

GRIEVANACE REDRESSAL POLICY

OF

**K K WAGH INSTITUTE OF ENGINEERING AND REASERCH
HIRABAI HARIDAS VIDYANAGARI
PANCHAVATI
NASHIK 422003**



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1. Preamble

AICTE has notified regulation for establishment of mechanism for grievance redressal Committee for all the AICTE approved technical Institutions vide No. 37-3/Legal/2012 dated 25.05.2012. In order to ensure transparency by technical institutions imparting technical education, in admissions and with objectives of preventing unfair practices and to provide a mechanism to students for redressal of their grievances.

2. Definition

“**Grievances or Complaint**” includes any communication that expresses dissatisfaction, harassment in respect of the conduct or any act of omission or commission or deficiency of service and in the nature of seeking a remedial action.

The Grievances may broadly include the following complaints of the aggrieved students

- a. Academic
- b. Non-Academic
- c. Grievance related to Assessment
- d. Grievance related to Victimization
- e. Grievance related to Attendance
- f. Grievance related to charging of fees
- g. Grievance regarding conducting of Examinations
- h. Harassment by colleague students or the teachers etc.
- i. Harassment of Women at Workplace
- j. Harassment of SC/ ST students and faculty

3. Objectives

The purpose of this Policy is to set forth the policies and procedures to be followed in receiving, handling responding and resolving to any grievance against persons/ department/ institute in respect of the services offered by it. While dealing with the complaint the committee at all levels will observe law of natural justice and hear the complainant and concerned people.

The students [Gents & Ladies] and faculty [Teaching & Non Teaching] are the main stakeholders in any institution imparting education, and it's our endeavour to make all efforts to ensure transparency in all the activities at different stages. Taking this spirit in consideration the Institute has decided to provide mechanism to students for redressal of their grievances.

The following are broad objectives for handling the grievances:

- To provide fair and equal treatment to all stake holders without bias at all times.
- To ensure that all issues raised by stake holders are dealt with courtesy and resolved in stipulated timelines.
- To develop an adequate and timely organizational framework to promptly address and resolve stake holders Grievances fairly and equitably.
- To provide enhanced level of stake holders' satisfaction.
- To provide easy accessibility to the stake holders for an immediate Grievance redressal.
- To put in place a monitoring mechanism to oversee the functioning of the Grievance Handling Policy.

4. How to raise the grievance

The stake holders can raise grievances through the following modes:

Phone Message / Call: Message /call to contact number specified on institute website to register the complaint

Email: The stake holders may write complaint on email id specified on institute website to register the complaint

Letter: The stake holders can write a letter to the authorities.

Website: The stake holders may also raise the grievance by writing complaint on grievance redressal portal (<https://grp.kkwagh.edu.in/>). The grievance redressal portal is available on official website of the institute (<https://engg.kkwagh.edu.in>).

5. Maintenance of records of grievance and reporting

The Chairman of grievance committee preserves all records pertaining to grievance / complaint received resolution and closure of the grievance. The complaint shall be transferred to the concerned intermediary within three working days, provided however that resolution time shall not exceed 30 days from the date of the receipt of the complaint from the complainant.

6. Closure of grievance

Every grievance shall be disposed off within a period of **thirty** days of its receipt and a final reply shall be sent to the complainant, containing details of resolution or rejection of the complaint, with reasons thereof recorded in writing.

7. Escalation of grievances

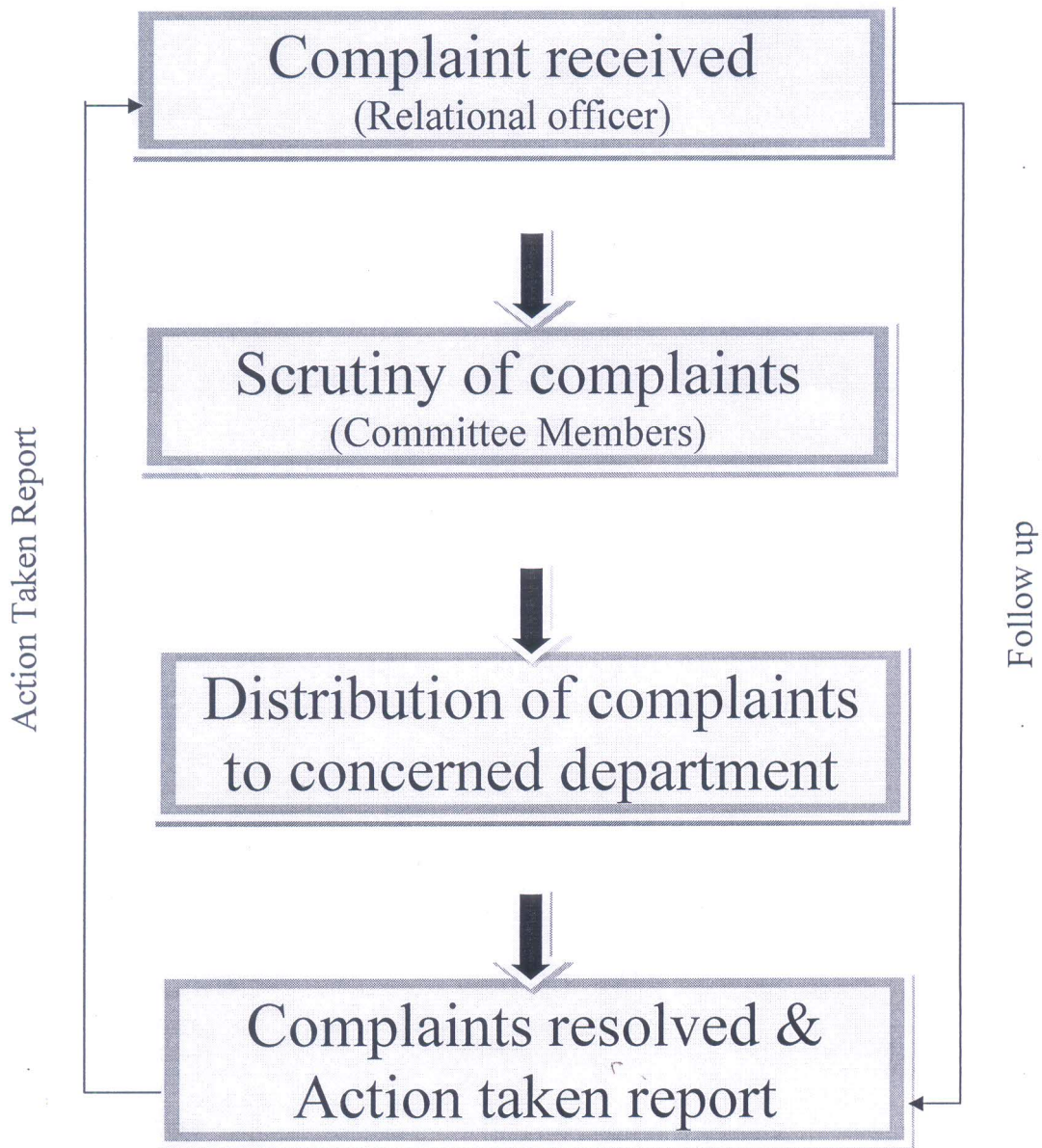
The stake holders whose grievance has not been resolved by the intermediary within thirty days from the date of submission of the grievance or who is not satisfied with the resolution provided by the respective committee shall prefer an appeal to the Head of the institution against the concerned intermediary or entity.

8. Policy to handle major grievances

- Major grievances such as problem involving legal matters are referred to the management of the institute. Appropriate action is carried out as per guidance provided by management.
- In case grievance involves external agencies, matter is referred to appropriate authorities for future action.

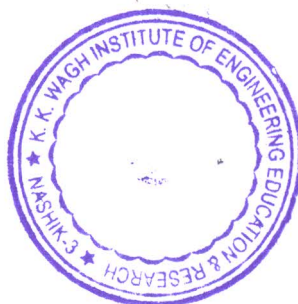
9. Process for Grievance Redressal

The process to resolve the complaints is shown below:



I/We, hereby undertake to constitute the following committees as per AICTE Handbook before commencement of the academic session

1. Establishment of Anti Ragging Committee (As per All India Council for Technical Education notified regulation for prevention and prohibition of ragging in AICTE approved technical Institutions vide No. 37-3/Legal/AICTE/2009 dated 01.07.2009). **[Pl. refer Annexure 1]**
2. Establishment of Grievance Redressal Committee in the Institute and appointment of chairman/coordinator by the Institute. (As per All India Council for Technical Education (Establishment of Mechanism for Grievance Redressal) Regulations, 2012, F. No. 37-3/Legal/12012, dated 25.05.2012). **[Pl. refer Annexure 2]**
3. Establishment of Internal Complaint Committee (ICC) (As per section 4 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013). **[Pl. refer Annexure 3]**
4. Establishment of Committee for SC/ST (As per the Scheduled Castes and the Scheduled Tribes (prevention of Atrocities) act, 1989, No. 33 OF 1989, dated 11.09.1989). **[Pl. refer Annexure 4]**



K. K. Wagh
Principal

Establishment of Anti Ragging Committee

Anti Ragging Committee

Anti ragging committee which include student representative, staff representative and alumni representative of the institute, , Industry professionals, Parents, Journalist, Civil Administration, Police officer, NGO Representative, Social worker, Doctors especially psychiatrics is to be formed.

Students and parent can launch their complaint on <https://grp.kkwagh.edu.in/>

The details of anti ragging committee for the academic years 2016-17 & 2017-18 are uploaded on institute's website.

Name of the Member	Profession	Address	Associated with	Mobile Number	e-mail address	Fax No.
Shri. Ramnath Malode	Journalist	Daily Sakal, Above to Savitri Phataka Stall, Thakkar Bazar, Nashik	Media	9823064618	rmalode_nsk@rediffmail.com	2577198
Shri. Ramesh Misal	Chief Officer, MHADA	Chief Officer, MHADA, Nashik Board	Civil Administration	9011271900	Rameshmisal@gmail.com/ comhadansk@gmail.com	-
Sr. Police Inspector	Police	Adgaon Police Station, Panchavati, Nashik	Police	2629837	ps.adgaon.nashikcp@mahapolice.gov.in	-
Er. M. D. Pawar	Civil Engineer	M/s. Magar Pawar Associates, Parishram, College Road, Nashik	Parent	9422252265 / 2576467	magarpawar@rediffmail.com	-
Swapnil D. Patil	Director, Eco Drive Samajik Sanstha	Shankutal, D'Souza Colony, College Road, Nashik-422005	NGO Representative	9923399555	rajmudramandal@gmail.com	9823452470

Prof. (Mrs.) Manisha Admane	Dr. R. Teaching	E&TC Department, KKWIEER, Nashik	K. K. Wagh Institute of Engineering Education & Research, Nashik	9890026374	mpsatone@kkwagh.edu.in	2511962
Prof. Sharad Dhamal	S. Teaching	Civil Engineering Department, KKWIEER, Nashik		7276730068	ssdhamal@kkwagh.edu.in	2511962
Prof. Sanjivani Bhabhad	Mrs. S. Teaching	E&TC, KKWIEER, Nashik		9823508051	ssbhabad@kkwagh.edu.in	2511962
Shri. Manik Kolhe	P. Teaching	Production Engineering Department, KKWIEER, Nashik		8888360386	kolhemp@gmail.com	2511962
Prasad Mahale	Rajendra Student	Third Year Production Engineering, KKWIEER, Nashik		9028458599	prmahale26@gmail.com	2511962
Ms. Kshipra Rajhans	Sunil Student	Third Year Electrical Engineering, KKWIEER, Nashik		9921678562	kshipra.dbest@gmail.com	2511962
Tanmay Deshpande	Deodatta Student	Third Year Civil Engineering, KKWIEER, Nashik		9404516968	tanmayd9724@gmail.com	2511962
Ms. Pooja Tongare	Ashok Student	Third Year Mechanical Engineering, KKWIEER, Nashik		7066323284	poojatongare1996@gmail.com	2511962

Establishment of Grievance Redressal Committee

Grievance Redressal Cell Committee

Grievance Redressal Cell Committee which includes staff representatives from different department is to be formed.

Chairman of this committee will resolve these complaints in consultation with other committee members.

Students, parent, faculty members, non teaching staff should launch their complaint on <https://grp.kkwagh.edu.in/>.

The details of Grievance Redressal Cell Committee for the academic years 2016-17 & 2017-18 are uploaded on institute's website.

Sr. No.	Name of the staff	Department	Contact Number & e-mail
1	Prof. Ashok M. Jain	Electrical Engineering	9420228383 amjain@kkwagh.edu.in
2	Dr. Sukhdeo S. Naik	Applied Science and Mathematics	9420692149 ssnaik@kkwagh.edu.in
3	Dr. Ashok L. Varne	Civil Engineering	9423968149 alvarne@kkwagh.edu.in
4	Dr. Padmakar J. Pawar	Production Engineering	9850972420 pjpawar@kkwagh.edu.in
5	Prof. Nitin M. Shahane	Computer Engineering	9921236017 nmshahane@kkwagh.edu.in
6	Prof.Santosh V. Purkar	Information Technology	9850120485 sypurkar@kkwagh.edu.in
7	Prof. Suyog N. Jain	Chemical Engineering	8308912681 snjain@kkwagh.edu.in
8	Ramesh V. Bhandare	Mechanical Engineering	9923235022 rvbhandare@kkwagh.edu.in
9	Ajinkya S. Joshi	Master of Business Administration	9890819508 asjoshi@kkwagh.edu.in
10	Mariyam. E. Maniyar	Master of Computer Application	9822844192 memaniyar@kkwagh.edu.in

Establishment of Women's Grievance Committee
(Internal Complaint Committee for Women)

Women's Grievance Committee

Women's Grievance Redressal Cell Committee which includes ladies staff representatives from different department, ladies from NGO, lady doctor, lady police officer is to be formed.

Lady students, lady faculty member [teaching and non teaching staff] should launch their complaint on <https://grp.kkwagh.edu.in/>.

OR

Lady students, lady faculty member [teaching and non teaching staff] should launch their complaint to chairman of Women's Grievance Redressal Cell Committee in the prescribed format [Annexure 5]

The details of Grievance Redressal Cell Committee for the academic years 2016-17 & 2017-18 are uploaded on institute's website.

Sr. No	Name of Member	Department	Designation
1	Prof. Dr. Mrs. Preeti D. Bhamre	Information Technology	President
2	Prof. Dr. Mrs. Vandana C. Bagal	Master of Computer Application	Member Secretary
3	Prof. Mrs. Nayana N. Jangale	Electrical Engineering	Member
4	Mrs. Shobha V. Sonawane	Civil Engineering	Member
5	Mrs. Rupali M. Jadhav	Electronics and Telecommunication Engineering	Member
6	Prof. Mrs. Suruchi M. Malao	Computer Engineering	Member
7	Dr. Shama Kulkarni		NGO Representative

Establishment of Committee for SC/ST

SC/ST Grievance Redressal Committee

SC/ST Grievance Redressal Cell Committee which includes staff from different departments, ladies staff representatives, Non teaching staff representative and student representatives[under graduate and post graduate] is to be formed. The chairman/coordinator and Relational officer [liaison] officer is to be appointed by Principal.

SC/ST students, faculty member[teaching and non teaching staff] should launch their complaint on <https://grp.kkwagh.edu.in/>.

OR

SC/ST students, faculty member [teaching and non teaching staff] should launch their complaint to chairman of SC/ST Grievance Redressal Cell Committee in the prescribed format [Annexure 6].

The details of SC/ST Redressal Cell Committee to be uploaded on institute's website.

Sr. No.	Name of the staff	SC/ST Committee Designation	Contact Number & e-mail
1	Prof.(Dr.) Sanjaykumar Gangurde	Member (Coordinator)	9850583755 srgangurde@kkwagh.edu.in
2	Prof. Charudatta Mhasde	Member (Relational officer)	8888837478 csmhasde@kkwagh.edu.in
3	Prof. Ms. Avina Dhangare	Member (Women representative)	9405173944 ahdhangare@kkwagh.edu.in
4	Prof. Ms. Rutuja Jadhav	Member (Women representative)	9403449626 rhjadhav@kkwagh.edu.in
5	Prof. Roshan Gangurde	Member (PG)	9175797060 ragangurde@kkwagh.edu.in
6	Mr. Rajesh Jadhav	Member (Non teaching)	8149530599 rvjadhav@kkwagh.edu.in
7.	Mr. Pratish Jadhav	Member (Student -UG)	9860810199 pratishjadhav12@gmail.com
8.	Mr. Ganesh Bendkule	Member (Student -PG)	8698988892 bendkuleganesh@gmail.com

**ALL INDIA COUNCIL FOR TECHNICAL EDUCATION
New Delhi**

NOTIFICATION

Dated 01-07-2009

Sub: Prevention and prohibition of Ragging in technical Institutions, Universities including Deemed to be Universities imparting technical education.

F.No.37-3/Legal/AICTE/2009 – In exercise of the powers conferred under Section 23 read with Section 10 (b), (g), (p) and (q) of AICTE Act, 1987, the All India Council for Technical Education, hereby makes the following Regulations:-

1. Short title and commencement:-

- (i) These Regulations may be called the All India Council for Technical Education (Prevention and Prohibition of Ragging in Technical Institutions, Universities including Deemed to be Universities imparting technical education) Regulations 2009.
- (ii) They shall come into force on the date of the notification.

2. Objectives:-

In view of the directions of the Hon'ble Supreme Court in SLP No. 24295 of 2006 dated 16-05-2007 and in Civil Appeal number 887 of 2009, dated 08-05-2009 to prohibit, prevent and eliminate the scourge of ragging including any conduct by any student or students whether by words spoken or written or by an act which has the effect of teasing, treating or handling with rudeness a fresher or any other student, or indulging in rowdy or undisciplined activities by any student or students which causes or is likely to cause annoyance, hardship or psychological harm or to raise fear or apprehension thereof in any fresher or any other student or asking any student to do any act which such student will not in the ordinary course do and which has the effect of causing or generating a sense of shame, or torment or embarrassment so as to adversely affect the physique or psyche of such fresher or any other student, with or without an intent to derive a sadistic pleasure or showing off power, authority or superiority by a student over any fresher or any other student, in all higher education institutions in the country, and thereby, to provide for the healthy development, physically and psychologically, of all students, the All India Council for Technical Education,(AICTE) brings forth these Regulations.

3. Definitions:-

- (a) “**Act**” means the All India Council for Technical Education Act 1987 (52 of 1987);
- (b) “**Technical Institution**” means an institution of Government, Government Aided and Private (self financing) conducting the courses/programmes in the field of technical education, training and research in Engineering, Technology including MCA, Architecture, Town Planning, Management, Pharmacy, Hotel Management & Catering Technology, Applied Arts & Crafts and such other programmes and areas as notified by the Council from time to time;
- (c) “**University**” means a University defined under clause (f) of section 2 of the University Grants Commission Act, 1956 and includes an institution deemed to be a University under section 3 of that Act.
- (d) “**Academic year**” means the period from the commencement of admission of students in any course of study in the institution up to the completion of academic requirements for that particular year.
- (e) “**Head of the institution**” means the Vice-Chancellor in case of a university or a deemed to be university, the Principal or the Director or such other designation as the executive head of the institution or the college is referred.
- (f) “**Fresher**” means a student who has been admitted to an institution and who is undergoing his/her first year of study in such institution.
- (g) Words and expressions used and not defined herein but defined in the Act or in the General Clauses Act, 1887, shall have the meanings respectively assigned to them in the Act or in the General Clauses Act, 1887, as the case may be. And
- (h) All other words and expressions used herein and not defined but defined in the All India Council for Technical Education Act, 1987 (52 of 1987), shall have the meanings respectively assigned to them in the said Act;

4 **What constitutes Ragging:** - Ragging constitutes one or more of any of the following acts:

- a. any conduct by any student or students whether by words spoken or written or by an act which has the effect of teasing, treating or handling with rudeness a fresher or any other student;
- b. indulging in rowdy or undisciplined activities by any student or students which causes or is likely to cause annoyance, hardship, physical or psychological harm or to raise fear or apprehension thereof in any fresher or any other student;
- c. asking any student to do any act which such student will not in the ordinary course do and which has the effect of causing or generating a sense of shame, or torment or embarrassment so as to adversely affect the physique or psyche of such fresher or any other student;
- d. any act by a senior student that prevents, disrupts or disturbs the regular academic activity of any other student or a fresher;
- e. exploiting the services of a fresher or any other student for completing the academic tasks assigned to an individual or a group of students.
- f. any act of financial extortion or forceful expenditure burden put on a fresher or any other student by students;
- g. any act of physical abuse including all variants of it: sexual abuse, homosexual assaults, stripping, forcing obscene and lewd acts, gestures, causing bodily harm or any other danger to health or person;
- h. any act or abuse by spoken words, emails, posts, public insults which would also include deriving perverted pleasure, vicarious or sadistic thrill from actively or passively participating in the discomfiture to fresher or any other student;
- i. any act that affects the mental health and self-confidence of a fresher or any other student with or without an intent to derive a sadistic pleasure or showing off power, authority or superiority by a student over any fresher or any other student.

5. Measures for prevention of ragging:-

It shall be mandatory for every technical Institution, University, deemed to be University imparting technical education to take following measures for prevention of ragging at such institutions.

1. The advertisement issued for admission by a technical institution, University including Deemed to be University concerned and/or the admission authority/ affiliating University/State Govt./UT/Central Govt. as the case may be, shall clearly mention that ragging is totally banned and anyone found guilty of ragging and/or abetting ragging is liable to be punished.
2. The 'Prospectus' and other admission related documents shall contain directions of the Supreme Court Affiliating University/admission Authority/State Govt/Central Govt. shall make it mandatory for the institutions under their jurisdiction to compulsorily incorporate such information in their 'Prospectus'. These Regulations shall be printed in the brochure of admission/instruction booklet for candidates.
3. The application form for admission/enrolment shall have a printed affidavit, preferably both in English and Hindi and/or in one of the regional languages. The affidavit should be filled up and signed by the candidate to the effect that he/she is aware of the law regarding prohibition of ragging as well as the punishments, and that he/she, if found guilty of the offence of ragging and/or abetting ragging, is liable to be punished appropriately.
4. The application form shall also contain a printed affidavit, preferably both in English and Hindi and/or in one of the regional languages and the affidavit should be signed by the parent/guardian of the applicant to the effect that he/she is also aware of the law in this regard and agrees to abide by the punishment meted out to his/her ward in case the latter is found guilty of ragging and/or abetting ragging.
5. The application for admission shall be accompanied by a document along with the School Leaving Certificate/Character Certificate which shall include a report on the behavioral patter of the applicant, so that the institution can thereafter keep intense watch upon the student who has a negative entry in this regard.
6. A student seeking admission to the hostel shall have to submit another affidavit along with his/her application for hostel accommodation that he/she is also aware of the law in this regard and agrees to abide by the punishments meted out if he/she is found guilty of ragging and/or abetting ragging.
7. Every technical institution, University including Deemed to be University imparting technical education shall maintain a proper record of the affidavits obtained to ensure its safe up keep thereof,including digital copies of the affidavits and such digital copy should be made available to the AICTE or to an Agency identified/nominated by AICTE.

8. The AICTE or an Agency identified/nominated for the purpose and affiliating Universities and Directorate of Technical Education of the concerned State Govt./UT shall maintain an appropriate data base of the affidavits in the digital form obtained from every student at the time of admission to the technical institutions, Universities including Deemed to be Universities imparting technical education.
9. Each batch of freshers should be divided into small groups and each such group shall be assigned to a member of staff. Such staff member should interact individually with each member of the group on daily basis to ascertain the problems/difficulties, if any faced by the freshers in the Institution and extend necessary help.
10. Incase of freshers admitted to a Hostel it shall be the responsibility of the teacher incharge of the group to co-ordinate with the warden of the Hostel and to make surprise visits to the rooms in the hostel where the members of the group are lodged. Freshers should be lodged in a separate hostel block wherever possible and where such facilities are not available, the college/institution shall ensure that seniors' access to freshers' accommodation is strictly monitored by wardens, Security Guards and Staff.
11. Every institution should engage or seek the assistance of professional counselors at the time of admissions to counsel 'freshers' in order to prepare them for the life ahead, particularly for adjusting to the life in hostels. At the commencement of the academic session the Head of the technical Institution, University including Deemed to be University imparting technical education shall convene and address a meeting of various functionaries/agencies, like Wardens, representatives of students, parents/guardians, faculty, district administration including police, to discuss the measures to be taken to prevent ragging and steps to be taken to identify the offenders and punish them suitably.
12. Every fresher admitted to the technical Institution, University including Deemed to be University imparting technical education shall be given a printed information booklet detailing when and whom he/she has to turn to for help and guidance for various purposes (including Wardens, Head of the institution, members of the anti-ragging committee, relevant district and police authorities), addresses and telephone numbers of such persons/authorities, etc.
13. The technical institutions, University including Deemed to be University imparting technical education through the information booklet mentioned

above shall explain to the new entrants the arrangements for their induction and orientation which promote efficient and effective means of integrating them fully as students.

14. The information booklet mentioned above shall also tell the freshers about their rights as bona fide students and clearly instructing them that they should desist from doing anything against their will even if ordered by the seniors, and that they have nothing to fear as the institution cares for them and shall not tolerate any atrocities against them.
15. The information booklet mentioned above shall contain a calendar of events and activities laid down by the institution to facilitate and complement familiarization of juniors with the academic environment of the institution.
16. To make the community at large and the students in particular aware of the dehumanizing effect of ragging, and the approach of the institution towards those indulging in ragging, big posters (preferably with different colors for the provisions of law, punishments, etc.) shall be prominently displayed on all Notice Boards of all departments, hostels and other buildings as well as at vulnerable places. Some of such posters shall be of permanent nature in certain vulnerable places.
17. The technical Institution, University including Deemed to be University imparting technical education shall request the media to give adequate publicity to the law prohibiting ragging and the negative aspects of ragging and the institutions 's resolve to ban ragging and punish those found guilty without fear or favor.
18. The technical Institution, University including Deemed to be University imparting technical education shall identify, properly illuminate and man all vulnerable locations.
19. The technical Institution, University including Deemed to be University imparting technical education shall tighten security in its premises, especially at the vulnerable places. If necessary, intense policing shall be resorted to at such points at odd hours during the early months of the academic session.
20. The technical Institution, University including Deemed to be University imparting technical education shall utilize the vacation period before the start of the new academic year to launch wide publicity campaign against ragging through posters, information booklets, seminars, street plays, etc.

21. The faculties/departments/units of the technical Institution, University including Deemed to be University imparting technical education shall have induction arrangements (including those which anticipate, identify and plan to meet any special needs of any specific section of students) in place well in advance of the beginning of the academic year with a clear sense of the main aims and objectives of the induction process.
22. Mobile Phones and other communication devices may be permitted in residential areas including hostels to provide access to the students particularly freshers, to reach out for help from teachers, parents and Institution authorities.
6. **Monitoring mechanism in technical institution, University including Deemed to be University imparting technical education:-**
- a) **Anti-ragging Committee:** Every institution University including Deemed to be University imparting technical education shall constitute a Committee to be known as the Anti-ragging Committee to be nominated and headed by the Head of the Institution, and consisting of representatives of civil and police administration, local media, Non Government Organizations involved in youth activities, representatives of faculty members, representatives of parents, representatives of students belonging to the freshers' category as well as senior students, non-teaching staff; and shall have a diverse mix of membership in terms of level as well as gender.
- b) It shall be the duty of the Anti-Ragging Committee to ensure compliance with the provisions of these Regulations as well as the provisions of any law for the time being in force concerning ragging; and also to monitor and oversee the performance of the Anti-Ragging Squad in prevention of ragging in the institution.
- c) **Anti-Ragging Squad:** Every institution University including Deemed to be University imparting technical education shall also constitute a smaller body to be known as the Anti-Ragging Squad to be nominated by the Head of the Institution with such representation as may be considered necessary for maintaining vigil, oversight and patrolling functions and shall remain mobile, alert and active at all times. Provided that the Anti-Ragging Squad shall have representation of various members of the campus community and shall have no outside representation.
- d) It shall be the duty of the Anti-Ragging Squad to be called upon to make surprise raids on hostels, and other places vulnerable to incidents and having the potential for ragging and shall be empowered to inspect such places.

- e) It shall also be the duty of the Anti-Ragging Squad to conduct an on-the-spot enquiry into any incidents of ragging referred to it by the Head of the institution or any member of the faculty or any member of the staff or any student or any parent or guardian or any employee of a service provider or by any other person, as the case may be; and the enquiry report along with recommendations shall be submitted to the Anti-Ragging Committee for action. Provided that the Anti-Ragging Squad shall conduct such enquiry observing a fair and transparent procedure and the principles of natural justice and after giving adequate opportunity to the student or students accused of ragging and other witnesses to place before it the facts, documents and views concerning the incidents of ragging, and considerations such other relevant information as may be required.
- f) **Mentoring Cell:** Every institution shall, at the end of each academic year, in order to promote the objectives of these Regulations, constitute a Mentoring Cell consisting of students volunteering to be Mentors for freshers, in the succeeding academic year; and there shall be as many levels or tiers of Mentors as the number of batches in the institution, at the rate of one Mentor for six freshers and one Mentor of a higher level for six Mentors of the lower level.
- g) **Monitoring Cell on Ragging:-** The State Govt./UT and the affiliating University shall set up a Monitoring Cell on Ragging to coordinate with the institutions to monitor the activities of the Anti-Ragging Committees, Squads, and Mentoring Cells, regarding compliance with the instructions on conducting orientation programmes, counseling sessions, etc., and regarding the incidents of ragging, the problem faced by wardens and other officials, etc. This Cell shall also review the efforts made by such institutions to publicize anti-ragging measures, cross-verify the receipt of affidavits from candidates/students and their parents/guardians every year, and shall be the prime mover for initiating action by the University authorities to suitably amend the Statutes or Ordinances or Bye-laws to facilitate the implementation of anti ragging measures at the level of the institution.
- h) The Monitoring Cell shall coordinate with the the institutions, universities including deemed to be universities imparting technical education to achieve the objectives of these Regulations; and the Monitoring Cell shall call for reports from the Heads of institutions in regard to the activities of the Anti-Ragging Committees, Anti-Ragging Squads, and the Mentoring Cells at the institutions, and it shall also keep itself abreast of the decisions of the Anti-Ragging Committees etc.

- i) The Monitoring Cell shall also review the efforts made by institutions to publicize anti-ragging measures, soliciting of affidavits from parents/guardians and from students, each academic year, to abstain from ragging activities or willingness to be penalized for violation; and shall function as the prime mover for initiating action for amending the Statues or Ordinances or Bye-laws to facilitate the implementation of anti-ragging measures at the level of the institution.

7. Action to be taken against the Principal or the Head of the Institution/Faculty Members/Non-Teaching staff of technical institution, Universities including Deemed to be Universities imparting technical education.

1. The Head of the Institution along with other administrative authorities should take adequate measures for prevention of ragging. Any lapse on the part of these authorities shall make them liable for criminal action for negligence of duty. The technical Institution, University including Deemed to be University imparting technical education should incorporate a clause in their letter of appointment that the Director, Faculty and other administrative Heads should ensure all possible steps for prevention of ragging in the premises of the educational institutions, and that they are liable for action, in case of non-compliance.
2. The Principal or Head of the Institution/Department shall obtain an affidavit from every employee of the Institution including teaching/non-teaching staff, contract labor employed in the premises either for running canteen or as watch and ward staff or for cleaning or maintenance of the building, lawns etc. that he/she would report promptly any case of ragging which comes to his/her notice. A provision shall be made in the service rules for issuing certificates of appreciation to such members of the staff who report ragging which will form part of their service records.
3. Departmental enquiries shall be initiated, in addition to penal consequences against such heads of the Institution/Faculty members/non-teaching staff who display an apathetic or insensitive attitude towards complaints of ragging and would not take timely steps in the prevention of ragging and punishing those who rag.
4. The Principal or the Head of the Institution/Faculty Members/Non-Teaching staff, if found negligent in taking necessary measures for ensuring safety of students and preventing the ragging would be declared unfit for holding any post in any technical institution, University including Deemed to be University imparting technical education.

8. Actions to be taken against students for indulging and abetting ragging in technical institutions Universities including Deemed to be University imparting technical education:-

1. The punishment to be meted out to the persons indulged in ragging has to be exemplary and justifiably harsh to act as a deterrent against recurrence of such incidents.
2. Every single incident of ragging a First Information Report (FIR) must be filed without exception by the institutional authorities with the local police authorities.
3. The Anti-Ragging Committee of the institution shall take an appropriate decision, with regard to punishment or otherwise, depending on the facts of each incident of ragging and nature and gravity of the incident of ragging.
4. a) Depending upon the nature and gravity of the offence as established the possible punishments for those found guilty of ragging at the institution level shall be any one or any combination of the following:-
 - (i) Cancellation of admission
 - (ii) Suspension from attending classes
 - (iii) Withholding/withdrawing scholarship/fellowship and other benefits
 - (iv) Debarring from appearing in any test/examination or other evaluation process
 - (v) Withholding results
 - (vi) Debarring from representing the institution in any regional, national or international meet, tournament, youth festival, etc.
 - (vii) Suspension/expulsion from the hostel
 - (viii) Rustication from the institution for period ranging from 1 to 4 semesters
 - (ix) Expulsion from the institution and consequent debarring from admission to any other institution.
 - (x) 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 raggars.
- b) An appeal against the order of punishment by the Anti-Ragging Committee shall lie,

- i. In case of an order of an institution, affiliated to or constituent part, of the University, to the Vice-Chancellor of the University;
 - ii. In case of an order of a University, to its Chancellor.
 - iii. In case of an institution of national importance created by an Act of Parliament, to the Chairman or Chancellor of the institution, as the case may be.
5. The institutional authorities shall intimate the incidents of ragging occurred in their premises along with actions taken to the Council from time to time.

9 Action to be taken against the technical Institution, University including Deemed to be University imparting technical education which fail to take measures for prevention of ragging:-

1. Role of the concerned technical institutions, Universities including Deemed to be Universities imparting technical education shall be open to scrutiny for the purpose of finding out whether they have taken effective steps for preventing ragging and action taken against provision indulged and/or abetting ragging. The Council shall constitute Committees to inspect technical institutions, Universities including Deemed to be Universities imparting technical education to verify the status of anti ragging measures and to investigate specific instances of ragging and take appropriate action.
2. The technical Institution, University including Deemed to be University imparting technical education should submit an affidavit along with its compliance report submitted to AICTE annually with details of measures taken for prevention of ragging in technical institutions. The Compliance Report should also contain the details of the instances of ragging and action taken against students, and others for indulging and abetting ragging.
3. All Letters of Approval issued by AICTE such as extension of approval letters, letters issued for additional courses/increase in intake and letters issued for new technical institutions, release of grants, letters of approval issued to integrated campus, second shift etc. shall contain a specific clause of prevention of ragging.
4. The AICTE shall, in respect of any institution that fails to take adequate steps to prevent ragging or fails to act in accordance with these Regulations or fails to punish perpetrators or incidents of ragging suitably, take one of more of the following measures, namely;

- i. No admission/Withdrawal of approval granted under section 10(k) of AICTE Act.
 - ii. Withholding any grant allocated.
 - iii. Declaring the institution ineligible for consideration for any assistance under any of the general or special assistance programmes of the AICTE.
 - iv. Informing the general public, including potential candidates for admission, through a notice displayed prominently in the newspapers or other suitable media and posted on the website of the AICTE, declaring that the institution does not possess the minimum academic standards.
 - v. Taking such other action within its powers as it may deem fit and impose such other penalties as may be provided in the Act for such duration of time as the institution complies with the provisions of these Regulations.
5. As regards the Universities including Deemed to be Universities imparting technical education the actions proposed to be taken such as stopping release of grants, withdrawal of approval/recognition will be sent to University Grants Commission (UGC), Ministry of Human Resource Development (MHRD), Govt. of India and the concerned State Govt./UT. The UGC, MHRD Govt. of India, and the State Govt./UT concerned shall initiate immediate action on the recommendations of the Council.

10. Duties and Responsibilities of the All India Council for technical Education:-

- a) All India Council for technical Education, or the Central Government or the agency authorized for the purpose shall establish, fund and operate, a toll-free Anti-Ragging Helpline, operational round the clock, which could be accessed by students in distress owing to ragging related incidents.
- b) Any distress message received at the Anti-Ragging Helpline shall be simultaneously relayed to the Head of the Institution, the Warden of the Hostels, the Nodal Officer of the affiliating University, if the incident reported has taken place in an institution affiliated to a University, the concerned District authorities and if so required, the District Magistrate, and the Superintendent of Police, and shall also be web enabled so as to be in the public domain simultaneously for the media and citizens to access it.
- c) The Head of the institution shall be obliged to act immediately in response to the information received from the Anti-Ragging Helpline as at sub-clause (b) of this clause.

- d) The telephone numbers of the Anti-Ragging Helpline and all the important functionaries in every institution, Heads of institutions, faculty members, members of the anti-ragging committees and anti- ragging squads, district and sub-divisional authorities and state authorities, Wardens of hostels, and other functionaries or authorities where relevant, shall be widely disseminated for access or to seek help in emergencies.
- f) The All India Council for technical Education, the Central Government or the agency authorized for the purpose shall maintain an appropriate data base to be created out of affidavits, affirmed by each student and his/her parents/guardians and stored electronically by the institution; and such database shall also function as a record of ragging complaints received, and the status of the action taken thereon.
- g) The All India Council for technical Education, the Central Government or the agency authorized for the purpose shall make available the database to a non-governmental agency to be nominated by the Central Government, to build confidence in the public and also to provide information of non compliance with these Regulations to the Councils and to such bodies as may be authorized by the All India Council for technical Education/Central Government.

11. The All India Council for technical Education shall take the following regulatory steps, namely;

- a) The All India Council for technical Education shall make it mandatory for the institutions to incorporate in their prospectus, the directions of the Central Government or the State Level Monitoring Committee with regard to prohibition and consequences of ragging, and that non-compliance with these Regulations and directions so provided, shall be considered as lowering of academic standards by the institution, therefore making it liable for appropriate action.
- b) The All India Council for technical Education shall verify that the institutions strictly comply with the requirement of getting the affidavits from the students and their parents/guardians as envisaged under these Regulations.
- c) The All India Council for technical Education shall include a specific condition in the Utilization Certificate, in respect of any financial assistance or grants-in-aid to any institution under any of the general or special schemes of the All India Council for technical Education, that the institution has complied with the anti-ragging measures.

- d) Any incident of ragging in an institution shall adversely affect its accreditation, ranking or grading by National Board of Accreditation or by any other authorised accreditation agencies while assessing the institution for accreditation, ranking or grading purposes.
- e) The All India Council for technical Education shall constitute an Inter-Council Committee, consisting of representatives of the various Councils, the Non-Governmental agency responsible for monitoring the database maintained by the All India Council for technical Education/Central Government and such other bodies in higher education, to coordinate and monitor the anti-ragging measures in institutions across the country and to make recommendations from time to time; and shall meet at least once in six months each year.
- f) The All India Council for technical Education shall institute an Anti-Ragging Cell within the AICTE as an institutional mechanism to provide secretarial support for collection of information and monitoring, and to coordinate with the State Level Monitoring Cells and University Level Committees for effective implementation of anti-ragging measures, and the Cell shall also coordinate with the Non-Governmental agency responsible for monitoring the database maintained by the All India Council for technical Education/central Government.

(Member Secretary)



भारत का राजपत्र The Gazette of India

असाधारण

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अखिल भारतीय तकनीकी शिक्षा परिषद्

अधिसूचना

नई दिल्ली, 25 मई, 2012

**अखिल भारतीय तकनीकी शिक्षा परिषद् (शिकायत निवारण के लिए तंत्र की स्थापना)
विनियम, 2012**

फा. सं. 37-3/विधि/2012.—तकनीकी शिक्षा प्रदान करने वाली तकनीकी संस्थाओं द्वारा प्रवेश में पारदर्शिता सुनिश्चित करने तथा अनुचित कार्यों को रोकने के लिए सर्वश्रेष्ठ उपाय करने एवं निर्दोष विद्यार्थियों की शिकायतों के निवारण के लिए तंत्र उपलब्ध करवाने हेतु अखिल भारतीय तकनीकी शिक्षा परिषद् अधिनियम, 1987 (1987 का 52) की धारा 23 की उपधारा (1) के अंतर्गत प्रदत्त अपनी शक्तियों का प्रयोग करते हुए अखिल भारतीय तकनीकी शिक्षा परिषद् निम्नलिखित विनियम बनाती है, यथा :-

1. संक्षिप्त नाम, प्रयोज्यता और प्रारंभ :

- (1) इन विनियमों को अखिल भारतीय तकनीकी शिक्षा परिषद् (शिकायत निवारण के लिए तंत्र की स्थापना) विनियम, 2012 कहा जाएगा।
- (2) ये विनियम अखिल भारतीय तकनीकी शिक्षा परिषद् अधिनियम, 1987 के अधीन, अखिल भारतीय तकनीकी शिक्षा परिषद् द्वारा मान्यता प्रदान की गई अथवा अनुमोदित की गई सभी संस्थाओं पर लागू होंगे।

(3) ये राजपत्र में इनके प्रकाशन की तारीख से प्रवृत्त होंगे।

2. परिभाषा :

(1) इन विनियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो, —

- क) "अभिनियम" से अखिल भारतीय तकनीकी शिक्षा परिषद् अधिनियम, 1987 अभिप्रेत है ;
- ख) "पीडित विद्यार्थी" से अभिप्रेत ऐसे विद्यार्थी से है, जिसे इन विनियमों के अंतर्गत शिकायत के रूप में परिभाषित मामलों में कोई शिकायत है ;
- ग) "महाविद्यालय" से अभिप्रेत कोई ऐसी संस्था, चाहे वह उस नाम से या किसी अन्य नाम से ज्ञात अभिप्रेत है, जो किसी विश्वविद्यालय से कोई अर्हता प्राप्त करने के लिए किसी पाठ्यक्रम की व्यवस्था करती है और जिसे ऐसे पाठ्यक्रम की व्यवस्था करने के लिए, ऐसे विश्वविद्यालय के नियमों और विनियमों के अनुसार, सक्षम माना गया है और जो ऐसे पाठ्यक्रम का अध्ययन करने वाले छात्रों को ऐसी अर्हता प्रदान किए जाने के लिए परीक्षा आयोजित करती है ;
- घ) "परिषद्" से अखिल भारतीय तकनीकी शिक्षा परिषद् अभिप्रेत है ;
- ङ) "घोषित प्रवेश नीति" से अभिप्रेत शिक्षा के किसी भी पाठ्यक्रम अथवा कार्यक्रम में प्रवेश देने हेतु बनाई गई ऐसी नीति से है, जिसे परिषद् द्वारा अनुमोदित अथवा मान्यता प्रदान की गई हो एवं संस्था द्वारा प्रस्तुत किया गया हो तथा परिषद् द्वारा विनिर्दिष्ट किए गए अनुसार प्रकाशित किया गया हो।
- च) "शिकायतों" में पीडित विद्यार्थी द्वारा की गई निम्नलिखित शिकायतें शामिल होंगी, यथा :—
- (i) मेरिट के आधार पर प्रवेश हेतु संस्थान की घोषित प्रवेश नीति के विपरीत प्रवेश देना ;
- (ii) संस्थान द्वारा अपनाई गई प्रवेश प्रक्रिया में अनियमितता ;
- (iii) संस्थान की घोषित प्रवेश नीति के अनुसार प्रवेश देने से इंकार करना ;
- (iv) किसी भी व्यक्ति द्वारा उस संस्थान में प्रवेश लेने के उद्देश्य से जमा किए गए उसके दस्तावेज जैसे डिग्री, डिप्लोमा अथवा अन्य कोई और प्रमाण-पत्र अथवा अन्य दस्तावेजों को, उसकी इच्छा के विरुद्ध किसी भी अन्य पाठ्यक्रम अथवा कार्यक्रम में अध्ययन जारी रखने हेतु उत्प्रेरित अथवा विवश करने के उद्देश्य से रोककर रखना अथवा देने से इंकार करना, किसी भी प्रकार के शुल्क अथवा शुल्कों को अदा करने के लिए विवश करना ;
- (v) संस्था की घोषित प्रवेश नीति में निर्दिष्ट शुल्क अथवा सक्षम प्राधिकारी द्वारा अनुमोदित शुल्क से अधिक धनराशि की संस्था द्वारा मांग करना ;
- (vi) प्रवेश में यथा:लागू आरक्षण नीति का उल्लंघन ;

- (vii) अनुसूचित जाति, अनुसूचित जनजाति, अन्य पिछड़ा वर्ग, महिला, अल्पसंख्यक, अथवा विकलांग श्रेणियों के विद्यार्थियों द्वारा की गई भेदभाव बरते जाने संबंधी शिकायतें ;
- (viii) अभातशिप द्वारा अथवा किसी अन्य प्राधिकरण द्वारा अधिरोपित शर्तों के अंतर्गत किसी संस्था द्वारा किसी विद्यार्थी को छात्रवृत्तियों का भुगतान न किया जाना अथवा भुगतान करने में देरी करना ;
- (ix) शैक्षणिक कैलेंडर में विनिर्दिष्ट समयानुसार परीक्षाओं के आयोजन में देरी करना अथवा परिणाम घोषित करने में देरी करना ;
- (x) संस्था द्वारा प्रदान की जाने वाली अपेक्षित अथवा विद्यार्थियों से वादा की गई सुविधाएं विद्यार्थियों को उपलब्ध नहीं करवाना।
- (xi) प्रवेश के समय वादा की गई अथवा अपेक्षित गुणवत्ता पूर्ण शिक्षा देने से इंकार करना ;
- (xii) मूल्यांकन का अपारदर्शी अथवा अनुचित तरीका ;
- (xiii) यौन उत्पीड़न सहित, विद्यार्थियों का उत्पीड़न तथा शोषण ; तथा
- (xiv) प्रवेश वापस लेने पर, अभातशिप द्वारा समय-समय पर जारी अनुदेशों के अनुसार, शुल्क की वापसी।

- छ) "शिकायत निवारण समिति" से अभिप्रेत इन विनियमों के अधीन गठित समिति से है।
- ज) इन विनियमों के उद्देश्यों से "संस्था" से अभिप्रेत महाविद्यालय अथवा संस्था (जैसा भी मामला हो) से है।
- झ) "लोकपाल" (आम्बड्समैन) से अभिप्रेत इन विनियमों के खण्ड (3) के उपखण्ड (1) के अधीन नियुक्त लोकपाल (आम्बड्समैन) से है।
- ञ) "तकनीकी शिक्षा" से अभिप्रेत, अखिल भारतीय तकनीकी शिक्षा परिषद् अधिनियम, 1987 की धारा 2(छ) के अंतर्गत परिभाषित शिक्षा कार्यक्रमों से है।
- ट) "तकनीकी संस्था" से अभिप्रेत अखिल भारतीय तकनीकी शिक्षा परिषद् अधिनियम 1987 की धारा 2(ज) के अंतर्गत परिभाषित संस्था से है।
- ठ) "विश्वविद्यालय" से अभिप्रेत किसी केन्द्रीय अधिनियम अथवा राज्य अधिनियम द्वारा या उनके अधीन स्थापित या निगमित विश्वविद्यालय से है और इसके अंतर्गत ऐसी संस्था भी है, जिसे विश्वविद्यालय अनुदान आयोग अधिनियम 1956 की धारा (3) के अधीन मानित विश्वविद्यालय घोषित किया गया हो।

3. शिकायत निवारण तंत्र के अंतर्गत नियुक्ति, कार्यकाल, विमुक्ति तथा सेवा की शर्तें :

1. (i) इन विनियमों के अन्तर्गत विद्यार्थियों की शिकायतों के निवारण हेतु प्रत्येक तकनीकी विश्वविद्यालय लोकपाल (आम्बड्समैन) नियुक्त करेगा।
- (ii) लोकपाल वह व्यक्ति होगा, जो न्यायधीश (जो जिला न्यायधीश के रैंक से कम का ना हो) रह चुका हो अथवा सेवानिवृत्त प्रोफेसर हो, जिसके पास कम से कम दस वर्ष का अनुभव हो।

- (iii) विश्वविद्यालय के प्रति लिए जाने वाले निर्णय की स्वतंत्रता के लिए लोकपाल की नियुक्ति के समय, नियुक्ति से एक वर्ष पूर्व अथवा लोकपाल के रूप में उसके कार्यकाल के दौरान विश्वविद्यालय के साथ उसका कोई निजी संबंध, व्यावसायिक मान्यता अथवा वित्तीय हितलाभ में कोई समझौता अथवा समझौता करने के लिए यथोचित कारण संबंधी कोई विवाद नहीं होना चाहिए।
- (iv) लोकपाल अथवा उनके वर्तमान परिवार का कोई सदस्य निम्नलिखित नहीं होना चाहिए—
- (क) वर्तमान तथा अतीत में विश्वविद्यालय में किसी पद पर नौकरी तथा कोई लाभ वाला पद धारण,
- (ख) विश्वविद्यालय के साथ व्यक्तिगत संबंध सहित, किसी भी प्रकार का महत्वपूर्ण पारिवारिक, व्यावसायिक अथवा वित्तीय संबंध,
- (ग) विश्वविद्यालय की प्रशासनिक अथवा शासनिक संरचना में किसी भी पदनाम वाला पद धारण।
- (v) राज्य तकनीकी विश्वविद्यालय में लोकपाल की नियुक्ति विश्वविद्यालय द्वारा अंशकालीन आधार पर, निम्नलिखित सदस्यों से बनी खोजबीन समिति द्वारा सुझाए गये तीन नामों के पैनल में से की जाएगी :-
- (क) संबंधित राज्य के राज्यपाल का नामिती-अध्यक्ष
- (ख) संबंधित राज्य के सरकारी विश्वविद्यालयों से दो कुलपति बारी-बारी से
- (ग) संबंधित राज्य के निजी विश्वविद्यालयों से एक कुलपति बारी-बारी से
- (घ) संबंधित राज्य का सचिव (उच्चतर तकनीकी शिक्षा)-संयोजक
- (vi) केन्द्रीय तकनीकी विश्वविद्यालय में लोकपाल की नियुक्ति केन्द्रीय तकनीकी विश्वविद्यालय द्वारा अंशकालीन आधार पर, निम्नलिखित सदस्यों से बनी खोजबीन समिति द्वारा सुझाए गये तीन नामों के पैनल में से की जाएगी :-
- (क) अध्यक्ष, अभातशिप- अध्यक्ष
- (ख) केन्द्रीय तकनीकी विश्वविद्यालयों से एक कुलपति बारी-बारी से
- (ग) संयुक्त सचिव, उच्चतर तकनीकी शिक्षा, मानव संसाधन विकास मंत्रालय, भारत सरकार
- (घ) सदस्य सचिव, अभातशिप-संयोजक
- (vii) लोकपाल एक अंशकालिक अधिकारी होगा, जिसे कार्यभार ग्रहण की तिथि से तीन वर्ष अथवा 70 वर्ष की आयु तक, जो भी पहले हो, के लिए नियुक्त किया जाएगा तथा वह उसी विश्वविद्यालय में एक ओर समयावधि के लिए नियुक्त किया जा सकता है।
- (viii) लोकपाल को प्रत्येक सुनवाई के लिए वाहन व्यय के अतिरिक्त समेकित रूप से रू० 3000 से 5000 का शुल्क दिया जाएगा।
- (ix) लोकपाल को कदाचार अथवा दुर्व्यवहार के आरोपों के प्रमाणित होने पर संबंधित नियुक्ति प्राधिकरण द्वारा हटाया जा सकता है :

(x) परन्तु हटाने का कोई भी आदेश तब तक पारित नहीं किया जाएगा, जब तक लोकपाल को उसके विरुद्ध लगाए गए आरोपों की सूचना देकर तथा उसको सुनवाई का उचित अवसर देकर, ऐसे व्यक्ति द्वारा, जो कि उच्च न्यायालय के न्यायाधीश के रैंक से कम ना हो, इन आरोपों की जाँच न कर ली जाए।

2. तकनीकी संस्था के मामले में, संबद्धक विश्वविद्यालय के कुलपति द्वारा एक शिकायत निवारण समिति गठित की जाएगी, जिसमें संबंधित संस्था (ओं) की अवस्थिति (लोकेशन) को ध्यान में रखते हुए संबंधित तकनीकी संस्था से अथवा तकनीकी संस्थाओं के समूह से पाँच सदस्य होंगे।

4. लोकपाल (आम्बड्समैन) की शक्तियां एवं प्रकार्य :

(1) लोकपाल निम्न में से किन्ही भी शिकायतों को सुनने के लिए अपनी शक्तियों का प्रयोग करेगा :-

(i) किसी विद्यार्थी द्वारा उस संस्था में उपलब्ध सभी शिकायत निवारण उपायों को प्रयुक्त करने के पश्चात्, विद्यार्थी द्वारा विश्वविद्यालय अथवा उससे संबद्धता प्राप्त संस्था अथवा किसी संस्था, जैसा भी मामला हो, के विरुद्ध की गई शिकायत ; तथा

(ii) उस संस्था में विद्यार्थी के रूप में प्रवेश लेने हेतु कोई भी आवेदक।

(2) उत्तर पुस्तिकाओं के पुनर्मूल्यांकन अथवा पुनःअंकन के लिए दिये गये आवेदनों पर लोकपाल द्वारा तब तक विचार नहीं किया जाएगा, जब तक उनमें परिणामों को ठोस रूप से प्रभावित करने वाली कोई विशिष्ट अनियमितता अथवा भेदभाव बरते जाने संबंधी विशिष्ट कारण न हो।

(3) भेदभाव संबंधी शिकायतों की सौहार्दपूर्ण सुनवाई के लिए लोकपाल को यह अधिकार होगा कि वह भेदभाव संबंधी किसी शिकायत की सुनवाई के दौरान अनुसूचित जाति, अनुसूचित जनजाति, सामाजिक एवं आर्थिक पिछड़े वर्ग (एस.ई.बी.सी.), अल्पसंख्यक अथवा विकलांग श्रेणी से किसी व्यक्ति को अपनी सहायता के लिए अपने साथ रख सकता है।

5. शिकायत निवारण प्रक्रिया :

(1) प्रत्येक तकनीकी संस्था लोकपाल के निर्णयानुसार, संस्था के एक उपयुक्त पदासीन कर्मचारी के नेतृत्व में एक रजिस्ट्री स्थापित करेगी। जहाँ पर पीडित विद्यार्थी अथवा व्यक्ति अपनी शिकायत के निवारण हेतु आवेदन कर सकता है।

(2) स्थापित की गई इस रजिस्ट्री का पता सूचना पट्ट तथा विवरणिका सहित व्यापक तौर पर प्रचारित किया जाएगा तथा संस्था की वेबसाइट पर भी डाला जाएगा।

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- (3) रजिस्ट्री में आवेदन प्राप्त होने पर, इसका प्रभारी-कर्मचारी इसके बारे में लोकपाल को सूचित करेगा तथा सात दिन के अंदर इसका उत्तर देने हेतु इसकी प्रति तुरंत संस्था को उपलब्ध करवायेगा।
- (4) लोकपाल शिकायत की सुनवाई के लिए तारीख निश्चित करेगा, जिसकी सूचना पीड़ित व्यक्ति को तथा संस्थान को लिखित अथवा इलेक्ट्रॉनिक माध्यम से (जैसा भी संभव हो) दी जाएगी।
- (5) पीड़ित व्यक्ति अपना पक्ष रखने के लिए स्वयं उपस्थित हो सकता है अथवा अधिकृत किये गये प्रतिनिधि के माध्यम से अपना पक्ष रख सकता है।
- (6) लोकपाल नैसर्गिक न्याय के सिद्धान्तों के निदेशन अनुसार शिकायत की सुनवाई करेगा।
- (7) शिकायतों के शीघ्र निवारण हेतु लोकपाल प्रत्येक आवेदन की प्राप्ति के एक माह के अंदर इसका निपटारा करना सुनिश्चित करेगा।
- (8) तकनीकी संस्था से यह अपेक्षा की जाती है कि वह शिकायतों के निवारण हेतु लोकपाल के साथ सहयोग करेगी। यदि वे ऐसा नहीं करती हैं, तो इस बारे में लोकपाल द्वारा अभातशिप को सूचित किया जाएगा।
- (9) शिकायत के निवारण तथा प्रभावित पक्ष को आवश्यक राहत देने के लिए, लोकपाल अपनी कार्यवाही के निष्कर्ष के तौर पर, कारणों सहित उचित समझे जाने वाले आदेश पारित कर सकेगा।
- (10) खण्ड (9) के अन्तर्गत प्रत्येक आदेश, लोकपाल के हस्ताक्षर से पीड़ित व्यक्ति तथा संस्था को दिया जाएगा तथा ऐसे आदेश तकनीकी संस्था की वेबसाइट पर भी डाले जाएंगे।
- (11) तकनीकी संस्था के लिए यह अपेक्षित होगा कि वह लोकपाल के आदेशों का अनुपालन करे।
- (12) लोकपाल के ऐसे किसी आदेश का संस्था द्वारा अनुपालन न किये जाने पर, परिषद् द्वारा उपयुक्त समझी जाने वाली कार्रवाई हेतु, अभातशिप को सूचित किया जाएगा।
- (13) शिकायत पीड़ित विद्यार्थी, उसके माता-पिता अथवा लोकपाल की विशेष अनुमति प्राप्त करके किसी अन्य व्यक्ति द्वारा की जा सकती है।
- (14) झूठी/निराधार शिकायत के मामले में लोकपाल शिकायतकर्ता के विरुद्ध उपयुक्त कार्रवाई हेतु आदेश दे सकता है।
- (15) सिद्धान्तों एवं प्रक्रिया की उपरोक्त रूप रेखा, निम्नलिखित को छोड़कर, तकनीकी संस्थान में शिकायत निवारण समिति की कार्य प्रणाली पर लागू होगी :-
 - (क) एकमतता के अभाव में, शिकायत समिति बहुमत के आधार पर निर्णय ले सकती है;
 - (ख) शिकायत समिति शिकायत प्राप्त होने के दस दिन के भीतर अपना निर्णय सूचित करेगी।

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6. विश्वविद्यालय तथा संबंधित तकनीकी संस्था अपनी विवरणिका में शिकायत निवारण तंत्र के प्रावधानों, लोकपाल तथा विद्यार्थियों के अधिकारों और कर्तव्यों के विषय में प्रमुखता से विस्तृत जानकारी उपलब्ध करवाएगी।

7. अनुपालन न किये जाने के परिणाम :

परिषद् द्वारा ऐसी किसी भी तकनीकी संस्था के संबंध में निम्नलिखित में से कोई एक अथवा अधिक कार्रवाई शुरू की जा सकती है, जो जानबूझकर लोकपाल के आदेशों का अनुपालन नहीं करती अथवा अनुपालन करने में बार-बार असफल रहती है, यथा :

- (क) अखिल भारतीय तकनीकी शिक्षा परिषद् (तकनीकी संस्थाओं का अनुमोदन) विनियम, 2010 तथा परिषद् द्वारा इसमें समय-समय पर संशोधित अथवा परिवर्तित किए गए प्रावधानों के अधीन तकनीकी संस्था को प्रदान किए गए अनुमोदन की वापसी अथवा कोई अन्य कार्रवाई अथवा जुर्माना ;
- (ख) परिषद् द्वारा प्रदान की गई फिटनेस की घोषणा को वापस लेना अथवा अनुदान प्राप्त करने हेतु पात्रता अथवा परिषद् द्वारा दिए जाने वाली वित्तीय सहायता को वापस लेना ;
- (ग) तकनीकी संस्था को आबंटित किए गए किसी अनुदान को रोकना ;
- घ) परिषद् के वित्तीय सहायता प्रदान करने वाले किसी भी सामान्य अथवा विशिष्ट कार्यक्रमों हेतु विचार करने के लिए तकनीकी संस्था को अपात्र घोषित करना ;
- (ङ) प्रवेश के लिए संभावित विद्यार्थियों सहित जन साधारण को समाचार पत्रों में प्रमुख रूप से नोटिस प्रकाशित करके अथवा अन्य उपयुक्त संचार माध्यम से तथा परिषद् की वेबसाइट/वेबपोर्टल पर घोषणा करके यह सूचित करना कि तकनीकी संस्था के पास शिकायत निवारण हेतु न्यूनतम मानक उपलब्ध नहीं हैं ;
- (च) संबद्धता प्रदान करने वाले विश्वविद्यालय को संस्था की संबद्धता वापस लेने हेतु सिफारिश करना ;
- (छ) राज्य अधिनियम के अधीन स्थापित अथवा निगमित तकनीकी विश्वविद्यालय के मामले में संगत राज्य सरकार को उसके द्वारा प्रदान किए गए उक्त विश्वविद्यालय के दर्जे को वापस लेने की सिफारिश करना ;
- (ज) परिषद् को प्रदत्त शक्तियों के अंतर्गत, इन विनियमों के प्रावधानों के अनुपालनार्थ, परिषद् तकनीकी संस्था पर उपयुक्त समझी जाने वाली ऐसी ही अन्य कोई कार्रवाई कर सकती है तथा उस विशिष्ट समयावधि के दौरान अभातिशप अधिनियम में दिए गए प्रावधानों के अधीन ऐसे ही अन्य जुर्माने लगा सकती है :

परंतु संस्था को अपनी स्थिति स्पष्ट करने हेतु अनुरोध किये बिना तथा संस्था को सुनवाई का अवसर दिये बिना, अभातिशप द्वारा इस खंड के अंतर्गत कोई कार्रवाई नहीं की जाएगी।

8. ये विनियम, तकनीकी, चिकित्सा शिक्षा संस्थाओं एवं विश्वविद्यालयों में अनुचित कार्यों पर रोक लगाने हेतु अधिनियम के लागू होने पर उपलक्षित रूप में निरसित होंगे।

डॉ. के. पी. आईज़ैक, सदस्य सचिव

[विज्ञापन III/4/131/12/असा.]

XXI

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION**NOTIFICATION**

New Delhi, the 25th May, 2012

All India Council for Technical Education (Establishment of Mechanism for Grievance Redressal) Regulations, 2012

F.No. 37-3/Legal/2012.— In order to ensure transparency by Technical institutions imparting technical education, in admissions and with Paramount Objective of preventing unfair practices and to provide a mechanism to innocent students for redressal of their grievances, In exercise of the power conferred under Clause 1 of Section 23 of the All India Council for Technical Education, Act, 1987 (52 of 1987), the All India Council for Technical Education makes the following Regulations, namely :

1. SHORT TITLE, APPLICATION AND COMMENCEMENT :

- (1) These regulations may be called the All India Council for Technical Education (Establishment of Mechanism for Grievance Redressal) Regulations, 2012.
- (2) They shall apply to every Technical Institution recognized or approved by the All India Council for Technical Education under the All India Council for Technical Education Act, 1987.
- (3) They shall come into force from the date of its publication in the Official Gazette.

2. DEFINITION :

- (1) In these regulations unless the context otherwise requires -
 - a) "Act" means the All India Council for Technical Education Act, 1987;
 - b) 'Aggrieved student' means a student who has any complaint in the matters concerned with the grievances as defined under these regulations;
 - c) "College" means any institution, whether known as such or by any other name, which provides for a course of study for obtaining any qualification from a university and which, in accordance with the rules and regulations of such university, is recognized as competent to provide for such course of study and present students undergoing such course of study for the examination for the award of such qualification;
 - d) "Council" means the All India Council for Technical Education;
 - e) "Declared Admission Policy" means such policy for admission to a course or programme of study as may be approved or recognized by

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- the Council and offered by the institution and published in such manner as the council may specify;
- f) 'Grievances' may include the following complaints of the aggrieved students namely –
- (i) making admission contrary to merit determined in accordance with the declared admission policy of the institute;
 - (ii) irregularity in the admission process adopted by the institute;
 - (iii) refusing admission in accordance with the declared admission policy of the institute;
 - (iv) withhold or refuse to return any document in the form of certificates of degree, diploma or any other award or other document deposited with it by a person for the purpose of seeking admission in such institution, with a view to induce or compel such person to pay any fee or fees in respect of any course or programme of study which such person does not intend to pursue;
 - (v) demand of money in excess of that specified in the declared admission policy or approved by the competent authority to be charged by such institution;
 - (vi) breach of the policy for reservation in admission as may be applicable;
 - (vii) complaints of alleged discrimination by students from Scheduled Caste, Scheduled Tribes, OBC, women, minority or disabled categories;
 - (viii) non payment or delay in payment of scholarships to any students that such institution is committed, under the conditions imposed by AICTE, or by any other authority;
 - (ix) delay in conduct of examinations or declaration of results beyond that specified in the academic calendar;
 - (x) on provision of student amenities as may have been promised or required to be provided by the institution;
 - (xi) denial of quality education as promised at the time of admission or required to be provided;
 - (xii) non transparent or unfair evaluation practices;
 - (xiii) harassment and victimization of students including sexual harassment; and
 - (xiv) refund of fees on withdrawal of admissions as per AICTE instructions from time to time.
- g) 'Grievance Redressal Committee' means a Committee constituted under these Regulations;
- h) "institution" for the purposes of these Regulations, means, college or institution as the case may be;
- i) "Ombudsman" means such Ombudsman appointed under sub-clause (1) of clause (3) of these Regulations;

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- j) "Technical education" means programs of education as defined under section 2[g] of the All India Council for Technical Education, Act, 1987;
- k) "Technical Institution" means an Institution as defined under section 2[h] of the All India Council for Technical Education, Act, 1987;
- l) "University" means a university established or incorporated by or under a Central Act or State Act and includes an institution deemed to be university declared as such under section 3 of the UGC Act 1956.

3. APPOINTMENT, TENURE, REMOVAL AND CONDITIONS OF SERVICES UNDER REDRESSAL MECHANISM

- 1. i) Each Technical University shall appoint an Ombudsman for redressal of grievances of students under these regulations.
- ii) The Ombudsman shall be a person who has been a judge not below the rank of a District Judge or a Retired Professor who has at least 10 years experience.
- iii) The Ombudsman shall not, at the time of appointment, during one year before appointment, or in the course of his tenure as ombudsman, be in a conflict of interest with the university where his personal relationship, professional affiliation or financial interest may compromise or reasonably appear to compromise, the independence of judgement toward the university.
- iv) The Ombudsman, or any member of his immediate family shall not :
 - a) hold or have held at any point in the past, any post, employment in office of profit in the University,
 - b) have any significant relationship including personal, family, professional or financial, with the university,
 - c) hold any university position, called by whatever name, under the administration or governance structure of the university.
- v) The Ombudsman in a State Technical University shall be appointed by the University on a part time basis from a panel of three names suggested by the search committee consisting of the following members :
 - a) Nominee of the Governor of concerned State - Chairman
 - b) Two Vice Chancellors by rotation from Public Universities of the State concerned
 - c) One Vice Chancellor by rotation from Private Universities of the State concerned
 - d) Secretary (Higher Technical Education) of the State concerned- Convenor
- vi) The Ombudsman in a Central Technical University shall be appointed by the Central Technical University concerned on a part time basis

from a panel of three names suggested by the search committee consisting of the following members:

- a) Chairman AICTE - Chairman
 - b) One Vice Chancellor from Central Technical Universities by rotation
 - c) Joint Secretary Higher Technical Education, MHRD, Government of India
 - d) Member Secretary AICTE - Convenor
- vii) The Ombudsman shall be a part time officer appointed for a period of three years or till 70 years of age whichever is earlier from the date he resumes the office and may be reappointed for another one term in the same university.
- viii) Ombudsman shall be paid a consolidated fees of Rs. 3000 to 5000 per hearing, in addition to the conveyance
- ix) The Ombudsman may be removed on charges of proven misconduct or misbehavior by the concerned appointing authority:
- x) Provided that no order of removal shall be passed except after an inquiry made in this regard by a person not below the rank of High Court Judge in which such Ombudsman has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

2. In case of Technical Institution, the Vice Chancellor of the affiliating university shall constitute a grievance redressal committee consisting of five members for an individual Technical Institution or a group of Technical Institutions, keeping in view the location of the Technical Institution(s) concerned.

4. **POWERS AND FUNCTIONS OF OMBUDSMAN :**

- (1) The Ombudsman shall exercise its powers to hear any grievance -
 - (i) of any student against the university or institution affiliated to it or an institute, as the case may be, after the student has availed of remedies available in such institution for redressal of grievance; and
 - (ii) of any applicant for admission as student to such institution.
- (2) No application for revaluation or remarking of answer sheets shall be entertained by the Ombudsman unless specific irregularity materially affecting the outcome or specific instance of discrimination is indicated.
- (3) The Ombudsman shall have power to seek the assistance of any person belonging to the Scheduled Caste, Scheduled Tribe, Socially and economically backward classes (SEBC) minority or disabled category, as amicus curiae, for hearing complaints of alleged discrimination.

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5. PROCEDURE IN REDRESSAL OF GRIEVANCES :

- (1) Each Technical institution shall establish a registry, headed by an employee of the institute of appropriate rank as the Ombudsman may decide, where an aggrieved student or person may make an applicant seeking redressal of grievance.
- (2) The address of the registry so established shall be published widely including on the notice board and prospectus and placed on the website of the institution.
- (3) On receipt of an application by the registry, the employee-in-charge shall inform the Ombudsman and shall immediately provide a copy to the institution for furnishing its reply within seven days.
- (4) The Ombudsman shall fix a date for hearing the complaint which shall be communicated to the institute and the aggrieved person either in writing or electronically, as may be feasible.
- (5) An aggrieved person may appear either in person or represented by such person as may be authorized to present his case.
- (6) The Ombudsman shall be guided by principles of natural justice while hearing the grievance.
- (7) The Ombudsman shall ensure disposal of every application within one month of receipt for speedy redress of grievance.
- (8) The Technical institution shall be expected to co-operate with the Ombudsman in redress of grievances and failure to do so may be reported by the Ombudsman to AICTE.
- (9) On the conclusion of proceedings, the Ombudsman shall pass such order, with reasons for such order, as may be deemed fit to redress the grievance and provide such relief as may be desirable to the affected party at issue.
- (10) Every order under clause (9), under the signature of the Ombudsman, shall be provided to the aggrieved person and the institution and shall be placed on the website of the Technical institution.
- (11) The Technical institution shall comply with the order of the Ombudsman.
- (12) Any order of the Ombudsman not complied with by the institution shall be reported to the AICTE for appropriate action as deemed fit by the Council.
- (13) A complaint shall be filed by the aggrieved student, his / her parent or with a special permission from the ombudsman, by any other person.
- (14) In case of any false/frivolous complaint, the ombudsman may order appropriate action against the complainant.
- (15) The principles and procedures outlined above shall apply to the working of the Grievance Redressal Committee in the Technical Institute except
 - (a) in case of lack of unanimity, the Grievance Committee shall take decisions by majority;
 - (b) the Grievance Committee shall communicate its decisions within ten days of receipt of complaint.

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6. The University and the Technical Institution concerned shall provide detailed information regarding provisions of grievance redressal mechanism, ombudsman and the duties and rights of students in their prospectus prominently.

7. CONSEQUENCES OF NON-COMPLIANCE :

The Council shall in respect of any Technical Institution that willfully contravenes or repeatedly fails to comply with orders of the Ombudsman, may proceed to take one or more of the following actions, namely;

- (a) Withdraw the approval granted to the Technical Institution or any other action or penalty as provided under the All India Council for Technical Education (Grant of Approvals for Technical Institutions) Regulation, 2010 as modified or amended by the Council from time to time;
- (b) withdrawal of declaration of fitness or entitlement to receive grants or financial assistance from the Council;
- (c) withholding any grant allocated to the Technical institution;
- (d) declaring the Technical institution ineligible for consideration for any assistance under any of the general or special assistance programmes of the Council;
- (e) informing the general public, including potential candidates for admission, through a notice displayed prominently in the newspapers or other suitable media and posted on the website/web portal of the Council, declaring that the Technical Institution does not possess the minimum standards for redressal of grievances;
- (f) recommend to the affiliating university for withdrawal of affiliation;
- (g) recommend to the appropriate State Government for withdrawal of status as university in case of a Technical university established or incorporated under a State Act;
- (h) taking such other action within its powers as the Council may deem fit and impose such other penalties as may be provided in the Act for such duration of time as the Technical institution complies with the provisions of these Regulations :

Provided that no action shall be taken by AICTE under this clause unless the technical institution has been asked to explain its position and opportunity of being heard has been provided to it.

8. These regulations shall stand impliedly repealed on coming into force of the Prohibition of Unfair Practices in Technical, Medical Educational Institutions and Universities Act.

Dr. K. P. ISAAC, Member Secy.

[ADVT. Iii/4/131/12/Exty.]

भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नई दिल्ली, सोमवार, दिसम्बर 9, 2013/अग्राहायण 18, 1935

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NEW DELHI, MONDAY, DECEMBER 9, 2013/AGRAHAYANA 18, 1935

महिला एवं बाल विकास मंत्रालय

अधिसूचना

नई दिल्ली, 9 दिसम्बर, 2013

का.आ. 3606(अ).—केंद्रीय सरकार, महिलाओं का कार्यस्थल पर लैंगिक उत्पीड़न (निवारण, प्रतिषेध और प्रतिकार) अधिनियम, 2013 (2013 का सं. 14) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 9 दिसम्बर, 2013 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के उपबंध प्रवृत्त होंगे।

[फा.सं. 19-5/2013-डब्ल्यूडब्ल्यू]

डा. श्रीरंजन, संयुक्त सचिव

MINISTRY OF WOMEN AND CHILD DEVELOPMENT

NOTIFICATION

New Delhi, the 9th December, 2013

S.O. 3606(E).—In exercise of the powers conferred by sub-section (3) of Section 1 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), the Central Government hereby appoints the 9th day of December, 2013 as the date on which the provisions of the said Act shall come into force.

[F. No. 19-5/2013-WW]

Dr. SHREERANJAN, Jt. Secy.



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.

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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;

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(v) 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.

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(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.

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(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:

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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.

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

45 of 1860

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

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- (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.

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(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;

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(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,

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(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;

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- (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)".

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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".

**THE SCHEDULED CASTES AND THE SCHEDULED TRIBES
(PREVENTION OF ATROCITIES) ACT, 1989**

No. 33 OF 1989

[11th September, 1989.]

An Act to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as Follows :-

CHAPTER I
PRELIMINARY

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(2) It extends to the whole of India except the State of Jammu & Kashmir.

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

Definitions.

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

(a) "atrocities" means an offence punishable under section 3;

(b) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974);

(c) "Scheduled Castes and Scheduled Tribes" shall have the meanings assigned to them respectively under clause (24) and clause (25) of article 366 of the Constitution;

(d) "Special Court" means a Court of Session specified as a Special Court in section 14;

(e) "Special Public Prosecutor" means a Public Prosecutor specified as a Special Public Prosecutor or an advocate referred to in section 15;

(f) words and expressions used but not defined in this Act and defined in the Code or the Indian Penal Code (45 of 1860) shall have the meanings assigned to them respectively in the Code, or as the case may be, in the Indian Penal Code.

(2) Any reference in this Act to any enactment or any provision thereof shall in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER II
OFFENCES OF ATROCITIES

Punishment
for offences of
atrocities.

3. (1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,-

(i) forces a member of a Scheduled Caste or a Scheduled Tribe to drink or eat any inedible or obnoxious substance;

(ii) acts with intent to cause injury, insult or annoyance to any member of a Scheduled Caste, or a Scheduled Tribe by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighbourhood;

(iii) forcibly removes clothes from the person of a member of a Scheduled Caste or a Scheduled Tribe or parades him naked or with painted face or body or commits any similar act which is derogatory to human dignity;

(iv) wrongfully occupies or cultivates any land owned by, or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe or gets the land allotted to him transferred;

(v) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water;

(vi) compels or entices a member of a Scheduled Caste or a Scheduled Tribe to do 'begar' or other similar forms of forced or bonded labour other than any compulsory service for public purposes imposed by Government;

(vii) forces or intimidates a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote to a particular candidate or to vote in a manner other than that provided by law;

(viii) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe.

(ix) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;

(x) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(xi) assaults or uses force to any woman belonging to a Scheduled Caste or a Scheduled Tribe with intent to dishonour or outrage her modesty;

(xii) being in a position to dominate the will of a woman belonging to a Scheduled Caste or a Scheduled Tribe and uses that position to exploit her sexually to which she would not have otherwise agreed;

(xiii) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or a Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;

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(xiv) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any section thereof have a right to use or access to;

(xv) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

(2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,-

(i) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine; and if an innocent member of a Scheduled Caste or a Scheduled Tribe be convicted and executed in consequence of such false or fabricated evidence, the person who gives or fabricates such false evidence, shall be punished with death;

(ii) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is not capital but punishable with imprisonment for a term of seven years or upwards, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years or upwards and with fine;

(iii) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property belonging to a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;

(iv) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause destruction of any building which is ordinarily used as a place of worship or as a place for human dwelling or as a place for custody of the property by a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for life and with fine;

(v) commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine;

(vi) knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that

offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with the punishment provided for that offence; or

(vii) being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

Punishment for neglect of duties.

4. Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

Enhanced punishment for subsequent conviction.

5. Whoever, having already been convicted of an offence under this Chapter is convicted for the second offence or any offence subsequent to the second offence, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

Application of certain provisions of the Indian Penal Code.

6. Subject to the other provisions of this Act, the provisions of section 34, Chapter III, Chapter IV, Chapter V, Chapter VA, Section 149 and Chapter XXIII of the Indian Penal Code (45 of 1860), shall, so far as may be, apply for the purposes of this Act as they apply for the purposes of the Indian Penal Code.

Forfeiture of property of certain persons.

7. (1) Where a person has been convicted of any offence punishable under this Chapter, the Special Court may, in addition to awarding any punishment, by order in writing, declare that any property, movable or immovable or both, belonging to the person, which has been used for the commission of that offence, shall stand forfeited to Government.

(2) Where any person is accused of any offence under this Chapter, it shall be open to the Special Court trying him to pass an order that all or any of the properties, movable or immovable or both, belonging to him, shall, during the period of such trial, be attached, and where such trial ends in conviction, the property so attached shall be liable to forfeiture to the extent it is required for the purpose of realisation of any fine imposed under this Chapter.

Presumption as to offences.

8. In a prosecution for an offence under this Chapter, if it is proved that -

(a) the accused rendered any financial assistance to a person accused of, or reasonably suspected of committing, an offence under this Chapter, the Special Court shall presume, unless the contrary is proved, that such person had abetted the offence;

(b) a group of persons committed an offence under this Chapter and if it is proved that the offence committed was a sequel to any existing dispute regarding land or any other matter, it shall be presumed that the offence was committed in furtherance of the common intention or in prosecution of the common object.

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Conferment powers.

9. (1) Notwithstanding anything contained in the Code or in any other provision of this Act, the State Government may, if it consider it necessary or expedient so to do, -

(a) for the prevention of and for coping with any offence under this Act, or

(b) for any case or class or group of cases under this Act,

in any district or part thereof, confer, by notification in the Official Gazette, on any officer of the State Government, the powers exercisable by a police officer under the Code in such district or part thereof or, as the case may be, for such case or class or group of cases, and in particular, the powers of arrest, investigation and prosecution of persons before any Special Court.

(2) All officer of police and all other officers of Government shall assist the officer referred to in sub-section (1) in the execution of the provisions of this Act or any rule, scheme or order made thereunder.

(3) The provisions of the Code shall, so far as may be, apply to the exercise of the powers by an officer under sub-section (1).

CHAPTER III

EXTERNMENT

Removal of person likely to commit offence.

10. (1) Where the Special Court is satisfied, upon a complaint, or a police report that a person is likely to commit an offence under Chapter II of this Act in any area included in 'Scheduled Areas' or 'tribal areas', as referred to in article 244 of the Constitution, it may, by order in writing, direct such person to remove himself beyond the limits of such area, by such route and within such time as may be specified in the order, and not to return to that area from which he was directed to remove himself for such period, not exceeding two years, as may be specified in the order.

(2) The Special Court shall, along with the order under sub-section (1) communicate to the person directed under that sub-section the grounds on which such order has been made.

(3) The Special Court may revoke or modify the order made under sub-section (1), for the reasons to be recorded in writing, on the representation made by the person against whom such order has been made or by any other person on his behalf within thirty days from the date of the order.

Procedure on failure of person to remove himself from area and enter thereon after removal.

11. (1) If a person to whom a direction has been issued under section 10 to remove himself from any area-

(a) fails to remove himself as directed; or

(b) having so removed himself enters such area within the period specified in the order,

otherwise than with the permission in writing of the Special Court under sub-section (2), the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.

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(2) The Special Court may, by order in writing, permit any person in respect of whom an order under section 10 has been made, to return to the area from which he was directed to remove himself for such temporary period and subject to such conditions as may be specified in such order and may require him to execute a bond with or without surety for the due observation of the conditions imposed.

(3) The Special Court may at any time revoke any such permission.

(4) Any person who, with such permission, returns to the area from which he was directed to remove himself shall observe the conditions imposed, and at the expiry of the temporary period for which he was permitted to return, or on the revocation of such permission before the expiry of such temporary period, shall remove himself outside such area and shall not return thereto within the unexpired portion specified under section 10 without a fresh permission.

(5) If a person fails to observe any of the conditions imposed or to remove himself accordingly or having so removed himself enters or returns to such area without fresh permission the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.

Taking measurements and photographs, etc., of persons against whom order under section 10 is made.

12. (1) Every person against whom an order has been made under section 10 shall, if so required by the Special Court, allow his measurements and photographs to be taken by a police officer.

(2) If any person referred to in sub-section (1), when required to allow his measurements or photographs to be taken resists or refuses to allow his taking of such measurements or photographs, it shall be lawful to use all necessary means to secure the taking thereof.

(3) Resistance to or refusal to allow the taking of measurements or photographs under sub-section (2) shall be deemed to be an offence under section 186 of the Indian Penal Code (45 of 1860).

(4) Where an order under section 10 is revoked, all measurements and photographs (including negatives) taken under sub-section (2) shall be destroyed or made over to the person against whom such order is made.

Penalty for non compliance of order under section 10.

13. Any person contravening an order of the Special Court made under section 10 shall be punishable with imprisonment for a term which may extend to one year and with fine.

CHAPTER IV SPECIAL COURTS

Special Court.

14. For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for each district a Court of Session to be a Special Court to try the offences under this Act.

XLVII

Special
Public Pro-
secutor.

15. For every Special Court, the State Government shall, by notification in the Official Gazette, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

CHAPTER V

MISCELLANEOUS

Power of
State Govern-
ment to impose
collective fine.

16. The provisions of section 10A of the Protection of Civil Rights Act, 1955 (22 of 1955) shall, so far as may be, apply for the purposes of imposition and realisation of collective fine and for all other matters connected therewith under this Act.

Preventive
action to be
taken by
the law and
order machi-
nery.

17. (1) A District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate or any police officer not below the rank of a Deputy Superintendent of Police may, on receiving information and after such inquiry as he may think necessary, has reason to believe that a person or a group of persons not belonging to the Scheduled Castes or the Scheduled Tribes, residing in or frequenting any place within the local limits of his jurisdiction is likely to commit an offence or has threatened to commit any offence under this Act and is of the opinion that there is sufficient ground for proceeding, declare such an area to be an area prone to atrocities and take necessary action for keeping the peace and good behaviour and maintenance of public order and tranquility and may take preventive action.

(2) The provisions of Chapters VIII, X and XI of the Code shall, so far as may be, apply for the purposes of sub-section (1).

(3) The State Government may, by notification in the Official Gazette, make one or more schemes specifying the manner in which the officers referred to in sub-section (1) shall take appropriate action specified in such scheme or schemes to prevent atrocities and to restore the feeling of security amongst the members of the Scheduled Castes and the Scheduled Tribes.

Section 438
of the code
not to apply to
persons
committing
an offence
under the Act.

18. Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act.

Section 360
of the Code
or the Provi-
sions of the
Probation of
Offenders Act
not to apply to
persons guilty
of an offence
under the Act.

19. The provisions of section 360 of the Code and the provisions of the Probation of Offenders Act, 1958 (20 of 1958) shall not apply to any person above the age of eighteen years who is found guilty of having committed an offence under this Act.

Act to override other laws.

20. Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.

Duty of Government to ensure effective implementation of the Act.

21. (1) Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for the effective implementation of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such measures may include,-

(i) the provision for adequate facilities, including legal aid to the persons subjected to atrocities to enable them to avail themselves of justice;

(ii) the provision for travelling and maintenance expenses to witnesses, including the victims of atrocities, during investigation and trial of offences under this Act;

(iii) the provision for the economic and social rehabilitation of the victims of the atrocities;

(iv) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act;

(v) the setting up of committees at such appropriate levels as the State Government may think fit to assist that Government in formulation or implementation of such measures;

(vi) provision for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provision of this Act;

(vii) the identification of the areas where the members of the Scheduled Castes and the Scheduled Tribes are likely to be subjected to atrocities and adoption of such measures so as to ensure safety for such members.

(3) The Central Government shall take such steps as may be necessary to co-ordinate the measures taken by the State Governments under sub-section (1)

(4) The Central Government shall, every year, place on the table of each House of Parliament a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.

Protection of action taken in good faith.

22. No suit, prosecution or other legal proceedings shall lie against the Central Government or against the State Government or any officer or authority of Government or any other person for anything which is in good faith done or intended to be done under this Act.

XLIX

Power to
make rules.

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

(2) Every rule made 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.

V. S. RAMA DEVI,
Secy. to the Govt. of India.

(L)

Annexure 5
**K. K. WAGH INSTITUTE OF ENGINEERING EDUCATION &
RESEARCH, NASHIK**
Internal Complaint Committee for Women Grievance Application Form

Date –

Name of Applicant: -----

Branch:

Class:

Div.:

Complaint Description -----

Signature

Note: Grievance form and details are available on college website.

engg.kkwagh.edu.in

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Annexure 6

K. K. WAGH INSTITUTE OF ENGINEERING EDUCATION &
RESEARCH, NASHIK

SC/ST Grievance Redressal Committee
Grievance Application Form

Complaint No: -----

Date: / /

Name of Applicant: -----

Branch:

Class:

Div.:

Complaint Description

Signature & Name of student with date:

[Pl. submit copy of grievance application form to liaison officer of SC/ST
grievance redressal committee]

Root Cause:

Concerned Department:

Signature & Name of committee members

Action Taken Against Grievances

Complaint No:

A) Action Taken:

Date: / /

Signature & Name of Authority of concerned department:

B) Current Status:

Date: / /

Signature & Name of Authority of concerned department:

C) Referred To Higher Authorities:

Date: / /

Signatures: -----

LIII