

SHAHEED DURGAMALL GOVERNMENT POST GRADUATE
COLLEGE DOIWALA, DEHRADUN

Internal Cell (IC)

PREVENTION OF SEXUAL HARASSMENT AT
WORKPLACE



COMPENDIUM OF BY- LAWS





Internal Cell (IC)
Prevention, Prohibition and Redressal Act
By Laws

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As enshrined in the Preamble to the Constitution of India, “equality of status and opportunity” must be secured for all its citizens; equality of every person under the law is guaranteed by Article 14 of the Constitution. A safe workplace is therefore a woman’s legal right. Indeed, the Constitutional doctrine of equality and personal liberty is contained in Articles 14, 15 and 21 of the Indian Constitution. These articles ensure a person’s right to equal protection under the law, to live a life free from discrimination on any ground and to protection of life and personal liberty. This is further reinforced by the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which was adopted by the UN General Assembly in 1979 and which is ratified by India. Often described as an international bill of rights for women, it calls for the equality of women and men in terms of human rights and fundamental freedoms in the political, economic, social, cultural and civil spheres. It underlines that discrimination and attacks on women’s dignity violate the principle of equality of rights.

1. WHAT IS SEXUAL HARRASMENT: -

Sexual harassment refers to unwelcome sexual advances or verbal or physical conduct of a sexual nature which has the effect of unreasonably interfering with the individual’s work performance or creating an intimidating, hostile, abusive or offensive working environment. Sexual harassment can range from misbehaviour of an irritating nature to the most serious forms such as sexual abuse and assault including rape. Every offense under this Act is non-cognizable.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was enacted to ensure safe working spaces for women and to build enabling work environments that respect women’s right to equality of status and opportunity. An effective implementation of the Act will contribute to the realization of their right to gender equality, life and

liberty, equality in working conditions everywhere. The sense of security at the workplace will improve women’s participation in work, resulting in their economic empowerment and inclusive growth.

2. THE ACT:

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013) has come into effect (as published in the Gazette of India, dated 9th December, 2013).

Sexual Harassment includes unwelcome sexual behaviour of direct or implied nature such as:

- Physical contact & advances
- Request for sexual favours
- Sexually coloured remarks
- Showing pornography &
- Unwelcome physical, verbal or non-verbal sexual conduct

Sexual harassment can occur in different forms such as verbal, non-verbal, visual, and physical.

Example are provided below (Table- 2, 3)

3. Different forms of sexual harassment

Verbal form	Physical form
<ul style="list-style-type: none"> • Gender based insults or sexist remarks • Sexual or gender-based jokes or teasing • Innuendos and taunts • Unwelcome sexual overtone in any manner such as over telephone (obnoxious telephone calls) and the like • Requesting sexual favours • Telling lies or spreading rumors about a 	<ul style="list-style-type: none"> • Unwelcome hugging, sexual touching or kissing • Forcible physical touch or molestation • Standing too close to or brushing up against another person, leaning over, invading a person's space • Patting, stroking, grabbing or pinching • Blocking someone's path with the purpose of making a sexual advance

<ul style="list-style-type: none"> person's personal or sex life • Pressure for dates • Comments about clothing, personal behavior, or a person's body • Graphic descriptions of pornography. 	<ul style="list-style-type: none"> • Rape or attempted rape • Actual or attempted sexual assault, or forced fondling.
Visual form	Non-verbal form
<ul style="list-style-type: none"> • Presence of sexual visual material such as posters, cartoons, drawings calendars, pinups, pictures, computer programmes of a sexual nature • Written material that is sexual in nature, such as notes, SMS, E-mail containing sexual comments • Knick-knacks and other objects of a sexual nature. 	<ul style="list-style-type: none"> • Staring • Sizing up a person's body (looking up and down) • Derogatory gestures of a sexual nature • Sexually suggestive looks • Facial expressions of a sexual nature; winking, licking lips • Stalking.

Sexual harassment in the workplace is classified under two main types:

1. QUID PRO QUO
2. HOSTILE WORK ENVIRONMENT.

1. Quid Pro Quo or This for That

This type of sexual harassment implies seeking sexual favours or making sexual advances in exchange for benefits at work. It includes instances when:

There are implicit or explicit requests or demands for unwelcome sexual activity as a term or condition of employment. Consent to or rejection of unwelcome sexually explicit behaviour or speech is made a condition for employment, or refusal to comply with a 'request' is met with retaliatory action such as dismissal, demotion, difficult work conditions.

2. Hostile Work Environment

Hostile working environment involves uninvited and unwelcome conducts or Behavior whether they are physical, verbal, non-verbal or visual forms which create work environment that makes it uncomfortable for a worker to be there. Hostile working environment is usually dependent on circumstances, frequency (repetitive misconduct rather than a single episode of misbehaviour), and

severity. The *Sexual Harassment of Women (Prevention, Prohibition and Redressal) Act 2013* recognizes these types and forms of sexual harassment and states that if the following circumstances occur or are present in relation to, or connected with any act or behaviour of sexual harassment may amount to sexual harassment at the workplace:

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

The Act specifies that:

- No court shall take cognizance of any offense punishable under this Act, or any of its rules, save on a complaint made by the aggrieved woman, or any other person authorized by the Internal Complaint Committee (ICC) and the Local Complaint Committee (LCC).
- No court inferior to that of a Metropolitan Magistrate or Judicial Magistrate of the first class, shall try any offense punishable under this Act.

4. RELATED TERMS AND MEANING

1. “Cell”: Internal Complaints Committee (ICC) is constituted under the provisions of these Directions :
“Act”: The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013)
2. “Employee” means every person in the employment of the College to which these Directions are applicable, including any teaching/nonteaching staff or officers, temporary, part-time, honorary and visiting persons, adjunct faculty engaged in any duties by whatever designation called and also employees employed on a leave vacancy, casual or project basis or also employed through a contractor.
3. “Student” includes any person who is enrolled for any course, whether by attendance or by distance education, with the College to which these Directions are applicable and includes –
 - (i) an Under-graduate/Post-graduate student, a Research Scholar and a Repeater;
 - (ii) any person, student or ex-student who has been permitted the use of any of the facilities of the University such as library, laboratory, reading room, gymkhana etc. on the payment of a fee or otherwise.
4. “Expert” means any person who has done or is engaged in research work in any University and/or college/institution of academic learning/deemed universities and such others who are engaged in the country or outside in the field of Women’s Studies or Gender Justice.
5. “Management” means and includes the trustees or the managing or governing body, by whatever name they may be called, under whose management the University/college is functioning and any officer or member of the Authority of the affiliated University/college as defined in the Rules of the affiliated University or College.
6. “NGO” includes any non-governmental organization operating on a secular non-profit basis and involved in the amelioration of the status of

women and children, duly registered under legitimate act or any society registered under the Societies Registration Act, 1860 (21 of 1860).

7. “College”- means Shaheed Durga Mall Government Post Graduate College.
8. “Campus or Premises” means main campus of the College.
9. “Off-Campus” means outside the demarcated college campus boundary, or outside the college premises (duly stated in college records).

5. APPLICABILITY OF THE DIRECTIONS

A. These Directions extend and apply to all the students, management, employees and faculties of the SDM Government PG College, Doiwala including Academic Blocks and Departments in “campus” and “off-campus”. These Directions also extend and apply to all the offices and authorities of the SDM Government PG College, Doiwala.

B. These Directions will apply to all cases and/or complaints or allegations of sexual harassment:

- (i) By a student against a co-student, an employee;
- (ii) By an employee against a student, another employee;
- (iii) By a member of the management against a student or an Employee

C. These Directions will not be applicable in respect of all cases and/or allegations of sexual harassment:

- (i) By a student, employee or member of the management against a third party or an outsider;
- (ii) By a third party or an outsider against a student, employee.

Explanation: The applicability of these Directions will be irrespective of whether the alleged sexual harassment has taken place within or outside the premise of the campus if both the parties (Aggrieved and respondent) belong to the college and not one party is from outside the college.

6. THE INTERNAL CELL- SDM GOVT P G COLLEGE, DOIWALA

As per the mandatory provisions of the Act to set up a Complaints Committee to deal with incidents of sexual harassment at the work place and as per the directives issued from The National Commission of Women, Govt of India TP-32/M(RLD)New-2020 Dated 16.12.2020. The Shaheed Durga Mall Government P.G college, Doiwala has constituted an 08 member Internal Complaint Committee (ICC) to deal with the matters related to Prevention, Prohibition and Redressal of Sexual Harassment at Workplace.

The Internal Complaints Committee (ICC), SDMP Govt College is constituted for the college and includes Faculty, Departments, Students, premises, centres, buildings, campus premises etc.

COMPOSITION OF THE IC CELL:

- The Cell shall consist of at least five members and not more than eight members, and not less than half of its members should be women.
- The Principal shall nominate members for the Cell.
- While constituting the Cell, representation may be given to the representatives of teaching staff and non-teaching staff of the college.
- There shall be one member representing NGO's, nominated by the Principal.
- A person having legal background shall be ex-officio member to be nominated by the principal.

- The Principal may appoint a Chairperson and a Secretary from amongst the members of the Cell (which must be women member) if deemed necessary.
- The Cell shall also performs the role as “Complaint Committee”.

7. Aims & Objectives of Internal Cell SDM Govt. PG College Doiwala, Dehradun:

- (i) To prevent sexual harassment and to promote the general well-being of female students, teaching and non-teaching women staff of the University.
- (ii) To provide appropriate working conditions in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and that no women employee has reasonable grounds to believe that she is disadvantaged in connection with her employment.
- (iii) To provide guidelines for the redressal of grievances related to sexual harassment of female students, teaching and non-teaching women staff of the University.

8. QUALIFICATIONS OF THE MEMBERS OF THE CELL

- A person shall be disqualified for being appointed, elected, nominated or designated as, or for being continued as a member of the Cell if there is any complaint or serious criminal charges involving moral turpitude pending against him/her or if he is found guilty of sexual harassment.
- If a member of the Cell remains absents without permission of the Chairperson for three consecutive meetings, his/her office shall thereupon become vacant
- A member of the Cell, not being a member ex-officio, may resign at any time by tendering her/his resignation in writing to the Chairperson and such person shall be deemed to have vacated her/his office and as soon as

the Chairperson accepts the resignation, the same shall be filled in accordance with the composition as mentioned as per the qualifications.

9. POWERS AND DUTIES OF THE COLLEGE INTERNAL CELL

- To ensure implementation of these Directions as may be laid down in the College and other constituents to which it is applicable.
- To process individual grievances concerning sexual harassment in the College departments/Administration/Authorities and to recommend suitable action in the manner and mode particularly provided hereafter.
- To exercise such other powers and perform such other duties as may be conferred or imposed on it by or under these Directions.
- To do all such acts and things as may be necessary to carry out the objects of these Directions.

10. DO'S AND DON'TS FOR COMPLAINTS COMMITTEE

DO'S

1. Create an enabling meeting environment.
2. Use body language that communicates complete attention to the parties.
3. Treat the complainant with respect.
4. Discard pre-determined ideas.
5. Determine the harm.

DON'TS

1. Get aggressive.
2. Insist on a graphic description of the sexual harassment.

3. Interrupt.

4. Discuss the complaint in the presence of the complainant or the respondent.

11. Meetings of the Cell

- (i) The Cell shall meet at least twice every academic year and the intervening period between two meetings shall not exceed six months.
- (ii) The Chairperson of the Cell can call a Special Meeting at any time upon the written request of not less than one third of the total number of members of the Cell, on a date not later than fifteen days after the receipt of such requisition by the Chairperson.
- (iv) The quorum for any meeting of the Cell shall be one third of its members. If the quorum is not present at any meeting, it shall be adjourned for half an hour and proceed with those who are present and the proceedings of such a meeting shall not be challenged on the ground of absence of quorum.

HOW DOES ONE PREPARE A COMPLAINT?

- Be specific about the incident/incidents.
- Tell exactly what happened with details, dates, witnesses & documents.
- Be honest, as the complainant can be penalized for any false complaint.

12. PROCEDURES FOR FILING A COMPLAINT :

- A complaint of sexual harassment needs to be filed within 3 months.
- The period may extend to another 3 months, in grave circumstances that may have prevented the complainant from filing the complaint in time.
- The complainant should approach the office of the ICC, Shaheed Durga Mall Govt. PG College Doiwala, Dehradun to initiate the complaint or send an email to the following address email id : womengrcell2020@gmail.com

- On receipt of the complaint, the ICC will ask for 6 copies of the complaint with supporting documents.
- The complaint committee will send one copy to the respondent within 7 working days to get a reply.
- The respondent has to file his reply within 15 working days.
- The complaint committee inquires into the complaint, with principles of natural justice.

13. COMPLAINT REDRESSAL

RIGHTS OF THE COMPLAINANT

- An empathetic attitude from the Complaints Committee so that she can state her grievance in a fearless environment
- A copy of the statement along with all the evidence and a list of witnesses submitted by the respondent.
- Keeping her identity confidential throughout the process
- Support, in lodging FIR in case she chooses to lodge criminal proceedings
- In case of fear of intimidation from the respondent, her statement can be recorded in absence of the respondent
- Right to appeal, in case, not satisfied with the recommendations/findings of the Complaints Committee

TERM OF THE OFFICE OF THE CELL

- The term of office of the Cell shall be for three years. In case of any vacancy occurring in the Cell, it shall be filled in for the remainder of the term of office of the Cell by the Principal.
- The names of the members of the Cell, along with their contact number, address and telephone numbers shall be displayed at all times in a conspicuous place of the main notice board of the college premises.

15. MEMBERS OF THE COLLEGE IC CELL: -

As per the provisions of the Act and the direction provided by Dr Rajul L Desai, Member, National Commission of Women Govt. of India in a Training Programme held on 23.12.2020. An 08 member Internal Complain Committee for the college have been constituted on 05.01.2021 according to the provisions of qualifications provided. A total no. of 06 female faculty-members are nominated by the Principal of the college from within the college employees (faculty members), one Student Representative (Female) and 02 nominated as per the provisions and compositional structure of the IC CELL.

Members: (FROM COLLEGE)

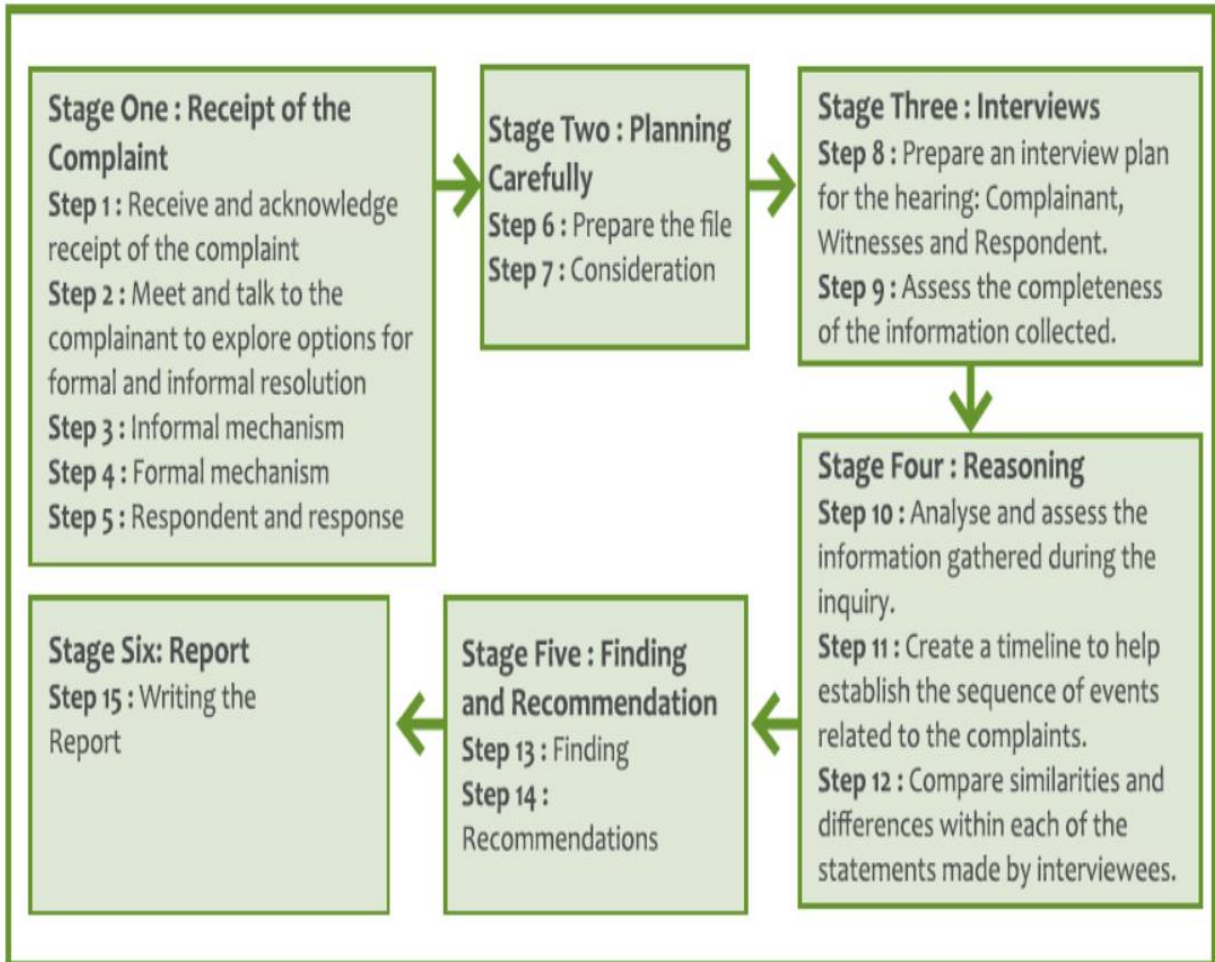
1. Dr Santosh Verma (Convenor)
2. Dr Rakhi Panchola (Member)
3. Dr Vallari Kukreti (Member)
4. Dr Anjali Verma (Member)
5. Dr Pallavi Mishra (Member)
6. Km Sonali Kala (Student) (Member)

Nominated members: (FROM OUTSIDE)

7. Shri Manohar Singh Saini (Advocate)

8. THE SEXUAL HARASSMENT COMPLAINT PROCESS AND STEPS:

9. The Complaints Committee/s need to have information on the six stages (including fifteen steps), detailed below, for addressing a complaint of



workplace sexual harassment.

10. Shri Malasi (Agrani – NGO, CEO)CONFIDENTIALITY

The Act prohibits the publication or making known the contents of a complaint and the inquiry proceedings. Any breach of confidentiality will result in specific consequences.

The Act prohibits the disclosure of:

- Contents of the complaint;
 - Identity and address of complainant, respondent and witnesses;
- Information pertaining to

- conciliatory/inquiry proceedings or recommendations of the ICC/LCC;
- Action taken by the employer/DO.

Accountability: Any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action taken under the provisions of this Act.

13. PENALTIES AND PUNISHMENT FOR SEXUAL HARASSMENT

The Cell may recommend the following penalties on a person found guilty of sexual harassment:

A. An employee found guilty of sexual harassment shall be liable to receive the following penalties:

Minor Penalties:

- (i) Warning, Reprimand or Censure
- (ii) Fine
- (iii) Withholding of increments or promotion
- (iv) Reduction to a post in the lower pay-scale or to a lower stage of increment in his own pay-scale.

Major Penalties:

- (v) Compulsory retirement
- (vi) Termination of service
- (vii) Removal/dismissal from service

B. A student found guilty of sexual harassment shall be liable to receive the following penalties:

Minor Penalties:

- (i) Warning
- (ii) Written Apology
- (iii) Bond of good behaviour

- (iv) Debarring entry into a hostel/campus/off-campus
- (v) Suspension for a specified period of time
- (vi) Withholding results.

Major Penalties

- (i) Debarring from examinations for a specified period of time
- (ii) Expulsion from university

The College/University shall decide whether the person against whom a complaint of sexual harassment is made should be placed under suspension. An employee placed under suspension shall be entitled to subsistence allowance at the rates as applicable under the rules of discipline.

The College if feel necessary may direct that the person against whom a complaint of sexual harassment is made, be prohibited from entering the premises of the College. during the pendency of the matter before the Committee.

15. CAPACITY BUILDING

KNOWLEDGE, SKILLS, TRAINING

Dealing with workplace sexual harassment complaints is often complex. Hence Complaints Committee/s must possess critical skills/capacity to effectively carry out their role. That includes a sound grasp of the Act, Vishaka Guidelines, applicable Service Rules, relevant laws and an understanding of workplace sexual harassment and related issues. Complaints Committee skills must include an ability to synthesise information i.e. relevant documents, the law and interviews. They should also be able to communicate effectively, write clearly, listen actively and conduct interviews. They should be competent at showing empathy, being impartial and being thorough. They should be able to identify sexual harassment and its impact. A Complaints Committee/s is required to be trained in both skill and capacity to carry out a fair and informed inquiry into a

complaint of workplace sexual harassment. An absence of such training will lead to unequal and unfair results, which can cost employers, employees, complainants as well as respondents.

16. AWARENESS GENERATION PROGRAMS

The committee from time to time may conduct gender sensitization programmes, workshops, awareness drives, campaigns in the college premises to make the campus gender sensitive, and also make the employees/students aware of their rights and privileges with regard to prevention and protection and zero tolerance towards any gender insensitivity and harassment.

MONITORING & INSPECTION

In relation to workplace sexual harassment, when it is in the public interest or in the interest of women employees, every employer/District Officer can be ordered by the Appropriate Government i.e. State and Central Government, to make available any information, record or document, including opening its workplace for inspection relating to the same.

17. PREPARATION OF ANNUAL REPORT

The Appropriate Government is entrusted with the monitoring of the implementation of this Act and for maintaining the data on the number of cases filed and disposed of under it.

In particular, it is mandated that the Annual Report and maintain records of the annual case is to be prepared by the the ICC/ of the college, for further validation by higher authorities if deemed necessary.

REFERENCES: -

1. http://www.iitg.ac.in/iitgicc/docs/Sexual_Harassment_Act_2013.pdf

2. https://www.ugc.ac.in/pdfnews/7203627_UGC_regulations-harassment.pdf
3. http://www.du.ac.in/du/uploads/Notifications/14032016_Act.pdf
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8. <https://dst.gov.in/internal-complaints-committeeicc-women>
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