

# डा० शकुन्तला मिश्रा राष्ट्रीय पुनर्वास विश्वविद्यालय,लखनऊ Dr. Shakuntala Misra National Rehabilitation Universit

मोहान रोड, लखनऊ दूरमाध नंo- 0522-2891393 वेबसाइटः http://dsmru.up.nic.in

# कार्यालय ज्ञाप

विश्वविद्यालय के शासनादेश सं0 404/फा0सं0-240/DSMNRU/कार्याoज्ञाप/2013-14 दिनांक 24 जून, 2016 को अवक्रमित करते हुए "कामकाजी महिला उत्पीड़न प्रतिषेध शिकायत समिति" का गठन निम्नानुसार किया जाता है:--

डॉo शेफाली यादव, प्रोफेसर, विधि संकाय		
	-	अध्यक्ष
2. डॉ० वी० के० सिंह, प्रोफेसर, अंग्रेजी विभाग	_	सदस्य
3. डॉ0 संजीव गुप्ता, एसोसिएट प्रोफेसर, वाणिज्य विभाग	_	सदस्य
<ol> <li>डॉ० अनामिका चौधरी, एसोसिएट प्रोफेसर, अर्थशास्त्र विभाग</li> </ol>	-	सदस्य सचिव
5. डॉ० अमिता शुक्ला, असिस्टेण्ट प्रोफेसर, इतिहास विभाग	-	सदस्य
6. डॉ0 यशवंत वीरोदय, असिस्टेण्ट प्रोफेसर, हिन्दी विभाग		
7. श्री मुकेश कुमार, सहायक विधि अधिकारी	1000	सदस्य
	_	सदस्य
<ol> <li>श्री लित कुमार सैनी, लेखाकार</li> </ol>	-	सदस्य
9. सुश्री प्रज्ञा श्रीवास्तव, वैयक्तिक सहायक ग्रेड-1	-	सदस्य
10. श्रीमती पूनम रावत, वैयक्तिक सहायक ग्रेड-1	-	
11. श्रीमती सपना राठौर, वरिष्ठ सहायक		ं. सदस्य
	-	सदस्य
12. श्री उमेश कुमार, वरिष्ठ सहायक		सदस्य
13. श्रीमती सरिता सक्सेना, निदेशक, शरणम् संस्थान, लखनऊ	_	सदस्य

उपर्युक्त गठित समिति से अपेक्षा है कि विश्वविद्यालय में कार्यरत् महिला कार्मिकों के उत्पीड़न से सम्बन्धित शिकायत प्राप्त होने पर कृत कार्यवाही करते हुए आख्या सहित अपने सुझाव अग्रेतर कार्यवाही हेतु अद्योहस्ताक्षरी को प्रस्तुत करेगी।

> (मधुरेन्द्र कुमार पर्वत) कुलसचिव दिनांक | 2अप्रैल 2018

पत्रांकः ५५/प०सं०-२४०/डा.श.मि.रा.पु.वि./२०१७-१८, लखनऊ प्रतिलिपिः निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. कुलपित कार्यालय को माननीय कुलपित महोदय के अवलोकनार्थ।

2. वित्त अधिकारी, विश्वविद्यालय।

समस्त संकायाध्यक्ष / विभागाध्यक्ष, विश्वविद्यालय ।

4. समस्त अधिकारीगण, विश्वविद्यालय।

सिमिति के नामित समस्त सदस्यगण।

विश्वविद्यालय के समस्त शिक्षकवृन्द / अधिकारीगण।

7. गार्ड फाइल।

(मधुरेन्द्र कुमार पर्वत) कुलसचिव



# Dr. Shakuntala Misra National Rehabilitation University, Lucknow Government of Uttar Pradesh

# Internal Committee (The Sexual Harassment of Women at Workplace)

# Member's Detail

S. No	Name of the Member	Phone Number 9696325911	
1	Prof. (Dr.) Shephali Yadav Chairman, IC DSMNRU, Lko		
2	Prof. (Dr.) V.K. Singh Professor Department of English & Other Foreign Languages DSMNRU, Lucknow	8318273146	
3	Dr Sanjeev Gupta Associate Professor, Department of Commerce, DSMNRU, Lucknow	9838849236	
4	Dr. Anamika Choudhary Associate Professor, Department of Economics DSMNRU, Lucknow	9792996111	
5	Dr Amita Shukla Assistant Professor, Department of History DSMNRU, Lucknow	7607646833	
6	Dr Yashwant Kumar Virodai Assistant Professor, Department of Hindi & Other Indian Languages DSMNRU, Lucknow	9453101495	
7	Mr. Mukesh Kumar Assistant Law Officer DSMNRU, Lucknow	9452642310	
8	Mr. Lalit Kumar Accountant, DSMNRU, Lucknow	9450450451	
9	Ms. Pragya Srivastava P.A. Grade -2 DSMNRU, Lucknow	7355588320	
10	Smt. Poonam Rawat P.A. Grade -2 DSMNRU, Lucknow	8318325640	
11	Smt. Sapna Rathor Senior Assistant, DSMNRU, Lucknow	8317065193	
12	Mr. Umesh Kumar Senior Assistant DSMNRU, Lucknow	9838514089	
3	Dr. Sarita Saxena Director, Sharnam Sansthan Lucknow	8737953784	



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

# ACT NO. 14 OF 2013

[22nd April, 2013]

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.

WHEREAS sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business with includes a right to a safe environment free from sexual harassment;

AND WHEREAS the protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India:

AND WHEREAS it is expedient to make provisions for giving effect to the said Convention for protection of women against sexual harassment at workplace.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows: -

#### CHAPTER I

#### PRELIMINARY

- Short title, extent and commencement.—(1) This Act may be called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
  - (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
  - 2. Definitions.—In this Act, unless the context otherwise requires,
    - (a) "aggrieved woman" means—
    - (i) in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;
    - (ii) in relation to dwelling place or house, a woman of any age who is employed in such a dwelling place or house;
    - (h) "appropriate Government" means-
    - (i) in relation to a workplace which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly—
      - (A) by the Central Government or the Union territory administration, the Central Government;
        - (B) by the State Government, the State Government;

 <sup>9</sup>th December, 2013, vide notification No. S.O. 3606(E), dated 9th December, 2013, see Gazette of India, Extraordinary, Part II, sec. 3(ii).

- (ii) in relation to any workplace not covered under sub-clause (i) and falling within its territory, the State Government;
- (c) "Chairperson" means the Chairperson of the Local Complaints Committee nominated under sub-section (1) of section 7;
  - (d) "District Officer" means on officer notified under section 5;
- (e) "domestic worker" means a woman who is employed to do the household work in any household for remuneration whether in cash or kind, either directly or through any agency on a temporary, permanent, part time or full time basis, but does not include any member of the family of the employer;
- (f) "employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name:

# (g) "employer" means-

- (i) in relation to any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;
- (ii) in any workplace not covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace.

Explanation. —For the purposes of this sub-clause "management" includes the person or board or committee responsible for formulation and administration of polices for such organisation:

- (iii) in relation to workplace covered under sub-clauses (i) and (ii), the person discharging contractual obligations with respect to his or her employees;
- (iv) in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker;
- (h) "Internal Committee" means an Internal Complaints Committee constituted under section 4;
- (i) "Local Committee" means the Local Complaints Committee constituted under section 6;
- (j) "Member" means a Member of the Internal Committee or the Local Committee, as the case may be;
  - (k) "prescribed" means prescribed by rules made under this Act;
- (I) "Presiding Officer" means the Presiding Officer of the Internal Complaints Committee nominated under sub-section (2) of section 4;
- (m) "respondent' means a person against whom the aggrieved woman has made a complaint under section 9;

- (n) "sexual harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:—
  - (i) physical contact and advances; or
  - (ii) a demand or request for sexual favours; or
  - (iii) making sexually coloured remarks; or
  - (iv) showing pornography; or
  - (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
  - (o) "workplace" includes-
  - (i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;
  - (ii) any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainmental, industrial, health services or financial activities including production, supply, sale, distribution or service;
    - (iii) hospitals or nursing homes;
  - (iv) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
  - (v) any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey;
    - (vi) a dwelling place or a house;
- (p) "unorganised sector" in relation to a workplace means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten.
- Prevention of sexual harassment.—(/) No woman shall be subjected to sexual harassment at any
  workplace.
- (2) The following circumstances, among other circumstances, if it occurs, or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:—
  - (i) implied or explicit promise of preferential treatment in her employment; or
  - (ii) implied or explicit threat of detrimental treatment in her employment; or
  - (iii) implied or explicit threat about her present or future employment status; or
  - (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
    - (v) humiliating treatment likely to affect her health or safety.

#### CHAPTER II

# CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

4. Constitution of Internal Complaints Committee.— (1) Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee"; Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the Internal Committee shall be constituted at all administrative units or offices.

- (2) The Internal Committees shall consist of the following members to be nominated by the employer, namely:
  - (a) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees;

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section(1):

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organisation;

- (b) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- (c) one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:

Provided that at least one-half of the total Members so nominated shall be women.

- (3) The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.
- (4) The Member appointed from amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed.
  - (5) Where the Presiding Officer or any Member of the Internal Committee,
    - (a) contravenes the provisions of section 16; or
  - (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
  - (c) he has been found quilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
  - (d) has so abused his position as to render his continuance in office prejudicial to the public interest,

such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

# CHAPTER III

# CONSTITUTION OF LOCAL COMPLAINTS COMMITTEE

- 5. Notification of District Officer.—The appropriate Government may notify a District Magistrate or Additional District Magistrate or the Collector or Deputy Collector as a District Officer for every District to exercise powers or discharge functions under this Act.
- 6. Constitution and jurisdiction of [Local Committee].—(1) Every District Officer shall constitute in the district concerned, a committee to be known as the "[Local Committee]" to receive complaints of

<sup>1.</sup> Subs. by Act 23 of 2016, s. 3 and the Second Schedule, for "Local Complaints Committee" (w.e.f. 6-5-2016).

sexual harassment from establishments where the <sup>1</sup>[Internal Committee] has not been constituted due to having less than ten workers or if the complaint is against the employer himself.

- (2) The District Officer shall designate one nodal officer in every block, taluka and tehsil in rural or tribal area and ward or municipality in the urban area, to receive complaints and forward the same to the concerned 2[Local Committee] within a period of seven days.
- (3) The jurisdiction of the 2[Local Committee] shall extend to the areas of the district where it is constituted.
- 7. Composition, tenure and other terms and conditions of <sup>2</sup>[Local Committee].—(1) The <sup>2</sup>[Local Committee] shall consist of the following members to be nominated by the District Officer, namely: -
  - (a) a Chairperson to be nominated from amongst the eminent women in the field of social work and committed to the cause of women;
  - (h) one Member to be nominated from amongst the women working in block, taluka or tehsil or ward or municipality in the district;
  - (c) two Members, of whom at least one shall be a woman, to be nominated from amongst such non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, which may be prescribed:

Provided that at least one of the nominees should, preferably, have a background in law or legal knowledge:

Provided further that at least one of the nominees shall be a woman belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or minority community notified by the Central Government, from time to time;

- (d) the concerned officer dealing with the social welfare or women and child development in the district, shall be a member ex officio.
- (2) The Chairperson and every Member of the Local Committee shall hold office for such period, not exceeding three years, form the date of their appointment as may be specified by the District Officer.
  - (3) Where the Chairperson or any Member of the <sup>2</sup>[Local Committee]—
    - (a) contravenes the provisions of section 16; or
  - (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
  - (c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
  - (d) has so abused his position as to render his continuance in office prejudicial to the public

such Chairperson or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of

- (4) The Chairperson or Members of the Local Committee other than the Members nominated under clauses (b) and (d) of sub-section (1) shall be entitled to such fees or allowances for holding the proceedings of the Local Committee as may be prescribed.
- 8. Grants and audit.—(1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the State Government grants of such sums of money as the Central

2. Subs. by s. 3 and the Second Schedule, ibid., for "Local Complaints Committee" (w.e.f. 6-5-2016).

<sup>1.</sup> Subs. by Act 23 of 2016, s. 3 and the Second Schedule, for "Internal Complaints Committee" (w.e.f. 6-5-2016).

Government my think fit, for being utilised for the payment of fees or allowances referred to in subsection (4) of section 7.

- (2) The State Government may set up an agency and transfer the grants made under sub-section (1) to that agency.
- (3) The agency shall pay to the District Officer, such sums as may be required for the payment of fees or allowances referred to in sub-section (4) of section 7.
- (4) The accounts of the agency referred to in sub-section (2) shall be maintained and audited in such manner as may, in consultation with the Accountant General of the State, be prescribed and the person holding the custody of the accounts of the agency shall furnish, to the State Government, before such date, as may be prescribed, its audited copy of accounts together with auditors' report thereon.

#### CHAPTER IV

#### COMPLAINT

9. Complaint of sexual harassment.—(1) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing:

Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

- (2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.
- 10. Conciliation.—(1) The Internal Committee or, as the case may be, the Local Committee, may, before initiating an inquiry under section 11 and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation:

Provided that no monetary settlement shall be made as a basis of conciliation.

- (2) Where settlement has been arrived at under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall record the settlement so arrived and forward the same to the employer or the District Officer to take action as specified in the recommendation.
- (3) The Internal Committee or the Local Committee, as the case may be, shall provide the copies of the settlement as recorded under sub-section (2) to the aggrieved woman and the respondent.
- (4) Where a settlement is arrived at under sub-section (1), no further inquiry shall be conducted by the Internal Committee or the Local Committee, as the case may be.
- 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 (45 of 1860), and any other relevant provisions of the said Code where applicable:

Provided that where the aggrieved woman informs the Internal Committee or the Local Committee, as the case may be, that any term or condition of the settlement arrived at under sub-section (2) of section 10 has not been complied with by the respondent, the Internal Committee or the Local Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police:

Provided further that where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

- (2) Notwithstanding anything contained in section 509 of the Indian Penal Code (45 of 1860), the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provisions of section 15.
- (3) For the purpose of making an inquiry under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall have the same powers as are vested in a civil court the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:—
  - (a) summoning and enforcing the attendance of any person and examining him on oath;
  - (h) requiring the discovery and production of documents; and
  - (c) any other matter which may be prescribed.
  - (4) The inquiry under sub-section (1) shall be completed within a period of ninety days.

#### CHAPTER V

# INQUIRY INTO COMPLAINT

- 12. Action during pendency of inquiry.—(1) During the pendency of an inquiry on a written request made by the aggrieved woman, the Internal Committee or the local Committee, as the case may be, may recommend to the employer to—
  - (a) transfer the aggrieved woman or the respondent to any other workplace; or
  - (h) grant leave to the aggrieved woman up to a period of three months; or
  - (c) grant such other relief to the aggrieved woman a may be prescribed.
- (2) The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.
- (3) On the recommendation of the Internal Committee or the Local Committee, as the case may be, under sub-section (1), the employer shall implement the recommendations made under sub-section (1) and send the report of such implementation to the Internal Committee or the Local Committee, as the case may be.
- 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:

Provide 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.

- (4) The employer or the District Officer shall act upon the recommendation within sixty days of its receipt by him.
- 14. Punishment for false or malicious complaint and false evidence.—(1) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or the District Officer, as the case may be, to take action against the woman or the person who has made the complaint under sub-section (1) or sub-section (2) of section 9, as the case may be, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed:

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

- (2) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness or the District Officer, as the case may be, to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.
- 15. Determination of compensation.—For the purpose of determining the sums to be paid to the aggrieved woman under clause (ii) of sub-section (3) of section 13, the Internal Committee or the Local Committee, as the case may be, shall have regard to—
  - (a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
  - (b) the loss in the career opportunity due to the incident of sexual harassment;
  - (c) medical expenses incurred by the victim for physical or psychiatric treatment;
  - (d) the income and financial status of the respondent;
  - (e) feasibility of such payment in lump sum or in instalments.

16. Prohibition of publication or making known contents of complaint and inquiry proceedings.—Notwithstanding anything contained in the Right to Information Act, 2005 (22 of 2005), the contents of the complaint made under section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings.

recommendations of the Internal Committee or the Local Committee, as the case may be, and the action taken by the employer or the District Officer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner:

Provided that information may be disseminated regarding the justice secured to any vicitim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

- 17. Penalty for publication or making known contents of complaint and inquiry proceedings.—
  Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Act, contravenes the provisions of section 16, he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.
- 18. Appeal.—(1) Any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clause (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or sub-section (2) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.
- (2) The appeal under sub-section (1) shall be preferred within a period of ninety days of the recommendations.

## CHAPTER VI

## DUTIES OF EMPLOYER

# 19. Duties of employer.— Every employer shall—

- (a) provide a safe working environment at the workplace with shall include safety from the persons coming into contact at the workplace;
- (b) display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee under sub-section (1) of section 4;
- (c) organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed:
- (d) provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry:
- (e) assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;
- (f) make available such information to the Internal Committee or the Local Committee, as the case be, as it may require having regard to the complaint made under sub-section (1) of section 9;
- (g) provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force;
- (h) cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;

- (i) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
  - (j) monitor the timely submission of reports by the Internal Committee.

#### CHAPTER VII

# DUTIES AND POWERS OF DISTRICT OFFICER

- 20. Duties and powers of District Officer.—The District Officer shall, -
  - (a) monitor the timely submission of report furnished by the Local Committee;
- (h) take such measures as may be necessary for engaging non-governmental organisations for creation of awareness on sexual harassment and the rights of the women.

## CHAPTER VIII

## MISCELLANEOUS

- 21. Committee to submit annual report.— (1) The Internal Committee or the Local Committee, as the case may be, shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and the District Officer.
- (2) The District Officer shall forward a brief report on the annual reports received under sub-section
  (1) to the State Government.
- 22. Employer to include information in annual report.—The employer shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report of his organisation or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.
- 23. Appropriate Government to monitor implementation and maintain data.—The appropriate Government shall monitor the implementation of this Act and maintain date on the number of cases filed and disposed of in respect of all cases of sexual harassment at workplace.
- 24. Appropriate Government to take measures to publicise the Act.—The appropriate Government may, subject to the availability of financial and other resources,—
  - (a) develop relevant information, education, communication and training materials, and organise awareness programmes, to advance the understanding of the public of the provisions of this Act providing for protection against sexual harassment of woman at workplace;
    - (b) formulate orientation and training programmes for the members of the <sup>1</sup>[Local Committee].
- 25. Power to call for information and inspection of records.—(1) The appropriate Government, on being satisfied that it is necessary in the public interest or in the interest of women employees at a workplace to do so, by order in writing.—
  - (a) call upon any employer or District Officer to furnish in writing such information relating to sexual harassment as it may require;
  - (b) authorise any officer to make inspection of the records and workplace in relation to sexual harassment, who shall submit a report of such inspection to it within such period as may be specified in the order.
- (2) Every employer and District Officer shall produce on demand before the officer making the inspection all information, records and other documents in his custody having a bearing on the subject matter of such inspection.
  - 26. Penalty for non-compliance with provisions of Act.—(/) Where the employer fails to—
    - (a) constitute an Internal Committee under sub-section (1) of section 4;

<sup>1.</sup> Subs. by Act 23 of 2016, s. 3 and the Second Schedule, for "Local Complaints Committee" (w.e.f. 6-5-2016).

- (h) take action under sections 13, 14 and 22; and
- (c) contravenes or attempts to contravene or abets contravention of other provisions of this Act or any rules made thereunder,

he shall be punishable with fine which may extend to fifty thousand rupees.

- (2) If any employer, after having been previously convicted of an offence punishable under this Act subsequently commits and is convicted of the same offence, he shall be liable to—
  - (i) twice the punishment, which might have been imposed on a first conviction, subject to the punishment being maximum provided for the same offence:

Provided that in case a higher punishment is prescribed under any other law for the time being in force, for the offence for which the accused is being prosecuted, the court shall take due cognizance of the same while awarding the punishment;

- (ii) cancellation, of his licence or withdrawal, or non-renewal, or approval, or cancellation of the registration, as the case may be, by the Government or local authority required for carrying on his business or activity.
- 27. Cognizance of offence by courts.—(/) No court shall take cognizance of any offence punishable under this Act or any rules made thereunder, save on a complaint made by the aggrieved woman or any person authorised by the Internal Committee or Local Committee in this behalf.
- (2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.
  - (3) Every offence under this Act shall be non-cognizable.
- 28. Act not in derogation of any other law.—The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.
- 29. Power of appropriate Government to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
  - (a) the fees or allowances to be paid to the Members under sub-section (4) of section 4;
  - (h) nomination of members under clause (c) of sub-section (1) of section 7;
  - (c) the fees or allowances to be paid to the Chairperson, and Members under sub-section (4) of section 7;
    - (d) the person who may make complaint under sub-section (2) of section 9;
    - (e) the manner of inquiry under sub-section (1) of section 11;
    - (f) the powers for making an inquiry under clause (c) of sub-section (2) of section 11;
    - (g) the relief to be recommended under clause (c) of sub-section (1) of section 12;
    - (h) the manner of action to be taken under clause (i) of sub-section (3) of section 13;
    - (i) the manner of action to be taken under sub-sections (1) and (2) of section 14;
    - (j) the manner of action to be taken under section 17;
    - (k) the manner of appeal under sub-section (1) of section 18;

- (I) the manner of organising workshops, awareness programmes for sensitising the employees and orientation programmes for the members of the Internal Committee under clause (c) of section 19;
- (m) the form and time for preparation of annual report by Internal Committee and the Local Committee under sub-section (1) of section 21.
- (3) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
- (4) Any rule made under sub-section (4) of section 8 by the State Government shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.
- 30. Power to remove difficulties.— (/) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.



असाधारण

EXTRAORDINARY

भाग ।।।—खण्ड ४

PART III-Section 4

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

Ti. 1711 No. 171]

मई दिस्ली, सोमवार, मई 2, 2016/वैशाख 12, 1938

NEW DELHI, MONDAY, MAY 2, 2016/ VAISAKHA 12, 1938

मानद संसाधन विकास मंत्रालय

(विश्वविद्यालय अनुदान आयोग)

अविस्थना

नई दिल्ली, 2 मई, 2018

विश्वविद्यालय अनुदान आयोग (उच्चतर शैक्षिक संस्थानों में महिला कर्मचारियों एवं छात्रों के लैंगिक उत्पीड़न के निराकरण, निषेध एवं इसमें सुधार) विनियम 2015

गि. सं. 91-1/2013 (टी. एफ. जी. एस.-विश्वविद्यालय अनुदान आयोग अधिनियम 1956 (1956 का 3) जिसे उक्त अधिनियम के अनुच्छेद 20 के लग-अनुच्छेद (1) से संयुक्त रूप से पढ़ा जाए उस अधिनियम 26 के अनुच्छेद (1) की धारा (जी) द्वारा प्रवत्त अधिकारों के क्रियान्वयन अनुसार विश्वविद्यालय अनुदान आयोग एतद्द्वारा निम्न विनियम

- लघु शीर्ष, अनुप्रयोग एवं समारम्भ:— (1) ये विनियम विश्वविद्यालय अनुदान आयोग (उच्च्तर शैक्षिक संस्थानों में महिला कमैचारियों एवं छात्रों के लैंगिक उत्थीड़न के निराकरण, निषेध एवं इसमें सुधार) विनियम, 2015 कहलाएगे।
  - (2) ये विनिधम भारत वर्ष में सभी जन्धतर शैक्षिक संस्थानों पर लागू होंगे।
  - (3) सरकारी राजपत्र में उनके प्रकाशन की तिथि से वे लागू माने जाएँगे।
- परिमाषाएँ:- इन विनिधमों में-बसर्ते विषयवस्तु को अन्तर्गत कुछ अन्यथा जरूरी है:-
- (अ) "पीडित गरिला" से अर्थ है किसी भी आयु वर्ग की एक ऐसी महिला—चाहे वह रोजगार में है या नहीं, किसी कार्य रणल में कथित सीर से प्रतिवादी द्वारा कोई लैंगिक प्रताडना के कार्य का शिकार बनी है,
- (ब) अधिनियम से अर्थ है कार्य स्थल में महिलाओं का लैंगिक उत्पीड़न (निराकरण, निषेध एवं रामाधान) अधिनियम,
- ''धरिरार'' का अर्थ उस स्थान अथवा भूमि से है जहाँ पर उच्चतर शैक्षिक संस्थान तथा इसकी संबद्ध संस्थागत सुविधाएँ जैसे पुस्तकालय, प्रयोगशालाएँ, लेक्चर हॉल, आवास, हॉल, शौचालय, छात्र केन्द्र, छात्रावास, भोजन कक्षाँ, रटेडियम वाहर्न पढ़ाव स्थल, संपथनों जैसे स्थल तथा अन्य कुछ सुविधाएँ जैसे स्वास्थ्य केन्द्र, कैन्टीन, बैंक पटल हत्यादि स्थित हैं तथा जिसमें अत्रों द्वारा उच्चिशक्षा के छात्र के रूप में दौरा किया जाता ही-जिस में वह परिवान शामिल है जो उसे उस संस्थान से आने जाने के लिए उस संस्थान के अलावा क्षेत्रीय प्रमण हेतु

लोकान पर अध्यसना अध्ययन प्रमण संद सपादे के लिए. लघू-अवधि वाली निथ्नितयों के लिए शिविश के लिए शाविश के लिए लघू-अवधि वाली निथ्नितयों के लिए शिविश के लिए लागित का वाली का राम रामित कार्य कार्य के स्था कार्य कार्य

- (की) "आयोग" का आहे । विश्वविद्यालय अनुदान आयोग जो विश्वविद्यालय अनुदान आयोग अधिनितम १९५६ (१९५६ का ३) क अनुस्थिद के के अन्तर्गत स्थापित है,
- (ई) "उपपूर व्यक्तियों" से अर्थ उन व्यक्तियों से हैं जो एक सुराक्षित गतिविधि में कार्यरत है जैसे कि किसी लैंगिक संस्थित की शिकायत को दायर गल्या—अथवा वे ऐसे किसी व्यक्ति से घनिष्ठ रूप से सम्बद्ध हैं जो सुरक्षित प्रतिक्रित में अनुवाद से तथा ऐसा व्यक्ति एक कर्मचारी हो सकता है अथवा उस पीड़ित व्यक्ति का एक कर्मचारी से बहुबा में अथवा एक सम्बद्ध अपना अभिगावक हो सकता है:
- (एक) कर्मकारी का वर्ग, इस व्यक्ति सं हे किसे अधिनिधम में परिमाषित किया गया है तथा हसमें हुन विनिधमा की वृधित स प्रदेशवर्ग, जिल्लावी अथवा वे अन्य जिस नाम से भी जाने जाते हैं। आन्तरिक अध्यान में जने छात्र स्वाधिकार, अन्यापन-सहायक श्रोध-सहायक घाहे वे रोजगार में हैं अथवा नहीं, तथा छात्रीय अध्यक्षन में, धरियोजनाओं लघु-रसर के अमण अथवा शिविरों में कार्यरत व्यक्तियों से हैं.
- (जी) जनर्मकारी पाधिकारी" रो अर्थ है उच्चतर शैक्षिक संस्थान के प्रमुख कार्यकारी प्राधिकारी, वाहे जिस नाम से वे जाने जाते हों- तथा किया गरणान में उत्कातर एक्षिक संस्थान का सामान्य प्रशासन सम्मिलित है। सार्वजनिक रूप से किया गरणात संस्थान के लिए, नवर्यकारी प्राधिकारी से अर्थ है अनुशासनात्मक पाधिकारी जैसा कि केन्द्रीय नागरिक न्याम (वर्षाकारण, नियन्त्रण एवं अपील) नियम तथा इसके समतुल्य नियमों में दर्शाया गर्मा है,
- (एच) जामार क्रीक्षिक शहवान' (एचई आई.) रा अर्थ है—एक विश्वविद्यालय जो अनुक्हेंद 2 की धारा (जे) के अन्तर्गत अर्थों के अनुसार है, ऐसा एक महाविद्यालय जो अनुक्हेंद 12 (ए) के उप—अनुष्कंद (१) की धारा (भी) के अर्थ के अनुसार है तथा एक ऐसा संस्थान जो मानित विश्वविद्यालय के रूप में विश्वविद्यालय अनुदान आयोग अधिनियम 1056 (1058 का 3) के अनुक्हेंद 3 के अन्तर्गत है;
- (आहें) अपनारिक शिन्तवात अधिते" (आई सी.सी.) (इन्टरनल कम्प्लेन्ट्स कमिटि) से अर्थ है इन विनिधमों के विनिधम 4 के सक-विनिधम (1) के अर्थ में अनुसार उपयार शैक्षिक संस्थान द्वारा गठित की जाने वाली आन्तरिक शिकायत लागी। में हैं। यदि गहरे से ही समान अपदेश्य बाला कोई निकाय सिक्रय है, (जैसे कि लेगिक संवर्धाकरण लागित जो लिक्कि नजीहन सबदी विवाद देखेगी (जी.एस.सी.एएस.एच.) ऐसे निकाय को अन्तरिक शिकायत नविति (अह्मसीसी) के रूप में पुनर्गितन किया जाना चाहिए;
  - वजतें बाद वाले मामले में उच्चतर शैक्षिक संस्थान ऐसा सुनिश्चित करेगा कि इन विनियमों के अन्तर्गत आन्तरिक शिकायत केन्द्र के लिए ऐसे एक निकाय का गठन आवश्यक है। बशतें कि ऐसा निकाय इन विनियमों के प्राकानों
- (क) प्रतिक्षत मिरिडिशि" में ऐसी एक परमारा, के प्रति सर्कपूर्ण विरोध शामिल है, जिसके बार में ऐसा माना जाता है कि अपनी वरण से ज्ञान गुम्ब दूसरे लोगों की तरफ से लैंगिक उत्पीदन संबंधी कानूनों का उल्लंधन उस परमारा के पार्थम से किया जा रहा है— जैसे कि लैंगिक उत्पीदन मामलों की कार्रवाई में गांभीदारी करना, किसी की अध्यादिक जांच परताल में अध्या कथित लैंगिक उत्पीदन कार्गों में सहयोग करना अध्या किसी बाहरी एउन्सी दान की जा रही जींच परताल में अध्या किसी मुकदमें में बतौर गवाह भीजूद रहना.

# (क) "लैंगिक छत्पीड़न" का अर्थ है—

- (1) ऐसा एक अन्त्यास आचरण जिलमें छिपे रूप में लैंगिक भायनाएँ जो प्रत्यक्ष भी हो जाती हैं अथवा जो गावनारे अध्या मन्त्रवृत होती नीचनायुक्त होती हैं अथवा एक प्रतिभृत और हामकी नल गातवान पेटा करवी हैं अभवा अस्तविक अथवा धमकी भरे परिणामों द्वारा अधीनता की ओर प्रेरित गरने वाली हाल है नाम ऐसी भावनाओं में निम्निसिखत अवांधित काम या व्यवहारों में छोई भी एक या उरवल अधिक या वे नामरत व्यवहार शामिल हैं (बाहे सीधे तौर से या छिपे तौर से) नामत:-
  - (अ) लेगिक भावना सं युक्त कोई भी अप्रिय शारीरिक, मौखिक अधवा गैर गीखिक के अतिरिक्त कोई आयरण
  - (व) लेगिक अनुग्रह या अनुरोध करना
  - (वा) अधिकत्वमुक्ता दिणाणी करना

- (ड) शारीरिक रूप से संबंध बनाना अथवा पास बने रहने की कोशिश करना
- (ई) अश्लील साहित्य दिखाना
- निम्न परिस्थितियां में से किसी एक में (अथवा इससे अधिक एक या सभी में) यदि ऐसा पाया जाता है (ii) अध्यया वह ऐसे किशी बतांच के बारे में है या उससे संबंधित है जिसमें व्यापक रूप से या छिपे रूप में
  - (अ) छिपे तौर से या प्रत्यक्ष रूप से अधिमान्य व्यवहार देने का वायदा जो लैंगिक समर्थन के एवज में हैं;
  - (ब) कार्य के निष्पादन में क्रिपे रूप से या सीधे तौर से रुकावट डालने की धमकी;
  - (स) संबद्ध व्यक्ति के वर्तमान अथवा उसके भविष्य के प्रति छिपे तौर से या सीधे तौर से धमकी दंकर,
  - (द) एक दहशत भरा हिंसात्मक या द्वेषपूर्ण वातावरण पैदा करके:
  - (ई) ऐसा व्यवहार करना जो कि सबद्ध व्यक्ति के स्वास्थ्य उसकी सुरक्षा, प्रतिष्ठा अथवा उसकी शारीरिक दृढ़ता को दुष्प्रभावित करने वाला है.
- 'छात्र'' शब्द का अर्थ उस व्यक्ति के लिए है जिसे विधियत प्रवेश मिला हुआ है, जो नियमित रूप से या दूर (एल) किक्षा विकि से एक उच्च शिक्षा संस्थान में, एक अध्ययन पाठ्यक्रम का अनुसरण कर रहा है जिसमें लघु अवधि प्रशिक्षण पाठ्यक्रम भी शामिल ह

बशर्त, ऐसे किसी छात्र के साथ यदि कोई लेगिक उत्पीड़न की घटना होती है जो उच्च शिक्षा संस्थान परिसर में प्रवेश पाने की प्रक्रिया में हैं— यद्यपि वह प्रवेश प्राप्त नहीं हुआ है तो इन विनियमों के आधार पर उस छात्र को सच्च शिक्षा संस्थान का छात्र माना जाएगा:

बशर्त एक ऐसा छात्र जो किसी उच्चतर शैक्षिक संस्थान में प्रवेश प्राप्त है तथा उस संस्थान में भागीदार है और चरा छात्र के प्रति कोई लैंगिक उत्पीड़न होता है तो उसे उस उच्च संस्थान का छात्र माना जाएगा:

- "किसी तीसरे व्यक्ति द्वारा उत्पीडन" उस स्थिति को दर्शाता है जब लैंगिक उत्पीडन की घटना किसी तीसरे (एम) व्यक्ति द्वारा या किसी बाहर के आदमी द्वारा की गई हो जो ना तो उस उच्च शैक्षिक संस्थान का कर्नवारी अथवा उराका छात्र है-बल्कि उस संस्थान में एक आगन्तुक है जो अपने अन्य किसी काम या उद्देश्य रो
- "उत्पीड़न" का अर्थ है किसी व्यक्ति से नकारात्मक व्यवहार जिसमें छिपे तौर से या सीधै तौर से लैंगिक (tra) दुर्भावना की नीयत छिपी होती है,
- "कार्यस्थल" का अर्थ है जच्चतर शैक्षिक संस्थान का परिसर जिसमें शामिल हैं: (311)
  - (अ) कोई विभाग, संगठन, उपक्रम, प्रतिष्ठान, उद्योग, संस्थान, कार्यालय, शाखा अथवा एकांश जो उपयुक्त उच्चतर शैक्षिक संस्थान द्वारा पूरी तरह अथवा पर्याप्त रूप से उपलब्ध निधि द्वारा सीधे तौर से अथवा अप्रत्यक्ष रूप से स्थापित, स्थामित्व वाले या उससे नियन्त्रित है:
  - (व) ऐसा कोई खेलकूद संस्थान, स्टंडियम, खेल परिसर या प्रतियोगिता या खेलकूद क्षेत्र चाहे वह आवासीय है या नहीं या उसे उच्चतर शैक्षिक संस्थान की प्रशिक्षण, खेलकूद अथवा अन्य गतिविधियों
  - (स) ऐसा कोई स्थान जिसमें कर्मचारी अथवा छात्र अपने रोजगार के दौरान या अध्ययन के दौरान आते रहते हैं तथा जिस गतिविधि में यातायात शामिल है जिसे कार्यकारी प्राधिकारी ने ऐसे भ्रमण के लिए उपलब्ध कराया है जो उस उच्च शैक्षिक संस्थान में अध्ययन के लिए हैं।
- उच्चतर शैक्षिक संस्थानों के दायित्व—(1) प्रत्येक उच्चतर शैक्षिक संस्थान)
- (अ) कर्मचारियों एवं छात्रों के प्रति लेंगिक उत्पीड़न के निराकरण एवं निषेध संबंधी अपनी नीति एवं विनियमों में उपरोक्त परिमाषाओं की मावना को यथा आवश्यक उपयुक्त रूप में सम्मिलित करें तथा इन विनियमों की आवश्यकता
- (ब) लेंगिक उत्पीडन के विरुद्ध प्रावधानों को अधिसूचित करना तथा उनके विस्तृत प्रचार—प्रसार को सुनिष्टियत करना,

- (स) विजा कि अवांत की "सम्मम" (परिसरों में महिलाओं की सुरक्षा एवं लैंगिक संवेदीकरण कार्यक्रम) रिफोर्ट में दक्तिया महा है, प्रशिक्षण कार्यक्रम अथवा कार्यशाला, अधिकारियों, कार्यपालकों, संकाय सदस्यों एवं छात्रों के लिए उन्हें सभी का सुमारी बनाना तथा इस अधिनियम एवं इन विनियमों में स्थापित अधिकारों, पात्रताओं एवं दायित्यों की जानकारी वन्त स्वितिवात कराना तथा जनके प्रति उन्हें जागरूक बनाना;
- ि हुए बाल को प्राच्यान्से एए कि प्राथमिक इस से महिला कर्मचारी तथा छात्राओं एवं कुछ छात्र तथा तीसरे लिय पाले १९३ वर्ष प्राप्त के लेकिन संस्थित अगमान एवं शोषण के अन्तर्गत संवेदनशील हैं, तदनुसार सभी लियां के वर्मवादियां एवं १४७६ में पति युनियोजिन सगरत लिय आधारित हिंसा के विरुद्ध निर्णयात्मक रूप से संक्रिय चनना ,
- (4) लेगिक सत्योजन के प्रति श्रुट्य स्तर सहत् संबंधी नीति की सार्वजनिक प्रतिबद्धता रखना;
- (एम) राभी उत्तर्ने घर अपने परिश्वर को, भेदमाय, उत्पीहन, प्रतिशोध अथवा लैंगिक आक्रमणों सं मुक्त बनाने की प्रतिबद्धता की पुनः पुष्टि करना
- (नी) इस विषय में जागरकाता पैदा करना कि लैंगिक उत्पीड़न में क्या शामिल हैं— तथा इसके साथ ही हिसापूर्ण वातावरण कार्योजन एवं प्रतिकर लत्वीजन इन विषयों में जागरुकता पैदा करना.
- (एन) अपनी विकासकार न समितित करना और महत्वपूर्ण स्थलों पर, विशिष्ट स्थानों पर या गंदिस बोर्ड पर लेगिक क्रिकेट के दण्ड एवं परिभागों को दशाया जाना तथा संस्थान के सभी समुदायों के वर्गों को इस तन्त्र की सुकना व प्रति जागरक करना जो तन्त्र लेगिक उत्पीदन संबंधी शिकायतों के समाधान के लिए बनाया गया है तथा इसके बारे में आनारिक शिकायत समिति के सदस्यों का विवरण, उनसे संपर्क खादना, शिकायत के बारे में विवि आदि के बारे में बताना यहि कोई मौजूदा निकाय पहले से ही उसी लक्ष्य के साथ सिक्रय है (जैमे कि लेगिक संवेदीकरण श्रामित जो लेगिक उत्पीदन के विरुद्ध है, ऐसे जेन्डर सेन्सीटाइजेशन कमिटि अमेंस्ट सैक्युअल हासमेंन्ट-जी एस.सी. एएकएम निकाय को झानारिक शिकायत समिति) (इण्टरनल कम्प्लेन्ट्स कमिटि-आई.सी.सी) के समान ही पुनर्गितित

भगते. जाद में इमार्थ गए मागल में उच्चावर मैक्षिक संस्थान सुनिश्चित करेंगे कि इस प्रकार के निकाय का गठन आई.सी.सी. के लिए आवश्यक सिद्धान्तों के आधार पर इन विनियमों के अन्तर्गत किया गया है। ऐसा कोई भी निकाय इन विनियमों के प्राकारणों के द्वारा बाध्य होगा;

- (आहे) कर्मचारियां एवं छान्तें का उपलब्ध आस्रय के बारे में बताना, यदि वे लेंगिक उत्पीड़न क शिकार हुए हैं:
- (लें) आन्तरिक शिकायत रागिति के सदस्यों द्वारा शिकायतों के निपटान, समाधान अथवा समझौते आदि की प्रक्रिया का संधानन समेदनाणीन रूप से करने के लिए, नियमित अभिमुखी अथवा प्रशिक्षण कार्यक्रम समाजित करना,
- (6) तत्पातिया एवं भारत कः राभी प्रकार के उत्पीडन के निराकरण हेतु सक्रिय रूप सं गतिशील बनामा काहे वह उत्पीतन किसी प्रवल अध्यक्तरी अध्यत उच्चतर शैक्षिक संस्थान में स्थित प्रदानुक्रम संबंधों के आधार पर हैं। अध्या किसी प्रतिका गाणितार की हिंशा संबंधी हो अध्या समकक्षों से अध्या उस उच्चतर शैक्षिक संस्थान की भौगोलिक
- (पत्म) वसके कर्मधारियों एवं धाओं के प्रति किए गए लैंगिक उत्पीद्धन के लिए दोधी जो लोग है उन्हें दरिद्धत करना तथा विधि द्वारा मान्य कानून के अनुसार समस्त कार्यवाही करना तथा परिसर में लैंगिक उत्पीद्धन के निसकरण एवं धारमा हेतु तन्त्री एवं समाधान प्रणाती को यथारिश्वति बनाना:
- (एम) यदि (तस दुरातार का प्रध्यंत्रकारी वहीं का कर्मचारी है तो सेवा नियमों के अन्तर्गत लेगिक उत्पीडन को एक पुराधार के रूप में भागम
- (एन) गरि अपनामकतो कोई ध्यत्र है तो लैंगिक उत्पीद्धन को अनुशासनात्क नियमों (जो बहिष्काए एवं बहिष्कारण सब हो अकता है) के उल्लंधन के रूप में वेखना:
- (मो) इन विनियमों के प्रकाशन की तिथि से लेकर 60 दिनों की अवधि में इन विनियमों के प्रावधानों का अनुपालन युनिष्टियत किया जाना, जिनमें आनारिक शिकायत समिति की नियुवित शामिल है;
- (वी) आन्तरिक विकायन समिति द्वास की गई रिपोटों का समयबद्ध रूप से प्रस्तुतीकरण.
- (अप) एक बार्तिक किन्नि रिपोर्ट किसमें दायर मामलों का, सनके निपदान का विवरण हो, वह तैयार करना तथा इसे आयोग को पहनुस करना

# 3.2 रामर्थन करने वाली गतिविधियाँ-

(1) जिन निवास विनियमों अथवा अन्य इसी प्रकार के माध्यम जिनके क्षारा जान्तरिक जिक्कायत केन्द्र (अर्ह्स्सी सी.) प्रकार्य करेगा, उन्हें अद्यातन किया जाएगा तथा उन्हें समय-समय पर संशोधित किया

- लाएगा—वर्षोकि न्यायालय के निर्णय एवं अन्य कानून तथा नियमों द्वारा उस कानूनी होंचे में लगातार संशोधन होता रहेगा जिनके अनुसार अधिनियम लागु किया जाना है:
- (2) उच्चलर शीक्षक संस्थानों का कार्यकारी प्राधिकारी द्वारा अधिदेशात्मक रूप से पूरा रामर्थन किया जाना चाहिए तथा यह देखा जाना चाहिए कि आई.सी.सी. की सिफारिशों का क्रियान्वयन समयवद्ध रूप से किया जा रहा है कि नहीं। आई.सी.सी. के प्रकार्य के लिए सामस्त संभावित संसाधन उपलब्ध कराए जाने चाहिए- जिनमें कार्यालय और भवन अवसंरचना सहित (कम्प्यूटर, फोटो कॉपियर, श्रव्य दृश्य रापकरणों आदि) स्टाफ (टाइपिस्ट, सलाह एवं कानूनी सेवाओं) सहित पर्याप्त रूप में वित्तीय संसाधन का आबंदन भी हो.
- (3) असुरक्षित , दुवल वर्ग विशेष रूप से प्रताहना के शिकार बन जाते हैं और उनके द्वारा शिकायत करना और भी न्यादा कितन होता है। क्षेत्र, वर्ग, जाति, लैंगिक प्रवृत्ति, अल्पसंख्यक पहचान, एवं पृथक रूप से सामने से असुरक्षा सामाजिक रूप से संगोजित हो सकती है। समर्थकारी समितियों को इस प्रकार की असुरक्षितताओं के प्रति अति संवेदनशीलता एवं विशेष जरूरतों के प्रति संवेदनशील होने की आवश्यकता है.
- (4) क्योंकि शोध छात्र और डॉक्टोरल छात्र विशेष रूप से आक्रान्त होते हैं, अतः उच्यत्तर शेक्षिक संस्थानों होता यह सुनिविधत कराया लाए कि शोध सर्वेक्षण की नैतिकता संबंधी दिशा निर्देश उचित रूप से लागू हो से हैं.
- (5) समस्त उच्चतर शैक्षिक संस्थानों द्वारा उनकी लैंगिक उत्पीड़न विरोधी नीति की क्षमता का नियमित रूप रो अर्घ वार्षिक पुनरीक्षण किया जाना चाहिए:
- (6) सभी अकादिमिक स्टाफ कॉलेजो (जिन्हें अब मानव संसाधन विकास केन्द्रों के रूप में पाया जाता है) (एवआरडीसी) और क्षमता निर्माण के क्षेत्रीय केन्द्रों द्वारा लिंग संबंधी सत्रों को अपने अभिमुखी एवं पुनाइचर्या पाठ्यक्रमों में निर्मामत करना चाहिए। अन्य सब विषयों से भी इसे प्राथमिकता दी जाए तथा इसे गुरुव धारा के रूप में विशेष रूप से बनाया जाए तथा इसके लिए "यूजीसी सक्षम" रिपोर्ट का सप्याग कर जिसमें, इस बारे में, प्रविधियाँ उपलब्ध कराई जाती हैं:
- (7) उद्यतर शैक्षिक संस्थानों में प्रशासकों के लिए संचालित अभिमुखी पाद्यक्रमों में आवश्यक रूप से लैंगिक संवैदीकरण तथा लेंगिक उत्पीडन की समस्याओं पर एक मापदण्ड होना चाहिए। उच्चतर शैक्षिक संस्थान के समस्त विभागों में मीजूद सदस्यों के लिए कार्यशालाएँ नियमित रूप से संचालित की जानी चाहिए:
- (8) समसा उच्चतर शैक्षिक संस्थानों में घरामर्श सेवाओं को संस्थानों के अन्तर्गत रखा जाना चाहिए और इसके लिए सुप्रशिक्षित पूर्णकालिक प्रसमर्शदाता होने चाहिए;
- (9) कई उच्चतर शैक्षिक संस्थान जिनकं विशाल परिसर हैं जिनमें प्रकाश संबंधी व्यवस्था बहुत अपूरी है तथा अन्य संस्थानों के लोगों के अनुभव अनुसार वे स्थान असुरक्षित समझे जाते हैं, वहीं पर्याप्त प्रकाश व्यवस्था अवसंस्थना एवं रख-रखाव का एक अनिवार्य अंग है;
- (10) पर्गाप्त एवं अच्छी तरह से प्रशिक्षित सुरक्षा स्टाफ आवश्यक रूप से होना चाहिए जिसमें महिला सुरक्षा स्टाफ सदस्य अच्छी संख्या में हों, जिससे संतुलन बना रहे। सुरक्षा स्टाफ नियुवित के मामले में लैंगिक संवेदनशीलता प्रशिक्षण को एक शर्त के रूप में माना जाना चाहिए.
- (11) उच्चतर शैक्षिक संस्थान आवश्यक रूप से विश्वसनीय जन यातायात को सूनिश्चित करें— विशेष रूप से जन्मार शैक्षिक संस्थानों के विस्तृत परिसरों के अन्दर विभिन्न विभागों के मध्य जैसे— भाजधासों, पुस्तकालयों, प्रभोगशालाओं तथा मुख्यालय और विशेष रूप से वे स्थान जिन तक पहुँच पाना दैनिक शाधकरांओं के लिए कठिन है। सुरक्षा की कभी तथा उत्पीड़न बहुत बढ़ जाता है जब कर्मचारी और प्रभात जन यातायात पर निर्भर नहीं रहते हैं। कर्मचारी एवं छात्रों द्वारा पुरस्कालयों और प्रयोगशालाओं में देर रात तक काम करने और शाम के समय अन्य कार्यक्रमों में भाग लेने के लिए उच्चतर शैक्षिक संस्थानों द्वारा मरोसंगंद यातायात का प्रबन्ध किया जाना चाहिए.
- (12) आवासीय उच्चतर शैक्षिक संस्थानों द्वारा महिला क्रात्रावासों की संस्थाना को प्राथमिकता दी जाए। महिला क्षत्रावास, जो सभी प्रकार के उत्पीठन से थोड़ी बहुत सुरक्षा प्रदान करते हैं, उस उच्च शिक्षा के सभी स्तरी पर शहरी एवं यामीण क्षेत्रों में बड़ी संख्या में उच्च शिक्षा इच्छुक युवा महिलाओं के लिए अत्यन्त

- (२०) वृक्ष आहे की मुलना में तामावास में स्थित छात्राओं की सुरक्षा के मामले को गंदभाव पूर्ण निवामी का अवाहर नहीं बनाया जाना व्यक्तिए। परिसर की सुरक्षा संबंधी नीतियों का महिला कर्मचारी एवं छात्राओं में स्थानमक्ता के छाए में नहीं बन जाना चाहिए, जैसे कि आवश्यकता से छानिक सर्वेत्रण या पुलिसिया निवासी अथवा आने जाने की स्वतंत्रता में कटौती करना- विशेषकर गहिला कर्मचारी एवं छाताओं के लिए.
- (14) सभी उच्चतर शैक्षिक संस्थानों के लिए पर्यान्त स्वास्थ्य सुविधार्य होनी अधिदेशात्मक हैं। महिलाओं के विश्वय में इस प्रक्रिया में लिंग संवेदी डाक्टर और नर्से तथा इसके साथ ही एक रूपी रोग विश्वय की निवार उपलगा गोनी आहिए.
- प्राचित्र वाला में महिता विकास प्रकोश पुनः बालू किये जाने चाहिए एवं उन्हें धन दिया जाना वाहिए क्षीर एवं तीमक सत्वीहन विशेषी समितियाँ तथा आन्तरिक शिकायत समिति के प्रचार्ग से पूजक करके साथाती रहा। उसके साथा ही वे आन्तरिक शिकायत केन्द्रों के प्रशास स अपनी मितिबिह्याँ विस्तारित करेंगे जिनमें लेंगिक संवदीकरण कार्यक्रम शामिल है तथा निर्मामत आधार पर लेंगिक उत्पीहन विशेषी नीतियाँ परिसरों में प्रचारित प्रसारित करेंगे। 'सांस्कृतिक पृष्टभूमि' एवं आवसीरिक अकादमिक स्थल' इन्हें परस्पर सहमागिता करनी चाहिए ताकि वे कार्यशालाएँ नवानमेंथी, आवसीम बने एवं मुशीनी न हों:
- (१६) (अञ्चारम व गार्डन, अध्यद), प्राचार्यों, कुलपतियों, विधि अधिकारियों एवं अन्य कार्यकारी सदस्यों को विभाग क अध्यत कथ्यादेशों में संशोधनों द्वारा जनाबदेही के दायरे में राध्यआवश्यक रूप से लाना साहिए,

#### शिकारत सगध्यत सन्ध-

- (1) तींगक रातींड्न के विरुद्ध प्रत्येक कार्यकारी प्राधिकारी लैंगिक संवेदीकरण के लिए एक अन्तरिक तन्त्र शहित एक अन्तरिक शिकायत समिति (आई.सी.सी.) का गठन करेंगे। आई.सी.सी. की निम्न संस्था। होगी:--
  - (म) एक पीठासीन अधिकारी जो एक महिला संकाय सदस्य हो और जो एक वरिष्ठ पद पर (एक विकायिकालय की निवादी में प्रोफेंसर से निम्न न हो तथा किसी महाविधालय की रिवित में यह प्राप्त-अथवा रीहर से निम्न न हो) शैक्षिक संस्थान में नियुक्त हो तथा कार्यवारी प्राधिकारी वास नामित हा:

बगतें गदि किसी स्थिति में कोई यरिष्ठ स्तर की महिला कर्मचारी उपलब्ध नहीं है तो पाउसीन अधिकारीं को उप-अनुभाग 2(ओ) में दर्शायें कार्यस्थल के अन्य कार्यालय अथवा प्रशासनिक एकांश से उन्हें नामित्र किया जाएगा:

"बहातें यदि एस कार्यस्थल के अन्य कार्यालयों अथवा प्रशासनिक एकांशों में कोई वरिष्ठ स्तर की महिला कर्मवारी नहीं है तो अध्यक्ष अधिकारी को उसी नियोक्शा के कार्यस्थल से अध्या किसी अन्य विभाग मा संगठन में से नामिश किया जा सकता है"

- (न) यो सकाय मदस्य एवं दो गैर-अध्यापनरत कर्मचारी जो अधिमानत महिलाओं की रामरणाओं के लिए प्रतिबद्ध है तथा जिन्हें सामाजिक कार्य अथवा कानूनी जानकारी है, उन्हें कार्यकारी प्रशिकारी हारा नामित किया जाना चाहिए.
- (२१) थाँदे किसी मामले में छात्र शामिल हैं तो उसमें तीन छात्र हों जिन्हें स्नातक पूर्व, स्नातकोत्तर एवं शोधस्तर पर क्रमश. भर्ती किया जायेगा जिन छात्रों का पारदर्शी लोकतांत्रिक प्रणाली द्वारा चुना गया है.
- (व) मेर गरकारी संगठना में से किसी एक में से अथवा किसी ऐसी समा में से जो महिलाओं की लमस्माओं के लिए प्रतिबद्ध हैं या एक ऐसा व्यक्ति हो जो लैंगिक सत्पीदन से जुड़ मामलों का लानवनर हो, जो कार्यकारी प्राधिकारी द्वारा नामित हो,
- आचारिक शिकाबत समिति के कुल सदस्यों में न्यूनतम आधे सदस्य महिलायें होनी चाहिए.
- (3) सच्चानर शैक्षिक गंस्थानों में वरिष्ठ प्रशासनिक पर्यों पर नियुक्त व्यक्ति जैसे कुलपति, पदेन कुलपति, देक्टर, कुलसचिव, दीन, विभागों के अध्यक्ष आदि आन्तरिक समिति के सदस्य महीं हांगे ताकि ऐसे केन्द्र के प्रकार्य की स्वायनात श्विक्ति होंगे.

- आन्तरिक शिकायत समिति के सदस्यों की सदस्यता अवधि तीन वर्ष की होगी। उच्चतर शैक्षिक संस्थान ऐसी एक प्रणाली का उपयोग करें जिसके द्वारा आन्तरिक शिकायत केन्द्र के सदस्यों का एक तिहाई भाग प्रतिवर्ष
- जान्तरिक समिति की बैठक आयोजित करने के लिए जो सदस्य गैर सरकारी संगढ़नों अथवा समान्त्रें से संबद्ध है उन्हें कार्यकारी पाहिकारी द्वारा ऐसे शुल्क अथवा भत्ते का मुगतान किया जाए, जैसा निर्धारित किया गया है,
- जिस रिधारी में आन्तरिक समिति का अध्यक्ष अधिकारी अथवा इसका कोई सदस्य, यदि
  - (अ) अधिनियम की धारा 16 के प्रावधानों का उल्लंघन करता है, अथवा
  - (य) यह किसी अपराध के लिए दोषी सिद्ध हुआ है अथवा उसके विरुद्ध वर्तमान में लागू किसी कानून क अन्तर्गत किसी अपराध के बारे में कोई पड़ताल लम्बित है, अध्यवा
  - किसी अनुसासनानाळ कार्यवाही के तहत वह दोषी पाया गया है अथवा उसके विरुद्ध कोई अनुशासनात्मक कार्यवाठी लम्बित है, अथवा
  - (द) उसने अपने पद का दुरुपयोग इस सीमा तक किया है कि कार्यालय में उसकी संवामें निरन्तरता को जनहित के प्रतिकृत माना जाएगा.
    - तो ऐसा अध्यक्ष अधिकारी अथवा सदस्य, यथारिथति, इस समिति से हटा दिया जाएगा तथा इस प्रकार से होने वाली रिवित अथवा ऐसी कोई नैमित्तिक (कैज़ुअल) रिवित को नथे नामांकन द्वारा इस धारा के प्रावधानों के अनुसार मरा जाएगा;"
- आन्तरिक विकायत समिति (आई.सी.सी.) :- आन्तरिक शिकायत समिति करेगी :-
  - (अ) यदि कोई कमेचारी अथवा छात्र पुलिस के पास कोई शिकायत दर्ज करना चाहता है तो उसे सहायता उपलब्ध
  - (व) विवाद समाधान के हेतु वातचीत संबंधी तन्त्र उपलब्ध कराना ताकि विवादित बातों पर पूर्वानुमान को समीचीन एवं उचित मैत्रीपूर्ण क्रिया द्वारा देखा जा सका जिससे उस शिकायतकर्ता के अधिकारों की हानि न हो तथा जिसरो पूरी तरह से दण्डात्मक दृष्टिकोणों की न्यूनतम जरूरत हो जिनसे और अधिक जानकारी, विगुखता
  - (रा) उस व्यक्तित की पहलान उजागर किये बिना उस शिकायतकर्ता की सुरक्षा बनाए रखना तथा स्वीकृत अयकाश अथवा उपरिवात संबंधी अनिवार्यताओं में छूट हारा अथवा अन्य किसी विभाग में अथवा किसी सर्वेद्राणकर्ता के पास स्थाना-तरण द्वारा, यथा आवश्यक रूप से उस शिकायत के लम्बित होने की अवधि में अथया उस अपराधकर्ता के स्थानान्तरण का भी प्रावधान किया जाएगा:
  - (a) तिगिक उत्पीडन संबंधी शिकायतों के निपटान करते समय सुनिश्चित करें कि पीड़ित व्यक्ति या गवाहों का शोषण ना किया लाए अथवा उनके साथ भेदभाव न किया जाएँ, तथा
  - किसी भी आवृत्त व्यक्ति के विरुद्ध अथवा प्रतिकृत कार्रवाई पर प्रतिबन्ध को सुनिश्चित करमा क्योंकि वह कर्मचारी अथना छात्र एक सरक्षित गतिविधि में व्यस्त है:
- षिकायत करने एवं जाँच पड़ताल की प्रक्रिया:- आन्तरिक शिकायत समिति किसी भी शिकायत को दायर करने और उस शिकायत की जाँच करने के लिए इन विनियमों और अधिनियम में निर्धारित प्रणाली का अनुपालन करेगी ताकि वह समयवद्ध रूप से पूरी हो सके। जन्मतर शैक्षिक संस्थान, आन्तरिक शिकायत समिति को सभी आवश्यक सुकिंगएँ उपलब्ध कराएमा ताकि जींच पडताल शीधता से संचालित हो सके तथा आवश्यक गोपनीयता भी बनी रहे.
- 7. लैंगिक उत्पीड़न की विकायत दायर करने की प्रक्रिया :- किसी भी असन्तुष्ट व्यक्ति के लिए आवश्यक है कि वह घटना होने की तिथि से तीन माह के भीतर लिखित शिकायत आन्तरिक शिकायत समिति को प्रस्तुत कर और यदि लगातार कई घटनाएँ हुई हो तो राबसे बाद की घटना से तीन माह के भीतर उसे प्रस्तुत करें,
  - बशतें जहाँ ऐसी शिकायत लिखित रूप में नहीं दी जा सकती है, वहाँ अध्यक्ष अधिकारी अथवा आन्तरिक समिति का काई भी सदस्य, उस व्यक्ति के द्वारा लिखित शिकायत प्रस्तुत करने के लिए समस्त सम्भव सहायता प्रदान करेगा,
  - बशर्ते, इसके साथ ही आई.सी.सी. लिखित रूप से प्रस्तुत तकों के आधार पर समय सीमा विस्तारित कर सकती है. परन्तु वह तीन माह से अधिक की नहीं होगी, यदि इस बात को आश्यस्त किया गया हो कि परिस्थितियाँ ऐसी थी कि जिनके कारण वह व्यक्ति इस कथित अवधि के दौरान शिकायत दायर करने से वंचित रह गया था:
- जींच पहताल की प्रक्रिया

- (t) शिकापत मिलने पर भाग्तारिक शिकायत समिति इसकी एक प्रति को प्रतिवादी को इसके प्राप्त होने स साल दिनों सं गीतर गेलेगी,
- (2) जिल्हारमा की धनि मिलन के बाद प्रतिवादी अपना उत्तर इस शिकायत के बारे में, समस्त दस्तावैजों की सूची, मबाहों के आगे एवं पता के आयों एवं जनके पता सहित दस दिन की अविधे में दाखिल करेगा;
- ा विकास प्राप्त काम कान के 90 दिनों के भीतर ही जाँच पड़ताल पूरी की जानी बाहिए। अनुशसाओं सहित, गाँउ वे हों, तो जीम पड़ताल दिवार जाँच के पूरा होने के 10 दिनों के भीतर संस्कृतर शिक्षक संस्थान के कार्यकारी प्राप्तिकारों की प्रस्तुत की जानी शाहिए। इस शिकायत से जुड़े दोनों पक्षों के संपक्ष इस जीन के तथ्यों या रिएमरिशों की प्रति दी जाएगी;
- (1) जीन विकोट पाज होने के 30 दिनों के भीतर इस समिति की शिफारिशों पर उच्चतर शेक्षिक संस्थान के अध्यक्ष प्राक्षिकारी कार्यनाही करने यदि किसी भी पक्ष द्वारा उस अदिध में जाँच के विरुद्ध कोई अपील दायर न की यई हो:
- (S) यात्रा थे स विन्ती की पक्ष दाल आन्तरिक शिकायत समिति द्वारा प्रदान तथ्यों /अनुशंसाओं क विरुद्ध उज्ञातर शैक्षिक राज्यात के आधेकारी धानिकारी के समय की गई अनुशंसाओं की तिथि से तीस दिन की अर्थात में अपील दावर की तथ गांकरी है.
- (6) जनसर शैदिक संस्थान का कार्यकारी पाधिकारी यदि आन्तरिक शिकायत समिति की रिफारिशों क अनुसार कार्य नहीं बारने का निर्णय लेता है तो वह इसके बारे में लिखित रूप से कारण स्पष्ट करेगा जिन्हें आन्तरिक शिकायत समिति को तथा उस कार्यवाही से जुड़े दोनों पक्षों को मेजा जाएगा। यदि दूसरी और यह अन्तरिक शिकायत राभिति द्वारा की गई रिफारिशों के अनुसार कार्य करने का निर्णय लेता है तो एक कारण बताओं नोटिस जिसका 10 दिनों के भीतर स्वार भेजा जाना है— उसे उस पक्ष को मेजा जाएगा जिसके विरुद्ध कार्यवाही की जानी है। अच्छार गीठिक हाम्छान के गार्थकारी प्राधिकारी उस असन्तुष्ट व्यक्ति का पक्ष सुनने क पश्चात ही आगे की कार्यवाही करेग
- (7) पत्मले का निपालने के उन्देश्य से पीड़ित एवं एक सुलह का आग्रह कर सकता है। सुलह का आधार कोई आर्थिक अमहीता नहीं होना चाहिए। यदि कोई सुलह का प्रस्ताव एखा जाता है तो यथास्थिति उच्चतर शैक्षिक संस्थान सुलह की प्रक्रिया को जान्तरिक शिकायत समिति के माध्यम से सुलम कराएगा। किसी भी दण्डात्मक हस्तक्षेप की गुलाम में नहीं तक संभव होता है, उस पीड़ित यहां की पूरी संतुष्टि के लिए उस पारस्परिक विरोध के समाधान को अधिनानता है जाती है.
- (a) फेड्रिल पक्ष अध्या पीडिल व्यक्ति अथवा गवाह अथवा अपराधकर्ता की पहचान सार्वजनिक नहीं की जाएगी या विशेष इस से एक जीव प्रक्तिया के दौरान इसे आर्वजनिक क्षेत्र में रखा जाएगा;
- अन्तरिम समामान:— अध्यातर श्रीतिक संस्थान,
  - (म) नाँदै आनारिक शिकायत केन्द्र सिफारिश करता है तो शिकायतकर्ता अथवा प्रतिवादी को अन्य किसी अनुनाम स्थाया विभाग में स्थानान्तरित किया जा सकता है तांकि सम्पर्क अथवा अन्योन्य किया में शामिल जांखिम कम मैं कम बना रहे.
  - (व) पीडित पर की, सम्पूर्ण रतर संबंधी एवं अन्य हित लामों के संरक्षण सहित तीन माह तक का अवकाश खीकृत वन्य ?
  - (रा) जिलागतकतो के किसी भी काम अथवा निष्यादन अथवा परीक्षण अथवा परीक्षाओं के संबंध में कोई नात प्रकट न करने के लिए प्रतिवादी को बाध्य कर दें;
  - (ह) मुनिश्चित कर कि अपराधकर्तोंओं को पीढ़ित व्यक्तियों से दूरी बना कर रखनी चाहिए तथा यहा आवहराक, यदि नोई प्रत्यक्ष त्रमकी है तो जनका परिसर में प्रवेश प्रतिबंधित कर दे;
  - (ई) लेकिन उत्पोद्धन की किसी शिकायत के परिणाम स्वरूप, शिकायतकर्ता को प्रतिशोध एवं उत्पीद्धन से सुख्या प्रचल करने के लिए तथा एक अनुकूल बातावरण उपलब्ध कराने के लिए सख्त उपाय किये जाने बाहिए
- का हमा एवं हम्भागः-
- अगरस्वतां गाँदै स्थातर धीक्षिक संस्थान का कर्मचारी है तथा लैंगिक स्थान का दोगी पाया जाता है तो उसे सत्थान के भेता नियमों के अनुसार दण्डित किया जाएगा;
- (2) अम्पन्त गर्ने मंनीवला को देखते हुए- यदि प्रतिवादी कोई छात्र है, तो उच्चतर शैक्षिक संस्थान.-
- ऐसं भाव क विशेषाधिकारों को रोक सकता है तो, जैसे-पुस्तकालय, सभामार, आवासीय आगारों, यातायात, अववृति मनों एवं पहचान पत्र आदि तक पहुँच बनाना;

- (4) एक विशेष समग तक परिसर में उसका प्रवेश स्थिमित अथवा बाधित करना;
- (स) यदि उस अपराध की ऐसी गंगीरता है तो उस भात्र को संस्थान से निकासित किया जा सकता है तथा उसका नाम उस संस्थान की नागावित से हटाया जा सकता है, इसके साथ ही पुन. प्रवेश की अनुगति उसे नहीं होगी;
- (व) अधिदेशात्मक फानशं अधवा सामुदायिक सेवाओं जैसे सुधारवादी दण्ड प्रदान करना,
- (3) पीडित व्यक्ति मुआवलं का अधिकारी है। आन्तरिक शिकायत समिति द्वारा अनुशंसित तथा कार्यकारी प्राधिकारी हम्म स्वीकृत मुआवल के भुगतान के लिए उच्चतर शैक्षिक संस्थान निर्देश जारी करेगा. जिसकी वसूली अधराधकर्ता से की जाएगी। देश मुआवले का निर्धारण निम्न आधार पर होगा.—
- (अ) पीडित व्यक्ति को भितना मानसिक तनाव, कप्ट, व्यथा एवं दुख पहुँचा है;
- (व) अस लीगिक उत्पीडन की घटना के कारण उन्हें अपनी जीविका के सुअयसर की हानि उदानी पड़ी.
- (स) पीडित व्यक्ति द्वारा अपने शारीरिक एवं मनोरोग संबंधी आधार के लिए खर्च किए गए चिकित्सा व्यय
- हिंदा अपराधकता एवं जस पीडित व्यक्ति की आय एवं जीवन स्तर, और
- (ई) एसे समस्त भूगतान का एकमुख्त रूप से या किस्तों में किए जाने का औधित्य:

# 11. अूठी पिकायत के विरुद्ध कार्यवाई:--

इस बात को सुनिष्टिवत करने के लिए कि लेंगिक उत्पीड़न मामलों में कर्मचारियों एवं छात्रों की सुरक्षा के प्रावधानों का दुरुपयोग न हो, असत्य एवं द्वेष भावना पूर्ण शिकायतों के विरुद्ध प्रावधान किये जाने की आवश्यकता है तथा इन्हें सच्चतर शिक्षक संस्थानों में प्रचारित प्रसारित किया जाना चाहिए। अन्तरिक शिकायत समिति यदि यह निष्कर्ष निज्ञालती है कि लगाए गए अभियोग असत्य, थे, विद्वेषपूर्ण थे अध्या यह जानते हुए भी कि वह शिकायत असत्य अध्या जाली है अध्या भामक स्वना को उस पड़ताल के दौरान उपलब्ध कराया गया है तो शिकायतकर्ता विनिध्यम (१०) के लग विनिध्यम (१) के तहत दिण्डत किये जाने वे लिए बाह्य होगा यदि शिकायतकर्ता एक कर्मचारी है, तथा यथि वह अपराधकर्ता एक छात्र है तो वह इस विनिध्यम की उप—विनिध्यम (२) के प्रावधानों के अनुसार सजा के लिए बाह्य होगा तथापि किसी भी शिकायत को प्रमाणित करने अध्या उसके लिए पर्याप्त सबूत उपलब्ध न कर पाने का आधार शिकायतकर्ता के विरुद्ध कार्रवाई करने का कारण नहीं माना जा सकता है। शिकायतकर्ता हारा हेषपूर्ण उद्देश्य से दायर शिकायत की जीव पड़ताल हारा तथ किया जाना चाहिए तथा इस बारे में किसी कार्रवाई की लिफारिश किए जाने से पूर्व इस विषय में निर्धारित प्रणाली के अनुसार जाँच की जानी चाहिए.

# 12. गैर अनुपालन कं परिणाम:--

- (1) ऐसे संस्थान जो जानबूझकर अथवा बारंबार उन दायित्थों तथा कर्तव्यों के अनुपालन में असमर्थ बना रहता है जिन्हें कर्मगारियों एवं छात्रों के प्रति लेंगिक संस्थीदन के निराकरण, निषेच एवं समाधान हेतु निर्धारित किया गया है, तो इस रिथति में आयोग विधियत नोटिस देकर निम्म में से किसी एक अथवा इससे अधिक बिन्युओं पर कार्रवाई करेगा—
  - (अ) विश्वविद्यालय अनुदान आयोग अधिनियम 1956 की घारा 12(बी) के अन्तर्गत की गई घोषणा जो पात्रता दिये जाने के विषय में है, जराका आहरण किया जाना;
  - (व) आयोग द्वारा अधिनियम 1956 की धारा 2 (एफ) के अन्तर्गत अनुरक्षित सूची में से उस गिश्वविद्यालय अथवा महाविद्यालय का नाम हटाना;
  - (स) संस्थान का आगरित किसी भी अनुवान को रोक देना;
  - आयोग को किसी भी सामान्य अध्यवा विशेष सहायता कार्यक्रमों के अन्तर्गत किसी भी सहायता को प्राप्त करने के लिए उस संस्थान को अपात्र घोषित किया जाना;
  - (ई) जन साधारण को, एवं रोजगार अथवा प्रवेश के इच्छुक भावी प्रत्याशियों को एक ऐसे नोटिस द्वारा सूचित करना जो समागार पत्रों में प्रमुख रूप से दर्शाया गया है अथवा उपयुक्त मीडिया में दर्शाया गया है तथा आयोग की वेबसाइट पर प्रदर्शित किया गया है तथा जिस नोटिस में घोषणा की गई है कि वह संस्थान लेगिक नत्यीजन के विरुद्ध शून्य सहनशीलता नीति मतव जयसमतंदबम चयसप्रयलद्ध का समर्थन नहीं करता है.
  - (एफ) यदि वह एक महाविद्यालय है तो उसके सम्बद्ध विश्यविद्यालय द्वारा उसकी सहसम्बद्धता को आहरित करने की अनुशंसा के लिये कहें:

- (की) गर्द का एक सामेल विकारियालय संस्थात है हो केन्द्र संस्थार को उस मानित विकारियालय के आहरण की अनुसरत करना
- (१०) बाँचे यह जिसी राज्य अधिनियम के अन्तर्गत स्थापित अथवा नियमित विश्वविद्यालय है तो उसके इस स्तर को अहस्ति करने क लिए उपयुक्त राज्य सरकार को सिफारिश करना;
- (पाई) जैस कि विजयविद्यालय अनुदान आयोग अधिनियम 1956 के अन्तर्गत प्रावधान किया जाना हो तदनुसार अपने अधिकारों के अनुसार मधीचित रूप से ऐसी समयावधि के लिए दण्ड प्रदान कर सकता है जिस समय तक वह संस्थाप इन विनिधमा में निर्धारित प्रावधानों का अनुपालन नहीं करता है.
- (वे) इन विभिन्नमा के अन्तर्गम आयोग द्वारा उस समय तक कार्रवाई नहीं की जाएगी जब तक कि संस्थान को जीवन पढ़ा प्रस्तुत करने के लिए प्रदश सुप्रवसर के आधार पर उनकी सुनवाई कर ली गई हा;

[विज्ञापन—III/4/असा/53] जसपाल एस. संध्, सचिव, यूजीसी

# MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(University Grants Commission)

#### NOTIFICATION

New Delhi, the 2nd May, 2016

University Grants Commission (Prevention, prohibition and redressal of sexual barassment of women employees and students in higher educational institutions) Regulations, 2015

No. F. 91-1/2013(TFGS),—In exercise of the powers conferred by clause (g) of sub-section (1) of section 26 of the University Grants Commission Act, 1956 (3 of 1956), read with sub-section (1) of Section 20 of the said Act, the University Grants Commission hereby makes the following regulations, namely:-

- Short title, application and commencement.—(1) These regulations may be called the University Grames Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015.
  - (2) They shall apply to all higher educational institutions in India.
  - (3) They shall come into force on the date of their publication in the Official Gazette.
- 2. Definitions,-In these regulations, unless the context otherwise requires,-
- (a) "aggrieved woman" means in relation to work place, a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent:
- (b) "Act" means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013);
- (c) "campus" means the location or the land on which a Higher Educational Institution and its related institutional facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centres, bostels dining halls, stadiums, parking areas, parks-like settings and other amenities like health centres, canteens, Bank counters, etc., are situated and also includes extended campus and covers within its scope places visited as a student of the HEI including transportation provided for the purpose of commuting to and from the assitution, the locations outside the institution on field trips, internships, study tours, excursions, those term placements, places used for camps, cultural festivals, sports meets and such other activities where a person is participating in the capacity of an employee or a student of the HEI;

- (d) Commission" means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (3 of 1956);
- (e) "covered individuals" are persons who have engaged in protected activity such as filing a sexual harassment charge, or who are closely associated with an individual who has engaged in protected activity and such person can be an employee or a fellow student or guardian of the offended person;
- (f) "employee" means a person as defined in the Act and also includes, for the purposes of these Regulations trainee, apprentice (or called by any other name), interns, volunteers, teacher assistants, research assistants, whether employed or not, including those involved in field studies, projects, short-visits and
- (g) "Executive Authority" means the chief executive authority of the HEL by whatever name called, in which the general administration of the HEI is vested. For public funded institutions the Executive Authority means the Disciplinary Authority as indicated in Central Civil Services (Classification, Control and Appeal) Rules, 1965 or its equivalent rules;
- (h) "Higher Educational Institution" (HEI) means a university within the meaning of clause ( j) of section 2, a college within the meaning of clause(h) of sub-section (1) of section 12A and an institution deemed to be a University under section 3 of the University Grants Commission Act, 1956 (3 of 1956):
- (i) "Internal Complaints Committee" (ICC) means Internal Complaints Committee to be constituted by an HISI under sub regulation (1) of regulation 4 of these regulations. Any existing body already functioning with the same objective (like the Gender Sensitization Committee Against Sexual Harassment (GSCASH)) should be reconstituted as the ICC;
  - Provided that in the latter case the HEI shall ensure that the constitution of such a Body is as required for ICC under these regulations. Provided further that such a Body shall be bound by the provisions of these regulations;
- (j) "protected activity" includes reasonable opposition to a practice believed to violate sexual harassment laws on behalf of oneself or others such as participation in sexual harassment proceedings, cooperating with an internal investigation or alleged sexual harassment practices or acting as a witness in an investigation by an outside agency or in litigation;

# (k) "sexual harassment" means-

- (i) "An unwanted conduct with sexual undertones if it occurs or which is persistent and which demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and includes any one or more or all of the following imwelcome acts or behaviour (whether directly or by implication), namely;-
  - (a) any unwelcome physical, verbal or non verbal conduct of sexual nature;
  - (b) demand or request for sexual favours;
  - (c) making sexually coloured remarks
  - (d) physical contact and advances, or
  - (c) showing pornography"
  - any one (or more than one or all) of the following circumstances, if it occurs or is present in tiii relation or connected with any behaviour that has explicit or implicit sexual undertones-
  - implied or explicit promise of preferential treatment as quid pro quo for sexual favours; (h)
  - implied or explicit threat of detrimental treatment in the conduct of work; (c)
  - implied or explicit threat about the present or future status of the person concerned; (d)
  - creating an intimidating offensive or hostile learning environment;
  - humiliating treatment likely to affect the health, safety dignity or physical integrity of the (0)

- (b) "sindent" means a person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short-term training programmes in a HEI; Provided that a student who is in the process of taking admission in HEIs campus, although not yet admitted, shall be treated, for the purposes of these regulations, as a student of that HEI, where any mention of sexual hurasyment takes place against such student; Provided that a student who is a participant in any of the activities in a HEI other than the HEI where such student is enrolled shall be treated, for the purposes of these regulations, as a student of that HEI where any incident of sexual harasyment takes place against such student;
- (iii) "third Party Harasament" refers to a situation where sexual barassment occurs as a result of an act or omission by any third party or outsider, who is not an employee or a student of the HEL but a visitor to the HEL in some other capacity or for some other purpose orreason;
- (iii) "victimisation" means any unfavourable treatment meted out to a person with an implicit or explicit rituation to obtain sexual favour;
- (n) "workplace" means the campus of a HEI including-
  - (a) Any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate HEIs;
  - (b) Any sports institute, studium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in HEIs;
  - (c) Any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the Executive Authority for undertaking such journey for study in HEIs.
- Responsibilities of the Higher Educational Institution- (1) Every HEI shall,
- (a) Wherever required, appropriately subsume the spirit of the above definitions in its policy and regulations on prevention and prohibition of sexual harassment against the employees and the attidents, and modify its ordinances and rules in consonance with the requirements of the Regulations;
- (b) publicly notify the provisions against sexual barassment and ensuretheir wide dissemination;
- organise fraining programmes or as the case may be, workshops for the officers, functionaries, faculty and students, as indicated in the SAKSHAM Report (Measures for Ensuring the Safety of Women and Programmes for Gender Sensitization on Campuses) of the Commission, to sensitize them and ensure knowledge and inwareness of the rights, entitlements and responsibilities ensurined in the Act and under these regulations.
- (d) act derisavely against all gender based violence perpetrated against employees and students of all sexes recognising that primarily women employees and students and some male students and students of the third gender are vulnerable to many forms of sexual harassment and humiliation and exploitation;
- (e) publicly commit itself to a zero tolerance policy towards sexual harassment;
- (f) reinforce its commitment to creating its campus free from discrimination, harasyment, retaliation or sexual assault at all levels;
- (g) corate awareness about what constitutes sexual harassment including hostile environment harassment and quid pro quo harassment;
- th) include in its prospectus and display prominently at conspicuous places or Notice Boards the penalty and consequences of sexual harassment and make all sections of the institutional community aware of the information on the mechanism put in place for redressal of complaints pertaining to sexual

barassment, contact details of members of Internal Complaints Committee, complaints procedure and so on. Any existing body already functioning with the same objective (like the Gender Sensitization Committee Against Sexual Harassment (GSCASH)) should be reconstituted as the ICC; Provided that in the latter case the HEI shall ensure that the constitution of such a Body is as required for ICC under these regulations. Provided further that such a Body shall be bound by the provisions of these regulations.

- (i) inform employees and students of the recourse available to them if they are victims of sexual barassment;
- organise regular orientation or training programmes for the members of the ICC to deal with complaints, steer the process of settlement or conciliation, etc., with sensitivity;
- (k) proactively move to curb all forms of barassment of employees and students whether it is from those in a dominant power or hierarchical relationship within HEIs or owing to intimate partner violence or from peers or from elements outside of the geographical limits of the HEI;
- be responsible to being those guilty of sexual harassment against its employees and students to book and initiate all proceedings as required by law and also put in place mechanisms and redressal systems like the ICC to curb and prevent sexual harassment on its campus;
- (m) treat sexual harassment as a misconduct under service rules and initiate action for misconduct if the perpetrator is an employee;
- (n) treat sexual harassment as a violation of the disciplinary rules (leading up to rustication and expulsion) if the perpetrator is a student;
- (o) ensure compliance with the provisions of these regulations, including appointment of ICC, within a period of sixty days from the date of publication of these regulations:
- (p) monitor the timely submission of reports by the ICC;
- (ii) prepare an annual status report with details on the number of cases filed and their disposal and submit the same to the Commission.
- 3.2 Supportive measures.—(1) The rules, regulations or any such other instrument by which ICC shall function have to be updated and revised from time-to-time, as court judgments and other laws and rules will continue to revise the legal framework within which the Act is to be implemented.
  - (2) The Executive Authority of the HEIs must mandatorily extend full support to see that the recommendations of the ICC are implemented in a timely manner. All possible institutional resources must be given to the functioning of the ICC, including office and building infrastructure (computers, photocopiers, audio-video, equipment, etc.), staff (typists, counselling and legal services) as, well as a sufficient allocation of financial resources.
  - (3) Vulnerable groups are particularly prone to harassment and also find it more difficult to complain. Vulnerability can be socially compounded by region, class, caste, sexual orientation, minority identity and by being differently abled. Enabling committees must be sensitive to such vulnerabilities and special needs.
  - (4) Since research students and doctoral candidates are particularly vulnerable the HEIs must ensure that the guidelines for ethics for Research Supervision are put in place.
  - (5) All HEIs must conduct a regular and half yearly review of the efficacy and implementation of their anti-sexual harassment policy.

- (6) All Academic Staff Colleges (now known asHuman Resource Development Centres (HRDCs) and Regional Centres for Capacity Building (RCCBs) must incorporate sessions on gender in their orientation and refresher courses. This should be across disciplines, and preferably mainstreamed using the UGC SAKSHAM Report which provides indicative modules in this regard.
- (7) Orientation courses for administrators conducted in HEIs must have a module on geoder actionization and sexual barassment issues. Regular workshops are to be conducted for all sections of the BEE community.
- (8) Counselling services must be institutionalised in all HEIs and must have well trained full-time counsellers.
- (9) Many HEIs having large campuses have a deficit in lighting and are experienced as unsafe places by the institutional community. Adequate lighting is a necessary aspect of infrastructure and memory.
- (10) Adequare and well trained security including a good proportion or halance of women security staff is necessary. Security staff must receive gender sensitization training as a part of conditions of appointment.
- (11) THEIs must ensure reliable public transport, especially within large campuses between different sections of the HEI, hostels, libraries, laboratories and main buildings, and especially those that do not have good access for day scholars. Lack of safety as well as harassment is exacerbated when employees and students cannot depend on safe public transport. Reliable transport may be considered by HEI, to enable employees and students to work late in libraries, laboratories and to attend programmes in the evenings.
- (12) Residential HEIs should accord priority to construction of women's hostels. For the growing population of young women wishing to access higher education, hostel accommodation is desirable in both urban and rural areas and at all levels of higher education which provides a modicum of protection from harassment of all kinds.
- (14) Concern for the safety of women students must not be cited to impose discriminatory rules for women in the hostels as compared to male students. Campus safety policies should not result in securitization, such as over monitoring or policing or curtailing the freedom of movement, especially for women employees and students.
- (14) Adequate health facilities are equally mandatory for all HEIs. In the case of women this must include gender sensitive doctors and nurses, as well as the services of a gynaecologist.
- (15) The Wennen's Development Cells in colleges shall be revived and funded to be able to carry out the range of activities required for gender sensitizationand remain autonomous of the functioning of any actual batusoment committees and ICCs. At the same time they shall extend their activities to include sender acastization programmes in consultation with ICCs and help to disseminate anti-academic space' need to collaborate to render these workshops innovative, engaging and non-mechanical.
- (16) Hostel Wardens, Provosts, Principals, Vice Chancellors, Legal Officers and other functionaries must be brought within the domain of accountability through amendments in the rules or Ordinances where necessary.
- Grievance redressal mechanism.—(1) Every Executive Authority shall constitute an Internal Complaints Committee (ICC) with an inbuilt mechanism for gender sensitization against sexual hurassment.

(a) A Presiding Officer who shall be a woman faculty member employed at a senior level (not below a Professor in case of a university, and not below an Associate Professor or Reader in case of a college) at the educational institution, nominated by the Executive Authority;

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section 2(o):

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization;"

- (b) two faculty members and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by the Executive Authority;
- (c) Three students, if the matter involves students, who shall be enrolled at the undergraduate, master's, and research scholar levels respectively, elected through transparent democratic procedure;
- (d) one member from amongst non-government organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the Executive Authority.
- (2) At least one-half of the total members of the ICC shall be women.
- (3) Persons in senior administrative positions in the HEI, such as Vice- Chancellor, Pro Vice-Chancellors, Rectors, Registrar, Deans, Heads of Departments, etc., shall not be members of ICCs in order to ensure autonomy of their functioning.
- (4) The term of office of the members of the ICC shall be for a period of three years. HEIs may also employ a system whereby one –third of the members of the ICC may change every year.
- (5) The Member appointed form amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the Executive Authority as may be prescribed.
- (6) Where the Presiding Officer or any member of the Internal Committee:
  - (a) contravenes the provisions of section 16 of the Act; or
  - (b) has been convicted for an offence or an inquiry into an offence under any law for the time
     (c) he has been found united in
  - (c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is
     (d) has so abused his profites and the control of th
  - (d) has so abused his position as to render his continuance in office prejudicial to the public interest.

such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section."

- Responsibilities of Internal Complaints Committee (ICC) The Internal Complaints Committee
- (a) provide assistance if an employee or a student chooses to file a complaint with the police;

- provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and tage conclusion without indermining complainant's rights, and minimize the need for parely promite approaches that lead to further resentment, alienation or violence.
- (c) protect the safety of the complainant by not divulging the person's identity, and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the offender.
- (d) cosme that victims or witnesses are not victimised or discriminated against while dealing with compliants of sexual harassment; and
- counterproduction of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.
- 6. The process for making complaint and conducting Inquiry The ICC shall comply with the procedure prescribed in these Regulations and the Act, for making a complaint and inquiring into the complaint in a time bound manner. The HEI shall provide all necessary facilities to the ICC to conduct the inquiry expedimensly and with required privacy.
- 7. Process of making complaint of sexual harassment An aggrieved person is required to submit a written complaint to the ICC within three months from the date of the incident and in case of a series of members within a period of three months from the date of the last incident.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Communice shall tender all reasonable assistance to the person for making the complaint in writing:

Provided further that the ICC may, for the reasons to be accorded in the writing, extend the time limit not exceeding share months, if it is satisfied that the circumstances were such which prevented the person from tiling a complaint within the said period."

Franch, relatives, Colleagues, Co-students, Psychologist, or any other associate of the victim may file the member of situations where the aggreeved person is unable to make a complaint on account of physical or S. Praces of southern

- Process of conducting Inquiry- (1) The ICC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within a period of seven days of such receipt.
- (2) Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complaint along with the lost of documents, and names and addresses of witnesses within a period of ten days.
- The incurry has to be completed within a period of ninety days from the receipt of the complaint. The incurry report, with incommendations, if any, has to be submitted within ten days from the completion of the incurry re-the-Executive Authority of the HEL Copy of the findings or recommendations shall also be served on both parties to the complaint.
- (4) The Executive Authority of the HEI shall act on the recommendations of the committee within a period of thirty days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.
- (5) An appeal against the findings or /recommendations of the ICC may be filed by either party before the foremine Authority of the HEI within a period of thirty days from the date of the recommendations.
- If the Executive Authority of the HEI decides not to act as per the recommendations of the ICC, then it shall record written reasons for the same to be conveyed to ICC and both the parties to the proceedings. If answerable within ten days, shall be served on the party against whom action is decided to be taken. The Executive Authority of the HEI shall proceed only after considering the reply or hearing the aggrieved person.
- (7) The regarieved party may seek conciliation in order to settle the matter. No monetary settlement about the made as a basis of concadiation. The HEI shall facilitate a conciliation process through ICC, as the

case may be, once it is sought. The resolution of the conflict to the full satisfaction of the aggrieved party wherever possible, is preferred to purely punitive intervention.

- The identities of the aggrieved party or victim or the witness or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.
- Interim redressal-The HEI may,
- (a) transfer the complainant or the respondent to another section or department to minimise the risks involved in contact or interaction, if such a recommendation is made by the ICC:
- (b) grant leave to the aggrieved with full protection of status and benefits for a period up to three months;
- (c) restrain the respondent from reporting on or evaluating the work or performance or tests or examinations
- (d) ensure that offenders are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry into the campus;
- (c) take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimisation as a consequence of making a complaint of sexual harassment.
- 10. Punishment and compensation- (1) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the HEI, if the offender is an employee.
- (2) Where the respondent is a student, depending upon the severity of the offence, the HEI may,-
  - (a) withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card:
  - (b) suspend or restrict entry into the campus for a specific period;
  - (c) expel and strike off name from the rolls of the institution, including denial of readmission, if the
  - award reformative punishments like mandatory counselling and, or, performance of community
- (3) The aggrieved person is entitled to the payment of compensation. The HEI shall issue direction for payment of the compensation recommended by the ICC and accepted by the Executive Authority, which shall be recovered from the offender. The compensation payable shall be determined on the basis of-
  - (a) mental trauma, pain, suffering and distress caused to the aggrieved person.
  - (b) the loss of career opportunity due to the incident of sexual harassment;
  - the medical expenses incurred by the victim for physical, psychiatric treatment, (c)
  - (d) the income and status of the alleged perpetrator and victim; and
  - (e) the feasibility of such payment in lump sum or in instalments.
- Action against frivolous complaint.—To ensure that the provisions for the protection of employees and students from sexual barassment do not get misused, provisions against false or malicious complaints have to be made and publicised within all HEIs. If the ICC concludes that the allegations made were talse, malicious or the complaint was made knowing it to be untrue, or forged or misleading information has been provided during the inquiry, the complainant shall be liable to be punished as per the provisions of subregulations (1) of regulations 10, if the complainant happens to be an employee and as per sub-regulation (2)

of that regulation, if the complaniant happens to be a student. However, the mere mability to substantiate a complaint or provide adequate proof will not attract attention against the complainant. Malicious intent on the part of the complainant shall not be established without an inquiry, in accordance with the procedure prescribed conducted before any action is recommended.

- 12. Consequences of non-compliance,—(1) The Commission shall, in respect of any institution that will fails contened on repeatedly fails to comply with the obligations and duties had out for the prevention, pudobnout and redecoal of sexual harassment of employees and students, take one or more of the following actions after powering an increase:
- far imminished of declaration of fitness to receive grants under section 12B of the University Grants Commission Act, 1956.
- the removing the name of the university or college from the list maintained by the Commission under clause (Leaf scenario) of said Acr. 1956;
- to a subhalding any grant allocated to the institution;
- (d) declaring the institution ineligible for consideration for any assistance under any of the general or operial assistance programmes of the Commission;
- (e) informing the general public, including potential candidates for employment or admission, through a notice displayed prominently in the newspapers or other suitable media and posted on the website of the Commission, electroning that the institution does not provide for a zero tolerance policy against sexual
- (i) recommending the attiliating university for withdrawal of affiliation, in case of a college;
- (8) recommending the Central Government for withdrawal of declaration as an institution deemed to be university, in case of an institution deemed to be university;
- (b) recommending the appropriate State Government for withdrawal of status as university in case of a university established or incorporated under a State Act.
- (i) talling such other action within its powers as it may deem fit and impose such other penalties as may be provided in the University Grants Commission Act, 1956 for such duration of time till the institution complies with the processions of these regulations.
- (2) No action shall be taken by the Commission under these regulations unless the Institution has been given an opportunity to explain its position and an opportunity of being heard has been provided to it.

[Advt.-III/4/Exty./53]

JASPAL'S, SANDHU, Secy. UGC