



~~~~~**Breaking Barriers, Reclaiming Space**

**The Kerala State Higher Education Council (KSHEC)**

**REPORT  
OF  
THE COMMITTEE  
ON  
GENDER JUSTICE ON CAMPUSES**

**OCTOBER, 2015**

## *Silence*

*Too many women in too many countries speak the same language.*

*Of Silence.*

*My grandmother was always silent – always aggrieved*

*Only her husband had the cosmic right (or so it was said)*

*To speak and be heard.*

*They say it is different now.*

*(After all, I am always vocal and my grandmother thinks*

*I talk too much.*

*But sometimes, I wonder.*

*When a woman gives her love,*

*As most women do, generously –*

*It is accepted.*

*When a woman shares her thoughts,*

*As some women do, graciously –*

*It is allowed.*

*When a woman fights for power, as all women would like to,*

*Quietly or loudly, it is questioned.*

*And yet, there must be freedom – if we are to speak.*

*And yes, there must be power – if we are to be heard.*

*And when we have both (freedom and power)*

*Let us not be misunderstood.*

*We seek only to give words to those who cannot speak*

*(too many women in too many countries)*

*And I seek only to forget the sorrows of my grandmother's silence.*

**- AnasuyaSengupta, 1995**  
*written when she was 19 years of age*

**Amb.(Rtd.) T.P.Sreenivasan**

Vice Chairman,  
The Kerala State Higher Education Council  
Science and Technology Museum Campus  
Vikas Bhavan P.O., PMG,  
Thiruvananthapuram-695033,  
Kerala, India

Dear Ambassador Sreenivasan,

The Committee set up by the KSHEC on *Gender Justice in Campuses* has now completed its mandated task. It is my privilege on behalf of the Convener Dr. Sheena Shukkur and all the Members of the Committee to submit the Report.

The recommendations if implemented in true spirit, we believe, has the potential to engender our campuses and realize the goals of equity, access for to all sections of the Higher Education community, especially women.

The recent expansion in higher education has made campuses more demographically diverse and heterogeneous than ever before. Women are in a numerical majority in this space in the state of Kerala. However, this welcome development is yet to translate into a **substantively** equitable transformation. Gender based discrimination, overt and structural exclusions and violence on campuses inhibit its true potential.

This Report foregrounds some crucial steps that need to be taken to combat cultures of silence and impunity that sustain practices inimical to gender justice in institutions of learning in the state.

The Committee engaged in broad processes of consultations with policy makers, senior education administrators, faculty, staff and students in Open Forums and has taken on board the concerns and issues raised. We are grateful for the proactive support of the

KSHEC, your vision, encouragement and commitment, and that of Member Secretary, Dr. P Anvar at every stage of the process of the preparation of this Report.

The Committee has recommended actionable, substantive interventions in the Higher Education space. These can enable Kerala to take a decisive lead in evolving progressive practices that are mindful of the 'normative' and educative role that colleges and universities can play in transforming consciousness to combat gender based discrimination and regressive mind sets across the country.

Our deep gratitude to all the members of the university community and the NGO sector, who gave so generously of their time, expertise and wisdom to help us unravel the many layers of a complex issue. We hope that the Report will rekindle a positive discourse and lead the way for desirable change. We are particularly grateful to Dr. Jayasree, Research Officer of the KSHEC whose inputs, support and consistent enthusiasm decisively shaped the contours of this Report.

The proceedings of the Committee were greatly enhanced and energized by the spirited engagement of my colleagues who served as members. They brought rich perspectives from their deep knowledge of the issues at stake and also from the experience of consistent work 'from the field'. I am grateful for their wisdom and support. The collegiality of the team was enhanced by the rich diversity of perspectives and insights. This Report is an attempt to open up spaces for an engagement that must ever be a reflective, unfolding and aspirational *work in-progress*.

Thanking you

Sincerely



Meenakshi Gopinath

Chairperson, Committee on Gender Justice in Campuses,  
October 2015

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Vice Chairman, KSHEC

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## **Contents**

|                                                     |    |
|-----------------------------------------------------|----|
| Introduction                                        | 1  |
| SAKSHAM and After                                   | 5  |
| Critical Gender Issues on Campuses                  | 14 |
| Voices from the Ground                              | 22 |
| A Proactive Role for KSHEC to Ensure Gender Justice | 38 |
| Recommendations                                     | 44 |
| List of Annexure                                    | 51 |
| Annexure: 1                                         |    |
| Annexure: 1a                                        |    |
| Annexure: 1b                                        |    |
| Annexure: 2                                         |    |
| Annexure: 3                                         |    |
| Annexure: 4                                         |    |
| Annexure: 5                                         |    |
| Annexure: 6                                         |    |
| Annexure: 7                                         |    |
| Annexure: 8                                         |    |
| Annexure: 9                                         |    |
| Annexure: 10                                        |    |



## INTRODUCTION

Kerala with its 100 per cent literacy rates and a Gross Enrolment Ratio (GER) in Higher Education at between 21.9 and 24 per cent fares relatively well in comparison to several other states of the Indian Union. Yet it is far from being exemplar in the field of higher education, despite its positive ranking on composite Human Development Indicators, of the eight universities\* there are, at present, under the four general universities of Kannur, Calicut, Kerala and Mahatma Gandhi universities around 503 Arts and Science Colleges (182 Private Aided and 58 Government Colleges besides 263 Unaided Colleges along with 123 Private Professional Colleges and 3 Private Professional Aided Colleges. (Source: Revised KSHEC Plan submitted to MHRD, Feb. 2015)

Kerala has 29 colleges per lakh of population, and standing at the 6<sup>th</sup> position is 15<sup>th</sup> on the Gross Enrolment Ratio ranking among the states in India. A significant aspect that distinguishes Kerala, is that of equity and women's access to education. In the age group of 18-23 years, at the all India level, women are far behind men in Gross Enrolment Ratios. While the GER for women in India on the whole is 15.8 per cent, it is 22.8 per cent for men. The disparity is even starker in rural areas.

\*Kerala University (Thiruvananthapuram), Calicut University (Kozhikode), Cochin University of Science and Technology (Kochi), Mahatma Gandhi University (Kottayam), Kannur University (Kannur), Kerala Agricultural University (Thrissur), Sri Sankaracharya University of Sanskrit (Kalady) and Thunchath Ezuthachan Malayalam University (Tirur, Malappuram)

In Kerala, by contrast the female GER (22) is greater than the male GER (21.89). As the Tables below indicate, this pattern of higher GERs for women is reflected in caste wise distributions and also across urban-rural populations. the significant fact is that for minority groups in the **rural** areas GERs for women exceed that of men. (Source: P. Anvar, 'World Class State Without World Class Higher Education', Southern Book Star, 2015).

**Table - 1**

| <b>GER in Kerala Over the Years</b> |                |                |                |                |                |
|-------------------------------------|----------------|----------------|----------------|----------------|----------------|
| <b>2006-07</b>                      | <b>2007-08</b> | <b>2008-09</b> | <b>2009-10</b> | <b>2010-11</b> | <b>2011-12</b> |
| 11.82                               | 12.1           | 13.5           | 13.8           | 19.4           | 21.9           |

**Table - 2**

**Gender -Wise Details of GER in Kerala 2011-12**

|                                              | <b>Male</b> | <b>Female</b> | <b>Total</b> |
|----------------------------------------------|-------------|---------------|--------------|
| Population in the age group 18-23 (in lakhs) | 15.21       | 16.46         | 31.67        |
| Gross Enrolment (in Lakhs)                   | 3.33        | 3.61          | 6.94         |
| GER (%)                                      | 21.89       | 22            | 21.91        |

**Table – 3**

**Rural-Urban Details of GER in Kerala**

|                                              | <b>Male</b> | <b>Female</b> | <b>Total</b> |
|----------------------------------------------|-------------|---------------|--------------|
| Population in the age group 18-23 (in lakhs) | 15.12       | 16.55         | 31.67        |
| Gross Enrolment (in Lakhs)                   | 3.31        | 3.63          | 6.94         |
| Gross Enrolment Ratio (%)                    | 21.89       | 22            | 21.91        |

**Table – 4**

**Gross Enrolment Ratio**

**(Caste Wise and Urban-Rural Wise in Kerala)**

| <b>Enrolment in Percentage</b> |              |              |              |              |              |              |                |              |              |              |
|--------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|----------------|--------------|--------------|--------------|
|                                | <b>SC</b>    |              | <b>ST</b>    |              | <b>OBC</b>   |              | <b>General</b> |              | <b>Total</b> |              |
|                                | Male         | female       | Male         | female       | Male         | female       | Male           | female       | Male         | female       |
| Urban                          | 20.00        | 18.75        | 10.00        | 13.33        | 13.88        | 13.72        | 33.61          | 33.84        | 21.90        | 21.88        |
| Rural                          | 18.03        | 17.42        | 15.00        | 14.29        | 13.77        | 13.81        | 32.29          | 32.75        | 21.89        | 21.98        |
| <b>Total</b>                   | <b>18.25</b> | <b>17.57</b> | <b>14.55</b> | <b>14.17</b> | <b>13.83</b> | <b>13.76</b> | <b>32.92</b>   | <b>33.27</b> | <b>21.89</b> | <b>21.93</b> |

These statistics, encouraging as they are, mask a major paradox and contradiction of the Higher Education scenario in Kerala. Of the total number of 2.32 lakh students enrolled in the Arts and Science Colleges during 2013-14, 1.66 lakhs, namely 71.36

percent are girls. And yet, when seen through the gender lens, alongside this sizable 'presence' of women students in the HEI space, with women teachers constituting approximately 43 percent of the teaching population, there exist widespread gender based discrimination, violence and injustice. Patriarchal practices cohere and conspire to deny women legitimate and proportionate 'space', 'voice' and 'visibility' in university and college policies and practices. The highest echelons of university administration is sparsely tenanted by women, and down the line, the marginalization of their concerns and needs have led to a studied silence on gender justice in the dominant discourse of university governance. This shrinking space for women's agency, needs to be consciously retrieved and expanded, with women and men in partnership co-creating an inclusive gender just and more democratic environment, where the right to quality education can be pursued by one and all without fear or favour. The structural causes of violence and exclusion need to be urgently addressed and measures that combat cultures of impunity and silence be urgently undertaken. What is needed is not merely the quantitative increase in women's access and presence in Higher Education, but their **substantive** presence, representation and contribution.

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## SAKSHAM AND AFTER

The adoption of the **SAKSHAM** report on *Measures for Ensuring the Safety of Women and Programmes for Gender Sensitization on Campuses*, by the UGC in early 2014, along with its far reaching recommendations for Higher Education Institutions to implement measures for gender equality and equity in Universities and colleges, has received wide attention. The recommendations are based broadly on the Principles of Equality and Justice guaranteed by the constitution, including Rights to Dignity, Bodily Autonomy and Integrity enunciated in the Bill of Rights for Women in the Justice Verma Committee Report of January 2013, the Sexual Harassment at the Workplace Act 2013 and relevant Provisions of the Evidence Act (**Annexure 1,1a & 1b**)

The Report begins by noting that Gender Sensitization is required for students and for all sections of the community in Higher Education Institutions, (HEI). Furthermore, the nature of combating sexual harassment and violence in the specific context of higher learning as an **alternative redressal system** can and must be given its fullest scope. Universities are not merely workplaces but are sites where students come to learn and to be trained, and to realize their full potential as individuals. The Report provides the broad principles and guidelines that must be followed by all HEIs in combating sexual harassment and imparting gender sensitization, including confidentiality, non-coercion, fair enquiry, interim relief and so on. The larger perspective guiding such policy is to be **Educational, Preventive, Corrective** and, when **Punitive**, to carry out process is following a complaint with sensitivity, rigour and justice. The vulnerability of particular groups is foregrounded, and an

intersectional approach that acknowledges how gender is compounded by class, caste, religion, region, disability and so on, is spelt out.

The Report has recommended measures to give effect to the policy of **zero tolerance** of gender based violence on all campuses. Through highly innovative programmes including a special course on gender sensitization, and a series of shorter workshops on gender, masculinities, combating sexual harassment, and imparting legal rights, the Report offers modules that can be disseminated widely to all Higher Education institutions. The conduct of Open Forums on an ongoing basis, is another innovative mechanism recommended to achieve accountability and enlist the involvement of all members of higher education institutions in the task of imparting equality, dignity and the ability to live, work and study without fear of harassment and violence. This is urgent in the current moment where the demographic dividend of the nation is placing their faith in higher education more than ever before in India's history.

In the deliberative process of the SAKSHAM Report and during its fact finding proceedings the Kerala State Higher Education Council had organized an Open Forum of Stake Holders in HEIs in April of 2013 and also an elicitive workshop of Coordinators and students of Women Empowerment Cells in universities and colleges in February 2015.

The inputs received were an eye opener and revealed that campuses in Kerala are far from free of gender discrimination, exploitation, harassment and deep seated

prejudices against women. Despite communications from the UGC , the MHRD and state government to put in place effective measures and mechanisms to combat these, the ground situation in its universities and colleges leaves a great deal to be desired.

The State of Kerala that boasts among the highest literacy rates in the country and positive Human Development Indicators that suggest progressive advances in the social sector, sadly reflects a stark lack of sensitivity to gender issues on its campuses and institutions of Higher Education. Of particular concern is the prevalence of cultures of silence and cultures of impunity on issues of gender based violence and an alarming acceptance of misogyny legitimized in institutional and administrative arrangements within the Higher Education space.

This contradiction within a society, that has over decades even before independence, privileged education and social emancipation and today contributes a globally impactful diaspora, influential innovators and policy makers nationally and globally, indicates a regressive trend that must be stemmed. Higher Education has an urgent, vital task and an emancipatory role to play.

Both at the operational and ideational level, the participants at the workshops organized by the KSHEC in Kerala, highlighted several prevalent issues and exhorted that immediate remedial measures be put in place to stem the alarming tide of gender based discrimination, bias and prejudice on campus policies and practices (**Annexure 2**). In light of these concerns, the Kerala State Higher Education Council set up a

Committee on Gender Justice on Campuses on 2<sup>nd</sup> March 2015, with persons from the fields of academia, law, media, psychology, and NGOs to highlight the factors contributing to the present “unsatisfactory situation and recommend a set of measures to be put in place” as remedies.

The Members of the Committee comprise the following:

|                                                                                                                                                                            |                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Dr. MeenakshiGopinath</b><br>Former Principal, Lady Shri Ram College for Women, Delhi University<br>Director, Women in Security Conflict Management and Peace (WISCOMP) | <b>CHAIRPERSON</b> |
| <b>Prof. Sheena Shukkur</b><br>Pro-Vice Chancellor, MG University                                                                                                          | <b>CONVENER</b>    |
| <b>Smt. Sreelekha I.P.S</b><br>Transport Commissioner, Trivandrum                                                                                                          | <b>Member</b>      |
| <b>Smt. C. Rosakutty</b><br>Chairperson, Kerala Women’s Commission, Trivandrum                                                                                             | <b>Member</b>      |
| <b>Dr. Meerabhai</b><br>Director, Centre for Women’s Studies, CUSAT                                                                                                        | <b>Member</b>      |
| <b>Dr. Sheeba K.M.</b><br>Associate Professor, Dept. of History, SSUS, Kalady                                                                                              | <b>Member</b>      |
| <b>Smt. T. Parvathi</b><br>Psychologist, Actor, Trivandrum                                                                                                                 | <b>Member</b>      |
| <b>Smt. Ameera. V U</b><br>Assistant Professor, English, MES College Ponnani<br>State Convenor, MES womens wing                                                            | <b>Member</b>      |
| <b>Smt. Sajitha R. Shankar</b><br>Artist, Trivandrum                                                                                                                       | <b>Member</b>      |
| <b>Adv. Jaideep. G. Nair</b><br>Vanchiyur, Trivandrum                                                                                                                      | <b>Member</b>      |
| <b>Students</b>                                                                                                                                                            |                    |
| <b>Adv. FathimaThahaliya. K</b><br>LLM student Govt. Law College Trissur                                                                                                   | <b>Member</b>      |

### ***Methodology***

The Committee held a series of meetings and consultations with a wide cross section of stakeholders including Higher Education policy makers, elected representatives of teachers and student bodies, non teaching staff, Members of Women Development Cells, Members of Faculties of Women Studies, women lawyers, NGO representatives and media persons, in order to assess the nature and range of prevalent practices that are obstacles to gender justice as also mechanisms that are in place to combat gender based injustice and violence, and the manner of their functioning.

The Committee also developed a questionnaire that KSHEC put on its website and sent across to several university functionaries to elicit their responses and also to collate data from different universities and colleges (**Annexure 3**). The response to the questionnaire was lukewarm and on- the -ground information not readily forthcoming from HEI administrative personnel, and reflected the apathy at the highest levels to foreground and address issues of gender injustice. There appeared to be both **silence and denial** on the issue of gender justice.

The Committee took note of the various communications and resources that exist and also the policies in place, both nationally and at the State level, that could be drawn upon by universities and colleges to develop robust mechanisms for gender justice on their campuses. These need to be proactively placed in the public domain by the

KSHEC and other bodies that work to monitor implementation of mandated statutory requirements and best practices.

They comprise the following:

- The SAKSHAM Report available on the UGC Website that lists a series of measures that HEIs can take to advance gender sensitization and zero tolerance of gender based discrimination.
- A directive from the Secretary, UGC dated 27 January 2015 that lists the steps that all HEIs are required to take to give effect to the policy of zero tolerance on campuses for gender based violence and harassment (**Annexure 4**).
- UGC guidelines on student Entitlements and in particular Clause 5.2 that provides for protection from sexual harassment and compulsorily mandates the setting up of (gender sensitization) Committees Against Sexual Harassment as per Guidelines and norms laid down by the courts and GOI from time to time (**Annexure 5**).
- A comprehensive set of statistics and legal and constitutional provisions and judgments that can be invoked to equip HEIs to combat sexual violence and harassment on campuses and procedures to be followed both by administrative authorities and victims prepared from a security perspective by Ms. Sreelekha, IPS, Commissioner, Thiruvananthapuram. (**Annexure – 6**).

### ***Rationale***

The recent expansion in higher education has made colleges and universities more demographically diverse than ever before, with growing heterogeneity among social groups. Claims of equality, dignity and the ability to live, work and study without

fear of harassment are intrinsic ingredients of this moment and the fundamental rights of the citizens.

Women constitute 42 per cent of all students in higher education in India today with Kerala registering an impressive 71.36 per cent. At the same time this closing gender gap hides on-going inequalities and disparities among women and men, which can only be approached with an intersectional analysis that combines gender with region, class, caste, religion, ability and sexuality among others. As institutions engaged in teaching, research and the spread of knowledge, Higher Educational Institutions (HEIs) are well placed to reflect on, become sensitized to and oppose all forms of discrimination and harassment, especially sexual harassment on campuses across the country.

As more and more students access higher education in the hope of upward mobility, expanded knowledge and independent futures, the spectre of violence has tended to mar the everyday lives and aspirations of the youth. Numerous cases of sexual violence are coming to light, whether it be in metropolitan India or seemingly more backward locations. HEIs have a special role to play in combating **cultures of silence and cultures of impunity** that sustain such practices.

Gender sensitization is not a matter of students alone but is required in all colleges and universities, and for all sections of the community – students, faculty in all disciplines, support staff and administration.

Universities are not merely ‘workplaces’ where faculty and non-teaching staff are employed but are places where students come to learn and be trained for their professional careers, and to realize their full potential as individuals. It is, therefore, imperative that all students, particularly women students, are provided with a safe and dignified environment in which they are also able to achieve these goals. The goal of gender sensitization policies is to end the problem faced by students and employees through an internal system of relief that provides an effective remedy to the aggrieved complainant as quickly as possible so that she / he can continue to study and develop without further impediments. The larger perspective guiding sexual harassment policy here, is to be educational, preventive, corrective and when punitive, to carry out processes following a complaint with sensitivity, rigour and justice.

There are also specific structural contexts of HEIs that render particular groups more vulnerable in ways that are often invisible. The first of these are people with disabilities who are placed in relations of unique dependency of their basic needs, and which is open to abuse. Secondly, special mention must be made of research students who are studying and working under a supervisor. Given the singular power that such faculty can have over the future of such students, an ethics of supervision that prevents the abuse of power through sexual harassment is required. Often research undertaken in a collaborative mode, involving significant funding can also compound dependency on supervisors which is open to the abuse of power. Working in laboratories with long hours and in relatively isolated conditions requires measures that render them safe for women to work with a sense of security.

All women and some men and people of the third gender can become targets of sexual harassment and violence. Such vulnerability is compounded by other axes of discrimination and exploitation, based on class, rural location, caste, minority identity, sexuality and so on. Many of these remain invisible or stigmatized. Sensitivity must be developed to enable students in particular who are especially vulnerable to come forward and seek redressal in an atmosphere of trust.

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### **CRITICAL GENDER ISSUES ON CAMPUSES IN KERALA**

The aims of Higher Education in expanding knowledge bases and opening up new areas of knowledge through research and experimentation is widely recognized. Efforts to produce resources for development and make varied career choices possible for learners by facilitating improvement in the quality of life and promoting values of creative citizenship in an egalitarian and just manner, requires institutional arrangements that are democratic and inclusive. In this context, the recent spate of reported incidents of violence against women on campuses in a 'progressive' state like Kerala, has focused attention on disturbing trends and patterns, hitherto unacknowledged.

The proportion of women in HEIs (in both professional and non-professional programmes) in Kerala is rapidly on the increase especially in last fifty years. The proportion of women's enrolment increased in Arts and Humanities from 54.03 % to 61.05 during 1990-2003. Enrolment of women increased also in technical and professional courses during this period and the state was largely recognized as being in the forefront of 'female empowerment'. (Source: *The Kerala Development Report of the Planning Commission, Government of India, 2008, P. 275*).

The Kerala Development Report of 2008, observed a corresponding pattern in the case of teachers also with women teachers far outnumbering male teachers in arts and science subjects in 2008. Around 52.52 % of teachers in Arts and Science Colleges were women. But in technical institutions the ratio was in favour of men, with 75.73 % of teachers in polytechnics being men. In post graduate education too the enrolment of women in 2003 was 70%. Current estimates for the year 2015 from the KSHEC suggest that the proportion of permanent female teachers in universities under its purview is at 42.79%. The large number of vacancies and the delays in the appointments at the university level have conspired to keep a substantial number of qualified women out of the work force in the higher education space. This may have a long term impact of negatively skewing policies of gender equity and justice on campuses. Women are invariably the rank holders in most university examinations, however, their employment trajectories do not reflect this promise. Their achievements in the long run, tend to get substantively marginalized.

In addition, there is a woeful lack of attention paid to gender sensitive measures. Imagining **Gender Justice** involves a wide range of measures for correcting gender imbalances beginning from educational policies, institutional systems and everyday practices. It is grossly inadequate to merely address gender based violence. Championing gender justice would inevitably involve questioning patriarchal power relations and moving beyond status quoist approaches.

The history of women's education in Kerala is replete with examples of the tireless efforts of numerous reformers and visionaries since the early twentieth century, and the personal struggles of women and men that ensured that education for women was firmly entrenched as a right in the state. This had involved radical breaks with the conservative

elements and had called for tremendous efforts and personal sacrifices. However, the nature/scope of education, initially envisaged for women, was limited to learning the three Rs (reading, writing and arithmetic) and was imagined as complementary to domesticity. Some vestiges of this **perception** of the purpose and goal of education for women, remain and impact on women's presence in HE even today.

In the post- independence period, there was a marked increase in the number of women accessing education and drop-out rates decreased in the primary sector of education. This led to a significant presence of women in employment. HE, however, still remained unable to retain women proportionate to the rate of their admissions in schools. Gendered dimensions of access to and availability of education were crucial factors. Unequal allocation of resources for education between sons and daughters in the family are a bleak reality. The stereotype of ensuring cash reserves with the intention of marrying off daughters while saving for the son's education seems a refrain even in advertisements for Government financial institutions like KSFE. Attitudes, practices and custom tend to restrict access to higher education for women beyond graduation to **professional** courses. Women's professional aspirations continued to be viewed as subservient to domesticity. This attitude deeply impinges upon women's presence in **research**.

The proportion of women entering gainful employment compared to those who have accessed Higher Education is low and further reveals the restrictions on women to make career choices despite being educated. From a presence of 71.36% in Higher Education, the work force accounts for approximately 24%. Women engaged in professions within Higher Education, both as teachers and administrative personnel

confront critical gender issues not very dissimilar to those experienced by students and research scholars. Lack of infrastructure in terms of toilets and resting rooms, lack of women friendly spaces in offices, absence of a clear policy on sexual harassment and consequent hostility in dealing with cases of violence are often experiences that women employees in Higher education institutions have to live with.

### ***Curriculum and Syllabi***

The choice of subjects for study are apparently neutral and merit /skill/ aspiration oriented but is in reality, gendered. Existing stereotypes on what is 'suitable' for men and women is rarely recognized as a social construct but is, rather, assumed to be a matter of biological choice. Science and laboratory oriented subjects, requiring long hours of lab presence (and therefore absence in the home) are generally discouraged for women who are seen as solely responsible for everyday domestic chores. No **special** measures are adopted to ensure safety and accessibility for women in laboratories. In Professional Programmes (Civil and Mechanical Engineering, Orthopedics, General Surgery, etc.), gender segregation of choice of subjects is acute. Both social attitudes and insufficient physical infrastructure cause this problem of women's exclusion from some domains of HEIs to persist. Yet women in Kerala have valiantly entered science domains at the post graduate levels in higher numbers than in many other parts of the country. Their performance suggests that correct and timely incentives provided to them can yield exceptionally high dividends in their outcomes.

### ***Learning Experiences***

The processes of teaching and learning, more often than not, provide predominantly gender-stereotyped learning experiences. Programmes are often not self-reflexive of their own gender biases while critical modules on Gender are rarely present in the lessons taught. The Programmes are unable to equip students to challenge patriarchal mores and, as a result, both men and women are rendered incapable of questioning the power relations in their own lives and outside. Viewed in this sense, **Higher Education falls short of delivering on the goal of social transformation and equity.**

### ***Institutional Environment***

Organizational structures within the HE environment in Kerala tend to perpetuate the idea of gender segregation as good practice for social health. Separate seating arrangements for men and women are the norm and widely and formally legitimized. This prevents possibilities for healthy interactions and mutual respect between the sexes which is a pre-requisite for both equality and harmony in workplaces. Such arrangements become incongruent with changing life situations of the new generation whose social spaces for virtual or public interaction are on the increase. Harsh disciplining, without compassion or understanding, for breaking these “gendered” rules indicates insensitivity to the needs of the generation. Violent hierarchies also persist in teacher-student relationships that ultimately perpetuate messages of power and control. Consequently the social lessons that are learnt are largely status quoist.

Physical spaces within campuses prevent mobility for women. There is invariably a lack of adequate lighting or provision for security. Security personnel often mistake their responsibilities to be that of surveillance on the movements of men and women rather than providing them a fear free environment to move freely on the campus. Avenues for healthy interactions among male and female members are also very rare, and often curtailed or officially proscribed.

Institutions are run in **apparently gender neutral** ways but with negative consequences for women. What is needed is a more proactive approach that takes on board the specific needs of women on campuses. A democratic environment that ensures equity and women friendly public spaces on the campus is largely felt as a crying need. In addition the highly unsanitary conditions of women's toilets and lack of access to public health amenities create further spaces of exclusion. Infrastructural inadequacies affect women in specific and more extreme ways.

### ***Hostels***

In place of simply facilitating safe and healthy accommodation, hostels become tyrannical spaces for acting out patriarchal control on women. In most Universities and Colleges in Kerala, while men's hostels are subject to a no-rule policy, the time for entry in women's hostels is fixed to before six or six - thirty in the evening. Any occasion of inability to conform to this rule requires women in several institutions, to obtain permission from the Principal or Registrar. Even discussions on extending library timings into the night hinge on the anxiety of having to extend women's hostel timings as well. This perspective of caging women is a far cry from motivating

women to grow maturely to take charge of their lives. The UGC's *Saksham* Report takes particular note of such "infantilizing" tendencies where institutions replicate acts of community control over women. The different timings assigned for men's and women's hostels turn out to be explicit acts of surveillance in a context where the 'morality' of women become a matter of constant attention. Insistence on early return into the hostels seriously affect the academic prospects of female students. The agitation, in summer of 2015, named 'Break the Curfew' by the women scholars of the Thiruvananthapuram Government Engineering College highlighted the distressing fact that women had to limit their choice of research to suit hostel timings which led them to lag behind in academic performance. The mobilization, sadly, has not yielded any positive results for women pointing to the half hearted measures for effective inclusion of women in Higher Education. Moral surveillance and scrutiny of women employees, residing in hostels, and invasion into their privacy especially from security personnel has been reported as a widely prevalent phenomenon in the context of HEIs in Kerala.

### ***Everyday Institutional Practices***

In several colleges existing conventions tend to reinforce undemocratic and regressive practices. Insistence on dress codes for women are often justified on the grounds that they are necessitated by the requirements of women's safety. Low level of women's interactions in public forums and discussions within campuses, especially so, in co-education campuses points to a consistent retreat from the public sphere. Classrooms witness gendered assignment of tasks, and learning expectations from

men and women scholars by the teachers are discriminatory .**This enforces and perpetuates gender imbalances.** The abuse of the internal marking system to elicit conformity and compliance of women is widely acknowledged.

### ***Perspectives on Efficiency and Output***

Efficiency and output, especially in research, is born out of male standards of evaluation. Treating men and women on the same footing emerges as a problem particularly when social expectations from women in terms of marriage and motherhood are very high and demanding. That women face a great many more obstacles in the pursuit of research- in terms of social mobility, lack of resources or even sexual harassment- goes unaccounted and has caused high dropout rates at the penultimate stages of the doctoral programme for women. .

### ***Dealing with Violence***

HEIs in Kerala lack properly constituted **Committees against Sexual Harassment** with clear guidelines on constitution, procedures and methods of functions neither has a clear **Policy on Sexual Harassment** been adopted by statutory bodies, this has mandated by the UGC. This has had a devastating effect on women students, research scholars, teachers as well as administrative personnel of educational institutions. Lack of orientation to deal with such cases often lead to blaming the victim, further victimization or abandoning her without adequate physical or emotional support. Post- complaint trauma, in the absence of support or counselling facilities, are common in women who have dared to file complaints. Lack of awareness about what constitutes sexual violence, social remedies for tackling it and awareness of legal safeguards remain a depressing reality on campuses. The

absence of campus community support against issues of sexual violence and the inability/unwillingness of the administrators to tackle these issues(since it is not mandatory as per their Statutes) lead to half -hearted, responses and little remedial action.

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## VOICES FROM THE GROUND

### Details of Feedback from stakeholders

These drawbacks cut across most HEIs as do the perspectives and mind sets that endow prevalent practices with legitimacy. In addition, the detailed and institution specific feedback received from students, teachers, gender experts, NGO activists and media persons (**Annexure – 7**) underscored the institutional and conventional practices that are embedded in the quotidian, everyday experiences of those who seek the transformatory potential in education and look to the teaching learning context as an opportunity for social mobility, careers and expansion of their knowledge base.

The feedback brought to the fore several aspects of concern both at the micro and macro level of the functioning of HEIs that negatively impact gender justice. Startling facts came to light, and were corroborated, pointing to a general malaise and insouciance and administrative indifference to the pressing issues of gender justice. Listed below in some detail are the concerns raised, and in attempting to capture these voices with authenticity, care has been taken to reflect fidelity to the

resonance and nuance that was conveyed especially since the Open Forum Methodology was adopted by the Committee to faithfully 'listen' and get a first-hand input from the ground.

They fall into broadly **seven** categories and reflect the opinions and perspectives of the participants at the several feedback sessions, and are based on first person accounts corroborated by the group.

- **Attitudes and practices** that have become institutionally 'accepted' and in some cases legitimized thereby reinforcing cultures of impunity and silence.
- Nature and prevalence of different **forms of harassment** on and off campuses that impact students, teachers and staff adversely.
- Lack of robust, **grievance redressal mechanisms** and where they exist, a lack of transparency on their role, functioning and constitution.
- Lack of clarity on the role and functions of **Women Development Cells**. Underperformance of WDCs.
- Lack of **support systems** like counselling, scholarships etc for women and hostel and residential facilities, and lack of information on where to access them.
- Lack of **Infrastructural facilities** and other amenities that cohere to impede gender justice.
- Lack of adequate and **appropriate training and academic programmes** necessary to change mind sets, raise awareness of rights (legal and constitutional) and mainstream gender sensitization into the everyday rhythm of university and college life.

- *Attitudes and Practice*

- Following the Nirbhaya case in December 16, 2012, a series of discussions, workshops and similar activities were organized in Kerala and on HEI campuses to create awareness on gender discrimination, women's empowerment, women's rights and sexual harassment. Campuses were identified as places to train and empower women and effect a transformation. Yet the real situation is in stark contrast to what was intended. Several Kerala campuses, reflect in their practices, attitudes and mind sets that stand in contradiction to its image as a progressive state that accords to education, mobility and the empowerment of women high priority in its planning and implementation initiatives.
- Students rarely complain to teachers about problems and harassment faced, owing to a trust deficit. They do not expect teachers to take a supportive stance unmediated by political party interests or other pressures.
- There are instances of teachers' involvement in harassing students or their complicity through suppressing or erasing complaints or blaming the victims. Research scholars are particularly vulnerable to sexual harassment from their supervisors.
- Since NAAC accreditation is a matter of serious concern, instances and complaints of sexual harassment are invariably hushed up.
- Female teachers experience the resistance of male colleagues to reflect upon gender as part of the curriculum or include it in orientation programmes or refresher courses.
- Teachers conceded that often internal marks are misused to impose discipline and curb freedoms of students.
- Male teachers complained that they are unable to correct students for fear of sexual harassment charges levelled against them as vengeance or to disgrace them.
- Women teachers and female staff felt strong discrimination, on account of gender, expressed concern over pervasive sexual division of labour

and also insidious attempts by male colleagues and the administration to engage in obstructionist policies and procedures to prevent them from playing leadership roles.

- Attention was drawn to the miniscule number of women who occupy the upper echelons of the university hierarchy, despite the fact that 72% of those who are in the Higher Education space today in Kerala are women – pointing to high levels of misogyny and exclusion.
- Teachers are hesitant to raise issues regarding gender discrimination with the management or administration for fear of arbitrary transfers.
- Women faculty invariably lack the self-confidence to take a pro-active lead on gender, for fear of isolation or recrimination from peers and seniors.
- Young women faculty who have been subjected to harassment have chosen to remain silent by and large or opt out of the professional context or withdraw.
- Cultures of **protectionism**, surveillance and moral policing are being fostered and reinforced against women in particular. The politics of “surveillance” invariably is used as a modus operandi to “curtail autonomy and control women’s sexuality”. Notions of dignity and bodily integrity within the discourse of rights for women seldom enters the frame.
- The cases of girls who go “missing” get little attention or are invisibilised. The causes for such occurrences are never truly investigated with empathy or concern from the perspective of access or equity.
- *Forms of Harassment*
  - In case of ‘ragging’ which very often are instances of sexual harassment attempts at ‘settlement’ and suppression are most common. An instance was cited where the principal called an “all party meeting” of representatives to settle the matter against the prevalent laws and mandated procedures.
  - Male students often harass girls (and at times even young female teachers) verbally and these are often passed off as innocuous or

playful 'eve teasing' that 'respectable' girls must learn to ignore or deftly circumvent.

- There is harassment through verbal abuse, physical abuse, sexually coloured jokes, threats, coercion and in some instances flashing and stalking. Buses and public transportation become major context for harassment through persistent stalking, messaging and also pornographic literature. The virtual and internet space is used to further humiliate and target peers and young women teachers.
- Peer harassment and also in some cases intimate partner harassment (post-facto) and subsequent stigma has led to cases of suicides on campuses that have been hushed up.
- *Quid-pro-quo* sexual Harassment by teachers and professional seniors in return for favours and in some cases enhancing **internal assessment** marks exists.
- An exponential increase in harassment of women **research scholars** by guides or research supervisors. These can take the form of excessive repression and control or even quid pro quo harassment.
- The **Internal marks** are consistently used as a tool of coercion and control and to elicit compliance of students by teachers.
- Teachers are often moralistic and insist on segregation of men and women. They are known to object to mixed interactions threatening those (mostly women) who interact freely, with fines or the prospect of low **internal marks**, this practice being more acute in Private Management Colleges. The **internal marks** system is seen by many teachers and students as systematically being used as a new tool to oppress students and exact subservience.
- Teachers openly discriminate between male and female students regarding the stringency on the application of rules in assignments, presentations and attendance. While male students are given much greater latitude, the parents (usually the father) of recalcitrant or underperforming women students are called in to chastise them. **This is despite them being above 18 years of age and eligible to vote.**

- Teachers openly discourage female students from accessing public spaces and from participating in public programmes on campus especially in the evenings. With an insistence on good behavior, there are compelling attempts to domesticate women into gendered frames of social living.
- Far from being democratic, inclusive and expansive spaces, campuses in Kerala are tending to become restrictive and confining and increasingly surveillance oriented.
- Most colleges insist that girl students be in 'rest rooms' which are made for them and frown upon them 'roaming around' in open spaces on the campus even during their free time. Boys are allowed full access to **all** campus spaces, whereas girls are not allowed to be 'seen' around.
- The so called co-educational institutions are the most stringently **segregated** spaces. There seems to be a new kind of apartheid at work.
- Separate staircases, lifts, recreation areas, separate seats for girls in canteens and classrooms have become a regular feature.
- Surveillance cameras are kept on campuses without the knowledge of the community and are often accessed for voyeuristic purposes.
- Students are not allowed in many instances to carry mobile phones to colleges despite concerns of safety and in hostels these are to be deposited with wardens. Fines are freely imposed for 'improper conduct'.
- There are separate and discriminatory timings for women students in terms of their presence on campus.
- Curfew hours for women in paying guest accommodation and discriminatory hostel timings are creating huge resentments, as in the rest of India and more so in Kerala, since the discrimination seems more brazen, blatant and stringent.
- Hostels are experienced as prisons where students are treated as "inmates" that lack agency and autonomy. Fines are imposed for carrying mobiles, and incoming calls on land lines kept under close scrutiny. The right to privacy and integrity is not comprehended.

- Women's hostels both on and off campus are the most regressive of spaces.
- At present a number of Women's Studies Units tend to be conservative in the extreme, exclude men and focus on disciplining women.
- Hostel facilities rules and practices tend to infantilize and isolate women.
- Separate entrances and exits and also separate timings for entry and exit for male and female students lead to further isolation and segregation.
- Action against smoking is specially targeted against women not men.
- Dress codes impose control mainly over women and reinforce the notion that when violence occurs against women, it is usually triggered by their own behavior or attire.
- Transport to and from campuses are invariably the sites where both violence, harassment and humiliation against women is prevalent and imposes great strain on their dignity and bodily integrity. Discriminatory practices in access to transportation facilities have caused serious risk to the life and safety of women students by often being thrown off from crowded buses.
- Access and Equity, being continuously precarious for women results in a number of dropouts and discontinuation of women from programs in Higher Education.
- Rules for the duration of completion of PhDs and research work often lead to pregnant women or young mothers not being able to return to the stream, since rules for maternity or child care leave during research do not take exigencies on board. Discontinuation of research is often a result of a lack of gender sensitive arrangements.
- Very often the threat of the non-completion or non-passing held out by supervisors to women doctoral students lead to extreme forms of submission to continued sexual harassment and silence out of the fear of forcibly having to discontinue the project/degree.

- Where the harassment becomes unbearable women scholars usually prefer to exit the program rather than take remedial action for fear of being stigmatized by peers and the HEI community.
- Stigmatization and isolation invariably follows those who do have the courage to seek remedial action against harassment and leads very often to emotional crises, retraction of the complaint or overt pressure from the authorities to withdraw the complaint and blame the victim for adversely affecting the “reputation” of the department or institute concerned.
- The lack of counselling or other support services, further exacerbates the situation and with the perpetrator seldom brought to book, cultures of impunity get further entrenched. Large sections of the HEI community (including some women) become complicit in the punishment and ostracism that a victim faces.
- Where the ban on political parties, agitational activities and strikes has proved positive, the shrinking of spaces for dialogue and peaceful protest has meant that issues of harassment and gender, have seldom received the attention and focus they deserve. These issues have tended to get marginalized in the accepted frames of democratic discourse on campuses.
- *Unavailability of Statutory Grievance, Redressal Mechanisms*
  - Universities are yet to adopt policies on the prevention of sexual harassment on campuses or included them in their statutes and ordinances.
  - There is a lack of awareness on the legal remedies and procedures that are available for women to combat gender injustice. Even the broad protections available under the Sexual Harassment Act 2013 are not available to students, faculty and staff on campuses.
  - Internal Complaints Committees in accordance with the requirements of SH Act have not been constituted.

- Grievance Cells and Anti-Ragging Cells double up as Anti-Sexual Harassment Committees with neither the expertise nor knowledge of statutory and legal processes.
- While Panchayats have *Stree Suraksha Programmes*, campuses do not have any systems in place to ensure women's safety and security.
- Often the security guards themselves become sources of insecurity and are overbearing and rude. There is a woeful lack of trained or gender sensitized security guards or women guards
- Complainant and witness protection mechanisms do not exist.
- No enough funds are allotted for gender sensitization mechanisms and programs or to develop personnel trained in procedural and prevention structures. There is an over reliance on punitive and control mechanisms that are neither transparent nor effective in combatting gender based violence at a systemic level.
- The poor representation of women in statutory bodies of the university ensures that priority for gender issues receives short shrift.
- Helplines for women are available only on social media sites and not accessible otherwise.
- Women's Cells, where they do exist, do not carry out their primary responsibilities of providing redress of complaints or of ensuring an atmosphere free of sexual harassment.
- Where Internal Complaints Committees (ICCs) or the equivalent of GSCASH (Gender Sensitization Committee Against Sexual Harassment) exist even in embryo, the name and contact information of the personnel are not displayed or easily available to the campus community. This has to be available and displayed prominently on notice Boards/ Websites of HEIs as per the Sexual Harassment Act of 2013 and even as per the *Visakha Guidelines* compliance sent by the UGC in 2004.

- *Women's (Development) Cells*
  - There is lack of clarity in the role and functioning of WDCs.
  - On some campuses, the women's wings of student organizations perform the functions of WDCs.
  - Their original function as an awareness raising and empowerment support system, providing an interface with professional counselors, organizing study circles and activities around gender issues has been eclipsed.
  - WDCs themselves do not have a clear orientation about their roles and responsibilities.
  - There is a shortage of fund availability and clear budget heads for expenditure have not been evolved. With the result that Women's Cells are languishing.
  - The major activity focus on most campuses is the celebration of International Women's Day on March 8<sup>th</sup> every year. This has become a ritualistic exercise, with usually moralizing sermons being delivered by celebrities or cultural programmes of dancing and film songs etc. **Male students** are excluded from these functions, further reinforcing the message of segregation. The real intent of dialogue, and discussion and sensitization and building awareness around gender issues is lost or submerged.
  - No yearly calendar for sustained activities is worked out nor has any systematic training being given to those who are invested with the responsibilities of running the Women's Cells.
  - Coordinators for Women's Cells are often randomly selected with little or no training, inclination or even understanding of gender issues.
  - They take up these responsibilities as an additional non-remunerative task over and above academic or co-curricular responsibilities and are consequently too stretched to give this task the priority it deserves.
  - There is an urgent need to reorient and revitalize Women's Cells and recast and renamed as Gender Sensitization and Awareness Cells. Such a change in nomenclature will render conceptually more inclusive and also enlist the membership of men, trans-genders along with women.

Women cells must not become spaces for sex wars or male bashing or stereotypes.

- It is imperative to have men on board. Cells must be more inclusive. A great many problems revolve around warped notions of masculinity and these are never addressed.
- Often Seminars, workshops and activities are hurriedly organized at the end of the year to exhaust the meagre funds that were left, without proper thought or budgeting.
- The constitution of these cells are seen as highly problematic and “people who constitute them are invariably those in power who foster sycophancies.” There was a comment that very often these comprise “men in women’s clothing.”
- At times the activities of the cells are high jacked by dominant and domineering political factions that display intolerance to alternative opinions and exclude opposing groups from participation or use tactics of intimidation to mobilize support.
- *Lack of Support Systems*
  - Equal opportunity cells have not been proactively engaging with women with disability. These groups are doubly disadvantaged and need special attention.
  - Trans-genders are often isolated stigmatized or victimized on campus and have few avenues of redressal against violence.
  - Adequate and proficient counselling services are mostly unavailable.
  - Medical Assistance and Gender sensitive doctors and nurses are a crying need. Mental health professionals are not available for students and staff.
  - Security staff are far from supportive and only increase insecurities.
  - Travelling to and from campus is often a humiliating and stressful experience for young women. Some kind of security arrangement with more transport facilities are needed.

- Teachers are often perpetrators of prejudice against non-conforming students. This leads to isolation, alienation and often self-inflicted violence and in some cases, anti-social behavior.
- Gymnasia, sports, recreation and health club facilities are not easily available to women and girls. This has serious repercussions on inclusivity and functionality.
- Female students are often actively discouraged by staff and administration from participating in field trips, excursions or study tours.
- *Lack of Infrastructural facilities and other Amenities*
  - The lack of adequate infrastructure and amenities is a glaring reality on most campuses. In the *gendered spaces* of colleges and universities, this particularly impacts women negatively making access to a conducive and supportive environment for quality education far removed from the expectation of students and faculty.
  - It is not difficult to make the case that squalor, disorder and lack of cleanliness on campuses sends deeper signals about the acceptance of tardiness and slovenliness in all aspects of community endeavour and behaviour. Aesthetic thresholds apart, it becomes difficult to instill a sense of ownership and participation in the various constituencies of the HEIs for the intellectual academic and physical spaces that they inhabit.
  - Toilets are filthy and seldom cleaned with little or no clean running water. Very often women's toilets are dark and dingy and hazardous to both health and safety.
  - Campus lighting is inadequate and access to libraries and laboratories consequently restrictive for women.
  - Library and Hostels timings continue to be discriminatory in the extreme.
  - Hostels are closed during vacations making it difficult for women students to find affordable safe accommodation away from home during breaks.

- The grave paucity of Hostels have tended to undermine mobility to girl students especially from rural and disadvantaged backgrounds and often denied them access to the preferred courses in HEIs in other parts of the state.
- Clean food, safe hostels, clean toilets, water and electricity are basic needs that are denied. There are instances when women students have had to take recourse to using the classroom space for something as intimate as changing sanitary napkins owing to lack of facilities in toilets.
- In place of the provision of safety and basic amenities, expensive technology and surveillance systems are seen as the panacea.
- Hostels have turned out to be extremely regressive and repressive spaces for women and the 'Break the Curfew' agitation is only the tip of the iceberg of resentment.
- The lack of adequate transportation facilities in some areas make it impossible for women students to participate in the extra and co-curricular activities that are so integral to the learning process.
- Women are denied equal access to sports facilities, recreation and health. Women's sports are not wholeheartedly supported on campuses, even though the state itself is investing in improving women's sports.
- Crèches and day care centre are not available on campuses for working mothers. HEIs should set examples for other work places in this regard.
- *Paucity of robust Academic and Training Programs for Gender Sensitization.*
  - There are not enough funds allocated for Gender Sensitization programmes, in the teaching learning process, to mainstream gender issues across curricula.
  - The attitude of those in authority towards inclusion of Gender modules is not always positive. Adequate and interesting reading material needs to be made available to transact such courses on campuses.

- Orientation and refresher courses for the faculty need to reflect greater gender sensitization in all its modules.
- HEIs need to introduce a compulsory foundation course on Gender Studies.
- Gender Sensitization Programs are currently focused on the student population. The lack of training programs for all levels of the administrative hierarchy of HEIs has resulted in the legitimacy of misogynistic practices.
- The attitude of teachers towards gender justice perspectives and attitudes leaves a great deal to be desired. Special training programs are required for them and for all university and college personnel.
- Current practices where internal academic marking is skewed towards harassment and control and disciplining women, are extremely retrogressive.
- At present, even in places where counselling for students and faculty is available, it is not conducted in a gender sensitive manner. There is an urgent need for training and guidelines on such counselling across HEIs.
- Career counselling and vocational guidance **especially for women**, are not easily accessible. Current statistics point to the fact that while the higher education population constitute nearly **71.36% women**, **only 24% reach the workforce**. It is important to assess why this gap occurs.
- The issues confronting **people with alternative sexuality** like trans-genders etc. are never addressed in curricula or training.
- There is currently little attempt to interrogate patriarchal norms of **masculinity**, and the hierarchies of dominance and control in the family community and society.
- As spaces for democratic dialogue and dissent are foreclosed, HEIs become gentle panopticons, and the link between classroom and social responsibility and creative citizenship is snapped.

- HEIs, do not adequately use the rich cultural space and the idiom of performative and visual arts to send progressive messages on gender equality.
- The virtual space and networking sites have today become spaces where the worst kinds of anti-women messaging, harassment and personal targeting is being unleashed, both against peers and others. HEIs seem both unwilling and unable to invoke the cyber-crimes protocols in a proactive way.
- Equality, citizenship and the constitutional mandate of gender justice rarely enters the discourse in classrooms.
- Gender awareness and equality are framed as “extra” programs outside the formal classroom space and not sought to be mainstreaming as **integral** to the curriculum. Women’s Studies Centres and Departments of Gender studies need to do much more to arrest ghettoization and project their initiatives as applicable both to men and women who co-create a just and inclusive society.

Affirmative action for women (even positive discrimination) ensuring equity should be favoured in the place of gender-neutral ‘equality’. Women, in this context, should not be viewed as uniform and homogenous groups. Multi-cultural sites of oppression, viz., caste, religious faith, sexual orientation, *adivasi* identity, age, physical or mental challenges, etc. should be duly accounted for while providing solutions for gender oppression. It is also not enough to simply tackle violence without addressing and engaging with the larger undercurrents of patriarchy that cause this violence. The ideology that has its bearing on curriculum and syllabi, learning experiences, perspectives on efficiency and output, institutional environment and their everyday practices, functioning of hostels, etc. has to be challenged. Education that is incapable of changing power relations in life does not hold transformatory potential for women. Else women may get symbolically empowered – educated, employed and even perform

informal leadership roles - but will continue to be circumscribed by restrictions and controls in public and private spaces and in their personal and professional lives from making informed choices.

### Gender Justice: A Snapshot

**Problem: Gender Unfair practices**

**Solution:** Gender sensitization programmes on campus involving faculty students and non-teaching staff

**Problem:** Harassment through verbal abuse, physical abuse, sexually coloured jokes, use of pornographic material, threats, coercion, flashing and other abuses

**Solution:** raising awareness on women's rights through programmes on women-specific issues through legal awareness camps for both men and women

**Problem: Insensitive behavior towards women staff and students**

**Solution:** Screening of films popular or otherwise followed by highlighting the problem and discussing solutions. Both men and women should be involved in the whole process.

**Problem: Excess display of masculinity and Moral policing**

**Solution:** Awareness raising through workshops, training sessions. The programmes should be made compulsory (or made more inviting) for everybody (Students, faculty, non-teaching staff and everybody else)  
Modules to be prepared for different levels- faculty, students, other staff  
Men and women should be involved.

**Problem: Women's safety on campuses**

**Solution:** Sexual Harassment Prevention Committee should function on all campuses  
All Campuses made women friendly with women not being restricted to specific areas. Dark areas on campus lit up.  
Gender friendly pals or ambassadors to be available at many points on campuses to ensure safety without moral policing

**Problem: Women's Health Issues**

**Solution:** Regular cleaning of toilets  
Centrally located toilets  
Easy availability of sanitary napkins. Classes on health and hygiene

*Courtesy:- Dr.V T Usha, Associate Professor and Head, Centre for Women Studies, Pondicherry University .*

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We may also note the observation made by Dr. Kochurani Abraham in her research on “Gender and Education: A critical Enquiry into the Gender Perceptions of Higher Secondary Level Youth of Kottayam District, Kerala”, that:

- Gender identity construction is a major issue which is sustained by gender –coded beliefs and practices. Family Atmosphere, Parental attitudes, teacher’s outlook on gender issues, peer influence, media and religion are some of the significant mediators of gendered behavior. The present educational system does not address the issue of gender socialization.
- The increased use of mobile phones and social media networks has become a regular practice for adolescents. Hidden use and mis-use of social media is leading very many young people into serious trouble particularly involving sexual abuse and exploitation. Students need formation about taking a critical approach to media so that they can make a healthy use of it and be not trapped by it.
- Religion also plays a major role in the construction of gender identity which is central to the establishment of gender hierarchies and to the consequent social relations of inequality. Teachers are generally silent on these matters and do not take a critical attitude towards its influence in the shaping of gender.

These trends are true to Higher Secondary Educational institutions and are seen demonstrated in HEIs as well.

## **A PROACTIVE ROLE FOR KSHEC TO ENSURE GENDER JUSTICE ON CAMPUSES**

The Kerala State Higher Education Council (KSHEC) being the nodal body to ensure compliance on maintaining and engendering best practices on campuses to subserve the goal of Gender Justice, will need to take proactive measures to stem the alarming rise of retrogressive practices and instances of harassment against women.

In the context of the deliberations around the *Gender Equality and Women's Empowerment Report* of the Government of Kerala in April 2015, all Government Departments may be now mandated to prepare and submit a *Gender Action Plan*.

The KSHEC may in light of the above, attempt to develop a Policy Results Framework and set new benchmarks for action both within its own organization and assist HEIs to fulfil a proactive mandate towards zero tolerance of gender based violence, harassment and injustice. A proposed framework is at **Annexure-9**

As an immediate measure, the KSHEC needs to ensure compliance on UGC directions that require universities to adopt and enshrine in its statutes a clearly enunciated policy and position against sexual harassment. Such a policy, in compliance with the Sexual Harassment of Women at the Workplace Act 2013, must be prominently displayed on their website and broadly disseminated through brochures, prospectuses and its other information materials and pamphlets etc. The KSHEC must ensure that this step is taken across all campuses in the state.

KSHEC may set up a gender sensitization unit within its office to act as a nodal division to give effect to the policy of zero tolerance of gender based violence on campuses of colleges and universities. The unit may be mandated and funded to:

1. Assist and support universities and colleges to meet mandatory requirements to end gender based violence and harassment including provisions for the safety of students and employees on campuses.

2. Provide ongoing assistance and oversight for the functioning of the Complaints Committees against Sexual Harassment on Campuses and also to monitor their compliance with the requirements of the Sexual Harassment Act of 2013.
3. Produce materials for courses and workshops on issues pertaining to gender sensitization, sexual harassment and **legal literacy** with the help of recognized experts in the field and make these available to all constituent universities and colleges.
4. A KSHEC handbook with directives, guidelines, course and workshop materials may be prepared to ensure that regular training programmes including workshops and short term courses on gender sensitization become an on-going activity within both the curricular and co-curricular spaces.
5. KSHEC may fund the preparation of a manual for legal literacy for women that includes information on progressive and gender just legislation (eg. Domestic Violence, equal and minimum wage, succession and property rights) and the rights that accrue therein. Familiarity with proper police procedures and the various acts in this regard pertaining to the state practices would prove most useful.
6. Provide information on research work, publications and lecture material with regular updates. A website and on line courses may also developed by the unit.
7. Maintain an updated directory of experts and trainers with detailed coordinates for dissemination to HEIs.
8. Ensure that all Higher Education institutions especially those under 12(f) and 12 (b) submit an annual Gender Audit of their campuses to the KSHEC. The modalities and specifics of the audit (including format for submission) may be detailed by the Unit in consultation with experts, teachers, students and

members of civil society. This should be a requirement along the lines of Annual Submission of Accounts. The unit may also be responsible for maintaining a log of complaints and the redress processes adopted by universities in response to complaints.

9. The KSHEC must initiate and fund research to develop and collate a statistically verifiable data base with gender disaggregated data on issues of gender justice on campuses. These should ideally include accurate figures on percentage of female faculty and staff on campuses, allocations for different programs, patterns of recruitment to ensure inclusivity, dropout rates, with reasons for the same, instances of gender based violence, remedial or punitive action taken and so on. At present this data is scattered and difficult to access from verifiable sources. A regular updated data base will go a long way to help assess trends and initiate policy where required.
10. The KSHEC must proactively work to reinvigorate the languishing Women's Cells in colleges. It must effectively liaise and collaborate with the KSWDC on this.

**The Women's Cell**, an initiative by the Kerala State Women's Development Corporation (KSWDC), aims to enhance the understanding of women related issues and to ensure that the college campus is a safe and productive environment for women. The cell aims at making women aware of their rights and duties while also providing a platform for women to share experiences and views on gender inequalities and suggest ways to empower themselves. The KSWDC has already begun to work closely with colleges to help revamp the women cells in colleges by providing training and financial support to make them effective nodal centres of empowerment on campuses.

The new mandate and revamp plan and terms of engagement are expanded at **Annexure - 8**. All HEIs may be encouraged to proactively engage with the

KSWDC to revitalize the functioning of Women's Cell on campuses to help reignite their original mandate with clarity, focus and efficacy.

11. It is imperative that all programs of the KSHEC on gender justice include men and do not ghettoize this as a women's only issue. Women and men need to be made EQUAL stakeholders in any project of engendering HEIs.
12. Provide legal advice and guidance to HEIs that is in consonance with the larger policy framework of non-discrimination that recognizes that gender based violence often gets exacerbated at the intersections of the multiple fault lines of caste, class, religion and disability.
13. KSHEC, can identify HEIs that have established best practices on Gender Justice and both incentivize them to set them up as model institutions for further expanding these activities. Similarly Model Women's Cells may also be identified and incentivized.
14. Coordinate Open Forums in the state whether on a University or District basis or any other basis for on-going sharing and accountability among HEIs on issues pertaining to gender sensitization and sexual harassment.
15. Process applications for grants by HEIs to run gender sensitization programmes such as courses, workshops, etc. and make allocations therein. Also recommend funding for expanding gender biased research to buttress work of Women's Study Centres and Gender Training Centres in HEIs. These are currently languishing for lack of funds and qualified personnel.
16. The KSHEC Unit, should comprise trained dedicated personnel for its effective functioning. It may have a Steering Committee to advise and give overall policy direction for its day to day activities comprising academics, NGO practitioners, lawyers and senior education administrators. This group must have both men and women members.
17. **Regulatory Aspects:** KSHEC must in its assessment and accreditation procedures build in an essential gender audit component as part of the evaluation process for HEIs, and for allocating grants under RUSA.

18. **Provision for helpline:** A helpline for sexual harassment be provided at the KSHEC for access by students in addition to the anti-ragging helpline.
19. As the requisite legal knowledge (regarding compliance with the Sexual Harassment Act 2013 and the Criminal law Amendment Act) is not easily available at the college/university level in general and the Internal Complaints Committees in particular, the KSHEC unit may constitute a standing committee comprising lawyers and academics with expertise in the area of law, as well as university administrators to advise the ICCs with regard to the procedure and rules it may follow.
20. An elaboration and interpretation of the terms of the Sexual Harassment of Women at the Workplace Act 2013, along with suggestions for the setting up of relevant and appropriate mechanisms for HEIs are at **Annexure-10**. KSHEC may draw on them as possible templates for HEIs to inform the Statutes and ordinances to be framed and adopted in consonance with the Sexual Harassment Act of 2013.

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## **RECOMMENDATIONS**

The responsibility of universities (and colleges) as modern educational institutions is not only to treat women students and all youth **regardless of gender as citizens who have a right to safety but also to assist them physically, emotionally and intellectually** to claim that right and seek to expand its contours. Every effort also needs to be made to provide the college and university community with an atmosphere in which education **(in both 'universes' of citizenship and of knowledge)** can be freely and fearlessly pursued. In more senses than one, these educational spaces need nurturing, to enhance capacity to anticipate new realities and set the terms of a truly democratic, liberatory discourse for society at large.

Otherwise the potential for genuine democracy and the lessening of structural inequalities through the social mobility promised by access to higher education may remain unfulfilled.

Given the realities of a heterogeneous and diverse student body, purely punitive approaches to issues of the 'safety' of women and gender sensitization serves little purpose in terms of meaningful intervention however "well intentioned" they may be. Instead approaches must be educative, preventive and correctional.

Colleges and universities are spaces in which people with different ideas and patterns of socialization about gender issues interact. Cultures of inclusion and sensitivity to diversity become an important pre-requisite to respond to violence of all kinds and more especially when women are targeted. Gender justice on campuses is clearly not an 'isolated operation' requiring quick fix solutions, but an exercise involving a perspectival shift that is able to set down norms of respect, nondiscrimination and the unacceptability of any abuse of power, along with robust processes of debate, discussion and dialogue. This has to be the purpose of a new pedagogy within which issues of gender justice are seen as an integral part – not as 'women's issues' to be ghettoized or added on to academic or curricular agendas as a 'requirement' or afterthought.

Recent cases of violence especially against women have unpacked layers of the debate around issues of gender and misogyny that had become 'invisibilized' in public discourse over the years.

It is with perspective that the Committee makes the **following recommendations** to initiate measures that will inscribe gender justice on the landscape of Higher Education.

- The Higher Education Council needs to invest effort, energy and **resources** under RUSA to foreground issues of gender justice in allocations and seek accountability on a relevant set of parameters.
- KSHCEC must establish a **nodal unit** for assisting HEIs in of research and praxis as well as in accessing experts to further the initiatives for gender justice on campuses. A new **innovative hub** with adequate funding may be established to both assess and map the impact of forward looking policies and deficits if any across the state. Adequate data on these issues relating to campuses is at the moment in available. A major study to assess and set new benchmarks could be commissioned.
- The major policy challenge is to find **consonance** between the requirements of the Sexual Harassment Act 2013 and the workings of gender sensitization committees on campuses so that both the **statutory requirement** as well as **transformative functions** can co-exists to sub-serve the goals of gender justice and equity.
- Every HEI must formulated publicly display on its website its **policy** on zero tolerance for gender discrimination and violence such that cultures of impunity and cultures of silence that sustain negative attitudes and practices are addressed expeditiously and dealt with appropriately
- The composition and names of personnel of the redressal mechanisms to counter sexual harassment either through an ICC or a Gender Sensitization Committee against Sexual Harassment (GSCASH) and gender based violence must be **prominently and transparently displayed and accessible** to all sections of the HEI community. Compliance around issues mandated by the Sexual Harassment Act must be regularly monitored and linked to funding and accreditation. These Committees must be representative of the entire community of an HEI - students, faculty and non-teaching staff - and the administration must to be seen to be endorsing practices of zero tolerance towards sexual harassment. A **transparent policy** of **constituting** these committees (election or selection) must be put in place. (A template for considerations is at Annexure 10)
- One important step in redressal would be to **establish official links** between the academic community, neighbourhood groups (citizens), activists, media-persons,

doctors, lawyers, policymakers, law enforcement agencies and others on this issue.(Redressal mechanisms are not in place or completely lack the wherewithal to tackle issues or complaints professionally. Often even unions affiliated to political parties are complicit in abetting a miscarriage of justice on gender issues).

- In the matter of dealing with sexual violence, the government may seek **periodic reports** from institutions as well as obtain feedback of a confidential nature from students and parents.The timely support of the government machinery (legislative, executive and judiciary) to ensure gender sensitive academic environment is the dire need of the hour.
- A guiding principle for the Government should be to support **at least one girl or woman in every family** to access higher education. Incentives for enhancing women induction, retention and quantitative and substantive presence in the Higher Education space should be creatively implemented through affirmative action e.g. liberalized admission criteria for women, special scholarships to enable women in particular to meet the economic cost of higher education and similar incentives like hostel facilities, mentoring and counseling services, etc. **Special incentives** be provided to women students from remote and backward areas and marginalized groups by using a calibrated deprivation index at the time of admission.
- **Capacity building** in terms of academic, professional and entrepreneurial benchmarks by providing greater facilities for internships, mentoring and apprenticeship arrangements for women in academic and research institutions.
- **Affirmative action** through scholarships, fellowships and travel grants should be planned. From a gender sensitive point of view, efficiency and output are not merely born out of individual merit but are socially conditioned as well. Institutions must develop robust affirmative action policies that can attract and retain more women in HE through provision of economic support and better hostel facilities. **Safe and clean hostel facilities** should be extended to women employees too. Also **special arrangements** to

accommodate women students/faculty facing abuse at home or in their neighbourhood.

- Adequate day-care centres and Crèches are to be provided for women students and staff so that maternal responsibilities do not hinder professional advance funding for such provisions can be accessed through RUSA/UGC.
- **Amendment of rules** to provide for flexibility in stipulated time frames for women to complete courses of study which may be disrupted on account of personal issues or child rearing responsibilities. This is necessary to ensure that women do not lose out on opportunities for professional mobility on account of maternal responsibilities and family duties. Suitable rules should be made for effective re-entry of women studies after pregnancy/children.
- Greater efforts to be made to ensure the placement and **recruitment** of women in **the higher echelons of university administration**. There are too few women Vice Chancellors although the talent pool does exist. Recruitment processes at all levels must be informed by an **affirmative action policy** where the goal for a minimum fifty percent **recruitment of women to leadership positions** be accomplished by 2050. Both numerical and **substantive** representation of women is the need in all levels and echelons of HEIs. The representation of women in statutory and elected bodies must be enhanced.
- **Orientation courses** for administrators conducted in HEIs must have a module on gender sensitization and harassment issues. Regular Workshops are to be conducted for all sections of the HEI community.
- **Mentoring programs** and **counseling services** must be institutionalized in all HEIs and must have well trained full time professionally certified counsellors.
- Equal Opportunity Cells must ensure that **special provisions** in terms of financial support and mentoring are extended to women from marginalized groups, backward areas and specially those with **disability**, and also to **trans-genders and sexual minorities**.

- Government must ensure that there is absolutely **no interference** by political parties or their affiliates on campus, to try and influence or subvert the workings of redressal/punitive mechanisms on gender justice.
- Recruitment, promotion and accreditation processes must give due weightage to gender awareness and sensitivity in evaluation. (Even the state service commissions may, in examinations for recruitment, assess attitude on gender) NAAC accreditation must factor in gender equality as a criterion for evaluation.
- Training programs in Gender Sensitization must also address **issues of masculinity**. Celebrations and events such as Women's Day, should be open to both sexes and **actively enlist the participation of men**.
- Curriculum may include the histories of **women's movements** from across the globe, as a method to counter misogynistic perspectives in the teaching-learning processes. Also free discussions that interrogate misconceptions on 'masculinity' and power are necessary in an atmosphere of trust and civility. HEIs must provide for such contexts.
- The '**cultural**' space and the '**formal academic space**' need to collaborate to render training workshops - innovative, engaging and non-mechanical. Training Programmes on gender must include debates, discussions, film screenings and the use of **diverse media**.
- The Committee also felt that gender sensitization programs must be handled with great care and maturity keeping in mind the cultural ethos of diverse communities of the state. Examples of **stereotyping** of different caste groups and minorities have led to unsavoury and disturbing trends of targeting and exclusion on campuses.

- The Choice Based Credit System can be leveraged to **mainstream gender sensitive education** through the new modules that have been added under the application based courses. This can be harnessed to optimum advantage. Both **legal literacy** as well as **actionable initiatives** on gender justice should be an important ingredient of training programs to develop programs that link gender to equality and citizenship rights as enshrined in the constitution. Broadly HEIs could provide an additional lens to frame this in the context of rights and duties as outlined within the broad spirit of Directive Principles.
- **Skill Development Programmes** for women and trans-genders using a consortia of forward looking colleges can impact the members of excluded sections of the higher education population.
- The **outreach** programmes now undertaken by universities and colleges can be an enabling context to foreground gender issues. In the **non-formal** education sector, HEIs may be encouraged to set up **life-long learning and skill enhancement centres** for women in at least one district. Interface and collaboration through outreach programs with NGOs for capacity building can optimize resources.
- The practice of **segregation** of spaces on campuses between men and women must be **strictly discouraged**. Such apartheid denies women the right to social equality and dignity. There should be adequate provision for women **to facilities like gymnasias and sports** fields. These have become spaces and facilities exclusively for men on campuses.
- HEIs must take all steps to facilitate **women friendly campuses** and at the same time reflect both concern and sensitivity to **the right of dignity and bodily integrity**, specially of women, trans-genders etc.
- Women study centres and **Women's Cells** must have **substantial financial** allocations against detailed proposals for Annual activities that are varied and enriching. Events of the Women's Cells must not turn into mindless rituals confined to International Women's Day. They must remain **autonomous** of the functioning of Sexual Harassment Committees and ICCs. At the same

time they should extend their activities to include gender sensitization programmes in consultation with ICCs and help to disseminate anti sexual harassment policies on campuses on a regular basis.

- Gender Studies Centres and women development cells must be provided **adequate funds** and encouraged to create and sustain interest in good practices and research that positively impact the gender sensitization ethos. They must include men and their mandates must be clearly spelt out. It would be helpful to rename them **Gender Cells** to make them more inclusive.
- Many campuses have a serious deficit in **lighting and clean toilets** and are experienced as unsafe by students. Adequate lighting is a necessary aspect of infrastructure and maintenance. Lack of **hygienic civic amenities** and **privacy** affect women students and staff far more and has often been cited as an obstacle to access. Additional safe spaces for women such as **hygienic changing rooms and toilets** be provided to secure their participation in Sports and other extra-curricular activities.
- Adequate and well trained **security staff** including a good balance of women security staff is necessary. Security staff must receive gender sensitization training.
- HEIs must ensure **reliable and secure public transport**, especially within large campuses between different sections of the university, hostels, libraries, laboratories and main buildings. It is necessary to ensure that the continued harassment of women students/teachers seeking access to transportation is pro actively stopped. This is particularly stark in the case of students who avail concession for transport facilities and points to severe and violent discrimination against those who are in need of affirmative action. This practice has made a mockery of the ostensible concession that are extended to students. For this the law enforcing agencies may be requested to assist in the process of identifying the wrong doer and bringing them to book.

- For the growing population of young women wishing to access higher education, **hostel accommodation** is a necessity in **both urban and rural areas** and at all levels of higher education. Many more **hostels for women** are needed in HEIs. These should be accessible to students during vacation when necessary. Accommodation arrangements for single women research scholars and employees be made.
- HEIs must ensure that **Mess facilities are available during exam and break periods**, at least with skeletal staff, even if for restricted hours.
- Concern for the safety of women students must not be cited to impose **discriminatory** rules for women in the hostels as compared to male students. **Library and laboratory timings** must not be discriminatory against women students and scholars.
- KSHEs has to proactively ensure that, the misuse of internal marking does not lead to subtle practices of harassment of women being institutionalised and escaping attention. The monitoring and moderation committees (preferably comprising students as well) may be instituted in campus under the IQAC cells to stop such malpractices.
- **Prevalent practices of Protectionism** and **surveillance** should be stringently discouraged and the **autonomy** of women respected and secured.
- Hostel Wardens, Provosts, Principals, Vice Chancellors, Legal Officers and other functionaries must be brought within the **domain of accountability** as well through amendments in rules/ordinances where necessary.
- Provisions of adequate **health facilities** are mandatory for all HEIs. In the case of women students this must include gender sensitive doctors and nurses as well as the services of a gynecologist.
- A clear message must be sent on a **zero tolerance policy on campuses** from the government through KSHEC to all HEIs through proactive media and sensitization campaign throughout the state.

- **Model campuses and Model Women’s Cells** that have evolved best practices on Gender Justice may be identified through a well-publicized campaign and incentivized and given public recognition/ an Award.
- There was consensus on the fact that the recommendations provided by the **SAKSHAM** report of the UGC if implemented in full would lead to a decisive and much needed paradigm shift in realizing the cause of gender justice across the diverse and heterogeneous campuses of our country. HEIs in Kerala may attempt to also translate and adapt the spirit of its recommendations into policies and practices that institutionalize Gender Justice on their campuses.

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## List of Annexures

|             |                                                                                     |
|-------------|-------------------------------------------------------------------------------------|
| Annexure 1  | Bill of Rights - Justice Verma Commission                                           |
| Annexure 1a | Sexual Harrassment-of-women-Act-and-rules-2013                                      |
| Annexure 1b | Relevant Provisions of the Evidence Act                                             |
| Annexure -2 | The Problems listed by the Participants at workshops held by KSHEC in 2013 and 2015 |
| Annexure 3  | Questionnaire developed and put on the KSHEC Website                                |
| Annexure 4  | Letter of Prof. J S Sandhu, Secretary UGC, dated January 27, 2015 to all HEIs       |
| Annexure 5  | UGC Guidelines for Students entitlements of the UGC                                 |
| Annexure 6  | Ensuring Gender Justice on Campuses in Kerala - a Police Point of View              |
| Annexure 7  | List of students, faculty and experts present at extensive consultation sessions    |
| Annexure 8  | Gender Action Plan Framework – Geetha Gopalan                                       |

|             |                                                                                                                                        |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------|
| Annexure 9  | Revamp Plan of Kerala State Women's Development Corporation (KSWDC) for Women Cells in Colleges                                        |
| Annexure 10 | Clarification on certain terms – Processes in the Sexual Harassment of Women (Prevention, Prohibition and Redressal) the Workplace Act |

## APPENDIX 3

### Bill of Rights

#### Statement of Objects and Reasons

*A charter to set out the rights guaranteed to women under the Constitution of India, and to provide for justiciability of the various rights;*

*And in consideration of India's commitment to international conventions including Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Civil and Political Rights.*

*And to recognize the historical distinctions, exclusions and restrictions on the basis of gender, while also taking note that certain practices including cultural, social, political, religious and customary norms are patriarchal and impair the agency, dignity and equality of women.*

*And being firmly convinced that any practice that hinders or endangers the normal growth and affects the physical and psychological development of women and girls should be condemned and eliminated;*

*And being determined to ensure that the rights of women are promoted, realised and protected in order to enable them to enjoy fully all their human rights;*

#### **Part I**

#### **Right to Life, Security, and Bodily Integrity**

1. Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of violence, exploitation, cruel, inhuman or degrading punishment and treatment targeting women are prohibited.
2. Every woman as the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights.
3. Every woman has the right to be respected as an independent person and to the free development of her personality.
4. Every woman has the right to express and experience complete sexual autonomy including with respect to her relationships and choice of partners.

5. Every woman has the right not to be subjected to medical or scientific experiments without her informed consent; with an exception in the case of an emergency;
6. The State shall ensure to every woman protection from all forms of violence whether the violence takes place in private or public, including unwanted or forced sexual intercourse or activity;
7. The State shall protect, rescue and rehabilitate every woman who is at the risk of or has been a victim of trafficking and all other forms of such treatment.
8. The State shall promptly provide effective mechanisms and accessible services for information, redressal, rehabilitation and reparation of every woman being a victim of violence.

## **Part II**

### **Democratic and Civil Rights**

9. Every woman should have the right to participative governance through participation without discrimination in all elections; representation at all levels in electoral processes; equal opportunity for partnership in decision making and implementation of development and economic programs.
10. Every woman has the right to freedom of thought, conscience, religion, and belief, including the right to adopt, convert, and to hold opinions without interference.
11. Every woman has the right to manifest that person's religion or belief in worship, observance, practice, teaching, ideas, or opinions of her own choosing, either individually or in community with others, both, in public or private.
12. Every woman has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.
13. Every woman has the right to freedom of peaceful assembly.
14. Every woman has the right to freedom of association.

**Part III**  
**Equality and Non- Discrimination**

15. Every woman shall have the right to equality before the law and equal protection of all the laws.
16. No woman shall be unfairly discriminated on grounds of gender including-
  - (1) Preventing women from inheriting family property.
  - (2) (b) Any practice including traditional, customary or religious practice that impairs dignity of women and undermines equality between women and men, including the undermining of the dignity and wellbeing of the girl child.
  - (3) Any policy or conduct that unfairly limits access of women to land rights and finance and other resources
  - (4) Discrimination on grounds of pregnancy
  - (5) Limiting access to health care, education and other social welfare.
  - (6) Denying access to opportunities including services or contractual opportunities or failure to accommodate diversity.
  - (7) Systematic inequality in access of labour, contractual opportunities etc.
  - (8) Systemic inequality to opportunities by women as a result of sexual division of labour.
  - (9) Or discrimination by virtue of a woman belonging to another sub-sect of caste, religion, region or race.
17. Every woman shall have the freedom to marry any person of her choice and be regarded as an equal partner in the marriage.
18. Every woman shall have the same rights in case of separation, divorce and annulment of marriage.
19. Every woman shall have the Right to Free Education until under-graduate level.
20. Every woman especially the girl-child must be protected from all forms of abuse, including sexual harassment in schools and other educational institutions and provide for sanctions against the perpetrators of such practices;
21. Every woman who suffers abuses and sexual harassment must have access to counseling and rehabilitation services to women who suffer abuses and sexual harassment;
22. Every woman shall have the Right to Reproductive and Sexual Health.

23. Every woman shall have the right to nutritious and adequate food as well as access to clean drinking water.

**Part IV**  
**Right to Secured spaces**

24. Every woman shall have the right to equal access to housing/shelter and to acceptable living conditions in a healthy environment.
25. Every woman, whatever her marital status has access to adequate housing/shelter.
26. Every woman should have access to Public Transport facilities without fear of the risk of violation of her dignity in any form by means of teasing, molestation, stalking etc.

**Part V**  
**Special protections**

27. Every elderly woman must have specific measures commensurate with her physical, economic and social needs as well as her access to employment and professional training;
28. Every elderly woman must have the right to freedom from violence, including sexual abuse, discrimination based on age and the right to be treated with dignity.
29. Every woman with disability must have special protection and specific measures commensurate with their physical, economic and social needs to facilitate their access to employment, professional and vocational training as well as their participation in decision-making;
30. Every woman with disability must have freedom from violence, including sexual abuse, discrimination; and the right to be treated with dignity.

Part VI  
Special Protection of Women in Distress

31. Every woman below poverty line; and women heads of families including women from marginalized population groups must be able to fulfil their special physical, economic and social needs;
32. Every pregnant or nursing women or women in detention must be provided with an environment which is suitable to their condition and should be guaranteed the right to be treated with dignity.

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# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

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NEW DELHI, MONDAY, DECEMBER 9, 2013/AGRAHAYANA 18, 1935

महिला एवं बाल विकास मंत्रालय

अधिसूचना

नई दिल्ली, 9 दिसम्बर, 2013

का.आ. 3606(अ).—केंद्रीय सरकार, महिलाओं का कार्यस्थल पर लैंगिक उत्पीड़न (निवारण, प्रतिषेध और प्रतिकार) अधिनियम, 2013 (2013 का सं. 14) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 9 दिसम्बर, 2013 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के उपबंध प्रवृत्त होंगे।

[फा.सं. 19-5/2013-डब्ल्यूडब्ल्यू]

डा. श्रीरंजन, संयुक्त सचिव

MINISTRY OF WOMEN AND CHILD DEVELOPMENT

NOTIFICATION

New Delhi, the 9th December, 2013

**S.O. 3606(E).**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), the Central Government hereby appoints the 9th day of December, 2013 as the date on which the provisions of the said Act shall come into force.

[F. No. 19-5/2013-WW]

Dr. SHREERANJAN, Jt. Secy.



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

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No. 18| NEW DELHI, TUESDAY, APRIL 23, 2013/ VAISAKHA 3, 1935 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 23rd April, 2013/Vaisakha 3, 1935 (Saka)*

The following Act of Parliament received the assent of the President on the 22nd April, 2013, and is hereby published for general information:—

### THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

(No. 14 OF 2013)

[22nd April, 2013.]

An Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

WHEREAS sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment;

AND WHEREAS the protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India;

AND WHEREAS it is expedient to make provisions for giving effect to the said Convention for protection of women against sexual harassment at workplace.

Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

Short title,  
extent and  
commencement

1. (1) This Act may be called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “aggrieved woman” means—

(i) in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;

(ii) in relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house;

(b) “appropriate Government” means—

(i) in relation to a workplace which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly—

(A) by the Central Government or the Union territory administration, the Central Government;

(B) by the State Government, the State Government;

(ii) in relation to any workplace not covered under sub-clause (i) and falling within its territory, the State Government;

(c) “Chairperson” means the Chairperson of the Local Complaints Committee nominated under sub-section (1) of section 7;

(d) “District Officer” means an officer notified under section 5;

(e) “domestic worker” means a woman who is employed to do the household work in any household for remuneration whether in cash or kind, either directly or through any agency on a temporary, permanent, part time or full time basis, but does not include any member of the family of the employer;

(f) “employee” means a person employed at a workplace for any work on regular, temporary, *ad hoc* or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

(g) “employer” means—

(i) in relation to any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;

(ii) in any workplace not covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace.

*Explanation.*— For the purposes of this sub-clause “management” includes the person or board or committee responsible for formulation and administration of policies for such organisation;

(iii) in relation to workplace covered under sub-clauses (i) and (ii), the person discharging contractual obligations with respect to his or her employees;

(iv) in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker;

(h) “Internal Committee” means an Internal Complaints Committee constituted under section 4;

(i) “Local Committee” means the Local Complaints Committee constituted under section 6;

(j) “Member” means a Member of the Internal Committee or the Local Committee, as the case may be;

(k) “prescribed” means prescribed by rules made under this Act;

(l) “Presiding Officer” means the Presiding Officer of the Internal Complaints Committee nominated under sub-section (2) of section 4;

(m) “respondent” means a person against whom the aggrieved woman has made a complaint under section 9;

(n) “sexual harassment” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:—

(i) physical contact and advances; or

(ii) a demand or request for sexual favours; or

(iii) making sexually coloured remarks; or

(iv) showing pornography; or

(v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

(o) “workplace” includes —

(i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;

(ii) any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;

(iii) hospitals or nursing homes;

(iv) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;

(v) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;

(vi) a dwelling place or a house;

(p) "unorganised sector" in relation to a workplace means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten.

Prevention of  
sexual  
harassment

3. (1) No woman shall be subjected to sexual harassment at any workplace.

(2) The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:—

(i) implied or explicit promise of preferential treatment in her employment; or

(ii) implied or explicit threat of detrimental treatment in her employment; or

(iii) implied or explicit threat about her present or future employment status; or

(iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or

(v) humiliating treatment likely to affect her health or safety.

## CHAPTER II

### CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

Constitution  
of Internal  
Complaints  
Committee.

4. (1) Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee":

Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the Internal Committee shall be constituted at all administrative units or offices.

(2) The Internal Committee shall consist of the following members to be nominated by the employer, namely:—

(a) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees:

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section (1):

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organisation;

(b) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;

(c) one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:

Provided that at least one-half of the total Members so nominated shall be women.

(3) The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

(4) The Member appointed from amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed.

(5) Where the Presiding Officer or any Member of the Internal Committee,--

(a) contravenes the provisions of section 16; or

(b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or

(c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or

(d) has so abused his position as to render his continuance in office prejudicial to the public interest,

such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

### CHAPTER III

#### CONSTITUTION OF LOCAL COMPLAINTS COMMITTEE

5. The appropriate Government may notify a District Magistrate or Additional District Magistrate or the Collector or Deputy Collector as a District Officer for every District to exercise powers or discharge functions under this Act.

Notification  
of District  
Officer.

6. (1) Every District Officer shall constitute in the district concerned, a committee to be known as the "Local Complaints Committee" to receive complaints of sexual harassment from establishments where the Internal Complaints Committee has not been constituted due to having less than ten workers or if the complaint is against the employer himself.

Constitution  
and  
jurisdiction of  
Local  
Complaints  
Committee

(2) The District Officer shall designate one nodal officer in every block, taluka and tehsil in rural or tribal area and ward or municipality in the urban area, to receive complaints and forward the same to the concerned Local Complaints Committee within a period of seven days.

(3) The jurisdiction of the Local Complaints Committee shall extend to the areas of the district where it is constituted.

7. (1) The Local Complaints Committee shall consist of the following members to be nominated by the District Officer, namely:--

Composition,  
tenure and  
other terms  
and conditions  
of Local  
Complaints  
Committee

(a) a Chairperson to be nominated from amongst the eminent women in the field of social work and committed to the cause of women;

(b) one Member to be nominated from amongst the women working in block, taluka or tehsil or ward or municipality in the district;

(c) two Members, of whom at least one shall be a woman, to be nominated from amongst such non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, which may be prescribed:

Provided that at least one of the nominees should, preferably, have a background in law or legal knowledge:

Provided further that at least one of the nominees shall be a woman belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or minority community notified by the Central Government, from time to time;

(d) the concerned officer dealing with the social welfare or women and child development in the district, shall be a member *ex officio*.

(2) The Chairperson and every Member of the Local Committee shall hold office for such period, not exceeding three years, from the date of their appointment as may be specified by the District Officer.

(3) Where the Chairperson or any Member of the Local Complaints Committee—

(a) contravenes the provisions of section 16; or

(b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or

(c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or

(d) has so abused his position as to render his continuance in office prejudicial to the public interest,

such Chairperson or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

(4) The Chairperson and Members of the Local Committee other than the Members nominated under clauses (b) and (d) of sub-section (1) shall be entitled to such fees or allowances for holding the proceedings of the Local Committee as may be prescribed.

Grants and  
audit.

8. (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the State Government grants of such sums of money as the Central Government may think fit, for being utilised for the payment of fees or allowances referred to in sub-section (4) of section 7.

(2) The State Government may set up an agency and transfer the grants made under sub-section (1) to that agency.

(3) The agency shall pay to the District Officer, such sums as may be required for the payment of fees or allowances referred to in sub-section (4) of section 7.

(4) The accounts of the agency referred to in sub-section (2) shall be maintained and audited in such manner as may, in consultation with the Accountant General of the State, be prescribed and the person holding the custody of the accounts of the agency shall furnish, to the State Government, before such date, as may be prescribed, its audited copy of accounts together with auditors' report thereon.

#### CHAPTER IV

##### COMPLAINT

Complaint of  
sexual  
harassment

9. (1) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing:

Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

(2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.

Conciliation

10. (1) The Internal Committee or, as the case may be, the Local Committee, may, before initiating an inquiry under section 11 and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation:

Provided that no monetary settlement shall be made as a basis of conciliation.

(2) Where a settlement has been arrived at under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall record the settlement so arrived and forward the same to the employer or the District Officer to take action as specified in the recommendation.

(3) The Internal Committee or the Local Committee, as the case may be, shall provide the copies of the settlement as recorded under sub-section (2) to the aggrieved woman and the respondent.

(4) Where a settlement is arrived at under sub-section (1), no further inquiry shall be conducted by the Internal Committee or the Local Committee, as the case may be.

11. (1) Subject to the provisions of section 10, the Internal Committee or the Local Committee, as the case may be, shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed or in case of a domestic worker, the Local Committee shall, if *prima facie* case exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code, and any other relevant provisions of the said Code where applicable:

Inquiry into  
complaint

45 of 1860.

Provided that where the aggrieved woman informs the Internal Committee or the Local Committee, as the case may be, that any term or condition of the settlement arrived at under sub-section (2) of section 10 has not been complied with by the respondent, the Internal Committee or the Local Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police:

Provided further that where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

45 of 1860.

(2) Notwithstanding anything contained in section 509 of the Indian Penal Code, the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provisions of section 15.

5 of 1908

(3) For the purpose of making an inquiry under sub-section (1), the Internal Committee or the Local Committee, as the case may be, 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:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents; and

(c) any other matter which may be prescribed.

(4) The inquiry under sub-section (1) shall be completed within a period of ninety days.

## CHAPTER V

### INQUIRY INTO COMPLAINT

12. (1) During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee or the Local Committee, as the case may be, may recommend to the employer to—

Action during  
pendency of  
inquiry

(a) transfer the aggrieved woman or the respondent to any other workplace; or

(b) grant leave to the aggrieved woman up to a period of three months; or

(c) grant such other relief to the aggrieved woman as may be prescribed.

(2) The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.

(3) On the recommendation of the Internal Committee or the Local Committee, as the case may be, under sub-section (1), the employer shall implement the recommendations made under sub-section (1) and send the report of such implementation to the Internal Committee or the Local Committee, as the case may be.

Inquiry report

13. (1) On the completion of an inquiry under this Act, the Internal Committee or the Local Committee, as the case may be, shall provide a report of its findings to the employer, or as the case may be, the District Officer within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.

(2) Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer and the District Officer that no action is required to be taken in the matter.

(3) Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer or the District Officer, as the case may be—

(i) 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;

(ii) to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, in accordance with the provisions of section 15:

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 woman:

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

(4) The employer or the District Officer shall act upon the recommendation within sixty days of its receipt by him.

Punishment  
for false or  
malicious  
complaint and  
false evidence

14. (1) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or the District Officer, as the case may be, to take action against the woman or the person who has made the complaint under sub-section (1) or sub-section (2) of section 9, as the case may be, 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:

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

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.

(2) Where the Internal Committee or the Local Committee, as the case may be, 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 employer of the witness or the District Officer, as the case may be, 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.

15. For the purpose of determining the sums to be paid to the aggrieved woman under clause (ii) of sub-section (3) of section 13, the Internal Committee or the Local Committee, as the case may be, shall have regard to --

Determination of compensation

(a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;

(b) the loss in the career opportunity due to the incident of sexual harassment;

(c) medical expenses incurred by the victim for physical or psychiatric treatment;

(d) the income and financial status of the respondent;

(e) feasibility of such payment in lump sum or in instalments.

22 of 2005

16. Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made under section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, and the action taken by the employer or the District Officer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner:

Prohibition of publication or making known contents of complaint and inquiry proceedings

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

17. Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Act, contravenes the provisions of section 16, he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.

Penalty for publication or making known contents of complaint and inquiry proceedings

18. (1) Any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clause (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or sub-section (2) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.

Appeal

(2) The appeal under sub-section (1) shall be preferred within a period of ninety days of the recommendations.

## CHAPTER VI

### DUTIES OF EMPLOYER

19. Every employer shall --

Duties of employer.

(a) provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;

(b) display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting the Internal Committee under sub-section (1) of section 4;

(c) organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;

(d) provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;

(e) assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;

(f) make available such information to the Internal Committee or the Local Committee, as the case may be, as it may require having regard to the complaint made under sub-section (1) of section 9;

(g) provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force; 45 of 1860.

(h) cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place; 45 of 1860.

(i) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;

(j) monitor the timely submission of reports by the Internal Committee.

#### CHAPTER VII

##### DUTIES AND POWERS OF DISTRICT OFFICER

Duties and powers of District Officer.

20. The District Officer shall, —

(a) monitor the timely submission of reports furnished by the Local Committee;

(b) take such measures as may be necessary for engaging non-governmental organisations for creation of awareness on sexual harassment and the rights of the women.

#### CHAPTER VIII

##### MISCELLANEOUS

Committee to submit annual report

21. (1) The Internal Committee or the Local Committee, as the case may be, shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and the District Officer.

(2) The District Officer shall forward a brief report on the annual reports received under sub-section (1) to the State Government.

Employer to include information in annual report

22. The employer shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report of his organisation or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.

Appropriate Government to monitor implementation and maintain data

23. The appropriate Government shall monitor the implementation of this Act and maintain data on the number of cases filed and disposed of in respect of all cases of sexual harassment at workplace.

Appropriate Government to take measures to publicise the Act

24. The appropriate Government may, subject to the availability of financial and other resources, —

(a) develop relevant information, education, communication and training materials, and organise awareness programmes, to advance the understanding of the public of the provisions of this Act providing for protection against sexual harassment of woman at workplace;

(b) formulate orientation and training programmes for the members of the Local Complaints Committee.

25. (1) The appropriate Government, on being satisfied that it is necessary in the public interest or in the interest of women employees at a workplace to do so, by order in writing,--

Power to call for information and inspection of records

(a) call upon any employer or District Officer to furnish in writing such information relating to sexual harassment as it may require;

(b) authorise any officer to make inspection of the records and workplace in relation to sexual harassment, who shall submit a report of such inspection to it within such period as may be specified in the order.

(2) Every employer and District Officer shall produce on demand before the officer making the inspection all information, records and other documents in his custody having a bearing on the subject matter of such inspection.

26. (1) Where the employer fails to--

(a) constitute an Internal Committee under sub-section (1) of section 4;

(b) take action under sections 13, 14 and 22; and

(c) contravenes or attempts to contravene or abets contravention of other provisions of this Act or any rules made thereunder,

Penalty for non-compliance with provisions of Act.

he shall be punishable with fine which may extend to fifty thousand rupees.

(2) If any employer, after having been previously convicted of an offence punishable under this Act subsequently commits and is convicted of the same offence, he shall be liable to--

(i) twice the punishment, which might have been imposed on a first conviction, subject to the punishment being maximum provided for the same offence:

Provided that in case a higher punishment is prescribed under any other law for the time being in force, for the offence for which the accused is being prosecuted, the court shall take due cognizance of the same while awarding the punishment;

(ii) cancellation, of his licence or withdrawal, or non-renewal, or approval, or cancellation of the registration, as the case may be, by the Government or local authority required for carrying on his business or activity.

27. (1) No court shall take cognizance of any offence punishable under this Act or any rules made thereunder, save on a complaint made by the aggrieved woman or any person authorised by the Internal Committee or Local Committee in this behalf.

Cognizance of offence by courts

**(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.**

(3) Every offence under this Act shall be non-cognizable.

28. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Act not in derogation of any other law.

29. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power of appropriate Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

(a) the fees or allowances to be paid to the Members under sub-section (1) of section 4;

(b) nomination of members under clause (c) of sub-section (1) of section 7;

(c) the fees or allowances to be paid to the Chairperson, and Members under sub-section (1) of section 7;

- (d) the person who may make complaint under sub-section (2) of section 9;
- (e) the manner of inquiry under sub-section (1) of section 11;
- (f) the powers for making an inquiry under clause (c) of sub-section (2) of section 11;
- (g) the relief to be recommended under clause (c) of sub-section (1) of section 12;
- (h) the manner of action to be taken under clause (i) of sub-section (3) of section 13;
- (i) the manner of action to be taken under sub-sections (1) and (2) of section 14;
- (j) the manner of action to be taken under section 17;
- (k) the manner of appeal under sub-section (1) of section 18;
- (l) the manner of organising workshops, awareness programmes for sensitising the employees and orientation programmes for the members of the Internal Committee under clause (c) of section 19; and
- (m) the form and time for preparation of annual report by Internal Committee and the Local Committee under sub-section (1) of section 21.

(3) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Any rule made under sub-section (4) of section 8 by the State Government shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Power to  
remove  
difficulties

30. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

P.K. MALHOTRA,  
Secy. to the Govt. of India

#### CORRIGENDA

#### THE PREVENTION OF MONEY-LAUNDERING (AMENDMENT) ACT, 2012

(2 of 2013)

At page 18, in line 2, for "Arts", read "Art".

At page 21, in line 14, for "Protection", read "(Protection)".

## CORRIGENDUM

THE UNLAWFUL ACTIVITIES (PREVENTION) AMENDMENT ACT, 2012  
(3 of 2013)

At page 6, in line 22, *for* "clause", *read* "clause".

## CORRIGENDUM

THE BANKING LAWS (AMENDMENT) ACT, 2012  
(4 of 2013)

At page 8, in line 29, *for* 'sections 30', *read* 'section 30', '.

## CORRIGENDUM

THE APPROPRIATION ACT, 2013  
(9 of 2013)

At page 1, in the marginal heading to section 2, *for* "4715,54,00,000", *read* "49715,54,00,000".

## Central Government Act

### **Section 114A in The Indian Evidence Act, 1872**

1[114A. Presumption as to absence of consent in certain prosecutions for rape.—In a prosecution for rape under clause

(a) or clause (b) or clause (c) or clause (d) or clause (e) or clause (g) of sub-section (2) of section 376 of the Indian Penal Code, (45 of 1860), where sexual intercourse by the accused is proved and the question is whether it was without the consent of the woman alleged to have been raped and she states in her evidence before the Court that she did not consent, the Court shall presume that she did not consent.]

## **Annexure 2**

**The participants in the Workshop listed a number of problems. These include:**

- **Insufficient recruitment of qualified women.**
- **Lack of safety, sexual violence etc.**
- **Male chauvinism**
- **Lack of self-confidence and motivation in women.**
- **Political intervention in the implementation of the laws against sexual harassment.**
- **Inadequate maternity leave**
- **Lack of awareness about laws**
- **The law on Sexual harassment is severe and apt, but there are loopholes in the law.**
- **Despite the laws, violence against women is increasing at an alarming rate.**
- **Women are hesitant to complain about harassment in workplace because of several reasons.**
- **Harassment of scholars by Research Guides is a serious problem.**
- **No accommodation for girl students who are forced out of their own homes due to several reasons.**

**The suggestions to deal with these problems include the following.**

- **Awareness on the norms and laws related to women empowerment and women harassment at work place.**
- **Collective implementation of solutions to gender issues**
- **Awareness about various institutional and governmental support mechanisms to eradicate gender issues.**
- **To give creative ideas for the upliftment of working women.**
- **To get motivation to fight against discrimination towards women.**

- To do something for the upliftment of child sexual victims.
- To help the teachers with ideas to widen their thoughts and actions against this violence.
- To share and discuss the experiences in handling complaints against sexual harassment.
- To get greater clarity on what needs to be done to ensure that the spirit of legal provisions in favour of women is translated into everyday practice in higher education institutions and research.
- To enhance knowledge and awareness of gender sensitization to disseminate the information among the teachers/ students administration community of the universities
- To have a comprehensive account of the common problems faced in campuses.
- To hear form professionals who are aware of the social legal and personal aspects of threats faced by women.
- To learn and get correct guidelines to empower students to face life without fear and with confidence.
- Instead of seven-year imprisonment rapists should be sentenced to life imprisonment.
- There should be a combined enforcement of law from the side of govt. and judiciary with consideration of public opinion.
- Women friendly media should cover these implementation of laws
- Police and political reforms
- Recommendations of the Justice J.S.Verma Commission Report should be implemented and published among bureaucracy and governmental machinery such as police, armed forces, hospitals etc
- Short stay facilities for students who are forced out of their homes.

### **Annexure -3**

#### **KSHEC Questionnaire on Gender Justice on College Campuses**

**Name of your Institution:**

**To which University your college is affiliated:**

**Tick appropriate option**

- Location:      **Urban**              **Rural**
- a) Undergraduate b) Postgraduate:

**Undergraduate              Post Graduate              Both**

b) Co-educational b) Women only: **Co-ed    Women**

- Number of women enrolled

**Enter the number**

#### **II. Issues regarding safety of women on Campus**

Have you received complaints regarding the following problems?

- Sexual harassment or other forms of gender violence : **Yes    No**
- Public transport to/from the institution:      **Yes              No**
- Lighting in the campus:      **Yes              No**
- Toilet facilities for women :   **Yes              No**
- Accommodation for women students:      **Yes              No**
- Health facilities for women students:      **Yes              No**
- Counseling services for students:      **Yes              No**

#### **III. Existing Arrangements on Campus for safety of women (write 'Yes' or 'No' against each point)**

1) What institutional arrangements do you currently have to address issues related to the safety of women on campus, whether students or employees?

1.      CCTV/Cameras
2.      Personal discussion with Students & Staff
3.      Female Security Guard
4.      Vigilance committee formed

5. Women's grievance Redressal committees
6. Patrolling squad in and around campus
7. Value education to students
8. Lectures on gender sensitive issues
9. Women helpline numbers displayed at various places in campus
10. Suggestion box for girl students to place their suggestions
11. Separate common room for girls
12. Orientation programmes at the beginning of the session
13. Any other

2) Do you have a policy and procedure for dealing with sexual harassment? **Yes** **No**

3) If so kindly provide details:

a) When was such a policy established?

How many years ago **(give number in years only or fraction)**

b) By what guidelines does it function? **(Kindly send a copy along with this form)**

**Some information No information**

c) How do you publicize your policy and procedures against sexual harassment? **(Write 'Yes' or 'No' against each point)**

1. Notice Board
2. Brochure
3. Personal Discussion
4. College Assembly
5. Other

d) How many meetings held in last two years? Give number

e) How many complaints received in last two years? Give Number

f) Time frame for addressing a complaint. Give the time in number of months

g) What have been the outcomes of the complaints in the last two years? **(yes means there have been outcomes, no means no outcomes)** **Yes No**

h) What shortcomings have been experienced in this regard? **(Yes means that there have been shortcomings, no means no shortcomings)** **Yes No**

i) What suggestions would you have to improve the situation?

- 1 Self defence classes
- 2 Gender studies mandatory for all courses
- 3 Other

j) Is there an annual report. **Yes No**

#### **IV. Gender Equality and Sensitization Measures on Campus**

1) What measures are in place for raising awareness against harassment or violence in your institution? **(Write 'Yes' or 'No' and elaborate where possible)**

- 1 Lectures, workshops and seminars on gender issues

- 2 Personal Discussion with Women Students
- 3 Competitions like debate, elocution etc on gender equality, women empowerment
- 4 Signboards/notice boards on the campus containing information /message on these issues
- 5 Helpline numbers displayed
- 6 Awareness programmes and camps
- 7 Other

2) What measures exist to ensure that women students have equal access to campus facilities such as the library, laboratories, or any campus events at all times?

**Equal                      Unequal                      No answer**

3) Are there differential timings for male and female hostel residents to return to their respective hostels? What are the differences in the rules for each? For example the number of 'late nights' and 'night outs' allowed. **Yes                      No                      Not very different**

4) Do you have any suggestions for improving gender equality on campus? **Yes                      No**

5) Has lack of redressal led to any of the following  
Visible mental trauma    Suicide    Any other                      Give number

6) Has there be any stalking and cyber harassment reported? **Yes                      No**

7) In peer harassment cases do students representatives ? **Yes                      No**  
Neglect Intimidate the victim? **Yes                      No**  
Bring into the notice of authorities to take action? **Yes                      No**

#### **V. Gender related Courses offered on Campus**

1) Are there any courses that focus on women and gender related topics in any of the departments or centers of your institution? (List these). **Yes                      No**

2) Is there a Women's Studies Centre/Department or Women's Development Cell in your institution? If so kindly provide details. **Yes**                      **No**

**VI. Any other comments or suggestions for the consideration of the KSHEC.**

- Compulsory courses in martial arts like karate for girl students for their self defence.
- 2 Courses on women studies must be made mandatory for the colleges.
- 3 Regular or periodical visits of local police on the campus can be helpful in for encouraging girl students to lodge the complaints, if any.
- 4 Separate and exclusive financial assistance is given by KSHEC to the higher education institutions for organizing gender sensitization programmes and courses.
- 5 Other



प्रो. (डॉ.) जसपाल एस. सन्धू  
सचिव

**Prof. Dr. Jaspal S. Sandhu**

MBBS, MS (Ortho), DSM, FAIS, FASM, FAFSM, FFIMS, FAMS  
Secretary



विश्वविद्यालय अनुदान आयोग  
**University Grants Commission**

(मानव संसाधन विकास मंत्रालय, भारत सरकार)  
(Ministry of Human Resource Development, Govt. of India)

बहादुरशाह जफ़र मार्ग, नई दिल्ली-110002  
Bahadur Shah Zafar Marg, New Delhi-110002

Ph.: 011-23239337, 23236288,

Fax : 011-23238858, email : jssandhu.ugc@nic.in

D.O. No. F.91-3/2014 (GS)

27<sup>th</sup> January, 2015

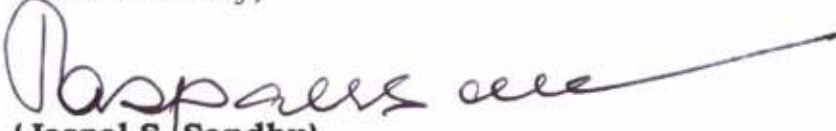
Dear Sir/Madam,

You may be aware that the UGC had constituted a Task Force to review the existing arrangements for the safety and security of girls & women in particular and of the entire youth in general on the campuses of institutions of higher learning. It is necessary that the University/Institute/College must have a committee and a separate cell to deal with issues of gender based violence and gender sensitization programs, to evaluate, assist and support Higher Educational Institutes to meet certain requirements which will make mandatory in order to give effect to a policy of zero tolerance on campuses for gender based violence and harassment with a view to eliminating cultures of impunity (and also cultures of silence and complicity). The Cell could provide on-going management advice, supervision and oversight, as well as information material from time-to-time. The senior officers/faculty members, including Registrar of the University, and Principal of the College should keep a close watch to ensure that such incidents do not occur at all.

Further, the University/Institute/College may develop a page on their web-site for lodging such complaints of Sexual harassment and also place a complaint register in the Registrar/Principal office for the purpose. If any such incident comes to the notice of the authorities, action should be taken against the erring official/faculty members promptly under intimation to UGC.

With regards,

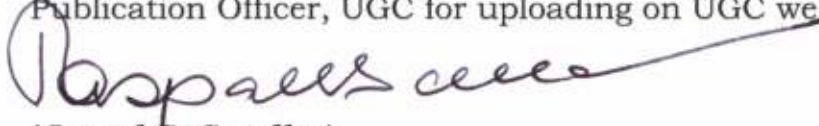
Yours sincerely,

  
(Jaspal S. Sandhu)

The Vice-Chancellor of all the Universities.

**Copy to :**

Publication Officer, UGC for uploading on UGC website.

  
(Jaspal S. Sandhu)



## **Guidelines for Students' Entitlement**

These guidelines have been issued by the University Grants Commission (UGC) in order to help students, teachers, administrators and institutions understand what the minimum entitlements of the students are. These guidelines apply to all the colleges and universities in the country (this expression includes every institutions of higher education even if it is not called college/university) without any exception. It shall be mandatory for every college/university to publish the present Guidelines in full in its Prospectus and also post it on the homepage of its website.

Fulfillment of these entitlements imposes obligations on educational institutions, administrators, policy makers, teachers and students themselves. If these obligations are not met, a student can approach the Grievance Redressal Authority or the Ombudsman. Any serious or persistent violation of these Guidelines can be brought to the notice of the University Grants Commission and can be the basis of punitive action against the offender.

Some of the provisions stated here are already covered by existing laws or Rules and Regulations of the UGC. But the students shall continue to enjoy all the right under existing laws, rules and regulations which may not have been mentioned in these Guidelines.

### **1. Admission**

- 1.1. An announcement or advertisement for any course of study must clearly specify whether the degree granted is notified by the UGC and other relevant statutory authorities [Under Section 22 c of the UGC Act, latest list available at the UGC website] and whether the university that awards the degree figures in the list of universities maintained by the UGC [available at the UGC website].
- 1.2. A student seeking admission is entitled to a document (usually called 'Prospectus') that specifies the curricula including syllabi, names and academic profile and status of the faculty, mode and frequency of evaluation, duration of the course, academic calendar, comprehensive information about fees or charges of any kind, and refund rules. The information given in the prospectus should not be changed to the disadvantage of the student during the course of study; any change if necessary must be communicated to each student individually spelling out reasons for such a change.
- 1.3. The Prospectus must spell out exactly the process and criteria for admissions. This includes weightage given to previous academic performance, entrance examination and interview. The syllabi and format of the entrance examination must be spelt out. The final scores of each candidate who appeared for entrance examination including all the components and the entire waiting list must be made public.
- 1.4. Information about any reservations or quota for any category, the eligibility criteria for these reservations/quotas, certificate required for seeking admission under these must be stated clearly in the Prospectus.
- 1.5. The student must not be asked to produce documents which have not been mentioned in the Prospectus. While the institution can ask the student to produce the original documents (such as School Leaving Certificate, Marksheet, Caste certificate) for verification, they cannot retain

any original documents of any students. [As notified by UGC on 23<sup>rd</sup> April 2007, F. No. 1-3/2007 (CPP II)]

## **2. Quality of teaching and learning**

- 2.1. It is the responsibility of the college/university to help the students develop their learning skills by facilitating the creation of learner centric environment conducive for quality education. The students are entitled to receiving instruction and reading material in all the languages allowed by the institution as medium of instruction or examination.
- 2.2. The students who begin with a difficulty due to social handicap or a shift in the medium of instruction are entitled to special support to bridge the gap.
- 2.3. The students are entitled to availability and presence of qualified teacher, fulfillment of the specified number of teaching days and contact hours for each course and completion of syllabus on time. [UGC Regulations on Minimum Qualification of Teachers... 2010]
- 2.4. The students are entitled to reasonable access to facilities, services and resources including library (that stocks textbooks, reference books, journals, e-resources), laboratories, and ICT facilities in the languages permitted as medium of instruction or examination.
- 2.5. The student are entitled to fair, transparent and timely evaluation, including fair provisions for timely re-checking or re-evaluation of the scripts and redressal of any grievance related to the evaluation process. The students are entitled to a copy of their answer scripts after the declaration of results.
- 2.6. The students are entitled to timely conduct of examination and declaration of results as specified in the academic calendar in the Prospectus. They shall be entitled to the award of degree within 180 days of the declaration of results.
- 2.7. The students are entitled to give regular feedback on the quality of teaching, students services and institutional infrastructure. The college/university shall establish mechanisms for seeking this feedback regularly and taking student feedback into account for review and improvement.

## **3. Fee and financial aid**

- 3.1. The students are entitled to prior and full information about amount, components, frequency and mode of any kind of payment including fees or charges of any other kind and refund rules. If a student withdraws before the beginning of the course, the student should be refunded the entire fee given to it with a maximum deduction of Rs. 1000. [As notified by UGC on 23<sup>rd</sup> April 2007, F. No. 1-3/2007 (CPP II)]
- 3.2. A college/university will make utmost effort to ensure that no student is deprived of opportunities of quality education for lack of sufficient financial resources. It is the responsibility of the policy makers to ensure that sufficient funds are made available to implement this principle. The Prospectus shall contain consolidated information about scholarship/fellowship/financial aid scheme of any type that that is available to the students. It shall bring to notice and assist the students in accessing such schemes. It shall ensure that the procedure for selection is fair and transparent.

#### 4. Infrastructure

- 4.1. The students are entitled to access to appropriate resources including classrooms, libraries, laboratories and other academic facilities necessary for quality education. [UGC rules and regulations for fitness of universities and colleges for Grants under section 12 B of the UGC Act 1956, Private University Regulation, Deemed University Regulation].
  - 4.2. The students are entitled to reasonable access to sports and recreation facilities, avenues for literary, aesthetic and other extra-curricular pursuits.
  - 4.3. The student are entitled to reasonable attention to medical and health requirements including free and periodic health check-up and treatment/hospitalization in case of medical emergencies.
  - 4.4. The students are entitled to a reasonable access to adequate, clean and hygienic hostel/residence accommodation that provides basic amenities including recreational facilities. Such accommodation should be affordable and must not be utilized by the institution for profit making. Accommodation meant for students must not be encroached upon by the institution for any other purpose.
  - 4.5. Student with disability are entitled to access to all schemes, facilities and services in the university without discrimination. The college/university shall strive towards a universal design of learning based curriculum that can address the needs of the broadest possible range of students by minimizing barriers and maximizing learning for all students. The college/university shall provide barrier free access, special library resources (including Braille and ICT resources), provisions for sign language interpreter/transcriber, the required equipments and electronic resources and the required relaxation in examination to all students with disability. [Person with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995; UGC D.O.No.F-6-1/2006(CPPII), F.No.6-1/2012(SCT)]
5. The students are entitled to non-discriminatory treatment (in the sense of absence of harassment, victimization or exclusion) in every aspect of institutional functioning. Any discrimination based on caste, gender, creed, colour, race, religion, place of birth, political conviction, language and disability shall be prohibited.
- 5.1. In particular, institutions shall not discriminate against students belonging to Scheduled Caste and Scheduled Tribes and racial profiling of students from any region or ethnic group. [UGC (Promotion of Equity in Higher Educational Institutions) Regulations, 2012]
  - 5.2. The students are entitled to protection from sexual harassment by complaining to the Gender Sensitization Committees against Sexual Harassment. It is mandatory for each college/university to constitute and publicize this committee as per the Guidelines and norms laid down by the Hon'ble Supreme Court [Vishaka and Others Vs. State of Rajasthan and Others(JT 1997 (7) SC 384)]
  - 5.3. All students are entitled to protection from ragging in any form [UGC (Curbing the Menace of Ragging) Regulation, 2009]
6. As democratic citizens, the students are entitled to freedom of thought and expression within and outside their institution. The college/university must allow space for free exchange of ideas and

public debate so as to foster a culture of critical reasoning and questioning. College/university authorities must not impose unreasonable, partisan or arbitrary restrictions on organizing seminars, lecture and debates that do not otherwise violate any law.

7. The students are entitled to forming associations and unions, directly electing their representatives to Students Unions and having their representatives on the college/university decision making bodies including internal quality assessment, grievance committees, Gender Sensitization Committees against Sexual Harassment and the Academic/Executive council. University/colleges shall evolve mechanisms for adequate consultations with students' representatives before taking any major decision affecting the students.
8. The students are entitled to full and correct information about any institution of higher education in which they study or propose to study. Therefore, every college/university must disclose the following information on its website and Prospectus: status of the institution, its affiliation, accreditation rating, physical assets and amenities, membership of governing bodies and minutes of the meetings of bodies like Academic/Executive council, sources of income and the financial situation and any other information about its functioning necessary for a student to make a fully informed choice. [Section 4 (1) of Right to Information Act 2005]
9. The students are entitled to redressal of their grievance by the Grievance Redressal Committee of the institution within 10 days of making a representation. If they are not satisfied, they are also entitled to an appeal to the Ombudsman of the University concerned for redressal within 30 days. [UGC (Grievance Redressal) Regulations, 2012]
10. The UGC may issue instructions for proper implementation of these Guidelines.

## Annexure 6

### Ensuring Gender Justice on Campuses in Kerala - a Police Point of View

#### INTRODUCION

In 1998 in a reputed College in Pandalam, a student was sexually harassed by 5 male teachers continuously for a period of two months. When she resisted, they threatened her with low marks in examinations and harassed her, which led to a police complaint and a subsequent crime case. Four of the five accused were convicted by the Judicial Magistrate and one accused committed suicide while the case was under investigation.

On May 08, 2015 a young athlete died and her three teenaged room-mates, one of them a Gold Medal winner in an International Sports Event, were hospitalized while attempting suicide at a government-run sports facility in Alappuzha, Kerala. It was reported that the reason which led the girls to take this extreme step was harassment by the male teachers and senior students. The crime case registered based on this incident is under investigation.

Campuses are reflections of the society in which they exist, something like a micro world within a macro world. Hence all the ills prevailing in the society are bound to exist within the campus too, where discipline and control by the authority is not as strict as in schools. As long as gender injustice exists in the patriarchal society, it will exist in all its microcosms too- whether it is at homes, work places or campuses and will be extremely difficult to completely wipe it out.

#### STATISTICS

Statistics of the past five years show that in Kerala **the number of complaints given to Police on gender violence in campuses is miniscule in comparison with complaints** of domestic violence and violence against women. Only **19 complaints** were filed since **January 2010 till May 2015**. Crime cases were registered on all these

cases. In addition to these, cases were also registered on oral complaints and emails from relatives of the victim. In the above **period, 37 crime cases were registered**. In almost 60% of crime cases, the **accused was a male teacher or male staff in the college** and in the rest of cases the accused were co-students. It is evident from the statistics that complaints and crime cases are just the tiny tip of the huge iceberg and in most incidents of gender violence, the matter is hushed up **by the parents or the college authorities in fear of bad reputation**.

2 out of the 37 crime cases are convicted so far and in 9 cases, accused were acquitted or case was undetected. Trial/ investigation are pending in the other 26 cases.

## CONSTITUTIONAL AND LEGAL PROVISIONS

**The Constitution of India** not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard.

Violating any of the above protection and rights of women can be penalized. To uphold the Constitutional mandate, the Central and State Governments have enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities against women and further to provide support services especially to working women.

Under the **Indian Penal Code** 1860 and till 2013, Rape (Sec. 376), Kidnapping & Abduction for different purposes (Sec. 363-373), Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B) Mental and physical harassment (Sec. 498-A), Molestation (Sec. 354), Sexual Harassment (Sec. 509 ) are widely used by the Police on receiving complaints at the Police Stations. After the Verma Committee Report and the subsequent **Criminal Law Amendment Act 2013**, crime against women assumed a new and more serious tone and tenor. Acid attack (326 A, B), sub sections

1 to 5 in 354 (A) involving offences such as physical contact and advances involving unwelcome and explicit sexual overtures, demand or request for sexual favours, making sexually coloured remarks, forcibly showing pornography and any other unwelcome physical, verbal or non-verbal conduct of sexual nature, sec 354 (B) for disrobing a woman, 354 (C) for voyeurism and 354(D) for stalking were included in the IPC. Further section 370 has been substituted with 370 and 370A which deals with [trafficking of person](#) for exploitation. If a person recruits, transports, harbours, transfers, or receives, a person, by using [threats](#), force, [coercion](#), [abduction](#), [fraud](#), [deception](#), by abuse of power or [inducement](#) for exploitation of women including prostitution, slavery, forced organ removal then he shall be punished with 7 years to life of rigorous imprisonment and fine.

**Rape** in section 375 got extended to include acts in addition to vaginal penetration and included acts like penetration of [penis](#) or any object or any part of body to any extent into the [vagina](#), [mouth](#), [urethra](#) or anus of another person or making another person do so. The section has also clarified that penetration means "penetration to any extent", and lack of physical resistance is immaterial for constituting an offence. Punishment was made rigorous imprisonment for ten **years which may extend to imprisonment for life and fine.**

376A states that sexual assault means one who inflicts an injury which causes the death of the person or causes the person to be in a [persistent vegetative state](#), shall be punished with rigorous imprisonment for a term which shall not be **less than twenty years** but which may extend to imprisonment for life or remainder of that person's natural life or with death. Similarly in "gang rape", persons involved regardless of their gender shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to life and shall pay compensation to the victim which shall be reasonable to meet the medical expenses and rehabilitation of the victim. The [age of consent](#) in India has been increased to 18 years, which means any sexual activity irrespective of presence of consent with a woman below the age of 18 **will constitute [statutory rape](#).**

Changes were incorporated in the **Criminal Procedure Code** and the **Indian Evidence Act** to protect the victims, **the character of the victim is now rendered totally irrelevant** and the victim's statement will be accepted as indisputable.

The Special and Local Laws such as **Dowry Prohibition Act, Indecent Representation of Women (Prevention) Act, Immoral Traffic (Prevention) Act, Protection of Women from Domestic Violence Act, Sexual Harassment of Women at Workplaces (Prevention, Prohibition & Redressal) Act** as well as the **Kerala Police Act section 119** are also there for the protection of women.

The above legal provisions can be invoked when there is violence against women in campuses too. But we see that in five years, only a countable number of cases are registered whereas the majority of instances of gender violence are kept under the wraps.

## NOTABLE CASES

[Mrs. RupanDeol Bajaj vs Kanwar Pal Singh Gill](#)

[N Radhabai Vs. D. Ramchandran](#)

[Vishaka Vs. State of Rajasthan](#)

[Nirbhaya Case](#)

Although the above cases are not related to violence on campuses, they led to a series of judgments and laws in favour of women and further led to a clear definition of the word 'sexual harassment' as well as more legal provisions for protection of women. However, since the majority of harassed victims are scared or have inhibitions to file a police complaint or pursue the case, they suffer silently. In cases registered in Kerala, the conviction percentage is only around 20% which is another reason why there is hesitation to file complaints. Delay in justice is yet another reason resulting in low number of cases registered. In our society 'silence' and 'suffering' are considered as virtues for women and 'resisting', 'responding',

'retaliating' and 'complaining' as reflections of her arrogance and immorality. This attitude by others, including the elder women in the family and society is another reason why victims do not complain.

Instead of clubbing gender harassment along with other serious sexual crimes, it may be mooted as to whether a new legislation **specially to protect women in campus may be brought out. In the USA, an Act for women-"Violence against Women Act"** has been promulgated in 1994 which deals with all types of violence at public places, homes, workplace and campus. Hence it may be considered whether amendment of Sexual Harassment of Women at Workplaces (Prevention) Act may be made to include protection to women/girls in campuses also instead of having a new and separate act.

However, Government can take immediate steps to proactively prevent gender violence in campuses and take immediate remedial measures to counteract offences against women.

## PREVENTIVE MEASURES

Directions may be issued by the Government to all the College Authorities to issue orders expressly prohibiting sexual harassment of any sort and all sorts of gender discriminations in the campus which should be notified, published and circulated in appropriate ways. **A Conduct and Service Rules for Teachers and Staff may be formulated and sexual harassment must be included as an offence attracting appropriate disciplinary action as well as criminal procedures** against the offender. Further, all Educational Institutions should provide a conducive environment for the girl students and lady staff and ensure that there is **no hostile** environment towards women at the campus. The need for raising wide spread and continuous awareness of the legal protection available to women is to be stressed through various programmes in the campus.

A core committee consisting of lady teachers, staff and girl students may be formed in each college and issues of sexual harassment and ways to give relief to the victims may be discussed in their meetings. This committee can also **organize seminars,**

**discussions and competitions to create awareness among all on the legal protection available** to women. A guideline stressing the rights of women in campus should be prepared and prominently displayed.

The following guidelines, which are there in many campuses in developed Countries, may be given to the girl students at the start of the academic year in order to prepare her for any eventualities.

- Write down what happened immediately after the incident, when it occurred, the names of anyone who witnessed the harassment, and how it affected you. If you are mistreated on separate occasions, record every instance. This can be used as a document of proof.
- Immediately on getting harassed, tell the person/persons responsible in clear and precise terms that he should stop doing this, you do not like it and in case he does it again, you will prefer a complaint.
- If he does not stop, give a written complaint to the College Authorities. They are legally bound to follow up on your report. You might also wish to make a police report in case your grievance is not redressed as expected.
- Tell at least one other person about the harassment at the earliest. Talking about the incident with a trusted friend, family member, or faculty member will help you decide on the future course of action.
- In case the incident has affected you and you feel incapable of getting past it, then resort to counseling services offered **free of cost by the social welfare department.**

The law is designed to protect every woman from harassment - anything less than full protection should not be acceptable. It is the duty of the college authorities to help the victim unconditionally and make her stay firm in the conviction that she and the other students at the college **deserve to be safe and feel comfortable on campus.**

## RESPONSIBILITIES OF THE COLLEGE AUTHORITY

Sexual harassment is against the law and each Educational Institution is obliged to create a safe campus for its students. The Higher Education Department should instruct the Colleges to deal with sexual harassment 'swiftly and appropriately.' It is important to make the students realize that to deal with a problem; they have to first realize that it exists. Most of the students, especially those who come from conservative backgrounds tend to feel that they got harassed due to some problems of theirs and feel guilty about the incident. The first step of the authorities should be to make the students react and respond in case there is a situation. The core committee should take care of the girl and guide her properly. The Authorities in Colleges should be in touch with the Health Department, Police Department and the Social Welfare Department so that immediate relief if needed can be provided to the girl. The name and contact details of nodal persons in these departments may be shared amongst each other to avoid delay in helping the victim.

The core committee may be instructed to give a Quarterly Report to the Government regarding their activities during the Quarter.

Parents and teachers as well as friends and colleagues too have similar responsibilities to get immediate relief for the victim and to see that the perpetrators are punished immediately. Trying to hush up such incidents will only lead to more and more gender violence whereas prompt response and action will be a great deterrent.

## REMEDIAL MEASURES

Realization that gender violence or discrimination can occur to any girl student or woman, **right from the cleaning staff to the head of the college is the first step towards remedying** this problem. There should be a well-organized protocol to deal with harassment against women in campuses. The usual hurdles and troubles a woman faces when reporting an abuse should not be there in the campus.

**Mentors or Counselors may be appointed** in Colleges or their roles may be given to interested lady teachers. This will help the students to air their issues in a secure environment. Ensuring gender justice among the senior teachers and staff, educating

the teachers so that there is awareness among the teaching staff, enforcement of equal justice in the hierarchy are some steps to be taken up by the Government in colleges.

**The male teachers, staff members or students** who have committed gender violence may be swiftly dealt with in an appropriate manner and their further continuance in the Campus may be disallowed. Even seemingly minor matters such as comments on the dress, gait or attitude of women should be frowned upon.

Announcing a 'gender-just' campus by the Colleges may be encouraged by the Government and publicity may be given to programmes in which Colleges declare their campus to be women-friendly. Persons of eminence may be invited to Colleges to give awareness of this campaign and members of the media may be requested to give due publicity to the event.

## CONCLUSION

To ensure gender justice in campuses, we need a **multi-pronged** approach at different **levels and close co-ordination between the stake holding departments**. The first step should be to erase all the established norms and practices in campuses and to rewrite the policies. A clear protocol to deal with the various issues could be promulgated. Anonymity in complaints is a dangerous trend since it will lead to misuse. Hence all the complaint boxes should be removed from the campuses and students may be encouraged to give complaints with clear details of identity and exact nature of incidents immediately after the incident. They should be taught to be bold and face the challenges with courage. The authorities should give them all protection and guidance. Until and unless the girls/women complain and are willing to stand firm by the complaint, the menace will be difficult to tackle.

The next steps should be devised **with care to deal effectively** and in the shortest possible time with the complaints so that there is permanent relief to the victim. All possible efforts should be taken to see that the punishment is swift and firm and not

swayed by external influences. No sympathy should be allowed to play in such instances and the most painful lash is the only solution to prevent future instances of gender violence.

Once a system is well established, implemented and enforced with due care, then it will be easier to deal with even minor issues effortlessly and easily in campuses. We could contain and eradicate ragging in campuses through well programmed canvassing and adequate legal backing. Likewise, gender justice too can easily be brought about with sustained education and through strict punitive measures.

## **Annexure 7**

### **List of students, faculty and experts present at the extensive consultation sessions**

**Representatives of Students Union (Political party) KSU, SFI, ABVP,MSF**

**Leaders of Teachers Association and Organisations from Universities and Colleges in the State**

**Government College Teachers Association**

**Departments of Women Studies**

**University level Nodal Officer**

**All Kerala Government college Teachers**

**Kerala University Teachers Association**

**MG University Teachers Association**

**MG University Teachers Organization**

**Experts who deal with the gender issues**

Smt. Sugathakumari, **Poet, Environmentalist, Trivandrum**

DrUsha VT **Centre for Women's Studies, Pondicherry University**

DrGeetha Gopal, **Gender and Child protection Advisor, Govt of Kerala**

Dr .P.S.Sreekala Director, **Kerala SthreePatana Kendram**

Adv. Swapna George, Member, **Kerala State Youth Commission**

Dr A. N. Padma Kumari, **Deputy Director. Collegiate Education Department.**

**JusticeD.Sreedevi(Retd) Govt Of Kerala**

DrMridulEpan,**Hon. Fellow, Centre for Development Studies Trivandrum**

Smt R. ParvathiDevi , **Media Person, Trivandrum**

Roshma Peter, **Kerala State Women's Development Corporation**

Athira R. Menon, **Project Manager, Kerala State Women's Development Corporation**

Smt .Beena Paul, **Regional Director, L V Prasad Film & TV Academy, Trivandrum**

**Among others.**

# Gender Action Plan

## Equal Access to Capabilities/ Opportunities/ Services

1. Change mind sets among teachers
2. Focus on equal access to Trans-gender including appln forms that gender can be self identified
3. Infrastructure responsive of Women's needs
4. Facilitate Gender – Equal Space
5. Enhance focused funding for gender equality initiatives

### Gender Equality

#### Freedom from Violence

1. He for she movement? Ensure ICC or similar bodies on campuses– bring in youth & boys
2. Study on forms of different types of harassment

#### Voice and Agency

1. Improve guidelines for gender cells and ensure better functioning
2. Showcase Model Gender Cells
3. Institutional structures for recruitment, promotion, performance assessment to be made gender aware

Enhanced Gender Awareness should be crosscutting and monitored through centralized institutional arrangements like Gender Cells

## **Women's Cell**

### **• Introduction**

The Women's Cell, an initiative by the Kerala State Women's Development Corporation aims to enhance the understanding of women- related issues and to ensure the college campus as a safe and productive environment for women. The Cell aims at making women aware of their rights and duties while also providing a platform for women to share their experiences and views about gender inequities, their status in society and suggest ways to empower themselves.

The objective of the Women's Cell is to intellectually enrich and uplift women students. The Cell proposes to do this in an interactive manner which involves debate, meaningful conversations around gender, guest lectures, seminars, awareness programs and other activities.

- At the core of this initiative lies the enthusiasm and need for KSWDC to reach every woman in Kerala and bring to them a bevy of services and conversations that will enhance their lives.
- The members of the Women's Cell are envisioned as the grassroots force of the KSWDC. They will accomplish the dual goal of their own personal development through the Women's Cell while also acting as a facilitator of public opinion.
- This would benefit KSWDC to be in sync with the current and changing needs of women and build initiatives that will support them in facing these challenges.

### **• Objectives**

- To make students aware of Gender Equity.
- To encourage greater participation and to develop responsible and value oriented leadership in women students.
- To enhance the self-esteem and self-confidence among women students, faculty and staff in the college.
- To promote intellectual and cultural activities for overall personality development of student.
- To develop critical thinking ability of women students such that it enhances decision-making ability.
- To enable women to make informed choices in areas like education, employment and health.
- To enhance their participation on an equal footing in all areas
- To reach out to women in the rural areas through the students and make them aware of their social and legal rights and to equip them to stand against gender violence and gender discrimination

- **Structure of the Women's Cell**

The structure of the Women's Cell is hierarchical and creates within itself a system of accountability and responsibility. The Women's Cell will be structured as follows:

KSWDC  
College Principal  
Women's Cell Teacher- in charge  
Women's Cell

#### **4.Scrutiny and Sanction of Projects**

KSWDC will call for proposals from women's colleges and scrutinize every project proposal received from the colleges. After scrutinizing the project, KSWDC will issue a sanction letter on the approval of a project.

#### **5.Financial Support**

Each college will be given Rs.25, 000/- for the functioning of the Women's Cell for an academic year. The conditions for the release of the grant are as follows:

- The allocated amount of Rs.25, 000/- will be released in four instalments. 40% of the grant will be released to the college after the sanctioning of the project sent by the college to KSWDC.
- The second instalment will be released only after the receipt of the Final Report and its acceptance by the KSWDC.
- The third instalment of 20% will be paid only after the receipt of the audited statement of accounts for all expenditure incurred together with a utilization certificate.
- The final instalment of 20% will be paid only after the receipt of the final report which shall include the reports of the programmes conducted with proofs and document, the expenditure statement of each programme which is verified by the Account Department and the authorised person of each college. These reports will be handed to KSWDC for perusal by each college.
- Any unspent amount of the fund shall be returned back to KSWDC by the college immediately.

The Women's Cell of each college will also award a scholarship of Rs.5000/- each to two women students with an exceptional academic and extra-curricular record. The Principal of the college is handed the duty of recommending the two students whose family income is below Rs.100000/-. In order to release the amount, the recommendation letter by the Principal mentioning the fees amount, attested copy of their marks list and the attested copy of the income certificate from the village office should be forwarded to KSWDC.

#### **6) Status of the Women's Cell**

The agenda of the Women's Cell has been successfully achieved in 20 colleges across the state. Activities as part of the Women's Cell and the scholarship funds have been released to them. However, in 11 colleges the complete funds have not been released despite completion of activities due to the non- submission of the required documents and reports by the college authorities. The onset of the vacation period could be a factor in the lack of submission of documents from the colleges. There have been several colleges that have poorly performing

Women's Cell- 8 colleges have not completed their list of activities for the academic year while 1 college discontinued with their Women's Cell. The first year of the Women's Cell saw much enthusiasm though a small proportion of the colleges displayed a lack of enthusiasm and seriousness with the Women's Cell and the important goal of women's empowerment that were entrusted to achieve.

### **7).Activities of Women Cell**

Activities of Women Cell are divided in to two main categories.

- **Training**

It include the following

- Soft skill training
- IT skill training
- Pre-marital counseling
- Gender Awareness
- Stress management training
- College shall suggest any other women empowerment programme (to be approved by KSWDC).
- Seminar
- Open Forum
- Creative Workshop

**Cultural**

- **Street Play** :Street Plays are effective & powerful medium of communication. The Women cell can conduct street play competitions based on social issues like women empowerment, gender awareness, female feticide, dowry prohibition, women's rights, etc so that others become aware of these issues. They can also invite the women from community to attend these programmes so that the message could be conveyed to them as well which will enlighten them to fight against these social evils. In this way, Women cell could channelize the relevant messages to the society and we could build a socially committed youth which will cater for the holistic development of the Nation.
- **Film/Documentary screening**:Any documentary/film based on social issues shall be screened in their college by women cell. The film review will enable the students to be aware of the social issues.
- **Publishing Manuscript**: The students can publish their talents in art, poems, story, paintings, and articles as manuscript. A copy of the same shall be sent to KSWDC and another one shall be maintained in the college library.

### **8) Challenges faced by Women's Cells.**

The working of the Women's Cell is currently facing numerous challenges in efficiently and effectively utilizing the Women's Cell to achieve its core objectives. The challenges to the Cell are as stated below:

- Delay on part of the college authorities in submitting the relevant documents and reports such as the Final Report, Audited Statement of accounts and such others.
- The teacher in charge and the members have not taken much effort to ensure in-person interaction with the KSWDC project coordinator to communicate the state of affairs of the Women's Cell.
- There is a very apparent lack of enthusiasm and motivation in the teacher- in charge in performing her duty.

### **WOMEN'S CELL REVAMP PLAN**

To overcome the challenges faced in the smooth conduction of Women's Cell we may have formed a systematic process.

- **Modus Operandi: Identifying the Core team for Women Cell in every college:**

Every Chapter of the Women's Cell will be led by a team composed of four members who show excellent leadership, management capabilities. The roles that these members must play are:

- Team Leader
- Operations Manager
- Activity Coordinator
- Finance Coordinator

The Women's Cell can also engage any other manpower as and when it deems necessary for its successful functioning.

#### **9.1 Core Team Recruitment**

We can conduct the recruitment in two ways:

- The college authorities selecting the core team: We can assign the college authorities to select the 4 core team members and give the names to us.

OR

- Team KSWDC can go to the respective colleges, conduct an orientation followed by a recruitment drive to identify the core team members.

#### **9.2 Core Team Induction**

The college authorities will send the core team members from their respective colleges for the Core Team Leadership Program to Trivandrum/Cochin/Calicut. Experts (Gender experts, motivational speakers, activists) will take sessions which will cover gender issues, empowerment, and opportunities for women. The three day session will also cover how to run a women cell, roles and responsibilities of the core team members, various activities a women cell should run etc. It will end with a gallery walk where each team will present charts as to their plans for the next academic year.

The leadership program will consist of:

- Ice breakers
- Leadership

- Design Thinking
- Innovation
- Gender
- Activity chart
- **Running a women cell**

### **Yearly Calendar:**

During the induction each college will give the KSWDC team a list of activities that they will be doing in a year and share a calendar with timelines. The activities planned by the Women's Cell should be relevant to women in the community and the Cell must make all efforts to include women in the community in all their activities.

### **Support from KSWDC:**

- The Project Coordinator will ensure that the women cell is adhering to all the timelines submitted to KSWDC.
- Quarterly visits will be conducted by the coordinator to evaluate the performance of the Women Cell
- Financial assistance to women cell to do activities (if required).
- The project coordinator will monitor and evaluate the activities across all the 40 colleges and submit quarterly report.
- KSWDC will also suggest some important activities that might not have featured in the activity list of the colleges which will be an added information for the students
- KSWDC will also provide refresher training to the core team members if required.
- **Impact of the Women's Cell**

The Women's is envisioned to be the centre of all women- related activities and programmes. This initiative has been proposed with the intention of creating a sense of fraternity among women within the college and with the hope that they will be able to bring the same feeling to women in the community.

The impact of this initiative could also extend to building consensus and enabling conversations on important issues within the community and empower women in socio-cultural contexts.

## Annexure - 10

**Interpretation of certain terms defined in the The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 for the purpose of putting in place necessary regulations for HEIs for students (and staff).**

- The “Sexual Harassment Act” refers to The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013. For the purpose of regulations, the campus of the HEI shall be deemed as workplace.
- “Third party Harassment” refers to a situation where sexual harassment occurs as a result of an act or omission by any third party or outsider. In the context of an HEI, anyone who is not an employee or student of the HEI but a visitor to the HEI in some other capacity or for some other reason, shall be treated as a third party.
- “Covered individuals” are persons who have engaged in **protected activity** such as filing a sexual harassment charge, or who are closely associated with an individual who has engaged in protected activity. Covered individual can be an employee or a colleague or a fellow student or guardian of the offended individual.
- “Protected Activity” includes reasonable opposition to a practice believed to violate sexual harassment laws on behalf of oneself or others such as participation in sexual harassment proceedings, cooperating with an internal investigation or alleged sexual harassment practices or acting as a witness in an investigation by an outside agency or in litigation.

- An “employee” as defined in Section 2(f) of the Sexual Harassment Act includes “trainee, apprentice, or called by any such name”. Students Interns/ Volunteers, teacher assistant, Research assistants, “whether employed or not” including those involved in field studies, visits and camps, may be subsumed in this category for the purpose of the application of the Sexual Harassment Act, in relation to protection of their rights.

The HEIs shall appropriately subsume the spirit of the above definitions in their Policy and Regulations on prevention and prohibition of sexual harassment against students and staffs.

***Responsibilities of the HEI:***

Every Higher Educational Institution (HEI) shall;

- wherever required, modify their ordinances and rules in consonance with the requirements of Act;
- publicly notify the provisions against sexual harassment and ensure their wide dissemination;
- provide trainings to officers, functionaries, faculty and students to ensure knowledge and awareness of the rights, entitlements and responsibilities enshrined in the Act. Trainings/workshops modules may be accessed from the SAKSHAM Report of the UGC
- Act decisively against all gender based violence perpetrated against students of all sexes recognizing that primarily women students but also male students and students of the third gender are vulnerable to many forms of sexual harassment and humiliation and exploitation.
- publicly commit itself to a zero tolerance policy towards sexual harassment;
- reinforce its commitment to creating its campus free from discrimination, harassment, retaliation and/or sexual assault at all levels;

- create awareness about what constitutes sexual harassment including hostile environment harassment and Quid Pro Quo harassment;
- display prominently at conspicuous places/ Notice Board (and include in its prospectus) the **penalty and consequences** of sexual harassment and make students aware of the information on the mechanism put in place for redressal of complaints pertaining to sexual harassment, contact details of members of complaints committee, complaints procedure and so on. Wherever a GSCASH (Gender Sensitization Committee Against Sexual Harassment) already exists it must be brought additionally in consonance with the composition mandated by the Sexual Harassment Act. In the case of HEIs, at least two, preferably three representatives from the student body may be also inducted in the committee through transparent procedures of democratic accountability.
- inform students of the **recourse** available to them if they are victims of sexual harassment.
- organize workshops and awareness programs for sensitizing employees and students.
- organize regular orientation/training programs for the members of the ICC (Internal Complaints Committee)/ GSCASH.
- proactively move to curb all forms of harassment of students whether it be from those in a dominant power or hierarchical relationship within HEIs or owing to intimate partner violence or from peers or from elements outside of the geographical limits of the HEI.
- be responsible to bring those guilty of sexual harassment against its students to book and initiate all proceedings as required by law and also put in place mechanisms and redressal systems like the ICC to curb and prevent sexual harassment on campuses.
- **Each HEI shall ensure compliance including in the appointment of an Internal complaints committee as mandated by law or invite penalties for non-compliance.**

- treat sexual harassment as a misconduct under service rules and initiate action for misconduct if the perpetrator is an employee and violation of the disciplinary rules (leading up to rustication and expulsion) if the perpetrator is a student.
- prepare an annual status report with details on the number of cases filed and their disposal and submit the same to the KSHEC, and also monitor the timely submission of reports by the ICC/GSCASH.

### *Grievance Redress Mechanism*

Every HEI shall constitute an Internal Complaints Committee with an inbuilt mechanism for gender sensitization against sexual harassment. The ICC may have the following composition:-

- a Presiding Officer who shall be a woman faculty member employed at a senior level at the educational institution;
  - not less than two teaching employees and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge
  - not less than three students, who shall be enrolled at the undergraduate, masters, and research scholar levels respectively.
  - one member from amongst non government organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- provided that at least one-half of the total Members so nominated shall be women.
- persons in senior administrative positions in the HEI, such as Vice-Chancellor, pro-VCs, Rector(s), Registrar, Dean(s), Heads of Departments, etc.), shall **not** be members of ICCs in order to ensure autonomy of functioning

- the term of the ICC be for a maximum period of 3 years. HEIs may also employ a system whereby one -third of the members of the ICC may change every year.

### ***Responsibilities of Internal Complaints Committee (ICC) or GSASH***

Internal Complaints Committee shall:

- provide assistance if a student or employee chooses to file a complaint with the police.
- provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining students' rights, and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence.
- protect the safety of the complainant by not divulging his/her identity and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department/supervisor as required during the pendency of the complaint, or also provide for the transfer of the offender.
- ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. Ensure prohibition of retaliation/ adverse action against a covered individual because he/she engaged in protected activity.

### ***The Process for Complaint and Inquiry***

**The ICC will comply with the procedure prescribed in the Sexual Harassment Act 2013, for making a complaint and enquiring into the complaint in a time bound manner. The HEI shall provide all necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy.**

### **Complaint:**

- An aggrieved student/employee is required to submit a written complaint along with supporting documents and names and address of the witnesses, to

the ICC within 3 months from the date of the incident and in case of a series of incidents within a period of 3 months from the date of the last incident. Friends, relatives, co-students, psychologist or any other associate of the victim may file the complaint in situations where the aggrieved student is unable to make a complaint on account of physical or mental incapacity or death.

***Powers of ICCs and Process for Inquiry:***

- upon receipt of the complaint one copy of the complaint, is to be sent to the respondent within 7 days
- upon receipt of the copy of the complaint the respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses within 10 working days
- the inquiry has to be completed within a total of 90 days from the receipt of the complaint. The inquiry report, **with recommendations if any**, has to be issued within 10 days from the completion of the inquiry **to the Executive/Administrative Head of the HEI. Copy of the findings/recommendations shall also be served on both Parties to the complaint.**
- the executive authority of the HEI shall act on the recommendations of the committee within 30 days of the receipt of the inquiry report, **unless an appeal against the findings is filed within that time by either Party.**
- appeal against the **findings/recommendations** of the ICC **may be filed by either Party before the Administrative Head of the HEI within 30 days** of the date of the recommendations.
- **If the HEI Executive Head decides not to act as per the recommendations of the ICC then it shall give written reasons for the same to be conveyed to ICC and both parties to the proceedings. If on the other hand it is decided to act as per the recommendations of the ICC then show cause notice,**

**answerable in 10 days, shall be served on the Party against whom action is decided to be taken. The Administrative head of the HEI shall proceed only after considering the reply/hearing the aggrieved person.**

- The **aggrieved** party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. HEI shall facilitate a conciliation process **through ICC/GSCASH**, once it is sought. The resolution of the conflict to the full satisfaction of the aggrieved party wherever possible, is preferred to purely punitive intervention. Proper training be provided to the ICCs and GSCASH to steer the process with sensitivity.
- identities of the aggrieved/victim or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.

#### ***Interim Relief:***

- the ICC may recommend to the employer that the complaint or respondent may be transferred to another section/department to minimize the risks involved in contact or interaction.
- grant leave to the aggrieved with full protection of status and benefits for a period up to 3 months.
- restrain the respondent from reporting on the work/performance of the complainant or evaluate tests or examinations of the complainant
- ensure that offenders are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry to the campus.
- take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimization as a consequence of making a complaint of sexual harassment

#### ***Punishment and Compensation***

Anyone found guilty of Sexual Harassment shall be punished in accordance with the service rules prescribed by the HEI if the offender is an employee. The punishments may include disciplinary action including written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service undergoing counseling or carrying out community service.

Where the respondent is a student, depending upon the severity of the offence, the HEI may :

- withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation scholarships, allowances, and identity card;
- suspend/restrict for a specific period;
- expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants.
- award reformatory punishments like mandatory counseling and /or performance of community services.
- issue direction for payment of the compensation required by the complainant, which shall be recovered from the offender.

The aggrieved student is also entitled to the payment of compensation. The compensation payable shall be determined on the basis of

- mental trauma, pain, suffering and distress caused to the aggrieved student'
- the loss of career opportunity due to the incident of sexual harassment
- medical expenses incurred by the student victim for physical, psychiatric treatment
- the income and status of the alleged perpetrator and victim
- feasibility of such payment in lump sum or in installments.

### *Action against Frivolous Complaint*

To ensure that the provisions for the protection from sexual Harassment do not get misused, provisions against “false or malicious” complaints have to be made and publicized within all HEIs. If the ICC (or the GSCASH) concludes that the allegations made were false malicious or the complaint was made knowing it to be untrue, or forged or misleading information has been provided during the inquiry, disciplinary action in accordance with the statute provisions may be taken.

### *Consequences of Non Compliance*

The Council can in respect of any institution that willfully contravenes or repeatedly fails to comply with the obligations and duties laid out for the prevention, prohibition and redressal of sexual Harassment of students, take one or more of the following actions after providing due notice: -

- withdrawal of declaration of fitness to receive grants.
- withholding any grant allocated to the institution
- declaring the institution ineligible for consideration for any assistance under any of the general or special assistance programmes of the council.
- informing the general public, including potential candidates for admission, through a notice displayed prominently in the newspapers or other suitable media and posted on the website of the commission, declaring that the institution does not provide for a zero tolerance policy against sexual harassment.
- recommend to the affiliating university of withdrawal of affiliation, in case of a college
- recommend to the central government for withdrawal of declaration as institution deemed to be university, in case of an institution deemed to be university.
- recommend to the appropriate state government for withdrawal of status as university in case of a university established or incorporated under a state act.
- take such other action within its powers as it may deem fit and impose such other penalties as may be provided for in to act for such duration of time as the institution takes suitable action.

providing that no action shall be taken by the council unless the institution has been given an opportunity to explain its position and opportunity of being heard has been provided to it.

*Supportive Processes:*

- The Rules by which ICCs or GSCASH must function will have to be updated and revised from time-to-time, as court judgements and other laws and rules will continue to revise the legal framework within which the 2013 Act is to be implemented.
- The Executive Authority of HEIs must extend full support to see that the recommendations of the ICCs are, implemented in a timely manner. All possible institutional resources must be given to the functioning of the ICC, including office and building infrastructure (computers, photocopiers, audio-video, equipment), staff (typists, counselling and legal services) as, well as a sufficient allocation of financial resources.
- Vulnerable groups are particularly prone to harassment and also find it more difficult to complain. Vulnerability can be socially compounded by region, class, caste, sexual orientation, minority identity and by being differently abled. Enabling committees must be sensitive to such vulnerabilities and special needs.
- All HEIs must conduct a regular and half yearly review of the efficacy and implementation of their sexual harassment policy.