

**NCL Alltek & Seccolor Ltd**  
**Anti-Sexual Harassment Policy**

**Revised by Board of Directors on**  
**22/05/2019**

## For Internal and Authorized Use only

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### I) POLICY

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NCL Alltek & Seccolor Ltd., having its registered and admin office at Ganga Enclave Plot No 1,3rd floor Petbasheerabad, Kompally Road, Hyderabad-500067. The Company believes that all employees of the Company have the right to be treated with dignity. The Company is committed to provide equal opportunity and a harassment free workplace notwithstanding race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability, as the case may be. The Company believes that Sexual Harassment in any form at workplace is a grave offence. The Company takes on itself the responsibility to identify and prevent Sexual Harassment and to develop a culture of “zero tolerance” for any form of Sexual Harassment at the Workplace. The Company will respond promptly to reports of Sexual Harassment and will take prompt and appropriate steps to take cognizance of acts/behavior that violates this Policy and if necessary, facilitate legal action, at the instance of the aggrieved.

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### II) LEGISLATIVE BACKGROUND AND REQUIREMENT

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- The Government of India has notified the Sexual Harassment of Women at the Workplace (Prevention, Prohibition Redressal) Act, 2013 (“Act”) and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (“Rules”). Both the Act and the Rules have come into force with effect from December 9, 2013. The Act and the Rules were both drawn up and passed in furtherance to the guidelines as laid down by the Supreme Court of India in the matter of Vishaka v. State of Rajasthan, to ensure that women, in particular, are protected against Sexual Harassment at all work places, be it in public or private, and to create work environments that recognizes right to gender equality, life and liberty and equality in working conditions everywhere.
- This Anti-Sexual Harassment Policy gives effect to the legal provisions contained in the Act and the Rules relating to protection against Sexual Harassment at Workplace and for establishing the necessary mechanisms for redressal of complaints of Sexual Harassment and for matters connected therewith or incidental thereto.
- In order to comply with the provisions of the Act, every organization has to formulate and implement an Anti- Sexual Harassment Policy (“Policy”).

- This Policy is meant to educate the Employees about what act/conduct constitutes Sexual Harassment and has been formulated to prohibit, prevent or deter the commission of acts of Sexual Harassment at workplace, and in the event of such an occurrence, to enable a fair mechanism for dealing with such conduct.

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### III) SCOPE OF THE POLICY

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- This Policy is Gender Neutral, however encompassing the provisions of the the Sexual Harassment of Women at the Workplace (Prevention, Prohibition Redressal) Act, 2013 ("Act"), in letter and spirit and applying it to both genders. Hence the word "women/woman", wherever mentioned in this policy would imply and include "man/men/male", as applicable and appropriate.
- This Policy extends to all Employees of the Company whether permanent, temporary, on training and on contract and is deemed to be incorporated in the service conditions of all Employees.
- It also extends to outsiders who come in contact of the Employees of the Company and who allege that they have been sexually harassed by the said Employee.
- The Company will also not tolerate Sexual Harassment of the Employees of the Company, if engaged in by clients or any other business associates.
- This Policy shall extend to:
  - a. All Company-related activities performed at any other site away from the Company's premises;
  - b. All Employees at (whether in the office premises or outside while on assignment) Company's office.
  - c. Incidents of Sexual Harassment reported by Company's Employee as a result of an act by a third party or outsider while on official duty.
  - d. The Company will take all necessary and reasonable steps to assist the affected person in terms of support and remedial/preventive action.
  - e. This Policy shall come into effect immediately upon its approval by the Board of Directors of the Company.

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### IV) IMPORTANT DEFINITIONS FROM THE ACT

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#### **Sexual Harassment**

includes any unwelcome acts or behavior (whether directly by implication) such as Physical contact and advances; or demand or request for sexual favors; Making sexually colored remarks; Showing pornography; or Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

Additionally, any of the following, in relation to or connected with the above, will constitute

- 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.

#### **Employee**

For the purpose of this Policy, means and includes any person hired by the Company. whether as a consultant or as an employee on the rolls of the Company who is employed for any work on regular, temporary, ad-hoc or daily wage basis, directly or through an agent, including a contractor, with or without the knowledge of the Company's management, whether for remuneration or not, or working on voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker,, trainee, apprentice, article clerk or called by any other such name.

#### **Workplace**

- i. The Company's Registered offices situated at Ganga Enclave Plot No: 1,3rd floor Petbasheerabad, Kompally road, Hyderabad-500067
- ii. All the Manufacturing Units, Regional Offices PAN India
- iii. Any place visited by an Employee of the Company, arising out of or during the course of of discharging the Company's work.

### **Aggrieved Woman/Victim**

With respect to the Act in relation to the workplace is a person of any age, whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the Respondent.

### **Respondent**

Means the person who is alleged or reported to have committed an act of Sexual Harassment and against whom the Aggrieved Woman/ Complainant has made a Complaint under this Policy in terms of Section 9 of the Act.

### **Complaint**

Means information, either oral or written, made by the Aggrieved Woman/ Complainant. However, complaint made orally must be reduced in writing with the assistance of the Internal Complaints Committee members.

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## **V. OBLIGATIONS OF THE COMPANY**

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1. The Company shall be responsible, among others, for the following:

- a) Prohibit, prevent and deter commission of acts of sexual harassment;
- b) Implement the Policy by providing 'discrimination and hostility free work environment;
- c) Spread awareness of the Policy amongst its employees, including by publication, notification and circulation of the Policy
- d) Sensitizing employees about sexual harassment issues by way of trainings and sensitization programs
- e) Provide fair and impartial procedures for resolution, settlement or prosecution of acts of sexual harassment by taking all necessary steps, including those more particularly provided hereinafter; and
- f) Implementation of recommendations of the Internal Complaints Committee (as hereinafter defined).

2. The Company shall make an annual report in compliance with the Policy and submit to the appropriate Government authority and declare the same in Directors Responsibility statement that it has complied with the act.

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## **VI) INTERNAL COMPLAINTS COMMITTEE**

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An Internal Complaints Committee ("ICC") must be constituted, in accordance with the provision of Section 4 of the Act to redress complaints of Sexual Harassment.

An ICC shall consist of:-

- a. A presiding officer who shall be a woman employed at senior level;
- b. Not less than two Members from amongst the Employees preferably committed to the cause of women;
- c. One Member from an NGO or association committed to the cause of women or person familiar with the issues relating to the Sexual Harassment.
- d. At least one half of the total Members nominated shall be women. The Presiding Officer and Members shall hold office for a period not more than 3 years.

An order constituting the ICC shall be passed and shall be displayed at any conspicuous place of the Company.

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## VII) REDRESSAL PROCESS

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### 1. Complaint -

a. Any Woman Employee who feels that she is being sexually harassed, directly or indirectly, may submit a Complaint of the alleged incident to any member of the ICC in writing with her signature within three (3) months of occurrence of incident, and in case of a series of incidents, within a period of three (3) months from the date of the last incident. The ICC may, after recording its reasons in writing, extend the time limit if it is satisfied with the circumstances that led to preventing the Complainant from making the Complaint within three (3) months;

b. A Complaint may also be made by a legal heir or any of the persons specified under Sub-section (2) of Section 9 of the Act read with Rule 6 of the Rules, where the Complainant is unable to do so, on account of any kind of incapacity;

c. The Internal Complaints Committee shall maintain a register to record the Complaint received by it and keep the contents confidential, except to use the same for inquiry. The complainant would be advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity. The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media. Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

d. The Complainant must file six copies of the Complaint along with supporting documents and names and addresses of witnesses;

e. The ICC shall forward one copy of the Complaint to the Respondent within seven (7) working days of receipt of complaint;

f. The Respondent must file his response to the Complaint along with supporting documents and names and addresses of witnesses, within ten (10) days of receiving the Complaint copy from the ICC. A copy of the said response shall be provided to the Complainant forthwith.

### 2. Settlement through Conciliation-

a. At the request of the Complainant the ICC, shall, prior to initiating an inquiry, take steps to settle the matter between the Complainant and the Respondent through conciliation. The ICC shall record the terms of any such settlement reached between the Complainant and the Respondent. The committee will provide copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted.

b. If the Respondent fails to comply with the terms and conditions of the Settlement, the Complainant may inform the ICC of the same for further action, as provided under the Act.

### 3. Inquiry and Action-

a. The ICC will make an inquiry into the Complaint in accordance with the principles of natural justice;

b. During the pendency of an inquiry, the ICC shall, on the request made by the Complainant, grant interim relief in accordance with the provision of Section 12 of the Act. The same have been incorporated under heading 7 as follows under this subsection.

c. The ICC may terminate the inquiry proceedings or decide ex-parte on the Complaint, if the Complainant or the Respondent does not, without sufficient cause, present himself/herself for three consecutive hearings convened by the ICC;

d. The quorum for convening a meeting of the ICC for the purpose of an inquiry shall be three (3) members of the ICC, including the presiding officer;

- e. The ICC shall complete the inquiry within a period of ninety (90) days and communicate its findings and its recommendations for action to the Company's management in a report, within ten (10) days of completing the inquiry;
- f. A copy of the report shall also be made available to the Complainant and the Respondent. None of the parties can be represented by a lawyer during the proceedings;
- i. The ICC shall be governed by the "Act" and the "Rules".
- j. ICC shall take action in accordance with the provision of Section 14 of the Act against a Complainant for knowingly or recklessly bringing a false Complaint of Sexual Harassment and false evidence.
- k. If on an inquiry, the Complaint is found to be false or malicious, or that a witness has given misleading evidence, the Complainant or the witness, as the case may be, shall be liable for appropriate disciplinary action by the ICC. Such malicious intent must be established after an inquiry. A mere inability or insufficiency to substantiate a Complaint shall not be considered as grounds for taking action, under this provision.

#### **4. Considerations while preparing inquiry report**

While preparing the findings/recommendations, following are considered:

- a) Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature
- b) Whether the allegations or events follow logically and reasonably from the evidence
- c) Credibility of complainant, respondent, witnesses and evidence
- d) Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent
- e) Both parties have been given an opportunity of being heard
- f) A copy of the proceedings were made available to both parties enabling them to make representation against the findings

A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee

#### **5. Implementation of the recommendations made by the Internal Complaints Committee**

The Management shall consider the recommendations and findings of the Internal Complaints Committee and make a decision in relation to action to be taken against the Accused within ten (60) days of the submission of the report by the Internal Complaints Committee. The Management may issue such order and, or, directions as it deems fit. The Management shall also endorse a copy of its order to the Complainant, Accused and to the Complaints Committee.

#### **6. Punishment for Sexual Harassment**

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- a) Counseling
- b) Censure or reprimand
- c) Apology to be tendered by respondent
- d) Written warning
- e) Withholding promotion and/or increments
- f) Suspension
- g) Termination
- h) Monetary compensation to the aggrieved from the salary of the respondent
- i) Or any other action that the Management may deem fit.

#### **7. Protection against Victimisation**

1. During the pendency of the Complaint, the Company shall:

- a) In the event the Accused is the Complainant's Supervisor/Superior, review the possibility of relocating the Complainant within the Company, upon request of the complainant and ensure that the Complainant is not subject to appraisal by the Accused;
- b) Ensure that any sort of retaliation against the Complainant or witnesses is strictly prohibited. Any act of reprisal, including internal interference, coercion and restraint, by the Accused, whether directly or indirectly, will result in appropriate action against the Accused by the Internal Complaints Committee in consultation with the Management;
- c) Where the Accused is a third party interacting with the Company, such Accused shall not be allowed to enter the Company premises except for the purpose of attending the present Complaint.

2. After the conclusion of the investigations of the Complaint:

- a) If the Accused is found to be guilty, the Accused shall not write the Appraisal Reports of the Complainant, if he or she is otherwise so authorized;
- b) Where the Accused is a third party interacting with the Company, and found to be guilty, the Accused shall not be allowed to enter the Company premises.

3. In the event, the Internal Complaints Committee after investigation of a Complaint in accordance with the procedure prescribed herein, concludes that the Complaint was false and made with malicious intent by the Complainant, then the Internal Complaints Committee shall take such appropriate measures, in consultation with the Management, against the Complainant, as it may deem necessary.

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## VII. Criminal Proceedings

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Where sexual harassment amounts to a specific offence under the Indian Penal Code, 1860 or under any other applicable law in India, offence being committed by an outsider or an internal employee, the Management shall initiate appropriate action, in accordance with law in India, by making a complaint with the appropriate authority.

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## VIII) APPEAL

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Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within **90 days** of the recommendations being communicated.

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## IX) REVISION OF ANTI HARASSMENT POLICY

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The Company reserves the right to modify and, or, review the provisions of this Policy, so as to comply with applicable legal requirements in India, internal policies, or with a view to fine tune or alter the provisions of this Policy to the extent deemed necessary by the Company from time to time.

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## X) CONTACT DETAILS OF THE INTERNAL COMPLAINTS COMMITTEE

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Names of the members of the ICC, along with their contact details are provided in the order constituting the ICC. The Company will periodically update the list of names and contact details of the members.

|    |                            |   |                   |   |            |
|----|----------------------------|---|-------------------|---|------------|
| 1. | Mrs. Pooja Kalidindi       | - | Presiding Officer | - | 9989931034 |
| 2. | Mrs. Padma Priya           | - | Member            | - | 9030567253 |
| 3. | Mrs. M Pavani              | - | Member            | - | 7893225882 |
| 4. | Mr. R Koteswara Rao        | - | Member            | - | 9177100372 |
| 5. | Mr. Manasdarsan Chatterjee | - | Member            | - | 7893615551 |
| 6. | Mr. Rakesh Jain            | - | External Member   | - | 7780430547 |

### **ANNEXURE 1**

#### **Sections of the Indian Penal Code (IPC) – Sexual Harassment and Punishment for Sexual Harassment**

Under the Indian Penal Code, the newly introduced Section (S. 354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested **without a warrant**.

(1) A man committing any of the following acts:

- (i) physical contact and advances involving unwelcome and explicit sexual overtures; or
- (ii) a demand or request for sexual favours; or
- (iii) showing pornography against the will of a woman; or
- (iv) making sexually coloured remarks,

shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) above, shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) Any man who commits the offence specified in clause (iv) above shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

In addition to Section 354A set out above, acts of Sexual Harassment may also constitute other offenses under IPC including Section 354 (assault or criminal force to woman with intent to outrage her modesty), Section 354C (Voyeurism), Section 354D (Stalking), Section 375 and 376 (Rape) and Section 509 (word, gesture or act intended to insult the modesty of a woman) of the IPC.



## **ANNEXURE 2-Bare Act**

### ***The Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013 (14 of 2013)***

[22nd April, 2013]

An Act 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.

WHEREAS sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment;

AND WHEREAS the protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India;

AND WHEREAS it is expedient to make provisions for giving effect to the said Convention for protection of women against sexual harassment at workplace.

Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:-

## **CHAPTER I**

### ***Preliminary***

**1. Short title, extent and commencement.** - (1) This Act may be called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. Definitions.** - In this Act, unless the context otherwise requires,-

- (a) "aggrieved woman" means
- (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;
  - (ii) in relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house;
- (b) "appropriate Government" means
- (i) in relation to a workplace which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly-
- (A) by the Central Government or the Union territory administration, the Central Government;
  - (B) by the State Government, the State Government; in relation to any workplace not covered under sub-clause (i) and falling within its territory, the State Government;
- (c) "Chairperson" means the Chairperson of the Local Complaints Committee nominated under sub-section (1) of section 7;
- (d) "District Officer" means an officer notified under section 5;
- (e) "domestic worker" means a woman who is employed to do the household work in any household for remuneration whether in cash or kind, either directly or through any agency on a temporary, permanent, part time or full time basis, but does not include any member of the family of the employer;
- (f) "employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;
- (g) "employer" means
- (i) in relation to any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;
  - (ii) in any workplace not covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace.
- Explanation.-For the purposes of this sub-clause "management" includes the person or board or committee responsible for formulation and administration of policies for such organisation;
- (iii) in relation to workplace covered under sub-clauses (i) and (ii), the person discharging contractual obligations with respect to his or her employees;
  - (iv) in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker;
- (h) "Internal Committee" means an Internal Complaints Committee constituted under section 4;
- (i) "Local Committee" means the Local Complaints Committee constituted under section 6;

- (j) "Member" means a Member of the Internal Committee or the Local Committee, as the case may be;
- (k) "prescribed" means prescribed by rules made under this Act;
- (l) "Presiding Officer" means the Presiding Officer of the Internal Complaints Committee nominated under sub-section (2) of section 4;
- (m) "respondent" means a person against whom the aggrieved woman has made a complaint under section 9;
- (n) "sexual harassment" includes any one or more of 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; or
  - (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
- (o) "workplace" 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 the course of employment including transportation provided by the employer for undertaking such journey;
  - (vi) 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.

**3. Prevention of sexual harassment.** - (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*

**4. Constitution of Internal Complaints Committee.** - (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 maybe, 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. Notification of District Officer.** - 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.

**6. Constitution and jurisdiction of Local Complaints Committee.** - (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.

(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. Composition, tenure and other terms and conditions of Local Complaints Committee.** - (1) The Local Complaints Committee shall consist of the following members to be nominated by the District Officer, namely:

- (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.

(3) Where the Chairperson or any Member of the Local Complaints 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) 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 pre-judicial to the public interest, such Chairperson 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.

(4) The Chairperson and Members of the Local Committee other than the Members nominated under clauses (b) and (d) of sub-section (1) shall be entitled to such fees or allowances for holding the proceedings of the Local Committee as may be prescribed.

**8. Grants and audit.** - (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the State Government grants of such sums of money as the Central Government may think fit, for being utilised for the payment of fees or allowances referred to in sub-section (4) of section 7.

(2) The State Government may set up an agency and transfer the grants made under sub-section (1) to that agency.

(3) The agency shall pay to the District Officer, such sums as may be required for the payment of fees or allowances referred to in sub-section (4) of section 7.

(4) The accounts of the agency referred to in sub-section (2) shall be maintained and audited in such manner as may, in consultation with the Accountant-General of the State, be prescribed and the person holding the custody of the accounts of the agency shall furnish, to the State Government, before such date, as may be prescribed, its audited copy of accounts together with auditors' report thereon.

## CHAPTER IV

### *Complaint*

**9. Complaint of sexual harassment.** - (1) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three 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 Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing:

Provided further that the Internal Committee or, as the case may be, the Local Committee may, 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.

(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.

**10. Conciliation.** - (1) The Internal Committee or, as the case may be, the Local Committee, may, 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.

(2) Where a settlement has been arrived at under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall record the settlement so arrived and forward the same to the employer or the District Officer to take action as specified in the recommendation.

(3) The Internal Committee or the Local Committee, as the case may be, shall provide the copies of the settlement as recorded under sub-section (2) to the aggrieved woman and the respondent.

(4) Where a settlement is arrived at under sub-section (1), no further inquiry shall be conducted by the Internal Committee or the Local Committee, as the case may be.

**11. Inquiry into complaint.** - (1) Subject to the provisions of section 10, the Internal Committee or the Local Committee, as the case may be, shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed or in case of a domestic worker, the Local Committee shall, if prima facie case exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code (45 of 1860), and any other relevant provisions of the said Code where applicable:

Provided that where the aggrieved woman informs the Internal Committee or the Local Committee, as the case may be, 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 or the Local Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police: Provided further that where both the parties are employees, 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.

(2) Notwithstanding anything contained in section 509 of the Indian Penal Code (45 of 1860), the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provisions of section 15.

(3) For the purpose of making an inquiry under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 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.

(4) The inquiry under sub-section (1) shall be completed within a period of ninety days.

## CHAPTER V

### *Inquiry Into Complaint*

**12. Action during pendency of inquiry.** - (1) During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee or the Local Committee, as the case may be, 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 as may be prescribed.

(2) The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.

(3) On the recommendation of the Internal Committee or the Local Committee, as the case may be, under sub-section (1), the employer shall implement the recommendations made under sub-section (1) and send the report of such implementation to the Internal Committee or the Local Committee, as the case may be.

**13. Inquiry report.** - (1) On the completion of an inquiry under this Act, the Internal Committee or the Local Committee, as the case may be, shall provide a report of its findings to the employer, or as the case may be, the District Officer within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.

(2) Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer and the District Officer that no action is required to be taken in the matter.

(3) Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer or the District Officer, as the case may be

- (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:

Provided that in case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct the respondent to pay such sum to the aggrieved woman:

Provided further that in case the respondent fails to pay the sum referred to in clause (ii), the Internal Committee or, as the case may be, the Local Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

(4) The employer or the District Officer shall act upon the recommendation within sixty days of its receipt by him.

**14. Punishment for false or malicious complaint and false evidence.** - (1) Where the Internal Committee or the Local Committee, as the case may be, 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 the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or the District Officer, as the case may be, to take action against the woman or the person who has made the complaint under sub-section (1) or sub-section (2) of section 9, as the case may be, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed:

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

(2) Where the Internal Committee or the Local Committee, as the case may be, 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 or the District Officer, as the case may be, to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.

**15. Determination of compensation.** - For the purpose of determining the sums to be paid to the aggrieved woman under clause (ii) of sub-section (3) of section 13, the Internal Committee or the Local Committee, as the case may be, shall have regard to

- (a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- (b) the loss in the career opportunity due to the incident of sexual harassment;
- (c) medical expenses incurred by the victim for physical or psychiatric treatment;
- (d) the income and financial status of the respondent;
- (e) feasibility of such payment in lump sum or in instalments.

**16. Prohibition of publication or making known contents of complaint and inquiry proceedings.** - Notwithstanding anything contained in the Right to Information Act, 2005 (22 of 2005), the contents of the complaint made under section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, and the action taken by the employer or the District Officer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner:

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

**17. Penalty for publication or making known contents of complaint and inquiry proceedings.** -

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Act, contravenes the provisions of section 16, he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.

**18. Appeal.** - (1) Any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clause (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or sub-section (2) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.

(2) The appeal under sub-section (1) shall be preferred within a period of ninety days of the recommendations.

## **CHAPTER VI**

### ***Duties Of Employer***

**19. Duties of employer.** - Every employer shall-

- (a) provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;



- (b) display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee under sub-section (1) of section 4;
- (c) organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;
- (d) provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;
- (e) assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;
- (f) make available such information to the Internal Committee or the Local Committee, as the case may be, as it may require having regard to the complaint made under sub-section (1) of section 9;
- (g) provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force;
- (h) cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- (i) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- (j) monitor the timely submission of reports by the Internal Committee.

## **CHAPTER VII**

### ***Duties And Powers Of District Officer***

**20. Duties and powers of District Officer.** - The District Officer shall,-

- (a) monitor the timely submission of reports furnished by the Local Committee;
- (b) take such measures as may be necessary for engaging non-governmental organisations for creation of awareness on sexual harassment and the rights of the women.

## **CHAPTER VIII**

### ***Miscellaneous***

**21. Committee to submit annual report.** - (1) The Internal Committee or the Local Committee, as the case may be, shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and the District Officer.

(2) The District Officer shall forward a brief report on the annual reports received under sub-section (1) to the State Government.

**22. Employer to include information in annual report.** - The employer shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report of his organisation or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.

**23. Appropriate Government to monitor implementation and maintain data.** - The appropriate Government shall monitor the implementation of this Act and maintain data on the number of cases filed and disposed of in respect of all cases of sexual harassment at workplace.

**24. Appropriate Government to take measures to publicise the Act.** - The appropriate Government may, subject to the availability of financial and other resources,

- (a) develop relevant information, education, communication and training materials, and organise awareness programmes, to advance the understanding of the public of the provisions of this Act providing for protection against sexual harassment of woman at workplace;
- (b) formulate orientation and training programmes for the members of the Local Complaints Committee.

**25. Power to call for information and inspection of records.** - (1) The appropriate Government, on being satisfied that it is necessary in the public interest or in the interest of women employees at a workplace to do so, by order in writing,

- (a) call upon any employer or District Officer to furnish in writing such information relating to sexual harassment as it may require;
- (b) authorise any officer to make inspection of the records and workplace in relation to sexual harassment, who shall submit a report of such inspection to it within such period as may be specified in the order.

(2) Every employer and District Officer shall produce on demand before the officer making the inspection all information, records and other documents in his custody having a bearing on the subject-matter of such inspection.

**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;
- (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.

**27. Cognizance of offence by courts.** - (1) No court shall take cognizance of any offence punishable under this Act or any rules made thereunder, save on a complaint made by the aggrieved woman or any person authorised by the Internal Committee or Local Committee in this behalf.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(3) Every offence under this Act shall be non-cognizable.

**28. Act not in derogation of any other law.** - The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

**29. Power of appropriate Government to make rules.** - (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the fees or allowances to be paid to the Members under sub-section (4) of section 4;
- (b) nomination of members under clause (c) of sub-section (1) of section 7;
- (c) the fees or allowances to be paid to the Chairperson, and Members under sub-section (4) of section 7;
- (d) the person who may make complaint under sub-section (2) of section 9;
- (e) the manner of inquiry under sub-section (1) of section 11;
- (f) the powers for making an inquiry under clause (c) of sub-section (2) of section 11;
- (g) the relief to be recommended under clause (c) of sub-section (1) of section 12;
- (h) the manner of action to be taken under clause (i) of sub-section (3) of section 13;
- (i) the manner of action to be taken under sub-sections (1) and (2) of section 14;
- (j) the manner of action to be taken under section 17;
- (k) the manner of appeal under sub-section (1) of section 18;
- (l) the manner of organising workshops, awareness programmes for sensitising the employees and orientation programmes for the members of the Internal Committee under clause (c) of section 19;  
and
- (m) the form and time for preparation of annual report by Internal Committee and the Local Committee under sub-section (1) of section 21.

(3) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Any rule made under sub-section (4) of section 8 by the State Government shall be laid, as soon as may be, after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

**30. Power to remove difficulties.** - (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty: Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.