

**A Draft Report  
On  
Guidelines Against Sexual Harassment in  
Delhi University**

**Submitted to**

**The Vice-Chancellor, Delhi University**

**By**

**The Committee To Frame Guidelines Against  
Sexual Harassment in Delhi University**

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## Introduction

Sexual harassment has come to be widely condemned as a form of gender based violence against women. Clearly a violation of the Common Dignity and Fundamental Rights and gender equality, it denies the victim the right to life and liberty and definitely is "a practice derogatory to the dignity of women" [Article 51A(e) of the Constitution]. In the case of such harassment against working women it becomes a denial of the rights of women to practice any profession or to carry out any occupation, trade or business [Article 19(1)(g)] of India. It thus tantamounts to a discrimination on grounds of sex [Article 15(1)]. A Supreme Court judgment on 20 January 1999, ruled that it is incompatible with the dignity and honour of a female "and needs to be eliminated and there can be no compromise on such violations". It said "each of this is a violation of the fundamental right to gender equality and the right to life and liberty...".

Of late there has been a spurt not merely in the reporting of such cases, but also in the occurrence of this crime; possibly a majority of such occurrences go unreported or even unmentioned. This may particularly be the case in the case of victims who are younger in age as the family believes that the honour and future of the girl as well as of the family will be involved. Most

girls shy away from reporting also because she will be blamed instead of being viewed as a victim and she may be punished for exposing the crime. Above all she may even believe that she will not get the necessary backing or it will be of no use, and that the perpetrator will go scot free as the institutions/authorities may not pursue it to its logical end. It may even backlash, with her becoming a victim of further harassment.

The impact of these experiences, however, has been traumatic for many girls. Many of them live down with the memories for a long time. Some even develop psychological revulsion; many live with constant insecurity. It reflects in their educational performances; some even drop out. In a few cases, it has even led to attempted suicides and suicides.

It becomes then imperative that the various institutions, and the society as a whole, take adequately strong measures that would assure her safety, security, dignity, rights and equality. The University system with an equal number of women and girls in the sensitive and vulnerable age group stand exposed. The girls in particular, may need protection and guarantee against repercussions in case they need to protest and report against such occurrences against persons in positions of authority, influence or might.

In the University of Delhi consisting of departments colleges spread over the entire N.C.T. of Delhi, and with student population of about one lakh, there is a possibility that the number of incidents will be numerous, even if all of them are not reported. In addition there are also women teachers and karamcharis, who require similar type of protection of life and liberty and security. Not merely the streets of Delhi but the buses and even U. specials are becoming increasingly hazardous. The University of Delhi and its constituent colleges as the employers of these women, and as the educator and protector of the young, need to adopt specific policy guidelines and follow up action to ensure prevention of sexual harassment and protection against the same. It also needs to provide for remedial measures and ways to punish the guilty.

This has assumed further significance in the light of the Supreme Court judgement on "Sexual Harassment at Work Place, 13th August, 1997", the CEDAW (1993) and the Indian Government's commitment to the Resolutions of the Fourth World Conference on Women in Beijing (1995). It is indeed appropriate that the University formulate a set of guidelines in this year of fiftieth anniversary of World Human Rights which is also committed to Women's Rights as Human Rights.

With a view to frame the guidelines in the cases of sexual harassment in Delhi University, the Vice-chancellor appointed a committee, with the powers to co-opt on in May 1997. Following were the members.

1. Prof. Susheela Kaushik (Chairperson)
2. Prof. A.K. Sinha, Dean, Students' Welfare
3. Prof. Moolchand Sharma, Proctor
4. Prof. Kashi Ram Sharma, Advisor, DURA
5. Prof. Krishna Bisht, Dean, Faculty of Music and Fine Arts
6. Dr. Meenakshi Gopinath, Principal, Lady Shri Ram College
7. Prof. S.K. Verma, Chairperson, Indian Law Institute
8. Dr. Nandita Narain, Member, Executive Council

The committee co-opted the following members.

1. Prof. Nargis Fanchapakesan, Central Institute of Education
2. Prof. Aruna Broota, Department of Psychology
3. Dr. Lakshmi Devi, Principal, College of Applied Sciences
4. Ms. Ritu Verma, Secretary, DUSU.

The Committee had met eight times in the course of two years and drafted the document step by step.

The following report, hence, has been discussed widely among the members most of whom participated keenly and regularly. In discussing and adopting the report, the Committee members drew

upon quite a few reference and background material, a list which is appended (See Appendix- 1).

Background:

The University of Delhi has had a history of working for promoting women's rights and supporting/participating in their struggle for equality and justice. The various units like the Women's Studies and Development Centre and the Women Development Centres of 16 Colleges have been counselling the university women, particularly the students, and raising their awareness on sexual harassment in public spaces and homes. They have also been undertaking, in collaboration with other agencies and NGOs, redressal for the women, by way of legal aid, police, health and medical referral service.

The efforts of these units have been supplemented by many voluntary groups from within the university community like the 'Goonda Virodhi Manch' and Gender Studies Forum to combat sexism in the university campus and affiliated institutions and crimes against women by university persons. Over a period of time this has led to much awareness, and concern among right minded people who are expressing their anxiety on the increasing harassment of women and joining the efforts in meeting the challenges.

festival has considerably reduced. The Wad Committee which investigated the S.C. Bhatia case, had suggested institutional mechanisms with adequate power, autonomy and a comprehensive set of support structures, easily accessible to the victims. However, the university needs to evolve a permanent mechanism and work out a policy towards the issue of sexual harassment. Such a set of guidelines need to be clear and definite, demonstrate the commitments of the administration to protect and promote the rights, freedom and security of the women and girls. The appointment of the Committee to frame guidelines against sexual harassment is line with these efforts.

The functions of the Committee had got a boosting with the two judgements of the Supreme court of India - the first one in *Vishakha and others Vs the State of Rajasthan and Others* (AIR 1997 SC 3011), 13th August 1997 wherein the Court took great pains to define sexual harassment at work place, its implications for women's rights as well as the need for and nature of a complaint mechanism; the second judgement on the Apparel Export Promotion Council case on 20th January 1999 expanded on the definition of sexual harassment and considered it as a violation of the fundamental rights to gender equality and the right to life and liberty. The judgements also clarified and directed, on

quite a few details by way of definition and redressal mechanisms, the Committee could base itself on them and expand to suit the requirements of an institution like Delhi University. The Report hence, goes beyond the work place and deals with the gender environment in public space in general, as the students form the main component of the university and college system, and they are spread out the whole of Delhi.

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

While it is indeed hard to define what is sexual harassment or to make a comprehensive list of all possible forms and methods, there are some possible kinds of behaviour which might be classified as sexual harassment. This is in addition to what is defined as sexual assault under 375, 376, 377, 354 and 509 of Indian Penal Code. To mention a few, only as an indicator of such behaviour (not exclusive):

- Male colleagues/bosses openly leering at a woman colleague as she passes by.
- Passing offensive remarks
- Pasting pin-ups in a place where a woman colleague/student is certain to see them.
- Obscene physical gestures.
- Visual rape
- Motorbike/automobile pursuits



- Unwelcome touching, leaning over, brushing past or putting an arm around a woman colleague/student or even attempting to do this.
- Relating dirty jokes, stories with double entendres or sexually explicit anecdotes/singing lewd songs.
- Vulgar level remarks and acts during Holi, Deepawali, admission/orientation times; ragging; bursting crackers to shock the women, pulling their hair, clothes etc.
- Repeatedly inviting a woman to the cafeteria, house or a common place, despite persistent refusals.
- Keeping on offering to drop a woman colleague/student home/workplace even after she consistently expresses her unwillingness.
- Demanding that a woman colleague/student work after office hours whether work pressure exists or not.
- Violent acts of sexual abuse.
- Keeping the doors closed while discussing/answers/projects/thesis work with the students even when objected.
- Asking a researcher/student meet in a place or at a time when most people would have left.
- Forcing a woman to go out with him/his friends, have sex against her wishes.
- Any unwanted touching, kissing, fondling.
- Sexual threats; threats of kidnapping; attempt to kill/strangulate
- Forcing to marry and persisting on the same; some times on caste, region, religious blackmailing.
- Following in to the toilets; generally wandering unwarrantedly in the corridors, stair cases etc.

- Spreading rumour/character assassination
- Physical chase/following the girl to home/college.
- Making false promises of jobs/lending books, notes etc./asking her to come to the room repeatedly.
- Threatening to deny permanency/promotion/confirmation/transfer etc.
- In U specials and buses; jeering at girls; not vacating the seats for girls; pushing and pinching girls/women
- In libraries/stack rooms, dark corners; cornering a woman and physically and/or verbally accosting her.
- In hospitals/health centres at the time of examining women patients.
- Through crank phone calls, e-mail and shadowing.

**Possible Harassers could be:**

1. Teachers
2. Research Guides
3. Higher authorities in the offices/departments/colleges
4. Fellow students/fellow workers in offices/colleagues
5. Ex-students/present students/karamcharis
6. Fellow travellers in buses/in U specials
7. Husband/fiance/men in general
8. Men chasing in car/bike hoodlums
9. Doctors/employees in health centres.

There can also be third party harassers like:

1. Outsiders harassing the university/college students/teachers/other employees.
2. Outsiders chasing in car and bike etc./hoodlums.
3. University persons harassing outside women.

**Location/Jurisdiction:** In the case of Delhi University, the location needs to be defined as the entire twin city of Delhi and New Delhi as the colleges are spread out and as students, karamcharis and teachers travel from one corner to the other, mostly by buses, U. specials and autos.

It would include,

- a) the work place
- b) in buses
- c) in and around student hostels, health centres, libraries, sports grounds, buses, in the roads at the university/college campus.
- d) during movement/travel to work place/classes
- e) at the time of admissions; in the form of ragging
- f) in the corridors of colleges/university, during the festivals like Diwali and Holi; during the college festivals.

It can also take place during the general festivals, college festivals and debates, in coffee houses, library, health centres, faculty offices or even in the class rooms. Hence all those cases which victimise university related persons, wherever or in

whatever form it takes place, will be brought under the purview of sexual harassment.

1. With this in view the Committee recommends that Delhi University should issue guidelines defining sexual harassment and provide for rules and regulations and appropriate penalties for violating the same. It should be passed by the EC in the form of an ordinance and be incorporated in the calendar.
2. Issue a notification expressly prohibiting such a harassment; publicise the same among the various campuses, colleges, hostels, libraries, health centres and other places, circulate it among the colleges, departments and centres. It should be printed in the prospectus.
3. It should form part of the service conduct rules and be made part of a code of conduct in order to uphold the principles of gender equality. The code should be administered as oath in all colleges - among the teachers, students and karamcharis.
4. To provide for mechanisms formulate an appropriate and sufficiently empowered complaint mechanism in college/institution as well as campuses. The Delhi University should have a centralised mechanism.
5. In addition, the Colleges and the University authorities frame some guidelines for prevention and security for the college guidelines for prevention and security for the colleges and the university campuses and hostels.
  - a) All the colleges and hostels should incorporate in their prospectus, a section on Sexual Harassment and publicise the complaint mechanism, rules and procedures etc.
  - b) The University should appoint a panel of two lawyers and two doctors who would be sensitised on matters of Sexual Harassment and who would be able to handle such cases and be readily accessible. Their names, addresses and telephone numbers should be well publicised among all hostels/colleges/departments. The University and

college based centres should work out a list of NGOs who are dealing with various aspects of sexual harassment cases.

- c) All the pathways within and around colleges, and the streets should be well lit; and maintained that way.
- d) No hawkers or shops/dhabas or rickshawalas/ autos parked should be allowed within 100 yards of the college, libraries or hostels.
- e) There should be sustained police patrolling in the main roads of the university and around colleges.
- f) U-Specials should have plain clothes police travelling. All bus stands in front of colleges should be manned by police men and women.
- g) Ladies specials should be reintroduced for all routes. Cars and other vehicles with tinted glasses beyond the permitted level should not be allowed in the University campus and around the colleges; speed limits should be strictly enforced by the police; speed breakers should be erected around the colleges, as in the case of schools.
- h) The principals and university authorities should show immediate concern and take prompt action in case students complain of harassment, including crank phone calls, e-mail and shadowing.
- i) Colleges and women's hostels should organise awareness camps, self-defense camps and competitions to make the girls aware of their rights, legislations, university policies and mechanisms.

#### **The Complaint Mechanism**

The Complaints Centre/Committee:

A Complaints Committee in each college/institution/campus and a Complaints Centre at the university level should be constituted in order to

- a) To create and monitor a safe, sexual harassment free environment necessary for secure, healthy, and hygienic conditions for work and leisure;
- b) To create a healthy environment based on gender equality and bringing about gender justice. c) implement the policy framed by Delhi University against sexual harassment against women in Delhi University.
- c) To give ready, safe, friendly and easy access to the victims for registering the complaint,
- d) to interpret whether any conduct complained about constitutes a sexual harassment and/or a breach of human rights of women,
- e) To take cognizance of complaints of acts of sexual harassment, conduct enquiries to provide redressal to the victims and take action against the harasser and recommend penalties, if necessary.
- f) To plan and carry out sensitisation on women's human rights..lml

**Functions:**

- i) To prevent/deter commission of acts of sexual harassment
- ii) To take up actual complaints of harassment and attempt to resolve the issues by necessary and suitable action.
- iii) To work out its own procedures for the prevention of the acts of harassment, for its resolution, redressal settlement or prosecution for the acts of sexual harassment.
- iv) To recommend to the concerned authorities the follow up actions and monitor the same.
- v) Make necessary recommendations and changes, from time to time, on the basis of its work and experience.
- vi) Provide an annual report to the Executive Council on the complaints and actions taken by them. The University

authorities may also designate a person to report on compliance of the university on the guidelines.

- vi) The college/campus/hostel based committees will send an annual report to the college authorities/university authorities and university based counselling centres.

It should get the maximum support and prompt help from the university/college authorities. Hence the institution should work closely with the Committee, locate it in a central place and give the necessary infrastructural facilities to enable efficient functioning and confidentiality.

The committee should have a statutory status and be sufficiently empowered so as to give it the necessary status and not be pressurised from senior levels or be subservient to the authorities or existing structures.

#### Structure:

- i) The Chairperson of the university Centre/Convener of the committees in departments, colleges and institutions should be a woman and not less than half of the members of the committee should be women. A representative of an outside NGO or other body familiar with the issue of sexual harassment, a woman research scholar/student actively involved in women's issues.
- ii) Should be have full time counsellors/social workers.
- iii) Should have the support/help/advice of an empowered group consisting of empathetic legal, psychological and health experts for ready first aid consultation and advice. It should work closely with the Women's Studies Centre at the University and the Women Development Centres/Women's Groups in the Colleges where they exist.

- iv) Should have a close linkage with the Proctor/Dy. Proctor, Dean/Dy. Deans, students welfare, provosts of the women's hostels etc.
- v) Should have a close linkage with legal experts, legal aid centres, counselling centres, health centres, police stations, Crimes Against Women Cells, and other related bodies like National Commission for Women, State Commission for Women and National/State Human Rights Commission.

In the light of the above objectives, functions, structure, one may suggest the following membership.

**Membership:**

- i) A well known retired woman judge or alternatively a senior woman faculty member of commitment to women's issues (chair).
- ii) an eminent woman representative from an outside NGO involved with dealing with women's issues.
- iii) In the case of college/department/hostel committees it could also be a person from outside of the particular institution.
- iv) Two senior members of the faculty with empathy for issues of violence and harassment against women.
- v) Two researchers/students of the university/college.
- vi) Two representatives of the Karamchari
- vii) Two senior counsellors appointed full time to the Centre/Committee.

The chair and at least half of the members should be women as per the Supreme Court Judgement. Members of the Committee will be appointed for a period of 2 years and could be renewed. From the second term in the case of teacher, student, karamchari



representatives, one of the two from each category may retire after one year and be replaced while the other may continue for one more term of one year. This will provide for continuity while at the same time have rotation for one post at the end of each year.

The Committee should be provided with a small secretariat consisting of at least 2 counsellors and secretarial staff, and be enabled to work with confidentiality.

It should identify one person/official, as to volunteer in the hostels/offices/colleges/institutions to act as a local link. This can also be undertaken by the WDCs or the College Complaint Committee for the university centre. They should also as first post and pass on the complaints to the centre/committees.

The Committee shall be constituted at the beginning of the academic session.

There will be a quorum - a minimum of 30 percent of members (not less than 4).

20 percent of members can requisition a meeting.

The staff Council of Colleges should work out some ways of choosing the student representatives.

### Eligibility and Procedure of Complaint:

1. Any person, belonging to a college, hostel or any of the university campuses is eligible to approach the complaint committee of the respective college/unit or the complaint centre of the university. The complaining person can be a student, research fellow, teacher or karamchari or an outsider against the university person..
2. The complaints committee of the colleges/unit can refer a case to the university/campus based complaint centre.
3. Complaints can be given through persons identified at the colleges, departments, campus centres, hostels and other units of the university.
4. Third party complaints may be referred through members of the Centre/Committee, Counsellors of the various W.D.C. Centres, advisors/referral persons of the departments, colleges and hostels; by the various university authorities; grievance cells etc.
5. However, any of the above persons can bring the complaint to the Centre/Committee, provided he/she has the written consent and be accompanied by the complainant.
6. Complaints can be against any person in the University system; and also a third party harasser.

### Procedures:

1. The complaints should be made in confidence and as promptly as possible within a limited time of one week.  
Confidentiality of both the parties will be strictly maintained. The documents pertaining to the cases will be kept safe and secret.
2. Filing of a grievance/complaint shall not adversely affect the individuals status/job, salary/promotion, grades etc.

The employers should ensure that the victims and the witnesses are not victimised or discriminated against while the Committee/Centre is dealing with the complainants.

3. Any member of the committee, particularly the counsellor will be available for counselling and consultation for one of the university community to discuss issues related to sexual harassment.
4. It can directly issue warning taking the help of the law and force the harasser to stop.
5. The centre/committee can initiate investigations, recommend disciplinary actions and punishments.
6. It can also seek medical, police and legal intervention.

#### **Complaints Committee Mechanisms**

1. **Crisis Situation:** Complaints Centre/Committee should form a small core or crisis group (whose telephone numbers should be widely publicised) and who will be readily available and reach the spot, when needed, promptly.

This crisis Committee should be familiar with the first aid and information by way of medical, legal and counselling measures.

This crisis committee should have at least 75 percent women, including the counsellor.

2. **Fact Finding:** The Complaint Committee may seek to informally and confidentially enquire into the complaint and the veracity of the same. A preliminary fact finding should be organised in each case in which the complainants should be given a hearing. This should be completed within seven days of receiving the complaint.
3. In case this report is positive, it shall organise a formal enquiry committee (with a maximum of 3 members) and the enquiry committee will submit its report not later than 15 days.
4. A copy of the statements, obtained from both the parties, will be made available to both the complainant and the person charged and both the parties will be asked to respond to the statements. The two of them will be called separately to depose in order to ensure confidentiality and freedom.

5. The Complaint Centre/Committee can ask the University/College to suspend the person from the administrative post if she/he is holding any, till the completion of the enquiry.

In the extreme case of physical threat or assault the centre/committee can ask the authorities to suspend the person charged, till the completion of the enquiry.

In general, if the Committee feels the need for the same, it can recommend the suspension of the harasser till the completion of the enquiry.

6. The report of this committee should be placed before the larger centre/committee, which will make recommendations.
7. The complainant will have the right to lodge a fresh complaint or appeal to the university based centre in case he/she desires.
8. The victims of sexual harassment as per the Supreme Court judgement, will have the option to seek transfer of the perpetrator or their own transfer.
9. The complaint centre based on the report of the final enquiry committee will make its recommendations to the Vice-Chancellor of Delhi University. The Vice-Chancellor may take it to the E.C. The V.C. and E.C. will normally be expected to take action. In case the E.C. wants reconsideration, it can do so once. It will be incumbent on the E.C. to state the grounds for reconsideration.
10. The university/college authorities should take appropriate disciplinary action such as dismissal, suspension, demotion, stopping of increments and/or promotion, transfer, debarring from exam/supervisory duties/re-employment, membership in statutory bodies etc. in accordance with rules.
11. The university/college authorities shall initiate action by making a complaint with the appropriate authority, in the case of third party harassment.
12. The Head of the institution upon receipt of the enquiry report shall refer the same to the Chairperson, Governing Body and institute disciplinary action under relevant service rules and on the basis of the Committee's

recommendations. In case the Governing Body wants reconsideration, it can do so once. It will be incumbent on the Governing Body to state the grounds for reconsideration.

13. In all cases, the Head of the Institution will give an opportunity to the person complained against, to be heard.
14. Nothing in this procedure shall preclude the Head of the Institution (University/College) to lodge a complaint straightaway with the police in respect of any act amounting to an offence under the Law.

## Appendix-1

In writing this report, following volumes were referred:

1. Shomona Khanna and Ratna Kapur, **Memorandum on Reform Laws Relating to Sexual Offenses**, Centre for Feminist Legal Research, New Delhi, 1996.
2. National Alliance of Women, 'Supreme Court Judgement on Sexual Harassment at Work Place, New Delhi, 1997.
3. JNU Report of the Working Group on Sexual Harassment.
4. Gender Study Group, **Sexual Harassment in Delhi University, A Report**, 1996.
5. D.U. Form Against Sexual Harassment, Draft Policy on Sexual Harassment, and other forms of Gender Violence, 1998.
6. California State University, Northridge.
7. Allen Adams and Gail Abarbanel, **Sexual Assault on Campus: What Colleges Can Do**, California, 1988.
8. Berkeley Campus Policy on Sexual Harassment and Complaint Resolution Procedures.
9. "Taking Action What to Do If You Are Raped", Santa Monica, California, 1990.
10. Sakshi, **Sexual Harassment at the Work Place What It is, What To Do About It**, New Delhi, 199\_.
11. Indian Association for Women's Studies and Human Rights Programme, University of Hyderabad, **National Consultation on Sexual Harassment on University Campuses**, 23-24 January, 1999.
12. National Commission for Women (Legal Unit), 'Code of Conduct for Work Place'.