

Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)

NOTIFICATION

Dated, Kohima, the 29th May, 2013.

No. AR-3/GEN-28/98: : In continuation of this Department's notification of even number dated 16th April, 2013, the terms and conditions of the Complaints Committee for the following State Level and District Level Committees for the redress of complaints relating to sexual harassment of women employees of the State Government at their work places are as follows:

STATE LEVEL COMMITTEE

- | | |
|--|---------------------|
| 1. Smti Banuo Z. Jamir, Addl. Chief Secretary & Commissioner | : Chairperson. |
| 2. Shri. Imkonglemba, Commr. & Secretary, School Education | : Member. |
| 3. Shri Ramongo Lotha, Secretary, Excise & Women Development | : Member. |
| 4. Smti Lithrongla G. Chishi, Additional Secretary Home | : Member. |
| 5. Smti Khanrinla T. Koza, Additional Secretary, Justice & Law | : Member. |
| 6. Smti. Hekani Jakhalu, Advocate | : Member. |
| 7. Smti. Renboni Mozhui, Deputy Secretary, P&AR | : Member Secretary. |

DISTRICT LEVEL COMMITTEE

- | | |
|--|---------------------|
| 1. Deputy Commissioners of concerned Districts | : Chairperson. |
| 2. District Welfare Officers | : Member. |
| 3. District Public Relation Officers | : Member. |
| 4. 1(one) Representative from local Women Organisation of the concerned Districts. | : Member. |
| 5. 1(one) Lady Administrative Officer to be nominated by DCs | : Member Secretary. |

Terms and conditions of the Complaints Committee

1. The Committee shall receive complaint from any woman employee through its Secretary of the State Government who is a victim of sexual harassment at her work place and cause an enquiry into the complaint and suggest measures to redress the complaint.
2. The Committee will take measures to create awareness of the rights of female employees in this regard by prominently notifying the guidelines in a suitable manner and other suitable awareness campaigns.
3. Complaints Committee will be deemed to be an inquiry authority for the purposes of Central/State Civil Services (Conduct) Rules and the report of the Complaints Committee shall be deemed to be an inquiry report under the Rules. Thereafter the disciplinary authority will act on the report in accordance with the rules.
4. The Complaints Committee shall submit an annual report to the Department of Personnel and Administrative Reforms with details of the complaints, if any made to it and the action thereof.

Sd/- C.J. PONRAJ

Additional Chief Secretary to the Govt. of Nagaland.

No. AR-3/Gen-28/98

Dated, Kohima, the 29th May, 2013.

Copy to :-

1. The Commissioner & Secretary to the Governor of Nagaland, Raj Bhavan, Kohima.
2. The Adviser and Sr. Principal Secretary to the Chief Minister, Nagaland Kohima.
3. The P.S. to the Speaker/Deputy Speaker, Nagaland Legislative Assembly, Kohima.
4. The P.S to all Ministers, Nagaland, Kohima.
5. The P.S to all Parliamentary Secretaries/Advisers, Nagaland, Kohima.
6. The OSD to the Chief Secretary, Nagaland Kohima.
7. All Additional Chief Secretaries/ Principal Secretaries/ Commissioner & Secretaries/Secretaries/Additional Secretaries, Nagaland Kohima.
8. The Secretary, Nagaland Legislative Assembly/NPSC/Vigilance Commission.
9. All Heads of Department, Nagaland.
10. All Nagaland Houses.
11. All Deputy Commissioners/Additional Deputy Commissioners, Nagaland.

(CHUBASANGLA ANAR)

Additional Secretary to the Government of Nagaland.

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GOVERNMENT OF NAGALAND
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(ADMINISTRATIVE REFORMS BRANCH)

NO.AR-3/GEN-28/98

Dated Kohima the 30 November, 2000

NOTIFICATION

In pursuance of the guidelines and norms prescribed by the Hon'ble Supreme Court of India in its judgement in the case of Vishakha & Others vs State of Rajasthan and Others, the Governor of Nagaland is pleased to constitute a Complaints Committee consisting of the following for the redress of complaints relating to sexual harassment of women employees of the State Government at their work places.

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|-------|--|---|--------------|
| (i) | Smt. Banuo Z. Jamir
C&S (Power & HTE) | - | Chairperson |
| (ii) | Smt. Tovili Sema,
Secy. (Labour & Employment) | - | Member |
| (iii) | Shri Sentiyanger Imchen
Secy (I&PR) | - | Member |
| (iv) | Shri C.R. Lotha,
Joint Secy. (P&AR) | - | Member |
| (v) | Ms. Mezivolu Therieh,
Advocate | - | Member |
| (vi) | Ms. Hekani Jakhalu,
Advocate. | - | Member |
| (vii) | Smt. Sarah Ritse
Under Secy. (P&AR) | - | Member-Secy. |

2. Any woman employee of the State Government who is a victim of sexual harassment at her work place may approach the Committee through its Member-Secretary and seek redressal. The Committee shall adopt its own procedures of functioning.

3. The Complaints Committee shall submit an annual report to the Department of Personnel & Administrative Reforms with details of the complaints made to it and the action taken thereof.

4. The State Government has recently amended the Nagaland Government Servants Conduct Rules to include the prohibition of sexual harassment of working women. Rule 4 A, as inserted in the Rules, is reproduced below for information :

"Rule 4 A" - Prohibition of sexual harassment of working women.

- (i) No Government Servant shall indulge in any act of sexual harassment of any woman at her work place.

Contd/-

(ii) Every Government Servant who is incharge of work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation - For this purpose of this rule, "sexual harassment" includes such unwelcome sexually determined behaviour, whether directly or otherwise, as -

- (a) Physical contact and advances;
- (b) Demand or request for sexual favours;
- (c) Sexually coloured remarks ;
- (d) Showing any pornography; or
- (e) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

Sd/- Raghu Menon
Addl. Chief Secretary to the Govt. of Nagaland

Dated Kohima the 30 November, 2000

NO.AR-3/GEN-28/98

Copy to :

1. The Special Secretary to the Governor of Nagaland, Raj Bhavan, Kohima.
2. The Principal Secretary to the Chief Minister, Nagaland, Kohima.
3. The PS to Speaker/Deputy Speaker, Nagaland Legislative Assembly, Kohima.
4. The PS to Ministers/Ministers of State, Nagaland.
5. The Chief Secretary/Addl. Chief Secretaries to the Govt. of Nagaland.
6. All Principal Secretaries/Commissioner & Secretaries/Secretaries/Addl. Secretaries to the Govt. of Nagaland.
7. The Secretary, Nagaland Legislative Assembly, Kohima.
8. The Secretary, Nagaland Public Service Commission.
9. The Secretary, Vigilance Commission, Nagaland, Kohima.
10. All Heads of Departments, Nagaland/ All Nagaland Houses.
11. All Deputy Commissioners, Nagaland.
12. All Branches in the Secretariat, Kohima.
13. The Publisher, Nagaland Gazette, Kohima to publish in the next issue of the Gazette.
14. All Members of the Committee. A copy of the Hon'ble Supreme Courts Judgement referred above is enclosed.

K.C. Bora
30.11.2000
(K.C. Bora)

Under Secretary to the Govt. of Nagaland

Extracted from the judgement order of the
Supreme Court in Writ Petition (Criminal) Nos.
173-177 of 1999 - Medha Kotwal Lele and Others
vrs Union of India and Others
with

T.C. (C) No. 21 of 2001
Civil Appeal No. 5009 of 2006
Civil Appeal No. 5010 of 2006

JUDGMENT

4. Vishaka guidelines require the employers at workplaces as well as other responsible persons or institutions to observe them and ensure the prevention of sexual harassment to women. These guidelines read as under :

"1. Duty of the employer or other responsible persons in workplaces and other institutions:

It shall be the duty of the employer or other responsible persons in workplaces 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 whereunder 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 and 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 her 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 workplace 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:

- (a) Express prohibition of sexual harassment as defined above at the workplace 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 harassment and provide for appropriate penalties in such rules against the offender.
- (c) As regards 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 workplaces and no woman employee 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 misconduct 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.

7. Complaints Committee:

The complaint mechanism referred to in (6) above, should be adequate to provide, where necessary, a Complaints Committee, a special counsellor 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:

Employees 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."