

Before the General Body of the Kerala High Court Advocates Association
Resolution for Constitution of Internal Committee for redressal of complaints
of sexual harassment against women

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Background

‘A safe workplace is every woman’s right’

A working woman is exposed to numerous hurdles in her professional life. The most disheartening among them is incidents of sexual harassment at workplace. As clearly observed by the Hon’ble Supreme Court in the landmark judgment *Vishaka v State of Rajasthan*, (1997)6 SCC 241:

“Each such incident results in violation of the fundamental rights of 'Gender Equality' and the 'Right of Life and Liberty'. It is clear violation of the rights under Articles 14, 15 and 21 of Constitution. One of the logical consequences of such an incident is also the violation of the victim's fundamental right under [Article 19\(1\)\(g\)](#) 'to practice any profession or to carry out any occupation, trade or business'”.

Sexual Harassment at work place is violative of the principles of equality and right to live with dignity ensured by Constitution of India. It is also violative of the provisions of 'Convention on the Elimination of All Forms of Discrimination against Women'. Every incident of abuse or sexual harassment leaves deep negative impact on the mental health of such working women, and leads to difficulty in performing and thriving at their workplace.

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is a benevolent and comprehensive legislation which has catered to the need of protection of women at their workplaces. The Act provides protection against sexual harassment of women at work and for redressal of complaints of sexual harassment within the workplace. It mandates the

constitution of an Internal Committee (IC) at the institutional level for prevention, prohibition and redressal of sexual harassment at workplace. The Committee has the power to initiate settlement between the parties through conciliation proceedings and if not settled, to initiate an inquiry into the matter. The Act prescribes the composition of Internal Committee as well.

The number of lady lawyers in the legal profession has increased exponentially over the years. Contribution of women in the legal field is also substantial. But, women in legal profession face the same hurdles as in any other workplace, which includes sexual harassment and abuse. Having regard to the Constitutional right of gender equality and right to practice profession, it is imperative to formulate a mechanism which aims at prevention of sexual harassment of women in legal profession.

Kerala High Court Advocates Association was formed with the object of protecting the interest of the legal fraternity, among other salutary objects. Our association has also strived in the past years to ensure the wellbeing of the members. The Executive Committee of the Kerala High Court Advocates Association is also entrusted with the duty and power to initiate disciplinary proceedings against any member of the association *suo moto* or on complaint of a conduct which is unbecoming of a member of the Association or involving moral turpitude or allegations of a grave nature or any acts against the interest of the Association. Disciplinary Committee so formulated to enquire into the complaint has the power to impose punishment, which may even go up to the extent of removal from membership of the association.

Even though the Kerala High Court Advocates Association has taken all necessary steps for protection and welfare of its members, no effective steps have been taken till date for formation of a Permanent Internal Complaints Committee, which could address and redress the grievances of women lawyers. Taking note of the rising presence of women in the legal profession and as Association members, formation of a permanent Internal Committee and a comprehensive mechanism to address

the complaints of sexual harassment against women members is the need of the hour. It is the duty of the Association to ensure a safe working place for its women members. Such a committee will ensure that women members feel safe, comfortable and emboldened to speak up against such unpleasant experiences and exploitations at the workplace.

In the circumstances, it is proposed that the Kerala High Court Advocates Association passes a resolution in the following terms:

Resolution

We, the members of the Kerala High Court Advocates Association (KHCAA), resolve to formulate and constitute an Internal Committee as contemplated under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 to address the complaint of sexual harassment against women members and other aggrieved women in its precincts.

Resolved further that, a comprehensive mechanism be formulated for inquiry into allegations of sexual harassment and to take appropriate disciplinary action against the members who are found guilty.

We further resolve and authorize the Executive Committee of KHCAA to make necessary changes and amendments in the Rules and Regulations, 1971 of the Kerala High Court Advocates Association for the effective implementation of the different provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.