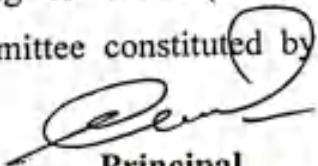




Maharaja Ranjit Singh College of Professional Sciences-Indore

Internal Complaints Committee, Grievances Redressal Committee and Anti Ragging Committee

The college has constituted Internal Complaints Committee as per UGC norms. College also facilitates smooth functioning of the Women Redressal Committee to ensure regularity of meetings and follow-up of cases of sexual harassment that may arise besides ensuring preventive action to be taken to avoid sexual harassment in college campus. There are five faculty members selected by Principal to be the members of the women Redressal committee as per Vishaka Guidelines against Sexual Harassment at college campus. Out of the five members, majority representation is of women and the Chairperson of the committee is the Principal. Maharaja Ranjit Singh College of Professional Sciences has a student's grievances redressal committee. Functions of the committee are to look into the complaints lodged by any student and judge its merit. Anyone with genuine grievances may approach the grievances redressal committee member in person or through a mail box for the purpose kept outside Principal office or can walk in directly to the Principal's chamber which has an open door culture. In case the person is unwilling to appear in self grievances may be sent in writing. Grievances may also be sent through email to grievances redressal committee or Principal. The College Grievance Redressal Committee is formed according to UGC (Grievances Redressal) Regulation, 2018. The Anti Ragging Committee constituted by the Principal as per UGC Norms.



Principal
PRINCIPAL
Maharaja Ranjit Singh College
of Professional Sciences,
Khandwa Road INDORE



भारत का राजपत्र

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मानव संसाधन विकास मंत्रालय

(विश्वविद्यालय अनुदान आयोग)

अधिसूचना

नई दिल्ली, २ मई, २०१६

विश्वविद्यालय अनुदान आयोग (उच्चतर शैक्षिक संस्थानों में महिला कर्मचारियों एवं छात्रों के लैंगिक उत्पीड़न के निराकरण, निषेध एवं इसमें सुधार) विनियम २०१५

मि. सं. ९१-१/२०१३ (टी. एफ. जी. एस.—विश्वविद्यालय अनुदान आयोग अधिनियम १९५६ (१९५६ का ३) जिसे उक्त अधिनियम के अनुच्छेद २० के उप-अनुच्छेद (१) से संयुक्त रूप से पढ़ा जाए उस अधिनियम २६ के अनुच्छेद (१) की धारा (जी) द्वारा प्रदत्त अधिकारों के क्रियान्वयन अनुसार विश्वविद्यालय अनुदान आयोग एतद्वारा निम्न विनियम निर्मित कर रहा है, नामतः :-

१. लघु शीर्ष, अनुप्रयोग एवं समारम्भ:- (१) ये विनियम विश्वविद्यालय अनुदान आयोग (उच्चतर शैक्षिक संस्थानों में महिला कर्मचारियों एवं छात्रों के लैंगिक उत्पीड़न के निराकरण, निषेध एवं इसमें सुधार) विनियम, २०१५ कहलाएंगे।

(२) ये विनियम भारत वर्ष में सभी उच्चतर शैक्षिक संस्थानों पर लागू होंगे।

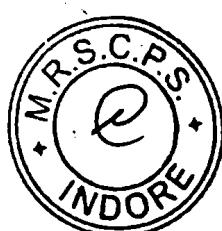
(३) सरकारी राजपत्र में उनके प्रकाशन की तिथि से वे लागू माने जाएंगे।

२. परिमाणार्थः— इन विनियमों में—बशर्ते विषयवस्तु के अन्तर्गत कुछ अन्यथा जरूरी हैं:-

(अ) “पीड़ित महिला” से अर्थ है किसी भी आयु वर्ग की एक ऐसी महिला—चाहे वह रोज़गार में है या नहीं, किसी कार्य स्थल में कथित तौर से प्रतिवादी द्वारा कोई लैंगिक प्रताङ्गना के कार्य का शिकार बनी है;

(ब) “अधिनियम” से अर्थ है कार्य स्थल में महिलाओं का लैंगिक उत्पीड़न (निराकरण, निषेध एवं समाधान) अधिनियम, २०१३ (२०१३ का १४);

(स) “परिसर” का अर्थ उस स्थान अथवा भूमि से है जहाँ पर उच्चतर शैक्षिक संस्थान तथा इसकी संबद्ध संस्थागत सुविधाएँ जैसे पुस्तकालय, प्रयोगशालाएँ, लेक्चर हॉल, आवास, हॉल, शौचालय, छात्र केन्द्र, छात्रावास, भोजन कक्षों, स्टेडियम, वाहन पड़ाव स्थल, उपवनों जैसे रथल तथा अन्य कुछ सुविधाएँ जैसे रवारथ केन्द्र, कैन्टीन, वैंक पटल इत्यादि स्थित हैं तथा जिसमें छात्रों द्वारा उच्चशिक्षा के छात्र के रूप में दौरा किया जाता हो—जिस में वह परिवहन शामिल है जो उन्हें उस संस्थान से आने जाने के लिए, उस संस्थान के अलावा क्षेत्रीय भ्रमण हेतु



संरक्षण पर, अध्ययनां, अध्ययन भ्रमण, रीर-रापाटे के लिए, लघु-अधिकारी वाली विद्यवित्यों के लिए, शिविरों के लिए उपयोग किए जा रहे स्थानों सांस्कृतिक रामारोहों, थेलकूद आयोजनों एवं ऐसी ही अन्य गतिविधियों जिनमें काफ़ी परिसर में रामिगति हैं,

- (लौ) "आयोग" का अर्थ है विश्वविद्यालय अनुदान आयोग जो विश्वविद्यालय अनुदान आयोग अधिनियम 1956 (1956 वा 3) के अनुच्छेद 4 के अन्तर्गत रखायित है;
- (झ) "आयुरा व्यवितरों" से अर्थ उन व्यवितरों से है जो एक सुरक्षित गतिविधि में कार्यरत है जैसा कि; किरी लैंगिक उत्पीड़न की शिकायत को दायर करना—अथवा ये ऐसे किरी व्यवितरों परिवर्तन रूप से राखना है जो सुरक्षित गतिविधि में कार्यरत है तथा ऐसा व्यवितर एक कर्मचारी हो सकता है अथवा उस प्रीकृत व्यवितर का एक कर्मचारी हो सकता है अथवा एक साथी छात्र अथवा अभिभावक हो सकता है;
- (एफ) "कर्मचारी" का अर्थ, उस व्यक्ति से है जिसे अधिनियम में परिभ्रामित किया गया है तथा इसमें है। विनियम 3(1) दृष्टि से प्रशिक्षार्थी, शिक्षार्थी अथवा ये अन्य जिस नाम से भी जाने जाते हैं। आन्तरिक अध्ययन में जैसे शास्र रत्नयोगक, अध्यापन-सहायक शोध-सहायक चाहे ये रोजगार में है अथवा नहीं, तथा धोरीय अध्ययन में, परियोजनाओं लघु-रत्न के भ्रमण अथवा शिविरों में कार्यरत व्यवितरों से है;
- (जी) "कार्यकारी प्राधिकारी" से अर्थ है उच्चतर शैक्षिक संरक्षण के प्रमुख कार्यकारी प्राधिकारी, याकै जिस नाम से ये जाने जाते हैं— तथा जिस संरक्षण में उच्चतर शैक्षिक संरक्षण का सामान्य प्रशासन समिलित है। सार्वजनिक रूप से निधि प्राप्त संरक्षणों के लिए, कार्यकारी प्राधिकारी यो अर्थ है अनुशासनात्मक प्राधिकारी जैसा कि केन्द्रीय नागरिक सेवायें (वर्गीकरण, नियन्त्रण एवं अपील) नियम तथा इसके समतुल्य नियमों में दर्शाया गया है;
- (एच) "उच्चतर शैक्षिक संरक्षण" (एचई.आई.) से अर्थ है—एक विश्वविद्यालय जो अनुच्छेद 2 (जी) के अन्तर्गत अर्थों के अनुसार है, ऐसा एक महाविद्यालय जो अनुच्छेद 12 (प्र) के उप-अनुच्छेद (1) की धारा (बी) के अर्थ के अनुसार है तथा एक ऐसा संरक्षण जो मानित विश्वविद्यालय के रूप में विश्वविद्यालय अनुदान आयोग अधिनियम 1956 (1956 वा 3) के अनुच्छेद 3 के अन्तर्गत है;
- (आई) "आन्तरिक शिकायत समिति" (आई.सी.सी.) (इन्टरनल कम्प्लेन्ट्स कमिटी) यो अर्थ है इन विनियमों के विनियम 4 के उप-विनियम (1) के अर्थ के अनुसार उच्चतर शैक्षिक संरक्षण द्वारा गठित की जाने वाली आन्तरिक शिकायत समिति से है। यदि पहले से ही समान उददेश्य वाला कोई निकाय सक्रिय है, (जैसा कि लैंगिक संवर्द्धीकरण समिति जो लैंगिक उत्पीड़न संवर्द्धी विवाद देखती (जी.एस.सी.ए.एस.एच.) ऐसे निकाय को आन्तरिक शिकायत समिति (आइसीसी) के रूप में पुनर्गठित किया जाना चाहिए;
- वश्वर्ते, बाद वाले मासमें में उच्चतर शैक्षिक संरक्षण ऐसा सुनिश्चित करेगा कि इन विनियमों के अन्तर्गत आन्तरिक शिकायत केन्द्र के लिए ऐसे एक निकाय का गठन आवश्यक है। वश्वर्ते कि ऐसा निकाय इन विनियमों के प्रावधानों द्वारा बाध्य होगा,
- (जे) "संरक्षित गतिविधि" में ऐसी एक परम्परा, के प्रति तर्कपूर्ण विरोध शामिल है, जिसके बारे में ऐसा गाना जाता है कि अपनी तरफ से अथवा कुछ दूसरे लोगों की तरफ से लैंगिक उत्पीड़न संवर्द्धी कानूनों का उल्लंघन उस परम्परा के माध्यम से किया जा रहा है— जैसे कि लैंगिक उत्पीड़न मामलों की कार्रवाई में गाड़ीदारी करना, किसी भी आन्तरिक जांच पड़ताल में अथवा कथित लैंगिक उत्पीड़न कागों में सहयोग करना अथवा किसी याहरी एजेन्सी द्वारा की जा रही जांच पड़ताल में अथवा किसी मुकदमें में वैतर गवाह मौजूद रहना;
- (के) "लैंगिक उत्पीड़न" का अर्थ है—
 - (i) ऐसा एक अनचाहा आचरण जिसमें छिपे रूप में लैंगिक भावनाएँ जो प्रत्यक्ष भी हो जाती हैं अथवा जो भावनाएँ अत्यन्त मजबूत होती हैं, अपमानजनक होती हैं अथवा एक प्रतिकूल और धगकी भरा वातावरण पैदा करती हैं अथवा वारतविक अथवा धगकी भरे परिणामों द्वारा अधीनता की ओर प्रेरित करने वाली होती है तथा ऐसी भावनाओं में निम्नलिखित अव्याचित काम या घ्यवहारों में कोई भी एक या उससे अधिक या ये समरत व्यवहार शामिल हैं (चाहे सीधे तौर से या छिपे तौर से) नामतः—
 - (अ) लैंगिक भावना से गुक्त कोई भी अप्रिय शारीरिक, गौरिक अथवा गौरिक या अतिरिक्त गौरु अचरण
 - (ब) लैंगिक अनुग्रह या अनुरोध करना
 - (स) लैंगिकतायुक्त टिप्पणी करना



- (इ) शारीरिक रूप से नियंत्रण बनाना और या पारा बने बहने की तैयारी करना।
 (ई) अस्तीति साहित्य दिखाना।

(ii) निम्न परिलिपियों में से किसी एक में (अधिक इतारी अधिक एक या तीनी में) यदि ऐसा पारा जाता है अथवा यह ऐसे उत्तीर्ण वार्ता के बारे में है या उसने संबंधित है जिसमें यापक रूप से या विष सा में तैयार संकेत दिखे हैं-

- (अ) यिथे तौर से या प्रत्यक्ष रूप से अधिगम्य घटनारूपे का डागड़ा जो तैयार करनेवाले की धमकी;
 (ब) काढ़े के निष्पादन में यिथे रूप से या सीधे तौर से रक्तावट छातने की धमकी;
 (स) सचेद्वयिता के द्वारामान अथवा उसके भविष्य के प्रति यिथे तौर से या सीधे तीन में धमकी देक्कन;
 (द) एक दहशत भरा हिंसात्मक या द्वेषपूर्ण वातावरण पैदा करने;
 (ई) ऐसा घवहार करना जो कि उच्चद्वयिता के रवारण उसकी सुरक्षा, प्रतिष्ठान अथवा उसकी शारीरिक दृष्टा को दुष्प्रभावित करने वाला है।

(एल) "छात्र" शब्द का अर्थ उस व्यक्ति के लिए है जिसे विधिवत् प्रवेश मिला हुआ है, जो नियमित तौर से या उच्च शिक्षा विधि से एक उच्च शिक्षा संस्थान में, एक अध्ययन पाठ्यक्रम का अनुसरण कर रहा है जिसमें उच्च अवधि प्रशिक्षण पाठ्यक्रम भी शामिल है-

इसाँते, ऐसे जित्ती छात्र के साथ यदि कोई तैयारिक उत्पीड़न की घटना होती है जो उच्च शिक्षा संस्थान यात्रिसर में प्रवेश पाने की प्रक्रिया में है- यद्यपि वह प्रवेश प्राप्त नहीं हुआ है तो इन विनियमों के आधार पर उस छात्र को उच्च शिक्षा संस्थान का छात्र माना जाएगा;

इसाँते एक ऐसा छात्र जो किसी उच्चतर शैक्षिक संस्थान में प्रवेश प्राप्त है तथा उस संस्थान में भागीदार है और उस छात्र के प्रति कोई तैयारिक उत्पीड़न होता है तो उसे उच्च संस्थान का छात्र माना जाएगा।

(एम) "किसी तीसरे व्यक्ति द्वारा उत्पीड़न" उस स्थिति को दर्शाता है जब तैयारिक उत्पीड़न की घटना किसी तीसरे व्यक्ति द्वारा या किसी बाहर के आदमी द्वारा की गई हो जो ना तो उस उच्च शैक्षिक संस्थान का कर्मचारी अथवा उसका छात्र है-वल्कि उस संस्थान में एक आगन्तुक है जो अपने अन्य किसी काम या उद्देश्य से आया हुआ है।

(एन) "उत्पीड़न" का अर्थ है किसी व्यक्ति से नकारात्मक व्यवहार जिसमें यिथे तौर से या सीधे तौर से तैयार दुर्भावना की नीति दिखी होती है,

(ओ) "कार्यस्थल" का अर्थ है उच्चतर शैक्षिक संस्थान का परिवार जिसमें शामिल है:

- (अ) कोई विभाग, संगठन, उपक्रम, प्रतिष्ठान, उद्योग, संस्थान, कार्यालय, शाखा अथवा एकाश जो उपयुक्त उच्चतर शैक्षिक संस्थान द्वारा पूरी तरह अथवा पर्याप्त रूप से उपलब्ध निधि द्वारा सीधे तौर से अथवा अप्रत्यक्ष रूप से स्थापित, स्थानित वाले या उससे नियन्त्रित हैं;
 (ब) ऐसा कोई खेलकूद संस्थान, रेटेडियम, खेल परिसर या प्रतियोगिता या खेलकूद क्षेत्र चाहे वह आवासीय 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 है।

3. उच्चतर शैक्षिक संस्थानों के दायित्व-(1) प्रत्येक उच्चतर शैक्षिक संस्थान)

- (अ) कर्मचारियों एवं छात्रों के प्रति तैयारिक उत्पीड़न के निराकरण एवं निषेध संबंधी अपनी नीति एवं विनियमों में उपरोक्त परिमाणाओं की भावना को यथा आवश्यक उपयुक्त रूप में समिलित करें तथा इन विनियमों की आवश्यकता अनुसार अपने अध्यादेशों एवं नियमों को संशोधित करना।
 (ब) तैयारिक उत्पीड़न के विरुद्ध प्रावधानों को अधिसूचित करना तथा उनके विस्तृत प्रचार-प्रसार को सुनिश्चित करना।



- जाएगा—यदोंकि स्वायात्रय के गीर्ण्य एवं अन्य कानून सभा नियमों द्वारा उस कानूनी ढौँचे में लगातार संशोधन होता रहेगा जिनके अनुसार अभिनियम लागू किया जाना है;
- (2) उच्चतर शैक्षिक संस्थानों तथा कार्यकारी प्राप्तिकारी द्वारा अधिदेशात्मक रूप से पूरा समर्थने किया जाना चाहिए तथा यह देखा जाना चाहिए कि आई.टी.सी. की सिफारिशों का क्रियान्वयन समर्थन रूप से किया जा रहा है कि नहीं। आई.टी.सी. के प्रकार्य के लिए राजस्त संभावित संसाधन उपलब्ध कराए जाने चाहिए— जिनमें कार्यालय और भवन अवसंरचना सहित (फायरटॉर, फोटो कॉपियर, अद्य दृश्य उपकरणों आदि) रुटाफ (टाइपिस्ट, तलाह एवं कानूनी सेवाओं) रहिस पर्याप्त रूप में वित्तीय संसाधन का आवंटन भी हो;
 - (3) असूरक्षित/ दुर्बल वर्ग विशेष रूप से प्रताङ्कन के शिकार बन जाते हैं और उनके द्वारा शिकायत करना और वे जमादा कठिन होता है। बौद्ध, वा. जाति, लैंगिक प्रत्यक्षि, नारूपसंख्यक पहचान, एवं मृद्धक रूप से सामर्थ्य से असुरक्षा सामग्रिक रूप से संयोजित हो सकती है। समर्थकारी समितियों को इस प्रकार की असूरक्षिताओं के प्रति अति संवेदनशीलता एवं विशेष जलरतों के प्रति संवेदनशील होने की आवश्यकता है;
 - (4) स्थोंकि शोध छात्र और डॉकटोरल छात्र विशेष रूप से आक्रान्त होते हैं, अतः उच्चतर शैक्षिक संस्थानों द्वारा यह सुनिश्चित कराया जाए कि शोध सर्वेक्षण की नैतिकता संवैधि दिग्गज निर्देश उचित रूप से लागू हो रहे हैं;
 - (5) समस्त उच्चतर शैक्षिक संस्थानों द्वारा उनकी लैंगिक उत्पीड़न विवेदी नीति की कमता का नियमित रूप से एवं सार्विक पुनरीक्षण किया जाना चाहिए;
 - (6) सभी अकादमिक रुटाफ कालेजों (जिनमें अब भानव संसाधन यिकास केन्द्रों के रूप में पाया जाता है) (एचआरडीसी) और कमता निर्माण के केन्द्रों द्वारा लिंग संवेदी सत्रों को अपने अभियुक्ती एवं पुनरशर्या पाठ्यक्रमों में नियमित करना चाहिए। अन्य राज विवरों से भी इसे प्राथमिकता दी जाए तथा इसे सुख्य धारा के रूप में विशेष रूप से बनाया जाए तथा इसके लिए 'यूजीसी साधन' रिपोर्ट का उपयोग करे जिसमें, इस बारे में, प्रविद्वियों संपलाल कराई जाती हैं;
 - (7) उच्चतर शैक्षिक संस्थानों में प्रशासकों के लिए संचालित अभियुक्ती पाठ्यक्रमों में आवश्यक रूप से लैंगिक संवेदीकरण तथा लैंगिक उत्पीड़न की समस्याओं पर एक भापदण्ड होना चाहिए। उच्चतर शैक्षिक संस्थान के समस्त विभागों में भौजूद सदरस्यों के लिए कार्यशालाएं नियमित रूप से संचालित की जानी चाहिए;
 - (8) समस्त उच्चतर शैक्षिक संस्थानों में परामर्श सेवाओं को संस्थानों के अन्तर्गत रखा जाना चाहिए और इसके लिए सुप्रशिक्षित पूर्णकालिक परामर्शदाता होने चाहिए;
 - (9) कई उच्चतर शैक्षिक संस्थान जिनके विशाल परिसर वै जिनमें प्रकाश संवेदी व्यवस्था बहुत अधूरी है तथा अन्य संस्थानों के लोगों के अनुमत अनुसार वै स्थान अनुरक्षित समझे जाते हैं, वहाँ पर्याप्त प्रकाश व्यवस्था अवसंरचना एवं रच्य-रखाव का एक अनिवार्य आग है;
 - (10) पर्याप्त एवं अच्छी तरह से प्रशिक्षित सुख्खा रुटाफ आवश्यक रूप से होना चाहिए जिसमें महिला सुख्खा रुटाफ सदस्य अच्छी संख्या में हों, जिससे संतुलन बना रहे। सुख्खा रुटाफ नियुक्ति के गामले में लैंगिक संवेदनशीलता प्रशिक्षण को एक शर्त के रूप में माना जाना चाहिए;
 - (11) उच्चतर शैक्षिक संस्थान आवश्यक रूप से विशेष रूप से उच्चतर शैक्षिक संस्थानों के विस्तृत परिसरों के अन्दर विभिन्न विभागों के मध्य जैसे- छात्रावासों, पुस्तकालयों, प्रयोगशालाओं तथा सुख्खालय और विशेष रूप से वै स्थान जिन तक पहुँच गाना ऐनिक शोषणकार्यों के लिए कठिन है। सुख्खा की फारी सथा उत्पीड़न बहुत यकृ 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 शाम के समय अन्य कार्यक्रमों में भाग लेने के लिए उच्चतर शैक्षिक संस्थानों द्वारा भरोसार्द यातायात का प्रबन्ध किया जाना चाहिए;
 - (12) आवासीय उच्चतर शैक्षिक संस्थानों द्वारा महिला छात्रायासों की संरक्षना की प्राथमिकता दी जाए। महिला छात्रायास, जो सभी प्रकार के उत्पीड़न से भौकी गमत सुख्खा प्रवान भरते हैं, उच्च शिक्षा के सभी स्तरों पर, शहरी एवं ग्रामीण क्षेत्रों में यकृ संख्या में उच्च शिक्षा इच्छुक युवा महिलाओं के लिए अत्यन्त गहरी है;

- (13) युवा छात्रों की तुलना में छात्रावास में स्थित छात्राओं की सुरक्षा को मामले को भेदभाव पूर्ण नियमों का आधार नहीं बनाया जाना चाहिए। परिसर की सुरक्षा संबंधी नीतियों को नहिला कर्मचारी एवं छात्राओं की सुरक्षालंबनता के रूप में नहीं बन जाना चाहिए, जैसे कि आपश्यकता से अधिक राखेक्षण या पुलिसिया निगरानी अथवा आने जाने की स्वतंत्रता में कटौती करना— यिशेपकर नहिला कर्मचारी एवं छात्राओं के लिए;
- (14) सभी उच्चतर शैक्षिक संस्थानों के लिए पर्याप्त स्वास्थ्य सुविधाएँ होनी अधिदेशाल्मक हैं। नहिलाओं के विषय में इस प्रक्रिया में लिंग संवेदी डाक्टर और नर्स तथा इसके साथ ही एक स्त्री रोग विशेषज्ञ की सेवाएँ उपलब्ध होनी चाहिए;
- (15) महाविद्यालयों में गहिला विकास प्रक्रीष्ट पुनः घालू किये जाने चाहिए एवं उन्हें पन दिया जाना चाहिए और इन्हें लैंगिक उत्पीड़न विरोधी समितियों तथा आन्तरिक शिकायत समिति के प्रकार्यों से पृथक करके स्वशारी रखा जाना चाहिए। उसके साथ ही ये आन्तरिक शिकायत केन्द्रों के परामर्श से अपनी गतिविधियों विस्तारित करेंगे जिनमें लैंगिक संवेदीकरण कार्यक्रम शामिल हैं तथा नियमित आधार पर लैंगिक उत्पीड़न विरोधी नीतियों परिसरों में प्रचारित प्रसारित करेंगे। 'सांस्कृतिक पृष्ठभूमि' एवं "औपचारिक अकादमिक स्थल" इन्हें परस्पर सहभागिता करनी चाहिए ताकि ये कार्यशालाएँ नवोन्मेषी, आकर्षक बने एवं मशीनी न हों;
- (16) छात्रावासों के बाहर, अध्यक्ष, प्राचार्य, कुलपतियों, विधि अधिकारियों एवं अन्य कार्यकारी सदस्यों को नियमों के अध्या अध्यादेशों में संशोधनों द्वारा जबाबदेही के दायरे में यथाआवश्यक रूप से लाना चाहिए;

4. शिकायत समाधान तन्त्र—

- (1) लैंगिक उत्पीड़न के विरुद्ध प्रत्येक कार्यकारी प्राधिकारी लैंगिक संवेदीकरण के लिए एक आन्तरिक तन्त्र सहित एक आन्तरिक शिकायत समिति (आई.सी.सी.) का गठन करेंगे। आई.सी.सी की निम्न संरचना होगी—
- (अ) एक पीटासीन 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;
- बशर्ते यदि किसी स्थिति में कोई वरिष्ठ स्तर की महिला कर्मचारी उपलब्ध नहीं है तो पीटासीन अधिकारी को उप-अनुभाग 2(ओ) में दर्शाये कार्यस्थल के अन्य कार्यालय अथवा प्रशासनिक एकांश से उन्हें नामित किया जाएगा:
- "बशर्ते यदि उस कार्यस्थल के अन्य कार्यालयों अथवा प्रशासनिक एकांशों में कोई वरिष्ठ स्तर की महिला कर्मचारी नहीं है तो अध्यक्ष अधिकारी को उसी नियोक्ता के कार्यस्थल से अथवा किसी अन्य विभाग या संगठन में से नामित किया जा सकता है"
- (ब) दो संकाय सदस्य एवं दो गैर-अध्यापनरत कर्मचारी जो अधिमानतः महिलाओं की समस्याओं के लिए प्रतिबद्ध हैं तथा जिन्हें सामाजिक कार्य अथवा कानूनी जानकारी है, उन्हें कार्यकारी प्राधिकारी द्वारा नामित किया जाना चाहिए;
- (स) यदि किसी मामले में छात्र शामिल हैं तो उसमें तीन छात्र हों जिन्हें स्नातक पूर्व, स्नातकोत्तर एवं शोधस्तर पर क्रमशः भर्ती किया जायेगा जिन छात्रों को पारदर्शी लोकतांत्रिक प्रणाली द्वारा चुना गया है;
- (द) गैर सरकारी संगठनों में से किसी एक में से अथवा किसी ऐसी सभा में से जो महिलाओं की समस्याओं के लिए प्रतिबद्ध हैं या एक ऐसा व्यक्ति हो जो लैंगिक उत्पीड़न से जुड़े मामलों का जानकार हो, जो कार्यकारी प्राधिकारी द्वारा नामित हो;
- (2) आन्तरिक शिकायत समिति के कुल सदस्यों में न्यूनतम आधे सदस्य महिलायें होनी चाहिए;
- (3) उच्चतर शैक्षिक संस्थानों में वरिष्ठ प्रशासनिक पदों पर नियुक्त व्यक्ति जैसे कुलपति, पदेन गुलपति, रेक्टर, बैलसचिव, डीन, विभागों के अध्यक्ष आदि आन्तरिक समिति के सदस्य नहीं होंगे ताकि ऐसे केन्द्र के प्रकार्य की स्वायत्तता सुनिश्चित रहे;



- (4) आन्तरिक शिकायत समिति के सदस्यों जो सदस्यता अधिकारी द्वारा आन्तरिक शिकायत बैन्ड के सदस्यों वा एक लिहाई भाग प्रतिवर्ष परिवर्तित होता रहे;
- (5) आन्तरिक समिति की बैठक आयोजित करने के लिए जो सदस्य गैर सरकारी रागड़ों अथवा गामों से संबद्ध हैं उन्हें कार्यकारी प्राधिकारी द्वारा ऐसे शुल्क अथवा भत्ते का भुगतान किया जाए, जेसा निर्धारित किया गया है;
- (6) जिस स्थिति में आन्तरिक समिति जो आवश्यक अधिकारी अथवा इसका कोई सदस्य, यदि:-
- अधिनियम की तारा 16 के प्राक्तनों वा उल्लंघन करता है, अथवा
 - 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 पढ़ताल लियत है, अथवा
 - किसी अनुशासनात्मक कार्यवाही के तहत वह दोषी पाया गया है अथवा उसके विरुद्ध कोई अनुशासनात्मक कार्यवाही लियत है, अथवा
 - उसने अपने पद का दुरुपयोग इस तीव्रता तक किया है कि कांगोली में उसकी सेवामें निम्नतरता को जनहित के प्रतिकूल माना जाएगा,
- तो ऐसा अधिकारी अथवा सदस्य, चथारिति, इस समिति से हटा दिया जाएगा तथा इस प्रकार से होने वाली रिवित अथवा ऐसी कोई निर्धारित (केजुअल) रिवित को नये नामांकन द्वारा इस धारा के प्रावधानों के अनुसार भरा जाएगा।"

5. आन्तरिक शिकायत समिति (आई.सी.सी.) :-

- आन्तरिक शिकायत समिति करेगी :-
- यदि कोई कर्मचारी अथवा छात्र सुलिस के पास कोई शिकायत दर्ज करना चाहता है तो उसे लहायता उपलब्ध कराएगी;
 - विद्यालय समाधान के हेतु वाहिका संबंधी तन्त्र उपलब्ध कराना ताकि विवादित घारों पर पूर्वानुमान को समीक्षीय करें;
 - विद्यालय समाधान के हेतु वाहिका संबंधी अनिवार्यताओं में छूट द्वारा अथवा अन्य किसी विभाग में अधिकारी की हानि न हो तथा विद्यालय से पूरी तरह से दण्डात्मक दृष्टिकोणों की न्यूनतम जलरत हो जिससे और अधिक जानकारी, विमुखता अथवा हिंसा न बढ़े;
 - उस व्यक्ति की पहचान उजागर किये दिना उस शिकायतकर्ता की सुरक्षा बनाए रखना तथा स्वीकृत अवकाश अथवा उपरिधति संबंधी अनिवार्यताओं में छूट द्वारा अथवा अन्य किसी विभाग में अधिकारी की सर्वेक्षणकर्ता के पास स्थानान्तरण कराना, यथा आवश्यक रूप से उस शिकायत के लियत होने की अवधि में अथवा उस अपराधकर्ता के स्थानान्तरण का भी प्रावधान किया जाएगा;
 - तैरिक उत्पीड़न संबंधी शिकायतों के निपटान करते समय सुनिश्चित करें कि पीड़ित व्यक्ति या घारों का शोषण ना किया जाए अथवा उनके साथ भेदभाव न किया जाए, तथा
 - किसी भी आवृत्त व्यक्ति के विरुद्ध अथवा प्रतिकूल कार्रवाई पर प्रतिबन्ध को सुनिश्चित करना व्यक्ति के वह कर्मचारी अथवा छात्र एक संरक्षित गतिविधि में व्यस्त है;

6. शिकायत करने एवं जाँच पढ़ताल की प्रक्रिया:-

- आन्तरिक शिकायत समिति किसी भी शिकायत को दायर करने और उस शिकायत की जाँच करने के लिए इन विनियमों और अधिनियम में निर्धारित प्रणाली का अनुपालन करेगी ताकि वह समयबद्ध रूप से पूरी हो सके। उच्चतर शैक्षिक संस्थान, आन्तरिक शिकायत समिति को सभी आवश्यक सुविधाएं उपलब्ध कराएगा ताकि जाँच पढ़ताल शीघ्रता से संचालित हो सके तथा आवश्यक गोपनीयता भी बनी रहे।

7. लैंगिक उत्पीड़न की विकायत दायर करने की प्रक्रिया :-

- किसी भी असन्तुष्ट व्यक्ति के लिए आवश्यक है कि वह घटना होने की तिथि से तीन माह के भीतर लिखित शिकायत आन्तरिक शिकायत समिति को प्रस्तुत करे और यदि लगातार कई घटनाएँ दुइ हो तो सबसे बाद नी घटना से तीन माह के भीतर उसे प्रस्तुत करें;
- वशते जहाँ ऐसी शिकायत लिखित रूप में नहीं दी जा सकती है, वहाँ अध्यकारी अधिकारी अथवा आन्तरिक समिति का वशते जहाँ ऐसी शिकायत लिखित रूप में नहीं दी जा सकती है, वहाँ अध्यकारी अधिकारी अथवा आन्तरिक समिति का वशते जहाँ ऐसी शिकायत लिखित रूप से प्रस्तुत लकड़ों के आचार पर समय सीमा परिस्थारित कर सकती है, वशते, इसके साथ ही आई.सी.सी. लिखित रूप से प्रस्तुत लकड़ों के आचार पर समय सीमा परिस्थारित कर सकती है, वशते, इसके साथ ही आवश्यक की नहीं होगी, यदि इस बात को आशयस्त किया गया हो कि परिवर्तित व्यक्ति ऐसी थी कि जिनके कारण वह व्यक्ति इस कथित अवधि के दौरान शिकायत दायर करने से वंचित रह गया था;

8. जाँच पढ़ताल की प्रक्रिया:-



- (1) शिकायत मिलने पर आन्तरिक शिकायत समिति इसकी एक प्रति को प्रतिवादी को इसके प्राप्त होने से रात दिनों के भीतर भेजेगी;
 - (2) शिकायत वीं प्रति मिलने के बाद प्रतिवादी अपना उत्तर इस शिकायत के बारे में, समरत दस्तावेजों की रूची, गवाहों के नामों एवं पतों के नामों एवं उनके पतों सहित दस दिन की अवधि में दाखिल करेगा;
 - (3) शिकायत प्राप्त होने के 90 दिनों के भीतर ही जाँच पड़ताल पूरी की जानी चाहिए। अनुशंसाओं राहित, यदि ये हों, तो, जाँच पड़ताल रिपोर्ट उस जाँच के पूरा होने के 10 दिनों के भीतर उच्चतर शैक्षिक संस्थान के कार्यकारी प्राधिकारी को प्रस्तुत की जानी चाहिए। इस शिकायत से जुड़े दोनों पक्षों के समक्ष इस जाँच के तथ्यों या रिपोर्टों की प्रति दी जाएगी;
 - (4) जाँच रिपोर्ट प्राप्त होने के 30 दिनों के भीतर इस समिति की रिपोर्टों पर उच्चतर शैक्षिक संस्थान के अध्यक्ष प्राधिकारी कार्यवाही करेंगे, यदि किसी भी पक्ष द्वारा उस अवधि में जाँच के विरुद्ध कोई अपील दायर न की गई हो;
 - (5) दोनों में से किसी भी पक्ष द्वारा आन्तरिक शिकायत समिति द्वारा प्रदान तथ्यों/अनुशंसाओं के विरुद्ध उच्चतर शैक्षिक संस्थान के कार्यकारी प्राधिकारी के समक्ष की गई अनुशंसाओं की तिथि से तीरा दिन की अवधि में अपील दायर की जा सकती है;
 - (6) उच्चतर शैक्षिक संस्थान का कार्यकारी प्राधिकारी यदि आन्तरिक शिकायत समिति की रिपोर्टों 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 वह आन्तरिक शिकायत समिति द्वारा की गई रिपोर्टों के अनुसार कार्य करने का निर्णय लेता है तो एक कारण यताओं नोटिस जिराका 10 दिनों के भीतर भेजा जाना है— उसे उस पक्ष को भेजा जाएगा जिसके विरुद्ध कार्यवाही की जानी है। उच्चतर शैक्षिक संस्थान के कार्यकारी प्राधिकारी उस असन्तुष्ट व्यक्ति का पक्ष रुनने के पश्चात ही आगे की कार्रवाई करेंगे;
 - (7) गमले को निपटाने के उद्देश्य से पीड़ित पक्ष एक सुलह का आग्रह कर सकता है। सुलह का आधार कोई आर्थिक समझौता नहीं होना चाहिए। यदि कोई सुलह का प्रस्ताव रखा जाता है तो यथास्थिति उच्चतर शैक्षिक संस्थान सुलह की प्रक्रिया को आन्तरिक शिकायत समिति के माध्यम से सुलभ कराएगा। किसी भी दण्डात्मक हस्तक्षेप की तुलना में, जहाँ तक संभव होता है, उस पीड़ित पक्ष की पूरी संतुष्टि के लिए उस पारस्परिक विरोध के समाधान को अधिमानता दी जाती है;
 - (8) पीड़ित पक्ष अथवा पीड़ित व्यक्ति अथवा गवाह अथवा अपराधकर्ता की पहचान सार्वजनिक नहीं की जाएगी या विशेष रूप से उस जाँच प्रक्रिया के दौरान इसे सार्वजनिक क्षेत्र में रखा जाएगा;
9. अन्तरिक्ष समाधान:— उच्चतर शैक्षिक संस्थान,
- (अ) यदि आन्तरिक शिकायत केन्द्र सिफारिश करता है तो शिकायतकर्ता अथवा प्रतिवादी को अन्य किसी अनुभाग अथवा विभाग में स्थानान्तरित किया जा सकता है ताकि सम्पर्क अथवा अन्योन्य क्रिया में शामिल जाँचिन कम से कम बना रहे;
 - (इ) पीड़ित पक्ष को, सम्पूर्ण स्तर संबंधी एवं अन्य हित लाभों के संरक्षण सहित हीन माह तक का अवकाश रवैकृत कर दें;
 - (ट) शिकायतकर्ता के किसी भी काम अथवा निष्पादन अथवा परीक्षण अथवा परीक्षाओं के संबंध में कोई वात प्रकट न करने के लिए प्रतिवादी को बाध्य कर दें;
 - (ट) सुनिश्चित करें कि अपराधकर्ताओं को पीड़ित व्यक्तियों से दूरी बना कर रखनी चाहिए तथा यथा आवश्यक, यदि कोई प्रत्यक्ष घनकी है तो उनका परिसर में प्रवेश प्रतिबंधित कर दें;
 - (ट) लैंगिक उत्पीड़न की किसी शिकायत के परिणाम स्वरूप, शिकायतकर्ता को प्रतिशोध एवं उत्पीड़न से सुरक्षा प्रदान करने के लिए तथा एक अनुकूल वातावरण उपलब्ध कराने के लिए सख्त उपाय किये जाने चाहिए;
10. दण्ड एवं हरजाना:—
- (1) अपराधकर्ता यदि उच्चतर शैक्षिक संस्थान का कर्मचारी है तथा लैंगिक 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—पुस्तकालय, सभागार, आवासीय आगारों, यातायात, छात्रवृत्ति, भत्तों एवं पहचान पत्र आदि तक पहुँच बनाना;



- (५) एक पिण्डीय सामग्री का गरिसर में उत्तरका प्रवेश स्थिरित अधिया बाधित करना;
- (६) यदि उस अपराध की ऐसी गमीशता है तो उस छात्र को संस्कार से निष्कालित किया जा सकता है तथा उत्तरका नाम उस संस्थान की नामाख्यान से हटाया जा भक्ता है, इसके साथ ही पुनः प्रवेश की अनुमति उसे नहीं दी जाएगी;
- (७) अधिदेशाभक्त गरामर्ह अधिया शाशुद्धायिक रोगाओं जैसे सुधारवादी वर्ष ग्रदान करना,
- (८) पीड़ित व्यक्ति मुआवजे का अधिकारी है। आन्तरिक शिकायत समिति द्वारा अनुशासित तथा कार्यकारी प्राधिकारी द्वारा स्वीकृत मुआवजे के भुगतान के लिए उच्चतर शीक्षण संस्थान निर्देश जारी करेगा, जिसकी वसूली अपराधकर्ता से की जाएगी। दैर्घ्य मुआवजे का निर्धारण निम्न आधार पर होगा—
- (अ) पीड़ित व्यक्ति को जिसना मानविक तनाव, कष्ट, घाया एवं दुख पहुंचा है;
- (ब) उस लैंगिक उत्पीड़न की घटना के कारण उन्हें अपनी जीविका के सुधारकर की हानि उठानी पड़ी;
- (स) भीड़ित व्यक्ति द्वारा अपने जातीरिक एवं मनोरोग संबंधी आधार के लिए खर्च किए गए विफिल्सा व्यय;
- (द) कायित अपराधकर्ता एवं उस पीड़ित व्यक्ति की आय एवं जीवन स्तर, और
- (इ) ऐसे समस्त मुगलान का एकगुला रूप से वा विस्तृत में किए जाने का औधित्य;

11. छूटी शिकायत के विषय कार्रवाई—

इस बात को सुनिश्चित करने के लिए कि लैंगिक उत्पीड़न मामलों में कर्मचारियों एवं छात्रों की सुरक्षा के प्रावधानों का दुरुपयोग न हो, असरूप एवं द्वेष भावना पूर्ण शिकायतों के विरुद्ध प्रावधान किये जाने की आवश्यकता है तथा इन्हें उच्चतर शीक्षण संस्थानों में प्रशारित प्रसारित किया जाना चाहिए। आन्तरिक शिकायत समिति यदि यह निष्कर्ष निकालती है कि लगाए गए अभियोग असत्य, ये, विषेषपूर्ण एवं अधिया यह जानते हुए भी कि वह शिकायत असत्य अधिया जाली है अथवा भासक सूचना की उस पड़ताल के दौरान उपलब्ध कराया गया है तो शिकायतकर्ता यिनियम (10) के उप-यिनियम (1) के सहत दर्शित किये जाने के लिए यात्रा यदि शिकायतकर्ता एक कर्मचारी है, तथा यदि वह अपराधकर्ता एक छात्र है तो यह इस यिनियम की उप-यिनियम (2) के प्रावधानों के अनुसार सजा के लिए यात्रा योग्य होगा तथापि किसी भी शिकायत की प्रमाणित घरने अथवा उसके लिए पर्याप्त समूल उपलब्ध न कर पाने का आधार, शिकायतकर्ता के विषय कार्रवाई करने का कारण नहीं नाना जा सकता है। शिकायतकर्ता द्वारा द्वेषपूर्ण उद्देश्य से दावत शिकायत की जाँच पड़ताल द्वारा तय किया जाना चाहिए तथा इस शर्त में किसी कार्रवाई की सिफारिश किए जाने से पूर्य इस यिनियम में निर्धारित प्रणाली के अनुसार जाँच की जानी चाहिए;

12. गैर अनुपालन के परिणाम—

- (१) ऐसे संस्थान जो जान्मध्यकर अधिकार उन दावितों तथा कर्तव्यों के अनुपालन में असमर्थ बना रहता है जिन्हें कर्मचारियों एवं छात्रों के प्रति संगीक उत्पीड़न के निराकरण, निषेद्ध एवं सामाजिक हेतु निर्धारित किया गया है, तो इस स्थिति में आयोग अधियत नोटिस देकर निम्न में से किसी एक अधिया इससे अधिक विन्दुओं पर कार्रवाई करेगा—
- (अ) विश्वविद्यालय अनुदान आयोग अधिनियम 1956 की धारा 12(बी) के अन्तर्गत की गई घोषणा जो पात्रता दिये जाने के यिन्यम में है, उसका आहरण किया जाना;
- (ब) आयोग द्वारा अधिनियम 1956 की धारा 2 (एफ) के अन्तर्गत अनुरक्षित सूची में से उस विश्वविद्यालय अधिया महाविद्यालय का नाम हटाना;
- (स) संस्थान की आवंटित किसी भी अनुदान को रोक देना;
- (द) आयोग को किसी भी सामाज्य अधिया विशेष सहायता कार्यक्रमों के अन्तर्गत किसी भी सहायता को प्राप्त करने के लिए उस संस्थान को अपात्र घोषित किया जाना;
- (इ) जन साधारण को, एवं दोजगार अधिया प्रवेश के इच्छुक भावी प्रत्याशियों को एक ऐसे नोटिस द्वारा सुचित करना जो समाचार पत्रों में प्रत्यक्ष फैसले दर्शाया गया है अथवा उपयुक्त भीड़िया में दर्शाया गया है तथा आयोग की धैर्यसाझा पर प्रबोधित किया गया है तथा जिस नोटिस में घोषणा की गई है कि वह संस्थान लैंगिक उत्पीड़न के विषय शून्य सहनशीलता भीक्षि 'गतव यात्र समतंदबम चवसपवलद्ध का समर्थन नहीं करता है।
- (एफ) यदि वह एक महाविद्यालय है तो उसके सामने विश्वविद्यालय द्वारा उसकी सहजस्वदृता को आहरित करने की अनुरोधसा के लिये थार्न:

- (जी) यदे यह एक नामित प्रशिक्षणालय संस्थान है तो केंद्र सरकार को उस मानित प्रशिक्षणालय के आहुति की अनुमति दरवाजा;
- (एट) यदि यह वित्ती राज्य अधिनियम के अन्तर्गत स्थापित अवयव नियमित प्रशिक्षणालय है तो उसके इस रायर को अनुमति दरवाजे के लिए उपलब्ध संघर्ष सरकार की सिफारिश करना;
- (इट) उसे कि प्रशिक्षणालय अनुदान आयोग अधिनियम 1956 के अन्तर्गत प्राव्यान विचार जाना हो तदनुसार अपने अधिकारी के अनुसार यथोचित रूप से ऐसी समयावधि के लिए दण्ड प्रदान कर सकता है जिस रामय एक वह संस्थान इन विभिन्नों में नियांत्रित प्रशिक्षणाली का अनुपालन नहीं करता है।
- (जी) इन विभिन्नों के अन्तर्गत आयोग द्वारा उस समय तक बारेवाई नहीं की जाएगी जब तक कि संस्थान को उन्होंने पक्ष प्रत्यक्षत करने के लिए प्रदत्त सुधारसर के आधार पर उनकी सुनवाई कर ली गई हो;

[प्रिलियन-III/4/असा./53]

जसपाल एस. राम्य, संघीय, गृजीसी

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(University Grants Commission)

NOTIFICATION

New Delhi, the 2nd May, 2016

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

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

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



- (d) "Commission" means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (3 of 1956);
- (e) "covered individuals" are persons who have engaged in protected activity such as filing a sexual harassment charge, or who are closely associated with an individual who has engaged in protected activity and such person can be an employee or a fellow student or guardian of the offended person;
- (f) "employee" means a person as defined in the Act and also includes, for the purposes of these Regulations trainee, apprentice (or called by any other name), interns, volunteers, teacher assistants, research assistants, whether employed or not, including those involved in field studies, projects, short-visits and camps;
- (g) "Executive Authority" means the chief executive authority of the HEI, by whatever name called, in which the general administration of the HEI is vested. For public funded institutions the Executive Authority means the Disciplinary Authority as indicated in Central Civil Services (Classification, Control and Appeal) Rules, 1965 or its equivalent rules;
- (h) "Higher Educational Institution" (HEI) means a university within the meaning of clause (j) of section 2, a college within the meaning of clause(b) of sub-section (1) of section 12A and an institution deemed to be a University under section 3 of the University Grants Commission Act, 1956 (3 of 1956);
- (i) "Internal Complaints Committee" (ICC) means Internal Complaints Committee to be constituted by an HEI under sub regulation (1) of regulation 4 of these regulations. Any existing body already functioning with the same objective (like the Gender Sensitization Committee Against Sexual Harassment (GSCASH)) should be reconstituted as the ICC;
 Provided that in the latter case the HEI shall ensure that the constitution of such a Body is as required for ICC under these regulations. Provided further that such a Body shall be bound by the provisions of these regulations;
- (j) "protected activity" includes reasonable opposition to a practice believed to violate sexual harassment laws on behalf of oneself or others such as participation in sexual harassment proceedings, cooperating with an internal investigation or alleged sexual harassment practices or acting as a witness in an investigation by an outside agency or in litigation;
- (k) "sexual harassment" means-
- (i) "An unwanted conduct with sexual undertones if it occurs or which is persistent and which demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and includes any one or more or all of the following unwelcome acts or behaviour (whether directly or by implication), namely:-
 - (a) any unwelcome physical, verbal or non verbal conduct of sexual nature;
 - (b) demand or request for sexual favours;
 - (c) making sexually coloured remarks
 - (d) physical contact and advances; or
 - (e) showing pornography" - (ii) any one (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones-
 - (a) implied or explicit promise of preferential treatment as quid pro quo for sexual favours;
 - (b) implied or explicit threat of detrimental treatment in the conduct of work;
 - (c) implied or explicit threat about the present or future status of the person concerned;
 - (d) creating an intimidating offensive or hostile learning environment;
 - (e) humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned;



- (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 HEIs campus, although not yet admitted, shall be treated, for the purposes of these regulations, as a student of that HEI, where any incident of sexual harassment takes place against such student;
Provided that a student who is a participant in any of the activities in a HEI other than the HEI where such student is enrolled shall be treated, for the purposes of these regulations, as a student of that HEI where any incident of sexual harassment takes place against such student;
- (m) "third Party Harassment" refers to a situation where sexual harassment occurs as a result of an act or omission by any third party or outsider, who is not an employee or a student of the HEI, but a visitor to the HEI in some other capacity or for some other purpose or reason;
- (n) "victimisation" means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;
- (o) "workplace" means the campus of a HEI including-
 - (a) Any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate HEIs;
 - (b) Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in HEIs;
 - (c) Any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the Executive Authority for undertaking such journey for study in HEIs.'

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

- (a) Wherever required, appropriately subsume the spirit of the above definitions in its policy and regulations on prevention and prohibition of sexual harassment against the employees and the students, and modify its ordinances and rules in consonance with the requirements of the Regulations;
- (b) publicly notify the provisions against sexual harassment and 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 recognising that primarily women employees and students and some male students and students of the third gender are vulnerable to many forms of sexual harassment and humiliation and exploitation;
- (e) publicly commit itself to a zero tolerance policy towards sexual harassment;
- (f) reinforce its commitment to creating its campus free from discrimination, harassment, retaliation or sexual assault at all levels;
- (g) create awareness about what constitutes sexual harassment including hostile environment harassment and quid pro quo harassment;
- (h) include in its prospectus and display prominently at conspicuous places or Notice Boards the penalty and consequences of sexual harassment and make all sections of the institutional community aware of the information on the mechanism put in place for redressal of complaints pertaining to sexual



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

- (i) inform employees and students of the recourse available to them if they are victims of sexual harassment;
- (j) organise regular orientation or training programmes for the members of the ICC to deal with complaints, steer the process of settlement or conciliation, etc., with sensitivity;
- (k) proactively move to curb all forms of harassment of employees and students whether it is from those in a dominant power or hierarchical relationship within HEIs or owing to intimate partner violence or from peers or from elements outside of the geographical limits of the HEI;
- (l) be responsible to bring those guilty of sexual harassment against its employees and students to book and initiate all proceedings as required by law and also put in place mechanisms and redressal systems like the ICC to curb and prevent sexual harassment on its campus;
- (m) treat sexual harassment as a misconduct under service rules and initiate action for misconduct if the perpetrator is an employee;
- (n) treat sexual harassment as a violation of the disciplinary rules (leading up to rustication and expulsion) if the perpetrator is a student;
- (o) ensure compliance with the provisions of these regulations, including appointment of ICC, within a period of sixty days from the date of publication of these regulations;
- (p) monitor the timely submission of reports by the ICC;
- (q) prepare an annual status report with details on the number of cases filed and their disposal and submit the same to the Commission.

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

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

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

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

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



- (6) All Academic Staff Colleges (now known 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 securitization, such as over monitoring or policing or curtailing the freedom of movement, especially for women employees and students.
- (14) Adequate health facilities are equally mandatory for all HEIs. In the case of women this must include gender sensitive doctors and nurses, as well as the services of a gynaecologist.
- (15) The Women's Development Cells in colleges shall be revived and funded to be able to carry out the range of activities required for gender 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:



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

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

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

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

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

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

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

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

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

(5) The Member appointed 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."

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



- (b) provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights, and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence;
- (c) protect the safety of the complainant by not divulging the person's identity, and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the offender;
- (d) ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment; and
- (e) ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.

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

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

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

Provided further that the ICC may, for the reasons to be accorded in the writing, extend the time limit and 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



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.

(S) 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 reformative punishments like mandatory counselling and, or, performance of community services.
- (3) The aggrieved person is entitled to the payment of compensation. The HEI shall issue direction for payment of the compensation recommended by the ICC and accepted by the Executive Authority, which shall be recovered from the offender. The compensation payable shall be determined on the basis of-
- 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)



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 willfully contravenes or repeatedly fails to comply with the obligations and duties laid out for the prevention, prohibition and redressal of sexual harassment of employees and students, take one or more of the following actions after providing due notice:—

- (a) withdrawal of declaration of fitness to receive grants under section 12B of the University Grants Commission Act, 1956;
 - (b) removing the name of the university or college from the list maintained by the Commission under clause (1) 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.

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

JASPAL S. SANDHU, Secy. UGC



Vishaka Guidelines against Sexual Harassment in Workplace

**Guidelines and norms laid down by the Hon'ble Supreme Court in
Vishaka and Others Vs. State of Rajasthan and Others(JT 1997 (7)
SC 384)**

HAVING REGARD to the definition of 'human rights' in Section 2 (d) of the Protection of Human Rights Act, 1993,

TAKING NOTE of the fact that the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time,

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

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

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

Definition

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

- a) Physical contact and advances;
- b) A demand or request for sexual favours;
- c) Sexually coloured remarks;
- d) Showing pornography;
- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature



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

Preventive Steps

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

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



Criminal Proceedings

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

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

Disciplinary Action

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

Complaint Mechanism

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

Complaints Committee

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

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

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



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

Worker's Initiative

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

Awareness

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

Third Party Harassment

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

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

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





प्रो. रजनीश जैन
सचिव

Prof. Rajnish Jain
Secretary



विनायिकात्मक अनुदान आयोग
University Grants Commission

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

ललितगढ़ बाजार नगर, नई दिल्ली-110002
Behind Sir Shah Zafar Marg, New Delhi-110002

Ph.: 011-23236288/23237337

Fax : 011-2323 0858

E-mail : sac@ugc.ac.in

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)



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

NOTIFICATION

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

New Delhi, the ___ October, 2018

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

1. SHORT TITLE, APPLICATION AND COMMENCEMENT:

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

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

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



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

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



- viii. breach in reservation policy in admission as may be applicable;
- ix. nonpayment or delay in payment of scholarships to any student that such institution is committed, under the conditions imposed by University Grants Commission, or by any other authority;
- x. delay in conduct of examinations or declaration of results beyond the specified schedule in the academic calendar;
- xi. non provision of student amenities as may have been promised or required to be provided by the institution;
- xii. non transparent or unfair evaluation practices;
- xiii. Refund of fees, in case a student withdraws the admission within the stipulated time as mentioned in the prospectus, as notified by the Commission from time to time.

- (g) "Department Grievance Redressal Committee" means a committee constituted under these regulations, at the level of a Department.
- (h) "Institutional Grievance Redressal Committee" means a committee constituted under these regulations, at the level of an institution.
- (i) "College Grievance Redressal Committee" means a committee constituted under these regulations, at the level of a college.
- (j) "University Grievance Redressal Committee" means a committee constituted under these regulations, at the level of a University.
- (k) "Higher Educational Institution" means a University within the meaning of clause (f) of Section 2, a college within the meaning of clause (b) of sub-section (1) of Section 12A, and an institution deemed to be a University declared under Section 3, of the University Grants Commission Act, 1956;
- (l) "institution" for the purposes of these regulations, means any university, college or such other institutions, as the case may be;
- (m) "Office of profit" means an office which is capable of yielding a profit or pecuniary gain, and to which some pay, salary, emolument, remuneration or non-compensatory allowance is attached;



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

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

- i. Every higher educational institution, shall publish and/or upload on its website, before expiry of at least sixty days prior to the date of the commencement of the admission to any of its courses or programs of study, a prospectus containing the following for the information of persons intending to seek admission to such institution and the general public, namely:
 - (a) the list of programs of study and courses offered along with the broad outlines of the syllabus specified by the appropriate statutory authority or by the institution, as the case may be, for every course or program of study, including teaching hours, practical sessions and other assignments;
 - (b) the number of seats approved by the appropriate statutory authority in respect of each course or program of study for the academic year for which admission is proposed to be made;
 - (c) the conditions of educational qualifications and eligibility including the minimum and maximum age limit of persons for admission as a student in a particular course or program of study, specified by the institution;
 - (d) the process of selection of eligible candidates applying for such admission, including all relevant information in regard to the details of test or examination for selecting such candidates for admission to each course or program of study and the amount of fee prescribed for the admission test;



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

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

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



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

4. GRIEVANCE REDRESSAL COMMITTEES (GRC):

A. Department Grievance Redressal Committee (DGRC)

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

B. Institutional Grievance Redressal Committee (IGRC)



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



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

D. University Grievance Redressal Committee (UGRC)

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



- (iv) The CGRC shall follow the principle of normal justice while deciding the grievance of the students.
- (v) The CGRC shall send the report and the recommendations to the principal of the college within a period of 15 days of receiving the complaint.
- E. Any person aggrieved by the decision of the Institutional Grievance Redressal Committee or University Grievance Redressal Committee may within in a period of six days prefer an appeal to the Ombudsperson.
- 5. APPOINTMENT, TENURE, REMOVAL AND CONDITIONS OF SERVICES OF OMBUDSPERSON:**
- (i) Each HEI shall appoint an Ombudsperson for redressal of grievances of students under these regulations.
 - (ii) The Ombudsperson shall be a person not related to the university and who is a retired Vice-Chancellor, Registrar or a faculty member who has at least ten years of experience as a Professor.
 - (iii) The Ombudsperson shall not be in any conflict of interest with the university, either before or after his appointment.
 - (iv) The Ombudsperson, or any member of his immediate family shall not -
 - (a) hold or have held at any point in the past, any post or, employment in any office of profit in the university;
 - (b) have any significant relationship, including personal, family, professional or financial, with the university;
 - (c) hold any position in university by whatever name called, in the administration or governance structure of the university.
 - (v) The Ombudsperson in a State University shall be appointed by the Executive council of the university on part-time basis from a panel of three names recommended by the search committee consisting of the following members, namely:-



- (a) Nominee of the Governor of the State or his nominee – Chairperson
 - (b) Vice-Chancellor of a University of State to be nominated by the State Government – Member
 - (c) Vice-Chancellor of the concerned State University – Member
 - (d) Registrar of the concerned State University – Secretary (non-voting)
- (vi) The Ombudsperson in a Central University and institution deemed to be university shall be appointed by the Executive Council of the Central University or the equivalent statutory body of the Deemed to be University, as the case may be, on part - time basis from a panel of three member recommended by the search committee consisting of the following members, namely:-
- (a) Nominee of University Grants Commission – Chairperson
 - (b) One Vice Chancellor from Central University to be nominated by UGC (for Central Universities) – Member
- OR
- One Vice Chancellor from institution deemed to be university to be nominated by the UGC (for Deemed to be Universities) - Member
- (c) The Vice Chancellor of the university – Member
 - (d) The Registrar of the university – Secretary (Non-Voting)
- (vii) The Ombudsperson shall be a part time officer appointed for a period of three years from the date he/she assumes the office and may be reappointed for another one term in the same university.
- (viii) The Ombudsperson shall be paid the sitting fee per day as per the norms of the university for hearing the cases, in addition to the reimbursement of the conveyance.



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

6. FUNCTIONS OF OMBUDSPERSON:

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

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

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



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

8. INFORMATION REGARDING GMBUDSPERSGN GRIEVANCE REDRESSAL COMMITTEE:

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

9. CONSEQUENCES OF NON-COMPLIANCE:

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



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

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

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

(Prof. Rajnish Jain)
Secretary

