CHAPTER SEVEN

THEME TWO

GOING THROUGH THE INQUIRY AND COMPLAINT COMMITTEE FUNCTIONING

This theme gives insights into experiences of going through disciplinary inquiries and functioning of complaints committees constituted as per the Supreme Court Vishakha guidelines (1997). This is primarily done through the eyes of women who reported sexual harassment. They went through the inquiry process and experiences complaint committee functioning. Additionally it includes experiences complaints committee members including chairpersons, NGO representatives functioning as external members, lawyers and trade union members.

1. Women who Reported Sexual Harassment

A felt the inquiry was intruding in her daily life. Every morning she was called by the inquiry officer and cross questioned about her personal life.

Every morning the inquiry officer used to call me. It was quite bothering. She called me several times to have assessment of the case. However it did not serve any purpose. I was called several times for inquiry. They asked me about my personal life. It is my personal life. Why should I disclose? I said that everything is alright in my family. My husband and child are good. I have a good family life. If I would have disclosed about my divorce they would have capitalised on it. At that time I had filed for divorce. I hid about my personal life to get the justice. One of my colleagues told me that if you want justice do not tell them about your personal life. Otherwise it will affect the entire thing. When the inquiry officer did cross examination with me she asked this question several times. What is your husband doing? What you did last week, yesterday and today? Did you go out anywhere? How you are feeling now? I told her that we often go out on weekends and that I was perfectly alright. They had cross checked it several times.

The inquiry officer asked me what harassment he did to me. She kept calling me to check whether I was changing my statements. They were doing my mental status examination like a patient. She did that by calling me at least eight to nine times. Finally she told me that he was called by them. He had
denied all the allegations as usual. He was not agreeing. She asked me if I wanted to have a confrontation. I told her that I did not want to talk to that man. Why should I have confrontation with him again? I had already done it once in public and I did not want to repeat it again. I did not want to be taxed again emotionally.

Then she asked me that what did I think what punishment should be given to him? I told her that it was not my job to decide the punishment. My job was to complain and inform the authority. It was up to the authority to give the punishment if it was proved or whether he should be let free. I gave her this plain answer. She was a smart woman. She was trying to figure out if I had complained for taking revenge. However it was good that I answered her in a sensible manner. She asked me go and then called me again once for the last time. She told me that they gave him a warning. It was done by the dean and by her. He was told that he was forgiven this time. However these things should not be repeated. If any complaint is given in future by me or by any other woman he would be out of the system. She told this to him strictly and firmly. Then the matter was closed.

The inquiry officer came across to her as arrogant to her. She did not know the way to deal with the case. She did not understand her pain, agony and the reason behind her complaint. She complained because his behaviour caused stress to her and she was not able to deal with the situation.

B

B says preliminary inquiry (PE) was done by senior officer. They were not informed about the procedure of the inquiry and her authority to do so. She did the PE in a question and answer format. There were general questions common to all and some based on specific instances of harassment to each one. Nature of the questions was direct, objective and leading. It took half day with each one of them. She did not ask them what happened exactly. Only towards the end she asked to state anything they wanted to in addition to their answers.

We were not told that the inquiry was about sexual harassment complaint. She told us that it was with reference to our complaint to the head of the organisation that we were to appear before her. We did not know about the way she would be inquiring into the complaint and her authority to do so. There was no view taken about the complaint as that of sexual harassment. If it was to be done it could have been determined from our answers. She did not ask about the impact of his behaviour on us. She asked us a direct question; whether it was a gender issue? It was wrong on her part to ask such a question to the complainant directly and base the inquiry on the answers given by us. It should have come as the conclusion of the inquiry. It is because of that question we felt that may be they were trying to divert the issue.

B and her colleagues obtained report of the PE under the Right to Information Act, 2005 and to their surprise it took two years for it to conclude. It was mentioned in the report that gender was used by him and that some of them collapsed due to its impact during the PE. The inquiry officer linked the harassment to the politics in the department. She stated that B and her colleagues suffered because of it.
In the report she ignored incidents of sexual harassment that took place prior to the politics in the department and his general behaviour in the office. She concluded the inquiry by stating that he refused to appear before her stating that she was junior to him and that she was a woman. PE report was sent to the HR manager. However there was no move from the HR manager for two years.

Due to no further movement on part of our organisation, we approached the NCW because nothing was happening in the case. After suffering for two years we had no recourse but to approach the NCW. NCW sent letters saying that the organisation needs to take action against the complaint under the regulation. Copies of the letters were marked to us. After the preliminary inquiry report was put up to the chairman, he ordered action. This was backed by two-three letters and reminders from the NCW.

Since the preliminary inquiry report was in a question-answer format it could not be used for issuing charge sheet. The HR manager recorded fresh statements and issued chargesheet to him.

After the charge sheet was issued to him, HR Manager realised that the charge sheet was not framed properly. It did not contain the sexual harassment charge. It was our basic complaint. A revised charge sheet was framed. It was again delivered to him with difficulties. Then the inquiry process started. It is only when the sexual harassment was included in the charge sheet that the complaint was handed over to the complaints committee. Otherwise earlier it was not going to be so. This happened because of the intervention of the NCW. In of their letters they mentioned that the charges fell under the definition of sexual harassment and the organisation needed to take cognisance of the same. It is that time that it was decided that the complaint would be given to the sexual harassment complaints committee.

The committee followed the service regulation and the procedure was that of department inquiry (DE). It was not easy. B says though the department inquiry procedure was lengthy and time consuming, it could not be challenged in the court of law since the principles of natural justice were followed well in it. B suggests that statements should have been recorded initially because with passing time there could be loss of information due to wear and tear of memory. This could prove to be advantageous for the man. She said….

In these inquiries there are better chances of truth coming out like the butter which is extracted by beating of the buttermilk. Some procedures in the inquiry could be shortened. Scope of the inquiry should be well defined in terms of number of witnesses and documents to be examined and the period to be covered. Otherwise there are decisions in the favour of the charged officer on the pretext of the natural justice. If the inquiry is well defined it can done within a time frame. There should be well defined guidelines for both the presenting officer and the defence assistant regarding the nature of questions to be asked during the inquiry. By doing this certain irrelevant and character assassinating questions can be avoided. Both of them should be made well aware about these guidelines instead of allowing the question, recording it and then making a decision to disallow them. An undertaking could be taken from both about the same with an aim to save time.

There is a possibility that the complainants could be carried away while recording their depositions before the committee. This may bring certain irrelevant things in their statements. They can move
beyond the scope of the inquiry and this may cause loss to them too. It is for this reason that the complainant should be made aware about the scope of the inquiry and that her say should be that context. It is necessary that the complainant is made aware about the provisions of sexual harassment. Mostly we do not know that this harassment can be understood as sexual harassment. Moreover it is not necessary that the complainant will remember the provisions and speak accordingly. It can be part of the set procedure where both the parties are told about the provisions including definition of sexual harassment. It could be useful to both.

She added that time limit set needed to be set for the cross examination. As a person going through the inquiry she felt harassed due to cross examination, re-examination and re-cross examination which made her revisit the trauma and remember the incident repeatedly. Since number of non active members within the committee was more this was a point of disadvantage to the committee as it created pressure for the active members. The procedure was long and the proceedings went on for the entire day it was not possible for the members to be attentive all the time. As a result certain crucial aspects were missed out and members who were not active may have given their decisions on the basis of hearsay or on the basis of impressions which could lead to invalidating the entire inquiry.

Procedure was done in English language and all members were not able to understand the same. It was eight members committee because the organisation wanted to include persons from all levels. It was a large committee according to her. She says that it was a serious issue that three members in the committee showed awareness about social issues while others were not active. None of the members except the NGO member had idea about the work process and thought that the inquiry could be disposed hastily. Later they realised the gravity and they supported the active members by disallowing certain questions seeing the complainants collapse during the inquiry. The procedure generated good documentation in the form of recorded question-answers and daily order sheets to be used as a reference point. The report became full proof as a result of the DE procedure. According to her the disciplinary authority would not be able find a reason to refuse it. They would need to give reasons for refusal or change in the report.

C

There were three enquiries on the complaint of C. First was done by the Mumbai office and second one by the management of the parent company abroad.

When I had complained to the director, he reported to the managing director of the company. People came down from other city to Mumbai for an inquiry. They had called me and his PA too. He was called for the inquiry. I do not know what was asked to him. After this, one day I was called and told that he was shifted along with his PA to other place and his cabin was changed. It was seen that we did not interact with each other and my reporting was changed. Twice the management proved that he was guilty. Inspite of that management did not give justice to me.
I wrote to the overseas office too. Management called me for the investigation at a five star hotel. I went there with my husband. They called all the people there. They carried out the investigation. They found him guilty and they asked him to resign from the post. As per the code of conduct of the company, it is a serious misconduct. He was about to retire. However, he was asked to resign immediately on the instance of that committee. I asked for the report but, until today the committee has not given the report. As per the code of conduct, they formed a committee and people came for investigation from abroad. They came from far and spent so much money but they did not give me their findings. My advocate wrote a letter to them asking for the inquiry report. However, they have not served the report.

Indirectly we came to know that, he was found guilty and he was asked to resign immediately. In the latest inquiry, I asked him the reason for his resignation to which he answered that he did so because of his old age. I came to know that he working elsewhere. He immediately joined in some other company.

After that man resigned from the company C should have been reinstated however that did not happen. C therefore pursued the case. On the direction given by the Women’s Commission, C says company formed a committee as per the Vishakha guidelines. The committee consisted of two external practicing lawyers and one man as the external member.

The personnel manager too was sitting there in that meeting. He was there in the department inquiry too. I was surprised to see him there. His name is there in the FIR filed by me. When an FIR is in his name, how that person can sit in the inquiry? I objected in the department inquiry too. However, nobody said anything because he was acting as the management representative. I thought that I should not be alone for the inquiry. An advocate should accompany me. I have a case going on in the labour court. I went to him to take advice as the company suspended me without my mistake. Immediately he filed a case in the labour court. That advocate gave me contact of a female advocate who could accompany me at the time of the inquiry. In the second sitting, I went with an advocate but they did not allow it. They took objection and sent the female advocate back. Then I attended the inquiry alone.

The chairperson gave the inquiry procedure in writing but she did not follow it. C produced some eye witnesses before the committee and recorded conversations which proved sexual harassment from the time it began. However the committee did not take that seriously. They gave a report against her.

It was eyewash in favour of the management. Management used to bring the committee members in a car and give them food for the whole day. The committee members were made to sit like God by the management. Chairperson was acting as if she was from the management staff. She was not coming across as an independent person. She was very corrupt. I could make that out by talking to her. The committee members were not bothered and careless. I could make out that it was eyewash. They were doing it just because they were told to do it. This I am saying from my daily observations. They were not active and there was no seriousness. When I asked the external member his qualification, he was not ready to answer about his qualification, whether he was an advocate. They were neglecting it. They were not ready to tell anything. I thought since it is a sexual harassment case, a woman should be there. However, the external member here was a man. I thought how I could discuss with him. He came across as a fresh boy. He did not look experienced and he was not talking at all. He was sitting as an external
member for namesake. Then I raised the objection that at least change the external member. He never spoke anything during all the days. He was just sitting in the corner. He was having coffee and biscuits. In between, he used to order for juice and lassi. He remained silent and he was of no use.

Both company and the High Court did not listen to her objection and request for changing the external member. She observed that he never contributed to the proceeding therefore he was of no use to her. He just sat in the corner for namesake. C found that the chairperson was in a hurry to finish the inquiry. The committee was careless though the High Court set a time limit for finishing the inquiry. They gave a break of one month since one of the lawyers went to her village. C was made wait there by the committee from morning till 6.30pm in the evening. She found it difficult as the office was situated in a corner of Mumbai. The area became deserted in the evening. Yet she cooperated with the committee since she needed justice. She says that attitude of the committee was that of indifference.

The chairperson did not know how to type and her English was poor. She was supposed to dictate to the steno. She did not know the way to dictate too. That man used to help her. Then I raised an objection saying that how he can help you dictate. He was telling her. It was as if he had appointed those three persons as committee members. It was going on in that manner. Attitude towards inquiry was not serious. I had recorded his conversations. It was not just oral complaint. In addition, his PA was the main eyewitness, which I brought in front of the committee.

Even then, the report was negative and everything has gone bad because of it. It was a wrong report. For them it is just one report. The company paid money to them. I had many witnesses. His PA was the eyewitness to the sexual harassment and the union people were there as witnesses. They confirmed that the sexual harassment was happening for many years. They told the committee that the character of that man is bad and whole factory knows about it. It is known the way he looks as the female suppliers who visit the purchase department of the company. The only witness from the side of that man was one of his male subordinate. If the committee members had taken the witnesses and the records seriously, they would not have given a report against me. I can say that in spite of giving proofs and evidence the report went wrong. No purpose was served by the Vishakha committee. I am not sure, anybody follows the Vishakha guidelines. I have recorded his voice and it has been transcribed by the police. That copy we gave to the committee. Even then, they are saying that sexual harassment has not happened. External member should have looked into the matter thoroughly.

D

Bank constituted a complaints committee consisting of eight members.

Complaints committee was constituted by the bank after one month. It had eight members. I was not told the names of the members. One was a man while all other members were women. I am not sure if the complaints committee had a NGO member on it. They told me that a NGO was there in the committee. The committee had a psychiatrist. I met the committee only once. They asked me tell whatever had happened. They asked me only question whether I had any evidence with me.
Chairperson of the complaints committee was from the CSR department. She spoke to me lovingly. Attitude of other members is not known to me because they did not speak during the hearing. Complaints committee told me that they would check and that I should take rest. The committee concluded that it was not a case of sexual harassment but rude behaviour.

D learnt that man about whom she complained was not given promotion. The work that he was doing was taken away from him. The assistants who were working under him were taken away. It was documented in his confidential record.

Case of E

I was not given any papers. When the inquiry began, my work was taken away from me and handed over to my juniors. This made the juniors automatically go in the favour of the seniors. I was made to sit in the office without work. When I fought with the office, I was given work of extremely low level (that of a clerk). The temporary clerks appointed on daily wages were given important work. When I asked for information under the Right to Information Act, 2005 the office wanted to transfer me.

On the first day of the inquiry she was accompanied by the union leader. However the committee did not allow him to be there. Committee members told her that apart from her no one else could be there for the inquiry. Since the union leader had prepared her say, she was not prepared for the inquiry. On her request the committee told her that they would seek permission from the head office for the same. She wrote to the committee and chose to keep away from the inquiry until they gave a proper decision. The committee rejected her request in writing.

She informed the committee members that she did not receive some papers such as report of the first inquiry by the officer and papers submitted by that man. She needed those papers and some days to prepare on the basis of those papers. As part of the inquiry proceedings the committee recorded her say and asked some questions which went on for four-five hours. That man was called the same day and for the next day too.

NGO member was not present on the second day. Proceedings of the second day were repeated in the presence of the NGO member on my demand. After that the committee gave its report. I observed that until my say was recorded the attitude of the committee members was nice towards me. The attitude was fine because of the presence of the NGO member in the inquiry. On the second day of the inquiry when the NGO member was not present they made me wait from morning to evening. I was not called even once by the committee during the day. The committee called at me about 5.45pm in the evening. Committee members told me that many of my points were struck off in his arguments by the respondent. I asked them about the absence of the NGO member. They told me that the NGO member was not present. Further, the chairperson of the committee told me that the irrespective of what the findings of the inquiry may be there is a possibility that either you or the respondent will lose the job. She should not have said to me as I felt that this was a clear attempt to demotivate me.
When I asked the chairperson about the replies given by the respondent, the chairperson told me that she would be unable to tell those to me. However, the minutes of the meeting the chairperson mentioned clearly that I was given understanding about the clarifications given by the respondent. I told her to delete that point from the minutes, as she had not given information to me. On this, she changed it to that I was given brief idea about the clarifications given by the respondent. Actually, she had not given any understanding or idea about the reply of the respondent. She was worried that if she did so, I would ask her certain questions which would put her in a problem. That day she kept the report and left without speaking to me. It is only because the presence and pressure from the union leader the committee handed over the written reply given by the respondent and other relevant papers to me. Otherwise, they were not willing to do so. Union leader told the committee that the case could not progress until the papers were given to me.

Then the committee issued the report.

The committee members never understood their role. They did not register their conclusions about the charges made by me against the respondent. They ignored that earlier part of the process where the woman officer who did preliminary inquiry did injustice to me and because of which I was transferred. They should have looked at it in the sense that it to ensure that it should not happen again and their action about the same as a complaints committee since this was a component of the overall issue of sexual harassment. They said that they were not related to it. I made repeated requests but they ignored it. They could not prove the false charges put upon me by the respondent but they did not record that those allegations were not true. Witness statements from my side because of which the respondent could be proved guilty and could be trapped were not mentioned in the report. They have omitted those witness statements. I am continuing my fight for these reasons.

Staff members have been officially bribed and given financial gains by setting aside rules. I had given the proofs to the committee. However, the committee has not mentioned about a single paper in their report. These staff members hid the truth even when they were aware about it. Some of them in their statements have made remarks on my knowledge, behaviour and my intelligence and the committee has mentioned the same in the report. This was completely unrelated. Employees were silenced. Women staff members have hidden the truth and the men staff members have made remarks on my behaviour etc. This was mentioned by the committee in the report. I was not informed whether punishment was given to the respondent or not. The respondent was transferred on promotion. Office took utmost care that his reputation was not damaged.

She says that that man commented on her performance at work with an aim to shift the focus of the inquiry from sexual harassment to other issues. As a result of this the committee members spent hours together to find out if she did any mistake in her work. They set the issue aside when they were unable to find any fault with her work. Yet the committee ended up in recording incorrect conclusions which were sent to the head office.

They have written that the respondent is good. I had told them that how I was sexually harassed and what respondent did to get privacy with me. However, they have did not write these things in the report and hid the facts. Witness statements given by the witnesses of the respondent mention that I
used to wait late in the office. This in a way confirms the fact that I was made to wait late in the office by the respondent. However, the committee has not mentioned this fact in the report. On the contrary, they have said that I did not wait until late in the office. The committee has misguided the head office by writing such incorrect conclusions.

Procedure followed by the committee was not proper since E was not chance to give explanation to the points highlighted by that man via cross examination. She demanded cross examination in writing but there was no reply to it from the committee. There was no cross examination of the witnesses too and their statements were only maintained in the file. Loopholes were kept by the committee to save the man in case E moved the court. She requested the committee to help her procure certain documents that she needed for the inquiry since the office people were not cooperative with her. However, the committee refused help saying that it was none of their concern and that she should get them on her own.

Since, I kept demanding various things such as presence of the NGO, papers etc. The complaints committee labelled me in a negative manner as pushy and ruthless woman. The questions asked by the NGO member were relevant for preparation of a case. When I got the copy of the report, I saw that compared to the other members the questions asked by the NGO to the respondent were useful for focusing on the case. NGO member tried her best and played the main role in the inquiry. Whatever little control existed on the committee was that of the NGO member. If not for the presence of the NGO member, the committee would not have registered the presently written conclusions too. In one of the letters intimating me about the date of the inquiry, the committee mentioned that I should bring robust proofs. The committee should have common sense that in sexual harassment cases generally there is no strong proof. However, they lacked common sense. The committee did not make use of the strong proofs that I produced before them. Then why did they ask for it?

E says that the complaint committees need to be controlled in some manner. The committee in their report did not mention about the impact sexual harassment had on her and gave her no sympathy which she expected. At the time of conclusion of inquiry the committee asked her if she wished to meet that man for settling the case to which she refused. She says that the questions asked by the NGO member were relevant to the case compared to those asked by other members. NGO member tried her best and played an important role in the inquiry. It was only because of the NGO member that there was some control on the committee otherwise they would not have registered the presently written conclusions too.

One of the consultants to the administration remarked that there were lacunae in the inquiry report and it was clear that sexual harassment happened. He suggested for a department inquiry. However the office closed the case after giving warning to that man. Complaint committee inquiry was a farce because the committee gave report on the
basis of their preconceived notions about her. They helped the man since they were pressurised by the head of that
department. She wanted a department inquiry to be held against him.

The officer who took charge after the transfer of the respondent tried to trouble me including all those
people who supported me. We were harassed in various ways such as cutting our allowances and
keeping the bills pending. Two- three peons were always around me to keep a watch on my activities.
Whenever, I made a phone call they kept eavesdropping my conversation. Finally, I used to stand in
the middle of the office ground and speak on the phone. While the inquiry was in progress, the
executive engineer had offered that I should end the matter by arriving at a compromise with the
respondent. Anonymous letters about me were sent to the head office. This continues even now. The
letters said that there was something doubtful about my promotion. This proves that the office is
challenging my merit. Since, I was giving quality performance office could not do anything against me
and they could not trap me in any point related to office work. However, it is not necessary than every
woman who might complain of sexual harassment may be perfect in her work and she can be trapped
in this confusion.

I was under mental tension and suffered from insomnia. It affected me both physically and
psychologically. I had to visit a gynaecologist for treatment. I felt restless, unable to concentrate and
make decisions. I think that sexual harassment of women by men will never stop. It is important for
the management to ensure that a woman receives protection once she complains of sexual harassment.
The complaints committee and the office should reply to the correspondence she does in this context
and they should help her out. Negative attitude should not be there. She may be pressurised in this
context, office should find ways to cooperate with her. In addition, it is important that the office should
avoid delay as it reduces the seriousness of the case and the witnesses become hostile. As in the
common in the criminal courts, pressurising tactics are especially seen in the government offices.
Woman is unable to do anything if the proofs and evidence is destroyed. Half the members of the
complaints committee should be men because they are able to understand problems of women better
than women. This is my experience.

G

G says that due to the intervention of the women’s organisation she was called for a meeting by the committee.
She received the intimation letter on the day of the inquiry. The meeting was held at the office of the NGO
member. The complaints committee did not do a formal and proper inquiry.

Chairperson of the complaints committee was not present at the time of the inquiry. The complaints
committee was appointed for namesake to make sure that the matter should be reported anywhere
outside the organisation. They generally wrapped up the case and throw it in a dustbin. Actually,
obody knows anything about the inquiry, how it is to be conducted etc. I was never called for the
inquiry formally. That day I was on a casual leave and when I went to the school by chance.
Committee members just caught hold of me. I found that the complaints committee members were
trying to scare me and tell me that once you take up a job with the organisation you should be
prepared for corruption and sexual harassment. It is normal and you should ignore it. It is because of
this attitude of the complaints committee members, I did not get justice.
The NGO member asked me whether my husband had relationship outside marriage. I was under depression and when such a question was asked it could destroy my family in such a situation. I told her that if it was so then I would not have come here. I would have also done the same.

G did not expect such a question from the NGO member. This put G in a delicate and depressed state of mind. Her family was affected because of her state of mind. Questions asked should have been relevant to the inquiry and in an understanding manner moreover not about her personal life. G points out, were those questions asked to that man? Why they were asked to her? She was suffering already and such questions came to her. Focus of the organisation was on work and transfer.

During the inquiry, one of the members said that even as we walk on the road we are pushed. To this, I replied that it does happen but the sense is different and that time we know the feelings. Nobody focussed on the harassment and on the man who harassed me. I did not know what happened to the inquiry. I have not received a letter until today. If things are like this then no woman will come forward to complain. These people on the top try to suppress the person who puts in a complaint. I got an impression that the complaints committee too was trying to wrap up the matter. The committee did not give me copy of minutes.

She felt people at the top suppressed her and the way it happened with her then no woman would complain of sexual harassment. After some months when her husband wanted to know status of the inquiry he was told that it was incomplete since there were many cases pending.

H

After having spoken to different levels of HR, right up to the Asia Pacific HR head, finally a complaints committee was set up as per Vishakha Guidelines. They scheduled a meeting four months after my complaint (and resignation from the job). It comprised of all women who are part of the senior management team, a female NGO member and the head, legal Affairs as the only male member. In the first hearing, after hearing me and the culprit out, and after we both handed over whatever evidence we had, we were warned not to mention this to anyone. Further, we were told that if we spoke to the witnesses about this, the proceedings would be stopped, and the case would be dismissed. After I doggedly followed up with the committee, they got back with the witness statements etc after five months of the first hearing. I lost interest, because I realized it was almost a year since I had resigned and I ought to concentrate on my life ahead, and therefore I didn’t pursue it any further.

H felt the inquiry process only encouraged men to harass women and left them with confidence that they could get away with harassment whereas the women would suffer.

The inquiry process was completely useless, and if anything I feel it only encouraged men to harass women coz despite all the efforts were put in, no action was taken. It would only leave men with the confidence that they could get away with harassment, and only the women would suffer. I think unless
the management takes it personally to remove such malpractices from the system, there is no seriousness involved in the proceedings. The committee almost behaved as though they were doing me a favour by taking up the case. Further, despite all the evidence that clearly showed it was sexual harassment; they tried their best to convince me it was a case of bullying. They were friendly enough to talk to on the face, but extremely slow in their correspondence, providing only lip service. They didn’t have much clue on how the proceedings happened (or they faked innocence). They didn’t really understand what sexual harassment truly meant, and felt it was “sexual harassment” only when a woman was physically abused by a man.

They were all part of the senior management at the bank, and did not seem to care about the issue, or have time for it either. The attitude of the member only made me feel worse, because instead of understanding, they tried persuading me that I was overreacting. They almost looked at it as though it was a story instead of trying and understanding how a victim might feel and what steps must be taken with regard to it. The committee members were not convinced it was a case of sexual harassment, and thus they were not taking it seriously, always coming up with excuses for slow or no actions at all. Also, despite the fact that the committee was almost all women they did not understand what I went through. They took it as some office gossip that they were hearing, and didn’t give it the serious attention the case deserved.

This resulted in H losing interest because of lack of interest of the committee and slow progression of the case. They thought that she was killing time by reporting the case and were not interested in the case since she was no longer employee of the bank. The NGO member was disinterested in the proceedings and did not help her at all. Either she had little or no knowledge of the issue.

Vishakha guidelines are very basic and broad, and for starters they were not too bad, but in the present day they are grossly inadequate. They work on the assumption that the members of the committee (all of whom are employees of the firm) are neutral, if not more inclined towards the victim. Also they presume that the NGO member is fair and an outside party, while in real life the firm picks out people with very little understanding of the issue. Further, even really big corporates have not bothered to learn the true spirit and meaning of Vishakha guidelines, and while they have lawyers available to explain and twist the proceeding as per their liking, the victim has limited resources and little knowledge on how she should prepare her case.

The NGO member gives an outsiders unbiased perspective to the committee. He/she should be sensitive and understanding towards the victim. An in depth understanding of the issue and that of the particular case is essential. The member must be able to put forth points the rest of the committee is likely to overlook and miss.

2. External Members - Complaints Committees

External Members said employers were not happy to form the complaints committee. Complaint committees consisted of employees who were forced to be in committee and mostly did not feel for the issue. Sensitive
attitude and intellectual capacity towards the issue and women was found rarely. Complaints committees needed sensitivity, motivation and knowledge.

Committee members lacked clarity about their role and perspective of the members while actual working was not feminist. Since the committee is a small group of five-six persons, attitude of each member mattered. Entire time of the meeting in spent was spent in doing the inquiry and there was hardly any time for the NGO member to initiate dialogue with the committee members. They explained....

It is assumed by the committee members that if a single woman works late in the evening, dressed well and goes to the canteen for tea with men, she is available. They need to be sensitised. Such pre conceived notions held by the committee will be problem for the complainants.

I observed that the members were not clear about the procedure. They followed the procedure of the vigilance committee. They did not give copy of the minutes to the woman. They said that they do not give the minutes to the woman and the vigilance too does not do so. However, I felt that it was the right of the woman to receive the copy of the minutes, as it is her right to know what happened in each inquiry session. It could of use to her if she wants to go into appeal. It was my opinion that the copy of the minutes should have been given not just to the complainant but also to the respondent. I presented my opinion accordingly. However, they did not give the minutes. The complainant was given a copy of the inquiry report that we submitted to the establishment but not the copy of the minutes of the day to day proceedings. From this point of view, I think that the procedure was not correct.

One of the participant said she observed the complainant needed lot of input, education and guidance as she was the one who suffered. The complainant had never been through the inquiry therefore she needed someone who guided her and gave her some idea about the way to handle the situation and most effectively put forward her defense. She did not know the procedure and she could not manage it on her own. It had to be some lawyer outside helping her. Since the complaints committee needed to appear neutral they never informed the woman about her rights and entitlements. Rather they saw it from the point of the organisation and its respectability.

The procedural aspects that she was not to be directly cross examined, he was not to bring a lawyer and that he could put his questions to her through somebody needed to be made clear and explained to the woman. It is because of the lack of standard procedures the complainant was in a little bit of a weak spot because she did not know the way to proceed to be most effective. She was not clear what she could ask for and what she could object to? Lot depended on the sympathetic independent people or experts on that committee and attitude of the committee. It was a problem. On the other hand the man consulted a full-fledged lawyer by then. She elaborated on her experiences....
Who helps her to understand her rights? I remember in the context of the government dental college inquiry the complainant could take one person to sit there on behalf of her, she was to get the records / minutes every time. In the airlines case the complainant was not given the minutes or they were given late. We did not know what the recordings were. The committees start with those kinds of uncertainties. If there is someone on the committee who is well attuned to this law and is sympathetic to the rights of women that person will always see to it that the complainant is properly supported. That is what happened in one of the case enquiries. Overall the complaints committees try to be technically correct.

However the complainant has to safeguard her rights and have a much clearer understanding. Those are not explained. Unless she knows the procedure she cannot prove her case. Often there is lack of an independent third party in the committee. Some person who is close to the management is taken on the committee as a third party representative. Both the dental college and the airline being public sector undertaking they could not be arbitrary.

I am sure how it goes on in a private set up. They do not even follow a proper procedure. In the one of cases of the multinational audit firm I do not know how those enquiries are worked out. In the airlines case the man got a senior woman from the airlines from Chennai to represent him and put the questions to the complainant. Technically they are fine. However we are talking about places like Mumbai and Pune. We can say that the work culture is little more evolved and sophisticated about the managing these things. In order to make the inquiry procedure women friendly the procedures should be clarified and clearly told to the woman. May be they could be written out and given to her. What is the way it will be conducted, what is it that she should expect and what is expected of her? Clarification of her doubts that should be the first thing to be done in the beginning of the inquiry.

External Members said mostly complaints committee members were blank about the procedure and did not have knowledge of doing interviews and this is the reason they either avoided it or took time to do it. They observed that time bound aspect was missing in the inquiries and the cases pulled on for long. The inquiry was not time bound because the complaints committee members had many other commitments. They did not drag the inquiry deliberately but it happened because of their commitments. They had to constantly go off as they had other deadlines to meet. Therefore the inquiry kept getting delayed.

One of the participants said the big catch came when it came to recommendations by the complaints committee. Even though the procedure was done properly and everything was brought out ultimately one did not know how the entire thing was judged as it was internal discussion within the committee. Lot depended on who was placed where in the power structure of the organisation and how much the organisation wanted to stand by the accused. According to her some biases definitely guided the overall recommendations no matter what the complaint was and what the evidence was.

One of the external members talked about the problems faced by the committee members and women while conducting and undergoing inquiry....
The loophole of the Vishakha guidelines is that, procedures are not explained therein. That creates confusion and questions for most chairpersons and committee members. They do not know what exactly needs to be done if a case is reported. They are not sure if they should ask for a copy of the complaint in writing, whether they should inform the man about the charges on him and whether it should be in writing. There are problems with the basic things. How do they exactly follow the procedure? What are the principles of natural justice? How those principles are to be taken care of? How far the respondent should be given consideration? These procedures affect women.

Women who come to the committee are in a disturbed state of mind. They expect someone to help them and make them understand the way procedures are to be followed. Women are not told that they should be making the complaint in writing and that the incidents should be in the chronological order. That is the reason if there is sexual harassment at workplace in the society there is no clarity about it. Women do not name it as sexual harassment. Women do not express that a particular touch by the man which they did not like. Women do not say that he touched the private parts of my body which I did not like. They do not talk about the sexual harassment. The complaint sounds superficial. For example, they say that I came late and he took the attendance muster inside his room. Women do not clearly tell the reasons for him to take the muster inside his room and his intentions behind the same. It is not written in their complaint too. In such situation if the procedures are not in place and if the committee members including the chairperson are clueless then the woman has to face the bad effect of it.

One of the external members said that committees did not have standard operating procedure. Committees asked questions the department inquiry way and sometimes those questions were not needed. The inquiry therefore took time. It was difficult for the NGO member to convince the committee members that such questions would not bear any output. She elaborated….

Whenever the woman is speaking and / or while she making a point she is stopped by a committee member saying that it may be like this and not like that. Role of the committee is not to tell her how it was but to listen to her completely. In such situations, I have made an effort to tell the members that they should listen to her fully and then present both the sides. In the procedure, there is an attempt to hear what the woman has to say. One has to push that she should be heard completely and she should be allowed to talk.

One of the external members voiced her discontent about the semi legal nature of the procedure expected to be followed by the complaints committees. She said there were objections if the procedure was not done as per the technicalities. If the primary investigation led to a decision by the complaints committee then it had to be accepted and, in that case steps such as cross examination would not be required. Only if the committee felt that they wanted to ahead them the procedure such as cross examination could be done. Such procedures could be pressurising for the committee and they could commit mistakes.
We have been told that we are not following proper procedure. We need to look at the abuse potential in terms of false complaints done by women. Women are not willing to come forward to complain about sexual harassment most of the times. The reasons are reflected in the process of investigation. If the complainant is a patient then how and when she can come for the inquiry is one issue. There could be pressure on her if her child is ill. She may not come forward because the doctor may do something to the child. Calling her defeats the purpose of the whole thing. Primary inquiry should be done separately. Confrontation cannot be done and it is procedurally not possible. It is humanly impossible to do the cross-examination etc. The woman has shown the courage to reach the committee. If the harasser sits in front of her and asks here whether this happened or not then it has no meaning.

Procedure should be followed creatively keeping in mind objective of the law. The issue is that whether you want to make a safe environment for the woman or punish that person. It depends upon what you want to achieve and what is the longer goal of your law. If you start with safe environment then in the procedural road you are landing into something else. Every man is a rapist. I believe in that. Two persons getting punished and what punishments are given? We feel that punishment should deter other men. However deterrence may not happen because of their perspective towards society, sexuality and sexuality of women. It will not happen in anyway because of the kind of punishments which are given. If safe environment for women is the basic objective then the things to be done to achieve it need to be checked again today. These things are missed amidst the implementation of the law. We get bogged down to justice and what is justice according to women? There could self-interests there.

External members said whenever any woman complained of sexual harassment it meant that she had given full time and thought to it. However committee members had an attitude that problem was with her. This happened possibly because the man against whom the complaint was given had good impression in that organisation. It was difficult for committee members to trust the woman and remain neutral after listening to everything. Committee members were familiar both with complainant and respondent for many years. They thought sexual harassment happened by mistake and the man did not do it intentionally. They were of the opinion that even though he is did it intentionally the woman should not have paid attention rather ignored him since he was like that only.

External Members felt, committee members failed to understand depth of the issue and not aware of the impact that sexual harassment had on the work and career of the woman. Instead they looked at her as somebody taking revenge because the man may have caused some problem to her in work. They often thought that the woman was exaggerating the incident and taking advantage of being a woman. Some members blamed the woman while there are others who were diplomatic and therefore oscillated while taking stands. Few members were biased against the woman and they justified behaviour of the man. Such attitude led committee members to suggest that man to be transferred and not punish him as it would be an extreme step.

External members are of the opinion that transfer of the man was not of help as he would repeat the behaviour wherever he went. They said it was a long way to go in terms of making the attitude of the committee members
unbiased. External Members found some committee members somewhat sensitive because they felt that when one out of thousands / lakhs of women complained there was an issue. One of the external members said that her experience with public hospitals was that people at the HOD level were genuinely interested in resolving cases despite their busy schedule; however their attitude was problem despite their sincerity and earnestness. She quoted an example….

The HOD and the subordinate doctor had problems. Subordinate used to not come to work and she would tell him to do so. She was fed up with him. She did not give him operation duty. It was a typical professional dispute between the two. One day there was a skirmish between the two. The man came inside her cabin, locked the door and threw the register on her. The file hurt her breast. The point was that he closed the door and he charged on her. It was enough for her to get intimidated.

In the case mentioned above, the committee members connected that incident to the problem between the two happening earlier. Some of the committee members felt the HOD was taking revenge by complaining of sexual harassment and refused to believe that the incident could be seen as sexual harassment. They saw it as an administrative issue and sent back to the administration with a recommendation to transfer the doctor. She tried to convince them to look at the impact of the incident on the complainant. When the decision was finalised by the committee she was out of station for work and her subordinate could not push it much. Recommending transfer was not enough.

According to her such committee members needed to undergo intensive (not one day) training since they were not sensitised and insisted on looking at the complaint in their own way. Work was needed to ensure that the committees were functional and unbiased in their approach towards women. They become functional only when a case is reported and continued going for the training conducted by the Corporation. She was not sure whether it was good enough for the committees since she never attended it.

One of the external members said that role of the chairperson and the NGO member was important in the committee. Functioning of the complaints committee depended on the chairperson since as the leading person in the committee the chairperson played a vital role. Sometimes the chairpersons stood up for the cause but they were not powerful always. Positive experience with a complaints committee chairperson was shared by one of the external members. She said…..

It was my first case. I could see sensitivity in the committee members there. They did not have a policy on sexual harassment but the chairperson took initiative to do the homework regarding the case and the way to handle the case. She allotted tasks regarding the same to the other members of the committee. The chairperson looked at over a thousand government resolutions, judgements related to sexual harassment at workplace, and browsed issues of the EPW where she could fine some relevant
articles on the issue and then followed the procedure keeping in mind principles of natural justice. She took into consideration many things which otherwise seem to be minor. I enjoyed being on the committee. It is classic example that I could give you. It was a good experience. Period was given by the employer of three months to finish the inquiry.

The committee took three months and two weeks to do so. During this period, the inquiry was completed properly and the employer was given the explanation for the delay in doing so. All these small things were taken into consideration. The woman was in a situation where she was shattered. The committee sat with her and gave special time to her. Counselling was given to her. Committee considered all these aspects. Whenever the respondent was called he was treated and talked to in a sensitive manner. The chairperson took care of it. At the same time, she knew exactly what had happened. Committee could prove that sexual harassment had happened.

3. Lawyers

a. Lawyer One

Lawyer said giving redress to the woman did not happen within private companies. People did not want to be associated with the complaints committee because they saw it as demotion. They were at a point where they wanted to kick the ladder after climbing it. Lot was hidden behind the sophistication. She said….

In the corporate set up I have noticed another thing; they say ‘Oh! We do not want to this women-women thing. It is not an issue here.’ Even if they are on these committees, it is more like a status related thing because they see it as an upward climb because on the committee there will be other senior people so it becomes a networking forum for them. That is the thing. Therefore, when the woman comes to them there is this danger. Suppose there is a man involved, the danger is the power thing within the committee. Therefore, if he decides to take or the woman decides to take a negative stand then there is a danger of that thing coming into picture because you want to please each other or you are so intimidated being in the company of such people that the reason you there that is redress or giving the woman some justice is not done. It is that kind of polished and lot is hidden behind that. There is no control about the outsiders who get into the committees because today lots of corporate have NGOs, their families are connected.

They start NGOs of their own. All of them have foundations and NGOs. Therefore, you really have no control over what kind of person and who is coming on to this committee. People who are actually able to give some results they are worried. They immediately say things like see these are internal matters, the image of the organisation matters. Therefore, they are also looking at it as PR exercise. We are now all global, so we have show that we are the same like some European company which will have all these strict standards but at the same time we are patriarchy and India all that. Therefore, you will find these sophisticated people sitting and saying that oh but this woman is asking for attention. Therefore, the façade and their clothes are very different from what comes out of their mouth.
Most of the times the HR department did not function in accordance with their responsibility and they protected the man which has made things difficult for the woman. The complaint committee was stage managed in such a fashion that they could never give justice. Whenever a woman said she was sexually harassed, the organisation looked at her as a liar. Every single woman that she met said that to her she was called a liar and stamped as trouble maker. It is for this reason that women did not complain since they do not want their already hard lives to become ten times harder.

Some of them have complaints committees on paper, from what I have seen most of them are formed under pressure if there is a complaint which has come up and then the nature of the committee depends upon the HR person involved in that particular situation. Most of the time the HR has not functioned the way an HR has to function.

She said the woman needed assistance and someone of her choice should be there with her during the inquiry. Since many organisations did not allow this, women ended up going alone for the inquiry. The situation was emotionally charged and therefore even if the lawyer prepared the woman she was unable to ask relevant questions at that time. It was the outsider in the committee who was capable of changing the dynamics. However if the outsider was bought by the company or had a vested interest in seeing that the management was protected then there it was rough spot for the woman. Woman found themselves in situations where they faced a group of people (committee) alone in a trial like situation where everything was determined and there was a possibility that there would be a case against her for putting in a frivolous complaint.

There were other problems such as place of inquiry which was may be far away and not appropriate. In her opinion, women should not be alone during the inquiry. Employers and the committee could not stop anyone from accompanying the woman on the pretext of confidentiality. Such a clause was dangerous and harmful for women because in the guise of confidentiality the employer was cutting the avenues open her as support systems. She said most organisations were hollow and could not ensure justice to the woman.

While the Vishakha judgment provided for social workers and counsellors in the committee, it was required that there should be people with her. It could be someone who understood the procedures and could provide support to her. It could be a lawyer, social worker or a counsellor. These options should be kept and the choice should be that of the woman. If she wanted a co employee or a union member who could help it should be given to her. She narrated problems she found with the inquiries done by the committees….
What I have come across is that they are conducting a regular inquiry. In the case of educational institutions where the matter has gone to the court and a so-called eminent committee sits and decides, they have been following this thing of taking handwritten explanations, asking for written statements, there is evidence and cross-examinations have been allowed. Even there, there is confusion in the committee as to what are the rules of evidence to be followed. For example, sometimes when there are eminent lawyers etc. they also fall into the trap of looking at it as proof, the whole thing of how to look at proof, some who are from the criminal background or there have been judges also who weigh it as if it is a criminal trial going on; ‘Oh then there is so much of contradiction, if this would have happened then this would not have happened.’ They are not able to understand the psyche of the student who would have complained or what is the underlying background around it. The committee works where the woman is say does not any single record in her personal file if she has a history of coming late or there are other things around it or if it is a student who has probably failed a subject or something then the way they look at all the credibility that is given to the person is different. She is almost weighed against somebody who is PhD holder or somebody with lot of papers into his credit etc.

b. Lawyer Two

There is no structure or there is no procedure where a woman can confidently put in a complaint and feel that she is safe. No action will be taken against her. Vishakha has laid down certain guidelines and the employers know that they have to comply with that. Therefore, they try to get around that by various means. In the bank case we made enquiries through the RTI about the NGO, whether it existed, what work were they doing on issues of women, for how long they were working, what was the role of this woman in the NGO, what work did she do. We found out that the NGO did not exist.

She said procedure of the inquiry was a problem because it was based on the domestic inquiry procedure. Basic assumption in that procedure was person who is charge sheeted for the misconduct was innocent unless proven guilty. Therefore the burden to prove the misconduct was on the employer. It was not needed that every aspect should be strictly proved as in a criminal proceeding. The misconduct was to be proved on the basis of probability which was then countered by the charged employee. In this kind of procedure documents were produced and it was akin to a semi court proceeding.

According to her inquiry by a complaint committee should be different and it was not to be based on proving the misconduct. However as per the domestic inquiry procedure the woman was like the employer and the burden was on her to prove the misconduct. She said in the complaints committee inquiry once the woman complained and a prima facie case of sexual harassment was made out by her then the burden should shift to the man. It should be then his responsibility to prove that he did not do it. Though strictly from a legal point of view the person who imposed the charge was responsible to prove the misconduct; this needed to change in sexual harassment as an issue. Only then the inquiry procedure would not be stringent for a woman. Now she had to prove to the hilt that sexual harassment happened to her.
Today the woman who complained of sexual harassment was in the box and she needed to make a case out. She needed to bring witnesses and then she was cross examined by the man. The man too brought number of witnesses and then it became a routine inquiry where the charge was not proved due to lack of witnesses. Committee members said that the case was not proved.

Woman needed to rely on the sensitivity and subjectivity of the complaints committee and rarely committee members were sensitive. It needed to be based on certain rules where there was clarity about the procedure. Some standard needed to be set through which the burden of proof was shifted on the man. If the burden of proof was shifted to the man then the committee need not go proving the details. There need not be cross examination and documentary evidence. The statement given by the woman in that case would be sufficient and based on that the committee could conduct inquiry in the way they would think would suit the situation.

She said it existed in Hong Kong where the law put burden of proof on the accused and not on the woman. This principle applied in the American law too. People were confused about the Medha Kotwal direction by saying that inquiry by the committee was not proper therefore second inquiry was needed. The SC did not say that the committee needed to follow a department inquiry procedure. Doing two enquiries was contempt of the SC and the employers were to be hauled up for the same.

There should be something in law which made the procedure easier and once it became a law then no one would be able to challenge it. Today people did whatever they wanted since there nothing to guide them. It was possible that if the procedure was laid down in black-n-white then the committees could feel restrained if there was some deviance i.e. facts of the case demand something else. She said the rules should be little bit grey. They should be vague and general in terms of what should be the rules of evidence while conducting inquiry.

She further said committee members needed to stop the cross examination if the questions asked by the man were irrelevant. If the woman was charge sheeted for some misconduct in the past, man would invariably bring up the issue and say that since she received the charge sheet she was now being revengeful towards him. It was for the complaint committee to know issues that were relevant during inquiry rather than taking up those that are brought forth by the man.

c. Lawyer Three

Committee members are not aware about the gravity of the issue of sexual harassment. Since most of them belong to the same organisation, they raise finger at the complainant. They feel that the complainant is at fault and so she is making a complaint of sexual harassment. They feel why only she was harassed sexually and why not others. These are some of the biased opinions amongst the
committee members that I have observed. Committee members feel that women are not dressed properly and so they get sexually harassed. That is one kind of reasoning they give for these kinds of complaints. She is outspoken. For the man they would say that this man generally behaves with all women around in the same manner, what problem this particular woman has against him. Committee members do not understand the difference between impact and intent. They do not understand the difference between the sexual harassment and sexual abuse. They do not understand the impact of sexual harassment on the complainant, consequences on the physical and mental health of the woman. Another observation that I have is that the committee members go by the record and the documents produced before the committee.

Especially they make this observation that because so many memos were served upon her, she has made a complaint of sexual harassment against this person. I can say that it is my observation only after the woman complains of sexual harassment the memos are served upon her only after that. When it comes to issues of women, there is no perspective. Allowing the woman to have a space of her in the office premises and to allow her to work with dignity this is something, should not be taken for granted. In the committee, one has to understand the implication of sexual harassment on the woman on her mental and physical health. Make the woman comfortable and then you can seek directions from the concerned expertise. Sexual harassment generally takes place behind closed doors. Except for the complainant and the harasser, no one knows what happened exactly. One has to go by what the woman is saying and believe what the man has to say. There is no evidence to that effect.

It was her experience and observation that complaints committees were not assertive and did the inquiry just for the sake of it. They did not do analysis of the complaint or they did not make an effort to go through the records. They jumped to the conclusion at the end of the inquiry that it was a false complaint or it was too trivial to take any action against the man.

According to her the department inquiry procedure mentioned was not facilitative to justice but discouraging for the woman. She saw, the committee members encouraged the man to defend himself by giving him that space. The reasons and explanation given by the man was more convincing to them than the complaint given by the complainant. More space was given to the harasser than to the complainant. This made the complainant feel discouraged. The atmosphere was hostile and not made conducive for the woman. She was not encouraged by the office to come up and make a move. Mostly she was targeted and made a scapegoat. There was absolutely no communication by her colleagues including her best friends. As a result of which complaint of sexual harassment had severe implications for the woman. In the long run, she went on a long leave. She was not justified by the way of any punishment to the man.

4. Trade Union Members
Union Member One and Two
Complaints committees exist but the way the publicity and awareness should be done about them and a trustworthiness that should be there about them that is not there. Nobody is sure of getting justice if they approach the committee. The committee etc. is limited to the middle class and is not reaching to the class, which is actually exploited.

Union member one expressed that committees did not have representation from top to bottom. They were restricted to the middle class and did not reach to the class of women which was exploited. She said within the organisation that she worked with, committees were as good as nonexistent. There were not many boards that gave information about the existence of the committee, its constitution and names of the members etc. Women were not sure of getting justice if they approached the committee since trustworthiness about the committee was lacking. It was her observation that the committees were enthusiastic initially when they received the complaint but it did not last till the end. They were unable to maintain their stand till the completion of the inquiry.

Committees were partial in the sense that, members were guided by their individual opinions and views in the matter. This created fear in the mind of the women who were not sure of going ahead with their complaint. Women in the complaint committees were unable to take positions since they were trapped in patriarchal mindset. Though there were procedural guidelines for the complaints committees it was her observation that decisions were not happening quickly as per the procedure. If the case was not resolved at the unit level it was sent to the higher level which caused delay or else it was kept pending as per the administrative norms of the organisation. The delay affected morale of the complainant because the surrounding atmosphere between the colleagues was such that it made her feel guilty.

Follow up which was to be done by the committee was done by the complainant. This resulted in loss of her confidence. She said that mere appointment of NGO member and women as committee members did not serve the purpose unless they had clear perspective. Otherwise the committees would remain for namesake as per the rules and there would be no results at the practical level. Trade union member two said women had a feeling that they are not getting justice through the committee mechanism since the committee did not have the power to impose penalty on the harasser.