



*Interview with Chairperson, Local Complaints Committee-Gurgaon under the provisions of the Sexual Harassment of Women At Workplace (Prevention, Prohibition and Redressal) Act 2013 on Gurgaon Ki Awaaz Samudayik (Community) Radio Station on the occasion of International Women's Day March 8, 2016*

**HOST: Vandana Thapaliyal (VT – Station Manager Gurgaon Ki Awaaz)**

**“Greetings friends, we wish you all on the occasion of Women’s Day. My name is Vandana and you are listening to Gurgaon Ki Awaaz Community Radio only on 107.8 MHz.**

In order that women should be able to stay safe at workplaces, and not face any sexual harassment the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 was introduced. This Act has two main arms. The first is the ICC or Internal Complaints Committee. This is set up in any industrial unit or workplace where more than 10 people are working. The second arm is LCC or Local Complaints Committee. So, friends, today let us find out more about LCC. Today we will meet the Chairperson of the Local Complaints Committee Mrs Anuradha Sharma.

**Anuradha Sharma (AS – Chairperson Local Complaints Committee):** Thank you Vandana. As the head of this committee I would like to inform you that under the provisions of Articles 14 and 15 of the Constitution of India, all women in India are guaranteed the right to equality. And under the provisions of Article 21, all women are guaranteed the freedom to take up work of their choice and be guaranteed a safe working environment. These two important rights have been guaranteed to women by the Constitution of India. It is under these Articles that the Sexual Harassment of Women At Workplace (Prevention, Prohibition and Redressal) Act 2013, was recommended. The Act was first introduced by the Government of India in 1993 and it was passed by the Parliament in 2013.

This Act was introduced so that women can access their rights, can access the services that are legally theirs. And it is now known as Sexual Harassment of Women At Workplace (Prevention, Prohibition and Redressal) Act 2013.

**VT – What are the various provisions of this Act?**

AS – Under this Act, the places where women work include government, non-government institutions, aided, partially aided, unaided, societies, professional organizations, religious organizations, and any work place in which 10 or more than 10

men and women work. Under this Act, the head of the organization will set up an ICC or Internal Complaints Committee to hear complaints. The purpose of an ICC is that if any woman faces sexual harassment at her workplace she should be able to file a complaint within her work place itself and share her complaint with a committee, who will hear her complaint and provide redressal. The woman should not need to go anywhere else, should not be worried about how to file her complaint. Hence, the first arm of the Act is the ICC.

Along with the ICC is the LCC or the Local Complaints Committee, which is the second Constitutional body set up under this Act. The main function of the LCC is that if a woman is not satisfied with the ICC, with the decision of the ICC, or there is no ICC, then that woman can appeal to the LCC. Or if a woman works as a domestic help worker (cleaning, cooking, looking after children), because there is no ICC in a home, but it is their workplace because they do get paid there, if they face sexual harassment then they too can approach the LCC. The LCC is there to help them. And to help them nodal officers have been appointed who act as bridges between the LCC and women, and will hear the woman's complaint and bring it to the LCC, within 7 days.

These 3 arms – the ICC, LCC and nodal officers – are what have been set up to ensure the functioning of this Act.

**VT – Friends, you are listening to Gurgaon Ki Awaaz Samudayik Radio 107.8 MHz. Today, we are talking about LCC, or Local Complaints Committee. So far we have talked about how this Act is for women facing sexual harassment. Ma'am, how do you define sexual harassment?**

AS – Sexual harassment includes very serious issues and sometimes they are so minor that in a social set up like ours, the way our society is presently, women often do not even realize that what they are facing is a crime. They experience it, they get troubled by it, but they do not realize that they can do anything about it. If they knew that they can protest against it, or I can put a stop to it, they will definitely do it.

I want to make it clear, that under Section 2 of the Act, 5 behaviors have been categorized as sexual harassment. The first is physical touch or attempt. I want to explain through examples so that all women understand what we mean by it. If someone touches you and then makes a remark or makes a joke about you, and you do not like it, or that person is not in a relationship where he is allowed to touch you, then that is sexual harassment. Within this the other is an attempt to touch you then that is sexual harassment. The second is demand or a proposal for sexual relations, then that is sexual harassment. Vulgar comments, which hurt your self esteem and dignity; these are sexual harassment. The fourth is displaying or sending you sexually provocative objects such as sending you a porn photo, or sending a vulgar cartoon or video, these are all sexual harassment. The fifth is any sexual physical gesture or act is sexual harassment.

And I have to say with sadness that 99% of women face such acts in society. When they step out of the house, there probably is not a single woman who does not face such harassment in some form or another – in buses, trains, planes, in railway stations, in

bus stands, in colleges, while traveling -- and women have to face it. I want all women to know that these are crimes and they can take steps.

**VT – If a woman is facing such harassment, then what are the first steps she should take?**

AS – Vandana, the first step she should take is to approach and file a complaint at the ICC that has been set up at her workplace. Sometimes the ICC is not responsive, sometimes the perpetrator himself is a part of the ICC, sometimes the head of the organization is not responsive to the complaint, then you can file your complaint to the LCC. To do that you can send a complaint via mail, you can call, or take an appointment. To start the process, you need to submit 6 copies of your complaint. In addition, if you have witnesses, evidence such as sms-es, photos or letters, then you need to submit these. Then you need to record your statement and then we will send a notice to the accused and start our investigation.

**VT – Can the complainant keep her identity secret, or is it essential for her to disclose her identity?**

AS – There are two types of action possible in any legal process. One is suo moto action and the other is complaint-based action. Suo moto action can only be taken by the High Court. Other bodies such as LCC or a police station or a lower court cannot take suo moto action. In your complaint you will have to give your name otherwise how will we conduct our investigation. However, under this Act, the complainant's name and the accused's name will not be made public on any platform.

**VT – So this was the process of filing a complaint. What about follow-up? Will the complainant have to repeatedly visit the LCC office?**

AS – It is not like that. After complainant has recorded her statement and handed over all evidence, then the person who is accused, we call him and we talk to the witnesses or any other concerned people in the inquiry. We make our final report and then even on a preliminary basis if we find that what has happened is very wrong, then within 7 days we refer for an FIR (First Information Report). We also immediately recommend a transfer so that she is shifted from where she is working to another location. Thirdly, if the matter is serious, the company has to provide three month paid leave till the matter is resolved. Under this Act, the forum has to resolve any complaint within 90 days. The idea of the leave is that while we are investigating she should not face any further mental torture.

Further, under this Act, depending on the situation and the complaint, we can ensure that the woman is paid compensation from the salary of the accused.

**VT – There are thousands of industrial units in Gurgaon. Whose responsibility is it to ensure that each of these units has an ICC?**

AS – This responsibility rests with the LCC. The LCC has notified companies. In their annual report we are asking for details of ICC. Where there is no ICC, we will ensure one

is set up. But notifications take time because each company has to be notified. That work is in process.

I want to emphasize that if a complaint comes to the LCC, and that particular company does not have an ICC, then we notify the company and if there is response to that notifications, then LCC can fine Rs 50,000 as penalty to that company. If still the company does not respond, then we can increase the penalty to Rs 100,000. Even after that the company does not respond, does not follow the law, then we can recommend that the company's registration can be cancelled. Further, if he does not pay the compensation, or if he has prevented payment of compensation, then we can seize his property and ensure compensation is paid from that property. These actions can all be taken by the LCC.

**VT – Do women in Gurgaon know about the LCC?**

AS – Cases are coming in. This committee, the LCC, was setup as a constitutional body on 26 November 2015, from which date I have been handling this post. Complaints are coming – from government departments as well as private organizations. The way we are planning to spread information about the LCC, understandably women will get to know about the LCC and then come forward with their complaints.

**VT – Can you please let the women of Gurgaon know the address and phone number of the LCC in Gurgaon.**

AS – Gurgaon is a place in North India where maximum women come out to work. I want to tell women that they can get in touch with the LCC without hesitation at any time. Our effort is that every company displays the contact number of the LCC, of the nodal officers. And that all women keep these numbers. They should get in touch with us. We are with them. To tolerate sexual harassment is to do an injustice to ourselves, to our self esteem. Women should not tolerate it. We are with each one fully. We want that women should not have to go to a police station or a court environment. Rather, in a family-type environment, smoothly their complaints are taken care of.

The LCC office is in Room No. 1 in Vikas Sadan, opposite Mini Secretariat, Gurgaon. Our contact number is, my personal number 9873479507, and LCC member Kulbhushan Bharadwaj from a legal perspective and as a male representative can be reached at 9818371083. In addition you can come to the ADC office and you will get all details. You must support the LCC. We are working towards cleaning up society, ensuring the safety and dignity of women so that each one can work with full freedom and security.

**VT – You are listening to Gurgaon Ki Awaaz and I am Vandana. You now have complete information about the LCC. If someone teases you, or displays some wrong behaviour, or touches you in a wrong way, you can send you complaint to the LCC. I am repeating the number of the LCC again. It is 9873479507. You must not stay silent. You must speak up if someone does anything wrong.**

**We will now talk to one of our women friends who has worked in a number of garment factories in Gurgaon**

Rani (garment export worker) – “My name is Rani and I work in the export line. I have worked in 3 factories so far. Behavior is not good. If I don’t meet my target, or if a thread is left loose, or some work a problem then they hurl abuses. There is too much production. We are often not able to meet targets. Because of being in a hurry, sometimes a thread is left loose. If we complain, they threaten to fire us. We are helpless, we need to work. It happened to me once. The in-charge yelled abuses to another woman. I felt very bad. A woman had come to listen to our complaints. I told her what had happened that we come here to work, and we hear abuses. She called the in-charge and told him that women are complaining. He apologized. After that there was no such incident. There is one woman whose work is to listen to the problems of women, if anybody abuses a woman, or a supervisor says something objectionable, you can complain to her. In the export line the situation is very bad. But people are so helpless because we don’t get work easily and those who are less educated like me typically go into the export line for work.

**VT -- You are listening to Gurgaon Ki Awaaz and I am Vandana. I want to tell me sisters who are facing sexual harassment at work, and whose company does not have an ICC, and they are not able to go to the LCC, they can also get help from DLSA, which is the District Legal Services Authority. Here you get free legal aid. How you can access DLSA and what is the process? Let us find out from Suruchi Atreja Singh.**

Suruchi Atreja Singh (SAS – Chief Judicial Magistrate cum Secretary DLSA)

SAS -- “Namaskar, I am Suruchi Atreja Singh. I am the Chief Judicial Magistrate cum Secretary District Legal Services Authority-Gurgaon.

Ujala Vimal (UV - reporter) – What is the procedure for accessing the services of DLSA? If I have a problem, then what should be my first step?

SAS – First, we need to find out what is the type of problem? If you cannot talk to someone about it, you don’t want to approach the police, or you have approached the police but been unhappy with their behavior, but still believe that you I have a legal right and I want justice, then you can approach DLSA. You can come to the DLSA front office at the court. You can share your problem. Before you approach DLSA it is not necessary for you to have filed an FIR. If you have filed an FIR, and you need a lawyer, and you can’t afford one, then you can get a lawyer. If you have a complaint and you do not want to go to the police and you immediately approach the court for protection. We will forward your request to the court. You can give your complaint in writing. If you are illiterate, we have volunteers and lawyers who will help you to write out the complaint. Then you will be advised about your legal rights. If you need a lawyer and you want to file a case in court or before another competent authority, then we do that.

UV – So, no money has to be paid for the legal aid? For the lawyer appointed by the DLSA ?

SAS – Yes, if you fall under specified categories then you will be appointed a lawyer free of cost. Free does not mean that the lawyer does not get paid. Because sometimes people feel that whatever is free, then that person does not work. The cost of the lawyer is covered by DLSA.

UV – Can you share a helpline number where people can lodge their complaints?

SAS – DLSA helpline number is 2221501 in Gurgaon. The HALSA (Haryana Legal Services Authority) toll free number is 18001802057. DLSA functions under HALSA. Also you can email us at [cjmggn@gmail.com](mailto:cjmggn@gmail.com). You can also come to the front office of DLSA at the Gurgaon courts. You can also go to the legal aid centres set up in your nearest village.

**VT – So, sisters, I want to tell you that if you work somewhere, and support your home economically, it is wonderful. But, if at your workplace you are suffering sexual harassment and tolerating it silently, then that is not good at all. You must speak up against it. Staying silent is not a solution for any problem. If your company has an ICC, register your complaint there. Else you can file your complaint with the LCC, which is located at Gurgaon Vikas Sadan. Or you can approach DLSA which is in the Gurgaon courts. So, go, raise your voice. So, once again, best wishes for International Women's Day and I, Vandana, take your leave. Keep listening to Gurgaon Ki Awaaz. Your voice, Your radio. Namaskar.**

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