

About

Sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. It helps the female staff of the office of working place to address their grievances regarding violence and harassment cases, if any. The Prevention Sexual Harassment cell is committed to

- ◆ Observing the law on Sexual Harassment
- ◆ Sensitizing the community on gender issues
- ◆ Assisting internal Complaint Committee
- ◆ Addressing complaints from victims

At present, the Internal Committee of the District Court, Sambhal at Chandausi consists of the following 04 members, which includes 02 lady Judges-

1. Smt. Arti Fauzdar, Additional District & Sessions Judge, Chairperson
2. Smt. Archana Singh, Chief Judicial Magistrate, Member
3. Smt. Munni Devi, Senior Assistant
4. Smt. Rajana Sharma, Social Worker

The Law on 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-

Physical contact and advances; or
a demand or request for sexual favours; or
making sexually coloured remarks; or
showing pornography; or
any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
Use of electronic media (phone, internet, intranet) for perpetrating any of the above
Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature.

In view of mandatory provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 following procedure is used to be followed whenever any case of harassment is reported in the District Court, Sambhal:

* There shall be an internal complaints committee which shall consist of a presiding officer and such other members as the employer appoints from time to time. However presiding officer shall be a woman and other members must have experience in social work or legal knowledge.

* The aggrieved woman may make a complaint in writing regarding sexual harassment to the internal committee. However if woman is not able to make a complaint, her legal heirs and any other person on behalf can make a complaint.

* The complaint committee before initiating enquiry may resolve the matter through conciliation at the request of woman.

* Where settlement has been arrived through conciliation, the committee records the settlement and forwards the same to the employer. In such case no further inquiry is required.

- ◆ In case conciliation process has not been worked out, the committee shall proceed with the inquiry as per the service rules applicable to him or if the prima facie case exist forward the complaint to the police.
- ◆ For the purpose of conducting the inquiry the principles of natural justice shall be observed.
- ◆ On the completion of inquiry if respondent is found responsible the employer may take any or both of the following actions against him:
 - ▶ Take action for sexual harassment as a misconduct in accordance with the service rules applicable to him.
 - ▶ To deduct from the salary of respondent such amount as the committee considers appropriate and shall be paid to the victim.

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.
- Complaints of sexual harassment at workplace may also be mailed to the following email id- dcsam@allahabadhighcourt.in

Such complaints may be sent to the Administrative Office, Sambhal at Chandausi.

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.

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 counselling 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 enquiry 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.

Contact

- i. Sri Pankaj Sharma, Administrative officer (7017065550)
- ii. Sri Ajay Saxsena, Central Nazir (9837072624)
- iii. Sri Amit , Junior Assistant, DLSA Sambhal (8532836386)

Points to be kept in mind

- District Court, Sambhal has a "zero tolerance policy" for Sexual harassment of women at workplace.
- The proceedings under this Act are kept highly confidential.