

Mata Sundri College for Women

(University of Delhi)

Sexual Harassment of Women at Workplace (Prevention, prohibition and Redressal) Act 2013

Are You Being Sexually Harassed?

If you are a female student/employee experiencing sexual harassment at your work place/college, or if you want to help a victim, read on:

The Sexual Harassment of Women at Workplace Act, 2013 came into effect on 9th December, 2013. The University of Delhi issued the notification on this Act on 9th January, 2014.

The Act makes it mandatory to set up a Complaints Committee to deal with incidents of sexual harassment. Accordingly, the University set up the Internal Complaints Committee (ICC), on 9th January, 2014. The ICC replaced the earlier Apex Complaints Committee against Sexual Harassment (ACC).

The ICC includes in its purview all faculties, departments, centres, and halls of the University of Delhi. The colleges and institutions of the University have constituted their own ICCs.

What constitutes sexual harassment?

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

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

How does one prepare a complaint?

- Write exactly what happened with details, dates, names of witnesses & documents, if any.
- Be specific about the incident/incidents.
- Be honest, as false complaints can invite penalties.

What is the time limit for filing a complaint?

- You need to file a complaint of sexual harassment within three months of the incident.
- The period may extend to another three months, in grave circumstances that may have prevented you from filing the complaint on time.

How to file a complaint

- Submit the complaint:
- Directly at the office of the ICC (Second Floor, Academic Research Centre, Patel Marg, Opp. Khalsa College, Delhi University, Delhi — 110007) OR
- Send an email to: icc.wsdcd.edu@gmail.com.

How does the ICC proceed on your complaint?

- On receipt of the complaint, the ICC assesses it.
- If it is a valid case, the ICC will ask for 6 copies of the complaint with supporting documents, if any.
- One copy of the complaint will be sent to the respondent (i.e. the person who allegedly committed the harassment) within seven working days.
- The respondent has to file his reply within ten working days.
- The ICC follows the principles of natural justice during the proceedings which include:
 - Right of hearing to the Parties
 - 0 Examination and cross-examination of Parties and witnesses
 - 0 Supply of copy of the findings to the Parties for their responses

Is there any provision for conciliation?

- The ICC can take steps to settle the matter between the victim and the respondent.
- This option will be used only at the request of the woman (victim).
- Monetary settlement shall not be the basis of conciliation.
- If the settlement is not reached, you can go back to the committee and initiate an enquiry.

What is the period of enquiry and action?

- The committee is required to complete the enquiry within 90 days.
- On completion of the enquiry, the report will be sent to the employer.

What if the complaint is false (malicious)?

- If a complaint is false with malicious intent, you can be penalized as per the service rules.

Does the Act guarantee protection against disclosure of identity?

- The identity and address of the aggrieved woman, respondent, and the witness cannot be disclosed.
- Anyone who discloses the name or identity of the aggrieved woman or witnesses will be liable to pay a penalty of FRS. 5,000.
- However, information regarding justice secured for any victim can be publicised without disclosing the identity.

Ex-Parte decisions

Ex-parte decisions are those that are reached in the absence of the complainant/respondent. The ICC can give an ex-parte decision if the complainant/respondent fails without sufficient cause, to present her or himself for three consecutive hearings. The ICC can also terminate the enquiry proceedings on these grounds. However Ex-parte or termination order will not be passed without giving the complainant/respondent a 15 —day notice in writing.
