

## **VISHAKHA COMMITTEE**

Preamble:-

The Supreme Court of India in the landmark judgment in August 1997 (Vishakha & others v/s State of Rajasthan & other) stated that every instance of sexual harassment is a violation of “Fundamental Rights under Article. 14, 15 and 21 of Constitution of India, and amounts to a violation of the “Right to Freedom” under Article 19 (1)(g). The ACT provides protection against sexual harassment of women and for the prevention and redressal of complaints of sexual harassment and for the matters connected therewith or incidental thereto.

The guidelines explicitly state the following:

HAVING REGARD to the definition of 'human rights' in [Section 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:

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 behaviour (whether directly or by implication) as:

- a) Physical contact and advances;
- b) A demand or request for sexual favours;
- c) Sexually coloured 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 Steps:

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 perpetrator or their own transfer.

#### 5. Disciplinary Action:

Where such conduct amounts to mis-conduct 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, a Complaints Committee, a special counsellor 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 under 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 report 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 of 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 suitable manner.

10. 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.

In response to the [Vishaka Judgment](#) passed by the Supreme Court in 1997, the University of Mumbai set up the 'University Women Development Cell

(UWDC)' in 2001 with the key purpose of making the University a gender-sensitive space. The University also directed all its affiliated colleges to set up a 'Women Development Cell' at college level.

In compliance of this directive of the University, the Women Development Cell of Dr. BABASAHEB AMBEDKAR COLLEGE & ADV. GURUNATH KULKARNI COLLEGE set up in the year 2008 under the chairmanship of Mr Gaikwad. It is an active committee comprising of staff members and students of Dr. BABASAHEB AMBEDKAR COLLEGE and functions with an aim to prevent sexual harassment, promote well being of all the female students and staff members and create a gender sensitized community within campus as well as in the society.

#### Objectives:-

The objectives of the Internal Complaint Committee to Prevent Sexual Harassment of Women at the Workplace are as follows:

- ✚ To develop a policy against sexual harassment of women at the Institute.
- ✚ To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence at the Institute.
- ✚ To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
- ✚ To uphold the commitment of the Institute to provide an environment free of genderbased discrimination. 4
- ✚ To create a secure physical and social environment to deter any act of sexual harassment.
- ✚ To promote a social and psychological environment to raise awareness on sexual harassment in its various forms.

To ensure that youth in college are aware of the Vishakha Guidelines & grievance cell.

#### Constitution of the Internal Committee:-

The Committee shall consist of following five members who shall be appointed by the Chairman

Three Female and One male who are aware and have knowledge about the Vishakha guidelines.

One vice- principal.

#### Power and Duties of the Committee:-

The committee is NOT to act as a moral police; neither will it intrude on anyone's privacy. The role of the Committee is to create awareness about sexual harassment and to deal with and recommend punishment for non-consensual acts of sexual harassment, and not to curtail sexual expression within the campus. Members are expected to be sensitive to the issue and not let personal biases and prejudices (whether based on gender, caste, class) and stereotypes (e.g., predetermined notions of how a "victim" or "accused" should dress up or behave) affect their functioning as members of the committee.

#### Meetings of the Committee:-

The members of the Committee shall meet at least four times in a year. The Chairperson shall preside over the meeting. In the absence of the Chairperson, Principal can held. Member Committee shall preside over the meeting. The Chairperson may upon the request of not less than one third of the total members of the Committee, call a meeting on a date not later than fifteen days after the receipt of such requisition.

The quorum of the meeting of the Committee shall be five of its members. If the quorum is not complete in any meeting, it shall be adjourned for half an hour and thereafter, the meeting shall precede with those members who are present in the meeting.

All decision in the meeting will be taken through mutual consent from the members of the Committee present in the meeting. In the case of any

disagreement among the members regarding any decision, Chairperson of the Committee shall hold the authority to take the final decision and her decision would be considered as final.

#### Complaint Procedure:-

Any woman employee or female student (hereinafter mentioned as the 'COMPLAINANT') shall have the right to file a complaint concerning any harassment including sexual harassment against a male student /employee /faculty /administrative staff / research staff / any of the members of the Committee (hereinafter mentioned as the 'COMPLAINEE') as the case may be.

Any COMPLAINANT may file a complaint within a period of 3 months from the date of incident. In case of a series of incidents, COMPLAINANT should file a case within a period of 3 months from the date of last incident.

Where the aggrieved woman is unable to file a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.

All complaints will only be accepted in writing. The Committee is allowed to take action even in the absence of a written complaint. Though a written complaint is must (as per the Vishakha Guidelines), however if the woman does not want to do the same, anybody can write on her behalf.

Any complaint in writing has to be signed by the COMPLAINANT and will be read out to the complainant and will not be acted upon till the same is signed by the complainant.

The complainant shall be afforded full secrecy at each stage.

The name, address, identity or any other particulars calculated to lead to identification of the COMPLAINANT shall be kept confidential and will not be disclosed even to the Committee, till the meeting in this regard is convened.

Within a period of 5 working days from the date of such communication, the Chairperson shall convene a meeting to deal with the complaint and make preliminary enquiry/fact finding enquiry to verify the facts of the complaint. An Enquiry Committee will be constituted if the complaint is found genuine.

In case, the Enquiry Committee decides to proceed with the complaint, they may have the option to settle the matter between COMPLAINANT & COMPLAINEE through conciliation. For this the wishes of the complainant shall be ascertained and if the complainant wishes that a warning would suffice then the alleged offender shall be called to the meeting of the Committee, heard and if so satisfied that a warning is just and proper, he may be warned about his behaviour.

The matter shall then be treated as concluded and disposed of with a note to that effect made in the Complaint Register.

#### Constitution of the Enquiry Committee:-

The Enquiry Committee will be a part of the main Committee with the following criteria:-

When COMPLAINANT is a Student: The presence of two student members (one male and/or one female) is mandatory along with Chairperson , one Faculty member, and the External Member.

When the COMPLAINANT is a Faculty: Presence of two Faculty members (one male and/or one female) is mandatory along with Chairperson , one Staff Member, and the External Member.

When the COMPLAINANT is a Staff: Presence of two staff members (one male and/or one female) is mandatory along with Chairperson (female member), one Faculty Member, and the External Member.

When the COMPLAINANT is any other Visitor: Presence of one Staff member, one Student member, Chairperson (female member), one Faculty Member, and the External Member is mandatory.

In all cases presence of at least one Male member is compulsory.

The Report of last five years of college are as follows:-  
2013-14

Internal Member Committee:-

Mrs. Heena Shaikh – Member  
Mr. Shaikh (Vice- Principal) – Chairperson  
Mrs. Sabrina (Supervisor) - Chairperson  
Mrs. Sheetal Gonsalves (Assistant Supervisor)- Member  
Mr. Bipin Vaity - Member.

Preventive steps taken:-

Put- up Complaint Box in the premises of the College, so the person who are unable to communicate or not willing to communicate, can drop a letter/ complaint letter in the Complaint box.

Number were put up of aforesaid Committee Member on the notice board of the college campus.

Seminar was conducted by the Member Committee for women development cell.

Complaint lodge:-

No Complaints were lodge in this academic year.

2014-15

Internal Member Committee:-

Mrs. Sabrina (Supervisor)- Chairperson  
Mrs. Heena Shaikh – Member  
Mr. Shaikh (Vice- Principal) – Chairperson  
Mrs. Sheetal Gonsalves (Assistant Supervisor)- Member  
Mr. Bipin Vaity - Member.

Preventive steps taken:-

Seminar was conducted by Mr. Hegje (PI Manikpur Police station) regarding gender sensitization and gender awareness.

Number were put up of aforesaid Manikpur Police Station on the notice board of the college campus for emergency.

Seminar was conducted by the Member Committee regarding awareness of the policy and implementation of the same through informal sessions, performances, cultural events

Complaint lodge:-

No Complaints were lodge in this academic year.

2017-18

Internal Member Committee:-

Mrs. Aparna Kulkarni - Chairperson  
Ms.. Purnata Raiyani – Member  
Mr. Shaikh (Vice- Principal) – Chairperson  
Mrs. Sheetal Gonsalves (Assistant Supervisor)- Member  
Mr. Bipin Vaity - Member.

Preventive steps taken:-

Seminar was conducted by Karate Champions regarding self defence.

Seminar conducted by the Member Committee regarding development of a women and self defence and awareness about sexual harassment and to deal with that and punishment for non-consensual acts of sexual harassment

Complaint lodge:-

No Complaints were lodge in this academic year.