

केन्द्रीय प्रौद्योगिकी संस्थान कोकराझार  
CENTRAL INSTITUTE OF TECHNOLOGY KOKRAJHAR

Deemed to be University, MoE, Govt. of India

Kokrajhar-783370, Assam www.cit.ac.in

Annexure - I

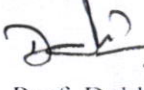
No.CITK/ICC/735/2021/1848

Date: 25/3/2021

**ORDER**

An Internal Complaint Committee (ICC) have been constituted with the following members for "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Recreation) Act, 2013 ("Act") " in CIT Kokrajhar.

1. Ms. Chaitali Brahma, Registrar, CIT Kokrajhar - Presiding Officer
2. Dr. Tanushree Nayak, Asstt. Prof., Dept. of HSS, CIT Kokrajhar - Convener
3. Dr. Madhumita Kothari, Advocate, Supreme Court - New Delhi - External Member
4. Dr. Pranay Kr. Aditya, Asstt. Prof., Kokrajhar Law College - External Member

  
25.3.2021  
Prof. Debkumar Chakrabarti  
Director, CIT Kokrajhar

Copy for information to:

1. Ms. Chaitali Brahma, Registrar, CIT Kokrajhar
2. Dr. Tanushree Nayak, Asstt. Prof., Dept. of HSS, CIT Kokrajhar
3. Dr. Madhumita Kothari, Advocate, Supreme Court - New Delhi
4. Dr. Pranay Kr. Aditya, Asstt. Prof., Kokrajhar Law College

## PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

Central Institute of Technology, Kokrajhar, Assam

### Standard Operating Procedure

#### BACKGROUND:

1. The Central Institute of Technology, Kokrajhar ("CIT") is a public Deemed University established in 2006 and maintained by the Government of India. It is situated in the north-eastern State of Assam. CIT aims to provide an environment free of any kind of mental or physical harassment based on caste, creed, colour, sex, religion, or sexual orientation. Sexual harassment at workplace or any other place visited by employees in the course of work is a serious offence and will be dealt with appropriate action and procedure followed by CIT.

#### **Standard Operating Procedure ("SOP"):**

2. This SOP for prevention of sexual harassment at workplace shall form an integral part of CIT's Code of Conduct.
3. This SOP has been framed in consonance with the guidelines laid by the Hon'ble Supreme Court of India in *Vishaka and others v. State of Rajasthan and others* (AIR 1997 SC 3011) in the year 1997 as well as in accordance with The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Act") and Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 ("Rules")

#### OBJECTIVE:

4. CIT is a prestigious organization that has always maintained a fair and sustainable professional working environment.
5. The objective of the SOP is to promote a healthy working environment for all female employees of CIT. CIT endeavours to inculcate in its workspace an environment that is safe, professional and which accommodates employees and individuals of every race, caste, gender, region, religion, and sexual orientation.

#### SCOPE AND APPLICABILITY:

6. This SOP shall be applicable to any allegation of sexual harassment at CIT's premises arising out of or during the course of employment and/ or transportation provided by CIT. This SOP extends to all employees including individuals coming to CIT for employment or for any other purpose and is not limited to visitors, vendors, contractual resources and secondees. Where sexual harassment occurs to any employee of CIT as a result of an act by a third party or outsider while on official duty, CIT will take all necessary and reasonable steps as per this SOP and applicable rules and regulations.
7. 'Sexual Harassment' may be one or a series of incidents involving unsolicited and unwelcome acts or behaviour, sexual advances, requests for sexual favours, or any other verbal or physical conduct of a sexual nature. Sexual harassment at the workplace shall include any unwelcome sexually-focused behaviour (whether directly or by implication).



8. This SOP will be applicable in the event of the following acts that can be categorised as Sexual Harassment:
  - i. physical contact and advances; or
  - ii. a demand or request for sexual favours; or
  - iii. making sexually coloured remarks; or
  - iv. showing pornography; or
  - v. any other unwelcome physical, verbal, or non-verbal conduct of sexual nature; or
  - vi. any inappropriate or suggestive communication (including electronic messages, emails, phone calls, SMS, and the like); or
  - vii. any physical or verbal conduct that may be implied to be of a sexual nature; or
  - viii. any sexually toned behaviour that may create a submissive, intimidating and a hostile working environment for a woman at CIT.
9. 'Complainant' or 'aggrieved woman' is any woman who files a Complaint of Sexual Harassment at CIT workspace.
10. 'Complaint' is any complaint of Sexual Harassment at CIT workspace made to the Committee.
11. 'Employer' is any representative of CIT that acts as the principal employer responsible to the CIT employees.
12. 'Respondent' is a person against whom a Complaint of Sexual Harassment is made to the Committee.
13. 'Workplace' includes any department, organization, undertaking, establishment, enterprise institution, office or branch unit, 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.

#### **INTERNAL COMPLAINTS COMMITTEE**

14. Under Chapter II of the Act, CIT is to constitute a committee which would be responsible for preventing and prohibiting inappropriate, intimidating, or otherwise offensive sexually related conduct known as the Internal Complaints Committee ("**Committee**").
15. Formation of the Committee

The Committee comprises of the following members-

- a. a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees (where a senior level woman officer is not available in a particular administrative unit or office, then a senior level woman officer from another office or administrative unit of CIT. If further not available, then any other a senior level woman officer from another department or organisation under CIT);
- 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 a 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 are women.

16. Functions and Powers of the Committee

Functions:

- a. The Committee is responsible to receive any Complaint of Sexual Harassment by any Complainant in writing and facilitate the making of such Complaint in case an aggrieved woman is unable to make the Complaint in writing.
- b. The Committee may take steps to settle the matter through Conciliation between the Complainant and the Respondent at the Complainant's request before initiating inquiry into the Complaint.
- c. If the matter is settled between the Complainant and the Respondent, the Committee is responsible to record such settlement and forward the same to the Employer.
- d. In a case where the Complainant has not opted for settlement or when the Respondent has not complied with any of the settlement terms, the Committee should take steps to initiate inquiry into the Complaint raised by the Complainant in accordance with this SOP and **Annexure A** attached to this SOP.
- e. The Committee shall issue an inquiry report on the completion of the inquiry of the Complaint. The report shall be provided to the Employer and the concerned parties within a period of 10 days from the date of completion of the inquiry.
- f. The Committee is responsible for preparing an annual report in the manner as may be prescribed. The Committee shall submit a copy of the annual report to Employer and District Officer (as notified by the Central Government). Such annual report shall contain the following information:
  - number of Complaints of Sexual Harassment received in the year;
  - number of Complaints disposed off during the year;
  - number of cases pending for more than ninety days;
  - number of workshops or awareness programme against Sexual Harassment carried out;
  - nature of action taken by the employer or District Officer.
- g. The Committee is responsible to objectively investigate any concerns that may be raised by employees and provide recommendations.
- h. The Committee shall keep complete and accurate records of the Complaints filed, its investigation, witness proceedings and evidence recorded, and the resolution thereof. All matters handled by the Committee, including the matters referred above, shall be written and well documented in the English language.

Powers:

- i. During the pendency of the inquiry the Committee has the power to recommend to the Employer-
  - i. Transfer of the Complainant or the Respondent to a different workplace; or
  - ii. Grant of leave to the Complainant up to a period of three months which shall be over and above the leave that she is entitled to under CIT's employment policy; or
- j. At the written request of the Complainant, the Committee may recommend the Employer i) to restrain the Respondent from reporting on the work performance of the aggrieved woman or writing her confidential report and assign the same task to another officer; ii) restrain the Respondent in case of an educational institution from supervising any academic activity of the Complainant.





- k. The Committee shall have the same powers as a civil court under the Code of Civil Procedure, 1908, when trying a suit with regard to the following:
  - i. summoning and enforcing the attendance of any person and examining him on oath;
  - ii. requiring the discovery and production of documents; and
  - iii. any other matter which may be prescribed
  - iv. the inquiry is to be completed within 90 days.
- l. The Committee may extend the time limit for filing the Complaint by an aggrieved woman not exceeding 3 months, if it is satisfied that the circumstances were such that it prevented the woman from filing a Complaint within the prescribed time limit.

17. Appointment and removal of the Members of the Committee:

- a. The Presiding Officer and/or a Member (as the case may be) shall be removed from the Committee, prior to completion of their term, upon occurrence of any of the following events, and the vacancy so created, or any casual vacancy shall be filled by a new nomination by the Employer in accordance with the provisions of this SOP:
  - i. if the Presiding Officer and/or Member publishes, discloses, communicates to the public, press and media in any manner, any information pertaining to (a) the identity of the Complainant employee, the Respondent, any witness, or (b) the Conciliation or inquiry proceedings, or (c) recommendation of the Committee, or (d) the action taken by Employer; or
  - ii. if the Presiding Officer and/or Member has been convicted for any offence, or an inquiry under any law is pending against the Presiding Officer and/or Member; or
  - iii. if the Presiding Officer and/or Member is found guilty in any disciplinary proceedings or any disciplinary proceeding is pending against such Presiding Officer and/or Member, as the case may be; or
  - iv. if the Presiding Officer and/or Member has abused his/her position as to render his/her continuance on the Committee as prejudicial to public interest.

**REDRESSAL PROCESS**

18. Process of Filing a Complaint:

- a. Any aggrieved woman may file a Complaint of Sexual Harassment at workplace to the Committee in writing within a period of 3 months from the date of incident or in case of a series of incidents, within 3 months of the occurrence of the last incident.
- b. In a case where a Complainant is unable to make the Complaint by herself due to physical or mental incapacity, her legal heir or such other person as prescribed under the Rules (Rule 6) may make the Complaint on her behalf.
- c. The Complainant also has the option to opt for Conciliation before commencement of inquiry into the Complaint.
- d. Upon completion of inquiry of the Complaint, the Committee will issue a report and provide the same to the Employer and the parties concerned.





## REMEDIES AND PENALTIES

19. Where upon inquiry by the Committee, it is found that the Respondent is not guilty of the allegations made against them, no action is required to be taken against the Respondent.
20. Where upon inquiry, the Respondent is found guilty of Sexual Harassment the Committee will make appropriate recommendations to the Employer as follows:
  - a. to take action against the Respondent for misconduct in the workplace in accordance with service rules or in the absence of service rules, the Committee may recommend action against the Respondent to the Employer including a written apology, warning, reprimand, or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.
  - b. to deduct such amounts from the salary or wages paid to the Respondent, as may be found to be payable to the Complainant. If such amounts are not deductible from the Respondent's pay or wages, the Employer may direct the Respondent to make such payment to the Complainant. If the Respondent fails to make such payment the Employer may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

The Employer is to act upon the recommendations of the Committee within 60 days of receipt of such recommendations.

21. The compensation payable by the Respondent to the Complainant will be determined based on the following factors:
  - a. mental, trauma, pain, suffering and emotional distress;
  - b. medical expenses;
  - c. loss in career opportunity due to the incident of Sexual Harassment;
  - d. income and financial status of the Respondent; and
  - e. feasibility of payment.
22. If the allegation made by the Complainant is found to be malicious or false or the Complainant has produced forged or misleading documents, the Employer may take action against such Complainant, in accordance with the provisions of the CIT service rules or such other recommendation of the Committee.
23. The Complainant shall have the right to file a Complaint in relation to the Sexual Harassment under the Indian Penal Code, 1860 ("IPC")<sup>1</sup> or any other law for the time being in force, as she may choose.

## APPEAL

24. Where the Complainant or the Respondent is not satisfied with the outcome of the inquiry proceedings/ recommendations made by the Committee for implementation or non-implementation of such recommendations, then as per the provisions of Section 18 of the Act, the person aggrieved may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service

<sup>1</sup> Section 354A (Sexual Harassment physical contact, advances involving unwelcome and explicit sexual overtures, or any demand or request for sexual favours or showing pornography against the will of woman or making sexually colored remarks).

rules exist then, without prejudice to the provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal to the appellate authority notified under clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).

25. The appeal shall be preferred by the person aggrieved with ninety (90) days of the recommendations of the Committee.

### **CONFIDENTIALITY**

26. It is an express provision under the Act and Rules that any and all information or data in relation to the Complaint including the (i) contents of the Complaint; (ii) the identity and address of the Aggrieved Woman; (iii) the identity and address of the Respondent and witnesses; (iv) any information relating to the conciliation and inquiry proceedings; (v) recommendations of the Committee; and (vi) the action taken by Employer under the provisions of this SOP and/or the Act, shall be kept strictly confidential at all times and shall not be published, communicated or made known to the public, press or media in any manner. All parties concerned, including the Complainant, Respondent, the Employer, Presiding Officer and Members of the Committee, witnesses, support staff, or any person who is a part of the inquiry is bound by this obligation. Provided that the information may be disseminated regarding the justice secured to any victim of Sexual harassment under this SOP and/or the Act, without disclosing the name, address, identity, or any other particulars calculated to lead to the identification of the Complainant and the witnesses.
27. Where any person entrusted with the duty to handle or deal with the Complaint, inquiry or other recommendations or actions to be taken under the provisions of this SOP and/or the Act, contravenes the provisions specified in Paragraph 26 above, he/ she shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed by the Central Government from time to time.

### **SOP REVIEW AND MODIFICATION**

28. This SOP can be amended / modified / withdrawn at any point of time without any notice, at the discretion of the CIT board of directors.





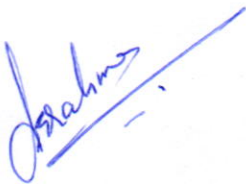
ANNEXURE A

**MANNER OF INQUIRY INTO COMPLAINT:**

- a. The Complainant shall submit to the Committee, six copies of the Complaint along with supporting documents and the names and addresses of the witnesses.
- b. On receipt of the Complaint, the Committee shall send one of the copies received from the aggrieved woman under sub-rule (1) to the respondent within a period of seven working days.
- c. The respondent shall file his reply to the Complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents specified under sub-rule (1).
- d. The Committee shall make inquiry into the Complaint in accordance with the principles of natural justice.
- e. The Committee shall have the right to terminate the inquiry proceedings or to give an *ex parte* decision on the Complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Chairperson or Presiding Officer, as the case may be:

Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.

- f. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Committee.
- g. Both parties are to be given an opportunity to be heard.
- h. In conducting the inquiry, a minimum of three Members of the Committee including the Presiding Officer or the Chairperson, as the case may be, shall be present.





## ANNEXURE B

### DUTIES OF THE EMPLOYER:

29. Every Employer shall make efforts to do the following in CIT workspace:
- a. provide a safe working environment at the workplace with 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 Committee under sub-section (1) of section 4;
  - 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 Committee in the manner as may be prescribed;
  - d. provide necessary facilities to the Committee or the Local Committee, as the case may be, for dealing with the Complaint and conducting an inquiry;
  - e. assist in securing the attendance of respondent and witnesses before the Committee or the Local Committee, as the case may be;
  - f. make available such information to the Committee or the Local Committee, as the case be, as it may require having regard to the Complaint made under sub-section (1) of section 9;
  - 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 Committee.

The Employer shall also endeavour to organise workshops etc. in CIT in the following manner:

- a. formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of Sexual Harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women;
- b. carry out orientation programmes and seminars for the Members of the Committee;
- c. carry out employee's awareness programmes and create forum for dialogues which may involve Panchayati Raj Institutions, Gram Sabha, women's groups, mothers' committee, adolescent groups, urban local bodies and any other body as may be considered necessary;
- d. conduct capacity building and skill building programmes for the Members of the Committee;
- e. declare the names and contact details of all the Members of the Committee;
- f. use modules developed by the State Governments to conduct workshops and awareness programmes for sensitising the employees with the provisions of the Act.

*Aradhna*

## ANNEXURE C

### INTERNAL COMPLAINTS COMMITTEE

Constituted under the Standard Operating Procedure on Prevention of Sexual Harassment of Women of CIT

With effect from [DATE], the Internal Complaints Committee of CIT shall stand constituted and comprise of the following members:

S. No.	Name of Member	Gender	Designation	Member Since*	Contact Information	
					Phone	Email
1	[Name]			[Date]		
2	[Name]			[Date]		
3	[Name]			[Date]		
4	[Name]			[Date]		

\*The Members of the Committee shall hold office for a period of up to 3 years

All are requested to refer to the SOP on Prevention of Sexual Harassment of Women at Workplace

*Aradhya*  
25/3/2021