



**Gist of the guidelines and norms prescribed in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.**

**1. DEFINITION:**

- a) "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.
- b) Further, 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: -
- Implied or explicit promise of preferential treatment in her employment; or
  - Implied or explicit threat of detrimental treatment in her employment; or
  - Implied or explicit threat about her present or future employment status; or
  - Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
  - Humiliating treatment likely to affect her health or safety.

**2. CONSTITUTION OF INTERNAL COMMITTEE:**

- a) A committee called "Internal Complaints Committee" shall be constituted consisting of
- A senior level woman employee as a 'Presiding Officer'
  - Two members from the employees preferably committed to the cause of women or who had experience in social work or have legal knowledge, and
  - One member from amongst Non-Government Organisation or Associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

At least one half of the total members so nominated shall be women.

- b) 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 Bank.
- c) The Member appointed from amongst the Non-Government Organisations or Associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, as may be prescribed by the Bank.

- d) Where the Presiding Officer or any Member of the Internal Committee
- i. contravenes the provisions of Section 16 (i.e., item no.10 below prohibition of publication or making known contents of complaint and inquiry proceedings) or
  - ii. 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
  - iii. he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him, or
  - iv. has so abused his position as to render his continuance in official 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 stated above.

### **3. COMPLAINT:**

- a) Any aggrieved woman may make, in writing; a complaint of sexual harassment at workplace to the Internal Committee 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,
- b) Where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the woman for making the complaint in writing.
- c) The Internal 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.
- d) 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.

### **4. CONCILIATION:**

- a) Internal Committee may, before initiating an inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation.
- b) Provided that no monetary settlement shall be made as a basis of conciliation.
- c) Where a settlement has been arrived at, the Internal Committee shall record the settlement so arrived and forward the same to the Bank to take action as specified in the recommendation.

- d) The Internal Committee shall provide the copies of the settlement as recorded, to the aggrieved woman and the respondent.
- e) Where a settlement is arrived at under point 'b' above no further inquiry shall be conducted by the Internal Committee.

#### **5. INQUIRY IN TO THE COMPLAINT:**

- a) If conciliation as per point no.4 above fails, the Internal Committee shall proceed to make inquiry into the complaint in accordance with the provision of the Staff Service Regulations of the Bank.
- b) Where the aggrieved woman informs the Internal Committee, that any term or condition of the settlement arrived at as said at point no.4 above has not been complied with by the respondent, the Internal Committee shall proceed to make an inquiry into the complaint.
- c) Where 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.
- d) For the purpose of making an inquiry, the Internal Committee 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: -
  - i. summoning and enforcing the attendance of any person and examining him on oath;
  - ii. requiring the discovery and production of documents; and
  - iii. any other matter which may be prescribed.
- e) The inquiry shall be completed within a period of ninety days.

#### **6. INQUIRY INTO THE COMPLAINT:**

- a) During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee may recommend to the Bank to-
  - i. transfer the aggrieved woman or the respondent to any other workplace, or,
  - ii. grant leave to the aggrieved woman upto a period of three months, or
  - iii. grant such other relief to the aggrieved woman as may be prescribed.
- b) The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.
- c) On the recommendation of the Internal Committee the Bank shall implement the recommendations and send the report of such implementation to the Internal Committee.

## **7) INQUIRY REPORT:**

- a) On the completion of an inquiry; the Internal Committee shall provide the reports of its findings to the Bank within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.
- b) Where the Internal Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the Bank that no action is required to be taken in the matter.
- c) Where the Internal Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Bank,
  - i. to take action for sexual harassment as misconduct in accordance with the provisions of the service rules applicable to the respondent.
  - 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. Provided that in case the Bank 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 may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer, who is the Deputy Commissioner/Additional Deputy Commissioner.
- d) The Bank or the Deputy Commissioner/Additional Deputy Commissioner shall act upon the recommendation within sixty days of its receipt by him.

## **8. FALSE OR MALICIOUS COMPLAINT:**

- a) Where the Internal Committee 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 Bank 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.

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

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.

- b) Where the Internal Committee 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.

#### **9. DETERMINATION OF COMPENSATION:**

For the purpose of determining the sums to be paid to the aggrieved woman under item no 7 (c) (ii) above the Internal Committee shall have regard to:-

- 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 installments.

#### **10. PROHIBITION OF PUBLICATION OR MAKING KNOWN THE CONTENTS OF COMPLAINT AND INQUIRY PROCEEDINGS:**

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made under item no.3 above., the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the Bank shall not be published, communicated or made known to the public, press and media in any manner.

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

#### **11. PENALTY:**

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 the Act, contravenes the provisions of Section 16 (i.e., item no.10 above publishes or make known the contents of complaint and inquiry proceedings), 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.

## **12. APPEAL:**

- a) Any person aggrieved from the recommendations made by Internal Committee 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.
- b) The appeal shall be preferred within a period of ninety days of the recommendations.

## **13. DUTIES OF THE EMPLOYER:**

### **The employer shall:**

- 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.
- c) organise workshops and awareness programmes at regular intervals for sensitizing 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 for dealing with the complaint and conducting an inquiry.
- e) assist in securing the attendance of respondent and witnesses before the Internal Committee.
- f) make available such information to the Internal Committee as it may require having regard to the complaint.
- 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.
- 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,
- 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.

#### **14. ANNUAL REPORT:**

- a) The Internal Committee 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 Bank and the District Officer.
- b) The Bank shall include in its report the number of cases filed, if any, and their disposal in the annual report

#### **15. PENALTY TO THE EMPLOYER:**

- a) Where the employer fails to:
  - i. constitute an Internal Committee.
  - ii. take action under sections 13,14 and 22 of the Act (i.e., item no.7,8 and 14(b) above, and
  - iii. contravenes or attempts to contravene or abets contravention of other provisions of the Act or any rules made there under.

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

- b) 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 license 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.

A committee has been constituted and we furnish here under the names of presently designated Presiding Officer and Members of the Internal Complaints Committee.

Sl No	Name	Designation	Branch	Nominated as
1	Smt. S Manasa	Senior Manager	Shivamogga Main	Presiding Officer
2	Smt. Anita Hotkar	Senior Manager	Kalaburagi-Super Market	Member
3	Smt. K Rajalakshmi	Assistant Manager	Ballari-Kappagal Road	Member
4	Smt. B Roopashree	-	M/s SKDRDP Development Project, Ballari	Member representing NGO