

INDIAN INSTITUTE OF TECHNOLOGY ROORKEE

Internal Complaints Committee and a policy document to inquire into the complaint of Sexual Harassment at work place

In accordance with the extra ordinary Gazette of India, Part-II, dated April 23, 2013, the Director has constituted the following “**Internal Complaints Committee**” vide notification no. IITR/Gen/G-67(2014)/10733 dated 28th November 2014 in the Institute to inquire into the complaints of Sexual Harassment of woman at work place:-

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| (a) Dr. (Ms) Ritu Barthwal, Professor, Deptt. of Biotechnology | -Presiding Officer |
| (b) Dr. (Ms) Sunita Gakkhar, Professor, Mathematics Deptt. | -Member |
| (c) Dr. (Ms) Mahua Mukherjee, Assoc. Prof., Arch.&Plng. Deptt. | -Member |
| (d) Dr. (Mrs.) Variza, Dev Nursing Home, Roorkee | -Member |
| (e) Dr. Mukesh Kumar Barua, Assoc. Prof., DOMS | -Member |
| (f) Mr. Suresh Kumar Saini, Supdt., Office of Dean, Admn. | -Member |
| (g) Ms. Pearl Stephen, Nurse, IIT Hospital | -Member |

Main features of the extra ordinary Gazette of India, Part-II dated 23rd April, 2013

- A. The following unwelcome acts or behavior (whether directly or by implication) covered under said Gazette Notification 2013 article 2 (n):-**
- a. Physical contact and advances; or
 - b. A demand or request for sexual favours; or
 - c. Making sexually coloured remarks; or
 - d. Showing pornography; or
 - e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature at work place.
- B. Procedure for lodging the complaint to the Internal Complaint Committee chapter IV article 9:**
- 9. (1)** Any aggrieved woman may make, in writing, a complaint of Sexual Harassment at work place directly either to the presiding officer of the Institute Internal Complaint Committee or its member or concerned Deans of the Institute within a period of **3 months** from the date of incident and in case of a series of incidents, within a period of **three months** from the date of last incident.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

Provided further that the Internal Complaint Committee for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

9. (2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.

“Aggrieved Woman” means----

- 2.(a)(i) In relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;
- 2(a)(ii) In relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house;

C. Procedure for processing the complaint by the Internal Complaint Committee under article (10) and (11) of the said Gazette Notification 2013

- 10.(1) The Internal Complaint Committee before initiating an inquiry under section 11 and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation:

Provided that no monetary settlement shall be made as a basis of conciliation.

- 10.(2) Where a settlement has been arrived at under sub-section (1) the Internal Committee shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.

- 10.(3) The Internal Committee shall provide the copies of the settlement as recorded under sub-section (2) to the aggrieved woman and the respondent.

- 10.(4) Where a settlement is arrived at under sub-section (1) no further inquiry shall be conducted by the Internal Committee.

- 11.(1) Subject to the provisions of section 10 the Internal Committee shall, **proceed to make inquiry into the complaint in accordance with the provision of the service rules applicable to the respondent**, if the respondent is an employee, in case of other workers, if prima-facie case exists, forward the complaint to the police.

Provided that where the aggrieved woman informs the Internal Committee that any term or condition of the settlement arrived at under sub-section (2) of section 10 has not been complied with by the respondent, the Internal Committee shall proceed to make an inquiry into the complaint.

Provided further that the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

11.(3) For the purpose of making an inquiry under sub-section (1), the Internal Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:-

- (a) Summoning and enforcing the attendance of any person and examining him on oath;
- (b) Requiring the discovery and production of documents; and
- (c) Any other matter which may be prescribed.

Note (i) The Internal Complaint Committee shall inquire into the complaints as per provision laid down in the said Gazette Notification 2013 & briefly outlined in this policy document.

(ii) The Internal Complaints Committee shall be complete the inquiry within a Period of Ninety Days.

D. Submission of the inquiry Committee report by the Internal Complaint Committee.

13.(1) On the completion of an inquiry under this Act, the Internal Complaint Committee shall provide a report of its findings to the employer within a period of **ten days** from the date of completion of the inquiry and such report be made available to the concerned parties.

Note: However, the Internal Complaint Committee before forwarding its report to the employer in prescribed time limit, the Presiding Officer of the Internal Complaint Committee will send a copy of the findings of the committee to the respondent employee to make representation, if any. Taking this representation into its consideration, the Presiding Officer will take all the facts & circumstances to her consideration, and she will sent her final report

of enquiry with copy of representation & all annexure as per provision of 11 (1).

13.(2) Where the Internal Complaints Committee arrives at the conclusion that 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.

13.(3) Where the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Employer/Director IIT Roorkee:—

(i) to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed;

(ii) to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, in accordance with the provisions of section 15:

E. Action to be taken by the Competent Authority on the report of the Internal Complaint Committee.

13.(4) The Competent Authority shall act upon the recommendations of the Internal Complaint Committee within **sixty days** of its receipt by him.

Note: The Director shall act upon the recommendation of the Internal Complaint Committee and take action if allegation against the respondent proved in accordance with the provisions of Conduct Rules.