

# **Indraprastha Medical Corporation Limited**

(Indraprastha Apollo Hospitals, New Delhi - A Joint Sector Venture of Govt. of Delhi)

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## **Circular**

Date: 21.06.2021

Effective June 21, 2021, the Internal Complaint Committee (ICC) set up under the legislated 'Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act 2013' stands reconstituted and shall hold office upto Dec 01, 2022.

- |                          |                            |            |
|--------------------------|----------------------------|------------|
| 1. Dr Uma Ravi Shankar   | • Presiding Officer        | 9810139876 |
| 2. Ms Nayantara Roy      | • Member from NGO / Lawyer |            |
| 3. Mr Hem Chandra Gupta  | • Member Secretary         | 9958290620 |
| 4. Ms Sarla Kachru       |                            | 9958290460 |
| 5. Mr Sachin Patidar     |                            | 9999035111 |
| 6. Ms Elizabeth S Philip |                            | 9958290422 |
| 7. Dr Mohit Chowdhry     |                            | 9650256131 |
| 8. Ms Shilpee Kher       |                            |            |



**P Shivakumar**  
Managing Director

## CIRCULAR

Date :- 14-June-13

In line with the Statutory requirements under the recently enacted "Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act 2013" ("the Act") - it is recognized that sexual harassment at workplace is a violation of women's right to gender equality, & to live with dignity. It creates an insecure hostile work environment, which discourages women's participation in work, thereby adversely affecting economic empowerment.

The relevant salient features of the Act are as under:

1. It shall be the duty of the employer to ensure that no woman shall be subjected to sexual harassment at the workplace by providing a safe working environment at the workplace which shall include prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.
2. Definition of Sexual Harassment:

The Act has defined "sexual harassment" to include any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- i. Physical contact and advances;
- ii. a demand or request for sexual favours;
- iii. making sexually coloured remarks;
- iv. showing pornography; or
- v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Further the following circumstances, among other circumstances, if it occurs or is present in relation to or concerned with any act or behaviour of 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
- v. humiliating treatment likely to affect her healthy or safety.

3. Further, the term 'employee' includes regular, temporary, adhoc, daily wage employees and persons who are working on a voluntary basis i.e without remuneration. The term also includes contract workers, probationers and trainees.

The Act defines "aggrieved woman" to mean:

- 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.

4. The "workplace" has been defined as:

- 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;

## 5. Preventive Steps

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 subsection (1) of section 4 of the act;
- 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, for dealing with the complaint and conducting an inquiry;
- e) assist in securing the attendance of respondent and witnesses before the Internal Committee;
- f) make available such information to the Internal Committee, as it may require having regard to the complaint made under sub-section (1) of section 9 of the act;
- 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.

6. All Head of Departments (HODs) are advised to take notice of the above provisions for strict compliance in relation to the employees under their care.

7. The Act contemplates the constitution of an Internal Complaint Committee ("ICC"). ICC constituted for this purpose shall now comprise of the following members:-

- |       |                           |                   |
|-------|---------------------------|-------------------|
| i.    | Ms. Anjali Kapoor Bissell | Presiding Officer |
| ii.   | Ms. Raji Chandru          |                   |
| iii.  | Dr. Sumaid Kaul           |                   |
| iv.   | Ms. Gracy Philip          |                   |
| v.    | Ms. Beena Valson          |                   |
| vi.   | Ms. Dipti Verma           |                   |
| vii.  | Ms. Sarla Kachru          |                   |
| viii. | Mr. Kapil Gupta           | Member from NGO   |
| ix.   | Mr. Rohit Kapur           | Member Secretary  |

8. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the ICC 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 ICC shall render all reasonable assistance to the woman for making the complaint in writing:

Provided further that the ICC for the reasons to be recorded in writing, may 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.

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.

9. The ICC may, before initiating an inquiry 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. In case no settlement arrives, ICC shall investigate the complaints made by the aggrieved woman and shall ensure time bound Redressal of the complaints preferably within 90 days of receipt of the complaint.
11. During the pendency of an enquiry, on a written request made by the aggrieved woman, the ICC may recommend to the employer:
  - a) Transfer the aggrieved women or the respondents to any other workplace
  - b) i) Grant leave to the aggrieved women upto a period of 3 months  
ii) The leave granted to the aggrieved women as above shall be in addition to the leave she would be otherwise entitled to.
12. The ICC shall submit its enquiry report to Employer within 10 days from the date of completion of enquiry.

### 13. Penal Consequence

Where the internal committee arrives at the conclusions that the allegation against the respondent has been proved, the respondent shall be liable to the following penal actions as recommended by internal committee or otherwise:

1. Shall treat sexual harassment as a misconduct under the services rules of the company and initiate appropriate action for such misconduct.
  2. Shall deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary of the respondent such sum as it may consider appropriate to be paid to the aggrieved women or to her legal heirs. The sum payable may be determined in accordance with the provisions of section 15.
  3. Shall cause to initiate action under the Indian Penal Code or any other law for the time being in force against the respondent, if the aggrieved women so desires.
14. ICC will submit an annual report to the employer who in turn will submit to the relevant Government office / District officer.
15. In case of malicious or false complaint, the Act provides for a penalty according to the Service Rules. However, this clause has a safeguard in the form of an enquiry prior to establishing the malicious intent. Also, mere inability to prove the case will not attract penalty under this provision.
16. The Act prohibits disclosure of the identity and addresses of the aggrieved woman, respondent and witnesses. However, information regarding the justice secured to any victim of sexual harassment under the Act without disclosing the identity can be disseminated.

This Circular Supersedes the earlier circular dated 28<sup>th</sup> Aug 2000 in this regard.

Regards,

Rohit Kapur  
GM-HR