



Shri Shivaji Education Society, Amravati's
SHRI SHIVAJI SCIENCE & ARTS COLLEGE CHIKHLI
DIST - BULDANA 443201
NAACReaccredited with 'B++' - GRADE(CGPA2.82)
ISO : 9001-2015

Dr. Omraj S. Deshmukh
Principal

Hon'ble Shri. Harshwardhan P. Deshmukh
President

सिएस/सिनिरी/६८४

दि. १९/०१/२०२२

प्रति,

मा. सचिव,
श्री शिवाजी शिक्षण संस्था, अमरावती

विषय :- "अंतर्गत वाद समिती" (Internal Complaint Committee) चे गठन

संदर्भ :- पत्र क./जा.क.शि / अधि-७/१०६/२०२२ दि. १३/०१/२०२२

महोदय,

उपरोक्त संदर्भा नुसार आमच्या महाविद्यालयात सोबत दर्शविलेल्या यादीप्रमाणे
"अंतर्गत वाद समिती" चे मार्गदर्शन तत्वानुसार गठन करण्यात आलेले आहे.
आपणास माहितीसाठी कळवित आहोत.

धन्यवाद

आपला विश्वासु

O.S. Deshmukh

(डॉ.ओमराज एस. देशमुख)

प्राचार्य

श्री शिवाजी विज्ञान व कला महाविद्यालय
चिखली जि. बुलडाणा

6
o/c

29/1/2022
आवक लिपीक,
श्री शिवाजी शिक्षण संस्था
अमरावती.



Shri Shivaji Education Society, Amravati's
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Dr. Omraj S. Deshmukh
Principal

Shri. Harshwardhan P. Deshmukh
President

To ,

Dr. Jyotitai S. Khedekar
Senet Member and Social worker
Chikhli Dist. Buldana

Date:- 23 / 06 / 2020

Subject :- Nomination letter of member in Internal Complaint Committee

Respected /Madam

Consequent upon the constitution of the Internal Complaint Committee, the Competent Authority by exercising power under the section 4 (1) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has constituted the Internal Complaint Committee to provide protection against sexual harassment to the women at workplace, for the prevention and redressal of complaints pertaining to the sexual harassment of the women at workplace and attend to all the matters incidental to the same.

The Competent Authority has desired to selected you as the member Non government society (NGOs) the as per the existing terms conditions.

In view of the above , you are requested to kindly acceptance our invitation , so as to enable this office to proceed with the procedure

The presiding officer and every member of the committee shall hold office for such period, not exceeding three years, from the date of constitution.

The Internal Complaint Committee, shall in each year, meet at designated interval, and prepare and annual report under the section 21 of the Act. read with Rule 14 which shall have the details of the cases filed, it any.

Dr. Deshmukh
Principal
PRINCIPAL

Shri Shivaji Science & Arts
College, Chikhli, Dist. Buldana

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Notice

All honourable members are informed that the meeting will be organised on 23rd June 2020 on Tuesday at 12.00 Noon so be present in Electronics Department punctually –

Agenda :-

Constitution of Internal Complaints Committee & to discuss the Guidelines of committee.

1. Dr. M. T. Nikam - 
Dept. of Zoology

2. Dr. R. P. Gawai
Dept. of Commerce



3. Dr. S. M. Kalakhe
Dept. of Economics



4. Dr. M. J. Jadhav
Dept. of Computer Science



5. Dr. Jyotitai S. Khedekar




Senate Member & Social Worker

6 Miss Kalyani V. Bhutekar



B. Sc. II (Bio)


Incharge
(Prof. S. A. Katole)
Internal Complaints Committee
Shri Shivaji Science & Arts College
Chikhli.

Date: 23/06/2020

Minutes of the Meeting :

A meeting was held on to constitute the Internal Complaint Committee on 23rd June 2020 on Tuesday at 12 noon, in Electronics Department.

Following members attended the meeting:

- | | |
|---|------------------|
| (1) Prof. Shalini A. Katole :-
Head & Associate Prof. Department of Electronics. | President (ICC) |
| (2) Prof. M. T. Nikam: -
Head & Prof, Department of Zoology | Secretary member |
| (3) Prof. Raju P. Gawai :-
Head & Associate Prof, Department of Commerce | Male member |
| (4) Dr. Sunita M. Kalakhe :-
Head & Assistant Prof, Department of Economics | Female member |
| (5) Dr. Mukti E. Jadhav :-
Assistant Prof, Department of Computer Science | Female member |
| (6) Dr. Jyotitai S. Khedekar :-
Senate Member & Social Worker | External member |
| (7) Ms. Kalyani V. Bhutekar:-
Student representative | Student member |

Prof. Shalini Katole, presided over this meeting. Initially, she welcomed all the Committee members and then the items on the agenda were taken for discussion.

Discussion on the following points brought about.

Item No.1 To constitute the Internal Complaint Committee (ICC) at Shri Shivaji Science & Arts College, Chikhli, Dist. Buldana

Resolution: As per the discussion of all the committee members it was decided that Internal complaint committee has been constituted. It has been decided unanimously.

Proposed By – Prof. Shalini A. Katole

Seconded By – All Committee Member

Item No. 2 Display Internal Complaint Committee member board at college premises

Resolution : Prof. Raju P. Gawai, suggested the placeto display the committee board at college.
It was decided unanimously by all committee members.

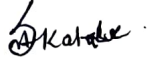
Proposed By -Prof. Raju P. Gawai
Seconded By- All Committee Member

Item No. 3 Installation of Complaint Box of ICC

Resolution : Prof. M. T. Nikam, suggested the placeto install the complaint box at collegeIt was
decided unanimously by all committee members.

Proposed By -Prof. M. T. Nikam
Seconded By- All Committee Member

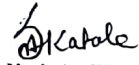
Meeting concluded at 1:00 P.M.


Prof. Shalini A. Katole
President of ICC

Action Taken

The ICC meeting was held on dated 23rd Jun 2020, following items of meeting were fulfilled

1. Constitution of Internal Complaint Committee.
2. Display Internal Complaint Committee member board
3. Installation of Complaint Box of ICC



Prof. Shalini A. Katole
President of ICC

Notice

All honourable members are informed that the meeting will be held on 25th Feb. 2021 on Thursday at 1.00 P. M. hence present in Electronics Department punctually –

Agenda :-

Review of ICC Committee work

1. Dr. M. T. Nikam -
Dept. of Zoology



2. Dr. R. P. Gawai
Dept. of Commerce



3. Dr. S. M. Kalakhe -
Dept. of Economics



- 4 Dr. M. J. Jadhav



Dept. of Computer Science

- 5 Dr. Jyotitai S. Khedekar
Senate Member & Social Worker.



- 6 Miss Kalyani V. Bhutekar



B. Sc. II (Bio)



Incharge

(Mrs S. A. Katole.)

Internal Complaints Committee

Shri Shivaji Science & Arts College Chikhli.

Date: 25/02/2021

Minutes of the Meeting :

A meeting was held on to constitute the Internal Complaint Committee on 25rdFeb 2021 on Tuesday at 1:00 PM in Electronics Department.

Following members attended the meeting:

- | | |
|---|------------------|
| (1) Prof. Shalini A. Katole :-
Head & Associate Prof. Department of Electronics. | President (ICC) |
| (2) Prof. M. T. Nikam: -
Head & Prof, Department of Zoology | Secretary member |
| (3) Prof. Raju P. Gawai :-
Head & Associate Prof, Department of Commerce | Male member |
| (4) Dr. Sunita M. Kalakhe :-
Head & Assistant Prof, Department of Economics | Female member |
| (5) Dr. Mukti E. Jadhav :-
Assistant Prof, Department of Computer Science | Female member |
| (6) Dr. Jyotitai S. Khedekar :-
Senate Member & Social Worker | External member |
| (7) Ms. Kalyani V. Bhutekar:-
Student representative | Student member |

Dr. Shalini Katole, presided over this meeting. Initially, she welcomed all the Committee members and then the items on the agenda were taken for discussion.

Discussion on the following points took place.

Discussion on the following below points took place.

Item No.1 Confirmation of minutes of the previous meeting

Resolution : The minutes of previous meeting dated 23rd Jun 2020, were confirmed unanimously

Proposed By – Prof. Shalini Katole
Seconded By- All Members

Item No.2 Work plan of ICC.

Resolution : As per the suggestion of Prof. M. T. Nikam the ICC should be worked as per the guidelines of UGC& Sant Gadge Baba Amravati University, Amravati, Regulations of Sexual Harashment Act.

Proposed By – Prof. M. T. Nikam
Seconded By- All Members

Item No.3 Preparation of complaint form for ICC

Resolution :Dr. Sunita M. Kalakhethethe format of complaint form for the ICC has been suggested. It has been decided unanimously

Proposed By – Dr. Sunita M. Kalakhe
Seconded By- All Members

Meeting concluded at 2:00 P.M.


Prof. Shalini A. Katole
President of ICC

Action Taken

The ICC meeting was held on dated 25th Feb 2021, following items of meeting were fulfilled

1. Confirmation of minutes of the previous meeting.
2. Work plan of ICC.
3. Preparation of complaint form for ICC



Prof. Shalini A. Katole
President of ICC



Shri Shivaji Education Society Amravati's
SHRI SHIVAJI SCIENCE AND ARTS COLLEGE

Chikhli, Dist. Buldana- 443201.

NAAC Reaccredited with 'B+' Grade (CGPA 2.82)

ISO: 9001-2015

Dr. Omraj S. Deshmukh
Principal

Hon'ble Shri Harshvardhan P. Deshmukh
President

Shri Shivaji Science & Arts College
Chikhli, Dist. Buldana
Internal Complaint Committee
Policy document

The Internal Complaints Committee (ICC) is established in Shri Shivaji Science & Arts College, Chikhli, Dist. Buldana, on 23rd June 2020 under the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Education Institutions) Regulations, 2015. It comprises students a Presiding Officer, two or three faculty members from each faculty, and one outside member from a non-governmental organisation or association committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the Executive Authority.

Objectives of Internal Complaints Committee:

- To provide a safe and secure work environment to every female worker and girls students
- To take consistent action for prevention, prohibition and redressal of complaints received regarding sexual harassment and gender discrimination of women personnel at the workplace
- To make recommendations to the management to lay down procedures for the prohibition, resolution, settlement and prosecution of acts of discrimination and sexual harassment, by the students and the employees.
- To forceful implementation of the policies relating to the prevention of sexual harassment
- Strive to resolve complaints by the aggrieved complainant, and henceforth, recommend actions to be taken by the employer.

ICC, Shri Shivaji Science & Arts College, Chikhli, Dist. Buldana, deals with cases of sexual harassment of the students or employees in the college and provides mechanism of dispute redressal.

It promotes the empowerment of women and has zero tolerance for any kind of sexual harassment. ICC diligently work towards providing a secure environment to students, teaching and non teaching staff. Complaint boxes have been placed in the college premises.

Sexual Harassment defined as:

“An unwanted conduct with sexual undertones if it occurs or which is persistent and which demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and induces any one or more or all of the following unwelcome acts or behaviour (whether directly or by implication), namely:

- Any unwelcome physical, verbal or non-verbal conduct of sexual nature;
- Demand or request for sexual favors
- Making sexually colored remarks
- Physical contact and advances
- Showing pornography”.

Internal Complaints Committee Members

Sr. No	Name Of Member	Designation	Mail ID and Phone No.
1	Prof. Shalini Katole Professor Department of Electronics	Presiding Officer	shalinikatole@gmail.com 7066590850
2	Prof. Meena Nikam Professor Department of Zoology	Member Secretary	meenanikam66@gmail.com 9890844050
3	Prof. R. P. Gawai Professor Department of Commerce	Member	drrgawai@gmail.com 9552248729
4	Dr. S. M. Kalakhe Asst. Professor Department of Economics	Member	dr.sunitakalakhe@gmail.com 9730530766
5	Dr. M.E. Jadhav Asst. Professor	Member	muktijadhav@gmail.com 9921274072

	Department of Computer		
6	Dr. Jyotitai S. Khedekar External Member Senet Member & Social Worker	Member	jyoti.solanki@gmail.com 7776858747
7	Ms. Kalyani V. Bhutekar Student, B.Sc.(Zoology) Student Representative	Member	bhutekarkalyani@gmail.com 9325398303

Functions of the Internal Complaints Committee

The Internal Complaints Committee once constituted, plays a pivotal role in the effective implementation of the provisions at the workplace.

A general list of duties of the Committee is enumerated as follows:

- Implementation of the Anti-Sexual Harassment Policy at the workplace
- Submit an Annual Report (Including details like the number of case files at their disposal, etc.)
- Bring about awareness about what comprises 'sexual harassment' at the workplace by way of workshops, posters, documents, notices, seminars, etc.
- Publicize the policy framework effectively
- Provide the victims with a safe and accessible mechanism of complaint
- Initiation of inquiry at the earliest
- Redress the complaints in a judicious manner
- Provide interim relief to the complainant
- Provide an opportunity for conciliation wherever possible
- Stick to the principles of natural justice at all stages of the proceedings
- Whenever required, forward the complaint to the police
- Submit the inquiry report along with recommendations
- Maintain confidentiality in regard to the proceedings taking place before the Committee

Timeline of the Complaint

- Submission of Complaint-Within 3 months of the last incident
- Notice to the Respondent-Within 7 days of receiving a copy of the complaint
- Completion of Inquiry-Within 90 days
- Submission of Report-Within 10 days of completion of the inquiry
- Implementation of Recommendations-Within 60 days
- Appeal-Within 90 days of the recommendations


We commit ourselves to a zero-tolerance policy towards sexual harassment and reinforce our commitment to making our campus free from discrimination, harassment, retaliation or sexual assault at all levels. If a student, faculty member or non-faculty staff member faces any discomfort under the above-mentioned heads, he or she can directly approach the committee.

An **aggrieved person** is required to submit a written complaint to the ICC within three months from the date of the incident, and in case of a series of incidents within a period of three months from the date of the last incident. Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaints Committee shall render all reasonable assistance to the person for making the complaint in writing. For the reasons accorded in the writing, the ICC could extend the time limit by a period not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period. Friends, relatives, colleagues, co-students, a psychologist, or any other associate of the victim may file the complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death.

The complainant may contact the committee members through the given e-mail ID or phone numbers.

Email ID: iccshivajicollege@gmail.com

https://www.ugc.ac.in/pdfnews/7203627_UCG_regulations-harassment.pdf
(UGC Regulations of Sexual Harassment Act)


(Prof. Shalini A. Katole)
Presiding Officer
ICC.




PRINCIPAL
Shri Shivaji Science & Arts
College, Chikhli, Dist. Buldana

Shri Shivaji Education Society, Amravati's
Shri Shivaji Science & Arts College, Chikhli,
Dist. Buldana (M.S.) 443201.

INTERNAL COMPLAINT COMMITTEE

Proforma for Filing of Complaints of Sexual Harassment

I. Complainant(s):

Student/academic staff/ non-teaching staff

Name : _____
Age : _____
Address : _____
The complaint : _____
Phone number : _____
Email : _____

II. Person(s) against whom the complaint is being lodged:

Name : _____
Age : _____
Sex : _____
Address : _____
Phone number : _____
Email : _____

Additional details of the complaint may be recorded here:

Date:

Signature:

Place:

Name:

Working Rules for Internal Complaints Committee

In pursuance of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and the Rules framed there under, the Institute hereby adopts the following procedure for determining complaints filed to the Internal Complaints Committee (ICC) constituted under the Act. The procedure complies with the basic principles of natural justice and fair play and has to be adhered to in all complaints, though, in individual complaints, for reasons to be stated in writing, the ICC reserves the right to make exceptions to the procedure stated hereunder.

1. Any aggrieved woman may make, in writing, a complaint of sexual harassment at work place to the ICC, 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. 6 copies of a written complaint should be submitted to the Committee or any of its members along with list of witnesses and supporting documents. Additional documents and list of witnesses can be submitted to ICC at a later stage during the proceeding.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any other member of the ICC shall render all reasonable assistance to the woman for making the complaint in writing.

Provided further that the ICC for the reasons to be recorded in writing, can 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. Any complaint received by the members should be immediately forwarded to the Presiding Officer, and this must be notified to other committee members at the earliest and not later than 3 days and a meeting should be called for discussing the matter.
3. The Committee shall discuss and decide on its jurisdiction to deal with the case or reject the complaint prima facie and recommend to the Institute that no action is required to be taken in the matter.
4. Notice shall be issued to the respondent within 7 working days of receipt of the complaint and 10 working days shall be given for submission of reply (along with the list of witnesses and documents.)

5. The Committee will provide assistance to the aggrieved woman, if she so chooses, to file a police complaint in relation to an offence under Indian Penal Code.
6. The Committee may, before initiating an inquiry, at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation.
7. No monetary settlement shall be made as the basis of conciliation. Where a settlement has been arrived at, the ICC shall record the settlement so arrived and forward the same to the employer for necessary compliance.
8. The Committee shall provide the copies of the settlement as recorded under (7) to the aggrieved woman and the respondent. Where a settlement is arrived at, no further inquiry shall be conducted by the ICC.
9. If conciliation is found to be not feasible, notice will be issued to both parties for hearing.
10. The Committee may direct the Registrar to ensure the safety and protection of the aggrieved woman if and when required.
11. As an interim measure, ICC may recommend
 - a) the transfer of the aggrieved woman or the respondent to another section or Department as deemed fit by the Committee.
 - b) grant leave to the aggrieved woman upto a period of three months or :
 - c) restrain the respondent from exercising any administrative authority or supervision or academic evaluation of the aggrieved woman.
 - d) grant such other relief to the aggrieved woman as the case may require.
12. The Committee shall proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent considering sexual harassment as misconduct.
13. The Presiding Officer shall convene the first hearing of the enquiry. The respondent, the aggrieved woman, and the witnesses shall be intimated at least 7 working days in advance in writing of the date, time and venue of the enquiry proceedings. The subsequent proceedings may be on a day to day basis, to be decided by ICC.
14. The Committee shall provide reasonable opportunity to the aggrieved woman and the respondent for presenting and defending her/his case.
15. The Committee may at any time during the enquiry proceedings, preclude the face-to-face examination of the respondent and the aggrieved woman and/or their witnesses

keeping in view the need to protect the aggrieved woman or the witnesses from facing any serious health and/or safety problems.

16. The Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice. The aggrieved woman/respondent has to submit the written reply before the committee within the specified time given.
17. The Committee shall have the right to summon, as many times as required, the respondent, aggrieved woman and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
18. The Committee shall have the power to summon any official papers or documents pertaining to the aggrieved woman as well as the respondent.
19. The past sexual history of the aggrieved woman shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.
20. The Committee shall have the right to terminate the enquiry proceedings and to give an ex party decision on the complaint, should the respondent fail, without valid ground, to be present for three consecutive hearings convened by the Presiding Officer.
21. The aggrieved woman and the respondent, or any one person on her/his behalf, shall have the right to examine written transcripts of the recordings with the exclusion of witnesses' names and identities. Any person nominated by the aggrieved woman and/or the respondent on her/his behalf shall be (only) either a student, or a member of the academic or non-teaching staff. No person who has been found guilty of sexual harassment shall be accepted as a nominee. The aggrieved woman/respondent should inform the Presiding Officer specifically if they wish to exercise this right. The Presiding Officer shall allow access to such documents on a specific date to be intimated at least two days in advance to each of the parties concerned. At no point in time, however, can the concerned parties take these documents outside the office.
22. The aggrieved woman and the respondent shall be responsible for presenting their witnesses before the Committee. However, if the Committee is convinced that the absence of either of the parties to the disputes is on valid grounds, the Committee shall adjourn that particular meeting of the Committee for a period not exceeding five days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting without prior intimation/valid ground.

23. All proceedings of the ICC shall be recorded in writing. The record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned as well as the committee members present in token of authenticity thereof. In case the minutes cannot be reduced in writing the same day, as audio recording of the proceedings may be made, and the written proceedings will be authenticated on a next available opportunity.
24. If the aggrieved woman desires to tender any documents by way of evidence, the Committee can supply true copies of such documents to the respondent. Similarly, if the respondent desires to tender any documents in evidence, the Committee shall supply true copies of such documents to the aggrieved woman.
25. In the event the Committee thinks that supplementary testimony is required, the Presiding Officer shall forward to the persons concerned a summary of the proceedings and allow for a time period of seven days to submit such testimony, in person or in writing, to the Committee.
26. The aggrieved woman and the respondent shall have the right of cross-examination of all witnesses. However such cross-examination shall be conducted in the form of written questions and responses via the Committee only. **The respondent shall have no right to directly cross-examine the aggrieved woman or her witnesses.**
27. The respondent/aggrieved woman may submit to the Committee, a written list of questions that he/she desires to pose to the aggrieved woman/witness. The Committee (ICC) shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, slanderous, derogatory or gender-insensitive.
28. Amicus Curie can be called for helping the committee if and when required.
29. After concluding its investigation, the Committee shall submit a detailed reasoned report to the Institute.
30. If the Committee finds no merit in the allegations, it shall report to the Institute.
31. In the event the Committee finds that the allegation(s) against the respondent have been proved, it shall recommend the nature of action to be taken by the Institute. The following actions may be recommended:
 - a. A written apology

- b. Warning
- c. Reprimand or censure
- d. Withholding of promotion
- e. Withholding of pay rise or increments
- f. Undergoing a counseling session
- g. Carrying out of community service
- h. Terminating the respondent from service
- i. Any other punishment according to the service rules applicable to the respondent

32. When the Committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the Institute to take action against such falsification.

33. Nothing precludes the Institute authority from taking cognizance of any new fact or evidence which may arise or be brought before it during the pendency of the inquiry proceedings or even after the communication of the findings to appropriate Institute authorities.

34. If the allegation(s) is/are proved against the respondent, the Committee may direct the Institute to ensure the payment of compensation to the aggrieved woman by the respondent. The determination of compensation to the aggrieved woman shall be decided based on the following facts:

- i. The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman.
- ii. The loss of career opportunity due to the incident of sexual harassment.
- iii. Medical expenses incurred by the victim for physical or psychiatric treatment
- iv. The income and financial status of the respondent
- v. Feasibility of such payment in lumpsum or in installments

35. The Institute authorities will file a compliance report to the Committee within 30 days of issuance of such recommendation.

36. ICC shall have the necessary powers to take suo motu notice of incidents of sexual harassment and/or gender injustice in the Institute campus and act against the same in such manner as it deems appropriate.
37. The identity of the aggrieved woman, respondent, witnesses and proceedings of the Committee and its recommendations and the action taken by the Institute shall not be published, communicated or made known to the public, press or media in any manner and it will be outside the purview of the Right to Information Act, 2005.
38. No legal practitioner will be allowed to represent either the aggrieved woman or the respondent in proceedings before the Complaints Committee.
39. The Committee has the powers of a civil court in the following cases
- Summoning and enforcing the attendance of any person related to the incident.
 - Requiring the discovery and production of any documents
 - Any other matter relating to the incident as decided by the Committee from time to time.
40. The aggrieved woman or respondent may prefer an appeal to the competent authority.

A. Katole
(Prof. Shalini A. Katole)
Presiding Officer
ICC.



Aspesh Mukle
PRINCIPAL
Shri Shivaji Science & Arts
College, Chikhli, Dist. Buldana

Composition and Duties of the Internal Complaints Committee

Introduction

In the past few decades, the role of the Indian women has undergone a definitive change; from traditionally being responsible for fostering and nourishing the family, they are now seen working in almost every field to generate income and support their family.

This empowerment of women led to a belief that they would become independent and confident to be able to safeguard themselves under all circumstances. But the harsh reality till today is that more than 50% of working women face workplace harassment in the form of sexual harassment, lewd remarks, unwelcome gestures or gender discrimination at least once in their career.

The majority of women workforce does not report sexual harassment either of being unaware of their rights or many times due to the fear of facing social stigma or losing their jobs.

Increasing incidents of sexual harassment of working women in all sectors in India created the necessity of the Government's intervention to help in creating a safe work environment for women.

The Supreme Court in the case of Vishaka and Others v. State of Rajasthan and Others (1997 (7) SCC 323), had laid down "Vishakha Guidelines" that had guidelines relating to sexual harassment of women till a historical piece of legislation was enacted by the government.

Thus, was born The Sexual Harassment of Women at Workplace Act (Prevention, Prohibition, and Redressal hereinafter referred to as "POSH Act") 2013.

POSH Act 2013 is India's first codified legislation specifically formulated to deal with three specific purposes:

- prevention,
- prohibition, and
- redressal

This women harassment Act came into force on December 9, 2013, and is legally binding on all employers and workplaces.

Foundation of the Act

This India Sexual Harassment Act is an extension of the Vishakha Guidelines issued by the Supreme Court in 1997 and its foundation lies in:

- 1) Constitution of India: Article 14, 15 & 21

2) UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), July 9, 1993

The POSH Act was the need of the hour as women faced rampant harassment at workplace.

Sexual harassment faced by women at the workplace has been recognized in this Act as a violation of their fundamental rights granted under the Indian Constitution.

Article 14 and 15 of the Constitution that guarantees Right to Equality, as well as Article 21(3) that ensures Right to live with dignity, are the rights of a woman that are greatly marginalized due to sexual harassment.

With the implementation of this Act, the responsibility to provide a safe & secure work environment to every female worker lies squarely on the employer.

Statutory Requirements under POSH Act

The POSH Act is binding on all and mandates that all Public and Private Sector Organizations in India comply with certain statutory requirements. The onus to ensure PoSH at work for women lies on the employers and managements and for this, they are directed to:

- Form an Internal Complaints Committee,
- Provide Periodic PoSH Training on Sexual Harassment law, and
- Develop an effective Complaint lodging and Redressal Policy.

Know All about the Internal Complaints Committee

Under Section 4 of the POSH Act at all workplaces with 10 or more employees, the employer must form an Internal Complaints Committee (ICC). This is an obligation that must be adhered to by public and private organizations.

This initial in-house body plays the most important role in ensuring the smooth functioning of the provisions of the POSH Law and also towards the fulfilment of its objectives.

An aggrieved woman has to approach the ICC to file a complaint relating to sexual harassment. After receiving the complaint from the aggrieved woman, the Committee inquires into the matter and accordingly makes recommendations.

The Internal Complaints Committee's major functions entail:

- forceful implementation of the policies relating to the prevention of sexual harassment,
- strive to resolve complaints by the aggrieved complainant, and
- henceforth, recommend actions to be taken by the employer.

Constitution of Internal Complaints Committee

#1. Notification: Sec 4 (1)

The formation of the Internal Complaints Committee must be officially notified by an employer through an order in writing and such notification should be validated by the CEO or Board too. In case there are different offices of the same organization, then the Committee needs to be constituted at every office or unit.

#2. Composition: Sec 4(2)

The Committee must consist of the following members:

- A Presiding Officer: This must be a senior female employee of the organization.
- Two employee members: These employees must be aware and sensitive to gender issues and dedicated to the cause of women or possess some legal knowledge on related matters.
- One external member: This should be from an NGO or Association committed to the cause of women and issues related to sexual harassment.

The composition should be such that half of the total members must be women.

Qualifications to be a Member of the Committee

Section 4 of the POSH Act enumerates the qualifications for being a member of the Internal Complaints Committee:

- **Presiding Officer**

This post of Presiding Officer must be held by a senior-level female employee at the workplace as she will also preside as the Chairperson of the Internal Complaints Committee.

In case of unavailability of a senior female employee, then the Act mandates that:

- A senior female employee can be nominated from other offices or administrative units of a workplace.
- If a senior-level woman employee is not available at the other offices or administrative units of the workplace too, then the Presiding Officer can be nominated from any other workplace of the same employer.
- If the above is not possible then the Presiding Officer can be nominated from any other workplace.

The options have been provided keeping in mind the concerns of small workplaces where the availability of female employees at senior levels may be difficult.

- **Employee Members**

The internal complaints committee policy further specifies that the Internal Complaints Committee must also have two or more members from among its employees. The prerequisite for the selection of employees as members demands some legal knowledge or experience in the social sector or committed to the women's cause. These are desirable but not mandatory as it may not be always easy to find such employees.

- **External Member**

The POSH Act also specifies that the Sexual Harassment Committee must include an external member from a non-governmental organization or association that is committed to the cause of women. The person thus nominated must be familiar with issues relating to sexual harassment.

This provision has been carried forward from the **Vishakha Guidelines** wherein the Supreme Court had prescribed such requirements. The notion behind this clause is to bring about an outside perspective to the ICC and ensure transparency and authenticity to the entire process.

Tenure of the Members of the Committee

Section 4(3) of the POSH Act specifies the tenure of the members of the Internal Complaints Committee in the workplace. It specifies that the members along with the presiding officer, shall not occupy the office for a period of more than three years from the date of nomination.

When can a Member of the Committee be Disqualified?

Disqualification of the members of the Internal Complaints Committee is prescribed in the POSH Act in detail.

A member of ICC may be disqualified on the following grounds:

#1. Disclosure of Confidential Information: If a member reveals the details of matters which are required to be kept confidential under the POSH Act then he/she can be disqualified.

If the member discloses any one of these:

- About a complaint submitted to an ICC
- Identity of the complainant and/or the respondent or witnesses
- Details of inquiry proceedings
- Recommendations of the sexual harassment committee
- The action was taken by the employer

#2. Conviction or Inquiry: If a person is convicted, or an inquiry is pending against him/her regarding any offence under any law, then the member will be disqualified.

#3. Found Guilty: Similarly, if a member of the ICC is found guilty, or any disciplinary proceeding is pending against such a person, then also he/she will be liable to disqualification.

#4. Abuse of Position: If a member of the Internal Complaints Committee has abused his/her position, then their disqualification is recommended. The continued membership of such a member in the ICC will not only be deemed to be detrimental and harmful but also against the public interest.

Are the Members of the Committee Eligible for any Remuneration?

Section 4(4) of the POSH Act lays down that the external members for PoSH who are appointed from non-governmental organizations or associations are eligible for remuneration.

An External Member of ICC is entitled to receive a prescribed fee or allowance of Rs. 200 per day in lieu of carrying out his/her functions. This remuneration is to be paid by the employer.

Apart from this these members also qualify for the reimbursement of travel cost incurred in travelling by train in three-tier air-conditioned or air-conditioned bus and auto-rickshaw or taxi, or the actual amount spent by him on travel, whichever is less.

Moreover, the organizations are free to pay more than the minimum recommended fee to their external members.

What is the Procedure to File a Complaint with the Committee?

The POSH Act has kept a lot of flexibility when it comes to filing a complaint and does not prescribe any particular format for it.

Who can file a Complaint?

The complaint can be filed by the following persons:

1. a) The aggrieved woman herself.
2. b) In the case of Physical Incapacity: Complainant's Relative, Complainant's Friend, Co-Worker, Officer of NCW or SCW, or Any person who has knowledge of the incident with the written consent of the Complainant.
3. c) In case of Mental Incapacity: Complainant's Relative, Complainant's Friend, Special Educator, Qualified Psychiatrist/Psychologist, Guardian/ Authority under whose care the complainant is receiving treatment/care or Any person with the knowledge of the incident, jointly with any person mentioned above.
4. d) In Case of Complainant's Death: Any person having the knowledge of the incident with the written consent of the Legal heir.

5. e) In Case of Complainant is unable to file the Complaint about any other reason: By any person who has the knowledge of the incident with the written consent of the Complainant.

Specified Time Period

The POSH Act lays down specific guidelines about the timeline for a complaint of such sexual harassment cases and specifies that it can be filed within 3 months from the date of the incident. In case it is not a single but a series of incidents, then the complaint needs to be filed within 3 months from the date of the last incident.

The POSH Act further provides that the time period of 3 months may be extended by the Committee after recording the reasons for doing so.

Other Requirements

1. Six copies of the complaint are to be filed
2. Supporting documents and evidence, details of witnesses
3. Details of the incident
4. Details of respondent

The written complaint should contain a description of each incident(s) & must include:

- Relevant Date/s
- Timing/s & Location/s
- Name of Respondent/s
- The working relationship between the parties

Timeline of the Complaint

- 1) Submission of Complaint-Within 3 months of the last incident
- 2) Notice to the Respondent-Within 7 days of receiving a copy of the complaint
- 3) Completion of Inquiry-Within 90 days
- 4) Submission of Report-Within 10 days of completion of the inquiry
- 5) Implementation of Recommendations-Within 60 days
- 6) Appeal-Within 90 days of the recommendations

Powers of the Internal Complaints Committee

Sec 11(3) of the POSH Act enumerates the powers of the Internal Complaints Committee. The ICC is vested with the powers of a Civil Court under the Civil Procedure Code, 1908 in the following:

- 1) It is entitled to initiate an inquiry into the complaint of a sexual harassment incident at the workplace
- 2) It can summon witnesses and parties before the committee to give a statement
- 3) It can assert its powers and summon evidence to be examined if it is deemed necessary to do so by the Committee

Once the inquiry is completed and if the Internal Complaint Committee finds the person guilty, it is well within its right to prescribe the following actions:

1. a) Initiate action against the culprit in accordance with the service rules of the organization.
2. b) In the absence of service rules, it can take actions like a warning, community service, withholding promotion, termination, etc.
3. c) It can deduct from the salary of the respondent as compensation to be paid to aggrieved women.

The POSH Act also lays down the criteria based on which the Internal Complaints Committee shall calculate the amount of compensation payable. The factors are:

- 1) The extent of pain, suffering mental trauma, and emotional distress caused to the aggrieved woman.
- 2) Loss in a career opportunity for the victim resulting from the incident of sexual harassment.
- 3) Medical expenses incurred by the complainant towards the physical and/or psychiatric treatment due to this incident.
- 4) Last but not the least, the alleged perpetrator's Income and status.

All such payment can be awarded to the victim of sexual harassment as a lump sum or in instalments, as is considered judicious by the ICC.

In case the respondent fails to pay the amount of compensation, the ICC shall forward the case to the District Officer for the amount to be recovered as an arrear of land revenue.

Power of Internal Complaint Committee in case of Malicious Complaints

Every coin has two sides and same is with the cases regarding sexual harassment; while most of the complaints are genuine, yet there are some which are false and malicious.

The POSH Act has covered this fact and laid down effective guidelines for the Internal Complaints Committee to help protect innocent people in such situations.

A false or malicious complaint can easily be filed by a woman just to take revenge or malign the character of a male colleague or undermine his success in work, and at such times it is the duty of the ICC to protect the respondent from being unduly targeted.

Once the Internal Complaints Committee, after an inquiry, gets conclusive evidence that a complaint had been filed with malicious intent, and that an untrue and fallacious complaint has been filed by a complainant, then it shall recommend action against her.

The POSH Act safeguards the right of an aggrieved woman completely and therefore, specifies that mere inability to provide adequate evidence on the part of the complainant is not sufficient to declare the complaint as being malicious.

Moreover, a complaint is malicious or not and must be determined by the Internal Complaints Committee after conducting an inquiry into the complaint.

When can the Committee forward the Complaint to the Police?

The POSH Act has empowered the Internal Complaints Committee to forward the complaints to the police under two circumstances:

1. The police are duty-bound to registration a sexual harassment case forwarded by the ICC within a period of seven days under Section 509 of the Indian Penal Code (2) or other provisions of the criminal law.
2. The Committee may also forward the complaint to the police when a settlement is agreed upon between the parties but the respondent fails to comply with the condition(s) of the settlement.

What actions can be taken by the Committee during the pendency of an Inquiry?

The POSH Act also lays down specific guidelines regarding the pendency of a case.

The Internal Complaints Committee, upon receiving a written request, can recommend the following actions during the inquiry pending to the employer:

1. Transfer either the aggrieved or the respondent to any other workplace.
2. Grant leave to the aggrieved women up to three months.
3. Any other relief as may be prescribed.

After the ICC submits the report it is the onus lies on the employer to implement the recommendations of the Internal Complaints Committee.

Duties of the Internal Complaints Committee

The Internal Complaints Committee once constituted, plays a pivotal role in the effective implementation of the provisions at the workplace.

A general list of duties of the Committee is enumerated as follows:

- Implementation of the Anti-Sexual Harassment Policy at the workplace
- Submit an Annual Report (Including details like the number of case files at their disposal, etc.)
- Bring about awareness about what comprises 'sexual harassment' at the workplace by way of workshops, posters, documents, notices, seminars, etc.
- Publicize the policy framework effectively
- Provide the victims with a safe and accessible mechanism of complaint
- Initiation of inquiry at the earliest
- Redress the complaints in a judicious manner
- Provide interim relief to the complainant
- Provide an opportunity for conciliation wherever possible
- Stick to the principles of natural justice at all stages of the proceedings
- Whenever required, forward the complaint to the police
- Submit the inquiry report along with recommendations
- Maintain confidentiality in regard to the proceedings taking place before the Committee

Know when an Appeal can be Filed Against the Recommendations of the ICC

The complainant, as well as the respondent, has the right to file an appeal before the Court or Tribunal against the recommendations of the Internal Complaints Committee within a period of 90 days.

They can take this step in the following circumstances: –

- Recommendations made by the Committee under Section 13(2) i.e. when the allegations have not been proved and no action is to be taken.
- Recommendations made under Section 13(3) i.e. when the allegation has been proved and action is to be taken.
- Recommendations made under Section 14 i.e. when a malicious complaint or false evidence has been found and action is to be taken against it.
- Recommendations made under Section 17 i.e. when the penalty has been imposed for publishing confidential information.

Consequences of Non-compliance with the Provisions under the POSH Act

As the POSH Act is legally binding on all organizations, not abiding with the provisions leads to far-reaching consequences.

The employer is bound by certain mandatory obligations and one of them is constituting an Internal Complaints Committee. In case of failure to do so, the Act imposes a penalty of 50,000 rupees.

If in case there is a repetition of the same offence it would attract double penalty that is, 100,000 rupees and at times may even lead to deregistration or revocation of the license of the concerned organization.

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