



RIO OLYMPICS GIRL POWER REDEEM INDIA'S GLORY

India with a population of 123 crores could earn only one silver and a bronze medal at the recently concluded RIO Olympics, through their girl power. This is out of 117 members who participated in 15 disciplines.

Ms. Sakshi Malik who secured a bronze in women 58 kg category wrestling, hails from a state like Haryana with a dismal sex ratio of 822 women for 1000 men had to grapple with gender bias. Another girl Ms. P.V. Sindhu from Andhra Pradesh won a silver for women's badminton. It was a victory for girls and their determination. The gender bias has deprived girls from many states from participating in sports and games, consequently are forced to opt for other professions. Still girls like Sakshi Malik and P.V. Sindhu brought glory to India with their scintillating performances along with Dipa-Karmarker in Gymnastic whose performance is commendable. The country had also witnessed the performances of Sania Mirza in Tennis, Saina Nehwal for badminton, MaryCom for wrestling, Karnam Malleswari for weight lifting, P.T. Usha for track event etc.

in the past. We are yet to see more men athletes with dedication like Milka Singh. Abin Bindra, Rajyavardhan Singh Rathore, Vijender Kumar etc. securing glory for the country.

When the future career of the boys and girls are bleak, many parents do not want their wards to take up the sports as a career. Government also do not make any serious talent search, nor encourage those who are coming into the field or have any scheme for their rehabilitation after they retire from the field. Cricket being considered as a royal game with fabulous money through many promoters and the better treatment, attracts many youngsters towards game, at the cost of our other games. We may be number one in cricket, number two in world population and a fast growing economy, but winning a gold, or silver or bronze in Olympics' or in any other international event is a difficult job as the sub continent's life style, physique, carbohydrate laden diet etc do not make a natural sports person.

India, though a fast growing economy, the disparity between rich and the poor is widening

which is almost 1:9 between the rich and the poor. While the children from affluent family want to take up professions like IT, medicine, engineering, research etc the children from poor families though talented are unable to take up the sports as a career where the remuneration or support from the sponsors or the government is not assured. Unless people have sports culture, whether from rich or poor, it will be difficult to find children for this specialized profession. For securing laurels for the country, we need a self motivated prodigy with excellent training, wherewithal and committed coaches. Unlike in the past one cannot venture in to the arena without a qualified coaches as the events are getting highly competitive. Training in sports now have got different branches, such as physical fitness, training, motivation physio therapy, sports medicine, special diet etc. Besides it requires a lot of dedication and determination. Indian hockey team once dominated the world hockey. But with the improvement and changes in the coaching standards, players attitude, stamina, support etc., elsewhere the dominance of Indian hockey has become part of history.

We need to understand the difference between spending on competitive sports and sports in general when sports are also for general health and recreation. It costs a bit to train an athlete to win a medal on the world stage. Australia with mere 22 million people won about 29 medals including 8 gold. According to report they spent about ` 700 crores on sports of which ` 560/- goes to Olympic preparation. Whereas India with 123 crores of population, according to reports spent about ` 900 crores, of which two third goes to organizing local events, upgrading the sports scheme and other infrastructure. ` 300 crores goes to improving sports of which only a portion goes to Olympic level training. ` 5 crore are being spent on talent search. Out of the allocation considerable amount goes to the salary and perquisites of the officials of the

sports council. The amount spent to find and train new players is negligible. Here the officials are enjoying at the cost of our athletes as they travel by air or A./C coaches, stay in the star hotels etc. whereas the facility provided to the athletes are pathetic as according report they are provided with II class train ticket reserved or unreserved and accommodation in the local hotels, no comparison with cricket players.

There is a huge young population in the rural area with good potential, whose energy can be channelized towards sporting accomplishment. Their talents have to be nurtured from very young age. For India to become dominant in Olympic events the sports associations have to be reformed to meet the international standards and infrastructure to be improved. We also need a qualified, committed team managers and technical staff to motivate and take care of the athletes. In spite of all fiasco in the past there was an allegation that the marathon runners in the recent Olympics were not taken care by the technical staff appointed for the purpose. When all the countries had their stall at every 2 km to provide water, recovery drinks and food, Indian stalls were empty, consequently a runner collapsed due to dehydration and had to be rushed to the hospital. The sports ministry had disowned their responsibility but ordered an enquiry on the incident. As such we need dedicated staff accompanying the athletes who are not going for sight seeing at the cost of the exchequer. When we win a medal India is put on a global map that will inspire millions of youth in the country with strong national identity.

“Officers’ cause” congratulates Ms. Sakshi Malik, P V Sindu and Dipa Karmakar, for having brought laurels for the country at the Olympics and wish them all success in their future performances.■

SUCCESS AWAITS AT THE DOOR WHERE DILIGENCE IS

MARCH TO PARLIAMENT ON 9TH AUGUST AS PART OF SAVE PUBLIC SECTOR MOVEMENT

9th August 2016, was a historic day in the Annals of the Trade Union movement. More than 10,000 Comrades from across the country participated in the "March to Parliament" organised by AIBOC making it a thundering success. The procession was so long and unending It was a massive show of strength, solidarity and unity and a very strong message to the Government.

Federation congratulates all the affiliates of AIBOC who came in large numbers and added great strength and value to the procession and thank Com, Ravinder Gupta, the General Secretary and Com, Sushil Ahuja the President of SBIOA (Delhi Circle) and their entire team of Comrades from Delhi Circle for the wonderful arrangement's.

On 9th day of August 1942, Mahatma Gandhiji launched Quit India Movement to save the Nation from foreigners. 74 years later, AIBOC launched the "Sansad Chalo" to save the Public Sector in general and Public Sector Banks in particular from the possible clutches of Foreigners and Capitalists. The huge & mammoth congregation of Bank Officers did ring the bell loud and clear to the law-makers that they cannot play with the Public Sector Banks (PSBs) of India – our valued and trusted Family Silver. The march to the Parliament was a successful attempt at bringing to the knowledge of the public, the sinister designs of the Central Government's intentions to hand over the control of the Nation's asset – the PSBs – to private & foreign players.

The "Sansad Chalo/March to Parliament", the long, unending array of participants reminded of soldiers marching towards a battle field in a war. The March started from Barakhamba Road unto Parliament, but was stopped by the Police at Jantar Mantar. More than 10,000, disciplined Members from all the AIBOC Affiliates queued up and marched in unison, inspired by unrelenting and incessant sloganeering. 50 bikers, both male and female, wearing AIBOC/SAVE PUBLIC SECTOR BANKS aprons led the procession followed by an open jeep with top

leaders on it provided a unique look. The hair raising slogans, enthused not only the participants but caught the attention of the general public. When the first contingent reached Jantar Mantar many others were waiting for their turn to join the queue. The message was sufficiently loud and characteristically clear.

At the Jantar Mantar, a huge podium was erected to accommodate Members of the Parliament, the top leaders of AIBOC, Representatives from Telecom, Sanchar Nigam Executive Association, All India Power Engineers Federation and National Confederation of Officers Associations of Central Public Sector Undertakings. Braving the scorching sun and humidity of Delhi, the large gathering listened to powerful & emotional speeches delivered. The thundering slogans reached the Parliament!!

While welcoming the guests and the congregation, Com. Harvinder Singh, General Secretary, AIBOC briefed regarding the unacceptable designs of the Government in the formation of BBB, the intended BIC and the hyper publicized Indradhanush – all with ulterior motive – to invite private players into PSB Boards as Chairmen, to suffocate the PSBs for capital; drive them to market for capital and ultimately reduce Government equity to less than 51%.

Shri Manish Tewari, Former Union Minister and the Star Spokesperson of the Indian National Congress, in his address, congratulated AIBOC for taking up a just cause of a Movement against Privatization of Public Sector. He recalled the contributions of Public Sector towards Nation building and averred that the 2008 international economic crisis did not affect India in a big way mainly due to the Indian Public Sector Banks. Public Sector Banks assisted India's GDP growth to 9.5% even as advanced economies were struggling. He assured that all attempts by the Government to privatize will be befittingly countered.

ARISE, AWAKE, STOP NOT TILL THE GOAL IS REACHED

Amidst thunderous applause, Shri Tewari pledged the Congress Party's support to the movement.

Shri Tapan Kumar Sen, Member of Parliament representing West Bengal, greeted and congratulated AIBOC for initiating the Movement and the success of the March opposing privatization. While assuring his Party's support, he appreciated the Trade Union efforts in stalling the privatization moves right from the beginning, in 1991. He condemned the neo-liberalisation policies of the Govt. that were aimed at privatization and misplaced consolidation. He appealed to the grass root of the Trade Union Movements to be in all preparedness to oppose ill-founded moves. He said that this is stoppable and should be stopped.

Dr. Dharamvir Gandhi, MP from Patiala spoke emotionally on the irreparable effect on the poor due to the privatization moves, anti-labour policies and outsourcing. His pledge for support to the

Movement and assurance to raise the issue in the Parliament was greeted with cheer.

Guest speakers included Com Ashok Rao of NCOA, Com Paramjit Singh, Gen Secretary, All India Power Engineers' Association, Com K V Acharya of All India Bank Retirees & Pensioners' Confederation, and Com Sebastian, General Secretary, BSNL Engineers' Association. Com. Swamy, and Com. Sanjay Joshi. Com. Ajay Jaitley, State President also spoke on the occasion.

Federation General Secretary and AIBOC President Com.Y.Sudarshan, delivering his presidential address, congratulated and saluted the spirit of the Members in their exuberant & unprecedented participation in the successful March. Public Sector Banks have taken care of the people, developed the country, its infrastructure and helped credit dispensation. This is the beginning of the battle, many more are to be expected – he thundered. ■

122ND PROGRAMME OF NATURE CONCLUDED SUCCESSFULLY

The 122nd Programme of NATURE held on 11th August 2016 to 14th August 2016 at Gandhi Nilaya Federation Head Quarters at Bangalore was successfully concluded on 14th August 2016.

2. The Chief Guest on the occasion was Shri.Muniswamy, the Dy.General Manager (Vigilance) Com.Y.Sudarshan, the General Secretary of the Federation gave a brief introduction about the activities of NATURE and appreciated the initiative taken by SBIOA(K) for the conduct of the programme. He also extended a warm welcome to the comrades of All India Vijaya Bank Officers' Association who had also sponsored two of their members to participate in the programme.

3. Shri.Muniswamy, speaking on the occasion complimented the participants for sparing their valuable time to attend the training with the intention to help their charge sheeted colleagues. He also complimented the Federation and the Circle Association for taking the responsibility of training the Defense Representatives so that they would be

able to assist the charged official and defend their cases effectively.

4. The programme concluded with a Valedictory Address by Shri.P.S.Rajagopal, a renowned advocate and former veteran of officer's trade union movement from Canara Bank Officers' Association.

5. The leaders who participated in the Valedictory Programme included Sarvashri. G.D.Nadaf, Former General Secretary, AISBOF and AIBOC, B.S.Ravindra, Former General Secretary of SBIOA(K), Shankar.N.Naik, Former General Secretary of SBIOA(K), Shamsunder Rao, Former President of SBIOA(K).

6. Com.S.K.Srinivas, while delivering the vote of thanks heaped lot of appreciation on NATURE for having conducted the workshop for SBIOA(K) CC Members & also regretted that some members could not use the opportunity. He also praised the "Faculty" for their selfless service and excellent delivery. ■

WORK IS WORSHIP , DO YOUR DUTY

INDIVIDUAL HOUSING LOAN (IHL) TO STAFF FACILITY OF MAXGAIN ACCOUNT

The Bank has permitted the facility of SBI Maxgain to the staff IHL borrowers with a minimum loan amount of ₹ 20 lacs and overdraft facility with reducing drawing power, as per the same terms and conditions applicable to public. The product codes were also advised vide e-Circular No.CDO/P&HRD-IR/20/2016-17 dated 11.05.2016.

2. However, the Maxgain facility is yet to be customized in CBS and therefore the officers are

deprived of the facility of Maxgain even after more than three months of approval by Corporate Centre. The RACPCs are currently opening these accounts as Term Loan Accounts.

3. Federation had requested the corporate centre to arrange for necessary instructions to the authorities concerned and resolve the issue at the earliest. ■

TRAVELLING EXPENSES ON RETIREMENT/ DEATH OF OFFICER WHILE IN SERVICE

In terms of SBIOSR Rules 43

Quote -

- (i) an officer on retirement will be eligible to claim travelling expenses, cost of transportation of baggage and other expenses for himself and his family as if on transfer from the last station at which he is posted to the place where he proposes to settle down on retirement.
- (ii) If an officer dies while in service the cost of transportation of his personal property and the fares of his dependent family members from his last place of posting to

the place where the family proposes to settle down may be reimbursed, subject to the ceiling laid down in the service rules." Unquote.

2. However the officers are not reimbursed/ paid other incidental expenses either on certificate or actual basis, which is paid for meeting expenses connected to packaging, local transportation or insuring baggage etc.
3. Accordingly the Federation had requested the corporate centre to advise the circles to adhere to the extant instructions and pay all the allowances on retirement/ death of an Officer. ■

38TH FOUNDATION DAY CELEBRATIONS OF SBIOA, BHUBANESHWAR CIRCLE

The militant Bhubaneswar circle association took its birth 38 years ago in response to the growing hopes and aspirations of thousands of officers. The day was celebrated on 19th August, 2016 at Jayadeb Bhavan, Bhubaneswar in all its grandeur. The Circle Association is one of the strongest affiliate of the Federation at the apex level.

2. The function commenced with a floral tribute to the legendary leaders and founders of the Circle Association viz., late Com.N.N.Das, and late

Com.P.V.S.Murthy, who were responsible for the consolidation of the officers under the banner of the circle Association, after it was carved out of Bengal Circle Association.

3. The dignitaries who were present on the occasion were invited to the dais. The guests were Shri.V.Venugopal Reddy, the Chief General Manager, Shri.Anil Kumar Johari, General Manager, Network-I, Shri.Anant Kumar Choudhary, General Manager Network-II, of the Bhubaneswar circle,

LET CUSTOMER SERVICE BE OUR MOTTO

Com.Y.Sudarshan, General Secretary of AISBOF, Com.Bibekananda Das, President and Com.Sambit Mishra, General Secretary of the Circle Association, Com.Sabyasachi Swain, Organizing Secretary, State Unit of AIBOC, Com.S.PBehera, President, SBISA, Bhubaneswar Circle Com.Banashidhar Sethy, General Secretary, SBI SC/ST Welfare Association, Bhubaneswar Circle, and all other circle leaders who were present on the dais.

4. The inaugural function commenced with opening song "Bande Utkal Janani", a wonderful state anthem which set the tone for the day's proceedings.

5. Com.Sambit Mishra, the General Secretary of the Circle Association extended a warm welcome to all the dignitaries on the dais and also the former leaders of the Circle Association.

6. Shri.B.Venugopal Reddy, the Chief General Manager in his inaugural address recollected the historical background of the formation of the Circle and also the Circle Association, which was part of Bengal Circle association earlier. He also expressed his happiness over the presence of Shri.Y.Sudarshan, the General Secretary of the Federation for having come all the way from Bangalore to participate and share his thoughts with the members of Bhubaneswar circle Association. He dwelt at length about the performance of the Circle over the last several years and its contribution to the State of Orissa

7. He wished all success to the next bipartite which is due in the year 2017 and wished the function all success.

8. Shri.Ananta Kumar Choudhury, the General Manager, speaking on the occasion expressed happiness over the grand function and was happy to participate in the same. He also talked about the performance of the circle and its endeavor to do well in all the parameters. He wished the conference all success.

9. Shri.Anil Kumar Johari, the General Manager, Net Work I, felicitating the association for the excellent manner in which the function was organized, expressed happiness to be the part of the function.

He also referred to the common factors between his parent Circle Bhopal and Bhubaneswar. He complimented the circle association for maintaining cordial industrial relation and hoped that it should continue. He wished the function all success.

10. Com.Y.Sudarshan, the General Secretary of the Federation in his address expressed his happiness over the excellent manner in which the circle association has organized the function. He recollected the contribution of the State of Orissa to art and culture and the wonderful evening that he is spending with the comrades from the Circle Association. He conveyed the militant greetings of over 80,000 officers of the Federation for the success of the Circle. He also recollected the historical background under which the circle was formed and the support extended by the people of Orissa for the formation of a separate circle in particular the contribution made by Shri.Rajanath Rath, the then editor of 'Samaj' in ensuring the formation of a separate circle for the state of Orissa.

12.He also conveyed the readiness of the Federation to participate in the 2nd September 2016 strike call given by all the central trade unions to fight against the ill-advised economic policies of the Government.

13. He then referred to the various developments at the Management level in regard to the Accountability Policy for the first time in the State Bank due to the efforts of the Federation, the other issues which are under discussions with the top management of the Bank. He also assured the house that the Confederation is fully geared up for the 11th bipartite negotiation and to ensure a good settlement for the bank employees and officers in due course.

14.Com.J.B.Mohapatra, conveyed his fraternal greetings on behalf of their Association.

15. Com.S.PBehra conveyed his compliments and fraternal greetings on behalf of the SBISA, Bhubaneswar Circle and wished the function a grand success.

16. Com.Sabyasachi Swain, speaking on behalf of

the State Unit of AIBOC convened his fraternal greetings to the circle association.

17.Com.Ajay Kumar, Vice President of the Circle

Association proposed the vote of thanks. Smt.Chandra, compeered the programme in an excellent manner and the meeting concluded with National Anthem.■

Banking

FOR SBI, SMALL IS REALLY BOUNTIFUL

It may be a small beginning but State Bank of India (SBI) is set on making lending to the under privileged a paying proposition. At last count, the bank had turned nearly 500,000 Jan Dhan customers into borrowers.

Even before the Pradhan Mantri Jan-Dhan Yojana (PMJDY), the bank was already facilitating banking services for those without access to formal finance –in all the lender now has nearly 100 million financial inclusion accounts.

Indeed, the loans under PMJDY are not subsidized - customers are charged the one-year marginal cost of funds –based rate. Which means the bank is marking a spread.

The bank has leveraged its reach in the hinterland to cater to small rural borrowers, providing them with banking services.

The network has been growing over the years and there are now nearly 65,000 customers service points, each of which is linked to a nearby branch. Of these nearly 52,550 in rural areas spared across more than 1 lakh villages.

Banking for the underprivileged isn't always a primitive affair; 42 million of SBI's customers use Rupay debit cards. And for some time now, SBI has been encouraging Aadhaar –enabled payment systems, automated e-KYC and even IMPS.

In what could help it attract more customers in the future, the bank is allocating resources for self employment courses and more than 3.5 lakh youngsters trained in this institutes. For years now the bank has been conducting financial literacy camps.■

Source: Financial Express, date.25.8.16

WHEREVER THERE IS BACKWARDNESS WE HAVE THE RESPONSIBILITY- Chairman,SBI

The history of State Bank of India is the history of organized banking in India, a "banker to every Indian". It has the largest number of branches, the most account-holders and reaches every nook and corner of the country, serving everyone from India's biggest corporate to small farmers and cottage entrepreneurs.

Excerpts from the Interview given by the Chairman to Business Line:-

In the past seven decades, what has changed in India's largest bank?

Banking in India evolved with SBI not SBI in its current form, but SBI in all its avatars, so to speak. We started in 1806 as the Bank of Calcutta, then became the Presidency banks of Calcutta, Madras and Bombay

together in 1921 to become the Imperial Bank. In 1955 this bank became the State Bank of India.

When the bank was made into the SBI, the idea was simple: we needed to expand the reach of the bank so as to include the very many segments that were not included. And I think the SBI has done a good job.

We were the first bank to set up a mutual fund the first to set up an investment banking arm and so on. In computerization, technology and digital also, SBI has done quite a bit of ground-breaking activity. We continue to lead in digital offerings. I think that across the world there is no other wallet that is offered in so many languages.

We've led in setting up other institutions, sometimes on our own, sometimes as one of the original

OUR LIFE IS WHAT OUR THOUGHTS MAKE IT

promoters. So whether it is NSE, CCIL, CIBIL, CRISIL, we had not only a role in the equity, but in many cases our people also went there and worked there in order to set up the corporation.

When the lead bank scheme came in, I am told Mr. Talwar (RK Talwar was chairman from 1969-76) said. "Let all other banks chose, whatever is left over we will take." Wherever there is economic backwardness, we have the responsibility.

We have always carried more than our share of the weight where the economy is concerned.

HR practices of SBI stood the test of time For instance our two-year training programme for probationary officers has stood the test of time. Secondly our ability to ensure that people are challenged enough to learn what needs to be learnt. While creating specialists we also ensure that people get exposure to two or three other streams. Not only that. As they go higher in the hierarchy they are given chances of going outside-into our

subsidiaries, of being more a part of the so-called private sector.

The other thing the bank has done well is to evolve with time. This adaptability is something that has very well stood the test of time.

SBI has always rewarded professionalism and it is more a meritocracy than you can find in many, many places. And doing a good job over here does get rewarded. That is something that is very zealously guarded-that we continue to ensure that people with merit are the ones that rise to the top.

We also believe that the difference between us and others is our ability to expose our people to so many different challenges. It forges our people in steel. So to speak, to be able to meet so many challenges and still come up ahead.

We have the good things of the private sector as well the best things of the public sector.■

Sources: Business Line 11-08-2016

Judicial Verdict

[2016 (150) FLR 488]
(KERALA HIGH COURT)
A. MUHAMED MUSTAQUE, J.
W.P. (C) No. 4001 of 2016
April 8, 2016
Between
SIBU
and
AIR INDIA LIMITED

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013– Sections 11, 13 and 15– Preliminary enquiry against complaint– Grievance was of violation of natural justice– Enquiry should be full fledged– Complaint of 17 lady employees against sexual harassment– Committee conducted enquiry– Validity of the report challenged by petitioner on the ground of violation of natural justice– Petitioner wanted to cross-examine the complainants– Stand of Airport Authority was that it was a preliminary enquiry– Held, under section 13 of Act, 2013 the enquiry should have been a full fledged enquiry– Under Act, 2013 the principles of natural justice have to be followed necessarily– Committee can permit the delinquent to cross-examine the witnesses and complainants in case they freely depose their contentions– If committee finds otherwise it can permit the delinquent to contradict and correct either by providing statement to the delinquent and soliciting his objections– Impugned enquiry report is set aside– Writ petition disposed of.

[Paras 8, 11 and 14]

LET US BUILD A STRONG AND SELF RELIANT INDIA

JUDGMENT

A. MUHAMED MUSTAQUE, J.— A question regarding the compliance of principles of natural justice has arisen in this writ petition in the context of an enquiry conducted by the Internal Complaints Committee (ICC) constituted under the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as 'Act 14 of 2013').

In view of the legal question that is involved in this writ petition, this Court is only addressing the legal issue bereft of facts involved.

2. The petitioner is working as an Officer-Apron in the Ground Services Department (GSD) of Air India Limited, Thiruvananthapuram. The ICC of Air India Limited, Southern Region received a complaint forwarded by the Airport Director. This complaint alleged to have been raised by 17 lady employees of Air India-FATS (AI-SATE), a joint venture company of Air India and Singapore Air Transport Services Limited. The Committee conducted an enquiry against the petitioner based on the complaint. The report of the Committee is produced as Ext.P23. The issue in this writ petition is revolved around the validity of the enquiry report, on the ground of non compliance of principles of natural justice.

3. The case of the petitioner is that he was not given any opportunity in the matter and complaint as referred in the ICC is a forged one by some officials of the joint venture company and some of the officers of the Air India to wreck vengeance against the petitioner for having filed a complaint before the Central Bureau of Investigation (CBI). Therefore, the enquiry concluded without giving an opportunity to the petitioner to cross-examine the complainant and to controvert the factual finding in the enquiry report, is vitiated.

4. The stand of the Airport Authority is that the report is a preliminary report to find the involvement of the petitioner in sexual harassment as raised in the complaint. It is contended that when a prima facie case is made out based on the re-

port, further disciplinary action would be initiated as per the Rules and Regulations of the Air India and therefore, the petitioner can defend any action proposed in such proceedings. It is further contended that on account of the secrecy and privacy required in conducting such an enquiry and to give full freedom to the complainant to depose before the Committee, an enquiry was conducted respecting dignity of the complainant and also in a fair manner. The respondents also relied on the Government of India Office Memorandum dated 16.7.2015 to justify the procedure followed in the matter. To sum up the defence of the respondents is that the report now prepared is only a preliminary enquiry report to signal the management to proceed further as against the petitioner for the misconduct based on the sexual harassment.

5. As seen from the pleadings and reports, the stand taken up the Air India as well as ICC before this Court is that an enquiry regarding misconduct on sexual harassment has not attained finality and it can be proved or disproved in the disciplinary proceedings if any initiated by the management based on the report.

6. Act 14 of 2013 was enacted to provide protection against the sexual harassment of women at work place and also for redressal of the complaint of sexual harassment. The preamble of the Act 14 of 2013 is as follows:

"An act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto."

Therefore, the provisions in the Act has to be understood in the light of preamble as above. Section 4 Chapter 2 refers to the constitution of the Internal Committee, the composition of the members is by nomination by the employer. The Presiding Officer of the Committee shall be women employed as senior level at the work place. Section 9 of Chapter 4 provides for procedure of raising complaint by aggrieved women. Any aggrieved women

in terms of section 9 is free to raise complaint in writing before the Committee. Section 11 provides for a manner in which an enquiry has to be conducted based on the complaint. It is appropriate to refer the relevant portion of section 11 of the Act 14 of 2013 is as follows:

“11. **Inquiry into complaint.**-(1) Subject to the provisions of section 10, the Internal Committee or the Local Committee, as the case may be, shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed or in case of a domestic worker, the Local Committee shall, if *prima facie* case, exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code, and any other relevant provisions of the said Code where applicable.”

7. This would show that if the respondent in the complaint is an employee, the enquiry of the complaint shall be made in accordance with the service rules applicable. Sub-section (3) of section 11 also gives the Committee the same powers vested in a civil Court under the Code of Civil Procedure, 1908 in respect of certain matters referred therein like summoning witnesses, discoveries etc. Section 13 in this case is relevant as far as to find the nature of the report prepared now. Section 13 provides as follows:

“13. **Inquiry report.**– (1) On the completion of an inquiry under this Act, the Internal Committee or the Local Committee, as the case may be, shall provide a report of its findings to the employer ‘, or as the case may be, the District Officer within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties

(2) Where the Internal Committee or the Local Committee, as the case may be,

arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer and the District Officer that no action is required to be taken in the matter.

(3) Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer or the District Officer, as the case may be–

(i) to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed;

(ii) to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, in accordance with the provisions of section 15:

Provided that in case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman:

Provided further that in case the respondent fails to pay the sum referred to in clause (ii), the Internal Committee or, as the case may be, the Local Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

8. Section 13 read with section 11 clearly indicates the enquiry to be concluded under

section 13 is not a preliminary enquiry contended by the respondents but it should be a full fledged enquiry as to the finding of fact. This is so clear from section 13(3)(i). The enquiry that has to be conducted by ICC in same manner to prove misconduct in disciplinary proceedings as referable in Service Rules, if no Service. Rules exist in such manner, domestic enquiry is conducted.

9. The status of the Committee, therefore, deemed to be an Inquiry Committee for disciplinary action under the service rules (See order of the Hon'ble Supreme Court in *Medha Kotwal Lele v. Union of India*) Thus when the enquiry is concluded, what is left to the discretion of the employer to take action in accordance with service rules for the proven misconduct. If the Central Civil Services (Classification, Control and Appeal) Rules would apply, the starting point of action referred in section 13(3) of the Act 14/ 2013 is from the proceedings under Rule 15 of Part IV of the above rules. Thus, the choice left to the employer is to impose penalty in accordance with the service rules on a proven misconduct. If the service rule provides any punishment for such misconduct, the punishment can be imposed based on such findings.

10. The power of the ICC is also very clear from the section 15 itself. The Committee can also determine the compensation payable by the delinquent to the victim. Thus, it is very clear from sections 11, 13 and 15, the report of the ICC is the determining factor to take follow up action by the employer in accordance with service rules or otherwise

11. In the background of legal provisions as above, every Internal Committee constituted under the Act 14 of 2013 necessarily, has to follow the principles of natural justice in conducting their enquiry. The rules framed under the Act 14 of 2013 also would indicate that the Committee shall follow the principles of natural justice [See the Rule 7 (4)]. It is also specifically noted that section 18 provides an appellate remedy as against the recommendation. This also would

show that the conclusive nature of the finding of the fact in the enquiry to be made by the ICC. Thus, it has to be summed up that the enquiry conducted by the ICC as to the fact finding is final unless it is varied in appeal. It cannot be varied by the employer in a follow up action to be taken in terms of section 13.

12. Therefore, the next question is, in what manner the principles of natural justice have to be secured in the enquiry conducted in a complaint relating to the sexual harassment. This is a delicate question to be addressed by the Committee itself. The natural justice has got elasticity and would depend upon the context in which it is referred.

13. The Hon'ble Supreme Court in *Dev Dutt v. Union of India*, observed on principles of natural justice is as follows:

"What is natural justice? The rules of natural justice are not codified nor are they unvarying in all situations, rather they are flexible. They may, however, be summarised in one word: fairness. In other words, what they require is fairness by the authority concerned. Of course, what is fair would depend on situation and context."

Lord Denning in *B. Surinder Singh Kanda v. Government of the Federation of Malaya*, observed as follows:

"If the right to be heard is to be a real right which is worth anything, it must carry with it a right in the accused man to know the case which is made against him. He must know what evidence has been given and what statements have been made affecting him: and then he must be given a fair opportunity to correct or contradict them."

14. The fundamental principles relating to the principles of natural justice is that when a prejudicial statements are made, the same shall not be used against any person without giving him an opportunity to correct and contradict. In sexual harassment complaint, sometimes the

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complainant may not have courage to depose all that has happened to her at the work place. There may be an atmosphere restraining free expression of victim's grievance before the Committee. The privacy and secrecy of such victims' also required to be protected. It is to be noted that verbal cross-examination is not the sole criteria to controvert or contradict any statement given by the aggrieved before any authority. Primarily, in a sexual harassment complaint, the committee has to verify and analyse the capability of the aggrieved to depose before them fearlessly Without any intimidation. If the Committee is of the view that the aggrieved is a feeble and cannot withstand any cross-examination, the Committee can adopt such other measures to ensure that the witnesses statement is contradicted or corrected by the delinquent in other manner. The fair opportunity, therefore, has to be understood in the context of atmosphere of free expression of grievance. If the Committee is of the view that the witness or complainant can freely depose without any fear certainly, the delinquent can be permitted to have verbal cross-examination of such witnesses. In cases, where the Committee is of the view that the complainant is not in a position to express freely,

the Committee can adopt such other method permitting the delinquent to contradict and correct either by providing statement to the delinquent and soliciting his objections to such statement.

15. What is reminded here by this Court .to the Committee is that a fair opportunity should be given to the delinquent in such manner the Committee think fit to consider. There is no easy and precise rule defining fair opportunity.

16. The Office Memorandum cannot supersede the statutory provisions. The statutory provisions are very clear in what manner this enquiry has to be conducted and concluded.

17. In view of the above, the impugned report is set aside. The ICC is directed to reconsider the matter after giving fullest opportunity to the petitioner.

The writ-petition is disposed of as above.

Petition Disposed Of.

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