INTERNAL COMMITTEE

The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013

Every employer of workplace where more than ten employees are employed, is required to constitute a Committee known as Internal Committee, by an order in writing, in every unit, Branch, Division of the workplace, in accordance with the provisions of this Act and the Rules made thereunder and such Internal Committee shall submit the Annual Report every year is manner as may be prescribed under this Act and the Rules made thereunder. The details of formation of Internal Committee and the Annual Report is as under

CONSTITUTION OF INTERNAL COMMITTEE

1. **MEMBERS**
   According to Section 4 of the Act, the Internal Committee shall consist of following members to be nominated by the employers:

   (a) **Presiding Officer**: a Presiding Officer shall be a woman employed at a senior level at workplace from amongst the employees

   If the senior level women employee is not available in that workplace, the Presiding Officer can be nominated from any other offices, unit, Branch, Division of that establishment. Further if the senior level women employee is not available in such other Offices, Units, Branch or Division the Presiding Officer can be nominated from any other Department or Organisation

   (b) **Members having experience of Social Work and Legal Knowledge:** At least two members from amongst the employees (preferably committed to the cause of women) shall have experience in Social Work or have Legal Knowledge

   (c) **Member from Non-Governmental Organization or Association:** The Internal Committee must also consist of one member who is from amongst the Non-Governmental Organization or Association who is committed to the cause of women or familiar with the issue of Sexual Harassment for example: Social Workers, Lawyer dealing in Labour Law, Civil Law or Criminal Law or any person working for upliftment of women's rights

   (d) At least one-half of the total Members so Nominated shall be women

2. **TENURE:** The Presiding Officer and the Members of the Internal Complaint Committee shall hold office for the period not exceeding three years from the date of the Nomination

3. **FEES:** According to Section 4(4) read with Rule the employer shall pay to Members appointed from amongst the Non-Governmental Organization or Association, allowance of two hundred per day for holding the proceedings of the Internal Complaint Committee and also the reimbursement of the travel cost incurred in travelling

4. **REMOVAL OR DISMISSAL OF THE PRESIDING OFFICER OR MEMBER:** If the Presiding Officer or any Member of the Internal Complaint Committee:
   (a) Contravenes the provisions of Section 16; or
   (b) Has been convicted for any offence or an inquiry into offence under any law for the time being in force is pending against such person
   (c) Has been found guilty in any disciplinary proceeding or a disciplinary proceeding is pending against him; or
   (d) Has so abused his position as to render his continuance in Office, prejudicial to public interest

   then, Such, Presiding Officer or the Member shall be removed from the Committee and the vacancy shall be filled with the fresh nomination

ANNUAL REPORT

1. According to Section 21 read with Rule 14, the Internal Complaint Committee shall prepare a report called 'Annual Report' in every calendar year, and shall submit the same to the Employer and the District Officer
2. The District Officer shall forward the brief report of the Annual Report, to the State Government
3. The Annual Report shall consist of following details:
   (a) Number of complaints of Sexual Harassment received in the year;
   (b) Number of complaints Disposed off during the year;
   (c) Number of cases pending for more than ninety days;
   (d) Number of workshops or awareness programme against sexual harassment carried out;
   (e) Nature of actions taken by the employer or the District Officer

OFFENCES/CONTRAVENTION OF PROVISIONS OF THIS ACT

1. If any employer
   (a) Fails to constitute Internal Complaint Committee;
   (b) Fails to take action under Section 13, 14 and 22 of the Act; and
   (c) Contravenes or attempts to contravene or abets contravention of the other provision of this Act or Rules made there under,

   Shall be punishable with fine which may extend to fifty thousand rupees Fifty Thousand

2. If any employer commits the same offence for which he has been previously convicted, then he shall be liable to:
   (a) Twice punishment, which might be imposed on the first conviction
   (b) Cancellation of his Licence or withdrawal, or non-renewal, or approval or cancellation of Registration required for carrying on his business, by the Government or the Local Authority

EXCERPT OF THE ACT

SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 – SECTION 4:

(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 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.

SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 – SECTION 21: *(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.

SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) RULES, 2013 – RULE 14: *The annual report which the Complaints Committee shall prepare under Section 21, shall have the following details:-*

(a) Number of complaints of Sexual Harassment received in the year;

(b) Number of complaints Disposed off during the year;

(c) Number of cases pending for more than ninety days;

(d) Number of workshops or awareness programme against sexual harassment carried out;

(e) Nature of action taken by the employer or the District Officer

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