

**GOVERNMENT OF INDIA
HUMAN RESOURCE DEVELOPMENT
LOK SABHA**

UNSTARRED QUESTION NO:2347
ANSWERED ON:17.12.2003
SEXUAL HARASSMENT AT WORK PLACES
A.K. PREMAJAM;RENUKA CHOWDHURY

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

- (a) the guidelines issue by the Supreme Court for prevention of harassment and sexual abuse of women at work places;
- (b) the steps taken by the Central and State Governments to enforce the same;
- (c) the number of cases of each type of abuse against women at work places in each State and union territory during the period since the issue of guidelines;
- (d) whether the Government proposes to review the implementation of the guidelines; and
- (e) if so, the details thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI JASKAUR MEENA)

- (a) The guidelines laid down by the Supreme Court for prevention of sexual harassment at workplace in the judgement dated 13.8.97 in Writ Petition (Criminal) Nos. 666- 70of 1992 in Vishaka & Others Vs. State of Rajasthanand Others are given in brief in Annexure-I.
- (b) A statement is annexed at (Annexure-II). Enforcement of the guidelines in the States comes under the States' domain.
- (c) The Government does not receive complaints of sexual harassment directly as these are dealt with by the Complaints Committees constituted as per the Supreme Court's directives by the employers in the respective work-places.
- (d)&(e) The implementation of the Supreme Court's guidelines on sexual harassment at workplace is regularly reviewed both by the Central Committee of the Department of Women & Child Development and by the National Commission for Women.
Annexure-I

Annexure in respect of reply to parts (a) of Lok Sabha Unstarred Question No. 2347 for 17-12-2003 regarding Sexual harassment at work places

Guidelines laid down by the Supreme Court for prevention of sexual harassment at workplace

- 'Sexual harassment' includes any unwelcome sexually determined behaviour, such as physical contact and advances, demand or request for sexual favour, sexually coloured remarks, display of pornography or any other unwelcome physical, verbal or non verbal conduct of sexual nature

- All employers or persons in care of work place whether in the public or private sector should take appropriate step to prevent sexual harassment. The preventive action that must be taken by the employer includes:

- # Express prohibition of sexual harassment as defined should be notified, published and circulated in appropriate ways.

- # Provide appropriate work conditions in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at workplaces and no woman employee should have reasonable grounds to believe that she is disadvantaged in connection with their employment.

- # Allow employees to raise issues of sexual harassment at workers meetings and in other appropriate forums. This issue should be affirmatively discussed in Employer-Employee meetings.

- # Create awareness of the rights of the female employees in this regard, in particular, by prominently notifying in a suitable manner the guidelines (and appropriate legislation on the subject, when enacted).

- # Set up Complaint Committee on sexual harassment to which women can direct their complaints. The Complaint Committee should have

Â§ a woman chairperson,
Â§ women as half of its members
Â§ a third party representative, either a NGO or a person familiar with the issue of sexual harassment at work should be on the Committee to prevent the possibility of any undue pressure or influence from senior levels
Â§ confidentiality
Â§ time bound disposal of complaints

• 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 persons in terms of support and preventive action.

Annexure-II

Annexure in respect of reply to parts (b) of Lok Sabha Unstarred Question No. 2347 for 17-12-2003 regarding Sexual harassment at work places.

(b) :The Government has taken a number of initiatives to give effect to the guidelines laid down by the Supreme Court, which have the force of law under Article 141 of the Constitution of India. These include:

Â§ The Government have requested all the Central Ministries /Departments, Chief Secretaries of all the State Governments/ Union Territory Administrations, Universities/Institutions, Central Board of Secondary Education, All India Council of Technical Education to constitute complaints committees and ensure that the guidelines are implemented.

Â§ NCW formulated a Code of Conduct for Work Place, putting down the Supreme Court's guidelines in a simple manner. The Commission has widely circulated this Code of Conduct to all State Commissions for Women, Non-Governmental Organisations, the apex bodies of the Corporate Sector, Media, all Ministries and Departments, so that it percolate down to the lowest functionaries and is complied with by all concerned. The NCW has also instituted a series of interactive meetings with Public Sector Undertakings/Banks/Universities/Educational Institutions/ Hotels/Media etc. to assess the extent of implementation of the guidelines. More than 28 meetings were convened by NCW over the last 3 years, which have been attended by more than 726 organisations.

Â§ A Central Committee headed by the Secretary, Department of Women and Child Development has been constituted in the Department of Women and Child Development to ensure that the "complaints committees" are constituted and the guidelines are implemented by all concerned.

Â§ Central Civil Services (Conduct) Rules have been amended to include sexual harassment as a prohibited conduct.

Â§ Amendments have been made to the Industrial Employment (Standing Orders) Act, 1946 so that sexual harassment of women at work place in the private sector could constitute an offence for which a workman is liable for disciplinary action.