



Bhanwari Devi gang-rape 1992 to Vishaka judgment 1997

Vishaka and others V. State of Rajasthan and others.

(AIR 1997 SUPREME COURT 3011)

J.S. Verma C.J.I., Mrs. Sujata V.
Manohar and B.N. Kirpal. JJ.



A fair share of the credit for the eventual verdict must go to lawyers Naina Kapur and Meenakshi Arora who fought the case, Fali Nariman, who appeared as amicus curiae or friend of the court, and the Supreme Court

So a group of activists from Jaipur and Delhi-based organisations filed a public interest petition in the Supreme Court, demanding that "workplaces must be made safe for women and that it should be the responsibility of the employer to protect women employee at every step".



In 1997, the top court came out with **Vishakha Guidelines**, laying down norms to protect women from sexual harassment in workplaces.

“It was quite unique that such a verdict was even delivered,” she said. “The court could have sent [the petition] back saying it is not for them to make the law but the Parliament’s responsibility. Instead, they chose to draw on international law, the Constitution of India, the right to freedom of work and so on. They said they would create an interim measure till the law comes into place.”

Kapur explained, “Vishaka was a binding judge-made law which, for the first time, recognised workplace sexual harassment as a violation of a woman’s right to constitutional equality at that workplace. That is what it made to unique.”

2013

SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION, AND REDRESSAL) ACT, 2013

“sexual harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:—(i) physical contact and advances; or(ii)a demand orrequest for sexual favours; or(iii)making sexually coloured remarks; or(iv)showing pornography; or(v)anyother unwelcome physical, verbal or non-verbal conduct of sexual nature

Criminal Law (Amendment) Act, 2013

354. Assault or criminal force to woman with intent to outrage her modesty.—Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

S. 354 A Sexual harassment and punishment for sexual harassment

- (2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.
- (3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Process of enquiry

- Written complaint to the Internal Complaint's Committee within three months of the incident
- ICC will first see if there is a possibility of settlement
- Conduct an Inquiry where the ICC has the powers summon attendance of any person, require production of any document
- Aggrieved woman can be transferred to any other workplace, can be granted leave for three months, or any other relief
- After the report has been submitted, any action taken is for misconduct in accordance with service rules
- Compensation claimed based on mental trauma, pain suffering, loss of career opportunity, medical expenses incurred
- No part of the inquiry process, identity of aggrieved woman, respondent or witness shall not be published, communicated or made known in public unless it is about the justice secured to the aggrieved woman without disclosing her identity

Duties of the Employer

Every employer shall—

- (a) provide a safe working environment at the workplace with shall include safety from the persons coming into contact at the workplace;
- (b) Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee under sub-section (1) of section 4;
- (c) organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;
- (d) provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;
- (e) assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;
- (g) provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force;
- (h) cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- i) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- (j) monitor the timely submission of reports by the Internal Committee.



Girls at Dhabas is an increasingly popular feminist collective that has been actively raising conversations about women's access to and participation in public spaces in Pakistani cities. Engage with the girls this year at Hope fest.

GIRLS AT DHABAS



In an effort to raise awareness about rape and sexism, a group of Jamia students are sticking sanitary pads with feminist messages on them, all across Jamia campus. (JamiaJournal.com)

