

SEXUAL HARASSMENT OF WOMEN

Guidelines for the Prevention and Protection of Women against Sexual Harassment

As enshrined in the Preamble to the Constitution of India, “equality of status and opportunity” must be secured for all its citizens; equality of every person under the law is guaranteed by Article 14 of the Constitution.

A safe place of work or study is, therefore, a woman’s legal right. Indeed, the Constitutional doctrine of equality and personal liberty is contained in Articles 14, 15 and 21 of the Indian Constitution. These articles ensure a person’s right to equal protection under the law, to live a life free from discrimination on any ground and to protection of life and personal liberty. This is further reinforced by the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which was adopted by the UN General Assembly in 1979 and which is ratified by India. Often described as an international bill of rights for women, it calls for the equality of women and men in terms of human rights and fundamental freedoms in the political, economic, social, cultural and civil spheres. It underlines that discrimination and attacks on women’s dignity violate the principle of equality of rights.

1. Definition of Sexual harassment

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.

2. Duty of the Administration in the Institutions

It shall be the duty of the administration in the 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.

3. Preventive Steps

All persons in administration 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 should be notified, published and circulated in appropriate ways.
- (b) The Rules/Regulations relating to conduct and discipline should include rules/regulations prohibiting sexual harassment.

4. Criminal Proceedings

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the administration shall initiate appropriate action in accordance with the 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.

5. Complaint Mechanism

Whether or not such conduct entails an offence under the law or a breach of the service rules, an appropriate complaint mechanism should be created in the organization to redress the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

6. Complaints Committee

The complaint mechanism, referred to in (5) above, should be adequate to provide, where necessary, to the 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 members 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 an NGO or any other body familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government Department concerned with the complaints and action taken by the Complaint Committee.

7. Awareness

In this regard, awareness of the rights of women should be created, in particular, by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

8. Third Party Harassment

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

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

Practices in St. Xavier's University

1. There is a Committee against Sexual Harassment duly constituted by St. Xavier's University, Kolkata.
 2. In addition, there are two other committees – (i) Disciplinary Committee and (ii) Anti-Ragging Committee – which can receive complaints and can forward the same to the Committee against Sexual Harassment. Details of these committees are printed in the University prospectus and given to the students.
 3. Students can inform the Registrar/any of the Deans the cases of harassment/grievances either verbally or in writing or through email or through Grievance Box placed in front of the Registrar's Office.
 4. There are lady Counsellors for the students to deal with various problems relating to life, family, study and relationship. Details of the counsellors are displayed on the notice boards of the University.
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