

**The Punjab and Haryana High Court
Gender Sensitization & Internal Complaints Committee
Chandigarh**

Annual Report-2017

Sexual harassment at workplace is a serious irritating factor that renders women's involvement in works unsafe and affects right to work with dignity. It is un-welcome verbal, visual or physical conduct of sexual nature which is severe or pervasive and affects the working conditions and creates a hostile work environment.

Before 1997, the women experiencing sexual harassment at the workplace had to lodge a complaint under **Section 354** of the Indian Penal Code dealing with the criminal assault of women **to outrage her modesty** and **Section 509** of the Code providing for punishment to an individual for using **a word, gesture or an act intended to insult the modesty of a woman**. These sections left the interpretation of '*outraging women's modesty*' to the discretion of the police officer(s) and they dealt with these cases according to their whims but the entire scenario depicted above changed in the year 1997 when Hon'ble the Apex Court in a case, titled as '**Vishaka and ors. vs. State of Rajasthan and ors.**' (JT) 1997 (7) (SC 384) for the first time recognized, acknowledged and explicitly defined sexual harassment as an unwelcome sexual gesture or behaviour aimed or having tendency to outrage the modesty of a woman directly or indirectly and issued broad-based guidelines known as "**Vishaka Guidelines**" for the employer(s) to follow. These guidelines aimed at prevention of sexual harassment and brought in its purview all the employees in organized and as well as un-organized sectors by holding them responsible for providing safe and congenial working environment free from sexual bias for every women.



Some of important guidelines so issued include the onus to provide a harassment free work environment; Constitution of Complaints Committees; express prohibition of sexual harassment in any form and to make the employees aware of the implications through in-house communications meetings etc; Prohibition of sexual harassment with appropriate penalties against the offender by making provisions in 'Conduct Rules' etc. However as Vishaka guidelines were not being followed in letter and true spirit, the matter again came within the ambit of Hon'ble the Apex Court in another case titled as "**Medha Kotwal Lele vs. Union of India and others**" 2013 (1) SCC 297 wherein coordinator of Aalochana, a centre for documentation and research on women and other women's rights groups highlighted a number of individual cases of sexual harassment by arguing that the **Vishaka guidelines**, are not being effectively implemented. It was argued that despite the guidelines having been issued, women employees were continued to be harassed at the workplace due to breach of the guidelines by state functionaries and there used to be harassment to the women workers via legal means and extra legal means, making them suffer and by insulting their dignity.

Hon'ble the Apex Court then reiterated the directions given in Vishaka's case and exhorted the States in the country to implement the same in true spirit to provide a free and fair working environment to women at workplace. Hon'ble Supreme Court in said judgment highlighted the necessity for protection of women from any form of indecency, indignity and disrespect at all work places and expressed the need to enact a statute in this regard.



Having regard to the abovesaid scenario, the Parliament on 23.04.2013 finally brought in a comprehensive Act dealing with the protection of women at workplace(s) by enacting "***The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013***" (hereinafter referred to as Act). This Act in fact widened the scope of guidelines issued by Hon'ble Supreme Court of India by bringing the women employed to do the household work, within its ambit also. The Act has defined "***Sexual Harassment***" to include every unwelcome act or behaviour directly or by implication viz. physical contact and advances, a demand for sexual favours, making sexually coloured remarks and so many other acts, which are likely to affect health/efficiency of any organization/institution.

In order to implement the provision of the Act, the Punjab and Haryana High Court has framed "***Gender Sensitization & Sexual Harassment of Women at Punjab and Haryana High Court, Chandigarh (Prevention, Prohibition and Redressal) Regulations, 2013***". Under these regulations, Gender Sensitization and Internal Complaints Committee was formed on the establishment of this Court under the orders of Hon'ble the Chief Justice on **11.02.2014**. The members of the Committee during the year 2017 are as under:-

- ***Hon'ble Mrs. Justice Daya Chaudhary, Chairperson.***
- ***Hon'ble Mr. Justice Inderjit Singh.***
- ***Hon'ble Mrs. Justice Lisa Gill.***
- ***Mr. R.S. Cheema, Senior Advocate.***
- ***Registrar (Vigilance).***
- ***Ms. Alka Chatrath, Advocate.***
- ***Joint Secretary, High Court Bar Association.***



- **Mrs. Rajesh Gill, Chairperson, Department of Sociology, Panjab University.**
- **Mrs. Rattan Kaur, Joint Registrar, Punjab & Haryana High Court, Member Secretary, GSICC.**

The main objective of the Committee is to make aware women about gender issues and to redress any complaint made with regard to sexual harassment at Punjab and Haryana High Court precincts i.e. **(including Court Block, open ground, parking, old and new chamber blocks, libraries, canteens, bar-rooms, dispensary and or any other part of the premises under the control of Hon'ble the Chief Justice of this High Court)** and to achieve the objectives. The Committee is taking regular steps to sensitize all concerned. The Constitution of India vide Articles 14, 15 and 21 also ordains the Employer to ensure **a person's right to equal protection under the law to live a life free from discrimination on any ground and/protection of life and personal liberty** and Gender Sensitization and Internal Complaints Committee of this Court is making every effort to fulfill the obligation cast on the employer to provide free working environment. The duty to provide clean atmosphere at workplace to all workers has also been entrusted to an employer by virtue of United Nations Convention on the Elimination of all Forms of Discrimination against Women **(CEDAW)**, which was adopted by UN General Secretary in 1979 and ratified by India; which also underlines that discrimination and attacks on women's dignity violate the principle of equality of rights. Any type of sexual harassment of women would thus be an infringement of fundamental rights of women under Article 19



(1)(g) of the Constitution of India, which grants freedom to practice any profession or to carry out any occupation, trade or business.

The employees on the establishment of this Court including males and female have been made aware of their rights and provisions of the Act/Regulations and purpose of the Committee by way of holding meetings etc. Even District and Sessions Judge(s) in the States of Punjab, Haryana and U.T. Chandigarh have been directed to hold such like conference(s) to create awareness about gender issues at Subordinate Courts. Behaviour constituting sexual harassment and how to deal with such like cases have been brought to the knowledge of all the employees of this Court as well as the employees of the Subordinate Courts through workshops. In addition to this, so many volunteers have been associated with the Committee and they are being equipped from time to time with the ways and means to handle with sexual harassment cases if any; including the legal aspects as well. The workshops have also been organized to sensitize the male/female employees of this Court, the mechanism for lodging/redressal of complaint was also highlighted. In this way, this Court is always on its endeavour to provide safe and free working environment to all employees as per mandate of Constitution of India, Vishaka Guidelines and Provisions of the Act.

Three main meetings were convened by Gender Sensitization and Internal Complaints Committee in the year 2017:-

- ◆ **1st on 22nd February, 2017 (by way of circulation)**
- ◆ **2nd on 19th April, 2017**
- ◆ **3rd on 1st November, 2017.**



In the first meeting of the Committee held on 22.02.2017 (by way of Circulation), the Committee had approved the **Table Calenders** of GSICC for the year 2017, which were distributed amongst all the Hon'ble Judges of Supreme Court of India, Hon'ble Judges of this Court, District and Sessions Judges in the States of Punjab, Haryana and U.T, Chandigarh, Joint Secretary Bar Association, volunteers and all the officers upto the rank of Joint Registrar with a view to create wider publicity qua existence of Gender Sensitization and Internal Complaints Committee of this Court.

The 2nd meeting of the said Committee was held on 19.04.2017 wherein the issue regarding **Constitution of Internal Sub Committee** was considered/discussed. The Committee deliberated upon the issue and a Sub Committee was constituted under the chairmanship of Registrar (Vigilance) to work out the modalities for holding a Conference of Judicial Officers from the State(s) of Punjab, Haryana and U.T. Chandigarh (Sh. R.S. Cheema, Senior Advocate, Ms. Alka Chatrath, Advocate and Ms. Deepshikha Arora, Advocate are members of the Committee). The said Sub Committee is now on its job to convene a meeting of Judicial Officers of both the states of Punjab and Haryana as well as Chandigarh, at Chandigarh Judicial Academy, Chandigarh.

In the third meeting of the Committee held on 01.11.2017, matter regarding constitution of Internal Sub Committee was again considered but deferred.

In addition to this, the Committee has made all earnest efforts to increase the **number of toilets (female)** in the premises of High Court. Space for additional toilets was identified and with the



active participation of Hon'ble Building Committee of this Court under the Chairmanship of Hon'ble Mr. Justice Surya Kant, additional ladies washrooms/toilets were constructed near Stationery Branch in the Cycle Stand Building by the Engineering Department, Chandigarh Administration, Chandigarh and the same have been made functional. **Washrooms/toilets for Gents & differently abled person(s)** were also constructed. This is another feather in the cap of Gender Sensitization and Internal Complaints Committee. Apart from that **certain modifications** were also suggested to be made in the ladies washrooms/toilets above Court Room No. 2 and 9 at level 4, but as the High Court building has been declared as **World Heritage, Grade-I by UNESCO**, so, no addition/alteration could be done by the Chandigarh Administration in the said premises.

The work of preparation of **'Display Boards'** containing relevant provision about existence of Gender Sensitization and Internal Complaints Committee in the High Court **in vernacular** i.e. local/regional language are being affixed for convenience of general public, in connection with their litigation matters. The updated list of members of Hon'ble Gender Sensitization and Internal Committee in vernacular languages i.e. Hindi and Punjabi has been sent to the concerned officer of the **Engineering Department, U.T. Chandigarh** i.e. the Executive Engineer, C.P Division no.6, Chandigarh, with the request to prepare the display boards in vernacular languages and he has also been requested to update the existing display boards in English language, installed in this High Court as well as at High Court Extension, Sector 17, Chandigarh. The concerned Assistant Engineer



has informed that the work is under process, as informed by Court Officer (Mtc.) Branch.

FINANCIAL ISSUES:-

During the year 2017, the payment of Rs.67,500/- was made to M/s Webastyle.com, Sector 15, Panchkula, on account of designing the logo and printing of 500 calenders of Gender Sensitization and Internal Complaints Committee out of the grant under the **Head 2014 -A.3. Administration of Justice, A-3(1) High Court, A-3(1)(4) "Publication" Expenses (charged).**

Before concluding the report, I would like to extend my sincere thanks to all the members of the Committee, who spared their valuable time to attend the meeting(s) and for giving valuable suggestions to make every meeting a grand success. The Committee would always try to implement mechanism for prevention/redressal of sexual harassment cases and gender violence activities at the institute and would uphold its commitment to provide an environment free from gender based discrimination through creating continuous awareness.

To conclude by saying that no complaint of sexual harassment was made during the year under review.

Report is submitted.



(Daya Chaudhary)
Judge
Chairperson, GSICC
Punjab & Haryana High Court
Chandigarh

Dated: 25.2.2019