



Kopergaon Taluka Education Society's

## **K. J. Somaiya College of Arts, Commerce and Science, Kopergaon**

### **CRITERION- 5**

#### **STUDENT SUPPORT AND PROGRESSION**

##### **Key Indicator- 5.1 Student support**

**5.1.1 QIM: Percentage of students benefited by scholarships and freeships provided by the Government and Non-Government agencies and philanthropists during last five years.**

**Proof w.r.t Organization wide awareness and  
undertakings on policies with zero tolerance**

**2018-19 to 2022-23**

Kopargaoon Taluka Education Society's  
K.J. Somaiya College of Arts, Commerce & Science,  
Mohanirajnagar, Kopargaoon



## **Prevention of Sexual Harassment Cell**

### **Introduction/About Cell:-**

As per the recommendation of UGC Prevention of Sexual harassment Cell has been established in college. The primary aim of this cell is to provide guidelines for protection from sexual harassment, fundamental right to work with dignity and to handle related complaints received or referred to the cell. The cell is to create and maintain an atmosphere in which staff, faculty and students, can work together in an environment free of violence, harassment, exploitation, and intimidation. It includes all forms of gender violence, sexual harassment, and discrimination on the basis of sex/gender. The Cell aims to evolve a mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence in the institution.

#### **➤ Objectives**

- Cell has to conduct awareness programs among the staff and students.
- Provide an environment free of gender-based discrimination.
- Ensure equal access of all facilities and participation in activities of the college
- Create a secure physical and social environment which will deter acts of sexual harassment
- Promote a social and psychological environment that will raise awareness about sexual harassment in its various forms.

#### **➤ What Is Sexual Harassment?**

Sexual harassment includes unwelcome sexually determined behavior (whether directly indirectly) such as:

- Verbal or physical threats
- Insulting, Abusive, Embarrassing or patronizing behavior or Comments
- Offensive gestures, Language, Rumors, Gossip or Jokes
- Humiliating, Intimidating, Demeaning and/or Persistent criticism, Open hostility
- Publishing, Circulating or Displaying pornographic, Racist, Sexually suggestive or Otherwise offensive pictures or other materials
- The unwanted physical contact

**Anti Sexual Harassment Cell** assures all the complaints of the students. Teaching and nonteaching staffs are treated with dignity and respect and the complaints should be maintained confidential.

**False Reporting:** Intentionally making a false report or providing false information is grounds for indiscipline.



**For any Complaints, Queries & Assistance:**

E-Mail: [kjscollge@rediffmail.com](mailto:kjscollge@rediffmail.com)

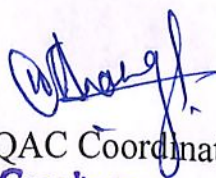
**Composition of Anti-Sexual Harassment Committee:**

- A Presiding Officer who shall be a woman faculty member employed at a senior level at the educational institution
- Not less than two teaching employees and two non teaching employees, preferably committed to the cause of woman or who have had experience in social work or have legal knowledge.
- Not less than three students, who shall be enrolled at the undergraduate, master, and research scholar levels respectively.
- One member from amongst non-governmental organizations or associations committed to the cause of woman 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.

**➤ Names of the Committee Members:**

Sr No.	Name of the Member	Designation	Contact No
1	Dr.B.S. Yadav	Chairman	9423181155
2	Dr S.B. Bhingardive	Member	9421601396
3	Prof. V.S. Aher	Member	9975944807
4	Dr. N.B. Shinde	Member	9322177794
5	Dr. R.A.Jadhav	Member	7057328879
6	Dr S.G.Konda	Member	9860020934
7	Dr S.B.Kute	Member	9604040383
8	Mr. A.B. Kokate	Member	9850747443
9	Adv. Vidhyasagar Shinde	Member	9822551129
10	Miss Priyanka Jogdand	Member	7219876008

  
Chairman

  
IQAC Coordinator  
Coordinator  
IQAC, K. J. Somaiya College  
Kopargaon, Dist. A.Nagar

  
Principal  
K.J.Somaiya College of Arts  
Commerce & Science, Kopargaon





## **Grievance Redressal Cell**

### **➤ Introduction/About Cell:**

The cell functions to look into the grievances lodged by any student. Students may approach the cell to voice their grievances. Any form of discontent or dissatisfaction on the part of the students can be informed to the cell. Anyone with a genuine grievance may approach the Co-ordinator or member of the Students' Grievance cell. Grievances may also be sent through e-mail to the Co-ordinator of the Students' Grievance Cell. The cell then redresses the grievances promptly and judiciously. As a result of this mechanism, the institute has pleasant ambient atmosphere and good work culture with in-built goodwill and mutual understanding among the students.

### **➤ Functions of Cell:**

- Complaint Boxes have been installed in the College campus in which the Students, who want to remain anonymous, can put in writing their grievances and their suggestions for improving the academics/administration in the College.
- The person concerned can personally approach to any member of the Cell and can send email or write an application and submit to Cell Convener for grievances of any sort.
- The cases will be attended promptly on receipt of grievances from the students.
- The cell will review all cases and will act formally accordingly as per the Management policy.
- The cell will give report to the authority about the cases attended to and the number of pending cases, if any, which require direction and guidance from the higher authorities.

### **➤ Objectives**

The main objective of the Grievance Cell is to promote and maintain a conducive and harmonious educational environment among the students. The Students' Grievance Cell is constituted for the redressal of the problems reported by the students of the College. This is with the following objectives in mind

- Grievance cell is formed in order to keep the healthy working atmosphere amongst staff, students and parents.





- This cell helps Students to record their complaints and solve their problems related to academics, resources and personal grievances freely and frankly without any fear of victimization.
- To keep the dignity of the college high by ensuring conflict free atmosphere in the College by promoting good Student-Student relationship and Student-teacher relationship.
- To ensure effective solution to the student grievances with an impartial and fair approach.
- To guide Students of the College to respect each other and be patient whenever any occasion of conflict arises.
- To advise all the students to refrain from stirring up students against other students, teachers and College administration.
- Ragging in any form is strictly prohibited in and outside the institution. Any violation of ragging and disciplinary rules should be urgently brought to the notice of the Principal. Ragging Complaints will be handled as per ragging rules.
- Woman Harassment complaints will be handled as per government guidelines by respective section.

#### ➤ Scope

The cell will deal with Grievances received in writing from the students about any of the following matters:

- Academic Matters: Related to timely issue of duplicate Mark-sheets, Transfer Certificates, Conduct Certificates or other examination related matters.
- Financial matters: Related to dues and payments for various items from library, hostels etc.
- Other Matters: Related to certain misgivings about conditions of sanitation, theft, library facility, preparation of food, availability of transport, victimization by teachers etc.

#### ➤ Exclusions

The grievance Redressal cell shall not entertain the following issues:

- Decisions of the executive council, academic council, board of studies and other administrative or academic committees constituted by the university.
- Decisions with regard to award of scholarship, fee concessions, medals etc.
- Decisions made by the university with regard to disciplinary matters and misconduct.
- Decisions of the university about admissions in any courses offered by the institute.
- Decisions by competent authority on assessment and examination result.

• Names of the Grievance Redressal Cell Members:

Sr No.	Name of the Member	Post	Position in the Cell
1	Dr S.B. Kale	Associate Prof., Dept of Chemistry	Chairman
2	Dr B.D. Gavhane	Associate Prof, Dept of mathematics	Member
3	Asst Prof. Aher V.S.	Asst Professor, Dept of English	Member




  
 Principal  
 K.J.Somaiya College of Arts  
 Commerce & Science, Kopargaon





Kopargaon Taluka Education Society's,

**K. J. Somaiya College of Arts, Commerce and Science, Kopargaon**

### **Anti-Ragging Committee**

#### **Introduction:**

Organizations including educational Institutions must create Anti- Ragging Cell to safeguard students from any type of misbehavior by students. Compliance of the guidelines of UGC, which is modified as UGC regulations on curbing the menace of ragging in higher educational institutions, 2009 is compulsory. The establishment of an anti-ragging cell should be mandatory to prevent incidents like these from happening again, effectively eradicating this menace for good.

#### **Objectives of Anti-Ragging Committee:**

The Anti-Ragging Committee will be the monitoring and advisory group for preserving a culture of ragging-free environment in the college campus. The main objectives of this committee are as follows:

1. To design strategies and actions to stop the menace of ragging.
2. To avoid and prohibit sexual harassment in the college campus.
3. To adopt a wide range of activities to create ragging-free environment.
4. To make students aware about the effects of ragging.
5. To take preventive actions against the act of ragging.
6. To keep attention towards known dangers regarding an act of ragging.
7. To create an atmosphere of discipline by sending a clear message to students that, no act of ragging will be tolerated.
8. To punish students those who involved in any act of ragging.
9. To deal with the incidents of ragging promptly.



### **Functions of Anti-Ragging Committee:**

1. To create awareness among the students regarding an act of Anti-Ragging by conducting workshops.
2. To percolate the useful information and guidelines to the students regarding an action of ragging and effects of ragging along with punishments involved.
3. To display anti ragging posters and notices at various locations in the college campus.
4. To conduct surprise visits in hostels and other places in the college campus.
5. To Prevent, Prohibit, and Redress any act ragging by the committee formed in this regards.
6. To address complaints about ragging as per the Govt. and University procedures.
7. To take all necessary actions for prevention of ragging inside the college campus.
8. To maintain records of the cases investigated and submit it to the IQAC.

### **SOP of Functioning of Anti-Ragging Committee:**

Formation and functioning of Anti-Ragging Committee is made compulsory as per the Notifications and Guidelines provided by the UGC in educational institutions to take preventive actions against an act of ragging by the seniors or by any student while learning. Standard Operating Procedure is adopted by College Anti-Ragging Committee to follow guidelines provided by the UGC and to take disciplinary action against responsible boys and girls of the college, which leads to Rustication from the college or relevant action as per an act of ragging. SOP of functioning of Anti-Ragging Committee in college is as follows:

1. At the time of Admission Affidavit Forms are to be filled up by students and parents regarding Anti-Ragging.
2. Anti-Ragging Committee regularly organizes workshops and activities to guide students about the effects of an act of ragging.
3. In case of an act of ragging, names of culprits are to be displayed on notice board and places where students usually come together in the college.
4. Charts and displays are to be placed on various places where students can notice the fact of ragging.
5. Anti-Ragging Committee conducts squads to visit classrooms, hostels and places in the college campus to prevent an act of ragging.
6. Anti-Ragging Committee working in hand with Grievance Redressed Cell, Sexual Harassment Committee in the college campus to create well coordination amongst all committees.
7. Keep watch on incidents of ragging including reported incidents of ragging is to be assessed properly and punished immediately.
8. Mentor student representatives to promote right attitude towards solving problems related to ragging faced by the fresher's in the college by involving them in different activities like NSS, NCC etc.





**Actions to be taken against students for performing an act of Ragging:**

1. Suspension of students from classes as well as withdrawing admission from hostel
2. Refuse scholarships and other benefits.
3. Punish responsible students with said penalties in regards of an act of ragging.
4. Withdrawing facilities of Training and Placement.
5. Debarring from representing the institution in any regional, national or international meet, tournament, youth festival, etc.
6. Cancellation of admission from the college.
7. Make 'Red Mark' on all the educational documents and prevent the students to take admission to any other institution.

**Order of Supreme Court and Notification from University Grants Commission; an act of ragging include following actions:**

1. Any act of indiscipline, teasing or handling with rudeness.
2. Any act that prevents disrupts the regular academic activity.
3. Any activity which is likely to cause annoyance, hardship, psychological harm or creates fear or apprehension.
4. Any act of financial extortion or forceful expenditure.
5. Any act of physical abuse causing assault, harm or danger to health.
6. Any act of abuse by spoken word, emails, SMS or public insult.
7. Any act of injury or infringement of the fundamental right to the human dignity.
8. Any act of wrongful confinement, kidnapping, molesting or committing unnatural offences, use of criminal forces, trespass or intimidation.
9. Any unlawful assembly or conspiracy to ragging.
10. Punishment to those found guilty.

**Students can register complaints with the following authorities:**

**College Anti-Ragging Committee:** 9146142000, 9146152000

**Chairman (Principal):** Dr. B. S. Yadav - 9423181155

**Coordinator:** Prof. Dr. Sanjay Argade - 9922720270

**Email ID:** kjscollege@rediffmail.com

**Complaint Link Form:** [https://antiragging.in/complaint\\_register\\_form.html](https://antiragging.in/complaint_register_form.html)

**UGC Anti-Ragging helpline:**

**Anti-Ragging Helpline:** 1800-180-5522



**Link of Information about anti ragging and its regulations:**

<https://antiragging.in/information.html>

**Link for questions regarding anti ragging in the mind of students:**

<https://antiragging.in/faqs.html>

**Link of affidavits and undertaking to be filled by the students and guardians:**

[https://antiragging.in/affidavit\\_affiliated\\_form.php](https://antiragging.in/affidavit_affiliated_form.php)

**Link for Complaint:**

[https://antiragging.in/complaint\\_register\\_form.html](https://antiragging.in/complaint_register_form.html)

**Link of Compliance by Institution:**

[https://antiragging.in/compliance\\_disclaimer.html](https://antiragging.in/compliance_disclaimer.html)

**Link of UGC Notification on Anti-Ragging:**

[https://www.ugc.gov.in/pdfnews/7811287\\_Anti-Ragging\\_Cell\\_Circular.pdf](https://www.ugc.gov.in/pdfnews/7811287_Anti-Ragging_Cell_Circular.pdf)

**Link of UGC Regulations on Curbing the Menace of Ragging in Higher Educational Institutions, 2009:**


<https://www.ugc.gov.in/oldpdf/ragging/minuterag230409.pdf>






**Anti-Ragging Committee:**  
(Under Section 26(1) (g) of the University Grants Commission Act, 1956)

Sr. No.	Name	Designation
1.	<b>Dr. B. S. Yadav</b> (Principal, K. J. Somaiya College, Kopargaon)	<b>Chairman</b>
2.	<b>Police Inspector</b> (Kopargaon City Police Station)	<b>Member</b>
3.	<b>Mr. Jawale Laxman</b> (Local Media Representative)	<b>Member</b>
4.	<b>Rajole Hemant Rambhau</b> (Parent Representative)	<b>Member</b>
5.	<b>Gunjal Babasaheb Sampat</b> (Parent Representative)	<b>Member</b>
6.	<b>Mr. Raktate Vinayak</b> A/P – Kokamthan, Tal – Kopargaon. (Alumni Representative)	<b>Member</b>
7.	<b>Vakte Shraddha Vinod</b> (Student Representative)	<b>Member</b>
8.	<b>Mr. Aasane H. N.</b> (Rector, Boys Hostel)	<b>Member</b>
9.	<b>Mrs. Tikande S. A.</b> (Rector, Ladies Hostel)	<b>Member</b>
10.	<b>Dr. Khose M. B.</b> (Teacher Representative)	<b>Member</b>
11.	<b>Dr. Dhokale N. T.</b> (Teacher Representative)	<b>Member</b>
12.	<b>Dr. Naikwade A. C.</b> (Non-Teaching Representative)	<b>Member</b>
13.	<b>Prof. Dr. Argade S. L.</b> (Teacher Representative)	<b>Coordinator</b>

  
**Prof. Dr. Sanjay Argade**  
Coordinator  
Anti-Ragging Committee

  
**Prof. Dr. Vijay Thange**  
Coordinator  
IQAC, K. J. Somaiya College,  
Kopargaon, Dist. A. Nagar

  
**Dr. B. S. Yadav**  
Principal  
K. J. Somaiya College of Arts  
& Commerce & Science, Kopargaon





रजिस्ट्री सं० डी० एल०—(एन)०४/०००७/२००३—१३

REGISTERED NO. DL—(N)०४/०००७/२००३—१३



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड I

PART II — Section I

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० १८] नई दिल्ली, मंगलवार, अप्रैल २३, २०१३/ वैशाख ३, १९३५ (शक)  
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.





Be 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;





(vi) 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.



(3) 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:

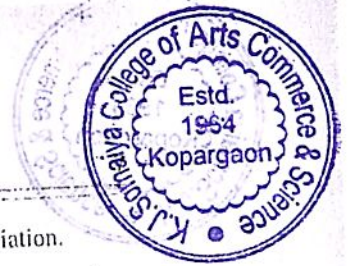
Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said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

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.

(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.

(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

45 of 1860.

45 of 1860.

5 of 1908





- (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,





Sec. 1]

THE GAZETTE OF INDIA EXTRAORDINARY

(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)".







- (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.

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

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## 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".

## Laws and Procedures: Sexual Harassment in the Workplace

### Vishaka Guidelines against Sexual Harassment in the Workplace

Guidelines and norms laid down by the Hon'ble Supreme Court in  
Vishaka and Others Vs. State of Rajasthan and Others (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 of 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 amounts 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 organisation for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

#### 7. Complaints Committee

The complaint mechanism, referred to in (6) above, should be adequate to provide, where necessary, a Complaints Committee, a special counsellor 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. Worker's Initiative

Employees should be allowed to raise issues of sexual harassment at a 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.

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Other legal provisions include filing a **criminal case** under sections of the Indian Penal Code (IPC), the Indecent Representation of Women (Prohibition) Act and/or filing a civil suit.

The sections of the **Indian Penal Code** that can be applicable to sexual harassment (which makes it a criminal case):

#### 1. Section 294

'Whoever, to the annoyance of others, (a) does any obscene act in any public place, or (b) sings, recites and utters any obscene songs, ballads or words, in or near any public space, shall be punished with imprisonment of either description for a term that may extend to three months, or with fine, or with both.' This provision is included in Chapter XVI entitled 'Of Offences Affecting Public Health, Safety, Convenience and Morals' and is cognisable, bailable and triable by any magistrate.

#### 2. Section 354

Whoever assaults or uses criminal force on any woman, intending to outrage her modesty or knowing it likely that he will thereby outrage her modesty, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

#### 3. Section 509

(Word, gesture or act intended to insult the modesty of a woman) This is included in Chapter 22 entitled 'Of Criminal Intimidation, Insult and Annoyance', and is cognisable, bailable and triable by any magistrate. It holds: 'Whoever, intending to insult the modesty of





a woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture is seen by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.'

Under the Indecent Representation of Women (Prohibition) Act (1987) if an individual harasses another with books, photographs, paintings, films, pamphlets, packages, etc. containing the "indecent representation of women", they are liable for a minimum sentence of 2 years. Section 7 (Offenses by Companies) further holds companies where there has been "indecent representation of women" (such as the display of pornography) on the premises, guilty of offenses under this act, with a minimum sentence of 2 years.

#### **Civil case**

A civil suit can be filed for damages under tort laws. That is, the basis for filing the case would be mental anguish, physical harassment, loss of income and employment caused by the sexual harassment.



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No. 11013/2/2014 Estt (A.III)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
(Department of Personnel and Training)

.....  
North Block, New Delhi,  
Dated the 27<sup>th</sup> November 2014

**OFFICE MEMORANDUM**

**Subject: Alignment of Service Rules with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.**

The undersigned is directed to say that the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' { SHWW (PPR) Act } has been promulgated on 22<sup>nd</sup> April 2013. Further to the Act, the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013' were notified on 9.12.2013. The Act and the Rules framed thereunder provide a redressal mechanism for handling cases of sexual harassment at workplace. The Act and Rules are available at the website of the Ministry of Women and Child Development ([wcd.nic.in](http://wcd.nic.in)) under Legislation/Acts.

2. The CCS (Conduct) Rules, 1964 and CCS (CCA) Rules, 1965 have been amended vide Notifications of even number published as G.S.R. 823(E) and G.S.R.822(E) in the Gazette of India – Extraordinary dated 19-11-2014. These are available on this Department's website [www.persmin.gov.in](http://www.persmin.gov.in)

3. So far as Central Government employees are concerned, provisions already exist in the CCS (Conduct) Rules 1964 defining sexual harassment. Further, the proviso to Rule 14(2) of the CCS (CCA) Rules 1965 provides that the complaints committee established in each Ministry or Department or office enquiring into such complaints shall be deemed to be the inquiring authority appointed by the disciplinary authority and the committee shall hold the inquiry so far as practicable in accordance with the procedure laid down in those rules. Similar provisions exist in the relevant service rules of the Central Government servants not governed by CCS (Conduct) Rules / CCS (CCA) Rules.

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4. Sexual harassment as defined rule 3-C of CCS (Conduct) Rules, 1964 in has been amended vide Notification of even number dated 19-11-2014 (copy enclosed). The amended rule is as follows:

**"Rule 3C - 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 such 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) demand or request for sexual favours; or
- (iii) sexually coloured remarks; or
- (iv) showing any pornography; or
- (v) 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 games venue, 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."

5. All Ministries/Departments are advised that the following procedure may be adopted while dealing with complaints of sexual harassment:-

- (i) Sexual harassment will include any one or more of the Acts or behaviour defined in Rule 3-C of the CCS (Conduct) Rules 1964 read with Sec 3(2) of SHWW (PPR) Act.
- (ii) The Committee constituted in each Ministry/ Department/ office under the CCS (Conduct) Rules, 1964 shall inquire into complaints of sexual harassment in accordance with the provisions of Section 4 of the SHWW (PPR) Act.
- (iii) The Committee will as far as practicable follow the procedures prescribed in CCS (CCA) Rules 1965 for conduct of the inquiry.
- (iv) If any complaint is received directly by the committee, the same shall be referred to the appropriate disciplinary authority and the Committee shall inquire into the complaint on the complaint being referred to it by the disciplinary authority.

6. In addition, the Committee will have the powers to recommend to the employer:-

- a) to transfer the aggrieved woman or the charged officer to any other workplace; or
- b) to grant leave to the aggrieved woman up to a period of three months.  
(The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled to.)
- c) to grant such other relief to the aggrieved woman as may be prescribed; or
- d) to deduct from the salary or wages of the charged officer such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs. Any amount outstanding at the time of cessation of the services of the charged officer due to retirement, death or otherwise may be recovered from





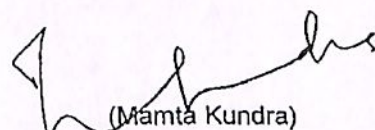
the terminal benefits payable to the officer or his heirs. Such compensation will not amount to penalty under Rule 11 of CCS (CCA) Rules in terms of the Explanation (ix) to Rule 11 inserted vide Notification of even Number dated 19-11-2014.

7. It may also be noted that the Committee may recommend action to be taken against the person who has made a complaint, if the Committee arrives at the conclusion that the allegation is malicious or the aggrieved woman or the person making the complaint has made the complaint knowing it to be false or has produced any forged or misleading document. The Committee may also recommend action against any witness if it comes to the conclusion that such witness has given false evidence or produced any forged or misleading document.

8. Attention is also invited to the following provisions of SHWW (PPR) Act:

- Sec 16 & 17 : Prohibition of publication or making known contents of complaint, inquiry proceedings and recommendations of the Committee.
- Sec 19 : Duties of employer. This may be read with provisions of Rule 3(C) (2) of CCS (Conduct) Rules.
- Sec 21, 22 of SHWW(PPR) Act and Rule 14 of the SHWW (PPR) Rules Annual Reports

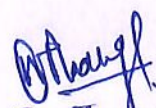
9. All the Ministries/Departments are requested to bring the contents of this OM to the notice of all officers and staff working under them. The Ministries/ Departments are also requested to advise the PSEs /Autonomous Bodies under their administrative control to align their service rules with the SHWW (PPR) Act/ Rules.

  
(Mamta Kundra)  
Joint Secretary to the Government of India  
Tel: 23094276


To

All Ministries/Departments (as per standard list)

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