Three Years of GSCASH: An Appraisal

GSCASH was formally constituted on 8 March 1999, after two years of sustained struggle by the JNU community. This document, which attempts a critical appraisal of the functioning of GSCASH since its inception, is homage to the democratic spirit that lies at the heart of the institution. GSCASH 2001-2002 hopes that this report will enthuse the community to think of innovative ways by which the institution can be further strengthened.

Complaints

Since its inception, GSCASH has received a number of complaints. Based on the available records, we have prepared a summary about the types of complaints that have been made so far. GSCASH 2001-2002 is currently investigating two complaints, which have therefore not been included.

Approximately forty complaints have formally been lodged with GSCASH in the past three years. Of these, **thirty-four were filed by students, none by faculty, five by staff, and one by a resident.** Barring a handful of cases, **the accused was usually known to the complainant,** either as a friend or as an acquaintance. **Only three complaints alleged sexual harassment by a hierarchical superior in the workplace,** with the majority of complaints being against peers. **With one exception, in which a woman student was a co-accused, all the accused persons were male. Eight formal inquiries were instituted,** and disciplinary action ranged from withdrawal of hostel accommodation, withholding of an increment, to rustication and expulsion. Of the seven recommendations that GSCASH made, four were implemented by the University authorities.

GSCASH has received very few complaints of quid pro quo sexual harassment. This cannot indicate that actually none obtains in JNU, but rather that GSCASH is as yet not perceived as an institution in which the power hierarchies that usually operate in the workplace are actually suspended. Our speculation is that this is due only in part to a lack of awareness about the illegality of sexual harassment, and that **the major factors are a fear of reprisal and intimidation, and in many cases, active intervention by existing social and institutional hierarchies to actually "solve" the matter internal to the department or community.** The paucity of such complaints not only enhances the perception that GSCASH can settle disputes between students alone, it also deprives GSCASH of an opportunity to establish its credibility in investigating allegations against senior employees.

	By	Against	Complaint	Action
1.	Faculty$^{M\bullet}$	Student^{M}	repeatedly approaching and stalking a female resident (minor)	rustication for 2 semesters (not implemented)
2.	Faculty^{W}	Unknown^{M}	unwelcome contact at a hostel night	public notice
3.	Resident$^{W\bullet}$	Resident^{M}	indecent behaviour with minors	complaint was not pursued
4.	Staff^{W}	Staff^{M}	harassment by senior colleague	——
5.	Staff^{W}	Staff^{M}	abuse by spouse and family	——
6.	Staff^{W}	Staff^{M*}	derogatory verbal behaviour	complaint found not to be of sexual harassment. Accused reprimanded for gender-insensitive conduct.
7.	Staff^{W}	Staff^{M*}	unwelcome contact	withholding of one increment, and written reprimand and apology
8.	Staff^{W}	Student^{M*}	stalking and intimidation	rustication for two semesters
9.	Student^{W}	Students^{M}	unwelcome sexual advances, assault, derogatory comments	dismissed, as no factual basis to the complaint
10.	Student^{W}	Students^{M}	unwelcome advances, and violence.	complaint found not to be of sexual harassment; allegation of violence referred to Proctor
11.	Student^{M}	Student^{M}	derogatory comments about a mutual woman friend	——
12.	Student$^{M\&W}$	Student^{M}	offensive verbal behaviour	closed, as complainant's witness refused to identify accused
13.	Student$^{M\&W}$	Student^{M}	display of offensive visual material	verbal reprimand
14.	Student$^{M\bullet}$	Staff^{M}	misbehavior with female employees	GSCASH spoke to the supervising authority
15.	Students$^{M\&W}$	Outsiders^{M}	unwelcome propositions	——
16.	Students^{W}	Student^{M}	leering, and harassing by telephone calls, hostel residents	written reprimand and counselling
17.	Students^{W}	Student^{M*}	unwelcome advances and slander upon refusal	declared out of bounds and disbarred from admission

By	Against	Complaint	Action
18. Student^{W}	Faculty^{M*}	unwelcome contact and advances	removal from administrative office (not implemented)
19. Student^{W}	Outsider^{M}	indecent behaviour	declared out of bounds
20. Student^{W}	Outsiders^{M}	unwelcome physical contact	complainant did not pursue
21. Student^{W}	Outsiders^{M}	unwelcome propositions	——
22. Student^{W}	Student^{M}	unwelcome sexual advance and persecution upon refusal	complainant did not pursue
23. Student^{W}	Student^{M}	derogatory comments	counselling
24. Student^{W}	Student^{M}	winking at the complainant	written apology
25. Student^{W}	Student^{M}	singing (directed at complainant)	written apology
26. Student^{W}	Student^{M}	unwelcome sexual advances	written apology
27. Student^{W}	Student^{M}	letter propositioning the complainant	written reprimand and counselling
28. Student^{W}	Student^{M}	letters propositioning and threatening the complainant	written reprimand, written apology
29. Student^{W}	Student^{M}	derogatory, violent behaviour	written reprimand, written apology
30. Student^{W}	Student^{M}	derogatory comments	written reprimand, written apology
31. Student^{W}	Student^{M}	derogatory and abusive comments	——
32. Student^{W}	Student^{M*}	unwelcome contact, advances	complaint withdrawn
33. Student^{W}	Student^{M*}	stalking, and abusive behavior	withdrawal of hostel (not implemented)
34. Student^{W}	Students^{M}	derogatory comments by classmates	written reprimand, written apology
35. Student^{W}	Students$^{M\&W*}$	pornographic material mailed anonymously to complainant	expulsion for the male offender. Withdrawal of hostel for the woman.
36. Student^{W}	Unknown^{M}	leering and indecent behaviour	public notice
37. Student^{W*}	Resident^{M}	leering at a visitor	affected party refused to pursue
38. Student^{W*}	Unknown^{M}	unwelcome advances on the road Priya cinema	public notice

W=female; M=male *=third party complaint; —— =no records; *=formal enquiry

Relations with the JNU Administration

As the community will be aware, GSCASH initially met with institutional resistance about the implementation of its recommendations. Over the last year, and especially after the formulation of the Rules & Procedures, these obstacles have largely been overcome, but not entirely.

The current procedure for disciplinary action is that GSCASH recommends as to whether the action invited by the particular violation is major or minor. The exact quantum is decided in a meeting between GSCASH and the VC\Rector, after a presentation of the findings by the Chief Enquiry Officer. The decision reached in each case is notified by the University body responsible, and it is here that GSCASH is not entirely satisfied with the way matters have been handled. In one instance (case no. 35), GSCASH objected to the text of the office orders against both accused, as the text clearly reflected a bias against the woman offender. In another case, although Abdullah Imteyaz Alam's appeal (case no. 8) was turned down in December 2000, the order reinstating his punishment is yet to be issued. This tardiness is suggestive when compared to the haste with which this very office notified that the punishment would be held in abeyance until the appeal is ruled upon.

Thus, even as there can be no doubt that GSCASH, in these three years, has gained greater legitimacy within the institution, more needs to be done to institutionalize its relationship with other University bodies.

Relations with the JNU Community

GSCASH's achievements derive from the support it has received from the University community. We believe that this support remains firm, but the effectiveness of GSCASH in ensuring action against offenders has made some sections, particularly men, apprehensive of the "power" of GSCASH. Although all three Committees have made efforts to impress upon the community the impartiality of GSCASH, the fear and hostility persists. These fears cannot be addressed solely by GSCASH, and the community will have to shoulder some of the responsibility.

There have also been concerns voiced by some sections of the community about the impartiality of GSCASH inquiries. Although GSCASH has tried to clarify the objections in more general terms, the oath of confidentiality prevents GSCASH from responding to specific charges. GSCASH 2001-2002 has had to take the position that such matters will have to be addressed through the appellate mechanism, with the full knowledge that this does not reassure the community that the charges against it are baseless. **However, if GSCASH even once betrays the oath of confidentiality, its redressal function will collapse. As anybody who has sat on GSCASH inquiries will testify, witnesses need repeated reassurance that their identities will remain confidential, especially when details about the complaint are public.** In fact, shortly after the public outcry in December, on one complaint, the only witness refused to testify due to a fear of publicity. Equally seriously, public statements by GSCASH on a complaint can be used by an accused to demonstrate bias against him/her.

At the same time, GSCASH recognizes that the issue of safeguards is extremely important, and the Rules & Procedures are testimony to GSCASH's commitment in this regard. However, not only procedures can be the

source of addressing this concern -- **not enough use perhaps has been made of the popularly elected nature of GSCASH. The community and GSCASH must think of ways by which representatives of various constituencies can act as a check/balance on the functioning of GSCASH investigative committees.** This enforcing of greater accountability of GSCASH members will not only lead to greater democratization of the Committee, it will also inspire greater trust in GSCASH positions on contentious issues.

Another option is an appeal to the National Commission for Women. GSCASH would like to apprise the community, by way of caution, about the procedure employed by the NCW in such cases. The NCW summons the GSCASH report. As the NCW can legally force the presence any person, even by police action, this externalization of the details of University level enquiry may result in non- cooperation by witnesses, and even harassment.

Relations with Third Parties and the Law

GSCASH's existence owes a lot to the legitimacy it has received from the law as well as progressive individuals and movements both within JNU as well as outside. GSCASH has availed of the expertise of Sahell, Janwadi Mahila Vikas Kendra, and Human Rights Law Network in conducting enquiries. While these groups, as well as individuals like Urvashi Butalia, Lotika Sarkar and Patricia Uberoi have been very helpful, consideration also needs to be given as to how (within the constraints of their availability), the NGO and eminent woman academic membership can be made more effective, particularly with reference to the day-to-day functioning of GSCASH.

The law allows committees like GSCASH to have the right to redress only complaints of sexual harassment. This entails that GSCASH cannot inquire into or redress complaints of dowry, bigamy, domestic violence, and other crimes that originate, just like sexual harassment, out of gender discrimination. **Although GSCASH has clarified why it is necessary to respect the law in this regard (viz. the Nov. 2001 newsletter) this does not mean that GSCASH does not extend its support to victims of such crimes.** In a number of instances in the last three years, GSCASH members have counselled and secured support for victims of gender injustice that is not tantamount to sexual harassment. GSCASH does not act only if it has a formal complaint before it.

Once again, GSCASH appreciates the concern about violence against women, and agrees with the community that this must be redressed within the University. While the jurisdiction of GSCASH over all constituents of the community as well as its legal sanction currently does not enable it to inquire into cases of domestic violence, the issue is surely one of just redressal rather than a redressal by GSCASH. GSCASH will be glad to be part of any community discussion on the means by which this is to be addressed.

Other Observations

One potential area of concern for a popularly elected GSCASH is that the annual turnover of membership could cause problems about the uniform availability of the expertise and experience necessary for successful conduct of investigations. GSCASH 2001-2002 is in the process of formulating a series of guidelines, based on the experiences of its members. Aside from this, however, it is necessary to institute a system of orientation workshops directed specifically towards the investigative procedure.

One important feature of recent investigative reports written by GSCASH has been an attempt to study the larger issues raised by the complaint in question. While some of the issues discussed are specific to an understanding of sexual harassment itself, the fact that sexual harassment is usually predicated upon the other stratifications in society has led GSCASH to make certain specific observations about how the mitigation of other inequalities may in fact reduce the incidence of sexual harassment. **Below, we reproduce some of these observations:**

On how social inequality feeds gender injustice:

GSCASH's investigations in this case have brought to the fore how often social and socio-economic inequalities heighten tensions on all levels, thus contributing to an atmosphere in which the risks of gender-related tensions are bound to intensify....GSCASH has formed the impression that economically disadvantaged students in JNU may periodically face the real threat of having to discontinue their studies. This situation may well be uniformly worse for groups that are denied social justice, as typically such individuals have to also shoulder economic responsibilities for the home and family as well. This insecurity cannot encourage academic diligence or personal happiness, and when put in the context of a campus atmosphere in which many other constituents cannot relate to such realities, leads to feeling of specific isolation. While efforts for student employment within the University are perhaps a component of the solution, a more modest beginning would be through the creation of a public space in which these issues were highlighted (perhaps through a survey by the Equal Opportunities Office).

Recommendations for change:

GSCASH has also observed that economic/social disadvantages are compounded by the fact that teaching and research in JNU predominantly uses English as its medium. The skills involved are usually highly specific, and cannot be met by the existing remedial courses of a more general nature. The lack of English for Specific Purposes courses in the University makes already disadvantaged students dependent on other students for assistance on a daily basis, a situation not to the advantage of either, even in the short run.

...Systems must be put in place whereby the responsibility of providing healthcare of all sorts is not the responsibility of wardens or roommates, but of trained individuals.

On attitudes to sexual harassment:

GSCASH is also concerned by the gendered responses to instances of sexual harassment. We are aware of the popular belief that complainants to GSCASH have to be women, and accused have to be men, but, as this investigation reveals, at least some men do acknowledge the experience of sexual harassment. GSCASH finds the reluctance of most such men to complain about such unwelcome behaviour disheartening, as in most cases this reluctance derives not from their real emotions of fear and repulsion, but from constructions of what are appropriately "masculine responses" to "minor irritants" such as "insistent feminine advances". GSCASH shall make sustained efforts to sensitise the University community on this matter.

In the course of the GSCASH investigation into XXX's complaint of sexual harassment, GSCASH has been distressed by the observation that pornographic material is apparently freely in circulation in the hostels of Jawaharlal Nehru University. It is a matter of concern for the entire campus community that the possession and circulation of such denigrating and offensive material is not met with the kind of outrage that it deserves. In the committee's view, the response to these violations ... cannot be dealt with merely by policing initiatives by the University authorities. Rather, the campus community must check these violations itself, by building an environment in which this material is acknowledged as posing ethical and political questions about gender equality.

This impression of the GSCASH enquiry committee has been

formed by the fact that although most of the witnesses acknowledged that such material was in circulation, barring one or two, none of them expressed any concern about it. The standard argument in this matter is that indulgence in such literature is a "private pleasure", but as Mr. Amit Kholia's actions show, the pleasure in viewing and reading pornography derives mostly from the fact that it is denigratory and violent towards women. It is only this understanding that can explain how something that is supposed to merely be a source of enjoyment is employed in acts of sexual harassment.

On attitudes to complainants

GSCASH is concerned about the kind of responses a complaint of sexual harassment against a "good student" elicits. Throughout the GSCASH investigation, Mr. Amit Kholia's academic prowess has been taken to be an unimpeachable testimonial for his character. This opinion initially led XXX, to dismiss [the complainant's] charges as frivolous. Furthermore, simply because Mr. Amit Kholia is a "good student", credence was given by his friends and acquaintances to his defamation of [the complainant's] character and conduct. The case of Mr. Amit Kholia is therefore indicative of how community attitudes can actually further harass a complainant, and explain why many affected parties choose not to complain about sexual harassment.

These complaints are very important for the issue of sexual harassment, as they not only represent sexually determined unwelcome physical contact and advances by a friend, but also signify three of the most common reactions to sexual harassment. While the most comfortable complainant for a Complaints Committee is perhaps one like Zs, who firmly objected to the sexual harassment and terminated her friendship with Q, but the reactions of the other two are perhaps the more common responses to sexual harassment by a friend – many women react like P, who firmly communicated her objection to Qs unwelcome sexual advances but took some time to accept that behaviour was properly characterized as sexual harassment. Finally, equally many women respond like H, who, although she communicated her objections to Qs unwelcome sexual advances, nevertheless continued their friendship for a time after these events. All these reactions are to be expected when sexual harassment is by a friend, particularly someone who is held in high esteem. The complaints by XXX are significant as they represent how women will try and handle sexual harassment, and seek the intervention of the employer/institutional redressal mechanism only when offenders compound the offence by slander and defamation.

Gender Sensitisation

Over the last three years, GSCASH has organized a number of workshops, seminars and meetings, and also brings out regular notices\newsletter. However, an appraisal of the effectiveness of GSCASH's efforts in this direction cannot be considered to be more than initial forays.

GSCASH programs seem to have had little effect in empowering those affected by sexual harassment to resist it when it occurs. A number of complaints to GSCASH involve incidents like leering, obscene songs, derogatory comments, etc., all of which were formerly handled by community and individual resistance. While GSCASH is bound to address any complaint of sexual harassment, it is concerned that these other forms of checking gender-insensitive behavior appear to have been increasingly abandoned. If this trend of even a partial abdication of responsibility by the community and individuals is to continue, then the campus will actually become a more unsafe place, whether GSCASH exists or not. GSCASH is not omnipresent, and while it derives strength from the community, it can never serve as a substitute for the community.

GSCASH has also yet to achieve adequate reach amongst the non-faculty employees of the University. While one of the reasons may be that the staff association has yet to hold elections for the post of staff representative, there has also been a general failure on part of GSCASH to address the issues pertinent to these constituencies. One of the reasons has certainly to do with language, as all GSCASH activities presuppose literacy in English. This, in turn, relates to the lack of office assistance to GSCASH. While, theoretically, it should be possible to obtain assistance from volunteers from the community, GSCASH has in fact been disappointed by the lack of community enthusiasm for volunteer activities.

GSCASH needs to develop a less ad-hoc approach to its gender sensitization activities. In principle, with the redressal function now proceeding more smoothly, GSCASH should be able to work out a more sustained program, which involves all sections of the community, especially residents. The only way to do this is to that relate a campus free of sexual harassment to specific issues and demands of the constituency. For example, the absence of regular transport services actually contribute to conditions for sexual harassment, and GSCASH has repeatedly taken up the issue with the authorities. Similar efforts will have to be made by GSCASH in other areas if its gender sensitization activities are to have any effect.

Crisis Mediation

In the last two years, GSCASH has not been subjected to the test of crisis mediation. This function involves the formulation of essential procedure to be observed by GSCASH and other University agencies (security, health services, etc.) in a crisis This GSCASH has begun the exercise of liaising with these agencies, but community participation is essential if GSCASH is to make proposals truly beneficial to the community.

Infrastructure

Although GSCASH now has an office, it has no secretarial and other office help. GSCASH involves a lot of work, especially during its investigative procedure, and at present the burden of the paper work, from the transcription of testimonies to serving summons to pasting notices all falls on the members of GSCASH. Without the requisite help, the Committee finds it difficult to function effectively.

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GSCASH 2001-02

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