

PREFACE

Violence against Women is a fundamental violation of human rights, across nations, societies, cultures and classes. It takes different forms which impacts the women physically and mentally, thereby hindering in the bringing about gender equality and achieving an equitable society. Human Rights guaranteed by the Indian Constitution are inalienable and non –negotiable. However, the evil is still rampant in the Indian society. Gender equality and the right to a secure workspace are part of the fundamental rights guaranteed under the Indian Constitution.

Striving towards empowerment of women has been the consistent endeavour of NCW. The key function has been the prevention and protection of women from violence and harassment and simultaneously ensuring justice and equality.

Certainly this book, a compilation of the initiatives of the NCW on sexual harassment of women at workplace will create more awareness on the issue and assist the Commission to achieve our goals.

MAMTA SHARMA

CHAIRPERSON

BLANK



CONTENTS

PREFACE

1

INTRODUCTION

Violence against women constitutes a gross violation of women's fundamental rights, as guaranteed in the Constitution of India, and a major impediment to achieving gender equality. Violence against women takes many forms and not all include physical contact between the victim and the perpetrator. Examples include sexual harassment at workplace and indecent representation of women, in which women are targeted because of their "gender" and this emanates in part from women's subordinate status in society. The person responsible for the violence is usually someone known to the victim - co-worker, friend, neighbour or even relative/family member.

In the past, women stayed at home, remaining docile and generally subordinate to men, whereas men were considered as the pivot both in the family and society. With changing times and impact of science, technology and promotion of education among women, the number of women have continued to increase in the workforce. They work with men shoulder to shoulder, as doctors, lawyers and other professionals according to their capacity. However, despite having similar working capacities they do not always have comparable working environments. On the contrary women sometimes face a hostile working environment, not merely in terms of discrimination and wage differences, but also insecurity, offensive and abusive incidents - a combination of events with varying degrees of seriousness and frequency, constituting sexual harassment at the workplace.

It HAS been widely accepted that sexual harassment affects the dignity and self-respect of women. Every woman in different aspects and facets of her life, including the workplace, is vulnerable to this phenomenon, specially when

according to the 2001 Census data the work participation rate (WPR) of women is 25.7%.

Since there was no specific law in India to deal with the prevention of sexual harassment at the workplace, the Supreme Court of India in the case of Vishakha and Others vs State of Rajasthan passed directions and laid down preventive measures and a mechanism for redressal in the form of Guidelines. Taking this matter forward, the National Commission for Women (NCW) took up the task of formulating a comprehensive legislation to deal with sexual harassment at the workplace. The Bill was revised and redrafted consequent to extensive consultations and Inter Ministerial Group Meetings. The final draft Bill '**Prohibition of Sexual Harassment of Women at Workplace Bill- 2010**' was sent to the Ministry of Women & Child Development on 12th Feb, 2010. The Ministry tabled the Bill after further amendments made at the level of the Ministry on 07.12.2010 in the Lok Sabha and it had been referred to the Department related Parliamentary Standing Committee on HRD as "**Protection of Women against**

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill has been passed by the Rajya Sabha on 26th February 2013; and the Lok Sabha passed it on 3rd September 2012.

Sexual Harassment at Workplace Bill 2010”.

In the NCW draft Bill, inclusion of 'domestic workers' in the definition of 'employee' had been proposed. And in the definition of 'workplace', NCW included a 'house or a dwelling place'. Sixteen years after the Vishaka judgement (**ANNEXURE-A**), the country will finally have a law to ensure a safe working environment for women - The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill.

This report comprises of the work done by NCW in ensuring every women has the right to work in a violence free environment.

-Dr. CHARU WALIKHANNA
MEMBER NCW

Every
woman
has the
right to
work
in a
violence
free
environment

WORKSHOPS

Sometimes mistakenly prevention of sexual harassment is seen as a corporate social responsibility issue rather than a deprivation of women's rights/labour rights issue. A greater challenge remains for the unorganized sector, as there is no forum or redressal mechanism currently available. Against this background and in order to create a greater awareness on the issue a series of Workshops have been held by NCW in collaboration with Banks/PSUs covering more than 5000 participants (**ANNEXURE B**). Participants included both men and women from executive and non executive cadres from states of Delhi, Karnataka, Tamil Nadu, Andhra Pradesh, Gujarat, U.P., Maharashtra, MP, Rajasthan, West Bengal, Orissa, Bihar, Jharkhand etc through physical presence and through 'videoconferencing'. Law on Prevention of Women from Sexual Harassment at the Workplace, details of the Supreme Court guidelines and the role of NCW and salient features of the draft bill on 'Protection of women from Sexual Harassment at the Workplace', have been presented and discussed.

During all the Workshops it was stressed that as per law every employer / organization is required to constitute an Internal Complaints Committee (ICC) for effective redressal mechanism, of which, not less than half of its members should be women. Undoubtedly most organizations have set up ICCs but they appear limited to being only on paper and **awareness among employees of a complaint mechanism is seen as insufficient.**

METHODOLOGY

During the Workshops speakers, experts and participants shared their personal experiences and are motivated to talk freely on the subject to which they had responded favorably. The discussions were lively, thought provoking and gave courage to other lady employees facing any unpleasant behavior of male colleague. It was felt that young girls, women holding posts in lower levels and those in rural/semi rural areas are more vulnerable to such crimes. However, the view was reinforced that such incidences can happen to any women whether young or old. The need for women to be able to work in a non-threatening atmosphere of

As per law every
employer /
organization is
required to
constitute an
Internal
Complaints
Committee
(ICC)

mutual trust and respect was reiterated.

POSTER elaborating on the ‘**Code of Conduct**’ and Zero Tolerance of Sexual harassment at Workplace released by the Chairperson NCW Ms Mamta Sharma, has been developed by NCW in technical assistance from NGO and Gender Community UN.

The **BOOKLET** “Speak, Resist, Report, Sexual Harassment at Workplace” developed by NCW in technical assistance with NGO Social Action Forum for Manav Adhikar (SAFMA) has been distributed and regional language versions printed in Kannada, Marathi, Gujarati and Bengali; thus adding to NCW resource material.

The medium of **DRAMA** encouraged to reinforce the message. The drama not only brought out the plight of women employees but also their creativity since it was written, directed and performed by women employees of the respective organizations collaborating with NCW. Besides sexual harassment at workplace, scenes included dowry, condition of single woman/widow, child abuse etc. (CD available)

OBSERVATIONS

GENDER BIAS –

1. There appears to be a **glass ceiling** since women alleged gender bias during interviews for promotion, for example Miss ‘X’ stated she had given interview six times for GM levels. It was unanimously felt that women are better at multi tasking, achievers and it is only through their hard work & sacrifice they have reached top positions in the organization, as well as other fields. However, many times their efforts go **unrecognized** and are subject to lot of **humiliation**. Often they are misquoted and misinterpreted with little importance given to a women's sensitivity.

2. On the other hand it was observed that women themselves lack confidence and rather than focus on their professional life give preference to their families as a result of which their **career graph is affected**. They must free themselves from attitude of compulsions, and avoid perpetuating their inferior status.

3. **Lack of presence of women on Board of Directors and negotiating table.** Despite

Gender bias
has been
observed

approx. 25 %of the workforce in banks being females only approx 2% are on the top management level. Most women experienced mental harassment by their male colleagues with them doubting the female employee's capabilities. In some PSUs though the number of female employees is large but negligible in comparison to total strength.

4. Women have **special needs** both physically and mentally and there is need to address women's **health issues** in order for them to perform to their utmost capacity.

SEXUAL HARASSMENT –

5. The Internal Complaints Committee were in place, but only on paper and women employees totally unaware of the existence, constitution and address details etc.

The intention of the SC Guidelines providing for a Complaints mechanism is that whether 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 organization for redress of the complaint made by the victim. **So victim knows and feels reassured she has a place to go to in time of need.**

6. There is a **culture of silence** and glorification of the word/concept '**adjustment karo**', due to which women tend to ignore small incidents of harassment, which motivates the aggressor to do more serious acts. It was stressed that accepting and not confronting, does not mean condoning the act of sexual harassment.

7. Women hesitate to complain about cases of sexual harassment being inhibited due to reasons of **social stigma, victimization**, etc. Often the complainant faces character slander which adds to her alienation and isolation.

8. Young girls, specially the new recruits between age group of 21-26 stated that they faced harassment by seniors. They are very well aware of the difference between '**good touch**' and '**bad touch**'. In fact sometimes the touch is so subtle

In fact sometimes the touch is so subtle that only the person to whom it is done experiences the harassment.

that only the person to whom it is done experiences the harassment. But whenever they made complaint, whether at home or to their colleagues they were told he is just like your 'father' resulting in the victim feeling uncomfortable herself and feeling she has **no place to address her grievance**. Single girls are also exploited by late sitting.

9. On making complaints the perpetrator is transferred. **But transfer is not the only solution** since the perpetrator goes and commit the crimes elsewhere. In this context it is important to note that Member received complaint from DTC employees who alleged that she is being harassed and the man has been transferred three times. Wherever he goes he repeats the harassment. **(complaint with NCW)**. The **service rules** of some organizations include definition of sexual harassment and its punishment and some do not. **Uniformity is required.**

10. In small towns where young girls are appointed as trainees, they experience that their superiors (who are local men) harass them and even follow them to the **toilet**. They even

make comments on their toilet habits, how frequently they go, discussion on their menstrual cycle, wife's delivery etc **(complaint with NCW)**.

11. There is a **myth** that women are vulnerable to sexual harassment due to their attire. However, it reiterated that the act of harassment has no connection with their dressing, in fact even a simple simple cotton sari is commented upon- its colour, its drape, the palla etc. The myth needs to be busted that women in pants or skirts are only subject to harassment.

Women have a right to dress as they like and are have the good sense to discriminate on what is appropriate dress at the workplace.

12. The lifts are scratched with obscene and offensive markings which is also a source of sexual harassment, since women use the lift more than once in a day and that makes them vulnerable.

Transfer is not the only solution

13. **SMS** and **MMS** are proving a new source of sexual harassment.

14. **3rd Party** harassment is common in Banks where cashier tries to touch the women customers while taking the token and handing over cash.

15. Though the workshop have not been conducted by NCW in academic institutions but through discussions it has emerged that Sexual Harassment is a major problem. In Delhi women teachers complained that they are uncomfortable with male colleagues who make comments on size of undergarments worn under blouse (sic!!!). Suo moto cognizance has been taken of incidents and recommended Policy is **ANNEXURE –C**.

In the Bill “aggrieved woman” includes - a woman in relation to either a workplace or ‘a dwelling place /house’. It excludes “students” in educational institutions.

CONCLUSION AND SUGGESTIONS EMANATED :

1. **Internal Complaints Committee (ICC)** to be constituted immediately in organisations where they do not exist.

2. **Code of Conduct** for ZERO Tolerance of Sexual harassment to be strictly enforced and displayed prominently in all organizations so that even third party harassment is controlled.

3. The ICC to be made **visible, active and publicized within organizations** to reassure women that a grievance redressal mechanism is in place. The ICC existence, constitution and address details etc. should be published on the bank/PSU INTRANET sites. Apart from Committee at the apex level, local committees should be set up at all Regions, Zones etc.

4. **MEN TO BE INCLUDED IN SENSITISATIONWORKSHOPS** in order to maintain an atmosphere of comfort and ease amongst colleagues, so that

Code of
Conduct for
ZERO
Tolerance of
Sexual
harassment to
be strictly
enforced and
displayed
prominently in
all
organizations

Code of Conduct for ZERO Tolerance of Sexual harassment to be strictly enforced and displayed prominently in all organizations.

Sexual harassment training be made mandatory during induction, prior to joining.

men are aware of **appropriate patterns of behaviour.**

In Indian society there is no free inter mingling of the opposite sexes and for the first time they interact at the workplace. So it is important for men not only to know what is appropriate behavior in order not to indulge in wrongful communication which may be interpreted as sexual harassment; but also understand the fact that **“gender is not a difference in nature but a hierarchy of power”** and **“sexual harassment relates to discrimination”**. Men be made to understand the negative effects of sexual harassment on the women including her distress, humiliation, unfairness etc.

5. Organisations/Banks/PSUs should follow **best practices** which include the following:-

- Periodically communicating information regarding sexual harassment to all employees,
- Ensure employees are aware that sexual harassment will not be tolerated;
- Encourage employees to

report sexual harassment complaints;

-Ensure that employees are aware of the process for reporting sexual harassment complaints;

-Requirement of completion of sexual harassment training be made mandatory during induction, prior to joining.

6. In order to bring uniformity the definition of Sexual harassment and punishment to perpetrators (whether Minor /Major penalty, penalty for first time offence/repeated offence etc) to be clearly defined in **Service Regulations** where not included already. And organisations to take disciplinary action against anyone indulging in sexual harassment in any form on some pretext or the other.

7. **Counselling Centres** at all important centres to guide and comfort the young female work force coming into the Banking stream/PSUs as well as other women in need.

8. More **Awareness Initiatives** to be conducted in organizations by Employers and **Employees themselves**. Need for women to

meet regularly to exchange experience/views specially in view of fact that among themselves there are different perceptions of gender equality for which **support groups** need to be formed.

8. To promote gender equality organizations to ensure **proportionate representation** of female employees / executives in the negotiating team both from the Management side and Union/ Association side.

9. Personnel Deptts to support the issue by other initiatives as well as **developing capacity** and **sensitivity of the staff towards gender issues**. This helps in creating a conducive workplace that is free from sexual harassment and discrimination.

10. Menace of filthy **SMS** to women employees are on the increase. In case in-house investigation in such matters may not be possible due to lack of expertise; then alternate channels to be explored.

11. Organisations as part of CSR activity to extend support to awareness workshops in Rural areas, Schools and Colleges.

ROLE SUGGESTED FOR NCW BY PARTICIPANTS

- NCW play more pro-active role **to Create** enabling environment conducive to social change.
- **A Special Group** with representatives from Ministry of Labour, FICCI, ILO and other related organisations to monitor enforcement of the law. **Sensitisation workshops for Senior/Director** level be conducted, for when top level management is sensitised will an enabling environment exist.
- NCW to **develop module for in-house training** for the participants so that they can train other employees.
- **Identify** the role of the Ministry of Labour and Employment and other sister ministries in such implementation process.
- **Special Study- Research Project** - Presently there is a non-availability of Gender disaggregated data. Data which can help strengthen the enforcement of NCW mandate should be identified, collected. and carefully analyzed to strengthen policy responses of NCW.

Extensive publicity of formation of ICC and Code of Conduct, specially at grassroot level in regional languages.

- **Seminar** - Workshops/ Conferences- NCW to identify prevention of Sexual Harassment at workplace as priority for its Legal Awareness Programmes and Seminars in order to create a larger understanding/awareness, specially in academic institutions and unorganised sector.

(c) **MEDIA** –FILM to be developed by NCW in collaboration with its partners, to be used during induction programs/training.

INQUIRIES CONDUCTED BY NCW – REFLECTING SEXUAL HARASSMENT AT WORKPLACE AND EMPLOYER RESPONSIBILITY

Annual Report – 2009-10

The National Commission for Women constituted an Inquiry Committee to inquire into the incident of an **employee of Air India regarding her alleged sexual harassment / molestation / assault by the Pilot(s)** of Air India. As per the Committee report submitted to the Commission, the allegation of sexual harassment cannot be found substantial. Report forwarded to the Ministry of Civil Aviation.

Annual Report – 2010-11

The National Commission for Women constituted an Inquiry Committee to inquire into the

Tundla Railway Station and in the train.

Annual Report – 2011-12

The Commission took suo-moto cognizance of the **alleged incident of a girl who was allegedly raped and badly assaulted by a fellow student in School at Jaintia Hill, Shillong, Meghalaya.** Recommendations forwarded to State Government.

The Commission took suo-moto cognizance of the **alleged Harassment case of a Nursing Student (B.Sc) of Ram Manohar Lohia Hospital, New Delhi.** Recommendations forwarded to the Hospital authorities.

Create a larger understanding/ awareness, on issue, specially in academic institutions and unorganised sector.

INQUIRIES CONDUCTED BY NCW

incident of alleged incident of **13 students of 3rd year (Geography Honors) of Siliguri Women's College** who alleged that during the excursion to Agra, the Principal left them abruptly and they had to face harrowing time in the Guest House/hotel at Agra, on road to

The Commission has taken suo motu cognizance on a media report to inquire into media report wherein as reported **two teachers were allegedly raping and making obscene video clips of two girl students** in Alwar's Tehla Town, Rajasthan. An Inquiry Committee was constituted vide order 1.10.2012. The recommendations sent to the Govt. of Rajasthan on 19.11.2012.

The Commission has taken suo motu cognizance on a media report wherein as reported **Banasthali Vidyapeeth in Tonk, Niwai, Rajasthan witnessed widespread student unrest** late on Thursday as some 5,000 girls demonstrated on the campus alleging rape of two students, Rajasthan. An Inquiry Committee was constituted vide order 3.10.2012. Preliminary Inquiry Report submitted.

The Commission has taken suo motu cognizance on a media

report wherein as reported **teacher/ peon were arrested for raping girls in a hostel in Bastar**, Chhattisgarh. An Inquiry Committee was constituted vide order 9.1.2013.

Recommendations sent to the Chief Secretary, Chattisgarh on 18.02.2012.

The National Commission for Women has received complaint on 30.11.2012 from **students of Maulana Azad Medical Collage, New Delhi regarding the alleged sexual harassment of female post graduate students by Professor** of a Medical College, Delhi. An Inquiry Committee was constituted vide order 21.12.2012.

Recommendations sent to the Secretary, Health & Family Welfare, Delhi on 26.12.2012.

The Vishakha guidelines guidelines shifted the onus for ensuring employees' safety and gender equality to the employer and institutions. Whether in the government or the private sector the employer was made responsible.

Response of NCW to the questionnaire from Department Related Parliamentary Standing Committee on Human Resource Development.

NCW deposed before the Hon'ble Standing Committee in August, 2011. Commission reiterated its recommendation for the inclusion of "**domestic workers**" in the definition of "**employee**" and the inclusion of "**house of dwelling place**" in definition of "**workplace**".

RESEARCH

Research study on the nature, incidence, extent and impact of sexual harassment of women at work place was conducted by Yugantar Education Society, Nagpur. The study conducted in the State of Maharashtra comprised a sample of 600 working women employed in organised and unorganised sectors.

According to the findings majority of the respondents had limited perception of sexual harassment at work place.

- A large number of respondents were not aware of indirect behaviour of sexual nature i.e. body language.
- In majority of the cases (about 59 per cent) there was no support to the victims from other workers in whose presence the incidents of sexual harassment took place.
- A very large number of respondents (499 out of 600) had no knowledge of the Supreme Court Guidelines for preventing sexual harassment of women at workplace. However, 52 per cent employers were aware of the Vishaka guidelines.
- Out of 14 establishments in which ICC was constituted only 10 were functioning and 4 were only on paper.

RECOMMENDATIONS

- Every employer must design a very clear Sexual Harassment Prohibition and Prevention Policy which must be made known to each employee.
- Women employees should lodge the complaint of harassment at the early stage of harassment
- Statistics on Sexual Harassment of Women at workplace should be made separately available in the NCRB data.

In 2011-12 NCW has come up with a special campaign on ZERO TOLERANCE of sexual harassment at workplace in the regional languages through print media.

BILL

Sixteen years after the Vishaka judgement, which laid down preventive measures and a mechanism for redressal, the country will finally have a law to ensure a safe working environment for women. **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill has been passed by the Rajya Sabha on 26th February 2013; while the Lok Sabha had passed it on 3rd September 2012.**

Salient features are as follows:

-The Bill proposes a definition of sexual harassment, which is as laid down by the Supreme Court in Vishaka vs State of Rajasthan (1997). Additionally it recognises the promise or threat to a woman's employment prospects or creation of hostile work environment as 'sexual harassment' at workplace and expressly seeks to prohibit such acts.

-The Bill is applicable both in Government or in private sector; and brings in its ambit even

domestic workers and agriculture labour, both organized and unorganized sectors. Students, research scholars in colleges/ university and patients in hospitals have also been covered.

-The Bill provides protection not only to women who are employed but also to any woman who enters the workplace as a client, customer, apprentice, and daily wagger or in ad-hoc capacity.

- Under the proposed Bill, every employer is required to constitute an Internal Complaints Committee (ICC). Since a large number of the establishments (41.2 million out of 41.83 million as per Economic Census, 2005) in our country have less than 10 workers for whom it may not be feasible to set up an ICC, the Bill provides for setting up of Local Complaints Committee (LCC) to be constituted by the designated District Officer at the district or sub-district levels, depending upon the need. This twin mechanism would ensure that women in any workplace, irrespective of its size or nature, have access to a redressal mechanism. The LCCs will enquire into the complaints of sexual harassment and recommend action to the employer or District Officer.

COMPLAINTS REGISTERED WITH NCW UNDER SEXUAL HARASSMENT AT WORKPLACE		
2010 - 104	2011 - 100	2012 - 103

- Employers who fail to comply with the provisions of the proposed Bill will be punishable with a fine which may extend to Rs 50,000.

- The Complaint Committees are required to complete the enquiry within 90 days and a period of 60 days has been given to the employer/District Officer for implementation of the recommendations of the Committee.

- The Bill provides for safeguards in case of false or malicious complaint of sexual harassment. However, mere inability to substantiate the complaint or provide adequate proof would not make the complainant liable for punishment.

- **The Bill covers** members of the armed forces.

- An “aggrieved woman” **includes only two categories** - a woman in relation to either a workplace or ‘a dwelling place or a house’. **“Students” are covered under educational institutions.**

Bill provides protection also to any woman who enters the workplace as a client, customer, apprentice, and daily wagger or in ad-hoc capacity.

ANNEXURE – A IMPORTANT CASES

**Vishaka and others
versus**

**State of Rajasthan
and Others.**

(AIR 1997 SC 3011)

J.S. Verma C.J.I.,

Mrs. Sujata V.

Manohar and

B.N. Kirpal. JJ.

VERMA, C.J.I.:- This writ petition has been filed for the enforcement of the fundamental rights of working women under Arts. 14, 19 and 21 of the Constitution of India in view of the prevailing climate in which the violation of these rights is not uncommon. With the increasing awareness and emphasis on gender justice, there is increase in the effort to guard against such violations: and the resentment towards incidents of sexual harassment is also increasing. The present petition has been brought as a class action by certain social activists and NGOs with the aim of focusing attention towards this societal aberration, and assisting in finding suitable methods for realization of the true concept of gender equality; and to prevent sexual harassment of working women in all work places through judicial process, to fill the vacuum in existing legislation.

2. The immediate cause for the filing of this writ petition is an incident of alleged brutal gang rape of a social worker in a village of Rajasthan. That incident is the subject-matter of a separate criminal action and no further mention of it, by us, is necessary. The incident reveals the hazards to which a working woman may be exposed and the depravity to which sexual harassment can degenerate; and the urgency for safeguards by an alternative mechanism in the absence of legislative measures. In the absence of legislative measures, the need is to find an effective alternative mechanism to fulfill this felt and urgent social need.

3. Each such incident results in violation of the fundamental rights of Gender Equality and the Right to Life and Liberty. It is a clear violation of the rights under Arts. 14, 15 and 21 of the Constitution. One of the logical consequences of such an incident is also the violation of the victim's fundamental right under Art. 19 (1) (g) to practice any profession or to carry out any occupation, trade or business. Such violations, therefore, attract the remedy under Art. 32 for the enforcement of these fundamental rights of women. This class action under Art. 32 of the Constitution is for this reason. A writ of mandamus in such a situation, if it is to be effective, needs to be accompanied by directions for prevention; as the violation of fundamental rights of this kind is a recurring phenomenon. The fundamental right to carry on any occupation, trade or profession depends on the availability of a safe working environment. Right to life means life with dignity. The primary responsibility for ensuring such safety and dignity through suitable legislation, and the creation of a mechanism for its enforcement, is of the legislature and the executive. When, however, instances of sexual harassment resulting in violation of fundamental rights of women workers under Arts. 14, 19 and 21 are brought before us for redress under Art 32, an effective redress requires that some guidelines should be laid down for the protection of these rights to fill the legislative vacuum.

4. The notice of the petition was given to the State of Rajasthan and the Union of India. The learned Solicitor General appeared for the Union of India and rendered valuable assistance in the true spirit of a Law Officer to help us find a proper solution to this social problem of considerable magnitude. In addition to Ms. Meenakshi Arora and Ms. Naina Kapur who assisted the Court with full commitment. Shri Fali S. Nariman appeared as Amicus Curiae and rendered great assistance. We place on record our great appreciation for every counsel who appeared in the case and rendered the needed assistance to the Court which has enabled us to deal with this unusual matter in the manner considered appropriate for a cause of this nature.

5. Apart from Art. 32 of the constitution of India, we may refer to some other provisions which envisage judicial intervention for eradication of this social evil. Some provisions in the Constitution in addition to Arts. 14, 19 (1) (g) and 21, which have relevance are :

Article 15: 15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.-

(1) The State shall not discriminate against any citizen on only of religion, race, caste, sex, and place of birth or any of them.

(2) xxx xxx xxx3

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

(4) xxx xxx xxx

42. Provision for just and humane conditions of work and maternity relief. The State shall make provision for securing just and humane conditions of work

**Vishaka and others
versus
State of Rajasthan
and Others. (AIR
1997 SUPREME
COURT 3011)
J.S. Verma C.J.I.,
Mrs. Sujata V.
Manohar and B.N.
Kirpal. JJ.**

and for maternity relief.”

Article 51A: 51A. Fundamental duties. - It shall be the duty of every citizen of India;-

(a) to abide by the constitution and respect its ideals and institutions.....

(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;

xxx xxx xxx

6. Before we refer to the international conventions and norms having relevance in this field and the manner in which they assume significance in application and judicial interpretation, we may advert to some other provisions in the Constitution which permit such use. These provisions are :

Article 51: “51. Promotion of international peace and security. - The State shall endeavor to —

(c) foster respect for international law and treaty obligations in the dealings of organised people with one another; and

Article 253: “253. Legislation for giving effect to international agreements. - Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, Agreement or convention with any other country or countries or any decision made at any international conference, association or other body.”

Seventh Schedule: List 1 - Union List:

14. Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries. “

7. In the absence of domestic law occupying the field, to formulate effective measures to check the evil of sexual harassment of working women at all work places, the contents of international Conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work with human dignity in Arts. 14, 15, 19 (1) (g) and 21 of the Constitution and the safeguards against sexual harassment implicit therein. Any International Convention not inconsistent with the fundamental rights and in harmony with its spirit must be read into these provisions to enlarge the meaning and content thereof, to promote the object of the constitutional guarantee. This is implicit from Art. 51 (c) and the enabling power of the Parliament to enact laws for implementing the International Conventions and norms by virtue of Art. 253 read with Entry 14 of the Union List in Seventh Schedule of the Constitution. Article 73 also is relevant. It Provides that the executive power of the Union shall extend to the matters with respect to which Parliament has power to make laws. The executive power of the Union is, therefore, available till the Parliament enacts legislation to expressly provide measures needed to curb the evil.

8. Thus, the power of this Court under Art. 32 for enforcement of the fundamental rights and the executive power of the union have to meet the challenge to protect the working women from sexual harassment and to make their fundamental rights meaningful. Governance of the society by the rule of law mandates this 5 requirement as logical concomitant of the constitutional scheme. The exercise performed by the Court in this matter is with this common perception shared with the learned Solicitor General and other members of the Bar who rendered valuable assistance in the performance of this difficult task in public interest.

9. The progress made at each hearing culminated in the formulation of guidelines to which the Union of India gave its consent through the learned Solicitor General,

**Vishaka and others
versus
State of Rajasthan
and Others. (AIR
1997 SUPREME
COURT 3011)
J.S. Verma C.J.I.,
Mrs. Sujata V.
Manohar and B.N.
Kirpal. JJ.**

indicating that these should be the guidelines and norms declared by this Court to govern the behavior of the employers and all others at the work places to curb this social evil.

10. Gender equality includes protection from sexual harassment and right to work with dignity, which is a universally recognized basic human right. The common minimum requirement of this right has received global acceptance. The International Conventions and norms are, therefore, of great significance in the formulation of the guidelines to achieve this purpose.

11. The obligation of this Court under Art. 32 of the Constitution for the enforcement of these fundamental rights in the absence of legislation must be viewed along with the role of judiciary envisaged in the Beijing Statement of Principles of the Independence of the judiciary in the LAWASIA region. These principles of the Independence of the Judiciary in the LAWASIA region. These principles were accepted by the Chief Justices of the Asia and the Pacific at Beijing in 1995 as those representing the minimum standards necessary to be observed in order to maintain the independence and effective functioning of the judiciary. The objectives of the judiciary mentioned in the Beijing Statement are :

“Objectives of the Judiciary:

10. The objectives and functions of the judiciary include following:

- (a) to ensure that all persons are able to live securely under the Rule of Law;
- (b) to promote, within the proper limits of the judicial function, the observance and the attainment of human rights; and
- (c) to administer the law impartially among persons and between persons and the State.”

12. Some provisions in the Convention on the Elimination of All Forms of Discrimination against Women, of significance in the present context are:

Article 11: “1. State Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

Article 24: State Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.”

13. The general recommendations of CEDAW in this context in respect of Art. 11 are : Violence and equality in employment:

22. Equality in employment can be seriously impaired when women are subjected to gender specific violence, such as sexual harassment in the work place.

23. Sexual harassment includes such unwelcome sexually determined behavior as physical contacts and advances, sexually colored remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruiting or promotion, or when it creates a hostile working environment. Effective complaints procedures and remedies, including compensation, should be provided.

24. States should include in their reports information about sexual harassment, and on measures to protect women from sexual harassment

**Vishaka and others
versus
State of Rajasthan
and Others. (AIR
1997 SUPREME
COURT 3011)
J.S. Verma C.J.I.,
Mrs. Sujata V.
Manohar and B.N.
Kirpal. JJ.**

and other forms of violence of coercion in the work place. The Government of India has ratified the above resolution on June 25, 1993 with some reservations which are not material in the present context. At the Fourth World Conference on Women in Beijing, the Government of India has also made an official commitment, inter alia, to formulate and operationalize a national policy on women which will continuously guide and inform action at every level and in every sector; to set up a Commission for Women's to act as a public defender of women's human rights; to institutionalize a national level mechanism to monitor the implementation of the Platform for Action. We have, therefore, no hesitation in placing reliance on the above for the purpose of construing the nature and ambit of constitutional guarantee of gender equality in our Constitution.

14. The meaning and content of the fundamental rights guaranteed in the Constitution of India are of sufficient amplitude to encompass all the facets of gender equality including prevention of sexual harassment or abuse. Independence of judiciary forms a part of our constitutional scheme. The international conventions and norms are to be read into them in the absence of enacted domestic law occupying the field when there is no inconsistency between them. It is now an accepted rule of judicial construction domestic law when there is no inconsistency between them and there is a void in the domestic law. The High Court of Australia in *Minister for Immigration and Ethnic Affairs V. Teoh*, 128 ALR 353, has recognized the concept of legitimate expectation of its observance in the absence of a contrary legislative provisions, even in the absence of a Bill of Rights in the Constitution of Australia.

15. In *Nilabati Behera v. State of Orissa*, (1993) 2 SCC 746 : (1993 AIR SCW 2366), a provision in the ICCPR was referred to support the view taken that 'an enforceable right to compensation is not alien to the concept of enforcement of a guaranteed right', as a public law remedy under Art. 32, distinct from the private law remedy in torts. There is no reason why these international conventions and norms cannot, therefore, be used for construing the fundamental rights expressly guaranteed in the Constitution of India which embody the basic concept of gender equality in all spheres of human activity.

16. In view of the above, and the absence of enacted law to provide for the effective enforcement of the basic human right of gender equality and guarantee against sexual harassment and abuse, more particularly against sexual harassment at work places, we lay down the guidelines and norms specified hereinafter for due observance at all work places or other institutions, until a legislation is enacted for the purpose. This is done in exercise of the power available under Art.32 of the Constitution for enforcement of the fundamental rights and it is further emphasized that this would be treated as the law declared by this Court under Art. 141 of the Constitution.

The guidelines and norms prescribed herein are as under:-

Having regard to the definition of human rights in S. 2 (d) of the Protection of Human Rights Act, 1993, Taking note of the fact that the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time. It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women:

**Vishaka and others
versus
State of Rajasthan
and Others. (AIR
1997 SUPREME
COURT 3011)
J.S. Verma C.J.I.,
Mrs. Sujata V.
Manohar and B.N.
Kirpal. JJ.**

1. Duty of the Employer or other responsible persons in work places and other institutions:

It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

2. Definition:

For this purpose, sexual harassment includes such unwelcome sexually determined behavior (Whether directly or by implication) as:

- a) Physical contact and advances;
- b) a demand or request for sexual favours;
- c) sexually colored remarks;
- d) showing pornography;
- e) any other unwelcome physical, verbal or non - verbal conduct of sexual nature.

Where any of these acts is committed in circumstances where under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in Government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

3. Preventive Step:

All employers or persons in charge of work place whether in the public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:

- (a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.
- (b) The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.
- (c) As regards private employers steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.
- (d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

4. Criminal Proceedings:

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular, it should ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the

**Vishaka and others
versus
State of Rajasthan
and Others. (AIR
1997 SUPREME
COURT 3011)
J.S. Verma C.J.I.,
Mrs. Sujata V.
Manohar and B.N.
Kirpal. JJ.**

perpetrator or their own transfer.

5. Disciplinary Action:

Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

6. Complaint Mechanism:

Whether 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 organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

7. Complaints Committee:

The complaint mechanism, referred to in (6) above, should be adequate to provide, where necessary, Complaints Committee, a special counselor or other support service, including the maintenance of confidentiality.

The Complaints Committee should be headed by a woman and not less than half of its member should be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them. The employers and person in charge will also on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

8. Workers' Initiative:

Employees should be allowed to raise issues sexual harassment at workers meeting and in other appropriate forum and it should be affirmatively discussed in Employer - Employee Meetings.

9. Awareness:

Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

10. Third Party Harassment:

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

11. The Central / State Governments are requested to consider adopting suitable measures including legislation to ensure that the guidelines laid down by this order are also observed by the employers in Private Sector.

12. These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993.

Accordingly, we direct that the above guidelines and norms would be strictly observed in all work places for the preservation and enforcement of the right to gender equality of the working women. These directions would be binding and enforceable in law until suitable legislation is enacted to occupy the field. These Writ Petitions are disposed of, accordingly.

**Apparel Export
Promotion Council
versus
A.K.Chopra (1999)**

The following questions involving required consideration of the Supreme Court-

1. **Does an action of the superior against a female employee which is against moral sanctions and does not withstand test of decency and modesty not amount to sexual harassment?**
2. **Is physical contact with the female employee an essential ingredient of such a charge?**
3. **Does the allegation that the superior tried to molest a female employee at the place of work, not constitute an act unbecoming of good conduct and behaviour expected from the superior?**

The Enquiry Officer concluded that Miss X was molested by the respondent at Taj Palace Hotel on 12th August, 1988 and that the respondent had tried to touch her person in the Business Centre with ulterior motives despite reprimands by her. The Disciplinary Authority agreeing with the report of the Enquiry Officer, imposed the penalty of removing him from service with immediate effect on 28th June, 1989.

The respondent thereupon filed Writ petition No,352 of 1995 in the High Court challenging his removal from service as well as the decision of the Staff Committee dismissing his departmental appeal. The learned Single Judge allowing the Writ Petition opined that ... *the petitioner tried to molest and not that the petitioner had in fact molested the complainant.* However, both the Single Judge and Division Bench did not doubt the correctness of the following facts:-

1. That Miss X was a subordinate employee while the respondent was the superior officer in the organization;
2. That Miss X was not qualified to take any dictation and had so told the respondent;
3. That the respondent pressurized her to come with him to Taj Palace Hotel to take dictation despite her protestation, with an ulterior design;
4. That the respondent taking advantage of his position, tried to molest Miss X and in spite of her protestation, continued with his activities which were against the moral sanctions and did not withstand the test of decency and modesty;
5. That the respondent tried to sit too close to Miss X with ulterior motives and all along Miss X kept reprimanding him but to no avail;
6. That the respondent was repeating his implicit unwelcome sexual advances and Miss X told him that if he continued to behave in that fashion, she would leave that place;
7. That the respondent acted in a manner which demonstrated unwelcome sexual advances, both directly and by implication;
8. That action of the respondent created an intimidated and hostile working environment in so far as Miss X is concerned.

The Supreme Court held that there is no gainsaying that each incident of sexual harassment, at the place of work, results in violation of the Fundamental Right to Gender Equality and the Right to Life and Liberty the two most precious Fundamental Rights guaranteed by the Constitution of India. As early as in 1993 it was recognized that sexual harassment of woman at the work place was a form of

**Apparel Export
Promotion Council
versus
A.K.Chopra (1999)**

It is too late in the day to show any sympathy to the respondent.

Any lenient action in such a case is bound to have demoralizing effect on working women.

gender discrimination against woman. In our opinion, the contents of the fundamental rights guaranteed in our Constitution are of sufficient amplitude to encompass all facets of gender equality, including prevention of sexual harassment and abuse and the courts are under a constitutional obligation to protect and preserve those fundamental rights. Sexual harassment of a female at the place of work is incompatible with the dignity and honour of a female and needs to be eliminated and that there can be no compromise with such violations. International instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women, 1979 (CEDAW) and the Beijing Declaration direct all State parties to take appropriate measures to prevent discrimination of all forms against women besides taking steps to protect the honour and dignity of women.

The Supreme Court held that the observations made by the High Court to the effect that since the respondent did not actually molest Miss X but only tried to molest her and, therefore, his removal from service was not warranted rebel against realism and lose their sanctity and credibility. In the instant case, the behaviour of respondent did not cease to be outrageous for want of an actual assault or touch by the superior officer. In a case involving charge of sexual harassment or attempt to sexually molest, the courts are required to examine the broader probabilities of a case and not get swayed by insignificant discrepancies or narrow technicalities or dictionary meaning of the expression molestation. Where the evidence of the victim inspires confidence, as is the position in the instant case, the courts are obliged to rely on it. Such cases are required to be dealt with great sensitivity. Sympathy in such cases in favour of the superior officer is wholly misplaced and mercy has no relevance. The High Court overlooked the ground realities and ignored the fact that the conduct of the respondent against his junior female employee, Miss X, was wholly against moral sanctions, decency and was offensive to her modesty. Reduction of punishment in a case like this is bound to have demoralizing effect on the women employees and is a retrograde step. The act of the respondent was unbecoming of good conduct and behaviour expected from a superior officer and undoubtedly amounted to sexual harassment of Miss X and the punishment imposed by the appellant, was, thus, commensurate with the gravity of his objectionable behaviour and did not warrant any interference by the High Court in exercise of its power of judicial review.

At the conclusion of the hearing, counsel for the respondent submitted that the respondent was repentant of his actions and that he tenders an unqualified apology and that he was willing to also go and to apologize to Miss X. The Supreme Court opined, it is too late in the day to show any sympathy to the respondent in such a case. Any lenient action in such a case is bound to have demoralizing effect on working women. Sympathy in such cases is uncalled for and mercy is misplaced.

Thus, the impugned order of the High Court was set aside and the punishment as imposed by the Disciplinary Authority and upheld by the Departmental Appellate Authority of removal of the respondent from service was upheld and restored.

**Medha Kotwal Lele
versus
Union of India and
others (2012)**

States
governments
must make
the necessary
amendments
to their CCS
Rules and
Standing
Orders within
two months of
the date of
judgment.

The Court was specifically required to consider whether individual state governments had made the changes to procedure and policy required by the Vishaka Guidelines and a number of earlier orders of the Court.

The Supreme Court recalled that the Beijing Platform for Action states that:

“[V]iolence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms (...) in all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture”.

It went on to reproach the fact that India’s record on gender equality remains poor, stating: “[W]e have marched forward substantially in bringing gender parity in local self governments but the representation of women in Parliament and the Legislative Assemblies is dismal as the women represent only 10-11 per cent of the total seats. India ranks 129 out of 147 countries in United Nations Gender Equality Index (...) Our Constitution framers believed in fairness and justice for women. They provided in the Constitution the States’ commitment of gender parity and gender equality and guarantee against sexual harassment to women.”

The Supreme Court held that the Vishaka Guidelines require both employers and other responsible persons or institutions to observe them and to help prevent sexual harassment of women. The Supreme Court referred back to its earlier findings on 17 January 2006, that the Vishaka Guidelines had not been properly implemented by various States and Departments in India and referred to the direction it provided on that occasion to help to achieve better coordination and implementation. It noted that some states had only amended certain aspects of their legislations rather than carrying out all required amendments and others had taken even less action. The Court reiterated that there is an obligation to prevent all forms of violence. It opined that “***lip service, hollow statements and inert and inadequate laws with sloppy enforcement are not enough for true and genuine upliftment of our half most precious population – the women***”. It held that the Vishaka Guidelines should not remain just symbolic but rather shall provide direction until the legislative enactment of the Bill. Hence, holding that a number of states had not done everything required to comply with the Guidelines, the Court gave the following directions:

- States governments must make the necessary amendments to their CCS Rules and Standing Orders within two months of the date of judgment.
- States governments must ensure there is an adequate number of Complaint Committees within each state to hear complaints and that such Committees are headed up by a woman.
- State functionaries must put in place sufficient mechanisms to ensure effective implementation of the Vishaka Guidelines.
- The Bar Council of India shall ensure that all bar associations in the country and persons registered with the State Bar Councils follow the Vishaka Guidelines. Similarly, the Medical Council of India, Council of Architecture, Institute of Chartered Accountants, Institute of Company Secretaries and other statutory Institutes shall ensure that the organizations, bodies, associations, institutions and persons registered/affiliated with them follow the Vishaka Guidelines.

In the event of non-compliance to the Vishaka Guidelines, the Courts orders and/or directions above, it will be open to the aggrieved persons to approach the respective High Courts.

ANNEXURE - B

PARTICIPANT BANKS/PSUs

1. Canara Bank
2. Vijaya Bank
3. Syndicate Bank
4. Corporation Bank
5. State Bank of Mysore
6. Bank of Maharashtra
7. Bank of India
8. Bank of Baroda
9. Central Bank of India
10. Dena Bank
11. Airport Authority of India
12. Bharat Electronics Ltd.
13. Bharat Heavy Electrical Ltd.
14. Centaur Hotel
15. Central Warehousing Corporation
16. Chennai Petroleum Corporation Ltd.
17. Coal India Limited and its subsidiaries:-
ECL, BCCL, WCL, NCL, SECL.
18. E&-CIL
19. Engineering Projects (I) Ltd.
20. Engineers India Ltd.
21. GAIL (India) Ltd.
22. Indian Oil Corporation Ltd.
23. Indian Renewable Energy Dev. Agency Ltd.
24. Hindustan Antibiotics Ltd.
25. MMTC Limited
26. Mahanadi Coalfields Ltd.
27. National Projects Construction Corporation
28. National Fertilizers Ltd.
29. NHPC Ltd.
30. National Scheduled Castes
31. Finance & Development Corporation
32. Oil & Natural Gas Corporation.
33. Power Finance Corporation.
34. Rural Electrification Corporation Ltd.
35. Security Printing & Minting Corporation of India Ltd.
36. Steel Authority of India Ltd.
37. STC of India Ltd.
38. WAPCOS

EDUCATIONAL INSTITUTIONS

Delhi University
Aligarh Muslim University

ANNEXURE – C

MODEL POLICY ON PROHIBITION OF SEXUAL HARASSMENT AT WORKPLACE

The Policy on Prohibition of Sexual Harassment at Workplace should be well publicized and circulated. It should be on the web site of the University/ Institution giving the message of ZERO TOLERANCE.

DRAFT SAMPLE

We are committed to maintaining a respectful and safe campus environment for all members of our community.

I. Conduct

A willingness to recognize the dignity and worth of each person at the University/Institution is essential to our mission.

It is the responsibility of each person on campus to respect the personal dignity of others.

II. Purposes and Definitions

A. Purposes

The University/Institution stresses that sexual harassment is not tolerated. As an employer and as an educational institution, the University is committed to eradicating sexual harassment.

B. Definitions

For this purpose, sexual harassment includes such unwelcome sexually determined behavior (Whether directly or by implication) as:

- a) Physical contact and advances;
- b) a demand or request for sexual favours;
- c) sexually colored remarks;
- d) showing pornography;
- e) any other unwelcome physical, verbal or non - verbal conduct of sexual nature.

Although the context of alleged harassment must be fully examined, examples may include:

- calling and e-mailing a female, even though she has clearly indicated no interest in him.
- a faculty regularly making sexually suggestive remarks in front of the staff, despite having been asked to stop by several staff members.
- a student who refused to date her instructor and now believes her grade is not an accurate reflection of her work, but an act of retaliation.
- a person sending unsolicited pornographic material and obscene messages to another female via e-mail.

C. Internal Complaints Committee (ICC)

The Internal Complaints Committee constituted by the University/Institution resources is as follows:

Name, address, email ID and telephone numbers of concerned persons (details should be well publicized on the web site).

The University/Institute reassures both the complainant (the person who is bringing a charge) and a respondent (the person who is answering a charge), that a fair, prompt, and appropriate resolution process is in place.

MODEL POLICY ON PROHIBITION OF SEXUAL HARASSMENT AT WORKPLACE

In addition to reminding members of their rights and responsibilities, the policy should describe the resources available for information, support and addressing concerns and complaints.

Reports of sexual harassment are confidential.

D. WHO CAN FILE A COMPLAINT

1. Complaints of sexual harassment against a faculty member, instructor, or teaching assistant may be brought by a student, staff or faculty member to the Internal Complaints Committee.
2. A complaint of sexual harassment may be brought against a student by filing a complaint with the Internal Complaints Committee.
3. A tenured or untenured faculty member, whether full or part time, who believes she or he has been subjected to sexual harassment by a faculty member or by an academic administrator may file a grievance with the Internal Complaints Committee.

The university/Institute encourages targets of harassment to file a complaint; but women afraid they will not be believed or they will be blamed saying 'they asked for it', do not report their experiences. Yet, ignoring the problem will not make it go away, and take the first step by telling the harasser to stop the behavior that makes you uncomfortable.

- *Be direct, and firmly tell him to stop harassing you.* Don't apologize and don't smile. Clearly communicate your disapproval of behavior with which you are uncomfortable and which you consider to be harassing.
- *Write* - If you are uncomfortable confronting the perpetrator then write a letter or email, identifying the incidents and how you were affected, including the fact that you would like the harassment to stop.
- *Keep a record of events*- Date, time, place, witnesses, and a description of what was said and done.
- *Don't hesitate to seek assistance.*

E. Education and Prevention

1. University resource offices will provide to the community information on: (a) available mediation and resolution resources; and (b) sources of support and information for victims and respondents.
2. Deans and heads of major administrative units are encouraged to discuss this policy and issues of sexual harassment at meetings of faculty and staff.
3. Training programs for residential advisors, senior administrative fellows, those who meet students in crisis situations and others serving in an advisory capacity to students will include training about referrals, resources and methods for handling instances of sexual harassment.
4. Awareness program specially directed towards new undergraduate students providing information on prohibition of sexual harassment, definition, complaint mechanism etc.
5. All members of the University should feel responsible in prevention of sexual harassment whenever they observe it and are encouraged to report sexual harassment to appropriate University resources promptly for appropriate action. **Every member of the University community should be aware that there is ZERO TOLERANCE towards sexual harassment and assault and that such behavior is prohibited by both the law and by University/Institute policy.**

