

भारत सरकार
विकास आयुक्त का कार्यालय
सीपज़- विशेष आर्थिक क्षेत्र,
वाणिज्य और उद्योग मंत्रालय,
अंधेरी (पूर्व), मुंबई- 400096

सं.सीपज़-सेज़/एलएबी/500/15-16/11814

31 जुलाई, 2015

परिपत्र संख्या. 65 /2015-16

कार्यस्थल पर महिलाओं के यौन के उत्पीड़न (रोकथाम, निषेध, तथा निवारण) अधिनियम, 2013 की धारा 4 के अनुसार "प्रत्येक नियोक्ता के लिए यौन उत्पीड़न संबंधी शिकायतें प्राप्त करने के संबंध में लिखित आदेश द्वारा आंतरिक शिकायत समिति का गठन करना अनिवार्य किया गया है।

आंतरिक शिकायत समिति में नियोक्त द्वारा नामित किए जाने वाले सदस्य निम्नानुसार होंगे:-

1) क) कार्यस्थल पर नियोजित कर्मचारियों में से वरिष्ठ स्तर पर कार्यरत महिला पीठासीन अधिकारी होगी। यदि कोई वरिष्ठ स्तर की महिला कर्मचारी उपलब्ध न हो तो उपधारा (1) में उल्लिखित अन्य कार्यालयों अथवा प्रशासनिक यूनिटों के कार्यस्थलों से पीठासीन अधिकारी नामित किया जाएगा ।

आगे यह भी उपबंधित है कि यदि अन्य कार्यालय अथवा प्रशासनिक यूनिटों के कार्यस्थल पर भी वरिष्ठ स्तर की कोई महिला कर्मचारी न हो, तो उसी नियोक्ता अथवा अन्य किसी विभाग अथवा संगठन के कार्यस्थल से पीठासीन अधिकारी नामित किया जाएगा ।

2) ख) कर्मचारियों में से कम से कम दो सदस्य ऐसे होंगे जो महिलाओं के हित के प्रति प्रतिबद्ध हों अथवा जिन्हें सामाजिक कार्य का अनुभव हो अथवा जिन्हें कानून की जानकारी हो।

ग) गैर सरकारी संगठनों अथवा संघों से एक सदस्य ऐसा होगा जो महिलाओं के हितों के प्रति प्रतिबद्ध हो अथवा जो यौन उत्पीड़न से संबंधित समस्याओं से परिचित हो। किंतु शर्त यह है कि इस प्रकार नामित किए जाने वाले कुल सदस्यों में से कम से कम आधे सदस्य महिलाए होंगी।

3) आंतरिक समिति के पीठासीन अधिकारी तथा प्रत्येक सदस्य के पद का कार्यकाल उनके नामांकन की तारीख से ऐसी अवधि के लिए होगी जो उनके नियोक्ता द्वारा विनिर्दिष्ट किया जाए, किंतु यह अवधि तीन वर्षों से अधिक की नहीं होगी।

उपर्युक्त उपबंधों के अनुसार विकास आयुक्त, सीपज़ सेज़ के अधिकार क्षेत्र के अधीन आने वाले सभी यूनिटों को इसके द्वारा निदेश दिया जाता है कि वे अपने कार्यस्थल पर वरिष्ठ स्तर पर कार्यरत महिला की अध्यक्षता में आंतरिक शिकायत समिति का गठन करें। समिति के सदस्यों का विवरण विकास आयुक्त, सीपज़ सेज़ के कार्यालय में गठित आंतरिक शिकायत समिति की अध्यक्ष श्रीमती. एम.जे.कुलकर्णी को इस परिपत्र की प्राप्ति के पंद्रह दिनों के अंदर भिजवाई जाए।

एन पी एस मोंगा

(श्री.एन.पी.एस.मोंगा)

विकास आयुक्त

सीपज़ सेज़

प्रतिलिपि:-

- 1) सीपज़ सेज़ के अधिकार क्षेत्र के अधीन आने वाले सभी सेज़ यूनिट
- 2) प्रेसिडेंट , सीपज़ जेम्स तथा ज्वैलरी मैनुफैक्चरर्स एसोसिएशन , बीएफसी बिल्डिंग
- 3) चेयरमैन , सीमा, सीपज़ - सेज़, मुंबई
- 4) क्षेत्रीय निदेशक 100% ईओयू तथा सेज़ के ईपीसीईएस
- 5) आईटी अनुभाग - वेबसाइट पर अपलोड करने के लिए

(vi) 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.

24

- (घ) लैंगिक उत्पीड़न के विरुद्ध क्रियाविध कार्यशालाओं या जागरूकता कार्यक्रमों की संख्या,
- (ङ) नियोजित या जिला अधिकारी द्वारा की गई कार्रवाई का स्वरूप।

(क्र. सं. 19-5/2013-डब्ल्यूडब्ल्यू)
 डॉ. श्रीरंजन, संयुक्त सचिव

MINISTRY OF WOMEN AND CHILD DEVELOPMENT
 NOTIFICATION

New Delhi, the 9th December, 2013

C.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 (n) 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,—
 - (1) where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by—