

GOVERNMENT OF INDIA
OFFICE OF THE DEVELOPMENT COMMISSIONER
SEEPZ SPECIAL ECONOMIC ZONE
MINISTRY OF COMMERCE & INDUSTRY
ANDHERI (EAST)
MUMBAI - 400 096.

No. SEEPZ-SEZ/LAB/500/15-16 / 11814

31st July, 2015

CIRCULAR NO. 65 /2015-16

As per Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal), Act, 2013, "every Employer has been made obligatory to constitute, Internal Complaint Committee by an order in writing for receiving complaints of Sexual Harassment".

The Internal Complaint Committee shall consist of the following members to be nominated by the employer namely :-


- 1) a) A presiding officer who shall be a women employed at a senior level at workplace from amongst the employees. Provided that in case a senior level women 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 office or administrative units of the workplace, do not have a senior level women employee, the presiding officer shall be nominated from any other workplace of the same employer or other department or organization.

- 2) 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 organizations 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 nominations as may be specified by the employer.

As per the above provisions, all Units under the jurisdiction of Development Commissioner, SEEPZ-SEZ, are hereby directed to constitute Internal Complaint Committee, at their work place under the Chairmanship of working women at senior level. The details of members of Committee should be submitted to Mrs. M. J. Kulkarni, Chairperson, Internal Complaint Committee in the office of the Development Commissioner, SEEPZ-SEZ within 30 days of receipt of the circular.


(N. P. S. Monga) .
Development Commissioner
SEEPZ-SEZ

Copy to. :-

- (1) All the SEZ units under the jurisdiction of SEEPZ-SEZ.
- (2) The president, SEEPZ Gems & Jewellery Manufacturers Association, BFC Bldg.
- (3) Chairman, SEEMA, SEEPZ-SEZ, Mumbai.
- (4) The Regional Director, EPCES for 100% EOU & SEZ,
- (5) IT - Section - for uploading on website.

(v) a dwelling place or a house;

(p) "unorganised sector" in relation to a workplace means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten.

Prevention of
sexual
harassment

3. (1) No woman shall be subjected to sexual harassment at any workplace.

(2) The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment: -

- (i) implied or explicit promise of preferential treatment in her employment; or
- (ii) implied or explicit threat of detrimental treatment in her employment; or
- (iii) implied or explicit threat about her present or future employment status; or
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) humiliating treatment likely to affect her health or safety.

CHAPTER II

CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

Constitution
of Internal
Complaints
Committee

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.

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- (घ) त्रैमासिक उत्पीड़न के विरुद्ध क्रियाविधित कार्यशालाओं या जलसम्पन्न कार्यक्रमों की संख्या;
- (ङ) नियोजन या जिला अधिकारी द्वारा की गई कार्रवाई का स्थल।

[क्र. सं. 19-5/2013-डब्ल्यूडब्ल्यू]
श्री. श्रीरंजन, संयुक्त सचिव

MINISTRY OF WOMEN AND CHILD DEVELOPMENT
NOTIFICATION

New Delhi, the 9th December, 2013

G.S.R. 769(E).—In exercise of the powers conferred by section 29 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement. — (1) 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.
2. Definitions. — In these rules, unless the context otherwise requires,—
 - (a) "Act" means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013);
 - (b) "complaint" means the complaint made under section 9;
 - (c) "Complaints Committee" means the Internal Committee or the Local Committee, as the case may be;
 - (d) "incident" means an incident of sexual harassment as defined in clause (h) of section 2;
 - (e) "section" means a section of the Act;
 - (f) "special educator" means a person trained in communication with people with special needs in a way that addresses their individual differences and needs;
 - (g) 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 (1).

4. Person familiar with issues relating to sexual harassment.— Person familiar with the issues relating to sexual harassment for the purpose of clause (e) 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) 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.

1. Fees or allowances for Chairperson and Members of 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) of sub-section (1) of section 7 shall be entitled to an allowance of two hundred rupees per day for holding the proceedings of the said 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 District Officer shall be responsible for the payment of allowances referred to in sub-rules (1) and (2).

6. 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 incapacity, a complaint may be filed by —