Resolutions of the Fourth World Conference on Women in Beijing in 1995.

The Supreme Court judgment of 1997 makes it obligatory for every employer and other responsible persons to follow the guidelines laid down by the Court and to evolve a specific policy to combat sexual harassment in the workplace. Educational institutions are bound by the same directive. Following this, the University of Delhi is committed to uphold the Constitutional mandate ensuring the above mentioned human rights of all those who fall within its jurisdiction.

1.2 SOCIAL CONTEXT OF SEXUAL HARASSMENT

Though violent conduct is prohibited both by law and by University rules, a specific policy defining sexual harassment is required to address the specific form and extent of sexual harassment in the University. The policy recognises that sexual harassment is not an offence merely amounting to disruption of law and order. Sexual harassment is an act of power, and a public and collective violation that is often trivialised by labelling it an interpersonal transgression. It is therefore a violation of gender equality and also, of the right to a safe education and work environment for all. Sexual harassment not only affects a few individuals but reinforces gender-based discrimination for everyone.

It, therefore, becomes imperative that various educational institutions, and civil society as a whole, should take adequate measures to ensure the safety, security, dignity,

rights and equality of women as much as of men. Such measures will strengthen social and professional relationships in the work place.

The University of Delhi, in evolving this policy, has borne in mind that the institution functions within a social context. Given the social stigma associated with sexual harassment, a majority of instances of sexual harassment go unreported or even unmentioned. The policy, therefore, has evolved mechanisms that are accessible and will ensure confidentiality. It has also attempted to ensure fair, accountable and representative procedures for redressal and resolution.

1.3 SCOPE OF REFERENCE FOR THE UNIVERSITY OF DELHI

In formulating a policy for preventing and redressing sexual harassment, the fact that the University of Delhi consists of a number of academic departments and administrative offices in two campuses and 79 affiliated colleges spread over the entire National Capital Region of Delhi has been considered. The University has an unusually large constituency of almost 2.25 lakh students and several thousand employees. A majority of these people commute to their "work place" (i.e. place of work/study) from various parts of the city.

The interpretation of the term, "work place," for the purpose of the policy for the University of Delhi, will extend to all public spheres that remain in contact with members of the University community. Such public spaces include not just the physical premises under the supervision of the University system, but even areas in and outside Delhi, where University members reside or travel to as part of their work as members of the University. The jurisdiction will include fieldtrips, sports tournaments, conferences, college festivals and all other activities undertaken by any person as a member of Delhi University.

1.4 GUIDING PRINCIPLES FOR DEFINITION OF SEXUAL HARASSMENT AND REDRESSAL MECHANISM

This policy defines sexual harassment and the mechanisms of redressal by looking at the specific structures, needs and imperatives in The University of Delhi. It is guided by the definition of sexual harassment given by the Supreme Court in 1997 in *Vishaka vs. State of Rajasthan.* It is also guided by the Justice Wad Committee Report of 1994 (University of Delhi) which in its definition of sexual harassment included Quid Pro Quo ("When submission to unwelcome conduct is explicitly or implicitly made a condition or the basis for employment decisions") and a Hostile Work Environment (for example when a supervisor or co-worker(s) harasses someone solely because of her gender to the point that the conduct makes it more difficult for her to perform her job or the conduct creates an intimidating, hostile or offensive working environment).

1.5 OBJECTIVES OF THE POLICY

- To fulfil the directive of the Supreme Court enjoining all employers to develop and implement a policy against sexual harassment at the work place.
- To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence at the University of Delhi.
- To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
- To uphold the commitment of the University of Delhi to provide an environment free of gender-based discrimination.
- To create a secure physical and social environment which will deter acts of sexual harassment

- To promote a social and psychological environment which will raise awareness about sexual harassment in its various forms.
- To generate public opinion against sexual harassment and all forms of gender-based violence.

PART TWO

2.1 DEFINITION OF SEXUAL HARASSMENT

The following constitute sexual harassment:

1. When submission to unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature are, implicitly or explicitly, made a term or condition of teaching/guidance, employment, participation or evaluation of a person's engagement in any University activity.
2. When unwelcome sexual advances, and verbal, non-verbal and/or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or e-mails, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature have the purpose and/or effect of interfering with an individual's performance or of creating an intimidating, hostile, or offensive environment.
3. When a person/s uses, with a sexual purpose, the body or any part of it or any object as an extension of the body in relation to another person without the latter's consent or against that person's will, such conduct will amount to sexual assault.
4. When deprecatory comments, conduct or any such behaviour is based on the gender identity/sexual orientation of the person and/or when the

classroom or other public forum of the University is used to denigrate/ discriminate against person(s), or create a hostile environment on the basis of a person's gender identity/sexual orientation.

2.2 JURISDICTION

The rules and regulations outlined in this policy shall be applicable to all complaints of sexual harassment made:

I. By a member of the university against any other member of the university irrespective of whether the harassment is alleged to have taken place within or outside the campus.

II. By a resident against a member of the university or made by a member against a resident irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.

III. By an outsider against a member of the University or by a member of the university against an outsider if the sexual harassment is alleged to have taken place within the campus.

IV. by a member of the university against an outsider if the sexual harassment is alleged to have taken place outside the campus. In such cases the Committee shall recommend that the university/college authorities initiate action by making a complaint with the appropriate authority. Further the committee will actively assist and provide available resources to the complainant in pursuing the complaint.

In the above the following definitions will apply:

'Members of the University' includes students, teachers and non-teaching staff of the University.

'Students' includes regular students as well as current ex-students of Delhi University.

'Teachers' includes any person on the staff of the university or any of the colleges/ institutions affiliated to it, who is appointed to a teaching and/or research post, whether full time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation and shall include employees employed on a casual or project basis.

'Non-Teaching Staff' includes any person on the staff of the university or any of the colleges/institutions affiliated to it, who is not included in the category of teacher. It shall also include contract workers and daily wagers.

'Resident' includes any person who is a temporary or permanent resident of any of the accommodations or premises allotted to an employee by the University of Delhi or by any of the colleges or institutions affiliated to it.

'Outsider' includes any person who is not a member of the university or a resident. It also includes but is not limited to any private person offering residential, food and other facilities to members of Delhi University or any college/institution affiliated to Delhi University.

'Campus' includes all places of work and residence in the Delhi University or any college or institutions affiliated to the Delhi University. It includes all places of instruction, research and administration, as well as hostel, health centres, sports grounds, staff quarters, public places (including parks, streets and lanes) and canteens, etc. on the Delhi University campus or the campus of any college or institution affiliated to the Delhi University.

2.3 THE COMPLAINTS MECHANISM AND THE SCOPE OF ITS FUNCTIONS

GUIDING PRINCIPLES FOR CONSTITUTION OF COMMITTEES

The policy has abided by the following principles:

1. In order to decentralise the complaints procedure and provide easy access to all, separate cells have been provided for colleges, department clusters and others.
2. In order to make the complaints committees accountable and democratic, a combined method of elections and nominations is used to constitute every committee.
3. In order to create autonomous institutional structures to look into complaints of sexual harassment, members from outside the institution with a known contribution to gender issues have been included in each Committee.
4. To make the Committees representative, each category of University members is given representation in the Committee.
5. As per the 1997 Supreme Court Judgment, it is mandatory for each committee to have a woman chairperson as well as at least 50 per cent women members.

STATUS:

The Complaints Committees and the Apex Complaints Committee shall have statutory status and be empowered to carry out the mandate of the policy.

STRUCTURE

Implementation of the policy will be achieved through the following structures:

- **College Complaints Committee (CCC):** A complaints and redressal body to be set up in each college of the University of Delhi.
- **University Units Complaints Committee (UUCC):** A complaints and redressal body to be set up in clusters of University Departments/ Centres.
- **Central Pool Complaints Committee (CPCC):** A complaints and redressal body for those units that are not affiliated to any college/department/institution and have not been included in either CCC or UUCC. There will be one committee for North Campus and one for the South Campus.
- **Apex Complaints Committee (ACC):** An apex regulatory and appellate body of the University of Delhi for redressal and resolution of complaints.

2.4 METHOD OF CONSTITUTING THE COMPLAINT COMMITTEES

(A) COLLEGE COMPLAINTS COMMITTEE (CCC)

1. *Two teacher representatives to be elected/nominated by the procedure outlined in Appendix One.
2. *Two non-teaching Staff representatives of the College (of which one must be from Group D) to be elected/nominated by the procedure outlined in Appendix One.

3. *Three student representatives to be elected from a Gender Sensitising Committee of students comprising one elected representative of each class. At least one of the three representatives should be a second year graduate student. The details of this procedure are outlined in Appendix One.
4. *Two persons with known contribution to women's issues, to be co-opted by the Committee from outside the College. One of these may preferably have a legal background.
5. The Chairperson (woman) to be elected from amongst the members.
6. The Member Secretary to be elected from amongst the members.

*At least 50% of the members in each of these categories should be women.

The term of each member (other than students) shall be two years. The previous Committee will continue till the new Committee is constituted. The College should ensure that the new Committee is constituted latest by 20th September every year.

Complaints can be given to any member of the Committee. It will be incumbent on the Principal or any teacher/head of an administrative unit to forward a complaint s/he receives to the committee immediately.

(B) UNIVERSITY UNITS COMPLAINTS COMMITTEE (UUCC)

1. *Two teacher representative to be elected/nominated by the procedure outlined in Appendix One.
2. *Two non-teaching Staff representatives of the College (of which one must be from Group D) to be elected/nominated by the procedure outlined in Appendix One.
3. *Three student representatives to be elected from a Gender Sensitising Committee of students comprising one elected representative of each class. At least one of the three representatives should be a post-graduate student

and one should be a research student. The details of this procedure are outlined in Appendix One.

4. *Two persons with a known contribution to women's issues, to be co-opted by the Committee from outside the Unit. One of these may preferably have a legal background.
5. The Chairperson(woman) to be elected from amongst the members.
6. The Member Secretary to be elected from amongst the members.

*At least 50% of the members in each of these categories should be women.

The term of each member (other than students) shall be two years. The previous Committee will continue till the new Committee is constituted. The Unit should ensure that the new Committee is constituted latest by 20th September every year.

Complaints can be given to any member of the Committee. It will be incumbent on the head of any department/administrative unit or any teacher to forward a complaint s/he receives to the committee immediately.

(C) CENTRAL POOL COMPLAINTS COMMITTEE (CPCC)

1. *Two members elected/nominated from each of the four categories, group A, B, C and D by the procedure outlined in Appendix One.
2. *Three persons with known contribution to women's issues to be co-opted by the Committee from outside the Unit. One of these may preferably have a legal background.
3. The Chairperson (woman) to be elected from amongst the members.
4. The Member Secretary to be elected from amongst the members.

*At least 50% of the members in each of these categories should be women.

The term of each member shall be two years. The previous Committee will continue till the new Committee is constituted. The Unit should ensure that the new Committee is constituted latest by 20th September every year.

Complaints can be given to any member of the Committee. It will be incumbent on the Registrar or the head of an administrative unit to forward a complaint s/he receives to the committee immediately.

(D) APEX COMPLAINTS COMMITTEE (ACC)

1. The Director, Women's Studies and Development Centre will be the Member Secretary of this Committee. Her office will function as the nodal agency and Secretariat.
2. One woman from the Proctorial team to be nominated by the Vice-Chancellor.
3. *Two teacher representatives to be elected/nominated from the pool of teacher representatives on all CCCs, UUCCs, by the procedure outlined in Appendix One.
4. *Two non-teaching representatives to be elected/nominated from the pool of non-teacher representatives on all CCCs, UUCCs, CPCCs by the procedure outlined in Appendix One.
5. *Three student representatives to be elected from the pool of student representatives on all CCCs, UUCCs by the procedure outlined in Appendix One. These should include at least one each from the undergraduate, graduate and researcher categories.
6. One woman teacher of the University with known contribution to women's issues to be co-opted by the committee.
7. *Two persons to be nominated by the Vice Chancellor from a panel prepared by the Committee. The panel will include names of five persons

(with at least three women) from outside the University, who have made a known contribution to gender issues. One of these may preferably have a legal background.

8. One person with known contribution to gender issues to be nominated by the Vice-Chancellor.
9. The Chairperson (woman) will be nominated by the Vice Chancellor from Category 7.

*At least 50% of the members in each of these categories should be women.

The term of each member (other than students) shall be two years. The previous Committee will continue till the new Committee is constituted. The WSDC should ensure that the new Committee is constituted latest by 20th September every year.

Complaints can be given to any member of the Committee.

General- As soon as the complaint is received, the same shall be sent to the committee within three days and the committee should initiate the process of inquiry within a week of the date of receipt of the complaint by the committee. The report of the Committee shall be placed before the Governing Body in the case of Colleges, or the Executive Council in all other cases.

2.5 POWER AND DUTIES OF ACC / UUCC / CPCC/CCC

❖ Preventive

1. To create and ensure a safe environment that is free of sexual harassment.
2. To create an atmosphere promoting equality and gender justice.
3. To publicise the policy in Hindi and English widely, especially through prospectuses, notice boards etc.

4. To publicise in English and in Hindi the names and phone numbers of members of the committees.
5. To plan and carry out programmes for gender sensitisation with the assistance of the Gender Sensitising Committees and the WDCs (wherever they exist).

❖ Remedial

1. The mechanism for registering complaints should be safe, accessible and sensitive.
2. To take cognisance of complaints about sexual harassment, conduct enquiries, provide assistance and redressal to the victims, recommend penalties and take action against the harasser, if necessary.
3. To recommend to the concerned authorities follow-up action and monitor the same.
4. To advise the disciplinary authority concerned to issue warnings or take the help of the law to stop the harasser, if the complainant consents.
5. To seek medical, police and legal intervention with the consent of the complainant.
6. To make arrangements for appropriate psychological, emotional and physical support (in the form of counselling, security and other assistance) to the victim if s/he so desires.

2.6 Procedure for Registering Complaints

1. All complaints must be brought by the complainant in person. The exception for this will be in cases of forced confinement of the person. In such a case,

brought by another person on behalf of the complainant, the committee will examine whether an investigation, intervention or some other assistance is needed. In exceptional cases, third party/witness complaints may be entertained. In such cases, the committee will ascertain whether the person alleged to have been harassed wishes to lodge a formal complaint. Once such a complaint is received the committee shall proceed to investigate it as per the procedure specified.

2. If the complainant wishes s/he can be accompanied by a representative.
3. Employees not covered by UUCC, CCC and CPCC can approach the ACC directly.
4. The Vice-Chancellor can refer any complaint to any of the Committees including the Apex Committee.
5. A complainant can go directly to the Apex Committee. However, in such cases, which should be exceptional, the complainant should give reasons for doing so. In such a case, it is open to the ACC to refer the complaint back to the appropriate CCC/UUCC/CPCC.

2.7 Enquiry Procedures

1. All complaints made to any committee member must be received and recorded by the member, who shall then inform the Chairperson about the complaint, who in turn shall call a meeting of the committee.
2. All meetings of the committee will be called by the Member Secretary in consultation with the Chairperson and a notice of at least 3 to 5 working days must be given.
3. The committee is bound to maintain confidentiality during the time of the enquiry (in order not to prejudice the proceedings).

4. After the report has been finalised, confidentiality should be maintained, if the complainant so desires, by withholding the complainant's name and other particulars that would identify her. (Revealing the identity either in exceptional cases such as stalking may put the complainant at greater risk or as a result of social prejudices the complainant may face additional adverse effects as a result of public circulation of the finished report.)
5. During an enquiry the quorum for all committee meetings will be one-third of the total membership, and must include at least one member from the complainant's category as well as, one of the two members co-opted from outside.
6. The UUCC/CCC/CPCC/ACC will, within ten days of the receipt of a complaint, establish a prima facie case of sexual harassment on the basis of both the definition of sexual harassment as given in this policy, and the jurisdiction of this policy. Reasons for not pursuing a complaint must be recorded in the minutes and made available to the complainant in writing.
7. In case of a complaint filed by another person on behalf of the complainant (where the complainant is in confinement) the complaint will be investigated in order to explore whether a prima facie case of sexual harassment exists and whether intervention or some other assistance is required.
8. In case a prima facie case is established the UUCC/CCC/CPCC/ACC shall set up an enquiry committee of 3-5 members, with at least one member of the complainant's category, as well as a member from outside the University.
9. The sub-committee must inform the accused in writing about the charges made against him/her and s/he should be given a period of five days from the date of receipt of the notification to respond to the charges.
10. During the enquiry procedure, the complainant and the accused will be called separately so as to ensure freedom of expression and an atmosphere

free of intimidation. The complainant will be allowed to be accompanied by one representative during the enquiry

11. The sub-committee must submit its report to the larger committee not later than 15 working days. The larger committee will discuss the report and make recommendations for punitive action if required.
12. The entire process of enquiry should be completed within one month.
13. The complainant or the accused may appeal to the Apex Committee if they are dissatisfied with the decision of the CCU/UUCC/CPCC.

NOTE:

1. A complainant has the right to go public if s/he so desires. Going public before giving in the complaint to the committee by the complainant should not prejudice the committee members. Once a complaint has been given to the committee, the complainant should preferably not go public till the enquiry is completed unless required.
2. Filing of a grievance/complaint shall not adversely affect the complainant's status/job, salary/promotion, grades etc.
3. The UUCC/CCC/CPCC/ACC should make efforts to ensure that the complainants and the witnesses are not further victimised or discriminated against while it is dealing with the complaint. The committee shall take action against anyone who intimidates the complainant or members of the committee, during or after the enquiry.
4. Any committee member charged with sexual harassment in a written complaint must step down as member during the enquiry into that complaint.
5. Each UUCC/CCC/CPCC/ACC should form a small crisis intervention group comprising a group of committee members who should be readily accessible.

At least 75 percent of the crisis intervention group should be women. The telephone numbers of members should be widely publicised. The committee should have names and easy access to groups and/or individuals who can assist by providing legal, medical and/or psychological help.

2.8 Redressal

1. UUCC/CCC/CPCC/ACC can ask the College/University to suspend the alleged harasser from an administrative post/classes if his/her presence is likely to interfere with the enquiry.
2. The victim of sexual harassment as per the Supreme Court judgment, will have the option to seek transfer of the perpetrator or their own transfer where applicable.
3. The Head of the institution upon receipt of the enquiry report, shall refer the same to the Governing Body/ Executive Council (EC) and institute disciplinary action on the basis of the recommendations of the Complaint Committee under relevant service rules.
4. The disciplinary action will be commensurate with the nature of the violation.

A. In the case of University/College employees, disciplinary action could be in the form of:

i. Warning
ii. Written apology
iii. Bond of good behaviour
iv. Adverse remarks in the Confidential Report

v. Debarring from supervisory duties
vi. Denial of membership of statutory bodies
vii. Denial of re-employment
viii. Stopping of increments/promotion
viii. Reverting, demotion
ix. Suspension
x. Dismissal
xi. Any other relevant mechanism.

B. In case of students, disciplinary action could be in the form of:

i. Warning
ii. Written apology
iii. Bond of good behaviour
iv. Debarring entry into a hostel/ campus
v. Suspension for a specific period of time
vi. Withholding results
vii. Debarring from exams
viii. Debarring from contesting elections
ix. Debarring from holding posts such as member of Committee of Courses, membership of college union, etc.
x. Expulsion
xi. Denial of admission
xii. Declaring the harasser as "persona non grata" for a stipulated period of time
xiii. Any other relevant mechanism.

(**NOTE:** The reasons for the action have to be provided in writing. Action will be taken against person(s) who try to pressurise the complainant in any way).

C. In the case of third party harassment/outsider harassment, the University/College authorities shall initiate action by making a complaint with the appropriate authority.

5. Enhancement of disciplinary action, by the committee, could depend on factors such as the nature and extent of injury caused to the complainant, the impact of the violation on the institutions as a whole, the position of the harasser in the power hierarchy, repetition of offence etc.
6. Non-adversarial modes of redressal and resolution could also be considered in appropriate cases. Examples of this may be verbal warning, verbal apology, promise of good behaviour etc.

2.9 Networking

1. Committees could work closely with the Women's Studies and Development Centre of the University of Delhi and Women Development Cells functioning in the Colleges.
2. If necessary, assistance may be sought from the Proctor, Dy. Proctor, Dean, Dy. Deans of Students' welfare, Provosts of the hostels and other similar persons in authority.
3. Full time counsellors/social workers should be made available as support staff.
4. Committees should also have the referral support of empathetic legal, psycho-therapy and health experts for ready first aid, consultation and guidance.

5. They should establish networks with legal experts, legal aid centres, counselling centres, health centres, police stations, Crimes against Women cells, women's groups in the city and other organisations such as the National/State Commission for Women and National/State Human Rights Commission.
6. The ACC/UUCC/CPCC/CCC can identify persons as volunteers in the hostels, offices, colleges, institutions to help raise awareness.

2.10 Monitoring and Review

1. The UUCC, CCC and CPCC will send annual reports to the Apex Complaints Committee.
2. The ACC will provide a brief annual report to the Executive Council on the cases monitored by them. In the above-mentioned reports, confidentiality of the complainants will be maintained. These reports will be accessible to the University community and other organisations that network with the University.
3. The ACC will organise a meeting once every year for all members of CCC/ UUCC/CPCC to meet and discuss their experiences on the functioning of the committees.

2.11 Support Staff

1. The Women's Studies and Development Centre will function as the Secretariat for the Apex Committee. The WSDC should therefore be provided with funds, additional staff, and adequate space meant exclusively for this purpose. The secretariat should also include a counsellor.

2. The UUCC, CCC and CPCC should also be provided with a budget.
3. All Support Staff must follow norms of confidentiality.

2.12 AMENDMENTS TO THE POLICY

On the basis of their experience of the working of the policy, the UUCCs, CCCs and CPCC will have the power to make recommendations to the ACC about changes in the policy. The ACC after adequate consultation with all the UUCCs, CCCs and CPCC can make recommendations to the EC about changes in the policy, as and when required in keeping with the preamble and objectives of the policy.

PART THREE

3.1 FINANCIAL ASSISTANCE

The University will raise a fund for the functioning of the Committees by collecting a fixed annual charge of Rs. 10/- (out of which Rs. 2/- to be sent to the University) each year from every member of the University - Teachers and Students.

PART FOUR

4.1 SUGGESTIONS FOR ADDITIONAL ADMINISTRATIVE MEASURES

It will be borne in mind that the problem of sexual harassment is aggravated by lack of sufficient lighting, poorly constructed roads, bad traffic regulation and lack of other facilities. To rectify this current situation we feel that it is necessary to outline the security measures that can accompany the policy guidelines. Thus addressing both prevention and redressal of the problem.

1. **Effective lighting and traffic regulation of all roads, institutions and surrounding areas in the university.**

NOTE:

Due to inadequate lighting and lack of traffic regulation it is easier for those who harass on the streets and other places to harass and make a get away. It compounds the problem of resistance to harassment as well.

The Proctor's office in consultation and coordination with the Apex Committee and other concerned agencies will work towards achieving that:

1. Roads are adequately lit.
2. Traffic within the Campus is regulated.
3. Co-ordination with the Delhi Police is maintained in order to uphold the policy on sexual harassment.

Other Preventive measures

1. **Transportation** - to be taken up with the transport authority of Delhi.
   a. Shuttle buses should be started to provide safe transportation to students and other employees who work on campus after office hours and on holidays.
   b. University specials should be increased.
   c. Co-ordination is reviewed with concerned bodies to sensitise drivers and conductors to deal with cases of sexual harassment and stalking.

2. **Delhi University Hostels**
   a. Every hostel authority must act as per the policy measures.
   b. The complaints brought forth by the hostel residents under this policy will be forwarded to the UCCC/CCC.or if required, the Apex Committee.
   c. The Apex Committee should work towards ensuring safe Off-Campus Accommodation.

APPENDIX ONE

PROCEDURE FOR THE CONSTITUTION OF THE COMMITTEES

CCC/UUCC

Section A. The First Committee: (Year I)

Member Secretary of the Apex Complaints Committee (viz. the Chairperson of The Women's Studies Development Centre) shall send a notice to each Principal or Head of Department/Institution to initiate the process of election to the first complaints committee.

Two representatives each will be elected from amongst the Teachers, NonTeaching Staff, of each College/University Unit. Three Students will be elected through a two-tier process of election. First a representative to the Gender Sensitising Committee will be elected by each class in the College/Unit. The members of the Gender Sensitising Committee will then elect three representatives from amongst themselves.

1. Election Schedule

Last date for nomination	:	
(duly proposed and seconded)	:	1st week of August
Withdrawal	:	2nd week of August
Polling	:	3rd week of August

A minimum interval of three working days should be given between the stages. In any case, the whole process shall be completed on or before 25 th August.

2. Mode of Election

a. Polling Time: One day each for Teachers and Karamcharis and for the elections of student representatives by the GSC. The first stage for the election of the student representatives, i.e. electing from each class a member of the GSC, can be done over a period of a week

b. Each voter in a category can cast as many votes as there are seats, one each in favour of different candidates from his/her category - Student, Teacher, NonTeaching Staff.

c. Election will be through secret ballot.

d. The two teachers/non-teaching staff and three students polling maximum number of votes will be elected as representatives of the category, provided that:

i) Representatives in each category will include a minimum of 50% of women.

ii) The representatives of non-teaching staff must include at least one from Group D.

iii) The student representatives include at least one from 2nd year in the CCC and at least one each from the post-graduate and research students in the UUCC.

iv) The elections will be conducted by the Principal / Senior most Head of Department as Returning Officer and Secretary, Staff Council / a Senior Professor as Presiding Officer.

v) At the time of counting the votes a nominee of each candidate can be present as an observer.

3. Nature of Campaigning

Any campaigning against the tenets and spirit of the policy will lead to disqualification of the candidates by the presiding officer.

4. Constitution of Committees

The 1st meeting of seven elected members will be called before the 5th of September by the senior most Teacher elected. The seven members will elect a Chairperson (a woman) and Member Secretary for the year. They will also make a panel (in order of preference) of at least four individuals from outside the College/University Unit with known contribution to women's issues. Immediately after the meeting (within three days) the Chairperson must write to the first two individuals on the panel requesting them to give their consent to be members of the Committee. This whole process of co-opting two members from outside the College/University Unit (of which at least one should be a woman), should be completed preferably by the 20th of September. The two co-opted members will remain on the Committee for a period of two years.

Section B: Subsequent Committees

1. For Teachers/Non-Teaching Staff.

a. In the following year (II), the elected representative E1who had polled the highest number of votes will continue and the other representative E2 will be replaced by a representative N1 nominated by the entire existing Committee, subject to the conditions laid down in mode of election 2(d)(i) and 2(d)(ii) of Section-A.

b. In the following year (III), the elected representative E1 will be replaced by an elected representative E3 (subject to the conditions laid down in mode of election 2(d)(i) and 2(d)(ii).

c. In the following year (IV), the nominated representative N1 will be replaced by a freshly nominated representative N2.

Thus elections will be held in alternate years, interspersed by nomination.

Nomination from within the institution, which will take place in alternate years, should be completed not later than the 15th of August.

2. For Students.

(a) College Complaints Committees (CCC)

In year II

i) The second year student who had polled the highest number of votes (and is promoted to Third Year) will continue to be a member of the committee in Year II.

ii) The other two students will be replaced by fresh elections subject to 2(d)(i) and 2(d)(iii).

This procedure is to be repeated every year.

(b) University Units Complaints Committees (UUCC)

In Year II

i) The student with the highest number of votes and who has continued to remain a regular student of the University in the same course, will remain a member of the Committee.

ii) The other two students will be replaced by fresh election subject to provisions in 2(d)(i) and 2(d)(iii).

This procedure is to be repeated every year.

NOTE:

Subsequent elections to the CCC/UUCC from all categories will be conducted by the Chairperson and the Member Secretary.

In subsequent years the election of the Chairperson and Member Secretary will be from amongst all its members (including those co-opted from outside the University).

(c) Central Pool Complaints Committee (CPCC)

Section A: The First Committee: (Year One)

i) Two representatives each will be elected from Group A, B, C and D employees, of which at least one in each category shall be a woman representative.

ii) The first meeting will be called by the senior most representative from Group A.

iii) The eight elected members will elect a Chairperson and a Member Secretary for the year.

iv) The elected members shall form a panel of 5 persons from outside their unit with known contribution to women's issues, 3 of which shall be co-opted into the committee as prescribed for the CCC/UUCC.

Section B: Subsequent years

i) In the year (II), the representative E1 who had polled the highest number of votes will continue and the other representative E2 shall be replaced by a representative N1 nominated by the entire existing committee, subject to the conditions laid down in 1(a) of Section-B

ii) In the following year (III) the elected representative E1 shall be replaced by freshly elected representative E3, subject to the condition in 1(a) of Section-B.

iii) In the following year, the nominated representative N1 shall be replaced by a freshly nominated representative N2.

This procedure will be repeated every year.

NOTE:

1. The election in the first year will be conducted by the Registrar
2. The mode of election will be the same as for the CCC/UUCC.
3. In subsequent years the election/nomination to the CPCC will be conducted by the Chairperson and Member Secretary of the CPCC

4. In subsequent years the election of the Chairperson and the Member Secretary will be from amongst all the members of the committee (including those co-opted from outside).

(d) The Apex Complaints Committee (ACC)

Section A : The First Committee: (Year One)

1. Two teachers, two non-teaching staff, and three students will be elected respectively from an electoral college consisting of all the representatives from that category in all the CCC/UUCC/CPCC, subject to at least 50% women in each category.
2. The electoral college for each category shall consist of all the representative members who are elected/nominated to the CCC/UUCC/CPCC by the 31st of August. (This will not include the co-opted members).
3. Of the non-teaching staff, at least one each should be from the category of Group D.
4. Of the student representatives there should be at least one from each of the categories - Under Graduate, Post Graduate, and Researcher.
5. The process of election, conducted by the Chairperson of the WSDC (who is the Member Secretary of the ACC), should be completed by the 20th September.
6. Constitution of the Committee: The first meeting of the seven elected members and the VC's nominee from the Proctorial team should be called by the Member Secretary in the last week of September.

   The nine members will nominate to the committee a woman teacher from the University who has demonstrated active concern on gender issues. In addition, they will prepare a panel of five persons (of whom at least three should be women) from outside the University, with known contribution to gender issues. From this panel the Vice-Chancellor should invite a woman to be the Chairperson of the Apex Committee, and one other person as a member of the committee. They should be nominated for a period of two years.

In addition, one person with known contribution to gender issues, shall be nominated to the Committee by the Vice Chancellor.

The entire process of Constitution of the ACC should be completed by the 15th of October each year.

Section B: Subsequent years

1. For teachers and non-teaching staff

a) In the following year (II), the representative E1 who had polled the highest number of votes will continue and the other representative E2 will be replaced by a representative N1 nominated from the electoral college for that category by the entire existing committee subject to the conditions laid down in mode of election 2(d)(i) and 2(d)(ii) of Section-A.

b) In the following year (III), the elected representative E1 will be replaced by an elected representatives E3 (subject to the conditions laid down in mode of election 2(d)(i) and 2(d)(ii) of Section-A.

c) In the following year (IV), the nominated representative N1 will be replaced by a freshly nominated representative N2.

Thus elections will be held in alternate years, interspersed by nomination.

2. For Students

Elections will be held every year.

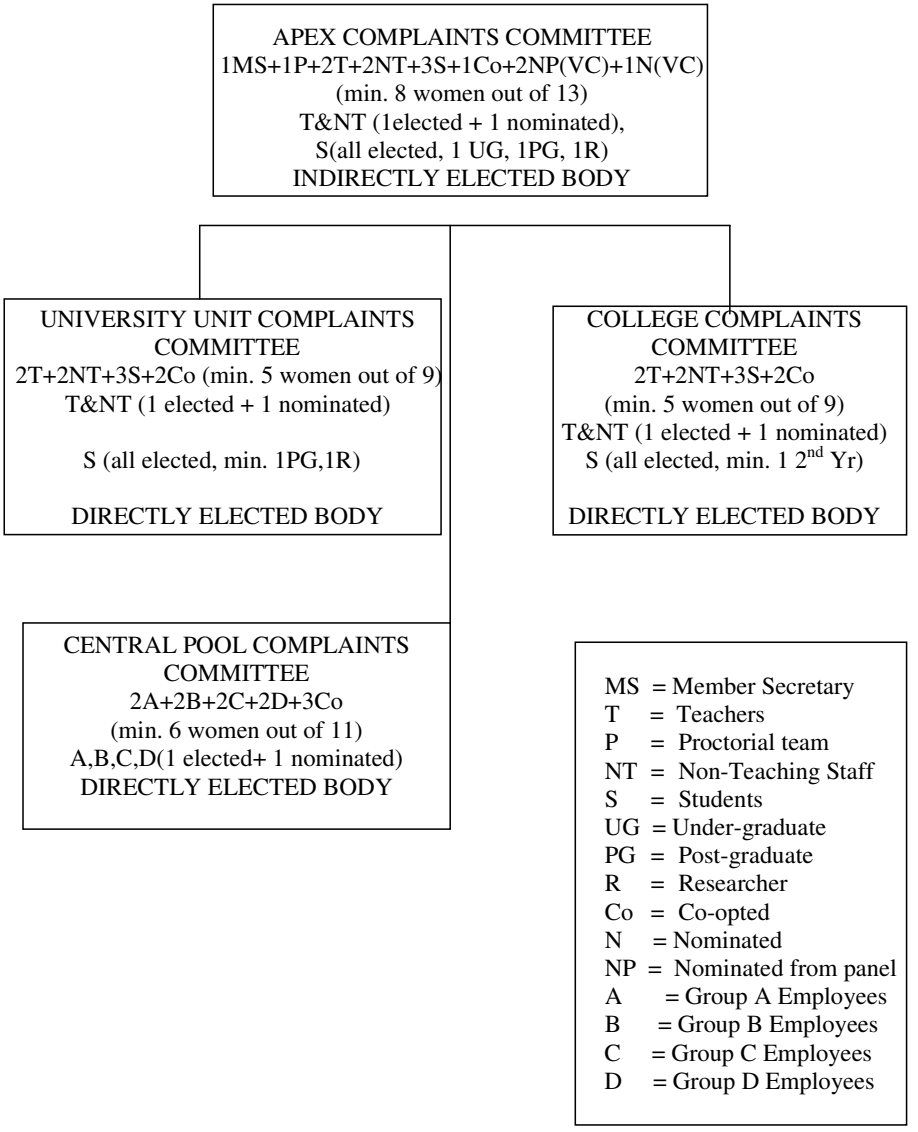
NOTE:

1. The membership of co-opted persons in CCC/UUCC/CPCC, can be renewed after every two years by mutual consent of the other committee members.
2. A casual vacancy in any category will, within ten days, be filled temporarily by nomination of a person from that category by the entire committee until a regular

selection can be held. This arrangement should not ordinarily continue beyond a period of three months, but not beyond six months in any case.

3. No member of the Apex Committee should be simultaneously a member of CCC/UUCC/CPCC. The members elected/nominated from CCC/UUCC/CPCC to the ACC will cease to be members of the former. The vacancies so created in the CCC/UUCC/CPCC will be filled by nomination, of a person from the relevant category, by the entire existing committee until the position is filled by the regular method of selection in the next academic session.
4. If for an election to a CCC/UUCC/CPCC/ACC there are no candidates from a particular category then the existing committee shall nominate a person(s) from that category for that year.
5. If, in the case of membership to be decided on the basis of highest number of votes, both members had equal number of votes, or were elected unopposed, then the decision can be taken by drawing of lots in the Committee.
6. A member of the University, who has previously been convicted for sexual harassment shall not be eligible for membership of any of the complaints committees.
7. Only regular students of the University shall be eligible to stand for election, vote or be nominated to the committee although the current ex-students shall have the right to approach the committee in case of any complaint.
8. Only permanent employees (teachers or non-teaching staff) shall be eligible to stand for elections or to be nominated to the Committees, although temporary/ad- hoc or contractual employees shall have the right to vote.

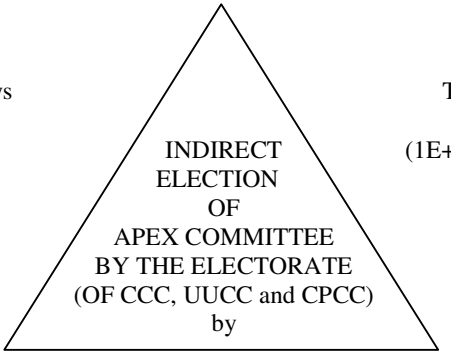
STRUCTURE OF COMPLAINTS COMMITTEES/CENTRE



STRUCTURE OF COMPLAINTS COMMITTEE/CENTRE

- At least half the number of members of each committee shall be women
- Chairperson shall always be a woman

APEX COMPLAINT COMMITTEE — 1+1+7+1+2+1 (at least 8 women including the Chairperson}



T	NT	S	Co	N(VC)
(1E+1N)	(1E+1N)	(3E)	(1)	(2+1)

{1 UG, 1 PG, 1 RES}

College Complaint Committees — 7+2 7+2 7+2 7+2 7+2

University Unit Complaint Committees — 7+2 7+2 7+2 7+2 7+2

Central Pool Complaints Committee

8+3

W	–	Women
T	–	Teachers
NT	–	Non-teaching
S	–	Students
E	–	Elected
N	–	Nominated
Co	–	Co-opted
RES	–	Researcher
PG	–	Post-Graduate
UG	–	Under-Graduate

APPENDIX TWO

DEPARTMENT CLUSTERS FOR UNIVERSITY COMMITTEES

1. Faculty of Arts (a) Language Departments (English, Hindi, Sanskrit, Modern Indian Languages and Literary Studies, Urdu, Persian, Arabic, Germanic ands Romance Studies, Punjabi, Seminar Library, Women's Studies and Development Centre, Directorate of Hindi Medium Implementation Board)
2. Faculty of Arts (b) Other (Philosophy, Library and Information Science, Buddhist Studies, Linguistics, Psychology, Central Reference Library, Arts Faculty Library, Computerised Library Services Department)
3. Faculty of Math Sciences (Mathematics, Operational Research, Computer Science, Statistics)
4. Faculty of Social Sciences (a) Delhi School of Economics (Economics, Sociology, Geography, Ratan Tata Library)
5. Faculty of Social Sciences (b) All others (History, Political Science, Social Work, African Studies, Adult Continuing Education and Extension, Chinese and Japanese Studies, Braille Library, Developing Countries Research Centre)
6. Faculty of Commerce and Business Studies
7. Faculty of Music and Fine Arts (including Music Library)
8. Faculty of Education (CIE, Experimental Basic School, CIE Library, DU Social Centre School)
9. Faculty of Management Studies (including FMS Library)
10. Faculty of Law (Campus Law Centre, Law Centre I, Law Centre II, Law Faculty Library)
11. South Campus (a) Faculty of Applied Social Sciences (S.P. Jain Management Studies, Applied Psychology, Financial Studies, Business Economics, Applied Operational Research, Institute of Informatics and Communication,

12. South Campus (b) Faculty of Interdisciplinary and Applied Sciences (Biochemistry, Micro Biology, Genetics, Electronic Science, Bio-Physics, Plant Molecular Biology)
13. South Campus (c) Others (English , Hindi, Sanskrit, Philosophy, History, Political Science, Slavonic and Finno-Ugrian Studies, Centres for: Applied Behavioural and Action Research, Canadian Studies, Director and Related Software Technology, Environmental Management of Degraded Ecosystems, Geo- Resources, Inter disciplinary Studies of Mountain and Hill Environment, Genetic Manipulation of Crop Plants, South Zone Library)
14. Science Departments (a) (Department of Physics, Botany, Zoology, Geology, Anthropology, Computer Centre, University Services and Instrumentation Centre, CPDHE, Science Education and Communication)
15. Science Departments (b) (Department of Chemistry, B.R. Ambedkar Centre, Agro-Chemical and Pest Management, Central Science Library)

NOTE:

1. Other Institutions such as WUS, Vice- Chancellor's Office, Establishment Finance, etc. will come under the Central Pool Complaints Committee
2. Medical Sciences, Engineering and Technology are located in Colleges namely UCMS, VPCCI, LHMC, MAMC and LNJP, G.B. Pant, NSIT, DCE, Tibia, College of Nursing and Nehru Homeopathic Institute etc. and will therefore have their own College Complaints Committees. The School for Correspondence Courses will have its own Committee.

Appendix 12

Recommended Procedure for Cross Examination

In the Dr. Pushkar Saxena v. Govt. of NCT of Delhi & Ors. WP(C) No. 7592/ 2001 decided on 16.5.2012, the Hon. High Court of Delhi has directed that in order to ensure that "there is no possibility of witnesses getting influenced on account of the presence of the respondent at the time of their cross-examination, the witnesses may be cross-examined through a female defence assistant. If the respondent does not want to engage the services of such a female defence assistant, then the exercise of the right of cross-examination would require the petitioner to submit a questionnaire, giving the questions he wanted the witnesses to answer, and the answers to the questions will be obtained by the Inquiry Committee." The Court also directed that the respondent will not be present at that time of either examination or cross-examination of the witnesses. This procedure was upheld by the Hon. Supreme Court In its ruling on SLP No. 23060/2009 and the Hon. High Court of Delhi in the B.N. Ray vs Ramjas College &Ors judgement on 21 May 2012.

The Committee thinks that the procedure laid down in the Hon. Supreme Court's guidelines (SLP No. 23060/2009, and the Bidyut Chakraborty (Prof.) v. Delhi University & Ors.: 2009 VI AD (Delhi)) for cross-examination must be adopted as the procedure at educational institutions in general. The defining points of this procedure is that neither the complainant nor her witnesses shall, if they so wish, be subjected to a face-to face- encounter with the charged person(s) whether during examination or cross-examination, and that cross-examination may be done through a cross-examination or a questionnaire. This entails that witnesses for the complainant need not be examined in the presence of the charged person.

i. At the first examination of the complainant, the Complaints Committee shall formally enquire from the complainant whether she wishes to avoid a face-to-face encounter of herself and/or her witnesses with the respondent, including

during the examination and cross-examination of herself and/or her witnesses, and record her response thereto.

ii. The order of examination of witnesses to shall first be the list of person(s) named by the complainant, followed by their cross-examination on behalf of/by the respondent. The Complaints Committee shall then examine the witnesses named by the respondent, and after that facilitate their cross-examination on behalf of/ by the the complainant. Official and other witnesses may be examined at any time. Provided further that the Complaints Committee shall provide one further opportunity for the complainant and the respondent to add to their respective lists of witnesses, before embarking on the cross-examination of witnesses of either party.

iii. In the event that the complainant has indicated that she and/ or her witnesses should not be put face-to-face with the respondent during their examination and cross-examination, the Complaints Committee shall communicate the same to the respondent. In such an eventuality, the Complaints Committee shall give the respondent an option of nominating a woman Examination Assistant.

iv. Such an Examination Assistant may be present during the examination of the the complainant's witnesses as an observer, and shall also conduct the cross-examination of the complainant's witnesses. Provided further that the Examination Assistant must be an employee of the workplace in which the respondent is an employee, and should not have been found to be guilty of sexual harassment, or been a respondent to a Complaints Committee-instituted conciliation procedure.

v. In the event that the respondent cannot or does not nominate an Examination Assistant, he may submit a list of questions to the Complaints Committee to administer to the complainant and her witnesses for the purposes of cross-examination.

vi. In individual cases, the Complaints Committee may feel it necessary to protect the identity of any or all of the complainant's witnesses. In such an event, the Complaints Committee shall guarantee the anonymity of all such witnesses produced by the complainant and shall allow cross-examination only by written questionnaire. In such exigent circumstances, the Complaints Committee shall provide the statements of witnesses, without disclosing their names and identities to the respondent, and shall obtain the answers to the questionnaire and supply them to the respondent.

vii. If at any given point of time, the Complaints Committee finds that the respondent has attempted to adversely influence the inquiry by threatening , harassing or intimidating either the aggrieved woman or any witness, it may recommend action to be taken as prescribed under Rule 15.

Appendix 13

Conciliation

Clause 10 of the Act addresses **'conciliation'** between the aggrieved woman and the respondent as the possible first step in case of a complaint, to be initiated only if the aggrieved woman asks for it. In order for the Act to be implemented fairly, it is i. A complainant may submit a written request for conciliation within 2 weeks of the date of the initial complaint.

i. In case the aggrieved woman requests for conciliation, the chairperson\presiding officer of the ICC/LCC shall within a period of one week of the receipt of request for conciliation from the complainant, summon the complainant in order to ensure that she is not opting for it under any form of coercion/threat.

ii. On satisfaction of the above, the chairperson\presiding officer may herself carry out the conciliation or nominate one member from the Committee to carry out this process who shall then provide detailed information to both parties regarding the conciliation process.

iii. Conciliation shall not include any component of monetary settlement or pecuniary benefit to either of the parties, but may include a verbal or written apology, counselling of either party, bond of good conduct by the respondent, monitoring of the respondent's good conduct by the conciliator, or any other reasonable relief agreed to by the aggrieved woman.

iv. Notwithstanding anything contained in any other law for the time being in force, the conciliator and the parties shall keep confidential all matters relating to the conciliation proceedings. Confidentiality shall extend also to the settlement agreement, except where its disclosure is necessary for purposes of implementation and enforcement.

v. The conciliation process shall be completed within a period of 30 days from the time of receiving the request for the same from the complainant.

vi. The aggrieved woman may opt out of the conciliation process at any point in these thirty days, without any adverse inference being drawn against her for this decision.

Therefore necessary that a complaint of sexual harassment in the workplace first be established as a complaint that falls within the ambit of the Act before any conciliation be attempted. The following guidelines are recommended.

4.3.2.2Cross-examination

Cross-examination of witnesses and manner of Enquiry: A vexed issue for most existing ICCs is how to guarantee the principles of **natural justice for both the complainant and the accused** - i.e. to provide a reasonable opportunity to examine and cross-examine witnesses - and at the same time ensure that the procedure does not lead to the intimidation of, and trauma to, the complainant and/or her witnesses in a complaint of sexual harassment. This has been the subject of two important court rulings, which have recognized the specific nature of sexual harassment and the psychological effects it has. A detailed note on the recommended procedure for Cross Examination is at Appendix XI

4.3.2.3 Accountability

The UGC must ensure that heads of educational institutions must mandatorily be extended full support to see that the recommendations of the ICC are implemented in a timely manner. With regard to the implementation of the recommendations of disciplinary action, the best practice should be one that treats them as binding, and any dilution or enhancement of the action recommended must be justified in writing. Furthermore, the educational institution must afford all possible institutional resources to the functioning of the Complaints Committee, including office and

building infrastructure (computers, photocopiers, audio-video equipment, etc.), staff (qualified stenographers, typists, office assistants -- to be appointed on a permanent basis, and counselling and legal services) as well as a sufficient allocation of financial resources.

Annual Report of the ICC- Every educational institution must mandatorily submit to the UGC an Annual Report in compliance with Sections 20 and 22 of the Act. This report must contain, at the minimum, the following information:

a. Number of complaints of sexual harassment received in the preceding year
b. Nature of the act of sexual harassment (physical, verbal, through electronic communication, etc.)
c. Position on the hierarchy of the aggrieved woman vis-a-vis the respondent
d. Number of cases in which the aggrieved woman was SC/ST/OBC/minority.
e. Number of complaints disposed during that year
f. Number of complaints disposed within the required time frame.
g. Number of cases in which conciliation was sought, and an agreement reached.
h. Nature of other relief sought.
i. Number of cases where the accusation was upheld.
j. Nature of penalty imposed
k. Time gap between the submission of the Complaints Committee report and disciplinary action.
l. Number of cases involving repeat offences.
m. Number of cases where penalty was imposed for attempting to harass or intimidate the aggrieved woman/ witnesses.
n. Number of complaints proved to be false/malicious
o. Number of trainings/awareness campaigns/workshops against sexual harassment carried out within the organization.

p. Any method used to educate employees about sexual harassment, the Act and the Rules.

q. Number of complaints where conciliation was successfully carried out

r. Nature of action taken by the employer/district officer.

s. Number of cases where appeals were filed, as well as number of cases where appeals were upheld.

Such compliance could be tied to the pre-requisites for allocation of grants from the UGC.

Appendix 14

Legal Literacy Workshops on Laws and Rights

Workshop One: Rights under the Constitution

1. An overview of the Constitution
2. Fundamental Rights guaranteed by the Constitution of India.
3. Application of the Constitution in a person's day-to-day interactions with the State.
4. Constitutional remedies (Writs, PILs etc.)
5. What kinds of law, complaints bodies and other institutions offer redress? What is the difference between criminal and civil law? For example, what is the advantage of filing a criminal complaint of domestic violence (e.g. IPC) as well as civil complaint (e.g. PWDVA)?

Workshop Two: Securing Rights: Interactions in a Police Station

1. How to file a complaint, First Information Report (FIR)?
2. What to do if an FIR is not filed?
3. What to do when faced with detention, and arrest?
4. How to get bail, quash a charge and/or ascertain my rights during interrogation?
5. What legal remedies do I have if faced with police torture or other forms of custodial violence?
6. What are my rights if a police officer wants to search my body or my premises?
7. What are my rights during interrogation?
8. Do I have a right to legal assistance and how can I obtain it?

Workshops Three and Four: Resisting Gendered Violence

1. What legal and institutional recourse do I have if I face violence from my partner or a member of my family? Do I have right to residence in natal or my matrimonial home, if I face domestic violence?
2. What legal remedies do I have if I am sexually harassed at the workplace?
3. What are the laws on rape and other sexual violence? What must I do to complain against sexual violence?
4. What legal support can I request if I am sexually harassed or raped?
5. What to do if a criminal case is filed after exercising my right to choice in marriage or an intimate consensual relationship? Will the *habeas corpus* petition be available to me?
6. What do I do if I am discriminated against on the basis of my sexual orientation?

Workshops Five and Six: Equal Opportunity legislations

1. What are the laws against caste discrimination, and how may I complain against caste atrocities?
2. How do I file a complaint with the NHRC, SC/ST Commission and/or National Women's Commission? What are the procedures for getting a caste certificate? What are the procedures for getting compensation under the PoA Act?
3. What are the rules in my college or university about equal opportunity and against discrimination?
4. What do I do if I wish to lodge a complaint in my institution?
5. What are labour rights? How to implement laws on minimum wages? What are the laws on unionization? What is the legal position on labour strikes, issues of dignity of workers, and the issue safety at workplace?

6. What are disability rights? How may I ensure equality of opportunity and participation? How do I ensure safe working conditions, access to information & materials, and right to dignity? How do I complain against discrimination against me?

Workshop Seven: Freedom of Speech

1. What is the law on sedition?
2. How is it related to freedom of speech? Can I be arrested for writing a comment on facebook?
3. Can I be arrested for circulating a cartoon on email? What can I do if my writing or artistic work is banned?
4. How may one think of the relationship between cyber law, freedom of expression and my right to privacy/ safety?
5. What are the laws regulating pornography?
6. What recourse do I have if I am being stalked on the cyberspace, if a degrading MSS is made and circulated on the cyberspace against my will and/ or consent and/ or abusive emails are sent to me?

Workshop Eight: Emergency Laws

1. What is the AFSPA? How may I bring a complaint against the security forces when tortured, raped and/or assaulted?
2. What are terror laws? Is there racial profiling? What do I do if I am victim of racial profile?
3. What do I do if I am victimized as a human rights defender?
4. What are the laws, and procedures around curfews, protests and *dharnas?* What do I do if I am sexually harassed during a protest?
5. When are police permissions necessary and when are these an abuse of the law?

Workshop Nine: Rights of Minorities

1. What is racial profiling? What are my rights as a religious minority?
2. What can I do if I am discriminated on the basis of my identity?
3. What can I do when faced with hate speech?
4. What can I do if I face the threat of communal violence?
5. What can I do if a landlord refuses to rent me a place, an employer refuses me a job or I face any form of social exclusion for practicing my religion?
6. How do I respect religious diversity? How do I ensure the rights of other religious communities?

Workshop Ten: Right to Information, Securing Identity Documentations

1. How can I file a right to information petition? What is the procedure? What information can I seek? What is the appeal structure? How do I use the information I get?
2. What are my citizenship rights? How do I get identification papers?
3. Am I a head of the household as a married woman or a single woman?
4. What do I do if I am sexually harassed and discriminated on the basis of my identity, when I apply for any form of official identification? Do I have to change my name if I am married?[1]

[1]This set of legal literacy workshops has been adapted from Appendix Three of the JNU Report to recommend measures to prevent gender based violence and discrimination in JNU, in the aftermath of the incident of July 31st 2013, set up by the VC and chaired by Prof. Sudha Pai.

Appendix 15

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