

**GOVT. OF NCT OF DELHI**  
**SERVICES DEPARTMENT: COORDINATION BRANCH**  
**DELHI SECRETARIAT, 5<sup>TH</sup> 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 Questionnaire devised by the Committee (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 <b>latest by 05.04.2024</b> under intimation to this Department.
2.	Improper constitution of ICCs as in most organizations, the composition of ICCs is not strictly in consonance with the provisions of the Act.	All HODs are requested to ensure that the composition of ICCs of their Departments is as per POSH Act, 2013 consisting of one representation from External Member. 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, <b>latest by 15.04.2024.</b>



3.	Lack of dissemination of information regarding ICCs	All the departments shall furnish a certificate to the effect that the 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 <b>latest by 15.04.2024</b> . The department will also upload photographs of the places alongwith the orders regarding composition ICCs on their websites.
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 SI.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 marking complaints/ enquiry to the Committee, the aforesaid relevant documents be provided with the complaint /enquiry 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 <b>latest by 30.04.2024</b> and furnish a compliance report to this effect to WCD Department under intimation to this Department.  Department of Women and Child Development, Govt. of NCT of Delhi will draft and circulate the check list by <b>15.4.2024</b> . It will examine and incorporate suggestions (if made) that are be relevant and appropriate.

Contd.

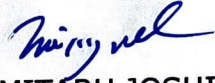
Here, it is pertinent to mention that the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013, is a pioneering legislation with a horizontal mechanism and rights framework for the prevention, punishment, and redressal of Sexual harassment complaints. It will never 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,

Encl: As above

  
(AMITABH JOSHI)  
DY. SECRETARY (SERVICES)

**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, 2<sup>nd</sup> 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)



19/11/21

## The Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act 2013

*"The meaning and content of the fundamental rights guaranteed in the constitution of India are of sufficient amplitudes to encompass all facets of gender equality..."*

*(Late Chief Justice J. S. Verma, Supreme Court of India, Vishakha vs. State of Rajasthan)*

### Check-Points

**Name & Address of the Department:** \_\_\_\_\_

**Name of the Head of the Department:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**A. Whether POSH Act is implemented? Yes/No**

**B. Whether the Department/Organisation enrolled in SHEBOX for online filing of complaint? Yes/No.**

**C. Whether the POSH Policy of the Department/Directorate of GNCTD is formulated clearly defining sexual harassment, prohibit unwelcome behaviour which provides a detailed framework for prevention and redressal process? Yes/No**

**D. Details of the Trainings conducted on POSH Act 2013**

S.No	Information	Details
1	Number of Trainings / Awareness Sessions conducted – Apr'21 onwards till date	
2	Total no of Participants	



12016

E. Is there any complaint filing mechanism established in the Deptt. for employee to report sexual harassment of women at workplace?

**Yes/No**

F. Whether the Information about IC/LC with details of Presiding Officer & other Members, relevant rules and regulations are published on Deptts website. **Yes/ No**


**Internal / Local Committee:**

- 1) Whether Internal / Local Committee is constituted under section 4 & 5 of Sexual Harassment of Women at Work Place (Prevention, prohibition and redressal) **Yes/No**
- 2) Is the Presiding Officer a women employed at senior level at workplace from amongst the employee? If not please mentioned the details. -----  
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- 3) Whether the members nominated for IC / LC are in accordance with Sub Section 2(b)&(c) of section 4 & sub section 1 (b)&(c) of section 7 (respectively) of Sexual Harassment of Women at Work Place (Prevention, prohibition and redressal) Act 2013? **Yes/No**
- 4) Whether the Non Governmental Organizations or association has been paid any fee or allowances for holding the proceedings.  
**Yes/No**
- 5) Whether the penal consequences of sexual harassment and the order constituting the Internal / Local Committee has been displayed at Prominent place at the workplace in both English and Hindi Language? **Yes/No**
- 6) Whether the deptt. regularly reviews, updates & displays the POSH policy to ensure effective implementation of the Act? **Yes/No**

## Investigation of Complaints

- 1) Whether the IC / LC received the complaints in writing within three months of the last alleged incident or any other person was designated to receive the complaints. If Yes, details thereto -----  
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- 2) Whether the IC / LC sent notice & copies of the complaint received from aggrieved women to the respondent within seven working days? **Yes/No**
- 3) Whether the IC / LC conducted the inquiry in accordance with the principle of natural justice? **Yes/No**
- 4) Whether IC / LC has awarded any interim relief to the complainant during pendency of the inquiry? If Yes, details thereto -----  
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- 5) Whether IC / LC are adhering to the time period of 10 days for the respondent to respond to the complaint in writing. **Yes/No**
- 6) Whether the complainant and the witness are informed about the hearing at last 7 days in advance. **Yes/No**
- 7) Whether IC / LC ensures that the option for conciliation is not misused by the employer or any other party by pressurising complainant. **Yes/No**
- 8) Whether IC / LC records the details & statements of reconciliation and the same is also forwarded to the employer for information & necessary compliance. **Yes/No**
- 9) Whether the IC / LC ensures that the quorum for the hearing is complete i.e., at least three members, the Presiding Officer, member





representing employees and an external member should be present for the hearing. **Yes/No**

10) Whether the IC /LC ensures that while conducting the proceedings, minutes of each meeting is recorded and duly signed by IC /LC members & copies are served to each party involved to ensure transparency. **Yes/No**

11) Whether Inquiries are conducted following laid down procedure **Yes/No**

- Receipt & Acknowledgement of the Complaint
- Examine the complainant & respondent
- Cross examination / Re-examination
- Examination & Cross-examination of witness/ material
- Inquiry Findings / Conclusion
- Preparation of Report
- Submission of Report

12) Whether the Inquiry is completing within stipulated period (90) Days. **Yes/No**

13) Whether the final report is submitted to the Employer / Distt Officer within 10 days of the completion of inquiry. **Yes/No**

14) Whether the copy of the final report of IC / LC are made available to the concerned parties i.e., the complainant & the respondent. **Yes/No**

15) Whether the recommendations of IC / LC are implemented within 60 days of the receipt of the report. **Yes/No**

16) Whether the confidentiality of the aggrieved women is maintained in compliance to section 16 read with rule 12 of the Act & Rules ? **Yes/No**

## Are Basic Guidelines for Preparation and Submission of Report followed :

1178C

Identify admitted and disputed facts	Yes/No
Assess evidence	Yes/No
Comment on any underlying factor that may have contributed to the incident	Yes/No
A description of the process followed	Yes/No
A description of the back ground information & documents that supports or refute each aspect of the complaint.	Yes/No
Analysis of the information obtained to develop reasoning.	Yes/No
Compare similarities and difference with each of the statement made by the interviewees	Yes/No
Arrival to the Findings	Yes/No
Recommendations/Conclusion	Yes/No

### Provision of Appeal:

Whether appeal is received from any person not satisfied with the recommendations or findings of IC/LC or non-implementation of the same within 90 days before appropriate Court or Tribunal. **Yes/No**

### Annual Report:

Whether the annual report is prepared and submitted. **Yes/No**

Whether following points are covered in Annual Report

No. of Complaints of Sexual Harassment received in the year	Yes/No
No. of complaint disposed off during the year	Yes/No
No. of case pending more than ninety days	Yes/No
No. of Workshops or awareness programme against sexual harassment carried out	Yes/No
Nature of action taken by employer	Yes/No



11/6/20

**Grading:**

S.No	Particulars	Excellent	Very Good	Good	Satisfactory	Poor
1	Composition of IC / LC					
2	Training and Awareness					
3	Complaint mechanism					
4	Investigation process					
5	Adherence to Time Frames					
6	Record Keeping					
7	Implementation of IC recommendations					

**Remarks:**

Signature

(Concerned / Authorised Officer)

Name & Designation