

Internal Complaint Committee (ICC) constituted under Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013

Regarding compliance of Judgment dated 12.05.2023 passed by the **Hon'ble Supreme Court of India in Civil Appeal No. 2482 of 2014 – Aureliano Fernandes Vs. State of Goa and Others**, following Internal Complaint Committee (ICC) constituted under **Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH)** by Admin Order No. 123/2024 Dated: 19.04.2024 and Admin Order No. 272/2024 dated 26.09.2024.

Email ID- adj1deoria[at]gmail[dot]com

S.N.	Name of Judicial Officer	Designation		Mobile No.
1.	Smt. Chhaya Nain	Addl. District and Sessions Judge	Chairman	9453016960
2.	Sri Omvir Singh-II	Special Judge (SC/ST Act)	Member	9415341871
3.	Smt. Manju Kumari	Chief Judicial Magistrate	Member	9415341856
4.	Sri Kailash Nath Pandey	Non Govt. Organization	Member	9984136623
5.	Smt. Anjana Rai	Reader	Member	9140412771
6.	Smt. Preamsheela Yadav	Court Peon	Member	8400059085

What is Sexual Harassment?

According to the Section 2 (n) of Chapter I of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, "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;

The following circumstances, if present in relation to any behaviour of sexual harassment, may amount to sexual harassment:-

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

Where and how can the complaints be filed?

- Any aggrieved woman, or 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, in writing, a complaint of Sexual harassment at workplace within a period of three months from the date of incident or in case of a series of incidents, within a period of three months from the date of last incident. Provided that the Committee may extend the time limit not exceeding three months, under special circumstances.
- The Presiding Officer or any member of the Internal Committee shall render all reasonable assistance to the woman for making the complaint in writing.
- At the time of filing the complaint, the complainant shall submit six copies of the complaint along with supporting documents and the names and addresses of the witnesses.

- Such complaints may be addressed to the Chairperson, Internal Committee/any other member of the committee constituted for the purpose.
- Complaints of sexual harassment at workplace may also be mailed to the following Email Id:- adj1deoria[at]gmail.com

Manner of inquiry into the complaint

- Rule 7(1) - At the time of filing the complaint, the complainant shall submit six copies of the complaint along with supporting documents and the names and the addresses of the witnesses.
- Rule 7(2) - On receipt of the complaint, the 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.
- Rule 7(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).
- Rule 7(4) - The Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
- Rule 7(5) - The 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.
- Rule 7(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 Committee.
- Rule 7(7) - In conducting the inquiry, a minimum of three Members of the Committee including the Presiding Officer or the Chairperson, as the case may be, shall be present.

[The Sexual Harassment of Women at Workplace \(Prevention, Prohibition and Redressal\) Act, 2013 \(English\)](#)

[The Sexual Harassment of Women at Workplace \(Prevention, Prohibition and Redressal\) Act, 2013 \(Hindi\)](#)

[The Sexual Harassment of Women at Workplace \(Prevention, Prohibition and Redressal\) Rules, 2013](#)

Punishment for complaints of sexual harassment at workplace

- If the allegations are proved, the Committee shall recommend to the employer 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 counseling session or carrying out community service.
- If the allegations are found to be malicious or false/forged/misleading, action may be taken against the complainant, provided that the malicious intent shall be established after an inquiry and a mere inability to substantiate the complaint need not attract action.

Duties of employer

- provide safe working environment at the workplace.
- provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the I.P.C. (45 of 1860) or any other law for the time being in force.
- Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct.

Points to be kept in mind

- (i) The Establishment (District Court, Deoria) has a “zero tolerance policy” for Sexual harassment of women at workplace.
- (ii) The proceedings under this Act are kept highly confidential.

Directions

- (i) No woman shall be subjected to sexual harassment within the premises of the District Court, Deoria. 'Sexual harassment' as used herein cover all acts or behaviour as has been defined under S. 2(n) of the Act.
- (ii) Any employee indulging in such illegal act of sexual harassment shall be sternly dealt with and the same will be treated as a misconduct under the service rules and disciplinary action for such misconduct would be accordingly taken against the delinquent employee.
- (iii) The Internal Committee constituted above shall take all necessary action for raising awareness pertaining to the rights and obligation under the Act.
- (iv) The Internal Committee shall facilitate and provide a conducive environment for filing of such complaints and wherever necessary shall assist the aggrieved woman to make and record her complaint.
- (v) In terms of the provisions of the Act, the Internal Committee, as per the merits of the matter and wishes of the aggrieved woman take steps to settle the provisions under S. 10 of the Act.
- (vi) Subject to the provision of the S. 10 and the direction at point (v) above, the Internal Committee shall conduct the inquiry and take all necessary action for conducting and concluding the inquiry or initiating action under the Indian Penal Code as per the provisions under S. 11 of the Act.
- (vii) The Inquiry shall be completed within a period of 90 days.
- (viii) Suitable action for making false/malicious complaints or submitting false evidence would be taken.
- (ix) Within 10 days of completion of the inquiry Internal Committee shall submit its report to the District Judge, District Court, Deoria and also provide the report to the concerned parties.
- (x) The Internal Committee shall submit an annual report in each year to the District Judge, District Court, Deoria.
- (xi) Where sexual harassment occurs as a result of an act or omission by any third party or outsider required steps will be ensured to assist the affected in terms of support and preventive action.
- (xii) Efforts for providing appropriate work conditions in respect of work, leisure, health and hygiene to all the woman employees of the Institute have been ensured, however in case of any shortcoming or difficulty the same may be brought to the notice of the Complaints Committee.