

NCERT POLICY ON PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

PREAMBLE

NCERT stands committed to ensure safe, gender inclusive and enabling environment to all those who fall within its jurisdiction including its, academic, non-academic staff, students and children at the place of work and school. It also includes any place visited by the employee arising out of during the course of employment including transportation provide by the employer for undertaking such journey and a dwelling place or a house.

Sexual harassment of women at workplace impacts the overall working ethos of the institution. It impacts the effective translation of gender equality in practice as mentioned in the Preamble to the Constitution. Sexual harassment includes all forms of physical and mental violence resulting in violation of the fundamental rights of women to perform her duties to the best of her abilities. It also hinders the exercise of Articles 14 and 15 and her right to life and to live with dignity as mention under Article 21 of the Constitution. The Government of India Sexual Harassment of Women at Workplace Prevention, Prohibition and Redressal Act, 2013 provides protection against sexual harassment of women at workplace and for matters connected therewith or incidental there to. This Act is an extension of the Vishaka Guidelines issued by the Supreme Court of India in 1997. The Supreme Court of India for the first time in Vishaka Guidelines, acknowledged Sexual Harassment at Work place as human right violation.

Protection against sexual harassment and the right to work with dignity are universally recognised human right by international conventions and instruments such as Convention on the Elimination of All Forms of Discrimination against Women, which has been ratified on June 25th, 1993 by the Government of India. In consance with this, NCERT undertakes the full responsibility of ensuring safe environment to all its employees devoid of all forms of sexual harassment. It commits itself to make every effort to ensure to all its employee safe and secure workplace and a working dignified ethos for all.

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OBJECTIVES OF THE POLICY

- To fulfil the directives of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.
- To uphold Women's and Girl students Right, of any age to Protection against Sexual Harassment and the Right to Livelihood and towards that end for prevention and redressal of all forms of Sexual Harassment.
- To evolve a permanent mechanism for the prevention, prohibition and redressal of Sexual Harassment of women at workplace, college and school within the jurisdiction of NCERT and its Constituent units.
- To actively promote a gender sensitive working ethos that will raise awareness about rights and duties of all and deter Acts of Sexual harassment of all forms perpetrated mainly directed towards girls and women.
- To ensure the implementation of the policy in letter and spirit by undertaking all necessary and reasonable steps including the constitution of appropriate Committees at National Institute of Education (NIE) National Council of Educational Research and Training (NCERT) Regional Institute of Education (RIEs) and Pandit Sunderlal Sharma Central Institute of Vocational Education (PSSCIVE) for purpose of gender sensitization of employees and to conduct inquiries into complaints of Sexual Harassment.
- To uphold the commitment of NCERT and its constituents to provide and enabling gender inclusive environment free of all forms of discrimination and violence against girls and women.
- To generate public opinion against sexual harassment of women at work place: (Prevention, Prohibition and Redressal) Act, 2013.

DEFINITIONS

- a. **Sexual harassment:** The following of anyone or more of the unwelcoming behaviour whether directly or by implication namely:
- (i) Physical contact and advances; or
 - (ii) a demand or request for sexual favours: or

- (iii) making sexually coloured remarks
- (iv) showing pornography: or
- (v) any other unwelcoming physical, verbal or non-verbal conduct of sexual nature

The above are further elaborated as under:

- When submission to unwelcome sexually determined behaviour such as physical contact and advances, or a demand for or request for sexual favours, verbal or physical conduct of a sexual nature, sexual coloured remarks, showing pornography and any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- When unwelcome sexually determined behaviour, including but not limited to, sexual advances, physical and/or verbal or non-verbal or conduct, such as loaded comments, remarks or jokes, letters, phone calls, sms, whatsapp or emails, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature have the purpose and /or effect of interfering with a women's work or academic performance or of creating an intimidating, hostile or offensive employment, educational or living environment.
- When a man uses with a sexual purpose, the body or any part of it or any object as an extension of the body in relation to a woman without her consent or against her will, such conduct will amount to sexual assault.
- When following circumstances, among other circumstances, if it occurs or is persistent in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassments- implied or explicit promise of preferential treatment in her employment; or implied or explicit threat of detrimental treatment in her employment; or implied or explicit about her present and future employment; or interference with her work or creating an intimidating or offensive or hostile work environment for her or humiliating treatment likely to affect her health or safety.
- **It is clarified that it is the reasonable perception of the woman that would be relevant in determining whether any conduct was sexually determined and, if so, whether such conduct was unwelcome or not and**

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