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## INTERNAL COMPLAINTS COMMITTEE: AN AFFIRMATION OR A CONSOLATION \*

### Abstract:

According to the patriarchal society, women are considered to be the vulnerable part of this society because, men are considered to be the real bread earner of society hence women's should be dominated by them. This whole notion is nothing new; since time immemorial women's are kept in veil, showing us hypocrisy of the society. Today while living in the 21st century and in the era of globalization when we call out men and women are equal and there is no parameter of gender bias; a slaughter on their dignity is common, whether it's their home or their field of work. Living a life with dignity and enjoying Right to freedom is ambiguous idea for them and is a mockery to our Constitution. A guideline has been laid down in Vishakha & ors. v. State of Rajasthan & ors.(AIR 1997 SC 3011) case to establish Internal Complaints Committee for the security of women in their work places. The establishment of such committees is still a work to be done, as because, different surveys conducted by the NGO's all over India portrays a failure on the institution or work places to establish such committees at the work place. Given the fact that protection of women is one of the under achieved goals in our country, the present study aims at critically analysing the establishment, working and functioning of such committee which would help in getting wider idea regarding such situations. The present paper also analyses the problems that are dealt by women's at work place and how those problems can be solved by the authorities and employers by taking appropriate measures and steps.

Key words: Internal complaint committee, consent, amendments, dignity

### Introduction

***“Country and Nation which do not respect women have never become great nor will ever be in Future”***

**- Swamy Vivekananda<sup>1</sup>**

Vivekananda believed in the equal rights and opportunities for women in the great goal in the free India. Manu says, “Where women are respected, there the gods delight; and where they are not, there all works and efforts come to naught”.<sup>2</sup> A woman, in today’s patriarchal society has become a victim of cultural violence in the shape of customs and norms like female infanticide, sati, domestic violence, dowry and marital rape. In the contemporary world the women are still considered as weak in comparison to men. The men view women as weaker and inferior sex and see them like an object of ridicule. This view and thinking in men often leads to the sexual harassment of women.

In *Vishaka v. State of Rajasthan*,<sup>3</sup> the Supreme Court defined sexual harassment as, “*any unwelcome sexually determined behaviour (whether directly or by implication) as physical contact and advances, a demand or request for sexual favours, sexually-coloured remarks, showing pornography or any other unwelcome physical, verbal or non-verbal conduct of sexual nature.*”

This includes, but is not limited to, the following types of offensive behavior:

1. Unwanted or verbal sexual advances or proposition.
2. Offering employment benefits in exchange for sexual favors. Making or threatening reprisals (revenge) after a negative response to sexual advances.
3. Image conduct, including leering, making sexual signs, displaying of sexually suggestive objects or pictures, cartoons, or posters.
4. Oral conduct, including making or using insulting comments, epithets (nickname/appellation), slurs, and jokes.

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<sup>1</sup> Talks with Swami Vivekananda, Advaita Ashrama, Calcutta, 2005, p. 332.

<sup>2</sup> Swami Abhedananda, *India and Her People: A Study in The Social, Political, Educational, Cultural and Religious Conditions of India*, Ramakrishna Vedanta Math, Calcutta, 2000, p. 143.

<sup>3</sup> *Vishaka v State of Rajasthan* (1997) 6 SCC 241

5. Verbal mistreatment of a sexual character, unambiguous verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene correspondence, notes, or invitations.
6. Physical conduct, including touching, assault, impeding or blocking movements, standing at a close distance that would make the other person uncomfortable.

The Constitution promotes equality between the two genders; hence the Constitution has laid down provisions in order to ensure equality between men and women. Article 14 of the Constitution provides equal protection of law and equality before the law. Article 15 (3) confers special power, to make laws for protection of women. Article 16 provides equal opportunity for both men and women with respect to public employment; it prohibits discrimination on ground of sex. Article 19(1) (g) provides freedom to practice any profession or to carry on any business, occupation or trade. Article 21 guarantees the citizens of India, the right to life and personal liberty while Article 23 protects against exploitation. The Directive Principles of State Policy also provides for gender equality. In spite of such provisions and regulations, sexual harassment incidents have only shot up.<sup>4</sup>

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal), 2013 was enacted by the Parliament after judgment was passed by the Apex court in *Vishaka v State of Rajasthan*<sup>5</sup> which provides protection to women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto. Chapter II and Section 4 of the Act, deals with the Constitution of Internal Complaints Committee by every employer at their workplace. It provides guidelines for the constitution of the Internal Complaints Committee, which receives complaints and deals with the problems of its female workers. Many workers at different workplaces have not yet received such facilities at their work place. Though, the rule exists, but its implication of such laws and rules are to be considered. In most of the countries such initiatives has been taken and such steps has been taken at workplaces for prevention of sexual harassment. Sexual harassment laws are still under developed in India.

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<sup>4</sup> Ujwala Kadrekar, 'Report on Sexual Harassment at Workplace' (Human Rights Law Network, 2007) <<http://hrln.org/admin/issue/subpdf/barbarasahaydrreport.pdf>> accessed 31<sup>st</sup> December 2018.

<sup>5</sup> *Vishaka v State of Rajasthan* (1997) 6 SCC 241

*Vishaka* case brought the attention of the authority in the area of sexual harassment at work place. The Government enacted the Act of Prevention of Sexual Harassment at Work Place to help women's at work place against the sexual harassment. The Constitution has provided the Right to life with dignity to its citizens and the protection of it is the job of the executive. Hence, in order to understand the Act and its function it is required to completely understand how other countries has implemented such laws, the implication of it in our country and the Judicial measures taken in order to make it work efficiently.

### **A Comparative Study of Laws amongst other Countries**

Comparative study of the laws in India, with the law of other foreign countries, of same nature gives a wide and broad idea about the concept and the process to execute and improvise the law accordingly. Comparison helps to find out the loop holes, deficiencies and weakness, be it in context of technology, science, arts, commerce and law. Comparison to a better one always opens a door for perfection in any context. A comparative study will lead to understand the laws of other countries in comparison to our country will give us a better idea to develop and improve our laws.

#### **1. United Kingdom**

The Equality Act 2010 is the most important law on sexual harassment in the workplace. The Act defines sexual harassment as “unwanted conduct of a sexual nature” which has the purpose or effect of violating dignity or “creating an intimidating, hostile, degrading, humiliating or offensive environment”.<sup>6</sup> The UK is committed to tackling sexual harassment—wherever it occurs—and the culture that enables it under the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).<sup>7</sup>

The EHCR in its recommendation stated that the Government should introduce a statutory code of practice of sexual harassment in support of mandatory duty. This code would specify the steps that

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<sup>6</sup> Equality Act 2010, section 26

<sup>7</sup> UN Committee on the Elimination of All Forms of Discrimination against Women, General Recommendation No. 35 on gender-based violence against women.

employers should take to prevent and respond to sexual harassment, and which can be considered in evidence when determining whether the duty has been breached. Tribunals should have the discretion to apply uplift to compensation of up to 25 per cent in harassment claims where there has been a breach of mandatory elements of the statutory code.<sup>8</sup> Harassment claims must be made to the employment tribunal within three months of the act of harassment complained of, or the last in a series of acts if the claimant can show that there is a continuing act, where discrimination extends over a period of time, as with a campaign of harassment. This time limit is automatically extended when there is early conciliation conducted by Acas, but there is no automatic extension to allow time for employer's internal complaint procedures to be completed. This places an additional pressure on the potential claimant to decide whether to submit a claim when they may be engaged in a potentially difficult and stressful internal grievance procedure. This will necessarily mean either paying for legal advice on whether to pursue a tribunal claim or attempting to navigate the system without legal advice.<sup>9</sup>

The Government should extend the protections relating to harassment in the Equality Act 2010 to interns and volunteers so that they are entitled to the same protections as the wide range of individuals in the workplace who are already protected. The Government should work with Acas, the Equality and Human Rights Commission and employers on an awareness-raising campaign. This should include information on: the behaviours that might constitute sexual harassment; employers' responsibility to protect workers from sexual harassment and victimisation; actions that workers can take if they are sexually harassed; how employers should help workers to challenge inappropriate behaviours; enforcement processes including tribunals; whistle blowing laws; and legal and ethical use of confidentiality clauses in settlement agreements.<sup>10</sup>

#### United States

In United States, the Sexual Harassment cases are filed under Title VII of the Civil Rights Act of 1964, it protects against all kinds of discrimination at the workplace- colour, race, religion, national origin or sex. The Civil Return Act of 1964 was implemented by the Equal Employment

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<sup>8</sup> House of Commons Women and Equality Committee, Sexual Harassment in the Workplace, Fifth Report.

<sup>9</sup> *ibid*

<sup>10</sup> *ibid*



Opportunity Commission (EEOC) in 1965.<sup>11</sup> The Civil Rights Act came into force in November 1991, which provided for compensation mechanisms for damages (both emotional and physical), the victims suffered as a result of discrimination.<sup>12</sup> Equal Employment Opportunity Commission (EEOC), in 1980, published “Guidelines on Discrimination Because of Sex,” which gave recognition to sexual harassment as a type of workplace discrimination and therefore violated Title VII of the Civil Rights Act of 1964. The guidelines issued served to lay down certain criteria to recognize and determine sexual harassment at workplace.<sup>13</sup>

When any person gets discriminated because of race, color, religion, sex, national origin, age, disability or genetic information the EEO complaint process protects the person from such retaliation. The EEO Counselor is to be contacted within 45 days of such incident. The Counselor then gives the person aggrieved to participate in counseling or Alternative Dispute Resolution (ADR) program. If such program brings no fruitful result the aggrieved can file complaint against the agency at the agency’s EEO Office. The complaint is to be filed within 15 days from the day they receive a notice from the EEO Counselor about how to file it. The agency will then review the complaint, whether to admit the complaint or not. Once the case, is admitted, the agency conducts and investigation which is done within 180 days and gives its decision. An appeal for the decision lies in front of EEOC or Federal District Judge.

Much other process follows for the law suits to continue and to get justice. The United States is not only limited the Sexual Harassment at Work Place but covers and provides protection against several other kind of harassment which a person faces while in a work environment. The working against harassment is taken as a serious issue within the working sector. Hence the rules and regulations are made easy for people to get justice. Any discrimination at work place should be treated as a sexual harassment.

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<sup>11</sup> Brenna Mengert, ‘Employer Liability for Sexual Harassment under Title VII’ (Georgia State University College of Law, 2010) <[http://readingroom.law.gsu.edu/cgi/viewcontent.cgi?article=1072&context=lib\\_student](http://readingroom.law.gsu.edu/cgi/viewcontent.cgi?article=1072&context=lib_student)> accessed 5<sup>th</sup> January 2019.

<sup>12</sup> Louise Feld, ‘Along the Spectrum of Women's Rights Advocacy: A Cross-Cultural Comparison of Sexual Harassment Law in the United States and India’ (2002) 25 (5) Fordham International Law Journal 1205.

<sup>13</sup> *ibid*

India

Bhanwari Devi gang rape, in 1997, raised the need of sexual harassment at workplace and the issue was brought to the forefront.<sup>14</sup> The Indian Penal Code, 1860 (IPC), which was the only existing law on this issue, covered criminal acts that ‘outrage the modesty’ of women.<sup>15</sup> This provision in IPC had a narrow scope and was not able to provide justice to the victims properly. In *Vishaka v State of Rajasthan*,<sup>16</sup> the Supreme Court for the very first time recognized and defined sexual harassment as sexually unwelcome behaviour which includes demand for sexual favours, physical gestures and advances, display of pornography, sexually coloured remarks and any other unwelcome verbal or non-verbal, physical behaviour of sexual nature.<sup>17</sup> The Court greatly relied on the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), while drafting these guidelines,<sup>18</sup> to which India is a signatory.<sup>19</sup> The *Vishaka guidelines*, popularly known as, deals with the regulations to prevent harassment and redressal mechanism for victims.<sup>20</sup>

The objective of the Act is to protect the modesty of women at workplaces, in both organized and unorganized and private and public spheres and provide a healthy and safe environment for women to work in thereby achieving the goal of gender parity.<sup>21</sup> Section 4, of the Act, deals with the formation of the Internal Complaints Committee (ICC) which provides, ways to the workers to file a complaint against, accused who did the harassment. The Act levies a compulsory duty on the ICC to protect the employees both at Public and Private Sector.

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<sup>14</sup> Bhanwari Devi was a social worker at the village level. As part of a governmental campaign against child marriage, Bhanwari Devi tried to stop the marriage of a one-year-old girl in rural Rajasthan. Upper caste men gang raped her because of her actions.

<sup>15</sup> Indian Penal Code 1860, s 354.

<sup>16</sup> (1997) 6 SCC 241.

<sup>17</sup> M Kishwar & M Kishwar, *Off the Beaten Track: Rethinking Gender Justice for Indian Women* (Oxford University Press 2002).

<sup>18</sup> UN General Assembly, ‘Declaration on the Elimination of Discrimination against Women’ (7 November 1967, A/RES/2263) <<http://www.unhcr.org/refworld/docid/3b00f05938.html>> accessed 5<sup>th</sup> January 2019.

<sup>19</sup> SC Srivastava, ‘Sexual Harassment of Women at Work Place: Law and Policy’ (2004) *Indian Journal of Industrial Relations* 364-390.

<sup>20</sup> Constitution of India, 1950.

<sup>21</sup> Government of India, ‘Protection of Women against Sexual Harassment at Workplace Bill, 2010’ (Press Information Bureau, 12 March 2012) <<http://pib.nic.in/newsite/erelease.aspx?relid=6678>> accessed 7 November 2016

The Section 4 (2) of the Act provides the guidelines for the members to be selected by the employers for the ICC.

Presiding Officer - Woman employed at a senior level at the workplace from amongst the employees. Members - Not less than 2 members from amongst employees. Preferably committed to the cause of women or who have had experience in social work or have legal knowledge.

External member - From an NGO or association committed to the cause of women or person familiar with issues relating to sexual harassment.

Not less than half of the IC Members shall be women The term of the IC Members shall not exceed 3 years A minimum of 3 Members of the IC including the Presiding Officer are to be present for conducting the inquiry.

The Act stipulates that the ICC shall, while inquiring into a complaint of workplace sexual harassment, have the same powers as vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of:

- i. summoning and enforcing the attendance of any person and examining him on oath;
- ii. requiring the discovery and production of documents; and
- iii. any other matter which may be prescribed.<sup>22</sup>

### **An Analysis of the Corporate World in Indian Context:**

While in the united state of America if any report has been lounged about any kind of harassment which prohibit their title vii of American civil Act, then the equal employment opportunity commission has the power to investigate on such matters, the UK government has dealt with the equality and human right commission to introduce a statutory code of practise to tackle with the harassment cases in workplace for the betterment of working environment for the women. Just like any other country India has also its own laws after the most significant judgement *Vishakha* case supreme court make such guideline for how the dignity and equality of a woman should be maintain even in their respective work places. Post the *Vishakha* judgement; it is quiet mandatory

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<sup>22</sup> Section 11(3) of the Prevention of Workplace Sexual Harassment Act



for the corporate world to take all the safety measures for their women employees in the Indian context.

But if we are looking into the world of corporate sectors of India the most leading companies are coming later into the picture. Where the corporate sectors are making their whole new separate world, the issue of women's safety is still one of the burning questions. Because in the research reports we can find that most leading companies of India has larger in number of filing reports about unwelcoming environment for the women. In the 2016, a report published by national commission of women (NCW) show that while the number of complaints filed in the 2006 was 200 which increased in number of 539 in the year 2016. In the recent Fiscal Year 2018 report Wipro, Infosys had larger number of complaints. One of the shocking revelations occurs when tech Mahindra had got 28 complaints on this purpose while they are running in the track zero number of complaints in respectively last two fiscal year report.<sup>23</sup> However one of the oldest leading companies in India Tata Steel also has found 24 cases. But being one of the largest in the field, this organisation has some own policies for the welfare of the women employees. Tata has introduced one mechanism which they called the grievance handling mechanism "Samadhan"<sup>24</sup>. In the welfare policy of the company's grievance handling policy "Samadhan", principle 3the give the brief of how the organisation works on the issue of safety measures. Also Reliance Network which is one of the earliest rising companies has its own terminology for secure women's employee. They have mandate their own policy and process to investigate and proceed with the matter of the harassment cases<sup>25</sup>.

Though any data specifically, the complain cases within or against the companies could not be found so as a overview on basis of those collecting information, we states the comment with the utmost faith on them; that those companies are eagerly implementing the statue and follow the process which protect and secure their women employees who put their hard and soul on their work to those companies.

### **An Overview of the Judicial Pronouncement:**

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<sup>23</sup> The Economic Times

<sup>24</sup> <https://www.tatasteel.com/investors/annual-report-2011-12>

<sup>25</sup> Policy on prevention of sexual harassment

Whether it's a preamble of constitution or the constitution itself, one the fundamental rights the gender equality is enshrined everywhere. Equality in dignity is the core features in our constitution of India. Whenever the question aroused before the court about the right among the people of the nation court has always taken the decision without being prejudice on the matter. In the country where the rule of law is dominating the law of the land separation of power giving the right to legislature to make law in accordance with the necessity of the time. But when such necessity arise where the settlement can create the new era for fraternity then only, In the absence of any formal Act or statue, the pronouncement of judgement became the law of the time till the law on that matter amended.

The *Vishaka* judgement is one of the enlightenment in the field of sexual harassment against the women employee at their respective workplaces. In the year 1997 when Bhanwari Devi was brutally rape for protesting and tried to stop a child marriage in a governmental rural development programme which took place in the state of Rajasthan. The non-governmental organisation with the activist and initiative of lawyers filed a case on demand of the specific law relating to the protection of women's dignity at workplace. Under the situation the Supreme Court for the first time appreciating inadequacy of legislation and harassment at work place is a violation of human rights. The Supreme Court then only spots the light of implementing such specific law to protect women at their working place. During the course of framing legislation the Supreme Court of Indian took reliance under the convention on elimination of all forms of discrimination against women adopted by the general assembly meeting of the United States in the year 1979, which India has signed and ratified. Thus the *Vishaka* judgement let the women breath freely and felt a protection shield around them. In the judgement itself, it has been describe which were those activities that could be called as sexual harassment but later the Act of 2013 prevention of sexual harassment at workplace has passed, where section 2(h) of the Act illustrate it is mandatory to form an internal complaint committee, and following the Act's section 4 has described the whole ingredients; that how it should be made and who are the members should be consist with.

However the *Visakha* judgement made clear direction to the process of making the internal committee and about its function, but afterwards many Acses came forward where the internal committee failed to match the statement. One of the cases highlighting the fact of failure in the mechanism of the internal complaint committee was *Dr. Salma Khatoon v Secretary, Govt. Of*

*India*<sup>26</sup>; where in this case the lady has reported against some sexual harassing behaviour from her work station to the Internal Complain Committee of the hospital. Later she filed a petition because there was no action against her complaint he complained that they did not take her statement properly. Beside after the order from administrative tribunal to institute a proper internal committee with a proper chairperson in the committee they continue electing the same person as a chair person against whom the petitioner raised objection. Later when the petitioner moved to the committee because the learner council from the respondent failed to give satisfying ground the court directs to appoint a chairperson with a fresh new committee. The court further illustrate that; “If the Tribunal does not have jurisdiction, it does not leave petitioner without any remedy and she would be entitled to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. In the circumstances, it will be appropriate to direct the respondents to have Secretary Department of Ayush as Chairperson of sexual harassment committee in place of Ms.Meenakshi Negi as she is junior to the accused against which allegation of sexual harassment has been made”.

Another failure instance of Internal Complaints committee is the case *Sandeep Khurrana v Delhi Transco Ltd. & Ors.*<sup>27</sup> where the two employee from the same designation had a very friendly relationship but eventually some incident lead to the consequences where from both of them one is alleged to do some activities which other claimed to be a victim of such incident. When the complaint, was filed to the Internal Complain Committee of the Delhi Transco limited the investigation and examination the committee declared that there was no harassment case but it was their own conflict that reach to the dilemma. But later the fact reach to the table of the state complain committee but when it comes as same around like he previous one the petitioner went to the court to seek justice. The court after scrutinising the matter thoroughly decided that it was indeed a case of the sexual harassment which the complaint committee did some favourism in the beginning. Later in commencing the judgement the court has quoted that, “It may be recalled that the Supreme Court in the case of *Vishaka and Ors. v State of Rajasthan and Ors.*<sup>28</sup> issued certain directions to the employers to ensure prevention of sexual harassment of women. It, inter alia,

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<sup>26</sup> AIR 2010 DEL.1134

<sup>27</sup> 135 (2006) DLT 346

<sup>28</sup> *Vishaka v State of Rajasthan* (1997) 6 SCC 241

provided that an appropriate mechanism should be created by the employer organizations for redressal of the complaints made by a victim of sexual harassment and that the complaint mechanism should be adequate to provide a Complaint Committee apart from a special counsellor or other support services. The Complaint Committee was ordered to be headed by a woman and required that not less than half of its members should be women. The Complaints Committees were required to make an annual report to the Government department concerned of the complaints and actions taken by them. The Government made amendments in the CCS (Conduct) Rules including therein Rule 3(C) which forbids the Government servants from indulging into sexual harassment.”<sup>29</sup>

In many cases the high court has also shown the flexibility in functioning of the internal complain committee. In different state the high court of that respective territory has pronouncing such judgement which make easier for the complain committee to work as fast as possible. Some of the remarkable judgements are, *Gaurav Jain v. Hindustan Latex Family Planning Promotion Trust and Ors*<sup>30</sup>; “The High Court of Delhi held that a complaint cannot be rejected by the IC merely on the grounds that the complainant had delayed in filing the complaint. In this case, the allegations of the complainant were clearly supported by the statements of several other witnesses who corroborated that the accused had indulged in similar conduct with them as well.” In the celebrated case of, *Shital Prasad Sharma v. State of Rajasthan and Ors.*<sup>31</sup> “an aggrieved woman can file a complaint with the IC without having to submit the complaint in person. The complaint can be sent to the IC through another person or by any other media, the main point being that it should be received by the IC.”

As the society walks towards the new era of internet another very remarkable burning issue rose up which we have known as the ‘metoo’ movement. On the year 2006 the civil right movement activist Tarna Bruke introduced this programme; which helps the women to share their harassment story with the other in the common platform internet. This programme removes a massive response to the whole world. In case of our India the story is captured a bigger hidden picture. Big industries and their higher authorities who are indulge in such cases but because of no access of action and

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<sup>29</sup> <https://indiankanoon.org/doc/168837>

<sup>30</sup> SCC 2015 Del 11026

<sup>31</sup> SCC 2018 Raj 1676

platform which is hidden for many years now it has shown up as a revolte. In very oncoming survey it has shown that the 78% of female, who have faced such kind of activities in their respective working place, did not go to the ic department of their own organisation. The reason is the inefficiency or the dispute within the system.<sup>32</sup> In that survey only it has confirmed, among the 3 women members of a company at list 2 member had has faced such kind of treatment. But because of some pressure or the ineffective of ICC they could not open up.

To recapitulate those judgements, here we can see that the courts are very sensitively dealing with the cases. Where the complain committee is meant to do complete justice as for the option because its hardly possible for the court to look into all those matter. But as far the data of the cases regarding the act, the failure of those committees is much highlighted issue. In these various occasion, the report, and movement is only proved that the healing is yet far to reach among people. The inaptitude of the ICC is the result that people are going to lose their faith from the whole law system.

### **SUGGESTION & CONCLUSION:**

As we have already discussed about the inaptitude, inconveniences of the system, now we would like to highlight some footprints which can lead a betterment and hope of improvement in this system.

The government should be much stricter towards the company to organise a complete active ICC. The government should collect a yearly data about the filling cases and the percentage which has been resolved by the companies. The general committee should be formed who can directly have access to the victims and can learn the facts from them on face of it.

The metoo movement which create a new storm, should get much effective result, soon it is coming to the people's knowledge.

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<sup>32</sup> <https://economictimes.indias.com>



Like US, they have different committees to look into the matter of the sexual harassment cases in companies, although they have implemented such provisions where it is codified that any case regarding the sexual harassment should be dissolved within 180 days. Also like US they consider any discrimination between colours, caste creed, sex also an offence have essence of harassment, which has taken care by the committee only. This can consider a high level of security among the genders. From which India, our nation can take inspiration. Such mechanism should be applied to our country and all such facilities should be provided to complete this matter soon.

Also country like United Kingdom, the parliament is very active on this matter. One day or the other whenever the issue has been raised, they step forward to it and has enacted such movement to protest and secure the dignity of the women. They have formed certain organisations which not only deals with the sexual harassment but several other factors related to a workplace. They focus more on the equality among the workers rather than classifying them in genders. The Indian Laws are based on gender discrimination in order to provide special relief to the section of society in need. The delay caused by the executive in order to understand and enact on the need of the society. This is a backdrop in the legal framework of India.

The United States on the other hand focuses more on the speedy trial which is one of the Fundamental Right of the citizens of India. The United States has made such provisions which provide justice in 180 days. Further the appeal provision has been classified in an compact form, so that the victim doesn't suffer much in order to get Justice. The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act does not contain any such provision to provide speedy trial to the aggrieved. A speedy trial is the right of every citizen and the Executive should focus on such matter to provide to its citizens.

Finally in the submission we request to remember people that; Law has been made not only to provide the rights but to protect their rights from the injustice. When the Statue is specifically constituted for what our constitution has promised us, i.e. a right to life with dignity as per Article 21<sup>33</sup>. Because India has a bulk number of population and a very limited number of courts. The Internal Complaints Committee is formed for the protection and secures the dignity of women at workplace. Its implication should be made of the priorities at the workplaces. There must be a

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<sup>33</sup> Constitution of India, 1950

strict provision against the workplaces who fail to comply with such provisions. A country or nation which does not respect women can never be great and in order to make it great, Rule of Law should prevail.



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