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**On Dissolving GSCASH
in JNU**

We, the undersigned, would like to share our concerns regarding the proposed dissolution of the Gender Sensitisation Committee against Sexual Harassment (GSCASH) of Jawaharlal Nehru University (JNU) in light of the decision to set up an Internal Complaints Committee (icc) in compliance with the University Grants Commission (UGC) regulation of 2015 and the gazette notification that followed.

We would like to draw attention to the fact that the Saksham report, authored by us via a mandate of the UGC in 2013, had provided the broad perspective and framework for the UGC's initiatives and regulations to ensure gender sensitisation on campuses of higher education institutions (HEIs), to combat instances of sexual harassment after the Delhi gang rape of December 2012 and the subsequent enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

We write primarily because the models for gender sensitisation and anti-sexual harassment committees recommended by us in the Saksham report (based on nationwide questionnaires and visits to several campuses) were drawn from the structures and processes operational at JNU (the GSCASH) and the University of Delhi (DU). We are, consequently, at a loss to understand why a seemingly well-functioning body in JNU needed to be disbanded and could not seamlessly incorporate an icc. Had we missed some important aspect that we need to know about?

The Saksham Task Force was set up since the UGC was "committed to a policy of zero tolerance regarding harassment of any kind ... 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" (Chairman, UGC, 7 November 2013).

The Saksham report was accepted as guidelines by the UGC in 2013. During

2014 and 2015, a series of letters were sent to universities under the jurisdiction of the UGC asking all universities and affiliated colleges to implement the recommendations of the Saksham report "in toto so as to enable the UGC to compile and furnish the action taken to the Ministry of Human Resource Development (MHRD), Government of India." All colleges were requested to send compliance reports at the earliest. The Saksham report authored by us made it clear that its intention was to offer recommendations for HEIs to set up adequate mechanisms for protection from and prevention of sexual harassment and other forms of violence against women. These guidelines were in no way intended to restrict HEIs from evolving models that improve on these standards and are tailored to address the specificities of various campuses. In fact, the GSCASH rules and procedures in JNU laid down important benchmarks in the view of the Saksham Committee.

Our report made it clear that our proposals for the composition of anti-sexual harassment committees were intended for campuses where iccs were not in existence or were not Vishakha-compliant—they were *never intended to replace or supersede* committees like those of JNU's GSCASH which we had found to be fully Vishakha-compliant: "It should be noted that the composition (of iccs) 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" (p 85).

The report had specifically advised that icc members must be representative and that "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" (pp 75–76). We reproduce this section from our report in full: "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 workplace 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."

Our report drew on our meetings with open forums across campuses in the country. In our study, we also found that in some campuses, ICCs already existed, but were not effective or functional in spirit, as reported in the many narratives of students and staff members who were either not able to voice their experiences of harassment or had been dissuaded from reporting in writing. During these interactions, we found that the models offered by DU and JNU, in order to formulate these broad guidelines, were widely appreciated and accepted by diverse bodies (p 22). We had in fact included the guidelines of the committees of these two universities as Appendices 11 and 12 in our report, as a resource from which many other HEIs had expressed a keen eagerness to learn and draw inspiration from. This was a measure of the appreciation and acceptance of the rules and procedures formulated by these two committees, reflecting deep application of mind and experience to ensure adequate safeguards to reflect the concerns for confidentiality and freedom from bias and "pressure from senior levels." We cited the JNU GSCASH rules (at p 147); acknowledged the 10-member report chaired by Sudha Pai (at p xi), and cited the legal literacy workshops held in JNU (at p 229) as a model for the rest of the country.

The Saksham team was given the task by the UGC to aid in the larger transformation

of college and university spaces, by bringing attention to transgressions pertaining to the redressal of sexual harassment on campuses across the country. Given the larger mandate of JNU's GSCASH, which has been a model for many universities in India, it would serve the larger purpose for the ICC, a redressal body, to coexist with it and so, remain in compliance with the UGC regulations 2015.

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The Narmada Saga

On 17 September 2017, on the occasion of his 66th birthday, Prime Minister Narendra Modi dedicated the Sardar Sarovar Dam (SSD) across the Narmada River to the nation. While addressing a rally at Dabhoi on the day of the formal inauguration of the SSD project, he said, "I will leave no stone unturned to achieve a New India, like Mahatma Gandhi achieved a New India earlier. I am living for your dreams." The Prime Minister thanked the tribal families who were displaced by the project, and further stated, "India will remember and honour their sacrifice for development of the

country." Modi branded the project an "engineering miracle," while alleging that "a massive misinformation campaign had been launched against the project."

On the very day of the inauguration of the SSD project, a group of concerned citizens registered their protest through a letter addressed to the President of India. The letter raised questions regarding the violations of the rights of 40,000 families in the Narmada Valley who have been affected by the project. It articulates these violations as follows: "Their livestock, agricultural lands, forests, homes and everything that belongs to them is being drowned in town after town, village after village, across the Narmada Valley."

The press statement issued by Medha Patkar and others of the Narmada Bachao Andolan in the wake of the formal inauguration of the project is worthy of our serious attention: "We wish to convey that *our struggle will continue* ... Our loss will be a loss for the people fighting all across the country, who are opposing displacement, submergence and forcible evictions, all in the name of development."

The Narmada saga will be remembered as one of the most grievous cases of "development by dispossession."

Arup Kumar Sen
KOLKATA

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