

Chapter - 20

* Sexual harassment

in Case of Albert David v. Anuradha Chaudhary
Plaintiff requested defendant to switch off
the AC. But defendant replied Come
close to me you will start feeling hot
It is a Sexual harassment.

Meaning of Unorganize Sector :-

Unorganize Sector means an enterprises owned
by individuals or self employed, where
workers are less than 10.

• Workplace :-

The Court emphasize that workplace includes
any location where work related activities
occur such as official residence, only
environments or home where work is
conducted.

in Case of Vidhya Alkhave Vs. Union of
India

Bombay H.C ruled that it would not
interfere with an order of punishment
passed by internal Complaint Committee
in relation to sexual harassment

Complaint unless order is shockingly

dis - proportionate.

Lecture - 02

17/Aug/24.

CASE LAW

in Manjeet Singh vs. Indrapastha gar Ltd.

- Delhi H.C holds that anonymous Complaint under Act are not valid and should be rejected.
- written Complaint should include detailed description of each incident.
- Relevant dates, timings and location.
- names of the Respondent.
- Working relationship between Complainant and Respondent

* If Respondent is Convicted Court may Order the respondent to Pay Compensation to aggrieved women.

Section 13.

- * Employer if may direct respondent to pay amount directly to aggrieved women.
- If respondent fails to pay the amount IC Or LC may forward an Order for recovery

of the Sum as an arrear of land revenue.

- Employer or district officer is required to act on recommendation made by IC or LC within 60 days of receiving done

* Punishment for false or malicious Complaint :-

- if IC or LC finds that Complaints was made with malicious intent they can recommend disciplinary action against the Complainant.
- if witness gives false evidence IC or LC can recommend action against the witness.
- inability to prove a Complaint alone doesn't attract Penalties. Malicious intent must be established.

Lecture - 3.

20/Aug/24

* Appeal :-

- Section 18 allows a aggrieved Person by recommendations or actions under certain Section 13, 14, 17 of an act to appeal to Court or tribunal.
- The appeal process depends on applicable Service rules and if not exist it follows a prescribed manner.

- The appeal must be file within 90 days of the recommendations.

CASE LAW

in Case of Binoy Jacob Vs. State of Kerala.

- Petitioner sought to Quash ~~Pr~~ Criminal Proceeding on ground that internal Complaint Committee had dismissed the Complaint
- Kerala high Court held that Section 28 of Binoy Jacob Vs. State of Kerala - stipulates that provision of the act are in additional to and not in derogation of any other law in force therefore ICC (Internal Complaint Comm.) decision and internal Criminal proceedings under IPC are independent of each other and both actions are permissible and can proceed simultaneously.
- There is no bar on continuing with Criminal Prosecution.

in Case of Rayala Satyanarayana Vs. SBI funds Management Pvt Ltd.

- The Question was whether terminating of Service on basis of Conclusion drawn by ICC and without preliminary investigation and opportunity for hearing is illegal.

• Andhra Pradesh H.C ruled that employee cannot be fired based solely on findings on ICC

• A separate department enquiry is required before such a Major Penalty is imposed ensuring employee gets a fair chance to defend themselves.