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Sep 4 (9 days ago)

to SVC

Prof. Satish Chandra Grakoti  
Chairperson,  
GSCASH Review Committee

Dear Prof. Garkoti,

Thank you for sending me the composite draft.

I have gone through the composite draft of ICC sent to me. Although the Committee has completely ignored and rejected my suggestions, concerns and comments submitted in writing to look into as I was unable to present in person due to unavoidable personal reasons, my past experience as GSCASH Chairperson, the threats and challenges I faced during various enquiries of complaints, and my understanding on gender issues developed over the years of my teaching and research force me to bring to the notice of the Committee the following impartial, honest, sincere, women's rights and gender justice based observations.

1. Severity of the issue of sexual harassment has been diluted with a narrow understanding in the composite draft. A long term perspective is missing. The multifaceted dimensions of the issue, as GSCASH rules consists, is not captured in the new draft. The draft reveals the legal obligation of employer more and prevention, prohibition and redressal of mechanism got inadequate attention.
2. The need for inclusive nature of committee is completely ignored. This would have been a support mechanism for socially vulnerable sections as suggested in the UGC notification. Nomination by Executive Council may bring ethical issues as ICC represent disciplinary authority in this case. Method of nomination is unclear.
3. Autonomy of the institution is eliminated due to the change in certain provisions. This will affect fair process of enquiry, confidentiality and facilitate undue interference and manipulation particularly from the administration, which was absent or possible to prevent earlier.
4. Quality and strength of content considering the specificity of JNU campus is compromised in the new draft.
5. The new draft reveals that the past struggle, commitment and history of anti-sexual harassment measures in JNU is completely rejected. The new document gives the impression that it is the first of its kind in JNU and no redressal mechanism existed earlier. ICC does not look like a reconstitution of GSCASH but entirely a new one.
6. The constitution of multiple enquiry committees by co-option is not easy and GSCASH experienced great difficulty in finding members in the past. Since sexual harassment is a taboo subject and enquiry is time consuming and invite controversies and various kinds of politics, bad reputation for the faculty/staff involved as members, people want to keep away from GSCASH matters is a reality. Therefore, GSCASH expanded committee with more members as there are more than 50-60 complaints. GSCASH has screening and enquiry process and ICC does not have. Enquiries cannot be completed within the suggested period of 90 days as members participate in enquiry committees after their primary duties as employee. Every complaint will go for enquiry as per ICC. Once the ICC for an enquiry is formed changing its members at any point of time will affect confidentiality and fairness and natural justice principles. Results can be challenged by court of law. Enquiry committee should be free from any political and ideological control from any quarter including administration and JNU community for ensuring autonomy, confidentiality, integrity and fairness principles in ICC. Should not ignore the fact that complaints may be filed against even administrative authorities like VC, Rector and others also, and it happened earlier. Therefore, ICC must be autonomous and care and monitoring must be taken in this regard. Chairperson should be a person committed to the cause of gender equality and women's issues, and also possess legal awareness and adequate understanding about issue of sexual harassment.
6. In the long run the ICC will turn into a hub of victimization of women complainants and targeting and retaliation, if measures for strengthening autonomy has not taken adequately.
7. In the current format composite draft looks as anti-woman in effect, and defeat the purpose for which the law is enacted.
8. The composite draft lost its comprehensive character. GSCASH rules are more comprehensive. The legal perspective alone is highly dominant in the new draft.
9. The draft in its current format if implemented will invite lot of complex problems which are unseen by the committee now. My experience suggests me to make such an observation.
10. suggest to discuss with the current GSCASH members as per the rules of amendment insists, otherwise committee's draft stands in violation of already prevailing mechanism for ensuring natural justice and fairness principles. It can be challenged. The day to day difficulties and experience, only the current GSCASH can inform the committee for consideration. This will help incorporate additional measure, if need be, in the rule of ICC. It is also the moral responsibility of the review committee.

Kind regards  
K B Usha  
Associate Professor  
CRCAS, SIS

