**Notice**

Under section 19(b) of the

**Sexual Harassment of Women at Workplace**

(Prevention, Prohibition and Redressal) **Act & the Rules, 2013** (hereinafter referred as 'SHWW Act')

**PART-1**

**Punishment for false or malicious complaint or false evidence**

Where the Internal Committee arrives at a conclusion that the allegation against the respondent (a person against whom the aggrieved woman has made a complaint under section 9 of the Act) is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or the person who has made the complaint under sub- section (1) or sub-section (2) of section 9, as the case may be, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed.

Mere inability to substantiate a complaint or provide adequate proof need not attract action against the complaint under this section

**Punishment for false evidence or producing forged or misleading documents**

Where the Internal Committee arrives at a conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.

Note : Rule 9 prescribes action but on the basis of the conclusion of Complaint Committee and notice

**Penalty for non-compliance of settlement**

On failure of the Conciliation as stipulated by section 10, and on the basis of complaint by the complainant (aggrieved woman) the ICC makes enquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed or in case of a domestic worker, the Local Committee shall, if prima facie case exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code and any other relevant provisions of the said Code where applicable. Provided that where the aggrieved woman informs the Internal Committee or the Local Committee, as the case may be, that any term or condition of the settlement arrived at under sub-section (2) of section 10 has not been complied with by the respondent, the Internal Committee or the Local Committee shall proceed to make an enquiry into the complaint or, as the case may be, forward the complaint to the police. Where the Internal Committee, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer-

1. to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed;
2. to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to the paid to the aggrieved woman or to her legal heirs, as it may determine, in accordance with the provisions of section 15 pertaining to determination of compensation which will be the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman, the loss in the career opportunity due to the incident of sexual harassment, medical expenses incurred by the victim for physical or psychiatric treatment, the income and financial status of the respondent, feasibility of such payment in lump sum or in instalments.

**Penalty for publication or making known contents of complaint and enquiry proceedings**

Where any person entrusted with the duty to handle or deal with the complaint, enquiry or any recommendations or action to be taken under the provisions of this Act, contravenes the provisions of section 16 makes known the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and enquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, and the action taken by the employer or the District Officer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner, he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist the employer shall recover a sum of Rs.5000 from such person.

**Penalty for non-compliance with provisions of Act**

1. constitute an Internal Committee under sub-section (1) of section 4;
2. take action under sections 13, 14 and 22 ; and
3. contravenes or attempts to contravene or abets contravention of other provisions of this Act or any rules made thereunder, he shall be punishable with fine which may extend to fifty thousand rupees

The contents of above notice are only illustrative. For further details refer to SHWW Act & the Rules

**PART-2**

**INTERNAL COMMITTEE**

as constituted w.e.f. …………......for three years, under Section 4(2)/Section 19(b) of The Sexual Harassment of Women at Workplace(Prevention, Prohibition and Redressal) Act & the Rules, 2013

1. Ms………..…………......................................................... Presiding Officer (a senior level employee of the establishment)

2. Mr./Ms……………............................................................ Member (an employee of the establishment).

3. Mr./Ms……………............................................................ Member (an employee of the establishment).

4. Mr./Ms……………............................................................ Member (nominated by …………… NGO).

Constituted by an order of…………………………………………………………………………………………………….

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**ICC Department filed Annexure has been displayed separately**