

Signed order is placed on the file.0

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IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION(CRL) NO. 178/1999@@
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Vibha Parthasarathi ...Petitioner

Vs.

Union of India & Ors. ...Respondents

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On the basis of certain complaints received from the victims, the National Commission for Women has given a report with certain recommendation and/or directions. The victims were the employees in the Delhi Public School, Faridabad and the allegations had been made against the Principal of the Institution. The report in quesstion of the National Commission for Women has been forwarded to Central Board of Secondary Education, the Education Department of State of Haryana as well as the Registrar of Schools for appropriate compliance. This Court on receipt of a copy of that report, is not known as to how the same was received, decided to issue notice suo-motu to all the parties concerned for issuance of any appropriate direction. The victim girls had filed Writ Petitions in Delhi High Court for appropriate direction from the said Court for implementation of the recommendation of the National Commission for Women, but since this Court issued suo-motu notice and entertained the matter, on the advice of the High Court, the said Writ

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Petitions were withdrawn and had been filed in this Court. The society as well as the Principal also had filed the Writ Petitions assailing the correctness and propriety of the recommendation of the National Commission for Women and those Writ Petitions were withdrawn and have been filed in this Court.

Mr. K.K. Venugopal appearing for the National Commission for Women contends that the Commission had never forwarded any report to this Court either by hand or by post and the Commission is obviously interested in getting its recommendations implemented and he would be in a position to assist this Court in whatever manner the Court wants. On behalf of 2 others Women Organisation, an intervention has been made and the counsel appearing for the said Women Organisations contended that the directions given by this Court in Vishaka & Ors. Vs. State of Rajasthan & Ors.@@

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1997(6) SCC 241 is not being implemented either in spirit or by letter and the appropriate authorities have failed to take any action by way of any Legislation notwithstanding the

direction given by this Court. In the case in hand, the question for consideration is whether the Court would be justified in issuing any direction for implementation of the recommendation of the National Commission for Women. That would obviously depend on the result of the application filed by the society and the Principal as well as the materials on

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the basis of which the Commission has given its report and the recommendations made thereunder. In fitness of things, these questions could be appropriately gone into by the High Court where the petitions had been filed originally but stood withdrawn because this Court taking suo-motu notice in the matter.

So far as the submission of the petitioners 2 and 3 the other Women Organisations are concerned, it transpires that Writ Petition Nos. 173-177 of 1999, which have been filed in the form of Public Interest Litigation requiring this Court to have a re-look at the decision of Vishaka as well as any further direction to be given in the matter is pending in this Court, and notice has been issued to all the States and the Union Government. The claim of the women organisations can be better appreciated in the said W.P. Nos.173-177/1999. In this view of the matter, we think it appropriate to remit the matter to the High Court with the request that the High Court may consider the applications and then pass appropriate direction therein for implementation of the recommendation made by the National Commission for Women in accordance with law.

It is brought to our notice that the Central Government or any State Government has not yet made any Legislation in terms of direction No.11 of this Court in

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Vishaka. Mr. Veenugopal submitted on behalf of the National Commission for Women that a private Bill has been prepared called the Sexual Harassment of Women at their Work Place (Prevention) Bill, 2000 and the same is being considered by the Central Government and the matter is being discussed with the appropriate authority. It would be meet and proper, if any discussion is going on, before the Legislation is actually placed before the Parliament, the other Women Organisations, who are petitioners 2 and 3 before us, should also have an opportunity to present its views and give its response to the said authority so that before giving a final shape to the proposed Legislation, the views of others can be ascertained for effective Legislation in quetion.

The society and the Principal, who had been filed the Writ Petitions before the Delhi High Court, had withdrawn those petitions and have filed in this Court are remitted to the Delhi High Court and the High Court would obviously take up both these matters, namely, the Writ petitions filed by the victim girls as well as the Writ Petitions filed by the society and the Principal together. In fitness of things, we would request the learned Chief Justice of Delhi High Court to allot their cases to an appropriate bench for early disposal. It is stated by the counsel appearing for all the parties, namely, the victim girls as well as the Principal and the Society that there is no necessity for filing any

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further affidavits in opposition and the matter could be disposed of on the existing material. In that view of the matter, there would be no difficulty in disposing of the matters on the part of the High Court within a specified period.

The petitioners 2 and 3 here want to be impleaded in Writ Petition Nos.173-177/1999. They may file appropriate application for that purpose in which case they could be impleaded in the matter. All these Writ Petitions Nos.494/2000,554 and 555/1999 are remitted back to Delhi High Court.

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.....J.
(G.B. PATTANAİK)

.....J.
(K.G. BALAKRISHNAN)

New Delhi,
January 18, 2001

.....J.
(B.N. AGRAWAL)