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**SAINIK SCHOOL JHANSI**  
**SCHOOL ROUTINE ORDERS BY**  
**LT COL PRASHASTI CHOUHAN, OFFG PRINCIPAL**

Academic Year: 2023-24

22 Aug 2023

**SRO NO:**

**CONSTITUTION OF INTERNAL COMPLAINT COMMITTEE FOR INVESTIGATION OF  
PREVENTING SEXUAL HARASSMENT AT WORKPLACE**

1. **Constitution of the Internal Compliant Committee.** 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. **Member.** Internal Committee shall consist of the following Members to be nominated by the employer:-
  - (a) A **Presiding Officer** who shall be a woman employed at a senior level at workplace from amongst the employees.
  - (b) 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.
  - (c) 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.
  - (d) **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.
  - (e) **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.

**Note : Provided that at least one-half of the total Members so nominated shall be women.**
3. The under mentioned staff members are hereby nominated for constitution of "**Internal Complaint Committee**" to investigate and examine real facts / circumstances (whenever required) towards women harassment at work place for the Academic Session 2023-24:-

Ser	Nomination	Members
(a)	PO	Mrs Priya Bahuguna, TGT Science
(b)	Member-1	Mrs Varsha Sharma, TGT Eng
(c)	Member-2	Mr Narendra Singh Rana, LDC
(d)	Member-3	One Person from NGO Committed

4. **Defining Sexual Harassment.** According to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, "sexual harassment includes one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:-

- (a) Physical contact or advantages, or A demand or request for sexual favours, or Making sexually coloured remarks, or Showing pornography.
- (b) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature."

5. **Types of Sexual Harassment at the Workplace.** Sexual harassment manifests itself in different forms – verbal, non-verbal and physical conduct. Some examples are as follows:-

- (a) **Physical conduct.** Physical violence, Rape or attempted rape, Physical contact, e.g. unwelcome touching, patting, stroking, grabbing, pinching, hugging and Blocking someone's path with the purpose of making a sexual advance.
- (b) **Verbal conduct.** Comments on a worker's appearance, age, private life, etc, Sexual comments, stories and jokes, Sexual advances (explicit or implicit), Repeated unwelcome social invitations, Insults based on the sex of the worker, Condescending or paternalistic remarks, Telling lies or spreading rumours about a person's personal or sex life.
- (c) **Non-verbal conduct.** Display of sexually explicit or suggestive material, sexually suggestive gestures, Starting, stalking, whistling, etc, Unwanted SMS/e-mail containing sexual comments.

6. **Purpose of the committee.** The committee will basically constitute for the following purpose and adhered the following points whilst carrying out investigation:-

- (a) The most effective weapon against sexual harassment is prevention.
- (b) Harassment does not disappear on its own, In fact, it is more likely that when the problem is not addressed, the harassment will worsen and become more difficult to remedy as time goes on.
- (c) Generating awareness on the concept of sexual harassment at workplace.
- (d) Providing practical guidance to employers on how to create a sexual harassment free work environment.
- (e) Evolving a permanent mechanism for prevention, prohibition and redressal of sexual harassment at the workplace.

7. **Important Points.** Important points related to the function of committee are as follows:-

- (a) The burden of preventing sexual harassment rests on the employer and employers are responsible for providing their employees with a work environment that does not discriminate and is free of harassment.
- (b) Employers are, therefore, required by law to take steps to prevent and deal with harassment in the workplace. If the employer has not taken all reasonable steps to prevent and deal with harassment in the workplace, the employer may be liable for any harassment which does occur, even if unaware that the harassment was taking place.
- (c) Most successful preventive strategies and plans on sexual harassment require the involvement of all those concerned and a clear statement of intent. The statement of intent should reflect a real commitment from all parties concerned to recognize the importance of the fight against sexual harassment in the workplace. This is usually accompanied by the establishment of a written policy.



8. **Grievance Procedure.** Grievance procedures are as follows:-

- (a) Any employee (complainant) may lodge a complaint of sexual harassment (complaint) against an employee / third party ("Accused") or vice versa, with any of the members of the Panel at the earliest point of time and in any case preferably within 15 days from the date of occurrence of the alleged incident. If the complainant feels that she/ he can not disclose her/his identity for any particular reasons with the Panel members, she/he addresses the complaint to the Chairperson.
- (b) Such a complaint may be written or oral.
- (c) If the complaint is oral, the same shall be put in writing by the complainant and shall be signed on every page, at the foot of the page, by the complainant.
- (d) The complaint committee shall hold a meeting with the complainant latest within a period of 7 (seven) days within the receipt of the complaint and advance intimation will be given to the complainant of the same.
- (e) At the first meeting of the complaint committee, the complainant shall be heard and her/his statement is recorded (statement of allegation). The complainant can produce collaborative material with a documentary oral material, etc., to substantiate her/his complaint.
- (f) Thereafter, the accused will be called to a meeting by the complaint committee and will be informed of the complaint and an opportunity will be given to the accused to give an explanation. Thereafter, an "Enquiry" shall be conducted.
- (g) In the event the complaint does not fall under the purview of sexual harassment/the complaint on the face of it does not disclose an offence of sexual harassment, the complaint committee may drop the complaint after recording the reason(s) thereof.
- (h) In case the complaint registered by the complainant is found to be false at any stage, the complainant shall be liable for appropriate action as per the service rules of the Council.
- (j) In case the complaint is against any member of the Panel, such member shall not be allowed to be part of the enquiry committee.

9. **Procedure for Enquiry.** Committee should follow the under mentioned procedures:-

- (a) The complaint committee shall immediately proceed with the enquiry and communicate the same to the complainant and the accused. The complaint committee shall record all the proceedings of the enquiry and all parties present at any of the communication meetings, shall endorse the same in token of authenticity thereof.
- (b) The complaint committee shall hand over the statement of allegation to the accused and give an opportunity to the accused to submit a written explanation if she/he so desires within 15 days of receipt of the same.
- (c) The complainant shall be provided with a copy of the written explanation submitted by the accused.
- (d) If the complainant or the accused desires any witness (es) to be called, they shall communicate in writing to the complaint committee the names of the witness(es) whom they suppose to call.
- (e) If the complainant desires to tender any document by way of evidence before the complaint committee, she/he shall supply true copies of such documents to the complaint committee. Similarly, if the accused desires to tender any documents in evidence before the complaint committee she/he



shall produce true copies of such documents to the complaint committee and will affix her/his signature on the same to certify it as true copy.

(f) The committee will call upon all witnesses mentioned by both the parties. The complaint committee will provide every reasonable opportunity to the complainant and the accused, for putting forward and defending their respective case.

(g) The complaint committee shall complete the "Enquiry" as soon as possible and communicate its findings and recommendations for disciplinary action to the appointing authority.

(h) The Chairperson will direct the Personnel & Administration Department to take action in accordance to the recommendations proposed by the complaint committee.

(j) The complaint committee shall be governed by such rules as may be framed by the Council from time to time, taking into account the best practice from India and abroad.

10. **Guidelines/ References.** The under mentioned Guidelines/ Reference must known my the members of committee:-

(a) **Indian Response.** Though a number of legal and constitutional provision were already there in place to deal with cases of sexual harassment, the "Vishakha Guidelines", laid down by the Supreme Court, provided broad framework for the prevention and redressal of such cases.

(b) **Constitutional Provisions.** Article 14 of the constitution identifies sexual harassment as a violation of a woman's fundamental right to gender. Article 15 prohibits discrimination on grounds of religion, race, caste, sex or place of birth. Article 21 treats sexual harassment as a violation of the right to life and live with dignity.

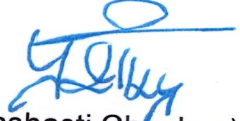
(c) **Indian Penal Code (IPC)** Section 292, 293 and 294 deal with Obscenity Section 354 deals with assault or criminal force to a woman with the intent to outrage her modesty Section 509 deals words, gestures or acts intended to insult the modesty of a woman Criminal Law (Amendment) Act, 2013, makes stalking, sexual harassment, and other sexual offences a crime under Indian Penal Code.

(d) **Vishaka Guidelines.** The Supreme Court of India vide its judgement in 1997 (known as the Vishaka Guidelines), which was in response to a writ petition. "Vishaka and others vs. The State of Rajasthan", brought the first ever comprehensive judgement to address sexual harassment at workplace. It was decreed that these Supreme Court directives would have the effect of law, till a specific legislation is enacted.

(e) **Relevant Legislations.** Indecent Representation of Women (Prohibition) Act, 1986, makes indecent representation of women through books, photographs, paintings, films, pamphlets, packages, etc. a punishable offence. Section 7 of the Act holds the companies/organizations guilty if there has been any case of indecent representation of women (such as the display of pornography) on the premises. Protection of Children from Sexual Offences Act, 2012, gives protection to all children (defined as a person under the age of 18 years) from the offences of sexual assault, sexual harassment and pornography. Section 11 of the Act deals with sexual harassment.

(f) **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.** Government enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 to enforce legal measure to combat sexual harassment. The Act recognizes that sexual harassment results in the violation of a woman's fundamental right to equality under Articles 14, 15 and 21 of the Constitution. It hold employer responsible to provide protection against sexual harassment of women at workplace. It also requires them to provide employees with procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all required steps.

No. SSJH/ADM/  
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Date: 22 Aug 2023

  
(Prashasti Chouhan)  
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**Distribution:** All Concerned

**The Emails of Committee Members are:-**

<b><u>Name</u></b>	<b><u>E-mail Id</u></b>
Mrs Priya Bahuguna, Presiding Officer	Posh2023ssjhansi@gmail.com
Mrs Varsha Sharma, Member 1	
Narendra Singh Rana, Member 2	
NGO rep	

**Guidelines for the POSH Committee to Handle Sexual Harassment Complaints**

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## **Step-by-Step Guide for the POSH Committee to Handle Sexual Harassment Complaints**

### **Step 1: Jurisdiction Check-**

Once an IC receives a written complaint, the first thing that it should do is to check for jurisdiction. Following points should be covered while ascertaining if the IC has the authority to deal with the complaint-

1. Check if the identity of the complainant as well as the respondent is mentioned in the complaint.
2. Check if the allegations fall within the definition of 'sexual harassment' as per the POSH Act.
3. Check if the complaint was filed within a period of 3 months from the last date of the incident. IC has the discretionary power to give a further extension of 3 months.
4. Check if the Respondent is an employee of your organization.
5. Check if the alleged incident took place at the workplace. To understand what constitutes a workplace, click here.

### **Step 2: Introductory Call with the Complainant-**

Once the IC has determined its jurisdiction, the next step is to have an introductory call with the complainant. The objective of this call is to understand the allegations better, to explain the procedure laid out under the law and the redressal options available.

### **Step 3: Introductory Call with the Respondent-**

The next step is to have an introductory call with the respondent. The objective of this call is to apprise the respondent of the complaint, inform them about the procedure and their rights.

### **Step 4: Forward the complaint copy to the Respondent-**

Once the IC speaks to the respondent, it should forward a copy of the complaint to them. The objective is to ensure that the IC acts in a fair and an unbiased manner and give the respondent an opportunity to present their side of the story. This has not only been mentioned in the POSH Act but has also been reiterated by the courts. Further, the IC should ensure that this is done within a period of 7 working days from the date of filing of complaint.

Once the respondent receives the complaint copy, they get a 10 working days period to file their written response.

### **Step 5: Follow up with the Complainant on her choice of redressal option-**

The complainant has the right to either opt of conciliation or inquiry. Conciliation is a form of settlement which can be requested in writing only by the complainant and before

the inquiry has been initiated. If the complainant opts for conciliation, the same needs to be conveyed to the respondent who then gets the right to accept, deny or negotiate the conciliation terms.

#### **Step 6: Examination of Complainant, Respondent and Witnesses-**

If the complainant opts for inquiry, then the next step is to individually meet both the parties and the witnesses, if any, to have a detailed conversation regarding the complaint and ask questions which will help the IC ascertain if the allegations can be substantiated or not. Questions should be open-ended; they cannot be leading or personal in nature.

#### **Step 7: Cross Examination-**

Once individual statements of the parties are recorded, the next step is to let the parties cross-question each other. At this stage, the complainant and respondent will come face to face and ask questions, including pointed questions. Here the IC's role is to supervise the conversation and disallow any personal or derogatory questions. The parties can also cross-examine the witnesses of their choice.

In exceptional circumstances, written cross-examination can be allowed. [Click here to know more.](#)

#### **Step 8: Calling-**

This is the final and an optional stage wherein the IC can call any of the parties or witnesses if it requires any further clarification before concluding. Here, leading questions can be asked.

All the above-mentioned steps needs to completed within 90 days.

#### **Step 9: Inquiry Report-**

Now the IC needs to prepare an inquiry report with a set of recommendations if the allegations are substantiated or if it's a false or malicious complaint. The report needs to be generated and forwarded to the employer within 10 days. Once this is done, the employer gets 60 days to execute the recommendations.

These are the broad steps which the Internal Complaints Committee or the IC needs to follow while dealing with a sexual harassment complaint.