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AIR FORCE ORDER

BY

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CHIEF OF THE AIR STAFF

AIR HEADQUARTERS

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NEW DELHI, FRIDAY 25 NOV, 2005

(Valid for 10 years from the date of issue)

COMPLAINTS OF SEXUAL HARASSMENT AT WORK PLACES

1. The incidents of sexual harassment at work places result in violation of the 'Gender Equality'. At present, there is no enacted law to deal with such cases. The aim of this Order is to define 'sexual harassment' and the procedure to deal with such complaints made by a woman officer or any other woman employee of the IAF.
2. For the purposes of this Order, the term 'sexual harassment' would include such unwelcome sexually determined behaviour (whether directly or by implication) as
 - (a) Physical contact and advances;
 - (b) A demand or request for sexual favour;
 - (c) Sexually coloured remarks;
 - (d) Showing pornography; or
 - (e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

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3. The cases of sexual harassment at a workplace in IAF may be categorized under following types: -

- (a) Where the accused and the victim are both subject to Air Force Law.
- (b) Where the accused is subject to Air Force Law and the victim is a civilian employee.
- (c) Where the accused and the victim are both civilian employees.
- (d) When the victim is subject to Air Force Law and the accused is a Civilian employee.

4. Where the accused is subject to Air Force Law, actions are to be initiated as follows: -

- (a) Whenever a complaint of sexual harassment is made, it will be mandatory to investigate the matter only through a C of I.
- (b) The matter would be dealt with in accordance with the provisions of Air Force Law. During the investigation process, care would be taken to incorporate a woman officer of the appropriate rank. If no woman officer is available to function as a member, the feasibility of co-opting a woman officer from any other service/Govt Department in the vicinity could be considered.
- (c) In terms of Para 788(a) of the Regulations for the AF, 1964(Revised), a Court of Inquiry is not a public Court and should normally sit in private, except when the presence of an individual is required in terms of the provisions of Para 790 of the Regulations.
- (d) Depending upon the outcome of the investigation, the competent authority may decide about the kind and nature of action against the blamed personnel.
- (e) Summary of Evidence, if ordered, should be recorded by a woman officer, if available.

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- (f) Minimum one member of the Court-martial, if convened, should be a woman Officer, if available, and permissible, having due regard to the provisions relating to the composition of the Court-martial.
- (g) As far as possible, a woman officer may be appointed as the Prosecutor in the Court Martial.
5. Where the accused is a Civilian Employee, actions are to be initiated as follows: -
- (a) A 'Complaints Committee' is to be constituted at all major AF Stations having substantial number of women employees. A woman official shall head the 'Complaints Committee'.
- (b) The complaint of 'sexual harassment' would be investigated by the 'Complaints Committee'. Adequate steps may be taken for maintenance of confidentiality while investigating the matter.
- (c) Depending upon the findings of the 'Complaints Committee', appropriate action in terms of the relevant 'Rules' may be initiated against the delinquent official.
- (d) It is to be noted that where the sexual misdemeanor amounts to a specific offence under the Indian Penal Code or under any other law, appropriate action for prosecution may be initiated after obtaining orders of the Competent Authority.
6. As a preventive measure, express prohibition of sexual harassment should be notified, published and circulated in appropriate ways as under: -
- (a) Relevant extracts of this Order are to be included in the Station/Unit Standing Orders.
- (b) All personnel arriving on posting to a Unit/Formation are to read this Order and sign in the register as having read and understood the same.
- (c) The definition of 'sexual harassment' and other relevant details of the Order are to be published as a periodical entry in the Station/Unit Routine Orders.

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(d) In Station Welfare meetings/ Flight Safety meetings, the provisions of this Order are to be briefed to all personnel.

(e) A copy of this order is to be kept in the Station Library, Station/Unit HQ, and all other places, generally visited by personnel.

7. Whenever dealing with cases of sexual harassment in the units/ stations/ wings, the following general guidelines are to be adhered to: -

(a) Whenever required, services of a 'Counsellor' may be arranged for the victim. At all major AF Stations, having a large number of women employees (23 ED, 402 AF Stn etc.), a "**Woman Counsellor**", who shall be a serving woman officer and if no woman officer is available, a woman employee, may be appointed by the Station Administration.

(b) During investigation of the allegations of sexual harassment, to maintain impartiality and independence of the proceedings, the presence of a woman Officer from other service i.e. Army/Navy, if possible, may be procured as a 'member-in-attendance'.

(c) In case a woman officer/employee of the IAF is sexually harassed by a third party, the Station/Unit administration is to provide active aid, advice and support to the victim under the supervision of the AOC/Stn Cdr/CO.

(d) If any request is made by the victim, the desirability of the transfer from the place of work of the perpetrator or the victim should be duly examined.

(e) Appropriate work conditions in respect of work, leisure, health and hygiene are to be provided to prevent hostile environment towards women at work places.

(f) If a complaint of sexual harassment is made against a person subject to the Army or Navy Law, actions will be taken in accordance with the existing provisions and guidelines on the subject.

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