

**GOVERNMENT OF INDIA
WOMEN AND CHILD DEVELOPMENT
LOK SABHA**

UNSTARRED QUESTION NO:3808

ANSWERED ON:19.12.2006

SEXUAL HARASSMENT OF WOMEN

Baxla Shri Joachim;Jagannath Dr. M.;Kathiria Dr. Vallabhbai;Masood Shri Rasheed;Paraste Shri Dalpat Singh;Subbarayan Shri K.

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

(a) whether the Government is aware of the findings of the study on sexual harassment at workplace, sponsored by the Population Council of India;

(b) if so, the details of the findings and recommendations thereto; and

(c) the measures taken or proposed to be taken by the Government to put in place effective implementation in the mechanisms to address the issues of sexual harassment at workplace?

Answer

THE MINISTER OF STATE OF THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI RENUKA CHOWDHURY)

(a)&(b) According to the information furnished by Population Council, South & East Asia – Regional Office, New Delhi, the Council has brought out a report on "Sexual Harassment in the Workplace: Experiences of Women in Health Sector". The findings of the report are stated to confirm, among other things, the existence of sexual harassment in the workplace and the reluctance of women to invoke the complaints mechanism. According to the report much remains to be done to address gender stereotyping and harassment in the working environment and to ensure that women have recourse to effective resolution of complaints.

(c) The steps taken by the Government are given in the statement annexed.

Statement referred to in reply to part(c) of Lok Sabha Unstarred Question No.3808 for 19,12.2006 regarding Sexual Harassment of Women

Details of steps taken by the Government to implement the guidelines laid down by the Supreme Court and to create awareness about the issue of sexual harassment at workplace

The Government has 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 to ensure that the guidelines laid down by the Supreme Court in the Vishaka case for prevention of sexual harassment at workplace are implemented.

The National Commission for Women (NCW) formulated a Code of Conduct for Workplace, putting down the Supreme Court's guidelines mentioned above in a simple manner. This has been circulated to State Commissions for Women, Non- Governmental Organisations, the apex bodies of the Corporate Sector, Public Sector Undertakings, Media, Ministries/Departments and other institutions.

The NCW has 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

Department of Public Enterprises issued circular in May, 1998 to all administrative Ministries/Departments concerned with Central Public Sector Establishments to direct the Chief Executives of CPSEs under their administrative control for adherence and compliance of the Supreme Court's guidelines on prevention of sexual harassment by making amendments in the CDA Rules of the CPSEs.

So far as implementation of the Supreme Court guidelines in regard to setting up of complaint committee in small establishments like shops and call centres are concerned, section 1(3) of the Industrial Employment (Standing Orders) Act, 1947 applies to every establishment wherein 100 and more workers are employed. However, appropriate Government may apply the provisions of the Act to any industrial establishment employing less than 100 persons. Since the State Governments are the appropriate Government in respect of commercial establishments like shops and call centers, necessary instructions have been issued by the Ministry of Labour and Employment during January, 2005 to all Labour Secretaries asking them to take suitable action to apply the provisions of the Industrial Employment (Standing Orders) Act, 1946 to small establishments like call centres and shops in the unorganised sector.

The Central Civil Services (Conduct) Rules, 1964 have been amended to include sexual harassment as a misconduct. The Central Civil Services (Control, Classification and Appeal) Rules, 1965 have been amended during July, 2004 to provide that the Complaints

Committee established in each Ministry or Department or Office for inquiring into complaints of sexual harassment shall be deemed to be the inquiry authority appointed by the disciplinary authority and the Complaints Committee shall hold the inquiry as far as practicable in accordance with the procedure laid down in these rules (i.e the procedure for holding inquiry into disciplinary proceedings for award of a major penalty).

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

Media campaign has been undertaken by the Ministry of Women and Child Development to create awareness on various issues concerning women and children, including compliance with the Supreme Court's guidelines on the prevention of sexual harassment of women at workplace.