DELHI POLICE

STANDING ORDER NO. Vig. & Pub. Tpt./16/2023

SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

1. INTRODUCTION

Sexual harassment at workplaces is violation of women's right to equality, life and liberty. It also creates a hostile and insecure work environment for them. In order to provide a safe environment, free from sexual harassment in any manner, the Government of India has enacted 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal), Act, 2013' (PoSH Act, 2013) along with the notification of 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013' (PoSH Rules, 2013). Sexual harassment has been defined in section 2(n) of the Act as under:

*"**Sexual Harassment**" includes one or more unwelcome acts or behaviour (whether directly or by implication) asoutlined below:*

(i) Physical contact and advances; or

(ii) A demand or request for sexual favours; or

(iii) Making sexually colored remarks; or

(iv) Showing pornography; or

(v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature."

The following circumstances, amongst others, if it occurs, or is present in relation to, or connected with any act or behaviour of sexual harassment, may also amount to sexual harassment:

(i) implied or explicit promise of preferential treatment in her employment; or

(ii) implied or explicit threat of detrimental treatment in her employment; or

(iii) implied or explicit threat about her present or future employment status; or

(iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or

(v) humiliating treatment likely to affect her health or safety.

2. CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEES (ICCs)

(i) In pursuance of section 4 of the PoSH Act, 2013, the Internal Complaints Committees (ICCs) shall be formed as per the scheme

mentioned below, to enquire into the complaints of sexual harassment at workplace against the officers of subordinate ranks i.e., Constable to Sub-Inspector (including class-IV employees and civilian employees corresponding to the said subordinate ranks):

SN	Name of Ranges & Units	Officers authorized to constitute the ICC
a)	Eastern Range	Joint CP/Addl. CP, Eastern Range
b)	Southern Range	Joint CP/Addl. CP, Southern Range
c)	Western Range	Joint CP/Addl. CP, Western Range
d)	Central Range	Joint CP/Addl. CP, Central Range
e)	Northern Range	Joint CP/Addl. CP, Northern Range
f)	New Delhi Range	Joint CP/Addl. CP, New Delhi Range
g)	Transport Range	Joint CP/Transport Range
h)	All DAP Battalions	Joint CP/Addl. CP. DAP
i)	PCR, Communication, FRRO, P&L.	Joint CP/Addl. CP, PCR
j)	Traffic	Joint CP/Addl. CP, Traffic (HQ)
k)	Protective Security Division including Supreme Court & R.P. Bhawan	Joint CP/Addl. CP, Security(HQ)
l)	Crime Division, including EOW, SPUWAC, SPUNER, Special Cell, IFSO (CyPad)	Joint CP/Addl. CP, Crime(HQ)
m)	Vigilance, Special Branch, DE Cell, Licensing and Recruitment Cell	Joint CP/Addl. CP, Vigilance
n)	Delhi Police Academy (DPA)	Director, DPA
o)	Delhi Police Headquarters	Joint CP/Addl. CP (HQ), PHQ

Joint CP or Addl.CP, as indicated against each Range, or Units or Group of Units, are authorised to constitute Internal Complaints Committees for the respective Ranges, or Units, or Group of Units, as per need and in conformity with this Standing Order.

(ii) The aforesaid Internal Complaints Committees (ICCs) shall consist of the following members:

a. A Presiding Officer, who shall be a woman officer, preferably of the rank of ACP, but not below the rank of an Inspector drawn from any office or administrative unit as referred to in the aforementioned table, by the officer authorized to constitute the ICC.

b. At least two members, not below the rank of Sub-Inspector, and at least one of them should be a woman officer.

c. One member from amongst Non-Governmental Organizations (NGO) or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment. The Vigilance Division shall maintain a panel or list of such organizations from which the external members shall be nominated for a particular ICC.

d. It shall be ensured that at least one-half of the total members so nominated shall be women.

e. The Presiding Officer and every Member of the Internal Complaints Committee shall hold office for such period, **not exceeding three years**, from the date of their nomination, as may be specified by the nominating or constituting authority.

f. The nominating authority i.e. Joint CP or Addl. CP authorized to constitute 'Internal Complaints Committee' may remove the Presiding Officer or any Member of such Committee on the following grounds, if he or she:

   i. Contravenes the provisions of section16 of the PoSH Act and makes known to the public, press or media about the contents of the complaint and inquiry proceedings.

   ii. Has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him or her.

   iii. Has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him or her

   iv. Has so abused his position so as to render his continuance in office prejudicial to the public interest.

g. The vacancy so created may be filled by fresh nominations by the concerned Joint CP or Addl. CP authorized to constitute the Internal Complaints Committee.

h. The member appointed from amongst non-government organizations shall be entitled to an allowance and also the reimbursement of travel cost as per Rule-3 of PoSH Rules, 2013.

(iii) CONSTITUTION OF CENTRAL INTERNAL COMPLAINTS COMMITTEE

In addition to the above, a Central Internal Complaints Committee (CICC) shall also be constituted by the Commissioner of Police or any officer so nominated by the Commissioner of Police to enquire into the allegations of sexual harassment at workplace against all officers of Inspector rank and above. The CICC so nominated shall also be guided and governed by the PoSH Act and Rules – 2013 and provisions of this Standing Order.

3. COMPLAINTS OF SEXUAL HARASSMENT

The complaints of sexual harassment by an aggrieved woman shall be submitted and received as per the timelines, conditions and procedures laid out in section 9 to 11 of Chapter-IV of the PoSH Act, 2013 and Rule 6 of the PoSH Rules, 2013.

4. ONLINE COMPLAINTS

(i) Delhi Police website will enable receiving of online complaints of sexual harassment at workplace by the aggrieved woman, by creating a dedicated header on the homepage, linking the same.

(ii) Delhi Police website will contain the details of the Central Internal Complaints Committee (CICC), Internal Complaints Committees (ICCs), Acts, Rules and Standing Order pertaining to sexual harassment at workplace, for reference of all.

(iii) The website will be user friendly for lodging of online complaint by victims of sexual harassment at workplace. Victims will be free to choose between filing complaints offline and to the ICC's directly, or through the online mode.

(iv) Vigilance Division shall be responsible for maintaining and updating the aforementioned information on Delhi Police website in close coordination with CRO, and DCP/IT of Delhi Police.

(v) All stakeholders will ensure utmost confidentiality in dealing with matters of sexual harassment at each and every stage of offline or online processing of the complaints.

5. THE CONCILIATION PROCEEDINGS

When any aggrieved woman makes a request to settle the matter between her and the respondent through conciliation, the Central Internal Complaints Committee or the Internal Complaints Committee, as the case maybe, shall proceed according to the procedures and conditions stipulated in section 10 and 11 of Chapter-IV of the PoSH Act, 2013.

6. ACTION DURING PENDENCY OF INQUIRY

(i) During the pendency of an inquiry, on a written request made by the aggrieved woman, the CICC or ICC, as the case maybe, may recommend to the competent authority, to:

a. Transfer the aggrieved woman or the respondent to any other workplace; or

b. Grant leave to the aggrieved woman up to a period of three months; or

c. Grant such other relief to the aggrieved woman a may be prescribed.

(ii) The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.

(iii) On any of the aforementioned recommendation of the Internal Complaints Committee, the competent authority shall take a decision and send the report to the Internal Complaints Committee.

7. MANNER OF INQUIRY IN TO THE COMPLAINTS OF SEXUAL HARRASSMENT

(i) The CICC or ICC, as the case maybe, shall conduct inquiry and adhere to the timelines and the manner prescribed under section 11of Chapter-IV and section 13 and 14 of Chapter-V of PoSH Act, 2013, read with Rule 07 of PoSH Rules, 2013.

(ii) Before conducting a full-fledged inquiry on any complaint received, the CICC or the ICC as the case may be, shall conduct a Preliminary Enquiry (PE) in the nature of a fact finding exercise. On the basis of the said preliminary enquiry, the CICC or the ICC as the case maybe, shall decide whether they should proceed further with a detailed inquiry in the matter, as laid down in service rules applicable to the alleged/delinquent, or otherwise.

(iii) Where the CICC or the ICC, as the case maybe, proceeds with detailed inquiry, the said detailed inquiry will be treated as a Regular Departmental Enquiry against the alleged government servant, attracting departmental action.

(iv) The CICC and the ICC shall also take the relevant disciplinary rules into consideration, along with other instructions and orders issued on the subject from time to time by the Central Government in carrying out detailed inquiry so that it conforms to the processes and procedures as enumerated for carrying out a regular departmental enquiry.

(v) While dealing with anonymous complaints, guidelines issued vide circular No.9817-9928/CVC/HA/VIP/Vig., dated 27.10.2021, prescribing therein the procedures shall be followed meticulously.

8. OTHER RELIEF TO THE COMPLAINANT DURING PENDENCY OF INQUIRY

The CICC or the ICC, as the case maybe, on the written request of the aggrieved woman, may recommend to the competent authority:

a. To restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer;

b. To restrain the respondent in case of a training institution from supervising any training activity of the aggrieved woman.

9. MANNER OF TAKING ACTION UPON COMPLETION OF INQUIRY OF SEXUAL HARASSMENT

(i) After the completion of the inquiry by the CICC or the ICC as the case maybe, the Disciplinary Authority and the officers involved in the process of the inquiry shall adhere to the timelines and the manner of action, as stipulated in the PoSH Act of 2013, PoSH Rules of 2013 as well as the disciplinary rules, applicable to the respondent.

(ii) Where the CICC or the ICC arrives at a conclusion that the allegations against the respondent are 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 competent authority to take action against the woman or the person who has made the complaint of sexual harassment at workplace, in accordance with the provisions of the disciplinary rules applicable to her or him:

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedures prescribed, before any action is recommended.

(iii) Where the CICC or the ICC arrives at a conclusion that any victim or a witness has given false testimony, or produced any forged or misleading evidence, it may recommend disciplinary action against the said victim or witness, as per rules.

10. SAFEGUARDS TO THE VICTIM

(i) It should be ensured that the aggrieved women are not victimized in connection with the complaints filed by them. For a period of five years after a decision in a proven case of sexual harassment, a watch should be kept to ensure that she is not subjected to vendetta. She should not be posted under the respondent i.e. the alleged officer, or any other person where there may be a reasonable ground to believe that she may be subjected to harassment on this account.

(ii) In case of any victimization, the victim may submit a representation to the Commissioner of Police, Delhi.

(iii) Such representations should be dealt with sensitivity, in consultation with the CICC or the ICC as the case maybe, and a decision should be taken within **15 days** of the receipt of the same.

11. CAPACITY BUILDING, TRAINING AND AWARENESS WORKSHOPS

(i) Director, Delhi Police Academy (DPA) shall regularly organize workshops to familiarize the members of the CICC and the ICCs about their duties and the manner in which an inquiry ought to be conducted on receiving a complaint of sexual harassment at a workplace -from the point when the complaint is received - till the inquiry is finally conducted and the report submitted.

(ii) Director, DPA shall also regularly organize orientation programmes, workshops, seminars and awareness programmes etc., to up-skill members of the CICC and the ICCs and women police personnel about the provisions of the PoSH Act, 2013and

the PoSH Rules, 2013. They shall also be imparted training with regard to the provisions of this Standing Order.

(iii) The topics shall also be incorporated in the basic and promotional training courses for various ranks.

12. DUTIES OF DCsP, DISTRICTS/UNITS

(i) DCsP shall provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace.

(ii) Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting the CICC and the Internal Complaints Committee functional in their jurisdiction.

(iii) Provide necessary facilities to the CICC or ICC for dealing with the complaint and conducting an inquiry.

(iv) Assist in securing the attendance of respondent and witnesses before the CICC and the ICCs.

(v) Make available such information to the CICC and the ICCs, as it may require having regard to the complaint.

(vi) Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force.

(vii) Cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place.

(viii) Treat sexual harassment as misconduct under the disciplinary rules and initiate action for such misconduct.

13. COORDINATION AND ANNUAL REPORTS

(i) Vigilance Division is designated as Nodal Agency for the purpose of handling sexual harassment complaints in Delhi Police.

(ii) Vigilance Unit shall be responsible for processing online complaints of sexual harassment at workplace on Delhi Police website in close coordination with CRO, Delhi Police.

(iii) Vigilance Unit shall be responsible for updating the information related to the CICC and the ICCs and Rules and Regulations on the subject of sexual harassment at workplace, on Delhi Police website in close coordination with CRO, Delhi Police.

(iv) The Committee members shall send advance intimation to Vigilance Division and concerned Joint CP or Addl.CP authorized to constitute such committee, about their non-availability owing to long leave or training or transfers etc.

(v) The inquiry reports, where alleged officer is up to the rank of Sub-Inspector, shall be processed by District or Unit under the

supervision of the disciplinary authority of the respondent for taking a decision. In case of CICC enquiries, Vigilance Division shall process all the inquiry reports for appropriate decision by the competent authority.

(vi) The CICC and the ICCs shall prepare annual reports as per the format at **Annexure-A.** Such reports shall be forwarded to Vigilance Division in the first week of January of every year for placing it before the competent authority.

14. SUPERSESSION CLAUSE

This Standing Order supersedes the previous Standing Order No. SPUWAC/03/2022 issued vide No.16001-16150/Record Branch/PHQ, dated 26.04.2022, and all other circulars or instructions or orders issued on the subject.

30/6/23

(SANJAY ARORA),
COMMISSIONER OF POLICE,
DELHI.

No. 2101-2250 /Record Branch/PHQ dated Delhi, the, dated 30/06/2023.

Copy forwarded to:

1. All Special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi including Jt. Director, Delhi Police Academy, Delhi/New Delhi.
3. All Additional Commissioners of Police, Delhi.
4. PSO and OSD to C.P., Delhi.
5. All Deputy Commissioners of Police, Districts/Units including PHQ, C.P. Sectt., FRRO and Deputy Director/Delhi Police Academy, Delhi/New Delhi.
6. DCP/HQ (IV)/PHQ with the direction to upload the Standing Order on Intra-DP.
7. LA to CP and FA to C.P., Delhi.
8. All ACsP/SHOs in Delhi **through e-mail**.
9. Reader and PS to C.P., Delhi.
10. HAR/PHQ, IT Centre, Delhi.
11. Librarian/PHQ.

ANNEXURE- A

ANNUAL REPORT ON CASES OF SEXUAL HARRASSMENT

Period: 1st Jan.....to 31st Dec.....

Range/Group of Units .....

1.	Number of Complaints of sexual harassment received in the year	
2.	Number of complaints disposed off during the year	
3.	Number of cases pending for more than 90 days	
4.	Number of workshop on awareness programmes against sexual harassment conducted during the year	
5.	Nature of action	

Date: Signature of Presiding Officer

Place: