



Ministry of Electronics and Information Technology
Unique Identification Authority of India



PREVENTION OF SEXUAL HARASSMENT (POSH)
AT WORK-PLACE POLICY

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PREVENTION OF SEXUAL HARASSMENT (POSH) AT WORK-PLACE POLICY

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PREVENTION OF SEXUAL HARASSMENT (POSH) AT WORK-PLACE POLICY

1. BACKGROUND AND INTRODUCTION

(a) Provisions regarding prohibiting sexual harassment of women at work-place are contained in **Rule 3-C of CCS(Conduct) Rules, 1964 and Government of India's Instruction No. 25** under it. These provisions provide that no Government servant shall indulge in any act of sexual harassment of any woman at her work place. Every Government servant who is in-charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

(b) Department of Personnel & Training vide their O.M. No. 11013/10/97-Estt (A) dated 13th February, 1998 read with OM No. 11013/3/2009-Estt (A) dated 2nd February, 2009 & 3rd August, 2009 had issued certain **guidelines and norms laid down by Hon'ble Supreme Court in the case of Vishaka and Ors. Vs. State of Rajasthan and Ors (JT 1997(7) SC 384)** which are 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 and prosecution of acts of sexual harassment by taking all steps required.

(c) Further, the "**Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**" (hereinafter referred to as the 'Act'), duly notified by Ministry of Law and Justice on 23rd April, 2013 and subsequent "**Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013**" (hereinafter referred to as the 'Rules'), which were notified vide Ministry of Women and Child Development Notification dated 9th December, 2013, emphasizes to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

(d) This Policy has been framed in accordance with the provisions of the Act and the Rules framed there under. Accordingly, while the policy covers all the key aspects of the Act, for any further clarification and/or in case of conflict between Policy and Act, reference shall always be made to the Act and the provisions of the Act shall prevail over the Policy.

2. PURPOSE AND MANDATE

As laid down under the provisions mentioned above under CCS(Conduct) Rules 1964, the Hon'ble Supreme Court's judgement in the case of Vishaka & Ors Vs. State of Rajasthan & Ors and under the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) **Act, 2013**" and "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) **Rules, 2013**", each employer should be committed to provide to all its employees, equal opportunity and a harassment free workplace, notwithstanding race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability, as the case may be. Thus, in order to create such a safe and conducive work environment, especially women employees, the Prevention of Sexual Harassment (POSH) Policy is being framed, in line with the provisions of the prevailing Act and Rules. The main objective of the policy is to provide its women employees, a workplace, free from harassment/

discrimination and to treat them with dignity and respect. Further, it also emphasizes on prevention, prohibition and redressal of complaints of sexual harassment and matters related to it. This is Zero-tolerance Policy against Sexual Harassment, incorporating the rules and procedures as mandated in the Act. This policy shall encourage employees to come forward to report any sexual misconduct, without any fear of retribution and with an assurance that the complaint will be taken seriously and an un-bias inquiry conducted.

3. SCOPE

(a) This policy applies to all categories of employees working at UIDAI (at HQ and all Regional Offices and Technology Centre and Data Centres), including permanent and temporary employees, contractual / outsourced employees/ person employed on adhoc or daily wage basis, either directly or through an agent or individuals coming to the workplace for any purpose, but not limited to visitors, vendors, contractual resources and applies to any alleged act of sexual harassment against persons at workplace, whether incident has occurred during or beyond office hours in work place. The sexual harassment will not be tolerated, if engaged in by clients or by suppliers or any other business associates.

(b) The Work place includes all offices and premises of UIDAI (including Headquarter and all Regional Offices, Data Centres and Techology Centres), all office related activities performed at any other site away from Office premises, any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations. It also includes any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking the journey.

4. DEFINITION OF "SEXUAL HARASSMENT" (as defined under Section 2(n) of the Act)

Sexual harassment may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between a UIDAI employee and someone that employee deals with in the course of his/ her work who is not employed by the UIDAI

A. "Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication):-

- (i) Physical contact and advances; or
- (ii) A demand or request for sexual favours; or
- (iii) Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body; or
- (iv) Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.; or
- (v) Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
- (vi) Giving gifts or leaving objects that are sexually suggestive;
- (vii) Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
- (viii) Persistent watching, following, contacting of a person; and
- (ix) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

B. Further Section 3(2) of the Act mentions that the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment :

- (i) Implied or explicit promise of preferential treatment in her employment; or
- (ii) Implied or explicit threat of detrimental treatment in her employment; or
- (iii) Implied or explicit threat about her present or future employment status; or
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) Humiliating treatment likely to affect her health or safety.

C. Other Important Definitions:

- (i) **Aggrieved woman:** In relation to a workplace, a woman, of any age, who alleges to have been subjected to any act of sexual harassment by the respondent and includes contractual, temporary, visitors.
- (ii) **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman.
- (iii) **Employee:** A person employed at the workplace, for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are explicit or implied and includes a coworker, a contract worker, probationer, trainee, apprentice or by any other such name.
- (iv) **Workplace (in addition to what is defined in scope shall also include):** In addition to the place of work [Head office / Branch offices, Factories] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with UIDAI, including transportation provided for undertaking such a journey.
- (v) **Employer:** A person responsible for management, supervision and control of the workplace.

5. ROLES and RESPONSIBILITY

- (a) **Responsibilities of Individual** : It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by : (a) Refusing to participate in any activity which constitutes harassment ; (b) Supporting the person to reject unwelcome behavior; (c) Acting as a witness if the person being harassed decides to lodge a complaint. All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.
- (b) **Duties and Responsibility of the Employer (As laid down under Section 19 of the Act)**
The detailed responsibility & duties of the Head of the Department and all Divisional Heads (at Headquarter, Technology Centre and Regional Offices of UIDAI) are laid down under Section 19 of the Act, which includes :
 - (i) Providing a safe working environment at the workplace which shall include safety from the persons coming into contact at their respective workplace;

- (ii) To Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Complaints Committee (ICC) under Sub-Section (1) of Section 4 of the Act;
- (iii) To Organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act;
- (iv) To Provide necessary facilities to the Internal Committee, for dealing with the complaints and conducting an inquiry;
- (v) To provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- (vi) To monitor the timely submission of reports by the Internal Committee.

- c. **Responsibilities of Officers** : All Officers at UIDAI must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

6. INTERNAL COMPLAINTS COMMITTEE (ICC) (As per the provisions of Section 4 of the Act)

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to such cases, 'Internal Complaints Committee' shall be constituted (by an order in writing) at UIDAI Head quarter as well as at all other administrative offices i.e. all Regional Offices and Technology Centre separately as per the provisions made under Section 4/ Chapter-II of the Act.

- (i) The Internal Complaints Committee (ICC) shall consist of the following members to be nominated by the employer, namely :-

- (a) A **Presiding Officer (Chairperson)** who shall be a woman employed at a senior level at workplace from amongst the employees, who shall hold the office for such period, not exceeding three years, from the date of their nomination;
- (b) Not less than **two Members** from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- (c) **One Member** from amongst **non-governmental organizations** or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, who shall be paid such fees or allowances for holding the proceedings of the ICC, by the employer, as may be prescribed;
- (d) At least one-half of the total Members so nominated shall be women.
(Presently, separate Internal Complaints Committees have been constituted for UIDAI HQ, its ROs and Technology Centre)

- (ii) The ICC is responsible for :-

- (a) Receiving complaints of sexual harassment at the workplace;
- (b) Initiating and conducting inquiry as per the established procedure;
- (c) Submitting reports of its findings and recommendations;
- (d) Follow-up with the employer in implementing appropriate action;
- (e) Maintaining strict confidentiality throughout the process as per established guidelines; and
- (f) Submitting annual reports in the prescribed format.

7. COMPLAINT MECHANISM

A. Online Complaints through SHE-Box

(i) Ministry of Women & Child Development launched an Online Complaint Management System titled "Sexual Harassment Electronic-Box (SHe-Box)" on 24th July, 2017 for registering complaints related to sexual harassment at workplace. SHe-Box is an initiative to provide a platform to the women working or visiting any office of Central Government (including Ministries/ Departments, PSUs, Autonomous Bodies and Institutes etc.) to file complaints related to sexual harassment at workplace under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

(ii) Once a complaint is submitted to SHe-Box, it will be directly sent to the Internal Complaints Committee (ICC) of the concerned Ministry/Department/PSU/AB etc. having jurisdiction to inquire into the complaint. The SHe-Box provides an opportunity to both the complainant and nodal administrative authority to monitor the progress of inquiry conducted by the ICCs. The SHe-Box portal can be accessed at the link given below: <http://www.shebox.nic.in>

(iii) The Steps required for filing of complaint through SHe-Box are given in Annexure-A and also can be downloaded from the link: <http://www.shebox.nic.in/assets/site/downloads/manual.pdf>

B. Direct complaints made to Internal Complaints Committee (As per provisions made under Sections 9 to 11 of the Act)

(i) Redressal Mechanism – Formal Intervention : In compliance with the Act, if the complainant warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

8. LODGING A COMPLAINT

(a) The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace.

(b) The complaint must be lodged within **3 months** from the date of incident/ last incident. The Committee can extend the timeline by another **3 months** for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

(c) If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, with her written consent.

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

(d) If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.

9. RECEIVING A COMPLAINT (Guidelines)

(a) Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

(b) The following points are kept in mind by the receiver of the complaint:

- (i) Complaint are listened to and the complainant informed that the UIDAI takes the concerns seriously.
- (ii) Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily.
- (iii) Situations are not to be pre-judged. Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, complainants own words, where possible, is used. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- (iv) All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.
- (vi) The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity.

(c) Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent

10. RESOLUTION PROCEDURE THROUGH CONCILIATION

(a) Once the complaint is received, before initiating the inquiry, the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman.

(b) It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

(c) In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within two weeks of receipt of complaint.

(d) The committee provides copies of the settlement to complainant and respondent. Once the action is implemented, no further inquiry is conducted.

11. RESOLUTION PROCEDURE THROUGH FORMAL INQUIRY

(a) Conducting Inquiry :

The committee initiates inquiry in the following cases:

- (i) No conciliation is requested by aggrieved woman
- (ii) Conciliation has not resulted in any settlement
- (iii) Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

The Committee proceeds to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/closure of conciliation/repeat complaint.

(b) Manner of inquiry into complaint:

- (i) Complainant should submit the complaint along with supporting documents and the names of the witnesses.
- (ii) Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days.
- (iii) Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint
- (iv) No legal practitioner can represent any party at any stage of the inquiry procedure
- (v) The Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice
- (vi) In conducting the inquiry, a minimum of three committee members including the Presiding Officer or the Chairperson is present

(c) Interim relief

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to -

- (i) Transfer the complainant or the respondent to any other workplace
- (ii) Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled
- (iii) Prevent the respondent from assessing complainant's work performance
- (iv) Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same

12. INQUIRY PROCEDURE

- (a) All proceedings of the inquiry are documented. The Committee interviews the respondent separately and impartially.
- (b) Committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.
- (c) If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements.
- (d) In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.
- (e) Any such inquiry is completed, within **90 days** from the date on which the inquiry is commenced and report is submitted to the employer within 10 days of completion of inquiry. (Section 11(4) and Section 13(1)) The inquiry procedure ensures absolute fairness to all parties.

13. CONSIDERATIONS WHILE PREPARING INQUIRY REPORT

- (a) While preparing the findings/recommendations, following are considered:
- (i) Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature
 - (ii) Whether the allegations or events follow logically and reasonably from the evidence
 - (iii) Credibility of complainant, respondent, witnesses and evidence
 - (iv) Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent
 - (v) Both parties have been given an opportunity of being heard
 - (vi) A copy of the proceedings were made available to both parties enabling them to make representation against the findings
- (b) The detailed mechanism of the complaint and the action to be taken by the ICC are laid down under the Sections 10 & 11 of the Act. Further the procedure to be followed while conducting **Inquiry into a Complaint have been laid down under Sections 12 to 18 of the Act.**

14. ACTION TO BE TAKEN AFTER INQUIRY

- (a) Section 13 of the Act envisages that on the completion of the inquiry under the Act, the ICC shall provide a report of its findings to the employer **within a period of ten days from the date of completion of the inquiry** and such report be made available to the concerned parties also. The findings and recommendations are reached from the facts established and is recorded accurately.
- (b) If the situation so requires, or upon request of the complainant, respondent or witness, Competent Authority at UIDAI may decide to take interim measures such as transfer, changing of shift,

grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.

(i) **Complaint Unsubstantiated** {Section 13(2) of the Act}: Where the ICC arrives at the conclusion that the allegations against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter. Further, the Committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged within the UIDAI.

(ii) **Complaint Substantiated** {Sections 13(3) & 15 of the Act}: Where the Committee arrives at a conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take necessary action for sexual harassment, as a misconduct, in accordance with the provisions of the service rules applicable or as per the provisions laid down under the Act.

Section 13(4) of the Act further specifies that the employer shall act upon the recommendations within 60 days of its receipt by him under intimation to the ICC.

(iii) **Malicious Allegations** {Section 14 of the Act}: Where the Committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person who has made the complaint, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed. The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.

While deciding malicious intent, the Committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

15. CONFIDENTIALITY (Sections 16 & 17 of the Act of the Act)

(a) Section 16 of the Act stipulates that, the contents of the complaint made under Section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC and the action taken by the employer under the provisions of the Act shall not be published, communicated or made known to the public, press and media in any manner.

(b) Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the Act.

16. APPEAL (Section 18 of the Act)

Any person aggrieved from the recommendations made by the ICC or non-implementation of such recommendations, may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed, within a period of ninety days of the recommendations.

17. ANNUAL REPORT (Sections 21 to 23 of the Act)

As per the provision laid down under Section 21 & 22 of the Act and Rule 14 of the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013", the ICC shall in each calendar year prepare an annual report, giving the following details and submit the same to Ministry of Electronics and Information Technology for onward submission to the Department of Personnel & Training:

- (a) Number of complaints of sexual harassment received in the year;
- (b) Number of complaints disposed off during the year;
- (c) Number of cases pending for more than ninety days;
- (d) Number of workshops or awareness programme against sexual harassment carried out;
- (e) Nature of action taken by the employer or District Officer.

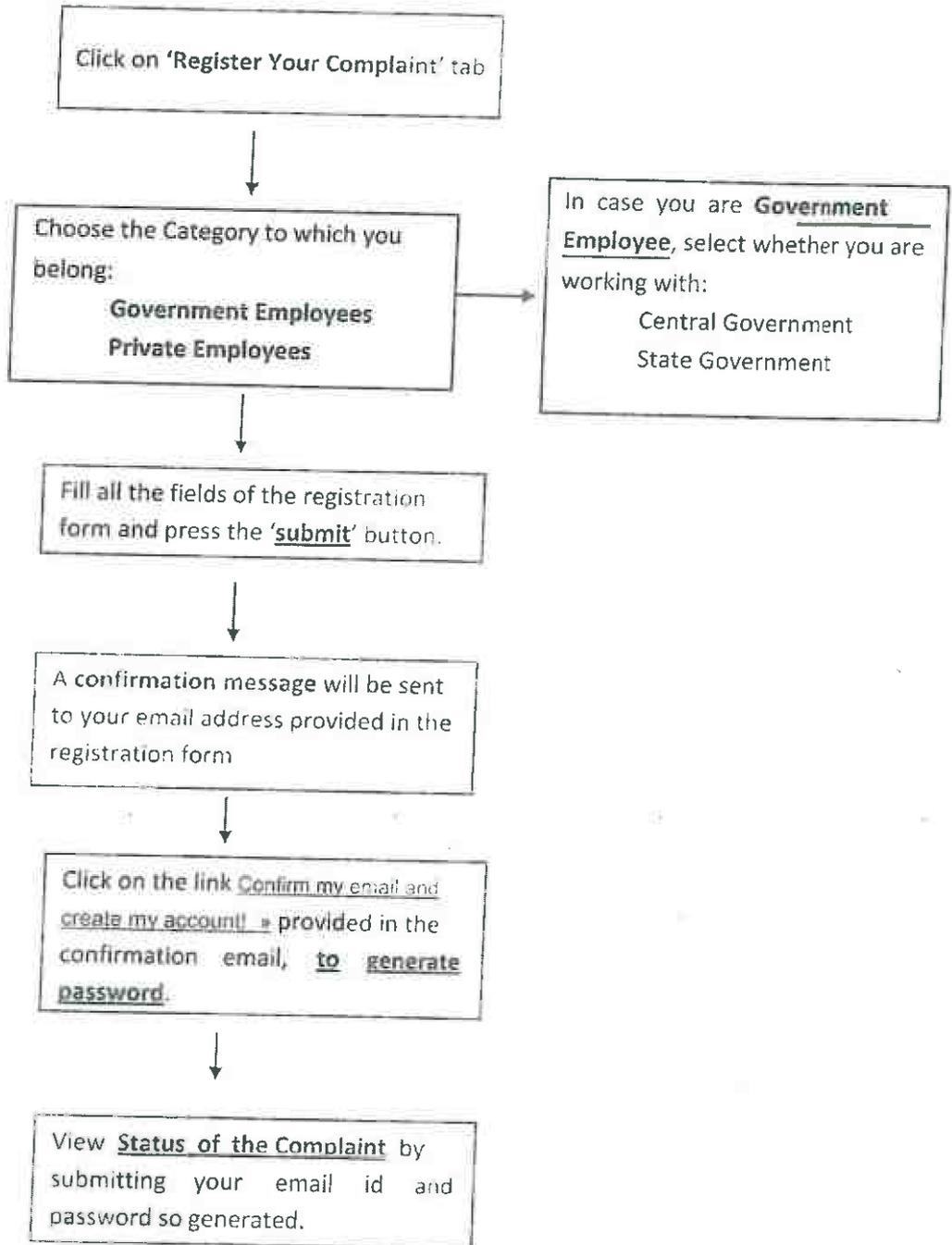
18. MODIFICATION & REVIEW OF THE POLICY

UIDAI reserves the right to modify and, or review the provisions of this Policy, so as to comply with applicable legal requirements, changes made in the Act by the Government, Internal Policies, or otherwise with a view to revise the provisions of this Policy to the extent deemed necessary by the UIDAI from time to time. Any such changes or modifications may be shared by UIDAI to its employees.

19. SAVINGS

In case of any discrepancy in Policy, the provisions of relevant Act/ Rules shall prevail.

HOW TO REGISTER A COMPLAINT IN SHE-Box



Harassment Grievance Redressal Procedure/ Mechanism

S.No.	Action	Time Schedule
1.	Submission of Complaint by the Complainant (i.e. Aggrieved person) to any other Person/ Officer or ICC	Within 3 months of the last incident <i>(Section 9 of the Act)</i>
2.	On receipt of the complaint, the ICC shall send a copy of the same to the respondent (i.e. the person against whom the complaint is made)	Within a period of 7 working days <i>(Clause 7(2) of the Rules)</i>
3.	Respondent shall file his reply of the complaint to the ICC alongwith supporting documents, and details of witnesses etc.	Within 10 working days of the date of receipt of the copy of the complaint <i>(Clause 7(3) of the Rules)</i>
4.	Conciliation between the Parties (i.e. the complainant and the respondent), on the request of the complainant may be provided by the ICC. If resolution through conciliation is arrived , the same will be recorded and informed to employer. Copy of the settlement is to be provided to both parties. In this case, no further inquiry will be	<i>(Section 10 of the Act)</i>
5.	In case conciliation is not opted for or if no resolution is arrived at, a Formal Inquiry will be initiated by the ICC, as per the Policy/ Act.	Inquiry shall be completed within 90 days from the date of initiation. <i>(Section 11(4) of the Act)</i>
6.	On the completion of the inquiry, the ICC shall provide a report of its findings to the employer, for taking recommended action and a copy of the same may also be made available to the concerned parties also i.e. complainant and the respondent.	Within 10 days of the completion of the inquiry. <i>(Section 13(1) of the Act)</i>
7.	The employer shall act upon the recommendations of the ICC	Within 60 days of the receipt of the recommendations from ICC <i>(Section 13(4) of the Act)</i>
8.	Appeal may be made by either of the party to the employer, if not satisfied with the inquiry report	Preferred within a period of 90 days of the receipt of the copy of recommendations of the ICC. <i>(Section 18(2) of the Act)</i>

RULE 3-e

CENTRAL CIVIL SERVICES (CONDUCT) RULES, 1964

36/433C. Prohibition of sexual harassment of working women

- (1) No Government servant shall indulge in any act of sexual harassment of any woman at any work place.
- (2) Every Government servant who is incharge of a work place shall take appropriate steps to prevent sexual harassment to any woman at the work place.

Explanation. - (1) For the purpose of this rule, -

(a) "sexual harassment" includes any one or more of the following acts or behaviour (whether directly or by implication) namely : -

- (i) physical contact and advances; or
- (ii) a demand or request for sexual favours; or
- (iii) making sexually coloured remarks; or
- (iv) showing pornography; or
- (i) any other unwelcome physical, verbal, non-verbal conduct of a sexual nature.

(b) the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment : -

- (i) implied or explicit promise of preferential treatment in employment; or
- (ii) implied or explicit threat of detrimental treatment in employment; or
- (iii) implied or explicit threat about her present or future employment status; or
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) humiliating treatment likely to affect her health or safety.

(c) "workplace" includes,-

- (i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the Central Government;
- (ii) hospitals or nursing homes;
- (iii) any sports institute, stadium, sports complex or competition or ground, whether residential or not used for training, sports or other activities relating thereto;
- (iv) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;
- (v) a dwelling place or a house.'

The Central Civil Services (Conduct) Rules, 1964

RULE 3. GENERAL:

Government of India Decisions

(25) Supreme Court judgment in the case of Vishaka Vs. State of Rajasthan regarding sexual harassment of working women.

In the case of Vishaka and Ors Vs. State of Rajasthan and Ors. (JT 1997 (7) SC 384), the Hon'ble Supreme Court has laid down guidelines and norms to be observed to prevent sexual harassment of working women.

2. It has been laid down in the judgment above-mentioned 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. For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or implication) as:-

- a) physical contact and advances;
- b) a demand or request for sexual favours;
- c) sexually coloured remarks;
- d) showing pornography;
- e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

3. Attention in this connection is invited to Rule 3 (1) (iii) of the CCS (Conduct) Rules, 1964, which provides that every Government servant shall at all times do nothing which is unbecoming of a Government servant. Any act of sexual harassment of women employees is definitely unbecoming of a Government servant and amounts to a misconduct. Appropriate disciplinary action should be initiated in such cases against the delinquent Government servant in accordance with the rules.

4. Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the concerned authorities shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

5. In particular, it should be ensured that victims or witnesses are not victimized or discriminated against while dealing with complaints or sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

6. Complaint Mechanism: - Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in every organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints. Wherever such machineries for redressal of grievance already exist, they may be made more effective and in particular women officers should preferably handle such complaints.

7. Awareness: - Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (copy enclosed) in a suitable manner.

8. A specific provision is, however, being made in the CCS (Conduct) Rules, 1964, prohibiting sexual harassment of women by Government servants, in compliance of the judgment of the Hon'ble Supreme Court.

GUIDELINES AND NORMS LAID DOWN BY THE HON'BLE SUPREME COURT IN VISHAKA & ORS. V. STATE OF RAJASTHAN & ORS. (JT 1997 (7) SC 384)

HAVING REGARD to the definition of 'human rights' in Section 2 (d) of the Protection of Human Rights Act, 1993, TAKING NOTE of the fact that the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time,

It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women.

1. Duty of the Employer or other responsible persons in work places and other institutions:

It shall be 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 procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

2. Definition:

For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

- a) Physical contact and advances;
- b) a demand or request for sexual favours;
- c) sexually coloured remarks;
- d) showing pornography;
- e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Where any of these acts is committed in circumstances where under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in Government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

3. Preventive Steps:

All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality to this obligation they should take the following steps:-

- (a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.
- (b) The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.
- (c) As regards private employers steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.
- (d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

4. Criminal Proceedings:

~~Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the employer 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.

5. Disciplinary Action:

Where such conduct amount to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

6. Complaint Mechanism:

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

7. Complaint Mechanism:

The complaint mechanism referred to in (6) above, should be adequate to provide, where necessary, a 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.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

8. Workers' Initiative:

Employees should be allowed to raise issues of sexual harassment at workers' meeting and in other appropriate forum and it should be affirmatively discussed in Employer-Employee Meetings.

9. Awareness:

Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

10. Third Party Harassment:

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

11. The Central/State Governments are requested to consider adopting suitable measures including legislation to ensure that the guidelines laid down by this order are also observed by the employers in Private Sector.

12. These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993.

[DOPT OM No. 11013/10/97-Estt.(A), dated 13.02.1998]

No.11013/10/97-Estt. (A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

New Delhi, dated the 13th February, 1998

OFFICE MEMORANDUM

Subject : CCS (Conduct) Rules, 1964 – Supreme Court Judgment in the case of Vishaka Vs. State of Rajasthan regarding sexual harassment of working women.

The undersigned is directed to say that in the case of Vishaka and Ors Vs. State of Rajasthan and Ors. (JT 1997 (7) SC 384), the Hon'ble Supreme Court has laid down guidelines and norms to be observed to prevent sexual harassment of working women.

2. It has been laid down in the judgment above-mentioned 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. For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or implication) as :-

- a) physical contact and advances;
- b) a demand or request for sexual favours;
- c) sexually coloured remarks;
- d) showing pornography;
- e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

3. Attention in this connection is invited to Rule 3 (1) (iii) of the CCS (Conduct) Rules, 1964, which provides that every Government servant shall at all times do nothing which is unbecoming of a Government servant. Any act of sexual harassment of women employees is definitely unbecoming of a Government servant and amounts to a misconduct. Appropriate disciplinary action should be initiated in such cases against the delinquent Government servant in accordance with the rules.

4. Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the concerned authorities shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

5. In particular, it should be ensured that victims, or witnesses are not victimized or discriminated against while dealing with complaints or sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

6. **Complaint Mechanism :-** Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in every organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints. Wherever such machineries for redressal of grievance already exist, they may be made more effective and in particular women officers should preferably handle such complaints.

7. **Awareness :-** Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (copy enclosed) in a suitable manner.

8. A specific provision is, however, being made in the CCS (Conduct) Rules, 1964, prohibiting sexual harassment of women by Government servants, in compliance of the judgment of the Hon'ble Supreme Court.

9. The Ministries/Departments are requested to bring these instructions to the notice of all concerned for strict compliance.

10. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these instructions issue after consultation with the Comptroller and Auditor General of India.

Hindi version will follow.

Sd/-
(Harinder Singh)
Joint Secretary to the Government of India

All Ministries/Departments of the Government of India

Copy forwarded to :

1. Comptroller and Auditor General of India, New Delhi
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigation, New Delhi.
5. All Union Territory Administrations.
6. Lok Sabha Secretariat/Rajya Sabha Secretariat/Ministry of Parliamentary Affairs.
7. All Officers and Sections in the Ministry of Personnel, PG and Pensions and MHA.
8. All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and MHA

Sd/-
(Harinder Singh)
Joint Secretary (E)

GUIDELINES AND NORMS LAID DOWN BY THE HON'BLE SUPREME COURT IN VISHAKA & ORS. V. STATE OF RAJASTHAN & ORS. (JT 1997 (7) SC 384)

HAVING REGARD to the definition of 'human rights' in Section 2 (d) of the Protection of Human Rights Act, 1993, TAKING NOTE of the fact that the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time,

It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women.

1. Duty of the Employer or other responsible persons in work places and other institutions :

It shall be 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 procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

2. Definition :

For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as :

- a) Physical contact and advances;
- b) a demand or request for sexual favours;
- c) sexually coloured remarks;
- d) showing pornography;
- e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Where any of these acts is committed in circumstances where-under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in Government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

3. Preventive Steps :

All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality to this obligation they should take the following steps :-

(a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.

(b) The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.

(c) As regards private employers steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.

(d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

4. Criminal Proceedings :

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the employer 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.

5. Disciplinary Action :

Where such conduct amount to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

6. Complaint Mechanism :

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

7. Complaint Mechanism :

The complaint mechanism referred to in (6) above, should be adequate to provide, where necessary, a Complaints Committee, a special councillor 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.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

8. Workers' Initiative :

Employees should be allowed to raise issues of sexual harassment at workers' meeting and in other appropriate forum and it should be affirmatively **discussed** in Employer-Employee Meetings.

9. Awareness :

Awareness of the rights of female employees in **this** regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

10. Third Party Harassment :

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

11. The Central/State Governments are requested to consider adopting suitable **measures** including legislation to **ensure** that the guidelines laid down by this order are also observed by the employers in Private Sector.

12. These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993.

[DOPT OM No. 11013/3/2009-Estt. (A) dated 2nd February, 2009]

(25 E) Guidelines regarding prevention of sexual harassment of working women in the workplace.

Department of Personnel and Training's O.M. No. 11013/10/97-Estt. (A) dated 13.02.1998 and 13.07.1999, O.M. No. 11013/11/2001-Estt. (A) dated 12.12.2002 and 04.08.2005 and O.M. No. 11013/3/2009-Estt. (A) dated 02.02.2009 on the abovementioned subject and to say that it is necessary to have in place at all times an effective Complaint Mechanism for dealing with cases of sexual harassment of working women and to create awareness in this regard, particularly amongst working women. The salient features of the Complaint Mechanism and inquiry procedure are as follows :-

(i) Rule 3 C of the CCS (Conduct) Rules, 1964 provides that no Government servant shall indulge in any act of sexual harassment of any women at her work place. Every Government servant who is in charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place. "Sexual harassment" includes such unwelcome sexually determined behaviour, whether directly or otherwise, as --

- (a) physical contact and advances;
- (b) demand or request for sexual favours;
- (c) sexually coloured remarks;
- (d) showing any pornography; or./-
- (e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

(ii) Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

(iii) The complaint mechanism should be adequate to provide, where necessary, a Complaints Committee, a special councillor 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.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

(iv) The Committee constituted for redressal of the complaints by the victims of sexual harassment should be headed by an officer sufficiently higher in rank so as to lend credibility to the investigations.

(v) The Complaints Committee established in each Ministry or Department or Office for inquiring into complaints of sexual harassment shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority and that the Complaints Committee shall hold, if no separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into such complaints, the inquiry, as far as practicable in accordance with the procedure laid down in the said rules. [In 2004 a proviso was added to rule 14(2) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (copy enclosed) to this effect].

(vi) The Complaints Committee in terms of Cabinet Secretariat's Order No. 1 dated 26.09.2008 will inquire into complaints made against officers of the level of Secretary and Additional Secretary and equivalent level in the Government of India in the Ministries/Departments and Organisations directly under the control of the Central Government (other than the Central PSUs). The existing Complaints Committee established in each Ministry or Department or Office will, inquire into complaints of sexual harassment against only those Government servants who are not covered by the Cabinet Secretariat's Order No. 1 dated 26.09.2008.

(vii) It may be ensured that the Complaints Committee shall at all times be in existence and changes in its composition, whenever necessary, should be made promptly and adequately publicized. The composition of the Complaints Committee be also posted on the websites of the concerned Ministries/Departments/Offices concerned.

-25-

No.11013/3/2009-Estt. (A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block,
New Delhi,
Dated the 3rd August, 2009

OFFICE MEMORANDUM

Subject : CCS (Conduct) Rules, 1964 – Guidelines regarding prevention of sexual harassment of working women in the workplace.

In continuation of Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Government of India O.M. of even number dated the 21st July, 2009 on the abovementioned subject, the undersigned is directed to say the matter was considered by a Committee of Secretaries and the following decision was taken:-

"As regards provisions for protection of women, it was suggested that the complaints committee mechanism provided under Vishakha guidelines relating to sexual harassment should be strictly in accordance with the judgment and steps should be taken to ensure that the committee is effective and functional at all times. It would also be desirable for the Committees to meet once a quarter, even if there is no live case, and review preparedness to fulfill all requirements of the Vishakha judgment in the Department/Ministry/organization concerned. DOPT will issue suitable directions.

2. All Ministries/Departments are requested to ensure compliance.

(P.PRABHAKARAN)
Deputy Secretary to the Government of India

All Ministries/Departments of the Government of India.

**PROVISIONS OF Rule 14 (2) of the CENTRAL CIVIL SERVICES
(CLASSIFICATION, CONTROL AND APPEAL) RULES, 1965**

14 (2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government servant, it may **itself** inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof.

Provided that where there is a complaint of sexual harassment within the meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964, the **complaints Committee** established in each ministry or Department or Office for inquiring into such complaints, shall be deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the complaints committee for holding the inquiry into the complaints of sexual harassments, the inquiry as far as practicable in accordance with the procedure laid down in these rules.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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No. 18 | NEW DELHI, TUESDAY, APRIL 23, 2013/ VAISAKHA 3, 1935 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 23rd April, 2013/Vaisakha 3, 1935 (Saka)

The following Act of Parliament received the assent of the President on the 22nd April, 2013, and is hereby published for general information:-

THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

(No. 14 of 2013)

[22nd April, 2013.]

An Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

WHEREAS sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment;

AND WHEREAS the protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India;

AND WHEREAS it is expedient to make provisions for giving effect to the said Convention for protection of women against sexual harassment at workplace.

By: it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title
extent and
commencement

1. (1) This Act may be called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires,—

(a) "aggrieved woman" means—

(i) in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;

(ii) in relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house;

(b) "appropriate Government" means—

(i) in relation to a workplace which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly

(A) by the Central Government or the Union territory administration, the Central Government;

(B) by the State Government, the State Government;

(ii) in relation to any workplace not covered under sub-clause (i) and falling within its territory, the State Government;

(c) "Chairperson" means the Chairperson of the Local Complaints Committee nominated under sub-section (1) of section 7;

(d) "District Officer" means an officer notified under section 5;

(e) "domestic worker" means a woman who is employed to do the household work in any household for remuneration whether in cash or kind, either directly or through any agency on a temporary, permanent, part time or full time basis, but does not include any member of the family of the employer;

(f) "employee" means a person employed at a workplace for any work on regular, temporary, *ad hoc* or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

(g) "employer" means—

(i) in relation to any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;

(ii) in any workplace not covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace.

Explanation.— For the purposes of this sub-clause “management” includes the person or board or committee responsible for formulation and administration of policies for such organisation;

(iii) in relation to workplace covered under sub-clauses (i) and (ii), the person discharging contractual obligations with respect to his or her employees;

(iv) in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker;

(h) “Internal Committee” means an Internal Complaints Committee constituted under section 4;

(i) “Local Committee” means the Local Complaints Committee constituted under section 6;

(j) “Member” means a Member of the Internal Committee or the Local Committee, as the case may be;

(k) “prescribed” means prescribed by rules made under this Act;

(l) “Presiding Officer” means the Presiding Officer of the Internal Complaints Committee nominated under sub-section (2) of section 4;

(m) “respondent” means a person against whom the aggrieved woman has made a complaint under section 9;

(n) “sexual harassment” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:—

(i) physical contact and advances; or

(ii) a demand or request for sexual favours; or

(iii) making sexually coloured remarks; or

(iv) showing pornography; or

(v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

(o) “workplace” includes

(i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;

(ii) any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;

(iii) hospitals or nursing homes;

(iv) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;

(v) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;

(w) a dwelling place or a house;

(p) "unorganised sector" in relation to a workplace means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten.

Prevention of sexual harassment

3. (1) No woman shall be subjected to sexual harassment at any workplace.

(2) The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment: --

- (i) implied or explicit promise of preferential treatment in her employment; or
- (ii) implied or explicit threat of detrimental treatment in her employment; or
- (iii) implied or explicit threat about her present or future employment status; or
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) humiliating treatment likely to affect her health or safety.

CHAPTER II

CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

Constitution of Internal Complaints Committee

4. (1) Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee":

Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the Internal Committee shall be constituted at all administrative units or offices.

(2) The Internal Committee shall consist of the following members to be nominated by the employer, namely: --

(a) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees:

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section (1):

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organisation;

(b) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;

(c) one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:

Provided that at least one-half of the total Members so nominated shall be women.

(3) The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

(4) The Member appointed from amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed.

(5) Where the Presiding Officer or any Member of the Internal Committee,

(a) contravenes the provisions of section 16; or

(b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or

(c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or

(d) has so abused his position as to render his continuance in office prejudicial to the public interest,

such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

CHAPTER III

CONSTITUTION OF LOCAL COMPLAINTS COMMITTEE

5. The appropriate Government may notify a District Magistrate or Additional District Magistrate or the Collector or Deputy Collector as a District Officer for every District to exercise powers or discharge functions under this Act.

Notification of District Officer

6. (1) Every District Officer shall constitute in the district concerned, a committee to be known as the "Local Complaints Committee" to receive complaints of sexual harassment from establishments where the Internal Complaints Committee has not been constituted due to having less than ten workers or if the complaint is against the employer himself.

Constitution and jurisdiction of Local Complaints Committee

(2) The District Officer shall designate one nodal officer in every block, taluka and tehsil in rural or tribal area and ward or municipality in the urban area, to receive complaints and forward the same to the concerned Local Complaints Committee within a period of seven days.

(3) The jurisdiction of the Local Complaints Committee shall extend to the areas of the district where it is constituted.

7. (1) The Local Complaints Committee shall consist of the following members to be nominated by the District Officer, namely: -

Composition, tenure and other terms and conditions of Local Complaints Committee

(a) a Chairperson to be nominated from amongst the eminent women in the field of social work and committed to the cause of women;

(b) one Member to be nominated from amongst the women working in block, taluka or tehsil or ward or municipality in the district;

(c) two Members, of whom at least one shall be a woman, to be nominated from amongst such non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, which may be prescribed;

Provided that at least one of the nominees should, preferably, have a background in law or legal knowledge:

Provided further that at least one of the nominees shall be a woman belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or minority community notified by the Central Government, from time to time;

(d) the concerned officer dealing with the social welfare or women and child development in the district, shall be a member *ex officio*.

(2) The Chairperson and every Member of the Local Committee shall hold office for such period, not exceeding three years, from the date of their appointment as may be specified by the District Officer.

(J) Where the Chairperson or any Member of the Local Complaints Committee ---

(a) contravenes the provisions of section 16; or

(b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or

(c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or

(d) has so abused his position as to render his continuance in office prejudicial to the public interest,

such Chairperson or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

(4) The Chairperson and Members of the Local Committee other than the Members nominated under clauses (b) and (d) of sub-section (1) shall be entitled to such fees or allowances for holding the proceedings of the Local Committee as may be prescribed.

Grants and
audit

8. (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the State Government grants of such sums of money as the Central Government may think fit, for being utilised for the payment of fees or allowances referred to in sub-section (4) of section 7.

(2) The State Government may set up an agency and transfer the grants made under sub-section (1) to that agency.

(3) The agency shall pay to the District Officer, such sums as may be required for the payment of fees or allowances referred to in sub-section (4) of section 7.

(4) The accounts of the agency referred to in sub-section (2) shall be maintained and audited in such manner as may, in consultation with the Accountant General of the State, be prescribed and the person holding the custody of the accounts of the agency shall furnish, to the State Government, before such date, as may be prescribed, its audited copy of accounts together with auditors' report thereon.

CHAPTER IV

COMPLAINT

Complaint of
sexual
harassment

9. (1) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing:

Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

(2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.

Conciliation

10. (1) The Internal Committee or, as the case may be, the Local Committee, may, before initiating an inquiry under section 11 and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation:

Provided that no monetary settlement shall be made as a basis of conciliation.

(2) Where a settlement has been arrived at under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall record the settlement so arrived and forward the same to the employer or the District Officer to take action as specified in the recommendation.

(3) The Internal Committee or the Local Committee, as the case may be, shall provide the copies of the settlement as recorded under sub-section (2) to the aggrieved woman and the respondent.

(4) Where a settlement is arrived at under sub-section (1), no further inquiry shall be conducted by the Internal Committee or the Local Committee, as the case may be.

11. (1) Subject to the provisions of section 10, the Internal Committee or the Local Committee, as the case may be, shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed or in case of a domestic worker, the Local Committee shall, if *prima facie* case exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code, and any other relevant provisions of the said Code where applicable:

Inquiry into complaint

45 of 1860

Provided that where the aggrieved woman informs the Internal Committee or the Local Committee, as the case may be, that any term or condition of the settlement arrived at under sub-section (2) of section 10 has not been complied with by the respondent, the Internal Committee or the Local Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police:

Provided further that where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

45 of 1860.

(2) Notwithstanding anything contained in section 509 of the Indian Penal Code, the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provisions of section 15.

5 of 1908

(3) For the purpose of making an inquiry under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:--

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents; and

(c) any other matter which may be prescribed.

(4) The inquiry under sub-section (1) shall be completed within a period of ninety days.

CHAPTER V

INQUIRY INTO COMPLAINT

12. (1) During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee or the Local Committee, as the case may be, may recommend to the employer to

Action during pendency of inquiry

(a) transfer the aggrieved woman or the respondent to any other workplace; or

- (b) grant leave to the aggrieved woman up to a period of three months or
- (c) grant such other relief to the aggrieved woman as may be prescribed.

(2) The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.

(3) On the recommendation of the Internal Committee or the Local Committee, as the case may be, under sub-section (1), the employer shall implement the recommendations made under sub-section (1) and send the report of such implementation to the Internal Committee or the Local Committee, as the case may be.

Inquiry report

13. (1) On the completion of an inquiry under this Act, the Internal Committee or the Local Committee, as the case may be, shall provide a report of its findings to the employer, or as the case may be, the District Officer within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.

(2) Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer and the District Officer that no action is required to be taken in the matter.

(3) Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer or the District Officer, as the case may be---

(i) to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed;

(ii) to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, in accordance with the provisions of section 15:

Provided that in case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman:

Provided further that in case the respondent fails to pay the sum referred to in clause (ii), the Internal Committee or, as the case may be, the Local Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

(4) The employer or the District Officer shall act upon the recommendation within sixty days of its receipt by him.

Punishment for false or malicious complaint and false evidence

14. (1) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or the District Officer, as the case may be, to take action against the woman or the person who has made the complaint under sub-section (1) or sub-section (2) of section 9, as the case may be, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed:

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

(2) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness or the District Officer, as the case may be, to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.

15. For the purpose of determining the sums to be paid to the aggrieved woman under clause (ii) of sub-section (3) of section 13, the Internal Committee or the Local Committee, as the case may be, shall have regard to --

Determination of compensation

- (a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- (b) the loss in the career opportunity due to the incident of sexual harassment;
- (c) medical expenses incurred by the victim for physical or psychiatric treatment;
- (d) the income and financial status of the respondent;
- (e) feasibility of such payment in lump sum or in instalments.

22 of 2005

16. Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made under section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, and the action taken by the employer or the District Officer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner:

Prohibition of publication or making known contents of complaint and inquiry proceedings

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

17. Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Act, contravenes the provisions of section 16, he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.

Penalty for publication or making known contents of complaint and inquiry proceedings

18. (1) Any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clause (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or sub-section (2) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.

Appeal

(2) The appeal under sub-section (1) shall be preferred within a period of ninety days of the recommendations

CHAPTER VI

DUTIES OF EMPLOYER

19. Every employer shall --

Duties of employer

(a) provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;

(b) display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting the Internal Committee under sub-section (1) of section 4;

(c) organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;

(d) provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;

(e) assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;

(f) make available such information to the Internal Committee or the Local Committee, as the case may be, as it may require having regard to the complaint made under sub-section (1) of section 9;

(g) provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force; 45 of 1860

(h) cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place; 45 of 1860

(i) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;

(j) monitor the timely submission of reports by the Internal Committee.

CHAPTER VII

DUTIES AND POWERS OF DISTRICT OFFICER

Duties and powers of District Officer

20. The District Officer shall,--

(a) monitor the timely submission of reports furnished by the Local Committee;

(b) take such measures as may be necessary for engaging non-governmental organisations for creation of awareness on sexual harassment and the rights of the women.

CHAPTER VIII

MISCELLANEOUS

Committee to submit annual report

21. (1) The Internal Committee or the Local Committee, as the case may be, shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and the District Officer.

(2) The District Officer shall forward a brief report on the annual reports received under sub-section (1) to the State Government.

Employer to include information in annual report

22. The employer shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report of his organisation or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.

Appropriate Government to monitor implementation and maintain data

23. The appropriate Government shall monitor the implementation of this Act and maintain data on the number of cases filed and disposed of in respect of all cases of sexual harassment at workplace.

Appropriate Government to take measures to publicise the Act

24. The appropriate Government may, subject to the availability of financial and other resources,--

(a) develop relevant information, education, communication and training materials, and organise awareness programmes, to advance the understanding of the public of the provisions of this Act providing for protection against sexual harassment of woman at workplace.

(b) formulate orientation and training programmes for the members of the Local Complaints Committee.

25. (1) The appropriate Government, on being satisfied that it is necessary in the public interest or in the interest of women employees at a workplace to do so, by order in writing,--

Power to call for information and inspection of records

(a) call upon any employer or District Officer to furnish in writing such information relating to sexual harassment as it may require;

(b) authorise any officer to make inspection of the records and workplace in relation to sexual harassment, who shall submit a report of such inspection to it within such period as may be specified in the order.

(2) Every employer and District Officer shall produce on demand before the officer making the inspection all information, records and other documents in his custody having a bearing on the subject matter of such inspection.

26. (1) Where the employer fails to--

(a) constitute an Internal Committee under sub-section (1) of section 4;

(b) take action under sections 13, 14 and 22; and

(c) contravenes or attempts to contravene or abets contravention of other provisions of this Act or any rules made thereunder,

Penalty for non-compliance with provisions of Act

he shall be punishable with fine which may extend to fifty thousand rupees.

(2) If any employer, after having been previously convicted of an offence punishable under this Act subsequently commits and is convicted of the same offence, he shall be liable to--

(i) twice the punishment, which might have been imposed on a first conviction, subject to the punishment being maximum provided for the same offence:

Provided that in case a higher punishment is prescribed under any other law for the time being in force, for the offence for which the accused is being prosecuted, the court shall take due cognizance of the same while awarding the punishment;

(ii) cancellation, of his licence or withdrawal, or non-renewal, or approval, or cancellation of the registration, as the case may be, by the Government or local authority required for carrying on his business or activity.

27. (1) No court shall take cognizance of any offence punishable under this Act or any rules made thereunder, save on a complaint made by the aggrieved woman or any person authorised by the Internal Committee or Local Committee in this behalf.

Cognizance of offence by courts

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(3) Every offence under this Act shall be non-cognizable.

28. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Act not in derogation of any other law

29. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power of appropriate Government to make rules

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

(a) the fees or allowances to be paid to the Members under sub-section (1) of section 4;

(b) nomination of members under clause (c) of sub-section (1) of section 7;

(c) the fees or allowances to be paid to the Chairperson, and Members under sub-section (1) of section 7;

- (d) the person who may make complaint under sub-section (2) of section 9;
- (e) the manner of inquiry under sub-section (1) of section 11;
- (f) the powers for making an inquiry under clause (c) of sub-section (2) of section 11;
- (g) the relief to be recommended under clause (c) of sub-section (1) of section 12;
- (h) the manner of action to be taken under clause (i) of sub-section (3) of section 13;
- (i) the manner of action to be taken under sub-sections (1) and (2) of section 14;
- (j) the manner of action to be taken under section 17;
- (k) the manner of appeal under sub-section (1) of section 18;
- (l) the manner of organising workshops, awareness programmes for sensitising the employees and orientation programmes for the members of the Internal Committee under clause (c) of section 19; and
- (m) the form and time for preparation of annual report by Internal Committee and the Local Committee under sub-section (1) of section 21.

(3) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Any rule made under sub-section (4) of section 8 by the State Government shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Power to
remove
difficulties

30. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

P.K. MALHOTRA,
Secy. to the Govt. of India.

CORRIGENDA

THE PREVENTION OF MONEY-LAUNDERING (AMENDMENT) ACT, 2012
(2 of 2013)

At page 18, in line 2, for "Arts", read "Art".

At page 21, in line 14, for "Protection", read "(Protection)".

CORRIGENDUM

THE UNLAWFUL ACTIVITIES (PREVENTION) AMENDMENT ACT, 2012
(3 of 2013)

At page 6, in line 22, *for* "clause", *read* "clause".

CORRIGENDUM

THE BANKING LAWS (AMENDMENT) ACT, 2012
(4 of 2013)

At page 8, in line 29, *for* 'sections 30', *read* 'section 30',

CORRIGENDUM

THE APPROPRIATION ACT, 2013
(9 of 2013)

At page 1, in the marginal heading to section 2, *for* "4715,54,00,000",
read "49715,54,00,000".


भारत का राजपत्र
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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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अधिसूचना

नई दिल्ली, 9 दिसम्बर, 2013

सा.का.नि. 769(अ).—केंद्रीय सरकार, महिलाओं का कार्यस्थल पर लैंगिक उत्पीड़न (निवारण, प्रतिषेध एवं प्रतिकार) अधिनियम, 2013 (2013 का 14) की धारा 29 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नातिथित नियम बनाती है, अर्थात्—

1. संक्षिप्त नाम और प्रारंभ. (1) इन नियमों का संक्षिप्त महिलाओं का कार्यस्थल पर लैंगिक उत्पीड़न (निवारण, प्रतिषेध एवं प्रतिकार) अधिनियम, 2013 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएँ.—इन नियमों में, जब तक संदर्भ में अन्यथा उल्लिखित न हो,—

(क) "अधिनियम" से कार्यस्थल पर महिलाओं का कार्यस्थल पर लैंगिक उत्पीड़न (निवारण, प्रतिषेध एवं प्रतिकार) अधिनियम, 2013 (2013 का 14) अभिप्रेत है;

(ख) "शिकायत" से धारा 9 के अधीन की गई शिकायत अभिप्रेत है;

(ग) "शिकायत समिति" से आंतरिक समिति अथवा स्थानीय समिति अभिप्रेत है;

(घ) "घटना" से धारा 2 के खंड (ड) में उल्लिखित लैंगिक उत्पीड़न की घटना अभिप्रेत है;

(ङ) "धारा" से अधिनियम की कोई धारा अभिप्रेत है;

(च) "विशेष शिक्षक" से कोई ऐसा व्यक्ति अभिप्रेत है जो विशेष जरूरतों वाले लोगों के साथ ऐसी ट्रेनिंग से सकार करने के लिए प्रशिक्षित है, जिससे उनके व्यक्तिगत मतभेदों एवं आवश्यकताओं का समाधान होता है;

(छ) यहाँ शब्द और पद जो यहाँ प्रयुक्त हैं और परिभाषित नहीं किए गए हैं, किंतु अधिनियम में परिभाषित किए गए हैं, उनके अर्थ वही होंगे, जो अधिनियम में दिए गए हैं।

3. आंतरिक समिति के सदस्यों के लिए पीरा या भत्ते :

(1) गैर-सरकारी संगठनों में नियुक्त सदस्य आंतरिक समिति की कार्यवाहियों के आयोजन के लिए प्रतिदिन 200 रुपये के भत्ते के हकदार होंगे, और उक्त सदस्य रेलगाड़ी से थ्री टायर वातानुकूलित या वातानुकूलित बस से तथा आटोरिक्शा या टैक्सी से अथवा यात्रा पर उससे द्वारा खर्च की गई वार्षिक राशि, जो भी कम हो प्रतिपूर्ति के भी हकदार होंगे।

(2) निम्नोक्त उप-नियम (1) में निर्दिष्ट भत्तों के संदाय के लिए उत्तरदायी होगा :

4. **लैंगिक उत्पीड़न से संबंधित मुद्दों से परिचित व्यक्ति :** धारा 7 की उप-धारा (1) के खण्ड (ग) के प्रयोजन के लिए लैंगिक उत्पीड़न से संबंधित मुद्दों से परिचित व्यक्ति ऐसा व्यक्ति होगा जिसे लैंगिक उत्पीड़न से संबंधित मुद्दों पर विशेषज्ञता प्राप्त हो तथा इसमें निम्नलिखित में से कोई सम्मिलित हो सकेगा -

- (क) समाज कार्य के क्षेत्र में कम से कम 5 साल के अनुभव वाला कोई सामाजिक कार्यकर्ता जो महिलाओं के सशक्तिकरण तथा विशिष्टतया कार्यस्थल पर लैंगिक उत्पीड़न की समस्या को दूर करने के लिए अनुकूल सामाजिक स्थितियों का सृजन करने का मार्ग प्रशस्त करता है;
- (ख) ऐसा व्यक्ति जिसे श्रम, रोजगार, सिविल या दंडिक विधि में अर्हता प्राप्त है।

5. **स्थानीय समिति के अध्यक्ष तथा सदस्यों के लिए फीस या भत्ता :**

- (1) स्थानीय समिति के अध्यक्ष उक्त समिति की कार्यवाहियों के आयोजन के लिए प्रतिदिन 250 रुपये (दो सौ पचास रुपये) के भत्ते के लिए हकदार होंगे।
- (2) धारा 7 की उप-धारा (1) के खंड (ख) और खंड (घ) के अधीन गैरनिर्दिष्ट सदस्यों से गैर-स्थानीय समिति के सदस्य, उक्त समिति की कार्यवाहियों के आयोजन के लिए प्रतिदिन दो सौ रुपये के भत्ते को हकदार होंगे और रेलगाड़ी से छी टायर वातानुकूलन, वातानुकूलित बस से तथा आटोरिक्शा या टैक्सी से अथवा यात्रा पर उससे द्वारा खर्च की गई वास्तविक लागत जो भी कम हो, की प्रतिपूर्ति के भी हकदार होंगे।
- (3) जिला अधिकारी, उपनियम (1) और उपनियम (2) में निर्दिष्ट भत्तों के संदाय के लिए उत्तरदायी होगा।

6. **लैंगिक उत्पीड़न की शिकायत :** धारा 9 की उप-धारा (2) के प्रयोजन के लिए,

(i) जहां व्यक्ति महिला, अपनी शारीरिक असमर्थता के कारण शिकायत करने में असमर्थ है, वहां निम्नलिखित द्वारा शिकायत फाइल की जा सकती है -

- (क) उसका नातेदार या मित्र, अथवा;
- (ख) उसका सहकर्मी; या
- (ग) राष्ट्रीय महिला आयोग या राज्य महिला आयोग का कोई अधिकारी; या
- (घ) व्यक्ति महिला की लिखित सम्मति से कोई ऐसा व्यक्ति जिसे घटना की जानकारी है।

(ii) जहां व्यक्ति महिला, अपनी मानसिक अक्षमता के कारण शिकायत करने में असमर्थ है, वहां निम्नलिखित द्वारा शिकायत फाइल की जा सकती है -

- (क) उसका नातेदार या मित्र, अथवा
- (ख) कोई विशेष शिक्षक; या
- (ग) कोई अर्हित मनोविकार विज्ञानी या मनोवैज्ञानिक; अथवा
- (घ) संरक्षक या प्राधिकारी जिसके अधीन वह उपचार या देखरेख प्राप्त कर रही है; अथवा
- (ङ) उसके नातेदार या दोस्त या विशेष शिक्षक या अर्हता-प्राप्त मनोविकार विज्ञानी या मनोवैज्ञानिक या संरक्षक अथवा प्राधिकारी जिसके अधीन वह उपचार या देखरेख प्राप्त कर रही है, के साथ संयुक्त रूप से कोई ऐसा व्यक्ति जिसे लैंगिक उत्पीड़न की जानकारी है।

(iii) जहां व्यक्ति महिला, किसी कारण से शिकायत करने में असमर्थ है, वहां उसकी लिखित सम्मति से ऐसे व्यक्ति द्वारा शिकायत फाइल की जा सकती है, जिसे घटना की जानकारी है।

(iv) जहां व्यक्ति महिला की मृत्यु हो जाती है वहां एक शिकायत, घटना के जानकारी द्वारा उसके विधिक वारिस की सम्मति से लिखित रूप में फाइल की जा सकेगी।

7. **शिकायत की जांच का ढंग -**

- (1) शिकायत फाइल करते समय, धारा 11 के उपबंधों के अधीन शिकायतकर्ता समर्थक दस्तावेजों तथा साक्षियों के नाम एवं पता के साथ शिकायत की छह प्रतियां शिकायत समिति को प्रस्तुत करेगा।
- (2) शिकायत प्राप्त होने पर, शिकायत समिति उपनियम (1) के अधीन व्यक्ति महिला से प्राप्त प्रतियों में से एक प्रति सात कार्य दिवस की अवधि के भीतर प्रत्यर्थी को भेजेगी।
- (3) प्रत्यर्थी उपनियम (1) के अधीन गैरनिर्दिष्ट दस्तावेजों की प्राप्ति की तारीख से दस दिन से अधिक अवधि के भीतर दस्तावेजों की सूची तथा साक्षियों के नाम एवं पता के साथ शिकायत पर अपना उत्तर फाइल करेगा।
- (4) शिकायत समिति नैसर्गिक न्याय के सिद्धांतों के अनुसार, शिकायत की जांच करेगी।
- (5) शिकायत समिति को जांच की कार्यवाही समाप्त करने या शिकायत पर एक पक्षीय निर्णय देने का अधिकार होगा, यदि शिकायतकर्ता या प्रत्यर्थी पर्याप्त कारण के बिना दस्तावेजों अथवा या पीठसूची अधिकारी द्वारा आयोजित लगातार तीन सुनवाईयों में अनुपस्थित रहता है या रहती है।

- परंतु संश्लेषित प्रसंगों को अग्रिम में स्थिरता रूप में प्रस्तुत करने का अधिकार सिद्ध किया जायेगा या एक पक्षीय आदेश पारित नहीं किया जा सकेगा।
- (6) प्रसंगों को शिकायत समिति के समक्ष कार्यवाही को किसी चरण में अपने मामले का प्रतिनिधित्व करने के लिए किसी विधिक व्यक्तियों को लाने की अनुमति नहीं होगी।
- (7) आदेश का संचालन करते समय शिकायत समिति के कम से कम तीन सदस्य जिन्होंने यथास्थिति पीछलीय अधिकारी अथवा अध्यक्ष, हो, उपस्थित होंगे।
8. जांच संबंधित रहने के दौरान शिकायतकर्ता को अन्य अनुतोष व्यक्त महिला के लिखित रूप में अनुरोध पर शिकायत समिति नियोजन से निम्नलिखित की सिफारिश कर सकती है-
- (क) व्यक्त महिला के काम निगाहाने या उसकी गोपनीय रिपोर्ट लिखने तथा इसे किसी अन्य अधिकारी को आवंटित करने से प्रत्यक्षी को अवरुद्ध करना।
- (ख) शैक्षिक सहायता के मामले में व्यक्त महिला को किसी शैक्षिक गतिविधि का पर्यवेक्षण करने से प्रत्यक्षी को अवरुद्ध करना।
9. तैंगिक उत्पीड़न के लिए कार्यवाही करने की रीति : ऐसे मामलों को छोड़कर, जहाँ सेवा नियम विद्यमान हैं जहाँ शिकायत समिति इस निर्णय पर पहुँचती है कि प्रत्यक्षी के विरुद्ध अभिकथन साबित हो गए हैं, यह यथास्थिति नियोजन या जिलाधिकारी से कार्यवाही करने की सिफारिश कर सकती है जिसमें लिखित रूप में सभा वाचना करना, चेतावनी जारी करना, डाटना या निदा करना, भोजन लेटना, वेतनप्रकोत्तरी या वेतनप्रति रोकना, प्रत्यक्षी को सेवा समाप्त करना या परामर्श सत्र में भाग लेने या सामुदायिक सेवा करने का आदेश देना शामिल है।
10. निष्ठा अथवा दुर्भावपूर्ण शिकायत अथवा निष्ठा सभ्य पर कार्यवाही : उन मामलों के सिवाय जहाँ सेवा नियम विद्यमान हैं, जहाँ शिकायत समिति इस निर्णय पर पहुँचती है कि प्रत्यक्षी के विरुद्ध अभिकथन दुर्भावपूर्ण है अथवा व्यक्त महिला अथवा शिकायत करने वाली अन्य किसी व्यक्ति ने यह जानते हुए कि यह निष्ठा है शिकायत की है अथवा व्यक्त महिला या शिकायत करने वाले किसी व्यक्ति ने कूटस्थ अथवा प्रामाणिक दस्तावेज प्रस्तुत किए हैं तो यह यथास्थिति नियोजन अथवा जिला अधिकारी को नियम 8 के उपबंधों के अनुसार कार्यवाही करने की सिफारिश कर सकते हैं।
11. अपील : धारा 18 के उपबंधों के अधीन, धारा 13 की उप-धारा (2) के अधीन या धारा 13 की उप-धारा (3) के खण्ड (i) या खण्ड (ii) के अधीन अथवा धारा 14 की उपधारा (1) या उप-धारा (2) या धारा 17 के अधीन की सभी सिफारिशों का ऐसा सिफारिशों को कार्यान्वित न किए जाने से व्यक्त कोई व्यक्ति औद्योगिक नियोजन (स्थायी आदेश) अधिनियम, 1946 (1946 वा 20) की धारा 2 के खण्ड (क) के अधीन अधिसूचित अपील प्रविष्टि को अपील कर सकते हैं।
12. धारा 16 के उपबंधों के उल्लंघन के लिए दंड - धारा 17 के उपबंधों के अधीन, यदि कोई व्यक्ति धारा 16 के उपबंधों का उल्लंघन करता है, तो नियोजन ऐसे व्यक्ति से शक्ति के रूप में पांच हजार रुपये की दंड की वसूली करेगा।
13. कार्यशालाएं आदि आयोजित करने की रीति : धारा 19 के उपबंधों के अधीन, प्रत्येक नियोजन-
- (क) कार्यस्थल पर तैंगिक उत्पीड़न के प्रतिरोध, निवारण एवं प्रतिक्रिया के लिए एक आंतरिक नीति या चार्टर या संहिता या घोषणा तैयार करेगा तथा उसका व्यापक प्रसार करेगा, जिसका आशय दिया सजेदी सुरक्षित स्थानों को बढ़ावा देना तथा ऐसे अंतर्निहित करके का निवारण करना है, जो महिलाओं के विरुद्ध प्रतिकूल कार्य परिस्थित में योगदान करते हैं;
- (ख) आंतरिक समिति के सदस्यों के लिए प्रशिक्षण कार्यक्रमों एवं सैमिनारों का क्रिया-व्ययन करेगा;
- (ग) कर्मचारी जागरूकता कार्यक्रमों का क्रिया-व्ययन करेगा तथा संवादों के लिए मंच का सृजन करेगा जिसमें पंचायती राज संस्थाएं, ग्राम सभा, महिला समूह, मातृ समितियाँ, किशोर समूह, शहरी स्थानीय निकाय तथा कोई अन्य निकाय, जिसे आवश्यक समझ जाए, अंतर्निहित हो सकते हैं;
- (घ) आंतरिक समिति के सदस्यों के लिए क्षमता निर्माण एवं कौशल निर्माण कार्यक्रमों का संचालन करेगा;
- (ङ) आंतरिक समिति के सभी सदस्यों के नामों एवं संपर्क के व्योरो की घोषणा करेगा;
- (च) अधिनियम के उपबंधों के चार में कर्मचारियों को संवेदनशील बनाने के लिए, कार्यशालाओं एवं जागरूकता कार्यक्रमों के आयोजन के लिए, राज्य सरकारों द्वारा विकसित मापदंडों का उपयोग करेगा।
14. वार्षिक रिपोर्ट तैयार करना : वार्षिक रिपोर्ट जिसे धारा 21 के अंतर्गत शिकायत समिति द्वारा तैयार किया जाएगा, में निम्नलिखित ब्योरे होंगे-
- (क) वर्ष में प्राप्त तैंगिक उत्पीड़न की शिकायतों की संख्या;
- (ख) ऐसी शिकायतों की संख्या जिनका वर्ष के दौरान निवारण किया गया;
- (घ) ऐसे मामलों की संख्या जो नवें दिन से अधिक अवधि तक लंबित हैं।

- (घ) लैंगिक उत्पीड़न के विरुद्ध किमानित कार्यशालाओं या जागरूकता कार्यक्रमों की संख्या।
(ङ) नियोजन या जिला अधिकारी द्वारा की गई कार्रवाई का स्वरूप।

[गं. सं. 19-5/2013-डब्ल्यूडब्ल्यू]

श्री श्रीरजन, संयुक्त सचिव

MINISTRY OF WOMEN AND CHILD DEVELOPMENT
NOTIFICATION

New Delhi, the 9th December, 2013

G.S.R. 769(E).—In exercise of the powers conferred by section 29 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), the Central Government hereby makes the following rules, namely:—

1. **Short title and commencement.**— (1) These rules may be called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.
(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.**— In these rules, unless the context otherwise requires,—

- (a) "Act" means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013);
(b) "complaint" means the complaint made under section 9;
(c) "Complaints Committee" means the Internal Committee or the Local Committee, as the case may be;
(d) "incident" means an incident of sexual harassment as defined in clause (n) of section 2;
(e) "section" means a section of the Act;
(f) "special educator" means a person trained in communication with people with special needs in a way that addresses their individual differences and needs;
(g) words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. **Fees or allowances for Member of Internal Committee.**— (1) The Member appointed from amongst non-government organisations shall be entitled to an allowance of two hundred rupees per day for holding the proceedings of the Internal Committee and also the reimbursement of travel cost incurred in travelling by train in three tier air condition or air conditioned bus and auto rickshaw or taxi, or the actual amount spent by him on travel, whichever is less.

The employer shall be responsible for the payment of allowances referred to in sub-rule (1).

4. **Person familiar with issues relating to sexual harassment.**— Person familiar with the issues relating to sexual harassment for the purpose of clause (c) of sub-section (1) of section 7 shall be a person who has expertise on issues relating to sexual harassment and may include any of the following:—

- (a) a social worker with at least five years' experience in the field of social work which leads to creation of societal conditions favourable towards empowerment of women and in particular in addressing workplace sexual harassment;
(b) a person who is familiar with labour, service, civil or criminal law.

1. **Fees or allowances for Chairperson and Members of Local Committee.**— (1) The Chairperson of the Local Committee shall be entitled to an allowance of two hundred and fifty rupees per day for holding the proceedings of the said Committee.

(2) The Members of the Local Committee other than the Members nominated under clauses (b) and (d) of sub-section (1) of section 7 shall be entitled to an allowance of two hundred rupees per day for holding the proceedings of the said Committee and also the reimbursement of travel cost incurred in travelling by train in three tier air condition or air conditioned bus and auto rickshaw or taxi, or the actual amount spent by him on travel, whichever is less.

The District Officer shall be responsible for the payment of allowances referred to in sub-rules (1) and (2).

6. **Complaint of sexual harassment.**— For the purpose of sub-section (2) of Section 9,—

- (i) where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by—

- (a) her relative or friend; or
 (b) her co-worker; or
 (c) an officer of the National Commission for Women or State Women's Commission; or
 (d) any person who has knowledge of the incident, with the written consent of the aggrieved woman;
- (ii) where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by -
 (a) her relative or friend; or
 (b) a special educator; or
 (c) a qualified psychiatrist or psychologist; or
 (d) the guardian or authority under whose care she is receiving treatment or care; or
 (e) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;
- (iii) where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent;
- (iv) where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

7. **Manner of inquiry into complaint.** - (1) Subject to the provisions of section 11, at the time of filing the complaint, the complainant shall submit to the Complaints Committee, six copies of the complaint along with supporting documents and the names and addresses of the witnesses.

(2) On receipt of the complaint, the Complaints Committee shall send one of the copies received from the aggrieved woman under sub-rule (1) to the respondent within a period of seven working days.

(3) The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents specified under sub-rule (1).

(4) The Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice.

(5) The Complaints Committee shall have the right to terminate the inquiry proceedings or to give an *ex-parte* decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Chairperson or Presiding Officer, as the case may be.

Provided that such termination or *ex-parte* order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.

(6) The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Complaints Committee.

(7) In conducting the inquiry, a minimum of three Members of the Complaints Committee including the Presiding Officer or the Chairperson, as the case may be, shall be present.

8. **Other relief to complainant during pendency of inquiry.** - The Complaints Committee at the written request of the aggrieved woman may recommend to the employer to -

- (a) restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer;
 (b) restrain the respondent in case of an educational institution from supervising any academic activity of the aggrieved woman.

9. **Manner of taking action for sexual harassment.** - Except in cases where service rules exist, where the Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer or the District Officer, as the case may be, to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.

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10. **Action for false or malicious complaint or false evidence.**- Except in cases where service rules exist, where the Complaints Committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or District Officer, as the case may be, to take action in accordance with the provisions of rule 9.

11. **Appeal.**- Subject to the provisions of section 18, any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clauses (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or sub-section (2) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the appellate authority notified under clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).

12. **Penalty for contravention of provisions of section 16.**- Subject to the provisions of section 17, if any person contravenes the provisions of section 16, the employer shall recover a sum of five thousand rupees as penalty from such person.

13. **Manner to organise workshops, etc.**- Subject to the provisions of section 19, every employer shall-

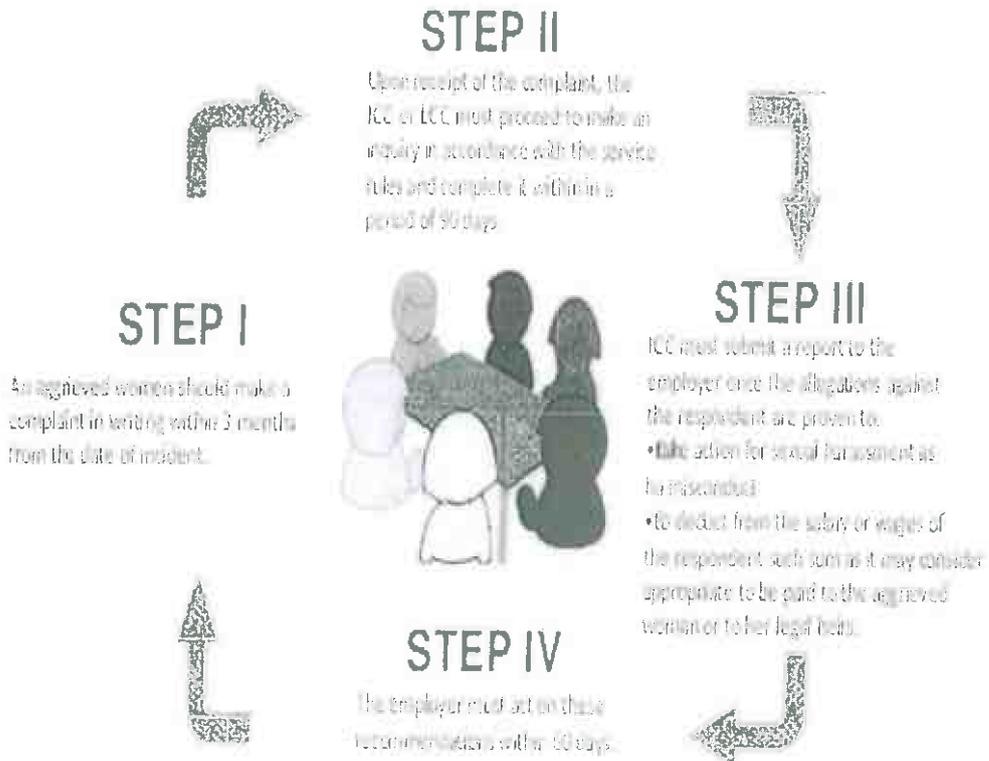
- formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women;
- carry out orientation programmes and seminars for the Members of the Internal Committee;
- carry out employees awareness programmes and create forum for dialogues which may involve Panchayati Raj Institutions, Gram Sabha, women's groups, mothers' committee, adolescent groups, urban local bodies and any other body as may be considered necessary;
- conduct capacity building and skill building programmes for the Members of the Internal Committee;
- declare the names and contact details of all the Members of the Internal Committee;
- use modules developed by the State Governments to conduct workshops and awareness programmes for sensitising the employees with the provisions of the Act.

14. **Preparation of annual report.**- The annual report which the Complaints Committee shall prepare under Section 21, shall have the following details:-

- number of complaints of sexual harassment received in the year;
- number of complaints disposed off during the year;
- number of cases pending for more than ninety days;
- number of workshops or awareness programme against sexual harassment carried out;
- nature of action taken by the employer or District Officer.

[F. No. 19-5/2013-WW]

Dr. SHREERANJAN, J. Secy



What should a women facing sexual harassment at workplace do ?

