

UTTHAN SAMITI

07,INDIRA NAGAR – MAHARAJGANJ, U.P.



SEXUAL HARASSMENT PREVENTION POLICY



UTTHAN SAMIT, MAHARAJGANJ

Sexual Harassment Prevention Committee (SHPC) at the Workplace

On August 13, 1997, the Supreme Court of India delivered a landmark judgment to prevent the sexual harassment of working women. The judgment stated that the sexual exploitation of working women during work constitutes discrimination against them, violating their fundamental rights. Until Parliament enacts a law to prevent such exploitation of women, these guidelines shall be deemed as law.

What is this decision?

The Supreme Court delivered its landmark judgment in the Vishakha vs State of Rajasthan case, which pertained to the horrific gang rape of Bhanvari Devi. Bhanvari Devi was an associate of Rajasthan's women's welfare program, Mahila Samkhya. The incident sparked widespread protests across the country, with women's organizations demanding justice. Bhanvari had filed a complaint at the local police station to prevent a child marriage in a dominant family in her village, which led to her brutal gang rape by four members of the same family.

The case eventually reached the Supreme Court, which ruled that every female employee has a constitutional right to protection from sexual harassment at the workplace. The court held both employers and the government responsible for ensuring this protection. Our Constitution guarantees the right to choose any profession without discrimination based on gender, caste, or race, and ensures the right to live a dignified life for every citizen. This decision was made in accordance with the rights granted by the Constitution.

Workplace-

The place where the victim woman and the accused both work or regularly visit for work-related purposes shall be considered the workplace. This definition applies to her even if her appointment is on a contract or part-time basis.

For women employed in domestic work, the home and community related to her work will be deemed her workplace. This includes all government, public, and private establishments, such as:

- Brick kilns and construction sites
- Shops and private offices

- Educational institutions
- Hotels and entertainment venues
- Hospitals, nursing homes, and health centres
- Banks and financial institutions
- Court premises and police stations
- Inquiry centres and agricultural areas
- Factories and agricultural markets, etc

Sexual harassment-

The behaviour of a male colleague in the workplace toward a female colleague, driven by sexual feelings against her will, constitutes sexual harassment. Examples include:

- o Harassment of a woman:
- o Touching a woman with malicious intent, such as:
- o Attempting to force physical contact
- o Embracing or holding her hand without consent
- o Pinching or caressing sensitive body parts
- o Applying pressure or making inappropriate requests
- o Unwanted proposals of love or demands for sexual relations
- o Making offensive comments, jokes, or obscene remarks
- o Displaying pornographic materials, such as photos, cartoons, posters, literature, movies, CDs, or emails
- o Engaging in unwelcome physical, verbal, or non-verbal conduct of a sexual nature
- o Attempting to arouse her
- o Making inappropriate phone calls or sending unwanted messages
- o Harassing a woman due to sexual desire, impeding her work, or creating a hostile environment
- o Using taunts, double entendre, or insults
- o Denying equal opportunities for promotion or career advancement

- o Conditioning employment benefits, such as promotion or transfer, on submission to sexual harassment
- o Using authority to coerce a woman into submitting to sexual harassment in exchange for job benefits
- o Misusing authority to harass a woman, unfairly criticizing her work, or using disrespectful language
- o Threatening to terminate employment if sexual favors are not granted
- o Making unwelcome comments about a woman's appearance, dress, or body

Complaint Committee

It has been stated that a committee must be formed to monitor any cases of sexual harassment in the workplace and to hear such cases. The committee should include the following: -

- The head of the committee should be a woman.
- Half of the committee members should be women.
- A member from a non-governmental organization, who has experience in handling cases of sexual harassment, should be included.
- The complaint should be submitted to the committee within 15 days of the incident.
- The complaint process should be time-bound.
- The complete details of the incident, along with any evidence, should be submitted in writing to the complaint committee.
- If a woman wishes to keep her name and identity confidential, it will be maintained accordingly.

In cases of sexual harassment, women may also file a First Information Report (FIR) at the relevant police station and seek police protection.

Duties of the Complaint Committee –

- The committee should question the woman separately and fairly regarding the matter, and the accused's side should also be heard.
- It is also the committee's responsibility to ensure that no pressure is exerted on the woman to withdraw her complaint after it has been filed.
- The committee has the authority to recommend disciplinary, punitive, or legal action against the accused if found guilty.
- If the woman voluntarily requests it, the committee should sympathetically consider her request or the transfer of the guilty party.
- The committee should prepare a report on the complaint received and the steps taken in response.

Facilities Available to the Affected Woman:-

- If the woman has been mentally affected by sexual harassment or is in shock, she should be granted medical leave, and her salary cannot be deducted during this period.
- Legal counsel will be provided at the employer's expense if the woman requires it.
- If the woman is suspended due to making allegations of harassment, she will receive her full salary until the allegations are proven or the committee's report is finalized.

Employer's Responsibilities:

- Form a complaint committee as per the Supreme Court's directives.
- Create a safe work environment and atmosphere, where both women and men can work equally without gender discrimination.
- Establish a code of conduct for employees.
- Display the contact information (addresses and phone numbers) of the complaint committee members in prominent places.
- Ensure that there are no posters or messages containing derogatory, obscene, or provocative images, dialogues, or statements towards women in the workplace.
- Conduct awareness training on sexual harassment.
- Maintain proper records of the investigation process and provide copies to both parties.
- Implement any orders given by the complaint committee and resolve the matter within a specified time frame.



Declaration for the Formation of an Anti-Sexual Harassment Committee at the Workplace

Organization Name – Utthan Samiti , District –Maharajganj U.P.

In compliance with the Supreme Court of India's order dated August 13, 1997, to prevent sexual harassment of working women, a meeting was held on February 27, 2012, to form a sexual harassment prevention committee in the organization. A total of 5 members were present at the meeting. The members present decided that it is mandatory to have a female member in the committee.

The details of the members of the workplace sexual harassment monitoring committee, formed by consensus, are as follows: -

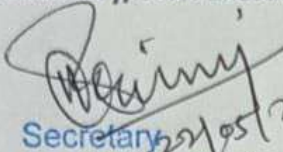
Sr. No.	Name	Full address	Age	Female/Male	Profession	Mob. No.	Signature
1.	Vinita Shukla	Vill. & post-Rampur Baldiha , Ghughli Maharajganj	32	Female	Advocate	9935427487	Vinita Shukla 22.05.23
2.	Savita Mishra	Vill.Post - Parsa Gidahi, Maharajganj	35	Female	Housewife	9569330517	सविता मिश्रा
3.	Shalini Shukla	Vill- Rampur Post- Maharajganj UP Maharajganj	37	Female	Social Worker	7388711102	Shalini
4.	Ujjwal Kumar Pandey	Vill.& Post Puraina Shyamdeurwa Maharajganj	24	Male	Social Worker	9794909051	Ujjwal
5.	Anoop Krishna Upadhyaya	Vishmilnagar,Nagar Palika Parishad Maharajganj	58	Male	Advocate	9919221722	Anupadhyaya

It is also announced that there have been no incidents of sexual harassment in the institution so far. However, according to regulations, it is mandatory to have a sexual harassment monitoring committee within the institution. Therefore, a committee has been formed that will also serve as a

gender promotion monitoring committee, in addition to addressing sexual harassment within the institution. This committee will intervene in cases of sexual harassment and will also monitor such incidents within the institution.

Date - 22.05.2023

Signature of the Secretary/Chief Executive Officer of the Institution


Secretary
22/05/2023
Utthan Samiti Maharajganj
U. P.