

रजिस्ट्री सं० डी० एल०-33004/99

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(अखिल भारतीय तकनीकी शिक्षा परिषद्)

अधिसूचना

ubZ fnYyh] 10 twu] 2016

,Q- la- vHkkrf'ki@MCY;w-,p-@2016@01-&अखिल भारतीय तकनीकी शिक्षा परिषद्
(तकनीकी संस्थाओं में लिंग-भेद संबंधी जागरूकता, महिला कर्मियों और छात्राओं के यौन उत्पीड़न का प्रतिषेध तथा प्रतितोष और शिकायतों का निवारण) fofu;e] 2016

अखिल भारतीय तकनीकी शिक्षा परिषद् अधिनियम, 1987 (1987 का 52) की धारा 23 (1), अध्याय-VI द्वारा प्रदत्त अपनी शक्तियों का प्रयोग करते हुए अखिल भारतीय तकनीकी शिक्षा परिषद् एतद्वारा निम्नलिखित विनियम बनाती है अर्थात्:-

1-	संक्षिप्त नाम, प्रयोज्यता और प्रारंभ: (1) इन नियमों का संक्षिप्त नाम vflky Hkkjrh; rduhdh flk{kk ifj"kn- (तकनीकी संस्थाओं में लिंग-भेद संबंधी जागरूकता, महिला कर्मियों और छात्राओं के यौन उत्पीड़न का प्रतिषेध तथा प्रतितोष)
	(2) ये भारत की सभी तकनीकी संस्थाओं पर लागू होंगे।
	(3) ये राजपत्र में इनके प्रकाशन की तारीख से प्रवृत्त होंगे।
2-	iflHkk'kk.a &इन नियमों में जब तक संदर्भ में अन्यथा अपेक्षित न हो-
(क)	“पीड़ित महिला” से कार्यस्थल के संबंध में अभिप्रेत किसी भी उम्र की कोई महिला, चाहे वह वहां नौकरी करती हो या न करती हो, मानव संसाधन विकास और उत्पीड़न की शिकायत करे।
(ख)	“अधिनियम” से महिलाओं का कार्यस्थल पर लैंगिक उत्पीड़न (निवारण, प्रतिषेध एवं प्रतितोष) अधिनियम, 2013 (2013 का 14) अभिप्रेत है।
(ग)	“परिसर” से अभिप्रेत ऐसा स्थल अथवा भूमि जिसमें तकनीकी संस्थान स्थित है तथा इसमें स्थित संबंधित संस्थागत सुविधाएं जैसे- पुस्तकालय, प्रयोगशालाएं, व्याख्यान कक्ष, आवासीय क्षेत्र, कक्ष, शौचालय, विद्यार्थी केन्द्र, छात्रावास, भोजन कक्ष, स्टेडियम, वाहन अड्डा (पार्किंग) क्षेत्र, उद्यान जैसे बैठने योग्य क्षेत्र तथा अन्य सुविधाएं जैसे-स्वास्थ्य केन्द्र, भोजनालय (कैंटीन), बैंक काउंटर, इत्यादि स्थित है तथा इसमें बढ़ाया गया परिसर तथा इसकी परिधि में आने वाले ऐसे स्थान जिनपर तकनीकी संस्था के विद्यार्थी होने के नाते विद्यार्थी माना करते हैं, परिवहन जो संस्थान

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[PART III—

		जहाँ कोई व्यक्ति
	(घ)	“परिषद्” से अधि
	(ङ.)	(1987 का 52) से
		P"kkfey O;fDr
		उत्पीड़न के अ
	(Ä)	“कर्मचारी” से
		तकनीकी तकनी
	(छ)	“कार्यपालक प्रा
		मान्यता के
	(ज)	“तकनीकी संस्थ

	(झ)	“आंतरिक शक्ति” के विनियम 4 के (लैंगिक उत्पीड़न) कर रही समिति
	(ञ)	“संरक्षित कर्मचारी” युक्तियुक्त विरोध उत्पीड़न कार्यवाही
	(ट)	“लैंगिक उत्पीड़न”
	(i)	यौनिक लहजे (क) दिखाए अथवा शब्दों (ख) परिणाम भुगतने (ग) कोई भी अवांछित (घ) यौनाचरण की (ङ) यौनअर्थो वाली (च) यौनिक रिश्ते (छ) (ज) अश्लील सामग्री
	(ii)	निम्नलिखित में से (क) प्रत्यक्ष अथवा अप्रत्यक्ष (ख) (ग) (घ) उसके लिए भविष्य (ङ) संबंधित व्यक्ति (च) (छ) (ज) (झ) (ञ) (ट) (ड) (ढ) (ण) (त) (थ) (द) (ध) (न) (प) (फ) (ब) (भ) (म) (य) (र) (ल) (व) (श) (ष) (स) (ह) (ः) (म्)
	(ठ)	“तृतीय पाक्षिक” के अल्पकालिक (क) (ख) (ग) (घ) (ङ) (च) (छ) (ज) (झ) (ञ) (ट) (ड) (ढ) (ण) (त) (थ) (द) (ध) (न) (प) (फ) (ब) (भ) (म) (य) (र) (ल) (व) (श) (ष) (स) (ह) (ः) (म्)
	(ड)	“तृतीय पाक्षिक” चूक किसी तीसरे (क) (ख) (ग) (घ) (ङ) (च) (छ) (ज) (झ) (ञ) (ट) (ड) (ढ) (ण) (त) (थ) (द) (ध) (न) (प) (फ) (ब) (भ) (म) (य) (र) (ल) (व) (श) (ष) (स) (ह) (ः) (म्)
	(ढ)	“शोषण” से अभि (क) (ख) (ग) (घ) (ङ) (च) (छ) (ज) (झ) (ञ) (ट) (ड) (ढ) (ण) (त) (थ) (द) (ध) (न) (प) (फ) (ब) (भ) (म) (य) (र) (ल) (व) (श) (ष) (स) (ह) (ः) (म्)
भाग III खण्ड 4°	भारत का राजपत्रा: असाधारण	
	(ण)	कोई प्रतिकूल अ (क) (ख) (ग) (घ) (ङ) (च) (छ) (ज) (झ) (ञ) (ट) (ड) (ढ) (ण) (त) (थ) (द) (ध) (न) (प) (फ) (ब) (भ) (म) (य) (र) (ल) (व) (श) (ष) (स) (ह) (ः) (म्)
		कोई विभाग, सं (क) इकाई आदि है, (ख) हो, उसके स्वामि (ग) कोई खेल संस्थ (घ) आयोजन स्थल (ङ) कोई भी स्थान (च) (छ) (ज) (झ) (ञ) (ट) (ड) (ढ) (ण) (त) (थ) (द) (ध) (न) (प) (फ) (ब) (भ) (म) (य) (र) (ल) (व) (श) (ष) (स) (ह) (ः) (म्)
3-	तकनीकी संस्थान के उत्तरदायित्व:-	
3-1		(क) जहाँ अपेक्षित एवं प्रतिशोध पर

		(ख)	लैंगिक उत्पीड़न
		(ग)	अधिकारियों, क विनियमों में प्रति
		(घ)	अधिनियम सभी एवं कुछ पुरूष
		(ङ)	लैंगिक उत्पीड़न दृढ़तापूर्वक विरो
		(च)	अपने परिसर को
		(छ)	लैंगिक उत्पीड़न
		(ज)	संस्थागत समुदा प्रति जागरूक शिकायत स अन्य प्रक्रिया आ
		(झ)	कार्मिकों और वि
		(ञ)	संवेदनशीलता पृ इत्यादि के लि
		(ट)	कर्मचारियों और कार्यवाही करना के व्यक्तियों में सं
		(ठ)	अपने परिसर में अपने कर्मचारिय करने तथा कानून
		(ड)	यदि अपराधी क
		(ढ)	यदि अपराधी वि
4	THE GAZETTE OF INDIA : EXTRAORDINARY		[PART III—
			निस्सारण और नि
		(ण)	इस विनियम के
		(त)	यह निगरानी रख
		(थ)	कुल कितनी शि
	3-2		सहायक उपाय- जीएससीएसएच जैसे कि:- न्याया
		(2)	तकनीकी संस्था समयबद्ध तरीके को अपने कार्य विधि में सम्म
		(3)	विशेष तौर पर करना भी अधिव विकलांग होने वे

		(4)	शोध तथा डॉक
		(5)	सभी तकनीकी र
		(6)	तकनीकी संस्था लिंग-भेद संबंधी
		(7)	सभी तकनीकी र
		(8)	बहुत से तकनीक है तथा उन स्थान
		(9)	,d vPNs vuqik çf'kf{kr lqj{kk
		(10)	तकनीकी संस्था परिसर के बीच भवन तथा विशेष संख्या में नहीं प सुरक्षित साव
		(11)	छात्रावास प्राथमि छात्रावास का नि जनसंख्या के लि
		(12)	छात्राओं की सुर भेदभावपूर्ण निय नहीं होना चाहि
		(13)	सभी तकनीकी र मामले में इसमें

भाग III खण्ड 4°

भारत का राजपत्रा: असाधारण

		(14)	महाविद्यालयों में महिला विकास प्रकोष्ठों की समीक्षा की जाए तथा लिंग-भेद संबंधी त पोषित किया जाएगा तथा लैंगिक उत्पीड़न रोधी समिति तथा आंतरिक शिकायत साथ वे आंतरिक शिकायत समितियों के परामर्श से लिंग-भेद संबंधी जागरूकता का आधार पर लैंगिक उत्पीड़न रोधी नीतियों का प्रचार-प्रसार करने में सहायता करेंगी। इ अवधि तथा 'औपचारिक शैक्षणिक अवधि' के साथ ही प्रस्तुत किए जाने की आवश्यक (आईसीसी) का संघटन करेगा। आईसीसी का संघटन fuEukuqlkj gSa %&
		(15)	जहाँ आवश्यक हो, वहाँ नियम अथवा अध्यादेश में परिवर्तन करके छात्रावास वार्डन, मह अनिवार्यतः जवाबदेहिता के डोमिन के अंतर्गत लाया tkuk pkfg,A
4-	f'kdk;r fuokj.k ra=	1)	प्रत्येक तकनीकी संस्थान लैंगिक उत्पीड़न के विरुद्ध लिंग-भेद संबंधी जागरूकता
		क)	एक पीठासीन अधिकारी जिसे तकनीकी संस्थान के कार्यकारी प्राधिकारी द्वारा नामित सदस्य होगी (विश्वविद्यालय के मामले में प्रोफेसर के स्तर से नीचे न हो, महाविद्यालय के म
		ख)	कार्यकारिणी प्राधिकारी द्वारा दो संकाय सदस्य तथा दो गैर शैक्षणिक कर्मचारी को अनुभव प्राप्त हो अथवा समर्पित हों तथा जिनको सामाजिक कार्य अथवा कानूनी जानकारी
		ग)	स्नातक पूर्व/डिप्लोमा स्तर, जैसा भी मामला हो के संस्थानों में पूर्व अंतिम/अंतिम वर्ष के त
		घ)	एक सदस्य गैर सरकारी संगठन या समूह से होगा जो महिला मुद्दों के प्रति प्रतिबद्ध हो अ गठित किया जाएगा।
		2)	आंतरिक शिकायत समिति (आईसीसी) के कुल सदस्यों में से कम से कम आधे सदस्य

	3)	आंतरिक शिकायत समिति के कार्य की स्वायत्तता को बनाए रखने के लिए वरिष्ठ पदों पर आंतरिक शिकायत समिति (आईसीसी) के सदस्य नहीं होंगे।
	4)	आंतरिक शिकायत समिति (आईसीसी) के सदस्यों का कार्यकाल तीन वर्ष का होगा। प्रत्येक विद्यार्थी प्रत्येक वर्ष प्रतिवर्तित हो जाएगा।
5-		आंतरिक शिकायत समिति (आईसीसी) अथवा जीएससीएसएच के उत्तदायित्व -
	क)	यदि कोई कार्मिक अथवा विद्यार्थी पुलिस में शिकायत करना चाहता है तो उसकी
	ख)	विवाद निवारण हेतु ऐसा तंत्र उपलब्ध करवाना है जिसमें शिकायतकर्ता के अधिकारों की रक्षा के लिए बातचीत के माध्यम से सुलह हो तथा जिसमें पूर्णतयः दण्डात्मक पद्धति को कम किया जा
	ग)	शिकायत के विलंबित रहने की अवधि में व्यक्ति की पहचान प्रकट न करके तथा छात्र विभाग अथवा पर्यवेक्षक के अंतर्गत स्थानान्तरण करके अथवा
	घ)	यह सुनिश्चित करे कि लैंगिक उत्पीड़न की शिकायत पर कार्रवाई करते समय पीड़ित को सुरक्षा प्रदान की जाए ; तथा
	ङ)	चूंकि कार्मिक अथवा विद्यार्थी संरक्षित गतिविधियों में लगा हुआ है। इसके कारण शांतिपूर्ण वातावरण बनाए रखा जाए।
6-		आंतरिक शिकायत समिति (आईसीसी) शिकायत के निष्पत्ति पर निर्धारित प्रक्रिया का अनुपालन करेगी। तकनीकी संस्थान आंतरिक शिकायत समिति (आईसीसी) को शीघ्रतः
7-		पीड़ित व्यक्ति द्वारा सहायक दस्तावेजों तथा गवाह के नाम एवं पता, यदि कोई हो तो अंतिम घटना की तिथि के तीन माह के भीतर लिखित शिकायत आंतरिक शिकायत समिति (आईसीसी) को
	2)	आंतरिक शिकायत समिति (आईसीसी) के अध्यक्ष को शिकायत के निष्पत्ति पर निर्धारित प्रक्रिया का अनुपालन करेगी। तकनीकी संस्थान आंतरिक शिकायत समिति (आईसीसी) को शीघ्रतः
6	THE GAZETTE OF INDIA : EXTRAORDINARY [PART III—	
8-		आंतरिक शिकायत समिति (आईसीसी) इस प्रकार कार्य करेगी कि पीड़ित को सुरक्षा प्रदान की जाए।
	2)	शिकायत के निष्पत्ति पर निर्धारित प्रक्रिया का अनुपालन करेगी। तकनीकी संस्थान आंतरिक शिकायत समिति (आईसीसी) को शीघ्रतः
	3)	शिकायत प्राप्त होने पर शिकायतकर्ता को सुरक्षा प्रदान की जाएगी।
	4)	तकनीकी संस्थान आंतरिक शिकायत समिति (आईसीसी) को शीघ्रतः
	5)	आंतरिक शिकायत समिति (आईसीसी) के अध्यक्ष को शिकायत के निष्पत्ति पर निर्धारित प्रक्रिया का अनुपालन करेगी। तकनीकी संस्थान आंतरिक शिकायत समिति (आईसीसी) को शीघ्रतः
	6)	यदि तकनीकी संस्थान आंतरिक शिकायत समिति (आईसीसी) के अध्यक्ष को शिकायत के निष्पत्ति पर निर्धारित प्रक्रिया का अनुपालन करेगी। तकनीकी संस्थान आंतरिक शिकायत समिति (आईसीसी) को शीघ्रतः
	7)	पीड़ित पक्ष या पीड़ित पक्ष के अधिकारों की रक्षा के लिए बातचीत के माध्यम से सुलह हो तथा जिसमें पूर्णतयः दण्डात्मक पद्धति को कम किया जा
	8)	पीड़ित पक्ष या पीड़ित पक्ष के अधिकारों की रक्षा के लिए बातचीत के माध्यम से सुलह हो तथा जिसमें पूर्णतयः दण्डात्मक पद्धति को कम किया जा
9-		आंतरिक शिकायत समिति (आईसीसी) अथवा जीएससीएसएच के उत्तदायित्व -

		क)	सम्पर्क में रहने
		ख)	शिकायतकर्ता
		ग)	पीडित को पुन
		घ)	प्रत्यर्थी को शि
		4)	निष्पत्ति 2017
		घ)	यह सुनिश्चित
		4)	जाए, यदि निश्चि
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		2)	जहां प्रत्यर्थी एक
		क)	पुस्तकालय, सभ
			व्यक्ति जैसे वि
		ख)	ख) कुछ विशेष स
		ग)	यदि अपराध के
			प्रत्यर्थी के विरु
		घ)	सुधारात्मक सज
			का निष्पत्ति 20
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			(आईसीसी) द्वार
			मुआवजे के भुग
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		घ)	घ) आरोपी अपरा
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			नहीं होना चाहिए
			तकनीकी संस्था
			(आईसीसी) अथ
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			समाचार पत्र में

	च)	महाविद्यालय के
	छ)	अपनी शक्तियों तथा अखिल भा
	2)	परिषद् द्वारा इस को mldh fLFk

प्रो. ए. पी. मित्तल, सदस्य सचिव,

[foKkiu III/4/असा./131

अभातश्िाप

(162)] vLohdj.k %प्रस्तुत मूल रूप से अंग्रेजी में लिखित का हिन्दी अनुवाद है। यदि इसमें कोई विसंगति परिलक्ष्िता होती है तो अंग्रेजी में लिखित मान्य होगी।

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THE GAZETTE OF INDIA : EXTRAORDINARY

[PART III—SEC. 4]

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(All India Council for Technical Education)

NOTIFICATION

New Delhi, the 10th June, 2016

No. F. AICTE/WH/2016/01.—।सस प्दकपं ब्वनदबपस वित ज्मबीदपबंस म्कनबंजपवद ;ळमदकमत ैमदेपजप्रंजपवदए Prevention and Prohibition of Sexual Harassment of Women Employees and Students and Redressal of Grievances in Technical Institutions) Regulations, 2016.

In exercise of the powers conferred by Section 23 (1), Chapter VI of **All India Council for Technical Education Act, 1987** (52 of 1987), the **All India Council for Technical Education** hereby makes the following regulations, namely:-

1. Short title, application and commencement- (1) these regulations may be called the **All India Council for Technical Education ;ळमदकमत ैमदेपजप्रंजपवदए च्ममअमदजपवद ंदक च्त्वीपइपजपवद व िैमगनंस भ्त्िेउमदज व िWomen Employees and Students and Redressal of Grievances in Technical Educational Institutions) Regulations, 2016.**

(2) They shall apply to all technical Institutions in India.

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

- “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;
- ‘Act’ means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013);
- “Campus” means the location or the land on which a Technical Institution (TI) and its related institutional facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student बमदजतमेए ीवेजमसेए कपदपदह ींससेए ेजंकपनउए चंतापदह ंतमिेए चंतो.सपाम ेमजजपदहे ंदक वजीमत ंउमदपजपमे सपाम 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 TI 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 TI;
- “Council” means the **All India Council for Technical Education** established under section 3 (Chapter 1 of All India Council for Technical Education Act, 1987 (52 of 1987) ;

- (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 duly employed by the TI and also 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 TI, by whatever name called, in which the general administration of the TI is vested;
- (h) “Technical Institution” (TI) means an AICTE approved Institution;
- (i) “Internal Complaints Committee” (ICC) means Internal Complaints Committee to be constituted by an TI under sub regulation (1) of regulation 4 of these regulations and shall include any duly बवदेजपजनमक ठवकल ंसतमंकल निदबजपवदपदह ूपजी जीम ेँउम वइरमबजपअम ;सपाम जीम लमदकमत ैमदेजप्रंजपवद Committee Against Sexual Harassment (GSCASH)); Provided that in the latter case the TI shall

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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 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;
;बद्ध डंापदह ेमगनंससल बवसवनतमक तमउंतोय
- (d) Physical contact and advances; or
- (e) Showing pornography; and

(ii) Any one (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones-

- (a) Implied or explicit promise of preferential treatment as quid pro quo for sexual favours;
- (b) Implied or explicit threat of detrimental treatment in the conduct of work;
- (c) Implied or explicit threat about the present or future status of the person concerned;
- (d) Creating an intimidating offensive or hostile learning environment;
- (e) Humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned;

- (l) “student” means a person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short- term training programmes in a TI:

Provided that a student who is a participant in any of the activities in a TI other than the TI where such student is enrolled shall be treated as a student of that TI 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 TI, but a visitor to the TI 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 TI, 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 TIs ;
- (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 TIs;
- (c) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey for study in TIs.

3. Responsibilities of the Technical Institution-

3.1 Every TI shall,-

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THE GAZETTE OF INDIA : EXTRAORDINARY

[PART III—SEC. 4]

- (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 women employees and the students, and modify its ordinances and rules in consonance with the requirements of the Act;
- (b) Publicly notify the provisions against sexual harassment and ensure their wide-dissemination;
- (c) व्दहंदपेम् जत्तपदपदह च्त्तवहतंतउमे वत े जीम बेम उल इमए ूवतीवचे वित जीम व्दपिबमतेए निदबजपवदंतपमेए ंबिनसजल ंदक ेजनकमदजेए जव ेमदेपजग्रम जीमउ ंदक मदेनतम ादवूसमकहम ंदक ंतमदमेे व ि 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 ए बवउचसंपदजे चतवबमकनतम ंदक ेव वदण् ीमतमअमत ं ळमदकमत ैमदेपजप्रंजपवद ब्वउउपजजमम ंहंपदेज ैमगनंस Harassment (GSCASH) already exists it must be brought additionally in consonance with the composition mandated by the Act;
- (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 or GSCASH 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 TIs or owing to intimate partner violence or from peers or from elements outside of the geographical limits of the TI;
 - (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 or GSCASH to curb and prevent sexual harassment on its campus.
 - (m) Treat sexual harassment as 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 or GSCASH;
 - (q) Prepare an annual status report with details on the number of cases filed and their disposal and submit the same to the Council.
- 3.2 Supportive measures- (1) the rules, regulations or any such other instrument by which ICC or GSCASH 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 TIs 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 TIs must ensure that the guidelines for ethics for Research Supervision are put in place.
- (5) All TIs must conduct a regular and half yearly review of the efficacy and implementation of their anti-sexual harassment policy.
- (6) Orientation courses conducted in TIs for administrators must have a module on gender मेमदेपजप्रंजपवद ंदक ेमगनंस ींतीेउमदज पेेनमेण् त्महनसंत ूवतीवचे ंतम जव इम बवदकनबजमक वित ंसस sections of the TI community.
- (7) Counselling services must be institutionalised in all TIs and must have well trained full-time counsellors.
- (8) Many TIs 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.

- (9) Adequate and well trained security including a good proportion or balance of women security ेजंि पे दमबमेेंतलण्ैमबनतपजल ेजंि उनेज तमबमपअम हमदकमत ेमदेपजप्रंजपवद जतंपदपदह े े े चंतज व ि conditions of appointment.
- (10) TIs must ensure reliable public transport, especially within large campuses between different sections of the TI, 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. Shuttle buses must be provided to enable employees and students to work late in libraries, laboratories and to attend programmes in the evenings.
- (11) TIs must build requisite women's hostels, which is a priority area. For the growing population of young women wishing to access higher education, hostel accommodation is a necessity in both urban and rural areas and at all levels of higher education which provides a modicum of protection from harassment of all kinds,
- (12) 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 ेमबनतपजप्रंजपवदए ेनबी े वअमत उवदपजवतपदह वत चवसपबपदह वत बनतजंपसपदह जीम तिममकवउ व िउवअमउमदजए especially for women employees and students.
- (13) Adequate health facilities are equally mandatory for all TIs. In the case of women this must include gender sensitive doctors and nurses, as well as the services of a gynaecologist.
- (14) The Women's Development Cells in colleges shall be revived and funded to be able to carry वनज जीम तंदहम व िंबजपअपजपमे तमुनपतमक वित हमदकमत ेमदेपजप्रंजपवद ंदक तमउंपद ंनजवदवउवने व िजीम functioning of anti sexual harassment committees and ICCs. At the same time they shall extend जीमपत ंबजपअपजपमे जव पदबसनकम हमदकमत ेमदेपजप्रंजपवद चतवहतंतउमे पद बवदेनसजंजपवद ूपजी षब् े ंदक ीमसच to disseminate anti- sexual harassment policies on campuses on a regular basis. The 'cultural' ेचंबम ंदक जीम षितउंस ंबंकमउपब ेचंबमष् दममक जव बवससंइवतंजम जव तमदकमत जीमेम ूवतीवचे innovative, engaging and non-mechanical.
- (15) Hostel Wardens, Provosts, Principals, 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 TI shall constitute an Internal Complaints Committee (ICC) ूपजी ंद पदइनपसज उमबींदपेउ वित हमदकमत ेमदेपजप्रंजपवद ंहंपदेज ेमगनंस ींतींेउमदजण् ज्जीम षब् ेींसस ींअम जीम 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;
- (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 (comprising of atleast one girl student) of Pre-Final/Final year at Undergraduate/ Diploma level Institute, as the case may be.
- (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 positions such as Chairman, Secretary of the Society & Principal / Director etc. shall not be the 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. TIs may also employ a system whereby one –third of the members of the ICC may change every year.

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

- (a) Provide assistance if an employee or a student chooses to file a complaint with the police;
- (b) provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just ंदक ंपित बवदबपसपंजपवद रूपजीवनज नदकमतउपदपदह बवउचसंपदंदजष् तपहीजेए ंदक उपदपउग्रम जीम दममक वित चनतमसल 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 the Act, for making a complaint and inquiring into the complaint in a time bound manner. The TI shall provide all necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy.

7. Process of making Complaint - (1) An aggrieved person is required to submit a written complaint along with supporting documents and names and addresses of the witnesses **if any** 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.

(2) 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.

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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 TI. Copy of the findings or recommendations shall also be served on both parties to the complaint.

- (4) The Executive Authority of the TI 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 TI within a period of thirty days from the date of the recommendations.
- (6) If the Executive Authority of the TI 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 TI 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 TI shall facilitate a conciliation process through ICC or GSCASH, as the case may be, once it is sought. The resolution of the conflict to the full satisfaction of the aggrieved party wherever possible, is preferred to purely punitive intervention.
- (8) The identities of the aggrieved party or victim or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.

9. Interim Redressal- The TI may,

- (a) जतंदेमिit जीम बवउचसंपदंदज वत जीम तमेचवदकमदज जव ंदवजीमत ेमबजपवद वत कमचंतजउमदज जव उपदपउपेम जीम तपौ involved in contact or interaction, if such a recommendation is made by the ICC;
- (b) grant leave to the aggrieved with full protection of status and benefits for a period up to three months;
- (c) restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant;
- (d) ensure that offenders are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry into the campus;
- (e) take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimisation as a consequence of making a complaint of sexual harassment.

10. Punishment and compensation- (1) anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the TI, if the offender is an employee. Depending upon the severity of the offence, the punishments may include anyone or more such as a written apology, warning, reprimand, censure, undergoing counselling or carrying out community service, withholding of promotion, withholding of pay rise or increments and terminating the respondent from service.

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

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- (a) withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card;
- (b) suspend or restrict entry into the campus for a specific period;
- (c) expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants;
- (d) Award reformatory punishments like mandatory counselling and, or, performance of community services.

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

- (a) Mental trauma, pain, suffering and distress caused to the aggrieved person;
- (b) The loss of career opportunity due to the incident of sexual harassment;
- (c) The medical expenses incurred by the victim for physical, psychiatric treatment;
- (d) The income and status of the alleged perpetrator and victim; and
- (e) The feasibility of such payment in lump sum or in instalments.

11. Action against frivolous complaint- (1) 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 TIs. If the ICC or GSCASH 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.

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

- (a) Withdrawal of declaration of fitness to receive grants.
- (b) removing the name of college from the list maintained by the Council;
- (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 Council;
- (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 Council, 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) Taking such other action within its powers as it may deem fit and impose such other penalties as may be provided in the All India Council for Technical Education Act, 1987 for such duration of time till the institution complies with the provisions of these regulations.

(2) No action shall be taken by the Council 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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