



Anjuman-I-Islam's
College of Hotel & Tourism Management Studies & Research
(Affiliated to the University of Mumbai)
92, Dr. D. N. Road, Opp C.S.M.T. Mumbai - 400 001.
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5.1.4

**THE INSTITUTE HAS A
TRANSPARENT MECHANISM FOR
TIMELY REDRESSAL OF STUDENT
GRIEVANCES INCLUDING SEXUAL
HARASSMENT AND RAGGING
CASES**



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Anti- Ragging Committee
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Anti- Ragging Committee

No.	Name of Members	Designation	Committee
1	Mr. Harish Suvarna	Principal	Chairperson
2	Mr. Amit Ghadiyali	H.O.D Food and Beverage Service	Member
3	Mrs. Darshana Gangurde	Sr. Lecturer Housekeeping	Member

Students Grievance Committee

No.	Name of Members	Designation	Committee
1	Mr. Harish Suvarana	Principal	Chairperson
2.	Mr. Amit Ghadiyali	H.O.D Food and Beverage Service	Member
3.	Mrs. Preeti Mahadik	Sr. Lecturer	Member
1	Mr. Priyesh Udyawar	General Secretary	Student Representative
2	Mr. Rishikesh Nair	Assistant General Secretary	Student Representative

Internal Complain Cell/ Sexual Harassment Committee.

No.	Name of Members	Designation	Committee
1	Mr. Harish Suvarna	Principal	Chairperson
1	Mr. Amit Ghadiyali	HOD	Member
2	Mr. Parvez Pagarkar	Sr. Lecturer	Member
3	Mrs. Preeti Mahadik	Sr. Lecturer	Member



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A. Statutory Guide lines


- UGC guidelines for Students Grievance
- UGC guidelines for Anti ragging
- UGC guidelines for Sexual Harassment
- Maharashtra State Guidelines for sexual harassment (Vishaka Guidelines)
- University of Mumbai guidelines for sexual harassment (Concal Documents)

CHTMSR has a guidelines of statutory bodies for a transparent mechanism for timely redressal of student grievance including sexual harassment and ragging cases.

B. Statutory committees-

1. CHTMSR has a statutory committee for student's grievances and ragging and sexual harassment, these committees are for a transparent mechanism for timely redressal.
2. Organization wide awareness and undertaking on polices with zero tolerance
- A.HEI has placed the posters about awareness regarding student's grievance, ragging and sexual harassment, HEI Displayed the poster at college premises and shows zero tolerance about menace of ragging, sexual harassment and or any grievances
- B.IQAC and alumni carried out the awareness program about sexual harassment and anti-ragging. YouTube videos were selected and presented by alumni member of alumni association. In 2021-22, the YouTube video online schedule was organized for first year, second year and third year students. The appeal was made by senior pass out students about no ragging, no sexual senior passes out students about no ragging, no sexual harassment and fight for rights.
3. Mechanism for submission of online | Offline Students grievance -




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HEI has Offline mechanism for submission of grievance, if any. The offline grievance was collated by the grievance committee, anti-ragging committee and or anti sexual harassment committee. The offline grievance then presented in front of grievance committee/ anti ragging committee and or sexual harassment committee. The discussion was done by the committee, necessary action's , preventive measures and corrective action step measures taken by the committee The respond /Action about student's grievance was initiated by the IQAC, Alumni and present students is resolved within 5 days.

Timely redressal of the grievance through appropriate committee -

HEI has manual for grievance solution by the expert alumni. HEI is keen on timely redressal of the grievance through offline application. The HEI committee has a chair person experts lead to discussion for timely redressal of grievance through dedicated committee.

1. Guidelines of Statutory bodies for grievance redressal
 - a) UGC Guidelines for Students grievances
 - b) UGC Guidelines for Anti –Ragging
 - c) UGC Guidelines for Sexual Harassment
 - d) Maharashtra State Guidelines for sexual harassment (Vishaka Guidelines)
 - e) University of Mumbai guidelines for sexual harassment (Concal Documents)
2. Wide awareness for grievances redressal
 - a) Poster Display
 - b) YouTube Video awareness by alumni
3. Mechanism for offline student grievance
 - A. offline student grievance
4. Timely redressal of grievances




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UGC Guidelines

**INFORMATION EDUCATION COMMUNICATION (IEC)
GUIDELINES FOR COUNCILS, UNIVERSITIES & COLLEGES
Curbing the Menace of Ragging**



Ministry of Education
Government of India



विश्वविद्यालय अनुदान आयोग
University Grants Commission
quality higher education for all




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GUIDELINES FOR COUNCILS, UNIVERSITIES & COLLEGES**

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www.ugc.ac.in

www.antiragging.in and www.c4yindia.org



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ABBREVIATIONS

ACP	Assistant Commissioner of Police	INC	Indian Nursing Council
AICTE	All India Council of Technical Education	IT	Information Technology
ARC	Anti-Ragging Committee	MCI	Medical Council of India
ASP	Assistant Superintendent of Police	NCRI	National Council for Rural Institutes
BCI	Bar Council of India	NCTE	National Council for Teacher Education
C4Y	Centre for Youth	PCI	Pharmacy Council of India
CCH	Central Council of Homeopathy	RCI	Rehabilitation Council of India
CCIM	Central Council for Indian Medicine	SCHE	State Councils of Higher Education
COA	Council of Architecture	SHO	Station House Officer
DCI	Dental Council of India	SP	Superintendent of Police
DCP	Deputy Commissioner of Police	SPC	Statutory Professional Councils
FAQ	Frequently Asked Question	SSP	Senior Superintendent of Police
ICAR	Indian Council for Agricultural Research	UGC	University Grants Commission
IEC	Information Education Communication		




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RAGGING MENACE

Ragging is a disturbing reality in the higher education system of our country. Despite the fact that over the years, ragging has claimed hundreds of innocent lives and has ruined the careers of thousands of bright students, the practice is still perceived by many as a way of 'familiarisation' and an 'initiation into the real world' for young college-going students.

The Ragging is defined as any disorderly conduct, whether by words spoken or written or by an act, has the effect of teasing, treating, or handling with rudeness a fresher or a junior student. Indulging in a rowdy or undisciplined activity that causes or is likely to cause annoyance, hardship, or psychological harm or to raise fear or apprehension thereof in a fresher or junior student. Asking the students to do any act or perform something that such students will not do in the ordinary course and which has the effect of causing or generating a sense of shame or embarrassment so as to adversely affect the physique or psyche of a fresher or junior student. This can lead to adverse effects such as depression, anxiety, and sometimes even suicide.

Punishment Provisions

Any student or group of students found guilty of ragging on campus or off campus shall be liable to one or more of the following punishments:

- Debarring from appearing in any sessional test/ university examination or withholding results
- Suspension from attending classes and academic privileges
- Withdrawing scholarships and other benefits
- Suspension from the college for a period of one month
- Cancellation of admission
- Debarring from representing the institution in any national or international meet, tournament, youth festival, etc
- Suspension/expulsion from the hostel
- Rustication from the institution for periods varying from 1 to 4 semesters or equivalent period
- Expulsion from the institution and consequent debarring from admission to any other institution
- Fine up to twenty five thousand rupees
- Imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both
- Collective punishment - When the students committing or abetting the crime of ragging are not identified, the institution shall resort to collective punishment as a deterrent to ensure community pressure on the potential raggers.

Any institution that fails to take adequate steps to prevent ragging or fails to act in accordance with the Regulations or fails to punish perpetrators or incidents of ragging suitably is liable to the penalties and punishments as per the provisions of the Regulations.

www.antiragging.in/assets/pdf/information/english/what_constitues_ragging.pdf

www.c4yindia.org/Home/AntiRagging




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ZERO TOLERANCE POLICY IN INDIA

No act of ragging, major or minor, shall go unnoticed. No ragger, male or female, student or non-student, shall go unpunished. No institution that fails to take action against ragging shall be allowed to operate.

The Supreme Court, in its judgement dated 08 May 2009 ordered the implementation of a ragging prevention programme comprising, inter alia, setting up a toll-free anti-ragging helpline/ call center, a database of institutions/ students, and engaging an independent non-government agency as the monitoring agency.

Regulatory provisions and the appropriate law are in force to eliminate ragging in all its forms from the universities, deemed universities and other higher educational institutions in the country by prohibiting, preventing its occurrence and punishing those who indulge in ragging.

UGC Regulations on curbing the menace of Ragging in Higher Educational Institutions, 2009

Ragging is a criminal offence and UGC has framed regulations on curbing the menace of ragging in higher educational institutions in order to prohibit, prevent and eliminate the scourge of ragging. In pursuance to the Judgment of the Hon'ble Supreme Court of India dated 08.05.2009 in Civil Appeal No. 887/2009, in exercise of the powers conferred by clause (g) of sub-section (1) of section 26 of the University Grants Commission Act, 1956, the UGC notified "Regulations on Curbing the Menace of Ragging in Higher Educational Institutions, 2009". These regulations are mandatory for all universities/institutions.




Notices @ UGC
www.ugc.ac.in/ugc_notices.aspx



UGC Regulations
www.antiragging.in/assets/pdf/annexure/Annexure-I.pdf




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ANTI-RAGGING REGULATORY FRAMEWORK IN INDIA

▶ Anti-Ragging Monitoring Committee, Ministry of Education, Government of India

The Anti-Ragging Committee for monitoring measures to prevent ragging in higher educational institutions is constituted in the Ministry of Education, Government of India.

▶ University Grant Commission (UGC)

As per the directions of the Government of India, the UGC established the following regulatory framework mechanism to curb the menace of ragging in the country.



▶ UGC Anti-Ragging Cell

The Anti-Ragging Cell within UGC is an instructional mechanism to provide secretarial support for the collection of information, monitoring and to coordinate with the State Level Monitoring Cell and Universities Level Committees for effective implementation of anti-ragging measures. The Cell also coordinates with the Monitoring Agency.

▶ Inter Council Committee, UGC

The UGC has constituted an Inter-Council Committee, consisting of representatives of the various Councils and the Monitoring Agency. Such bodies in higher education are to coordinate and monitor the anti-ragging measures in institution across the country and to make recommendations from time to time.

▶ The National Anti-Ragging Helpline

The National Anti-Ragging Help Line 24x7 Toll Free number is 1800-180-5522. The support is provided for queries related to ragging, compliant registration, among others.

▶ Monitoring Agency

The Centre for Youth (C4Y) is the Monitoring Agency from April 01, 2022 (www.c4yindia.org) to support the National Ragging Prevention Programme in the country. The monitoring agency is working towards:

1. Establishing the National 24x7 Anti-Ragging Helpline
2. Software development (IT) for the operation of the national anti-ragging helpline
3. Development and updating the anti-ragging website (www.antrragging.in) and monitoring agency website (www.c4yindia.org)
4. Building an online reporting mechanism for UGC, councils, universities and colleges
5. Conducting trainings of helpline executives
6. Supervising the performance of the helpline and executives
7. Ensuring efficiency and ease of operations for the national helpline, UGC, colleges, universities, and the students
8. Creating awareness to demote ragging in universities, colleges across India
9. Monitoring of the databases maintained by the commission





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► **The Councils, Regulatory Bodies**

The 15 councils in India are making collaborative efforts with UGC to address the menace of ragging. They have been issuing directions and monitoring the affiliated universities and colleges for adhering to the regulatory provisions and compliances. They participate in UGC Inter-Council meetings and the Anti-Ragging Monitoring Committee meetings of the Ministry of Education, Government of India for updates and strategies. The councils are:

1. All India Council of Technical Education (AICTE)
2. Bar Council of India (BCI)
3. Council of Architecture (COA)
4. Dental Council of India (DCI)
5. Indian Council for Agricultural Research (ICAR)
6. Indian Council of Medical Research (ICMR)
7. Indian Nursing Council (INC)
8. Mahatma Gandhi National Council of Rural Education (MGNCRE)
9. National Commission for Homoeopathy (NCH)
10. National Commission for Indian System of Medicine (NCISM)
11. National Council for Hotel Management & Catering Technology (NCHMCT)
12. National Council for Teacher Education (NCTE)
13. National Medical Commission (NMC)
14. Pharmacy Council of India (PCI)
15. Rehabilitation Council of India (RCI)
16. Sports Authority of India (SAI)
17. Veterinary Council of India (VCI)

► **The Anti-Ragging Committee (ARC), Universities and Colleges**

The Anti-Ragging Committee is instituted at each college or university to ensure compliance with the provisions of the regulations as well as the provisions of any law for the time being in force concerning ragging; investigate complaints and also, monitor and oversee the performance of the Anti-Ragging Squad in prevention of ragging in the institution. The Anti-Ragging Committee is responsible for inculcating a culture of Ragging Free Environment on Campus. The Anti-Ragging Committee is involved in designing strategies and action plan for curbing the menace of ragging in the college by adopting an array of activities. The committee is also responsible for conducting awareness programmes from time-to-time on campus.

► **Anti-Ragging Squads, Universities and Colleges**

The Anti-Ragging Squad office bearers work under the supervision and guidance of the Anti-Ragging Committee and engage in checking places like hostels, buses, canteens, grounds, classrooms and other places of student congregation to keep a vigil and stop the incidences of ragging, if any, and report them if they happen. The squad role is also to educate the students at large by adopting various means about the menace of ragging and related punishments there to.



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▶ Transparent Complaint Process

Specifically, after registering the complaint, the helpline executives forward it to four Higher Authorities:

University Vice-Chancellor | College Principal | SHO | City SP/SSP/DCP/ASP/ACP | Council

The team at the national helpline undertakes follow-up with the college's Anti-Ragging Committee (ARC) for investigation and ARC report till the satisfaction of the victim/ complainant. The complaint remains active in the helpline until the victim/ complainant is satisfied with the action taken by the authorities. The consent in writing for closing the complaint is taken from the victim/ complainant.

If the case is not resolved to the satisfaction of the victim/ complainant, the national helpline escalates the case to the Monitoring Agency for further action in terms of advice, second opinion, or follow-up by the Monitoring agency itself.

If the complainant is not satisfied with the action taken by the college or the college authorities are not cooperating with the helpline centre, such cases are escalated to the University Grants Commission and the respective council for intervention.

There is an online management system set-up in the UGC premises for UGC to act on the complaints that have been escalated to UGC. Any actions in terms of writing a letter, email, phone calls etc. are being logged into the case file of the respective complaint. The case file is also visible to the victim/ complainant - www.ugc.ac.in

The status of the complaint with complete follow-up can be accessed at the link below with specific complaint number.

Enter Complaint Number To Check Status

<p>Complaint registered from Agency 2022</p> <p>Complaint Number: <input type="text"/> <input type="button" value="Submit"/></p>	<p>Complaint registered from Agency 2022</p> <p>Complaint Number: <input type="text"/> <input type="button" value="Submit"/></p>
--	--

www.antiragging.in

Note: The helpline NEVER discloses the identity of the victim without their permission and consent.

Ragging Complaints Registration

The students in distress due to ragging-related incidents can contact National Anti-Ragging Helpline 1800-180-5522 (24x7 Toll Free) or e-mail to helpline@antiragging.in.

Or

They may also contact UGC Monitoring Agency i.e. Centre for Youth (C4Y) at antiragging@c4yindia.org or 011-41619005 or 98180 44577 (only in case of emergency).



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IMPORTANT LINKS FOR THE STUDENTS, COLLEGES, UNIVERSITIES AND COUNCILS

▶ Students and Parents Undertaking Affidavit

In compliance of the second amendment in UGC Regulations, it is compulsory for each student and every parent to submit an online Anti-Ragging undertaking affidavit every academic year. The universities and colleges are also requested to implement the revised procedure for students to file online Anti-Ragging affidavits. The student will receive an e-mail with her/ his registration number. The student will forward that e-mail to the Nodal officer in her/ his university/college e-mail. (Please note that the student will not receive pdf affidavits and she/ he is not required to print & sign it as it used to be in the earlier case).

Link to fill out the online undertaking affidavit by students and parents:

www.antiragging.in/affidavit_registration_disclaimer.html | www.c4yindia.org/Home/Undertaking

▶ Ragging Complaints Registration

The complaints of ragging are being registered through the following means:

1. Via e-mail: helpline@antiragging.in
2. National Anti-Ragging Help Line: 1800-180-5522. 24x7 Toll Free Number
3. Suo Motto via Social Media platforms, news, reporters, influencers, social workers among others

Links for filling out ragging complaints:

The National Anti-Ragging Helpline website - www.antiragging.in

The Monitoring Agency website - www.c4yindia.org

▶ Universities and Colleges Compliance

The UGC regulation has made it mandatory for the universities and colleges to demote ragging in their campuses and follow the compliances to achieve these objectives. The universities are requested to fill online compliance and also immediately instruct all the colleges under their purview to follow it.

Link for 'confirmation on compliance being followed':

www.antiragging.in/compliance_disclaimer.html | www.c4yindia.org/Home/CollegeCompliance

▶ Colleges and Universities Contact Details

As per the order of the Hon'ble Supreme Court, it is mandatory for the college and university authorities to update their details each year, so that college students can navigate the college or university details while filing the undertaking affidavit.

Link to update college or university details:

www.antiragging.in/compliance_disclaimer.html | <https://www.c4yindia.org/Home/UpdateCollCont>

▶ Councils Reporting

The various councils in India are the statutory bodies for regulating universities and colleges. The measures undertaken by them to curb the menace of ragging in their respected affiliated universities and colleges are to be mandatorily reported.

Link to upload the council's reports:

www.antiragging.in/admin/login.php



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HIGHER EDUCATION INSTITUTIONS IN INDIA (HEIs)

UGC Regulations on 'Curbing the Menace of Ragging in Higher Educational Institutions, 2009' are mandatory and all higher education institutions are required to take necessary steps for its implementation including the monitoring mechanism. Any violation of these regulations will be viewed seriously. If any institution fails to take adequate steps to prevent ragging or does not act in accordance with these Regulations or fails to punish perpetrators of incidents of ragging suitably, it will attract punitive action against itself by the UGC.

The requisite mandatory action for curbing the menace of ragging in all Higher Educational Institutions in India:

- Strengthen and augment anti-ragging mechanism by way of adequate publicity through various mediums
- Constitution of Anti-Ragging committee and Anti-Ragging squad
- Establish Anti-Ragging Cell
- Install CCTV cameras at vital points
- Organise anti-ragging interaction, workshops and seminars for the freshers and the senior students
- After the commencement of the academic year organised professional counselling of the students
- Ensure identification of trouble triggers and take appropriate action
- Mention of Anti-Ragging warnings in the institution's E-prospectus and E-information booklets/ brochures
- Conduct surprise inspections of hostels, students, accommodation, canteens, rest cum recreational rooms, toilets, bus stands, and all other strategic locations
- Undertake all other measures that would augur well in preventing/ quelling ragging and any uncalled-for behaviour and the incident.

Website with nodal officers' complete details

Universities/ colleges have to display the email address and contact number of the Nodal Officer of the Anti-Ragging Committee of their university/ college on their website and campus areas like Admission Centre, Departments, Library, Canteen, Hostel, Common facilities, etc.

Admission Form

Universities and colleges are requested to insert a mandatory column in their university/ colleges admission form as per the given format:

Anti-Ragging Undertaking Reference no:	
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AWARENESS MEASURES FOR RAGGING FREE CAMPUSES

- Every public declaration of intent by any institution in electronic, audio-visual, online, social media, print, website, admission prospectus/ booklet or any other media should expressly mention that ragging is totally prohibited in the institution at the time of admission of students in any course.
- The brochure of admission/ instruction booklet or prospectus, whether in print or electronic format, shall prominently print these regulations in full.
- Institutions should display posters in all prominent locations showcasing the provisions of penal law applicable to incidents of ragging.
- At the end of each academic year, the institution should send a letter to the parents/ guardians informing them about the Regulations and any law for the time being enforced prohibiting ragging and its punishments.
- Institutions can issue public notices in the newspapers, update their websites with the nodal officer's complete details.
- Every fresher should be provided with a printed leaflet with all the information to seek help and guidance from all authorities and agencies, and a calendar of events and activities laid down by the institution to facilitate and complement the familiarisation of freshers with the academic environment of the institution.
- Institutions should conduct joint sensitisation and orientation programmes for both freshers and senior students.
- Institutions should constitute Anti-Ragging Committee and Anti-Ragging Squad which will be responsible for spreading awareness and preventing the occurrence of ragging.
- Meeting of all staff, functionaries and agencies before the commencement of the academic session.
- Institutions should launch a publicity campaign against ragging before the commencement of the academic year.
- After the commencement of the academic year, the batch of freshers should be divided into small groups and assigned to the faculty for difficulties and guidance.
- Random anonymous survey should be done among students about ragging, and it should be a regular practice in the institution.

In Nutshell

- Brochure of admission/instruction booklet or the prospectus
- Leaflets
- Posters
- Institution website
- Meetings
- Publicity campaign
- Seminars and workshops
- Professional counselling
- Orientation programmes
- Large scale cultural, sports and other activities

- ▶ UGC designed and distributed four types of posters amongst Universities/ Regulatory Authorities/ Councils/ IITs/ NITs/ other educational institutions for their prominent display. These anti-ragging posters must be displayed at all prominent places like the Admission centre, Departments, Library, canteen, Hostel, Common facilities, etc. These posters are available on UGC website. The size of the posters should be 8x6 feet.
- ▶ UGC developed 05 TVCs of 30 seconds each with different perspectives i.e. Parents, victims, and Offenders.




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वेदोक्तं विद्यया

प्रो. राजनीश जैन
सचिव

Prof. Rajnish Jain
Secretary



सर्वोत्तमं कर्म

विश्वविद्यालय अनुदान आयोग
University Grants Commission

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

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

7th December, 2018

PUBLIC NOTICE

ON

UGC (GRIEVANCE REDRESSAL) REGULATIONS, 2018

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

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

(Prof. Rajnish Jain)



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REACH OUT

University Grant Commission (UGC)
Bahadur Shah Zafar Marg
New Delhi 110 002
P: 91 11 2360 4446; 2360 4200
E: contact.ugc@nic.in

UGC Anti-Ragging Cell (ARC)
NET Bureau, South Campus of Delhi University,
Benito Jhuarez Marg, New Delhi 110 021
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E: raggingcell@yahoo.in

Monitoring Agency
Centre for Youth (C4Y)
New Delhi 110 068
P: 91 11 4161 8005
E: antiragging@c4yindia.org

National Anti-Ragging Helpline
New Delhi 110 007
P: 1800 180 5522
E: helpline@antiragging.in

NATIONAL RAGGING PREVENTION PROGRAMME

www.ugc.ac.in

www.antiragging.in and www.c4yindia.org

Guidelines Content and Design by Centre for Youth (C4Y), Monitoring Agency




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

NOTIFICATION

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

New Delhi, the __ October, 2018

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

1. SHORT TITLE, APPLICATION AND COMMENCEMENT:

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

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

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

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

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

(e) "declared admission policy" means such policy for admission to a course or program of study as may be offered by the institution and published in the prospectus referred to in sub-regulation (1) of regulation 3;

(f) "grievances" include the following complaints of the aggrieved students, namely:

- i. making admission contrary to merit determined in accordance with the declared admission policy of the institution;
- ii. irregularity in the admission process adopted by the institution;
- iii. refusing admission in accordance with the declared admission policy of the institution;
- iv. non publication of prospectus, (either hard copy / online) as specified in these regulations;
- v. publishing any information in the prospectus, which is false or misleading, and not based on facts;
- vi. withhold or refuse to return any document in the form of certificates of degree, diploma or any other award or other document deposited with it by a students for the purpose of seeking admission in such institution, with a view to induce or compel such student to pay any fee or fees in respect of any course or program of study which such student does not intend to pursue;
- vii. demand of money in excess of that specified in the declared admission policy to be charged by such institution;

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




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

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

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

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

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

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

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

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

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

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

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

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

4. GRIEVANCE REDRESSAL COMMITTEES (GRC):


A. Department Grievance Redressal Committee (DGRC)

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

B. Institutional Grievance Redressal Committee (IGRC)

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

C. College Grievance Redressal Committee (CGRC)

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

D. University Grievance Redressal Committee (UGRC)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Nominee of University Grants Commission – Chairperson

(b) One Vice Chancellor from Central University to be nominated by UGC (for Central Universities) – Member

OR

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

(c) The Vice Chancellor of the university – Member

(d) The Registrar of the university – Secretary (Non-Voting)

(vii) The Ombudsperson shall be a part time officer appointed for a period of three years from the date he/she assumes the office and may be reappointed for another one term in the same university.

(viii) The Ombudsperson shall be paid the sitting fee per day as per the norms of the university for hearing the cases, in addition to the reimbursement of the conveyance.

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

6. FUNCTIONS OF OMBUDSPERSON:

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

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

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

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

8. INFORMATION REGARDING OMBUDSPERSON GRIEVANCE REDRESSAL COMMITTEE:

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

9. CONSEQUENCES OF NON-COMPLIANCE:

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

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

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

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

(Prof. Rajnish Jain)
Secretary

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मानव संसाधन विकास मंत्रालय
(विश्वविद्यालय अनुदान आयोग)
अधिसूचना
नई दिल्ली, 2 मई, 2016

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

मि. सं. 81-1/2013 (टी. एफ. जी. एस.—विश्वविद्यालय अनुदान आयोग अधिनियम 1956 (1956 का 3) जिसे उक्त अधिनियम के अनुच्छेद 20 के उप-अनुच्छेद (1) से संशुद्ध रूप से पढ़ा जाए उस अधिनियम 26 के अनुच्छेद (1) की धारा (बी) द्वारा प्रदत्त अधिकारों के क्रियान्वयन अनुसार विश्वविद्यालय अनुदान आयोग एतद्वारा निम्न विनियम निर्मित कर रहा है, नामतः—

- लघु शीर्ष, अनुप्रयोग एवं सारगर्भ— (1) ये विनियम विश्वविद्यालय अनुदान आयोग (उच्चतर शैक्षिक संस्थानों में महिला कर्मचारियों एवं छात्रों के लैंगिक उत्पीड़न के निराकरण, निषेध एवं इस्समें सुधार) विनियम, 2015 कहलाएंगे।
(2) ये विनियम भारत वर्ष में सभी उच्चतर शैक्षिक संस्थानों पर लागू होंगे।
(3) सरकारों राज्यपत्र में इनके प्रकाशन की तिथि से वे लागू बने जाएंगे।
- परिभाषाएँ— इन विनियमों में—बशर्त विषयवस्तु को अन्वयित कुछ अन्यथा जरूरी है—
(अ) "पीड़ित महिला" से अर्थ है किसी भी आयु वर्ग की एक ऐसी महिला—चाहे वह रोजगार में है या नहीं, जिसकी कार्य स्थल में कथित तौर से प्रतिवादी द्वारा कोई लैंगिक प्रताड़ना के कार्य का शिकार बनी है;
(ब) "अधिनियम" से अर्थ है कार्य स्थल में महिलाओं का लैंगिक उत्पीड़न (निराकरण, निषेध एवं समाधान) अधिनियम, 2013 (2013 का 14);
(स) "परिसर" का अर्थ इस स्थान अथवा भूमि से है जहाँ पर उच्चतर शैक्षिक संस्थान तथा इसकी संबद्ध संस्थागत सुविधाएँ जैसे पुस्तकालय, प्रयोगशाला, लेक्चर हॉल, आवास, हॉल, भोजनालय, छात्र केंद्र, छात्रावास, भोजन बरतों, स्टेडियम, ग्राहक पड़व स्थल उपरान्त जैसे स्थल तथा अन्य कुछ सुविधाएँ जैसे स्वास्थ्य केंद्र, कैंटीन, बैंक, पेट्रोल इत्यादि स्थित हैं तथा जिसमें छात्रों द्वारा उच्चशिक्षा के छात्रों को रूप में दौरा किया जाता हो—जिस में यह परिवहन शामिल है जो उन्हें उस संस्थान से आने जाने के लिए, उस संस्थान के अलावा क्षेत्रीय प्रत्यक्ष है।

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2 THE GAZETTE OF INDIA EXTRAORDINARY [PART III—SEC. 4]

संस्थान पर आद्यवर्ग, अद्यवर्ग प्रथम, चौत-चतुर्थ के लिए, तृप्त-अर्धवर्षीय प्रत्येक वर्ष के लिए, शिपिंग के लिए उपयोग किए जा रहे स्वामी, सांस्कृतिक समारंभों, खेलकूद आयोजनों एवं ऐसी ही अन्य गतिविधियां निम्न में कार्य व्यक्त एक कर्मचारी अथवा उच्चतर शैक्षिक संस्थान के एक छात्र के रूप में भाग ले रहा है—यह समस्त उक्त परिचय में सम्मिलित हैं।

(डी) "आयोजन" का अर्थ है विश्वविद्यालय अनुदान आयोग जो विश्वविद्यालय अनुदान आयोग अधिनियम 1956 (1956 का 3) के अनुच्छेद 4 के अन्तर्गत स्थापित है।

(ई) "अज्ञात व्यक्तियों" से अर्थ उन व्यक्तियों से है जो एक सुरक्षित गतिविधि में कार्यरत हैं जैसे कि किसी लैंगिक उत्पीड़न की शिकायत को दायर करना—अर्थात् वे ऐसे किसी व्यक्ति से धमिष्ट रूप से सम्बन्ध हैं जो सुरक्षित गतिविधि में कार्यरत है तथा ऐसा व्यक्ति एक कर्मचारी हो सकता है अथवा उस व्यक्ति व्यक्ति का एक कर्मचारी हो सकता है अथवा एक सार्वजनिक अथवा निजी व्यक्तिक हो सकता है।

(एफ) "अन्यथा" का अर्थ उस व्यक्ति से है जिसे अधिनियम में परिभाषित किया गया है तथा इसमें इन विनियमों की दृष्टि से प्रशिक्षण, शिक्षण अथवा वे अन्य जिस नाम से भी जाना जाते हैं। आन्तरिक अध्ययन में तृप्त छात्र, चतुर्वर्षीय, अत्यायन—सहायक शोध—सहायक छात्र वे रोजगार में हैं अथवा नहीं, तथा क्षेत्रीय अध्ययन में, परियोजनाओं तृप्त—रत्तर के समय अथवा शिपिंग में कार्यरत व्यक्तियों से है।

(जी) "कार्यकारी प्राधिकारी" से अर्थ है उच्चतर शैक्षिक संस्थान के प्रमुख कार्यकारी प्राधिकारी, चाहे जिस नाम से वे जाने जाते हैं— तथा जिस संस्थान में उच्चतर शैक्षिक संस्थान का सामान्य प्रशासन सम्मिलित है। सार्वजनिक रूप से विधि प्राप्त संस्थानों के लिए, कार्यकारी प्राधिकारी से अर्थ है अनुशासनात्मक प्राधिकारी जैसा कि कन्द्रीय नागरिक सेवाओं (व्यवस्थापन, नियन्त्रण एवं अपील) नियम तथा इसके समतुल्य विधियों में बर्णित गया है।

(एच) "उच्चतर शैक्षिक संस्थान" (एचईआई) से अर्थ है—एक विश्वविद्यालय जो अनुच्छेद 2 की धारा (जे) के अन्तर्गत आती है अथवा है, ऐसा एक महाविद्यालय जो अनुच्छेद 12 (ए) के तर्क-अनुच्छेद (1) की धारा (सी) के अर्थ में अनुसार है तथा एक ऐसा संस्थान जो मानित विश्वविद्यालय के रूप में विश्वविद्यालय अनुदान आयोग अधिनियम 1956 (1956 का 3) के अनुच्छेद 3 के अन्तर्गत है।

(आई) "आन्तरिक शिकायत समिति" (आई.सी.सी.) (इन्टरनल कॉम्प्लेन्ट्स कमिटी) से अर्थ है इन विनियमों के विनियम 4 के तर्क-विनियम (1) के अर्थ में अनुसार उच्चतर शैक्षिक संस्थान द्वारा गठित की जाने वाली आन्तरिक शिकायत समिति से है। यदि पहले से ही समान उद्देश्य वाला कोई निकाय सक्रिय है, (जैसे कि लैंगिक सचेतकरण समिति जो लैंगिक उत्पीड़न संबंधी विवाद देखती (जी.एस.सी.ए.एस.एच.) ऐसे निकाय को आन्तरिक शिकायत समिति (आई.सी.सी.) के रूप में पुनर्गठित किया जाना चाहिए।

बशर्ते बाद वाले मामले में उच्चतर शैक्षिक संस्थान ऐसा सुनिश्चित करेगा कि इन विनियमों को अन्तर्गत आन्तरिक शिकायत केन्द्र से लिए ऐसे एक निकाय का गठन आवश्यक है। बशर्ते कि ऐसा निकाय इन विनियमों के प्रावधानों द्वारा बाध्य होगा।


(जे) "संरक्षित गतिविधि" से अर्थ एक परम्परा के प्रति तर्कपूर्ण विरोध शामिल है, जिसके बारे में ऐसा माना जाता है कि अपनी तरफ से अथवा कुछ दूसरे लोगों की तरफ से लैंगिक उत्पीड़न संबंधी कार्रवायों का उत्प्रेरण उस परम्परा के माध्यम से किया जा रहा है— जैसे कि लैंगिक उत्पीड़न मामलों की कार्रवाई में भागीदारी करना, किसी भी आन्तरिक जांच प्रक्रिया में जांच कथित लैंगिक उत्पीड़न कार्यों में सहयोग करना अथवा किसी बाहरी एजेंसी द्वारा की जा रही जांच प्रक्रिया में अथवा किसी मुकदमे में बतौर गवाह मौजूद रहना।

(के) "लैंगिक उत्पीड़न" का अर्थ है—

(1) ऐसा एक अनचाहा व्यवहार जिसमें जिसे रूप में लैंगिक भावनाएँ जो प्रत्यक्ष भी हो सकती हैं अथवा जो भावनाएँ अथवा गवाह गवाह होती हैं, नीचायत होती हैं, अपमानजनक होती हैं अथवा एक प्रतिज्ञा और धमकी भरा वातावरण पैदा करती हैं अथवा वास्तविक अथवा धमकी भरे परिणामों द्वारा अपमान को उत्प्रेरित करने वाली होती हैं तथा ऐसी भावनाओं में निम्नलिखित अवस्थित काम या व्यवहारों में कोई भी एक का उत्प्रेरक या वे समस्त व्यवहार शामिल हैं (चाहे सीधे तौर से या जिसे तौर से) नामतः—

- (अ) लैंगिक भावना से मुक्त कोई भी अधिप शारीरिक, मौखिक अथवा गैर मौखिक के अतिरिक्त कोई व्यवहार
- (ब) लैंगिक अनुग्रह या अनुग्रह करना
- (स) लैंगिकतायुक्त टिप्पणी करना




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- (3) शासरीक रूप से संबध बनाना अवदा पास कने रहने की कोशिश करना
(4) अशलील साहित्य दिखाना
- (ii) निम्न परिस्थितियों में से किसी एक में (अथवा इस्से अधिक एक या सनी में) यदि ऐसा पाया जाता है अथवा यह ऐसे किसी बतारि के बारे में है या उससे संबंधित है जिसमें व्यापक रूप से या छिपे रूप में लैंगिक संकेत छिपे हैं-
- (अ) छिपे तौर से या प्रत्यक्ष रूप से अधिमान्य व्यवहार देने का वायदा जो लैंगिक सम्बंध के ध्वज में है;
(ब) धार्य के निषादन में छिपे रूप से या सीधे तौर से रुकावट डालने की धमकी;
(स) सम्बद्ध व्यक्तिक के वर्तमान अथवा उसके भविष्य के प्रति छिपे तौर से या सीधे तौर से धमकी देकर;
(द) एक दहशत भरा हिंसात्मक या द्वेषपूर्ण वातावरण पैदा करके;
(ई) ऐसा व्यवहार करना जो कि संबद्ध व्यक्तिक के स्वास्थ्य उसकी सुरक्षा, प्रतिष्ठा अथवा उसकी शासरीक दृष्टता को दुष्प्रभावित करने वाला है;
- (एए) "छात्र" शब्द का अर्थ उस व्यक्तिक के लिए है जिसे विधित प्रवेश मिला हुआ है, जो नियमित रूप से या दूर शिक्षा विधि से एक उच्च शिक्षा संस्थान में, एक अध्ययन पाठ्यक्रम का अनुसरण कर रहा है जिसमें लघु अवधि प्रशिक्षण पाठ्यक्रम भी शामिल है।
- बशर्ते, ऐसे किसी छात्र के साथ यदि कोई लैंगिक उत्पीड़न की घटना होती है जो उच्च शिक्षा संस्थान परिसर में प्रवेश पाने की प्रक्रिया में है- यद्यपि यह प्रवेश प्राप्त नहीं हुआ है तो इन विनियमों के आधारे पर उस छात्र को उच्च शिक्षा संस्थान का छात्र माना जाएगा।
- बशर्ते एक ऐसा छात्र जो किसी उच्चतर शैक्षिक संस्थान में प्रवेश प्राप्त है तथा उस संस्थान में भागीदार है और उस छात्र के प्रति कोई लैंगिक उत्पीड़न होता है तो उसे उस उच्च संस्थान का छात्र माना जाएगा।
- (एए) "किसी तीसरे व्यक्ति द्वारा उत्पीड़न" उस स्थिति को दर्शाता है जब लैंगिक उत्पीड़न की घटना किसी तीसरे व्यक्ति द्वारा या किसी बाहर के आदमी द्वारा की गई हो जो भा तो उस उच्च शैक्षिक संस्थान का कर्मचारी अथवा उसका छात्र है-बनिक उस संस्थान में एक आगन्तुक है जो अपने अन्य किसी काम या उद्देश्य से आया हुआ है;
- (एए) "उत्पीड़न" का अर्थ है किसी व्यक्ति से नकारात्मक व्यवहार जिसमें छिपे तौर से या सीधे तौर से लैंगिक दुर्भावना की नीयत छिपी होती है;
- (अ) "कार्यस्थल" का अर्थ है उच्चतर शैक्षिक संस्थान का परिसर जिसमें शामिल है:
(अ) कोई विभाग, संगठन, उपक्रम, प्रतिष्ठान, उद्योग, संस्थान, कार्यालय, शाखा अथवा एकांश जो उपयुक्त उच्चतर शैक्षिक संस्थान द्वारा पूरी तरह अथवा धार्य रूप से उपलब्ध विधि द्वारा सीधे तौर से अथवा अप्रत्यक्ष रूप से स्थापित, स्थापित वाले या उससे नियंत्रित है;
(ब) ऐसा कोई खेलकूद संस्थान, रेटेजियम, खेल परिसर या प्रतिष्ठानित या खेलकूद क्षेत्र चाहे वह आधारीय है या नहीं या उसे उच्चतर शैक्षिक संस्थान की प्रशिक्षण, खेलकूद अथवा अन्य गतिविधियों के लिए उपयोग नहीं किया जा रहा है;
(स) ऐसा कोई स्थान जिसमें कर्मचारी अथवा छात्र अपने रोजगार के दौरान या अध्ययन के दौरान आते रहते हैं तथा जिस गतिविधि में यातायात शामिल है जिसे कार्यकारी प्राधिकारी ने ऐसे भ्रमण के लिए उपलब्ध कराया है जो उस उच्च शैक्षिक संस्थान में अध्ययन के लिए हैं।
3. उच्चतर शैक्षिक संस्थानों के दायित्व-(1) प्रत्येक उच्चतर शैक्षिक संस्थान
- (अ) कर्मचारी एवं छात्रों के प्रति लैंगिक उत्पीड़न को निराकरण एवं निषेध संबंधी अपनी नीति एवं विनियमों में उपरोक्त परिभाषाओं की भावना को तथा आवश्यक उपयुक्त रूप में सम्मिलित करें तथा इन विनियमों की आवश्यकता अनुसार अपने अध्ययनों एवं नियमों को संशोधित करना,
- (ब) लैंगिक उत्पीड़न के विरुद्ध प्राकृतिकों को अधिभूषित करना तथा उनके विरुद्ध प्रभाव-प्रसार को सुनिश्चित करना,




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[भाग III-खण्ड 4]


भारत का राजपत्र : असाधारण

5

जाएगा—स्वीडिश न्यायालय के निर्णय एवं अन्य कानून तथा नियमों द्वारा उक्त कानूनी क्षेत्र में लगातार सारोभन होता रहेगा जिनके अनुसार अधिनियम लागू किया जाएगा है.

- (2) उच्चतर शैक्षिक संस्थानों का कार्यकारी प्राधिकारी द्वारा अपिदेशात्मक रूप से पूरा समर्थन किया जाना चाहिए तथा यह देखा जाना चाहिए कि आई.सी.सी. की सिफारिशों का क्रियान्वयन सम्यक् रूप से किया जा रहा है कि नहीं। आई.सी.सी. के प्रकाशित किए गए समस्त संचालित संस्थाओं को उपलब्ध कराए जाने चाहिए— जिनमें कार्यालय और भवन व्यवस्थापन सहित (कम्प्यूटर, फोटो कॉपीयर, अन्य दृश्य उपकरणों आदि) स्टॉफ (टाइपिस्ट, सलाह एवं कानूनी सेवाओं) सहित पर्याप्त रूप में वित्तीय संसाधन का आवंटन भी हो.
- (3) असुरक्षित/दुर्बल वर्ग विशेष रूप से प्रताड़ना के शिकार बन जाते हैं और उनके द्वारा शिकायत करना और भी ज्यादा कठिन होता है। क्षेत्र, वर्ग, जाति, लैंगिक प्रवृत्ति, अल्पसंख्यक पहचान, एवं पृथक रूप से समाज से असुरक्षा सामाजिक रूप से संयोजित हो सकती है। समर्थकारी समितियों को इस प्रकार की असुरक्षितताओं को प्रति अति संवेदनशीलता एवं विशेष जरूरतों को प्रति संवेदनशील होने की आवश्यकता है.
- (4) कर्मिकों को धारा और डॉक्टरल धारा विशेष रूप से अज्ञान होते हैं, अतः उच्चतर शैक्षिक संस्थानों द्वारा यह सुनिश्चित कराया जाए कि शोध संरक्षण की नैतिकता संबंधी धारा निर्देश उचित रूप से लागू हो रहे हैं.
- (5) समस्त उच्चतर शैक्षिक संस्थानों द्वारा उनकी लैंगिक उत्पीड़न विरोधी नीति की क्षमता का नियमित रूप से अर्ध वार्षिक पुनरीक्षण किया जाना चाहिए.
- (6) सभी अकादमिक स्टॉफ कॉलेजों (जिन्हें अब मानव संसाधन विकास केंद्रों के रूप में पाया जाता है) (एचआरडीओ) और क्षमता निर्माण के क्षेत्रीय केंद्रों द्वारा लिंग संबंधी सत्रों को अपने अभिमुखी एवं पुनर्गर्भ पाठ्यक्रमों में निगमित करना चाहिए। अन्य सत्र विषयों से भी इसे प्राथमिकता दी जाए तथा इसे मुख्य धारा के रूप में विशेष रूप से बनाया जाए तथा इसके लिए "यूजीसी सक्षम" विधेय का उपयोग करें जिसमें, इस बारे में, प्रविधिनी उपलब्ध कराई जाती है.
- (7) उच्चतर शैक्षिक संस्थानों में प्रशासकों के लिए संचालित अभिमुखी पाठ्यक्रमों में आवश्यक रूप से लैंगिक संवेदीकरण तथा लैंगिक उत्पीड़न की समस्याओं पर एक मापदण्ड होगा चाहिए। उच्चतर शैक्षिक संस्थान के समस्त विभागों में मौजूद सदस्यों के लिए कार्यशालाएं नियमित रूप से संचालित की जानी चाहिए.
- (8) समस्त उच्चतर शैक्षिक संस्थानों में परामर्श सेवाओं को संस्थानों के अंतर्गत रखा जाना चाहिए और इसके लिए सुप्रशिक्षित पूर्णकालिक परामर्शदाता होने चाहिए.
- (9) कई उच्चतर शैक्षिक संस्थान जिनके विशाल परिसर हैं जिनमें प्रकाश संबंधी व्यवस्था बहुत जरूरी है तथा अन्य संस्थानों के लोगों के अनुभव अनुसार ये स्थान असुरक्षित समझे जाते हैं, वहीं पर्याप्त प्रकाश व्यवस्था अग्रेसरता एवं रक्षक-रखाव का एक अनिवार्य अंग है.
- (10) पर्याप्त एवं अच्छी तरह से प्रशिक्षित सुरक्षा स्टाफ आवश्यक रूप से होना चाहिए जिसमें महिला सुरक्षा स्टाफ सदस्य अच्छी संख्या में हों, जिससे संतुलन बना रहे। सुरक्षा स्टाफ नियुक्ति के मामले में लैंगिक संवेदनशीलता प्रशिक्षण को एक शर्त के रूप में माना जाना चाहिए.
- (11) उच्चतर शैक्षिक संस्थान आवश्यक रूप से मिश्रलैंगिक जन यातायात को सुनिश्चित करें— विशेष रूप से उच्चतर शैक्षिक संस्थानों के शिक्षण परिसरों के अन्दर दिशिन्म विभागों के मध्य जैसे— छात्रावासों, पुस्तकालयों, प्रयोगशालाओं तथा भूखण्डों और विशेष रूप से वे स्थान जिन तक पहुँच करना लैंगिक शोषणकारियों के लिए कठिन है। सुरक्षा की कमी तथा उत्पीड़न बहुत बढ़ जाता है जब कर्मचारी और छात्र सुरक्षित जन यातायात पर निर्भर नहीं रहते हैं। कर्मचारी एवं छात्रों द्वारा पुस्तकालयों और प्रयोगशालाओं में देर रात तक काम करने और शान के समय अन्य कार्यों में भाग लेने के लिए उच्चतर शैक्षिक संस्थानों द्वारा नरोसोमद यातायात का प्रबंध किया जाना चाहिए.
- (12) आयातीय उच्चतर शैक्षिक संस्थानों द्वारा महिला छात्रावासों की संरचना को प्राथमिकता दी जाए। महिला छात्रावास, जो सभी प्रकार के उत्पीड़न से धाँकी बहुत सुरक्षा प्रदान करते हैं, उक्त उच्च शिक्षा के सभी स्तरों पर, गहरी एवं सामाजिक क्षेत्रों में वही संख्या में उच्च शिक्षा दृष्टिकोण तथा महिलाओं के लिए अत्यन्त जरूरी है.




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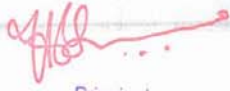
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- (13) युवा छात्रों की तुलना में छात्रावास में स्थित छात्राओं की तुलना के मामले को भेदभाव पूर्ण विद्यार्थी छात्रावास नहीं बनाया जाना चाहिए। परिवार की मुश्किलों से निपटारे को महिला कर्मचारी एवं छात्राओं की सुरक्षात्मकता के रूप में नहीं बना जाना चाहिए, जैसे कि आवश्यकता से अधिक सर्वेक्षण या पुलिसिया निगरानी अथवा अपने जाने की स्वातंत्र्य में बाधनी करना- विशेषकर महिला कर्मचारी एवं छात्राओं के लिए।
- (14) सभी उच्चतर शैक्षिक संस्थानों के लिए पर्याप्त स्वास्थ्य सुविधाएँ होनी अनिवार्य हैं। महिलाओं के विषय में इस प्रक्रिया में लिंग संवेदी डाक्टर और नर्स तथा इसके साथ ही एक नर्सो रोग विशेषज्ञ की सेवाएँ उपलब्ध होनी चाहिए।
- (15) महाविद्यालयों में महिला विकास प्रकोष्ठ पुनः गठित किये जाने चाहिए एवं उन्हें दान विद्या जाना चाहिए और इन्हें लैंगिक उत्पीड़न विरोधी समितियों तथा आन्तरिक शिकायत समिति के प्रयोगों से प्रभावित करने के उपायों को जाना चाहिए। उसके साथ ही वे आन्तरिक शिकायत कक्षा के परामर्श से अपनी गतिविधियों विस्तारित करके जिनमें लैंगिक संवेदीकरण कार्यक्रम शामिल हैं तथा नियमित अंतर पर लैंगिक उत्पीड़न विरोधी नीतियों परिसरों में प्रचारित प्रसारित करेंगे। 'सांस्कृतिक पृष्ठभूमि' एवं 'आन्तरिक असावधानि स्थल' इन्हें परस्पर सहभागिता करनी चाहिए ताकि वे कार्यक्षेत्रों-मनो-धर्म, आकर्षक नये एवं मशीनी न हों।
- (16) छात्रावासों के बाईन, अध्यक्ष, प्राचार्य, कुलपतियों, विधि अधिकारियों एवं अन्य कार्यकारी सदस्यों को नियमों के अथवा अपवादों में संशोधनों द्वारा जवाबदेही को दायरे में ग्राह्यकार्यक रूप से जाना चाहिए।

4. शिकायत समाधान तंत्र-

- (1) लैंगिक उत्पीड़न के निरपेक्ष प्रत्येक कार्यकारी अधिकारी लैंगिक संवेदीकरण के लिए एक आन्तरिक तंत्र सहित एक आन्तरिक शिकायत समिति (आई.सी.सी.) का गठन करेंगे। आई.सी.सी. की गिनत संरचना होगी:-
 - (अ) एक पीठासीन अधिकारी जो एक महिला संकाय सदस्य हो और जो एक वरिष्ठ पद पर एक विश्वविद्यालय की स्थिति में प्रोफेसर से निम्न न हो तथा किसी महाविद्यालय की स्थिति में सह-प्रोफेसर अथवा रीडर से निम्न न हो। शैक्षिक संस्थान में नियुक्त हो तथा कार्यकारी प्राधिकारी द्वारा नामित हो।
यद्यपि यदि किसी स्थिति में कोई वरिष्ठ स्तर की महिला कर्मचारी उपलब्ध नहीं है तो पीठासीन अधिकारी को उप-अनुभाग 2(अ) में दृष्टि कार्यस्थल के अन्य कार्यलय अथवा प्रशासनिक एकाग्रता से उन्हें नामित किया जाएगा।
"बशर्तें यदि उस कार्यस्थल के अन्य कार्यलयों अथवा प्रशासनिक एकाग्रता में कोई वरिष्ठ स्तर की महिला कर्मचारी नहीं है तो अध्यक्ष अधिकारी को उसी नियोजन के कार्यस्थल से अथवा किसी अन्य विभाग या संगठन में से नामित किया जा सकता है।"
 - (ब) दो संकाय सदस्य एवं दो गैर-अध्ययनरत कर्मचारी जो अधिमानतः महिलाओं की समस्याओं के लिए प्रतिबद्ध हैं तथा जिन्हें सामाजिक कार्य अथवा कानूनी ध्यानकारी है, उन्हें कार्यकारी प्राधिकारी द्वारा नामित किया जाना चाहिए।
 - (स) यदि किसी मामले में छात्र शामिल हैं तो परामर्श ही जिन्हें स्नातक पूर्व, स्नातकोत्तर एवं शोधस्तरीय पर क्रमशः भर्ती किया जायेगा जिन छात्रों को पारदर्शी लोकतांत्रिक प्रणाली द्वारा चुना गया है।
 - (द) गैर संकाय सदस्यों में से किसी एक में से अथवा किसी ऐसी तमाम से जो महिलाओं की समस्याओं के लिए प्रतिबद्ध हैं या एक ऐसा व्यक्ति हो जो लैंगिक उत्पीड़न से जुड़े मामलों का जांचकार हो, जो कार्यकारी प्राधिकारी द्वारा नामित हो।
- (2) आन्तरिक शिकायत समिति के कुल सदस्यों में न्यूनतम आधे सदस्य महिलाएँ होनी चाहिए।
- (3) उच्चतर शैक्षिक संस्थानों में वरिष्ठ प्रशासनिक पदों पर नियुक्त व्यक्ति जैसे कुलपति, प्रोक्टर, कुलसचिव, सीन, विभाग के अध्यक्ष आदि आन्तरिक समिति के सदस्य नहीं होंगे ताकि ऐसे केंद्रों के प्रकारों की स्वायत्तता सुनिश्चित रहे।




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[भाग III-खण्ड 4]

पढाव का सञ्चयन : अन्तर्गत

7

- (4) आन्तरिक शिकायत समिति के सदस्यों की सदस्यता अवधि तीन वर्ष की होगी। उच्चतर शैक्षिक संस्थान ऐसी एक प्रणाली का उपयोग करें जिसके द्वारा आन्तरिक शिकायत केन्द्र के सदस्यों का एक तिहाई भाग प्रतिवर्ष परिवर्तित होता रहे,
- (5) आन्तरिक समिति की बैठक आयोजित करने के लिए जो सदस्य गैर सरकारी संगठनों अथवा रामाओं से संबद्ध हैं उन्हें कार्यकारी प्राधिकारी द्वारा ऐसे बुल्क अथवा भत्ते का युगलान किया जाए, जैसा निर्धारित किया गया है,
- (6) जिस विधिति में आन्तरिक समिति का अध्यक्ष अधिकारी अथवा इसका कोई सदस्य, यदि—
- (अ) अधिनियम की धारा 16 के प्राक्कानों का उल्लंघन करता है, अथवा
- (ब) वह किसी अपराध के लिए दोषी सिद्ध हुआ है अथवा उसके विरुद्ध वर्तमान में लागू किसी कानून के अन्तर्गत किसी अपराध के बारे में कोई पढताल लम्बित है, अथवा
- (स) किसी अनुशासनात्मक कार्यवाही के तहत वह दोषी पाया गया है अथवा उसके विरुद्ध कोई अनुशासनात्मक कार्यवाही लम्बित है, अथवा
- (द) उसने अपने पद का दुरुपयोग इस सीमा तक किया है कि कार्यालय में उसकी सेवा में निरन्तरता को जन्हित के प्रतिकूल माना जाएगा;
- तो ऐसा अध्यक्ष अधिकारी अथवा सदस्य, यथास्थिति, इस समिति से हटा दिया जाएगा तथा इस प्रकार से होने वाली रिक्ति अथवा ऐसी कोई नैगितिक (कैजुअल) रिक्ति को नये नामांकन द्वारा इस धारा के प्राक्कानों के अनुसार भरा जाएगा,"
5. आन्तरिक शिकायत समिति (आई.सी.सी.) :- आन्तरिक शिकायत समिति करेगी :-
- (अ) यदि कोई कर्मचारी अथवा छात्र पुलिस के पास कोई शिकायत दर्ज करना चाहता है तो उसे सहायता उपलब्ध कराएगी,
- (ब) विवाद समाधान के हेतु बातचीत संबंधी तन्त्र उपलब्ध कराना ताकि विवादित बाती पर पूर्वनिर्णय को समीचीन एवं उचित मैकेनिज्म किया द्वारा देखा जा सका जिससे उस शिकायतकर्ता के अधिकारों की हानि न हो तथा जिससे घुरी तरह से दण्डात्मक सुधिकोनों की न्यूनतम जरूरत हो जिनसे और अधिक जानकारी, विमुखता अथवा हिंसा न बढ़े,
- (स) उस व्यक्ति को पहलान उजागर किये बिना उस शिकायतकर्ता की सुरक्षा बनाए रखना तथा स्वीकृत अवकाश अथवा उपस्थिति संबंधी अनिवार्यताओं में घुट्ट द्वारा अथवा अन्य किसी विभाग में अथवा किसी सर्वेक्षणकर्ता के पास स्थानान्तरण द्वारा, यथा आवश्यक रूप से उस शिकायत के लम्बित होने की अवधि में अथवा उस अपराधकर्ता के स्थानान्तरण का भी प्राक्कान किया जाएगा;
- (द) लैंगिक उत्पीडन संबंधी शिकायतों के निपटान करते समय सुनिश्चित करें कि पीडित व्यक्ति या गवाहों का शोषण ना किया जाए अथवा उनके साथ भेदभाव न किया जाए, तथा
- (ई) किसी भी अपुत व्यक्ति के विरुद्ध अथवा प्रतिकूल कार्रवाई पर प्रतिबन्ध को सुनिश्चित करना क्योंकि वह कर्मचारी अथवा छात्र एक संरक्षित मतिविधि में अस्त है,
6. शिकायत करने एवं जीव पढताल की प्रक्रिया— आन्तरिक शिकायत समिति किसी भी शिकायत को दायर करने और उस शिकायत की जीव करने के लिए इन विनियमों और अधिनियम में निर्धारित प्रणाली का अनुपालन करेगी ताकि वह समयबद्ध रूप से घुरी हो सके। उच्चतर शैक्षिक संस्थान, आन्तरिक शिकायत समिति को सभी आवश्यक सुधियाई उपलब्ध कराएगा ताकि जीव पढताल शीघ्रता से संचालित हो सके तथा अवश्यक गोपनीयता भी बनी रहे,
7. लैंगिक उत्पीडन की शिकायत दायर करने की प्रक्रिया — किसी भी अरन्तुष्ट व्यक्ति के लिए आवश्यक है कि वह घटना होने की तिथि से तीन माह के भीतर लिखित शिकायत आन्तरिक शिकायत समिति को प्रस्तुत करे और यदि लगातार कई घटनाएँ हुई हो तो सबसे बाद की घटना से तीन माह के भीतर उसे प्रस्तुत करे,
- बगलें जहाँ ऐसी शिकायत लिखित रूप में नहीं दी जा सकती है, वहाँ अध्यक्ष अधिकारी अथवा आन्तरिक समिति का कोई भी सदस्य, उस व्यक्ति के द्वारा लिखित शिकायत प्रस्तुत करने के लिए समस्त सम्भव सहायता प्रदान करेगा,
- धरातें, इसके साथ ही आई.सी.सी., लिखित रूप से प्रस्तुत तर्कों के आधार पर समय सीमा विस्तारित कर सकती है, परन्तु वह तीन माह से अधिक की नहीं होगी, यदि इस बात को आवश्यक किया गया हो कि परिस्थितियाँ ऐसी थी कि जिनके कारण वह व्यक्ति इस कथित अवधि के दौरान शिकायत दायर करने से बंथित रह गया था;
8. जीव पढताल की प्रक्रिया—




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8 THE GAZETTE OF INDIA : EXTRAORDINARY [PART III - SEC. 3]

- (1) शिकायत मिलने पर आन्तरिक शिकायत समिति इसकी एक प्रति को प्रतिवादी को इसका प्राप्त होने से सात दिनों के भीतर भेजेगी.
 - (2) शिकायत की प्रति मिलने के बाद प्रतिवादी अपना उत्तर इस शिकायत के बारे में, समस्त दस्तावेजों की सूची, गवाहों के नामों एवं पत्तों के नामों एवं उनके पत्तों सहित दस दिन की अवधि में दखिल करेगा.
 - (3) शिकायत प्राप्त होने के 90 दिनों के भीतर ही तृतीय पक्षताल पुरी की जानी चाहिए। अनुपस्थितता सहित, यदि वे हों तो, तृतीय पक्षताल रिपोर्ट उस जॉय के पुरा होने के 10 दिनों के भीतर उच्चतर शैक्षिक संस्थान के कार्यकारी प्राधिकारी या प्रमुख की जानी चाहिए। इस शिकायत से जुड़े दोनों पक्षों के समक्ष इस जॉय के तथ्यों या शिकायतों की प्रति दी जाएगी.
 - (4) तृतीय रिपोर्ट प्राप्त होने के 30 दिनों के भीतर इस समिति की शिकायतों पर उच्चतर शैक्षिक संस्थान के अध्यक्ष प्राधिकारी कार्यवाही करेंगे, यदि किसी भी पक्ष द्वारा उस अवधि में तृतीय के विरुद्ध कोई अपील दायर न की गई हो.
 - (5) तृतीय में स किसी भी पक्ष द्वारा आन्तरिक शिकायत समिति द्वारा प्रदान तथ्यों/अनुशासकों के विरुद्ध उच्चतर शैक्षिक संस्थान के कार्यकारी प्राधिकारी के समक्ष की गई अनुशासकों को विधि से तीस दिन की अवधि में जपौल दायर की जा सकती है.
 - (6) उच्चतर शैक्षिक संस्थान का कार्यकारी प्राधिकारी यदि आन्तरिक शिकायत समिति की शिकायतों के अनुसार कार्य नहीं करने का निर्णय लेता है तो वह इसके बारे में लिखित रूप से कारण स्पष्ट करेगा जिन्हें आन्तरिक शिकायत समिति को तथा उस कार्यवाही से जुड़े दोनों पक्षों को भेजा जाएगा। यदि दूसरी ओर यह आन्तरिक शिकायत समिति द्वारा की गई शिकायतों के अनुसार कार्य करने का निर्णय लेता है तो एक ठारण पत्राओं नॉटिस जिसका 10 दिनों के भीतर उत्तर भेजा जाना है- उसे उस पक्ष को भेजा जाएगा जिसके विरुद्ध कार्यवाही की जानी है। उच्चतर शैक्षिक संस्थान के कार्यकारी प्राधिकारी उस अनुपुष्ट व्यक्ति का पक्ष सुनने के बरबात की जागे की कार्यवाही करेंगे.
 - (7) मामलों को निश्चयन के उद्देश्य से पीहित पक्ष एक सुलह का आग्रह कर सकता है। सुलह का आग्रह कोई आर्थिक सम्बन्धी नहीं होना चाहिए। यदि कोई सुलह का प्रस्ताव रखा जाता है तो यथास्थिति उच्चतर शैक्षिक संस्थान सुलह की प्रक्रिया को आन्तरिक शिकायत समिति के महत्त्व से सुलह कथारण। किसी भी पक्षोपेक्षक हस्तक्षेप को सुलह में, जहाँ तक सम्भव होता है, उस व्यक्ति पक्ष की पूरी संतुष्टि के लिए उस पारम्परिक विरोध के समाधान को अधिमानता दी जाती है.
 - (8) पीहित पक्ष अपना पीहित व्यक्ति अथवा गवाह अथवा अपराधकर्ता की पहचान सार्वजनिक नहीं की जाएगी या विशेष रूप से उस जॉय प्रक्रिया के दौरान इसे सार्वजनिक क्षेत्र में रखा जाएगा.
9. आन्तरिक समाधान- उच्चतर शैक्षिक संस्थान,
- (अ) यदि आन्तरिक शिकायत केन्द्र शिकायत करता है तो शिकायतकर्ता अपना प्रतिवादी को अन्य किसी अंगुण अथवा विभाग में स्थानान्तरित किया जा सकता है ताकि सम्पूर्ण अथवा अन्योन्य क्रिया में शामिल जोखिम कम से कम बना रहे.
 - (ब) पीहित पक्ष को, सामूहिक स्तर तृतीय एवं अन्य हित हानों के संरक्षण सहित तीन माह तक का अवकाश शोकोत कर दे.
 - (ग) शिकायतकर्ता के किसी भी काम अथवा निष्पादन अथवा परीक्षण अथवा परीक्षाओं के संबंध में कोई बात पकट न करने के लिए प्रतिवादी को ब्रह्म कर दें.
 - (घ) सुनिश्चित करें कि अपराधकर्ताओं को पीहित व्यक्तियों से दूरी बना कर रखनी चाहिए तथा यथा आवश्यक, यदि कोई प्रच्छन्न पत्रकी है तो उनका परिवार में प्रवेश प्रतिबन्धित कर दें.
 - (ङ) शैक्षिक उत्पीड़न की किसी शिकायत के परिणाम स्वरूप, शिकायतकर्ता को प्रतिरोध एवं उत्पीड़न से मुक्त प्रदान करने के लिए तथा एक अनुकूल वातावरण उपलब्ध कराने के लिए सर्वेक्षक तयार किये जाने चाहिए.
10. दण्ड एवं हरजाना-
- (1) अपराधकर्ता यदि उच्चतर शैक्षिक संस्थान का कर्मचारी है तथा शैक्षिक उत्पीड़न का दोषी पाया जाता है तो उसे संस्थान के सेवा नियमों के अनुसार दण्डित किया जाएगा.
 - (2) अपराध की गंभीरता को देखते हुए- यदि प्रतिवादी कोई छात्र है, तो उच्चतर शैक्षिक संस्थान-
 - (अ) ऐसे छात्र के विशेषाधिकारों को रोक सकता है तो, जैसे-मुलाकालम, सभापार, अकासीय अगारों, छात्रावास, छात्रवृत्ति, भरो एवं पहचान पत्र आदि तक पहुँच बनाता.



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[भाग III-खण्ड 4]

भारत का राजपत्र : असाधारण

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- (ख) एक विशेष समय तक परिसर में उसका प्रवेश स्थगित अथवा बाधित करना;
- (ग) यदि उस अपराध की ऐसी गंभीरता है तो उस छात्र को संस्थान से निष्कासित किया जा सकता है तथा उसका नाम उस संस्थान की नामावलि से हटाया जा सकता है, इसके साथ ही पुनः प्रवेश की अनुमति उसे नहीं होगी;
- (द) अभिदेहात्मक परामर्श अथवा सामुदायिक सेवाओं जैसे शुधारवादी दण्ड प्रदान करना;
- (2) पीहित व्यक्ति मुआयजे का अधिकारी है। आन्तरिक शिकायत समिति द्वारा अनुसूचित तथा कार्यकारी प्राधिकारी द्वारा स्वीकृत मुआयजे के भुगतान के लिए सख्खर शैक्षिक संस्थान निर्देश जारी करेगा, जिसकी वसूली अपराधकर्ता से की जाएगी। दंड मुआयजे का निर्धारण निम्न आधार पर होगा:-
- (अ) पीहित व्यक्ति को जितना मानसिक तनाव, कष्ट, व्यथा एवं दुःख पहुँचा है,
- (ब) उस लैंगिक उत्पीड़न की घटना के कारण उन्हें अपनी जीविका के सुखदतर को हानि उठानी पड़ी;
- (ग) पीहित व्यक्ति द्वारा अपने शारीरिक एवं मनोरोग संबंधी आधार के लिए खर्च किए गए चिकित्सा व्यय;
- (द) कथित अपराधकर्ता एवं उस पीहित व्यक्ति की आय एवं जीवन स्तर; और
- (ई) ऐसे समस्त भुगतान का एकनुरत रूप से या किस्ती में किए जाने का औचित्य;
11. **दूरी शिकायत को विरुद्ध कार्यवाही:-**
- इस बात को सुनिश्चित करने के लिए कि लैंगिक उत्पीड़न मामलों में कर्मचारियों एवं छात्रों की सुरक्षा के प्रावधानों का दुरुपयोग न हो, अखंड एवं द्वेष भावना पूर्ण शिकायतों के विरुद्ध प्रावधान किये जाने की आवश्यकता है तथा इन्हें उच्चतर शैक्षिक संस्थानों में प्रचारित प्रसारित किया जाना चाहिए। आन्तरिक शिकायत समिति यदि यह निष्कर्ष निकालती है कि लगाए गए अभियोग असत्य, धे, विद्वेषपूर्ण थे अथवा यह जानते हुए भी कि वह शिकायत असत्य अथवा जाती है अथवा धामक सूचना को उस पड़ताल के दौरान उपलब्ध कराया गया है तो शिकायतकर्ता विनियम (10) के उप विनियम (1) के तहत दण्डित किये जाने के लिए बाध्य होगा यदि शिकायतकर्ता एका कर्मचारी है, तथा यदि वह अपराधकर्ता एक छात्र है तो यह इस विनियम की उप-विनियम (2) के प्रावधानों के अनुसार सजा के लिए बाध्य होगा तथापि किसी भी शिकायत को प्रमाणित करने अथवा उसके लिए धर्यात सवृत उपलब्ध न कर पाने का आधार, शिकायतकर्ता को विरुद्ध कार्यवाही करने का कारण नहीं माना जा सकता है। शिकायतकर्ता द्वारा दण्डपूर्ण उद्देश्य से दायर शिकायत की जाँच पड़ताल द्वारा तय किया जाना चाहिए तथा इस बारे में किसी कार्यवाही की सिफारिश किए जाने से पूर्व इस विषय में निर्धारित प्रणाली के अनुसार जांच की जानी चाहिए;
12. **गैर अनुपालन के परिणाम:-**
- (1) ऐसे संस्थान जो जानबूझकर अथवा बारंबार उन दायित्वों तथा कर्तव्यों के अनुपालन में अतन्मथ बना रहता है जिन्हें कर्मचारियों एवं छात्रों के प्रति लैंगिक उत्पीड़न को निराकरण, निषेध एवं समाधान हेतु निर्धारित किया गया है, तो इस स्थिति में आयोग विधिवत नोटिस देकर निम्न में से किसी एक अथवा इतरसे अधिक विन्दुओं पर कार्यवाही करेगा:-
- (अ) विश्वविद्यालय अनुदान आयोग अधिनियम 1956 की धारा 12(बी) के अन्तर्गत की गई धोषणा जो प्राज्ञता दिये जाने के विषय में है, उसके अहरण किया जाना;
- (ब) आयोग द्वारा अधिनियम 1956 की धारा 2 (एफ) के अन्तर्गत अनुसूचित सूची में से उस विश्वविद्यालय अथवा महाविद्यालय का नाम हटाना;
- (ग) संस्थान को अवार्डित किसी भी अनुदान को रोक देना;
- (द) आयोग को किसी भी सामान्य अथवा विशेष सहायता कार्यक्रमों के अन्तर्गत किसी भी सहायता को प्राप्त करने के लिए उस संस्थान को अपात्र घोषित किया जाना;
- (ई) जन साधारण को, एवं रोजगार अथवा प्रवेश के इच्छुक भावी प्रत्याशियों को एक ऐसे नोटिस द्वारा सूचित करना जो समाचार पत्रों में प्रमुख रूप से दर्शाया गया है अथवा उपयुक्त मीडिया में दर्शाया गया है तथा आयोग की वेबसाइट पर प्रदर्शित किया गया है तथा जिस नोटिस में घोषणा की गई है कि वह संस्थान लैंगिक उत्पीड़न को विरुद्ध शून्य सहनशीलता नीति 'मर्याद जयसमतोदयम चयसपबलद्व' का समर्थन नहीं करता है;
- (एफ) यदि वह एक महाविद्यालय है तो उसके सम्बद्ध विश्वविद्यालय द्वारा उसकी सहसम्बद्धता को अहाराित करने की अनुमति के बिना कहे;

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10 THE GAZETTE OF INDIA: EXTRAORDINARY [PART III—SEC. 4]

- (जं) यदि वह एक मानित विश्वविद्यालय संस्थान है तो केन्द्र सरकार को इस मानित विश्वविद्यालय के आवरण को अनुमति देना।
- (एच) यदि वह किसी राज्य अधिनियम के अन्तर्गत स्थापित अथवा नियमित विश्वविद्यालय है तो उसके इस स्तर को आवरण करने के लिए उपयुक्त राज्य सरकार को सिफारिश करना।
- (आइ) जैसे कि विश्वविद्यालय अनुदान आयोग अधिनियम 1956 के अन्तर्गत प्रावधान किए जाने से तदनुसार अपने अधिकारों के अनुसार यथासंभव रूप से ऐसी सुनवाई को लिए दृष्ट प्रदान कर सकता है जिस समय तक वह संस्थान दत्त विधियों में निर्धारित प्रावधानों का अनुपालन नहीं करता है।
- (जे) इन विधियों के अन्तर्गत आयोग द्वारा उस समय तक कार्रवाई नहीं की जाएगी जब तक कि संस्थान को अपना पक्ष प्रस्तुत करने के लिए प्रदान सुअवसर के आधार पर उन्हीं सुनवाई कर ली गई हो।

[विज्ञापन—III/4/असा/53]
जसपाल एस. संघु, सचिव, पृष्ठोत्ती


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;




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[भाग III- अनुच्छेद 4]

शाले का शासन : अनुसूचना

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- (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;

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- (i) "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 HEI's 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;
- (ii) "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 or reason;
- (iii) "victimisation" means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;
- (iv) "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 ensure their 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 recognizing 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

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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.



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- (6) All Academic Staff Colleges (now known as Human 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 segregation, 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 sensitization and 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 amendments in 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:—



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भारत का संवैधानिक : अनुसूची III

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(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(a);

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 from 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;



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- (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 incapacity 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




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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,

- 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;
- grant leave to the aggrieved with full protection of status and benefits for a period up to three months;
- restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant;
- 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;
- 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,-

- withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card;
 - suspend or restrict entry into the campus for a specific period;
 - expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants;
 - award reformatory 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-
- mental trauma, pain, suffering and distress caused to the aggrieved person;
 - the loss of career opportunity due to the incident of sexual harassment;
 - the medical expenses incurred by the victim for physical, psychiatric treatment;
 - the income and status of the alleged perpetrator and victim; and
 - 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)



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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 contravene 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 17B 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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Vishaka Guidelines

The *Vishaka guidelines* were a set of guidelines that were intended to protect women at the workplace. These were instituted by the Supreme Court of India in the year 1997. These are procedural in nature and state the method that is to be followed while dealing with cases related to the sexual harassment of women.

Objectives and need for the Vishaka guidelines

The Vishaka guidelines were instituted due to the series of cases of sexual harassment that were registered and the rallies and campaigns that were taking place on a regular basis by various social groups who were seeking protection of women in India.

After the Bhanwari Devi incident, many women groups came on streets demanding recognition of their rights as citizens of India and urging the government to take necessary actions to prevent ill-treatment of women at workplaces.

At that time, the legal system of our country did not have proper legislation that could ensure the safety of women at workplaces and provide just and fair punishment to people who indulge in the heinous crimes of rape and sexual harassment. The rules that were provided by the legal system at the time were often used by the men who were accused of Sexually Harassing the women to their advantage.

Also, there was no rule regarding the obligation of employer to provide support and assistance to his employee who is a victim of sexual harassment. The employers would throw these women victims out of the jobs to escape the liability and further consequences. This would leave the victim hopeless and unsecured.



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With the growing number of crimes against women being reported, there was an urgent need for a new set of laws that punishes the wrongdoers and ensures that women are protected at their workplaces but a new set of legislation would take a lot of time to be enacted.

Features of the Vishaka guidelines

The main ingredients of the guidelines issued by the Hon'ble Supreme Court of India are elucidated as follows.

Definition of Sexual Harassment

The guidelines issued by the Supreme Court widens the meaning and scope of sexual harassment. It defines sexual harassment as an unwanted sexual determination which is directly or impliedly intended to cause the following:

1. Physical contact or advances.
2. A demand or request for sexual favours.
3. Sexually coloured remarks.
4. Showing pornography.
5. Any other unwelcome conduct whether it is physical, verbal or non-verbal.

Provide a safer working environment

It is the duty of each employer to provide a safe working environment for each and every employee working in the organisation to grow and prosper. This involves taking adequate steps towards protecting the interest of the women employees and ensuring that none of the employees indulges in the practice of sexual harassment. Appropriate disciplinary action must be taken by the employer if any case regarding sexual harassment or ill-treatment of a woman employee is found.



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Duty of the employer to file a complaint

The guidelines also lay down the obligation of the employer to file a complaint if the conduct towards an employee amounts to a criminal offence which is punishable under the Indian Penal Code. The employer needs to initiate an action and ensure that the witnesses are not further victimized.

Complaint redressal committee

The guidelines make it mandatory for all organizations to set up a complaint redressal committee in order to ensure that the complaints of the employees are dealt with properly and suitable action is taken in response to such a complaint.

Employer to assist the employee if she is sexually harassed

If the employee is sexually harassed or tortured by a third party, like in the case of Bhanwari Devi, an employer should assist the employee in every possible manner. This was not the case in the Bhanwari Devi case where the employer denied all responsibilities and did not assist Bhanwari Devi in attaining justice. The guidelines provide that the employers are required to assist the employees in terms of both preventive actions and support to these victims.

Duty of employer to spread awareness

It is also the duty of the employer to spread awareness in his organisation with regard to the matters pertaining to sexual harassment and the safety of women. This can be done by notifying the employees time as well as conducting workshops and devising other interactive ways to make the female employees aware of their rights.

Duty of government to widen the scope of these guidelines

The guidelines also urge the centre and the state government to pass the necessary legislation so as to ensure that the private sector is also bound by these guidelines. This would help in the growth and prosperity of the women as well as the nation as a whole.



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- Use Of Force

A STUDENT INVOLVED IN RAGGING CAN BE:

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- Suspension from attending classes.
- Withholding/withdrawing Scholarships/Fellowship and other benefits.
- Deterring from appearing in any test/examination or other evaluation process.
- Withholding results.
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- Collective punishment: when the persons committing or abetting the crime of ragging are not identified the institution shall resort to collective punishment as a deterrent to ensure community pressure on potential ragger.

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You tube link for Presentation related to the Anti Ragging Awareness.

Videos on Ragging



For Video Ref the Below Link

<http://www.aunragging.tv/video.html>



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Scanned Grievance Letter by Student

Date _____
Page _____

13th Sep. 2022

To
The Grievance Cell,
Anjuman-I-Islam's CHTMS&R.

Subject:- Having an issues in locker room

Respected Sir/Madam.

I Aafiya pathan student of FI.Bsc(HS) Group 2 Roll no 17 writing this letter to inform you about having issues in girls locker room. The problem we are facing in the locker room are less space inside the locker room, dim lights, it gets very congested due to small space in the locker room, the windows are not proper, less ventilation due to the over crowd in the locker room.

I request you to please understand our problem and look into this matter.
Thank you.

Yours sincerely,
Aafiya
Aafiya Pathan
Principal




Principal
Anjuman-I-Islam's College of Hotel &
Tourism Management Studies & Research
92, Dr. D. N. Road, Mumbai-400 001

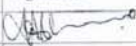





Action Taken Report


Action Taken Report

On 13th October 2022 student's grievance letter received about less space and congested ladies locker room. The committee discussed the problem and decided to shift the lockers against the walls which will make the locker room more spacious. The non-teaching ladies staff with the help of other members were instructed to do the needful.

The above is implemented from 20th September, 2022

No	Name of the Members	Signatures
01	Mr. Harish Suvarna	
02	Mr. Amit Ghadiyali	
03	Mrs. Preeti Mahadik	
04	Mrs. Darshana Gangurde	




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Minutes of the meeting

Minutes of the meeting for student's grievances

- 1) On 13th September, 2022 student's grievances received.
- 2) Student's grievances was about less space and congested ladies locker room.
- 3) The committee discussed the problem and decided to shift the lockers against the walls which will make the locker room more spacious. The non-teaching ladies staff with the help of other members to do the needful.
- 5) Students were asked for feedback for change and found satisfied.
- 6) This meeting concluded the redressal of grievances completed on 15th September 2022.

No	Name of the Members	Signatures
01	Mr. Harish Suvarna	
02	Mr. Amit Ghadiyali	
03	Mrs. Preeti Mahadik	
04	Mrs. Durshana Gangurde	




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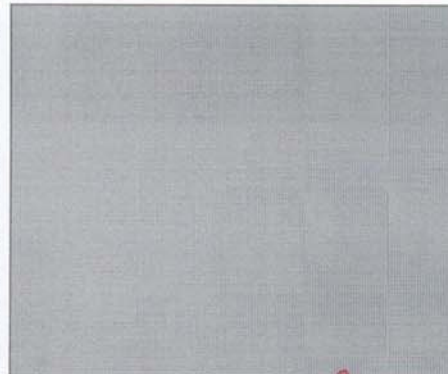
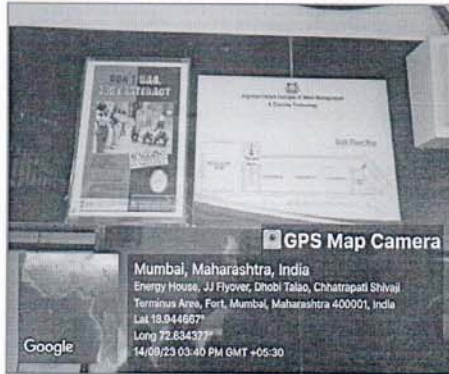
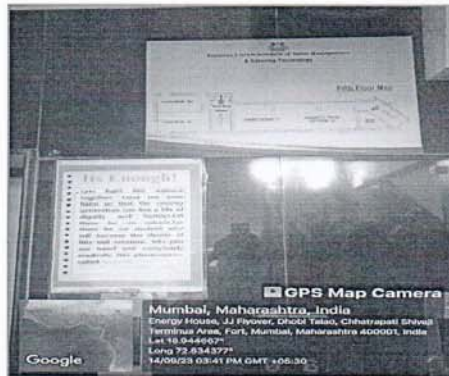
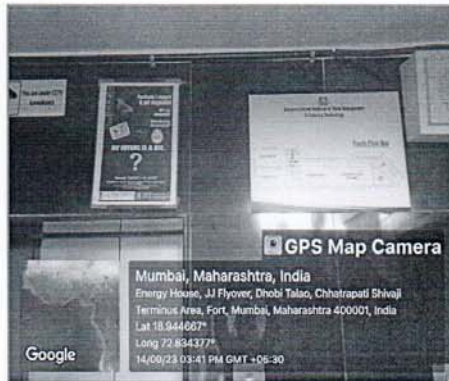
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Photos & Poster in campus.



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