

## **Vishakha Committee (Women Cell)**

Jaya Engineering College has constituted a 'Women's Grievance Cell' as per the orders of the Supreme Court (Vishaka Judgement), 'Sexual Harassment at Workplace Act, 2013' rules with the aim of promoting gender equality and women empowerment among students and staff members.

The cell takes care of the grievances of girl students and female staff members related to gender discrimination, violence and sexual harassment on the campus. It is dedicated to create an environment on the campus where every female feels safe.

### **The objectives of the women's grievance cell are as follows:**

- ❖ To create an environment of gender justice where men and women work together with a sense of personal security and dignity.
- ❖ To create awareness amongst students about the issues related to the youth, girls in particular.
- ❖ To disseminate knowledge about rights and laws related to women.
- ❖ To create awareness amongst students about the problems faced by women due to gender issues.
- ❖ To enhance the self-esteem and self-confidence of girl students, women faculty and staff.
- ❖ To foster decision-making ability in girl students for making informed choices in areas like education, employment and health.
- ❖ The principle of gender equality is enshrined in the Indian Constitution. At JEC, we strongly believe that women and men have right to live as free and equal human beings and this equality should exist in all areas of life. All the activities conducted by the cell are directed towards successful execution of this goal.

### **About Vishakha Committee**

The Vishakha Guidelines were a set of procedural guidelines for use in India in cases of sexual harassment. They were promulgated by the Indian Supreme Court in 1997 and were superseded in 2013 by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

### **Background:**

Before 1997, a person facing sexual harassment at workplace had to lodge a complaint under Section 354 of the Indian Penal Code 1860 that deals with the 'criminal assault of women to outrage women's modesty', and Section 509 that punishes an individual/individuals for using a 'word, gesture or act intended to insult the modesty of a woman.

During the 1990s, Rajasthan state government employee Bhanwari Devi who tried to prevent child marriage as part of her duties as a worker of the Women Development Programme was raped by the landlords of the community. The feudal patriarchs who were enraged by her (in their words: "a lowly woman from a poor and potter community") 'guts' decided to teach her a lesson and raped her repeatedly.

The rape survivor did not get justice from Rajasthan High Court and the rapists were allowed to go free. This enraged a women's rights group called Vishaka that filed a public interest litigation in the Supreme Court of India.

This case brought to the attention of the Supreme Court of India, "the absence of domestic law occupying the field, to formulate effective measures to check the evil of sexual harassment of working women at all work places."

### **What is sexual harassment**

Sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:

- a) physical contact and advances;
- b) a demand or request for sexual favors;
- c) sexually colored remarks;
- d) showing pornography;
- e) any other unwelcome physical verbal or non-verbal conduct of sexual nature.

### **Preventive steps**

- ❖ Sexual harassment should be affirmatively discussed at workers' meetings, employer-employee meetings, etc.
- ❖ Guidelines should be prominently displayed to create awareness about the rights of female employees.
- ❖ The employer should assist persons affected in cases of sexual harassment by outsiders.
- ❖ Central and state governments must adopt measures, including legislation, to ensure that private employers also observe the guidelines.
- ❖ Names and contact numbers of members of the complaints committee must be prominently displayed.

### **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.

### **Disciplinary Action**

- ❖ Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

### **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 organisation for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

### **Complaints Committee**

- ❖ The complaint mechanism, referred to 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 undue 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.

### **Worker's Initiative**

- ❖ Employees should be allowed to raise issues of sexual harassment at a workers' meeting and in other appropriate forum and it should be affirmatively discussed in Employer-Employee Meetings.

### **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 a suitable manner.

### **Third Party Harassment**

- ❖ 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.
- ❖ 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.
- ❖ These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993.