

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
D I R E C T O R A T E O F E D U C A T I O N
(ACT - I BRANCH)
OLD SECTT: DELHI-54

NO.F.DE.15/Act-I/Vishakha Guidelines/2014/ 25342-47 Dated:- 28/7/14

CIRCULAR

Sub: Constitution of Internal Complaints Committee in Private Unaided Recognized Shools of Delhi in terms of -"THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013.

As per Vishaka Guidelines against Sexual Harassment at Work place, laid down by the Hon'ble Supreme Court in Vishaka and Others Vs. State of Rajasthan and Others (JT 1997 (7) SC 384) the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time. It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women.

It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts, of sexual harassment by taking all steps required.

All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:-

- a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.
- b) The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.
- c) As regards private employees, steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.
- d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee women have reasonable grounds to believe that she is disadvantaged in connection with her employment.

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority. It should ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

In light of above guidelines Government of India recently notified an ACT - **"THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013.**

Attention of all the Managers/Head of Offices of all the recognized unaided public schools of GNCT of Delhi are hereby invited towards the notification of - "THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 ' by Govt.of India.

As per section 4 (1) of the said Act - Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the - "Internal Complaints Committee".

As per section 4 (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 organization;

(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.

With reference to definition of workplace, as per section-2 (o) "workplace" includes-

(ii) any private sector organization or a private venture, undertaking, enterprises, institution, establishment, society, trust, non-governmental organization, unit or service provider carrying on commercial, professional, vocational, **educational**, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service.

With reference to definition of employer, as per section -2 (g) (i) "employer" means - " in relation to any department, organization, undertaking, establishment, enterprises, **institution**, office, branch or unit of the appropriate government or a local authority, the head of the department, organization, undertaking establishment, enterprises, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf."

From above, it is clear that the Private Unaided Recognized Schools under Directorate of Education are covered under the ambit of said Act and It is the prime duty of every employer of a workplace shall, by an order in writing, constitute a committee to be known as the - "Internal Complaints Committee".

In r/o Private Unaided Recognized Schools – the employers means the manager/Managing Committee of the School.

Therefore, all Managers/HOS of the Private Unaided Recognized Schools are hereby directed to constitute “Internal Complaints Committee” to examine the complaints of women employee regarding sexual harassment at workplace in compliance of the provisions of “THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 and place the details of constitution of “Internal Complaints Committee” on the Notice Board of the school as well as on their schools’ website.

The Manager/HOS of all Private Unaided Recognized Schools shall submit compliance report to this effect in the office of DDEs concerned within 20 days of issue of this circular.

Non compliance of above instructions shall be viewed seriously.

This issued with the approval of the Competent Authority.

(DR. MADHU RANI TEOTIA), IAS
ADDL. DIRECTOR OF EDUCATION (ACT-I)

To

The HOS/Manager,
All Recognized Unaided Public Schools of GNCT of Delhi.

NO.F.DE.15/Act-I/Vishakha Guidelines/2014/25342-47 Dated:- 28/7/14

Copy to:-

1. P.S. to Pr. Secy. (Education), Dte. of Edu., GNCT of Delhi.
2. P.S. to Director (Education), Dte. of Edu., GNCT of Delhi.
3. All RDEs.
4. All DDEs/Eos, Dte. of Edu., GNCT of Delhi with the direction to ensure the compliance of above instructions by the private recognized un-aided schools falling under their respective jurisdictions.
- ✓ 5. O.S., I.T to upload the circular on the official website of the department.

(P. LATA TARA
ASSTT. DIRECTOR OF EDUCATION (ACT-I)