



## The ICC's only gift: A hostile environment!

26 SEP  
2017

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The JNU Registrar does not care either about a lack of *locus standi* or about the proprieties of addressing the issue of sexual harassment. He has issued a notice today that threatens disciplinary action against those constituents that are holding “illegal elections to an unrecognised body”, as the ICC has replaced GSCASH.

This notice, which has interestingly invented a new offence for students in JNU, comes in the wake of a warning issued the day before yesterday to Mr. Bhagat Singh, the Election Commissioner appointed by the GSCASH on 15 September 2017, and several other entirely illegal circulars and notices issued regarding the ICC elections in the past few days.

The JNUTA would like to make the following clear:

1. The JNU Administration's contention that the GSCASH has been replaced by the ICC is an illegal one, as the JNU EC did not follow the correct procedure by superseding the GSCASH Rules.
2. The election procedure for student representatives was set in motion by

the GSCASH prior to its illegal supersession. The position in law, the JNUTA is informed, is that once an election process has commenced it can only be challenged on its completion. The JNU administration can refuse to recognise (and it will!) the GSCASH student representatives after the process is complete, but it cannot hold that conducting such an election is either illegal or indeed, an act of indiscipline. Indeed, it is curious how exercised the administration is getting on a matter of an election to what it calls the “non-existing GSCASH”.

3. The fact of the matter is that the GSCASH vs. ICC matter as a whole, and the issue of the student representative elections to GSCASH are the subject of a writ petition in the Delhi High Court. In the hearing on 21 September, far from agreeing with the JNU position that the GSCASH has been erased, the DHC has said that until 31st October, the GSCASH’s brass nameplate and lock stays on the door as does the ICC computer printed lock. In the same hearing, it should be noted that JNU did not even allude the issue of the GSCASH elections in its submissions to the court.
4. The JNUTA would also like to point out that several illegalities have been committed by the JNU administration in their ‘implementation’ of the UGC-ICC Rules.
  - First of all, the Registrar, the Dean of Students, etc., have no business issuing notices about the ICC’s jurisdiction on cases, where its office is housed, its elections etc, as no such role is prescribed to these offices in the Regulations.
  - Second, the repeated announcements between the 18th and 24th of September characterising the ICC as ‘functioning’, when in fact the ICC student representatives were not in place until today, is also violative of

the UGC-ICC Regulations, which do not indicate that nominated faculty members are somehow 'ICC enough', and the student members are essentially 'extras' that can be added on later.

- Third, the fact that the Prof. Vibha Tandon, woke up on the 18th as Chief Proctor, signed off on a few penalty orders after breakfast, but finished her lunch as Presiding Officer of the ICC and yet may be taken as a violation of at least the spirit of Clause 4(3) of the Regulations, by which membership of the ICC is not open to university officials. An imputation of malafide intent is not an unreasonable one in this case.

Truth be told, none of this is news in JNU anymore: imposing without due process some UGC Regulations to hack away at the JNU statutes and to try to kill off some JNU innovation that is dedicated to being democratic, participatory, inclusive, and just; to viciously put down and penalise dissent against these actions; and thereafter to abandon even the slightest pretence of adhering to these much misused regulations. What is news is that this time all this belligerence is being shown with regard to a supposedly autonomous university body entrusted with receiving complaints of *sexual harassment*. Students and teachers of this university, particularly women, are being told that not only do they count for nothing as far as the formal functioning of the ICC is concerned, they are also liable for disciplinary action for democratically asking questions and expressing opposition to a body that takes away many of the rights and guarantees that have been so hard-won in the last eighteen years, and for demanding impartiality and complete autonomy and a commitment to gender sensitisation. *Which woman in her senses would want to complain about sexual harassment to such a university body, whose sole institutional contribution in the week since its existence is to create a hostile work environment in general?*

The JNUTA advises the JNU administration to introspect whether its actions and statements may not be entirely interpreted as a chilling one on matters pertaining to sexual harassment (including complaints). If even a protest by ballot can attract administrative ire to this extent, how can a complainant or respondent ever question the ICC or insist upon principles of natural justice from it? The message from most, if not roughly about four thousand women students on the JNU campus is a resounding non-confidence — which is why the ICC student representatives are today only “found elected” (sic), as no student barring three, were interested in contesting that election at all. The ‘non-existing GSCASH’ election, on the other hand, is being keenly contested and debated. By intimidation and threats of disciplinary action, JNU is merely being exactly the kind of institution that every single judgment, law, or regulation on sexual harassment since *Vishaka* has enjoined institutions not to be.

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