

ITEM NO.104

COURT NO.3

SECTION PIL

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

WRIT PETITION (CRL.) NO. 173-177 OF 1999

MEDHA KOTWAL LELE & ORS.

Petitioner(s)

VERSUS

U.O.I. & ORS.

Respondent(s)

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

WITH
T.C.(C) NO. 21 of 2001

Date: 17/01/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE R.V.RAVEENDRAN

For Petitioner(s)

Mr.Colin Gonsalves, Sr. Adv.
Mrs.Shruti Pandey, Adv.
Ms. Aparna Bhat,Adv.

For Respondent(s)

For State of U.P.

Mr.Anuvrat Sharma, Adv.
Dr.I.P.Singh, Adv.
Mr.Garvesh Kabra, Adv.

Mr. J.M. Khanna,Adv.

For State of Mr. Anil Shrivastav,Adv.
Arunachal Pradesh

For State of Gujarat Ms. Hemantika Wahi, Adv.
Mrs. Aruna Gupta, Adv.
Mr. Shail Kumar Dwivedi, Adv.
Mr. Ashok Mathur, Adv.
Mr. Rajesh Pathak, Adv.

For State of W.B. Mr. Tara Chandra Sharma, Adv.
Ms. Neelam Sharma, Adv.
Mr. Rajeev Sharma, Adv.
Mr. Jana Kalyan Das, Adv.

For State of Assam Mr. V.K. Sidharthan, Adv.
Mr. V.K. Sarma, Adv.
For M/S Corporate Law Group, Adv.

For State of Meghalaya Mr. Ranjan Mukherjee, Adv.
Mr. Sushil Kumar Jain, Adv.

For State of Goa Ms. A. Subhashini, Adv.
Mr. Guntur Prabhakar, Adv.
Mr. Rajeev Sharma, Adv.

For State of Karnataka Mr. Sanjay R. Hegde, Adv.
Mr. B.B. Singh, Adv.

For State of Pondicherry Mr. V.G. Pragasam, Adv.
Mr. Ravi Prakash Mehrotra, Adv.
Mr. G. Prakash, Adv.

For State of Bihar Mr. Gopal Singh, Adv.

For State of Haryana Mr. Ajay Siwach, Adv.
Mr. Pradeep Dahiya, Adv.
Mr. Sandeep Sharma, Adv.
Mr. T.V. George, Adv.

For UTs Ms.Sunita Sharma, Adv.
Mr. D.S. Mahra, Adv.

For State of Chhatisgarh Mr.D.K.Sinha, Adv.
Mr. Atul Jha, Adv.
Mr.Nirmal Mittal, Adv.

For State of Nagaland Mr.U.Hazarika, Adv.
Mr.Satya Mitra, Adv.
Ms.Sumita Hazarika, Adv.

For UOI (Ministry Of Social Justice) Mr.Hemant Sharma, Adv.
Mr.B.K.Prasad, Adv.
Ms. Meenakshi Arora, Adv.
Mr. Naresh K. Sharma, Adv.

For State of Manipur Mr.Khwairakpam Nobin Singh, Adv.
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Mr.Shreekant N.Terdal, Adv.

For State of Sikkim Ms.Aruna Mathur, Adv.
For M/S Arputham, Aruna & Co., Adv.
Mr. Prakash Shrivastava, Adv.
Ms. Rachana Srivastava, Adv.
Mr. B.S. Banthia, Adv.

For PNB Mr.Dhruv Mehta, Adv.
Mr.Harsh Vardhan Jha, Adv.
Mr.Yash Raj Singh Deora, Adv.

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For M/s K.L.Mehta & Co., Adv.

For State of M.P. Ms. Kamakshi S. Mehlwal, Adv.
Mr.P.H.Parekh, Adv.
Mr.D.P.Mohanty, Adv.
Mr.Sumit Goel, Adv.
For M/S P.H. Parekh & Co., Adv.

For State of H.P. Mr.J.S.Attri, AAG
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For State of Tripura Mr.Gopal Singh, Adv.

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Mr. H.K. Puri,Adv.

For State of
Maharashtra

Mr.S.S.Shinde, Adv.
Mr. V.N. Raghupathy,Adv.

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For Medical Council
of India

Mr. Maninder Singh,Adv.
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Mr.Sunil Fernandes, Adv.
Mr.Saurabh Mishra, Adv.

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

For Bar Council of
India

Mr.Sanjeev Sachdeva, Adv.
Mr.P.P.Singh, Adv.

For State of T.N.

Mr.Subramonium Prasad, Adv.
Mr.Gopala Krishna R., Adv.

For State of Kerala

Mr.K.R.Sasiprabhu, Adv.
Mr.Ashish, Adv.

For State of Punjab

Mr.Arun K.Sinha, Adv.
Mr.Rakesh Singh, Adv.
Mr.Mukesh Kr.Sinha, Adv.

Ms.Madhu Sikri, Adv.

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Mr. Chiraranjan Addey,Adv.

Mr. Shrish Kumar Misra,Adv.

Mr. Praveen Swarup,Adv.

Mr. Rameshwar Prasad Goyal,Adv.

Mr.Aruneshwar Gupta, Adv.

For RBI

Mr.H.S.Parihar, Adv.
MR.Kuldeep Parihar, Adv.

Mr.Dinesh Kumar Garg, Adv.

For State of
Jharkhand

Mr.Arup Banerjee, Adv.
Ms.Pinky Anand, Adv.

Mr.D.N.Goburdhan, Adv.
Mr.Gopal Prasad, Adv.

UPON hearing counsel the Court made the following
O R D E R

These matters relate to the complaints of sexual harassment in working places.

In Vishaka vs. State of Rajasthan, (1997) 6 SCC 241, this Court issued certain directions as to how to deal with the problem. All the States were parties to that proceedings. Now, it appears that the directions issued in Vishaka case were not properly implemented by the various States/Departments/Institutions. In a rejoinder affidavit filed on behalf of the petitioners, the details have been furnished. The counsel appearing for the various States submit that they would do the needful at the earliest.

It is not known whether the Committees as suggested in Vishaka case have been constituted in all the Departments/Institutions having members of the staff 50 and above and in most of the District level offices in all the States members of the staff working

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in some offices would be more than 50. It is not known whether the Committees as envisaged in the Viaskha case have been constituted in all these offices. The number of complaints received and the steps taken in these complaints are also not available. We

find it necessary to give some more directions in this regard.

We find that in order to co-ordinate the steps taken in this regard, there should

be a State level officer, i.e., either the Secretary of the Woman and Child Welfare

Department or any other suitable officer who is in charge and concerned with the welfare of

women and children in each State. The Chief Secretaries of each State shall see that an officer is appointed as a nodal agent to collect the details and to give suitable directions whenever necessary.

As regards factories, shops and commercial establishments are concerned, the directions are not fully complied with. The Labour Commissioner of each State shall take steps in that direction. They shall work as nodal agency as regards shops, factories, shops and commercial establishments are concerned. They shall also collect the details regarding the complaints and also see that the required Committee is established in such institutions.

Counsel appearing for each State shall furnish the details as to what steps have been taken in pursuance of this direction within a period of eight weeks. Details may be furnished as shown in the format furnished by the petitioners in the paperbooks. A copy of this format shall form part of the order. The above facts are required at the next date of hearing. A copy of this order be sent to the Chief Secretary and Chief Labour

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Commissioner of each State for taking suitable action.

Post the matters after eight weeks.

(Satish K. Yadav)

Court Master

(Veera Verma)

Court Master