



Mains Practice Question

Q. You are the director of a department that has recently been engulfed in the #MeToo campaign when two of the deputy directors working under you have been publicly named as sexual predators by two women in the department. As directed by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, you are to initiate a committee of inquiry and submit the report within 90 days.

Before initiating the committee you are faced with two narratives, first, that this is not the first time both women have come forward with similar accusations; second, that you have known both the deputy directors and their families for quite some time now, and you have noticed nothing in their behaviour that says they could have been the sexual predators as alleged.

Now, while the women want you to begin the inquiry process at the earliest, the deputy directors deny all charges and say that they want to pursue defamation cases against their main accusers. In all this, public pressure is against you, with the media discussing the case on a regular basis.

(a) As a director of a department what will be your course of action for starting an official investigation? State the merits and demerits of whatever course of action you decide to follow.

(b) Do you also agree that the sexual nature of a crime makes the crime ethically different and difficult (to handle) from other crimes? Give valid reasons to support your views. (250 words)

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Answer

The given case highlights the dilemma faced by higher management whether to give priority to allegations of sexual offences by women or to trust the colleagues as per their past behavior.

Facts of the case	Stakeholders involved	Values involved
<ul style="list-style-type: none">Allegations of sexual abuse against two deputy directors.The two women previously also alleged similar accusations.Personal experience of director suggests clean character of accused.Media and public pressure to take action.	<ul style="list-style-type: none">The two womenDeputy directorsSelf (Director)Departmental staffMediaCivil society	<ul style="list-style-type: none">Dignity of womenGender justiceResponsibilityObjectivityTrustSelf-esteemImpartiality

Following **course of action** can be taken by the Director in this case:

	Course of action	Merit	Demerit
1.	Knowing and understanding the facts: Talking with both the women and the accused.	<ul style="list-style-type: none"> ▪ Ensuring transparency: It will give opportunity to them to present their viewpoints. ▪ Resolving the case informally: If there are any false accusations, matter can be resolved if both parties do away with any misunderstandings. 	<ul style="list-style-type: none"> ▪ Increasing media pressure: Media may portray this as biasness of the Director. ▪ Unnecessary delay: Directly following the legal duty of forming inquiry committee will fast-track the resolution of case.
2.	Talking informally to the department staff	<ul style="list-style-type: none"> ▪ Encourage other women employees: Other women employees may also speak out seeing the impartial nature of the process followed. ▪ Involving stakeholders: The viewpoint of the colleagues is necessary to get a third point of view. 	<ul style="list-style-type: none"> ▪ Increased ethical scrutiny by the staff: The complainant might have to face indirect harassment at the workplace. ▪ Biased viewpoints: The office staff may not give true opinions because of fear of going against the organization.
3.	Forming formal inquiry committee	<ul style="list-style-type: none"> ▪ Ensuring justice: This will give an opportunity to both the parties to face a fair trial. ▪ Following duty: It is the legal duty of the director to ensure that the internal complaints committee functions impartially. 	<ul style="list-style-type: none"> ▪ Encourage false cases: If the women have made false accusations,, this will encourage them to repeat this for vicious motives. ▪ Defamation of deputy directors: It will be detrimental to the career of accused and will hurt their self-esteem, morale and confidence.

- Thus, the Director has to ensure that the procedure **is fair, objective and impartial**. Both the complainant and the accused must be given equal opportunity to justify their stands.
- Also, it is the duty of the senior management and the staff to ensure a **conducive work culture** so that no one should be harassed of any preconceived notions and prejudices.

b) **Yes, sexual nature of a crime makes the crime ethically different and difficult (to handle) from other crimes.** Following arguments can be given in support of this:

- **Nature of offence:** Sexual offences put a scar on the lives of the victim who face the trauma for entire lifetime. Curbing such offences should be of utmost priority.
- **Attitude of society:** The 'chalta hai' attitude of Indian society promotes and encourages sexual offences. In the words of Hannah Arendt, it is "banality of evil" that is evil (sexual offences)

becomes so normal that society gives acceptance to it.

- **Curbing the perpetrators:** Strict action against sexual offences will discourage the regular offenders not to indulge in such crimes.
- **Male dominance in work environments:** Women regularly face abuse and harassment on a daily basis in both personal and professional life.
- **Encouraging women:** Giving due importance to their grievances would encourage them to speak up and stand for themselves.

Thus, it is the duty of the society to listen to the voices of women when they speak up. Also, formal channels of grievance redressal should be encouraged instead of going to the social media. Initiatives like SheBox promote anonymity and encourages women not to succumb to regular sexual harassment at workplace.

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