

ज्ञान-विकासन विमुक्तये

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सचिव

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Secretary



सत्यमेव जयते

विश्वविद्यालय अनुदान आयोग
University Grants Commission

(मानव संसाधन विकास मंत्रालय, भारत सरकार)
(Ministry of Human Resource Development, Govt. of India)

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F.No. 14-4/2012(CPP-II)

7th December, 2018

PUBLIC NOTICE

ON

UGC (GRIEVANCE REDRESSAL) REGULATIONS, 2018

UGC had notified UGC (Grievance Redressal) Regulations, 2012 in official Gazette of India on **23rd March, 2013**. These regulations were aimed at addressing and effectively resolving grievances of students related to Higher Educational Institutions.

The UGC had received a number of responses on these regulations and hence constituted an Expert Committee to revisit UGC (Grievance Redressal) Regulations, 2012. The draft University Grants Commission (Grievance Redressal of Students) Regulations, 2018 prepared by the Committee is attached herewith for observations and suggestions of stakeholders. The feedback and comments on the above draft may be sent to UGC via email grmhei.2018@gmail.com on or before **31st December, 2018**.

(Prof. Rajnish Jain)

PRINCIPAL
RAJIV GANDHI COLLEGE OF
ENGINEERING AND TECHNOLOGY
KIRUMAMPAKKAM, PUDUCHERRY - 607 403.

**UNIVERSITY GRANTS COMMISSION
BAHADUR SHAH ZAFAR MARG
NEW DELHI – 110 002**

NOTIFICATION

F.No.14-4/2012 (CPP-II)

New Delhi, the __ October, 2018

In exercise of the power conferred under clause (g) of sub-section (1) of Section 26 of the University Grants Commission Act, 1956 (3 of 1956), and in supersession of the University Grants Commission (Grievance Redressal) Regulations, 2012, the University Grants Commission hereby makes the following regulations:

1. SHORT TITLE, APPLICATION AND COMMENCEMENT:

- a) These regulations shall be called as the University Grants Commission (Grievance Redressal of Students) Regulations, 2018.
- b) They shall apply to all HEIs, whether established or incorporated by or under a Central Act or a State Act, and every institution recognised by the University Grants Commission under clause (f) of Section 2 of the University Grants Commission Act, 1956 and to all institutions deemed to be a university declared as such under Section 3 of the said Act.
- c) They shall come into force from the date of their publication in the Official Gazette.

2. DEFINITION: IN THESE REGULATIONS, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (a) "Act" means the University Grants Commission Act, 1956 (3 of 1956);
- (b) "aggrieved student" means a student who has any complaint in the matters concerned with the grievances defined under these regulations, and includes a person seeking admission to any institution of higher education;
- (c) "college" means any institution, whether known as such or by any other name, which provides for a course of study for obtaining any

qualification from a university and which, in accordance with the rules and regulations of such university, is recognised as competent to provide for such course of study and present students undergoing such course of study for the examination for the award of such qualification;

- (d) "Commission" means the University Grants Commission established under section 4 of the UGC Act, 1956.
- (e) "declared admission policy" means such policy for admission to a course or program of study as may be offered by the institution and published in the prospectus referred to in sub-regulation (1) of regulation 3;
- (f) "grievances" include the following complaints of the aggrieved students, namely:
- i. making admission contrary to merit determined in accordance with the declared admission policy of the institution;
 - ii. irregularity in the admission process adopted by the institution;
 - iii. refusing admission in accordance with the declared admission policy of the institution;
 - iv. non publication of prospectus, (either hard copy / online) as specified in these regulations;
 - v. publishing any information in the prospectus, which is false or misleading, and not based on facts;
 - vi. withhold or refuse to return any document in the form of certificates of degree, diploma or any other award or other document deposited with it by a students for the purpose of seeking admission in such institution, with a view to induce or compel such student to pay any fee or fees in respect of any course or program of study which such student does not intend to pursue;
 - vii. demand of money in excess of that specified in the declared admission policy to be charged by such institution;

- viii. breach in reservation policy in admission as may be applicable;
 - ix. nonpayment or delay in payment of scholarships to any student that such institution is committed, under the conditions imposed by University Grants Commission, or by any other authority;
 - x. delay in conduct of examinations or declaration of results beyond the specified schedule in the academic calendar;
 - xi. on provision of student amenities as may have been promised or required to be provided by the institution;
 - xii. non transparent or unfair evaluation practices;
 - xiii. Refund of fees, in case a student withdraws the admission within the stipulated time as mentioned in the prospectus, as notified by the Commission from time to time.
- (g) "Department Grievance Redressal Committee" means a committee constituted under these regulations, at the level of a Department.
- (h) "Institutional Grievance Redressal Committee" means a committee constituted under these regulations, at the level of an Institution.
- (i) "College Grievance Redressal Committee" means a committee constituted under these regulations, at the level of a college.
- (j) "University Grievance Redressal Committee" means a committee constituted under these regulations, at the level of a University.
- (k) "Higher Educational Institution" means a University within the meaning of clause (f) of Section 2, a college within the meaning of clause (b) of sub-section (1) of Section 12A, and an institution deemed to be a University declared under Section 3, of the University Grants Commission Act, 1956;
- (l) "Institution" for the purposes of these regulations, means any university, college or such other institutions, as the case may be;
- (m) "Office of profit" means an office which is capable of yielding a profit or pecuniary gain, and to which some pay, salary, emolument, remuneration or non-compensatory allowance is attached;

(n) "Ombudsperson" means the Ombudsperson appointed under these regulations;

(o) "University" means a university established or incorporated by or under a Central Act or a State Act and includes an institution deemed to be university declared as such under Section 3 of the Act.

3. MANDATORY PUBLICATION OF PROSPECTUS, ITS CONTENTS AND PRICING:

i. Every higher educational institution, shall publish and/or upload on its website, before expiry of at least sixty days prior to the date of the commencement of the admission to any of its courses or programs of study, a prospectus containing the following for the information of persons intending to seek admission to such institution and the general public, namely:

(a) the list of programs of study and courses offered along with the broad outlines of the syllabus specified by the appropriate statutory authority or by the institution, as the case may be, for every course or program of study, including teaching hours, practical sessions and other assignments;

(b) the number of seats approved by the appropriate statutory authority in respect of each course or program of study for the academic year for which admission is proposed to be made;

(c) the conditions of educational qualifications and eligibility including the minimum and maximum age limit of persons for admission as a student in a particular course or program of study, specified by the institution;

(d) the process of selection of eligible candidates applying for such admission, including all relevant information in regard to the details of test or examination for selecting such candidates for admission to each course or program of study and the amount of fee prescribed for the admission test;

- (e) each component of the fee, deposits and other charges payable by the students admitted to such institution for pursuing a course or program of study, and the other terms and conditions of such payment;
- (f) rules / regulations for imposition and collection of any fines specified heads or categories, minimum and maximum fine may be imposed.
- (g) the percentage of tuition fee and other charges refundable to a student admitted in such institution in case such student withdraws from such institution before or after completion of course or program of study and the time within and the manner in which such refund shall be made to that student;
- (h) details of the teaching faculty, including their educational qualifications, alongwith the category they belong to Regular / visiting ---- and teaching experience of every member of its teaching faculty.
- (i) information with regard to physical and academic infrastructure and other facilities including hostel accommodation and its fee, library, hospital or industry wherein the practical training to be imparted to the students and in particular the facilities accessible by students on being admitted to the institution;
- (j) all relevant instructions in regard to maintaining the discipline by students within or outside the campus of the institution.
- (k) any other information as may be specified by the Commission:

Provided that an institution shall publish / upload information referred to in items (a) to (k) of this regulation, on its website, and the attention of prospective students and the general public shall be drawn to such publication on the website through advertisements displayed prominently in different newspapers and through other media:

- ii. Every institution shall fix the price of each printed copy of the prospectus, being not more than the reasonable cost of its

publication and distribution and no profit be made out of the publication, distribution or sale of prospectus.

4. GRIEVANCE REDRESSAL COMMITTEES (GRC):

A. Department Grievance Redressal Committee (DGRC)

- (i) In case of universities, all complaints relating to a department shall first be addressed to Department Grievance Redressal Committee (DGRC) to be constituted at the level of departments/school/center whose composition shall be as follows:
 - a) Head of the Department / School / Center – Chairperson
 - b) a Professor from outside the department / school / center to be nominated by the Head of HEI – Member
 - c) A faculty member well-versed with grievance redressal mechanism to be nominated by the Head of the Department – Member.
- (ii) The Chairperson and members of the committee shall have a term of two years.
- (iii) The quorum for the meeting shall be two, including Chairperson.
- (iv) The DGRC shall follow the principles of natural justice while deciding the grievances of the students.
- (v) The DGRC shall make efforts to resolve the grievance within the stipulated period and shall submit its report to the Head of the Institution within a period of 15 days from the date of receipt of complaint to the DGRC.
- (vi) The DGRC shall provide a copy of the report to the aggrieved person(s).

B. Institutional Grievance Redressal Committee (IGRC)

- (i) The complaints not related to departments/schools / center and the grievances not resolved at the DGRC shall be referred to the Institutional Grievance Redressal Committee (IGRC) to be constituted by Head of the HEI, whose composition shall be as follows:
- (a) Pro-Vice Chancellor / Dean/ Senior academician of HEI – Chairperson.
 - (b) Dean of students/Dean, Students Welfare
 - (c) Two senior academicians other than Chairperson.
 - (d) Proctor / Senior academician
- (ii) The above Committee shall be approved by the statutory body of institution (Executive Council or its equivalent).
- (iii) The Chairperson of IGRC and DGRC shall not be the same. The tenure of the Committee members shall be two years.
- (iv) The quorum for the meetings shall be three, including Chairperson.
- (v) The IGRC shall consider the recommendation of DGRC while giving its recommendations. However, the IGRC shall have the power to review recommendations of the DGRC.
- (vi) The IGRC shall follow the principles of natural justice while deciding the grievances.
- (vii) The IGRC shall send the report and the recommendations to the Head of the HEI within in a period of 15 workings days from the date of receipt of grievance, or appeal or recommendations of the DGRC.
- (viii) The IGRC shall provide a copy of the report to the aggrieved person(s).

C. **College Grievance Redressal Committee (CGRC)**

- (i) In case of colleges, all complaints shall first be addressed to College Grievance Redressal Committee (CGRC) whose composition shall be as follows:
 - a) Principal of the college -Chairperson
 - b) Two senior faculty members nominated by the principal of the College.
- (ii) The tenure of the members shall be two years.
- (iii) The quorum for the meeting shall be two, including Chairperson.
- (iv) The CGRC shall follow the principles of natural justice while considering the grievances of the students.
- (v) The CGRC shall send the report and recommendations to the Vice-Chancellor of the affiliating university within a period of 15 days of receiving the complaint.

D. University Grievance Redressal Committee (UGRC)

- (i) In case of grievances not resolved by CGRC, it shall be referred to University Grievance Redressal Committee (UGRC) for which the Vice-chancellor of the affiliating university shall constitute a University Grievance Redressal Committee (UGRC) consisting of five members for a individual colleges or a group of colleges keeping in view the location of the college(s). The UGRC shall be constituted by the Vice-chancellor of the affiliating university consisting of :
 - a) A senior Professor of the university – Chairperson
 - b) Dean, Student Welfare or its equivalent - Member
 - c) Three Principals drawn from the affiliating colleges, on rotation basis to be nominated by the Vice-Chancellor – Members
- (ii) The Chairperson and members of the committee shall have a term of two years.
- (iii) The quorum for the meeting shall be two, including Chairperson.

(iv) The CGRC shall follow the principle of normal justice while deciding the grievance of the students.

(v) The CGRC shall send the report and the recommendations to the principal of the college within a period of 15 days of receiving the complaint.

E. Any person aggrieved by the decision of the Institutional Grievance Redressal Committee or University Grievance Redressal Committee may within in a period of six days prefer an appeal to the Ombudsperson.

5. APPOINTMENT, TENURE, REMOVAL AND CONDITIONS OF SERVICES OF OMBUDSPERSON:

(i) Each HEI shall appoint an Ombudsperson for redressal of grievances of students under these regulations.

(ii) The Ombudsperson shall be a person not related to the university and who is a retired Vice-Chancellor, Registrar or a faculty member who has at least ten years of experience as a Professor.

(iii) The Ombudsperson shall not be in any conflict of interest with the university, either before or after his appointment.

(iv) The Ombudsperson, or any member of his immediate family shall not -

(a) hold or have held at any point in the past, any post or, employment in any office of profit in the university;

(b) have any significant relationship, including personal, family, professional or financial, with the university;

(c) hold any position in university by whatever name called, in the administration or governance structure of the university.

(v) The Ombudsperson in a State University shall be appointed by the Executive council of the university on part-time basis from a panel of three names recommended by the search committee consisting of the following members, namely:-

- (a) Nominee of the Governor of the State or his nominee - Chairperson
 - (b) Vice-Chancellor of a University of State to be nominated by the State Government – Member
 - (c) Vice-Chancellor of the concerned State University – Member
 - (d) Registrar of the concerned State University – Secretary (non-voting)
- (vi) The Ombudsperson in a Central University and institution deemed to be university shall be appointed by the Executive Council of the Central University or the equivalent statutory body of the Deemed to be University, as the case may be, on part - time basis from a panel of three member recommended by the search committee consisting of the following members, namely:-

- (a) Nominee of University Grants Commission – Chairperson
- (b) One Vice Chancellor from Central University to be nominated by UGC (for Central Universities) – Member

OR

One Vice Chancellor from institution deemed to be university to be nominated by the UGC (for Deemed to be Universities) - Member

- (c) The Vice Chancellor of the university – Member
 - (d) The Registrar of the university – Secretary (Non-Voting)
- (vii) The Ombudsperson shall be a part time officer appointed for a period of three years from the date he/she assumes the office and may be reappointed for another one term in the same university.
- (viii) The Ombudsperson shall be paid the sitting fee per day as per the norms of the university for hearing the cases, in addition to the reimbursement of the conveyance.

- (ix) The Ombudsperson may be removed on charges of proven misconduct or misbehavior or as defined under these regulations, by the concerned appointing authority i.e. the Executive Council of the University.

6. FUNCTIONS OF OMBUDSPERSON:

- (i) The Ombudsperson shall hear any appeal of an applicant for admission as student or student of the university against the university or institution affiliated to it as the case may be, after the student has availed all remedies available in such institution for redressal of grievance such as IGRC / UGRC;
- (ii) No application for revaluation or remarking of answer sheets shall be entertained by the Ombudsperson. However, the issues of malpractices in the examination and evaluation processes may be referred to the Ombudsperson.
- (iii) Ombudsperson may seek the assistance of any person as amicus curiae, for hearing complaints of alleged discrimination.
- (iv) The Ombudsperson shall make all efforts to resolve the grievances within a period of 30 days of receiving the appeal from the student(s).

7. PROCEDURE FOR REDRESSAL OF GRIEVANCES BY OMBUDSPERSON AND GRIEVANCE REDRESSAL COMMITTEE:

- (i) Each institution shall, within a period of three months from the date of issue of this notification, have an online portal where any aggrieved student of that institution may submit an application seeking grievance redressal.
- (ii) On receipt of any online complaint, the institution shall refer the complaint to the appropriate Grievance Redressal Committee, as the case may be, along with its comments within 15 days of receipt of complaint on online portal.
- (iii) The Grievance Redressal Committee, as the case may be, shall fix a date for hearing the complaint which shall be communicated to the institution and the aggrieved person.

- (iv) An aggrieved person may appear either in person or be represented by such person as may be authorized to present his/her case.
- (v) The Grievances not resolved at the appropriate Grievance Redressal Committee(s) shall be referred to the Ombudsperson.
- (vi) The institution shall co-operate with the Ombudsperson or the Grievance Redressal Committee(s), as the case may be, in redressal of grievances and failure to do so may be reported by the Ombudsperson to the Vice Chancellor.
- (vii) On the conclusion of proceedings, the Ombudsperson shall pass such order, with reasons for such order, as may be deemed fit to redress the grievance and provide such relief as may be desirable to the affected party at issue, after giving due hearing to both the parties.
- (viii) Every order under the signature of the Ombudsperson shall be provided to the aggrieved person and the institution and shall be placed on the website of the institution.
- (ix) The institution shall comply with the recommendations of the Ombudsperson. Any recommendations of the Ombudsperson not complied with by the institution shall be reported by the Ombudsperson to the Commission.
- (x) In case of any false or frivolous complaint, the Ombudsperson may recommend appropriate action against the complainant.

8. INFORMATION REGARDING OMBUDSPERSON GRIEVANCE REDRESSAL COMMITTEE:

The institution shall provide detailed information regarding provisions of Grievance Redressal Committee(s) and Ombudsperson on their website and in their prospectus prominently.

9. CONSEQUENCES OF NON-COMPLIANCE:

The Commission shall in respect of any institution which willfully contravenes these regulations or repeatedly fails to comply with the recommendation of the Ombudsperson or the Grievance Redressal

Committee(s), as the case may be, may proceed to take one or more of the following actions, namely:

- (a) withdrawal of declaration of fitness to receive grants under section 12B of the Act;
- (b) withholding any grant allocated to the Institution;
- (c) declaring the institution ineligible for consideration for any assistance under any of the general or special assistance programs of the Commission;
- (d) informing the general public, including potential candidates for admission, through a notice displayed prominently in suitable media and posted on the website of the Commission, declaring that the institution does not possess the minimum standards for redressal of grievances;
- (e) recommend to the affiliating university for withdrawal of affiliation, in case of a college;
- (f) The Commission may take necessary and appropriate action as it may deemed fit, in case of an institution deemed to be university;
- (g) recommend to the concerned State Government for necessary and appropriate action, in case of a university established or incorporated under a State Act;
- (h) The Commission may take necessary and appropriate actions against any institution for non-compliance.

Provided that no action shall be taken by the Commission under this regulation unless the institution has been given an opportunity to explain its position and an opportunity of being heard has been provided to it.

(Prof. Rajnish Jain)
Secretary



Ministry of Electronics and Information Technology
Unique Identification Authority of India



PREVENTION OF SEXUAL HARASSMENT (POSH)
AT WORK-PLACE POLICY

APRIL, 2019

UIDAI (HQ), Aadhaar Building
Bangla Sahib Road, Behind Kali Mandir,
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Ministry of Electronics and Information Technology
UNIQUE IDENTIFICATION AUTHORITY OF INDIA

PREVENTION OF SEXUAL HARASSMENT (POSH) AT WORK-PLACE POLICY
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Ministry of Electronics and Information Technology
UNIQUE IDENTIFICATION AUTHORITY OF INDIA

PREVENTION OF SEXUAL HARASSMENT (POSH) AT WORK-PLACE POLICY

1. BACKGROUND AND INTRODUCTION

(a) Provisions regarding prohibiting sexual harassment of women at work-place are contained in Rule 3-C of CCS(Conduct) Rules, 1964 and Government of India's Instruction No. 25 under it. These provisions provide that no Government servant shall indulge in any act of sexual harassment of any woman at her work place. Every Government servant who is in-charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

(b) Department of Personnel & Training vide their O.M. No. 11013/10/97-Estt (A) dated 13th February, 1998 read with OM No. 11013/3/2009-Estt (A) dated 2nd February, 2009 & 3rd August, 2009 had issued certain guidelines and norms laid down by Hon'ble Supreme Court in the case of Vishaka and Ors. Vs. State of Rajasthan and Ors (JT 1997(7) SC 384) which are to be observed to prevent sexual harassment of working women. It has been laid down in the judgement that it is the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedure for the resolution, settlement and prosecution of acts of sexual harassment by taking all steps required.

(c) Further, the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" (hereinafter referred to as the 'Act'), duly notified by Ministry of Law and Justice on 23rd April, 2013 and subsequent "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013" (hereinafter referred to as the 'Rules'), which were notified vide Ministry of Women and Child Development Notification dated 9th December, 2013, emphasizes 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.

(d) This Policy has been framed in accordance with the provisions of the Act and the Rules framed there under. Accordingly, while the policy covers all the key aspects of the Act, for any further clarification and/or in case of conflict between Policy and Act, reference shall always be made to the Act and the provisions of the Act shall prevail over the Policy.

2. PURPOSE AND MANDATE

As laid down under the provisions mentioned above under CCS(Conduct) Rules 1964, the Hon'ble Supreme Court's judgement in the case of Vishaka & Ors Vs. State of Rajasthan & Ors and under the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013", each employer should be committed to provide to all its employees, equal opportunity and a harassment free workplace, notwithstanding race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability, as the case may be. Thus, in order to create such a safe and conducive work environment, especially women employees, the Prevention of Sexual Harassment (POSH) Policy is being framed, in line with the provisions of the prevailing Act and Rules. The main objective of the policy is to provide its women employees, a workplace, free from harassment/

discrimination and to treat them with dignity and respect. Further, it also emphasizes on prevention, prohibition and redressal of complaints of sexual harassment and matters related to it. This is Zero-tolerance Policy against Sexual Harassment, incorporating the rules and procedures as mandated in the Act. This policy shall encourage employees to come forward to report any sexual misconduct, without any fear of retribution and with an assurance that the complaint will be taken seriously and an unbiased inquiry conducted.

3. SCOPE

(a) This policy applies to all categories of employees working at UIDAI (at HQ and all Regional Offices and Technology Centre and Data Centres), including permanent and temporary employees, contractual / outsourced employees/ person employed on adhoc or daily wage basis, either directly or through an agent or individuals coming to the workplace for any purpose, but not limited to visitors, vendors, contractual resources and applies to any alleged act of sexual harassment against persons at workplace, whether incident has occurred during or beyond office hours in work place. The sexual harassment will not be tolerated, if engaged in by clients or by suppliers or any other business associates.

(b) The Work place includes all offices and premises of UIDAI (including Headquarter and all Regional Offices, Data Centres and Technology Centres), all office related activities performed at any other site away from Office premises, any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations. It also includes any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking the journey.

4. DEFINITION OF "SEXUAL HARASSMENT" (as defined under Section 2(n) of the Act)

Sexual harassment may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between a UIDAI employee and someone that employee deals with in the course of his/ her work who is not employed by the UIDAI

A. "Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication):-

- (i) Physical contact and advances; or
- (ii) A demand or request for sexual favours; or
- (iii) Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body; or
- (iv) Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.; or
- (v) Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
- (vi) Giving gifts or leaving objects that are sexually suggestive;
- (vii) Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
- (viii) Persistent watching, following, contacting of a person; and
- (ix) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

B. Further Section 3(2) of the Act mentions that 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.

C. Other Important Definitions:

- (i) **Aggrieved woman:** In relation to a workplace, a woman, of any age, who alleges to have been subjected to any act of sexual harassment by the respondent and includes contractual, temporary, visitors.
- (ii) **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman.
- (iii) **Employee:** A person employed at the 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 explicit or implied and includes a coworker, a contract worker, probationer, trainee, apprentice or by any other such name.
- (iv) **Workplace (in addition to what is defined in scope shall also include):** In addition to the place of work [Head office / Branch offices, Factories] it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with UIDAI, including transportation provided for undertaking such a journey.
- (v) **Employer:** A person responsible for management, supervision and control of the workplace.

5. ROLES and RESPONSIBILITY

- (a) **Responsibilities of Individual** : It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by : (a) Refusing to participate in any activity which constitutes harassment ; (b) Supporting the person to reject unwelcome behavior; (c) Acting as a witness if the person being harassed decides to lodge a complaint. All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.
- (b) **Duties and Responsibility of the Employer (As laid down under Section 19 of the Act)**
The detailed responsibility & duties of the Head of the Department and all Divisional Heads (at Headquarter, Technology Centre and Regional Offices of UIDAI) are laid down under Section 19 of the Act, which includes :
 - (i) Providing a safe working environment at the workplace which shall include safety from the persons coming into contact at their respective workplace;

- (ii) To Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Complaints Committee (ICC) under Sub-Section (1) of Section 4 of the Act;
 - (iii) To Organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act;
 - (iv) To Provide necessary facilities to the Internal Committee, for dealing with the complaints and conducting an inquiry;
 - (v) To provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
 - (vi) To monitor the timely submission of reports by the Internal Committee.
- c. **Responsibilities of Officers** : All Officers at UIDAI must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

6. INTERNAL COMPLAINTS COMMITTEE (ICC) (As per the provisions of Section 4 of the Act)

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to such cases, 'Internal Complaints Committee' shall be constituted (by an order in writing) at UIDAI Head quarter as well as at all other administrative offices i.e. all Regional Offices and Technology Centre separately as per the provisions made under Section 4/ Chapter-II of the Act.

- (i) The Internal Complaints Committee (ICC) shall consist of the following members to be nominated by the employer, namely :-
 - (a) A **Presiding Officer (Chairperson)** who shall be a woman employed at a senior level at workplace from amongst the employees, who shall hold the office for such period, not exceeding three years, from the date of their nomination;
 - (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 organizations** or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, who shall be paid such fees or allowances for holding the proceedings of the ICC, by the employer, as may be prescribed;
 - (d) At least one-half of the total Members so nominated shall be women.
(Presently, separate Internal Complaints Committees have been constituted for UIDAI HQ, its ROs and Technology Centre)
- (ii) The ICC is responsible for :-
 - (a) Receiving complaints of sexual harassment at the workplace;
 - (b) Initiating and conducting inquiry as per the established procedure;
 - (c) Submitting reports of its findings and recommendations;
 - (d) Follow-up with the employer in implementing appropriate action;
 - (e) Maintaining strict confidentiality throughout the process as per established guidelines; and
 - (f) Submitting annual reports in the prescribed format;

7. COMPLAINT MECHANISM

A. Online Complaints through SHe-Box

(i) Ministry of Women & Child Development launched an Online Complaint Management System titled "Sexual Harassment Electronic-Box (SHe-Box)" on 24th July, 2017 for registering complaints related to sexual harassment at workplace. SHe-Box is an initiative to provide a platform to the women working or visiting any office of Central Government (including Ministries/ Departments, PSUs, Autonomous Bodies and Institutes etc.) to file complaints related to sexual harassment at workplace under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

(ii) Once a complaint is submitted to SHe-Box, it will be directly sent to the Internal Complaints Committee (ICC) of the concerned Ministry/Department/PSU/AB etc. having jurisdiction to inquire into the complaint. The SHe-Box provides an opportunity to both the complainant and nodal administrative authority to monitor the progress of inquiry conducted by the ICCs. The SHe-Box portal can be accessed at the link given below: <http://www.shebox.nic.in>

(iii) The Steps required for filing of complaint through SHe-Box are given in Annexure-A and also can be downloaded from the link: <http://www.shebox.nic.in/assets/site/downloads/manual.pdf>

B. Direct complaints made to Internal Complaints Committee (As per provisions made under Sections 9 to 11 of the Act)

(i) Redressal Mechanism – Formal Intervention : In compliance with the Act, if the complainant warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

8. LODGING A COMPLAINT

(a) The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace.

(b) The complaint must be lodged within **3 months** from the date of incident/ last incident. The Committee can extend the timeline by another **3 months** for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

(c) If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, with her written consent.

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

(d) If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.

9. RECEIVING A COMPLAINT (Guidelines)

(a) Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

(b) The following points are kept in mind by the receiver of the complaint:

(i) Complaint are listened to and the complainant informed that the UIDAI takes the concerns seriously.

(ii) Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily.

(iii) Situations are not to be pre-judged. Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, complainants own words, where possible, is used. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.

(iv) All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.

(vi) The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity.

(c) Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent

10. RESOLUTION PROCEDURE THROUGH CONCILIATION

(a) Once the complaint is received, before initiating the inquiry, the committee may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved woman.

(b) It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

(c) In case a settlement is arrived at, the committee records & reports the same to the employer for taking appropriate action. Resolution through conciliation happens within two weeks of receipt of complaint.

(d) The committee provides copies of the settlement to complainant and respondent. Once the action is implemented, no further inquiry is conducted.

11. RESOLUTION PROCEDURE THROUGH FORMAL INQUIRY

(a) Conducting Inquiry :

The committee initiates inquiry in the following cases:

- (i) No conciliation is requested by aggrieved woman
- (ii) Conciliation has not resulted in any settlement
- (iii) Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

The Committee proceeds to make an inquiry into the complaint within a period of 1 week of its receipt of the original complaint/closure of conciliation/repeat complaint.

(b) Manner of inquiry into complaint:

- (i) Complainant should submit the complaint along with supporting documents and the names of the witnesses.
- (ii) Upon receipt of the complaint, the committee sends 1 copy of the complaint to respondent within 7 working days.
- (iii) Respondent replies with all supporting documents within 10 working days of receiving the copy of the complaint
- (iv) No legal practitioner can represent any party at any stage of the inquiry procedure
- (v) The Complaints Committee makes inquiry into the complaint in accordance with the principles of natural justice
- (vi) In conducting the inquiry, a minimum of three committee members including the Presiding Officer or the Chairperson is present

(c) Interim relief

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to -

- (i) Transfer the complainant or the respondent to any other workplace
- (ii) Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled
- (iii) Prevent the respondent from assessing complainant's work performance
- (iv) Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the employer will inform the committee regarding the same

12. INQUIRY PROCEDURE

- (a) All proceedings of the inquiry are documented. The Committee interviews the respondent separately and impartially.
- (b) Committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.
- (c) If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements.
- (d) In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.
- (e) Any such inquiry is completed, within **90 days** from the date on which the inquiry is commenced and report is submitted to the employer within 10 days of completion of inquiry. (*Section 11(4) and Section 13(1)*) The inquiry procedure ensures absolute fairness to all parties.

13. CONSIDERATIONS WHILE PREPARING INQUIRY REPORT

- (a) While preparing the findings/recommendations, following are considered:
- (i) Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature
 - (ii) Whether the allegations or events follow logically and reasonably from the evidence
 - (iii) Credibility of complainant, respondent, witnesses and evidence
 - (iv) Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent
 - (v) Both parties have been given an opportunity of being heard
 - (vi) A copy of the proceedings were made available to both parties enabling them to make representation against the findings
- (b) The detailed mechanism of the complaint and the action to be taken by the ICC are laid down under the Sections 10 & 11 of the Act. Further the procedure to be followed while conducting Inquiry into a Complaint have been laid down under Sections 12 to 18 of the Act.

14. ACTION TO BE TAKEN AFTER INQUIRY

- (a) Section 13 of the Act envisages that on the completion of the inquiry under the Act, the ICC shall provide a report of its findings to the employer within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties also. The findings and recommendations are reached from the facts established and is recorded accurately.
- (b) If the situation so requires, or upon request of the complainant, respondent or witness, Competent Authority at UIDAI may decide to take interim measures such as transfer, changing of shift,

grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.

(i) **Complaint Unsubstantiated** {Section 13(2) of the Act}: Where the ICC arrives at the conclusion that the allegations against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter. Further, the Committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged within the UIDAI.

(ii) **Complaint Substantiated** {Sections 13(3) & 15 of the Act}: Where the Committee arrives at a conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take necessary action for sexual harassment, as a misconduct, in accordance with the provisions of the service rules applicable or as per the provisions laid down under the Act.

Section 13(4) of the Act further specifies that the employer shall act upon the recommendations within 60 days of its receipt by him under intimation to the ICC.

(iii) **Malicious Allegations** {Section 14 of the Act}: Where the Committee arrives at the 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 to take action against the woman or the person who has made the complaint, 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. The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.

While deciding malicious intent, the Committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

15. **CONFIDENTIALITY (Sections 16 & 17 of the Act of the Act)**

(a) Section 16 of the Act stipulates that, 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 ICC and the action taken by the employer under the provisions of the Act shall not be published, communicated or made known to the public, press and media in any manner.

(b) Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the Act.

16. **APPEAL (Section 18 of the Act)**

Any person aggrieved from the recommendations made by the ICC 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, 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, within a period of ninety days of the recommendations.

17. ANNUAL REPORT (Sections 21 to 23 of the Act)

As per the provision laid down under Section 21 & 22 of the Act and Rule 14 of the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013", the ICC shall in each calendar year prepare an annual report, giving the following details and submit the same to Ministry of Electronics and Information Technology for onward submission to the Department of Personnel & Training:

- (a) Number of complaints of sexual harassment received in the year;
- (b) Number of complaints disposed off during the year;
- (c) Number of cases pending for more than ninety days;
- (d) Number of workshops or awareness programme against sexual harassment carried out;
- (e) Nature of action taken by the employer or District Officer.

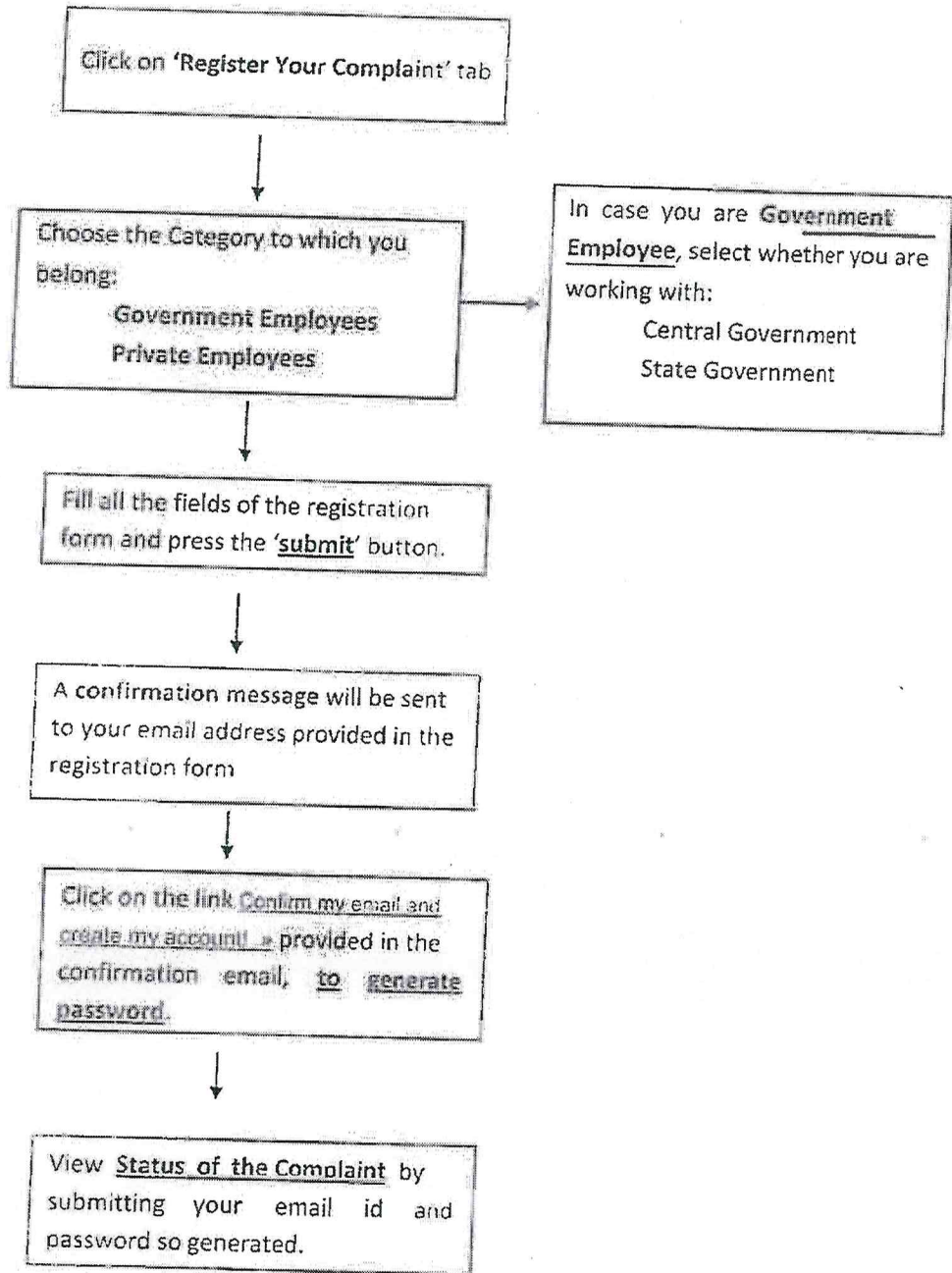
18. MODIFICATION & REVIEW OF THE POLICY


UIDAI reserves the right to modify and, or review the provisions of this Policy, so as to comply with applicable legal requirements, changes made in the Act by the Government, Internal Policies, or otherwise with a view to revise the provisions of this Policy to the extent deemed necessary by the UIDAI from time to time. Any such changes or modifications may be shared by UIDAI to its employees.

19. SAVINGS

In case of any discrepancy in Policy, the provisions of relevant Act/ Rules shall prevail.

HOW TO REGISTER A COMPLAINT IN She-Box




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KIRUMAMPAKKAM, PUDUCHERRY - 607 403.

Harassment Grievance Redressal Procedure/ Mechanism

| S.No. | Action | Time Schedule |
|--------------|--|--|
| 1. | Submission of Complaint by the Complainant (i.e. Aggrieved person) to any other Person/ Officer or ICC | Within 3 months of the last incident <i>(Section 9 of the Act)</i> |
| 2. | On receipt of the complaint, the ICC shall send a copy of the same to the respondent (i.e. the person against whom the complaint is made) | Within a period of 7 working days <i>(Clause 7(2) of the Rules)</i> |
| 3. | Respondent shall file his reply of the complaint to the ICC alongwith supporting documents, and details of witnesses etc. | Within 10 working days of the date of receipt of the copy of the complaint <i>(Clause 7(3) of the Rules)</i> |
| 4. | Conciliation between the Parties (i.e. the complainant and the respondent), on the request of the complainant may be provided by the ICC. If resolution through conciliation is arrived , the same will be recorded and informed to employer. Copy of the settlement is to be provided to both parties. In this case, no further inquiry will be | <i>(Section 10 of the Act)</i> |
| 5. | In case conciliation is not opted for or if no resolution is arrived at, a Formal Inquiry will be initiated by the ICC, as per the Policy/ Act. | Inquiry shall be completed within 90 days from the date of initiation. <i>(Section 11(4) of the Act)</i> |
| 6. | On the completion of the inquiry, the ICC shall provide a report of its findings to the employer, for taking recommended action and a copy of the same may also be made available to the concerned parties also i.e. complainant and the respondent. | Within 10 days of the completion of the inquiry. <i>(Section 13(1) of the Act)</i> |
| 7. | The employer shall act upon the recommendations of the ICC | Within 60 days of the receipt of the recommendations from ICC <i>(Section 13(4) of the Act)</i> |
| 8. | Appeal may be made by either of the party to the employer, if not satisfied with the inquiry report | Preferred within a period of 90 days of the receipt of the copy of recommendations of the ICC. <i>(Section 18(2) of the Act)</i> |

RULE 3-E

CENTRAL CIVIL SERVICES (CONDUCT) RULES, 1964

36/433C. Prohibition of sexual harassment of working women

- (1) No Government servant shall indulge in any act of sexual harassment of any woman at any work place.
- (2) Every Government servant who is in charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at the work place.

Explanation. - (1) For the purpose of this rule, -

- (a) "sexual harassment" includes any one or more of the following acts or behaviour (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
 - (i) any other unwelcome physical, verbal, non-verbal conduct of a sexual nature.

(b) the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment : -

- (i) implied or explicit promise of preferential treatment in employment; or
- (ii) implied or explicit threat of detrimental treatment in 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.

(c) "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 Central Government;
- (ii) hospitals or nursing homes;
- (iii) any sports institute, stadium, sports complex or camp, whether residential or not used for training, sports or other activities relating thereto;
- (iv) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;
- (v) a dwelling place or a house.

The Central Civil Services (Conduct) Rules, 1964

RULE 3. GENERAL:

Government of India Decisions

(25) Supreme Court judgment in the case of Vishaka Vs. State of Rajasthan regarding sexual harassment of working women.

In the case of Vishaka and Ors Vs. State of Rajasthan and Ors. (JT 1997 (7) SC 384), the Hon'ble Supreme Court has laid down guidelines and norms to be observed to prevent sexual harassment of working women.

2. It has been laid down in the judgment above-mentioned that it is the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required. For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or implication) as:-

- a) physical contact and advances;
- b) a demand or request for sexual favours;
- c) sexually coloured remarks;
- d) showing pornography;
- e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

3. Attention in this connection is invited to Rule 3 (1) (iii) of the CCS (Conduct) Rules, 1964, which provides that every Government servant shall at all times do nothing which is unbecoming of a Government servant. Any act of sexual harassment of women employees is definitely unbecoming of a Government servant and amounts to a misconduct. Appropriate disciplinary action should be initiated in such cases against the delinquent Government servant in accordance with the rules.

4. Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the concerned authorities shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

5. In particular, it should be ensured that victims or witnesses are not victimized or discriminated against while dealing with complaints or sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

6. Complaint Mechanism: - Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in every organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints. Wherever such machineries for redressal of grievance already exist, they may be made more effective and in particular women officers should preferably handle such complaints.

7. Awareness: - Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (copy enclosed) in a suitable manner.

8. A specific provision is, however, being made in the CCS (Conduct) Rules, 1964, prohibiting sexual harassment of women by Government servants, in compliance of the judgment of the Hon'ble Supreme Court.

GUIDELINES AND NORMS LAID DOWN BY THE HON'BLE SUPREME COURT IN VISHAKA & ORS. V. STATE OF RAJASTHAN & ORS. (JT 1997 (7) SC 384)

HAVING REGARD to the definition of 'human rights' in Section 2 (d) of the Protection of Human Rights Act, 1993, TAKING NOTE of the fact that the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time.

It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women.

1. Duty of the Employer or other responsible persons in work places and other institutions:

It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

2. Definition:

For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

- a) Physical contact and advances;
- b) a demand or request for sexual favours;
- c) sexually coloured remarks;
- d) showing pornography;
- e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Where any of these acts is committed in circumstances where-under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in Government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

3. Preventive Steps:

All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality to this obligation they should take the following steps:-

- (a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.
- (b) The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.
- (c) As regards private employers steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.
- (d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

4. Criminal Proceedings:

~~Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.~~

In particular, it should ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

5. Disciplinary Action:

Where such conduct amount to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

6. Complaint Mechanism:

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

7. Complaint Mechanism:

The complaint mechanism referred to in (6) above, should be adequate to provide, where necessary, a Complaints Committee, a special counselor or other support service, including the maintenance of confidentiality.

The Complaints Committee should be headed by a woman and not less than half of its member should be women. Further to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

10/24/2018

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The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

8. Workers' Initiative:

Employees should be allowed to raise issues of sexual harassment at workers' meeting and in other appropriate forum and it should be affirmatively discussed in Employer-Employee Meetings.

9. Awareness:

Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

10. Third Party Harassment:


Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

11. The Central/State Governments are requested to consider adopting suitable measures including legislation to ensure that the guidelines laid down by this order are also observed by the employers in Private Sector.

12. These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993.

[DOPT OM No. 11013/10/97-Estt.(A), dated 13.02.1998]

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UNIVERSITY GRANTS COMMISSION
NOTIFICATION

New Delhi, the 6th May, 2019

F.No. 14-4/2012(CPP-II).—In exercise of the powers conferred under clause (g) of sub-section (1) of Section 26 of the University Grants Commission Act, 1956 (3 of 1956), and in supersession of the University Grants Commission (Grievance Redressal) Regulations, 2012, the University Grants Commission hereby makes the following regulations, namely -

1. SHORT TITLE, APPLICATION AND COMMENCEMENT:


- a) These regulations shall be called as the University Grants Commission (Redress of Grievances of Students) Regulations, 2019.
- b) They shall apply to all higher education institutions, whether established or incorporated by or under a Central Act or a State Act, and every institution recognized by the University Grants Commission under clause (f) of Section 2 of the University Grants Commission Act, 1956 and to all institutions deemed to be a University declared as such under Section 3 therein.
- c) They shall come into force from the date of their publication in the Official Gazette.

2. OBJECTIVE:

To provide opportunities for redress of certain grievances of students already enrolled in any institution, as well as those seeking admission to such institutions, and a mechanism thereto.

3. DEFINITION: IN THESE REGULATIONS, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (a) "Act" means the University Grants Commission Act, 1956 (3 of 1956);
- (b) "aggrieved student" means a student, who has any complaint in the matters relating to or connected with the grievances defined under these regulations.
- (c) "college" means any institution, so defined in clause (b) of sub-section (1) of section 12A of the Act.
- (d) "Collegiate Student Grievance Redressal Committee" (CSGRC) means a committee constituted under these regulations, at the level of an institution, being a college.
- (e) "Commission" means the University Grants Commission established under section 4 of the UGC Act, 1956.
- (f) "declared admission policy" means such policy, including the process there under, for admission to a course or program of study as may be offered by the institution by publication in the prospectus of the institution.
- (g) "Departmental Student Grievance Redressal Committee" (DSGRC) means a committee constituted under these regulations, at the level of a Department, School or Centre of a University.
- (h) "grievance" means, and includes, complaint(s) made by an aggrieved student in respect of the following, namely:


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- i. admission contrary to merit determined in accordance with the declared admission policy of the institution;
 - ii. irregularity in the process under the declared admission policy of the institution;
 - iii. refusal to admit in accordance with the declared admission policy of the institution;
 - iv. non-publication of prospectus by the institution, in accordance with the provisions of these regulations;
 - v. publication by the institution of any information in the prospectus, which is false or misleading, and not based on facts;
 - vi. withholding of, or refusal to return, any document in the form of certificates of degree, diploma or any other award or other document deposited by a student for the purpose of seeking admission in such institution, with a view to induce or compel such student to pay any fee or fees in respect of any course or program of study which such student does not intend to pursue;
 - vii. demand of money in excess of that specified to be charged in the declared admission policy of the institution;
 - viii. violation, by the institution, of any law for the time being in force in regard to reservation of seats in admission to different category of students;
 - ix. nonpayment or delay in payment of scholarships or financial aid admissible to any student under the declared admission policy of such institution, or under the conditions, if any, prescribed by the Commission;
 - x. delay by the institution in the conduct of examinations, or declaration of results, beyond the schedule specified in the academic calendar of the institution, or in such calendar prescribed by the Commission;
 - xi. failure by the institution to provide student amenities as set out in the prospectus, or is required to be extended by the institution under any provisions of law for the time being in force;
 - xii. non-transparent or unfair practices adopted by the institution for the evaluation of students;
 - xiii. delay in, or denial of, the refund of fees due to a student who withdraws admission within the time mentioned in the prospectus, or as may be notified by the Commission;
 - xiv. complaints of alleged discrimination of students from the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Women, Minority or persons with disabilities categories;
 - xv. denial of quality education as promised at the time of admission or required to be provided; and
 - xvi. harassment or victimization of a student, other than cases of harassment, which are to be proceeded against under the penal provisions of any law for the time being in force.
- (i) "Institution" means, as the context may be, a University or a college, or an institution declared a deemed to be a University under the Act or an institution established within a University for a particular discipline or activity;
- (j) Institutional Student Grievance Redressal Committee" (ISGRC) means a committee constituted under these regulations at the level of the University, for dealing with grievances which do not belong to a department of the University e.g. hostels and common facilities.
- (k) "Ombudsperson" means the Ombudsperson appointed under these regulations;
- (l) "Prospectus" means and includes any publication, whether in print or otherwise, issued for providing fair and transparent information, relating to an institution, to the general public (including to those seeking admission in such institution) by such institution or any authority or person authorized by such institution to do so;

- (m) "Region" means a geographical territory, comprising of States, so determined, for the purpose of facilitating enforcement of these regulations; namely, South-Eastern Region comprising Andhra Pradesh, Telengana, Puducherry, Andaman and Nicobar, and Tamil Nadu; South-Western Region comprising Kerala, Karnataka, and Lakshadweep; Western Region comprising Maharashtra, Gujarat, Goa, Dadar and Nagar Haveli, Daman and Diu; Central Region comprising Chhattisgarh, Madhya Pradesh and Rajasthan; Northern Region comprising Jammu and Kashmir, Delhi, Himachal Pradesh, Punjab, Haryana, Uttar Pradesh, Uttarakhand and Chandigarh; North-Eastern Region comprising Assam, Meghalaya, Mizoram, Manipur, Tripura, Arunachal Pradesh, Sikkim and Nagaland; and Eastern Region comprising West Bengal, Bihar, Jharkhand and Odisha.
- (n) "State" means a State specified in the First Schedule to the Constitution and includes a Union territory;
- (o) "Student" means a person enrolled, or seeking admission to be enrolled, in any institution to which these regulations apply;
- (p) "University" means a University so defined in clause (f) of section 2 of the Act or, where the context may be, an institution deemed to be University declared as such under Section 3 thereof.
- (q) University Student Grievance Redressal Committee" (USGRC) means a committee constituted under these regulations, at the level of the university, for dealing with grievances arising out of decisions of the DSGRC, ISGRC or CSGRC.

4. MANDATORY PUBLICATION OF PROSPECTUS, ITS CONTENTS AND PRICING:

- (1) Every institution, shall publish and/or upload on its website, before expiry of at least sixty days prior to the date of the commencement of the admission to any of its courses or programs of study, a prospectus containing the following for the information of persons intending to seek admission to such institution and the general public, namely:
- the list of programs of study and courses offered along with the broad outlines of the syllabus specified by the appropriate statutory authority or by the institution, as the case may be, for every course or program of study, including teaching hours, practical sessions and other assignments;
 - the number of seats approved by the appropriate statutory authority in respect of each course or program of study for the academic year for which admission is proposed to be made;
 - the conditions of educational qualifications and eligibility including the minimum and maximum age limit of persons for admission as a student in a particular course or program of study, specified by the institution;
 - the process of selection of eligible candidates applying for such admission, including all relevant information in regard to the details of test or examination for selecting such candidates for admission to each course or program of study and the amount of fee prescribed for the admission test;
 - each component of the fee, deposits and other charges payable by the students admitted to such institution for pursuing a course or program of study, and the other terms and conditions of such payment;
 - rules/regulations for imposition and collection of any fines in specified heads or categories, minimum and maximum fine may be imposed.
 - the percentage of tuition fee and other charges refundable to a student admitted in such institution in case such student withdraws from such institution before or after completion of course or program of study and the time within and the manner in which such refund shall be made to that student;
 - details of the teaching faculty, including their educational qualifications, along with their type of appointment (Regular/visiting/guest) and teaching experience of every member thereof.
 - information with regard to physical and academic infrastructure and other facilities including hostel accommodation and its fee, library, hospital or industry wherein the practical training is

to be imparted to the students and in particular the amenities accessible by students on being admitted to the institution;

- (j) all relevant instructions in regard to maintaining the discipline by students within or outside the campus of the institution, and, in particular such discipline relating to the prohibition of ragging of any student or students and the consequences thereof and for violating the provisions of any regulation in this behalf made by the relevant statutory regulatory authority; and

- (k) Any other information as may be specified by the Commission:

Provided that an institution shall publish/upload information referred to in clauses (a) to (k) of this regulation, on its website, and the attention of prospective students and the general public shall be drawn to such publication being on the website through advertisements displayed prominently in different newspapers and through other media:

- (2) Every institution shall fix the price of each printed copy of the prospectus, being not more than the reasonable cost of its publication and distribution and no profit be made out of the publication, distribution or sale of prospectus.

5. **STUDENT GRIEVANCE REDRESSAL COMMITTEES (SGRC):**

A. Collegiate Student Grievance Redressal Committee (CSGRC)

- (i) A complaint from an aggrieved student relating to a college shall be addressed to the Collegiate Student Grievance Redressal Committee (CSGRC), with the following composition, namely:
- Principal of the college – Chairperson;
 - Three senior members of the teaching faculty to be nominated by the Principal – Members;
 - A representative from among students of the college to be nominated by the Principal based on academic merit/excellence in sports/performance in co-curricular activities – Special Invitee.
- (ii) The term of the members and the special invitee shall be two years.
- (iii) The quorum for the meeting including the Chairperson, but excluding the special invitee, shall be three.
- (iv) In considering the grievances before it, the CSGRC shall follow principles of natural justice.
- (v) The CSGRC shall send its report with recommendations, if any, to the Vice-Chancellor of the affiliating University and a copy thereof to the aggrieved student, within a period of 15 days from the date of receipt of the complaint.

B. Departmental Student Grievance Redressal Committee (DSGRC)

- (i) A complaint by an aggrieved student relating to a Department, or School, or Centre of a University shall be addressed to the Departmental Student Grievance Redressal Committee (DSGRC) to be constituted at the level of the Department, School, or Centre, as the case may be, and with the following composition, namely:
- Head of the Department, School, or the Centre, by whatever designation known – Chairperson;
 - Two Professors, from outside the Department/School/Centre to be nominated by the Vice Chancellor – Members;
 - A member of the faculty, well-versed with the mechanism of grievance redressal to be nominated by the Chairperson – Member;
 - A representative from among students of the college to be nominated by the Vice Chancellor based on academic merit/excellence in sports/performance in co-curricular activities – Special Invitee.

- (ii) The term of the Chairperson, members of the Committee, and the special invitee shall be of two years.
- (iii) The quorum for the meeting of DSGRC, including the Chairperson, but excluding the special invitee, shall be three.
- (iv) In considering the grievances before it, the DSGRC shall follow principles of natural justice.
- (v) The DSGRC shall submit its report with recommendations, if any, to the Head of the Institution/ Vice Chancellor, with a copy thereof to the aggrieved student, within a period of 15 days from the date of receipt of the complaint.

C. Institutional Student Grievance Redressal Committee (ISGRC)

- (i) Where a complaint does not relate to any academic Department, School or Centre of a University, as the case may be, the matter shall be referred to the Institutional Student Grievance Redressal Committee (ISGRC) to be constituted by the Vice Chancellor, with the following composition, namely:
 - (a) Pro-Vice Chancellor/Dean/Senior Professor of institution – Chairperson;
 - (b) Dean of students/Dean, Students Welfare – Member;
 - (c) One senior academic, other than the Chairperson – Member;
 - (d) Proctor/Senior academic – Member;
 - (e) A representative from among students of the college to be nominated by the Vice Chancellor based on academic merit/excellence in sports/performance in co-curricular activities – Special Invitee.
- (ii) The term of the members of the committee shall be of two years.
- (iii) The quorum for the meetings of the ISGRC, including the Chairperson, but excluding the special invitee, shall be three.
- (iv) In considering the grievances before it, the ISGRC shall follow principles of natural justice.
- (v) The ISGRC shall send its report with recommendations, if any, to the Vice Chancellor, along with a copy thereof to the aggrieved student, within a period of 15 working days from the date of receipt of the grievance.

D. University Student Grievance Redressal Committee (USGRC)

- (i) The Vice Chancellor of an affiliating University shall constitute such number of University Student Grievance Redressal Committees (USGRC), as may be required to consider grievances unresolved by one or more CSGRC or DSGRC or ISGRC and each USGRC may take up grievances arising from colleges/departments/ Institutions, on the basis of the jurisdiction assigned to it by the Vice Chancellor.
 - a) A senior Professor of the University – Chairperson;
 - b) Dean, Student Welfare or equivalent – Member;
 - c) Two Principals drawn from the affiliating colleges, other than those connected with reports of CSGRC under review, to be nominated by the Vice-Chancellor – Members;
 - d) One Professor of the University - Member;
 - e) A representative from among students of the college to be nominated by the Vice Chancellor based on academic merit/excellence in sports/performance in co-curricular activities – Special Invitee.
- (ii) The Chairperson, members and the special invitee shall have a term of two years.
- (iii) The quorum for the meeting, including the Chairperson, but excluding the special invitee, shall be three.


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- (iv) In considering the grievances before it, the USGRC shall follow principles of natural justice.
- (v) The USGRC shall send its report and recommendations, if any, to the Principal of the College relating to the grievance/Head of the department/School/Institution with a copy thereof to the aggrieved student, within 15 days of the receipt of the grievance.
- (vi) Any student aggrieved by the decision of the University Student Grievance Redressal Committee may prefer an appeal to the Ombudsperson, within in a period of fifteen days from the date of receipt of such decision.

6. APPOINTMENT, TENURE, REMOVAL AND CONDITIONS OF SERVICES OF OMBUDSPERSON:

- (i) There shall be one or more part-time functionaries designated as Ombudspersons to hear, and decide on, appeals preferred against the decisions of the USGRCs.
 Provided that, there shall not be more than one ombudsperson for a State, in respect of all the State universities (Public as well as Private) in that State, who shall be appointed by the State Government;
 Provided further that, there shall not be more than one Ombudsperson for a region, in respect of the Central universities and institutions deemed to be universities in that region, who shall be appointed by the Central Government.
- (ii) The Ombudsperson shall be a person of eminence in academics or research, who had been Vice-Chancellor of a University.
- (iii) The Ombudsperson for the State universities in a State, shall not be in any conflict of interest with any University in that State; and the Ombudsperson for the Central universities and institutions deemed to be universities in a region, shall not be in any conflict of interest with any University or institution deemed to be University in that region, either before or after such appointment.
- (iv) A State Government shall appoint the Ombudsperson from a panel of three names recommended by a search committee constituted for that purpose and consisting of the following, namely:
 - (a) A nominee of the Governor or Lt. Governor, as the case may be, who is a person of eminence in the field of higher education— Chairperson;
 - (b) A Vice Chancellor from a State Public University to be nominated by the Governor/LG of the State/UT - Member;
 - (c) A Vice Chancellor from a State Private University to be nominated by the State Government – Member;
 - (d) Chairperson of the State Council of Higher Education or his/her nominee from among the academic members of the Council— Member;
 - (e) Principal Secretary/Secretary to the State Government responsible for Higher Education— Member Secretary.
- (v) The Central Government shall appoint the Ombudsperson for a region from a panel of three names recommended by a search committee to be constituted for that purpose, and consisting of the following, namely:
 - (a) Chairperson, University Grants Commission or his/her nominee – Chairperson
 - (b) A Vice Chancellor of a Central University to be nominated by the Central Government – Member
 - (c) A Vice Chancellor of an institution deemed to be University to be nominated by the Central Government – Member
 - (d) A nominee of the Central Government, not below the rank of the Joint Secretary – Member
 - (e) Secretary, University Grants Commission – Member Secretary


- (vi) The Ombudsperson shall be appointed for a period of three years or until he attains the age of 70 years, whichever is earlier, from the date of assuming office, and shall be eligible for reappointment for another one term for the same State or region, as the case may be.
- (vii) For conducting the hearings, the Ombudsperson shall be paid a sitting fee, per diem, in accordance with the norms fixed by the University Grants Commission, and shall, in addition, be eligible for reimbursement of the expenditure incurred on conveyance.
- (viii) The State Government, in the case of an Ombudsperson of a State, and the Central Government, in the case of an Ombudsperson of a region, may remove the Ombudsperson from office, on charges of proven misconduct or misbehavior as defined under these regulations.
- (ix) No order of removal of Ombudsperson shall be made except after an inquiry made in this regard by a person not below the rank of judge of the High Court in which a reasonable opportunity of being heard is given to the Ombudsperson.

7. FUNCTIONS OF OMBUDSPERSON:

- (i) The Ombudsperson shall hear appeals from an aggrieved student, only after the student has availed all other remedies provided under these regulations.
- (ii) While issues of malpractices in the conduct of examination or in the process of evaluation may be referred to the Ombudsperson, no appeal or application for revaluation or re-totalling of answer sheets from an examination, shall be entertained by the Ombudsperson unless specific irregularity materially affecting the outcome of specific instance of discrimination is indicated.
- (iii) The Ombudsperson may avail assistance of any person, as amicus curiae, for hearing complaints of alleged discrimination.
- (iv) The Ombudsperson shall make all efforts to resolve the grievances within a period of 30 days of receiving the appeal from the aggrieved student(s).

8. PROCEDURE FOR REDRESSAL OF GRIEVANCES BY OMBUDSPERSONS AND STUDENT GRIEVANCE REDRESSAL COMMITTEES:

- (i) Each institution shall, within a period of three months from the date of issue of this notification, have an online portal where any aggrieved student may submit an application seeking redressal of grievance.
- (ii) On receipt of an online complaint, the institution shall refer the complaint to the appropriate Student Grievance Redressal Committee, along with its comments within 15 days of receipt of complaint on the online portal.
- (iii) The Student Grievance Redressal Committee, as the case may be, shall fix a date for hearing the complaint which shall be communicated to the institution and the aggrieved student.
- (iv) An aggrieved student may appear either in person or authorize a representative to present the case.
- (v) Grievances not resolved by the University Student Grievance Redressal Committee shall be referred to the Ombudsperson, within the time period provided in these regulations.
- (vi) Institutions shall extend co-operation to the Ombudsperson or the Student Grievance Redressal Committee(s), as the case may be, in early redressal of grievances; and failure to do so may be reported by the Ombudsperson to the Commission, which shall take action in accordance with the provisions of these regulations.
- (vii) The Ombudsperson shall, after giving reasonable opportunities of being heard to both parties, on the conclusion of proceedings, pass such order, with reasons there for, as may be deemed fit to redress the grievance and provide such relief as may be appropriate to the aggrieved student.
- (viii) The institution, as well as the aggrieved student, shall be provided with copies of the order under the signature of the Ombudsperson, and the institution shall place it for general information on its website.


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- (ix) The institution shall comply with the recommendations of the Ombudsperson; and the Ombudsperson shall report to the Commission any failure on the part of the institution to comply with the recommendations.
- (x) The Ombudsperson may recommend appropriate action against the complainant, where a complaint is found to be false or frivolous.

9. INFORMATION REGARDING OMBUDSPERSONS AND STUDENT GRIEVANCE REDRESSAL COMMITTEES:

An institution shall furnish, prominently, on its website and in its prospectus, all relevant information in respect of the Student Grievance Redressal Committee(s) coming in its purview, and the Ombudsperson for the purpose of appeals.

10. CONSEQUENCES OF NON-COMPLIANCE:

The Commission shall in respect of any institution, which willfully contravenes these regulations or repeatedly fails to comply with the recommendation of the Ombudsperson or the Grievance Redressal Committee(s), as the case may be, proceed to take one or more of the following actions, namely:

- (a) withdrawal of declaration of fitness to receive grants under section 12B of the Act;
- (b) withholding any grant allocated to the Institution;
- (c) declaring the institution ineligible for consideration for any assistance under any of the general or special assistance programs of the Commission;
- (d) informing the general public, including potential candidates for admission, through a notice displayed prominently in suitable media and posted on the website of the Commission, declaring that the institution does not possess the minimum standards for redressal of grievances;
- (e) recommend to the affiliating University for withdrawal of affiliation, in case of a college;
- (f) take such action as it may deem necessary, appropriate and fit, in case of an institution deemed to be University;
- (g) recommend to the Central Government, if required, for withdrawal of declaration as institution deemed to be a University, in case of an institution deemed to be University;
- (h) recommend to the State Government to take necessary and appropriate action, in case of a University established or incorporated under a State Act;
- (i) such other action as may be deemed necessary and appropriate against an institution for non-compliance.

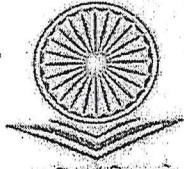
Provided that no action shall be taken by the Commission under this regulation, unless the institution has been given an opportunity to explain its position and an opportunity of being heard has been provided to it.

- 11.** Nothing mentioned hereinabove in these regulations shall affect the continuance in office, during the currency of the term, of an incumbent Ombudsperson appointed under the provisions of the UGC (Grievance Redressal) Regulations, 2012; where after, the appointment of Ombudsperson shall be made as per University Grants Commission (Redress of Grievances of Students) Regulations, 2019.

Prof. RAJNISH JAIN, Secy.

[ADVT.-III/4/Exty./30/19]

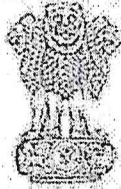
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ज्ञान-विज्ञान विमुक्तये

प्रो. राजनीश जैन
सचिव

Prof. Rajnish Jain
Secretary



सत्यमेव जयते

विश्वविद्यालय अनुदान आयोग
University Grants Commission

(मानव संसाधन विकास मंत्रालय, भारत सरकार)
(Ministry of Human Resource Development, Govt. of India)

बहादुरशाह जफर मार्ग, नई दिल्ली-110002
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D.O. F. No. 14-4/2012(CPP-II)

7th May, 2019

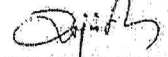
Dear Sir/Madam,

In exercise of the powers conferred under clause (g) of sub-section (1) of Section 26 of the University Grants Commission Act, 1956 (3 of 1956), and in supersession of the University Grants Commission (Grievance Redressal) Regulations, 2012, the UGC has notified the **University Grants Commission (Redress of Grievances of Students) Regulations, 2019** in the Official Gazette on 6th May 2019. A copy of the Regulations is attached herewith. As per para 8(i) of the Regulations, you are requested to ensure that your University shall, within a period of three months from the date of issue of these Regulations, have an online portal where any aggrieved student may submit an application seeking Redressal of the grievance.

You are requested to ensure compliance of these Regulations in your esteemed University. These Regulations may also be brought to the notice of your affiliated colleges for their implementation.

With kind regards,

Yours sincerely,

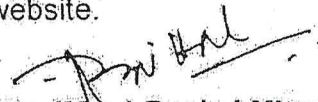

(Rajnish Jain)


Encl. : As stated above.

The Vice-Chancellors of all Universities

Copy to :-

The Publication Officer, UGC for uploading on UGC website.


[Dr. (Mrs.) Pankaj Mittal]
Additional Secretary


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Updated on 04.11.2022

Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel & Training
Establishment Division

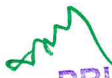
PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE

In the case of Vishaka and Ors Vs State of Rajasthan and Ors (JT 1997 (7) SC 384), the Hon'ble Supreme Court had laid down the guidelines and norms to be observed to prevent sexual harassment of working women. In pursuance to the pronouncement of this judgement, Department of Personnel and Training took the following steps:

- (i) Guidelines/ Norms of the Hon'ble Supreme Court were circulated by Department of Personnel & Training vide OM No. 11013/10/97-Estt.(A) dated 13.02.1998 for strict compliance by the Ministries/ Departments.
- (ii) Amendments in Central Civil Services (Conduct) Rules, 1964 were also carried out by inserting the Rule 3-C declaring Sexual Harassment of Working Women as a misconduct, vide Notification No. 11013/10/97-Estt.(A) dated 13.02.1998 published in Gazette of India as G.S.R. 49 dated 07.03.1998
- (iii) Subsequently, Central Civil Services (Classification, Control & Appeal) Rules, 1965 were also amended by inserting a provision below sub-rule 2 of Rule 14 in connection with treatment of the Complaint Committee as Inquiring Authority and to follow the procedure as laid down in these Rules to hold inquiry into the complaints of Sexual Harassment. This was notified vide Notification No. 11012/5/2001-Estt.A dated 01.07.2004 published in Gazette of India vide G.S.R. No. 225 dated 10.07.2004

2. Later on, the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' {SHWW (PPR) Act} was promulgated on 22.04.2013. The 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013' were notified on 09.12.2013. The Act and the Rules framed thereunder provide a redressal mechanism for handling cases of sexual harassment of women at workplace.

3. Thus, the provisions relating to handling cases of sexual harassment of women at workplace are scattered across SHWW (PPR) Act, Central Civil Services (Conduct) Rules, 1964, Central Civil Services (Classification, Control and Appeal) Rules, 1965, etc. In addition, a number of executive instructions covering different aspects of this issue have been issued from time to time. Now, with a view to facilitate the Ministries/Departments and other stake holders in proper implementation of these provisions, a need has been felt to consolidate these provisions and place the same in the public domain for easy access as and when required. Accordingly, the relevant provisions of the Act/Rules/executive instructions have been compiled as under:


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(A) DEFINITION OF "SEXUAL HARASSMENT" AND "WORKPLACE"

Section 2(n) and 2(o) of the SHWW (PPR) Act defines "Sexual Harassment" and "Workplace" respectively. The same have been incorporated through an amendment in the CCS (Conduct) Rules, 1964 as under:

"Rule 3C - Prohibition of sexual harassment of working women

(1) No Government servant shall indulge in any act of sexual harassment of any woman at any work place.

(2) Every Government servant who is in charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation- 1 For the purpose of this rule,

(a) "sexual harassment" includes any one or more of the following acts or behaviour, (whether directly or by implication), namely:—

- (i) physical contact and advances; or*
- (ii) demand or request for sexual favours; or*
- (iii) sexually coloured remarks; or*
- (iv) showing any pornography; or*
- (v) any other unwelcome physical, verbal, non-verbal conduct of a sexual nature.*

(b) The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment: -

- (i) implied or explicit promise of preferential treatment in employment; or*
- (ii) implied or explicit threat of detrimental treatment in 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.*

(c) "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 Central Government;*
- (ii) hospitals or nursing homes;*
- (iii) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;*


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- (iv) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;
- (v) a dwelling place or a house."

(Rule 3-C of the CCS (Conduct) Rules, 1964)

(B) COMPLAINTS COMMITTEE:

- ❖ Complaints Committees have been set up in all Ministries/Department and organizations under them in pursuance to the judgement of the Hon'ble Supreme Court in the *Vishakha* case. As per Section 4(1) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("the Act"), the Internal Complaints Committee (referred to as "Complaints Committee" hereafter) is to be set up at every workplace. As per Section 4(2), this will be headed by a woman and at least half of its members should be women. In case a woman officer of sufficiently senior level is not available in a particular office, an officer from another office may be so appointed. To prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committees should involve a third party, either an NGO or some other body which is familiar with the issue of sexual harassment.

[Para 1 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

❖ Section 4 of the SHWW (PPR) Act-

"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;

(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 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 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."

[Section 4 of the SHWW (PPR) Act]

❖ **Seniority of the Chairperson of the Complaint Committee-**

There is no bar either in the CCS (CCA) Rules or under the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* to the Chairperson of the Complaints Committee being junior to the suspect officer or the charged officer. Hon'ble Allahabad High Court has in *Smt. Shobha Goswami vs State of U.P. and 2 Ors*, in WRIT – A No. – 31659 of 2015 observed as follows:

"In my opinion, there is nothing in the Scheme of the section which requires the lady member to be senior in rank to the officer against whom the allegation of sexual harassment are brought. The language of Section 4 of the Act only requires the lady member to the Senior Level".

This also does not in any way cause any prejudice to the charged officer.

[Para 2 of OM No. 11013/2/2014-Estt.A-III dated 09.09.2016]

❖ **Complaints Committee to be Inquiring Authority**

As per Proviso to Rule 14(2) of CCS (CCA) Rules, 1965, in case of complaints of sexual harassment, the Complaints Committee set up in each Ministry or Department etc. for inquiring into such complaints shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority for the purpose of these rules. Complaints Committee, unless a separate procedure has been prescribed, shall hold the inquiry as far as practicable in accordance with the procedure laid down in the Rule 14.

[Para 6 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

❖ **Proviso to Rule 14(2) of the CCS (CCA) Rules, 1965-**

"Provided that where there is a complaint of sexual harassment within the meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964, the Complaints Committee established in each Ministry or Department or Office for inquiring into such complaints, shall be deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into the complaints of sexual harassment, the inquiry as far as practicable in accordance with the procedure laid down in these rules."

[Proviso to Rule 14(2) of the CCS (CCA) Rules, 1965]

(C) INQUIRY INTO COMPLAINT [FIRST STAGE]

- The Complaints Committees may act on complaints of sexual harassment when they receive them directly or through administrative authorities etc, or when they take cognizance of the same suo-moto. As per **Section 9 (1) of the Act**, the aggrieved woman or complainant is required to make a complaint within three months of the incident and in case there has been a series of incidents, three months of the last incident. The Complaints Committee may however extend the time limit for reasons to be recorded in writing, if it is satisfied that the circumstances were such which prevented the complainant from filing a complaint within the stipulated period.
- As mentioned above, the complaints of sexual harassment are required to be handled by Complaints Committee. On receipt of a complaint, facts of the allegation are required to be verified. This is called preliminary enquiry/fact finding enquiry or investigation. The Complaints Committee conducts the investigation. They may then try to ascertain the truth of the allegations by collecting the documentary evidence as well as recording statements of any possible witnesses including the complainant. If it becomes necessary to issue a Charge Sheet, disciplinary authority relies on the investigation for drafting the imputations, as well as for evidence

by which the charges are to be proved. Therefore this is a very important part of the investigation.

[Para 7 and 8 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

➤ **Section 9 of the the SHWW (PPR) Act**

"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."

[Section 9 of the SHWW (PPR) Act]

➤ **Rule 6 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013**

"6. Complainant of Sexual Harassment.- For the purpose of sub-Section (2) of Section 9,-

(i) Where the aggrieved women is unable to make a complaint on account of her physical incapacity, a complaint may be filed by –

(a) her relative or friend; or

(b) her co-worker; or

(c) an officer of the National Commission for Women or State Women's Commission; or

(d) any person who has knowledge of the incident, with the written consent of the aggrieved women;

(ii) where the aggrieved women is unable to make a complaint on account of her mental incapacity, a complaint may be filed by-

(a) her relative or friend; or

- (b) a special educator; or
 - (c) a qualified psychiatrist or psychologist; or
 - (d) the guardian or authority under whose care she is receiving treatment or care; or
 - (e) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;
- (iii) where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent;
- (iv) where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir."

➤ **Section 11 of the SHWW (PPR) Act**

"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;*
- (b) 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."

➤ **Rule 7 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013**

"7. Manner of Inquiry into complaint.- (1) Subject to the provisions of section 11, at the time of filing the complaint, the complainant shall submit to the Complaints Committee, six copies of the complaint along with supporting documents and the names and addresses of the witness.

(2) On receipt of the complaint, the Complaints Committee shall send one of the copies received from the aggrieved woman under sub-rule(1) to the respondent within a period of seven working days.

(3) The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses within a period not exceeding ten working days from the date of receipt of the documents specified under sub-rule(1).

(4) The Complaints Committee shall make inquiry into the complaint accordance with the principles of natural justice.

(5) The Complaints Committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Chairperson or Presiding Officer, as the case may be:

Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.

(6) The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Complaints Committee.

(7) In conducting the inquiry, a minimum of three Members of the Complaints Committee including the Presiding Officer or the Chairperson, as the case may be, shall be present."

➤ On the completion of an inquiry under this Act, the Complaints Committee shall provide a report of its findings to the employer within a period of ten

days from the date of completion of the inquiry and such report be made available to the concerned parties.

[Section 13(1) of the SHWW (PPR) Act]

- Where the Complaints Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.

[Section 13(2) of the SHWW (PPR) Act]

- Where the Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent.

[Section 13(3)(i) of the SHWW (PPR) Act]

(D) INQUIRY UNDER CCS (CCA) RULES, 1965 [SECOND STAGE]

■ Dual Role

- In the light of the Proviso to the Rule 14 (2) mentioned above, the Complaints Committee would normally be involved at two stages. The first stage is investigation already discussed in the preceding para. The second stage is when they act as Inquiring Authority. It is necessary that the two roles are clearly understood and the inquiry is conducted as far as practicable as per Rule 14 of CCS (CCA) Rules, 1965. Failure to observe the procedure may result in the inquiry getting vitiated.

- As the Complaints Committees also act as Inquiring Authority in terms of Rule 14(2) mentioned above, care has to be taken that at the investigation stage that impartiality is maintained. Any failure on this account may invite allegations of bias when conducting the inquiry and may result in the inquiry getting vitiated. As per the instructions, when allegations of bias are received against an Inquiring Authority, such Inquiring Authority is required to stay the inquiry till the Disciplinary Authority takes a decision on the allegations of bias. Further, if allegations of bias are established against one member of the Committee on this basis, that Committee may not be allowed to conduct the inquiry.

- In view of the above, the Complaints Committee when investigating the allegations should make recommendations on whether there is a prima facie substance in the allegations which calls for conducting a formal inquiry. They should avoid making any judgmental recommendations or expressing views which may be construed to have prejudiced their views while conducting such inquiry.

[Para 9 to 11 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

■ **Decision to issue Charge sheet. and conducting Inquiry**

- On receipt of the Investigation Report, the Disciplinary Authority should examine the report with a view to see as to whether a formal Charge Sheet needs to be issued to the Charged Officer. As per Rule 14(3), Charge Sheet is to be drawn by or on behalf of the Disciplinary Authority. In case the Disciplinary Authority decides on that course, the Charged Officer should be given an opportunity of replying to the Charge sheet. As per Rule 14 (5), a decision on conducting the inquiry has to be taken after consideration of the reply of the charged officer.
- If the Charged Officer admits the charges clearly and unconditionally, there will be no need for a formal inquiry against him and further action may be taken as per Rule 15 of the CCS (CCA) Rules.

[Para 12 and 13 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

■ **The Inquiry-stages**

- In case the Charged Officer denies the charges and his reply is not convincing, the Charge sheet along with his reply may be sent to the Complaints Committee for formal inquiry, and documents mentioned in Rule 14 (6) will be forwarded to the Complaints Committee. As per Section 11(3) of the Act, for the purpose of making an inquiry, the Complaints Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 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;
 - (b) requiring the discovery and production of documents; and
 - (c) any other matter which may be prescribed.
- The Disciplinary Authority shall also in terms of Rule 14(5)(c) appoint a Government servant as a Presenting Officer to present evidence on behalf of prosecution before the Complaints Committee/ Inquiring Authority. The listed documents are to be sent to the Presenting Officer. The Complaints Committee would, thereafter, summon the Presenting Officer and the Charged Officer. As a first step, the charged officer would be formally asked as to whether he admits the charges. As mentioned above, in case of any clear and unconditional admission of any Article of Charge, no inquiry would be held in respect of that Article and the admission of the Charged Officer would be taken on record. The inquiry would be held, thereafter, in respect of those charges which have not been admitted by the Charged Officer. The Charged Officer is also entitled to engage a Defence Assistant. The provisions relating to Defence Assistant are given in Rule 14(8).

- The Inquiring Authority is, thereafter, required to ask the Presenting Officer to have the prosecution documents, listed in the Charge Sheet inspected by the Charged Officer. Copies of such documents, if not only given to the Charged Officer, would be handed over to him. The Charged Officer would, therefore, be required to submit a list of documents and witnesses which he wants to produce in support of his defense. The Inquiring Authority would consider allowing such documents or witnesses on the basis of their relevance. Normally, any document or witness which reasonably appears to be relevant and helpful in defense may be allowed. Once the documents have been allowed, the Inquiring Authority would send a requisition for these documents to the custodian of such documents.
- When the regular hearing commences, the Inquiring Authority would ask the Presenting Officer to produce the documentary evidence. Such documents as are disputed by the Charged Officer have to be proved by the witnesses before they are taken on record. The undisputed documents would be taken on record and marked as exhibits.

[Para 14 to 17 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

■ Examination of Witnesses

- Summons would, thereafter, be sent to the witnesses listed in the Charge sheet. The Presenting Officer may choose to produce them in any order he finds appropriate. These witnesses would be examined in the inquiry in the following manner. The examination in chief would be done by the Presenting Officer where the Presenting Officer may ask questions of the witness to ascertain the facts. The witness would, thereafter, be cross-examined by the Defense. After the cross-examination, the Presenting Officer would be given an opportunity to re-examine the witness. In the examination in chief, leading questions are not allowed. These are however allowed in the cross examination.
- The procedure of Inquiry requires opportunity to the Charged Officer to cross-examine all the witnesses that appear on behalf of the Prosecution. Failure to do so may be construed as a denial of reasonable opportunity to the charged officer, resulting in vitiation of the Inquiry. If the complainant appears as a witness, she would also be examined and cross-examined. The Inquiry Officer may however disallow any questions which are offensive, indecent or annoying to the witnesses, including the complainant.
- If Inquiring Authority wishes to ascertain some facts for clarity, he may pose questions to the witnesses. This should however, be done in such a manner as to not show any bias for or against the Charged Officer. This has to be done in the presence of the Presenting Officer and the Charged Officer/Defence Assistant. No

inquiry should be conducted behind the back of the charged officer. The witnesses will be examined one by one, and the other witness who are either yet to be examined, or have been examined are not allowed to be present during the examination of a witness.

[Para 18 to 20 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

■ **Daily Order Sheet**

The Inquiring Authority would also maintain a document called Daily Order Sheet in which all the main events of the inquiry and including requests/representations by the Charged Officer or the Presenting Officer, and decisions thereon would be recorded. For example (i) if the Charged Officer refuses to cross-examine the witnesses, this should be recorded in the Daily Order Sheet (ii) the Daily Order Sheet should record that the Charged Officer had been advised that he has the right to engage a Defense Assistant (iii) it should also be clearly mentioned that the Charged Officer was also informed as to who are eligible to assist him as Defense Assistant. (iv) the Daily Order Sheet should also record in case request of the Charged Officer for engaging a particular person as Defense Assistant is disallowed in the light of the existing instructions. Daily Order Sheet should be signed by the Inquiring Authority, Presenting Officer and the Charged Officer/Defence Assistant.

[Para 21 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

■ **Defence Evidence**

After the prosecution evidence is over, the Charged Officer is required to submit his statement of defense. In this statement, the Charged Officer is required to briefly indicate his line of defense. After this, the Defense evidence will be taken. The evidence will be produced in the same order as the prosecution evidence. First, the documents allowed by the Inquiry Authority would be taken on record and then the witnesses called and their examination, cross-examination and re-examination done. The only difference here would be that the Examination in Chief would be done by defense while the cross-examination would be done by the prosecution. The defense would then have the opportunity of re-examining the witness.

[Para 22 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

■ **General Examination of the Charged Officer**

After the Defense evidence is over, the Inquiring Authority shall ask Charged Officer as to whether he wishes to appear as his own witness. In case he does so, he will be examined like any other defense witness. In case however, he declines to do so, the Inquiring Authority is required to generally question him. At this stage due care is required to be exercised that as per Rule 14(18)

the purpose of this stage is to apprise Charged Officer of the circumstances which appear to be against him. This is to enable the Charged Officer to explain them to the Inquiring Authority. Presenting Officer and the Defence Assistant do not take any part in the General Examination. Charged Officer may not be compelled to answer questions during examination by the Inquiring Authority.

[Para 23 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

■ **Brief**

- After this, the Presenting Officer would be asked to submit his brief. A copy of this brief would be given to the Charged Officer. Both the Presenting Officer and the Charged Officer may be allowed reasonable time for submission of their brief.
- The Inquiring Authority then writes the Inquiry Report in which the evidence in support of the charges and against them will be examined. The Report should be a speaking one clearly bringing out as to the evidence on the basis of which any particular conclusion has been reached. Based on this analysis, the Inquiring Authority will give its findings on the Articles as proved or not proved. In case any Article of charge is proved only partially, then the Inquiring Authority should record the extent to which that Article has been proved.

[Para 24 and 25 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

■ **Powers of the Committee to make recommendations**

- Normally, the Inquiry Officer is not allowed to make any recommendations in his report. Here the function of the Complaints Committee acting as the Inquiring Authority differs.

The Complaints Committee will also have the powers to recommend:-

- (a) to transfer the aggrieved woman or the charged officer to any other workplace; or
- (b) to grant leave to the aggrieved woman up to a period of three months. (The leave will not be deducted from her leave account).
- (c) to grant such other relief to the aggrieved woman as may be prescribed; or
- (d) to deduct from the salary or wages of the charged officer such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs. Any amount outstanding at the time of cessation of the services of the charged officer due to retirement, death or otherwise may be recovered from the

terminal benefits payable to the officer or his heirs. Such compensation will not amount to penalty under Rule 11 of CCS (CCA) Rules in terms of the Explanation (ix) to Rule 11.

- (e) to take action against complainant, if the allegation is malicious, or the complainant knows it to be false, or has produced any forged or misleading document.
- (f) to take action against any witness if such witness has given false evidence or produced any forged or misleading document.

[Para 6 and 7 of the OM No. 11013/2/2014-Estt.A-III dated 27.11.2014]
[Para 5 and 26 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

- (g) The Complaints Committee at the written request of the aggrieved women may recommend to the employer to-
 - i. restrain the respondent from reporting on the work performance of the aggrieved women or written her confidential report, and assign the same to another officer;
 - ii. restrain the respondent in case of an educational institution from supervising any academic activity of the aggrieved women.

[Rule 8 of the SHWW (PPR) Rules, 2013]

➤ Rule 48 of CCS (Leave) Rules, 1972 [Special Leave connected with inquiry on sexual harassment]:

"48. Special Leave connected to inquiry of sexual harassment - Leave upto a period of 90 days may be granted to an aggrieved female Government Servant on the recommendation of the Internal Committee or the Local Committee, as the case may be, during the pendency of inquiry under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the leave granted to the aggrieved female Government Servant under this rule shall not be debited against the leave account".

[Rule 48 of CCS (Leave) Rules, 1972]

➤ Explanation (ix) to Rule 11 of the CCS (CCA) Rules, 1965

"Explanation.—The following shall not amount to a penalty within the meaning of this rule, namely:—

(ix) Any compensation awarded on the recommendation of the Complaints Committee referred to in the proviso to sub-rule (2) of rule 14 and established in the Department of the Government of India for inquiring into any complaint of

sexual harassment within the meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964"

■ **Prohibition of publication or making known contents of complaint and inquiry proceedings.—**

- The Complaints Committee should also remember that as per the Section 16 of the Act, notwithstanding the RTI Act, 2005, information as regards identity and addresses of the aggrieved woman, respondent and witnesses, Inquiry proceedings, Recommendations of the Committee, shall not be published or communicated or made known to public, press or media in any manner. Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

[Para 27 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

➤ **Section 16 and 17 of the the SHWW (PPR) Act**

"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 victim 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.*

- With the above stage, the inquiry would be formally over. The Inquiring Authority should prepare separate folders containing the documents mentioned in Rule 14(23)((ii) of CCS (CCA) Rules, 1965.

[Para 28 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

■ Suspension of the Charged Officer

A Government servant may also be placed under suspension before or after issue of a Charge Sheet where his continuance in office will prejudice the investigation, for example if there is an apprehension that he may tamper with witnesses or documents. Suspension may also be resorted to where continuance of the Government servant in office will be against wider public interest such as there is a public scandal and it is necessary to place the Government servant under suspension to demonstrate the policy of the Government to deal strictly with officers involved in such scandals. It may be desirable to resort to suspension in case of misdemeanor involving acts of moral turpitude.

[Para 29 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

■ Transfer of Charged Officer:

To ensure fair inquiry, Ministries/ Departments may also consider transferring the suspect officer/ charged officer to another office to obviate any risk of that officer using the authority of his office to influence the proceedings of the Complaints Committee.

[Para 3 of OM No. 11013/2/2014-Estt.(A-III) dated 09.09.2016]

■ Special provisions to deal with threats or intimidation

Disciplinary Authority may also dispense with inquiry under Rule 19(ii), and action may be taken without the inquiry when the Disciplinary Authority concludes that it is not reasonably practicable to hold such an inquiry. The circumstances leading to such a conclusion may exist either before the inquiry is commenced or may develop in the course of the inquiry. Such situation would be deemed to have arisen:

- (i) where the Government servant, through or together with his associates terrorizes, threatens or intimidates witnesses who are likely to give evidence against him with fear of reprisal in order to prevent them from doing so; or
- (ii) where the Government servant himself or with or through others threatens, intimidates and terrorizes the Disciplinary Authority, Members of the Committee, the Presenting Officer or members of their family.

[Para 30 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

- Disciplinary Authority is not expected to dispense with the inquiry lightly, arbitrarily or with ulterior motive or merely because the case against the Government servant is weak.

[Last Para of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

(E) APPEAL UNDER SECTION 18(1) OF THE SHWW (PPR) ACT, 2013 BY THE COMPLAINANT

- Where a Complaint Committee has not recommended any action against the employee against whom the allegation have been made in a case of involving allegations of sexual harassment, the Disciplinary Authority shall supply a copy of the Report of the Complaints Committee to the complainant and shall consider her representation, if any submitted, before coming to a final conclusion. The representation shall be deemed to be an appeal under section 18(1) of the Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

[Para 3 of OM No. 11012/5/2016-Estt.A-III dated 02.08.2016]

➤ **Section 18 of the the SHWW (PPR) Act [Appeal]**

"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 subsection (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."

(F) Sexual Harassment electronic-Box (She-Box)

- Ministry of Women & Child Development launched an online complaint management system titled Sexual Harassment electronic-Box (She-Box) on 24th July, 2017 for registering complaints related to sexual harassment at workplace. The She-Box is an initiative to provide a platform to the women working or visiting any office of Central Government (Central Ministries, Departments, Public Sector Undertakings, Autonomous Bodies and Institutions etc.) to file complaints related to sexual harassment at workplace under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- Once a complaint is submitted to She-Box, it will be directly sent to the Internal Complaint Committee (ICC) of the concerned Ministry/ Department/ PSU/ Autonomous Body etc. having jurisdiction to inquire into the complaint. The She-Box also provides an opportunity to both the complainant and nodal administrative authority to monitor the

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progress of inquiry conducted by the ICCs. The She-Box portal can be accessed at the link given below:

<http://www.shebox.nic.in/>


➤ Features of the She-Box are as under:

- (i) She-Box is an online Complaint Management System for lodging complaints related to sexual harassment of women at workplace. The steps required for filing of complaint through She-Box can be downloaded from the link: <http://www.shebox.nic.in/assets/site/downloads/manual.pdf>
 - (ii) Any woman working or visiting any office of Central Government (Central Ministries, Departments, Public Sector Undertakings, Autonomous Bodies and Institutions etc.) can file complaint related to sexual harassment at workplace through this She-Box.
 - (iii) Once a complaint is submitted to the She-Box, it will directly send the complaint to the Internal Complaints Committee (ICC) of the concerned Ministry/ Department/ PSU/ Autonomous Body etc. having jurisdiction to inquire into the complaint. The Internal Complaints Committee will take action as prescribed under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and update the status of the complaint through '**Administrator Login**'.
 - (iv) The status of complaint can be viewed at any time by pressing the tab '**View Status of Your Complaint**' within She-Box.
- The complaint registered in the She-Box contains only a brief description of the incident of sexual harassment at workplace. The Internal Complaints Committee (ICC) is required to initiate inquiry as prescribed under Section 11 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 read with Department of Personnel & Training's O.M. No.11013/2/2014-Estt.(A-III) dated 16th July, 2015 by calling upon the complainant to provide detailed complaint along with all the relevant evidences (documentary or otherwise).

(G) Duties of the employer-

➤ **Rule 3C(2) of the CCS (Conduct) Rules, 1964**

Every Government servant who is incharge of a work place shall take appropriate steps to prevent sexual harassment to any woman at the work place.


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➤ **Section 19 of the the SHWW (PPR) Act [Duties of employer]**

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

- (a) provide a safe working environment at the workplace which 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"*

[Section 19 of the SHWW (PPR) Act]

- It should be ensured that Complaints Committee shall at all time be in existence and changes in its composition, whenever necessary, should be made promptly and adequately publicized. The composition of the Complaint Committee should also be posted on the website of the concerned Ministries/ Departments/ Office concerned. It would also be desirable for the Committees to meet once a quarter, even if there is no live case, and review preparedness to fulfil all requirements of the Vishakha judgment in the Department/ Ministry/ organization concerned.

[OM No. 11013/2/2014-Estt.A-III dated 02.02.2015]

- It should be ensured that the aggrieved women are not victimized in connection with the complaints filed by them. For a period of five years after a decision in a proven case of sexual harassment, a watch should be kept to

ensure that she is not subjected to vendetta. She should not be posted under the Respondent, or any other person where there may be a reasonable ground to believe that she may be subjected to harassment on this account. In case of any victimization the complainant may submit a representation to the Secretary in the case of Ministries/Departments and Head of the Organization in other cases. These representations should be dealt with sensitivity, in consultation with the Complaints Committee, Ministries/Department and Head of the Organization in other cases. These representations should be dealt with sensitivity, in consultation with the Complaints Committee, and a decision taken within 15 days of the submission of the same.

[Para 3 of the OM No 11013/7/2016-Estt.A-III dated 22.12.2016]

- All Ministries/Department shall furnish a **monthly report** to the Ministry of Women and Child Development giving details of number of complaints received, disposed of and action taken in the case.

[Para 4 of the OM No 11013/7/2016-Estt.A-III dated 22.12.2016]

(H) Provisions regarding preparation of Annual Report by Complaints Committee

➤ **Section 21 of the the SHWW (PPR) Act**

"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."

➤ **Rule 14 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013**

"14. Preparation of annual report.- The annual report which the Complainants Committee shall prepare under Section 21, shall have the following details:-

- (a) number of complaints of sexual harassment received in the year;*
- (b) number of complaints disposed off during the year;*
- (c) number of cases pending for more than ninety days;*
- (d) number of workshops or awareness programme against sexual harassment carried out;*
- (e) nature of action taken by the employer or District Officers."*

(I) Provisions regarding preparation of Annual Report by Employer

- Attention of all Ministries is invited to Section 22 of the Act relating to including information in Annual Report, and to request that information relating to number of cases filed, if any, and their disposal may be included in the Annual Report of the Ministry/ Department.

[Para 6 of the OM No. 11013/2/2014-Estt.A-III dated 02.02.2015]


➤ **Section 22 of the the SHWW (PPR) Act**

"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"

(J) Miscellaneous-

- Fees or allowance for Member of the Complaints Committee is mentioned in Sexual Harassment of Women at Workplace (Prevention, Prohibition or Redressal) Rules, 2013

Note: List of the OMs mentioned in this document is **annexed**. In case any reference to the relevant OM is required, the same may be accessed by clicking on the hyperlink or from the DOPT's website.



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ANNEXURE

List of Rules, Notifications and OMs mentioned in this Document

| Acts and Rules | | |
|----------------|---|--|
| No. | | |
| 1. | Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 | |
| 2. | Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 | |
| 3. | Central Civil Services (Classification, Control and Appeal) Rules, 1965 | |
| 4. | Central Civil Services (Conduct) Rules, 1964 | |
| 5. | Central Civil Services (Leave) Rules, 1972 | |
| S. No. | OM No. | Subject |
| 1. | OM.No.11013/10/97-Estt.A dated 13.02.1998 | CCS(Conduct) Rules, 1964 – Supreme Court Judgment in the case of Vishaka Vs. State of Rajasthan regarding sexual harassment of working women. |
| 2. | OM.No.11013/10/97-Estt.A dated 13.07.1999 | Prevention of sexual harassment of working women – Supreme Court judgment in the case of Vishaka Vs. State of Rajasthan. |
| 3. | OM.No.11013/11/2001-Estt.A dated 12.12.2002 | Report of the Complaints Committee constituted for prevention of sexual harassment of women at work places – follow up action. |
| 4. | OM.No.11013/11/2001-Estt.A dated 04.08.2005 | Report of the Complaints Committee constituted for prevention of sexual harassment of women at work places – follow up action. |
| 5. | OM.No.11013/3/2009-Estt.A dated 2.2.2009 | CCS(Conduct) Rules, 1964 – constitution of a Complaints Committee to enquire into complaints of sexual harassment made against officers of the level of Secretary and Additional Secretary to the Government of India. |
| 6. | OM.No.11013/3/2009-Estt.A dated 21.7.2009 | CCS(Conduct) Rules, 1964 – Guidelines regarding prevention of sexual harassment of working women in the workplace. |
| 7. | OM.No.11013/3/2009-Estt.A dated 3.8.2009 | CCS(Conduct) Rules, 1964 – Guidelines regarding prevention of sexual harassment of working women in the workplace. |
| 8. | OM.No.11013/3/2009-Estt.A dated 7.8.2009 | CCS(Conduct) Rules, 1964 – Guidelines regarding prevention of sexual harassment of working women in the workplace. |
| 9. | OM.No.11013/3/2009-Estt.A dated 8.10.2009 | Complaints Committee mechanism relating to sexual harassment. |
| 10. | OM.No.11013/2/2014-Estt.A-III dated 27.11.2014 | Alignment of Service Rules with the Sexual Harassment of women at workplace (prevention, prohibition and redressal) Act 2013. |
| 11. | OM.No.11013/2/2014-Estt.A-III dated 2.2.2015 | CCS(Conduct) Rules 1964 – Guidelines regarding prevention of sexual harassment of women at the |


| | | |
|------------|---|---|
| | | workplace – regarding. |
| 12. | OM.No.11013/2/2014-Estt.A-III dated 5.5.2015 | Meeting held on 16.04.2015 to review the progress of implementation of the guidelines on prevention of sexual harassment of women at the workplace – forwarding of Minutes – reg. |
| 13. | OM.No.11013/2/2014-Estt.A-III dated 16.7.2015 | Steps for conducting inquiry in case of allegation of Sexual Harassment. |
| 14. | OM.No.11013/2/2014-Estt.A-III dated 30.7.2015 | Steps for conducting inquiry in case of allegation of Sexual Harassment. |
| 15. | OM.No.13026/2/2016-Estt.L dated 14.7.2016 | Implementation of leave provision under the sexual harassment of women at workplace (prevention, prohibition & redressal) Act, 2013 – reg. |
| 16. | OM.No.11012/5/2016Estt.A-III dated 2.8.2016 | CCS(CCA) Rules, 1965 – Guidelines regarding prevention of sexual harassment of women at the workplace – reg. |
| 17. | OM.No.11013/2/2014-Estt.A-III dated 9.9.2016 | Prevention of Sexual Harassment of working women at workplace - Seniority of the Chairperson of the Complaint Committee – reg. |
| 18. | OM.No.11013/7/2016-Estt.A-III dated 22.12.2016 | CCS(Conduct) Rules 1961 – Guidelines regarding prevention of sexual harassment of women at the workplace – reg. |
| 19. | OM.No.11013/7/2016-Estt.A-III dated 1.11.2017 | Online complaint management system titled "Sexual Harassment electronic-Box (She-Box)" – reg. |


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3. DEFINITION:

(1) In these regulations, unless the context otherwise requires-

- (a) "Act" means the University Grants Commission Act, 1956 (3 of 1956);
- (b) "aggrieved student" means a student, who has any complaint in the matters relating to or connected with the grievances defined under these regulations.
- (c) "college" means any institution, so defined in clause (b) of sub-section (1) of section 12A of the Act.
- (d) "Commission" means the University Grants Commission established under section 4 of the UGC Act, 1956.
- (e) "declared admission policy" means such policy, including the process there under, for admission to a course or program of study as may be offered by the institution by publication in the prospectus of the institution.
- (f) "grievance" means, and includes, complaint(s) made by an aggrieved student in respect of the following, namely:
 - i. admission contrary to merit determined in accordance with the declared admission policy of the institution;
 - ii. irregularity in the process under the declared admission policy of the institution;
 - iii. refusal to admit in accordance with the declared admission policy of the institution;
 - iv. non-publication of a prospectus by the institution, in accordance with the provisions of these regulations;
 - v. publication by the institution of any information in the prospectus, which is false or misleading, and not based on facts;
 - vi. withholding of, or refusal to return, any document in the form of certificates of degree, diploma or any other award or other document deposited by a student for the purpose of seeking admission in such institution, with a view to induce or compel such student to pay any fee or fees in respect of any course or program of study which such student does not intend to pursue;
 - vii. demand of money in excess of that specified to be charged in the declared admission policy of the institution;
 - viii. violation, by the institution, of any law for the time being in force in regard to reservation of seats in admission to different category of students;
 - ix. non-payment or delay in payment of scholarships or financial aid admissible to any student under the declared admission policy of such institution, or under the conditions, if any, prescribed by the Commission;
 - x. delay by the institution in the conduct of examinations, or declaration of results, beyond the schedule specified in the academic calendar of the institution, or in such calendar prescribed by the Commission;
 - xi. failure by the institution to provide student amenities as set out in the prospectus, or is required to be extended by the institution under any provisions of law for the time being in force;
 - xii. non-transparent or unfair practices adopted by the institution for the evaluation of students;
 - xiii. delay in, or denial of, the refund of fees due to a student who withdraws admission within the time mentioned in the prospectus, subject to guidelines, if any, issued by the Commission, from time to time;
 - xiv. complaints of alleged discrimination of students from the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Women, Minorities or persons with disabilities categories;
 - xv. denial of quality education as promised at the time of admission or required to be provided;
 - xvi. harassment or victimization of a student, other than cases of harassment, which are to be proceeded against under the penal provisions of any law for the time being in force;
 - xvii. any action initiated/taken contrary to the statutes, ordinances, rules, regulations, or guidelines of the institution; and
 - xviii. any action initiated/taken contrary to the regulations and/or guidelines made/issued by the Commission and/or the regulatory body concerned.


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- (g) "Institution" means a university as defined in sub-section (f) of Section 2 of the UGC Act, an institution declared as institution deemed to be university under Section 3 of the Act, and a college as defined under section 12A (1) (b) of the University Grants Commission Act, 1956.
- (h) "Ombudsperson" means the Ombudsperson appointed under these regulations;
- (i) "Prospectus" means and includes any publication, whether in print or otherwise, issued for providing fair and transparent information, relating to an institution, to the general public (including to those seeking admission in such institution) by such institution or any authority or person authorized by such institution to do so;
- (j) "Student" means a person enrolled, or seeking admission to be enrolled, in any institution, to which these regulations apply, through any mode i.e., Formal / Open and Distance Learning (ODL) / Online;
- (k) "Students' Grievance Redressal Committee (SGRC)" means a committee constituted under these regulations, at the level of an institution; and
- (l) "University" means a University so defined in clause (f) of section 2 of the Act or, where the context may be, an institution deemed to be University declared as such under Section 3 thereof.
- (2) Words and expressions used and not defined in these regulations but defined in the University Grants Commission Act, 1956 shall have the same meanings as respectively assigned to them in the Act.

4. MANDATORY PUBLICATION OF PROSPECTUS, ITS CONTENTS, AND PRICING:

- (1) Every institution, shall publish and/or upload on its website, before expiry of at least sixty days prior to the date of the commencement of the admission to any of its courses or programs of study, a prospectus containing the following for the information of persons intending to seek admission to such institution and the general public, namely:
- (a) the list of programs of study and courses offered along with the broad outlines of the syllabus specified by the appropriate statutory authority or by the institution, as the case may be, for every course or program of study, including teaching hours, practical sessions and other assignments;
- (b) the number of seats approved by the appropriate statutory authority in respect of each course or program of study for the academic year for which admission is proposed to be made;
- (c) the conditions of educational qualifications and eligibility including the minimum and maximum age limit of persons for admission as a student in a particular course or program of study, specified by the institution;
- (d) the process of selection of eligible candidates applying for such admission, including all relevant information in regard to the details of test or examination for selecting such candidates for admission to each course or program of study and the amount of fee prescribed for the admission test;
- (e) each component of the fee, deposits and other charges payable by the students admitted to such institution for pursuing a course or program of study, and the other terms and conditions of such payment;
- (f) rules/regulations for imposition and collection of any fines in specified heads or categories, minimum and maximum fines may be imposed;
- (g) the percentage of tuition fee and other charges refundable to a student admitted in such institution in case such student withdraws from such institution before or after completion of course or program of study and the time within and the manner in which such refund shall be made to that student;
- (h) details of the teaching faculty, including their educational qualifications, along with their type of appointment (Regular/visiting/guest) and teaching experience of every member thereof;
- (i) information with regard to physical and academic infrastructure and other facilities including hostel accommodation and its fee, library, hospital, or industry wherein the practical training is to be imparted to the students and in particular the amenities accessible by students on being admitted to the institution;
- (j) all relevant instructions in regard to maintaining the discipline by students within or outside the campus of the institution, and, in particular such discipline relating to the prohibition of ragging of any student or students and the consequences thereof and for violating the provisions of any regulation in this behalf made by the relevant statutory regulatory authority; and
- (k) Any other information as may be specified by the Commission.

Provided that an institution shall publish/upload information referred to in clauses (a) to (k) of this regulation, on its website, and the attention of prospective students and the general public shall be drawn to such publication being on the website through advertisements displayed prominently indifferent newspapers and through other media.

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- (2) Every institution shall fix the price of each printed copy of the prospectus, being not more than the reasonable cost of its publication and distribution and no profit be made out of the publication, distribution, or sale of prospectus.

5. STUDENT GRIEVANCE REDRESSAL COMMITTEES (SGRC):


- (i) A complaint from an aggrieved student relating to the institution shall be addressed to the Chairperson, Students' Grievance Redressal Committee (SGRC).
- (ii) Every Institution shall constitute such number of Students' Grievance Redressal Committees (SGRC), as may be required to consider grievances of the students, with the following composition, namely:
 - a) A Professor - Chairperson
 - b) Four Professors/Senior Faculty Members of the Institution as Members.
 - c) A representative from among students to be nominated on academic merit/excellence in sports/performance in co-curricular activities-Special Invitee.
- (iii) Atleast one member or the Chairperson shall be a woman and atleast one member or the Chairperson shall be from SC/ST/OBC category.
- (iv) The term of the chairperson and members shall be for a period of two years.
- (v) The term of the special invitee shall be one year.
- (vi) The quorum for the meeting including the Chairperson, but excluding the special invitee, shall be three.
- (vii) In considering the grievances before it, the SGRC shall follow principles of natural justice.
- (viii) The SGRC shall send its report with recommendations, if any, to the competent authority of the institution concerned and a copy thereof to the aggrieved student, preferably within a period of 15 working days from the date of receipt of the complaint.
- (ix) Any student aggrieved by the decision of the Students' Grievance Redressal Committee may prefer an appeal to the Ombudsperson, within a period of fifteen days from the date of receipt of such decision.

6. APPOINTMENT, TENURE, REMOVAL AND CONDITIONS OF SERVICES OF OMBUDSPERSON:

- (i) Each University shall appoint Ombudsperson for redressal of grievances of students of the university and colleges/institutions affiliated with the university under these regulations.
- (ii) There shall be one or more part-time functionaries designated as Ombudspersons to hear, and decide on, appeals preferred against the decisions of the SGRCs.
- (iii) The Ombudsperson shall be a retired Vice-Chancellor or a retired Professor (who has worked as Dean/HOD) and has 10 years' experience as a Professor at State/Central Universities/Institutions of National Importance/Deemed to be Universities or a former District Judge.
- (iv) The Ombudsperson shall not, at the time of appointment, during one year before appointment, or in the course of his/her tenure as Ombudsperson, be in conflict of interest with the Institution where his/her personal relationship, professional affiliations or financial interest may compromise or reasonably appear to compromise, the independence of judgment towards the Institution.
- (v) The Ombudsperson shall be appointed for a period of three years or until he/she attains the age of 70 years, whichever is earlier, from the date of assuming office, and shall be eligible for reappointment for another one term.
- (vi) For conducting the hearings, the Ombudsperson shall be paid a sitting fee, per diem, in accordance with the norms fixed by the respective university and shall, in addition, be eligible for reimbursement of the expenditure incurred on conveyance.
- (vii) The University may remove the Ombudsperson from office, on charges of proven misconduct or misbehaviour.
- (viii) No order of removal of Ombudsperson shall be made except after an inquiry made in this regard by a person, not below the rank of a retired judge of the High Court in which a reasonable opportunity of being heard is given to the Ombudsperson.

7. FUNCTIONS OF OMBUDSPERSON:

- (i) The Ombudsperson shall hear appeals from an aggrieved student, only after the student has availed all other remedies provided under these regulations.


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- (ii) While issues of malpractices in the conduct of examination or in the process of evaluation may be referred to the Ombudsperson, no appeal or application for revaluation or re-totalling of answer sheets from an examination, shall be entertained by the Ombudsperson unless specific irregularity materially affecting the outcome or specific instance of discrimination is indicated.
- (iii) The Ombudsperson may avail assistance of any person, as amicus curiae, for hearing complaints of alleged discrimination.
- (iv) The Ombudsperson shall make all efforts to resolve the grievances within a period of 30 days of receiving the appeal from the aggrieved student(s).

8. PROCEDURE FOR REDRESSAL OF GRIEVANCES BY OMBUDSPERSONS AND STUDENT GRIEVANCE REDRESSAL COMMITTEES:

- (i) Each institution shall, within a period of three months from the date of issue of this notification, have an online portal where any aggrieved student may submit an application seeking redressal of grievance.
- (ii) On receipt of an online complaint, the institution shall refer the complaint to the appropriate Students' Grievance Redressal Committee, along with its comments within 15 days of receipt of complaint on the online portal.
- (iii) The Students' Grievance Redressal Committee, as the case may be, shall fix a date for hearing the complaint which shall be communicated to the institution and the aggrieved student.
- (iv) An aggrieved student may appear either in person or authorize a representative to present the case.
- (v) Grievances not resolved by the Students' Grievance Redressal Committee within the time period provided in these regulations may be referred to the Ombudsperson by the university.
- (vi) Institutions shall extend co-operation to the Ombudsperson or the Student Grievance Redressal Committee(s), in early redressal of grievances.
- (vii) The Ombudsperson shall, after giving reasonable opportunities of being heard to the parties concerned, on the conclusion of proceedings, pass such order, with reasons thereof, as may be deemed fit to redress the grievance and provide such relief as may be appropriate to the aggrieved student
- (viii) The institution, as well as the aggrieved student, shall be provided with copies of the order under the signature of the Ombudsperson.
- (ix) The institution shall comply with the recommendations of the Ombudsperson.
- (x) The Ombudsperson may recommend appropriate action against the complainant, where a complaint is found to be false or frivolous.


9. INFORMATION REGARDING OMBUDSPERSONS AND STUDENT GRIEVANCE REDRESSAL COMMITTEES:

An institution shall furnish, prominently, on its website and in its prospectus, all relevant information in respect of the Students' Grievance Redressal Committee(s) coming in its purview, and the Ombudsperson for the purpose of appeals.

10. CONSEQUENCES OF NON-COMPLIANCE:

The Commission shall in respect of any institution, which wilfully contravenes these regulations or repeatedly fails to comply with the recommendation of the Ombudsperson or the Students' Grievance Redressal Committee, as the case may be, proceed to take one or more of the following actions till the institution complies with these Regulations to the satisfaction of the Commission, namely:

- (a) withdrawal of declaration of fitness to receive grants under section 12B of the Act;
- (b) withholding any grant allocated to the Institution;


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- (c) declaring the institution ineligible for consideration for any assistance under any of the general or special assistance programs of the Commission;
- (d) declaring the institution ineligible to offer courses through Online/ODL mode for a specified period;
- (e) withdrawing / withholding / suspending the approval for offering courses through Online/ODL mode;
- (f) informing the general public, including potential candidates for admission, through a notice displayed prominently in suitable media and posted on the website of the Commission, declaring that the institution does not possess the minimum standards for redressal of grievances;
- (g) recommend to the affiliating University for withdrawal of affiliation, in case of a college;
- (h) take such action as it may deem necessary, appropriate and fit, in case of an institution deemed to be University;
- (i) recommend to the Central Government, if required, for withdrawal of declaration as institution deemed to be a University, in case of an institution deemed to be University;
- (j) recommend to the State Government to take necessary and appropriate action, in case of a University established or incorporated under a State Act;
- (k) such other action as may be deemed necessary and appropriate against an institution for non-compliance.

Provided that no action shall be taken by the Commission under this regulation, unless the institution has been provided an opportunity of being heard to explain its position.

11. Nothing mentioned herein above in these regulations shall affect the continuance in office, during the currency of the term, of an incumbent Ombudsperson appointed under the provisions of the UGC (Redress of Grievances of Students) Regulations, 2019; where after, the appointment of Ombudsperson shall be made as per University Grants Commission (Redressal of Grievances of Students) Regulations, 2023.

Prof. MANISH R. JOSHI, Secy.

[ADVT.-III/4/Exty./13/2023-24]



**RAJIV GANDHI COLLEGE OF ENGINEERING AND ECHNOLOGY
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(Approved by AICTE and Affiliated to Pondicherry University)

Ph: 0413 – 2615310

Women's Grievance Redressal Committee

OBJECTIVES

- ❖ To provide opportunities for redress of certain grievances of students and thereby ensures a conducive and supportive learning environment.
- ❖ To address concerns related to both academic and non-academic grievances matter such as grading, examination processes, course content, and faculty-student interaction, student services, campus facilities, interpersonal conflicts, discrimination, harassment.
- ❖ To ensure that the grievance redressal process is easily accessible to all students, with clear procedures, preventive measures and mechanism for continuous improvement.


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भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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No. 18] NEW DELHI, TUESDAY, APRIL 23, 2013/ VAISAKHA 3, 1935 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 23rd April, 2013/Vaisakha 3, 1935 (Saka)

The following Act of Parliament received the assent of the President on the 22nd April, 2013, and is hereby published for general information:—

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

(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 which 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. (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.
- Definitions.
2. 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 a dwelling place or house, a woman of any age who is employed in such a dwelling place or house;
- (b) "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;
- (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 an 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 policies 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;

(l) “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 behaviour (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, entertainment, 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 provided 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.

3. (1) 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 behaviour 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

Constitution of Internal Complaints Committee.

4. (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 Committee 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.


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(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 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 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. 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.

Notification of District Officer.

6. (1) Every District Officer shall constitute in the district concerned, a committee to be known as the "Local Complaints Committee" to receive complaints of sexual harassment from establishments where the Internal Complaints Committee has not been constituted due to having less than ten workers or if the complaint is against the employer himself.

Constitution and jurisdiction of Local Complaints Committee

(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 Local Complaints Committee within a period of seven days.

(3) The jurisdiction of the Local Complaints Committee shall extend to the areas of the district where it is constituted.

7. (1) The Local Complaints Committee shall consist of the following members to be nominated by the District Officer, namely:--

Composition, tenure and other terms and conditions of Local Complaints Committee

(a) a Chairperson to be nominated from amongst the eminent women in the field of social work and committed to the cause of women;

(b) 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, from the date of their appointment as may be specified by the District Officer.


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(3) Where the Chairperson or any Member of the Local Complaints 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 interest,

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 this section.

(4) The Chairperson and 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.

Grants and
audit.

8. (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 Government may think fit, for being utilised for the payment of fees or allowances referred to in sub-section (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

Complaint of
sexual
harassment

9. (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.

Conciliation.

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

Inquiry into complaint

45 of 1860.

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.

45 of 1860.

(2) Notwithstanding anything contained in section 509 of the Indian Penal Code, 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.

5 of 1908

(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 under the Code of Civil Procedure, 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;

(b) 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. (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—

Action during pendency of inquiry

(a) transfer the aggrieved woman or the respondent to any other workplace; or

- (b) grant leave to the aggrieved woman up to a period of three months; or
 (c) grant such other relief to the aggrieved woman as 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.

Inquiry report.

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

(2) Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer and the District Officer that no action is required to be taken in the matter.

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

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

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

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

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

(4) The employer or the District Officer shall act upon the recommendation within sixty days of its receipt by him.

Punishment
for false or
malicious
complaint and
false evidence

14. (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.

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(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. 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 --

Determination of compensation.

(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.

22 of 2005

16. Notwithstanding anything contained in the Right to Information Act, 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:

Prohibition of publication or making known contents of complaint and inquiry proceedings.

Provided that information may be disseminated regarding the justice secured to any victim 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. 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.

Penalty for publication or making known contents of complaint and inquiry proceedings

18. (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.

Appeal

(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. Every employer shall --

Duties of employer.

(a) provide a safe working environment at the workplace which 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;

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(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 may 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 or any other law for the time being in force; 45 of 1860.

(h) cause to initiate action, under the Indian Penal Code 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; 45 of 1860.

(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. The District Officer shall, --

(a) monitor the timely submission of reports furnished by the Local Committee;

(b) 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

Duties and powers of District Officer.

Committee to submit annual report

21. (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.

Employer to include information in annual report

22. 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.

Appropriate Government to monitor implementation and maintain data

23. The appropriate Government shall monitor the implementation of this Act and maintain data on the number of cases filed and disposed of in respect of all cases of sexual harassment at workplace.

Appropriate Government to take measures to publicise the Act

24. 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 workplaces.

(b) formulate orientation and training programmes for the members of the Local Complaints Committee.

25. (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,--

Power to call for information and inspection of records.

(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. (1) Where the employer fails to--

(a) constitute an Internal Committee under sub-section (1) of section 4;

(b) 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,

Penalty for non-compliance with provisions of Act.

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. (1) 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.

Cognizance of offence by courts

(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. 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.

Act not in derogation of any other law.

29. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power of appropriate Government to make rules.

(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 (1) of section 4;

(b) 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 (1) of section 7;

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- (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;
- (l) 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; and
- (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.

Power to
remove
difficulties.

30. (1) 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.

P.K. MALHOTRA,
Secy. to the Govt. of India.

CORRIGENDA

THE PREVENTION OF MONEY-LAUNDERING (AMENDMENT) ACT, 2012
(2 of 2013)

At page 18, in line 2, for "Arts", read "Art".

At page 21, in line 14, for "Protection", read "(Protection)".

PRINCIPAL
RAJIV GANDHI COLLEGE OF
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CORRIGENDUM

THE UNLAWFUL ACTIVITIES (PREVENTION) AMENDMENT ACT, 2012
(3 of 2013)

At page 6, in line 22, *for* "clause", *read* "clause".

CORRIGENDUM

THE BANKING LAWS (AMENDMENT) ACT, 2012
(4 of 2013)

At page 8, in line 29, *for* 'sections 30', *read* 'section 30', '.

CORRIGENDUM

THE APPROPRIATION ACT, 2013
(9 of 2013)

At page 1, in the marginal heading to section 2, *for* "4715,54,00,000", *read* "49715,54,00,000".