

F.No.8-10/2010-SP-III
Government of India
Ministry of Youth Affairs and Sports
(Department of Sports)

New Delhi the 12th August, 2010

To

The President/Secretary General/General Secretary of
All National Sports Federations

Subject: Prevention of sexual harassment of women in sports

Sir/Madam

With a view to addressing complaints concerning sexual harassment of women sports persons and to promote healthy environment in sports, a need has been felt to put in place, an effective redressal mechanism to deal with the issue.

2. Hon'ble Supreme Court, in the case of Vishakha and Others vs. State of Rajasthan and Others (JT 1997 (7) SC 384), had laid down guidelines and norms to be observed to prevent sexual harassment of working women. It has been laid down in the judgement, that it is the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

3. The Parliamentary Standing Committee attached to Ministry of Youth Affairs and Sports has also raised issues about the mechanism within various sports bodies and the Ministry to deal with cases of sexual harassment of women sportspersons.

4. The Government, after taking the above into account, has concluded that it shall be the responsibility of National Sports Federations and other sports bodies to prevent sexual harassment of women in sports and to ensure their safety. All the National Sports Federations, including Indian Olympic Committee and CWG Organising Committee, are therefore, directed to take appropriate measures, as per the Vishakha judgement (copy enclosed) issued by the Hon'ble Supreme court to prevent sexual harassment of women in sports sector. All institutional sports promotion boards are also requested to take action in this regard.

5. While following these guidelines, the NSFs should necessarily take the following steps:


- (a) Notify, publish and circulate in appropriate ways, express prohibition of sexual harassment.



- 7.
- (b) Include rules/regulations prohibiting sexual harassment in their rules and regulations and provide for appropriate penalties in such rules against the offender.
 - (c) Provide appropriate conditions in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her carrier.
 - (d) Women should be allowed to raise issues of sexual harassment in appropriate forums and it should be affirmatively discussed.
 - (e) Complaint Mechanism: The NSFs should set up a complaint mechanism for redressal of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.
 - (f) Disciplinary Action : Where such conduct amounts to misconduct, appropriate disciplinary action should be initiated in accordance with rules.
 - (g) Criminal Proceedings: Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the NSFs 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.
 - (h) Complaints Committee :The complaint mechanism, referred to in (g) above, should be adequate to provide, where necessary, Complaints Committee, a special counselor 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 member 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.
 - (i) Awareness: Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines in a suitable manner.
 - (j) Third Party Harassment: Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the NSFs will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
6. All NSFs are requested to take necessary action as per above guidelines latest by 31st August, 2010, under intimation to this Ministry.



7. The NSFs may also issue similar instructions to their State and District federations.
8. These guidelines shall become part of comprehensive guidelines for recognition of NSFs.
9. This may be treated as most urgent.


(DEEPIKA KACHHAL)
DIRECTOR

Copy to:

President/Secretary General, Indian Olympic Association
All State Sports Secretaries
All officers in MYAS and SAI
Technical Director (NIC) for uploading on the website
All Sports Promotion Boards
Guard Folder

Copy for information to:

PS to MYAS
PS to Secretary (Sports)
PS to Secretary (Youth)
PS to Joint Secretary (Sports)
PS to Joint Secretary (Youth Affairs)