
Fwd: Prociaionaly Admitted Question for the Rajya Sabha vide Diary No. S811 due for 06.02.2024-reg.

Gaurav Gautam <aaaptel@gmail.com>
To: satiaptel@gmail.com

Tue, Jan 23, 2024 at 12:17 PM

----- Forwarded message -----

From: **DC Sharma** <dc.sharma67@nic.in>
Date: Tue, 23 Jan, 2024, 10:17 am
Subject: Fwd: Prociaionaly Admitted Question for the Rajya Sabha vide Diary No. S811 due for 06.02.2024-reg.
To: aaaptel <aaaptel@gmail.com>

From: "Ms Madhulika Choudhary" <registrar-aptel@nic.in>
To: "DC Sharma" <dc.sharma67@nic.in>
Sent: Tuesday, January 23, 2024 10:15:28 AM
Subject: Fwd: Prociaionaly Admitted Question for the Rajya Sabha vide Diary No. S811 due for 06.02.2024-reg.

FNA

From: "Dharambir Singh" <policycoord-mop@gov.in>
To: cmd@pfcindia.com, cmd@powergrid.in, cmd@ntpc.co.in, cmd@nhpc.nic.in, cmd-mis@nhpc.nic.in, "CMD REC Limited" <cmd@recl.in>, "CMD Secretariat" <sectt.cmd@sjvn.nic.in>, "CMDoffice neepco" <cmdneepco@neepco.co.in>, "CMD Secretariate THDCIL" <cmd@thdc.co.in>, cmd@grid-india.in, "Shri S. Suresh Kumar" <chairman@dvc.gov.in>, "Manoj Tripathi" <cman@bbmb.nic.in>, "Abhay Bakre" <dg-bee@nic.in>, "DG CPRI" <dgcprl@cpri.in>, dgnpti@gov.in, "GHANSHYAM PRASAD" <chair@nic.in>, secy@cercindia.gov.in, "Ms Madhulika Choudhary" <registrar-aptel@nic.in>, ceo@eesl.co.in
Cc: "Ajay Kumar Agrawal" <ajay.agrawal@nic.in>, "Tulsi Das" <tulsi.das@nic.in>
Sent: Monday, January 22, 2024 6:20:21 PM
Subject: Prociaionaly Admitted Question for the Rajya Sabha vide Diary No. S811 due for 06.02.2024-reg.

Sir,

Please find enclosed herewith RS PSQ Diary No. S811 dated 22nd January, 2024 on the above mentioned subject and to request to furnish the information/inputs to frame the reply of the question and material for preparing 'Note for pad' latest by 28.01.2024 positively.

With regards,

--

CPSU Policy Coord. Desk
Ministry of Power



Email

Parliament Division MoP

Institutions under the ministry.

From : rsqns@sansad.nic.in

Mon, Jan 22, 2024 04:12 PM

Subject : Institutions under the ministry.

To : pq mop <pq_mop@nic.in>

PROVISIONALY ADMITTED QUESTION FOR THE RAJYA SABHA

Starred /Unstarred Diary No.-- S811

The Question Will be put down for -- 06/02/2024

Answer on the Ministry Department -- Power(PWR)

Institutions under the ministry.

a) Which are the various Institutions under the ministry? b) Vacancies in each Institution. Give year-wise institution wise data since 2014. c) Number of contract workers and permanent staff in each institution. Give institution wise data since 2014.

*Dir (Coordination) / US (CPSE Coordination)
Dehl*

22/01/2023

*US (Coordination)
22.1*



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विद्युत अपील अधिकरण
कोर 4, सातवाँ तल, स्कोप बिल्डिंग, लोधी रोड,
नई दिल्ली - 110 003
दूरभाष : 24368477 फ़ैक्स : 24368479
APPELLATE TRIBUNAL FOR ELECTRICITY
Core 4, 7th Floor, SCOPE Building, Lodhi Road,
New Delhi-110 003

No .6/3/2019-Admn./APTEL/1010/24 Dated : 24th January, 2024

To

Section Officer (Corrd.)
Ministry of Power,
Shram Shakti Bhawan,
New Delhi-110001.

Subject: Provisionally admitted question for the Rajya Sabha vide Dy. No.S811 due for 06.02.2024-regarding.

Sir,

I am directed to refer to Ministry of Power e-mail dated 22.01.2024 on the subject cited above and to furnish the requisite information pertaining to Rajya Sabha Provisionally admitted question Dy. No.S811. pertaing to this Tribunal.

2. It is mentioned here that the Q.No. (a) is pertaining to Ministry of Power. As regards, the question No. (b) to (c), the information is enclosed herewith.

3. This has the approval of the Competent Authority.

Encl : as above.

Yours faithfully,

(Gaurav Gautam)
Admn.-Cum-Accounts Officer

O/C

Vacancy position of regular employees in APTEL since 2014

Sl. No.	Year	Total sanctioned strength	Man in position	Vacancy
1.	2014	29	27	02
2.	2015	29	28	01
3.	2016	36	26	10
4.	2017	36	27	09
5.	2018	36	25	11
6.	2019	36	24	12
7.	2020	36	28	08
8.	2021	36	25	11
9.	2022	36	26	10
10.	2023	36	27	09
11.	2024	36	27	09

Engagement of contractual staff (through outsource) since 2014

Sl. No.	Year	Staff in position through outsource agencies as on 23.01.2024						
		Office Assistant	Office Attendant	Law Researchers	Driver	Domestic Help	Housekeeping	Security Guard
1.	2014	06	20	00	05	10	03	27
2.	2015	07	20	00	05	10	03	27
3.	2016	07	20	00	05	10	03	27
4.	2017	08	20	00	05	10	03	27
5.	2018	09	20	00	05	10	03	27
6.	2019	10	20	00	05	05	03	27
7.	2020	15	27	00	05	05	04	15
8.	2021	15	27	00	05	04	04	15
9.	2022	15	26	03	05	00	04	12
10.	2023	15	25	03	00	00	06	12
11.	2024	15	25	05	00	00	06	12



Kawal Sati <satiaptel@gmail.com>

Fwd: Very Urgent-Parliament Question-Rajyasabha- Functioning of Data centres in the country

Gaurav Gautam <aao-aptel@nic.in>
To: satiaptel <satiaptel@gmail.com>

Wed, Dec 6, 2023 at 10:32 AM

PFA.

सादर

With regards

गौरव गौतम/Gaurav Gautam

प्रशासनिक सह लेखा अधिकारी/Admn.-Cum-Accounts Officer

विद्युत अपील अधिकरण/Appellate Tribunal for Electricity

विद्युत मंत्रालय/Ministry of Power

Core-4, 7th Floor, SCOPE Complex,

New Delhi-110003

Tele.: 01124368481

From: "Ms Madhulika Choudhary" <registrar-aptel@nic.in>
To: "DC Sharma" <dc.sharma67@nic.in>, "Gaurav Gautam" <aao-aptel@nic.in>
Sent: Wednesday, December 6, 2023 10:18:58 AM
Subject: Fwd: Very Urgent-Parliament Question-Rajyasabha- Functioning of Data centres in the country

For immediate action as desired.

From: "IT & Cyber Security Division Ministry of Power" <it-mop@nic.in>
To: "GHANSHYAM PRASAD" <chair@nic.in>, cmd@powergrid.in, cmd@ntpc.co.in, cmd@nhpc.nic.in, "CMD Secretariat" <sectt.cmd@sjvn.nic.in>, "CMD Secretariate THDCIL" <cmd@thdc.gov.in>, "CMD REC Limited" <cmd-recl@recl.nic.in>, "CMD REC Limited" <cmd@recl.in>, cmd@pfcindia.com, "CMDoffice neepco" <cmdneepco@neepco.co.in>, cmd@grid-india.in, "Shri M Raghu Ram" <chairman@dvc.gov.in>, "Manoj Tripathi" <cman@bbmb.nic.in>, ceo@eesl.co.in, "Abhay Bakre" <dg-bee@nic.in>, "Dr. Tripta Thakur" <dg.npti@gov.in>, "DG CPRI" <dgcpri@cpri.in>, "JISHNU BARUA" <chairman@cercind.gov.in>, "Ms Madhulika Choudhary" <registrar-aptel@nic.in>, srnarasimhan@grid-india.in, "Murathia Anil Kumar Phool Singh" <makp.singh@gov.in>
Sent: Tuesday, December 5, 2023 5:31:49 PM
Subject: Very Urgent-Parliament Question-Rajyasabha- Functioning of Data centres in the country

Sir/Madam,

Please find mentioned below the Parliament Question PQ-S3670 on the subject matter for Rajya Sabha.

It is requested to provide inputs on the question latest by 6.12.2023, 5 PM.

PROVISIONALLY ADMITTED QUESTION FOR THE RAJYA SABHA

Starred /Unstarred Diary No.: S3670

Functioning of Data centres in the country

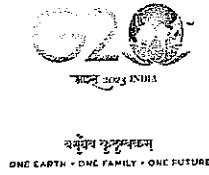
- The details of the current Information Technology (IT) load and capacity of data centres in the country including the extent to which it is expected to grow
- The details of data centres in the country including the green data centres and Government owned data centres, out of these
- Whether the Government has taken/proposed any steps to develop green data centres in the country and if so, the details there of;
- The present size of the data centre market.

(e) Whether the Government has completed or doing any study on Power Usage Effectiveness (PUE) for data
centres.

Regards,



IT&CS Division
Ministry of Power
Government of India
Tel.011-23715507 Ext. 370
Url : <https://powermin.gov.in>



विद्युत अपील अधिकरण
कोर 4, सातवाँ तल, स्कोप बिल्डिंग, लोधी रोड,
नई दिल्ली - 110 003
दूरभाष : 24368477 फ़ैक्स : 24368479
APPELLATE TRIBUNAL FOR ELECTRICITY
Core 4, 7th Floor, SCOPE Building, Lodhi Road.

No .6/3/2019-Admn./APTEL/879/23

Dated : 7th December, 2023

To

IT & CS Division
Ministry of Power,
Shram Shakti Bhawan,
New Delhi-110001.

Subject: Parliament Question Rajya Sabha Dy. No.S3670 - Functioning of Data Centers in the Country - reg.

Sir,

I am directed to refer to Ministry of Power e-mail dated 05.12.2023 on the subject cited above and to state that the requisite information in respect of APTEL may please be treated as NIL.

2. This has the approval of the Competent Authority.

Yours faithfully,

(Gaurav Gautam)

Admn.-Cum-Accounts Officer

in:sent

Gaurav Gautam

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Re: Reminder: Very Urgent-Parliament Question-Rajyasabha- Functioning of Data centres in the country

From: Gaurav Gautam

To: IT & Cyber Security Division Ministry of Power

Cc: DC Sharma

Parliament Ques...jya Sabha_0001.pdf (189.4 KB) [Download](#) | [Briefcase](#)

Sir/Madam,

Please find the attachment related to Urgent-Parliament Question-Rajya Sabha- Functioning of Data centres in the country at your end.

सादर

With regards

गौरव गौतम/Gaurav Gautam

प्रशासनिक सह लेखा अधिकारी/Admn.-Cum-Accounts Officer

विद्युत अपील अधिकरण/Appellate Tribunal for Electricity

विद्युत मंत्रालय/Ministry of Power

Core-4, 7th Floor, SCOPE Complex,

New Delhi-110003

Tele.: 01124368481

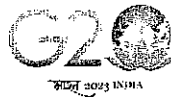
From: "Ms Madhulika Choudhary" <registrar-aptel@nic.in>

To: "Gaurav Gautam" <aao-aptel@nic.in>

Sent: Wednesday, December 6, 2023 4:35:11 PM

Subject: Fwd: Reminder: Very Urgent-Parliament Question-Rajyasabha- Functioning of Data centres in the country

For immediate FNA



भारत 2023 INHA
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नई दिल्ली - 110 003
दूरभाष : 24368477 फ़ैक्स : 24368479
APPELLATE TRIBUNAL FOR ELECTRICITY
Core 4, 7th Floor, SCOPE Building, Lodi Road.

No .6/3/2019-Admn./APTEL/ 528/23

Dated : 25th July, 2023

To

Deputy Secretary (R&R-II)
Ministry of Power,
Shram Shakti Bhawan,
New Delhi-110001.

Subject: Rajya Sabha provisionally admitted Starred/Unstarred Question Dy.No.S3202 for 1st August, 2023 regarding "Clarification regarding functioning of CERC and APTEL" - reg.

Sir,

I am directed to refer to Ministry of Power e-mail dated 25.07.2023 on the subject cited above and to furnish the reply of the Rajya Sabha provisionally admitted Starred/Unstarred Question Dy.No.S3202 for 1st August, 2023 regarding "Clarification regarding functioning of CERC and APTEL pertaining to this Tribunal.

ANSWER

It is mentioned here that one post of Technical Member (Electricity) is vacant w.e.f. 29.11.2021 and one post of Judicial Member is vacant w.e.f. 04.12.2022. The process for filling up of both the vacancies is under consideration with Ministry of Power. As regards, the other vacant position in APTEL, the process for filling up the vacancies is under process in APTEL. The present incumbent in position is enclosed (**copy attached**).

It is also mentioned here that APTEL is having it's rented office premises in Delhi provided by NTPC and have sufficient infrastructure for running the court proceedings. A proposal for renovation of office premises is under process with NTPC.

2. This has the approval of the Competent Authority.

Encl : as above.

Yours faithfully,

(Gaurav Gautam)

Admn.-Cum-Accounts Officer

Appellate Tribunal for Electricity

Sanctioned and actual strength as on 01.07.2023

Sl. No.	Designation	Group	Sanctioned Strength	Actual Strength	Vacancy
1.	Chairperson	Group-"A"	01	01	00
2.	Judicial Member	Group-"A"	01	00	01
3.	Technical Members	Group-"A"	03	02	01
4.	Registrar	Group-"A"	01	01	00
5.	Dy. Registrar	Group-"A"	02	00	02
6.	Director (Admn.)	Group-"A"	01	01	00
7.	Admn.-cum- Accounts Officer	Group-"A"	01	01	00
8.	Principal Private Secretary	Group-"A"	05	05	00
9.	Private Secretary	Group-"B"	05	04	01
10.	Personal Assistant	Group-"B"	05	01	04
11.	Judicial Assistant	Group-"B"	01	00	01
12.	Court Master	Group-"B"	04	03	01
13.	Librarian	Group-"B"	01	01	00
14.	Accountant	Group-"B"	01	01	00
15.	Assistant	Group-"B"	01	01	00
16.	Stenographer	Group-"C"	01	01	00
17.	Cashier	Group-"C"	01	01	00
18.	LDC	Group-"C"	01	01	00
TOTAL			36	25	11

Clarification regarding functioning of CERC and APTEL**From :** rsqns@sansad.nic.in

Tue, Jul 18, 2023 08:08 PM

Subject : Clarification regarding functioning of CERC and APTEL**To :** pq mop <pq_mop@nic.in>

PROVISIONALLY ADMITTED QUESTION FOR THE RAJYA SABHA

Starred /Unstarred Diary No.-- S3202

The Question Will be put down for -- 01/08/2023

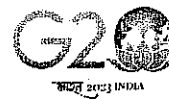
Answer on the Ministry Department -- Power(PWR)

Clarification regarding functioning of CERC and APTEL

a) Why are CERC Members acting detrimental to the interest of Distribution companies and the interest of southern states by not declaring transmission lines as national assets despite directions issued Ministry of power directions in letter dated 30.05.2022 ? b) Whether the Ministry has taken cognisance of the fact that CERC does not have representation from the Southern States especially TamilNadu thereby neglecting the interests of the Southern region and that biased CERC orders are leading to heavy losses to the state governments? c) what steps taken to fill up the judicial vacancies, staff members and infrastructure issues in APTEL?



सत्यमेव जयते



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नई दिल्ली - 110 003
दूरभाष : 24368477 फ़ैक्स : 24368479
APPELLATE TRIBUNAL FOR ELECTRICITY
Core 4, 7th Floor, SCOPE Building, Lodhi Road,

No .6/3/2019-Admn./APTEL/ 504/23 Dated : 12th July, 2023

To

Under Secretary (Admn.-II)
Ministry of Power,
Shram Shakti Bhawan,
New Delhi-110001.

Subject: Rajya Sabha Admitted Questions Dy. No.S289 - reg.

Sir,

I am directed to refer to Ministry of Power e-mail dated 12.07.2023 on the subject cited above and to furnish the reply of the Rajya Sabha Admitted Questions Dy.No.S289 pertaing to this Tribunal.

2. It is mentioned here that the Q.No. (a) to (c) is pertaining to Ministry of Power. As regards the Q.No. (d) to (f), the replies are as under:-

ANSWER

(a to d) An Internal Complaint Committee on Gender Sensitization and Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal has been constituted vide Office Memorandum No.22/7/2015-Adm/APTEL dated 30th August, 2018 (**copy attached**). The Committee is functional in this Tribunal. One Day awareness programme on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was organized on 8th December, 2022 (**copy attached**).

(e) NA

(f) No cases have been brought to the notice of the Committee till date.

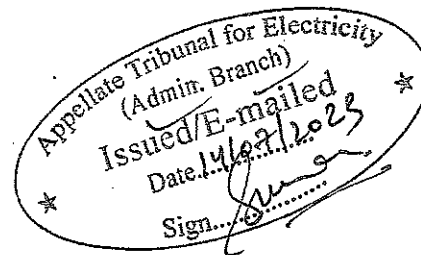
3. This has the approval of the Competent Authority.

Encl : as above.

Yours faithfully,

(Gaurav Gautam)

Admn.-Cum-Accounts Officer





75
Azadi Ka
Amrit Mahotsav

विद्युत अपील अधिकरण
कोर 4, सातवाँ तल, स्कोप बिल्डिंग, लोधी रोड़,
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Core 4, 7th Floor, SCOPE Building, Lodhi Road
New Delhi - 110 003
Tel.: 24368477 Fax : 24368479

F. No.22/7/2015/APTEL/ 871/22

Dated : 13.12.2022

To

Shri Sanjay Kumar
Under Secretary (Adm.II)
Ministry of Power
Shram Shakti Bhawan,
New Delhi

Subject : **One Day awareness programme on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 - reg.**

Sir,

Please refer to your letter No.2-26/1(i)/2017-Admn.II dated 21.10.2022 on the subject cited above.

2. As per the direction of the Secretary, Ministry of Women and Child Development, the Appellate Tribunal for Electricity has conducted one day awareness programme on the Sexual Harassment Act on 9th December, 2022. A copy of the report on conducting one day awareness programme on the Sexual Harassment of Women at Workplace is enclosed herewith for further necessary action at your end.

Yours faithfully,

Encl : as above.

(Gaurav Gautam)
Admn.-Cum-Accounts Officer

APPELLATE TRIBUNAL FOR ELECTRICITY
New Delhi

Date: 09.12.2022

Report on conduct of one day awareness program on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 at Appellate Tribunal for Electricity, Ministry of Power, Govt. of India, New Delhi on 08.12.2021

In pursuance of the direction of the Secretary, Ministry of Women & Child Development, vide D.O. No. WW-16/5/2021-WW (96705) dated 13.10.2022, this Tribunal conducted one day awareness program on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (SH Act) on 8th of December 2022.

Details of members of the Internal Complaint Committee on the Act with their mobile numbers were displayed afresh on the notice boards/conspicuous places of the Tribunal one week ahead of the program. Towards conducting the awareness program on 08.12.2021 for all the officers/staff including male members of APTEL, a wide publicity of the program to join the programme, was given to all of them on 07.12.2022 itself. Accordingly, a minute to minute program for 08.12.2021 and a circular for all staff members for attending the same were also issued on 7.12.2021 itself.

As per the minute to minute program, the interactive session was conducted at 4.30 p.m. in Court-2 of APTEL. About 35 participants attended the session. Prominent among the speakers at this session were Members of the Internal Complaint Committee, namely Adv. M. G. Ramachandra, Sr. Adv. and Adv. Swapna Seshadri. Other two members of the said Committee, namely, Ms. T. Surekha, PPS, and Mr. Thomas P. D., PPS, APTEL were also present at the session. All the speakers enlightened the participants with the provisions of the Act. They also dwelt at length regarding genesis of Act, prevention and Redressal of the sexual harassment etc. How to approach the Authority/employer/Internal Committee if any one faces any sexual harassment at workplace was also explained. Various factual incidents vis-a-vis

remedies and solution found out were also narrated in order to educate the participants how effective the Act is. The speakers all in unison exhorted the female staff that they would not back down if they ever face any type of sexual harassment from anyone at workplace. The program ended with questions from the participants to Members of the Internal Complaint Committee. All their questions were satisfactorily answered by the Members of the Committee who were present at the session. It was also asserted by the Members of the Internal Committee that no report on any sexual harassment towards female employees was ever reported in APTEL. The session ended with vote of thanks and light refreshment.

A copy of the minute to minute program of the interactive session, gist of the SH Act and details of the Internal Complaint Committee on SH Act are enclosed herewith.

Appellate Tribunal for Electricity

Awareness program on the Sexual Harassment of Women at Workplace (Prevention, prohibition and Redressal) Act, 2013,

Minute to Minute Programme

Master of Ceremony : Mrs. Preeti Kalsi

<u>Date: 08.12.2022</u>	<u>Venue : Court-II</u>
04.30 pm	The attendees from the staff to be seated
04.35 pm	Arrival/joining of Invitees/participants
04.40 pm	Introductory speech by Mrs. Preeti Kalsi, Member, Internal Complaint Committee on Sexual Harassment of Women at Workplace (ICCSHWW)
04.45 pm	Speech by Sr. Adv. Sh. M.G. Ramachandran, ICCSHWW
04.50 pm	Speech by Adv. Swapna Seshadri, Member, ICCSHWW
04.55 pm	Questions, if any by attendees
05:00 pm	Vote of thanks by Mr. Thomas P.D.

A brief analysis of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH ACT AND RULES)

Sexual harassment at a workplace is considered violation of women's right to equality, life and liberty. It creates an insecure and hostile work environment, which discourage women's participation in work, thereby adversely affecting their social and economic empowerment and the goal of inclusive growth¹. With this idea the legislature formulated the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013. The need for such legislation was observed first time by the Supreme Court, in *Vishaka v State of Rajasthan*. In the absence of any law at that time providing measures to check the evil of sexual harassment of working women, the Supreme Court, in exercise of power available under Article 32 of the Constitution, framed guidelines to be followed at all workplaces or institutions, until a legislation is enacted for the purpose. The Supreme Court incorporated basic principles of human rights enshrined in Constitution of India under Article 14, 15, 19(1)(g) and 21, and provisions of Convention on Elimination of All Forms of Discrimination against Women (CEDAW), which has been ratified in 1993 by the Government of India. The guidelines laid down by the Supreme Court were to be treated as the law declared under Article 141 of the Constitution.

After 16 years of *Vishaka*, The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 ("the Act") was enacted with the objective to provide protection against sexual harassment of women at workplace³ and for the prevention and redressal of complaints of sexual harassment and for matter connected therewith or incidental thereto.

The Act defines sexual harassment as unwelcome acts or behavior (whether directly or by implication) namely, physical contact and advances, a demand or request for sexual favors, making sexually colored remarks, showing pornography, any other unwelcome physical, verbal or non-verbal conduct of sexual nature⁴. Any act of unwelcome and sexual nature shall be considered as sexual harassment. The Delhi High Court in *Shanta Kumar vs CSIR* held that "undoubtedly, physical contact or advances would constitute sexual harassment provided such physical contact is a part of the sexually determined behaviour. ...a physical contact which has no undertone of a sexual nature and is not occasioned by the gender of the complainant may not necessarily amount to sexual harassment."⁵

INTRODUCTION

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("POSH Act") came into force on December 9, 2013, and is framed to provide protection to women at the workplace against sexual harassment. The Act further lays down rules for the prevention and redressal of sexual harassment complaints by female workers.

This article sets out a brief framework of the POSH Act and the rules framed thereunder.

Every organization, public or private, having more than 10 employees, should be committed to provide a safe and congenial work environment to its employees and ensure that they are not subject to any form of sexual harassment.

Further, every entity should endeavor to create a safe and secure working environment for all persons employed or engaged by them. Every employee should enjoy a working environment that is free from all forms of harassment, including sexual harassment, unlawful discrimination, and intimidation.

While the POSH Act has been enacted for the protection of female employees from sexual harassment at the workplace, most of the entities in India have extended policies of sexual harassment to their male employees as well to be gender-neutral.

Foundation of the Act

The POSH Act has been developed on and around these three foundations:

#1. Sexual harassment at workplaces violates fundamental rights of gender equality and right to life and liberty and the right to work with human dignity guaranteed under the Articles 14, 15, and 21 of the Constitution of India.

#2. In addition, failing to protect women against sexual harassment and not able to save their right to work with dignity went against the universally recognized human rights by international conventions and instruments such as the Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on June 25, 1993, by the Government of India. Thus, the POSH Act is an attempt to overcome these shortfalls.

#3. POSH Act is an extension of Vishakha Guidelines, 1997, introduced by the Supreme Court which had laid down guidelines for dealing with sexual harassment at workplace, pending formal legislation.

Definitions

Under the POSH Act, "sexual harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication):

Sexual Harassment includes any one or more of the following unwelcome acts or behavior as per PoSH Act

- (i) If a woman worker suffers physical contact and advances;
- (ii) If a demand or request for sexual favors is made on her;
- (iii) If sexually colored remarks are directed towards her;
- (iv) If she is shown pornography; or
- (v) If she faces any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

This is not an exhaustive list as the POSH Act covers a wide-ranging definition of sexual harassment and therefore, in addition to these there are several more circumstances and behavior which account as 'sexual harassment'.

- (i) If a female worker faces implied or explicit promise of preferential treatment in her employment; or
- (ii) If she receives implied or direct threat of adverse treatment in her employment; or
- (iii) If she sees implied or obvious threat about her present or future employment status; or
- (iv) If there is an undue interference with her work or circumstances designed to create an intimidating or offensive or hostile work environment for her; or
- (v) If she is meted out the humiliating treatment which is likely to affect her health, mental or physical, and/or her safety.

Further, under the POSH Act, the scope of workplace includes any and all units, branches, offices, establishments of any organization, and any place visited by an employee during the course of employment including the transportation provided by such entity for undertaking such journey.

Internal Complaints Committee

As per the POSH Act, an employer has 10 workers or more are required to set up an internal complaints committee for the redressal of sexual harassment complaints at such entity and to regulate and administer complaints on sexual harassment. An Internal Complaints Committee is required to be constituted which shall submit an annual report to its employer and District Officer. In the event an entity does not constitute an Internal Complaints Committee due to having less than 10 workers, every District Officer is required to constitute in the district concerned, a committee to be known as the 'Local Committee' to receive complaints of sexual harassment from such organizations. In addition, they also take up cases of sexual harassment where the complaint is against the employer himself and domestic workers.

Constitution

The Internal Complaints Committee (ICC) should have a minimum of four members as mentioned under:

- (i) The Presiding Officer – who should be a woman employed at a senior level at the workplace;
- (ii) Two Internal Members- who should be employees from the workplace who are committed to the case of women or who have had experience in social work or have legal understanding; and

(iii) One External Member— who is acquainted with the issues relating to sexual harassment and should be from a non-governmental organization or an association committed to the cause of women or a person.

The Local Complaints Committee should have the following members nominated by the District Officer:

(i) The Presiding Officer/ Chairperson – nominated from amongst the eminent women in the field of social work and committed to the cause of women;

(ii) Two Members – nominated from amongst NGOs/ association/ persons committed to the cause of women or familiar with the issues relating to sexual harassment, provided that: (a) at least one must be women, and (b) at least one must have a background of law or legal knowledge;

(iii) One member – nominated from amongst the women working in the block, taluk or tehsil or ward or municipality in the district;

(iv) Ex officio member – the concerned officer dealing with social welfare or women and child development in the district.

All committees constituted under the POSH Act must have at least 50% representation of women. The Presiding Officer and the other members of the complaints committee are required to hold office for a period of not more than three years from the date of their appointment.

The list of members and their contact details should be published and displayed at the workplace as well as on the website of the company (if any). It is advisable to display such a list at a prominent place in the workplace.

Redressal Process

(i) A complaint of sexual harassment may be lodged by any aggrieved female to the Internal Complaints Committee in writing within three months of the occurrence of the incident and in case of a series of incidents, within three months of the occurrence of the last incident.

The said time limit may be extended by a maximum period of three months with reasons to be recorded in writing by the complaints committee if it is satisfied that

there existed circumstances that prevented the aggrieved female from filing the complaint.

(ii) If an aggrieved female is not able to make a complaint due to her being physically or mentally incapacitated, or death or any other reason, then the POSH Act provides that her legal heir or such other person as may be prescribed, may make a complaint.

Furthermore, a supervisor or manager is to report immediately to the ICC if he/she is aware of conduct which is inconsistent with this policy or if he/she receives a report of conduct inconsistent with this policy.

(iii) The complaint should contain all the material and relevant details concerning the alleged sexual harassment including the name of the contravener, details of the incident, place of the incident, names of witness (if any).

(iv) The Internal Complaints Committee has the power to settle the matter between the aggrieved woman and the contravener through conciliation, at her request. This can be done before initiating an inquiry but the ICC has to make sure that there is no monetary settlement that has been made as a basis of conciliation.

If a settlement is arrived at, the ICC needs to record the details of the settlement and forward it to the management of the concerned organization in order to take action as specified in the recommendation. A copy of the settlement is to be provided to both the aggrieved woman and the accused. After a successful settlement has been made between the two parties, no further inquiry shall be conducted by the Internal Complaints Committee unless the terms of the settlement are broken or not followed by either of them.

Inquiry Process

(i) In the event that the aggrieved woman does not want to proceed with the conciliation process, the ICC will proceed with the inquiry under the POSH Act.

(ii) A copy of the complaint should be sent to the accused within 7 days of receipt of the complaint by the aggrieved woman. The accused is required to file a reply to the complaint along with his list of documents, names and addresses of witnesses within a period of 10 days from the date of receipt of the complaint by the contravener.

(iii) The aggrieved woman and the accused, during the course of an inquiry by the Internal Complaints Committee, will be given equal opportunity to be heard. The two

of them shall be called separately, this has been proposed to not only to ensure the freedom of expression but also to provide an atmosphere free of intimidation. But neither of them will be allowed to be represented by any legal practitioner until the inquiry is conducted by the ICC.

(iv) The inquiry should be conducted in the presence of at least three members from the ICC. Further, according to the POSH Act, the inquiry proceeding is required to be completed within 90 days from the date of receipt of the complaint, and communicate its findings and its recommendation to the parties and the company within 10 days of completion of the inquiry.

(v) The report should contain the following elements:

- (a) description of all aspects of the complaint;
- (b) description of the process followed;
- (c) description of the background information and documents that support or refute claims of both the parties;
- (d) an analysis of information obtained;
- (e) findings; and
- (f) recommendation.

(v) The Internal Complaints Committee has the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if either of the parties fails, without sufficient cause, to present themselves for three consecutive hearings convened by the presiding officer.

(vi) During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Complaints Committee may recommend to the employer to:

- (a) transfer the aggrieved woman or the accused to any other workplace, or
- (b) grant leave to the aggrieved woman up to a period of three months provided that the leave granted to the aggrieved woman shall be in addition to the leave she would have been otherwise entitled.

(vii) The Internal Complaints Committee is free to adopt its own procedure for carrying out the inquiry having regard to the sensitive nature of the complaint and the respective position of the parties.

Disciplinary Action

(i) Upon investigation, if it is found that the complaint is false or filed with malafide intentions, appropriate disciplinary action may be taken against the aggrieved woman.

(ii) Where the Internal Complaints Committee arrives at the conclusion that the allegation against the contravener has been proved, he will be subject to disciplinary action such as:

- (a) written apology, warning, reprimand or censure;
- (b) withholding of promotion;
- (c) withholding of pay rise or increments;
- (d) termination of service;
- (e) undergoing a counseling session;
- (f) carrying out community service;
- (g) any other action specified in the policy relating to the prevention of sexual harassment adopted by the organization.

Compensation to be determined on the basis of:

- (a) The mental trauma, pain, suffering and emotional distress caused to the aggrieved employee;
- (b) The loss of career opportunity due to the incident of sexual harassment;
- (c) Medical expenses incurred by the victim for physical/ psychiatric treatment;
- (d) The income and status of the alleged perpetrator; and
- (e) Feasibility of such payment in a lump sum or in instalments.

In the event that the respondent fails to pay the aforesaid sum, the Internal Complaints Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned district officer.

Appeal

In case the aggrieved woman or the accused is not satisfied with the decision of the ICC or in case of non-implementation of the recommendation of the Internal Complaints Committee, such person may prefer an appeal to the appellate authority notified under Section 2 (a) of the Industrial Employment (Standing Orders) Act, 1946 within ninety (90) days from the date of receipt of a decision of the complaints committee.

Duties of an Employer

The POSH Act prescribes certain duties of the employer to provide a safe working environment for persons coming in contact with the workplace. Set out below are some of the duties which are required to be performed by the employers:

- (i) Formulate an internal anti-sexual harassment policy for prohibition, prevention and redressal of sexual harassment, promote gender-sensitive safe spaces and remove factors that contribute towards a hostile work environment against women;
- (ii) Use modules and reports prepared by the State Governments to conduct workshops and posh awareness training for sensitizing the employees with the provisions of this Act;
- (iii) Display the penal consequences of sexual harassment through posters, boards, etc. at prominent places in the workplace;
- (iv) Maintain a proactive awareness program upon joining and thereafter at regular intervals to educate the employees as to the definition of sexual harassment and procedure for redressal and orientation program for the members of the complaints committee;
- (v) Assist in securing the attendance of contravener, and witnesses before the complaints committee;
- (vi) Ensure that the aggrieved woman or its witness is not punished by discharging, transferring, dismissing, or otherwise for any misconduct, as a consequence of the complaint;
- (vii) Provide full assistance to the aggrieved women if she chooses to file a complaint in relation to the offense under Section 509 of the Indian Penal Code or any other law for the time being in force;
- (viii) Monitor timely submission of reports by the Internal Complaints Committee;
- (ix) Treat sexual harassment as misconduct under the service rules and initiate action for such misconduct.

Annual Report

The Internal Complaints Committee is required to prepare an annual report at the end of the financial year. It is the responsibility of the Presiding Officer to ensure a full

account of the committee's activities during the previous year is recorded and forward a copy thereof, to the employer and/ the district officer. The annual report prepared by the ICC shall have the following details:

Annual report prepared by the ICC shall have the following details

- (i) number of complaints of sexual harassment received in the year;
- (ii) number of complaints disposed of during the year;
- (iii) number of cases pending for more than ninety days;
- (iv) number of workshops or awareness program carried out against sexual harassment;
- (v) nature of action taken by the employer or district officer.

Confidentiality

Each organization should acknowledge the sensitivity of the complaint and take steps to ensure that all matters including any complaints made and investigations conducted are handled in the strictest of confidence and sensitivity as confidential to the extent possible or practical under the circumstances. However, information may be collected and disclosed regarding any victim of sexual harassment under the POSH Act who has secured justice but without disclosing the name, address, identity, or any other particulars which may inadvertently lead to the identification of the complainant and/or the witness/es. Every employee involved, whether making a complaint or involved in any investigation, shall be required to observe a high level of confidentiality that is required. If any person breaches the provisions of confidentiality under the POSH Act, the employer shall recover a sum of INR 5,000 (Indian Rupees Five Thousand) as a penalty from such person.

Penalty for Non-Compliance of the provisions of the POSH Act

Every employer shall be punishable with a fine which may extend up to INR 50,000 (Indian Rupees Fifty Thousand) for the following:

- (i) employer fails to constitute an Internal Complaints Committee;
- (ii) employer fails to take action in relation to the inquiry report, false or malicious complaint and false evidence and reporting the number and details of the complaints; and
- (iii) contravention or attempt to breach the provisions of the POSH Act.

Conclusion

The positive impact of the POSH Act as an effective legal recourse for women facing sexual harassment in the workplace is visibly seen in the continuously rising numbers of complaints of such cases every year. As the cases reported of sexual harassment at workplace jumped up almost 54% in 2018 and 14% in 2019, there was a concern on the part of people in general but the industry experts point out that this increase in reportage is a healthy indicator. It points to a greater awareness among women about legislation on sexual harassment at the workplace as all organizations have implemented the recommendations and provisions described under the POSH Act, 2013. "Women are more prompt these days to report any case of sexual misconduct and it is the responsibility of organizations to take speedy action," said Suresh Tripathi, vice president, human resource management, Tata Steel, "Prompt action by organizations will act as a deterrent for others, and it will encourage women to come out and report," he said, adding, "Increased reporting is good to start with as it means there is more awareness. It (such cases) will plateau and start coming down..."

Way Forward

As the onus of safe campuses lies on the companies and organizations, most of them have started to put in sincere efforts to make the workplace safer for women. For the sexual harassment of women at the workplace must be seen as a social problem and therefore, all factions of society must join hands to overcome this problem. We need not only to create awareness but also have the obligation to sensitize both genders about its ill-effects on individuals in particular, and society in general. A healthy workplace shall ensure greater productivity and job satisfaction for all.

Internal Complaint Committee of APTEL on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013:

1. Ms. T. Surekha, PPS (Mobile No. 9625290189) - Presiding Officer
2. Sh. Thomas P. D., PPS (Mobile No. 9436609169) - Member
3. Ms. Preeti Kalsi, Stenographer (Mobile No. 7065981205) - Member
4. Mr. M. G. Ramachandran, Advocate (Mobile No. 9810020926)- Member
5. Ms. Suparna Srivastava, Advocate (Mobile No. 9810235164)-Member
6. Ms. Swapna Seshadri, Advocate (Mobile No. 9818735544) - Member
[Nominee of Hon'ble Chairperson]
7. Ms. Kalpana Thapa, PA (Mobile No. 9811854949) - Member Secretary

Fwd: Provisionally Admitted Question for Rajya Sabha - regarding

1 message

Gaurav Gautam <aaoaptel@gmail.com>
To: satiaptel@gmail.com

Wed, Jul 12, 2023 at 4:04 PM

Put up pls

----- Forwarded message -----

From: **Gaurav Gautam** <aao-aptel@nic.in>
Date: Wed, 12 Jul 2023, 15:44
Subject: Fwd: Provisionally Admitted Question for Rajya Sabha - regarding
To: AAOaptel <AAOaptel@gmail.com>

From: "Ms Madhulika Choudhary" <registrar-aptel@nic.in>
To: "Gaurav Gautam" <aao-aptel@nic.in>
Cc: "DC Sharma" <dc.sharma67@nic.in>
Sent: Wednesday, July 12, 2023 2:48:49 PM
Subject: Fwd: Provisionally Admitted Question for Rajya Sabha - regarding

FNA


From: "V Srinivasan" <adm2-power@nic.in>
To: cmd@pfcindia.com, cmd@nhpc.nic.in, "CMD Secretariate THDCIL" <cmd@thdc.co.in>, "CMD REC Limited" <cmd-recl@recl.nic.in>, "CMD REC Limited" <cmd@recl.in>, cmd@ntpc.co.in, "CMD Secretariat" <sectt.cmd@sjvn.nic.in>, "CMDoffice neepco" <cmdneepco@neepco.co.in>, cmd@grid-india.in, "GHANSHYAM PRASAD" <chair@nic.in>, "Shri Ram Naresh Singh" <chairman@dvc.gov.in>, "DG CPRI" <dgcpri@cpri.in>, "Dr. Tripta Thakur" <dg.npti@gov.in>, "Abhay Bakre" <dg-bee@nic.in>, "Ms Madhulika Choudhary" <registrar-aptel@nic.in>, "Secretary Jerc" <secy-jerc@nic.in>, "Harpreet Singh Pruthi" <secy@cercind.gov.in>, "Nand Lal Sharma" <cman@bbmb.nic.in>, cmd@powergrid.in, "Dr. N.V.Kumar" <nvkumar.npti@gov.in>, "Director . admin cea" <diradmincea@nic.in>
Cc: "singhp7" <singhp7@ias.nic.in>, "Ranendra Singh Negi" <rsnegi.rgi@nic.in>, "Sanjay Kumar" <sanjay.kmr69@gov.in>
Sent: Wednesday, July 12, 2023 12:44:59 PM
Subject: Provisionally Admitted Question for Rajya Sabha - regarding

Sir/Madam,

Please find attached this Ministry's Letter dated 12.07.2023 on the above mentioned subject for necessary action at your end.

Regards,

Adm.II Section
Ministry of Power

 Scan20230712124134.pdf
632K



No. 2-46/1/2023-Admin (Portal)
Government of India
Ministry of Power
Shram Shakti Bhawan, Rafi Marg, New Delhi - 110001
Telephone No. 23715507; Fax No. 23717519

Dated: 12.07.2023

To

Heads of all PSUs/Attached Office/Subordinate/Autonomous/Statutory Bodies
under the administrative control of Ministry of Power.

Subject: Provisionaly Admitted Question for Rajya Sabha - matter regarding.

Sir,

I am directed to refer to the above mentioned subject and to state that a Parliament Question to be replied by Ministry of Power, has been provisionally admitted for Rajya Sabha (Copy enclosed) on 'Measures undertaken for prevention of Sexual Harassment of Women at Workplace'. In this regard the point-wise reply in r/o of your organization may be provided to this Ministry **urgently by 17.07.2023.**

Encl: As above.

Yours faithfully,

(V. Srinivasan)
Under Secretary
Tel.: 2372 3570

measures undertaken for prevention of Sexual harassment of women at workplace

From : rsqns@sansad.nic.in

Tue, Jul 11, 2023 06:03 PM

Subject : measures undertaken for prevention of Sexual harassment of women at workplace**To :** pq mop <pq_mop@nic.in>

PROVISIONALLY ADMITTED QUESTION FOR THE RAJYA SABHA

Starred /Unstarred Diary No.-- S289

The Question Will be put down for -- 25/07/2023

Answer on the Ministry Department -- Power(PWR)

measures undertaken for prevention of Sexual harassment of women at workplace

a. Whether it is a fact that under the prevention of Sexual harassment of women at workplace Act, Ministries are mandated to have an internal Committee ; b. if so, whether all organizations/autonomous bodies/sub-ordinate offices under Ministry have functional internal complaints committee; c. Whether Ministry has conducted any exercise to ensure compliance of this requirement by offices concerned; d. if so, the details thereof with organizations yet to set up internal Committee; e. if not, the reasons therefor; f. number of cases referred to internal complaints committee in the last three years along with cases where action was taken on such complaints?

DS (Adm) / US (Adm II)

12/07/2023

12/7/23
SO Ad 2

614506/US(A)/23
12/7