

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 33000 of 2022

Biyat Pragya Tripathy

.....

Petitioner

Dr. Sujata Dash, Adv.

Vs.

Government of Odisha & Others

.....

Opp. Parties

Ms. S. Patnaik, A.G.A.

(for O.P. Nos.1 and 2)

Mr. P.K. Parhi, D.S.G.I.

along with Mr. B.S. Rayaguru,

C.G.C.

(for O.P. Nos.3 and 4)

CORAM:

THE CHIEF JUSTICE

JUSTICE SAVITRI RATHO

ORDER

15.09.2023

Order No.

09.

1. This matter is taken up through hybrid mode.
2. Heard Dr. Sujata Dash, learned counsel appearing for the petitioner, Ms. S. Patnaik, learned Addl. Govt. Advocate appearing for the opposite parties No.1 and 2 and Mr. P.K. Parhi, learned Deputy Solicitor General of India along with Mr. B.S. Rayaguru, learned Central Govt. Counsel appearing for the opposite parties No.3 and 4 in the proceeding.
3. Mr. Parhi, learned Deputy Solicitor General of India has reported that despite his efforts he could not obtain the instruction from the opposite party No.5 in respect of compliance of the order dated 07.12.2022. This Court had directed the government officers

and the other authorities by the order dated 07.12.2022 to implement the mandate of Section 19 (b) of the Sexual Harassment of Women and Workplace (Prevention, Prohibition and Redressal) Act, 2013. They were also asked to file the compliance affidavit but, despite series of orders passed, according to Dr. Dash, learned counsel for the petitioner, no substantial progress has been made in compliance of the order. The government has adopted a casual approach in implementation of the mandate of Section 19 (b), in particular.

4. Ms. S. Patnaik, learned Addl. Government Advocate has submitted that the authorities are actively involved in complying the said mandate of the statute, but due to lack of intra-departmental coordination, the mandate could not be fully complied so far.

5. Mr. P.K. Parhi, learned Deputy Solicitor General of India and Mr. B.S. Rayaguru, learned Central Government Counsel have stated that if the direction is passed by this Court, all the authorities who are in control of the public places shall put up the billboard displaying the penal consequences of the sexual harassment and complete the process of constituting the internal committees under sub-section (1) of Section 4 of the said Act.

6. Dr. Dash, learned counsel has quite empathetically stated that this action is essentially needed to build up the congenial

environment at the work places for the women who are harassed sexually often times by various conducts in the work places. Nobody would dissent in accepting that for an equal society and safe society, dignity and safety of the women have to be given priority. The said Act has been designed to achieve such condition in all spaces, particularly in the public places and the work places.

7. Having appreciated the submissions of the learned counsel for the parties, we direct all the authorities under the Central Government and State Governments to comply the direction of Section 19 (b) of the Sexual Harassment of Women and Workplace (Prevention, Prohibition and Redressal) Act, 2013. The authorities have to place a bill board showing the penal consequences of sexual harassment etc. In this regard, we may refer to Section 2 (o) of the Sexual Harassment of Women and Workplace (Prevention, Prohibition and Redressal) Act which defines the work place in the following manner:

“(o) “workplace” includes-

(i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation

or a co-operative society;

(ii) any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;

(iii) hospitals or nursing homes;

(iv) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;

(v) any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey;

(vi) a dwelling place or a house.

8. Therefore, the work place perhaps takes in its fold all the places where the women are to be for different purposes of their social and individual life. In the billboard a toll free telephone number and committed phone number be provided so that whenever or wherever the woman perceives threat of sexual harassment or fear of violation of dignity in any manner, she can immediately report for

her protection and for taking action against the incalcitrants.

9. We fix a date for implementation of the above direction. The said direction shall have to be carried out within a period of three months from today.

9. Learned counsel appearing for the different authorities shall take note of this order and immediately communicate to all the concerned authorities.

10. A free copy of this order be supplied by the Registry to the counsel appearing for the parties.

11. In terms of the above, this Public Interest Litigation (PIL) is disposed of, but we would fail in our duty, if we do not mention that the violation/non-compliance of the above direction would entail the contempt of Court and this Court shall take a strict view, if such violation is brought to the notice of this Court by any concerned citizen.

Urgent certified copy be granted as per rules.

(S.Talapatra)
Chief Justice

(Savitri Ratho)
Judge

Sukanta