

Sexual harassment: A complainant at Gujarat's IRMA describes hurdles she faced to seek justice

When internal complaints committees on India's campuses are undermined, complainants are forced seek redressal outside.



Manan Vatsyayana/AFP

Earlier this week, the director of the Institute of Rural Management Anand, in Gujarat, was [sent on leave](#) pending an investigation into allegations of sexual harassment against him by a staff member. The institute's governing body took the decision following complaints filed with its complaints committee, and later with the police.

The complainant, a woman in her forties who has been with the institution for about five years, would have preferred if the matter had been dealt with internally. She had first approached the internal sexual harassment complaints committee on March 2.

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“There were hearings and I was fully satisfied with the proceedings,” she told this reporter. “After filing the complaint, I went on leave for a while. When I returned, I was informed that the governing body was considering reconstituting the complaints committee that was handling my case.”

It was not finally reconstituted, and a member of that body denied it was even considered, but the complainant clarified that she had received emails from the committee informing her that it was being changed.

That, she said, forced her to take her complaint outside the institute.

She approached the Mamlatdar (an administrative official) at the collector's office in the last week of March, and a few days later, on March 28, also filed a First Information Report with the police. "I had to go to them because a reconstitution of the committee would have killed my case altogether," she said. "My complaining outside IRMA [Institute of Rural Management Anand] may have put that decision on hold."

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The staff member said that she sought the opinion of her friends on Facebook before filing her initial complaint. The director has been accused of hugging her, and of making comments about her body and clothes. "I wrote about it and asked people if this could be construed as sexual harassment," she said.

The system of redressing sexual harassment complaints often fail when the allegations are against senior members of the administration, or, in educational institutions, teachers.

"A grievance redressal mechanism cannot be bigger than the governing body, the highest authority," said Mary E John of Centre for Women's Development Studies. This often meant that its effectiveness as a redressal mechanism was contingent "on the fairness and goodwill of those in charge", she added.

However, since governing bodies across educational institutions are often seen as acting unfairly, complainants are increasingly going outside these institutions to seek redress. In some cases, this leads to protests against the harassment, with women's groups and non-government organisations getting involved.

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'The enemy'

"The moment a case is filed in the internal complaints committee, the whole institute treats it like the enemy," said a woman, who, as a third-year student at Kolkata's Satyajit Ray Film and Television Institute, in 2015, had complained against two teachers for sexual harassment.

She added: "The committee found the professors guilty last August but the governing council tried to dissolve it [the complaints committee] at its meeting in March this year when it was supposed to take action. They claimed the committee, which had handled our case, was biased."

But pressure from groups of students and non-governmental organisations worked.

"The chairperson wrote to us last week saying the decision had been retracted," said the complainant. But over the months, the complaint led to court cases as the professors chose to challenge the committee's rulings and, according to her, one of her complaints was forwarded to the police "without [her] consent".

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"I did not want the matter to go outside the institute," she stated. "But the administration does not want to be seen doing anything against the professors. They want us to take our battle outside even though complaints committees exist so we do not have to."

The complainant then got together with a few other students to create Women Against Sexual Harassment – a forum for complainants to seek help and advice, and which will also "put pressure on institutions to act".

In Bihar's Nalanda University, the recommendation of an internal committee to expel a student accused of sexual harassment was "sat on", as students put it, till they got together and launched a hunger strike in late March.



Students protest at Nalanda University.

“Because the vice-chancellor took no action against the accused, he was emboldened and harassment reached new heights,” said a student who was a part of the protests. “The hearing was on February 24 and the decision came within 10-15 days. It was to be implemented within a week but nothing was done. He had started threatening students via email.”

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The university finally [suspended](#) the student at the end of March.

What the law says

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, made it mandatory for organisations with more than 10 employees to form internal complaints committees.

In 2016, the University Grants Commission issued a separate set of regulations – covering not just sexual harassment but a variety of other problems including discrimination and sexism – for universities it funds and regulates. These were based on the statutory body’s 2013 [Saksham report](#) by a task-force set up to “review the measures for ensuring safety of women on campuses and programmes for gender sensitization”.

However, activists who work on gender equality in education, pointed out that the recommendations of the report have been implemented in very few institutions.

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Delhi University adopted the provisions of the sexual harassment law in 2014. Maya John, the convenor of the Delhi-based Centre for Struggling Women, said that activists had some objections then too.

“The committees were constituted – all their members nominated – by the employer,” she said. “If the employer is the accused, the objectivity and sensitivity of the institution to the case would be impacted. Also, how fast cases are processed depends upon who the complainant and accused are, and where they stand in the institution.”

Mary John, who co-chaired the Saksham task-force, explained that the committees are meant “to provide relief without the complaint going straight to the police or the court”.

The committees can hold hearings and make recommendations but it is the employer – the governing bodies in case of educational institutions – who are required to act. Instead, they frequently attempt to discredit the findings of the committees or reconstitute them.

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Not just a helpline

Workplaces are so diverse that directions on the composition of such committees can, at best, be guidelines, said Madhu Mehra, a lawyer with Partners for Law in Development.

“But a rule of thumb that ought to be followed is that a committee cannot be liquidated before its term is over,” she said.

Each committee has a tenure of three years and should not be reconstituted without the administration stating good reasons for doing so, she said. Even then, the decision to do so can be challenged.

“The Justice JS Verma Committee report [on Amendments to Criminal Law] had suggested that tribunals would be a better idea [as grievance redressal mechanisms],” said Mehra. “And, in retrospect, I agree. It is much more feasible to orient the tribunals than every committee and institution.”

Internal committees are not only expected to hear complaints and recommend punitive action, especially in educational institutions where people from very diverse backgrounds gather.

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“They are required to also hold workshops and trainings, raise awareness and counsel,” said Mary John.

Mehra agreed with John. “We only talk about the redress aspect of law and not the preventive aspect,” she said. “Because we do not, we get scared and the situations become so explosive.”

The complainant at the Satyajit Ray Film and Television Institute claimed that the complaints committee at the institute was so low-profile that students did not even know it existed till she lodged her complaint.

Source: Scroll