

**THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION),
PROHIBITION AND REDRESSAL) ACT, 2013**

STEPS FOR CONDUCTING INQUIRY

The implementation of the law by employers, in letter and spirit, begins with the constitution of the complaints committee, and encouraging women to report sexual harassment in the workplace. The law imposes a duty on the complaints committee, to conduct an inquiry on receiving a complaint, and this write up expounds upon how to conduct an inquiry, what are the principles to be followed in conducting an inquiry; and the different stages in conducting the inquiry following principles of natural justice, in which both parties are given an opportunity to be heard.

The Act in Section 11 provides two different procedures to be followed for conducting an inquiry- if the respondent is an employee then the inquiry shall be conducted in accordance with the service rules; and where no service rules exist then the inquiry shall be held as per manner prescribed in the Rules; or in the case of a domestic worker, the LCC shall forward the complaint to the police, within seven days for registering the case under section 509 of the IPC, and any other relevant provisions of the said Code. This write up focus on inquiry into complaint when Respondent is Government employee.

INQUIRY INTO COMPLAINT WHEN RESPONDENT IS GOVERNMENT EMPLOYEE

The Government is a model employer and is the source of most of the employment opportunities in the country. The rules that are followed in the government sector percolate to the private sector. Part XIV of the Constitution relates to the terms of employment in respect of persons appointed in connection with the affairs of the State. Any action against the employees of the Union Government and the State Governments should conform to these constitutional provisions, which confer certain protections on government servants. These provisions are applicable only to the employees of the various ministries, departments and attached and subordinate offices. Further, the employees, being citizens of the country also enjoy fundamental rights guaranteed under Part III of the Constitution, and can enforce them through the writ jurisdiction of the Courts. In addition to the constitutional provisions, there are certain rules which are applicable to the conduct of the proceedings for taking action against erring employees.

Provisions of Part XIV of the Constitution do not apply to the employees of semi government organizations i.e. Public Sector Undertakings and Autonomous Bodies and Societies controlled by the Government. However, as these organisations can be brought within the definition of the term 'State' as contained in Article 12 of the

constitution, the employees of these organisations are protected against the violation of their fundamental rights by the orders of their employer. The action of the employer can be challenged by the employees of these organisations on the grounds of arbitrariness, etc., hence these organisations also have their own sets of rules for processing cases for conducting the disciplinary proceedings against their employees.

A. SERVICE RULES

There are two sets of Service Rules, viz., Central Civil Service (Conduct) Rules 1964 (herein after referred to as)and CCS (Conduct) Rules Central Civil Services (Classification, Control and Appeal) Rules 1965 (hereinafter referred to as the CCS CCA Rules) which cover a majority of the Central Government employees, besides, several other Rules which are applicable to various sections of employees in a number of services. The CCS (Conduct) Rules 1964 defines and regulate the conduct of Government Employees to be observed and delineates what ought to be the conduct/behaviors of the Government employee and what are the conduct/behaviors that are prohibited. Rule 3-C of the CCS (Conduct) Rules 1964 expressly prohibits sexual harassment with Rule 3C 2 (a) defining what constitute sexual harassment, 3C 2 (s) defining circumstances connected with an act of sexual harassment and 3C 2 (c) defining what constitutes workplace.

In case an employees violates these CCS (Conduct) Rules, action is prescribed under CCS (CCA) Rules.

(i) Amendment in the CCS (Conduct) Rules

Pursuant to the guidelines in Vishaka, the CCS (Conduct) Rules, 1964 were amended in 1998 to in-corporate Rule 3-C which prohibits sexual harassment of working women. In 2014, the present government felt it necessary to send the message of zero tolerance towards sexual harassment in the workplace, and made further amendment in the CCS (Conduct) Rules by introducing stricter rules for checking sexual harassment in government workplaces.

The government has amended the CCS(Conduct) Rules, 1964 to expand the circumstances which may be construed as sexual harassment, the government has made it plain that any implied or explicit promise of preferential employment or any such threat of detrimental employment or her present employment status may amount to sexual harassment of a woman government employee; including indulging in any humiliating treatment likely to affect a woman employee's health or safety. "Interference with her work or creating an intimidating or offensive or hostile work environment for her, "is now listed as amounting to sexual harassment as per the new provisions.

(ii) Conduct of inquiry as per RULE 14 of the Central Civil Services (Classification, Control & Appeal) (CCS CCA) Rules 1965

(a) **Definition of sexual harassment-** The amended Rule 3C of the CCS (Conduct) Rules, 1964 prohibits sexual harassment of women at the workplace by any Government servant, and makes every Government servant who is in charge of a work place duty bound to take appropriate steps to prevent sexual harassment to any woman at such work place. For the purpose of this rule, sexual harassment is defined as-

(a) "sexual harassment" includes physical contact and advances; demand or request for sexual favours; or sexually coloured remarks; showing any pornography; or any other welcome physical, verbal, non-verbal conduct of a sexual nature.

The definition is expanded to include certain circumstances that may amount to sexual harassment- promise of preferential treatment or threat of detrimental treatment in employment; threat about her present or future employment status; interference with her work or creating an intimidating or offensive or hostile work environment for her; or humiliating treatment likely to affect her health or safety.

(b) **Inquiring Authority-** The proviso to Rule 14(2) of the CCS CCA Rules 1965 provides that the complaints committee established in each Ministry or Department or office enquiring into such complaints shall be deemed to be the inquiring authority appointed by the disciplinary authority, and the committee shall hold the inquiry so far as practicable in accordance with the procedure laid down in those rules. The Committee constituted in each Ministry/ Department/ office under the CCS (Conduct) Rules, 1964 shall be deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the complaints committee for holding the inquiry into the complaints of sexual harassments, the inquiry as far as practicable in accordance with the procedure laid down in these rules.

Note- The Sexual Harassment Act of 2013 in Section 11 states that in case of respondent being an employee, then the inquiry into the complaint should be made in accordance with the provisions of the service rules applicable; but in the Act procedure of the inquiry is not delineated, hence Rule 14 CCS (CCA) Rules, 1965 is followed.

(c) **Powers of committee-** The Committee has the powers to recommend to the employer, transfer of the aggrieved woman or the charged officer; grant leave to the aggrieved woman up to a period of three months, which is in addition to the leave she would be otherwise entitled to; deduct from the salary or wages of the charged officer

such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs.

(d) Relief to aggrieved woman during pendency of inquiry- During the pendency of the inquiry, the aggrieved woman being vulnerable, may need to be protected from the respondent. In view of the same the Section 12 of the Sexual Harassment Act of 2013 makes provisions for the committee to exercise its powers on the written request of the woman for her transfer or that of the respondent to any other workplace. Thus in consonance with Section 12, in a fresh set of instructions, the Centre has stated that the Complaint Committee examining a sexual harassment complaint will have the power to recommend- as initial relief- a three-month paid leave for the aggrieved woman, which will not be deducted from her leave account. The Committee will also have the authority to recommend the transfer of the complainant or the accused to another workplace.

(e) Minutes- It is important to prepare minutes of the proceedings of every meeting of the complaints committee. The minutes should contain the date of meeting and serial number so that it is possible to gauge the number of meetings held during the inquiry. The minutes should also contain names of members present alongwith their signature. The Complaints Committee has the power to issue interim directions, at any stage if the need arises.

(f) Confidentiality- As per Section 16 of the Sexual Harassment Act of 2013 the identity and addresses of the aggrieved woman, respondent and the witness, information relating to conciliation and inquiry proceedings, recommendations of the committee, and action taken by the employer are confidential and not to be published.

All information received in the course of the examination and inquiry into a complaint of sexual harassment shall be held in trust by the committee and the same are not available pursuant to an application under the Right to Information Act, 2005. Such information shall constitute an exception under Section 8 (e) of the Right to Information Act, 2005, as the same is held by the committee in a fiduciary relationship and the non-disclosure of the same will not be against public interest. To the contrary disclosure of such information may endanger the life or physical safety of the complainant or any of the witnesses. An exception to this rule can be in the circumstances when the complainant herself applies for information under the Right to Information Act, 2005.

B. THE PROCEDURE

(i) Step 1- Statement of Woman

In a regular disciplinary inquiry, there is only one party against whom the disciplinary authority or inquiry authority, as case may be, draws up the substance of

the imputations of misconduct, into definite and distinct articles of charge, as per procedure given in Rule 14(3) CCS CCA Rules, 1965. However, in case of sexual harassment at workplace there are two parties, the aggrieved and respondent, hence the woman's complaint itself may form the statement of the imputation of misconduct or misbehavior.

(ii) Step 2- Article of Charges

The CCS CCA Rules provide that complaint itself may be treated as the Article of Charges or Charge Sheet, however there is no prohibition for specific charge sheet to be made on the basis of complaints.

The purpose of framing a charge sheet is to give intimation to the respondent of clear, unambiguous and precise notice of what was alleged against him, subsequent to which he gets an opportunity of defending himself against the allegations. Hence formulating the charges not only helps the committee in deciding the matter, but in cases of appeal makes it easier for the Court to remain focused on the questions of law and facts, which it is called upon to decide.

(iii) Step 3- Written Statement of Respondent

Often, members of the complaint committee not being well versed with legal procedures are apprehensive of communicating with the respondent, and informing him of the charges against him or not. Rule of natural justice provides that no man can be condemned unheard and that justice should not only be done but manifestly appear to have been done. Accordingly the respondent is to be provided a copy of the complaint, articles of charge, the statement of the imputations of misconduct or misbehavior and a list of documents and witnesses.

Note- Do not forget the respondent also has rights and is innocent till proven guilty. He has a right to due process, fair treatment, and access to process consistent with natural justice. These rights cannot be forfeited, however severe the alleged misconduct may be.

Hence, the respondent should be given a specified time to respond and submit a written statement of his defence, and to state whether he desires to be heard in person. Implicit in the process is the respondent's right to-

- (a) Know the charge
- (b) Inspect documents
- (c) Know the evidence
- (d) Cross examine witness
- (e) Lead evidence

(iv) Step 4- Plead guilty or innocent

On receipt of the written statement of defence, there are two options-

1. Either the respondent admits to the charges against him; or
2. The respondent does not admit to the charges

In the first case, wherein the respondent has admitted to the charges against him in his written statement of defence, in such circumstances according to Rule 14(5) (a) of CCS (CCA) Rule the complaints committee shall record its findings on each charge after taking such evidence shall act in the manner laid down in rule 14 (5)(a).

If no written statement of defence is submitted by the government employee, then the complaints committee may itself inquire into the articles of charge.

A situation can also arise where the respondent who despite having not admitted to the charges in his written statement, or not having submitted any written statement on appearing before the inquiry committee pleads guilty to the charge. In that condition the inquiring authority shall record the plea, sign the record and obtain the signature of the respondent.

If the charge is not admitted to by the respondent then an inquiry is mandatory. Proceedings initiated under Rule 14 CCS CCA Rules, 1965 cannot be closed by imposing one of the minor penalties after due consideration of the defence submitted by the accused officer. It is obligatory to hold a formal inquiry before coming to a decision about the quantum of penalty.

(b) *Non- Cooperation of Respondent-* If respondent fails to appear before the complaints committee within the specified time, omits to plead or produce the evidence, the case shall be adjourned to a later date not exceeding thirty days. {Rule 14 (11)(i)(ii)(iii)}. And in case the respondent fails to appear, or give a written defence or cooperate with the complaints committee, then the complaints committee may come to a decision with the available records{ Rule 14(20)}.

The Guidelines also state that the disciplinary authority may also take action without the inquiry if it concludes that it is not reasonably practicable to hold an inquiry. Circumstances where the accused threatens or intimidates witnesses will be considered reasons enough to take action without an inquiry.

Rules provide that for the purpose of proceeding ex-parte, the respondent has to be given three times.

(v) STEP 6- Examining of witnesses and documents

Once the written submissions of both parties i.e. aggrieved woman and respondent are complete, then on the date fixed for the inquiry, the oral and documentary evidence of the parties will be taken and witnesses examined and may be cross-examined. The complaints committee may also put such questions to the witnesses as it thinks fit. The guidelines also state that the charged officer has to be given an opportunity to cross-examine all witnesses that appear on behalf of the prosecution. Failure to do so may result in vitiation of the inquiry. If the complainant appears as a witness, she would also be examined and cross-examined. The inquiry officer may, however, disallow questions which are offensive, indecent or annoying to the witnesses, including the complainant.

The committee must be conscious to the covert, private and insidious nature of sexual harassment; and take into account the fact that often the aggrieved woman may not be able to lead direct or corroborative evidence. The committee should-

- Not permit any evidence or examination based on the aggrieved woman's character, personal life, and conduct, personal and sexual history.
- Take note of the respective socio-economic positions of the parties, their hierarchy in the organization, the employer-employee equations and other power differences while appreciating the evidence.
- May disallow any questions which it feels are derogatory irrelevant or sanderous to the aggrieved woman.

In order to prove the charges the aggrieved woman and witnesses supporting her case are to be examined first. Although credible evidence given by the aggrieved woman alone may be sufficient to hold the respondent guilty of the offence, yet still it is may be preferable to have corroboration. There is no such rule which says that corroboration is necessary to find the respondent guilty. Given the personal nature of the offence of sexual harassment witness are rarely available to give evidence on behalf of victim.

Note- Member of the complaints committee while putting questions should ask for specifics:

- Details of incident- Who, what, when, where and how. Use open-ended questions asking the aggrieved woman to start at the beginning and tell everything that happened. Let her speak before asking specific questions.
- Find out if the complainant let the respondent know that behavior was unwelcome. When and how was that done?
- Determine if there were any witnesses and who they were.

- Find out if there is any documentary evidence against the respondent in the form of letters, text messages, email or other documentary proof. While oral evidence of the witnesses is noticed with reference to the number of the witnesses such as CW-1 (Complaint Witness) or RW-1 (Respondent Witness); the documentary evidence likewise is mentioned with reference to the number of documents as they are exhibited such as Ex. C-1 (Exhibit) or Ex.r-1 or simply as Annexure 1 or 2 and so on.
- To get both sides of the story put the same questions to the respondent.
- Then try to verify the statement of the complainant and respondent by asking their witness questions like- What did you see or hear? When did this occur? Describe the alleged harasser's behavior toward the complainant and toward others in the workplace. When and what did the complainant tell you?
- When the case for the aggrieved woman is close, the respondent shall be required to state his defence, and the witnesses produced by the respondent shall then be examined and shall be liable to cross-examination, re-examination by the aggrieved woman. (Rules 14 (17)).
- Witness statements recorded are required to be signed by them on each page and on last page after putting ROAC (Read over and found correct). The statement also to be signed by Presiding Officer of the ICC. The general practice is to give copies of statements recorded to both the parties.

(vi) OPTIONAL STEP- Final written briefs

The inquiring Authority may, after the completion of the production of evidence permit the aggrieved woman and respondent to file written briefs of their respective case, if they so desire. (Rule 14 (19))

(vii) OPTIONAL STEP- Interim directions, where ever necessary.

The committee has the power to issue interim orders as provided in the Sexual Harassment Act of 2013 on the demand of either the aggrieved woman or any witness giving evidence in her support, to implement such measures as transfer, changing shifts etc. of either the complainant, witness or respondent, granting of leave to the complainant, so as to protect the complainant and witnesses against victimization and discrimination and mental or physical distress; and may issue such other interim orders as may be deemed necessary to ensure the safety of the complainant or witness.

According to the recent guidelines, issued by the Department of Personnel & Training (DoPT), a government servant accused of sexual harassment

- May also be placed under suspension before or after issue of a charge sheet where his continuance in office will prejudice the investigation'.

- Or if there is an apprehension that he may temper with witnesses or documents.
- Suspension may also be resorted to where continuance of the government servant in office will be against wider public interest, like if there is a public scandal and it is necessary to place the government servant under suspension to demonstrate the policy of the government to deal strictly with officers involved in such scandals. It may be desirable to resort to suspension in case of misdemeanor involving acts of moral turpitude.

C. THE INQUIRY REPORT

After the conclusion of the inquiry, the next step is preparation of the inquiry report. The complaints committee shall prepare an inquiry report containing the articles of charge and the statement of the imputations of misconduct or misbehavior; the defence of Respondent, assessment of the evidence and the finding on each article of charge, supported by reasons. The purpose of this Inquiry Report is to assist the disciplinary authority, by providing an impartial and professional assessment of the nature of sexual harassment, and the impact of the respondent's offending behavior on the workplace, the risk of re-offending, and the interventions necessary to reduce that risk; and most importantly, it forms the basis for taking disciplinary/punitive action against the respondent.

In simple words the inquiry report brings out correct facts of the case, after conducting an impartial and fair hearing inquiry, in accordance with the prescribed procedure. The report should clearly and in unambiguous language state the reasons for deciding in favour of the complainant or for refusing to grant her relief. Broadly speaking, the ICC has to perform the following functions before recording the conclusion in the form of a Report:-

1. To bring on record all documents in support of the charges and those permitted for the defence.
2. To record oral testimony of the complainant and the respondent/defence witnesses after subjecting them to cross-examination.
3. To examine the respondent after the evidence has been recorded, the purpose being to get clarifications from the respondent on the evidence against him.
4. To analyse the evidence recorded by him and make correct and proper assessment of the effect of total evidence on record.
5. To write a reasoned report of inquiry giving pointed findings whether the charges are proved or not proved.

(i) Status of Inquiry Report

As clarified by the Supreme Court in the case of Medha Kotwal Lele, the Committee constituted as a redressal mechanism for complaints of sexual harassment, will be deemed to be an inquiry authority for the purposes of CCS (CCA) Rules and the Report of the Committee shall be deemed to be an inquiry report under the CCS (CCA) Rules. The disciplinary authority will act on the report of the Committee against Sexual Harassment in accordance with the Rules

(ii) Findings

The Inquiry Report may come up with following three types of findings:-

- Charges are proved. In which case the Inquiry Report should contain action to be taken as per service rules of the respondent and/or deduct an amount from the salary as the ICC may deem appropriate to be given to the aggrieved woman.
- Allegations not proved. In which case the matter may be closed concluding no further action required. If the allegations have not been proved, it does not mean that the sexual harassment did not occur, but that there was not sufficient proof on record to prove a case of sexual harassment and ICC may recommend steps to be taken by employer to create a gender friendly environment at the workplace and take corrective actions.
- Complaint is malicious. In which case the matter may be referred for taking action in accordance with the service rules. Act provides that in case the complaint is found to be malicious the action may be taken against the aggrieved woman as per the service Rules.

(iii) Format

An Inquiry Report is an expression of the ultimate opinion of the committee, which is rendered after due consideration of evidence and arguments, advanced before the Committee. The inquiry report puts a final end to the controversy involved in the matter, so that the dispute brought before the Committee by the aggrieved woman is set at rest.

The recommended essentials are as under:-

- (a) *Title page*- The title page should at the outset identify the names of the parties, and the case which is being decided should be serial numbered. The date of the complaint should be mentioned at the top of the report, along with the relevant reference number, if any. This should be followed by the names of the Internal Complaints Committee members, their title, and designation.

The title page is important for it indicates as to which matter the inquiry report pertains to, and by whom it has been decided by/ which committee. The date of delivery of the Inquiry report to the parties should also be mentioned.

(b) *Nature of allegation-* The report should begin with nature of allegation followed by a background information, and statements of both the aggrieved woman and respondent. In doing so, efforts of the Presiding Officer should be to note every relevant fact, but at the same time, there should be no repetition and unnecessary facts should be omitted.

(c) *Respondent's defence-* The Respondent's defence may be noted in detail as made before the ICC. No editing or modification should be made therein.

(c) *Charges and points for determination-* The Presiding Officer may thereafter proceed to decide the charges, in the order they are framed. Findings should be recorded charge-wise. Arguments of each party should be discussed with reference to their evidence relevant to the charge in the question. The Presiding Officer should record his finding on each of the charges by supplying his own reasons and giving logic for his doing so and not just by accepting the case of one party or rejecting that of the other. Findings on each of the points should be recorded in such a manner that they remain cohesive and linked to each other.

(d) *Reasons-* Findings recorded by the Presiding Officer on the charges, for or against any party should always be supported by clearly explained reasons. Every party has the right to know how, and for what reasons has the matter been decided, in favour of or against, either of the parties. Reasons are also necessary for the reason that during an appeal, the appellate court will be in position to appreciate the view point taken by the Committee in deciding the matter, the way it has done.

Giving reasons is considered integral part of the principles of natural justice. In fact, right to know the reasons of a decision is inherent in the right of appeal. A Presiding Officer ought not to merely decide a case just by saying "dismissed" or "allowed" without giving the reasons how as to how "she" (the ICC is headed by a woman) came to that conclusion.

The Inquiry Report is the most important document which the Committee hands out to the seeker of justice, therefore, the reasons that it contains assume significance.

(e) *Conclusion and recommendations for corrective action-* The operative part of the Inquiry Report comprises the conclusion and recommendations for corrective action as to whether sexual harassment occurred; alongwith the supporting rationale for disciplinary action. Where disciplinary action or termination is warranted the Presiding

Officer should ensure that the recommendation is appropriate, and reflects the seriousness of the offense, and is not reactionary.

(f) *Disciplinary action recommended-* Once the inquiry is completed, the Committee has to determine what disciplinary action is recommended to be taken against the respondent. A balance has to be found to ensure that the aggrieved woman should not suffer any adverse consequences, and conversely, it should not be assumed that a finding of misconduct will always be sufficient to establish “cause” for termination. Each incident should be reviewed based on the following factors-

- The severity of the misconduct
- The employee’s prior work history (progressive discipline)
- Are there mitigating circumstances (ask the employee)
- Are human rights defences raised
- Is there a contravention of a separate policy or collective agreement.
- Assess the impact of the termination vis-à-vis the impact of retaining the employee
- The cost of termination

The complaints committee in the Inquiry report can recommend penalties ranging from ‘censure’ to dismissal’ as per Rule 11 of the CCS (CCA) Rules, 1965 ‘for good and sufficient reasons’. Penalties classified as major and minor penalties that can be recommended to be imposed on a Government servant, are as under:-

Minor Penalties-

- i. Censure;
- ii. Withholding of promotion;
- iii. Recovery from his pay any pecuniary loss caused to the Government by negligence or breach of orders;
(iiia) reduction to a lower stage in the time-scale of pay by one stage for a period not exceeding three years, but without cumulative effect and not adversely affecting his pension.
- iv. Withholding of increments of pay;

Major Penalties-

- v. Reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay:

- vi. Reduction to lower time-scale of pay, grade, post or Service for a specified period, which shall be a bar to the promotion of the Government servant during such specified period
- vii. Compulsory retirement;
- viii. Removal from service;
- ix. Dismissal from service.
 - 1. Reversion of a Government servant, appointed on probation to any other Service, grade or post;
 - 2. Replacement of the services of a Government servant, whose services had been borrowed from a State Government or any authority;

(g) *Signature*- The end of the Inquiry Report should have the signatures of the Presiding Officer and all the members of the Committee. Each person's typed written name should be in brackets alongwith with designation and date of signing.

(iv) Time Frame

The Sexual Harassment Act of 2013 has a strict time fame of 90 days for completion of enquiry as provided in Section 11 (4) being well aware that undue delays and faulty disposal are not uncommon in government

D. POST INQUIRY- SUBMISSION OF ENQUIRY REPORT TO EMPLOYER

As per Section13 of Act, on the completion of an inquiry under the Act, the Internal Committee is required to provide a report of its findings to the employer within a period of ten days from the date of completion of the inquiry. It is also mandatory to provide the Inquiry Report to both the aggrieved woman and respondent.

In case the committee finds that the allegations have been proved, it shall recommend to the employer, to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or to deduct, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman.

In the event of the aggrieved woman expiring during the Inquiry, her legal heirs are entitled, to the compensation amount recommended by the committee.

E. PENALTY

In most situations, the powers for imposing major penalties are generally entrusted to the Appointing Authorities, in view of Article 311 clause (1) which provides that no one can be dismissed or removed from service by an authority subordinate to

the Authority which appointed him. Thus the Appointing authorities who are also disciplinary authorities in the government, shall on receiving the inquiry report impose the recommended penalty on the respondent, within the prescribed time period.

(iv) Compensation

The purpose of compensation is to, as far as possible, put the woman in the place she would have been if the sexual harassment had not existed. Sexual harassment has been recognized as a form of discrimination and the law provides entitlement to the aggrieved woman for the consequences of the discriminatory action. As per Section 15 of the Act, the Committee for the purpose of determining the sum to be paid to the aggrieved woman, it shall take into regard the following-

- (a) the mental and suffering;
- (b) the loss in the career opportunity;
- (c) medical expenses incurred by the victim;
- (d) the income and financial status of the respondent;
- (e) feasibility of such payment in lump sum or in installments.

(v) Where Sexual Harassment amounts to criminal offence

Where the conduct of sexual harassment amounts to a specific offence under the Indian Penal Code (45 of 1860) or under any other law; it shall be the duty of the Committee Against Sexual Harassment to immediately inform the complainant of her right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same.

She should be informed of her rights and the fact that any such action or proceedings initiated shall be in addition to proceedings initiated and /or any action taken under the Act by the ICC.

It can be concluded that the Act imposes a solemn responsibility on the ICC to conduct an inquiry into a complaint of sexual harassment. Taking into consideration the amended CCS CCA Rules 1965 which provide the procedure for conducting an inquiry in government offices, including recording of statement, articles of charges, written statement of respondent and examining of witnesses and documents. Hence it can be concluded that conducting an effective inquiry plays a vital role in providing women a safe and enabling environment to work; and members of the ICC share the responsibility for not only providing relief to the aggrieved woman, but also in prevention and elimination of sexual harassment in the workplace.