

\$~4

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8697/2015**

RAJNI BALA DUTTA

..... Petitioner

Through: Ms Saahila Lamba, Adv.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Ms Chitra Gera, Government Pleader for
UOI

Mr Arvind Sharma, DC-Law for BSF

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **11.09.2015**

Issue notice. Ms Chitra Gera, Government Pleader accepts notice on behalf of Union of India and Mr Arvind Sharma, DC, accepts notice on behalf of the Border Security Force (BSF).

The petitioner, Head Constable (Ministerial) of the Border Security Force had complained of sexual harassment at the work place. This led to the institution of an enquiry in terms of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as "the said Act"). The inquiry apparently ended in exonerating the alleged accused/delinquent official. The petitioner complains that despite the mandate of the said Act, a copy of the findings of the Internal Complaints Committee constituted under the said Act has not been provided to her.

✓

Learned counsel for the petitioner relies upon Section 11(1) of the said Act, especially second Proviso of Section 11(1) to say that the right to be supplied a copy is a matter of law. The said provision also enables a complainant dissatisfied with the findings of the Internal Complaints Committee to represent against it.

Section 11(1) of the said Act reads as follow:-

“11. Inquiry Into complaint (1) Subject to the provisions of section 10, the Internal Committee or the Local Committee, as the case may be, shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed or in case of a domestic worker, the Local Committee shall, if *prima facie* case exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code (45 of 1860) and any other relevant provisions of the said Code where applicable:

Provided that where the aggrieved woman informs the Internal Committee or the Local Committee, as the case may be, that any term or condition of the settlement arrived at under sub-section (2) of section 10 has not been complied with by the respondent, the Internal Committee or the Local Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police:

Provided further that where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.”

This Court is of the opinion that without prejudice to the merits of the contentions which the petitioner may raise before the Committee or the rights of the accused/delinquent, she has a right to be supplied with a copy of the findings concerning the complaint

67

made by her. This right is a valuable one and conferred by law to enable the aggrieved party—including a dissatisfied complainant to represent against the findings in conclusions.

Accordingly, the respondent is hereby directed to furnish to the petitioner a copy of the finding and the report of the Internal Complaints Committee constituted under provisions of the said Act which went into the complaint made by her on 15.04.2014 and led to the findings of exoneration. The report and findings shall be furnished to her within two weeks from today.

The writ petition is partly allowed in the above terms.


S. RAVINDRA BHAT, J


DEEPA SHARMA, J

SEPTEMBER 11, 2015

bg