

No. A-45011/12/2013-Ad.I
Government of India
Ministry of Corporate Affairs

5th Floor, "A" Wing, Shastri Bhawan
New Delhi-01, Dated: 11th June, 2019

Office Memorandum

Subject: Constitution of Internal Complaints Committee under "The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013" - reg

The undersigned is directed to refer to Ministry of Women and Child Development's D.O No 13016/5/2015-WW (e-11600) dated 22nd May 2019 (copy enclosed) and to request all the attached and subordinate offices to ensure that they have constituted an Internal Complaints Committee in accordance with provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013" to inquire into complaints of sexual harassment received in their offices.

Enclosed: As above


(J.S. Audhkhasi)
Director

1. All Regional Directors, Ministry of Corporate Affairs
2. Director, SFIO, New Delhi
3. Registrar, National Company Law Appellate Tribunal, New Delhi
4. Secretary, Competition Commission of India, New Delhi
5. Secretary, National Company Law Tribunal, New Delhi
6. Director General, Indian Institute of Corporate Affairs
7. GM, IEPF Authority
8. CGM, IBBI
9. Chairperson, NFRA
10. O/o DDG
11. Copy to e-Governance Cell for uploading on MCA website for uploading under Notices/Circular

रबीन्द्र पंवार
सचिव
Rabindra Panwar
Secretary



भारत सरकार
महिला एवं बाल विकास मंत्रालय
शास्त्री भवन, नई दिल्ली - 110001

GOVERNMENT OF INDIA
MINISTRY OF WOMEN & CHILD DEVELOPMENT
SHASTRI BHAWAN, NEW DELHI-110001
Website : <http://www.wcd.nic.in>

D.O.No.WW-13016/5/2015-WW(e-11600)

INJETI SRINIVAS
Secretary

Dated: 22nd May, 2019

Dear Secretary,

I am writing in the context of the constitution of Internal Committee (IC) under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (The SH Act).

2. You would be aware that The SH Act has been enacted to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto. In this regard, Section 4 of The SH Act obligates every organisation to constitute an IC in the manner prescribed therein. Section 4 of The SH Act is enclosed herewith.

3. It is relevant to mention here that as per Section 26 of the SH Act, if the employer fails to constitute an Internal Committee, he shall be punishable with fine which may extend to fifty thousand rupees in the first stance.

4. You will agree that providing safe working environment to women at the workplace is of utmost importance. I shall be grateful, if you kindly issue necessary instructions for the constitution of Internal Committees not only within all offices and administrative units of your Ministry/ Department but also in every organisation/ PSU/ Autonomous Body/ Attached office etc. working under, or in some or other manner affiliated with, your Ministry/ Department.

5. I would be grateful if the Ministry is apprised about the action taken and the results obtained in this regard.

With regards,

Yours sincerely,

(Rabindra Panwar)

Secretaries,
All Government of India Ministries / Departments

DDh
कारपोरेट कार्य मंत्रालय
प्रमाण-1
आपरी नं० 195
दिनांक 29/05/19
54/884(454)
29/5/19
Pl. Put up a suitable reply
US(TB)
29.5.19
For US(Admin-I)
29/5/19
1145/2019
29/5/19
SO(Ad-I)
29/5/19
MS Vankh

(v) a dwelling place or a house;

(p) "unorganised sector" in relation to a workplace means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten.

Prevention of sexual harassment.

3. (1) No woman shall be subjected to sexual harassment at any workplace.

(2) 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:—

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

CHAPTER II

CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

Constitution of Internal Complaints Committee.

4. (1) 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) The Internal Committee shall consist of the following members to be nominated by the employer, namely:—

(a) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees:

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 referred to in sub-section (1):

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;

(b) 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;

(c) 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:

Provided that at least one-half of the total Members so nominated shall be women.

(3) 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 employer.

(4) The Member appointed from amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed.

(5) Where the Presiding Officer or any Member of the Internal Committee, —

- (a) contravenes the provisions of section 16; or
- (b) 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
- (c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
- (d) has so abused his position as to render his continuance in office 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 of this section.

CHAPTER III

CONSTITUTION OF LOCAL COMPLAINTS COMMITTEE

5. The appropriate Government may notify a District Magistrate or Additional District Magistrate or the Collector or Deputy Collector as a District Officer for every District to exercise powers or discharge functions under this Act.

Notification of District Officer.

6. (1) Every District Officer shall constitute in the district concerned, a committee to be known as the "Local Complaints Committee" to receive complaints of sexual harassment from establishments where the Internal Complaints Committee has not been constituted due to having less than ten workers or if the complaint is against the employer himself.

Constitution and jurisdiction of Local Complaints Committee

(2) The District Officer shall designate one nodal officer in every block, taluka and tehsil in rural or tribal area and ward or municipality in the urban area, to receive complaints and forward the same to the concerned Local Complaints Committee within a period of seven days.

(3) The jurisdiction of the Local Complaints Committee shall extend to the areas of the district where it is constituted.

7. (1) The Local Complaints Committee shall consist of the following members to be nominated by the District Officer, namely:—

Composition, tenure and other terms and conditions of Local Complaints Committee

(a) a Chairperson to be nominated from amongst the eminent women in the field of social work and committed to the cause of women;

(b) one Member to be nominated from amongst the women working in block, taluka or tehsil or ward or municipality in the district;

(c) two Members, of whom at least one shall be a woman, to be nominated from amongst such non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, which may be prescribed:

Provided that at least one of the nominees should, preferably, have a background in law or legal knowledge:

Provided further that at least one of the nominees shall be a woman belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or minority community notified by the Central Government, from time to time;

(d) the concerned officer dealing with the social welfare or women and child development in the district, shall be a member *ex officio*.

(2) The Chairperson and every Member of the Local Committee shall hold office for such period, not exceeding three years, from the date of their appointment as may be specified by the District Officer.