



Internal Complaint Committee (ICC) for Sexual Harassment of Woman Employee

On 23rd April, 2013, Parliament has passed an enactment for Prevention, Prohibition & Redressal of Sexual Harassment of Women at their Workplace (Office / Project Site). Prevention of women from sexual harassment is equated with the fundamental right of equality under Article 14 & 15 of the Constitution of India.

As per Act, the following unwelcome behaviour whether directly or by implication comes under the preview of the Act :

- (a) Physical contact and advances
- (b) A demand or request for sexual favours
- (c) Making sexually coloured remarks
- (d) Showing pornography
- (e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature, frequently staring at someone, etc.

The Act provides to have an Internal Complaint Committee (ICC) consisting of at least four members nominated by the Employer and out of which one Senior Level Woman Employee needs to be the Presiding Officer. It is necessary that at all times minimum 50% of the members of this committee must be women. Act provides that duration of the committee, including Presiding Officer shall be maximum 3 years from the date of their appointment.

Procedure for dealing with the Complaint

Any aggrieved woman may make in writing a complaint of sexual harassment at workplace to ICC within three months from the date of the incident or in case of repeated incidents, within the period of three months from the last incident. If the aggrieved woman is unable to make complaint in writing, the Presiding Officer of ICC should offer all the help, support and assistance to the woman for making the complaint in writing.

The Act also made an important provision regarding false complaints. If it is found that the complaint made by the Employee is false or any witnesses give false evidence before the committee then such false complaints can be dealt seriously and an action can be initiated against the Employee making false complaint as per provision of the law. However, it is also provided in the Act that just because the complaint is not proved before the committee for inadequate proof in such a case it cannot be considered that the complaint is false or malicious.

Proposed Members & Presiding Officer

- (1) Ms. Rathika Kariappa, Presiding Officer
- (2) Mr. Somnath Biswas, Member
- (3) Ms. Anjali Sumant, Member
- (4) Ms. Megha Puranik, Member
- (5) Mr. Yogesh Kamble, Member

Functioning of the Internal Complaint Committee

- As soon as Presiding Officer or any of the members receive/s complaint from any aggrieved woman Employee, before the enquiry is initiated by ICC, a chance should be given by requesting her to take steps to settle the matter between her and the respondent.
- If she fails to settle or the conditions of the settlement are not implemented then the aggrieved woman can request the committee to proceed with the enquiry and then enquiry is required to be conducted within 90 days in accordance with the applicable rules.
- During the enquiry proceeding, committee can ask the Employer on request of the aggrieved woman to transfer the aggrieved woman or the respondent to any other workplace, grant leave to the aggrieved woman and any other appropriate relief to the aggrieved woman.
- If the committee arrives at the conclusion that the allegation against respondent has been proved then it can recommend to the Employer or District Officer to take action against the respondent as misconduct in accordance with the service rules.
- In case of prima facie evidence and case exist against the respondent; the case may be forwarded to Police within the period of seven days for taking action as per Section 509 of IPC.
- As per provision of the Act, the proceedings of the committee & its report should not be published, communicated or made known to the press or media in any manner.


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