

**STANDARD OPERATING  
PROCEDURES  
FOR  
HANDLING COMPLAINTS  
IN  
COMPLAINT AND INVESTIGATION  
CELL (C&I CELL)**

**National Commission for Women,  
Plot No. 21, Jasola Institutional Area,  
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## STANDARD OPERATING PROCEDURES FOR HANDLING COMPLAINTS IN COMPLAINT AND INVESTIGATION CELL (C&I CELL)

### **Background**

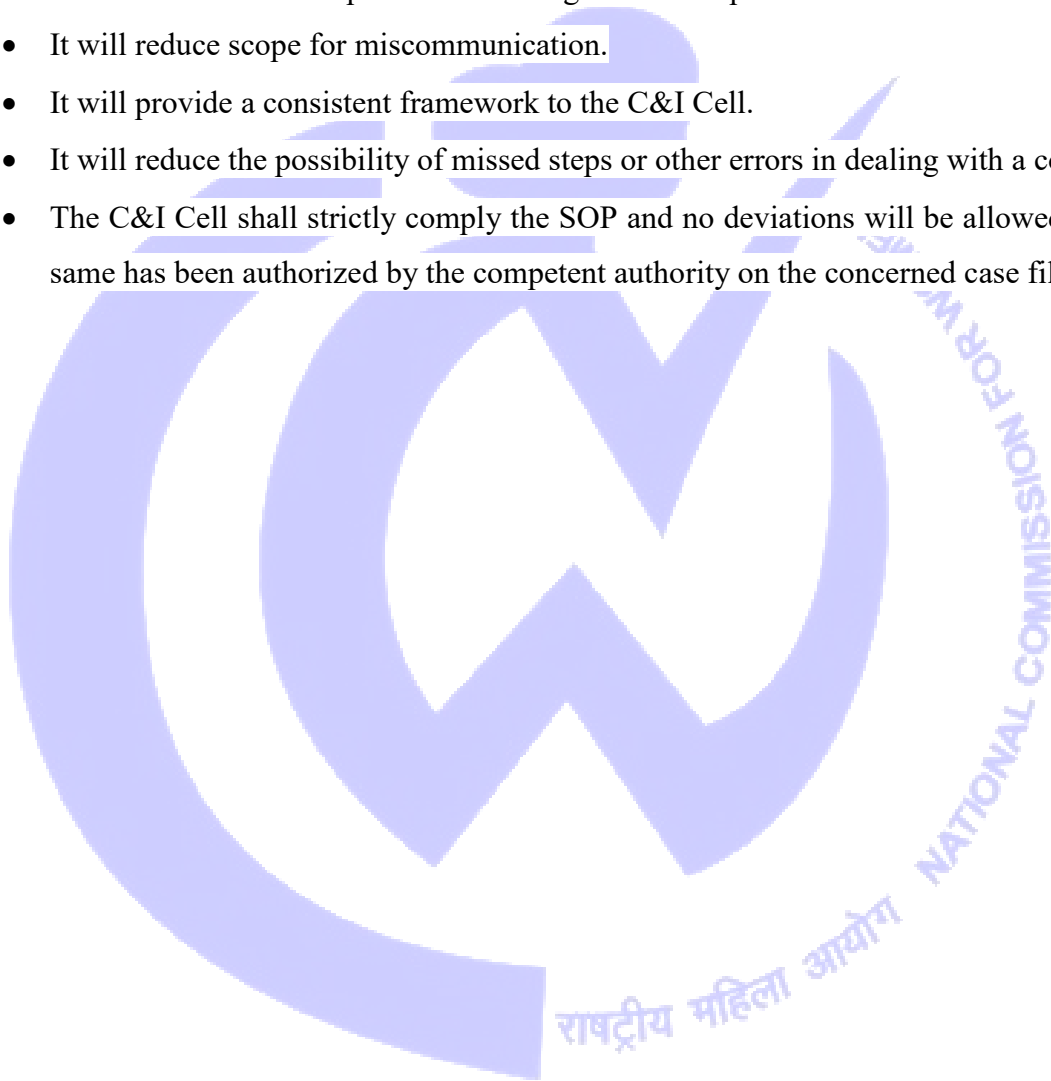
Redressal of grievances and complaints concerning deprivation of women's rights and non-implementation of laws enacted to safeguard their rights is one of the important activities undertaken by the National Commission for Women for addressing the concerns, problems and deprivations of women at individual level. Addressing individual concerns goes a long way in ensuing actual access to the Constitutional and legal rights of women at ground level as the laws, rights, entitlements, schemes, programmes, projects, etc. are only as good as their implementation.

The Complaints and Investigation Cell deals with complaints received from all over the country regarding deprivation of women's rights/non implementation of laws etc. In the year 2005, the National Commission for Women adopted a set of regulations laying down a procedure for dealing with the complaints received by the Commission. These regulations were called the National Commission for Women (Procedure) Regulations, 2005. With the advancement in technology and its incorporation in the daily functions of the Commission along with increase in the number of complaints received by the Commission it is essential to draft a Standard Operating Procedure (SOP) for the internal functioning of the Complaints and Investigation Cell of the National Commission for Women. These set of Standard Operating Procedures are basically based on the National Commission for Women (Procedure) Regulations, 2005, however, some amendments/modifications in the procedure has been made with justifications, which has been discussed further under Table I and Table II. (Pg. 3)

### **Objective of Framing of Standard Operating Procedures**

Standard Operating Procedures are a set of guidelines with the aim of achieving uniformity in the procedure followed in handling complaints by the Complaints & Investigation Cell of National Commission for Women. The purpose is to maintain consistency in the approach of the Complaints & Investigation Cell at various stages of handling the complaint. It will help the Complaints & Investigation Cell in carrying out the operations correctly and systematically.

- The SOP lays down a step-by-step guide for handling of complaints.
- It lays down the timelines that are to be followed by the C&I Cell at various stages of handling a complaint
- It provides clarity on the signatory authority for issuance of various letters/notices sent by the Commission in the process of dealing with a complaint.
- It will reduce scope for miscommunication.
- It will provide a consistent framework to the C&I Cell.
- It will reduce the possibility of missed steps or other errors in dealing with a complaint.
- The C&I Cell shall strictly comply the SOP and no deviations will be allowed unless the same has been authorized by the competent authority on the concerned case file.



# **STANDARD OPERATING PROCEDURES FOR HANDLING COMPLAINTS IN C&I**

## **CELL**

### **1. Receipt of Complaint**

- All complaints (whether received through offline or online mode) addressed to the National Commission for Women, its Chairperson, Members or other officers of the Commission shall be received by the Scrutiny Division of the Commission.
- Upon receipt of the scanned copy along with the physical copy of the complaint by the Scrutiny Division it shall enter the details of the complaint into the online data base of the National Commission for Women if the same hasn't been done already.
- Scanned copies of the complaint are to be maintained.

### **2. Scrutinizing of Complaints**

- These complaints are then scrutinized in order to assess if the complaint is maintainable as per the mandate of the National Commission for Women.
- Only the complaints that fall under the mandate of NCW are entertained and taken forward.
- Complaints beyond the mandate of NCW are summarily rejected.

### **3. Segregation of Complaints as per mandate**

The complaint and investigation cell segregates the complaints received by them in the following categories:

Complaints as per the mandate of the National Commission for Women are accepted which broadly fall under the following categories:

- 1) Rape/Attempt to Rape
- 2) Acid attack
- 3) Sexual Assault

- 4) Sexual Harassment
- 5) Stalking / voyeurism
- 6) Trafficking / Prostitution of women
- 7) Outraging modesty of women/Molestation
- 8) Cyber crimes against women
- 9) Police apathy against women
- 10) Harassment of married women/Dowry harassment
- 11) Dowry death
- 12) Bigamy / Polygamy
- 13) Protection of Women against Domestic Violence
- 14) Women's right of custody of children/ divorce
- 15) Right to exercise choice in marriage/Honour Crimes
- 16) Right to live with dignity
- 17) Sexual Harassment of Women at workplace
- 18) Denial of Maternity Benefits to women
- 19) Gender discrimination, including equal right to education & work
- 20) Indecent representation of women
- 21) Sex selective abortion; female foeticide / amniocentesis
- 22) Traditional practices derogatory to women rights i.e. sati pratha, devdasi pratha, witch hunting
- 23) Free legal aid for women

**Note: The complaints related to minors will not be registered but will be forwarded by Scrutiny Desk**

- a) Complaints beyond the mandate of the National Commission for Women are summarily dismissed by the Scrutiny Division of the Commission with a reason. These complaints include the complaints that don't fall within the above mentioned mandated category and other complaints including complaints that are :
  - i. illegible or vague, anonymous or pseudonymous

- ii. If the matter relates to a civil dispute between the parties such as contractual rights obligations and the like
- iii. The issue raised relates to service matters not involving any deprivation of women's rights
- iv. The issue raised relates to labour/ industrial disputes not involving any deprivation of women's rights
- v. Matter is sub judice before a Court/ Tribunal
- vi. Matter is pending before a State Commission
- vii. Matter already decided by the Commission
- viii. Matter is outside the purview of the National Commission for Women on any other ground.

These complaints are summarily dismissed by the Commission and the same is to be communicated to the complainant through letter signed by the US/Consultant C&I/ designated officer within 3 days from the date of receipt of complaint.

- b) Endorsements – this category of complaints will not be entertain able by National Commission for Women and are hence filed.

#### **4. Registration of Complaint**

- The complaints that are mandated are sent to the registration desk of Scrutiny Division
- These complaints are registered as per state allocation between the Chairperson, Members and Counselors/JTEs working in the C&I Cell.
- Once the mandated complaints are accepted by the Commission an acknowledgement is sent to the complainant containing the case number, login ID and password within 3 days from the date of registration of complaint.
- The copy of the complaint is then handed over to the concerned Counselor/JTEs within one working day.

#### **5. Processing of Complaints**

- When the complaint is received by the concerned Counselor/JTE they examine the complaint and prepare a Brief Transmission Report suggesting the appropriate course

of action within 24 hrs from the date of registration of complaint on the name of concerned Counselor/JTE.

- In case the complaint is vague or lacks details as required by the Counselor/JTE to proceed with the complaint the Counselor/JTE send a letter/ communication seeking better particulars from the complainant to send reply within two weeks. (refer to Table II for signatory authority)
- Where a report/ information is required from another authority or organization, a first letter requesting for an Action Taken Report (ATR) from such authority is sent which is to be signed by the Sr. .Coordinator/Consultant/Counsellors/JTEs with due approval of Chairperson/Member concerned. This letter shall request the authority to submit ATR within 3 to 4 weeks from the date of the Letter. (refer to Table II)
- Where the complainant has requested for mediation/ counseling, the concerned Counselor/JTE shall draft a Notice to be sent to the respondent to appear before the Commission for hearing. Such Notice is to be signed by the US or the designated officer. (refer to Table II)
- After approval Letters/ Notices are to be dispatched via speed post/ registered post/ email or any other mode specifically directed.
- Once the Letters/ Notices are dispatched, Counsellors/JTEs is to ensure that a dispatch entry is entered in the database of the Commission.
- On expiry of 4 weeks period from the date of issue of letter requesting for ATR from the concerned authority, the Counselor/JTE shall send a reminder to the said authority to submit the ATR. The signatory authority for signing such reminder has been specified in the annexure. (Refer to Table II). Reminder to be issued within 7 days of its being pending
- The Counselor/JTE shall take up the matter with higher authorities incase ATR is not received even after the first reminder or the ATR received is not as per satisfaction/directions of the Chairperson/Members/Designated officers of the Commission. Such reminder is to be signed by the Chairperson/ Member Concerned/ US/ Sr. Coordinator/Consultant or the designated officer. (Refer to Table II)
- Counsellors/JTEs are to maintain record of telecommunications in the online database

- It is the duty of the Counsellors/JTEs are to ensure maintaining case files physically as well as the scanned copies and data in the e-office system

#### **6. Notices for Counselling/Hearings and Issuance of Summons**

- If the complainant in her complaint expresses her willingness to undergo counseling/ mediation then the Counselor/JTE shall fix a date and time with the due approval of concerned Member/Chairperson of the Commission and the same will be communicated to the complainant and respondent.
- If the Counselor/JTE after reading the complaint feels that the matter requires a hearing/ counseling then the Counselor/JTE may recommend the same to the complainant and upon receiving the written consent of the complainant to undergo such counseling may fix a date and time for the same with due approval of the concerned Member of the Commission.
- If the respondent doesn't appear after hearing notices, then the notices for next date of hearing may be send through the concerned police authority to ensure the presence of the respondent. (Refer to Table II for the signatory authority)
- If despite service of reminder notice through the concerned police authority the respondent does not appear for hearing before the Commission, summons may be issued, as per the direction of the Chairperson/Member concerned. Such summons is to be signed by the DS or the Law Officer. (Refer to Table II)

#### **7. Establishment of the Inquiry Committee/Fact Finding Committees u/s 10 of the National Commission for Women Act,1990**

- Due approval of the Chairperson has to be taken on file for establishing an Inquiry Committee.
- The Inquiry order has to be timely circulated by the Counsellors/JTEs within 24 hrs.
- The Chairperson/Member heading the Inquiry Committee has to place the Report of the Inquiry Committee along with follow up action taken, for approval of Chairperson within 10 days
- Report of the Inquiry Committee along with follow up action taken has to be put on file by the Counsellors/JTEs and to ensure that the recommendations of the Inquiry committee are sent to the concerned authority and are being followed



- Counsellors/JTEs are to examine the compliance report to assess how far the recommendations of the Inquiry committee are being implemented
- The Reports of the Inquiry Committees to be placed before Commission by Section in charge in next Commission Meeting.

## **8. Guidelines to Handle Complaints of Specific Nature**

### **I. Complaints related to Domestic Violence/ Dowry Harassment/Matrimonial Discord**

When a complaint pertaining to Domestic Violence/ Dowry Harassment/Matrimonial related Discord is received by the National Commission for Women the same shall be segregated by the Counselor/JTE depending on the relief sought by the complainant from the National Commission for Women. In such cases, broadly the following categories of relief are sought from the Commission:

- **Maintenance, Divorce, Custody:** If the complainant is seeking maintenance, divorce or custody of the child from her husband then a legal order from the court in this regard is essential for which the case shall be referred to the concerned State/District Legal Services Authority. Letter referring the case to such authority is to be signed by the DS or the designated officer. (Refer to Table II)
- **Reconciliation/ Mediation:** If the complainant wants reconciliation without court intervention then the case is to be referred for counseling. If both the complainant and the respondent belong to the same state then the complaint can be forwarded to the concerned State Commission for Women for counseling. Letter referring the case to the State Women Commission is to be signed by the Chairperson or the Member concerned. If the complaint is being forwarded to a Member of the State Women Commission, the same can be signed by Concerned Member or the designated officer. However, if the complainant and the respondent do not belong to the same state then the counseling shall be conducted by the National Commission for Women. This is done only when the complainant has submitted a written request to undergo counseling.
- **Pending Police Complaint:** If the complainant is facing trouble in getting her complaint registered with the police or if the complaint relates to inaction by the police then the

National Commission for Women shall call for a report from the concerned police department (ATR). Such Letter/ Notice requesting for an Action Taken Report (ATR) is to be signed by the concerned counselor/JTE/Sr. Coordinator/Consultant or the designated officer. Letter shall request the authority to submit ATR within 3 to 4 weeks from the date of the Letter/ Notice. (refer to Table II for signatory authority)

- If the Counselor/JTE feels that the complaint requires immediate action depending upon the seriousness of the issue and gross non-implementation of law, the Counselor/JTE may be permitted to modify the timelines upon approval taken on file from the competent authority.

## II. Complaints of Sexual Harassment of Women at Workplace

- When the Commission receives a complaint of Sexual Harassment of Women at workplace, the primary step would be to check if the organization against which the complaint has been made has constituted an Internal Complaints Committee (ICC) as per the mandate of the Sexual Harassment at Workplace Act, 2013. The act states that every organization having more than 10 employees is required to establish a grievance redressal mechanism to prevent sexual harassment at workplace. This is done in the form of ICCs.
- Upon receiving the complaint NCW will call for a report from the concerned organization to check if any recommendations have been made by the ICC with regard to the alleged complaint.
- If ICC has made recommendations then NCW shall call for a report from the concerned organization to assess as to how far the recommendations of ICC have been implemented by the concerned organization.
- If the complaint is against a private organization then the letter asking for such report from the organization is to be signed by the concerned Member or the designated officer with approval of the Chairperson or the Member concerned. (Refer to Table II)
- If the complaint is against a govt. organization then the letter asking for such report from the organization is to be signed by the Chairperson or the Member.
- In case, the organization does not have an ICC as per the statutory requirement, then the Commission will call for a report from the concerned organization as to why such a

committee has not been established. Further, NCW may even call for a report from the concerned organization to justify the complaint made against such organization.

- In case the organization against which the complaint has been made consists of less than 10 employees then as per the provisions of the Sexual Harassment at Workplace Act, 2013, a Local Complaints Committee at District Level is to be Established. In such a case, NCW may call for a report from the District Magistrate to check if a complaint has been made before LCC and if any recommendations have been made by LCC in this regard.
- If the Counselor/JTE feels that the complaint requires immediate action depending upon the seriousness of the issue and gross non-implementation of law, the Counselor/JTE may be permitted to modify the timelines upon approval from the competent authority on file.

### **III. Complaints related to Rape/ Acid Attack/ Dowry Death**

- When a Counselor/JTE receives a complaint alleging that an incidence of rape/acid attack/dowry death has taken place the primary step would be to confirm the date on which such incidence took place and other relevant details..
- If the incidence of rape/acid attack/dowry death has taken place recently then the Counselor/JTE shall recommend a Letter seeking Action Taken Report from the concerned police authority having jurisdiction of the case or to expedite the investigation process. This letter is to be sent by Chairperson/ concerned Member/designated officer of the Commission. (Refer to Table II)
- If the concerned police authority does not provide NCW with an ATR within the time specified then a letter requesting for an ATR shall be sent to higher police authorities by Chairperson/ concerned Member/designated officer of the Commission. (Refer to Table II)
- If the Counselor/JTE feels that the complaint requires immediate action depending upon the seriousness of the issue and gross non-implementation of law, the Counselor/JTE may recommend modifying the timelines upon approval from the competent authority on file.

### **IV. Complaints Related to Denial of Maternity Benefits to Women**

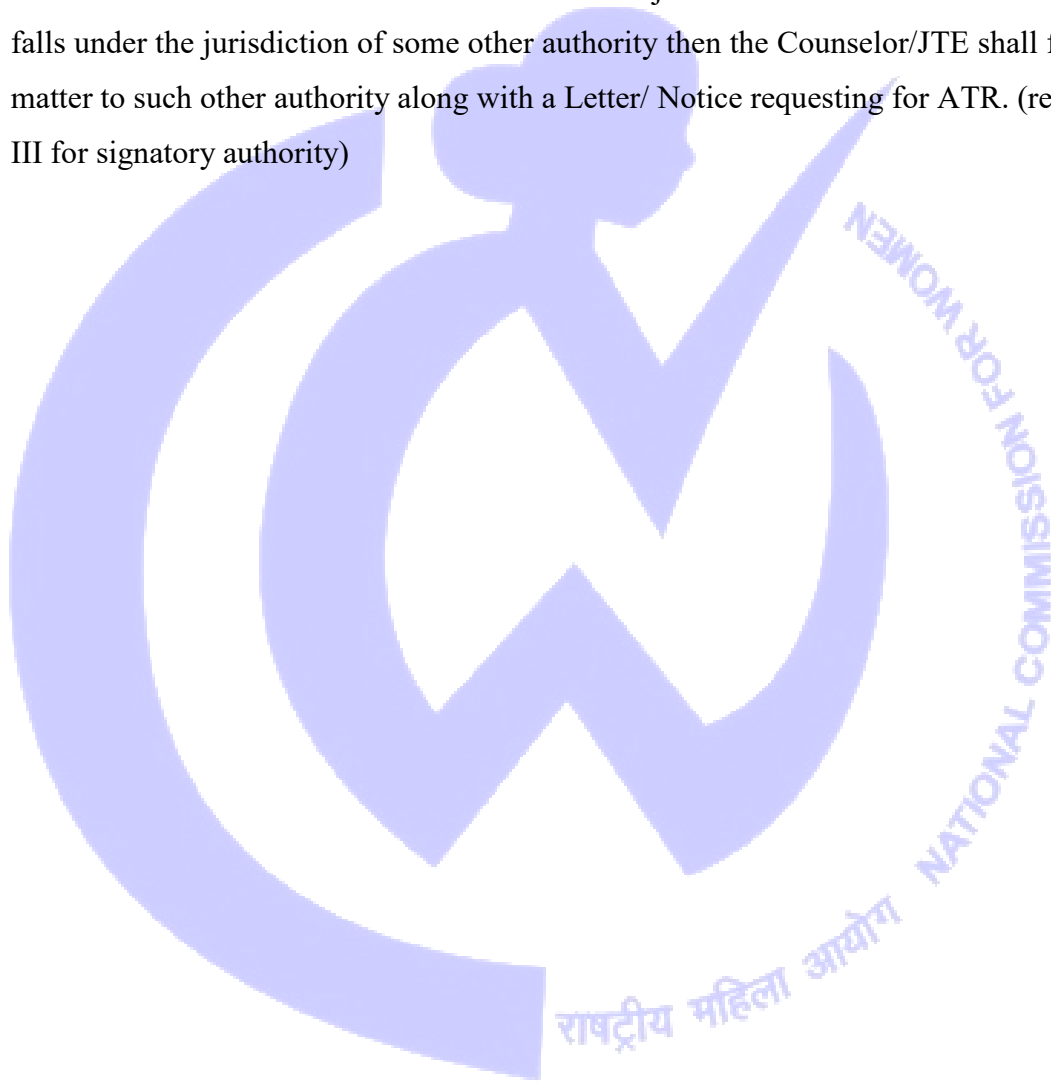
- Upon receipt of a complaint alleging that a female employee is being deprived of the benefits laid down under the Maternity Benefit Act 1961, a Brief Transmission Report shall be prepared by the Counselor/JTE along with a Letter to be sent to the employer of the complainant to furnish information/report.

- If the complaint is against a private organization then the letter asking for such report from the organization is to be signed by the Chairperson/concerned Member/US/Sr.Coordinator/Consultant or the designated officer with approval of the Chairperson or the Member concerned. (Refer to Table II)
- If the complaint is against a govt. organization then the letter asking for such report from the organization is to be signed by the Chairperson or the Member concerned.
- If the employer doesn't furnish the information/report requested by the Commission within the specified time then a letter will be issued to higher authorities of the organization or the concerned Ministry in which the complainant works, upon approval from the concerned member of the Commission or notices for hearing can be issued with due approval of competent authorities
- If upon issuance of letter to higher authorities or the concerned Ministry, no response is received or the response is not to the satisfaction of the Commission then the counselor will send a notice to the employer organization to be present before the Commission for a hearing on the specified date, upon approval from the concerned member.
- If the Counselor/JTE feels that the complaint requires immediate action depending upon the seriousness of the issue and gross non-implementation of law, the Counselor/JTE may recommend modifying the timelines upon approval from the competent authority on file.

## 9. **Processing of ATR**

- Counsellors/JTEs are to:
  - Link it with concerned case file
  - scrutinize report within 7 days of its being received
- After scrutinizing and processing the ATR the concerned Counselor/JTE is to suggest further course of action as per the directions of the Chairperson/Members/MS/JS//Sr. Coordinator/Consultant C&I or the designated officers of the Commission.
- Processing the Report to suggest following further course of action, be as below:-
- If the ATR suggests that the matter is sub judice then the matter is closed and a copy of the ATR along with a letter of closure of complaint is sent to the complainant.

- If the ATR states that the allegations made by the complainant is not proved or are wrong then the Counselor/JTE will send a copy of the ATR to the complainant seeking her comments within 90 days.
- If the ATR states that the case is under process then the Counselor/JTE shall follow up the matter with the concerned authority seeking the final outcome of the case.
- If the ATR states that the matter is not within the jurisdiction of the concerned authority and falls under the jurisdiction of some other authority then the Counselor/JTE shall forward this matter to such other authority along with a Letter/ Notice requesting for ATR. (refer to Table III for signatory authority)



**Table I –**

**Timeline for Scrutiny/ Registration/Processing of Complaints**

<b>S.No.</b>	<b>Scrutiny/ Registration</b>	<b>Time Period as per the Regulations (National Commission for Women (Procedure) Regulations, 2005)</b>	<b>Time Period in SOP</b>	<b>Justification</b>
1.	Scrutiny/ Registration	Within 24hrs from the date of receipt of complaint	Within 2 days from the date of receipt in the Scrutiny Desk	increase in the number of complaints over the years and to initially scrutinize them as per Commission's mandate before registration
2.	Acknowledgement with case number, login id and password	Within 3days of the receipt of the complaint	Email id available: immediately; otherwise 3days of the receipt of the complaint	-
3.	Communication of disposal of non- mandated complaint s	Not Specified	Within 3 days from the date of receipt of complaint	Registration of the mandated complaints is the priority. Hence intimation of the

				non-mandated complaints may take little time.
4.	Forwarding Complaints related to minors	Not Specified	Within 3 days from the date of receipt of complaint	-
5.	placing BTR before the DS	Within 24hrs from the date of receipt of the complaint	Directly placed before Chairperson/ Member concerned by concerned counselor/JTE within 24 hrs from the date of registration of complaint;	increase in the number of complaints and to expedite the process

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**Table II**

**Authority and Timeline for Issuance of Various Letters/Notices**

<b>S.No.</b>	<b>Type of Letter/ Notice</b>	<b>Signatory Authority as per Regulation</b>	<b>Signatory Authority in SOP</b>	<b>Timeline for seeking report</b>
1.	Letter/ Notice for Better Particulars	DS or the designated officer	Concerned Counselors/ JTEs.	Letter or Email seeking reply from complainant within <i>two weeks</i>
2.	Letter/ Notice for Action Taken Report (ATR) and Subsequent Reminders	DS or the designated officer	First communication upto SSP/SP level to be signed by Sr. Coordinator/ Consultant/ Counselors/ JTEs/designated officer with approval of the Chairperson or the Member concerned.	Such communication is to seek reply within <i>three to four weeks</i> .
			Any communication to the Commissioner / DIG/ IGP to be signed by e Chairperson/ Member concerned/ designated officer.	Such communication is to seek reply within <i>two weeks</i>

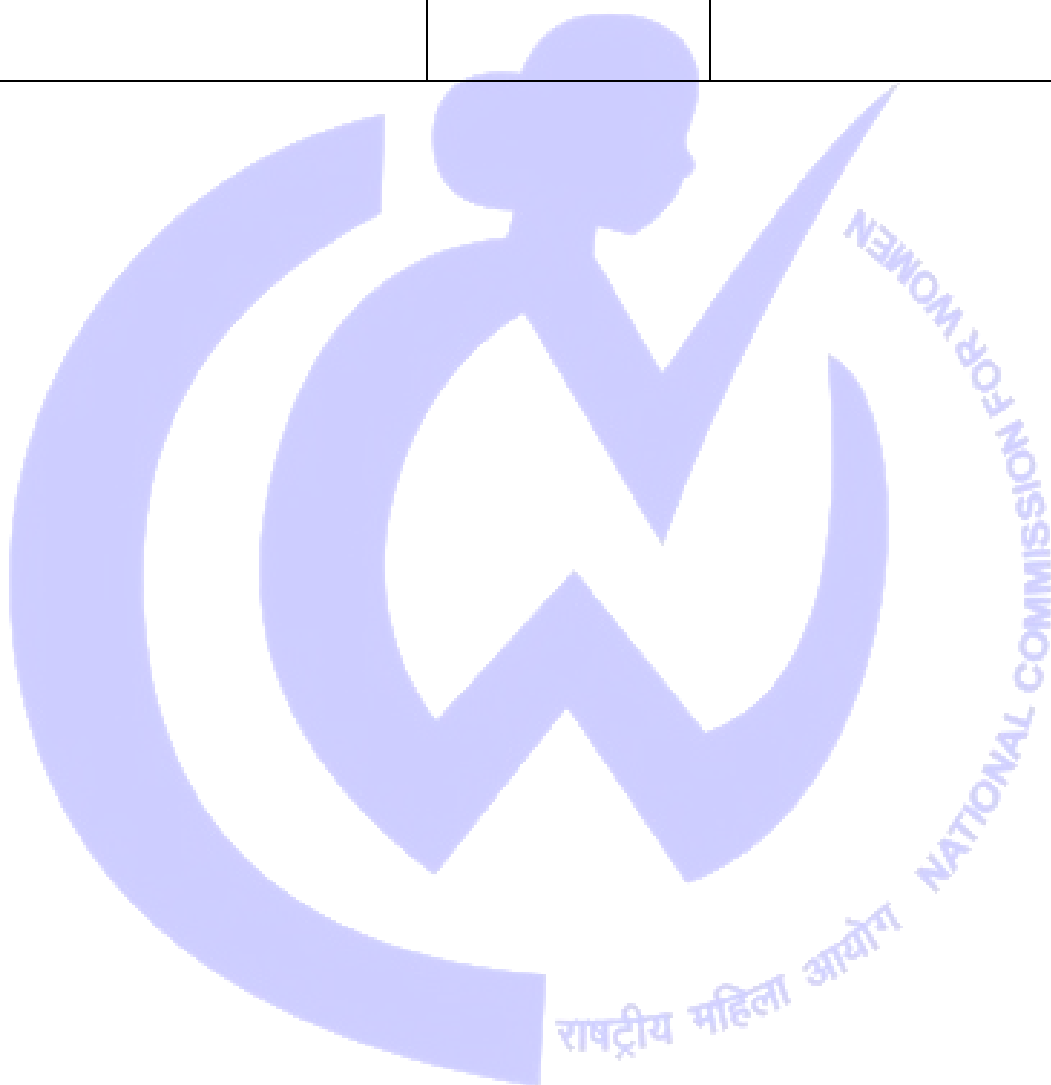


			<ul style="list-style-type: none"> <li>Any Communication to ADGP/ DGP to be signed by the Chairperson or the Member concerned or designated officer.</li> </ul>	Such communication to complainant is to seek reply within one to <i>two weeks</i>
	Letter/ Notice to the Opposite Party calling for the necessary explanation	DS or the designated officer	US or the designated officer with due approval of Chairperson/Member concerned.	Such communication is to seek reply within <i>two to four weeks</i>
<b>NOTICES/SUMMONS</b>				
1.	Letter/Notice for Hearing/ Counseling	DS or the designated officer	<ul style="list-style-type: none"> <li>US with approval of the Chairperson or the Member concerned</li> <li>In case of non appearance on first notices or non representation, the</li> </ul>	Depends upon date of hearing given by competent authorities

			second notices by US to be sent through police/chief secretary/concerned authority or DGP with approval of the Chairperson or the Member concerned	
2.	Issuing of Summons for Hearing	DS or the Law Officer	DS or the Law officer with approval of the Chairperson or the Member concerned	Depends upon date of hearing given by competent authorities
<b>LETTERS TO OTHER COMMISSIONS/HIGHER AUTHORITIES</b>				
1.	Letter referring complaint to State/District Legal Services Authority	Not Specified	US/Sr. Coordinator/Consultant/designated officer	-
2.	Letter referring complaint to State Women Commission or other Commissions	Not specified	Chairperson or the Member Concerned	-
3.	Letters to Chief Secretaries/Principal Secretaries/Level Officers	Not specified	Chairperson or the Member Concerned	Depends upon directions by by competent

				authorities
4.	Letters to expedite investigation in cases of rape or other serious offences	Not Specified	Chairperson or the Member Concerned	Such communication is to seek reply within <i>two weeks</i>
<b>SEXUAL HARASSMENT AT WORKPLACE?DENIAL OF MATERNITY BENEFIT COMPLAINTS</b>				
1.	Letters issued to employer organization in cases of maternity benefit/ Sexual Harassment at Workplace	Not Specified	In case of Pvt. Organization letter to be signed by the Chairperson/concerned Member/Sr.Coordinator/Consultant or the designated officer with approval of the Chairperson or the Member Concerned/MS	Such communication is to seek reply within <i>two to three weeks</i>
			In case of Govt. Organization letter to be signed by the Chairperson or the Member concerned/MS	Such communication is to seek reply within <i>two to three weeks</i>

			In case of approaching the concerned Ministry letter is to be signed by the Chairperson or the Member concerned.	Such communication is to seek reply within <i>two to four weeks</i>
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**Table III**

**Competent Authority for Disposal of ATRs**

Type of ATR	Competent Authority as per Regulation	Competent Authority in SOP	Timeline in SOP
Matter needs further follow up with other authorities/jurisdiction	Chairperson/Member / DS/JS	MS/ JS/Sr. Coordinator/Consultant/ Counsellor/JTE or the designated officer	Such communication is to seek reply within <i>two to three weeks</i>
Matter relates to serious offences/ Committee/Fact Report/Findings	Inquiry Finding Chairperson/Member /DS/JS	Chairperson/Member MS/ JS/designated officer	Such communication is to seek reply within <i>two to three weeks</i>
Matter relates to Sexual Harassment at Workplace, denial of maternity benefits or any other matter related to departmental/disciplinary actions	Not specified	Chairperson/Member MS/ JS/designated officer	Such communication is to seek reply within <i>two to three weeks</i>

**CLOSURE OF COMPLAINTS****Regulation: Procedure for Closure of Complaints (Complaints & Investigation Cell)****(as approved by the Commission on 20.04.2010)**

<b>S.No.</b>	<b>Type of ATR</b>	<b>Competent Authority as per Regulation</b>	<b>Competent Authority in SOP</b>	<b>Justification</b>
	Matter is sub judice	DS/JS \Member/Chairpers on	JS/Sr. Coordinator/Consultant or the designated officer	It will help expedite the process
	Allegations made by the complainant are substantiated on investigation	DS/JS \Member/Chairpers on	JS/Sr. Coordinator/Consultant or the designated officer/	It will help expedite the process
	Matter has been resolved/compromised	DS/JS \Member/Chairpers on	JS/Sr. Coordinator/Consultant or the designated officer	It will help expedite the process

## MONTHLY REPORT

The section in charge to place following monthly reports in the next Commission Meeting:

- **Status of Complaints**

Month	Complaints Registered	Complaints Processed	Pending for Action

- **Closure of Complaints**

Month	Registration No. of Complaint	Reason for Closing	Remarks, if any	Total No. of Complaints closed during the year

- **Reports of the Inquiry Committees/Fact Finding Committees with Action Taken Reports**