

72

राजस्थान सरकार

शिक्षा (ग्रुप-3) विभाग

पत्रांक (28) शिक्षा/ग्रुप-3/2010

जयपुर, दिनांक 3 मई, 2012

शिक्षा,
राजस्थान,
जयपुर।

458
No. 458/2010
Dated 4-5-12

JOC(Adm)

विद्यार्थी-कार्यस्थल पर योज-उत्पीड़न की रोकथाम संबंधी शिकारत समिति
के गठन की जानकारी के क्रम में।

संदर्भ-राज्य महिला आयोग का पत्रांक 5048 दिनांक 02.03.2012

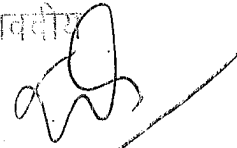
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संज्ञक

संलग्न विदेशांतरगत संदर्भित पत्र की छाया प्रति मय संलग्नों को प्रेषित
करा गया है कि राज्य महिला आयोग द्वारा निर्देशित कार्यवाही करने का श्रम
करें।

संलग्न-संश्लेषणानुसार

भवदीय



88-3-214
ml

कार्यालय निदेशालय, कॉलेज शिक्षा, राजस्थान, जयपुर

क्रमांक: एफ 26(परिपत्र)स्था/निकाशि/2001/ 36

दिनांक: 11 मई, 2012

प्रतिलिपि: 7/5 डी0 धीरेन्द्र देवर्षि, बेवसाईट प्रभारी, निदेशालय। कृपया उक्त पत्र में अंकित सूचना को
निदेशालय की बेवसाईट पर अपलोड करने का श्रम करें।

8207
7/5

संयुक्त निदेशक,
कॉलेज शिक्षा, राज0, जयपुर

राजस्थान प्र.मा.क. विभाग
क्रमांक 5/3

13

फोन: 2779001
2779002
2779003
2779004

राजस्थान राज्य महिला आयोग

लाल कोठी, टोंक रोड, जयपुर

क्रमांक: प. ()रामआ/जै.प्र./2012/५०५४

दिनांक: 2/3/12

राजस्थान राज्य महिला आयोग,
लाल कोठी, टोंक रोड, जयपुर।

शिकायत (क्रमांक) विभाग,
जयपुर
दिनांक 2/3/12

विषय :-कार्यस्थल पर यौन-उत्पीड़न की रोकथाम संबंधी शिकायत समिति
के गठन की जानकारी के क्रम में।

महोदय,

उपरोक्त विषयान्तर्गत निर्देशानुसार लेख है कि कार्यस्थल पर यौन-उत्पीड़न की रोकथाम माननीय सर्वोच्च न्यायालय द्वारा 13 अगस्त, 1997 को दिये गये फैसले एवं विशाखा गाइडलाइन के सहित दिये गये निर्देशानुसार आपके अधीनस्थ कार्यालयों में गठित शिकायत समितियों का अवलोकन करने के उद्देश्य से राज. राज्य महिला आयोग द्वारा स्वयं सेवी संगठनों की सहायता से कुछ निगरानी समितियों का गठन किया गया है। आपके कार्यालय में गठित इस तरह की शिकायत समिति के गठन व उसकी कार्य प्रणाली के विषय में समस्त जानकारी पास करने हेतु श्री. राजेंद्र कुमार को सहयोग देने का श्रम करें।

भवदीया,

सदस्य सचिव

श्री. राजेंद्र कुमार
4/3/12

(74)

GUIDELINES AND NORMS FOR PREVENTION OF SEXUAL HARASSMENT AT WORK PLACES
GOVERNMENT OF INDIA
(1997) (1) 80-80A

HAVING REGARD to the definition of 'human rights' in Section 2(d) of the Protection of Human Rights Act, 1993, TAKING NOTE of the fact that the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time,

It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women.

1. Duty of the Employer or other responsible persons in work places and other institutions:

It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

2. Definition:

For this purpose sexual 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.

Where any of these acts is committed in circumstances where under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in government, public or private enterprise, such conduct can be humiliating or may constitute a health and safety hazard,

including recruiting or promotion or who creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

3. Preventive Steps:

All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:

- (a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.
- (b) The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.
- (c) As regards private employers steps should be taken to include the above conditions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.
- (d) Appropriate work conditions should be provided in respect of work, hours, shift and hygiene to further ensure that there is no hostile environment towards women at work places and no employee should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

Amend

5. Criminal Proceedings:

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular, it should ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

6. Disciplinary Action:

Where such conduct amounts to such conduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

7. 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's organization for redress of the complaint made by the victim. The complaint mechanism should ensure the prompt and unbiased treatment of complaints.

8. Complaints Committee:

The complaint mechanism referred to in (6) above, should be adequate to provide, where necessary, a Complaints Committee, a special counselor or other support mechanism, including the maintenance of confidentiality.

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 other body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

9. Workers' Initiative:

Employees should be allowed to raise issues of sexual harassment at workers' meeting and in other appropriate forum and it should be affirmatively discussed in Employer-Employee Meetings.

10. Awareness:

Awareness of the rights of female employees in this regard should be created in particular by providing notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

11. Third Party Harassment:

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

11. The Central/State Governments are requested to consider adopting suitable measures including legislative, to ensure that the guidelines laid down in this order are also observed by the employers in Private Sector.

12. These guidelines will not curtail any rights available under the Protection of Human Rights Act, 1993.