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+91-8147671269



H.K.E. SOCIETY'S

BASAVESHWAR COLLEGE OF EDUCATION,

BVB CAMPUS, MANHALLI ROAD, BIDAR – 585 403 KARNATAKA, INDIA.

(Recognized by SRC NCTE, New Delhi and Permanent Affiliated to Gulbarga University, Kalaburagi)

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CRITERION – V

STUDENT SUPPORT AND PROGRESSION



5.1 – STUDENT SUPPORT

5.1.3: The institution has a transparent mechanism for timely redressal of student grievances including sexual harassment and ragging cases

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IQAC Coordinator
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BIDAR - 585 403 (Karnataka)


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E-Mail: principalbcebidar@hkes.edu.in, website: www.hkesbcoebidar.in**Grievance Redressal Cell****Institutional guidelines for students**

The Grievance Redressal Cell of our college is constituted for the Redressal of the problems reported by the Student-teachers of the College by following objectives and tries to build the grievance free environment and to develop a responsive and culpable attitude among the students to maintain harmonious environment in the campus.

The Grievance Redressal Cell (GRC) aims to look into the complaints lodged by any student and redress it as per requirement. The students can state their grievance regarding any academic and non- academic matter within the campus through grievance/ suggestion box.

“The function of the cell is to look into the complaints lodged by any student, and judge its merit. The Grievance cell is also empowered to look into matters of harassment. In case the person is unwilling to appear in self, grievances may be dropped in writing at the Suggestion/ complaint Box of the Grievance Cell. Students are requested to note that making a complaint is serious and therefore they are to use this power in a responsible manner. At the same time, the college assures students that once a complaint is made, it will be treated with sensitivity and confidentiality.

Objectives of Grievance Redressal Committee

To provide opportunities for redress of certain grievances of students already enrolled in our college, as well as those seeking admission to our institutions.

Definition: In These Regulations, Unless the Context Otherwise Requires:

1. “Act” means the University Grants Commission Act, 1956 (3 of 1956).
2. “Aggrieved student” means a student, who has any complaint in the matters relating to or connected with the grievances defined under these regulations.
3. “College” means any institution, so defined in clause (b) of sub-section (1) of section 12A of the Act.
4. “Collegiate Student Grievance Redressal Committee” (CSGRC) means a committee constituted under these regulations, at the level of an institution, being a college.
5. “Grievance” means, and includes, complaint(s) made by an aggrieved student in respect of the following, namely:
 - a) Admission contrary to merit determined in accordance with the declared admission policy of the institution;
 - b) Irregularity in the process under the declared admission policy of the institution;
 - c) Refusal to admit in accordance with the declared admission policy of the institution;

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- d) Non-publication of prospectus by the institution, in accordance with the provisions of these regulations;
- e) Publication by the institution of any information in the prospectus, which is false or misleading, and not based on facts;
- f) Withholding of, or refusal to return, any document in the form of certificates of degree, diploma or any other award or other document deposited by a student for the purpose of seeking admission in such institution, with a view to induce or compel such student to pay any fee or fees in respect of any course or program of study which such student does not intend to pursue;
- g) Demand of money in excess of that specified to be charged in the declared admission policy of the institution;
- h) Violation, by the institution, of any law for the time being in force in regard to reservation of seats in admission to different category of students;
- i) Non-payment or delay in payment of scholarships or financial aid admissible to any student under the declared admission policy of such institution, or under the conditions, if any, prescribed by the Commission;
- j) Delay by the institution in the conduct of examinations, or declaration of results, beyond the schedule specified in the academic calendar of the institution, or in such calendar prescribed by the Commission;
- k) Failure by the institution to provide student amenities as set out in the prospectus, or is required to be extended by the institution under any provisions of law for the time being in force;
- l) Non-transparent or unfair practices adopted by the institution for the evaluation of students;
- m) Delay in, or denial of, the refund of fees due to a student who withdraws admission within the time mentioned in the prospectus, or as may be notified by the Commission;
- n) Complaints of alleged discrimination of students from the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Women, Minority or persons with disabilities categories;
- o) Denial of quality education as promised at the time of admission or required to be provided; and
- p) Harassment or victimization of a student, other than cases of harassment, which are to be proceeded against under the penal provisions of any law for the time being in force.


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6. “Student” means a person enrolled, or seeking admission to be enrolled, in any institution to which these regulations apply;
7. “University” means a University so defined in clause (f) of section 2 of the Act or, where the context may be, an institution deemed to be University declared as such under Section 3 thereof.
8. University Student Grievance Redressal Committee” (USGRC) means a committee constituted under these regulations, at the level of the university, for dealing with grievances arising out of decisions of the DSGRC, ISGRC or CSGRC

Collegiate Student Grievance Redressal Committee (CSGRC)

1. A complaint from an aggrieved student relating to a college shall be addressed to the Collegiate Student Grievance Redressal Committee (CSGRC), with the following composition, namely:
 - a) Principal of the college – Chairperson;
 - b) Three senior members of the teaching faculty to be nominated by the Principal– Members;
 - c) A representative from among students of the college to be nominated by the Principal based on academic merit/excellence in sports/performance in Co-curricular activities – Special Invitee.
2. The term of the members and the special invitee shall be two years.
3. The quorum for the meeting including the Chairperson, but excluding the special invitee, shall be three.
4. In considering the grievances before it, the CSGRC shall follow principles of natural justice.
5. The CSGRC shall send its report with recommendations, if any, to the ViceChancellor of the affiliating University and a copy thereof to the aggrieved student, within a period of 15 days from the date of receipt of the complaint.

PROCEDURE FOR REDRESSAL OF GRIEVANCES BY STUDENT GRIEVANCE REDRESSAL COMMITTEES:

- ❖ Our institution shall, within a period of three months from the date of issue of this notification, have a Complaint box where any aggrieved student may submit an application seeking redressal of grievance.
- ❖ On receipt of a complaint, the institution shall refer the complaint to the appropriate Student Grievance Redressal Committee, along with its comments within 15 days of receipt of complaint.
- ❖ The Student Grievance Redressal Committee, as the case may be, shall fix a date for hearing the complaint which shall be communicated to the institution and the aggrieved student.

Grievance Redressal Committee		
Dr.Mallikarjun C Kankatte	Chairperson	8147671269
Sri.Rajkumar Annarao Sindhe	Co-Ordinator	9886638766
Smt.Shilpa R Hippargi	Member	9480757016
Smt.Sharanamma Veershetty	Student Representative	990052751
College Phone No. 08482-235209		

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E-Mail: principalbcebidar@hkes.edu.in, website: www.hkesbcoebidar.in**WOMEN'S EMPOWERMENT CELL**

University Grants Commission (UGC) recommends the measures for ensuring the safety of women and programs for gender sensitization on campuses. According to the task force appointed by UGC, the recommendations include the need for setting up Women's Development Cell and Anti-Sexual Harassment Cell at colleges and universities. "Women's studies centres in universities and women's development cells in colleges must be strengthened and provided the means to function autonomously. At the same time they should be enabled to work together with gender sensitization cells and committees on campuses on educational and preventive work."

The Women's cell at College was started with the aim of empowering and orienting women to recognize their true potential and to help them attain their own stand in a competing world. Its goal is the overall development of women in all spheres of their life. It also helps in creating awareness about important issues related to women and provides a forum for discussion and deliberation on a range of issues from empowerment to environment.

VISION

- To empower women in all spheres of life enabling them to become agents of social and economic change and inculcating ethical values for the betterment of self, family and society.
- To promote general well-being of female students, teaching and non-teaching women staff of the College and to provide and maintain a dignified, congenial working environment for women and enable them to explore their imminent potential in all aspects.

MISSION

- To train women to acquire wide range of skills and knowledge, to develop and increase their social, economic and intellectual capacities for peace, security and prosperity of mankind.
- Our Mission is to explore, design and implement ways to bring change in the society and concur to the freedom feminism and Cell shall strive to create a better and just society by empowering women.

OBJECTIVES:

- 1) Sensitize students on serious gender issues
- 2) Generate awareness of burning social issues for ensuring holistic education of students
- 3) Educate, empower and devise preventive measures for the prevention of gender bias and sexual harassment of students
- 4) To impart knowledge on legal rights of women
- 5) To conduct guest lectures by eminent people from different fields
- 6) To organize workshops on personality development
- 7) Counselling services for resident and non – resident students

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ACTIVITIES

- 1) Regular meetings
- 2) Celebration of International Women's Day
- 3) Celebrating women's achievement.
- 4) Conducting health awareness classes.

WOMEN'S EMPOWERMENT CELL			
Dr.Mallikarjun C Kankatte	Principal	Chairman	8147671269
Smt.Veena Shivalingappa	Asst.Prof	Co-Ordinator	9880759779
Smt.Kavita Hiremath	Lecturer	Member	9986001115
Kum.Anjali Reddy	Student-Teacher	Student member	9108580126
Kum.Punyawati V	"	"	9008223673
Kum.Shivani Narsingrao	"	"	7829443653
Kum.Vani Ravi	"	"	6366127046
Kum.Annapurna S	"	"	7349722860
Kum.Vaishnavi Devindra	"	"	9980120418
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E-Mail: principalbcebidar@hkes.edu.in, website: www.hkesbcoebidar.in**ANTI-RAGGING CELL**

Anti-Ragging Cell should be one of the important part of Educational Institution's mechanism. As per the guidelines of UGC under the Act of 1956, which is modified as UGC regulations on curbing the menace of Ragging in higher Educational Institutions, 2009, establishment of Anti-Ragging Cell is very compulsory.

Objectives of Anti-Ragging Committee

Anti-Ragging Committee will be the supervisory and advisory committee in preserving a Culture of Ragging Free Environment in the college Campus. The main objectives of this cell are as follows:

1. To aware the students of dehumanizing effect of ragging inherent in its perversity.
2. To keep a continuous watch and vigil over ragging so as to prevent its occurrence and recurrence.
3. Promptly and stringently deal with the incidents of ragging brought to our notice.
4. To generate an atmosphere of discipline by sending a clear message that no act of ragging shall be tolerated and any act of ragging shall not go unnoticed and unpunished.

As per the order of Supreme Court of India and subsequent Notification from University Grants Commission (UGC), ragging constitutes one or more of any intention by any student or group of students on:

1. Any act of Indiscipline, Teasing or Handling with Rudeness.
2. Any act that Prevents, Disrupts the Regular Academic Activity.
3. Any activity which is likely to cause Annoyance, hardship, Psychological Harm or creates Fear or Apprehension.
4. Any Act of Financial Extortion or Forceful Expenditure.
5. Any Act of Physical Abuse causing Assault, Harm or danger to Health.
6. Any Act of abuse by spoken words, emails, SMS or public insult etc.
7. Any Act of injury or infringement of the fundamental right to the human dignity.
8. Any Act of Wrongful Confinement, Kidnapping, molesting or committing unnatural offences, use of criminal forces, trespass or intimidation.

Punishable Ingredients of Ragging:

1. Abetment / instigation to ragging
2. Criminal conspiracy to rag
3. Unlawful assembly and rioting while ragging
4. Public nuisance created during ragging
5. Violation of decency and morals through ragging
6. Injury to body, causing hurt / mental trauma or grievous hurt
7. Wrongful restraint
8. Wrongful confinement

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9. Use of criminal force
10. Assault as well as sexual offences or unnatural offences
11. Extortion
12. Criminal trespass
13. Offences against property
14. Criminal intimidation
15. Attempt to commit any or all of the above mentioned offences against the victim
16. Physical or psychological humiliation
17. Any act / abuse by spoken words, e-mails, snail mails, blogs, public insults etc.
18. Any act that prevents, disrupts or disturbs the regular academic activity of a student
19. All other offences following from the definition of "Ragging".

Punishments against Ragging:

Depending upon the nature and gravity of the offence as established by the Anti-Ragging Committee of the Institution, the possible punishments for those found guilty of ragging shall be any one or any combination of the following:

1. Suspension from attending classes and academic privileges
2. Withholding / withdrawing scholarship / fellowship and other benefits
3. Forfeiting Campus Placement opportunities / recommendations
4. Debarring from appearing in any test/examination or other evaluation process
5. Withholding of results
6. Debarring from representing the institution in any regional, national or international meet, tournament, youth festival etc.
7. Suspension/ expulsion from the hostel
8. Cancellation of Admission
9. Rustication from the institution for a period, ranging from 1 to 3 years
10. Expulsion from the institution and consequent debarring from admission to any other institution for a specific period
11. Fine of Rupees 25,000/-
12. Collective punishment: When the persons committing or abetting the crime of ragging are not identified, the institution shall resort to collective punishment as a deterrent to ensure community pressure on the potential raggers.

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ANTI-RAGGING CELL & HELPLINE

Dr.Mallikarjun C Kankatte	Principal	Chairman	8147671269
Sri.SantoshKumar S Sajjan	Asst.Prof	Co-Ordinator	9986087323
Sri.Rajkumar Annarao Sindhe	Asst.Prof	Member	9886638766
Smt.Shilpa R Hippargi	Asst.Prof	Member	9480757016
College Phone No. 08482-235209			
National Anti-Ragging Help Line (24x7 Toll Free Number) 1800-180-5522			
National Anti-Ragging Website: https://www.antiragging.in/			


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E-Mail: principalbcebidar@hkes.edu.in, website: www.hkesbcoevidar.in**INTERNAL COMPLAINTS COMMITTEE / SEXUAL HARASSMENT COMMITTEE**

As per the guidelines of UGC, NAAC and the Supreme Court, the college has established the Internal Complaints Committee for effective enforcement of basic human rights of gender equality and assurance of an environment free of sexual harassment and abuse.

Internal Complaints Committee (ICC) In pursuance of UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Education Institutions) Regulations, 2015 read with Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Internal Complaints Committee (ICC) of the College is constituted as under to deal with complaints relating to Sexual harassment at the work place.

Objectives of Internal Complaints Committee:

1. On receipt of a complaint, the ICC shall conduct a preliminary enquiry so as to ascertain the truth of the allegations by collecting the documentary evidence as well as recording statements of any possible witnesses including the complainant.
2. ICC shall then submit the preliminary enquiry report to the Principal, along with all the original documents adduced during the preliminary enquiry proceedings.
3. In case the allegations are not in the nature of sexual harassment, the ICC may refer such complaints to the Grievance Redressal Cell or to the Principal.
4. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the ICC shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
5. The ICC shall comply with the procedure prescribed in the aforementioned UGC Regulations 2015 and the Sexual Harassment Act for inquiring into the complaint in a time bound manner.
6. If the ICC concludes that the allegations made were false or 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 relevant provision of the aforementioned UGC Regulations 2015.
7. The Member Secretary, ICC shall receive the written complaints of sexual harassment, if any, on behalf of ICC and shall coordinate the deliberations of the ICC on the complaints received.

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The ICC of the College comprises of the following members:

1	Presiding Officer	Principal	Chairperson
2	Faculty Member	Faculty	Member Secretary
3	Non-Teaching Employ	Non-Teaching Staff	Member Secretary
4	Student nominees (if the matter involves students)	Students	Member

Inquiry Process:

1. The inquiry shall be completed within a period of 90 days from the date of the complaint.
2. The ICC shall provide a report of its findings to the Principal within a period of 10 days from the date of completion of the inquiry and such report shall be made available to the concerned parties.
3. If the allegation against the respondent has been proved, the ICC shall recommend punitive action(s) to be taken against the respondent.
4. The Principal shall act upon the recommendation within 60 days of receiving it.
5. Any female employee (faculty member, student or non-teaching staff member) of HKES's Basaveshwar College of Education can seek redressal from the ICC.

INTERNAL COMPLAINTS COMMITTEE		
Chairperson	Dr.Mallikarjun C Kankatte, Principal	8147671269
Co-Ordinator	Dr. Veena S Jalade Assistant Professor	9880759779
	Smt. Shilpa R Hippargi , Assistant Librarian	9480757016
Member	Smt.Suvarna Patil	8861936688
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भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 18] नई दिल्ली, मंगलवार, अप्रैल 23, 2013/ वैशाख 3, 1935 (शक)
No. 18] NEW DELHI, TUESDAY, APRIL 23, 2013/ VAISAKHA 3, 1935 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 23rd April, 2013/Vaisakha 3, 1935 (Saka)

The following Act of Parliament received the assent of the President on the 22nd April, 2013, and is hereby published for general information:—

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

(No. 14 OF 2013)

[22nd April, 2013.]

An Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

WHEREAS sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment;

AND WHEREAS the protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India;

AND WHEREAS it is expedient to make provisions for giving effect to the said Convention for protection of women against sexual harassment at workplace.

Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:---

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement

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

(2) It extends to the whole of India.

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

Definitions.

2. In this Act, unless the context otherwise requires,---

(a) "aggrieved woman" means---

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

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

(b) "appropriate Government" means---

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

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

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

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

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

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

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

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

(g) "employer" means---

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

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

Explanation.— For the purposes of this sub-clause “management” includes the person or board or committee responsible for formulation and administration of 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.

Prevention of sexual harassment.

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

(2) The following circumstances, among other circumstances, if it occurs or is 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

Constitution of Internal Complaints Committee.

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

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

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

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

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

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

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

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

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

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

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

(5) Where the Presiding Officer or any Member of the Internal Committee,—

(a) contravenes the provisions of section 16; or

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

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

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

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

CHAPTER III

CONSTITUTION OF LOCAL COMPLAINTS COMMITTEE

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.

Notification
of District
Officer.

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

Constitution
and
jurisdiction of
Local
Complaints
Committee

(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.

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

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

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

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

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

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

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

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

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

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

(a) contravenes the provisions of section 16; or

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

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

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

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

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

Grants and
audit.

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

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

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

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

CHAPTER IV

COMPLAINT

Complaint of
sexual
harassment

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

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

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

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

Conciliation

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

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

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

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

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

45 of 1860. 11. (1) Subject to the provisions of section 10, the Internal Committee or the Local Committee, as the case may be, shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed or in case of a domestic worker, the Local Committee shall, if *prima facie* case exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code, and any other relevant provisions of the said Code where applicable:

Inquiry into complaint

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

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

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

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

(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

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

Action during pendency of inquiry

(a) transfer the aggrieved woman or the respondent to any other workplace; or

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

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

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

Inquiry report.

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

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

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

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

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

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

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

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

Punishment
for false or
malicious
complaint and
false evidence

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

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

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

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

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

Determination of compensation

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

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

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

(d) the income and financial status of the respondent;

(e) feasibility of such payment in lump sum or in instalments.

22 of 2005

16. Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made under section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, and the action taken by the employer or the District Officer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner:

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

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.

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

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

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

Appeal

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

CHAPTER VI

DUTIES OF EMPLOYER

19. Every employer shall --

Duties of employer.

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

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

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

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

(e) assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;

(f) make available such information to the Internal Committee or the Local Committee, as the case may be, as it may require having regard to the complaint made under sub-section (1) of section 9;

(g) provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force; 45 of 1860

(h) cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place; 45 of 1860

(i) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;

(j) monitor the timely submission of reports by the Internal Committee.

CHAPTER VII

DUTIES AND POWERS OF DISTRICT OFFICER

Duties and powers of District Officer.

20. The District Officer shall,--

(a) monitor the timely submission of reports furnished by the Local Committee;

(b) take such measures as may be necessary for engaging non-governmental organisations for creation of awareness on sexual harassment and the rights of the women.

CHAPTER VIII

MISCELLANEOUS

Committee to submit annual report

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

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

Employer to include information in annual report

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

Appropriate Government to monitor implementation and maintain data

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

Appropriate Government to take measures to publicise the Act

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

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

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

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

Power to call for information and inspection of records

(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.

26. (1) Where the employer fails to—

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

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

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

Penalty for non-compliance with provisions of Act.

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.

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

Cognizance of offence by courts

(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.

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

Act not in derogation of any other law.

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

Power of appropriate Government to make rules.

(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 (1) 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 (1) of section 7;

- (d) the person who may make complaint under sub-section (2) of section 9;
- (e) the manner of inquiry under sub-section (1) of section 11;
- (f) the powers for making an inquiry under clause (c) of sub-section (2) of section 11;
- (g) the relief to be recommended under clause (c) of sub-section (1) of section 12;
- (h) the manner of action to be taken under clause (i) of sub-section (3) of section 13;
- (i) the manner of action to be taken under sub-sections (1) and (2) of section 14;
- (j) the manner of action to be taken under section 17;
- (k) the manner of appeal under sub-section (1) of section 18;
- (l) the manner of organising workshops, awareness programmes for sensitising the employees and orientation programmes for the members of the Internal Committee under clause (c) of section 19; and
- (m) the form and time for preparation of annual report by Internal Committee and the Local Committee under sub-section (1) of section 21.

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

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

Power to
remove
difficulties.

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

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

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

P.K. MALHOTRA,
Secy. to the Govt. of India.

CORRIGENDA

THE PREVENTION OF MONEY-LAUNDERING (AMENDMENT) ACT, 2012
(2 of 2013)

At page 18, in line 2, for "Arts", read "Art".

At page 21, in line 14, for "Protection", read "(Protection)".

CORRIGENDUM

THE UNLAWFUL ACTIVITIES (PREVENTION) AMENDMENT ACT, 2012
(3 of 2013)

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

CORRIGENDUM

THE BANKING LAWS (AMENDMENT) ACT, 2012
(4 of 2013)

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

CORRIGENDUM

THE APPROPRIATION ACT, 2013
(9 of 2013)

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