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GOVT. OF NCT OF DELHI
SERVICES DEPARTMENT: COORDINATION BRANCH
DELHI SECRETARIAT, 5TH LEVEL, 'A' WING
I.P. ESTATE, NEW DELHI-110002

F.10(540)/Coord./ICC/2023/081751914/ 694-700

Date:- 28-03-24

To

All the ACS/Principal Secretaries/ Secretaries/HODs/
Head of all Departments/Autonomous Bodies
Govt. of NCT of Delhi.

Sub:-Regarding Prevention of Sexual Harassment of Women at Workplace.

Madam/Sir,

With reference to the subject cited above, I am directed to inform you that this Department vide order dated 04.10.2023 had constituted a Committee to examine the functioning of all the 'Internal Complaint Committee (ICCs)' set up under "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" in respect of all the Departments/Organizations under Govt. of NCT of Delhi with the approval of Chief Secretary, Delhi.

The Committee in its Report dated 14.12.2023 has revealed some gaps in Implementation of POSH Act, 2013. The details of the gaps in which departments are required to take administrative action for implementation of the Act are as under:-

Sl. No.	Gaps observed by the Committee	Action to be taken
01.	Lack of sensitivity to the issue of sexual harassment at work place as despite prior intimations through e-mails to 235 Departments, the filled up questionnaire was received only from 124 Departments and remaining 111 Departments were failed to fill the Questionnaire despite reminders.	The Committee has observed that 111 Departments have failed to fill up and submit the <u>Questionnaire devised by the Committee</u> (Copy enclosed). Therefore, the Departments who have not submitted the reply to the questionnaires are requested to submit the same to Department of Women and Child Development, Govt. of NCT of Delhi latest by 05.04.2024 under intimation to this Department.
2.	<u>Improper constitution of ICCs as in most organizations, the composition of ICCs is not strictly in consonance with the provisions of the Act.</u>	All HODs are requested to ensure that the composition of ICCs of their Departments is as per POSH Act, 2013 <u>consisting of one representation from External Member.</u> Therefore, all HODs may furnish a certificate to this effect to Department of Women and Child Development, Govt. of NCT of Delhi alongwith copy of order of appointment of Internal Complaint Committee (ICCs) in respect of their Department under intimation to Services Department, latest by 15.04.2024.

3.	Lack of dissemination of information regarding ICCs	All the departments shall furnish a certificate to the effect that the <u>details of composition of ICCs has been displayed at prominent places in their offices and furnish the same to the Department of Women and Child Development, Govt. of NCT of Delhi under intimation to Services Department latest by 15.04.2024. The department will also upload photographs of the places alongwith the orders regarding composition ICCs on their websites.</u>
4.	Improper understanding of the statutory role of the ICCs as the member of the ICCs are not aware ICCs has the same power as are vested in a Civil Court under the code of Civil Procedure, 1908 also the timeline specified under the POST Act and rules are not being followed.	In respect of observations of the Committee as detailed under Sl.Nos. 4,5 and 6, all HODs are requested :- (i) To direct the concerned Officers of their respective departments to hold familiarization session with the Members of their respective ICCs while providing copies of POSH Act, 2013, relevant CCS (Conduct) Rules and CCS (CCA) Rules as applicable in the matter and other extent guidelines on the subject matter followed by discussion thereon for guidance and clarity of doubts, if any.
5.	Challenges in inquiry procedure as the Committee noted that at times inquiry into the complaint of sexual harassment at the workplace is not in accordance with the relevant rules and in line with the principles of nature justice.	(ii) Also at the time of <u>marking complaints/ enquiry to the Committee</u> , the aforesaid relevant <u>documents</u> be provided with the complaint / <u>enquiry</u> to the Members of the Committee for their guidance.
6.	Insufficient knowledge of the recording the recommendation.	Further, Department of Women and Child Development, Govt. of NCT of Delhi shall develop a common check list as per DoPT's guidelines & CCS (CCA) Rules, 1965 and relevant provisions POSH Act for the purpose of conducting of the inquiry by the ICCs and circulate the same to all HODs for further servicing of the same to the Members of the ICCs by the Departments concerned with the directions that every enquiry report to be submitted alongwith the check list. All HODs shall complete this exercise latest by 30.04.2024 and furnish a compliance report to this effect to WCD Department under intimation to this Department. <u>Department of Women and Child Development, Govt. of NCT of Delhi will draft and circulate the check list by 15.4.2024.</u> It will examine and incorporate suggestions (if made) that are be relevant and appropriate.

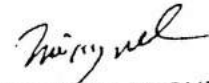
Contd.

Here, it is pertinent to mention that the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013, is a pioneering legislation with a horizontal mechanism and rights framework for the prevention, punishment, and redressal of Sexual harassment complaints. It will never succeed in providing the dignity and respect that women deserve at the workplace unless and until there is strict adherence to the enforcement regime and a proactive approach by the stakeholders. As a result, each employer is legally mandated to constitute the ICCs and carry out all other duties vested in the employer as per section 19 of the said Act.

In view of the above, all the Head of Departments are requested to issue immediate necessary directions to all concerned to take action in the matter in a time bound manner. This may please be accorded **TOP PRIORITY.**

This issues with the prior approval of the Chief Secretary, Delhi.

Yours faithfully,



(AMITABH JOSHI)

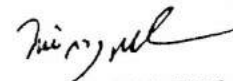
DY. SECRETARY (SERVICES)

Encl: As above

F.10(540)/Coord./ICC/2023/081751914/694-700 Date: 28-03-24

Copy for information and necessary action to the followings:-

1. The Staff Officer to the Chief Secretary, GNCTD.
2. The Secretary, Women & Child Development Department, Govt. of NCT of Delhi, 2nd Floor, ISBT, Kashmere Gate, Delhi-110006.
3. PS to the Pr. Secretary (Services), Services Department, GNCTD
4. PA to Special Secretary (Services), Services Department, GNCTD
5. PA to Dy. Secretaries (Services), Services Department, GNCTD
6. The Section Officer(CDN), Services Department, GNCTD with the request to upload this order on the website of Services Department.



(AMITABH JOSHI)

DY. SECRETARY(SERVICES)



Chief Electoral Officer, Delhi

Old St. Stephen's College Building, Kashmere Gate, Delhi-110006

Details of e-mail IDs and contact number of Internal Complaints Committee

In pursuance of Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), the Internal Complaints Committee on Sexual Harassment at Workplace has been reconstituted vide order dated 19.06.2024. Their details is as under :-

S.No.	Name & Designation	Address	Phone No.	e-mail
1.	Dr. Kinny Singh, District Election Officer, District West/ Presiding Officer	Office of the District Election Officer (West), Plot No.3 Shivaji Place, Near West Gate Mall, Raja Garden New Delhi-110027	011-25107118 011-25107118 (fax)	dcwest[at]nic[dot]in
2.	Ms. Vijay Shree Gulati, Asst. Director (Planning)/ Member ICC	Office of the Chief Electoral Officer, Kashmere Gate, Delhi.	011-21320065 7011168045	adpigeo.delhi@delhi.gov.in
3.	Shri Tapan Kumar Jha, SDM (Election)/ Member ICC	Office of the District Magistrate (North) Near Shardhanand College, G.T Karnal Road, Allpur, Delhi	011-27202573 011-27202573 (fax) 9560026886	sdm-enorth[at]delhi[dot]gov[dot]in
4.	Ms. Vandana Sharma, President/ Member ICC	Nari Raksha Samiti, 2, Raj Niwas Marg, Civil Lines, Delhi.	9899115463 011-23945372 011-23973949	

A complaint of Sexual harassment addressed to Presiding Officer, Internal Complaints Committee, District Election Office (West), Plot No.3 Shivaji Place, Near West Gate Mall, Raja Garden New Delhi-110027, can be filed on any working day between 10:00 AM to 5:00 PM or through She-Box portal provided at website of Ministry of Women and Child Development.

CONFERENCE HALL



Chief Electoral Officer, Delhi

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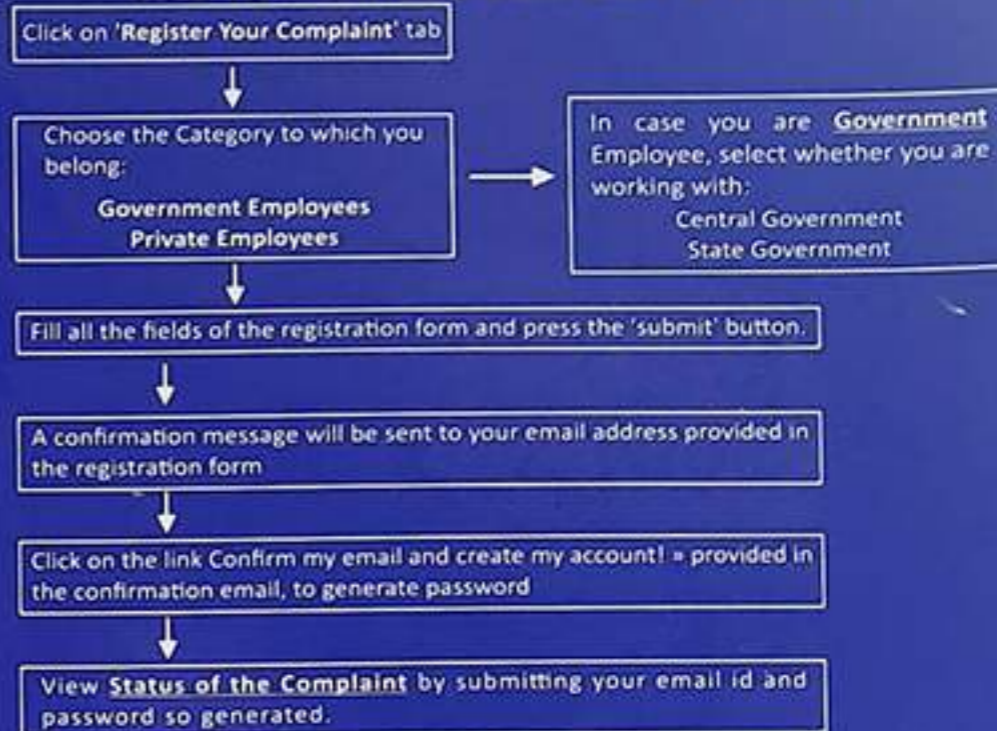
Chief Electoral Officer, Delhi

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PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE Complaint procedure:

Complaint regarding Sexual Harassment against women can be made either in paper form or by sending e-mail to the Presiding Officer, Internal Complaints Committee at her e-mail or office address given. The Act stipulates that aggrieved woman can make written complaint of sexual harassment of workplace to the ICC or to the LCC (in case a complaint is against the employer), 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. As per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, in case the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed inter alia by her relative or friend or her co-worker or an officer of the National Commission for Women or State Women's Commission or any person who has knowledge of the incident, with the written consent of the aggrieved woman.

HOW TO REGISTER A COMPLAINT IN SHE-Box



PENAL CONSEQUENCES OF SEXUAL HARASSMENTS

Following kind of punishment could be awarded under the Act:-

1. As prescribed under the Service Rules

2. In case service rules do not exist :-

- a. Disciplinary action including written apology, reprimand, warning, censure, withholding of promotion/ pay raise/ increment
- b. Termination of employment, c. Undergo counselling, d. Community service

3. Deduction from salary for:

- a. Mental Trauma, pain, suffering and emotional distress caused;
- b. Medical expenses incurred by the victim for physical or psychiatric treatment;
- c. The loss of career opportunity due to the incident of sexual harassment;
- d. The income and financial status of respondent has to be kept in mind;
- e. Feasibility of such payment in lump sum or in instalments.

4. If the amount is not paid it can be recovered as arrear of land revenue

MAIN ENTRANCE OF OFFICE

FIRE EXIT





Chief Electoral Officer, Delhi

Old St. Stephen's College Building, Kashmere Gate, Delhi-110006

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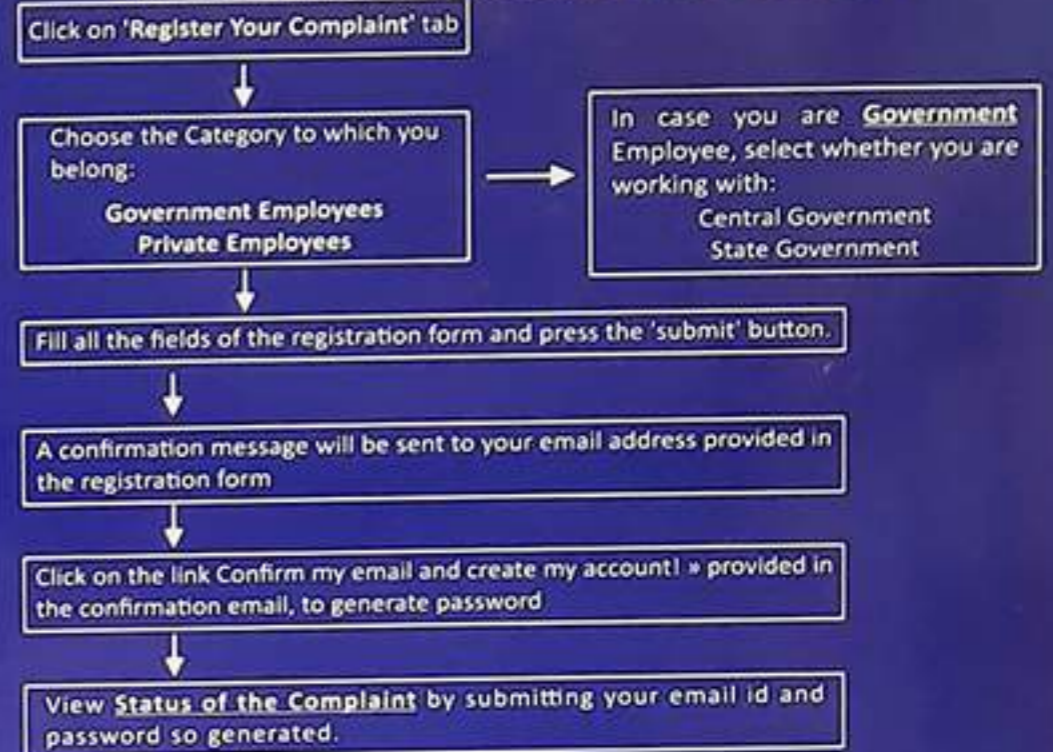
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GR. FLOOR

ADMIN BRANCH

OFFICE OF THE CHIEF ELECTORAL OFFICER, KASHMERE GATE, DELHI

मुख्य निर्वाचन अधिकारी कार्यालय, कश्मीरी गेट, दिल्ली

GR. FLOOR

भूतल

DEPARTMENT OF POLITICAL AND PUBLIC AFFAIRS, GOVERNMENT OF DELHI

वरीष्ठ लेखा अधिकारी

SR. ACCOUNTS OFFICER

11000060000000000000

लेखा शाखा

ACCOUNTS BRANCH

व्यवस्थापक शाखा

ADMIN BRANCH

11000060000000000000

दिव्यांगजन शौचालय

ACCESSIBLE TOILET

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सुगम्य भारत अभियान



Chief Electoral Officer, Delhi
Off. of Registrar, College Building, Kirti Khera, Delhi-110002

Details of e-mail IDs and contact number of Internal Complaints Committee

S. No.	Name	Address	Phone No.	E-mail
1	Ms. Anjali	...	...	...
2	Ms. Anjali	...	...	...
3	Ms. Anjali	...	...	...
4	Ms. Anjali	...	...	...
5	Ms. Anjali	...	...	...
6	Ms. Anjali	...	...	...
7	Ms. Anjali	...	...	...
8	Ms. Anjali	...	...	...
9	Ms. Anjali	...	...	...
10	Ms. Anjali	...	...	...

Chief Electoral Officer, Delhi
Off. of Registrar, College Building, Kirti Khera, Delhi-110002

PROCEDURE OF ADOPTING MANAGEMENT OF SERVICE OF THE EMPLOYEES

HOW TO REGISTER A COMPLAINT in Hindi

1. The employee should file a complaint in Hindi to the Internal Complaints Committee (ICC) within 90 days of the date of the incident.

2. The complaint should be filed in the form provided by the ICC.

3. The complaint should be filed in the office of the Registrar, College Building, Kirti Khera, Delhi-110002.

4. The complaint should be filed in the presence of the Registrar.

5. The complaint should be filed in the presence of the Registrar and the employee.

6. The complaint should be filed in the presence of the Registrar and the employee and the ICC.

7. The complaint should be filed in the presence of the Registrar and the employee and the ICC and the Management.

8. The complaint should be filed in the presence of the Registrar and the employee and the ICC and the Management and the Government.

9. The complaint should be filed in the presence of the Registrar and the employee and the ICC and the Management and the Government and the Public.

10. The complaint should be filed in the presence of the Registrar and the employee and the ICC and the Management and the Government and the Public and the Court.

MULTI PURPOSE HALL

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