CHAPTER 4

Women Human Rights
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The present Haryana, a tiny state of 27,638 square miles, which came into existence on 1st November, 1966, was covered out of Punjab – present Haryana is the south-east portion of the Punjab. Geographically, it surrounds the national capital on three sides and it hemmed in between Utter Pradesh on the north and Rajasthan in the south. Now the state has twenty districts.

Culture in Haryana is both caste and class based. The culture of this region termed as ‘Peasant’ culture. This peasant culture emerges as simultaneously ‘dominant’ and ‘popular’ with layers of subaltern culture under its hegemonic fold. This dominant popular culture is also distinctly different from the high caste Brahmanical culture identified with the great tradition found in certain other parts of India. This culture does not work to the exclusion of other cultural strands, and encompasses both the ritually higher as well as the submerged lower castes in a dynamic and flexible relationship we see many of their cultural practices operating independently, and frequently in direct contradiction of and opposition to the dominant popular culture.¹

This region in the colonial period remained one of the most backward and under developed regions of Punjab. But the introduction of wide reaching agro-economic changes have successfully catapulted this region from a backward subsistence level economy to becoming the second richest state in India. The exposure to the forces of modernization, the process of westernization, introduction of modern educational system, reform movement, role of caste associations and the constitutional reform brought about a marginal change in Haryana’s traditional culture.

¹ Dr. B. L. Sharma (Ed.) Haryana at a Glance, Agra : Pratiyogita Sahitya, 2011, p.34.
The population of the state as per 2011 census was 25353081 persons consisting 13505130 males and 11847951 females. Haryana accounts for 2 percent of the total population of India. It ranks 16th according to the size of its population among 28 states and 7 Union Territories in census, 2011. Density of population is 573 persons per sq. km. when the density of India is 382 persons per sq. km. As per the census, 2011, the sex-ratio of Haryana is 877. It means 877 females per 1000 males in the state. It is much low as compared to 940 females per 1000 males for India. Haryana has 76.64 per cent literacy rate. It is 2.24% more as compared to national literacy rate i.e. 74.4% in 2011. Among male it was 85.38 percent and among females it was 66.77 percent in Haryana. In Haryana, 27.8% inhabitants are living in urban centres and 72.2% are in rural areas. The females population constitutes a woefully low of about 27.22% of the total work force and about 21% of the total cultivators. Almost 5.46% of the agricultural labourers are women and most significant, 13.83% of the marginal workers are female. The infant mortality rate is 67%. These demographic indicators like accelerated decline in sex ratio, mortality and economic participation are disturbing. Since women have less access to education, employment and health facilities, their social position in Haryana is precarious and it is a cause for concern.

The introduction of democratic polity based on the principle of equality, universal adult franchise, economic development through planning, rapid spread of educational facilities and the politicization of masses have brought some changes in the traditional culture of Haryana. The democratic values of equality, rational and scientific outlook, achievement orientation and other modern values have been injected in the traditional value system. But the changes have been very slow and imperceptible. The traditional values continue to influence social behaviour. However, their hold has been weakened to some extent.

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2 Census Data, 2011.
3 Dr. B.L. Sharma, op. cit., p. 35.
The development of any society is judged in terms of the position held by women in that society. Since men and women are considered as two wheels of vehicles of a society, both wheels should work equally to move the vehicle of society. It is believed that God has created this world and all living beings. So, when equality is the rule in the animal and vegetable kingdom, why inequality exists in the human society. Why should man and women, higher and more intelligent creations live in an unequal society?\textsuperscript{4}

Women constitute about half of the world's population. Yet they are placed at various disadvantageous positions due to gender difference. They have been victims of violence, exploitation and discrimination. Rampant abuses against women have been excused, ignored, or taken for granted. Domestic violence is regarded as a private matter only. Throughout the world, women are still relegated to second-class status that makes them more vulnerable to abuse and less able to protect themselves from discrimination.

History has evidences that women have been regarded as the property of men, to be bought and sold or stolen as part of the game. Women were regarded as negotiable property, because often men were permitted and encouraged to have as many wives as they could afford, whereas, a wife is expected to remain faithful to her husband till she dies. In India, the Sati system was practiced and in ancient China, a widow had to sacrifice herself in the barbaric practice of self-immolation.

To accept and observe a distinction, which god has not created is ignorance and superstition. Unless equality between man and woman is fully established and attained, the highest social development of mankind is not possible. As very appropriately Swami Vivekananda said, "That country and that

\textsuperscript{4} Dr. Nivedita Giri, Law, Institutions and Women's Rights in India, Schumacher Centre, Delhi.
nation which do not respect women have never become great, nor will ever be in the future".5

Against all such odds and obstacles women all over the world have launched powerful movements to fight against gender discrimination and injustice. They are mobilizing against violence and oppression, and are demanding equal rights, greater opportunities for development, equitable laws, and control over their earning and bodies. With the growth of education, women no longer feel that they are confined to four walls, but are venturing out into every conceivable area of activity. They are increasingly becoming conscious of their inherent rights. This growing solidarity among them and the willingness to struggle for their rights can be expressed as ‘feminism’.

Feminism has become truly a global movement, shaped by and reflecting the interests of women in every region of the world. It symbolizes an awareness of oppression on domestic, social, economic levels, accompanied by a willingness to struggle against subjugation and subordination, oppression and suppression. They have focused their attention on equalizing strategies, which represents attempts to improve women’s access to existing education, employment, health care, credit and other opportunities, and ultimately to make resources more responsible to women’s needs.6

The United Nations Organization promoted the development of international feminism and women’s movements by creating national and international forums for action. The UN International Year, 1975; Decade for Women, 1976-1985; and UN Conferences in Mexico City, Copenhagen, Nairobi, Beijing, all nourished the international connections among women in innumerable large and small ways. But still there was not much development. The UN report

5 Ibid.
on women, 1995-1996, clearly status that “the world’s 2.8 billion women remain humanity’s largest marginalized group.”

Although there is a formal recognition of women’s rights and a legal acceptance of women’s equality with men, extensive data gathered by the UN and other sources show that women continued to face discrimination and marginalization. They have less money, less education, lower status, lower self-esteem and less power. They are less represented in public life. They are still segregated mostly in women’s job, which are low paid, face violence sexual harassment at workplace, face violence at home and at public place. But the issue of women’s equality is now acquiring a new significance and a dynamic feminist movement has created an ideological mandate for moving towards substantial equality between sexes.

In India, the situation is very bleak. In a tradition bound society, women have been socially, economically, physically, psychologically and sexually exploited, sometimes in the name of religion and sometimes by the social sanctions. But in ancient India, the position of women was different. The girl child was welcome in the families. The son was not an absolute necessity. The widow remarriage was permitted. As the Rig Veda says, “the wife is the household” and the Manuṣmṛiti proclaims, “wherever women are worshipped, there are gods pleased, and all noble deeds go futile wherever they are dishonoured”.

This ideal declined in the beginning of the 16th century. The child marriage, ban on widow remarriage, complete disregard of women’s education became the social practice. For reasons like foreign invasions in India and prolonged alien rule, the position of women deteriorated and they lost their original status. The purdah system, the Sati system, polygamy, the dowry system, etc. reduced women’s position and made them liability.

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8 Dr. Nivedita Giri, op. cit.
Discrimination suffered by women is reflected in the step deterioration in the male-female ratio over the last century. It has declined from 972:1000. There was an improvement of 6 points over the 927, recorded in the census of the 1991. In the states of Haryana, Punjab, Chandigarh and Delhi, the figures are below the national average. India along with some countries of South Asia, stands in the hall of shame where men outnumbered women.

With the advent of independence, a new impetus was given to the social reforms for women. The Constitution of India granted them equality of status and opportunities for their progress.

There is no doubt that we are in the midst of a great revolution in the history of women. The evidence is everywhere; the voice of women is increasingly heard in Parliament, courts and in the streets. While women in the West had to sight for over a century to get some of their basic rights, like the right to vote, the constitution of India gave women equal rights with men from the beginning. Unfortunately, women in this country are mostly unaware of their rights because of illiteracy and the oppressive tradition. Names like Kalpana Chawla: The Indian born, who fought her way up into NASA and was the first woman in space, and Indira Gandhi: The Iron Women of India was the Prime Minister of the Nation, Beauty Queens like Aishwarya Rai and Susmita Sen and Mother Teresa are not representative of the condition of Indian women.

4.1 Position of women in Haryana

The dignity of women is a substantive issue in any society where patriarchal values and institutions are as deeply entrenched as they are in Haryana. But the emergence of a strong sensitivity of women’s issue presupposes a certain level of individualism and the presence of liberal values in society so that some space is available to individuals to exercise their own violation at least

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in selected areas of social life. But this has not so far taken place in the Haryana Society.

The backward economy of Haryana which its specific geo-economic needs carved out a special productive and reproductive role for women. The role was determined and controlled by the existing and emergent customs and attitudes of the dominant peasant caste groups and among them the land-owning classes, which despite internal peasant stratification succeeded in imposing a fairly homogenized peasant culture and a hegemonic patriarchal ideology on to this region.

This peasant culture nevertheless showed simultaneously different and contradictory normal co-existing side by side. For example, the high tradition norm of dowry practice, which meant respectability and honour, co-existed with Sudra cultural norms in keeping with its low Varna status and practices like bride-price or also widow re-marriage. However, both these practices, i.e. bride-practice and widow re-marriage are popularly considered to afford a positive status to women. Yet, the former does not emerge with any positive advantage attached with observance and the latter can be perceived as a repressive custom in the female consciousness and life experience. The cultural ambivalence in which women, despite being acknowledged as great economic assets, lacked substantive economic worth and value, can also be seen in the existence of infanticide at some period of time in this region and adverse female sex ratio which has continued to this day. The tension created by these mutually contradictory practices, undoubtedly born out to the logic of custom and the needs of this region’s socio-economy, tended to be resolved by the upwardly mobile groups in favour of practices platantly supportive of patriarchal forms. This deliberate and selective availing of ambivalences was not only more constrictive to women but also
served their (male) landed interests and afforded them a higher status by non-observance of lower cultural forms.\textsuperscript{10}

The history to social change in Haryana over the past one hundred years or more shows that social reforms which could prepare and equip society for liberal and democratic values could never gather sufficient strength. The Arya Samaj movement which influenced the Haryana society in a major way also worked within the existing structures of caste hierarchy and patriarchal relationship. Instead of challenging the deeply entrenched patriarchal values, the mould of assertion that got legitimized through Arya Samaj was also that of adjustment. Hence no fundamental structural change of emancipatory nature could take place through this reform movement which only tended to give a boost to the pride and prestige of intermediate castes which occupied a dominant position in the Haryana society and it enabled them to assume a leadership role in the politics of wrestling concessions from the British regime during the period of ascendancy of the Unionist party in the United Punjab, including Haryana.\textsuperscript{11}

India's struggle for national liberation also affected Haryana women in a very limited manner. Undoubtedly, some women came forward to participate in the movement but the terms of their participation seldom went beyond the limits set by the patriarchal framework of Haryana society. The national liberation struggle failed to give strength to the ideals of equality and freedom here, partly because the newly emerging middle class in Haryana showed preference for the role of seeking adjustments and wrestling concessions as against participation in the liberation struggle. Instead of setting an agenda for modernization and evolving a new culture through struggle, the elites here remained engrossed in collaboration and concession seeking.\textsuperscript{12}

\textsuperscript{10} Choudhary, Prem, The Veiled of Women, p. 14.
\textsuperscript{12} Ibid.
The absence of a sustainable women's movement in Haryana can be attributed to certain shortcomings at the organizational level. The organizations which have sought to take up women's issues here are primarily affiliates of political parties and their women wings. This being the case, women's issues often get relegated to a secondary position and their political concerns take the upper hand. Women's issues in Haryana have for this reason often got identified in the people's mind with leftist politics from which they choose to distance themselves. The leadership of women's organizations affiliated to the left parties is not acceptable to women in general simply because they are indifferent or opposed to the kind of politics with which their organizations are associated.

The post-colonial period shows a successful completion of these attempts, aided undoubtedly by the newer demands of a greatly changed socio-economy and its cultural format. For example, a complete substitution of bride-price by dowry, giving up the practice of polyandry and its substitution by a different form of control over sexuality, tightening of caste imperatives, such as adoption of high caste norms of purity and their restrictive marriage practices etc., all of which are highly disadvantageous to women.13

In spite of these constraints, the success of the mass literacy campaigns among women in Haryana points to the fact that when a proper opportunity is provided to them, they can come out of their passivity for affirmation of their dignity. What is needed for achieving a breakthrough is an emphasis, in the initial stages, on creating an awakening on the issue of women's dignity as human beings rather than straightway taking resort to militancy. Apart from involving women in the mass literacy campaigns, their participation in panchayats can also provide a platform for creating an awakening among them.

Real changes in the status of women have been observed after India's independence in this region. The influx of refugees from West Pakistan as a result of India's partition in 1947 accelerated the pace of change. In recent years, due to

13 Choudhary, Prem, The Veiled of Women, op. cit., p. 15.
the green revolution, education and social mobility, social life in this state is in transition and the direction of change is from tradition to modernity.

Education is spreading fast among women, especially in urban areas and educated women are increasingly taking to gainful employment. There is a marked change in the occupational pattern and now besides the traditional occupations such as teachers, nurses etc., more and more women are going for non-traditional occupations. In the family too the trend is towards more equalitarian attitude and the norm of male superiority is meeting with resistance and the customary practice of Purdah has largely disappeared from the urban areas.\footnote{Singh, op. cit., pp. 341-64.}

The changes are more prominent and rapid in urban areas, whereas in rural areas the life of women still centres round her farm, cattle and home. She is the first to get up and last to go to bed. In recent years the government of Haryana has taken various steps to improve the status of women in the state. It has opened women and children development and welfare corporations for the promotion of the economic welfare of women. Various schools and colleges have been opened exclusively for women, moreover, all Universities of the state have co-educational facilities and one exclusively for women in Khanpur (Sonepat).

\begin{section}{4.1(a) Socio-Economic Status of Women in Haryana\footnote{Data Collected from Census 2011.}}

As per the 2011 census, female population in Haryana stood at which is proportionately distributed between the rural and urban areas. Only \( \frac{1}{3} \) of the total female population in the state is literate. The female population constitutes a woefully low of about 10\% of the total work force and about 12\% of the total cultivators. Almost 13\% of the agricultural labourers are women, and, most significant 94\% of marginal workers are female.
\end{section}
Three-fourth of Haryana’s population lives in rural areas and the remaining one-fourth in towns and cities. The density of population in Haryana is 573 persons per sq. k.m. About 20% people of the total population belong to the scheduled castes in whose case the rate of literary is 7%. The current ratio of Haryana’s population is 877 female per thousand males while at all India level it is 940. The sex ratio differs from district to district.

It would be relevant to have a quick glance at some factual data which indicate the status of women in Haryana. The disadvantageous position of women in Haryana society comes out very clearly from the relevant statistical figure. The male-female sex ratio in Haryana is 1000 : 877 which indicates a fairly wide disparity in the male-female composition of the population in the country. As per the statistics of 2000-2001, 95% boys receive primary education as compared to only 81.1% girls. This gap widens further at the middle school level. The mean age of girls at the time of marriage is 17.8 years. The infant mortality rate for boys is 80 per 1000, while for girls it is a high as 102 per 1000. So far as physical quality of life index is concerned, Haryana’s position is at 4th.

A similar gender imbalance can be noticed in employment statistics. In spite of the back-breaking work that women in Haryana are burdened with in their homes and agricultural work women have a very weak position in the organized employment sector. Very few women are engaged in regular jobs involving status, positions and prestige where as at the lowest rung of irregular and low paid jobs women are employed in larger numbers. As per the 1991 statistics Haryana has 4,259,446, full time male worker as compared to 4,58,880 women. But among the peripheral workers (those who get employment only for 180 or less days in a year), the situation is reversed. Here as compared to 22,325 men, there are 3,62,419 women workers. These women do not have security of jobs or other benefits of employment like provident fund, limited hours of work, leave with pay, maternity benefits etc. They are not governed under labour laws either. In addition, there are 1,14914 landless women labourers, the dalit women
constituting a majority of this grant. In other words, the female work participation rate in the domain of paid jobs or wage labour is nearly 11.29 whereas the male work participation rate is 47.92%. All these add up to a considerable gender imbalance in Haryana.

Since women have less access to education, employment and health facilities, their social position in Haryana is precarious and it is a cause for concern. Deprived of any decision-making roles, women's views, desires and aspirations are very often suppressed within the family and in government institution. Outrages against women are on the rise; dowry death cases are increasing in the state. Similar is the case with incidence of eve-teasing, molestation and rape. Violence against women is on the rise both within the family and in the society at large. Wife battering, aborting of female foetuses and raping of minors are on the rise. Custodial rapes also occur in the state.

The condition of rural women is even worse. Apart from household chores and participation in work related to agricultural operations, fodder and fuel collection also consume a lot of women's time. Water scarcity in a large number of village in the districts of Rewari, Mahendergarh, Bhiwani and Mewat makes the condition of women ever harder. Lack of public conveniences in rural areas has a adverse effect not only on women's health but at times it also makes them victims of sexual harassment. The condition of agricultural workers and dalit women is even worse in this regard.

Various studies reveal that Indian women, more specifically the rural women as in Haryana, play multifarious socio-economic roles inside as well as outside the home. In fact, all able bodied women are engaged in some or the other form of labour. It has been found that in the rural workforce the rate of participation of female is very high.\footnote{Malkit, Kaur, \textit{Emerging Status – Role of Rural Women in the Context of Changing Technology}, Ph.D. Thesis, Haryana Agricultural University, Hisar.}
As regards the occupational distribution of Haryanvi women, 98.8% women were engaged in agriculture either as cultivators or as agricultural labourers.

In the household, average working day for women came out to 13.2 hours which reflect the plight of rural women. It included farm work 2.6 hours, food preparation 2.4 hours, cleanliness 2.1 hours, animal care 1.8 hours, child care 1.4 hours, green processing 0.9 hours and flour grinding 0.4 hours. About 59.1% of the respondents do not get any leisure time from early morning till late at night.\footnote{Seminar, M, "Law and Economic Security of Women", C.W.S. P.U., Chandigarh.}

**Steps taken by the Haryana Government to improve the Socio-Economic Status of Women**

To ameliorate the socio-economic conditions of women and to provide comprehensive coverage to the schemes of women and child development, the Haryana government decided to set up a separate Directorate of women and child Development under the administrative control of social welfare department. Schemes of women wing, previously being run by Rural Development Department has also been brought under the control of this new Directorate functioning w.e.f. 1.4. 1999. Some of the schemes related to our subject of study are as follows:

(A) Child Development\footnote{Child Development Plans from Women and Child Development Department, Haryana.}

(i) Integrated Child Development Service Scheme
(ii) Adolescent Girls Scheme
(iii) Apni-Beti – Apna Dhan
(iv) Family and Child Welfare Projects

(B) Women Welfare and Development

1. Haryana Women Development Corporation
2. Women Awareness and Management Academy
3. Working Women’s Hostel
4. The Dowry Prohibition (Haryana Amendment Act 1976)
5. Integrated Women Empowerment and Development Scheme
6. Women’s Training-cum-Production Centre and Stipendary Scheme
7. Grant-in-Aid to Voluntary Organization
8. National Programme on Improved Chulhas
9. National Maternity Benefit Scheme
10. Mahila Samriddhi Yojna (Women’s Enrichment Scheme)
11. Indira Mahila Yojna
12. Mahila Mandal
13. Research-cum-information Centre (Planning-cum-Monitoring Cell)

This centre aims at the collection and compilation of data regarding various welfare schemes being implemented by the department. A departmental library is also being maintained by this centre. The annual administrative report of the social welfare department is prepared by the cell.

4.2 (b) Women in Politics

The harsh conditions of women in Haryana would normally suggest that there should have been a manifestation or resistance and protest by women. However, women’s movement in Haryana has remained at a low key and it could even be described as a non-starter. This is not to suggest that women in Haryana are totally unaffected by the currents generated in other parts of the country. There have been some instances of spontaneous protests by women on issues involving their dignity. At times they have come out in large numbers, either spontaneously from below or at the instances of various political organizations, on issues of assault, rape and other indignities heaped on them. Ripples of protests and even upsurge in which women have not only participated in large numbers but also assumed leadership had become visible on the occasions but all these do not add up to a sustained women’s movement in Haryana. A vibrant movement which could be consolidated to create an environment in which women could
easily get mobilized whenever necessary to struggle collectively in defence of their rights has not so far emerged in Haryana.

Since such an autonomous women's movement does not exist in Haryana, protests on their behalf are generally sponsored either directly by political parties for their own specific needs or they are initiated and spearheaded by women's organizations affiliated to these particularly on the occasion of all India calls given by the central leadership of these organizations. On critical issues where serious infringement of women's dignity and humanity are involved, in cases of dowry harassment, dowry deaths, violence and outrages like rape, women have, of course, been coming forward on their own and also by temporarily stepping out their otherwise veiled existence.

Women have also come together to protest, either spontaneously or through political parties, against some general social issues which have an adverse effect on their lives, like the anti-liquor campaigns or campaigns relating to the provision of water facilities or price-rise. In fact, a grass-root level movement seems to be emerging in a majority of districts in Haryana around the issue of alcohol. A large section of women came forward to participate in the Nashabandhi movement in the state, for pressing personal reasons, and they sat in dharna at the liquor vends in the villages and forced many of them to move outside the village boundaries. However, the movement which had sprouted as a spontaneous grassroots level protest by women was soon taken over by political parties and their affiliates. They viewed the whole issues of Nashabandhi as an electoral issue where women mattered to them only to the extent that they constituted a vote bank and the issue of liquor consumption as a source of women's oppression was almost totally side-tracked by them. These local issue-based struggle, do reveal the potential for the mobilization of women in Haryana, particularly when the substantial issue of human dignity which evoked a powerful response in some other parts of the country is invoked in a proper manner in terms of some problems which make easily intelligible to them. Once women in
Haryana are touched by an issue, they have the capacity to get united and act in a militant manner to change the situation. But their potential has not so far crystallized in to a regular and stable movement. As a rule, their responses remain sporadic, localized and are strong only for a short while and cannot sustain an ongoing organization.19

Of late, there are indications of an increasing confidence among women at the grassroots level, women’s response to mass literacy campaigns also illustrates their capacity to become active agents when a meaningful call is made to them for the defence or affirmation of their human dignity. The popular response of women to the literary campaigns reflects their aspirations to be responsible for their own destiny. It is estimated that two thirds of the neo-literate learners as well as volunteers in the mass literacy campaigns in Haryana are women. The fast observed by women at village.

4.3 Organization for Women

Haryana State Commission For Women20

The State government has set up State Commission for Women which would act as a consultative body to advise the Government on legislative and Departmental policies concerning the women, undertake necessary steps at the level of Government and public to protect the constitutional and legal rights of women to improve the status of women. The Commission will monitor the implementation of laws and welfare measures, investigate complaints, demand prosecution in offences committed against women, inspect police station lock ups, sub jails and rescue homes etc., conduct public interest litigation and conduct studies and researches etc.

19 Nasabandhi Movement in Haryana: Its Genesis (A Study Conducted by the KUK Women’s Studies Research Centre), 1995, p. 76.
The contents of the notification no. 3055-SW(4)/99 dated 20th December, 1999 concerning setting up the State Women Commission are given as under:

**Constitution of the Commission:**

(i) The Commission shall comprise of a full time Chairperson committed to the cause of women, one Vice-Chairperson and four Non-Official Members to be nominated by the State Government. This exclude the Member Secretary for which Joint Secretary, Women and Child Development Department, Haryana will be an ex-officio member.

The Chairperson and other non-official of the Commission including the Vice-Chairperson shall hold office during the pleasure of the Governor of Haryana subject to a maximum tenure of three years.

(ii) The majority of the members of the Commission shall be women.

(iii) The Chairperson of the Commission shall be a women with background of distinguished service to the welfare of women and experience in the field of women development.

(iv) Other members of the Commission shall be persons with background and experience in dealing with problems of women and in promoting their interest with expertise in any or more of the fields like law, education, public administration, economic development, social work, women welfare etc.

(v) Director, Women and Child Development and the Director General of Police in Haryana shall be ex-officio Members of the Commission. However, vide State Government notification no. 3369-SW(3)/2001 dated 10th Sept, 2001, the Deputy Inspector General of police, Haryana, In-charge of the Crime Against
Women Cell has been made ex-officio member of the Commission in place of Director General of police.

Terms of Office and Conditions of Service of Members:

(i) The members of the Commission shall hold office at the pleasure of the Governor of Haryana subject to a maximum tenure of three years unless resigned or removed whichever is earlier. No member shall hold office for more than 2 terms. They will be full time members.

(ii) Members can resign office any time by writing to the Government.

(iii) The State Government may remove a person from the office of the chairperson or member if, that person:

(a) becomes an un-discharged insolvent or un-sound mind;

(b) is convicted and sentenced to imprisonment;

(c) refuse to act or becomes incapable of acting in conformity with the policy of State Government.

(d) Is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission;

(e) In the opinion of the State Government, has so abused the position of the Chairperson or members as to render that person's continuance in office is detrimental to the public interest or is otherwise unfit or unsuitable to continue as such Chairperson or member;

Provided that, no person shall be removed under this clause until that person has been given a reasonable opportunity of being heard in the matter.
(iv) Pay or honorarium may be allowed at the rate of Rs. 10,000 per mensem to the Chairperson/Vice-Chairperson of the proposed Commission. Member may be allowed pay or honorarium @ Rs. 9,000 per mensem. The other allowances/facilities may be as per the standard terms and conditions of the Government. Besides they shall be entitled to a allowances while on travel on commission work.

(v) Members of the Commission shall be entitled to TA/DA as admissible to class-I officers of the Government

 Functions of the Commission:

The Commission shall perform all or any of the following functions, namely:

(i) Act as Consultative Body advising the Government on legislative and developmental policies affecting the women.

(ii) Undertake necessary steps at Government and public level to protect constitutional and legal rights of women in general and poor amongst them in particular.

(iii) Monitor the implementation of laws and welfare measures concerning women and initiate action for legal and administrative reforms to improve status of women.

(iv) Investigate suo moto or on complaint into discrimination against and victimization of women and recommend remedial action to the Government.

(v) Conduct studies and research and documentation of information relating to problems of women in different fields of social and economic life of the state and make it available to the Government for appropriate action.
(vi) Demand prosecution in offences committed against women and assist prosecution with evidence and legal services.

(vii) Inspect police stations lock-ups, sub-jails, rescue homes or other places of custody where women are kept to find out the facilities and treatment given to women and seek remedial action from the appropriate authorities.

(viii) Conduct public interest litigation on behalf of groups of women and in special cases of individual women who suffers injustice or discrimination and also provide legal aid and rehabilitation to women in deserving cases.

(ix) Approach and wherever necessary assist the family courts on behalf of women to ensure justice in matrimonial disputes.

(x) To study employment opportunities and practices viz-a-viz women and suggest measures to overcome health and occupational hazards and improve basic services like drinking water, sanitation, housing and cooking methods etc. to reduce household drudgery.

**Meeting and Disposal of Business**

(i) The quorum for a meeting of the Commission shall be with at least 50 per cent of the total strength.

(ii) The Commission shall meet at least once every two months.

(iii) The Commission has the authority to transact any business through circulation among members.

(iv) All decisions of the Commission shall be by majority with Chairperson having a second or casting vote in case of equal division.

(v) In the absence of the Chairperson/Vice-Chairperson, Members present can elect a Member from amongst them to preside over the
meeting and the proceedings of such meetings shall be deemed to be proper and legal.

(vi) All meetings of the Commission shall be convened by the Member-Secretary in consultation with the Chairperson. A meeting shall also be convened by the Member-Secretary if 1/3rd Members of the Commission demand in writing such a meeting.

(vii) No act or proceeding of the Commission shall be invalidated by reason only of any defect in its constitution or on the ground of existence of any vacancy in the office of any member.

Powers of the Commission:

The Commission shall, for the purpose of any inquiry, be authorized by the Government to:

(a) summon and examine any witness;

(b) require production of any document from any public office under the State Government;

(c) record evidence of affidavit;

(d) take any other action which may be necessary for the purpose of enquiry or discharge of functions desired in clause-3.

Appointment of Staff of the Commission:

(i) The Commission shall have a core staff preferably drawn on deputation from the Government. However, the Commission would be competent to appoint social scientists, research scholars, social animators and social workers on contract for specific projects to conduct studies, researches, seminars etc. and for documentation of information within the sanctioned budget/grant.

(ii) Member-Secretary will be appointed by the Government.
Finances, Accounts and Audit:

(i) The administrative expenses including the salaries, allowances and pension payable to the Member-Secretary and staff of the Commission shall be charged on the contingency fund of the State.

(ii) The Commission may seek and receive donations, grants and awards from national and international agencies, government and private agencies to augment its resources for discharging its functions more effectively.

(iii) The form of maintenance of accounts and submission of annual statement of accounts shall be prescribed by the Government and the Commission shall follow the same.

(iv) The Commission's accounts are subject to audit as prescribed by the Government.

Annual Report:

(i) The Commission shall prepare an annual report on the activities, together with the annual statement of accounts.

(ii) The Commission may submit as many reports as necessary or as required by the Government from time to time.

Involvement of Voluntary Organizations:

(i) The Commission shall as far as may be possible in association with voluntary organizations in State more particularly women's organizations besides governmental departments and agencies in the discharge of its functions.

(ii) All recommendations of the Commission on Major Policy matters shall be based on the widest consultation possible with voluntary organizations in the State Working for Women Welfare.
(iii) For the purpose of involving voluntary organizations, the Commission may evolve and notify norms and standards in connection with voluntary organizations on the basis of which it may identify the organizations in the State.

(iv) A list of such registered organizations shall be mentioned by the Commission and made available to the Government if sought.

(v) If for any reason, the Commission desires to recommend the Government to cancel the registration of any organization, it shall provide an opportunity to be heard to such organization and record reasons for such recommendations.

(vi) The norms and standards for identification/registration of voluntary organizations shall be reviewed and recommended by the Commission from time to time.

(vii) The Commission can entrust specific tasks for which the Commission has jurisdiction to any of the registered voluntary organization and reimburse its expenses for executing the project successfully within the allocated budget/grant in consultation with A.D. and F.D.

Committee of the Commission:

(i) The Commission may constitute such Committees thereof as may be necessary for dealing with such issues as may be taken up by the Commission from time to time.

(ii) The Commission shall have the power to co-opt as members of any committee appointed under sub-section (i) such members of persons, who are not Member of the Commission, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the Committee and take part in proceedings but shall not have the right to vote.
(iii) The persons so co-opted shall be entitled to receive such allowances for attending the meetings of the Committee as may be prescribed by the Commission.

Standard terms and conditions for appointment of non-officials as Chairperson/Advisors in Public Sector Undertakings/Departments/Cooperative Organizations of the Haryana Government will be applicable in respect of the Chairperson, Vice Chairperson and other Members of the proposed Commission.

This issue with the concurrence of the State Finance Department advice issued, vide their U.O. No. 9/12/99-3FG-II/3309, dated 16th December, 1999.

**Women and Child Development Department**

No. 3369-SW(3)-2001, - The Governor of Haryana is pleased to make the following amendment in the “Haryana State Commission for Women” already set up vide notification issued through an executive instructions vide No. 3055-SW(4)/99, dated 20th December, 1999:-

In the Haryana State Commission for Women, the Deputy Inspector General of Police, Haryana, In-charge of the Crime against (Women Cell) shall be the ex-officio Member of the Commission in place of Director General of Police nominated under para i(v) under “Constitution of the Commission”

**Progress of Haryana State Commission for Women**

Km Sushila Sharma has been appointed as Chairperson and Smt. Chander Prabha has been appointed as Vice-Chairperson of the Commission vide Govt. letter No. 126/sw-3 dated 17.1.08. The office of the State Commission for Women is located at Panchkula. The State Commission for Women has undertaken various activities since its inception, the details of which in brief, are given as under:-

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Meetings and Disposal of Business:

The Commission meets at least once every two months for disposal of business. The Commission had organized its bimonthly meetings since 8-2-2000.

Complaint Hearing Meetings/Camps:

With a view to provide a platform at the shortest distance and for speedy disposal of women’s grievances, the Commission had organized 57 State/District/Block level public hearing meetings/camps from to redress the grievances of women victim of atrocities.

Table 4(i)

Year-wise complaints received and settled/disposed off:

<table>
<thead>
<tr>
<th>Year</th>
<th>Complaints received</th>
<th>Complaints settled/disposed off</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dec, 1999-March, 2001</td>
<td>297</td>
<td>49</td>
</tr>
<tr>
<td>2001-02</td>
<td>365</td>
<td>228</td>
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<tr>
<td>2002-03</td>
<td>703</td>
<td>365</td>
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<td>2003-04</td>
<td>1555</td>
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<td>451</td>
<td>332</td>
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<tr>
<td>2005-06</td>
<td>11</td>
<td>10</td>
</tr>
<tr>
<td>2006-07</td>
<td>111</td>
<td>111</td>
</tr>
<tr>
<td>2007-08</td>
<td>115</td>
<td>90</td>
</tr>
</tbody>
</table>
Table 4(ii)

Budget

<table>
<thead>
<tr>
<th>Year</th>
<th>Funds released by the State Govt.</th>
<th>Expenditure incurred by the Commission</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-2001</td>
<td>24.80</td>
<td>18.29</td>
<td></td>
</tr>
<tr>
<td>2001-02</td>
<td>16.24</td>
<td>22.19</td>
<td></td>
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<tr>
<td>2002-03</td>
<td>26.00</td>
<td>29.50</td>
<td></td>
</tr>
<tr>
<td>2003-04</td>
<td>22.00</td>
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<tr>
<td>2004-05</td>
<td>20.91</td>
<td>20.68</td>
<td></td>
</tr>
<tr>
<td>2005-06</td>
<td>5.25</td>
<td>0.96</td>
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<tr>
<td>2006-07</td>
<td>10,50,677</td>
<td>10,50,677</td>
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<tr>
<td>2007-08</td>
<td>10.00</td>
<td>9,57,319</td>
<td></td>
</tr>
</tbody>
</table>

4.4 Special Constitutional Provisions in Haryana

Protection Against Sexual Harassment of Women:

Implementation of the guidelines contained in Supreme Court's order in the case of Sexual Harassment of Women at the Workplace and other institutions.

The Hon'ble Supreme Court in its order dated 13-08-1997 has passed an order laying down the norms and guidelines to be followed by the employers for tackling the incidents of sexual harassment of women at workplace and other institutions. The guidelines issued by the Supreme Court included setting up of a
complaints Redressal forum in all work places and amendment of the disciplinary
/conduct rules governing employees by incorporating the norms and guidelines.

The Chief Secretary Haryana has circulated the Supreme Court’s order to all Heads of Departments, Divisional Commissioners, Deputy Commissioner, the Registrar, Punjab & Haryana High Court with a copy to all the Financial Commissioners/Commissioners & Secretaries to Govt. Haryana and Member Secretary, Bureau of Public Enterprises for compliance.

In Haryana State Sexual Harassment Committees have been constituted in all Departments / Boards / Corporations and Universities and other State Public Undertakings in compliance of the directions of the Supreme Court.

However, the Judgement of Hon’ble Supreme Court is reproduced as under:-

JUDGEMENT

Verma, CJI.\textsuperscript{22}

This Writ Petition has been filed for the enforcement of the fundamental rights of working women under Articles 14, 19 and 21 of the Constitution of India in view of the prevailing climate in which the violation of these rights is not uncommon. With the increasing awareness and emphasis on gender justice, there is increase in the effort to guard against such violations; and the resentment towards incidents of sexual harassment is also increasing. The present petition has been brought as a class action by certain social activists and NGOs with the aim of focusing attention toward this societal aberration and assisting in finding suitable methods for realization of the true concept of ‘gender equality’; and to prevent sexual harassment of working women in all work places through judicial process, to fill the vacuum in existing legislation.

\textsuperscript{22} Vishaka & Others Versus State of Rajasthan Writ Petition (Criminal) Nos. 666-700F 1992.
The immediate cause for the filling of this writ petition is an incident of alleged brutal gang rape of a social worker in a village of Rajasthan. That incident is the subject matter of a separate criminal action and no further mention of it, by us, is necessary. The incident reveals the hazards to which a working woman may be exposed and the depravity to which sexual harassment can degenerate; and the urgency for safeguards by an alternative mechanism in the absence of legislative measures.

In the absence of legislative measures, the need is to find an effective alternative mechanism to fulfill this felt and urgent social need.

Each such incident results in violation of the fundamental rights of 'Gender Equality' and the 'Right to Life and Liberty'. It is a clear violation of the rights under Articles 14, 15 and 21 of the Constitution. One of the logical consequences of such an incident is also the violation of the victims' fundamental right under Article 19(1)(g) 'to practice any profession or to carry out any occupation, trade or business'. Such violations, therefore, attract the remedy under Article 32 of the enforcement of these fundamental rights of women. This class action under Article 32 of the Constitution is for this reason. A writ of mandamus in such a situation, if it is to be effective, needs to be accompanied by directions for prevention. As the violation fundamental rights of this kind is a recurring phenomenon. The fundamental right to carry on any occupation, trade or profession depends on the availability of a “safe” working environment. Right to life means life with dignity. The primary responsibility for ensuring such safety and dignity through suitable legislation, and the creation of a mechanism for its enforcement, is of the legislature and the executive. When, however, instances of sexual harassment resulting in violation of fundamental rights or women workers under Articles 14, 19 and 21 are brought before us for redress under Article 32, an effective Redressal requires that some guidelines should be laid down for the protection of these rights to fill the legislative vacuum.
The notice of the petition was given to the State of Rajasthan and the Union of India. The learned Solicitor General appeared for the Union of India and rendered valuable assistance in the true spirit of a Law Officer to help us find a proper solution to this social problem of considerable magnitude. In addition to Ms. Meenakshi Arora and Ms. Naina Kapur who assisted the Court with full commitment, Shri Fali S. Nariman appeared as Amicus Curiae and rendered great assistance. We place on record our great appreciation for every counsel who appeared in the case and rendered the needed assistance to the court which has enabled us to deal with this unusual matter in the manner considered appropriate for a cause of this nature.

Apart from Article 32 of the Constitution of India, we may refer to some other provisions which envisage judicial intervention for eradication of this social evil. Some provisions in the Constitution in addition to Articles 14, 19(1)(g) and 21, which have relevance are:

Article 15:

"15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth."

1) The State shall not discriminate against any citizen on only of religion, race, caste, sex, place of birth of any of them.

2) XXX X XX XXX

3) Nothing in this article shall prevent the State from making any special provision for women and children.

4) XXX XXX XXX

Article 42:

"42. Provision for just and humane conditions of work and maternity relief—The State shall make provision for securing just and humane conditions of work and for maternity relief."

Article 51 A:

"51.A Fundamental duties—It shall be the duty of every citizen of India, -
(a) to abide by Constitution and respect its ideals and institutions, ......

(c) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;

Before we refer to the international conventions and norm having relevance in this field and the manner in which the assume significance in application and judicial interpretation, may advert to some other provisions in the Constitution which permit such use. These provisions are:

Article 51:

"51. Promotion of international peace and security—The State shall endeavour to –

(c) foster respect for international law and treaty obligations in the dealings of organized people with one another; and
Article 253:

"253. Legislation for giving effect to international agreements
Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body."

Seventh Schedule:

"List I – Union List:

XXX XXX XXX

14. Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries.

XXX XXX XXX

In the absence of domestic law occupying the field, to formulate effective measures to check the evil of sexual harassment of working women at all work places, the contents of International Conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work with human dignity in Articles 14, 15, 19(1)(g) and 21 of the Constitution and the safeguards against sexual harassment implicit therein. Any International Convention not inconsistent with the fundamental rights and in harmony spirit must be read into these provisions to enlarge the content thereof, to promote the object of the constitutional guarantee. This is implicit from Article 51(c) and the enabling power of the Parliament to enact laws for implementing the International Conventions and norms by virtue of Article 253 read with Entry 14 of the Union List is Seventh Schedule of the Constitution. Article 73 also is relevant. It provides that the executive power of the Union shall extend to the matters with respect to which Parliament has power to make laws. The executive power of the
Union is, therefore, available till the Parliament enacts legislation to expressly provide measures needed to curb the evil.

Thus, the power of this Court under Article 32 for enforcement of the fundamental rights and the executive power of the Union have to meet the challenge to protect the working women from sexual harassment and to make their fundamental rights meaningful. Governance of the society by the rule of law mandates this requirement as a logical concomitant of the constitutional scheme. The exercise performed by the Court in this matter is with this common perception shared with the learned Solicitor General and other members of the Bar who rendered valuable assistance in the performance of this difficult task in public interest.

The progress made at each hearing culminated in the formulation of guidelines to which the Union of India gave its consent through the learned Solicitor General, indicating that these should be the guidelines and norms declared by this Court to govern the behaviour of the employers and all others at the work places to curb this social evil.

Gender equality includes protection from sexual harassment and right to work with dignity, which is a universally recognized basic human right. The common minimum requirement of this right has received global acceptance. The International Conventions and norms are, therefore, of great significance in the formulation of the guidelines to achieve this purpose.

The obligation of this Court under Article 32 of the Constitution for the enforcement of these fundamental rights in the absence of legislation must be viewed along with the role of judiciary envisaged in the Beijing Statement of Principles of the Independence of the Judiciary in the LAWASIA region. These principles were accepted by the Chief Justices of the Asia and the Pacific at Beijing in 1995 as those representing the minimum standards necessary to be observed in order to maintain the independence and effective functioning of the
judiciary. The objectives of the judiciary mentioned in the Beijing Statement are:24

"Objectives of the Judiciary:

10. The objectives and functions of the judiciary include the following:

(a) to ensure that all persons are able to live securely under the Rule of Law;

(b) to promote, within the proper limits of the judicial function, the observance and the attainment of human rights; and

(c) to administer the law impartially among persons and between persons and the State."

Some provisions in the 'Convention on the Elimination of All Forms of Discrimination against Women', of significance in the present context are:

**Article 11:**

"1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

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Article 24:

"States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention."

The general recommendation of CEDAW\(^{25}\) in this context in respect of Article 11 are:

"Violence and equality in employment:

22. Equality in employment can be seriously impaired when women are subjected to gender specific violence, such as sexual harassment in the work place.

23. Sexual harassment includes such unwelcome sexually determined behaviour as physical contracts and advances, sexually coloured remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the women has reasonable grounds to believe that her objection would disadvantage her connection with her employment, including recruiting or promotion, or when it creates a hostile working environment. Effective complaints procedures and remedies, including compensation, should be provided.

24. States should include in their reports information about sexual harassment, and on measures to protect women from sexual harassment and other forms of violence of coercion in the work place."

The Government of India has ratified the above Resolution on June 25, 1993 with some reservations which are not material in the present context. At the Fourth World Conference on Women in Beijing\(^{26}\) the Government of India has also made an official commitment, inter alia, to formulate and operationalize a

\(^{25}\) CEDAW – Convention on the Elimination of All Forms of Discrimination against Women.

\(^{26}\) Fourth World Conference on Women in Beijing.
national policy on women which will continuously guide and inform action at
every level and in every sector; to set up a Commission for Women’s Rights to
act as a public defender of women’s human rights; to institutionalize a national
level mechanism to monitor the implementation of the Platform for Action. We
have, therefore, no hesitation in placing reliance on the above for the purpose of
construing the nature and ambit of constitutional guarantee of gender equality in
our Constitution.

The meaning and content of the fundamental rights guaranteed in the
Constitution of India are of sufficient amplitude to encompass all the facets of
gender equality including prevention of sexual harassment or abuse.
Independence of Judiciary forms a part of our constitutional scheme. The
international conventions and norms are to be read into them in the absence of
enacted domestic law occupying the field when there is no inconsistency between
them. It is now an accepted rule of judicial construction that regard must be had to
international conventions and norms for construing domestic law when there is no
inconsistency between them and there is a void in the domestic law. The High
Court of Australia in Minister for Immigration and Ethnic Affairs vs. Teoh, 128
ALR 353, has recognized the concept of legitimate expectation of its observance
in the absence of a contrary legislative provision, even in the absence of a Bill of
Rights in the Constitution of Australia.

In Nilabati Behera Vs. State of Orissa, 1993(2) SCC 746, a provision in
the ICCR was referred to support the view taken that ‘an enforceable right to
compensation is not alien to the concept of enforcement of a guaranteed right”, as
a public law remedy under Article 32, distinct from the private law remedy in
torts. There is no reason why these international conventions and norms cannot,
therefore, be used for construing the fundamental rights expressly guaranteed in
the Constitution of India which embody the basic concept of gender equality
spheres of human activity.
In view of the above, and the absence of enacted law provide for the effective enforcement of the basic human rights gender equality and guarantee against sexual harassment abuse, more particularly against sexual harassment at work places, we lay down the guidelines and norms specially hereinafter for due observance at all work places or institutions, until a legislation is enacted for the purpose. The done in exercise of the power available under Article 32 of Constitution for enforcement of the fundamental rights and is further emphasized that this would be treated as the law declared by this Court under Article 141 of the Constitution.

**The Guidelines and Norms prescribed herein are as under:-**

**Having regard** to the definition of 'human rights' in Section 2(d) of the Protection of Human Rights Act, 1993,

**Taking Note** of the fact that the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time,

It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women:

1. **Duty of the Employer or other responsible persons in work places and other institutions:**

   It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

2. **Definition:**

   For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:
a) physical contact and advances;

b) a demand or request for sexual favours;

c) sexually coloured remarks;

d) showing pornography;

e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Where any of these acts is committed in circumstances where under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in government, public or private enterprise such conduct can be humiliating any may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage he in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

3. Preventive Steps:

All employers or persons in charge of work place whether in the public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:27

a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.

b) The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual

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27 Industrial Employment Act, 1946.
harassment and provide for appropriate penalties in such rules against the offender.

c) As regard private employers steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.

d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

4. Criminal Proceedings:

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular, it should ensure that victims, or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

5. Disciplinary Action:

Where such conduct amounts to mis-conduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

6. Complaint Mechanism:

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.
Complaint Committee:

The complaint mechanism, referred to in (6) above, should be adequate to provide, where necessary, a Complaints Committee, a special counselor or other support service, including the maintenance of confidentiality.

The Complaints Committee should be headed by a woman and not less than half of its members should be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

8. Workers' Initiative:

Employers should be allowed to raise issues of sexual harassment at workers' meeting and in other appropriate forum and it should be affirmatively discussed in Employer-Employee Meetings.

9. Awareness:

Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

10. Third Party Harassment:

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
11. The Central/State Governments are requested to consider adopting suitable measures including legislation to ensure that the guidelines laid down by this order are also observed by the employers in Private Sector.

12. These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993.

Accordingly, Haryana Government direct that the above guidelines and norms would be strictly observed in all work places for the preservation and enforcement of the right to gender equality of the working women. These directions would be binding and enforceable in law until suitable legislation is enacted to occupy the field.

4.5 Policies and Programmes for Women’s Empowerment

The Haryana government is committed to providing care, protection and development to women and children, has launched a slew of schemes to uplift the status of women in the state.

Haryana, which in 2001 was among the states with skewed sex ratio, has managed to reverse the trend through a combination of regulatory measures against female foeticide and affirmative action to change the situation of the girl child. The state which had only 861 females per 1,000 males in 2001, reached a tally of 877 females per 1,000 males in 2011.

The Women and Child Development Department plays an important role in ensuring the removal of the underlying causes of gender inequality through development of various norms and practices, building of awareness for changing social attitude and community practices on various issues besides running several schemes for the nutrition and general welfare of the women and children in Haryana.

There are many schemes started by the Haryana government for the benefit of women and girl children in the state.

(i) **Ladli**

Ladli scheme was started to fight out the problem of female foeticide and declining sex ratio. The scheme was launched by the Chief Minister, Bhupinder Singh Hooda on August 20, 2005. Under the scheme, a second girl child born on or after August 20, 2005 is given benefit of Rs. 5,000 per year for five years and the sum is invested in group scheme Ladli of Life Insurance Corporation of India and the matured amount of approximately Rs. 96,000 at the current rate of interest is given to the girl after completing the age of 18 years. The aim of this scheme is to combat the menace of female foeticide.

Under this scheme, 1,20,507 beneficiaries have been covered up to November 2010 since the inception of the scheme and a sum of Rs. 147.49 crore has been spent.

(ii) **Incentive Awards for the Improvement in Sex Ratio**

A district level award for improvement in declining sex ratio is given every year. Under this scheme, districts that show improvement in declining sex ratio and securing 1st, 2nd and 3rd positions are awarded Rs. 5 lakh, 3 lakh and 2 lakh respectively. During the year 2009-10, Jhajjar, Gurgaon and Faridabad districts have been given 1st, 2nd and 3rd award, respectively.

(iii) **Education Loan Scheme for Girls**

The State government has implemented the scheme of education loan to girls/women which is being looked after by Haryana Women Development Corporation. Under this, interest subsidy of 5 per cent per annum will be provided to encourage girls to pursue higher education at graduate/post graduate/doctoral/post doctoral level in the country and abroad. Under this scheme, loan has been given to 2,850 girls studying in different professional courses in various
universities of the country and outside the country, out of which 114 girls the studying abroad in different professional courses.

(iv) Awards to Rural Adolescent Girls

A scheme of awards to rural adolescent girls has been started to encourage them for pursuing higher education. Under this scheme, award of Rs. 2,000, 1,500 and Rs. 1,000 is given to those girls who pass their matriculation conducted by Haryana State School Education Board from schools in rural areas and secure 1st, 2nd and 3rd position, respectively. As many as 1,881 girls have been given awards and an amount of Rs. 27.99 lakh has been spent under this scheme up to November, 2010.

(v) Best Mother Award

Best Mother Award scheme was started from the year 2005-06 to encourage women for proper rearing of their children, especially the girl child with a view to improving their nutritional and health status. Under this scheme from each circle and each block of Integrated Child Development Scheme (ICDS), three mothers having at least one girl child are selected for 1st, 2nd and 3rd prizes, who are given prizes of Rs. 1,000, Rs. 750 and Rs. 500 respectively at block level and Rs. 500, Rs. 300 and Rs. 200 respectively at the circle level. A total of 12,126 mothers have been given awards and a sum of Rs. 105.54 lakh has been spent from 2005-06 to November, 2010.

(vi) Kishori Shakti Yojna

The scheme has been implemented in the state for improving the health and nutritional status of adolescent girls in the age group 11-18 years and to train and equip them to improve home based and vocational skills and to promote awareness about health, hygiene, nutrition, home management, child care etc.

This scheme was earlier implemented in 85 ICDS projects and now the scheme has been expanded to 128 ICDS projects. Services under the 128 ICDS
projects. Services under the scheme are provided through formation of Balika Mandals for six months in 10 per cent of aanganwari centres. As many as 1,742 Balika Mandals have been formed till date. The girls are also provided supplementary nutrition @ Rs. 5 per girl per day. Under this scheme, about 32,717 girls have been provided supplementary nutrition and training per year.

Under this scheme, a sum of Rs. 2,225.5 lakh has been spent from March 2005 to November 2010, out of which a sum of Rs. 1857.13 lakh has been spent on supplementary nutrition provided to adolescent girls.

(vii) Sports Meet for Women

To encourage the girl child for coming forward in sports, the scheme of Annual Sports Meet at block level was started from the year 2005-06 and district level sports meet was also started from 2006-07 under which three prizes of Rs. 1,000, Rs. 600 and Rs. 400 for each event are given to winners in each district for securing 1\textsuperscript{st}, 2\textsuperscript{nd} and 3\textsuperscript{rd} position, respectively. Now, it has also been decided to organize annual state level sports meet in which winners holding 1\textsuperscript{st} position at district level in all the events will participate and 1\textsuperscript{st} prize of Rs. 3,100, 2\textsuperscript{nd} prize of Rs. 2,100 and 3\textsuperscript{rd} prize of Rs. 1,100 will be given. Participants will be given Rs. 500 in the annual state level sports meet.

(viii) Protection of Women from Domestic Violence (Setting up of Cells)

As per provision of the Protection of Women from Domestic Violence Act, 2005 and Prohibition of Child Marriage Act, the state government has appointed Protection cum Child Marriage Prohibition Officers at district level. One consultant has also been appointed at state headquarters for the proper coordination and effective implementation of PWDV Act. Twenty six providers like Haryana State Social Welfare Board, District Red Cross Societies, District Child Welfare Councils, have been selected for providing necessary assistance to the aggrieved persons in the state. All government hospitals, PHCs and CHCs
have been made for providing medical facility and three shelter homes have also
been made for providing shelter to the needy women under this Act. During 2009-
10, these officers have dealt with 3,504 complaints of domestic violence; out of
them in 1,668 complaints Domestic Incident Reports (DIRs) have been recorded.
Under this scheme, a sum of Rs. 173.84 lakh has been spent from the year 2007-
08 to November, 2010.

(ix) **Awards for Women**

The Women and Child Development Department has introduced three
awards to honour women in the state – Indira Gandhi Mahila Shakti Award of Rs.
1 lak, Kalpana Chawla Shaurya Award of Rs. 51,000 and Bahin Shanno Devi
Panchayati Raj Award of Rs. 51,000.

(x) **Scheme for Relief and Rehabilitation of Women Victim of
Acid Attacks**

This scheme has been approved by the Chief Minister, Haryana, under
which Rs, 25,000 will be given as interim relief and 100 per cent cost of medical
treatment would be borne by Women and Child Development Department.

(xi) **Integrated Child Protection Scheme**

This scheme has been implemented in the state w.e.f. April 1, 2005. This
scheme primarily focuses its activities on children in need of care and protection
and children in conflict and contact with law. The following child protection
programmes are being covered by ICPS.

1. A programme for Juvenile Justice for Children in need of care and
   protection of children in conflict with law.

2. An integrated programme for street children to provide non-formal
   education, recreation, counseling etc. to children without homes and
   family ties.
3. Scheme for Assistance to Homes for Children (Shishu Greh) for care and protection of orphan/abandoned/destitute children up to 6 years and promote their in-country adoption.

(xii) **Working Women Hostels**

Working women hostels provide safe accommodation at economical rates to working women. A total of 18 hostels are being run at Ambala, Karnal, Gurgaon, Sonipat, Faridabad, Rohtak, Kurukshetra, Sirsa, Rewari, Bhiwani, Hisar, Jind, Jagadhari, Panchkula, Maharshi Dayanand University, Rohtak and Guru Jambheshwar University, Hisar by the Red Cross Society and various institutions and agencies. One working women hostel is under construction at Meham and four proposals are under consideration of Government of India. A sum of Rs. 11.40 lakh has been given to different institutions from March, 2005 to November, 2010.

(xiii) **Constitution of Village Level Committees of Women and their Governance with PRIS**

Integrated Child Development Services’ Programme has been decentralized and made community driven. The state government has set up village level sub-committees of women to facilitate implementation of programmes pertaining to development of women and children. The village level committee comprises of all women panches, three educated adolescent girls, mahila mandal pradhan, president of self help groups, representative of war widow/widows of ex-servicemen/educated widows, social activist, school lady teacher, ANM, ASHA, President of Sakashar Mahila Samooh and aanganwari workers. Woman sarpanch or woman panch nominated by the gram panchayat heads the committee. About 6,280 village committees have started functioning.

Steps have been taken for empowering and activating these committees:
- Holding the meeting at block/circle level to aware the members of Village Level Committee (VLC) and Sakshar Mahila Smooohs (SMS) about their powers and responsibilities in implementation of the programme.

- Ensuring the meeting of VLCs on regular basis and changing the convener of the VLCs on rotation basis to strengthen the active participation of all members.

- To provide utensils for preparing and serving the supplementary nutrition wherever required out of the contingency fund available with the VLCs.

(xiv) **Sakshar Mahila Samooh (SMS)**

A rural registered NGO named “Sakshar Mahila Samooh” (SMS) has been formed by the state government. This consists of a group of educated women in every village that lends the necessary resource support to the Gram Panchayat and its sub-committee for effective discharge of the functions assigned to them. SMS generates awareness on key issues of sex ratio, literacy, universalization of elementary education, health and nutrition, opportunities for economic empowerment of women, hygiene, sanitation and environment and schemes run by the government for women, girls, children and village community.

(xv) **Financial Assistance to Voluntary Organizations**

Financial assistance in the form of grant-in-aid is provided to voluntary organizations/semi-government/welfare organizations/training and research institutes operating in Haryana state which may render welfare services to women, children and adolescents. A sum of Rs. 582.86 lakh has been released to 298 NGOs from March 2005 to August 2010 to run various training projects for women and conduct awareness generation activities.
(xvi) Specific Scheme to Curb Anemia

A Specific Scheme to Curb Anemia amongst women and children in the state is implemented by the state government under which nutritional supplements i.e. iron and folic acid tablets and deworming tablets are provided to all children up to the age of 18 years, pregnant and nursing mothers and adolescent girls.

(xvii) Surakshit Bhavishya Yojna

‘Surakshit Bhavishya Yojna’ has been started by the state government for the welfare of aanganwari workers and helpers. Under this scheme, Rs. 100 is invested in LIC every month, out of which Rs. 83 is in the form of saving and Rs. 17 is as risk premium, for an aanganwari worker and helper who has completed one year of her service on January 1, 2008.

Under this scheme, Rs. 50,000 will be given to aanganwari worker/helper on her sudden death in terms of insurance and accumulated amount of savings i.e. Rs. 83 p.m. will be deposited every year, which will be given to her with interest at the age of 60 years.

4.6 Empowering Girls through Higher Education

Gone are the days when girls were not allowed to receive education along with their male siblings. But things have changed a lot.

There are 16 government colleges, 34 government aided colleges and 20 private colleges in Haryana which are exclusively for girls. Then there is no shortage of professional colleges for girls in the state. There are nine universities and large number of colleges in the state. There are well-built hostels with all the modern amenities in all the colleges and universities. Separate mess and canteen facilities are available for boys and girls. Hostel facilities have played an important role in increasing enrollment of girl students.

29 Empowering Girls through Higher Education: Hindustan Times, New Delhi, April 20, 2011
Chief Minister Bhupinder Singh Hooda said, “The government is committed to making the state an education hub.

North India’s first women university named after great educationist Bhagat Phool Singh and been set up in rural area of Khanpur Kalan in district Sonepat and now a medical college too is being set up there to inspire women living in rural areas to take interest in medical education.” It is one of the initiatives taken by the government of Haryana to empower women in the state. The university has various affiliated colleges under it that impart education and training in professional courses.

The Haryana government is trying to empower the female students and nature talent amongst girls through various schemes. A scheme was started in the year 2005-06. Under this scheme, women cells have been established in all the government colleges of the state to organize various activities to create awareness among students on gender related issues.

Earn While You Learn scheme has been running successfully in the state to provide incentives to students. In this scheme, a student can earn up to Rs. 1,200 per month.

Haryana Scheduled Castes and Backward Classes Welfare Department under ‘Anusuchit Jati Chatra Uchh Shiksha Protsahan Yojana’ give scholarships raging from Rs. 5,000 to Rs. 14,000 to beneficiary students of science, commerce, technical and vocational courses for getting higher education. Similarly, universities in the state are also providing various opportunities to the underprivileged through various schemes so that they can also have access to higher education.’

The state government has introduced merit scholarship scheme for under graduate girl students. Under this scheme, scholarship is awarded to the girl students, who after passing 10+2 class with at least 60 per cent marks, were studying in any government institution and pursuing general degree course to the
government colleges. The amount of scholarship was Rs. 3,000 per student per annum. As many as 4,676 girl students have so far been benefited under the scheme.

For higher education, the state pays 5 per cent of the interest on any educational loan to a girl for education in India or abroad. This initiative taken by the government will help in reducing interest and will motivate parents to send girls for higher education.

Anupama, a lecturer from Sirsa, says, “There is no dearth of talent among the girls and the need of the hour is to make best possible use of their skills in imparting quality education to them.”

There are more female students in the post graduation courses in most of the universities. Girls are excelling in various fields. Extra-curricular activities are conducted regularly to enable students to discover and hone their skills in different fields. The students are also encouraged to get involved in sports activities.

Samita, a post graduate student from Kurukshetra University, says, “The change is definitely coming and it is positive. The large number of girls’ colleges in the state clearly shows that now more girl students are getting higher education. The parents are now equally responsible for their daughter’s education.”

Haryana’s Department of Higher Education has introduced computer education in almost all government colleges of the state which open employment opportunities to girl students.

Government is doing a lot to provide higher education to girls, but government efforts alone are not enough to bring in the desired change in society. There is need for people to broaden their horizons regarding various issues pertaining to girls.