

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

W.P.(Crl.) No.173-177/1999

Medha Kotwal Lele & Ors.

Petitioner(s)

VERSUS

UOI & Ors.

Respondent (s)

(With appln(s) for permission and with office report)

With T.C.(C) No.21/2001

(Kerala Sthreevedi & Anr.Vs. State of Kerala & Ors.)

Date : 26.4.2004: This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU

HON'BLE MR. JUSTICE K.

G. BALAKRISHNAN

HON'BLE MR. JUSTICE G.P. MATHUR

Mr. Soli J. Sorabjee, Attorney General for India

For the parties:Mr. Colin Gonsalves, Sr. Adv.

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Mr.Ashok Mathur, Adv.

Mr. Tara Chandra Sharma, Adv.

Ms. Neelam Sharma, Adv.

Mr. Tarun Sharma, Adv.

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Ms. Krishna Sarma, Adv.

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Mr. Niraj Kumar, Adv.

M/s Corporate Law Group

Mr. Ranjan Mukherjee, Adv.

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Mr. Sushil Kumar Jain, Adv.

Ms. A. Subhashini, Adv.

Mr. Kuldeep Parihar, Adv.

Mr.H.S. Parihar, Adv.

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Mr. Rajeev Sharma, Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. B.B. Singh, Adv.

Mr. V.G. Pragasam, Adv.

Mr. A.S. Pundir, Adv.

Mr. G. Prabhakar, Adv.

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Mr. Anurag Sharma, Adv.

Mr. Navein Prakash, Adv.

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Mr. Naresh K. Sharma, Adv.

Mr. Khwairakram Nobin Singh, Adv.

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Mr. Shreekant N. Terdal, Adv.

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Ms. Aruna Mathur, Adv. for

M/s Arputham, Aruna & Co.

Mr. Prakash Shrivastava, Adv.

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Ms. Rachna Srivastava, Adv.

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Mr. P.H. Parekh, Adv.

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Mr. Shiv Gupta, Adv.

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Mr. Ranji Thomas, Adv.

Mrs. Bharati Upadhyay, Adv.
Mr.V.N. Raghupathy, Adv.

Mr. U. Hazarika, Adv.
Ms. Madhvi Hazarika, Adv.
Ms. Sumita Hazarika, Adv.

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Mr. K.K. Jain, Adv.
Mr. Pramod Dayal, Adv.

Ms.Madhu Sikri, Adv.

Mr. Chiraranjan Addey, Adv.

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Mr. Ravi P Mehrotra, Adv.
Mr. Garvesh Kabra, Adv.

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Ms. Suparna Srivastava, Adv.
Mr. Rajesh Srivastava, Adv.

Mr. Navin Prakash, Adv.
Mr. Anurag Sharma, Adv.

Mr. S.S. Shinde, Adv.
Mr. Mukesh K. Giri, Adv

Mr. Praveen Kumar Rai, Adv.
Ms. Kavita Wadia, Adv.

UPON hearing counsel the Court made the following

O R D E R

Several petitions had been filed before this Court by Women Organisations and on the basis of the note prepared by the Registrar General that in respect of sexual harassment cases the Comp

laints Committees were not formed in accordance with the guidelines issued by this Court in Vishaka Vs. State of Rajasthan (1997 (6) SCC 241 and that these petitions fell under clause (6) of the PIL Guidelines given by this

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Court i.e. " Atrocities on Women" and in any event the Guidelines set out in Vishaka were not being followed. Thereupon, this Court treated the petitions as writ petitions filed in public interest.

Notice had been issued to several parties including the Governments concerned and on getting appropriate responses from them and now after hearing learned Attorney General for UOI and learned counsel, we direct as follows:

" Complaints Committee as envisaged by the Supreme Court in its judgment in Vishaka's Case, 1997 (6) SCC 241 at 253, will be deemed to be an inquiry authority for the purposes of Central Civil Services(Conduct) Rules, 1964(hereinafter called CCS Rules) and the report of the complaints Committee shall be deemed to be an inquiry report under the CCS rules. Thereafter the disciplinary authority will act on the report in accordance with the rules."

Similar amendments shall also be carried out in The Industrial Employment(Standing Orders) Rules.

Further directions in relation to educational institutions and other establishments will be made subsequently as it is not very clear whether all the parties concerned in this regard have been served or not. Let a note be prepared as to which of the parties have been served on this aspect of the matter and what their responses are. For further orders list in July, 2004.

(Meenu Sethi)
Court Master

(Om Prakash)
Court Master