

Role of Vishaka Committees in schools

Landmark Judgement of Supreme Court August 1997 (Vishakha & others v/s State of Rajasthan and other)

- Sexual harassment is a violation of fundamental rights of equality, right against sex based discrimination, right to work of women and right to life and dignity

- The supreme Court Judgment of 1997 makes it obligatory for every employer and other responsible persons to follow
- It shall be the duty of the employer or other responsible persons in institutions **to prevent** or **deter** the commission of the 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.

Sexual Harassment includes

- Such **unwelcome** sexually determined behaviour (whether directly or by implication) as
 - Physical Contact and advances
 - A demand or request for sexual favours
 - Sexual Coloured remarks
 - Showing pornography
 - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Committee for Prevention of Sexual Harassment at the Work place

- Should be headed by a lady chairperson
- More than 50 % representation of female
- One external representative familiar with issues of sexual harassment
- Adequate representation of teaching, non-teaching staff and students
- Member Secretary

Role of the Committee

Preventive

- To create and ensure a safe environment for women that is free of sexual harassment.
- To create an atmosphere promoting equality and gender justice.
- To develop a policy for prevention of Sexual Harassment
- To publicise the policy in English, Konkani and Marathi including through prospectus, notice boards, website.
- To publicise in English, Konkani and Marathi the names and phone numbers of members of the Committee.
- To publicise names and contact numbers of responsible persons who can be contacted when required
- To plan and carry out programmes for gender sensitisation.

Remedial

- Should have a mechanism for registering complaints that is safe, accessible and sensitive.
- To take cognisance of complaints about sexual harassment, conduct inquiries, provide assistance, explore conciliation and reparation, facilitate redressal to the victims and recommend action.
- To recommend to the concerned authorities follow-up action and monitor the same.
- To advise the disciplinary authority concerned to issue warnings or take the help of the law to stop the harasser, if the complainant consents.
- To make arrangements for appropriate psychological, emotional and physical support (in the form of counselling, security and other assistance) to the victim if she so desires.

Status

- The Committee is empowered under the Supreme Court guidelines to be the inquiry Committee
- Will make recommendations to the disciplinary authorities who will take action on the recommendations of the Committee

Inquiry Procedure

On receipt of complaint

- Verification of the complaint by summoning complainant/alleged victim
- Ascertain details of the complaint
- Details of place, nature, date and time of alleged acts to be specifically noted
- Ascertain jurisdiction of the Committee
- Establish prima facie case
- Intimate the disciplinary authority
- Appropriate disciplinary action to be taken by competent disciplinary authority pending inquiry
- If alleged accused is a teacher steps to be taken for examination matters
- Inquiry to be conducted

REDRESSAL

- The Institution shall suspend the alleged harasser after a prima facie case has been established.
- The Head of the Institution upon receipt of the inquiry report, shall refer the same to the Governing Body/ Executive Council (EC) and institute disciplinary action on the basis of the recommendations of the Committee under relevant service rules.

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The disciplinary action will be commensurate with the nature of the violation (students)

- Warning
- Written apology
- Bond of good behaviour
- Debarring entry into hostel/campus
- Suspension for specific period of time
- Withholding results
- Debarring from exams
- Debarring from contesting elections
- Debarring from holding leadership posts or membership of committees
- Expulsion
- Denial of admission
- Any other relevant mechanism

The disciplinary action will be commensurate with the nature of the violation (employees)

- Warning
- Written apology
- Bond of good behaviour
- Adverse remark in the Confidential Report
- Debarring from supervisory duties
- Denial of membership of statutory bodies
- Denial of re-employment
- Stopping of increments/promotion
- Reverting, demotion
- Suspension
- Dismissal
- Any other relevant mechanism

Networking

- Work with bodies such as Women Cells, NSS Units, Counsellors, Social Workers, legal aid centres, Crime against Women cells, State Commission for Women, etc.
- Information about contact numbers of police, helplines

**Norms of confidentiality to
be followed**

Crisis Intervention groups