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**CONCLUSIONS AND RECOMMENDATIONS:**

The Commission took cognizance of this case because sexual harassment was alleged. After hearing the parties and after going through the documents, a singular fact emerges,

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that the Complainant did not have any avenue for her grievances to be addressed. As a government department, the CBDT had to initiate some action on the complaints made by the Complainant. She had made repeated complaints about the behavior of the Respondent.

The Respondent's behavior in the manner in which he has pursued against the Complainant, indicates clearly his displeasure with the Complainant and it is not possible for the Commission to accept that this was because of her performance at work. It is not possible for any senior officer to come to such a conclusion within days of taking charge that too when he is functioning in a different office. It is also strange that the Respondent took the action taken by the Complainant in approaching CAT and getting a stay order personally as he has tried various methods to stop her from joining duties. The Respondent has contended that he took this action on the instructions of the then Chairman, CBDT. However, there has been no document available in the files that were placed before the Commission. All the letters of the Respondent reflect his displeasure with the complainant and in one letter, he was actually complaining that despite repeated requests made by him, no action was taken. If he was acting on the instructions of the Chairman, CBDT, his letters would have made reference to that fact. However, there was no such reference. Infact, when the Complainant took charge after having obtained a stay order from CAT, he instructed an officer to lodge a police complaint against her which was also lodged. This complaint is at page 60 of file number CIT/SLG/2008-09/2914 dated 14.12.2008. This complaint was followed by another complaint sent to the IG, Police signed by the Respondent himself. There are many complaints in the file made to the police by the Respondent because the Complainant assumed charge.

As far as the action of the other officers are concerned, their insensitivity is apparent from the notings in the file and the behaviour of Mr.L [redacted] in the hearing also reflected the same insensitivity. Despite very clear and direct questions put to him, he was not forthcoming with any answers, he was constantly claiming that it was not his job to make certain assessments. Even when a document was shown to him and he was asked to comment on the correctness of the action taken by the officer in violating the order of a Tribunal, he responded by saying that he would look at the file noting and respond. He even submitted that the Commission could not compel him to answer or give an opinion when a simple question was put to him if the action of the Respondent in not complying with the stay order by the Tribunal was correct. The Commission found this response shocking considering that this was an officer who is at a very senior post and actually prepares the documentation that is put up before the DPC.

In these circumstances, the Commission is left with no option **but to conclude that there has been harassment of the Complainant. The department on its part has been at fault by not paying attention to the Complaint of a woman officer when she had raised legitimate issues. It has also been at fault by strongly supporting the defaulting officer, the Respondent blindly, when clearly the action against the Complainant was taken in a very unusual manner. The department is also at fault for not providing a Redressal mechanism for sexual harassment in 2008. By merely deciding that a committee has been set up is not fully complying with the directive of the Supreme Court. The Department had a responsibility to disseminate this**

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information amongst all the staff and also conduct orientation on the issue. Even a senior officer like Mr.L [REDACTED] appeared to be completely un-trained on the issue.

The department's action has actually caused a lot of physical, emotional and financial loss to the Complainant and the same has to be adequately compensated. The CBDT is also directed to comply with the directives on Constitution of the Complaints Committees in all their offices, notify them in a prominent place and send a compliance report to the Commission within three months.

The complainant has raised issues of being penalized twice, and not being promoted etc. However, these issues are sub-judice as they are subject matter of proceedings in the Hon'ble Court. As far as these aspects are concerned, the Commission shall not comment on the same.



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Assisted by:



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Dated: June 30, 2014