



## JNUTA's greetings on International Working Women's Day: Stop Unlawful Surveillance NOW!

8 MAR  
2017

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**JNUTA greets all faculty colleagues and students on International Working Women's Day.** On this day, we take cognizance of the struggles that women have undertaken the world over in defense of their rights as workers, students, and citizens, and taking stock of the achievements thus far, frame the key issues that the movement for women's rights must take forward.

Women workers in JNU, be they faculty, staff or students, face many impediments and violations of their rights in the workplace. Ranging from a lack of an adequate number of functioning and clean toilets in the academic and administration buildings, adequate transportation facilities for students and staff particularly later in the night, to an atmosphere that is hostile to complaints of sexual harassment at the higher echelons of the JNU community, women at JNU fight a daily battle.

**This March 8, the JNUTA wishes to highlight the egregious violation of the rights working women (indeed all members of the campus community) by the JNU security at the behest of the JNU administration — the surreptitious photographic and video**

surveillance measures to record peaceful gatherings, academic and official meetings such as the Academic Council, the Standing Committee on Admissions, etc.. Not only are women faculty's stated objections to such illegal snooping ignored, such unlawfully obtained images have been used to threaten them with disciplinary proceedings.

JNU has no stated policy on this disturbing video and photographic surveillance. No rules or provisions govern these practices: what is recorded and by whom, where is unedited footage stored and for how long, who can access it and for what purposes. The JNUTA reminds the JNU administration (see also its letter of 2.11.16) that such surveillance is in potential contravention of several legal provisions:

- **Right to privacy** is part of the Right to Life and personal liberty as enshrined in Article 21 of the Constitution of India. (PUCL v Union of India (1997) 1 SCC 301). **The Prevention of Workplace Sexual Harassment Act, 2013** mandates an obligatory provision of providing a safe working environment and recognises any act likely to violate women's privacy as conduct amounting to sexual harassment. Any word or gesture that is seen by a woman as intended to intrude upon her privacy could also constitute an offence under **IPC 509**.
- **Capturing of image of a woman** in circumstances where she usually would reasonably expect to not be observed by a perpetrator or any person on behest of a perpetrator, or distribution of such images is also a conduct that may be construed as sexual harassment. It not only violates the **Prevention of Workplace Sexual Harassment Act, 2013** but could also constitute an offence under **IPC 354C** relating to voyeurism.

Further, according to the section **354D IPC**, whoever ‘watches or spies on a person in a manner that results in a fear of violence or serious alarm or distress in the mind of such person, or interferes with the mental peace of such person, commits the offence of stalking’.

- ***The Information Technology Act, 2000*** provides for civil liability (compensation) and criminal penalty in case of theft of data, trespass and unauthorized digital copying and privacy violations. Aggrieved person can get compensation under Section 43 in case of unauthorized disclosure of personal information to third parties.
- ***Sections 403 and 405 of the Indian Penal Code*** provide for criminal penalty for dishonest misappropriation of moveable property and criminal breach of trust respectively.

**JNUTA believes that this intrusive use of technology has no benefits whatsoever to the academic and administrative functioning of the university, nor for the corporate life of the members of the university community on campus. It has a chilling effect on speech and autonomy for all members of the campus community, and makes for hostile work environment as it carries very real dangers of abuse. JNUTA demands that the administration reverse this unstated policy immediately and assure all women in JNU that it will zealously uphold all their rights. JNU is a public place and the injunction posted in all such places barring men from photographing/ videographing women without their consent holds here too.**

Ayesha Kidwai

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President, JNUTA

Secretary, JNUTA

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