

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:5075
ANSWERED ON:25.04.2003
IMPLEMENTATION OF SUPREME COURT JUDGEMENT
VARKALA RADHAKRISHNAN

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the guidelines prescribed by the Supreme Court in the Vishaka Judgment are not being followed by many Government Departments/Universities/educational institutions in the public and private sectors and professional bodies;
- (b) if so, whether the Government have evolved any effective measures to implement and effectuate the guidelines of the Supreme Court;
- (c) if so, the details thereof;
- (d) whether the NHRC and NCW have given any recommendations to the Government or any bodies in this regard; and
- (e) if so, the details of the recommendations thereon alongwith the action taken by the Government in this regard?

Answer

MINISTER OF LAW AND JUSTICE AND COMMERCE AND INDUSTRY (SHRI ARUN JAITLEY)

(a) The guidelines prescribed by the Hon`ble Supreme Court in Vishaka Judgment are generally being followed.

(b to e): A statement is laid on the table of the House.

ANNEXURE

STATEMENT IN RESPECT OF REPLY TO PARTS (b) TO (e) OF LOK SABHA UNSTARRED QUESTION NO.5075 FOR 25.4 BY SHRI VARKALA RADHAKRISHNAN, M.P. REGARDING IMPLEMENTATION OF SUPREME COURT JUDGEMENT.

(b) to (e): 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:

The Government has requested all the Central Ministries/Departments, Chief Secretaries of all the State Government/Union Territory Administrations, Universities/Institutions, Central Board of Secondary Educaiton, All India Council of Technical Education to constitute Complaints Committees and to ensure that the guidelines are implemented.

The National Commission for Women (NCW) formulated a Code of Conduct for work place, putting down the Supreme Court's guidelines in a simple manner. This has been circulated to all State Commissions for women, Non-Governmental Organisations, the apex bodies of the Corporate Sector, Media and all Ministries and Departments.

The NCW has instituted a series of interactive meetings with Public Sector Undertaking/Banks/Universities/Educational Institutions/Hostels/Media etc. to assess the extent of implementation of guidelines.

A Central Committee headed by 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 in each unit and the guidelines are implemented by all concerned.

Central Civil Services (Conduct) Rules, 1964 have been amended to include sexual harassment as a misconduct.It has also been stipulated that the report of the Complaints Committee should be treated as a preliminary report against the accused Government servant and expeditious follow up action be taken on the report of the complaints Committee.