

## 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](mailto:internalcomplaints.section@allahabadhighcourt.in), [po.icc@allahabadhighcourt.in](mailto: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.