

# **UNIVERSITY OF DELHI**

## **NOTIFICATION**

No.CNC-II/093/201  
Delhi, the 19<sup>th</sup> March, 2014

### **Sub: Amendments to Ordinances**

The following Amendments to Ordinances of the University approved by the Executive Council at its meeting held on 6<sup>th</sup> March, 2014 are hereby notified for information of all concerned:

#### **1. Amendments to Ordinance VIII & IX of the Ordinances of the University regarding Examination, when held etc. (Page No. 335 & 346 of the University Calendar Vol.1 2004) (E.C. 6.03.2014).**

Delete the following provisions of Ordinance VIII & IX of the Ordinances of the University.

#### **Ordinance VIII**

Provided that a Supplementary examination, in addition to the annual examination, shall be held in the following courses, in the period noted against each:

- B.A. (Pass)-Final Year
- B.A. (Vocational Studies) – Final Year
- B. Com. (Pass) – Final Year
- B.Sc. (General) – Final Year
- B. Sc. (Home Science) –III Year
- Diploma in Pharmacy – In the month of June, July every year

#### **Ordinance IX – Classification of Results**

**2.(1)** Any candidate who has obtained the requisite percentage of marks for passing the final examination for a degree, but has not passed, or otherwise has not been exempted from the Compulsory Test in Hindi, may be admitted to a Supplementary Examination to be held in September in the same year or at a subsequent examination and if he passes the Compulsory Test in Hindi he shall be declared to have passed the degree examination in that year.

#### **2. Amendments to Ordinance XI of the Ordinances of the University regarding University appointed Teachers. (Page No. 357 of the University Calendar Vol.1 2004) (E.C. 6.03.2014).**

#### **Ordinance XI**

**Add** 'Code of Professional Ethics' as Appendix-A to Ordinance XI

(i) **Add** the following clause after Clause 1

**Clause 1-A** The teacher shall comply with the Code of Professional Ethics (Appendix A to this Ordinance). Failure to comply with the said Code of Professional Ethics will also be construed as misconduct on the part of the teacher and he/she shall be liable to face such action as may be deemed necessary by the Vice-Chancellor and the Executive Council .

**Appendix-A**

## **CODE OF PROFESSIONAL ETHICS**

### **I. TEACHERS AND THEIR RESPONSIBILITIES:**

Whoever adopts teaching as a profession assumes the obligation to conduct himself / herself in accordance with the ideal of the profession. A teacher is constantly under the scrutiny of his students and the society at large. Therefore, every teacher should see that there is no incompatibility between his precepts and practice. The national ideals of education which have already been set forth and which he/she should seek to inculcate among students must be his/her own ideals. The profession further requires that the teachers should be calm, patient and communicative by temperament and amiable in disposition.

#### **Teachers should:**

- (i) Adhere to a responsible pattern of conduct and demeanour expected of them by the community;
- (ii) Manage their private affairs in a manner consistent with the dignity of the profession;
- (iii) Seek to make professional growth continuous through study and research;
- (iv) Express free and frank opinion by participation at professional meetings, seminars, conferences etc. towards the contribution of knowledge;
- (v) Maintain active membership of professional organizations and strive to improve education and profession through them;
- (vi) Perform their duties in the form of teaching, tutorial, practical, seminar and research work conscientiously and with dedication;
- (vii) Co-operate and assist in carrying out functions relating to the educational responsibilities of the college and the university such as: assisting in appraising applications for admission, advising and counseling students as well as assisting the conduct of university and college examinations, including supervision, invigilation and evaluation; and
- (viii) Participate in extension, co-curricular and extra-curricular activities including community service.

## **II. TEACHERS AND THE STUDENTS**

### **Teachers should:**

- (i) Respect the right and dignity of the student in expressing his/her opinion;
- (ii) Deal justly and impartially with students regardless of their religion, caste, political, economic, social and physical characteristics;
- (iii) Recognize the difference in aptitude and capabilities among students and strive to meet their individual needs;
- (iv) Encourage students to improve their attainments, develop their personalities and at the same time contribute to community welfare;
- (v) Inculcate among students scientific outlook and respect for physical labour and ideals of democracy, patriotism and peace;
- (vi) Be affectionate to the students and not behave in a vindictive manner towards any of them for any reason;
- (vii) Pay attention to only the attainment of the student in the assessment of merit;
- (viii) Make themselves available to the students even beyond their class hours and help and guide students without any remuneration or reward;
- (ix) Aid students to develop an understanding of our national heritage and national goals; and
- (x) Refrain from inciting students against other students, colleagues or administration.

## **III. TEACHERS AND COLLEAGUES**

### **Teachers should:**

- (i) Treat other members of the profession in the same manner as they themselves wish to be treated;
- (ii) Speak respectfully of other teachers and render assistance for professional betterment;
- (iii) Refrain from lodging unsubstantiated allegations against colleagues to higher authorities; and
- (iv) Refrain from allowing considerations of caste, creed, religion, race or sex in their professional endeavour.

#### **IV. TEACHERS AND AUTHORITIES:**

##### **Teachers should:**

- (i) Discharge their professional responsibilities according to the existing rules and adhere to procedures and methods consistent with their profession in initiating steps through their own institutional bodies and/or professional organizations for change of any such rule detrimental to the professional interest;
- (ii) Refrain from undertaking any other employment and commitment including private tuitions and coaching classes which are likely to interfere with their professional responsibilities;
- (iii) Co-operate in the formulation of policies of the institution by accepting various offices and discharge responsibilities which such offices may demand;
- (iv) Co-operate through their organizations in the formulation of policies of the other institutions and accept offices;
- (v) Co-operate with the authorities for the betterment of the institutions keeping in view the interest and in conformity with dignity of the profession;
- (vi) Should adhere to the conditions of contract;
- (vii) Give and expect due notice before a change of position is made; and
- (viii) Refrain from availing themselves of leave except on unavoidable grounds and as far as practicable with prior intimation, keeping in view their particular responsibility for completion of academic schedule.

#### **V. TEACHERS AND NON-TEACHING STAFF:**

- (i) Teachers should treat the non-teaching staff as colleagues and equal partners in a cooperative undertaking, within every educational institution; and
- (ii) Teachers should help in the function of joint staff-councils covering both teachers and the non-teaching staff.

#### **VI. TEACHERS AND GUARDIANS**

##### **Teachers should:**

- (i) Try to see through teachers' bodies and organizations, that institutions maintain contact with the guardians, their students, send reports of their performance to the guardians whenever necessary and meet the guardians in meetings convened for the purpose for mutual exchange of ideas and for the benefit of the institution.

## VII. TEACHERS AND SOCIETY

### Teachers should:

- (i) Recognize that education is a public service and strive to keep the public informed of the educational programmes which are being provided;
- (ii) Work to improve education in the community and strengthen the community's moral and intellectual life ;
- (iii) Be aware of social problems and take part in such activities as would be conducive to the progress of society and hence the country as a whole;
- (iv) Perform the duties of citizenship, participate in community activities and shoulder responsibilities of public offices;
- (v) Refrain from taking part in or subscribing to or assisting in any way activities which tend to promote feeling of hatred or enmity among different communities, religions or linguistic groups but actively work for National Integration.

### 3. Amendments to Ordinance XII of the Ordinances of the University regarding College Appointed Teachers. (Page No. 364 of the University Calendar Vol. 1, 2004) (E.C. 6.03.2014).

- (i) **Add** 'Code of Professional Ethics' as Appendix-A to Ordinance XII
- (ii) **Add** the following clause after clause-1A.

**Clause 1-B** The teacher shall comply with the Code of Professional Ethics (Appendix A to this Ordinance). Failure to comply with the said Code of Professional Ethics will also be construed as misconduct on the part of the teacher and he/she shall be liable to face action as deemed necessary by the Governing Body of the College.

Provided further, if the circumstances so warrant, the Vice Chancellor may direct the Governing Body of the College to initiate action against a teacher on the ground of misconduct, failing which the Vice-Chancellor may take such action as provided for in the Act, Statutes, Ordinances and Regulations of the University.

**Add** the following provision after clause 1-B of Ordinance XII:

**Clause 1-C** The term of appointment of the Principal shall be FIVE years with eligibility for reappointment for another term only after following the due process of selection laid down under Ordinance XVIII.

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- (v) Refrain from taking part in or subscribing to or assisting in any way activities which tend to promote feeling of hatred or enmity among different communities, religions or linguistic groups but actively work for National Integration.

#### 4. Amendments to Ordinance XVIII of the Ordinances of the University regarding Colleges other than those Maintained by the Government of India. (Page No. 411 of the University Calendar Vol.1 2004) (E.C. 6.03.2014)

S. No.	Existing	Amended
1.	7(2) The appointment of the Principal shall be made by the Governing Body of the College on the recommendation of a Selection Committee consisting of the Chairman of the Governing Body (Chairman), one member of the Governing Body to be nominated by the Chairman, two nominees of the Vice-Chancellor, out of whom one should be an expert, three experts consisting of the Principal of a College, a Professor and an accomplished educationist not below the rank of a Professor ( to be nominated by the Governing Body) out of a panel of experts approved by the Vice-Chancellor (At least four members, including two	7(2) (a) The appointment of the Principal shall be made by the Governing Body of the College on the recommendation of a Selection Committee consisting of the following: <ol style="list-style-type: none"><li>1. Chairperson of the Governing Body as Chairperson.</li><li>2. Two members of the Governing Body of the College to be nominated by the Chairperson of whom one shall be an expert in academic administration.</li><li>3. One nominee of the Vice-Chancellor who shall be a Higher Education expert. In case of Colleges notified/declared as</li></ol>

<p>experts, should constitute the quorum), provided that prior to final selection and appointment (a) the Governing Body shall submit to the University a list of persons who have applied for the post of Principal, as also names of persons, who may not have applied but whose names the Governing Body may desire to consider for the post, in a form prescribed by the University and shall indicate the persons from whom, in their opinion, the final selection may be made;</p> <p>(b) the list thus submitted shall be considered by the selected</p>	<p>minority educational institutions, one nominee of the Chairperson of the College from out of a panel of five names, preferably from minority communities, recommended by the Vice-Chancellor of whom one should be a subject expert.</p> <p>4. Three experts consisting of the Principal of a college, a Professor and an accomplished educationist not below the rank of a Professor (to be nominated by the Governing Body of the college) out of a panel of six experts approved by the Academic Council.</p> <p>5. An academician representing SC/ST/OBC/Minority/Women/Persons with Disability categories, if any of candidates representing these categories is an applicant, to be nominated by the Vice-Chancellor, if any of the above members of the selection committee does not belong to that category.</p> <p>(b) At least five members, including two experts will constitute the quorum.</p> <p>(c) The list of selected and waitlisted candidates/Panel of names in order of merit, duly signed by all members of the selection committee shall be forwarded to the University.</p> <p>(b) No change (i) to (v)</p>
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<p>committee constituted for the purpose and consisting of the following:</p> <p>(i) Vice-Chancellor,  (ii) Pro-Vice-Chancellor,  (iii) A nominee of the Visitor,  (iv) Chairman of the Governing Body of the College concerned; and  (v) Two members of the Executive Council, nominated by it; and</p> <p>(c) on the recommendation of the Selection Committee the University shall transmit to Governing Body a list of preference whom the University would be prepared to recognize as Principal or, if none of the applicants are considered suitable, shall refrain from sending a list, in which case the post shall be re-advertised.</p> <p>Provide that where in the opinion of the Vice-Chancellor, emergency action is called for or where in his opinion, it would be unnecessary to adopt the procedure prescribed in (b) and (c) above, the Vice-Chancellor may indicate merely which of the candidates included in the list submitted by the Governing Body under sub-clause 2(a) of Clause 7 of Ordinance XVIII, will not be acceptable to the University, briefly indicating ground for the decision. In such a case, the Governing Body will be free to appoint any person from any of the candidates against whom no such disapproval has been indicated.</p>	<p>(vi) An academician representing SC/ST/OBC/Minority/Women/Persons with Disability categories, if any of candidates representing these categories is an applicant, to be nominated by the Vice-Chancellor, if any of the above members of the selection committee does not belong to that category.</p> <p>(c) No change</p> <p>Provided that the term of appointment of the college principal shall be FIVE years with eligibility for reappointment for another term only after following the due process of selection laid down under this Ordinance.</p>
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**5. Amendments to Ordinance XXIV of the Ordinances of the University relating to Qualification for the Post of Principals of Colleges. (Page No. 519 of the University Calendar Vol.1 2004) (E.C. 6.03.2014).**

S. No.	Existing	Amended
1.	<p>1. A Master’s degree in a relevant subject with at least 55% marks or an equivalent grade of ‘B’ in the seven point scale with letter grade O,A,B,C,D,E &amp; F.</p> <p>2. Ph.D. or equivalent degree.</p> <p>3. Total experience of fifteen years of teaching and/or post-doctoral research in Universities/Colleges and other institutions of higher education.</p> <p>Note: The minimum requirement of 55% shall not be insisted upon for the post of Principal for existing teachers who are already in the University system. But in no case would this be less than 50%. However, these marks should be insisted upon for those entering the system from outside.</p>	<p><b>XII Qualifications for the post of Principal of colleges.</b></p> <p><b>I. Principal (other than the Colleges of Education, Physical Education &amp; Medical Colleges,)</b></p> <p>(i) A Master’s Degree with at least 55% marks (or an equivalent grade in a point scale wherever grading system is followed) by a recognized University.</p> <p>(ii) A Ph.D. Degree in concerned/allied/relevant discipline(s) in the institution concerned with evidence of published work and research guidance.</p> <p>(iii) Associate Professor/Professor with a total experience of fifteen years of teaching/research/administration in Universities, Colleges and other institutions of higher education.</p> <p>(iv) A minimum score as stipulated in the Academic Performance Indicator (API) based Performance Based Appraisal System (PBAS), as set out in this Ordinance for direct recruitment of Professors in University/Colleges.</p> <p>(v) The term of appointment of the College Principal shall be FIVE years with eligibility for reappointment for another term only after following the due process of selection laid down under Ordinance XVIII.</p>

**6. Amendments to Ordinance XXVIII of the Ordinances of the University regarding Scholarship, Fellowship, Medal and Prizes. (Page No. 609 of the University Calendar Vol.1 2004) (E.C. 6.03.2014)**

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<b>S. No.</b>	<b>Existing</b>	<b>Amended</b>
3.	<p>The criteria for selection of the students for award of the following six scholarships shall be made on the basis of <b>their ranks in the merit lists drawn by the department of East Asian Studies for admission to the respective courses:</b></p> <p>One year Intensive Advanced Diploma in Japanese Language (2) One year Post Intensive Advanced Diploma in Japanese Language (2) M.A. in Japanese 1st year (1) M.A. In (East Asian Studies) I<sup>st</sup> year</p> <p>(1) <b>The toppers of the merit lists</b> shall be awarded these scholarships. In case the toppers are not eligible to get the scholarships shall be awarded to the students next in the merit lists.</p>	<p>The criteria for selection of the students for award of the following <b>six scholarships shall be result of Semester I Examination of the respective courses:</b></p> <p>One year Intensive Advanced Diploma in Japanese Language (2)            One year Post Intensive Advanced Diploma in Japanese Language (2)            M.A. in Japanese Ist year (1), M.A. in (East Asian Studies) Ist year (1)</p> <p><b>The toppers in the result of Semester-I</b> of the respective courses shall be awarded these scholarships. In case the toppers are not eligible, the scholarships shall be awarded to the students next in the merit lists.</p>

**7. Replace the existing Ordinance XV-D Sexual Harassment with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act. 2013 (Appendix-A) and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules. 2013 (Appendix-B). (Page No. 386 of the University Calendar Vol.1 2004) (E.C. 6.03.2014)**

**Appendix-A**

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

Section 1 -Short title extent and commencement.

(1) This Act may be called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

(2) It extends to the whole of India.

(3) It shall come into force on such <sup>1</sup>date as the Central Government may, by notification in the Official Gazette, appoint.

Section 2 –Definitions.

2. In this Act unless the context otherwise requires.—

(a) "aggrieved woman" means –

(i) in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;

(ii) in relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house;

(b) "appropriate Government" means—

(i) in relation to a workplace which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly—

(A) by the Central Government or the Union territory administration, the Central Government;

(B) by the State Government, the State Government;

(ii) in relation to any workplace not covered under sub-clause (i) and falling within its territory, the State Government;

(c) "Chairperson" means the Chairperson of the Local Complaints Committee nominated under sub-section (1) of section 7;

(d) "District Officer" means an officer notified under section 5;

(e) "domestic worker" means a woman who is employed to do the household work in any household for remuneration whether in cash or kind, either directly or through any agency on a temporary, permanent, part time or full time basis, but does not include any member of the family of the employer;

(f) "employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

(g) "employer" means—

(i) in relation to any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;

(ii) in any workplace not covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace

Explanation.--For the purposes of this sub-clause "management" includes the person or board or committee responsible for formulation and administration of policies for such organisation;

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

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

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

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

(J) "Member" means a Member of the internal Committee or the Local Committee, as the case may be;

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

(l) "Presiding Officer" means the Presiding Officer of the Internal Complaints Committee nominated under sub-section (2) of section 4;

(m) "respondent" means a person against whom the aggrieved woman has made a complaint under section 9;

(n) "sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:--

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

(o) "workplace" includes—

(i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;

(ii) any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational,

entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;

(iii) hospitals or nursing homes;

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

(v) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;

(vi) a dwelling place or a house;

(p) "unorganised sector" in relation to a workplace means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten.

### Section 3 - Prevention of sexual harassment.

(1) No woman shall be subjected to sexual harassment at any workplace.

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

(i) implied or explicit promise of preferential treatment in her employment; or

(ii) implied or explicit threat of detrimental treatment in her employment; or

(iii) implied or explicit threat about her present or future employment status; or

(iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or

(v) humiliating treatment likely to affect her health or safety.

## CHAPTER-II

### CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

#### Section 4 - Constitution of Internal Complaints Committee.

(1) Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee":



Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the Internal Committee shall be constituted at all administrative units or offices.

(2) The Internal Committee shall consist of the following members to be nominated by the employer, namely:--

(a) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees:

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section (1):

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

(b) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge:

(c) one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:

Provided that at least one-half of the total Members so nominated shall be women.

(3) The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

(4) The Member appointed from amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed.

(5) Where the Presiding Officer or any Member of the internal Committee,--

(a) contravenes the provisions of section 16; or

(b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or

(c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or

(d) has so abused his position as to render his continuance in office prejudicial to the public interest,

Such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

## CHAPTER III

### CONSTITUTION OF LOCAL COMPLAINTS COMMITTEE

#### Section 5 - Notification of District Officer

5. The appropriate Government may notify a District Magistrate or Additional District Magistrate or the Collector or Deputy Collector as a District Officer for every District to exercise powers or discharge functions under this Act.

#### Section 6 - Constitution and jurisdiction of Local Complaints Committee

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

(2) The District Officer shall designate one nodal officer in every block, taluka and tehsil in rural or tribal area and ward or municipality in the urban area, to receive complaints and forward the same to the concerned Local Complaints Committee within a period of seven days.

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

#### Section 7 - Composition, tenure and other terms and conditions of Local Complaints Committee

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

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

(b) one Member to be nominated from amongst the women working in block, taluka or tehsil or ward or municipality in the district;

(c) two Members, of whom at least one shall be a woman, to be nominated from amongst such non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, which may be prescribed:

Provided that at least one of the nominees should, preferably, have a background in law or legal knowledge:

Provided further that at least one of the nominees shall be a woman belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or minority community notified by the Central Government, from time to time;

(d) the concerned officer dealing with the social welfare or women and child development in the district, shall be a member ex officio.

(2) The Chairperson and every Member of the Local Committee shall hold office for such period, not exceeding three years, from the date of their appointment as may be specified by the District Officer.

(3) Where the Chairperson or any Member of the Local Complaints Committee --

(a) contravenes the provisions of section 16; or

(b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or

(c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or

(d) has so abused his position as to render his continuance in office prejudicial to the public interest.

such Chairperson or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

(4) The Chairperson and Members of the Local Committee other than the Members nominated under clauses (b) and (d) of sub-section (1) shall be entitled to such fees or allowances for holding the proceedings of the Local Committee as may be prescribed.

#### Section 8 - Grants and audit

(1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the State Government grants of such sums of money as the Central Government may think fit, for being utilised for the payment of fees or allowances referred to in sub-section (4) of section 7.

(2) The State Government may set up an agency and transfer the grants made under sub-section (1) to that agency.

(3) The agency shall pay to the District Officer, such sums as may be required for the payment of fees or allowances referred to in sub-section (4) of section 7.

(4) The accounts of the agency referred to in sub-section (2) shall be maintained and audited in such manner as may, in consultation with the Accountant General of the State, be prescribed and the person holding the custody of the accounts of the agency shall furnish, to the State Government, before such date, as may be prescribed, its audited copy of accounts together with auditors' report thereon.

## CHAPTER IV

### COMPLAINT

#### Section 9 - Complaint of sexual harassment.

(1) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:

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

Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

(2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.

#### Section 10 – Conciliation.

(1) The Internal Committee or, as the case may be, the Local Committee, may, before initiating an inquiry under section 11 and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation:

Provided that no monetary settlement shall be made as a basis of conciliation.

(2) Where a settlement has been arrived at under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall record the settlement so arrived and forward the same to the employer or the District Officer to take action as specified in the recommendation.

(3) The Internal Committee or the Local Committee, as the case may be, shall provide the copies of the settlement as recorded under sub-section (2) to the aggrieved woman and the respondent.

(4) Where a settlement is arrived at under sub-section (1), no further inquiry shall be conducted by the Internal Committee or the Local Committee, as the case may be.

## Section 11 - Inquiry into complaint

(1) Subject to the provisions of section 10, the Internal Committee or the Local Committee, as the case may be, shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed or in case of a domestic worker, the Local Committee shall, if prima facie case exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code(45 of 1860), and any other relevant provisions of the said Code where applicable:

Provided that where the aggrieved woman informs the Internal Committee or the Local Committee, as the case may be, that any term or condition of the settlement arrived at under sub-section (2) of section 10 has not been complied with by the respondent, the Internal Committee or the Local Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police.

Provided further that where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

(2) Notwithstanding anything contained in section 509 of the Indian Penal Code (45 of 1860), the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent having regard to the provisions of section 15.

(3) For the purpose of making an inquiry under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:--

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents: and

(c) any other matter which may be prescribed.

(4) The inquiry under sub-section (1) shall be completed within a period of ninety days.

## CHAPTER V

### INQUIRY INTO COMPLAINT

#### Section 12 - Action during pendency of inquiry.

(1) During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee or the Local Committee, as the case may be, may recommend to the employer to-

- (a) transfer the aggrieved woman or the respondent to any other workplace; or
- (b) grant leave to the aggrieved woman up to a period of three months: or (c) grant such other relief to the aggrieved woman as may be prescribed.

(2) The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.

(3) On the recommendation of the internal Committee or the Local Committee, as the case may be, under sub-section (1), the employer shall implement the recommendations made under sub-section (1) and send the report of such implementation to the Internal Committee or the Local Committee, as the case may be.

### Section 13 - Inquiry report.

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

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

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

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

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

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

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

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

#### Section 14 - Punishment for false or malicious complaint and false evidence.

(1) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or the District Officer, as the case may be, to take action against the woman or the person who has made the complaint under sub-section (1) or sub-section (2) of section 9, as the case may be, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed:

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

(2) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness or the District Officer, as the case may be, to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.

#### Section 15 - Determination of compensation.

For the purpose of determining the sums to be paid to the aggrieved woman under clause (ii) of sub-section (3) of section 13, the Internal Committee or the Local Committee, as the case may be, shall have regard to

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

#### Section 16 - Prohibition of publication or making known contents of complaint and inquiry proceedings.

Notwithstanding anything contained in the Right to Information Act, 2005, (22 of 2005) the contents of the complaint made under section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, and the action taken by the employer or the District Officer under the

provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner:

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

Section 17 - Penalty for publication or making known contents of complaint and inquiry proceedings.

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Act, contravenes the provisions of section 16, he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.

Section 18 – Appeal.

(1) Any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clause (i) or clause (ii) of sub-section (3) of section 13 or subsection (1) or sub-section (2) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.

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

## CHAPTER VI

### DUTIES OF EMPLOYER

Section 19 - Duties of employer.

Every employer shall--

(a) provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;

(b) display at any conspicuous place in the workplace, the penal consequences of sexual harassments: and the order constituting, the Internal Committee under subsection (1) of section 4;

(c) organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;

(d) provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;



- (e) assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;
- (f) make available such information to the Internal Committee or the Local Committee, as the case may be, as it may require having regard to the complaint made under sub-section (1) of section 9;
- (g) provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code(45 of 1860) or any other law for the time being in force;
- (h) cause to initiate action, under the Indian Penal Code(45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- (i) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- (j) monitor the timely submission of reports by the Internal Committee.

## Chapter VII

### DUTIES AND POWERS OF DISTRICT OFFICER

#### Section 20 - Duties and powers of District Officer

The District Officer shall,--

- (a) monitor the timely submission of reports furnished by the Local Committee;
- (b) take such measures as may be necessary for engaging non-governmental organisations for creation of awareness on sexual harassment and the rights of the women.

## Chapter VIII

### MISCELLANEOUS

#### Section 21 - Committee to submit annual report.

(1) The Internal Committee or the Local Committee, as the case may be, shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and the District Officer.

(2) The District Officer shall forward a brief report on the annual reports received under sub-section (1) to the State Government.

#### Section 22 - Employer to include information in annual report.

The employer shall include in its report the number of cases filed, if any and their disposal under this Act in the annual report of his organisation or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.

Section 23 - Appropriate Government to monitor implementation and maintain data.

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

Section 24 - Appropriate Government to take measures to publicise the Act.

The appropriate Government may, subject to the availability of financial and other resources,--

(a) develop relevant information, education, communication and training materials, and organise awareness programmes, to advance the understanding of the public of the provisions of this Act providing for protection against sexual harassment of woman at workplace.

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

Section 25 - Power to call for information and inspection of records.

(1) The appropriate Government, on being satisfied that it is necessary in the public interest or in the interest of women employees at a workplace to do so, by order in writing,--

(a) call upon any employer or District Officer to furnish in writing such information relating to sexual harassment as it may require;

(b) authorise any officer to make inspection of the records and workplace in relation to sexual harassment, who shall submit a report of such inspection to it within such period as may be specified in the order.

(2) Every employer and District Officer shall produce on demand before the officer making the inspection all information, records and other documents in his custody having a bearing on the subject matter of such inspection.

Section 26 - Penalty for non-compliance with provisions of Act.

(1) Where the employer fails to--

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

(b) take action under sections 13, 14 and 22; and

(c) contravenes or attempts to contravene or abets contravention of other provisions of this Act or any rules made thereunder,

he shall be punishable with fine which may extend to fifty thousand rupees.

(2) If any employer, after having been previously convicted of an offence punishable under this Act subsequently commits and is convicted of the same offence, he shall be liable to--

(i) twice the punishment, which might have been imposed on a first conviction, subject to the punishment being maximum provided for the same offence:

Provided that in case a higher punishment is prescribed under any other law for the time being in force, for the offence for which the accused is being prosecuted, the court shall take due cognizance of the same while awarding the punishment;

(ii) cancellation, of his licence or withdrawal, or non-renewal, or approval, or cancellation of the registration, as the case may be, by the Government or local authority required for carrying on his business or activity.

Section 27 - Cognizance of offence by courts.

(1) No court shall take cognizance of any offence punishable under this Act or any rules made thereunder, save on a complaint made by the aggrieved woman or any person authorised by the Internal Committee or Local Committee in this behalf.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(3) Every offence under this Act shall be non-cognizable.

Section 28 - Act not in derogation of any other law.

The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Section 29 - Power of appropriate Government to make rules.

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

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

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

(b) nomination of members under clause (c) of sub-section (1) of section 7;

(c) the fees or allowances to be paid to the Chairperson, and Members under sub-section (4) of section 7;

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

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

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

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

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

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

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

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

(l) the manner of organising workshops, awareness programmes for sensitising the employees and orientation programmes for the members of the Internal Committee under clause (c) of section 19; and

(m) the form and time for preparation of annual report by Internal Committee and the Local Committee under sub-section (1) of section 21.

(3) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Any rule made under sub-section (4) of section 8 by the State Government shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Section 30 - Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

## **Appendix-B**

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

**G.S.R.769(E).**--In exercise of the powers conferred by section 29 of the sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), the Central Government hereby makes the following rules, namely:--

#### **1. Short title and commencement.--**

(1) These rules may be called the sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

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

## **2. Definitions.--**

In these rules, unless the context otherwise requires,-

- (a) "Act" means the sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013);
- (b) "complaint" means the complaint made under section 9;
- (c) "Complaints Committee" means the Internal Committee or the Local Committee, as the case may be;
- (d) "incident" means an incident of sexual harassment as defined in clause (n) of section 2;
- (e) "section" means a section of the Act;
- (f) "special educator" means a person trained in communication with people with special needs in a way that addresses their individual differences and needs;
- (g) words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

## **3. Fees or allowances for Member of Internal Committee.--**

(1) The Member appointed from amongst nongovernment organisations shall be entitled to an allowance of two hundred rupees per day for holding the proceedings of the Internal Committee and also the reimbursement of travel cost incurred in travelling by train in three tier air condition or air conditioned bus and auto rickshaw or taxi, or the actual amount spent by him on travel, whichever is less.

The employer shall be responsible for the payment of allowances referred to in sub-rule (1).

## **4. Person familiar with issues relating to sexual harassment.--**

Person familiar with the issues relating to sexual harassment for the purpose of clause (c) of sub-section (1) of section 7 shall be a person who has expertise on issues relating to sexual harassment and may include any of the following:-

- (a) a social worker with at least five years' experience in the field of social work which leads to creation of societal conditions favourable towards empowerment of women and in particular in addressing workplace sexual harassment;
- (b) a person who is familiar with labour, service, civil or criminal law.

## **5. Fees or allowances for Chairperson and Members of Local Committee.--**

(1) The Chairperson of the Local Committee shall be entitled to an allowance of two hundred and fifty rupees per day for holding the proceedings of the said Committee.

(2) The Members of the Local Committee other than the Members nominated under clauses (b) and (d) of sub-section (1) of section 7 shall be entitled to an allowance of two hundred rupees per day for holding the proceedings of the said Committee and also the reimbursement of travel cost incurred in travelling by train in three tier air condition or air conditioned bus and auto rickshaw or taxi, or the actual amount spent by him on travel, whichever is less.

The District Officer shall be responsible for the payment of allowances referred to in sub-rules (1) and (2).

## **6. Complaint of sexual harassment.--**

For the purpose of sub-section (2) of Section 9,-

(i) where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by -

(a) her relative or friend; or

(b) her co-worker; or

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

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

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

(a) her relative of friend; or

(b) a special educator; or

(c) a qualified psychiatrist or psychologist; or

(d) the guardian or authority under whose care she is receiving treatment or care; or

(e) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;

(iii) where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent;

(iv) where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

## **7. Manner of inquiry into complaint.--**

(1) Subject to the provisions of section 11, at the time of filing the complaint, the complainant shall submit to the Complaints Committee, six copies of the complaint along with supporting documents and the names and addresses of the witnesses.

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

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

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

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

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

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

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

**8. Other relief to complainant during pendency of inquiry.--**

The Complaints Committee at the written request of the aggrieved woman may recommend to the employer to-

- (a) restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer;
- (b) restrain the respondent in case of an educational institution from supervising any academic activity of the aggrieved woman.

**9. Manner of taking action for sexual harassment.--**

Except in cases where service rules exist, where the Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer or the District Officer, as the case may be, to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.

**10. Action for false or malicious complaint or false evidence.--**

Except in cases where service rules exist, where the Complaints Committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or District Officer, as the case may be, to take action in accordance with the provisions of rule 9.

**11. Appeal.--**

Subject to the provisions of section 18, any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clauses (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or sub-section (2) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the appellate authority notified under clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).

**12. Penalty for contravention of provisions of section 16.--**

Subject to the provisions of section 17, if any person contravenes the provisions of section 16, the employer shall recover a sum of five thousand rupees as penalty from such person.

**13. Manner to organise workshops, etc.--**

Subject to the provisions of section 19, every employer shall-

- (a) formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace

intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women;

(b) carry out orientation programmes and seminars for the Members of the Internal Committee ;

(c) carry out employees awareness programmes and create forum for dialogues which may involve Panchayati Raj Institutions, Gram Sabha, women's groups, mothers' committee, adolescent groups, urban local bodies and any other body as may be considered necessary;

(d) conduct capacity building and skill building programmes for the Members of the Internal Committee;

(e) declare the names and contact details of all the Members of the Internal Committee;

(f) use modules developed by the State Governments to conduct workshops and awareness programmes for sensitising the employees with the provisions of the Act.

#### **14. Preparation of annual report.--**

The annual report which the Complaints Committee shall prepare under Section 21, shall have the following details:-

(a) number of complaints of sexual harassment received in the year;

(b) number of complaints disposed off during the year;

(c) number of cases pending for more than ninety days;

(d) number of workshops or awareness programme against sexual harassment carried out;

(e) nature of action taken by the employer or District Officer.

**DEPUTY REGISTRAR (COUNCIL)**