

Process of Inquiry

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While an assassination destroys the physical frame of the victim, sexual harassment damages the humanity of a woman (Anon).....



STEP-BY-STEP PROCESS OF INQUIRY UNDER SEXUAL HARASSMENT ACT

Aggrieved woman (or nominee), in writing make complaint of sexual harassment at workplace, to the following within 3 months of incident

Internal Complaints' Committee (or)

Local Committee

For valid reasons, 3 months time may be extended to another 3 months for filing the complaint by the aggrieved woman - request to be made to the following authority

Internal Complaints' Committee (or)

Local Committee

Before initiating an inquiry, at the request of the aggrieved woman take steps to settle the matter with Respondent through conciliation

But no monetary settlement shall be made

Record the settlement so arrived (copies to complainant and respondent)

- △ CONCILIATION IS A MECHANISM THROUGH WHICH THE ISSUES ARE SETTLED BETWEEN TWO PARTIES
- △ INTERNAL COMMITTEE CAN ONLY INFORM THE AGGRIEVED WOMEN ABOUT THE OPTION
- △ THE DECISION TO GO FOR CONCILIATION IS THE CHOICE OF THE AGGRIEVED WOMAN
- △ MONETARY COMPENSATION CANNOT BE THE BASIS DURING CONCILIATION
- △ SETTLEMENT IS TO BE ACCEPTABLE BY THE AGGRIEVED WOMEN, ELSE INQUIRY TO CONTINUE (CANNOT BE FORCED ON HER)

Where a settlement is arrived through conciliation, no further inquiry shall be conducted by the IC / LC

If no conciliation (or the settlement arrived was not complied by the respondent), the complaint can be inquired in accordance with the provisions of the service rules applicable to the respondent



An aggrieved woman can go for simultaneous complaint with Police

Internal Committee to support the aggrieved woman to forward the complaint to the police **within 7 days for registering the case u/s 509 of IPC (insulting modesty of woman)**



During the course of inquiry, both the parties be given an opportunity of being heard and a copy of the findings shall be made available to both

The IC shall have the same powers as are vested in a CIVIL COURT under civil code procedure, 1908. Enquiry to complete within 90 days

During the pendency of an inquiry, on a written request made by the aggrieved woman

Either transfer the complainant or the respondent to any other workplace

Grant paid leave to the aggrieved woman upto 3 months

Grant such other relief, as may be prescribed



Employer shall implement such recommendations by IC and on completion of an inquiry under this Act

Take necessary action under service rules if convicted

If the case is not proved, no action can be taken

Allegation is malicious – similar action can be taken against the complainant woman



Mere inability to substantiate the allegation with adequate proof do not attract action against the woman

IC may determine the sums to be paid to aggrieved woman for mental trauma, loss in career, medical expenses etc.

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