



नेताजी सुभाष क्षेत्रीय सहकारी प्रबन्ध संस्थान
NETAJI SUBHAS REGIONAL INSTITUTE OF COOPERATIVE MANAGEMENT
(An Institution of National Council for Cooperative Training, New Delhi, an Autonomous
Society Promoted by Ministry of Cooperation, Govt. of India)
(Accredited to C-PEC, BIRD, Lucknow. Training Partner of SEBI, Mumbai)

क्रम संख्या:

Ref. No. : VII-12/ २९

तिथि:

Date: -06-05-2024

OFFICE MEMORANDUM

Sub: Constitution of Internal Complaints Committee under Sexual Harrassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 to deal with complaints of sexual harrassment by the women employee – reg.

In pursuance of Council's Order F.No. 2-2/1/2021- Pers dated 30-04-2024, the Internal Complaint Committee of Netaji Subhas Regional Institute of Cooperative Management (N.S.R.I.C.M.), Kalyani is reconstituted as under :-

S.N.	Name & Designation	Contact Details	Designation
1.	Smt. Sangita Sadhu, DRCS & CEO of W.B. State Cooperative Union	O/o West Bengal State Cooperative Union, A.P.C.Samabay Bhawan, DD-18/6, Bidhan Nagar, Sector -I, Kolkata- 700064. Mob- 8420494937(M)	: Chairperson
2.	Smt. Malabika Chakraborty, Retd. Principal, pringdale High School, Kalyani & Social Worker	B-6/ 24, Kalyani, Dist.- Nadia, PIN-741235 Mob: 9432448330(M)	: Member
3.	Shri Asish Kumar Mahato, Dy. Director, NSRICM, Kalyani	NSRICM, Kalyani, Central Park, Kalyani, Nadia, W.B.- 741235. Ph.- 9831950073 (M) Email.: asishmahato@yahoo.co.in	Member
4.	Shri Sujit Kundu, Office Superintendent	-do- 917872082903	Member- Convener

The Committee constituted at NSRICM, Kalyani will cater to all related complaints of NSRICM, Kalyani. A brief salient features of the sexual harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 / Guidance/ Procedure which may be followed as per Act for determining the complaints filed as per provisions under the Act, 2013, is enclosed for information/ guidance.

This issues in spresession of all circulars/ orders on the subject.

Encl.: As above



(A.K. Mahato)

Director (I/C)

To

- 1) Smt. Sangita Sadhu, DRCS & CEO, W.B. State Coop. Union – Chairperson
- 2) Smt. Malabika Chakraborty, Retd. Principal, Springdale High School, Kalyani
- 3) Shri Asish Kumar Mahato, Dy. Director, NSRICM, Kalyani
- 4) Shri Sujit Kundu, O.S., NSRICM, Kalyani
- 5) All Staff/ Officers of NSRICM, Kalyani





(A.K. Mahato)

Director (I/C)

Director

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COOPERATIVE ENTERPRISES BUILD A BETTER WORLD

The brief salient features of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013/Guidelines/procedure which maybe followed as per Act for determining the complaint filed as per provisions under the Act, 2013 :-

- The Act has defined "sexual harassment (Sec. 2n) to include any one or more the following unwelcome acts or behaviour (whether directly or by implication) namely ;

- (i) Physical contact and advances, or
- (ii) A demand or request for sexual favours, or
- (iii) Making sexually coloured remarks, or
- (iv) Showing pornography of
- (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Further the following may also be amount to sexual harassment;

- (i) Implied or explicit promise of preferential treatment,
- (ii) Implied or explicit threat of detrimental treatment
- (iii) Implied or explicit threat about present or future employment status;
- (iv) Interference with work or creating an intimidating or offensive or hostile work environment or
- (v) Humiliating treatment likely to affect health or safety.

- As per the act workplace (Sec.2o) includes:

- (i) Any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government Company or a corporation or a co-operative society;
- (ii) Any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;
- (iii) Hospitals or nursing homes;
- (iv) Any sports, institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
- (v) Any place visited by the employee arising out of or during course of employment including transportation provided by the employer for undertaking such journey;
- (vi) A dwelling place or a house.

- Chapter-II (Sec.4) of the Act, 2013 provides provision relating to formation of the constitution of Internal Complaints Committee (ICC) at work place as under;

- (i) 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.
- (ii) The Internal Committee shall consist of the following members to be nominated by the employer, namely –
 - a) Presiding Officer who shall be a woman employed at a senior level of workplace from amongst the employee. 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 work place referred to in sub-section (1) Provided further that in case the other offices or administrative units of the work place 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 experience in social work or have legal knowledge.
 - c) One member from amongst non-government 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.
 - d) The Member appointed from among the non-governmental organisation or associations shall be paid such fees or allowances for holding the proceeding of the Internal Committee, by the employer, as may be prescribed.

Thus it seems the Committee should consists of minimum of four members with Presiding Officer of the committee needs to be women and out of four, another woman member needs to be there. At least one member from NGO or third party needs to be there who has some experience of such type of cases.

➤ Chapaer IV of Act provides procedure to be adopted for dealing with the complaints received by ICC. The brief steps involved in the Complaint Process are as under:-

- A complaint is to be made in writing by an aggrieved woman within 3 months of the date of the incident. The time limit may be extended for a further period of 3 months if , on account of certain circumstances, the woman was prevented from filing the complaint. If the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death, her legal heirs may do so.
- The ICC may, before initiating an inquiry under Section 11 of the Act and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through reconciliation provided that no monetary settlement shall be made as a basis of reconciliation. When the settlement

has been arrived at under sub-section 1 of section 10 of the act, the ICC shall record the settlement so arrived and forward the same to the employer. The copies of the settlement as recorded shall be provided to the aggrieved woman and the respondent.

- The ICC will conduct an inquiry and provide an opportunity to the Complainant as well as Respondent to represent their case and explanations/reasons thereto and a copy of findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.
- Upon receipt of the complaint, the ICC must proceed to make an inquiry in accordance with the service rules applicable to the respondent or in their absence, in accordance with rules framed under the Act.

➤ The inquiry must be completed within a period of 90 days. Chapter V

- On a written request made by the aggrieved woman, during the pendency of an inquiry, the ICC or the Local Committee may recommend to the employer to:-

- (a) Transfer the aggrieved woman or the respondent to any other workplace; or
- (b) Grant leave to the aggrieved woman up to a period of three months ; or
- (c) Grant such other relief to the aggrieved woman may be prescribed.

The leave granted to the aggrieved woman as above shall be in addition to the leave she would be otherwise entitled.

- Where the ICC arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.
- Where ICC arrives at a conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take action for sexual harassment as a misconduct in accordance with the provisions of service rules applicable to the respondent. The possible action that can be taken against the respondent under CCS Conduct Rules are :-

- i) Written apology
- ii) Warning
- iii) Reprimand or censure
- iv) Withholding of increment/promotion
- v) Suspension
- vi) Dismissal
- vii) Any other punishment according to the service rules applicable to the respondent.

- Where the ICC arrives at a 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 aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or person who has made the complaint, in accordance with the provisions of the service rules applicable to her or him.
- Where ICC arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to take action in accordance with the provisions of the service rules applicable to the said witness.
- On completion of an inquiry, the ICC shall provide the report of its findings to the employer within a period of 10 days from the completion of the inquiry and such report be made available to the concerned parties also.