

3.	<i>Medha Kotwal Lele & Ors. (Petitioners) v. Union of India (Respondent)</i>	[W.P.(CrI.) No.173-177/1999 dated 26.4.2004]	Hon'ble Justices Mr. S. Rajendra Babu, Mr. K.G. Balakrishnan, Mr. G. P. Mathur.	The Supreme Court has issued clarification on the guidelines issued in August 2007, in the case of <i>Vishaka v. State of Rajasthan</i> in relation to conduct rules as applicable to Central Civil Services.
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The Supreme Court has directed that the guidelines and norms prescribed by it would be strictly observed in all work places for the preservation and enforcement of the right to gender equality of the working women. These directions would be binding and enforceable in law until suitable legislation is enacted to occupy the field. The salient features of the Supreme Court Guidelines are as follows:-

Sl. No.	Provision	Meaning
1.	Meaning of Sexual Harassment	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.	Action to be taken against accused	1. <i>Criminal Proceedings</i> : The employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority. Victims have also been given an option to seek transfer of the perpetrator or their own transfer. 2. <i>Disciplinary Action</i> : Appropriate disciplinary action should be initiated by the employer.
3.	Complaint Mechanism	Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.
4.	Constitution of Complaints Committee	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 NGO or any other body who is familiar with the issue of sexual harassment. The Complaints Committee must make an annual report to the Government regarding the complaints received and action taken.

In the case of *Apparel Export Promotion Council* Supreme Court has also stated that any lenient action in such a case would have a demoralizing effect on the working women. It may be added that The Ministry of Women and Child Development has been working for the enactment of a separate legislation on the subject and has readied a bill entitled "The Protection of Women against Sexual Harassment at Workplace Bill 2007." However, the Bill is yet to be considered by the Parliament.

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