



# WOMEN'S CELL, PDPU



## POLICY AND GUIDELINES FOR PREVENTION OF SEXUAL HARASSMENT AT THE WORK PLACE

### 1) PREAMBLE

Pursuant to the Directives of 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 ("Act"), notified by the Ministry of Law and Justice which has come into effect from 23 April 2013, Women's Cell established under the aegis of Director General, Pandit Deendayal Petroleum University, Gandhinagar to uphold the dignity of women at work.

The Sexual Harassment Act has been enacted with the objective of providing women protection against sexual harassment at the workplace and for the prevention and redressal of complaints of sexual harassment.

The Act shall aim to provide an environment which is free from sexual harassment and a methodical redressal forum for the victim..

“Sexual harassment is considered as a violation of the fundamental right of a woman to equality as guaranteed under Articles 14 and 15 of the Constitution of India (“Constitution”) and her right to life and to live with dignity as per 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.”

The University shall endeavor to provide safe environment for staff and students free from gender discrimination and sexual harassment of all forms of sexual intimidation and exploitation. The University shall make its staff and students aware about the proper conduct to be followed at the campus and the penal actions for its implications. All complaints will be thoroughly investigated and appropriate action will be taken promptly as per the guidelines.

### 2) MEMBERS OF WOMEN'S CELL PDPU

The university shall constitute the Women's Cell having a convener, counselor and members from both teaching and non-teaching staff. The convener shall be nominated by the Director General of PDPU, the Counselor will be appointed by the University. The director of each school will nominate two members from Women teaching and non-teaching staff as members of Women's Cell. The external members shall be nominated by PDPU Women's Cell. The student members (girls) shall be nominated by the members of PDPU Women's Cell of respective schools. In addition, not more than four students (males) shall be nominated by the Dean of Students, in consultation with respective Directors of Schools.

#### Composition of Women's Cell

Members	Nomination
Convener	To be nominated by the Director General
Two women employees from School of Petroleum Management	To be nominated by the Director of SPM
Two women employees from School of Petroleum Technology	To be nominated by the Director of SPT
Two women employees from School of Liberal Studies	To be nominated by the Director of SLS
Two women employees from School of Technology	To be nominated by the Director of SOT
Two women employees from School of Solar Energy	To be nominated by the Director of SSE
Counselor	Ex-Officio
External Member (woman)	To be nominated by Director General

In addition to the above, the Director General shall nominate five enlightened male members from the University

#### Composition of Student Volunteers

Student Members	Nomination
Two girls students from School of Petroleum Management	To be nominated by the members of PDPU Women's Cell from respective schools.
Two girls students from School of Petroleum Technology	
Two girls students from School of Liberal Studies	
Two girls students from School of Technology	
Two girls students from School of Solar Energy	

Two girls students from School of Petroleum Technology	
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### **3) INTERNAL COMPLAINT COMMITTEE**

1. The Internal Complaint Committee shall be constituted by the Women's Cell from among its members, as under.
  - a. Convener, Women Cell, shall be the Presiding Officer
  - b. Two members of Women Cell, from two different schools.
  - c. One member from Non-Governmental Organizations or Associations committed to the cause of women or a person familiar with the issues relating to sexual harassment co-opted by the Women Cell.
2. Members including Presiding Officer of Internal Complaint Committee shall hold office for three years, from the date of their nomination as may be specified by the University Authorities.

### **4) OBJECTIVES OF WOMEN'S CELL**

1. To create awareness amongst students about the problems faced by women of all strata due to gender issues.
2. To create an environment of gender justice where men and women work together with a sense of personal security and dignity.
3. To create awareness amongst students about the issues related to the youth, girls in particular.
4. To disseminate knowledge about rights and laws related to women.
5. To create a sense of responsibility in the students and have healthy study and work culture in all schools of the University.
6. To enhance the self- esteem and self- confidence of girl students, women faculty and staff in the University.
7. To provide opportunities to girl students and women employees to participate in and interact at conferences etc. related to gender issue.

## **RULES AND REGULATIONS**

### **5) SHORT TITLE, EXTENT AND APPLICATION**

These Rules and Regulations of the Women's Cell of Pandit Deendayal Petroleum University will be called as the **Rules and Regulations of Women's Cell, PDPU.**

The rules and regulations of Women's Cell PDPU are formed based on the provision made under 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 ("Act"), The 'Rules and Regulations' shall be applicable to all complaints of sexual or gender based harassment made by or against an "employee/ student" who may as in case of the education institution be "academic staff" or "non- teaching Staff"; and may be "student" as defined.

The scope of the Act shall be applicable not only to the event of harassment in the premises of the University or the hostel but shall also be applicable to the events occurring outside the University and hostel premises provided that aggrieved person belongs to the below list.

On receiving written complaint by PDPU Women's Cell, the Internal Complaint Committee shall address it immediately and undertake the inquiry as prescribed in the Act.

## 6) DEFINITIONS

- I. "**Academic staff**" includes an 'employee' (as per above definition VI) of the University who is appointed to a teaching and/or research post, whether full-time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation, and shall include employees employed on a casual or project basis
- II. "**Act**" means 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.
- III. "**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;
- IV. "**Campus**" includes all places of work and residence in the campus of Pandit Deendayal Petroleum University. It includes all places of instruction, research and administration, as well as Hostels, Canteen, Offices, Cafeteria, Playground, Transportation, Educational or Training Trips, Seminars and Conferences or University related Social Work, Public Places and Places of Residence allotted and administered by Pandit Deendayal Petroleum University, etc.
- V. "**Counselor**" includes any woman employee, appointed by the University as Woman Counselor in the Women Cell.
- VI. "**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;
- VII. "**Employer**" means-  
Director General, Registrar, Directors, Deans of PDPU, including In-Charge Officer.

- VIII. **"Internal Committee"** means an Internal Complaints Committee constituted under section 4 of the Act
- IX. **"Non-teaching staff"** includes any employee (as per above definition VI) on the staff of the University who is not appointed to a teaching and/or research post, whether full-time, temporary, ad-hoc, part-time, daily wager, honorary or on special duty or deputation, and shall include employees employed on a casual or project basis, as also persons employed through a contractor.
- X. **"Outsider"** includes any person who is not a student, resident, or member of the academic or non-teaching staff of Pandit Deendayal Petroleum University. It shall also include any person who is a student, employee, service provider, or resident of any institution that has its relation with the Pandit Deendayal Petroleum University.
- XI. **"Presiding Officer"** means the Presiding Officer of the Internal Complaints Committee nominated under sub-section (2) of section 4 of the Act
- XII. **"Respondent"** means a person against whom the aggrieved woman has made a complaint under section 9 of the Act
- XIII. **"Resident"** includes any person who is a temporary or permanent resident of any of the accommodations or premises managed and/or allotted by the University, irrespective of whether he/she is the person to whom the accommodation is officially allotted.
- XIV. **"Service provider"** includes any person who runs or manages commercial enterprises, or provides services, on the campus. It includes, but is not limited to, persons working in canteens, hostels of the campus, as well as persons working in premises allotted on the campus, such as the electrician, the computer service provider, the courier service man and any other such similar services.
- XV. **"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  
(ii) a demand or request for sexual favours  
(iii) making sexually coloured remarks  
(iv) showing pornography in any form  
(v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
- XVI. **"Student"** includes any person who is enrolled for any course with Pandit Deendayal Petroleum University and includes an undergraduate or postgraduate student, a Research Scholar, a visitor, and a repeater. It also includes a student of another University or college who has been placed or has opted for internship with the University short-term courses at the University.
- XVII. **"University"** in this guideline would mean Pandit Deendayal Petroleum University (PDPU). The education institutions are covered under the section (ii) of the "Workplace" defined by the "Act"
- XVIII. **"University Authorities"** shall refer to the Director General, Registrar, Directors, Deans of PDPU, including In-Charge Officer if any.
- XIX. **"workplace"** includes-  
Any unit of PDPU where students/ employees normally function.

## 7) PRINCIPLES OF THE WOMEN'S CELL, PDPU

- Confidentiality of all matters discussed by the Cell
- Impartiality, Independence and Fairness
- No opinion expressed about any Women's Cell related matter / person functions outside the Committee.
- Encouragement of gender tolerant atmosphere
- Availability and approachability at all times
- Maintenance of Proper conduct by the members at all times
- The functions of the Women's Cell shall be carried on in relation to principles of Justice, Equity and Good conscience.
- Members shall guard against false, frivolous or vague allegations/complaints as these may jeopardize the credibility of the Committee and tarnish the image of alleged respondents.

## **8) FUNCTIONS**

As per the provisions of the "Act" under section (19) : The University authorities, as provider and facilitator, shall enable The Women's Cell PDPU to undertake the following

1. Assure the safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
2. Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting the Internal Complaint Committee.
3. Organize workshops and awareness programmes at regular intervals for sensitizing the employees and students with the provisions of the Act and orientation programmes for the members of the Internal Complaint Committee in the manner as may be prescribed.
4. Provide necessary facilities to the Internal Complaint Committee for dealing with complaint and conducting an inquiry.
5. Assist in securing the attendance of respondent and witnesses before the Internal Complaint Committee.
6. Make available such information to the Internal Complaint Committee as it may require having regard to the complaint made.
7. Provide assistance to aggrieved 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.
8. 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.
9. Treat sexual harassment as misconduct under the service rules and initiate action for such misconduct.
10. Monitor the timely submission of reports by the Internal Complaint Committee.

## **FORMAL INQUIRY AND REDRESSAL OF GRIEVANCES**

## **9) Complaint of sexual harassment**

The Internal Complaint Complain Committee (ICC) formed by Women's Cell shall be responsible for the formal Redressal of complaints of sexual harassment. It shall receive complaints, conduct inquiries and recommend disciplinary action, if any, in accordance with the provisions of the "Act".

Any written complaint of sexual harassment by the aggrieved women shall be submitted directly to the Internal Complaint Committee formed by Women's Cell of PDPU

Any aggrieved woman may make, in writing, a complaint of sexual harassment to the ICC 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

## **10) Conciliation**

1. The Internal Complaint Committee may, before initiating an inquiry under section 11 of the "Act" and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation: provided that no monetary settlement shall be made as a basis of conciliation.
2. Where a settlement has been arrived at, the Internal Complaint Committee shall record the settlement so arrived and forward the same to the University Authorities.
3. The Internal Complaint Committee shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.
4. Where a settlement is arrived at, no further inquiry shall be conducted by the Internal Complaint Committee.

## **11) Inquiry into complaint**

1. Subject to the provisions of section 10 of the "Act" the Internal Complaint Committee shall, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent

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

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

2. For the purpose of making an inquiry , the Internal Complaint Committee 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.

3. The inquiry shall be completed within a period of ninety days of lodging a complaint.

## **12) Action during the period of pending of inquiry**

1. While inquiry is pending, on a written request made by the aggrieved woman, the Internal Complaint Committee may recommend to the University authorities to-
  - a. Transfer the aggrieved woman or the respondent to any other workplace in case of employee; or
  - b. Grant special leave to the aggrieved woman employee; or
  - c. Grant such other relief to the aggrieved woman as may be prescribed.
2. The leave granted to the aggrieved woman employee under this section shall be in addition to the leave she would be otherwise entitled.
3. On the recommendation of the Internal Complaint Committee 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 Complaint Committee.

## **13) Inquiry report**

1. On the completion of an inquiry under the “Act”, the Internal Complaint Committee shall provide a report of its findings to the University Authorities 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 Complaint Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the University Authorities that no action is required to be taken in the matter. It shall also recommend how complainant has to be admonished/punished in case of intentional wrong complaint.

### **Punishment for false or malicious complaint and false evidence:**

- a. Where the Internal Complaint Committee 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 University Authorities 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 of the Act as the



case may be, in accordance with the provisions of the service rules applicable to her or him or 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.

- b. Where the Internal Complaint Committee 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 to take action in accordance with the provisions of the service rules applicable to the said witness or in such manner as may be prescribed.
3. Where the Internal Complaint Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer-
    - a. To take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or as may be prescribed; and/or
    - b. 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 of the Act:
    - c. Provided that in case the University Authority 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:
  4. The employer shall act upon the recommendation within sixty days of its receipt by him.

**14) Prohibition of publication or making known contents of complaint and inquiry proceedings:**

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 Complaint Committee and the action taken by the University Authorities under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner

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

**15) Penalty for publication or making known contents of complaint and inquiry proceedings:**

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Act, contravenes the provisions of section 16 of the Act (Prohibition of publication or making known contents of complaint and inquiry proceedings), he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or as may be prescribed.

**Miscellaneous**

**16) Committee to submit annual report:**

The Internal Complaint Committee 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.

**17) University to include information in annual report:**

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

**NOTE: ON THE ISSUES/MATTERS NOT INCLUDED IN THE POLICY HERE, THE SPIRIT AND PROCEEDURE OF THE “ACT” SHALL PREVAIL.**