

D.H.S.K. COMMERCE COLLEGE

GENDER SENSITISATION COMMITTEE AGAINST SEXUAL HARASSMENT

(GSCASH)

RECONSTITUTED AS INTERNAL COMPLAINTS COMMITTEE ON 14.06.16

Shobaganati

14/06/2016

Principal

D.H.S.K. Commerce College
Dibrugarh

RULES AND PROCEDURES

D.H.S.K. COMMERCE COLLEGE, DIBRUGARH



INTRODUCTION

Following the guidelines on the prevention and deterrence of sexual harassment in the workplace laid down by the Supreme Court of India in its 13 August 1997 judgement on the Writ Petition (criminal) Vishakha vs. State of Rajasthan and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill, 2013 passed by the Parliament, the **Governing Body of D.H.S.K. Commerce College, Dibrugarh** has approved a policy against Sexual Harassment at the Workplace.

The Rules and Procedures of the GSCASH were approved in principle by the members of the Nominating Committee for further approval of the **Governing Body Resolution**. The GSCASH has three major functions:

1. Gender Sensitisation and Orientation,
2. Crisis Management and Mediation and
3. Formal Enquiry and Redressal



CIRCULAR

The nominating committee for the committee to redress the sexual harassment in the college has approved a policy against Sexual Harassment at the Workplace for placing the same for approval of the Governing Body of the college.

"POLICY AGAINST SEXUAL HARASSMENT of D.H.S.K COMMERCE COLLEGE, DIBRUGARH"

D.H.S.K. Commerce College, Dibrugarh, Assam, is committed to provide a place of work and study free of sexual harassment, intimidation and exploitation. It is expected that all students, faculty, staff, workers and officials will treat one another and visitors to the College with respect. All members of the College community, including those who are in temporary or short term positions are subjects to this policy. Anyone violating this policy is subject to disciplinary action.

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

The College is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental to the pursuit of knowledge, and this policy is not intended to stifle teaching methods of freedom of expression. Sexual harassment, however, is not the proper exercise of academic freedom, nor can it be protected as freedom of expression. It compromises the integrity of the College and its traditions of intellectual freedom, and it also violates the principle of equality and dignity of its members.

What is Sexual Harassment?

Unwelcome sexual advances, requests for sexual favours, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when:
It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluations, or permission to participate in a College activity, or when the conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating or hostile academic work or living environment. Determining what constitutes sexual harassment depends upon the specific facts and the context in which the conduct occurs. Sexual harassment may take many forms-subtle and indirect, or blatant and overt. For example,

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

What to do if you feel you are being sexually harassed

Know your rights- sexual harassment is illegal, both the law of the land and the College prohibit sexual harassment. Speak up- If you can, tell the person to stop. State clearly and firmly that you want a particular behaviour to cease. Get information and support- If you feel you cannot speak up, ask your friends to help you and bring it to the notice of the College. Keep records that might be useful for pursuing the case.

What not to do

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

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

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

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

RULES & PROCEDURES OF GSCASH

These rules will be called the Rules and Procedures of the Gender Sensitisation Committee Against Sexual Harassment (GSCASH), which is the body constituted by D.H.S.K. Commerce College, Dibrugarh, Assam. This body shall implement the guidelines laid down by the Supreme Court of India, in its ruling on the Writ Petition (Criminal) Vishaka vs. State of Rajasthan on 13 August 1997, on the prevention and deterrence of sexual harassment in the workplace.

1. SHORT TITLE AND EXTENT

These Rules and Procedures of the D.H.S.K. Commerce College, Gender Sensitisation Committee Against Sexual Harassment will be called the Rules and Procedures of GSCASH. The provisions of these rules and procedure shall apply to all students, academic staff and non-teaching staff on active roll of D.H.S.K. Commerce College, Dibrugarh, Assam, as also to residents, service providers, and outsiders, on the D.H.S.K. Commerce College Campus, to the extent specified in these rules and procedures.

2. DEFINITIONS

- (i) "Academic staff" includes any person on the staff of the College who is appointed to a teaching and/or research post, whether full time, temporary, ad-hoc, part time, contract basis, guest faculty, visiting faculty, honorary, or on special duty or deputation, and shall include employees employed on a casual or project basis.
- (ii) "Campus" includes all places of work and residence in the College campus. It includes all places of instruction, research and administration, as well as hostels, guest houses, public places and places of residence allotted and administered by the college, including the college canteen/cafe/tertia.
- (iii) "Complaints Screening Committee" as defined in Clause 17(C) herein.
- (iv) "Counsellor" includes any women, empanelled by GSCASH and/or appointed by the College authorities, who have proven expertise in social and personal counselling on matters arising out of incidents of sexual harassment.
- (v) "Eminent women academician" includes a senior woman academician who is not a member of either the academic or the non-teaching staff of College, and who has experience in working for gender equality.
- (vi) "Enquiry Committee" as defined in Clause 18 herein.
- (vii) "GSCASH" shall refer to the D.H.S.K. Commerce College Gender Sensitisation Committee Against Sexual Harassment at workplace.
- (viii) "NGO" includes any Non-Government Organisation registered under the Societies' Registration ACT or as a public charitable trust. Such a society/ charitable trust must not be affiliate to any political party, and should have been engaged in work for gender equality, particularly for the amelioration of the status of women, for a minimum of three years prior to the date of empanelment. Two-thirds of the registered membership of such a society or charitable trust shall be outsiders with respect to D.H.S.K. Commerce College; i.e. atleast two-third of the membership shall not include any person who is a student, resident, service provider, or a member of the academic staff or non-teaching staff of D.H.S.K. Commerce College.
- (ix) "Non-Teaching staff" includes any person on the staff of the College who is not appointed to a teaching and/or research post, whether fulltime, temporary, ad-hoc, part time, daily wage, honorary or on special duty or deputation, and shall include employees employed on a casual or project basis, as also persons employed through a contractor.
- (x) "Outsider" includes any person who is not a student, resident, or a member of the academic staff or non-teaching staff of D.H.S.K. Commerce College.
- (xi) "The Policy" shall refer to the D.H.S.K. Commerce College Policy against Sexual Harassment after approval by the G.B.
- (xii) "Resident" includes any person who is temporary or permanent resident of any of the accommodations or premises managed and/or allotted by the College, irrespective of whether he/she is the person to whom the accommodation is officially allotted.
- (xiii) "Service provider" includes any person who runs or manages commercial enterprises on the campus, or provides services to the campus. It includes, but is not limited to, persons working in shops, canteens and restaurants on the campus, as well as persons working in premises allotted on the campus, such as the hostels, staff quarters, day care centre etc.
- (xiv) "Sexual harassment" (as is defined/described in the Supreme Court Judgement, and the Policy), includes any unwelcome sexually determined behaviour, whether directly or by implication, and includes physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pornography, any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.
Explanation: "Sexual Harassment" shall include, but will not be confined to, the following:
 - (a) When submission to unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature are made, either explicitly or implicitly, a term or condition of instruction, employment, participation or evaluation of a person's engagement in any academic or campus activity.
 - (b) When unwelcome sexual advances and verbal, non-verbal or physical conduct such as loaded comments, slander, remarks or jokes, letters, phone calls or e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory

nature have the purpose or effect of interfering with an individual's performance or of creating an intimidating, hostile or offensive College or campus environment.

(c) Cyber crimes such as hacking of facebook accounts or email accounts or use of fake id to harass or sully the good name of persons, sending obscene messages etc shall amount to sexual harassment at workplace.

- (xiv) "Student" includes any person who is enrolled for any course, whether full time or part time, in the College and includes Postgraduate (distance mode)/Undergraduate/Higher Secondary students, Research Scholars, visitors and repeaters. It includes a student of the College on the Campus.
- (xv) "Supreme Court Judgement" shall refer to the guidelines on the prevention and deterrence of sexual harassment in the workplace laid down by the Supreme Court of India in its 13 August 1997 judgment on the Writ Petition (Criminal) Vishaka vs. State of Rajasthan and Sexual Harassment Act shall refer to the Sexual Harassment of women at workplace (Prevention, Prohibition and Redressal) Act, 2013 passed by the Parliament.
- (xvi) "Third party" shall include the NGO representative or the eminent women academician serving on, or empanelled by, GSCASH.
- (xvii) "College authorities" shall refer to the President of the Governing Body and the Principal or Principal i/c of the College, by virtue of his/her being the head of the College Governing Body and of the College respectively, as well as any such person to whom such power may be delegated.
- (xviii) "College functionaries" includes any person appointed, designated or nominated by the College authorities to a position of service in D.H.S.K. Commerce College and includes, but is not limited to the following: Vice Principal, Heads of Departments, Librarian, Hostel Supervisor, Directors i/c, Coordinators and Office SA.
- (xix) "Vacations" shall refer to the periods when the College is observing vacations according to Academic Schedule.
- (xx) "Warden" shall refer to any person, who is nominated, appointed, or designated as a warden/supervisor of a hostel allotted and/or administered by the College.

3. SCOPE OF THE RULES & REGULATIONS

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

- (i) By a student against a member of the academic or non-teaching staff or a co-student; or by a member of the academic or non-teaching staff against a student or another member of the academic or non-teaching staff; in either case, irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.
- (ii) By a service provider or an outsider against a student or a member of the academic or non-teaching staff or made by a student or a member of the academic or non-teaching staff against an outsider or a service provider, if the sexual harassment is alleged to have taken place within the campus.
- (iii) By a resident against a student or a member of the academic or nonteaching staff or made by a student or a member of the academic or nonteaching staff against a resident, irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.

4. FUNCTIONS OF GSCASH

GSCASH shall have three functions:

I. Gender Sensitization and Orientation

- (i) GSCASH will ensure the prominent publicity of the Policy in all Teaching Depts. of the College, centres, hostels, offices of administration, as well as in all public places on the campus such as the library, health centre, residential areas, canteens etc.
- (ii) GSCASH will organize programmes for the gender sensitization of the campus community through workshops, seminars, posters, film shows, debates, skits etc. It may also enlist the help of specialized NGOs and any campus body to carry out these programmes.
- (iii) GSCASH will conduct at least one major activity per semester involving large sections of the College community.

II. Crisis Management and Mediation

- (i) GSCASH will assist in the mediation of crises arising out of incidents of sexual harassment and sexual assault on the campus and between members of the college community outside the campus.
- (ii) GSCASH will coordinate with the campus security service to devise ways and means by which a system of crisis management that is gender-sensitive as well as prompt and effective is put in place. It will maintain regular contact with the campus security services to ensure that in crisis arising out of incidents of sexual harassment, GSCASH members, and/or the volunteers identified by it, shall be intimated without delay.
- (iii) GSCASH will, through a circular at the beginning of each session, enlist and activate an adequately representative team of volunteers. GSCASH shall ensure the widespread publicity of the contact details (both official and personal) of all its members and volunteers.
- (iv) GSCASH will organize training workshops for members and volunteers to equip them to handle sexual harassment cases (including legal and medical aspects of aid). Volunteers will assist in the gender sensitization, crisis mediation and management duties of GSCASH, but shall not, participate in the task of formal redressal of complaints under these rules and procedures.

III. Formal Enquiry and Redressal

GSCASH shall be responsible for the formal redressal of complaints of sexual harassment. It shall receive complaints, conduct time-bound enquiries and recommend disciplinary action, if any, in accordance with the rules and procedures laid down herein.

5. **COMPOSITION OF GSCASH**

GSCASH shall have a membership of eleven persons, of which at least half the members shall be women. The members shall be nominated by the Committee as mentioned under Clause 8.

- (i) Two faculty members (at least one woman).
- (ii) Two Hostel Supervisors (at least one woman).
- (iii) Two Students (preferably one day-scholar and hostel-resident (at least one woman).
- (iv) One Teachers' and one Non-teaching Members' representative to the GB.
- (v) One eminent woman academician from outside the College.
- (vi) One representative of an NGO with experience in issues of sexual harassment.
- (vii) One Counselor.
- (viii) One legal Advisor.

6. **CHAIRPERSON OF GSCASH**

The chairperson of GSCASH shall be a woman faculty member, and shall be elected by the members of GSCASH from amongst themselves.

7. **TERM OF GSCASH**

- (a) The GSCASH shall be constituted by 8th of March every ~~two~~ ^{one} year.
- (b) The term of the office of each member of GSCASH, barring the third parties and the counselor, shall be twenty four months.

8. **PROCEDURE FOR THE COMPOSITION OF GSCASH**

- (i) The following committee shall nominate the members of GSCASH under Clause 5:
 - a. GB President
 - b. Principal
 - c. Hostel Supervisor
 - d. Senior-most lady teacher of the College
 - e. Coordinator/Convener, Women's Studies Cell
 - f. Presidents, ACTA College unit and Students' Union
- (ii) GSCASH shall empanel a pool of counsellors, eminent women academics, and NGO's as defined in clause 2 (v), (vi) and (xi), respectively. However, only one NGO representative, one eminent woman academic and one counsellor shall be invited to attend a meeting of GSCASH at one time.
- (iii) The panel of NGOs, eminent women academic, and counsellors, shall be updated by GSCASH from time to time. GSCASH will strive to maintain continuity in the membership of third party members and counsellors on GSCASH. A decision to remove from the panel a serving or empanelled third party or counsellor shall only be taken in a special Meeting defined in Clause 15 (vi).

9. **DISQUALIFICATION OF CHAIRPERSON AND MEMBERS**

A person shall be disqualified for being appointed, nominated or designated as, or for being continued as, a member of GSCASH if there is any complaint concerning sexual harassment pending against him/her, or if he/she has been found guilty of sexual harassment.

10. **DISQUALIFICATION OF AN NGO**

A person shall be disqualified for being appointed, nominated or designated as, or for being continued as, an NGO representative on GSCASH if such appointment, nomination or designation, election or continuation is inconsistent with the provisions of Clause 2 (ix).

11. **VACANCY OF A MEMBER OWING TO ABSENCE WITHOUT INTIMATION**

If a member nominated or designated to GSCASH remains absent without written intimation or absence to GSCASH for three consecutive meeting or two months, whichever is more, his/her office shall thereupon become vacant.

12. **RESIGNATION OF A MEMBER**

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

13. **PROCEDURE FOR FILLING A VACANCY IN GSCASH**

If a vacancy arises in GSCASH in accordance with the provisions of Clauses 9, 10, 11 or 12, GSCASH shall coordinate with the relevant body to arrange for the filling up of the vacancy, in accordance with the procedure outlined in Clause 8 for that particular category, within eight weeks, barring the period during which the College is on vacation.

14. **ACTING CHAIRPERSON OF GSCASH**

In the event of the chairperson of GSCASH being unable to discharge her duties for a short period (not exceeding three weeks), barring the period when the College is on vacation, GSCASH shall designate from amongst its members, a women member to the post of acting Chairperson of GSCASH for the period. The acting Chairperson of GSCASH shall have all the power and duties of the Chairperson of GSCASH outlined herein.

15. **MEETING OF GSCASH**

- (i) GSCASH shall meet at least once in an Academic Session.
- (ii) Members shall be intimated of meetings in writing or by electronic communication.
- (iii) Minutes of all meetings shall be confirmed and adopted.
- (iv) Any member may request the Chairperson to call an Ordinary Meeting. Forty-eight hours' notice shall be required for such a meeting to be called. The quorum for an Ordinary Meeting shall be one-third of the members of GSCASH. Motions shall be carried by a simple majority.

- (v) Any member may request the Chairperson to call an Emergent Meeting. At least twenty-four hours' notice shall be required for such a meeting to be called. The quorum for an Emergent Meeting shall be one-third of the members of GSCASH. Motions shall be carried by a simple majority.
- (vi) A Special Meeting shall be called by the Chairperson of GSCASH, with at least twenty-four hours' notice. A Special Meeting shall have a quorum of two-thirds of the members of GSCASH, and the attendance of at least one of the third party members shall be mandatory. Motions shall be carried by a two-thirds majority of the members present and voting.
- (vii) If the required quorum is not there at any meeting, such a meeting shall be adjourned for not more than seven working days. There shall be no requirement of quorum for an adjourned Emergent Meeting. But for the adjourned Ordinary or Special Meeting, the required quorum shall be the same as in a regular meeting.
- (viii) GSCASH shall hold at least one annual public meeting where it shall report to the campus community about its activities. The Annual Report of GSCASH will be presented in this meeting.

16. ANNUAL REPORT OF GSCASH

GSCASH shall, in accordance with the Supreme Court Judgement, forward an Annual Report on the discharge of its functions of gender sensitization and orientation, crisis mediation and formal enquiry and redressal/counselling to the DHE, Assam through the Principal of the College. The Annual Report shall also be presented and discussed in the annual public meeting called for the purpose by GSCASH.

17. REGISTRATION OF COMPLAINTS

Wherever, despite the preventive and mediatory efforts of GSCASH, incident of sexual harassment do take place, registration of complaints about such incidents shall follow a two-stage procedure. At the first stage there shall be a preliminary system for filing of complaints and subsequently there shall be follow-up by a Complaints Screening Committee. Both these stages are spelt out in the outline given below.

(A) Complaints Filing Process

- (i) Any student, resident, service provider, outsider, or a member of the academic or non-teaching staff may lodge a complaint of sexual harassment against a student, resident, service provider, outsider, or a member of the academic or non-teaching staff. Third party complaints and witness complaints shall be entertained.

Complaints can be lodged directly with any member of GSCASH, or through existing channels for lodging grievances, such as the College authorities, wardens, teachers, students, union/association representatives, administrative superior etc. If the complaint is made through any such channel, the person to whom the complaint is made should bring it to the notice of GSCASH within two working days of its receipt by her/him.

- (ii) Upon receipt of the complaint, the GSCASH member to whom the complaint is made shall forward the same to the Complaints Screening Committee. As far as possible the attempt should be to explore whether mediation or conciliation can provide a suitable solution of the case. This would be desirable in so far as it can spare the trauma of formal procedure for both the complainant and the accused. In cases where there is a possibility of success of such an effort, the time span between receipt of first information about an incident and bringing it formally to the notice of GSCASH by the faculty or other concerned person, may be enhanced beyond two days but to a period less than a week from the date of the initial complaints.

- (iii) The complaint may be oral or in writing. If the complaint is oral, it shall be reduced in writing by the Complaints Screening Committee or the GSCASH member receiving the complaint and authenticated by the complainant under his/her dated signature or thumb impression as the case may be.

(B) Time Frame for filling a complaint

Normally, a complaint should be lodged within six weeks of occurrence of the incident of sexual harassment. However, if there are certain extenuating circumstances which may have deterred a victim from filing a complaint within six weeks, such circumstances may be considered by the GSCASH. If reasons are found to be sufficiently strong and convincing, the maximum limit for filing the complaints may be relaxed up to six months by GSCASH. Reasons for granting such an extension should invariably be recorded.

(C) Complaints Screening Committee

(i) Composition

GSCASH shall designate by rotation between three persons from amongst its members for a period of one month to receive and screen complaints, henceforth called the Complaints Screening Committee. The names and contact details of these members shall be given widespread publicity by GSCASH.

(ii) Functions

- (a) The Complaints Screening Committee shall receive and record complaints of sexual harassment.
- (b) It shall carefully study the complaint, and may hear both the complainant, the accused and other involved parties to determine whether an enquiry by GSCASH is to be instituted. The process of screening of complaints would be kept as simple as possible, complainant-friendly and quick in terms of its decision as to whether the matter needs to be referred to the Enquiry Committee or should be taken care of by counselling/mediation. Recourse to calling of Witnesses would therefore be avoided at the complaints registering stage to the maximum extent possible.
- (c) At no time in the complaints receiving and recording procedure shall the past sexual history of the complainant be probed into, as such information shall be deemed irrelevant to a complaint of sexual harassment.
- (d) GSCASH may issue an order of restraint to the accused in accordance with the procedure outlined below in Clause 17 (D).
- (e) The Complaints Screening Committee shall communicate its recommendations, along with the reasons and documentary evidence, if any, thereof, in writing to the Chairperson of GSCASH as soon as possible.

- (f) The Complaints Screening Committee shall be responsible for making counselling services available to a person requesting for it.
- (g) The complainant may withdraw his/her complaint in writing at any time during the complaints receiving and/or enquiry procedure.
- (h) The enquiry procedure shall, on such withdrawal, be terminated, save in instances in which the Enquiry Committee is informed, knows, or has reasons to believe, that the reasons for such withdrawal are the consequences or effect of coercion and intimidation exerted by the accused, or any person on her/his behalf, on the complainant. In such an instance, the enquiry proceedings shall continue in accordance with the procedure outlined in clauses 17 (D) and 18.

(D) Restraint Order³

- (i) A restraint order in terms of GSCASH Rules shall provide a summary of the complaint, the date(s), time(s), and location(s) of the alleged incident(s). It shall warn the accused that any attempt on her/his part, or by person(s) acting on her/his behalf, to contact or influence, or intimidate, or exert pressure on the complainant or any person in the complainant's confidence may prove prejudicial to her/his case.
- (ii) The complainant or any other person should intimate in writing the Complaints Screening Committee, the Chairperson of GSCASH, and/or the Enquiry Committee of any violation of the order of restraint by the accused, or any persons acting on her/his behalf.
- (iii) Should the Complaints Screening Committee, the Chairperson of GSCASH, or the Enquiry Committee be convinced of the truth of such allegations, the Chairperson of GSCASH and/or the Chief Enquiry Officer may summon the accused in person and issue a verbal and written warning that such behaviour may lead to an adverse inference being drawn against her/him. The Enquiry Committee of GSCASH shall retain the right to close the enquiry proceedings, and to give an ex-parte decision on the complaint.
- (iv) The Enquiry Committee and GSCASH shall consider all violations of the restraining order when determining the nature of offence of an accused found guilty of sexual harassment.

18. Formal Enquiry⁴

Once the Complaints Screening Committee has decided that the complaint merits further investigation, GSCASH shall conduct formal enquiry and provide its resource to ensure the complainants safety on the campus during this period. For this purpose, the Chairperson of GSCASH shall convene an Emergency meeting to constitute the Enquiry Committee. GSCASH shall designate from within the members of such committee the Chief Enquiry Officer who shall be a woman.

(A) Composition of the Enquiry Committee

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

- (a) The Enquiry Committee shall consist of not less than three persons and not more than five persons, including one third party.
- (b) It shall have at least 50% women. The number of women members should not be less than half but be as near 50% as possible.⁵
- (c) It shall include at least one third party, i.e. the NGO representative or an eminent women academician.
- (d) It shall include the constituency of the complainant and the accused (i.e. if the complaint is filed by a student against an academic staff member, then the Enquiry Committee shall include one student and one academic staff member).
- (e) No person who is a complainant, witness, or an accused in the complaint at hand shall be part of an Enquiry Committee into a complaint.
- (f) The membership of an Enquiry Committee shall not be changed or in any other way modified during its proceedings, save for the provisions in Clauses 9 to 12.
- (g) Members of GSCASH who are representatives of unions/associations of which the complainant and/or the accused are also members, shall not be eligible to serve on an Enquiry Committee.
- (h) GSCASH may, at its own discretion co-opt any person(s) with demonstrable sensitivity to gender issues to be a part of an Enquiry Committee, provided that the majority of members are the members of GSCASH. Such a person shall also not serve as the Chief Enquiry Officer.

(B) Functions of the Enquiry Committee

- (a) The Enquiry Committee shall enquire into the complaint of sexual harassment using procedures in conformity with the principles of natural justice to the extent permitted by the need to observe gender sensitivity.⁶ In arriving at a decision, the Committee shall take cognizance of all aspects of the incidents, including the time, place and the context of the alleged incident of sexual harassment.
- (b) The Enquiry Committee shall act on any violation of the order of restraint issued to the accused in accordance with the procedure outline in Clause 17(D).
- (c) The Enquiry Committee shall submit a detailed report to GSCASH in which it shall communicate its findings based on its investigations.
- (d) The meeting of the GSCASH should pronounce:
 - (i) Whether the accused is guilty or not guilty
 - (ii) If found guilty, the Committee should indicate whether it considers the offence to be:
 - a major offence;
 - or a serious offence;
 - or a minor offence.

An intermediate category, i.e. 'serious offence', has been introduced since there may be cases which are more serious than minor ones but not of such a character as to be called major sexual offences which would include aberrations leading to murder, rape, physical assault/injury etc.

(C) **Procedure to be Followed by the Enquiry Committee**

- (a) The Enquiry Committee shall strive to complete the enquiry in the shortest possible time, not exceeding three months from the date that a complaint is referred to it, except for reasons that the Enquiry Committee shall provide in writing.
- (b) The Enquiry Committee shall provide reasonable opportunity to the complainant and the accused for presenting and defending her/his case.
- (c) The Enquiry Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.
- (d) The Enquiry Committee shall have the power to summon any official papers or documents pertaining to the complainant as well as to the accused.
- (e) The Enquiry Committee may consider as relevant any earlier complaints against the accused. However, the past sexual history of the complainant shall not be probed into, as such information shall be deemed irrelevant to a complaint of sexual harassment.
- (f) The Enquiry Committee shall have the right to summon, as many times as required, the accused, complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
- (g) The Enquiry Committee shall have the right to terminate the enquiry proceedings and to give an ex parte decision on the complaint, should the accused fail, without valid ground, to present herself/himself for three consecutive hearings convened by the Chief Enquiry officer.
- (h) The Chief Enquiry officer shall be responsible to make the accused and the victim aware that counselling services can be made available if so desired.
- (i) Within two days of the institution of enquiry proceedings by GSCASH; the Enquiry Committee shall prepare a charge sheet containing specific charges and shall hand over the same to the complainant as well as to the accused. It shall also intimate the accused and the complainant the contact details of all members of the Enquiry Committee.
- (j) On receipt of the first intimation of the enquiry, and not more than two days after such date, the complainant or the accused may make a written request to GSCASH to be informed of her/his rights. In such an event, the Chief Enquiry officer shall convene a meeting of the Enquiry Committee specifically for this purpose.
- (k) Within not more than two working days on the receipt of the first intimation of the enquiry, the complainant and the accused shall submit to the Chief Enquiry officer, in writing, a list of witnesses, together with their contact details, that she/he desires the Enquiry Committee to examine.
- (l) On receipt of the first intimation of the enquiry, and not more than two working days after such date, the complainant and/or the accused shall inform the Chief Enquiry officer whether they shall wish to exercise the rights afforded in (o) –(q) below.⁷
- (m) The Chief Enquiry officer shall convene the first hearing of the enquiry. The accused the complainant, and witnesses shall be intimated at least seventy-two hours in advance in writing of the date, time and venue of the enquiry proceedings.
- (n) If the complainant, accused, or witness desire to appear before the Enquiry Committee accompanied by one companion of their choice, they shall communicate to the Chief Enquiry officer the name of that person. Such a person shall have only observer status and her/his presence during the proceedings shall be restricted to the testimony of the individual she/he is accompanying.
- (o) The complainant and the accused, or any one person her/his behalf shall retain the right to be present at the recording of statements and evidence of all witnesses by the Enquiry Committee. Such a person shall have only observer status. The name of the nominee shall be communicated in writing to the Chief Enquiry officer within two working days of the receipt of the first intimation about the enquiry. Any other person nominated as observer by the complainant and/or the accused on her/his behalf shall be (only) either a student, or a member of the academic or non-teaching staff of the College. No person who has been found guilty of sexual harassment shall be accepted as a nominee.
- (p) The responsibility of ensuring the attendance of the nominee shall rest upon the complainant/accused, and no hearing or proceedings of the Enquiry Committee shall be adjourned or postponed due to the inability of the nominee to be present at the said hearing. Should the complainant/accused wish to be present herself/herself at the aforesaid proceedings (with valid ground), and at the same time not wish to nominate an observer, the complainant/accused shall inform the Enquiry Committee of the same at least twenty-four hours in advance, so that the aforesaid proceedings may be postponed for a period not exceeding three days.
- (q) The complainant and the accused shall retain the right of cross-examination of all witnesses. The Chief Enquiry officer shall inform the accused/complainant of the date, time and venue of such cross-examination.
- (r) The accused/complainant shall submit to the Chief Enquiry officer, a written list of questions that she/he desires to pose to the witness. The Enquiry Committee shall retain to disallow any questions that it has reason to believe to be irrelevant, mischievous, or gender-insensitive. Any behaviour, verbal or otherwise, on the part of the accused or her/his nominee, that is designed to intimidate or subject the complainant to mental and physical trauma, shall be construed as a violation of the order of restraint issued by GSCASH as defined in Clause 17(D).
- (s) The complainant and the accused shall be responsible for presenting their witnesses before the Enquiry Committee. However, if the Enquiry Committee is convinced that the absence of either of the parties to the disputes is on valid grounds, the Enquiry Committee shall adjourn that particular meeting of the Committee for a period not exceeding five days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting without prior intimation/valid ground.

- (i) All proceedings of the Enquiry committee shall be recorded in writing and the same together with the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof.
- (ii) All persons heard by the Enquiry Committee, as well as observers, shall take and observe an oath of secrecy about the proceedings. Any violation of the oath of secrecy may invite the penalties outlined in Clause 20.
- (iii) If the complainant desires to tender any documents by way of evidence, the Enquiry Committee shall supply true copies of such documents to the accused. Similarly, if the accused desires to tender any documents in evidence, the Enquiry Committee shall supply true copies of such documents to the complainant.
- (iv) In the event that the Enquiry Committee thinks that supplementary testimony is required, the Chief Enquiry officer shall forward to the persons concerned a summary of the proceedings and allow for a time of seven days to submit such testimony, in person or in writing, to the Enquiry Committee.
- (v) **Faculty Members – Special Procedure for Cross Questioning**
In case of an enquiry against a faculty member, in the light of the principle of peer group evaluation seen in conjunction with the need to permit transparency of proceedings, although cross questioning at a meeting of the Enquiry Committee may not be permitted, but the non-faculty members on the Enquiry Committee can hand over their questions to the Chief Enquiry Officers, who shall have to call another meeting of the Enquiry Committee for putting these questions to the teacher concerned.

(E) Sequential Appearance of the Complainant and the Accused

- (i) Face to face encounter of the victim and the accused shall not take place;
- (ii) Once the Enquiry Committee has held a meeting to listen to the Complaint, the allegations made by the complainant shall be passed on to the accused at a separate meeting held to consider the version of the incident which the accused has to present. The oral deposition of the complainant should be accompanied by a written version of the incident as perceived by the complainant. If the accused does not agree with the allegations made by the complainant or the complainant's version of the incident communicated to her/him by the Enquiry Committee, the accused should be given the opportunity to refute before the Enquiry Committee the points made by the complainant. The refutation, in turn, could be passed on to the complainant for her/his comments.
- (iii) In this way, while face-to-face encounter between the complainant and the accused can be avoided, cross-examination is not eliminated. It is permitted but through a written exchange of allegations and rebuttals, in the light of which the Enquiry Committee should form its own opinion based on this exchange as also other evidence and witnesses statements.

19. REDRESSIVE ACTION

- (i) After this stage, GSCASH should pass on the findings of the Enquiry Committee to the Principal/Principals i/c for placing before the Governing Body of the College for taking appropriate redressive action based on the facts submitted by GSCASH. The nature of disciplinary action will be determined by the appropriate authorities. In case of faculty and permanent office staff/employees, the appropriate authority for final decision regarding disciplinary action shall be the GB, which shall consider the recommendations of the GSCASH. In case of students and other employees, GB will decide on the punitive measures in consultation with the Principal who shall be the final decision taking authority. If punishment leads to suspension or dismissal from service, then, in case of permanent employees/staff (teaching and non-teaching) the imposition of punishment would be subject to approval by the Director of Higher Education (DHE) as per Provincialised College rules.
- (ii) After the GSCASH submits the reports of the Enquiry Committee to the Principal, if it is found that there are certain lacunae in the Report, in case a student or an employee is involved, the Principal may ask the Enquiry Committee to reconsider its report. However, in case of involvement of a faculty member or an employee whose appointing authority is the GB, the appropriate authority which shall have the power to refer for a Review shall be the GB and further, the DHE.

20. PENALTIES

Any student, service provider, resident, outsider, or a member of the academic or non-teaching staff found guilty of sexual harassment shall be liable for disciplinary action. Although the award of penalty in specific cases is outside the scope of GSCASH, the range and type of possible penalties from which the College authorities may pick up the one suitable for individual cases is given below in a hierarchical sequence for all five categories of persons, namely:

(i) Academic Faculty, (ii) Non-teaching staff, (iii) Students; (iv) Outsides; (v) Service Providers.

The penalty listed below, although fairly exhaustive, are only an indicative guide and shall not constrain the College authorities from considering some other penalty to suit the specifics of individual cases. The penalties listed below are in a rising order of severity.

Penalties in Case of Faculty:

- (a) Warning, reprimand, or censure.
- (b) Withholding of one or more increments for a period not exceeding one year.
- (c) Removal from an administrative position at the department, office, centre or hostel etc.
- (d) Disbarment from holding an administrative position at the department, office, centre or hostel etc.
- (e) Suspension from service for a limited period.
- (f) Compulsory retirement.
- (g) Dismissal from service.

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

- (2) **Penalty in case of Non-Teaching Staff:**
(a) Warning, reprimand, or censure.
(b) Transfer
(c) Withholding of one or more increment for a period not exceeding one year
(d) Suspension from service for a limited period.
(e) Compulsory retirement
(f) Dismissal from service.
Further, the penalty awarded shall be recorded in his/her Confidential Record.

- (3) **Penalty in case of DHSK Commerce College Students:**
(a) Warning or reprimand.
(b) Transfer to another hostel.
(c) Withholding of hostel accommodation for a period up to one semester.
(d) Withdrawal of the right to an official character certificate from DHSK Commerce College.
(e) Withdrawal of hostel accommodation for the entire period of study.
(f) Rustication from the College for a period up to two semesters/one academic year.
(g) Expulsion from the College, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by the College.
(h) Withholding of a degree awarded by the College.
Further, the penalty awarded shall be recorded in his/her Personal File.

- (4) **Penalties in case of Outsider Students:**
(a) Warning, reprimand, or censure.
(b) A letter communicating her/his misconduct to her/his place of education, employment or residence.
(c) Declaration of the campus as out of bounds for her/him, and/or a bar on appearing for the entrance examination/interview to any programme of study offered by the College.
(d) Any other action as may be necessary.

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

In addition to the penalties specified under (1) to (5) above, the person may be advised to undergo counselling and gender sensitization, and to give a written and/or public apology to the victim.

- (6) **Penalty in case of a Second Offence**
In case of a person committing a sexual offence for the second time, the penalty shall normally be stiffer than on the first occasion. But the stiffness of penalty on second occasion shall also be in relation to gravity of the second offence.

21. CONFIDENTIALITY AND THE CHANNELS OF COMMUNICATION BETWEEN THE COLLEGE AND GSCASH

GSCASH strongly underlines the need for maintaining confidentiality regarding proceedings involving sexual harassment. It is the duty of all involved in the processes of GSCASH to abide by this dictum in all earnestness. The requirement of evolving effective ways to maintain maximum possible confidentiality needs to be stressed here.

While emphasizing the need for maintaining maximum confidentiality, it needs to be borne in mind that for smooth functioning of the mechanisms for restraining sexual harassment on the campus, there has to be complete rapport between GSCASH and the Principal/GB President.

In pursuit of the objective of curbing sexual harassment and for undertaking expeditious redressive action, the Principal/GB should be kept informed at each important stage in the functioning of GSCASH.

The important stages/ occasions at which consultation/communication should take place are:

- When a complaint is lodged and there is prima facie evidence that the complaint is not a frivolous one, or even if no complaint is lodged but an event involving sexual harassment comes to the notice of GSCASH.
- When a case is referred to the Enquiry Committee.
- When the Enquiry Committee submits its verdict to the GSCASH.
- If a complaint is also filed simultaneously with the police or lodged in a Civil Court within the knowledge of GSCASH, this should be brought to the attention of the Principal/GB President.
- If an event involving sexually deviant behaviour takes place in a hostel or elsewhere on the campus within the knowledge of GSCASH, the Principal should be informed about it even if no formal complaint is lodged.
- The relevant information at the above mentioned stages should be passed on to the President/GB President not simply through oral consultation/communication process but in writing as well since documentary evidence can become important if some case ultimately results in recourse to legal redressal. One however, hopes that such situations would normally not arise.

22. OTHER MATTERS CONCERNING MODUS OPERANDI OF GSCASH

- (1) **False Complaint:**
(i) If the Complaints Screening Committee or the Enquiry Committee finds no merit in the complaint, it shall write to the Chairperson of GSCASH giving reasons for its conclusions.

- (ii) Within four working days of the receipt of this communication, the Chairperson of GSCASH shall call a Special Meeting to discuss the recommendations of the Complaints Screening Committee or Enquiry Committee, and to decide whether a show-cause notice shall be issued to the complainant.
- (iii) Upon the decision to issue a show-cause notice, the Chairperson of GSCASH shall issue it to the complainant. The show-cause notice shall cite the bases of the Committee's conclusions and require the complainant to explain, within seven days in writing and/or in person, as to why disciplinary action shall not be taken against her/him.

- (iv) Within four working days of receipt of any explanation from the Complainant to this show-cause notice, or after the expiry of the time specified for such explanation, the chairperson of GSCASH shall convene a Special Meeting to consider the explanation or any lack thereof.
- (v) In event of no, insufficient, or unconvincing explanation, GSCASH shall pass on the papers concerning the complaint to the College Authority who shall impose sufficiently strong penalty in order to exclude the possibility of lodging a motivated complaint for maligning some person's character.

(2) Protection Against Victimization:

- (i) If the complainant is a student and the accused is a teacher, during the pendency of the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the accused shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.
- (ii) If a witness named by the complainant is a student and the accused is a teacher, during the pendency of the investigation and enquiry, and even after such an enquiry, if the teacher is found guilty, the accused shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.

- (iii) If both the complainant and the accused are members of the academic and/or non-teaching staff of the College, during the pendency of the investigation and enquiry, and even after such an enquiry if the accused is found guilty, the accused shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized.
- (iv) If witnesses named by the complainant and the accused are members of the academic and/or non-teaching staff of the College, during the pendency of the investigation and enquiry, and even after such an enquiry if the accused is found guilty, the accused shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized.

- (v) If the accused is an outsider, during the pendency of the investigation and enquiry, and even after such an enquiry if the accused is found guilty, the accused shall not be allowed to enter the campus, except for the purpose of attending the present enquiry.
- (vi) If the accused is a resident/service provider, during the pendency of the investigation and enquiry, and even after such an enquiry if the accused is found guilty, the order of restraint issued in accordance with the procedures in Clause 17(D) shall be in force at all times.

(3) Special provision for physically challenged persons:

In case a physically challenged person happens to be a victim of sexual harassment, the procedure for providing succor to the person concerned would be more expeditious. In such cases, the victim may directly approach the Principal/GB President. Depending upon gravity of the incident involved, the Principal/GB President, in consultation with Chairperson of GSCASH, may take necessary action to reduce the steps involved in the complaints and enquiry procedure as laid down in the Rules and Procedures document.

(4) Obligations of College Authorities and Functionaries:

- (i) The College authorities and functionaries shall accord full cooperation to GSCASH in its execution of its functions of gender sensitization and orientation, crisis management and mediation, and enquiry and formal redressal of complaints.
- (ii) The College authorities will ensure that the policy is included in the Admission Brochure/Prospectus and circulated at the time of registration.

- (iii) The College authorities will ensure that recruitment announcement to all academic and non-teaching positions include the following statement, as notification of the policy: "DHSK Commerce College, Dibrugarh has a policy against sexual harassment and is committed to providing an environment free from gender discrimination and harassment."
- (iv) In order to ensure the permanent placement of the policy, the College authorities and functionaries shall arrange for several copies to be placed before boards for display in prominent places, such as the entrances to the campus, academic and administrative buildings, hostels, library, computer centre etc.

- (v) The College authorities and functionaries shall provide legal, medical and counselling assistance to those victims who have to take recourse to the law.
- (vi) The College authorities and functionaries shall forward all complaints of sexual harassment to GSCASH, save in cases in which the complainant has expressly prohibited such forwarding.

- (vii) The College authorities and functionaries shall provide all necessary assistance for ensuring full, effective and speedy implementation of these Rules and Procedures.
- (viii) As required by the Supreme Court judgment the College authorities shall forward to the government department concerned, the Annual Report of GSCASH together with a written report on the Action Taken by them upon the decision/recommendations of the GSCASH.

(5) Dissident Views:

If a member of GSCASH does not agree with a majority decision of GSCASH, she/he should have the right to submit a dissenting point of view along with reasons/evidence etc.

(g) **Amendment to the Rules Procedures of GSCASH:**

- (i) Amendment to the Rules and Procedures of GSCASH shall have effect only if they are in consonance with the spirit of the Supreme Court Judgment, the policy and the Rules and Procedures and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 passed by the parliament.
- (ii) Amendments shall be effected by a decision taken in a Special Meeting called for the purpose.
- (iii) The proposed amendment(s), together with the objects and reasons therefore, shall be recorded in writing and circulated by the proposer of the amendment(s) atleast fifteen working days prior to the Special Meeting called for the purpose.
- (iv) An amendment motion shall be carried by two-thirds of the members present and voting. In the event of a tie on an amendment motion, it shall be put to vote one more time. If a tie recurs, the amendment motion shall be reconsidered by another Special Meeting to be called after atleast fifteen working days.

NOTES AND REFERENCES TO THE ABOVE RULES AND PROCEDURES FOR GSCASH:

¹ Explanation: Third party complaints may only be pursued if there is enough evidence (eye witness/material evidence) to establish a prima facie case of sexual harassment, and /or that which the complainant himself/herself agrees to testify.

² The Complaints Screening Committee procedure is essential to the just functioning of GSCASH, as in a number of instances, complaints received by GSCASH may not instantiate a complaint of sexual harassment as defined by law. The procedure also recognises that an enquiry may be as traumatic for an accused as a complaint, and the institution of an enquiry without determining a prima facie case can lead to adverse consequences and a hostile working environment for the accused.

³ This provision has its basis in the guideline laid down by the Law Commission on the Law so as to restrict attempts to impugn the credibility of the complainant on bounds of her alleged 'bad character'.

⁴ The Vishaka judgment: "Where or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organisation for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints."

⁵ The Vishaka judgment: "The Complaints Committee should be headed by a woman and not less than half of its members should be women." It is an established interpretation that the guidelines do not entail that the Complaints Committee, or any sub-committee of it, necessarily be exactly 50% women. The interpretation is inherent in the Office Memorandum dated 13 February 1988 (Annexure 3) issued by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training), which provides that not less than half the members of the Complaints Committee should be women. The Vishaka judgment: "The complaints Committee should be headed by a woman and not less than half of its members should be women". It is an established interpretation that the guidelines do not entail that the complaints committee, or any sub committee of it, necessarily be exactly 50% women. The interpretation is inherent in the office Memorandum dated 13 February 1988 (Annexure 3) issued by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training), which provides that not less than half the members of the complaints committee should be women.

⁶ It is also to be noted that the Supreme Court's guidelines about the composition of the complaints committee derives from its recognition that the workplace is part of society, and discriminatory norms against women are as prevalent in this arena as they are in society at large. As a consequence, complaints of sexual harassment and/or other forms of gender discrimination are normally not address. THE VISHAKA PROVISIONS FOR A BODY THAT IS AT LEAST 50% WOMEN INTENDED TO INDUCE EMPLOYERS TO REDRESS GENDER DISCRIMINATION IN THE DELEGATION OF POWER AND RESPONSIBILITIES IN THE WORKPLACE. ANY OBJECTION TO THIS PROVISION (WHICH MAY RESULT IN THE COMPOSITION OF A PARTICULAR GSCASH, OR ANY OF ITS SUBCOMMITTEES, AS BEING A 100% WOMEN IS THEREFORE A PERVERSION OF THE LETTER AND SPIRIT OF THE JUDGMENT.

The Vishaka Judgment does not lay down guidelines on the procedures to be employed in sexual harassment enquires. As an instance of a domestic enquiry, GSCASH Enquiry Committees are not bound by the strict principles of natural justice. As the central Vigilance Commission observes in its manual, a domestic inquiry is not a court of law - "in departmental proceedings the rules of evidence laid down in the Evidence Act are, strictly speaking, not applicable and the Inquiry Officer, the Presenting Officer and the charge public servant are not expected to act like judges or lawyers.(Ch. 11, Para 10.1)" similarly, the supreme court, in its ruling on Hira Nuts Mishra and others vs. the principal Ranchi Medical College (1973 SC Case 805), has observed that "The

doctrine of natural justice cannot be imprisoned within a straight jacket of a rigid formula and it's application depends upon several factors.

GSCASH, has, however, sought to adhere to the strict principles of natural justice, as defined for the accused in domestic inquiries by the Supreme Court, in *Khem Chand vs. Union of India* (SC 300, 1958) ----- if the opportunity to show cause is to be reasonable one it is clear that he should be informed about the charge or charges level against him and the evidence by which it is sought to be established, for its is only then that he will be able to put forward the defence.

If the purpose of these provisions is to give the Government servant an opportunity to exonerate himself from the charge and if this opportunity is to be a reasonable one he should be allowed to show that the evidence against him is not worthy of credence or consideration and that he can only do if he is given a chance to cross-examine the witnesses called against him and to examine himself for any other witnesses in support of his defence.

In addition to showing that he has not been guilty of any misconduct so as to merit any punishment it is reasonable that he should also have an opportunity to contend that the charges proved against him do not necessarily require the particular punishment proposed to be meted out to him.

In accordance with the procedure laid down by the Central Vigilance Commission for domestic enquiries. This provision is solely in the interest of gender-sensitivity. As the Central Vigilance Commission observes in its annual, a domestic inquiry is not a court of law, and it is the duty of the Inquiry Officer to protect witnesses. From assessment: "The Enquiry Officer may also disallow questions if the cross-examination is of inordinate length or oppressive or if a question is irrelevant. It is the duty of the Enquiry Officer to see that the witness understands the question properly before giving an answer and of protecting him against any unfair treatment". (Ch. 11, Para 14).

In its interpretation of the Vishaka Judgment, GSCASH believes that it is duty bound to ensure that the inquiry

Procedure itself does not risk the health and safety of the complainant and/or his/her witnesses. Such risks will be inflicted on the posting of a gender-insensitive question, and precisely because a domestic enquiry is not a judicial proceeding, GSCASH is entitled to bring into effect procedures that will serve to minimize the risk.

GSCASH's provisions in this regard derive from the spirit of the Supreme Court's observations in the Vishaka Judgment, where it has expressed displeasure at the harassment the complainant was subjected to during cross-examination by the accused.

The Vishaka Judgment: "in particular, [the employee] should ensure that victims or witnesses are not victimized or discriminated against while dealing with complaint of sexual harassment."

