

Government of Delhi
Department of Training & Technical Education
Industrial Training Institute,
Arab-Ki-Sarai, Nizamuddin, New Delhi-110013

F-3(354)/AKS(A)/PPL/2023/1271

Date: 25/07/2023

OFFICE ORDER

In supersession of all previous order, **an internal complaint committee** of the following officials is hereby constituted to **prevent sexual harassment of any female** of this institute.

The committee will also enquire into the complaint received in this matter, if any.

Committee members are:-

1. Smt. Yashoda Verma, G.I.
2. Smt. Ritu Sharma, CI.
3. Smt. Girija Mishra, C.I.
4. Smt. Purnima, CCI

Issued for strict compliance with immediate effect.

आज़ादी का

F-3(354)/AKS(A)/PPL/2023/1271

Copy to:-

1. D.D (Trg.), DTTE (HQ) for information
2. Sh. P.R. Digwal, V.P.-I
3. All concerned officials
4. Notice Board-Staff and Trainee

(S. AUGUSTHY)
PRINCIPAL

Date: 25/07/2023

(S. AUGUSTHY)
PRINCIPAL

DIRECTOR (TTE)
Diary No. 4432
Dated 31/11/22

869
03-11-22
Government of National Capital Territory of Delhi
Department of Women & Child Development
(Women Empowerment Cell)
2nd Floor ISBT Building Kashmere Gate Delhi-110006
(Email- wecbranch@gmail.com)

3207/DCA
03/11/2022
F. No. 60(799)/DWCD/WEC/LC/2018-19/14332-478 Dated
27 OCT 2022

All the Govt. Departments/Autonomous bodies/Commissions/ Boards
(As per list attached)

393/CDN
10/11/2022
Sub: Seeking status report on constitution/reconstitution of Internal
Committee u/s 4 of Sexual Harassment of Women at Workplace
(Prevention, Prohibition, and Redressal) Act, 2013 and its display.

1846/vig.
04/11/22
Sir/Madam

3048/E-IV
01/11/2022
This is in continuation to this office even letter no. F No. 60(197)
/DWCD/WEC/ICC/2014 15/25352-496 dated 17.02.2020 regarding
subject mentioned above. The Department of Women and Child
Development, GNCT of Delhi is the nodal department for implementation of
Sexual Harassment of Women at Workplace (Prevention, Prohibition and
Redressal) Act, 2013 in the National Capital Territory of Delhi. As per the
Act, a woman has right to safe working environment free from sexual
harassment.

Bn
3/11
As per Section 4 of the Act, every employer shall constitute an
Internal Committee; it is the mandate that such committee shall be
constituted at all administrative Offices/ Units:

The relevant Sections of the Act are being reiterated here that:

Section 4: The Internal Committees 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)

Urgent.
Pl. provide
early
3/11
5048
3/11
Provided further that in case the other offices or administrative units of
the workplace do not have a senior level woman employees, the Presiding

Officer shall be nominated from any other workplace of the same employer or other department or organization.

- 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 organizations 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.

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.

Section 26: Penalty for non-compliance with provisions of Act.—

- (1) Where the employer fails to—
 - (a) constitute an Internal Committee under sub-section (1) of section 4; 1. Subs. by Act 23 of 2016, s. 3 and the Second Schedule, for "Local Complaints Committee" (w.e.f. 6-5-2016). 13
 - (b) take action under sections 13, 14 and 22; and
 - (c) contravenes or attempts to contravene or abets contravention of other provisions of this Act or any rules made thereunder,

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

- (2) If any employer, after having been previously convicted of an offence punishable under this Act subsequently commits and is convicted of the same offence, he shall be liable to—
 - (i) twice the punishment, which might have been imposed on a first conviction, subject to the punishment being maximum provided for the same offence:
Provided that in case a higher punishment is prescribed under any other law for the time being in force, for the offence for which the accused is being prosecuted, the court shall take due cognizance of the same while awarding the punishment;
 - (ii) cancellation, of his licence or withdrawal, or non-renewal, or approval, or cancellation of the registration, as the case may be, by the Government or local authority required for carrying on his business or activity

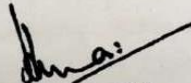
same

In view of the above, every employer shall:

1. Constitute/reconstitute an Internal Committee as per the Act.
2. Display the names and contact details of all the Members of Internal Committee in the respective Office/Unit on a public display board at conspicuous place for mass awareness as per the section 13(e) of the Act.
3. Ensure that Internal Committees have been constituted in their subs/reporting sub departments as per Section 4 of the Act.
4. Submit the compiled Annual Report in the format prescribed in the Act to the Nodal Department i.e WCD.

Therefore, kindly provide information in the enclosed proforma on above points by 31.10.22 for further compilation.

This issues with prior approval of Director, WCD


Humra Khalid
Deputy Director (WEC)

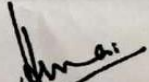
Dated

F. No. 60(799)/DWCD/WEC/LC/2018-19/14332-478

27 OCT 2022

Copy to:

1. OSD to Secretary, Department of WCD, GNCTD.
2. PS to Director, DWCD (HQ).


Humra Khalid
Deputy Director (WEC)

Duties of the ICC

Redressal of
complaints filed

- Within the scope of the laws
- With fairness and without bias.
- Within the time period of 90 days.

Awareness
workshops/activities

To educate all employees of the institute about:

- Sexual harassment at workplace, its effects and laws against it.
- Filing a complaint with the ICC

Annual report

- Summary of the actions of ICC and the employer for complaints filed
- To be submitted by the employer to District Officer/Women's commission
- To be uploaded on institute website

Redressal: Key responsibilities

To effectively address workplace sexual harassment complaints, a Complaints Committees must first be aware of their key responsibilities, some of which are highlighted below:

1. Be thoroughly prepared
2. Know the Act, Policy and/or relevant Service Rules
3. Gather and record all relevant information, documents
4. Determine the main issues in the lit

Redressal: DOs

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.

Redressal: DONTs

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.

Redressal:

(Non-negotiables during enquiry process)

- Assure confidentiality,
- Assure non retaliation
- Recommend interim measures as needed (mainly for the complainant) to conduct a fair inquiry.

Redressal: Confidentiality

The Act prohibits the disclosure of:

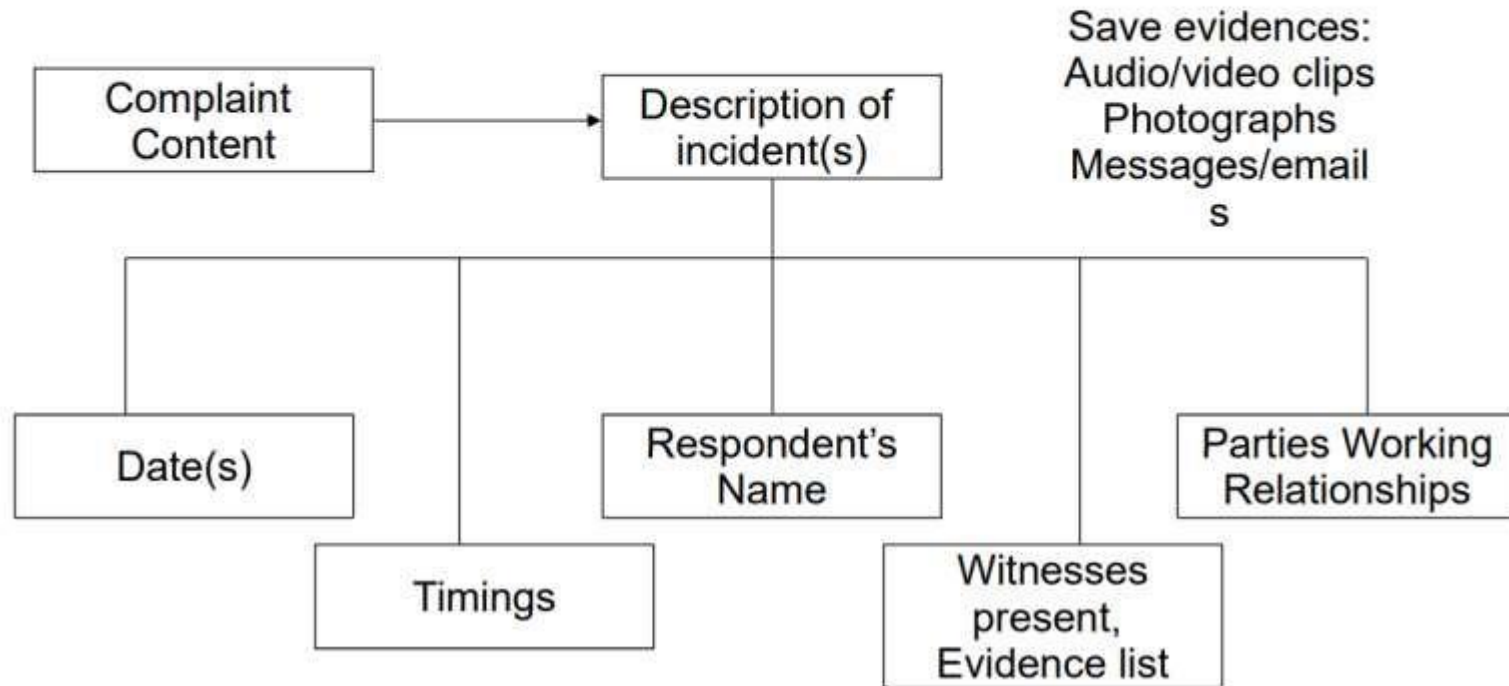
- Contents of the complaint;
- Identity and address of complainant, respondent and witnesses; Information pertaining to conciliatory/inquiry proceedings or recommendations of the ICC/LCC;
- Action taken by the employer/DO.

Consequences: As per the Service Rules or Rs.5,000/ to be collected by the employer.

Exception: Dissemination of information regarding the justice secured without disclosure of name, address, identity and particulars of complainant or witnesses.

Complainant

| | |
|--|---|
| Physical incapacity | Complainant's relative Complainant's friend Co-worker Any person with knowledge of the incident and written consent of the complainant |
| Mental incapacity | Complainant's relative Complainant's friend Special educator Qualified psychiatrist/psychologist Guardian/authority overseeing care of the complainant Any person with knowledge of incident along with any person above |
| Death of complainant | Any person with knowledge of the incident with written consent from legal heir |
| Complainant cannot file a complaint for any other reason | Any person with knowledge of the incident with written consent from the complainant |



6 stages of Redressal

| | | |
|---------|--|---|
| Stage 1 | Receipt of the complaint | <ol style="list-style-type: none"> 1. Receive and acknowledge receipt of complaint 2. Meet and talk to the complainant to discuss options of informal/formal resolution 3. Start Informal/formal mechanism as chosen by complainant 4. Inform the Respondent and ask for a response |
| Stage 2 | Planning carefully | <ol style="list-style-type: none"> 1. Prepare the file 2. Consideration: interim measures and support for the complainant |
| Stage 3 | Interviews | <ol style="list-style-type: none"> 1. Prepare an interview plan: complainant, respondent, witnesses 2. Assess completeness of the information collected |
| Stage 4 | Reasoning and Analysis | <ol style="list-style-type: none"> 1. Analyse information gathered 2. Create a timeline of events from the information 3. Compare similarities/differences of statements from the interviewees |
| Stage 5 | Findings and recommendations | <ol style="list-style-type: none"> 1. Conclude whether the complaint is upheld or not 2. Recommendations according to your finding |
| Stage 6 | Writing the report and submitting to employer for further action | <ol style="list-style-type: none"> 1. Write the report 2. Submit the report to the employer |

Rights of the Complainant

- A fearless environment created by the Internal Complaints Committee
- 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

Rights of the Respondent

- A non-biased hearing
- A copy of the statement along with all the evidence and a list of witnesses submitted by the complainant
- Keeping his identity confidential throughout the process
- Right to appeal in case not satisfied with the recommendations/findings of the Complaints Committee

Timeline for Action

| | |
|--|--|
| Submission of Complaint to the ICC | Within 3 months of the last incident |
| Notice to the Respondent by the ICC | Within 7 days of receiving the complaint |
| Reply of the Respondent in writing (optional) | Within 10 days of receiving notice from ICC |
| Completion of Inquiry by ICC | Within 90 days of receiving complaint |
| Submission of report by ICC to the employer | Within 10 days of completion of inquiry |
| Implementation of Recommendations | Within 60 days of receipt of report from ICC |
| Appeal to tribunal/ court by complainant/respondent as the case may be | Within 90 days of the recommendations |
| Report of the ICC to the Appropriate Government/ District Officer | In the Annual Report of that year |

