

WHAT IS SEXUAL HARASSMENT

"Sexual Harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:-

- (i) physical contact and advances; or
- (ii) a demand or request for sexual favours; or
- (iii) making sexually coloured remarks; or
- (iv) showing pornography; or
- (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;"

The following circumstances, if present in relation to any behaviour of sexual harassment, may amount to sexual harassment:-

- (i) implied or explicit promise/ threat of preferential/detrimental treatment in her present or future employment; or
- (ii) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (iii) humiliating treatment likely to affect her health or safety.



How can the complaint be made?

- ▶▶ Any aggrieved woman, or 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, in writing, a complaint of Sexual harassment at workplace within a period of three months from the date of incident or in case of a series of incidents, within a period of three months from the date of last incident. Provided that the Committee may extend the time limit not exceeding three months, under special circumstances.
- ▶▶ The Presiding Officer or any member of the Internal Committee shall render all reasonable assistance to the woman for making the complaint in writing.
- ▶▶ At the time of filing the complaint, the complainant shall submit six copies of the complaint along with supporting documents and the names and addresses of the witnesses.

Punishment for complaints of sexual harassment at workplace:-

- ▶▶ If the allegations are established, the Complaints Committee shall recommend to the employer to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.
- ▶▶ If the allegations are found to be malicious or false/forged/ misleading, action may be taken against the complainant, provided that the malicious intent shall be established after an enquiry and a mere inability to substantiate the complaint need not attract action.

Duties of employer:-

- ▶▶ provide safe working environment at the workplace.
- ▶▶ provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the I.P.C. (45 of 1860) or any other law for the time being in force.
- ▶▶ Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct.

Where can the complaints be filed?

- ▶▶ Such complaints may be sent to Hon'ble the Chief Justice or Learned Registrar General, High Court, Allahabad and may also be mailed to the following email ids:-
- ▶▶ internalcomplaints.section@allahabadhighcourt.in, po.icc@allahabadhighcourt.in
- ▶▶ Such complaints may be put in the complaint boxes placed at the following places of the High Court premises at Allahabad & Lucknow:-
- (i) Outside the office of the Registrar General, High Court, Allahabad.
- (ii) Outside the office of the Senior Registrar, Lucknow Bench, Lucknow.
- (iii) Protocol office at High Court, Allahabad and its Bench at Lucknow.
- (iv) Employees' canteen.
- (v) Behind reception desk of C.I.T. Building.
- (vi) Mediation Centre.
- (vii) Advocate's Canteen of High Court, Allahabad and its Bench at Lucknow.
- (viii) Lobby of Lucknow Bench near the escalator.

Points to be kept in mind:-

- ▶▶ The High Court has a "**zero tolerance policy**" for Sexual harassment of women at workplace.
- ▶▶ The proceedings under this Act are kept highly confidential.