

Relevance of ICC and CWDC In Higher Education Institutions

Dr. Anuradha Pagedar

Associate professor
H. A. College of Commerce
Gujarat Law Society
 Ahmedabad. Office



EQUALITY ISN'T VOLUNTARY

IT'S NECESSARY



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An Iceberg



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Women today are

- ☒ Empowered
- ☒ Powerful
- ☒ Have achieved heights in their own way



Meaning of ICC and CWDC

- ❑ Internal Complaints Committee
- ❑ Collegiate Women's Development Committee.
- ❑ At university level in Gujarat University it is referred to as a CELL.



EMPOWERMENT!



Guidelines and norms laid down by
the Hon'ble Supreme Court in
Vishakha and Others V. State of
Rajasthan and Others (JT 1997 (7)
SC 384)



Guidelines

- ❑ Provide a safe working environment
- ❑ Display conspicuously at the workplace, the penal consequences of indulging in acts that may constitute sexual harassment and the composition of the Internal Complaints Committee

The Vishaka Guidelines

- ❑ Organize workshops and awareness programmes at regular intervals for sensitizing employees on the issues and implications of workplace sexual harassment and organizing orientation programmes for members of the Internal Complaints Committee



The Vishaka Guidelines

- ❑ Treat sexual harassment as a misconduct under the service rules and initiate action for misconduct.
- ❑ The employer is also required to monitor the timely submission of reports by the ICC.



The Vishaka Guidelines

- ⌘ Sexual harassment should be affirmatively discussed at workers' meetings, & employer-employee meetings
- ⌘ Guidelines should be prominently displayed to create awareness about the rights of female employees.



The Vishaka Guidelines

- ❑ The employer should assist persons affected in cases of sexual harassment by outsiders.
- ❑ Central and state governments must adopt measures, including legislation, to ensure that private employers also observe the guidelines.
- ❑ Names and contact numbers of members of the complaints committee must be prominently displayed.



Laws Related to Women

- ☒ They are about RIGHTS
- ☒ Assertion of RIGHTS
- ☒ Knowledge about the RIGHTS
- ☒ For prevention of crimes
- ☒ For protection of women



CWDC

- Each college and recognised institution shall set up a Collegiate Women's Development Committee to deal with any kinds of harassment, including sexual harassment.
- Each college/institution shall inform the Cell about the members of CWDC, and any changes therein.
- The CWDC shall submit its half-yearly reports of the activities to the Cell.

Composition of CWDC

- ❑ The CWDC shall consist of 6 members appointed by the Head/Principal of the college or recognised institution.
 - ❑ Principal of the college or Director of the recognised institution shall be the Chairperson of the Committee
 - ❑ 2 members of the teaching staff of the college, of whom 1 shall be a woman
 - ❑ 1 woman member from the non-teaching staff of the college or of the recognised institution
 - ❑ 2 students from the college of whom 2 shall be a female representative
 - ❑ Where there is no woman employee, any other male employee can be appointed
- ❑ Note: The female member of teaching staff shall be the Convener/Coordinator of the Committee.

Functions

- ❑ Create safe environment on the campus
- ❑ Encouragement of self-reliance
- ❑ Spreading awareness about legal provisions



Procedure

- ❑ Any student or a woman employee of the college shall have a right to lodge a complaint with any members of the Committee
- ❑ Such complaint may be oral or in writing
- ❑ The complaint committee shall afford fair and reasonable opportunity to the defendant to defend, and ensure observance of principles of natural justice



Actions CWDC Can Take

- ⌘ The offender can be given a warning
- ⌘ Seek a written apology
- ⌘ Take a bond for good behaviour
- ⌘ Suspension for a specified period of time (as per the norms decided by the organisation)



TAKING NOTE of the fact that the then existing civil and penal laws in India did not adequately provide for specific protection of women from sexual harassment in workplaces, the enactment of such legislation became a necessity.



The CWDC: Relevance

- ❑ It provides a platform to girl students
- ❑ It becomes a place to call their own
- ❑ They can express themselves
- ❑ They can share their views
- ❑ It gives a feeling of collective action
- ❑ And FEEL important



Aims and objectives

- ☒ To promote gender equality
- ☒ To provide a platform exclusively for girl students
- ☒ To provide harmonious atmosphere for coexistence while in the institution
- ☒ To help them to recognize their potential
- ☒ To ensure personality development along with academic development
- ☒ To promote a culture of zero tolerance against exploitation



Programmes

- ❑ Breaking stereotyprs
- ❑ Creating self image
- ❑ Legal awareness
- ❑ What to do and whom to approach for guidance
- ❑ Social security cell
- ❑ The helpline number
- ❑ Physical fitness workshop
- ❑ Understanding the concept of gender
- ❑ Workshop for mental wellbeing



Programmes

- ❑ Essay writing
- ❑ Poetry recitation
- ❑ Sharing is caring
- ❑ Public speaking
- ❑ Dressing sense development
- ❑ Participation in activities carried out at other institutions
- ❑ Visits to women's police station
- ❑ Visit to legal aid center



Expected outcome

- ❑ Practical training
- ❑ First-hand experience
- ❑ Information will motivate them to help others
- ❑ Enhanced self esteem
- ❑ Students will tend to be vocal
- ❑ Participative nature will be created
- ❑ Realization of self worth
- ❑ Societal norms will not affect them anymore
- ❑ They will learn more about personal hygiene

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013



The Act defines 'Sexual Harassment at Workplace' and creates a mechanism for redressal of complaints. It also provides safeguards against false or malicious charges.



Definition

- ⊠ For this purpose, sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:
 - ⊠ Physical contact and advances;
 - ⊠ A demand or request for sexual favors;
 - ⊠ Sexually colored remarks;
 - ⊠ Showing pornography;
 - ⊠ Any other unwelcome physical, verbal or non-verbal conduct of sexual nature



Acts Amounting to Harassment

- ❑ Implied or explicit promise of preferential treatment in employment
- ❑ Implied or explicit threat of detrimental treatment
- ❑ Implied or explicit threat about the present or future employment status
- ❑ Interference with the work or creating offensive or hostile work environment
- ❑ Humiliating treatment by words and actions likely to affect her health or safety

Hostile Work Environment

- ❑ Creating immense pressure for task completion
- ❑ Pressure for discussions/meetings at places other than workplace
- ❑ Making offensive remarks about looks, clothing, and/or body parts
- ❑ Touching or staring in a way that may make an individual feel uncomfortable
- ❑ Telling sexual jokes, sharing sexual posters



Hostile Work Environment

- ❑ Using racially derogatory words, phrases, epithets
- ❑ Comments about an individual's skin colour or other racial/religious characteristics
- ❑ Negative comments about an employee's religion/caste
- ❑ Negative stereotypes about an employee's birthplace or ancestry
- ❑ Derogatory or intimidating references to an employee's mental or physical impairment



The definition of 'aggrieved woman', who will get protection under the Act is extremely wide to cover all women, irrespective of her age or employment status, whether in the organized or unorganized sectors, public or private and covers clients, customers and domestic workers as well.



While the 'workplace' in the Vishakha Guidelines is not confined to the traditional office set-up where there is a clear employer-employee relationship, the Act goes much further to include organizations, department, office, branch unit etc. in the public and private sector, organized and unorganized, hospitals, nursing homes, educational institutions, sports institutes, stadiums, sports complex and any place visited by the employee during the course of employment including the transportation. Even non-traditional workplaces which involve tele-commuting will get covered under this law.



Constitution Of ICC

- ❑ Under the Chairmanship of a woman employee.
- ❑ Minimum two members having legal awareness.
- ❑ Member from NGO working for the cause of women.
- ❑ Minimum 50% members should be female employees.
- ❑ The Employer/head of the office has an obligation to help the complainant in filing complaint.



Complaint

- ⌘ Within the period of three months from the date of cause of action in writing.
- ⌘ If the complainant/ aggrieved party is unable to do so due to physical or mental incompetence then legal representative of such party may file the complaint.



Procedure

- ❑ The ICC is supposed to complete the inquiry within the period of 90 days.
- ❑ Report to be submitted within 10 days.
- ❑ Accord and compromise is possible only if the aggrieved woman wishes to do so.
- ❑ No consideration in the form of money can be awarded in the case of settlement.



Compensation

- ❑ The complainant can get compensated for the mental pain and agony which she had to suffer.
- ❑ Get the compensation for the medical bills which she had to bear for mental and physical stress.
- ❑ Get transferred to other branch of the same office on request.
- ❑ Paid leave up to the limit of 90 days.

The Committee is required to complete the inquiry within a time period of 90 days. On completion of the inquiry, the report will be sent to the employer or the District Officer, as the case may be, they are mandated to take action on the report within 60 days



Every employer is required to constitute an Internal Complaints Committee at each office or branch with 10 or more employees. The District Officer is required to constitute a Local Complaints Committee at each district, and if required at the block level.



The Complaints Committees are required to provide for conciliation before initiating an inquiry, if requested by the complainant.

The Complaints Committees have the powers of civil courts for gathering evidence.



Through the Criminal Law (Amendment) Act, 2013, Section 354 was added to the Indian Penal Code that stipulates what consists of a sexual harassment offence and what the penalties shall be for a man committing such an offence. Penalties range from one to three years imprisonment and/or a fine.

Additionally, with sexual harassment being a crime, employers are obligated to report offences



Laws related to women

- ☒ Constitutional rights
- ☒ Legal rights



Constitutional Rights

- ✘ The Indian Constitution has embodied within itself grounds of gender equality. The Fundamental Rights, Fundamental Duties and Directive Principles together work towards shaping policies and putting safeguards not just for only empowering women but also ensures their protection.



Constitutional Rights

- ❑ The Article 15(1) states as follows:
- ❑ This Article guarantees Right to Equality, "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India"
- ❑ Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth."



Gender Disparity



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Constitutional Rights

- ⌘ Article 21- states as follows: No person except according to the procedure established by law shall be deprived of his life or personal liberty.
- ⌘ This Article protects DIGNITY of an Individual



Constitutional Rights

- ✘ The Article 19 : This gives the citizens (which include both women, men and third gender) the Right to Freedom, which among other things guarantees freedom of speech and expression, freedom of movement, freedom of practicing trade and profession.



Constitutional Rights

☒ Article 32:

This Article gives the right to us to seek constitutional remedies through the Supreme Court of India for violation of Fundamental Rights mainly.



Role of Supreme Court in Recognition of Human Worth of Women

- ✘ In Bombay Labor Union Vs. International Franchise- Case of women requiring to give up their position on getting married was treated as unreasonable.



Certain Relevant Cases

- ❑ C.B. Muthamma V. Union of India- an employee with Indian Foreign services Required to seek permission before getting married.
- ❑ Air India V. Nargesh Mirza- Air Hostesses required to retire on attaining age of 35 or on bearing a child after marriage and that too getting married only at the age of 23.
- ❑ Neera Mathur V. L.I.C.- required to divulge information which directly affected her right to privacy.



Legal Rights

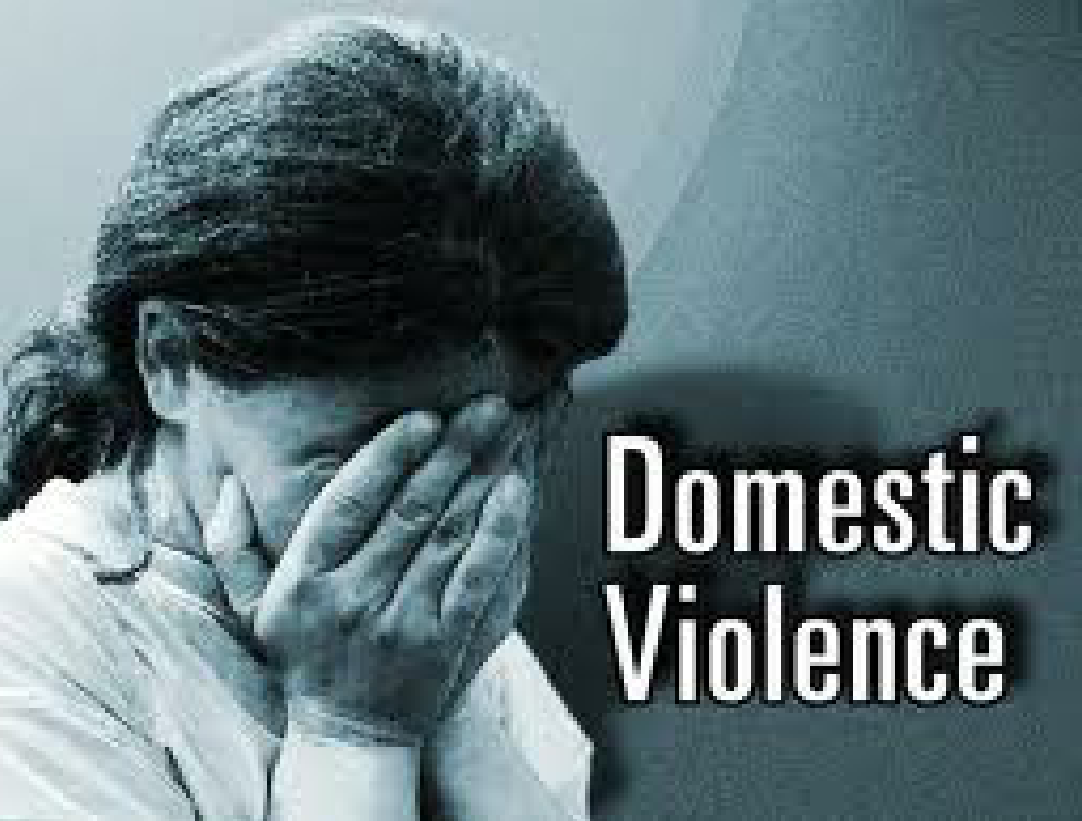
- ❑ Protection of Women from Domestic Violence Act (2005) (Women have a right against domestic violence)
- ❑ The act primarily looks to protect a wife, a female live-in partner or a woman living in a household like a mother or a sister from domestic violence at the hands of a husband, male live-in partner or relatives. She or anybody on her behalf can file a complaint.



Domestic Violence

- ❑ This 2005 legislation is a torch bearer.
- ❑ It protects women inside the four walls where the previous laws did not actively interfere.
- ❑ This is not restricted to only husband and wife relation.
- ❑ It also creates a right in a woman to identify her mental agonies.





**Domestic
Violence**



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Violence Against Women

Section 498 states that whoever, being the husband or the relative of the husband of a woman, subjects her to cruelty, shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. The complaint registered against an offender makes it a non-bailable one, ensuring a woman's safety and provide protection from domestic abuse. The acts of violence are not limited to physical brutality, but also other forms of abuse like verbal, economic, emotional and sexual.



Legal rights

- ❑ Victims of sexual assault have a right to anonymity. To ensure that her privacy is protected, a woman who has been sexually assaulted may record her statement alone before the district magistrate when the case is under trial, or in the presence of a female police officer.



Legal rights

- ❑ Indecent Representation of Women (Prohibition) Act (1986)
- ❑ Women have a right against being stalked
- ❑ Section 354D of the IPC and legal action can be taken against an offender. It has been considered as a legal offense. Stalking has been defined by the law as, "To follow a woman and contact, or attempt to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or monitor the use by a woman of the internet, email or any other form of electronic communication."

THE PROVISION OF ZERO

FIR

- ✘ The ruling by the Supreme Court mentioned that a woman who is a victim can register her complaint at any police station under the Zero FIR ruling. The Zero FIR is an FIR that can be filed at any police station irrespective of the location where the incident occurred or a specific jurisdiction it comes under. So once that FIR is lodged and investigation and filing are done with a magistrate, it can be moved to the Police Station in whose jurisdiction the case falls under. This ruling was passed to save time that would impact a victim and also lead to an offender getting away scot-free.



*In the hope of being
healed.....*



My Sincere Thanks To

Grand Academic Portal, India;

Government College of Education, Jammu;

Hindu University of Indonesia, Bali;

And

Global Academic Assessment Consortium
(GAAC)



Thank You One and All
Dr. Anuradha Pagedar
anuradhapagedar@gmail.com

