Sexual harassment issues

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Technicalities

- No date, vague charge
- Concealment of identity of witnesses but depositions given
- Absence of cross examination in respondent presence
- Anonymous Complaints (Social Action)
- Non attendance of complainant – no problem
- Lack of details of physical touch
“Judicial control over the fast expanding maze of bodies affecting the rights of the people should not be put into watertight compartment. It should remain flexible to meet the requirements of variable circumstances. Mandamus is a very wide remedy which must be easily available to reach injustice wherever it is found. Technicalities should not come in the way of granting that relief under Article 226.”
Committee status

- Status of CC the purpose of Central Civil Service conduct rules
- One stage action
- Report of the Committee as basis for disciplinary proceedings
- Can there be disciplinary action without report from CC?
- Exclusion of general committees by special committees
Enquiry

- Report by Entire committee
- Legality of composition (NGO)
- Predominant presence of management
- Mandatory enquiry on complaint
contd

- Purposive interpretation of competence of grievance forum
- Turning complainant into accused
- Non representation from committee members (indoor management)
- Pre Vishaka complaints
- NCW competence
- Victim oriented approach
- Pending criminal cases
- Superior position of victim
- Settlement issue
Do you agree?

- If Woman says No  SH stops
- If Woman ignores  SH stops
- If woman carefully dresses SH stops
- SH by men is natural trait. It is not a big deal
- SH is harmless
- Most women enjoy sexual attention
- SH policy spoils mixed work environment