

SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) RULES, 2013.

REGO. NO, t, Che Gazette of 3ndia Ti. 5931 No. 5931 EXTRAORDINARY 3—3u-uug (i) PART II—section 3.—Sub.section (i) PUBLISHED BY AUTHORITY 9, 2013/30mqu•1 18, 1935 NEW DELI", MONDAY, DECEMBER 9, 2013/AGRA11AYANA 18, 1935 Wi 1i4iQIQ 9 2013 . (f*netJ1. yfaC1)y) 2013 (2013 14) 29 gg, 1. (1) QiT afrFb (frßR"J. gfaâq go 2013 2 2. 3. (11) (q) (u) "31tÄf2ptH" (Ftt1Rv1, gd qnĚâq) 2013 (2013 14) Ota" Ofa vfiifa ftvefib" fÄâq (1) •IfÄfä stfäfavt 2CÆ a-he 01. (2) •q—tÄuq (1) faf& S 155 GV2013 THE OF INDIA : EXTRAORDINARY IPART II—SFC. fäg q e fäg (1) 250 fäg Hfafavl yfâl{fä (i) Gigi uT fin ; ; Gi) orgi @ (u) faiy (q) aqfékf fira -\$1 (iii) fhf) rigi a. f\$fä Ov) fäfui-f (2) (3) (4) (5) uRT *fifä (1) (1) fÄfäfifre 3F1fäu:, -ufä wufk:r arm" q;« fag fiFuT I (6) RrQi1Ud Yfaf21fäa fäg f'afÄQi a-late', aF:u fäft4tf fÄuhbT (Qi) foué arq aqâf2d äfil@i : fib e a-FTV g. Glei fa-e;â 3F:u ug fib @ a-rfÄQiré'1 9 : 13 13 (ii) 14 (1) (2) 17 1946 (1946 20) 2 16 iB fug — 17 16 12. ui-u 13. •ft : 19 (q) (g) ufäâa, iä ;flfä fed em den e. qfüu g; fäkT fGIQ afrdrfäd fäg 31fdföu-q fäg, fh1 Fl) a-IfÄQi 3ßfä 11—SEC. 3(ij1 (q) THE GAZETTE OF INDIA : EXTRAORDINARY MINISTRY OF WOMEN AND CHILD DEVELOPMENT NOTIFICATION New Delhi, the 9th December, 2013 G.S.R. exercise of the powers conferred by section 29 Of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 Of 20 13), the Centrat Government hereby makes the following rutes, namely Shori title and commencement, — (I) These rules may be called the Sexual Harassment Of Women at Workplace (Prevention, prohibition and Redressal) Rules. 2013. (2) They shall come into force on the date Of their publication in the Official Gazette, Definitions. —In these rules, unless the context othenwise requires,- (a) (b) (c) (d) (e) (g) "Act" means lthe Sexual Harassment Of Women at Workplace (Prevention, prohibition and Redressal) Act, 2013 (14 of2013): "complaint" means the complaint made under Section 9; "Complaints Committee" means the Internal Committee or the Local Committee, asthe Case may be', "incident" means an incident Of sexual harassment as defined in clause (n) of section 2; "section" means a section Of the Act; "special educator" means a person trained in communication With people with special needs in way that addresses their individual differences and needs; words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act

3. Fees or allowances for Member Of Internal Committee.- (1) The Member appointed from amongst non- government organisations shall be entitled to an allowance of two hundred rupees per day for holding the proceedings of the Internal Committee and also the reimbursement of travel cost incurred in travelling by train in three tier air condition or air conditioned bus and auto rickshaw or taxi, or the actual amount spent by him on travel, whichever is less. The employer shall be responsible for the payment of allowances referred to in sub-rule Person familiar with issues relating to sexual harassment.- Person familiar With the issues relating to sexual harassment for the purpose of clause (c) of sub-section (1) of section 7 shall be a person Who has expertise on issues relating to sexual harassment and may include any of the following:- (a) social worker With at least five years' experience in the field of social work which leads to creation of societal conditions favourable towards empowerment of women and in particular in addressing workplace sexual harassment; (b) a person who is familiar with labour, service, civil or criminal law. or allowances for Chairperson and Members or Local Committee. • (1) The Chairperson of the Local Committee shall be entitled to an allowance of two hundred and fifty rupees per day for holding the proceedings of the said Committee. (2) The Members Of the Local Committee Other than the Members nominated under clauses (b) and (d) Sub-section (1) of section 7 shall be entitled to an allowance of two hundred rupees per day for holding the preceedings Of the said Committee and also the reimbursement Of travel cost incurred in travelling by train in thrc tier air condition or air conditioned bus and auto rickshaw or taxi. or the actual amount spent by him On travel, whichever is less

6. The District O meer shall be responsible for the payment Of allowances referred to in sub-rules (1) and Complaint of sexual harassment.— For the purpose of sub-section (2) Of Section 9,- (i) where the aggrieved woman is unable to make a complaint on account Of her physical complaint may be filed by — (a) her relative Or friend: or (b) her cĚmvorker; or (e) an oilieer Of the National Commission for Women State Women's Commission; or (d) any IVrS0n Who has knowledge Of the incident. with the written consent Of the aggrieved woman; the aggrieved woman is unable to make a complaint on Of her mental

incapacity. a complaint may be filed by- (a) her relative or friend; or (b) a special educator; or (c) a qualified psychiatrist or psychologist; or (d) the guardian or authority under care she is receiving treatment or care; or (e) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist, psychologist, guardian authority under whose care she is receiving treatment or care; (iii) Where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent; (iv) Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir

7. Manner or inquiry into complaint. (1) Subject to the provisions of section 11, at the time of filing the complaint, the complainant shall submit to the Complaints Committee, six copies of the complaint along with supporting documents and the names and addresses of the witnesses. (2) On receipt of the complaint, the Complaints Committee shall send one of the copies received from the aggrieved woman under sub-rule (1) to the respondent within a period of seven working days. (3) The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses. Within a period not exceeding ten working days from the date of receipt of the documents as required under sub-rule (1). (4) The Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice. (5) The Complaints Committee shall have the right to terminate the inquiry to give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Chairperson Presiding Officer, as the case may be: Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the concerned. (6) The parties shall not be allowed to bring in any legal practitioner to represent them in their appearance at any stage of the proceedings before the Complaints Committee. (7) In conducting the inquiry, a minimum of three members of the Complaints Committee including the Presiding Officer or the Chairperson, as the case may be, shall be present. (8) Other relief to complainant during pendency of inquiry.—The Complaints Committee at the written request of the aggrieved woman may recommend to the employer to— (a) restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer; (b) restrain the respondent in case of an educational institution from supervising any academic activity of the woman. (9) Where the Complaints Committee 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, to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service. THE GAZETTED INDIAN : EXTRAORDINARY [PART II—SEC. 10. Action for false or malicious complaint or false evidence.— Except in cases where service rules exist, where the Complaints Committee arrives at the 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 District Officer, as the case may be, to take action in accordance with the provisions of rule 9. Appeal.— Subject to the provisions of section 18, any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clauses (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or sub-section (2) of section 17 or non-implementation of such recommendations may prefer an appeal to the appellate authority notified under clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946)

12. Penalty for contravention of provisions of section 16.— Subject to the provisions of section 17, if any person contravenes the provisions of section 16, the employer shall recover a sum of five thousand rupees as penalty from such person

13. Manner to organise workshops, etc.— Subject to the provisions of section 19, every employer shall— (d) formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women; Carry out orientation programmes and seminars for the members of the Internal Committee; carry out employees awareness programmes and create forum for dialogues which may

involve Panchayati Raj Institutions, Gram Sabha, women's groups, mothers' committee, adolescent groups, urban toea! bodies and any Other body as may be considered necessary; conduct cgpaciLY building and skill building programmes for the Members of the Internal Committee; declare the names and contact details Of all the Members of the Internal Committee; use modules developed by the State Governments to conduct workshops and awareness programmes for sensitising the employees With theprovisions of the Act. Preparation Of annual report.- The annual report which the Complaints Committee Shall prepare under Section 21. shall have the following details:• (a) number Of complaints ofsexual harassment received in the year; (b) number or complaints disposed off during the year; (e) number if Cases pending for more lhan ninety days; (d) number Of workshops or awareness programme against sexual harassment carried out; (e) nature Of action taken by the employer or District Officer. [F. 19=5/2013-wwl Dr. SHREERANJAN. secy. Ptintedby the Manage', press, Ring Road. Mayapuri. New and published by the Controller of Publications, Delhi•1 10054.

