

CIRCULAR NO 173 /2023

INTERNAL COMMITTEE FOR PREVENTION OF SEXUAL HARASSMENT
OF WOMEN AT WORK PLACE

1. Please refer to School Calendar for the Academic Session 2023-24.
2. The following changes have been carried out in the School Calendar: -

<u>For</u> <u>Women Cell</u>	<u>Read</u> <u>Internal Committee for POSH at</u> <u>Work Place</u>
Mrs Narinder Kaur (I/C)	Mrs Narinder Kaur (Presiding Officer)
Mrs Satinderjit Kaur (Member 1)	Mrs HK Bajwa (Standby Presiding Officer)
Mrs Bhadra Kumari (Member 2)	Mrs Satinderjit Kaur (Member 1)
	Mr Kumar Gaurav Gupta (Member 2)
	Mrs Bhadra Kumari (Member 3)
	NGO Rep

3. The Committee is to be well conversant with POSH Act 2013 and other guidelines on the matter relevant to discharge their duties appropriately. The committee should meet at least once a Quarter.
4. Rest of the duties mentioned in the School Calendar remains same. All concerned to note.

File No SSKP/470/2023
Sainik School
Kapurthala

27 Jul 2023


(Deepika Rawat)
Wg Cdr
Vice Principal
for Principal

Distribution:-

1. All concerned
2. File Copy

The Emails of Committee Members are:-

<u>Name</u>	<u>E-mail Id</u>
Mrs Narinder Kaur (Presiding officer)	simminarinder@gmail.com
Mrs Harjinder Kaur Bajwa (Standby Presiding Officer)	harjinderbajwa02@gmail.com
Mrs Satinderjit Kaur (Member 1)	satinderjitkaur612@gmail.com
Mr Kumar Gaurav Gupta (Member 2)	gmathematics21@gmail.com

Guidelines for the POSH Committee to Handle Sexual Harassment Complaints

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Step-by-Step Guide for the POSH Committee to Handle Sexual Harassment Complaints

Step 1: Jurisdiction Check-

Once an IC receives a written complaint, the first thing that it should do is to check for jurisdiction. Following points should be covered while ascertaining if the IC has the authority to deal with the complaint-

1. Check if the identity of the complainant as well as the respondent is mentioned in the complaint.
2. Check if the allegations fall within the definition of 'sexual harassment' as per the POSH Act.
3. Check if the complaint was filed within a period of 3 months from the last date of the incident. IC has the discretionary power to give a further extension of 3 months.
4. Check if the Respondent is an employee of your organization.
5. Check if the alleged incident took place at the workplace. To understand what constitutes a workplace, [click here](#).

Step 2: Introductory Call with the Complainant-

Once the IC has determined its jurisdiction, the next step is to have an introductory call with the complainant. The objective of this call is to understand the allegations better, to explain the procedure laid out under the law and the redressal options available.

Step 3: Introductory Call with the Respondent-

The next step is to have an introductory call with the respondent. The objective of this call is to apprise the respondent of the complaint, inform them about the procedure and their rights.

Step 4: Forward the complaint copy to the Respondent-

Once the IC speaks to the respondent, it should forward a copy of the complaint to them. The objective is to ensure that the IC acts in a fair and an unbiased manner and give the respondent an opportunity to present their side of the story. This has not only been mentioned in the POSH Act but has also been reiterated by the courts. Further, the IC should ensure that this is done within a period of 7 working days from the date of filing of complaint.

Once the respondent receives the complaint copy, they get a 10 working days period to file their written response.

Step 5: Follow up with the Complainant on her choice of redressal option-

The complainant has the right to either opt of conciliation or inquiry. Conciliation is a form of settlement which can be requested in writing only by the complainant and before

the inquiry has been initiated. If the complainant opts for conciliation, the same needs to be conveyed to the respondent who then gets the right to accept, deny or negotiate the conciliation terms.

Step 6: Examination of Complainant, Respondent and Witnesses-

If the complainant opts for inquiry, then the next step is to individually meet both the parties and the witnesses, if any, to have a detailed conversation regarding the complaint and ask questions which will help the IC ascertain if the allegations can be substantiated or not. Questions should be open-ended; they cannot be leading or personal in nature.

Step 7: Cross Examination-

Once individual statements of the parties are recorded, the next step is to let the parties cross-question each other. At this stage, the complainant and respondent will come face to face and ask questions, including pointed questions. Here the IC's role is to supervise the conversation and disallow any personal or derogatory questions. The parties can also cross-examine the witnesses of their choice.

In exceptional circumstances, written cross-examination can be allowed. [Click here to know more.](#)

Step 8: Calling-

This is the final and an optional stage wherein the IC can call any of the parties or witnesses if it requires any further clarification before concluding. Here, leading questions can be asked.

All the above-mentioned steps needs to completed within 90 days.

Step 9: Inquiry Report-

Now the IC needs to prepare an inquiry report with a set of recommendations if the allegations are substantiated or if it's a false or malicious complaint. The report needs to be generated and forwarded to the employer within 10 days. Once this is done, the employer gets 60 days to execute the recommendations.

These are the broad steps which the Internal Complaints Committee or the IC needs to follow while dealing with a sexual harassment complaint.