Pathway to safe campus

Internal Committee Manual





A handbook on understanding

Internal Committee

against sexual harassment at higher education institutions



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Arranged and edited by

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Theme words of UGC regulation 2015

The University Grants Commission (UGC) Regulations, 2015, notified in 2016, represent a landmark framework to prevent, prohibit, and redress sexual harassment of women employees and students in higher educational institutions (HEIs). Based on the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, these regulations contextualize the law within academia, ensuring gender justice, equality, and dignity in educational spaces.

The regulations mandate every HEI in India to establish an Internal Complaints Committee (ICC) with well-defined authority and responsibility. The ICC is tasked with receiving and inquiring into complaints of sexual harassment in a fair, time-bound, and confidential manner. It is required to provide assistance to complainants in drafting complaints, maintain records of cases, conduct inquiries with due sensitivity, submit inquiry reports with recommendations, and ensure that justice is delivered without bias or delay.

HEIs bear primary responsibility for creating a safe and inclusive campus environment. They must provide adequate facilities, infrastructure, and institutional support to the ICC to conduct inquiries effectively. Institutions are also required to undertake preventive measures, such as organizing awareness and sensitization programs, disseminating information about rights and procedures, and ensuring visible reporting mechanisms. Heads of institutions are directly accountable for compliance, including timely constitution of ICCs, resource allocation, and submission of annual reports to the UGC.

The significance of these regulations lies in their dual focus on prevention and redressal. They establish accountability, empower victims to seek justice, and promote gender sensitization as a collective responsibility of the academic community. By mandating strict adherence to complaint procedures, defining institutional duties, and holding leadership responsible for non-compliance, the regulations move beyond mere legal compliance to fostering cultural transformation.

Overall, the UGC Regulations, 2015/2016 serve as a cornerstone for safe and equitable higher education. They safeguard women's right to work and study free from harassment, strengthen institutional governance, and contribute to building campuses where dignity, respect, and inclusivity prevail.



Prof. R.K. Mittal

Hon'ble Vice Chancellor, BBAU

This workshop is centred on the UGC Regulations, 2015, which mandate the prevention, prohibition, and redressal of sexual harassment of women employees and students in higher educational institutions. As an institution named after Dr. B. R. Ambedkar, we carry the moral responsibility of embedding his vision into every sphere of our work. Ambedkar dreamt of an India where equality was not just a constitutional right but a lived reality. He reminded us that the progress of a community is measured by the progress of the women of that society. In organising this workshop, we take a step closer to realising that vision — by creating an environment where every individual, irrespective of their gender and social identity, feels safe, respected, and empowered.

In our university, the Internal Committee (IC) embodies this commitment. The IC is not only a statutory body under the UGC Regulations, but also a symbol of our collective resolve to address issues of sexual harassment with sensitivity and fairness. It ensures justice in complaints, while also focusing on prevention through awareness, dialogue, and sensitization. Its functioning reflects our broader university culture – one that values inclusivity, dignity, and gender justice as core academic and social principles. Events such as this workshop are crucial. They remind us that universities are not merely centres of intellectual pursuit; they are also cultural spaces that shape our understanding of justice, respect, and equality. A safe and inclusive campus is the foundation upon which holistic education takes place. It is in such an environment that creativity flourishes, critical thinking thrives, and young people grow into responsible individuals who carry forward the values of empathy and justice into the wider world.

On this note, I would like to express my sincere thanks to the Internal Committee of the University, for their dedication and zeal in organising this workshop. Your efforts ensure that our campus remains a safe and empowering space for all. I wish all participants insightful discussions, meaningful learning, and a renewed commitment to building campuses free of harassment and discrimination.
Thank you.



Prof. S. Victor Babu
Dean Academic Affairs, BBAU

Message

Babasaheb Bhimrao Ambedkar University works towards realizing its mission pronounced in its axiom "Pragya, Sheel, Karuna" through its sustained unwavering efforts envisages holistic development with its roots in ethnicity and human values. The University has fully adopted NEP-2020. Media Centre has worked proactively and prepared several programmes for MOOCS and is in process of converting 800 modules on Human Rights, Economics and Political Science through translation and dub. The University is proud to announce that these bilingual programmes of the Media Centre will be broadcasted on Swayam-Prabha DTH channels of MHRD and YouTube channels of CEC. Orientation programme for the newly admitted students at the University level enhanced the level of interaction between the students, teaching and non-teaching community. Regular alumni meets at the Department and University level boosted the linkages and placements. University also witnesses various celebrations and motivational programmes & social activities like youth orientation programme, Jal Shakti Abhiyan and Jal Sanrakshan Samvad, Kranti Mahotsav, Capacity Building and Personality Development Programme, International Yoga day, Kargil Vijay Diwas, Constitution Day, Ambedkar Jayanti, Ek Vriksh Ek Chhatra, Ek Pedh Maa Ke Naam Abhiyaan, Vraksharopan Pakhawara, FIT India Movement, Unity Run/Walk, Health Checkup Camps were organized by reputed hospitals etc.

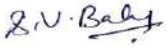
The University also processed and forwarded U.P. Scholarship and other State scholarship. Twenty Eight percent of the total student applied for post-matric scholarship and fee reimbursement of government of U.P. Dr. Ambedkar Centre of Excellence, established by Ministry of Education became functional and several students got selected in various state and national level organizations. Under the aegis of Unnat Bharat Abhiyan, flagship programme of MHRD adoped five villages and continuously striving towards their upliftment through a concrete plan of work. Regular celebration of Fit India Movement, National Sports day, Environment Day, Science Day, Yoga Day etc. can be cited as few important good practice of the University. The University for augmenting its academic outreach to rural areas has a satellite campus at Tikarmafi, Amethi with many UG and PG courses. Several major academic and administrative initiatives were taken up at this Centre too like restructuring of the departments

and course upgradation, established a wing of National Social Service (NSS), NCC, etc. **The University's ranking (NIRF) has improved 37th positions in this year.**

It is my immense pleasure to welcome all distinguished speakers, faculty, students and participants to the **Workshop on UGC Regulations 2015** (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions), being held at **Babasaheb Bhimrao Ambedkar University, Lucknow**. We are proud to host this prestigious event at BBAU and support a platform that encourages the blending of healthy discussion to rule out harassment issues from the campus. I am confident that the ideas shared and connections made during these two days will contribute meaningfully to address different aspects of the workplace stress and healthcare advancements.

I extend my sincere thanks to Professor Abha Mishra and all ICC members, the organizing committees, and every individual whose efforts have made this event possible. Let this be an opportunity for collective growth.
Wishing all delegates a fruitful and enriching Workshop experience.

Warm regards,



(Prof. S. Victor Babu)
Dean, Academic Affairs
Babasaheb Bhimrao Ambedkar University, Lucknow
Date: 30.09.2025



Prof. (Dr.) Priti Saxena
Hon'ble Vice Chancellor, HPNLU

MESSAGE

The enactment of *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* is a milestone in ensuring dignity, equality, and safety for women at their workplaces. The Act gives concrete expression to the constitutional guarantee under Articles 14, 15 and 21 and it also reflects India's commitment to international human rights conventions that recognize the right to work free from harassment and fear. As the 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. Sexual harassment is not only a violation of law but a breach of trust and human dignity. Therefore, it is the collective duty of every workplace to create a culture of mutual respect and inclusivity.

This Awareness Program on Prevention of Sexual Harassment being organized by the Internal Complaints Committee (ICC) of Babasaheb Bhimrao Ambedkar University, Lucknow, is a step to spread awareness about the provisions of the Act, its procedures for prevention and redressal, and to foster sensitivity and responsibility among all members of the University. As a university community comprising faculty, staff, research scholars, and students, it is our collective responsibility to foster an environment that is safe, inclusive, and respectful. These programs also encourage open dialogue and confidence among members of the university to report incidents without fear or hesitation.

In my session, I will seek to empower participants with the knowledge to identify, prevent, and respond to instances of harassment, ensuring that the campus remains a safe and equitable space for all. Sexual harassment is not just a legal or administrative issue, it strikes at the core of human dignity and academic integrity. As teachers, students, and administrators, we must ensure that our classrooms, offices, and campuses remain spaces of respect and trust. Let us reaffirm our commitment to uphold the values of justice, equality, and respect the true essence of constitutional and human rights.

I wish all success to this Program and best wishes to the Chairperson (Presiding Officer) Prof. Abha Mishra.

04/4/25

Prof. (Dr.) Priti Saxena



Smt Vijaya Bharthi Sayani

Hon'ble Member, NHRC

Internal Complaints Committee responsibilities and duty to make a safe campus for all irrespective of sex, age and designation

The University Grants Commission (UGC) (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015, the Vishaka judgment (1997), the POSH Act, 2013 mandate that higher educational institutions in India establish Internal Complaints Committees (ICCs) to address sexual harassment and to ensure a safe and equitable environment for all students and staff, free from sexual harassment and discrimination. The institutions must implement gender sensitization programmes, display clear anti-harassment policies, ICC contact information and ensure a fair grievance redressal mechanism to prevent, prohibit, and address sexual harassment against women employees and students irrespective of sex, age and designation.

Its key roles include creating a safe environment, receiving and investigating complaints of harassment, maintaining confidentiality, conducting fair inquiries, and making recommendations for disciplinary action and preventive measures to ensure a zero-tolerance policy for harassment on campus. Sexual harassment is a violation of fundamental rights under Articles 14, 15, 19(1)(g), and 21 of the Constitution.

Current Challenges

The current challenges faced by Internal Complaints Committees (ICCs) is marked by ongoing enforcement challenges, including faulty implementation, inadequate training of members, Confidentiality Gaps, Power Imbalances and a lack of consistent monitoring and accountability across institutions. While the POSH Act mandates their creation, there's a significant gap between the law's intent and its actual execution, leading to ineffective functioning, issues with confidentiality and failures to address workplace power imbalances.

The Supreme Court has expressed concern over these lapses, urging institutions to uphold the spirit and letter of the law emphasizing the need for better compliance in both public and private sectors.

Responsibilities of ICC

The Internal Complaints Committee (ICC) is responsible for addressing and resolving cases of sexual harassment by conducting fair and confidential inquiries, recommending appropriate disciplinary measures, offering support and protection to complainants against retaliation, promoting awareness through preventive initiatives, and preparing annual reports to ensure a safe, inclusive, and gender-equal work environment.

Prevention and Inclusivity

Internal Committee protective mandate must extend to all campus members – students, scholars, faculty, and non-teaching staff- regardless of gender, age or designation. It should avoid harassment through orientation programmes, campus-wide campaigns on gender sensitivity and visible information displays.

Key Message

The ICC is not just a compliance requirement but it is the moral conscience of the institution, ensuring dignity, equality, and safety for all irrespective of sex, age and designation. A safe campus is both a legal mandate and a constitutional and moral duty. The Internal committee should ensure that students should feel safe especially women students and employees. Let every campus be a space where respect is non-negotiable, and safety is guaranteed.

S. Vijaya Bharathi



Dr. Ashima Mangla

Joint secretary, UGC

Higher education plays a vital role in shaping the minds, values, and character of young citizens. Universities and colleges are not only centres of academic learning but also platforms where the principles of equality, respect, and dignity must be upheld. For education to truly empower, every student and staff member must feel safe, supported, and free from any form of harassment. Recognizing this responsibility, the University Grants Commission (UGC) has taken several measures to address gender-based violence in Higher Educational Institutions (HEIs). Through guidelines, regulations, advisories, digital tools, and monitoring mechanisms, UGC has developed a strong framework to promote gender equity and campus safety. A key milestone in this direction was the notification of the UGC (Prevention, Prohibition, and Redressal of Sexual Harassment of Women Employees and Students in HEIs) Regulations, 2015. These regulations mandate a zero-tolerance policy and require the establishment of Internal Complaints Committees (ICCs) in all HEIs. The complaint mechanism ensures fairness, transparency and sensitivity to victims. Institutions are required to implement ICC recommendations within 30 days, with an additional 30-day window for appeals.

To enhance transparency and accountability, UGC launched the SAKSHAM Portal—a digital platform that enables complaint submission, annual return filing, and gender audits. It also serves as an information hub for students and staff, while allowing UGC to monitor institutional compliance. A toll-free helpline (1800-111-656) provides further support for grievance redressal beyond the institutional level. UGC regularly issues advisories to guide institutions and strengthen compliance. Recent advisories include directives for the submission of annual returns, implementation of Gender Champion guidelines, appointment of SHE-Box nodal officers and participation in national campaigns such as Bal Vivah Mukt Bharat. These initiatives reflect the collective national effort towards eliminating gender-based violence. UGC has also directly intervened in critical situations, such as by constituting a Fact-Finding Committee after the tragic suicide of a student in Odisha in July, 2025. While UGC provides the framework, effective implementation depends on the sincere commitment of HEIs. Institutions must adopt and widely publicize a zero-tolerance policy, train all stakeholders, prominently display ICC contact information, and submit regular reports to UGC. Special attention must be given to vulnerable groups—such as research scholars, marginalized students, and persons with disabilities—who may face higher risks. Infrastructure and institutional support are equally important. UGC has recommended measures such as well-lit campuses, secure hostel facilities, accessible health services, and reliable transport. HEIs are also required to establish Women's Cells to lead awareness initiatives, address grievances, and bridge the gap between policy and practice.

Ultimately, real change lies in building a culture of mutual respect and shared responsibility. The responsibility to uphold gender equity rests with everyone—administrators, faculty, students, and society at large. Together, we must ensure that our campuses truly reflect the values of equality, dignity, and empowerment.



Sudhakar Sharan Pandey
District Probation Officer, Lucknow

प्रायः सेक्स और जेंडर को मानते हुए एक के स्थान पर दूसरे का प्रयोग करना देखा जाता रहा है परन्तु सेक्स एवं जेन्डर में पर्याप्त विभेद है। सेक्स एक जैवकीय व्यवधारणा है तथा जेंडर सामाजिक अवधारणा है। सेक्स स्त्री और पुरूष के जैविक भेद को प्रदर्शित करती है जबकि जेन्डर स्त्री और पुरूष के बीच के सामाजिक भेदभाव को प्रदर्शित करता है। या यूँ कहें कि जेंडर समाज की मानसिक सोच को प्रदर्शित करता है। पुरूष यह काम कर सकता है और स्त्री के लिए अमुक कार्य है, समाज के द्वारा बनाये गये इस सामाजिक ताने-बाने को जेंडर के रूप में हम देखते हैं।

पुरूष और स्त्री की संरचनात्मक स्थिति के कारण उनमें जो विभेद किया जाता है वह जैविक कारणो से हैं। जिन्हें हम सेक्स के रूप में विभेदित करते हैं।

उदाहरण स्वरूपः स्त्री गर्भधारण कर सकती है और बच्चे को जन्म दे सकती है। यह कार्य पुरूष नहीं कर सकता। इस आधार पर जो विभाजन है वह जैवकीय कारणों से है। जिन्हें हम सेक्स के रूप में स्त्री पुरूष विभेद कर पाते हैं।

परन्तु यहीं यह कहना कि मर्द को दर्द नहीं होता, स्त्री को घर का काम करना चाहिए, लज्जा स्त्री का भूषण है, क्यों औरतों की तरह रोते रहते हो? ये सब अवधारणाएं सामाजिक एवं मानसिक सोच पर आधारित है तथा इस आधार पर स्त्री एवं पुरूष में विभाजन करना कि अमुक विशेष कार्य स्त्रियों का तथा अमुक विशेष कार्य पुरूष के लिए बना है, समाज के द्वारा बनाये गये अवधारणा को जेंडर के रूप में स्थापित करता है।

जेंडर की इसी सामाजिक सोच ने समाज के सामाजिक ढांचे को विशेष रूपप से प्रभावित किया है। महिलाओं का लिंग के आधार पर भेदभाव करना समाज में इतने गहरे पैठा हुआ है कि लैंगिक उत्पीड़न के रूप में इसका वीभत्स रूप दिखाई पड़ता है।

समाज के द्वारा ही उद्भूत लैंगिक अवधारणा एवं विकृत रूप में व्याप्त लैंगिक उत्पीड़न का विरोध भी समाज के द्वारा ही शुरू किया गया है। स्थिति यहां तक फैली कि संसद को सर्वोच्च न्यायालय के हस्तक्षेप के बाद इस पर कानून बनानान पड़ा और खासकर उन महिलाओं के लिए जो कार्यस्थल पर लैंगिक उत्पीड़न की शिकार हो रही थीं या होने की चिंता उनके सामने थी। वर्ष 2013 में संसद द्वारा पारित कानून ''महिलाओं का कार्यस्थल पर लैंगिक उत्पीड़न (निवारण, प्रतिषेध और प्रतितोष) अधिनियम, 2013'' प्राख्यापित हुआ।

इन कानून में कार्यस्थल को परिभाषित करते हुए कहा गया कि महिला जहाँ कार्य करती है अथवा किसी कार्य के लिए किसी स्थान पर जाती है, वह उसका कार्यस्थल है। इसे ऐसे समझें कि किसी कार्यालय में कोई महिला किसी पद पर कार्य करने के कारण कार्यालय जाती है तथा वहां अपना पदगत कार्य करती है, वो वह कार्यालय उस महिला का कार्यस्थल कहलाएगा परन्तु इसके साथ ही कोई महिला अपने या किसी के कार्य को कराने के लिए यदि उस कार्यालय में जाती है तो उस समय के लिए जिस समय वह महिला उस कार्यालय में कार्य हेतु गयी थी, उस महिला का कार्यस्थल होगा। ऐसी दोनों परिस्थितियों में किसी भी महिला के साथ लिंग के कारण कोई उत्पीड़न होता है तो वह कार्यस्थल पर लैंगिक उत्पीड़न माना जाएगा।

कार्यस्थल पर किसी महिला को कोई भी ऐसा अवांछित व्यवहार जिससे महिला पर प्रभाव पड़े, लैंगिक उत्पीड़न की श्रेणी में है। जैसे - प्रत्यक्ष या अप्रत्यक्ष टिप्पणी, शाब्दिक या अशाब्दिक यौन प्रकृति का कोई अवांछनीय आचरण, यौन अनुग्रह के लिए अनुरोध, अश्लील साहित्य दिखाना, कामुक टिप्पणियां करना, शारीरिक संपर्क या ऐसा कोई अवांछनीय व्यवहार जो महिला पर गलत प्रभाव डाले। इसे ऐसे भी समझें कि कार्यस्थल पर किसी महिला के सामने हम किसी अन्य महिला या किसी अभिनेत्री के बारे में भी कोई लैंगिक टिप्पणी करें, तो वह भी कार्यस्थल पर उपस्थित महिला के प्रति लैंगिक उत्पीड़न की श्रेणी में आएगा।

अन्य आपराधिक कानूनों तथा इस कानून में एक विशेष अंतर यह है कि अन्य अपराधों में नीयत महत्वपूर्ण होती है, परन्तु लैंगिक उत्पीड़न में प्रभाव या असर महत्वपूर्ण होता है।

लैंगिक उत्पीड़न के मामलों में हम यूं कहें कि मेरा इरादा ऐसा था या वैसा था या यह आशय नहीं था, का कोई मतलब नहीं रह जाता। मतलब इसका रह जाता है कि हमारे व्यवहार से महिला पर क्या प्रभाव पड़ा? यदि हमारे किसी अवांछनीय व्यवहार से महिला स्वयं को असहज महसूस करती है तथा उसपर ऐसा प्रभाव पड़ता है, जिससे उसकी गरिमा को आघात पहुंचता है तथा वह व्यवहार अवांछनीय है तो वह लैंगिक उत्पीड़न है।

इस कानून के बन जाने के बाद सरकारी या गैरसरकारी, प्रइवेट, संगठन, निगम, उपक्रम आदि सभी क्षेत्रों में आंतरिक समिति का गठन करना अनिवार्य हो गया है। जहां भी 10 या 10 से अधिक कर्मचारी कार्यरत हैं या नियुक्त हैं। यदि 10 से कम कर्मचारी कहीं भी नियुक्त हैं तो वहां के मामलों को सुनने एवं जांच करने के लिए जिले स्तर पर स्थानीय समिति का गठन किया गया है। ऐसी भी शिकायतों को स्थानीय समिति सुनेगी एवं जांच करेगी जहां कोई शिकायत किसी कार्यालय के नियोक्ता के विरूद्ध होगी।

लगभग 12 वर्षों के व्यतीत होने के बाद भी सभी कार्यालयों में आंतकरक समिति के गठन कराने के लिए सर्वोच्च न्यायालय को दखल देना पड़ा जबकि इस कानून में ही प्रावधान है कि आन्तरिक समिति का गठन न करने पर रूपये 50,000 का जुर्माना लगाया जाएगा। इस बात की भी जरूरत है कि इस कानून का प्रचार-प्रसार हो जिससे कार्यस्थल महिला अनुकूल बने तथा लैंगिक उत्पीड़न पर विराम लग सके।

डॉ. भीमराव अम्बेडकर विश्वविद्यालय, लखनऊ द्वारा आंतरिक समिति पर की जा रही कार्यशाला इस क्षेत्र में एक अभिनव प्रयास है तथा महिला एवं बाल विकास विभाग का जिले स्तर पर प्रतिनिधि होने के नाते विश्वविद्यालय के इस सराहनीय कार्य के प्रति मेरी अशेष शुभकामनाएं समर्पित हैं।

(सुधाकर शरण पाण्डेय)
जिला प्रोबेशन अधिकारी
लखनऊ



Dr. Sangeeta Sharma
Director, CWC

GENDER SENSITIZATION WITH SPECIAL REFERENCE TO WOREPLACE

In any society, gender sensitization is crucial for building a respectful, cordial and productive culture. With special reference to harassment at workplace, gender sensitization becomes more important. In a professional setting it is the work or profession itself that matters, not the gender. Workplace harassment can be seen in many forms, including unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature, or any hostile behavior directed at an individual because of their gender. This results in an intimidating, hostile, or offensive work environment and violates an individual's right to dignity and equality.It certainly affects the work ethics and environment at the place of work, and also the society at large.

Subtle forms of gender based discrimination are often over looked, colleagues become bystanders rather than upstanders. Encouraging and fostering a zero-tolerance attitude towards any form of harassment is very important and needs to be followed by all- employees and employers, if, at all we want a collective social and professional progress.

For ensuring a sense of safety and accountability, all mechanisms and policies made by the govt., are to be in place for reporting and resolving complaints, impartially. Gender sensitization equips employees with the awareness and understanding necessary to interact respectfully, recognize inappropriate conduct, and actively contribute to a safe, equitable, and dignified workplace for everyone.

In fact, gender sensitization training needs to be introduced at a very early age, in families and schools. We need to create a gender sensitive environment in our society itself to have a free and fair chance for every individual in workplace. In the harassment cases Internal Committee plays an important role. The IC not only address the issues but is also responsible for sensitizing the campus against gender, sexual, and mental exploitation in the workplace.





Dr. Shazia Veqar Siddiqui
Psychologist

Psychological Impact of sexual harassment and resources

Impact on individuals- Sexual harassment has far reaching consequences at all facets of human functioning. It not only has legal implications but a vast array of mental health implications as well. It impacts relationships, self- care, professional and personal goals. Psychological trauma often goes un-recognized and untreated. These hidden impacts affect every aspect of a survivor's life—their ability to concentrate, form relationships, trust others, and engage fully in their academic or professional environment. Sexual harassment can negatively affect romantic, non- romantic, and even sex lives, impacting the survivor's ability to form and maintain relationships.
Understanding the psychological impact helps us respond with greater compassion and effectiveness. Sexual harassment is not merely a disciplinary or legal issue—it is fundamentally a mental health concern that affects individuals, relationships, and our entire institutional culture. **Prevention** of sexual harassment involves creating a safe environment by implementing clear policies, providing regular training, establishing designated contact points for complaints, and taking immediate action to address any unwelcome behavior by informing the alleged harasser that their actions are unacceptable. In India, the Prevention of sexual harassment Act (POSH) mandates employers to protect women at work and establish a committee to handle complaints. It includes: Verbal Harassment, Physical Harassment, Visual Harassment, Cyber Harassment.

Steps to be taken:

- **Talk** to someone you can trust. It might help if one can talk to someone she trusts, whether it's a friend, a counselor, or a family member. Having someone in her corner can make the process less isolating. Some campuses have support groups specifically for survivors of harassment, where they can connect with others who might understand what is going through.
- **Document the Incident(s):** Record details of each incident (date, time, location, what happened, and who was involved). This documentation could be helpful in case the survivor decides to report it. If there are any **messages, photos, or videos** that are part of the harassment, it's important to save them. Just make sure it is not shared with others unless it's necessary for safety or for reporting.
- **Report It to College Authorities:** Most colleges have a office that handles complaints of sexual harassment and assault. This is part of the school's or college's responsibility to ensure a

safe environment for all students. Survivors can reach out to **student affairs office**, **counseling center**, or **campus security** for guidance. Many schools or colleges also have **anonymous reporting options** in case the survivor feels nervous about confronting the situation directly.

- **Know legal rights:** Survivors have the right to **report the harassment** without fear of retaliation. Colleges are required to take steps to prevent and address harassment.
- **Consider Legal Action:** If the harassment is severe, or if it continues despite reporting it to the college, she may want to consult with a lawyer who specializes in sexual harassment or civil rights. **Rape crisis centers** and **sexual assault hotlines** can provide legal advice and emotional support, and help her explore legal options.
- **Seek Professional Support :** Talking to a counselor or therapist may help process the situation. College counseling centers usually offer free or low-cost services.
- **Safety First:** If any one feels unsafe, it's critical to prioritize safety. Reach out to campus security, friends, or even the police if necessary.



Dr. Shazia Veqar Siddiqui.

(Consultant Psychologist)



Dr. V.K. Singh
Advocate, High Court

The POSH Act, 2013 Vs UGC Regulations, 2015 (for Higher Education Institutions), with a focus on gender specifications (who is protected, definitions, inclusive language, etc.)

The term 'sexual harassment' as is depicts came to be in prevalence in the 1970's. Very soon it came to be recognized across the world in all cultural as well as occupational contexts. As per the International Labour Organisation (ILO) which is a specialized agency of the United Nations that promotes social justice and internationally recognized human and labor rights. Founded in 1919, the ILO sets labor standards, develops policies, and devises programs for decent work for all people. A unique feature is its tripartite structure, which brings together governments, employers, and workers to collaborate on the issues related to labours which included both genders – men and women. The ILO recognized sexual harassment as clear form of gender discrimination based on sex, a manifestation of inequality between men and women. As the number of working women increased their vulnerability towards unwanted sexual attention also increased. The said problem has arisen in all parts of the world including India. Though the discrimination noted were with both men and women but the gender discrimination and harassment with women exceeded far more.

Looking into the increasing problem different countries in an and around us after due contemplation made positive laws for curving the sexual discrimination and sexual harassment like Philippines (1995), Hong Kong (1996),Thailand (1998), Malaysia (1999) etc. It is during this time itself the Hon'ble Supreme Court recognized the said deep down problem existing in our country and issued certain guidelines in famous case of *Vishakha and others Vs State of Rajasthan (1997)*. In India as well little earlier in law relating to 'The Indecent Representation of Women (Prohibition) Act, 1987' came to enacted which prohibited use of women in any form as commodity thereby lowering the dignity and respect of women. Slightly later, 'The Protection of Women from Domestic Violence Act, 2005' came to be introduced, which defined the 'aggrieved person', and very importantly it extended the existing definition of women and included not only brides but also women related with male i.e. from husband side as well.

The Hon'ble Apex Court of India firstly recognized Sexual Harassment at the Workplace as a violation of fundamental rights in its landmark judgment in Vishakha's case in the year 1997. The acts of 'unwelcome sexually humiliating behaviour', came to recognized further by several other judicial pronouncements of the Supreme Court like – *Aparel Export Promotion Council Vs A. K. Chopra*

(1999); Rupan Deol Bajaj Vs K. P. S. Gill (1995) etc. By the Vishakha Guidelines the Hon'ble Supreme Court (issued under Article 141 of the Constitution) made the directions applicable all over India as law till any enactment takes place. It is under the above mentioned background the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (and Rules, 2013 also framed therein laid the procedure to proceed under the Act, 2013) which laid the statutory foundation of the factors relating to the women employee. The term 'sexual harassment' came to be defined in Section 2(n) of the Act, 2013 and further the Section 3 laid down the prohibitory clause and the related provision to be followed to achieve the mandated objectives like constitution of Internal Complaints Committee (ICC), time bound mechanism for its redressal, employer's liability/ duty etc.

However, looking into the growing need as per the institutional requirement the University Grants Commission farmed Regulations 2015 for the Higher Educational Institutions (HEIs) so as to make the Posh Act, 2013 more meaningful in its domain. The Regulations, 2015 further extended the coverage of the Act, 2013 to women employees and also to students, defining the constitution of the ICC committee to be more responsive, defining the campus and laying down certain obligations on the HEIs for proper display of ICC, conduct awareness, orientation and sensitization programs and submit compliance to UGC annually. The aforesaid obligations make the HEIs to remain more vigilant and responsive so far the implementation of the Posh Act, 2013 and the implementation of the Regulation, 2015 are concerned. As the life is moving fast in new world economic order the social, cultural values of our society are getting serious challenge, at this juncture demands and necessity is being felt to make the provisions more wide and include along with women the discrimination being carried against men and more so in the situation when 'the Transgender Persons (Protection of Rights) Act, 2019', has come in force we need to implement more balancing provisions.



(Dr. V. K. Singh)
Advocate

From IC desk

Babasaheb Bhimrao Ambedkar University, Lucknow-226025

With the increasing participation of women in the workforce, it should be the primary responsibility of employers to provide them a safe and secure space. To prevent and address sexual harassment in the workplace, PoSH Act, 2013 was framed. This was against the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal). Key steps of PoSH includes, defining sexual harassment, establishing an Internal Committee (Internal Complaints Committee; IC/ICC) by any organisation where female stakeholders are present. Under the PoSH Act, the University Grants Commission (UGC) issued the UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015. Under this UGC made IC mandatory in all educational institutions, including both private and government agencies. The main aim of IC is to handle complaints of sexual harassment of women and students, and to ensure a safe and congenial working environment for all, irrespective of their caste, gender and designation in the workplace in accordance with Indian law. The IC procedural nature is confidential, neutral and sensitive to sexual harassment issues. The IC works in the direction of reconciliation and tries to get the best possible solution that is acceptable as well as suitable to both the aggrieved and the respondent. The IC is responsible for investigating issues fairly, maintaining confidentiality, and recommending actions to the leadership to ensure a respectful and safe work environment without any fear.

At BBAU, IC has been working since 2016. Since then, IC, BBAU has given an immense contribution in creating awareness about the issues of gender equality, equal rights, and campus sensitisation against sexual harassment. BBAU has IC at the departmental level as well as the University level to provide immediate support to the victim. At BBAU, students and employees are vigilant about their rights and also their duties. In case of any dispute regarding facts or in situations of doubt, IC clarifies and suggests its best recommendation to the higher authorities to respond or address the grievance of the employee or student.

The IC aspires to foster an effective, supportive, and peaceful working environment that will help the institution to achieve greater heights.

(IC, Team)

University Grants Commission

Prevention, Prohibition and Redressal of women employees and students in higher educationl institutions

Regulations, 2015

Notification No. F. 91-1/2013(TFGS)

In exercise of the powers conferred by clause (g) of sub- section (1) of section 26 of the University Grants Commission Act, 1956 (3 of 1956), read with sub-section (1) of Section 20 of the said Act.

Commencement

1. These regulations may be called the UGC (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015.
2. They shall come into force from the date of their publication, and shall be binding on all higher educational institutions in India.

Significance: This regulation establishes the official applicability of the UGC guidelines. By making them effective from the date of publication and binding on all higher educational institutions, it ensures uniform implementation and accountability across India.

Definitions

Aggrieved Woman: Any woman, irrespective of age or employment status, who alleges sexual harassment. This includes students, research scholars, staff, contractual, temporary, part time, ad-hoc, and even women residing in hostels or affiliated institutions.

1. **Sexual Harassment**: Covers any unwelcome act or behavior of a sexual nature, whether direct or implied.
2. It includes: Physical contact and advances.
3. Demand or request for sexual favors.
4. Sexually colored remarks.
5. Showing pornography.
6. Any other verbal, physical, or non-verbal conduct of sexual nature.

Hostile Circumstances: Harassment also includes situations where a woman faces:

1. Disadvantage in academic or professional opportunities due to refusal of sexual advances.
2. Threat of unfair treatment in her academic or work environment.
3. Humiliating conduct affecting her dignity.
4. A hostile or unsafe learning/working environment. Interference with her academic performance, health, or mental well-being.

Significance: This regulation is significant because it removes ambiguity. By defining harassment and the aggrieved party in a wide and inclusive manner, it ensures that no victim is left without protection and that harassment is recognized in both direct and indirect forms.

Responsibilities of Higher Educational Institutions

1. Every Higher Educational Institution (HEI) is required to:
2. Take proactive steps to prevent sexual harassment and ensure zero tolerance.
3. Display widely across the campus: penal consequences of sexual harassment, procedure for complaints, and details of the ICC.
4. Organize awareness programs: sensitization workshops, training for ICC members, and orientation for staff and students.
5. Provide support services such as counseling, medical and legal assistance.
6. Create a safe campus: ensure adequate lighting, transport facilities, security, safe hostels, and infrastructure.
7. Treat sexual harassment as misconduct in the case of employees and as a violation of student discipline in the case of students.
8. Submit annual reports to UGC, listing number of complaints received, disposed of, and action taken.
9. Review implementation of these regulations every six months.

Significance: This regulation emphasizes institutional responsibility. It highlights that colleges and universities cannot remain passive—they must actively create a safe environment, build awareness, and provide support. It shifts the focus from only punishing perpetrators to also preventing harassment before it occurs.

Composition of ICC

The Internal Complaints Committee shall consist of:

1. Presiding Officer: A senior woman faculty member (Professor or Associate Professor).
2. Two faculty members with experience in social work, legal knowledge, or issues related to women.
3. Two non-teaching employees as members.
4. Three student representatives: one each from UG, PG, and research scholars, where the matter involves students. The selection must be transparent.
5. One external member: from an NGO or association committed to women's issues or with legal/social expertise.
6. At least **50% of members must be women**.
7. Exclusions: Senior administrative authorities like Vice Chancellor, Dean, Registrar, or Heads of Department cannot be part of ICC.
8. **Tenure:** 3 years, with provision for rotation of one-third members annually to bring fresh perspectives

Significance: This regulation ensures that the ICC is not a symbolic body but a **diverse, gender-sensitive, and independent committee**. By excluding top administrators, it prevents power dynamics from influencing outcomes.

Responsibilities of ICC

1. The ICC has the following duties and powers:
2. Assist complainants who wish to approach the police in filing a case.
3. Provide fair and just mechanisms for dispute resolution and dialogue, ensuring complainant's rights are not undermined.
4. ICC should avoid purely punitive methods that create further hostility and instead balance fairness with justice.
5. Protect the confidentiality of all involved parties — complainant, respondent, and witnesses. Privacy must be respected at all times.
6. Ensure that no complainant or witness suffers victimization, discrimination, or unfair treatment during and after the process.
7. Prohibit retaliation or adverse action against anyone engaged in protected activity under these regulations

Significance: This shows that the ICC is not just a disciplinary body but also a protector of dignity and rights. Its emphasis on confidentiality, fairness, and protection ensures victims feel safe to come forward.

Complaint and Enquiry

1. The Internal Complaints Committee (ICC) shall adhere to the procedure prescribed under these Regulations and the Act for receiving complaints and conducting inquiries, ensuring that the process is completed in a time-bound manner.
2. The Higher Educational Institution (HEI) shall provide all necessary facilities, support, and assistance to the ICC to enable it to conduct the inquiry expeditiously, fairly, and with due regard to privacy.

Significnce: Ensuring that complaints of sexual harassment are addressed through a fair, time-bound, and transparent process. It mandates institutional support to the ICC, safeguarding privacy and enabling effective redressal for the aggrieved.

Process of making complaint

1. An aggrieved person shall submit a written complaint to the Internal Complaints Committee (ICC) within three months from the date of the incident. In the case of a series of incidents, the complaint shall be made within three months from the date of the last incident.

2. Where the complaint cannot be made in writing, the Presiding Officer or any Member of the ICC shall provide all reasonable assistance to the aggrieved person for filing the complaint in writing.

3. The ICC may, for reasons to be recorded in writing, extend the time limit for filing a complaint by a period not exceeding three months, if it is satisfied that circumstances existed which prevented the aggrieved person from filing the complaint within the prescribed time.

4. In cases where the aggrieved person is unable to file a complaint on account of physical or mental incapacity, death, or any other valid reason, a complaint may be filed on their behalf by a friend, relative, colleague, co-student, psychologist, or any other associate.

Significnce: This regulation ensures accessibility and fairness in the complaint process by allowing time extensions under genuine circumstances and enabling representatives to file complaints when the victim is unable to do so. It strengthens protection for the aggrieved and prevents denial of justice due to procedural limitations.

Inquiry Process

1. For employees: inquiry to be conducted as per the service rules applicable.
2. For students: ICC must follow natural justice, giving both parties a fair chance to be heard.
3. The inquiry must be completed within 90 days.
4. The inquiry report must be shared with both complainant and respondent within 10 days of completion.
5. The Executive Authority must act on ICC's recommendations within 30 days, unless an appeal is filed.
6. Either party may file an appeal within 30 days of the ICC recommendations.
7. The identities of complainant, respondent, and witnesses must remain confidential and not be disclosed in public, including institutional websites

Significance: This regulation guarantees **speedy justice**, prevents unnecessary delay, and ensures fairness for both complainant and accused while maintaining strict confidentiality.

Interim Relief

1. During inquiry, the ICC may recommend to the Executive Authority:
2. Transfer of either complainant or respondent to another department/hostel.
3. Grant of up to 3 months' leave to complainant, without affecting her leave entitlement.
4. Restrict respondent from evaluating or reporting on complainant's academic or work performance.
5. Prohibit respondent from contacting complainant directly or indirectly

Significance: This ensures that during the inquiry period, the complainant does not continue to suffer harassment or intimidation, and her dignity and safety are preserved.

Punishment and Compensation

Employees: Action as per service rules (may include warning, suspension, termination, etc.).

Students: Depending on severity, action may include:

1. Withdrawal of privileges (library, hostel, scholarships, ID card, etc.).
2. Restriction or suspension of campus entry.
3. Expulsion, removal from rolls, or denial of re-admission.
4. Reformative punishments like counseling or community service.

Compensation: The ICC may recommend compensation for the complainant. Factors include:

1. Emotional distress, trauma, and suffering.
2. Loss of career opportunities.
3. Medical expenses for treatment (physical/mental).
4. Income/financial capacity of respondent.
5. Mode of payment (lump sum or installments)

Significance: This regulation introduces a balance of disciplinary action and restorative justice. Punishments ensure accountability, while compensation acknowledges the real harm suffered by victims.

False or Malicious Complaints / False Evidence

1. If ICC concludes that a complaint was made maliciously or with false evidence, it may recommend action against the complainant or concerned person.
2. However, inability to prove a case does not itself mean the complaint was malicious.
3. Malicious intent must be clearly established before any action is recommended.
4. If a witness provides false testimony or evidence, ICC may also recommend action against such witness as per service rules.

Significance: This ensures the ICC system is not misused while still protecting genuine complainants who may not have strong evidence but are still victims.

Consequences of Non-Compliance

1. If a Higher Educational Institution fails to comply with these regulations, UGC may:
2. Withdraw recognition of the institution under Section 12B of the UGC Act.
3. Withhold or withdraw financial grants.
4. Declare the institution ineligible for UGC schemes and programs.
5. Publish information about non-compliance for public awareness.
6. Recommend to affiliating university to withdraw affiliation (in case of colleges).
7. Recommend withdrawal of deemed/university status by the Central Government.
8. Recommend cancellation of "institution of national importance" status.
9. Take any other action as deemed appropriate under UGC Act

Significance: This creates a strong accountability framework where institutions face strict penalties for negligence, ensuring that the ICC is not just formed on paper but is effectively implemented.

Overall Significance

The UGC Regulations, 2015 play a vital role in creating a safe, secure, and gender-just environment in higher educational institutions. They translate the mandate of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 into the academic context, ensuring that women employees and students are protected against harassment. The Regulations make it compulsory for institutions to establish an Internal Complaints Committee (ICC), follow a transparent and time-bound inquiry process, and extend institutional support to the aggrieved.

By laying down clear procedures for complaint, inquiry, and redressal, these regulations prevent misuse, uphold fairness, and promote accountability of institutions. They also emphasize awareness, sensitization, and preventive measures, which are essential for building respect and equality on campuses. Overall, they safeguard women's fundamental right to equality, dignity, and participation in higher education free from fear or discrimination.

****

Complaint Format (Complainant)

A. Personal Details

- Name of Complainant: _____
- Gender: _____
- Designation/Course & Department:_____
- Residential Address (Permanent): _____
- Contact No:_____
- Email Id: _____

B. Details of Respondent(s)

- Name of Complainant: _____
- Contact Details (if known): _____
- Designation/Course & Department:_____

C. Incident Details:

- Date(s) of Incident:_____
- Time & Place: _____

Detailed description of the incident (attach separate sheet if required):

D. Witnesses (if any, name, contact detail):

E. Evidence (if any, photo, documents, etc.):

F. Relief Sought [if any, correspondence (as enclosure) other than ICC BBAU]:

Declaration:

I hereby declare that the information provided above is true to the best of my knowledge and belief.
Date & Place: _____

(Signature of Complainant)

Response Format (Respondent)

A. Personal Details

- Name of Respondent: _____
- Gender: _____
- Designation/Course & Department:_____
- Residential Address (Permanent): _____
- Contact No:_____
- Email Id: _____

B. Case Reference

- Name of Complainant: _____
- Contact Details (if known): _____
- Designation/Course& Department:_____

C. Response to allegations (attach separate sheet if required):

- Statement of facts (Respondent's Version):

- Response to specific allegations (point-wise):

- Cross query to counter allegation (if any):

- Supporting documents/ evidence (if any):

- Witnesses (if any, name, contact details):

Declaration:

I hereby declare that the information provided above is true to the best of my knowledge and belief.
Date & Place: _____

(Signature of Respondent)

Final Report Format

A. Case Details [Case name with receiving & final meeting date (Duration of Hearings)]:

B. Brief History of case (Background Information of Complaint):

C. Observation of ICC (attach separate sheet if required):
(detailed report should be separate)

D. Recommendations of ICC:

Confidentiality Note:
All records and proceedings are to be kept strictly confidential as per UGC Regulations & POSH Act Provisions.

(Signature of ICC Members with date)

Annexure-1

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—13 REGISTERED NO. DL—(N)04/0007/2003—13

भारत का राजपत्र
The Gazette of India

असाधारण
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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 polices for such organisation;

(*iii*) in relation to workplace covered under sub-clauses (*i*) and (*ii*), the person discharging contractual obligations with respect to his or her employees;

(*iv*) in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker;

(*h*) "Internal Committee" means an Internal Complaints Committee constituted under section 4;

(*i*) "Local Committee" means the Local Complaints Committee constituted under section 6;

(*j*) "Member" means a Member of the Internal Committee or the Local Committee, as the case may be;

(*k*) "prescribed" means prescribed by rules made under this Act;

(*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, entertainmental, industrial, health services or financial activities including production, supply, sale, distribution or service;

(*iii*) hospitals or nursing homes;

(*iv*) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;

(*v*) any place visited by the employee arising out of or during the course of employment including transportation 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 persent 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.

(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

Notification of District Officer

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.

Constitution and jurisdiction of Local Complaints Committee

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.

(*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.

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

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

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

(*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.

(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.

Inquiry into complaint

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:

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.

(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:—

5 of 1908

(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

Action during pendency of inquiry

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—

(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.

(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.

Determination of compensation

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 --

(*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

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

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:

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.

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

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.

Appeal

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.

(*2*) The appeal under sub-section (*1*) shall be preferred within a period of ninety days of the recommendations.

CHAPTER VI

DUTIES OF EMPLOYER

Duties of employer.

19. 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 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

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

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 workplace,

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

Power to call for information and inspection of records

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,—

(*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.

Penalty for non-compliance with provisions of Act.

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,

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.

Cognizance of offence by courts

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.

(*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.

Act not in derogation of any other law.

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.

Power of appropriate Government to make rules.

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

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the fees or allowances to be paid to the Members under sub-section (*4*) of section 4;

(*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 (*4*) of section 7;

(*d*) the person who may make complaint under sub-section (*2*) of section 9;

(*e*) the manner of inquiry under sub-section (*1*) of section 11;

(*f*) the powers for making an inquiry under clause (*c*) of sub-section (*2*) of section 11;

(*g*) the relief to be recommended under clause (*c*) of sub-section (*1*) of section 12;

(*h*) the manner of action to be taken under clause (*i*) of sub-section (*3*) of section 13;

(*i*) the manner of action to be taken under sub-sections (*1*) and (*2*) of section 14;

(*j*) the manner of action to be taken under section 17;

(*k*) the manner of appeal under sub-section (*1*) of section 18;

(*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)".

CORRIGENDUM

THE UNLAWFUL ACTIVITIES (PREVENTION) AMENDMENT ACT, 2012

(3 of2013)

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

CORRIGENDUM

THE BANKING LAWS (AMENDMENT) ACT, 2012

(4 of2013)

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

CORRIGENDUM

THE APPROPRIATION ACT, 2013

(9 of2013)

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

GMGIPMRND—354GI(S4)—23-04-2013.

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(University Grants Commission)

NOTIFICATION

New Delhi, the 2nd May, 2016

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

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

1. **Short title, application and commencement.—**(1) These regulations may be called the University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015.

(2) They shall apply to all higher educational institutions in India.

(3) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.—**In these regulations, unless the context otherwise requires,-

(a) "aggrieved woman" means in relation to work place, a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;

(b) 'Act' means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013);

(c) "campus" means the location or the land on which a Higher Educational Institution and its related institutional facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centres, hostels, dining halls, stadiums, parking areas, parks-like settings and other amenities like health centres, canteens, Bank counters, etc., are situated and also includes extended campus and covers within its scope places visited as a student of the HEI including transportation provided for the purpose of commuting to and from the institution, the locations outside the institution on field trips, internships, study tours, excursions, short- term placements, places used for camps , cultural festivals, sports meets and such other activities where a person is participating in the capacity of an employee or a student of the HEI;

(d) Commission" means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (3 of 1956);

(e) "covered individuals" are persons who have engaged in protected activity such as filing a sexual harassment charge, or who are closely associated with an individual who has engaged in protected activity and such person can be an employee or a fellow student or guardian of the offended person;

(f) "employee" means a person as defined in the Act and also includes, for the purposes of these Regulations trainee, apprentice (or called by any other name), interns, volunteers, teacher assistants, research assistants, whether employed or not, including those involved in field studies, projects, short-visits and camps;

(g) "Executive Authority" means the chief executive authority of the HEI, by whatever name called, in which the general administration of the HEI is vested. For public funded institutions the Executive Authority means the Disciplinary Authority as indicated in Central Civil Services (Classification, Control and Appeal) Rules, 1965 or its equivalent rules;

(h) "Higher Educational Institution" (HEI) means a university within the meaning of clause (j) of section 2, a college within the meaning of clause(b) of sub-section (1) of section 12A and an institution deemed to be a University under section 3 of the University Grants Commission Act, 1956 (3 of 1956);

(i) "Internal Complaints Committee" (ICC) means Internal Complaints Committee to be constituted by an HEI under sub regulation (1) of regulation 4 of these regulations. Any existing body already functioning with the same objective (like the Gender Sensitization Committee Against Sexual Harassment (GSCASH)) should be reconstituted as the ICC;

Provided that in the latter case the HEI shall ensure that the constitution of such a Body is as required for ICC under these regulations. Provided further that such a Body shall be bound by the provisions of these regulations;

(j) "protected activity" includes reasonable opposition to a practice believed to violate sexual harassment laws on behalf of oneself or others such as participation in sexual harassment proceedings, cooperating with an internal investigation or alleged sexual harassment practices or acting as a witness in an investigation by an outside agency or in litigation;

(k) "sexual harassment" means-

(i) "An unwanted conduct with sexual undertones if it occurs or which is persistent and which demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and includes any one or more or all of the following unwelcome acts or behaviour (whether directly or by implication), namely;-

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

(ii) any one (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones-
(a) implied or explicit promise of preferential treatment as quid pro quo for sexual favours;
(b) implied or explicit threat of detrimental treatment in the conduct of work;
(c) implied or explicit threat about the present or future status of the person concerned;
(d) creating an intimidating offensive or hostile learning environment;
(e) humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned;

(l) "student" means a person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short-term training programmes in a HEI;
Provided that a student who is in the process of taking admission in HEIs campus, although not yet admitted, shall be treated, for the purposes of these regulations, as a student of that HEI, where any incident of sexual harassment takes place against such student;
Provided that a student who is a participant in any of the activities in a HEI other than the HEI where such student is enrolled shall be treated, for the purposes of these regulations, as a student of that HEI where any incident of sexual harassment takes place against such student;

(m) "third Party Harassment" refers to a situation where sexual harassment occurs as a result of an act or omission by any third party or outsider, who is not an employee or a student of the HEI, but a visitor to the HEI in some other capacity or for some other purpose orreason;

(n) "victimisation" means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;

(o) "workplace" means the campus of a HEI including-
(a) Any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate HEIs;
(b) Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in HEIs;
(c) Any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the Executive Authority for undertaking such journey for study in HEIs.'

3. Responsibilities of the Higher Educational Institution- (1) Every HEI shall,-

(a) Wherever required, appropriately subsume the spirit of the above definitions in its policy and regulations on prevention and prohibition of sexual harassment against the employees and the students, and modify its ordinances and rules in consonance with the requirements of the Regulations;

(b) publicly notify the provisions against sexual harassment and ensuretheir wide dissemination;

(c) organise training programmes or as the case may be, workshops for the officers, functionaries, faculty and students, as indicated in the SAKSHAM Report (Measures for Ensuring the Safety of Women and Programmes for Gender Sensitization on Campuses) of the Commission, to sensitize them and ensure knowledge and awareness of the rights, entitlements and responsibilities enshrined in the Act and under these regulations;

(d) act decisively against all gender based violence perpetrated against employees and students of all sexes recognising that primarily women employees and students and some male students and students of the third gender are vulnerable to many forms of sexual harassment and humiliation and exploitation;

(e) publicly commit itself to a zero tolerance policy towards sexual harassment;

(f) reinforce its commitment to creating its campus free from discrimination, harassment, retaliation or sexual assault at all levels;

(g) create awareness about what constitutes sexual harassment including hostile environment harassment and quid pro quo harassment;

(h) include in its prospectus and display prominently at conspicuous places or Notice Boards the penalty and consequences of sexual harassment and make all sections of the institutional community aware of the information on the mechanism put in place for redressal of complaints pertaining to sexual

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

(i) inform employees and students of the recourse available to them if they are victims of sexual harassment;

(j) organise regular orientation or training programmes for the members of the ICC to deal with complaints, steer the process of settlement or conciliation, etc., with sensitivity;

(k) proactively move to curb all forms of harassment of employees and students whether it is from those in a dominant power or hierarchical relationship within HEIs or owing to intimate partner violence or from peers or from elements outside of the geographical limits of the HEI;

(l) be responsible to bring those guilty of sexual harassment against its employees and students to book and initiate all proceedings as required by law and also put in place mechanisms and redressal systems like the ICC to curb and prevent sexual harassment on its campus;

(m) treat sexual harassment as a misconduct under service rules and initiate action for misconduct if the perpetrator is an employee;

(n) treat sexual harassment as a violation of the disciplinary rules (leading up to rustication and expulsion) if the perpetrator is a student;

(o) ensure compliance with the provisions of these regulations, including appointment of ICC, within a period of sixty days from the date of publication of these regulations;

(p) monitor the timely submission of reports by the ICC;

(q) prepare an annual status report with details on the number of cases filed and their disposal and submit the same to the Commission.

3.2 **Supportive measures**.—(1) The rules, regulations or any such other instrument by which ICC shall function have to be updated and revised from time-to-time, as court judgments and other laws and rules will continue to revise the legal framework within which the Act is to be implemented.

(2) The Executive Authority of the HEIs must mandatorily extend full support to see that the recommendations of the ICC are implemented in a timely manner. All possible institutional resources must be given to the functioning of the ICC, including office and building infrastructure (computers, photocopiers, audio-video, equipment, etc.), staff (typists, counselling and legal services) as, well as a sufficient allocation of financial resources.

(3) Vulnerable groups are particularly prone to harassment and also find it more difficult to complain. Vulnerability can be socially compounded by region, class, caste, sexual orientation, minority identity and by being differently abled. Enabling committees must be sensitive to such vulnerabilities and special needs.

(4) Since research students and doctoral candidates are particularly vulnerable the HEIs must ensure that the guidelines for ethics for Research Supervision are put in place.

(5) All HEIs must conduct a regular and half yearly review of the efficacy and implementation of their anti-sexual harassment policy.

(6) All Academic Staff Colleges (now known asHuman Resource Development Centres (HRDCs) and Regional Centres for Capacity Building (RCCBs) must incorporate sessions on gender in their orientation and refresher courses. This should be across disciplines, and preferably mainstreamed using the UGC SAKSHAM Report which provides indicative modules in this regard.

(7) Orientation courses for administrators conducted in HEIs must have a module on gender sensitization and sexual harassment issues. Regular workshops are to be conducted for all sections of the HEI community.

(8) Counselling services must be institutionalised in all HEIs and must have well trained full-time counsellors.

(9) Many HEIs having large campuses have a deficit in lighting and are experienced as unsafe places by the institutional community. Adequate lighting is a necessary aspect of infrastructure and maintenance.

(10) Adequate and well trained security including a good proportion or balance of women security staff is necessary. Security staff must receive gender sensitization training as a part of conditions of appointment.

(11) HEIs must ensure reliable public transport, especially within large campuses between different sections of the HEI, hostels, libraries, laboratories and main buildings, and especially those that do not have good access for day scholars. Lack of safety as well as harassment is exacerbated when employees and students cannot depend on safe public transport. Reliable transport may be considered by HEIs to enable employees and students to work late in libraries, laboratories and to attend programmes in the evenings.

(12) Residential HEIs should accord priority to construction of women's hostels. For the growing population of young women wishing to access higher education, hostel accommodation is desirable in both urban and rural areas and at all levels of higher education which provides a modicum of protection from harassment of all kinds.

(13) Concern for the safety of women students must not be cited to impose discriminatory rules for women in the hostels as compared to male students. Campus safety policies should not result in securitization, such as over monitoring or policing or curtailing the freedom of movement, especially for women employees and students.

(14) Adequate health facilities are equally mandatory for all HEIs. In the case of women this must include gender sensitive doctors and nurses, as well as the services of a gynaecologist.

(15) The Women's Development Cells in colleges shall be revived and funded to be able to carry out the range of activities required for gender sensitizationand remain autonomous of the functioning of anti sexual harassment committees and ICCs. At the same time they shall extend their activities to include gender sensitization programmes in consultation with ICCs and help to disseminate anti-sexual harassment policies on campuses on a regular basis. The 'cultural' space and the 'formal academic space' need to collaborate to render these workshops innovative, engaging and non-mechanical.

(16) Hostel Wardens, Provosts, Principals, Vice Chancellors, Legal Officers and other functionaries must be brought within the domain of accountability through amendmentsin the rules or Ordinances where necessary.

4. Grievance redressal mechanism.—(1) Every Executive Authority shall constitute an Internal Complaints Committee (ICC) with an inbuilt mechanism for gender sensitization against sexual harassment. The ICC shall have the following composition:-

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

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

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

(b) two faculty members and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by the Executive Authority;

(c) Three students, **if the matter involves students**, who shall be enrolled at the undergraduate, master's, and research scholar levels respectively, elected through transparent democratic procedure;

(d) one member from amongst non-government organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the Executive Authority.

(2) At least one-half of the total members of the ICC shall be women.

(3) Persons in senior administrative positions in the HEI, such as Vice- Chancellor, Pro Vice-Chancellors, Rectors, Registrar, Deans, Heads of Departments, etc., shall not be members of ICCs in order to ensure autonomy of their functioning.

(4) The term of office of the members of the ICC shall be for a period of three years. HEIs may also employ a system whereby one –third of the members of the ICC may change every year.

(5) The Member appointed form amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the Executive Authority as may be prescribed.

(6) Where the Presiding Officer or any member of the Internal Committee:

(a) contravenes the provisions of section 16 of the Act; or
(b) has been convicted for an offence or an inquiry into an offence under any law for the time 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."

5. **Responsibilities of Internal Complaints Committee (ICC)** - The Internal Complaints Committee shall:

(a) provide assistance if an employee or a student chooses to file a complaint with the police;

(b) provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights, and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence;

(c) protect the safety of the complainant by not divulging the person's identity, and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the offender;

(d) ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment; and

(e) ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.

6. The process for making complaint and conducting Inquiry – The ICC shall comply with the procedure prescribed in these Regulations and the Act, for making a complaint and inquiring into the complaint in a time bound manner. The HEI shall provide all necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy

7. Process of making complaint of sexual harassment - An aggrieved person is required to submit a written complaint to the ICC within three months from the date of the incident and in case of a series of incidents within a period of three months from the date of the last incident.

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

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

Friends, relatives, Colleagues, Co-students, Psychologist, or any other associate of the victim may file the complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental in capacity or death.

8. Process of conducting Inquiry- (1) The ICC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within a period of seven days of such receipt.

(2) Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complaint along with the list of documents, and names and addresses of witnesses within a period of ten days.

(3) The inquiry has to be completed within a period of ninety days from the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the inquiry to the Executive Authority of the HEI. Copy of the findings or recommendations shall also be served on both parties to the complaint.

(4) The Executive Authority of the HEI shall act on the recommendations of the committee within a period of thirty days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.

(5) An appeal against the findings or /recommendations of the ICC may be filed by either party before the Executive Authority of the HEI within a period of thirty days from the date of the recommendations.

(6) If the Executive Authority of the HEI decides not to act as per the recommendations of the ICC, then it shall record written reasons for the same to be conveyed to ICC and both the parties to the proceedings. If on the other hand it is decided to act as per the recommendations of the ICC, then a show cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken. The Executive Authority of the HEI shall proceed only after considering the reply or hearing the aggrieved person.

(7) The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The HEI shall facilitate a conciliation process through ICC, as the

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

(8) The identities of the aggrieved party or victim or the witness or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.

9. Interim redressal-The HEI may,

(a) transfer the complainant or the respondent to another section or department to minimise the risks involved in contact or interaction, if such a recommendation is made by the ICC;

(b) grant leave to the aggrieved with full protection of status and benefits for a period up to three months;

(c) restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant;

(d) ensure that offenders are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry into the campus;

(e) take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimisation as a consequence of making a complaint of sexual harassment.

10. Punishment and compensation- (1) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the HEI, if the offender is an employee.

(2) Where the respondent is a student, depending upon the severity of the offence, the HEI may,-

(a) withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card;

(b) suspend or restrict entry into the campus for a specific period;

(c) expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants;

(d) award reformative punishments like mandatory counselling and, or, performance of community services.

(3) The aggrieved person is entitled to the payment of compensation. The HEI shall issue direction for payment of the compensation recommended by the ICC and accepted by the Executive Authority, which shall be recovered from the offender. The compensation payable shall be determined on the basis of-

(a) mental trauma, pain, suffering and distress caused to the aggrieved person;

(b) the loss of career opportunity due to the incident of sexual harassment;

(c) the medical expenses incurred by the victim for physical, psychiatric treatment;

(d) the income and status of the alleged perpetrator and victim; and
(e) the feasibility of such payment in lump sum or in instalments.

11. Action against frivolous complaint.—To ensure that the provisions for the protection of employees and students from sexual harassment do not get misused, provisions against false or malicious complaints have to be made and publicised within all HEIs. If the ICC concludes that the allegations made were false, malicious or the complaint was made knowing it to be untrue, or forged or misleading information has been provided during the inquiry, the complainant shall be liable to be punished as per the provisions of sub-regulations (1) of regulations 10, if the complainant happens to be an employee and as per sub-regulation (2)

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

12. Consequences of non-compliance.—(1) The Commission shall, in respect of any institution that will fully contravenes or repeatedly fails to comply with the obligations and duties laid out for the prevention, prohibition and redressal of sexual harassment of employees and students, take one or more of the following actions after providing due notice: -

(a) withdrawal of declaration of fitness to receive grants under section 12B of the University Grants Commission Act, 1956.

(b) removing the name of the university or college from the list maintained by the Commission under clause (f) of section 2 of said Act, 1956;

(c) withholding any grant allocated to the institution;

(d) declaring the institution ineligible for consideration for any assistance under any of the general or special assistance programmes of the Commission;

(e) informing the general public, including potential candidates for employment or admission, through a notice displayed prominently in the newspapers or other suitable media and posted on the website of the Commission, declaring that the institution does not provide for a zero tolerance policy against sexual harassment;

(f) recommending the affiliating university for withdrawal of affiliation, in case of a college;

(g) recommending the Central Government for withdrawal of declaration as an institution deemed to be university, in case of an institution deemed to be university;

(h) recommending the appropriate State Government for withdrawal of status as university in case of a university established or incorporated under a State Act.

(i) taking such other action within its powers as it may deem fit and impose such other penalties as may be provided in the University Grants Commission Act, 1956 for such duration of time till the institution complies with the provisions of these regulations.

(2) No action shall be taken by the Commission under these regulations unless the Institution has been given an opportunity to explain its position and an opportunity of being heard has been provided to it.

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