


**JAWAHARLAL NEHRU UNIVERSITY  
ACADEMIC BRANCH-II**

No. Acad.II/U/6 (56)/

October 06, 2015

**NOTIFICATION**

The Executive Council at its meeting held on 18.09.2015 vide Resolution 5.1 approved the revised Rules and Procedures of the Gender Sensitization Committee against Sexual Harassment (GSCASH) prepared by the Committee set up by the Vice-Chancellor incorporating the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The revised GSCASH Rules & Procedures as annexed, will be effective from the date of approval of Executive Council i.e. 18.09.2015.

  
(Sanjay Kumar)  
Assistant Registrar (Academic)

  
06/10/2015

Cc:

1. All Deans of Schools of Studies
2. All Chairpersons of Centres/Special Centres
3. Dean of Students/Associate Dean of Students
4. All Provosts/Wardens of Hostels
5. Chief Proctor/Proctors
6. Chairperson, GSCASH
7. President/Secretary, JNUTA/JNUSU/JNUOA/JNUSA
8. OSD/PS to VC/Rector-I/Rector-II/Registrar/FO/CoE/Librarian
9. All JRs/JR(Finance)/DRs/DFOs/Incharge Engineering
10. All ARs/AOs/AFOs/PRO
11. Directors, HRDC/JNIAS/AIRF/USIC/EOO/International Collaboration
12. Chief Coordinator, LEC
13. CMO/Chief Security Officer
14. Director, CIS (for uploading on JNU Website)
15. Hindi Officer – with a request to kindly provide Hindi version of the Revised GSCASH Rules & Procedures
16. All SOs/E-governance Cell
17. Notification File

**JAWAHARLAL NEHRU UNIVERSITY**

*Rules and Procedures of the  
Gender Sensitisation Committee against Sexual Harassment (GSCASH)*

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## **I. BACKGROUND OF THE RULES AND PROCEDURES**

These are the Rules and Procedures of the Gender Sensitisation Committee against Sexual Harassment, which is the body constituted by Jawaharlal Nehru University, New Delhi (vide the Notification dated 16 April 1999), on the recommendations of the Working Group on Sexual Harassment, headed by Prof. Karuna Chanana, appointed by the Vice-Chancellor on September 5, 1997 and subsequent revision by a broad based committee, headed by Prof. Sudha Pai Rector I JNU, set up by Vice chancellor by a notification dated 7/5/2014 This body shall implement the Jawaharlal Nehru University Policy Against Sexual Harassment (vide the Circular dated 25 February 1999 – Schedule 1) as also the guidelines laid down by the Hon'ble Supreme Court of India, in its ruling on the Writ Petition (Criminal) Vishaka vs. State of Rajasthan (reported as 1997 (6) SCC 241) on 13 August 1997, on the prevention and deterrence of sexual harassment at the workplace, Saksham guideline by UGC, Justice J.S. Verma committee Report and Work Place Act. It may be pointed out that although these Rules and Procedures follow the spirit of the above mentioned Judgement, Committee Reports and Act on the subject, they cover a wider spectrum of sexual harassment in consonance with the requirements of an institution of higher education.

## **II. DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment in this context, (as is described in the Supreme Court Judgement, and the JNU Policy), includes any unwelcome sexually determined behaviour, whether directly or by implication, and includes physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pornography, and other unwelcome physical, verbal or non-verbal conduct of a sexual nature. It shall include, but will not be confined to, the following:

- a. When unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature are made, either explicitly or implicitly, a term of condition of instruction, employment, participation, or evaluation of a person's engagement in any academic or campus activity or posting of unwelcome messages on social media and other internet sites.
- b. When unwelcome sexual advances and verbal, non-verbal, or physical conduct such as loaded comments, slander, remarks or jokes, letters, phone calls or e-mail, SMS, MMS, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature have the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive University or campus environment for any individual or group including during festival/cultural programme.

## **III. OTHER DEFINITIONS**

- i. "Academic staff" includes any person on the staff of the University who is appointed to a teaching and/or research post, whether Indian or Foreign, whether

full-time, temporary, ad-hoc, part-time, visiting guest, honorary, or on special duty or deputation, and shall include employees employed on a casual or project basis. It shall not, however, include any such person on the staff of an autonomous institution to which Jawaharlal Nehru University is the authority awarding degrees.

- ii. "Appeals Committee" as defined in Section X (3) herein.
- iii. "Campus" includes all places of work and residence in the New Delhi campus of Jawaharlal Nehru University. It includes all places of instruction, research and administration, as well as hostels, guesthouses, public places and places of residence allotted and administered by Jawaharlal Nehru University within the campus of JNU, including the premises in the Jawaharlal Nehru University City Centre.
- iv. "Counsellor" includes any person preferably with a certificate from Rehabilitation Council of India, empanelled by GSCASH and/or appointed by the University authorities, who has proven expertise in social and personal counselling on matters arising out of incidents of sexual harassment. There will be a pool of Counsellors drawn up by GSCASH who will preferably counsel within JNU premises in a pre-designated room which is under GSCASH. The fees of the counsellor will be no more than Rs. 2000 per sitting. There will be a Counsellor Co-ordinator empanelled by GSCASH and/or appointed by the University authorities who will recommend the necessity of counselling for complainant and accused and will in consultation with the other members of GSCASH draw up a plan for number of sittings and payment for each sitting. The Co-ordinator should preferably avoid suggesting her/his own name for counselling for the tenure. The Co-ordinator should preferably be present in at least 10 and no more than 12 meetings of GSCASH in a year, i.e. around 6 meetings per semester.
- v. "Active Rolls" means any person who is currently employed/working in Jawaharlal Nehru University in any post/capacity whether full-time, temporary, ad-hoc, part-time, daily wages, muster rolls, etc.
- vi. "Semester" means the Monsoon and Winter sessions which shall commence from and end on a date to be fixed by the Academic Council of Jawaharlal Nehru University.
- vii. "Eminent woman academician" includes a senior woman academician who is not a member of either the academic or the non-teaching staff of Jawaharlal Nehru University, and who has experience in working for gender equality.
- viii. "Enquiry Committee" as defined in Section VI.4 herein.
- ix. "GSCASH" shall refer to the Gender Sensitisation Committee against Sexual Harassment of the Jawaharlal Nehru University.
- x. "NGO" includes any Non-Governmental Organisation registered under the Societies' Registration Act or as a public charitable trust recognised under law. Such a society/ charitable trust must not be affiliated to any political party, and should have been engaged in work for gender equality, particularly for the amelioration of the status of women, for a minimum of three years prior to the date of empanelment. Two-thirds of the registered membership of such a society or charitable trust shall be outsiders with respect to Jawaharlal Nehru University; i.e. at least two-thirds of the membership shall not include any person who is a

- student, resident, service provider, or a member of the academic staff or non-teaching staff of Jawaharlal Nehru University.
- xi. "Non-teaching staff" includes any person on the staff of the University who is not appointed to a teaching and/or research post, whether full-time, temporary, ad-hoc, part-time, daily wagger, honorary or on special duty or deputation, and shall include employee(s) employed on a casual or project basis, as also person(s) employed through a contractor. It shall not include any such person on the staff of an autonomous institution to which Jawaharlal Nehru University is the authority awarding degrees.
  - xii. "Outsider" includes any person who is not a student, resident, or member of the academic or non-teaching staff of Jawaharlal Nehru University. It shall also include any person who is a student, employee, service provider, or resident of any autonomous institution that has its premises/residences in the Jawaharlal Nehru University campus.
  - xiii. "The Policy" shall refer to the Jawaharlal Nehru University Policy against Sexual Harassment, as notified in the Circular dated 25 February 1999 (Schedule 1). GSCASH Rules, 2014
  - xiv. "Resident" includes any person who is a temporary or permanent resident of any of the accommodations or premises managed and/or allotted by Jawaharlal Nehru University, irrespective of whether he/she is the person to whom the accommodation is officially allotted. It shall not include any such person who is in temporary or permanent residence in the campus of an autonomous institution to which Jawaharlal Nehru University is the authority awarding degrees. It shall also not include any person who is in temporary or permanent residence in an autonomous institution that has its premises and/or residences in the Jawaharlal Nehru University campus.
  - xv. "Service provider" includes any person who runs or manages commercial enterprises, or provides services, on the campus. It includes, but is not limited to, persons working in shops, canteens, hostels and restaurants on the campus, as well as persons (whether part-time or full-time) working in premises allotted on the campus, such as the shopping complexes, Delhi Vidyut Board, Department of Posts & Telegraph, State Bank of India, Kendriya Bhandar, Mahanagar Telephone Nigam Ltd., DTC, CGHS, Domestic help and any other such similar services and facilities.
  - xvi. "Student" includes any person who is enrolled for any course, whether full time or part time, with Jawaharlal Nehru University, New Delhi and includes an undergraduate or postgraduate student, a Research Scholar, a visitor, and a repeater. It also includes a student of another University or college who has been placed or has opted for placement with Jawaharlal Nehru University or short-term courses at Jawaharlal Nehru University such as Student under exchange programme/Casual Students. It shall not, however, include any student enrolled in a course in an autonomous institution to which Jawaharlal Nehru University is the authority awarding degrees.
  - xvii. "Supreme Court Judgement" shall refer to the guidelines on the prevention and deterrence of sexual harassment in the workplace laid down by the Supreme Court of India on 13 August 1997 in its ruling on the Writ Petition (Criminal) *Vishaka vs. State of Rajasthan* and the judgment titled *Apparel Export Promotion Council vs.*

- A.K. Chopra, on 20<sup>th</sup> January 1999.’
- xviii. Saksham Guideline” refers to the guidelines issued by UGC on Measures for Ensuring the Safety of Women and Programmes for Gender Sensitization on Campuses, Justice J.S.Verma Committee Report refer to the report by Justice JS Verma Committe set up by GOI after incident of 16 December 2012 and “Work Place Act” refer to the act issued by Ministry of Law and Justice on April 23 ,2013.
- xix. The“Third party” shall include the NGO representative or the eminent woman academician serving on, or empanelled by, GSCASH.
- xx. The “University authorities” shall refer to the Vice-Chancellor of Jawaharlal Nehru University, by virtue of her/his being the head of the Executive Council of Jawaharlal Nehru University, as well as any such person to whom such power may be delegated such as the Rector(s), and/or any person who is entrusted with any powers and functions to act on behalf of the University under the Jawaharlal Nehru University Act 1969, or Statutes, Ordinances or Rules there under. For faculty members and group ‘A’ officers, the appropriate University authority is the Executive Council, and for students and other employees, it is the Vice-Chancellor.
- xxi. “University functionaries” includes any person appointed, designated or nominated by the University authorities to a position of service in Jawaharlal Nehru University, and includes, but is not limited only to, the following: Dean of Students, Deans of Schools, Chairpersons of Centres, Proctors, Provosts, wardens, security personnel, health professionals, as well as persons discharging administrative responsibilities, such as the Registrar, Controller of Examination and the Finance Officer.
- xxii. “Vacations” shall refer to the periods May 13 to July 21 and December 6 to January 5.
- xxiii. “Vacations Committee” as defined in Section V.11 herein.
- xxiv. “Warden” shall refer to any person, who is nominated, appointed, or designated by the Vice-Chancellor as a Warden of a hostel allotted and/or administered by Jawaharlal Nehru University.

#### **IV. SHORT TITLE AND SCOPE**

These Rules and Procedures of the Jawaharlal Nehru University Gender Sensitisation Committee against Sexual Harassment will be called the Rules and Procedures of GSCASH. The provisions of these Rules and Procedures shall apply to all students, academic staff, and non-teaching staff on active rolls of the Jawaharlal Nehru University, New Delhi, as also to residents, service providers, and outsiders who may be within the territory of JNU at the time of commission of the act attracting GSCASH Rules, on the Jawaharlal Nehru University campus, to the extent specified in these Rules and Procedures.

These rules and procedures shall be applicable to all complaints of sexual harassment made:

- IV (i) By a student against a member of the academic or non-teaching staff or a co-student or service provider or outsider; or by a member of the academic or

non-teaching staff against a student or another member of the academic or non-teaching staff or service provider or outsider; in either case, irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.

IV (ii) By a resident against a student or a member of the academic or non-teaching staff or made by a student or a member of the academic or non-teaching staff against a resident, irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.

IV (iii) By a service provider or an outsider against a student or a member of the academic or non-teaching staff or made by a student or a member of the academic or non-teaching staff against an outsider or a service provider, if the sexual harassment is alleged to have taken place within the campus.

## **V. COMPOSITION AND PROCEDURES OF GSCASH**

### **V.1. Composition and Infrastructure**

GSCASH shall have a membership of twenty-three persons, of which at least half the members shall be women. The composition of these members is given below while the bodies, which shall elect or nominate these members are given in the next section.

V.1 (i) Four faculty members (at least two women) specially elected to serve on GSCASH.

V.1 (ii) Four students (at least two women) specially elected to serve on GSCASH.

V.1 (iii) One woman officer and one woman staff member specially elected to serve on GSCASH.

V.1 (iv) Four Wardens (at least two women)

V.1 (v) One representative each of the Jawaharlal Nehru University Students' Union (JNUSU), Jawaharlal Nehru University Teachers' Association (JNUTA), Jawaharlal Nehru University Staff Association (JNUSA) and Jawaharlal Nehru University Officers' Association (JNUOA).

V.1 (vi) Two eminent women academicians from outside the University.

V.1 (vii) Two women representatives of an NGO. The member appointed from outside / amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the University, as may be prescribed.

- V.1 (viii) One woman Co-ordinator for counsellors. There will be a pool of counsellors whose list will be drawn up in consultation with the Co-ordinator and that list will be updated every year.

## **V.2. The Process for Formation of GSCASH**

- V.2 (i) The election for the specially elected representatives of students, teachers, staff, and officers (those referred to in Sections V.1 (i) – (iii) above) shall be conducted by an independent four members EC set up by GSCASH. The elections should be held simultaneously with the respective unions each year. The nomination of the elected members (teachers, staff and students) will be vested with the Vice Chancellor of the University from among the pool of elected representatives.
- V.2 (ii) The representatives of the Wardens (those referred to in Section V.1 (iv) above) shall be nominated by the Dean of Students in consultation with Provosts under Inter-Hall Administration (JNU) and will assume office by November each year.
- V.2 (iii) The representatives of the Jawaharlal Nehru University Students' Union, Jawaharlal Nehru University Teachers' Association, Jawaharlal Nehru University Officers' Association and Jawaharlal Nehru University Staff Association (referred to in Section V.1 (v) above) shall be nominated by the respective Executive Committees, and they will assume office with immediate effect.
- V.2 (iv) GSCASH shall empanel a pool of counsellors, eminent women academicians, and NGOs, as defined in Section III. (iv), (vii) and (x), respectively. However, only one NGO representative, one eminent woman academician and one counsellor shall be invited by GSCASH to attend its meeting at one time.
- V.2 (v) The panel of NGOs, eminent women academicians, and counsellors, shall be updated by GSCASH from time to time. GSCASH will strive to maintain continuity in the membership of third party members and counsellors on GSCASH. A decision to remove from the panel a serving or empanelled third party or counsellor shall only be taken in a Special meeting defined in Section V.10 (vi).

## **V.3. Term of Office of GSCASH Members**

For every member of the GS CASH the tenure of each member shall be twelve months from the date of assumption of office and not exceeding three years from the date of

nomination. No member should be repeated for the successive year from any of the constituents of the University.

All members of GSCASH will sign an oath of confidentiality; any breach of confidentiality shall cause disqualification from GSCASH. All members are expected to work in a non-partisan manner totally committed to the mandate of the GSCASH.

#### **V.4. Chairperson/Acting Chairperson of GSCASH**

The Chairperson of GSCASH shall be a woman faculty member, employed at a senior level and shall be nominated or elected by the members of GSCASH from amongst themselves by a simple majority. In the event of the Chairperson of GSCASH being unable to discharge her duties for a period exceeding 21 days (barring the period when the University is on vacation), GSCASH shall designate from amongst its members, a woman faculty member to the post of Acting Chairperson of GSCASH for that period. The Acting Chairperson of GSCASH shall have all the powers and duties of the Chairperson of GSCASH outlined herein. As and when the Chairperson resumes duty, the Acting Chairperson shall cease to hold office.

#### **V.5. Disqualification of Chairperson and Members**

A person shall be disqualified for being appointed, elected, nominated or designated as, or for being continued as, a member of GSCASH if there is any complaint concerning sexual harassment pending against her/him, or if she/he has been found guilty of sexual harassment/serious misconduct/breach of confidentiality by Internal enquiry by the GSCASH. GSCASH would take suo moto cognisance of breach of code of conduct / confidentiality. In case of proven serious breach of confidentiality by a member or Chairperson, the competent authority can initiate stricter action.

#### **V.6. Disqualification of an NGO**

A person shall be disqualified for being appointed, elected, nominated or designated as, or for being continued as, an NGO representative on GSCASH if such appointment, nomination, designation, election or continuation is inconsistent with the provisions of Section III (x) at any time before, during and/or after such appointment, election, nomination or designation.

#### **V.7. Vacancy of a Member Owing to Absence without Intimation**

If a member elected or nominated or designated to GSCASH remains absent without written intimation to the GSCASH from two consecutive meetings, her/his office shall thereupon become vacant.

#### **V.8. Resignation of a Member**

A member of GSCASH may resign her/his office at any time by tendering her/his resignation in writing to the Chairperson of GSCASH. Such a person shall be deemed to have vacated her/his office as soon as GSCASH has accepted the resignation. He /she have to give a two weeks' notice.

### **V.9. Filling a Vacancy in GSCASH**

If a vacancy arises in GSCASH, GSCASH shall in accordance with the procedure laid down to arrange for the filling up of the vacancy in the particular category, within four weeks, barring the period during which the University is on vacation. If the vacancy remains unfilled after the specified period, the Vice-Chancellor may, in consultation with GSCASH, fill up the vacant positions by appropriate nominations for the residual period. No act or proceedings of GSCASH shall be invalidated merely by reason of the existence of a vacancy or vacancies.

### **V.10. Meetings of GSCASH**

- V.10 (i) GSCASH shall meet at least five times a semester or at such intervals as may be necessary provided that the interval between two successive meetings shall not exceed 30 days.
- V.10 (ii) Members shall be intimated of meetings in writing or by electronic communication. Some sort of record of intimation of meeting kept with an official of GSCASH is recommended.
- V.10 (iii) Minutes of all meetings shall be recorded, confirmed and adopted.
- V.10 (iv) Any member of GSCASH may request the Chairperson to call an Ordinary Meeting. Forty-eight hours notice shall be required for such a meeting to be called. The quorum for an Ordinary Meeting shall be one-third of the existing members of GSCASH. Motions shall be carried by a simple majority of those present and voting.
- V.10 (v) Any member of GSCASH may request the Chairperson to call an Emergency Meeting. At least twenty-four hours notice shall be required for such a meeting to be called. The quorum for an Emergency Meeting shall be one-third of the existing members of GSCASH. Motions shall be carried by a simple majority of those present and voting.
- V.10 (vi) A Special meeting shall be called by the Chairperson of GSCASH, with at least twenty-four hours notice. It shall have a quorum of two-thirds of the existing members of GSCASH, and the attendance of at least one of the third party members shall be mandatory. Motions shall be carried by a two-thirds majority of the members present and voting.
- V.10 (vii) If the required quorum is not there at any meeting, such a meeting shall be adjourned for not more than seven working days. For the adjourned Ordinary or Special meetings, the required quorum shall be the same as in a regular Ordinary or Special meeting but for an adjourned Emergency Meeting there shall be no requirement of quorum.
- V.10 (viii) GSCASH shall hold at least two public meetings every year where it shall report to the University community about its activities. Of these,

at least one meeting shall be called specifically for the purpose of the presentation of the Annual Report of GSCASH.

**V.11. "Vacations" Committee**

In the period when the University is on vacation, GSCASH shall strive to ensure the discharge of its duties and functions, in accordance with the procedure outlined herein:

- V.11 (i) GSCASH shall designate from within itself a Vacations Committee(s), for the period when the University is in vacation, of five-seven members. If there are five members of the said Committee, then it should be ensured that there are three women and two men in the committee.
- V.11 (ii) The Vacations Committee shall elect from within itself a Convener, who shall be a woman faculty member, and shall exercise all the powers and functions of the Chairperson of GSCASH outlined herein.
- V.11 (iii) By May 12 and December 5 each year, GSCASH shall intimate the University community by public notice the contact details including telephone/mobile nos. of the members of the Vacations Committee.
- V.11 (iv) The Vacations Committee shall designate from within itself a monthly Enquiry Committee, which shall function in accordance with the procedures outlined in Section VI.3.
- V.11 (v) In the event of an enquiry proceedings being necessitated, the Vacations Committee shall call a Special Meeting for the constitution of an Enquiry Committee, in accordance with the provisions of Section VI.4.
- V.11 (vi) Save for reasons that the Vacations Committee considers urgent, further action on the complaint shall take place after the end of a vacation, in an Emergency Meeting, called by the Chief Enquiry Officer/Chairperson, GSCASH within three working days of the commencement of the semester.
- V.11 (vii) In case of a need for immediate disciplinary action, the reasons for which the Chief Enquiry Officer shall state in writing, the Convener of the Vacations Committee shall call a Special Meeting to discuss, take a decision on the recommendations of the Enquiry Committee, and initiate further action on the complaint, in accordance with the procedures outlined in Section VI.4.

## **V.12. Annual Report of GSCASH**

As required by the Supreme Court Judgement, the University authorities shall forward to the head of the institution, the Annual Report of GSCASH together with a written report on the Action Taken by them on the recommendations of the GSCASH and the Appeals Committee. The report shall be made available to the university community through the JNU website.

## **VI. FUNCTIONS OF GSCASH**

GSCASH shall be responsible for the implementation of the recommendations of the Working Group on Sexual Harassment appointed by the Vice-Chancellor on 5 September 1997 the Supreme Court Judgement, Saksham Guideline and Work Place Act 2013. GSCASH shall have four functions:

### **VI.1 Gender Sensitisation and Orientation**

VI.1 (i) GSCASH will ensure the prominent publicity of its Policy in all Centres, Schools, Hostels, offices of administration, as well as in all public places on the campus such as the library, health centre, residential areas, canteens, shopping centres, etc.

VI.1 (ii) GSCASH will organize programmes for the gender sensitisation of the University community through workshops, seminars, posters, film shows, debates, skits, etc. It may enlist the help of specialized NGOs and any campus body to carry out these programmes.

VI.1 (iii) GSCASH will conduct at least one major activity per semester involving large sections of the University community aimed at increasing the awareness regarding gender sensitisation.

### **VI.2. Crisis Management and Mediation**

VI.2 (i) GSCASH will assist in the mediation of situations arising out of incidents of sexual harassment and sexual assault on the campus.

VI.2 (ii) GSCASH will co-ordinate with the campus security services to devise ways and means by which a system of crisis management that is gender-sensitive as well as prompt and effective is put in place. It will maintain regular contact with the campus security services to ensure that in crises arising out of incidents of sexual harassment, GSCASH members, and/or the volunteers identified by it, shall be intimated without delay.

VI.2 (iii) GSCASH will, through a circular at the beginning of each semester, enlist and activate an adequately representative team of volunteers.

GSCASH shall ensure the widespread publicity of the contact details (both official and personal) of all its members and volunteers.

- VI.2 (iv) GSCASH will organize training workshops for members and volunteers to equip them to handle sexual harassment cases (including legal and medical aspects of aid). Volunteers will assist in the gender sensitisation, crisis mediation and management duties of GSCASH, but shall not participate in the task of formal redressal of complaints under these Rules and Procedures of GSCASH.
- VI.2 (v) In cases in which sexually motivated conduct against a student, or a member of the academic or a non-teaching staff, or a resident and/or a service provider or outsider amounts to a specific offence under the Indian Penal Code or any other Indian law, GSCASH shall assist the affected party in making a complaint to the appropriate authority outside the University.
- VI.2 (vi) GSCASH in consultation with the Co-ordinator for Counsellors shall recommend and pay for counselling sessions and also decide on the continuation of sessions or termination of sessions. This information regarding the number of sessions should preferably be mentioned to the person seeking counselling before the counselling sessions start.
- VI.3 (A) Complaints Filing Process**
- VI.3 (i) Any student, resident, service provider, outsider, or a member of the academic or non-teaching staff may lodge a complaint of sexual harassment against a student, resident, service provider, outsider, or a member of the academic or non-teaching staff within a period of 3 months unless on valid grounds for which reason for delay is to be furnished to GSCASH. Third party complaints and witness complaints shall be entertained subject to verification by GSCASH. The GSCASH is empowered to take *suo moto* notice of grave violations of the basic principles of gender sensitivity and justice on this campus.
- VI.3 (ii) Complaints can be lodged directly with any member of GSCASH, or through existing channels for lodging grievances, such as the University authorities, wardens, teachers, students, union/association representatives, administrative superior, or legal heir etc. If the complaint is made through any such channel, the person to whom the complaint is made should bring it to the notice of GSCASH within two working days of its receipt by her/him.
- VI.3 (iii) Upon receipt of the complaint, the GSCASH member to whom the complaint is made shall at the earliest forward the same to the GSCASH office.
- VI.3 (iv) The complaint may be oral or in writing. If the complaint is oral, it shall be recorded in writing by the GSCASH member receiving the

complaint, on Form I, prescribed for the purpose (Schedule 2), and authenticated by the complainant under his/her dated signature or thumb impression as the case may be.

### **VI.3 (B) Recording of Complaints**

a. The GSCASH office shall receive and record complaints of sexual harassment on Form I (Schedule 2) prescribed for the purpose. The Enquiry Committee shall carefully study the complaint and may hear the complainant and the defendant to determine whether an enquiry by GSCASH is required to be instituted.

b. At no time in the complaints receiving and recording procedure shall the defendant(s) and the complainant be placed face to face, or put in a situation where they may be face to face (e.g. they shall not be called at the same time and be made to wait in the same place), keeping strictly in view the need to protect the complainant from facing any serious health and/or safety problems, in accordance with the guidelines in the Supreme Court Judgement.

c. At no time in the complaints receiving and recording procedure shall the past sexual history of the complainant be probed into, as such information shall be deemed irrelevant to a complaint of sexual harassment.

d. GSCASH may issue an order of restraint to the defendant(s) in accordance with the procedure outlined below in Section VI.3(C).

e. The Enquiry Committee shall communicate its recommendations, along with the reasons and documentary evidence, if any, thereof, in writing to the Chairperson of GSCASH within 4 weeks.

f. The GSCASH shall be responsible for making counselling services available to a person requesting for it on the recommendation of the Enquiry Committee.

g. In a special provision for physically challenged complainants, or complainants in a serious medical condition, the Enquiry Committee may, on determining the complaint to be a prima facie complaint of sexual harassment, may go ahead with the enquiry proceedings.

### **VI. 3. (C) Restraint Order**

- VI.3 (C) (i) A restraint order in terms of GSCASH Rules shall provide, on Form II prescribed for the purpose (Schedule 2), a summary of the complaint, the date(s), time(s), and location(s), of the alleged incident(s). It shall warn the defendant(s) that any attempt on her /his part or by person(s) acting on his /her behalf, to contact, or influence, or intimidate, or exert pressure on the complainant or any person in the complainant's confidence may prove prejudicial to her/his case.
- VI.3 (C) (ii) the complainant or any other person should intimate in writing the Chairperson of GSCASH and/or the Enquiry Committee of any violation of the order of restraint by the defendant(s), or any persons acting on her /his behalf.
- VI.3 (C) (iii) The Chairperson of GSCASH, or the Enquiry Committee be convinced of the truth of such allegations, the Chairperson of GSCASH and/or the Chief Enquiry Officer may summon the defendant(s) in person and issue a verbal and written warning that such behaviour may lead to an adverse inference being drawn against her/him. The Enquiry Committee or GSCASH shall retain the right to close the enquiry proceedings, and to give an *ex parte* decision on the complaint.
- VI.3 (C) (iv) The Enquiry Committee and GSCASH shall consider all violations of the restraint order when determining the nature of offence of a defendant found guilty of sexual harassment.
- VI.3 (C) (v) If deemed necessary, the Enquiry Committee can recommend transfer of hostel or temporary suspension of hostel facilities for the defendant if both the complainant and the defendant stay in the same hostel.

### **VI. 3. (D) Withdrawal of Complaint**

- a. The complainant may withdraw his/her complaint in writing at any time during the complaints receiving and/or enquiry procedure.
- b. The enquiry procedure shall, on such withdrawal, be terminated, save in instances in which the Enquiry Committee is informed, knows, or has reason to believe, that the reasons for such withdrawal are the consequences or effect of material inducement coercion and intimidation exerted by the defendant(s), or any person on her/his behalf, on the complainant. In such an instance, the enquiry proceedings shall continue in accordance with the procedure outlined in Sections VI.3(C) and VI.4 (C).

### **VI. 4. Formal Enquiry**

GSCASH shall institute a formal enquiry and provide its resources to ensure the complainant's safety on the campus. For this purpose, the Chairperson of GSCASH shall convene an Emergency meeting within reasonable time not exceeding one week to constitute the Enquiry Committee. GSCASH shall designate from within the members of such committee the Chief Enquiry Officer who shall be a woman. The Co-ordinator for counsellors could be a member or nominate a counsellor from the pool during the Enquiry Committee so as to be able to suggest about the need for counselling, the number of sittings and the payment per sitting.

#### **VI.4 (A) Composition of the Enquiry Committee**

The composition of the Enquiry Committee shall conform to the guidelines below:

- a. The Enquiry Committee shall consist of not less than three persons and not more than five persons.
- b. It shall have at least 50% women.
- c. It shall include at least one third-party, i.e., the NGO representative/an eminent woman academician/ Lawyer.
- d. In cases involving students/academic staff/non-teaching staff, it shall include a representative of the constituency of the complainant and the defendant (i.e., if the complaint is filed by a student against an academic staff member, then the Enquiry Committee shall include one student and one academic staff member).
- e. No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of a GSCASH Enquiry Committee.
- f. The membership of an Enquiry Committee shall not be changed or in any other way modified during its proceedings, save for the provisions in Sections V.5 – 8.
- g. Members of GSCASH who are representatives of unions/associations of which the complainant and/or the defendant are also members, shall not be eligible to serve on an Enquiry Committee.
- h. GSCASH may, in its collective wisdom, co-opt any person(s) from JNU to be a part of an Enquiry Committee, provided that the majority of members are the members of GSCASH. Such a person shall not serve as the Chief Enquiry Officer. The reasons for co-option are to be recorded in writing.
- i. The member will also have to be bound by the oath of confidentiality.

#### **VI. 4 (B) Functions of the Enquiry Committee**

- a. The Enquiry Committee shall enquire into the complaint of sexual harassment using procedures in conformity with the principles of natural justice and gender sensitivity.
- b. The Enquiry Committee shall act on any violation of the order of restraint issued to the defendant in accordance with the procedure outlined in Section VI.3 (C). Enquiry Committee can recommend to the GSCASH and consider the violation at the time of giving its final recommendation.
- c. The Enquiry Committee shall submit a detailed report to GSCASH in which it shall communicate within three months its findings based on its investigations and its recommendations regarding the nature of disciplinary action, if any. Any reason for delay should be recorded in writing.

#### **VI. 4 (C) Procedure to be followed by the Enquiry Committee**

- a. The Enquiry Committee shall not, at any time in the enquiry proceedings, cause the defendant and the complainant and/or their witnesses to be placed face to face, or put in a situation where they may be face to face (e.g. they shall not be called at the same time and be made to wait in the same place), keeping strictly in view the need to protect the complainant from facing any serious *health and/or safety problems*, in accordance with the guidelines in the Supreme Court Judgement.

- b. The Enquiry Committee shall strive to complete the enquiry in the shortest possible time, not exceeding three months from the date that a complaint is referred to it, except for reasons that the Enquiry Committee shall provide in writing.
- c. The Enquiry Committee shall provide reasonable opportunity to the complainant and the defendant for presenting and defending her/his case.
- d. For the purpose of making an inquiry the Enquiry Committee, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:-
  - (1) Summoning and enforcing the attendance of any person and examining him /her on oath;
  - (2) Requiring the discovery and production of documents / e-documents; and
  - (3) Any other matter which may be prescribed.The inquiry shall be completed within a period of ninety days.
- e. The Enquiry Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.
- f. The Enquiry Committee shall have the power to summon any official papers or documents/e-documents pertaining to the complainant as well as the defendant.
- g. The Enquiry Committee may consider as relevant any earlier complaints against the defendant. However, the past sexual history of the complainant shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.
- h. The Enquiry Committee shall have the right to summon, as many times as required, the defendant, complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
- i. The Enquiry Committee shall recommend the GSCASH to terminate the enquiry proceedings and to give an *ex-parte* decision on the complaint, should the defendant fail, without valid ground, to present herself/himself for three consecutive hearings convened by the Chief Enquiry Officer. The recommendation to pass an *ex-parte* decision may be given by the Committee to GSCASH.
- j. The Chief Enquiry Officer shall inform the defendant and the complainant that counselling services can be made available if so desired.
- k. Within two days of the institution of enquiry proceedings by GSCASH, the Enquiry Committee shall prepare a summons containing details of the complaint such as the location, date and time on which the incident is alleged to have occurred and shall hand over the same to the complainant (Form III, Schedule 2) as well as to the defendant (Form IV, Schedule 2) along with a copy of the Rules and Procedures of GSCASH. It shall also intimate the defendant and the complainant the contact details of all members of the Enquiry Committee. The Enquiry Committee shall also make available to the defendant a true copy of the original complaint(s) lodged by the complainant(s).

- l. Within not more than two working days on the receipt of the first intimation of the enquiry, the complainant and the defendant shall submit to the Chief Enquiry Officer, in writing, a list of witnesses, together with their contact details, that she/he desires the Enquiry Committee to examine.
- m. On receipt of the first intimation of the enquiry, and not more than two working days after such date, the complainant and/or the defendant shall inform the Chief Enquiry Officer whether they shall wish to exercise the rights afforded in Sections (p) – (r) below.
- n. The Chief Enquiry Officer shall convene the first hearing of the enquiry. The defendant, the complainant, and witnesses shall be intimated at least seventy-two hours in advance in writing of the date, time and venue of the enquiry proceedings.
- o. If the complainant, defendant, or witness desire to appear before the enquiry Committee accompanied by one companion of their choice, they shall communicate to the Chief Enquiry Officer the name of that person. Such a person shall have only observer status and her/his presence during proceedings shall be restricted to the testimony of the individual she/he is accompanying.
- p. Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, the identity and addresses of the aggrieved person, respondent and witness, any information relating to conciliation and inquiry proceedings, recommendations of the Enquiry Committee, and the action taken by the employer or the District Officer under the provisions of the GSCASH rule shall not be published, communicated or made known to the public, press and media in any manner:  
Provided that information may be disseminated regarding the Justice secured to any victim of sexual harassment under this rule without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved person and witnesses.
- q. The complainant(s) and the defendant, or any one person on her/his behalf, shall have the right to examine written transcripts of the recordings with the exclusion of witnesses' names and identities. Any person nominated by the complainant and/or the defendant on her/his behalf shall be (only) either a student, or a member of the academic or non-teaching staff of Jawaharlal Nehru University. No person who has been found guilty of sexual harassment shall be accepted as a nominee. The complainant(s)/defendant should inform the Chief Enquiry Officer specifically if they wish to exercise this right. The Chief Enquiry Officer may allow access to such documents on a specific date to be intimated at least two days in advance to each of the parties concerned. At no point in time, however, can the concerned parties take these documents outside the office of the GSCASH.

- r. The complainant and the defendant shall have the right of cross-examination of all witnesses. Such cross-examination shall be conducted in the form of written questions and responses via the Enquiry Committee.
- s. The defendant/complainant shall submit to the Chief Enquiry Officer, a written list of questions that she/he desires to pose to the witness. The Enquiry Committee shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, or gender-insensitive. Any behaviour, verbal or otherwise, on the part of the defendant or her/his nominee, that is designed to intimidate or subject the complainant to mental and physical trauma, shall be construed as a violation of the order of restraint issued by GSCASH as defined in Section VI.3 (C) herein.
- t. The complainant and the defendant shall be responsible for presenting their witnesses before the Enquiry Committee. However, if the Enquiry Committee is convinced that the absence of either of the parties to the disputes is on valid grounds, the Enquiry Committee shall adjourn that particular meeting of the Committee for a period not exceeding five days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting without prior intimation/valid ground.
- u. All proceedings of the Enquiry Committee shall be recorded in writing and the same together with the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof.
- v. All persons heard by the Enquiry Committee, shall take and observe an oath of secrecy about the proceedings. Any violation of the oath of secrecy may invite the full range of penalties outlined in Section IX.
- w. If the complainant desires to tender any documents by way of evidence, the Enquiry Committee shall supply true copies of such documents to the defendant. Similarly, if the defendant desires to tender any documents in evidence, the Enquiry Committee shall supply true copies of such documents to the complainant.
- x. In the event that the Enquiry Committee thinks that supplementary testimony is required, the Chief Enquiry Officer shall forward to the persons concerned a summary of the proceedings and allow for a time period of seven days to submit such testimony, in person or in writing, to the Enquiry Committee.
- y. After concluding its investigation, the Enquiry Committee shall submit a detailed report of its findings to the Chairperson of GSCASH within a period of ten days. In the event that it finds the defendant guilty of sexual harassment, it shall also recommend the nature of disciplinary action to be taken on the complaint as referred in Section IX. It shall also recommend whether GSCASH and the University authorities should, after disciplinary action has been taken, publicise the identity of the offender, the act and the disciplinary action taken.

If the Enquiry Committee finds no merit in the complaint, it shall write to the Chairperson of GSCASH, giving reasons for its conclusions.

- z. Nothing precludes GSCASH from taking cognisance of any new fact or evidence which may arise or be brought before it during the pendency of the enquiry proceedings and even after the communication of the findings to appropriate University authorities, provided that in the latter case, the composition of the reconvened Enquiry Committee shall be at least half of the members of the Enquiry Committee that originally enquired into the said complaint.

## **VII. COMMUNICATION OF FINDINGS**

**VII (i)** Within 3 working days of the receipt of the report and recommendations of the Enquiry Committee, the Chairperson of GSCASH shall convene an Emergency meeting. Each member of GSCASH shall have the right to access the entire enquiry proceedings, or any part thereof, and to participate in GSCASH deliberations on the complaint. Within 2 working days of the adoption of the report of the Enquiry Committee, the Chairperson of GSCASH shall forward the report of the Enquiry Committee, together with a summary of the opinions of the members of GSCASH (including dissenting opinions) to the Vice-Chancellor for consideration of appropriate University authorities - the Executive Council for faculty members and group 'A' officers, and the Vice-Chancellor, for students and other employees. After the GSCASH submits the findings to the competent authority, specifying its recommendations, the administration is entrusted with the duty of sending the final copy of the report to the complainant and the defendant for the purpose of appeal.

**VII(ii)** Within a reasonable period of time, and not in any case exceeding 30 days from the date of communication of its findings by GSCASH, the appropriate University authority shall convene a meeting with GSCASH, in which at least two-thirds of the Enquiry Committee shall be present, to discuss the findings and recommendations of the Enquiry Committee.

(a) Where the Enquiry Committee, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the Appropriate Authority through Vice Chancellor that no action is required to be taken in the matter.

(b) Where the Enquiry Committee, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Appropriate Authority :

(c) to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed;

(d) To deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of respondent such sum as it may consider appropriate to be paid to the aggrieved person or to her legal heirs, as it may determine, in accordance with the provisions of section IX

(e) Provided that in case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved person:

(f) Provided further that in case the respondent fails to pay the sum referred to in clause (ii), the GSCASH may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

(g) The Appropriate Authority shall act upon the recommendation within sixty days of its receipt.

### **VIII. OBLIGATIONS OF UNIVERSITY AUTHORITIES AND FUNCTIONARIES**

- i. The University authorities shall, through a notification each academic year, notify the names and contact details of the members of GSCASH, and the fact that GSCASH is the University body responsible for gender sensitisation and enquiries into complaints of sexual harassment.
- ii. The University authorities will ensure that the Policy is included in the Admission Brochure and circulated at the time of registration. The University authorities will ensure that recruitment announcements to all academic and non-teaching positions include the following statement, as notification of the Policy: Jawaharlal Nehru University has a Policy against sexual harassment and is committed to providing an environment free from gender discrimination and harassment.
- iii. In order to ensure the permanent placement of the Policy, the University authorities and functionaries shall arrange for several copies to be placed on boards for display in prominent places, such as the entrances to the campus, academic and administration buildings, hostels,
- iv. The University authorities and functionaries shall forward all complaints of sexual harassment to GSCASH, save in cases in which the complainant has expressly prohibited such forwarding.
- v. The University authorities shall maintain full confidentiality with respect to matters pertaining to GSCASH enquiries into complaints of sexual harassment. The University authorities shall extend all reasonable assistance for ensuring full, effective and speedy implementation of these Rules and Procedures.
- vi. As is required by the Supreme Court Judgement, the University authorities and functionaries shall strive to create a workplace in which the functioning of GSCASH and/or the interests of justice are not subjected to undue “pressure from senior levels”.
- vii. As required by the Supreme Court Judgement, Saksham Guideline and Work Place Act the University authorities shall forward to the government department concerned, the Annual Report of GSCASH together with a written report on the Action Taken by them upon the decisions/recommendations of the GSCASH and/or the Appeals Committee.

## **IX. PENALTIES**

Any student, service provider, resident, outsider, or a member of the academic or non-teaching staff found guilty of sexual harassment shall be liable for disciplinary action. The penalties listed below (in ascending order) are indicative, and shall not constrain the University authorities from considering others, in accordance with the rules governing the conduct of employees and students in practice at the time.

### **IX (1) Penalties in Case of Academic Staff**

- a. Warning, reprimand, or censure.
- b. Withholding of one or more increments.
- c. Removal from an administrative position at the Centre, School and/or University levels.
- d. Debarment from holding an administrative position at the Centre, School and/or University levels.
- e. Suspension from Service for a limited period.
- f. Compulsory retirement.
- g. Dismissal from service.

Further, the penalty awarded shall be recorded in his/her Confidential Record.

### **IX (2) Penalties in Case of Non-Teaching Staff**

- a. Warning, reprimand, or censure.
- b. Withholding of one or more increments.
- c. Suspension from Service for a limited period.
- d. Compulsory retirement.
- e. Dismissal from service.

Further, the penalty awarded shall be recorded in his/her Confidential Record.

### **IX (3) Penalties in Case of JNU Students**

- a. Warning or reprimand.
- b. Withdrawal of hostel accommodation for a period up to one semester.
- c. Withdrawal of the right to an official character certificate from Jawaharlal Nehru University.
- d. Withdrawal of hostel accommodation for the entire period of study.
- e. Rustication from the University for a period up to two semesters.
- f. Expulsion from the University, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by Jawaharlal Nehru University.
- g. Withholding of a degree awarded by Jawaharlal Nehru University.

Further, the penalty awarded shall be recorded in his/her Personal File.

### **IX (4) Penalties in Case of Outsiders**

- a. Warning, reprimand, or censure.
- b. A letter communicating her/his misconduct to her/his place of education, employment or residence.

- c. Declaration of the campus as out of bounds for her/him, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by Jawaharlal Nehru University.
- d. Any other action as may be necessary.

**IX (5) Penalties in Case of Service Providers**

- a. Warning, reprimand, or censure.
- b. A letter communicating her/his misconduct to her/his place of employment.
- c. Declaration of the campus as out of bounds for her/him.
- d. Withdrawal of the right to run/manage/work in any commercial enterprise, or to provide services, on the campus.
- e. Any other action as may be necessary.

In addition to the penalties specified under (1)-(5) above, the person may be advised to undergo counselling and gender sensitisation, and to give a written and/or public apology to the complainant. (Form , Schedule 2)

**IX (6) Penalty in Case of a Second Offence**

A second or repeated offence, may, on the recommendation of GSCASH, attract a major penalty.

**X. OTHER FUNCTIONS**

**X (1) False Complaint/Deposition**

i. If the Enquiry Committee finds no merit in any complaint/deposition, it shall write to the Chairperson of GSCASH giving reasons for its conclusions.

ii. Within four working days of the receipt of this communication, the Chairperson of GSCASH shall call a Special Meeting to discuss the recommendations of the Enquiry Committee, and to decide whether a show-cause notice shall be issued to the complainant/witness(es).

iii. Upon the decision to issue a show-cause notice, the Chairperson of GSCASH shall issue it to the complainant/witness(es). The show-cause notice shall cite the bases of the Committee's conclusions and require the complainant/witness(es) to explain, within seven days (in writing and/or in person), as to why disciplinary action shall not be taken against her/him.

iv. Within four working days of receipt of any explanation from the complainant/witness(es) to this show-cause notice, or after the expiry of the time specified for such explanation, the Chairperson of GSCASH shall convene a Special Meeting to consider the explanation or any lack thereof.

v. In event of no, insufficient, or unconvincing explanation, GSCASH shall forward its findings to the appropriate University Authority for further action.

vi. Where the Enquiry Committee, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved person or any other person making the complaint has made the complaint knowing it to be false or the aggrieved person or

any other person making the complaint has produced any forged or misleading document, it may recommend to the Appropriate Authority to take action against the person or the person who has made the complaint, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed:

**vii.** Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

**viii.** Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

**xi.** Where the Enquiry Committee, arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the Appropriate Authority, to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.

**xii.** The Penalties in Case of False Complaint/Deposition:

- a. Restraint order
- b. Change in hostel
- c. Show cause
- d. Disciplinary action.

## **X (2) Protection against Victimisation**

- i. If the complainant is a student and the defendant(s) is a teacher, during the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the defendant(s) shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.
- ii. If a witness named by the complainant is a student and the defendant(s) is a teacher, during the duration of the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the defendant shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.
- iii. If both the complainant and the defendant(s) are members of the academic and/or non-teaching staff of the University, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the defendant shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized for protection of Enquiry Committee Members.
- iv. If witnesses named by the complainant and the defendant(s) are members of the academic and/or non-teaching staff of the University, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the defendant shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized.

- v. If the defendant(s) is an outsider, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the defendant shall not be allowed to enter the campus, except for the purpose of attending the present enquiry.
- vi. If the defendant(s) is a resident/service provider, during the duration of the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the order of restraint issued in accordance with the procedures in Section VI.3(C) shall be in force at all times.

**X (3) Provisions for Appeal**

- i. If the complainant or defendant is dissatisfied with the findings of the Enquiry Committee she/he shall have the right to appeal to an Appeals Committee. A period of 7 days from the receipt of the findings will be given to file an appeal. Appeals may be lodged with the University authorities.
- ii. An Appeals Committee shall consist of:
  - a. One person nominated by the Vice Chancellor as Chairperson of the Executive Council of Jawaharlal Nehru University from amongst its members,
  - b. One former Chairperson of GSCASH or any former senior woman member of GSCASH nominated by the Vice-Chancellor. The nominee shall chair the Appeals Committee, and
  - c. One woman faculty member of the Centre for Women Studies, School of Social Sciences, Jawaharlal Nehru University, or any other senior woman faculty member nominated by the Vice-Chancellor.
- iii. The Appeals Committee shall have all the powers and duties of an Appellate Body. It shall consider the appeal, with the appellant deposing in person. It shall have the power to summon any person as witness as well as any official record. On the basis of all the records before it, including the deposition of the appellant, if it is satisfied that the matter needs to be further enquired into, it shall conduct an enquiry in accordance with the guidelines in the Supreme Court Judgement.
- iv. The Appeals Committee shall report to the Vice Chancellor of Jawaharlal Nehru University its findings and recommendations on the nature of the action to be taken on the appeal within 15 days.
- v. The University should take action within 30 days of the receipt of the findings of the Appeals Committee.

**X (4) Amendment to the Rules & Procedures of GSCASH**

- i. Amendments to the Rules and Procedures of GSCASH shall have effect only if they are in consonance with the letter and spirit of the Supreme Court Judgement, the Report of the Working Group on Sexual Harassment headed by Karuna Chanana, the Policy, and the Rules and Procedures based on the guidelines laid down by the Hon'ble Supreme Court of India, in its ruling on the Writ Petition (Criminal) Vishaka vs. State of Rajasthan (reported as 1997 (6) SCC 241) on 13 August 1997, on the prevention and deterrence of Sexual Harassment at the Workplace, Saksham guideline by UGC, Justice J.S. Verma Committee Report and Work Place Act.

- ii. Amendments shall be effected by a decision taken in a Special Meeting of GSCASH called for the purpose.
- iii. The proposed amendment (s), together with the objectives and reasons thereof, shall be recorded in writing and circulated by the proposer of the amendment (s) at least fifteen working days prior to the Special Meeting called for the purpose.
- iv. An amendment motion shall be adopted by two-thirds of the members present and voting. In the event of a tie on an amendment motion, it shall be put to vote one more time. If a tie recurs, the amendment motion shall be reconsidered by another Special Meeting to be called after at least fifteen working days. In the event of a tie occurring for the third time, the decision of the Chairperson shall be final.
- v. GSCASH amended rules should be placed before the EC prior to adoption.

**X (5) Miscellaneous**

- i. The provisions of these Rules and Procedures shall be duly incorporated within any other Statute, Circular or Ordinance of the University as may be relevant, in keeping with the Supreme Court Judgement.
- ii. The proceedings under these Rules and Procedures shall not, in any way, be affected by any other proceedings against the defendant preferred by the complainant under any other provision of civil or criminal law, except to the extent specifically ordered by a court of law.
- iii. The provisions of these Rules and Procedures shall not restrict the powers of the University or the complainant to proceed against the defendant for any other misconduct, or pursue criminal or civil remedies, whether or not connected with the misconduct within the purview of these rules.

## **SCHEDULE 1**

Jawaharlal Nehru University  
Policy against Sexual Harassment

# Policy against Sexual Harassment

JAWAHARLAL NEHRU UNIVERSITY

Office of the Rector

RAHMATULLAH KHAN

Rector

25 February 1999

## CIRCULAR

The Executive Council of the University at its meeting held on 6.5.1998 had considered and adopted a report of the Working Group on Sexual Harassment, chaired by Prof. Karuna Chanana. A component of the scheme approved entailed the adoption and announcement of a sexual harassment policy by the University. The said policy has since been evolved and is hereby announced:

### “Sexual Harassment Policy of Jawaharlal Nehru University”

Jawaharlal Nehru University is committed to providing a place of work and study free of sexual harassment, intimidation or exploitation. It is expected that all students, faculty, staff, karamcharis and officials will treat one another and visitors to the University with respect. All members of the University community, including those who are in temporary or short term positions are subject to this policy. Anyone violating this policy is subject to disciplinary action.

Reports of sexual harassment are taken seriously and will be dealt with promptly. The specific action taken in any particular case depends upon the nature and gravity of the conduct reported. The University recognizes that confidentiality is important. The University will respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent reasonably possible. Reprisals against an individual who in good faith reports, or provides information in an investigation, about behaviour that may violate this policy, are against the law and will not be tolerated. Intentionally providing false information, however, is grounds for disciplinary action.

JNU is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental to the pursuit of knowledge, and this policy is not intended to stifle teaching methods or freedom of expression. Sexual Harassment, however, is not the proper exercise of academic freedom, nor can it be protected as freedom of expression. It comprises the integrity of the University and its

traditions of intellectual freedom, and it also violates the principle of the equality and dignity of all its members.

### **What is Sexual Harassment?**

Unwelcome sexual advances, requests for sexual favours, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when:

It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluations, or permission to participate in a University activity, or when the conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating or hostile academic work or living environment.

Determining what constitutes sexual harassment depends upon the specific facts and the context in which the conduct occurs. Sexual harassment may take many forms – subtle and indirect, or blatant and overt. For example,

- It may be conduct towards an individual of the opposite sex or the same sex.
- It may occur between peers or between individuals in a hierarchical relationship.
- It may be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behaviour or work performance.
- It may consist of repeated actions or may even arise from a single incident.

### **What to do if you feel you are being sexually harassed**

Know your rights – Sexual harassment is illegal, both the law of the land and JNU prohibit sexual harassment.

Speak up – If you can, tell the person to stop. State clearly and firmly that you want a particular behaviour to cease.

Get information and support – If you feel you cannot speak up, ask your friends to help you and bring it to the notice of the University. Keep records that might be useful for pursuing the case.

### **What not to do**

Do not blame yourself. Sexual harassment is not something one brings on oneself. It is not a consequence of certain ways of dressing or acting. It is a violation of an individual's right to work and live with dignity.

Do not ignore it. Ignoring sexual harassment does not make it go away. The harasser may misinterpret a lack of response as approval of the behaviour.

Do not delay. Delay in action increases the probability that unwanted behaviour will continue or escalate.

Do not hesitate to ask for help. Speaking up may prevent others from being harmed as well.

sd/-  
RAHMATULLAH KHAN

## **SCHEDULE 2**

Prescribed Forms for GSCASH Enquiry  
and Redressal Procedures

**GENDER SENSITIZATION COMMITTEE AGAINST SEXUAL HARASSMENT  
ROOM NO. 114-114A, ADMINISTRATION BLOCK,  
JAWAHARLAL NEHRU UNIVERSITY NEW DELHI- 110067, INDIA**

<b>FORM I</b> <b>Proforma for Filing of Complaints of Sexual Harassment</b>
--

*The processing of this complaint by the GSCASH is subject to physical validation through signature in the GSCASH office (Room No.114-A, Administration Block) by the complainant(s) within 24 hours of online submission.*

*\*In order to ensure accessibility and confidentiality for the VH/PH complainant(s), the GSCASH will arrange for the signature to be collected from them at their place of residence/work inside the campus.*

**I. Complainant(s):**

Student/resident/academic staff/ non-teaching staff/outsider/service provider

Name	
Age	
Sex	
Address	
Centre/School	
Phone number	
Email	

**II. Person(s) against whom the complaint is being lodged:**

Student/resident/academic staff/ non-teaching staff/outsider/service provider

Name(s)	
Age	
Sex	
Address	
Centre/School	
Phone number	
Email	

**III. The Complaint:**

1. Is the defendant known to the complainant?	
2. Is this the first incident of this kind? If yes, skip 3 and 4.	
3. Were exactly the same person(s) involved? If no, specify further.	
4. Was the first incident reported? To whom? When? What action, if any was taken?	
5. Approximate date(s), time(s) and location(s) of incident(s), starting from the most recent.	

**Additional details of the complaint may be recorded here:**

**Complaint filed by**

Signature:

Date:

Name:

Place:

**GENDER SENSITIZATION COMMITTEE AGAINST SEXUAL HARASSMENT  
ROOM NO. 114-114A, ADMINISTRATION BLOCK,  
JAWAHARLAL NEHRU UNIVERSITY NEW DELHI- 110067, INDIA**

<b>FORM II Order of Restraint (in duplicate)</b>
--

Issued to Ms/Mr/Dr/Prof \_\_\_\_\_ on \_\_\_\_\_ by  
Chairperson, GSCASH. This is with reference to the complaint lodged by  
Ms/Mr/Dr/Prof \_\_\_\_\_ on \_\_\_\_\_  
\_\_\_\_\_ against Mr / Ms / Dr / Prof \_\_\_\_\_ received  
at GSCASH Office, alleging him / her \_\_\_\_\_.

During the pendency of GSCASH's investigative and enquiry procedures into the complaint against you, you are enjoined to respect the human rights, and the confidentiality of the complainant, his/her/their family witnesses.

You shall not commit any act (either directly or by implication) that invades the privacy of the complainant(s), threatens his/her/their security, violates his/her/their human rights or adversely affects his/her/their living, working, and/or educational environment. You (or any person on your behalf) shall not make any attempt to contact the complainant(s), or any person in his/her/their confidence, with the purpose of influencing, intimidating, or exerting pressure upon the complainant on any matter, especially those that pertain to his/her/their complaint of sexual harassment against you.

You (or any other person on your behalf) shall respect the right of the complainant(s) to full confidentiality on all matters, especially pertaining to his/her/their complaint of sexual harassment against you. You (or any other person on your behalf) shall not publicise, or cause to become publicly known, any fact, conjecture, or speculation about the complainant's personality, character or motivations in any of his/her actions, including those involved in his/her/their lodging a complaint of sexual harassment against you.

A violation of this order may prove prejudicial to your case and it may also induce the GSCASH to recommend immediate disciplinary action against you, in accordance to the provisions of Section VI.3(C) of the GSCASH Rules & Procedures, which state that:

- (ii) the complainant or any other person should intimate in writing the Chairperson of GSCASH

and/or the Enquiry Committee of any violation of the order of restraint by the defendant(s), or any persons acting on her /his behalf.

- (iii) The Chairperson of GSCASH, or the Enquiry Committee be convinced of the truth of such allegations, the Chairperson of GSCASH and/or the Chief Enquiry Officer may summon the defendant(s) in person and issue a verbal and written warning that such behaviour may lead to an adverse inference being drawn against her/him. The Enquiry Committee or GSCASH shall retain the right to close the enquiry proceedings, and to give an *ex parte* decision on the complaint.
- (iv) The Enquiry Committee and GSCASH shall consider all violations of the restraint order when determining the nature of offence of a defendant found guilty of sexual harassment.

Please affix your signature in the space provided below to confirm that you have received the above restraint order and are informed of its provisions.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**GENDER SENSITIZATION COMMITTEE AGAINST SEXUAL HARASSMENT  
ROOM NO. 114-114A, ADMINISTRATION BLOCK,  
JAWAHARLAL NEHRU UNIVERSITY NEW DELHI- 110067, INDIA**

<b>FORM III Enquiry Committee Summons to the Complainant</b>
--

\_\_\_\_\_

\_\_\_\_\_

Dear

This is with reference to the complaint of sexual harassment against \_\_\_\_\_ (name(s) of defendant) that you lodged with the GSCASH on \_\_\_\_\_ (date). The GSCASH has designated an Enquiry Committee of \_\_\_ persons, the contact details of whom are listed, at the end of this communication.

This is to request you to meet with the GSCASH Enquiry Committee on \_\_\_\_\_ at \_\_\_ am/pm, in the GSCASH office. Should you desire to be accompanied during your testimony by a person known to you, and/or to have any witnesses examined, please inform the Chief enquiry Officer (in writing) the names, postal addresses and telephone numbers of such person(s). Requests for a change in time or date of your deposition must also be directed to the Chief Enquiry Officer.

Please find enclosed copy of the Rules & Procedures of the GSCASH for information.

Yours truly,

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

Chief Enquiry Officer

Date:

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

**GENDER SENSITIZATION COMMITTEE AGAINST SEXUAL HARASSMENT  
ROOM NO. 114-114A, ADMINISTRATION BLOCK,  
JAWAHARLAL NEHRU UNIVERSITY NEW DELHI- 110067, INDIA**

<b>FORM IV Enquiry Committee Summons to the Defendant</b>
---

\_\_\_\_\_

\_\_\_\_\_

Dear

This is with reference to the complaint of sexual harassment against you by \_\_\_\_\_ (name(s) of complainant(s)) that you lodged with the GSCASH on \_\_\_\_\_ (date). The GSCASH has designated an Enquiry Committee of \_\_\_ persons, the contact details of whom are listed, at the end of this communication.

This is to request you to meet with the GSCASH Enquiry Committee on \_\_\_\_\_ at \_\_\_\_\_ am/pm, in the GSCASH office. Should you desire to be accompanied during your testimony by a person known to you, and/or to have any witnesses examined, please inform the Chief enquiry Officer (in writing) the names, postal addresses and telephone numbers of such person(s). Requests for a change in time or date of your deposition must also be directed to the Chief Enquiry Officer.

For Information, please find enclosed copy of the Rules & Procedures of the GSCASH. Please note that failure to appear at the hearing without valid reason could go against you according to Section VI.4(C) of the Rules and Procedures (given below)

The Enquiry Committee shall have the right to terminate the enquiry proceedings and to give an *ex parte* decision on the complaint, in accordance with the procedure laid down by the Central Vigilance Commission for domestic enquiries, should the defendant fail, without valid ground, to present herself/himself for three consecutive hearings convened by the Chief Enquiry Officer.

Yours truly,

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

Chief Enquiry Officer

Date:

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_  
\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

**GENDER SENSITIZATION COMMITTEE AGAINST SEXUAL HARASSMENT  
ROOM NO. 114-114A, ADMINISTRATION BLOCK,  
JAWAHARLAL NEHRU UNIVERSITY NEW DELHI- 110067, INDIA**

**FORM V  
ENQUIRY COMMITTEE  
Summons to Witnesses Named by the Complainant/Defendant**

\_\_\_\_\_  
\_\_\_\_\_

Dear

This is with reference to the complaint of sexual harassment against \_\_\_\_\_ (name(s) of defendant) lodged by \_\_\_\_\_ (name(s) of complainant(s)) with the GSCASH on \_\_\_\_\_ (date). The complaint referred to an incident(s) that allegedly took place on/in \_\_\_\_\_ (date/period in which the alleged incidents took place) in \_\_\_\_\_ (locations), where the defendant allegedly \_\_\_\_\_.

The GSCASH has instituted a formal inquiry proceeding into the complaint. The contact details of the members of the GSCASH Enquiry Committee are listed at the end of this communication.

\_\_\_\_\_ has requested that the GSCASH Enquiry Committee solicit your co-operation to corroborate/clarify certain aspects to his/her testimony. We would therefore like to meet with you on \_\_\_\_\_, at \_\_\_ a.m/p.m. in the GSCASH Office. We also request you to bring along any documents, or other evidence, that you may feel to be relevant to some aspect of the case.

Please find enclosed a copy of the Rules & Procedures of the GSCASH for information.

Yours truly,

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

Chief Enquiry Officer

Date:

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

**GENDER SENSITIZATION COMMITTEE AGAINST SEXUAL HARASSMENT  
ROOM NO. 114-114A, ADMINISTRATION BLOCK,  
JAWAHARLAL NEHRU UNIVERSITY NEW DELHI- 110067, INDIA**

**FORM VI  
ENQUIRY COMMITTEE  
Summons to Witnesses**

\_\_\_\_\_  
\_\_\_\_\_

Dear

This is with reference to the complaint of sexual harassment against \_\_\_\_\_ (name of defendant) lodged by \_\_\_\_\_ (name of complainant(s)) with the GSCASH on \_\_\_\_\_ (date). The complaint referred to an incident(s) that allegedly took place on/in \_\_\_\_\_ (date). The complainant has alleged that the \_\_\_\_\_ defendant \_\_\_\_\_.

The GSCASH has instituted a formal inquiry proceeding against the defendant. In the course of its proceedings, the GSCASH Enquiry Committee has formed the impression that you may be in possession of information that may prove relevant to the Committee's deliberations on the complaint, and this is to solicit your cooperation in this regard. In particular, the GSCASH Enquiry Committee would like to ascertain your information of the following matter(s).

The GSCASH Enquiry Committee would be appreciative if you could arrange to meet with the Committee on \_\_\_\_\_, at \_\_\_ a.m/p.m. in the GSCASH Office. We would request you to bring along any documents, or other evidence, that you may feel to be relevant to some aspect of the case.

Please find enclosed a copy of the Rules & Procedures of the GSCASH for information.

Yours truly,

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

Chief Enquiry Officer

Date:

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

\_\_\_\_\_ (O) \_\_\_\_\_ (R) \_\_\_\_\_

**GENDER SENSITIZATION COMMITTEE AGAINST SEXUAL HARASSMENT  
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**FORM VII**

**Written apology: Suggested Format  
(To be Hand-Written by the Offender)**

(Name of the Complainant) \_\_\_\_\_

This is to place on record my understanding that my misbehaviour towards you on (date) \_\_\_\_\_, in (place) \_\_\_\_\_, constitutes an act of sexual harassment, which is a conduct that violates your right to dignity, equality, and security in the campus. Although i am aware that an apology for my unwelcome and gender-insensitive misconduct cannot redress the physical and emotional insecurity that my actions have visited upon you, I wish nevertheless to apologise for my actions.

I, \_\_\_\_\_, undertake that henceforth, I shall not commit any act (either directly or by implication) that invades your privacy., threatens your security, violates your human rights, the JNU policy against sexual harassment, or adversely affects your living, working, and/or educational environment.

I, \_\_\_\_\_, undertake that henceforth, I (or any person on my behalf) shall not make any attempt to contact you, or any person known to you, with the purpose of influencing, intimidating, or exerting pressure upon all matters, especially which pertain to your complaint of sexual harassment against me.

I, \_\_\_\_\_, undertake that henceforth, I, or any person acting on my behalf, shall respect your right to full confidentiality on all matters pertaining to your behalf, shall respect your right to full confidentiality on all matters pertaining to your complaint of sexual harassment against me. I, or any person acting on my behalf, shall not publicise, or cause to become publicly known, any fact, conjecture, or speculation about your personality, character, or motivations in any of your actions, including your lodging a complaint of sexual harassment against me.

I, \_\_\_\_\_, undertake that I shall attend the gender sensitisation programmes organised by GSCASH. I shall make an effort to ensure that I shall never again commit an act of sexual harassment, and shall do everything in my powers to deter sexual harassment by others.

**Signature:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Place:** \_\_\_\_\_



