

(2004) 04 SC CK 0160

In the Supreme Court Of India

Case No : Writ Petitoin (Criminal) No. 173, 177 Of 1999

Medha Kotwal Lele & Ors

APPELLANT

Vs

UOI & Ors

RESPONDENT

Date of Decision : 26-04-2004

Acts Referred:

Citation : (2013) 1 SCC 311 : (2004) 5 Scale 573 : (2013) 1 SCC(Cr) 472

Hon'ble Judges : S. Rajendra Babu, J;K. G. Balakrishnan, J;G.P. Mathur, J

Bench : Full Bench

Advocate : Colin Gonsalves, Aparana Bhat, Nipin M. Benjamin, P. Ramesh Kumar, J.M. Khanna, Anil Shrivastav, Hemantika Wahi, Shail Kumar Dwivedi, Ashok Mathur, Tara Chandra Sharma, Neelam Sharma, Tarun Sharma, Jana Kalyan Das, Krishna Sarma, Sanjay V.S. Chaudhury, Niraj Kumar, M/s Corporate Law Group Ranjan Mukherjee, Sushil Kumar Jain, A. Subhashini, Kuldeep Parihar, H.S. Parihar, Guntur Prabhakar, Rajeev Sharma, Sanjay R. Hegde, B.B. Singh, V.G. Pragasam, A.S. Pundir, G. Prabhakar, S.V.Deshpande, Anurag Sharma, Navein Prakash, Gopal Singh, Mahabir Singh, Anoop G. Choudhary, Sunita Sharma, D.S. Mahra, Meenakshi Arora, Naresh K.Sharma, Khwairakram Nobin Singh, V.D. Khanna, C.K. Sucharita, Shreekant N. Terdal, A. Mariarputham, Aruna Mathur, Prakash Shrivastava, Rachna Srivastava, B.S. Banthia, Dhruv Mehta, Shalini Gupta, Mohit Choudhary, Kamakshi S. Mehlwal, P.H. Parekh, D.P. Mohanthy, H.K. Puri, Ujjwal Banerjee, S.K. Puri, Shiv Gupta, State of Haryana Praveen Kumar Rai, Ranji Thomas, Bharati Upadhyay, V.N. Raghupathy, U. Hazarika, Madhvi Hazarika, Sumita Hazarika, G.L. Sanghi, Hari Shankar K., V.G. Pragasam, Ranjan Mukherjee, J.S. Attri, Maninder Singh, Prathibha M Singh, Angad Mirdha, K.K. Jain, Pramod Dayal, Madhu Sikri, Chiraranjan Addey, Shrish Kumar Misra, Ravi P Mehrotra, Garvesh Kabra, Pinaki Addy, Chira Ranjan Addy, Praveen Swarup, D.K. Garg, Chava Badri Nath Babu, Rameshwar Pd. Goyal, S.S. Shinde, Ravindra K Adsure, Bimal Roy Jad, Sunita Pandit, Suparna Srivastava, Rajesh Srivastava, Navin Prakash, Anurag Sharma, S.S. Shinde, Mukesh K. Giri, Adv Praveen Kumar Rai, Kavita Wadia

Judgement

Several petitions had been filed before this Court by Women Organisations and on the basis of the note prepared by the Registrar General that in respect of

sexual harassment cases the Complaints Committees were not formed in accordance with the guidelines issued by this Court in Vishaka Vs. State of Rajasthan (1997 (6) SCC 241 and that these petitions fell under clause (6) of the PIL Guidelines given by this Court i.e. " Atrocities on Women" and in any event the Guidelines set out in Vishaka were not being followed. Thereupon, this Court treated the petitions as writ petitions filed in public interest.

Notice had been issued to several parties including the Governments concerned and on getting appropriate responses from them and now after hearing learned Attorney General for UOI and learned counsel, we direct as follows:

" Complaints Committee as envisaged by the Supreme Court in its judgment in Vishaka's Case, 1997 (6) SCC 241 at 253, will be deemed to be an inquiry authority for the purposes of Central Civil Services(Conduct) Rules, 1964(hereinafter called CCS Rules) and the report of the complaints Committee shall be deemed to be an inquiry report under the CCS rules. Thereafter the disciplinary authority will act on the report in accordance with the rules."

Similar amendments shall also be carried out in The Industrial Employment(Standing Orders) Rules.

Further directions in relation to educational institutions and other establishments will be made subsequently as it is not very clear whether all the parties concerned in this regard have been served or not. Let a note be prepared as to which of the parties have been served on this aspect of the matter and what their responses are. For further orders list in July, 2004.