



**MALINI BHATTACHARYA**  
Member



भारत सरकार  
GOVERNMENT OF INDIA  
राष्ट्रीय महिला आयोग  
NATIONAL COMMISSION FOR WOMEN

NCW/MB/2007/10

3612

23<sup>rd</sup> March, 2007

To

Shri Gurudas Das Gupta  
M.P. (Lok Sabha)  
24-Canning Lane,  
New Delhi - 110 001

Dear Sir,

I have gone to Udyog Vihar, Gurgaon to investigate the alleged sexual harassment at M/s Fashion Express, and I am sending you a copy of my preliminary report.

With regards,

Yours sincerely,

*Malini Bhattacharya*  
(Malini Bhattacharya)

Encl: As above.

## REPORT ON ALLEGED SEXUAL HARASSMENT AT M/S FASHION EXPRESS, GURGAON.

On receipt of a complaint from the Ms. Fashion Express Karamchari Sangathan to Chairperson, NCW, with a forwarding letter from Gurudas Dasgupta, MP, the undersigned was directed to visit Gurgaon to investigate the allegations of sexual harassment against woman workers by the employer Gaurav Mamik of Ms. Fashion Express, Udyog Vihar, Gurgaon.

Four women, Beena Rani, Beena Devi, Kusum Lata and Sarvan Devi gave their evidence. About 50 women who have been employees of the factory for periods from 12 to 17 years, were sitting on a dharna within the factory premises in protest and many of them, made additional comments while the undersigned was taking evidence. It was testified by the women that on an earlier occasion also ( February, 2007), a similar complaint of sexual harassment had been lodged with the Udyog Vihar Thana and the owner had been arrested for one day and then released on bail. After being released, the bad behaviour and harassment has increased and two women have been suspended on 21.3.07. An FIR has been lodged again on 22.3.2007 at Udyog Vihar Thana. In the earlier incident , two women workers had filed Istagasa in a Court in Gurgaon against the employer and his son. The details of the present incident available from the women were as follows:-

The owner is trying to make the women do overtime against their will and even when it is inconvenient for them. When some women refused, they were called to the room of the owner and asked to sign a notice. When they refused to do this, without knowing what it was about, he started pushing them around while uttering very strong abusive words. He caught hold of the kameez and the chunni of a woman and pushed her by placing his hands on her bosom . Another woman, said that he caught hold of her blouse and hit her on the chest and threatened to tear off her blouse and parade her naked. When the woman started shouting other workers appeared on the scene and the women were suspended after that.

I inspected the toilets and found them to be quite filthy and the one woman sweeper who does the work informed me that no cleaning articles are provided. The women also complained that the drinking water was not clean and it sometimes had worms in it. It also appears that the women who have to check the garments, were earlier provided with a helper but since the protests, helpers have been withdrawn and women have to go up and down an iron staircase continually to bring down the garments for checking and packaging. Last June, one woman called Deva Devi, who was seven months pregnant, was made to stand while doing the work of thread cutting for several hours. In spite of requests, she was not provided with a stool, after which she fell down in the toilet, had a miscarriage and subsequently died. Only Rs. 15000/- has been paid as compensation. Since the protests started, the owner has announced a compulsory medical checkup for all women and they feared that they would be declared unfit and their employment terminated. For two years, there has been no agreement document

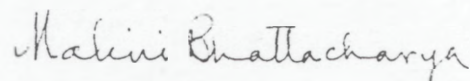


signed between employer and employees. Deduction from wages on any pretext, is a common occurrence.

After the discussion with the women, I also spoke to the Personnel Officer Vinod Sharma since the owner was not present. Vinod Sharma denied all the allegations and presented me with copies of a number of documents, some of which, showed that the earlier petition made by the women workers has been disposed of in favour of the employer on 9.3.2007. However, the workers have said that this is because the Police have not done a proper investigation.

It may be mentioned that when I reached there, the gate of the factory was closed and I was not allowed to enter for 15-20 minutes in spite of affirming my identity and giving my card. Only after one policeman came from Udyog Vihar Thana, was I allowed to enter. After leaving the factory premises, I went to the Udyog Vihar Thana and met the SHO Rajeev Kumar. He told me that on 21.3.2007, after receiving information from the factory, he had gone there and at that time, the women workers had only spoken about their suspension and not about sexual harassment. He, however, said himself that the problem had arisen over overtime issue and the owner's position was that he had a deadline to meet and therefore, he had asked the workers to work overtime. It was only on 22.3.2007 that some members came to the Thana to tell him that some women have been sexually harassed on 21.3.2007. The workers, however, said that this was not true and the women had spoken of the physical abuse and use of bad words even at the first instance. It may be pointed out here that it was observed that the factory does not have any women's complaints committee in accordance with Vishakha guidelines. The SHO said that the Deputy Commissioner, Labour, having been informed of the incidents by the workers, had deputed the City Magistrate Narendra Singh Yadav to make a full investigation of the facts from 11 AM on the same day. He also invited me to stay on during the enquiry. But since I had an important meeting at the Commission, I had to come back.

I recommend that a full and fair investigation of the continued complaints of sexual harassment as well as the absence of proper facilities at workplace for the women and their humiliation by the owner and the managerial staff may be made by the concerned authorities. There is prima facie evidence of ill-treatment and abuse of various kinds. The NCW may write to the DGP, the Home Secretary and the Labour Secretary of Haryana to see that a fair investigation is conducted.

  
(Malini Bhattacharya)