



Dharmashastra National Law University, Jabalpur

(Established by the Madhya Pradesh Dharmashastra National Law University Act No. 2018)

BRBRAITT Campus, South Civil Lines, Ridge Road, Jabalpur (M.P.) 482 001, info@mpdnl.u.ac.in, 0761-2600070

No.: DNLU/VCO/221/2022-23

Jabalpur, dated: 13th August 2022

OFFICE ORDER

Internal Complaint Committee (ICC) is hereby constituted to deal with the **Sexual Harassment** issues in the University, whether it involves students, staff or outsiders. The composition of the committee will be as follows:

- | | |
|--|-------------------|
| 1. Ms. Swati Singh Parmar
Assistant Professor | Presiding Officer |
| 2. Ms. Shruti Nandwana
Assistant Professor | Member |
| 3. Ms. Shruti Tiwari
Placement officer | Member |
| 4. Mr. Shashank Pathak
Assistant Professor | Member |
| 5. Dr. Alpana Chawla
Doctor | Member |

Any complaint relating to Sexual Harassment at the University may be written to the Presiding Officer or any Member of the Committee to deal with the matter appropriately.


Prof. (Dr.) V. Nagaraj
Vice Chancellor

Copy to:

1. Registrar (I/c)
2. Dean
3. All the members of the Committee
4. Guard File



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POLICY ON **PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT** **WORKPLACE**

1. OBJECTIVE

To create an environment where safety and dignity of women is ensured and they are protected from Sexual Harassment as envisaged by Supreme Court of India Guidelines on Prevention of Sexual Harassment, August 1997, “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.” read with University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015.

2. SCOPE

The Policy intends to ensure that no woman is subjected to sexual harassment and it is applicable to all students and employees of Dharmashastra National Law University, Jabalpur (DNLU) and its fraternity.

- (a) “Employee” as referred to in this Policy covers all employees of DNLU, whether permanent or temporary, Contractual, Adhoc, probationary or part-time or working as a consultant or on a voluntary basis or engaged through a contractor or agent, including employees at Centres.
- (b) “Student” as referred to in this Policy refers to all the students enrolled in the University rolls of the University.
- (c) Where Sexual Harassment occurs against any female Employee as a result of an act by a third party or outsider while on official duty, DNLU will take all necessary and reasonable steps as per the applicable rules and regulations, to initiate action at the workplace of the third party or outsider. This Policy shall be applicable to any allegation of Sexual Harassment at DNLU premises including any place visited by an Employee arising out of or during the course of employment and/or transportation provided by DNLU (“Workplace”).

3. DEFINITIONS

- a. “Act” means “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and any amendment thereto.
- b. “Aggrieved Woman” means any female student of DNLU or any woman who alleges to have been subjected to any act of Sexual Harassment at the Workplace.
- c. ‘Complainant’ shall mean any person alleging an incident of sexual harassment, or on whose behalf such complaint has been filed.
- d. ‘DNLU’ refers to Dharmashastra National Law University Jabalpur.
- e. ‘DNLU campus’ shall be deemed to include the premises of the University.
- f. ‘DNLU community’ shall include students, faculty, staff of the University.
- g. “Internal Complaints Committee” means a committee by that name, constituted by the University as per the provisions of the Act.



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- h. “Respondent” means the person against whom the allegation of Sexual Harassment has been made by the Aggrieved Woman.
- i. ‘Third party’ refers to any person who is not part of the DNLU community.
- j. “Sexual harassment” means as defined Section 2 (n) under the “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013”. It means and includes any unwelcome conduct, verbal, physical, textual, electronic, visual or graphic actor threat of a sexual nature, and shall include
 - a) any physical contact or advance;
 - b) any advances, demands or requests for sexual favour;
 - c) sexually coloured communication that is targeted at a particular person and leads to humiliation or harassment;
 - d) sexually explicit content or gestures;
 - e) showing pornography;
 - f) any single or repeated sexually determined behaviour or conduct that creates intimidating or a hostile work environment

4. INTERNAL COMPLAINTS COMMITTEE:

4.1. CONSTITUTION OF THE ICC

Every employer of a workplace shall constitute by an order in writing, a Committee to be known as the Internal Complaints Committee (ICC) as per Section 4(1) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act 2013.

4.2. MEMBERS OF ICC

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

- 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;
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.

Provided that if the matter involves students, three students who shall be enrolled at the Under graduate, Post Graduate and Research Scholar levels respectively selected by the



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Vice Chancellor from the panel submitted by the ICC.

4.3. TENURE OF THE MEMBERS

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

5. WHO CAN FILE THE COMPLAINT

Any woman either a member of DNLU community or visitor to DNLU may make a complaint of sexual harassment at the workplace to the ICC. (Refer to Annexure –A)

Provided that if the complainant is unable to submit the complaint in writing by himself or herself, the ICC may allow any other person to file a complaint on her behalf if it considers it reasonable and appropriate.

6. FILING OF THE COMPLAINT BEFORE ICC

- a. The complainant shall file a complaint in writing before ICC in the given format at the earliest point or within 3 months from the date of incident and in case of series of incidents, within a period of three months from the date of last incident. The ICC may extend the time limit not exceeding three months after recording reasons in writing.
- b. The complaint may be given by hand or by post to the Presiding Officer of ICC. Emails addressed to the Presiding Officer are to be considered as complaints.
- c. ICC shall extend all reasonable assistance to the aggrieved person for making complaint in writing, if needed.
- d. The complaint should be specific and may include a list of witnesses, if any.
- e. The complaint may also be filed by friends, relatives, colleagues, psychologist or any other associate of the victim, where the victim is unable to file complaint due to physical or mental incapacity or death.

7. INQUIRY INTO THE COMPLAINT

- a. Within 7 working days of acceptance of the complaint by the ICC, a notice shall be sent to the respondent with a copy of the complaint.
- b. The respondent shall reply to the complaint in writing, along with a list of witnesses, if any, within 10 working days from the date of receiving the notice.
- c. In the meantime, the complainant may be called and heard by the ICC and a written statement may be taken on record.
- d. On receipt of the reply from the respondent, the ICC shall provide a copy of the same to the complainant within 5 working days.
- e. During the inquiry proceedings, the ICC shall comply with the basic principles of natural justice with respect to both the parties.



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- f. To ensure confidentiality, ICC may ask any of the parties or the witnesses not to bring mobile phones or any electronic gadget during the proceedings.
- g. ICC may try to settle the matter by conciliation, upon such request made by the complainant.
- h. Steps should be taken to ensure that the complainant and respondent are not put in a position where they may be face to face, unless it is deemed to be necessary and with complainant's consent.
- i. The ICC, if it so requires, may at any time, call upon any person to be a witness, and may ask any questions as it deems necessary to such a witness and record their statements on oath.
- j. If the complainant or respondent desires to cross-examine any witness(s), ICC may have to facilitate the same and records the statement(s).
- k. No copy of any of the documents pertaining to either party be handed over to anyone except the parties, to maintain confidentiality required in the proceedings.
- l. All proceedings of the ICC shall be recorded in writing. The record of the proceedings and the statements of witnesses shall be endorsed and authenticated by the persons concerned as well as by the members of ICC present in that meeting.
- m. Minutes of the proceedings may preferably be prepared and authenticated on the same day as far as possible or under exceptional circumstances may be prepared the very next day and got signed by circulation either through hard or soft copy according to the availability of members.
- n. After the completion of the inquiry, the ICC shall submit a detailed report of its findings, along with reasons to the Competent Authority.
- o. If the ICC finds the respondent guilty of sexual harassment, it shall recommend the nature of action to be taken against the respondent.
- p. The ICC shall conclude its proceedings and submit its report to the Competent Authority along with copy of the report to the complainant as well as respondent.
- q. The ICC, where the respondent is member of the University community, shall proceed to take action as per the service rules or the regulations whichever is applicable.
- r. Care is taken to prevent any disadvantage to or victimization of either the complainant or to the respondent.

8. INTERIM RELIEF

While the inquiry is pending, on a written request by the complainant, the ICC may recommend to the employer to:

- a. Transfer the complainant or the respondent to any other department or section.
- b. Grant leave to the aggrieved woman of maximum 3 months.
- c. Prevent the respondent from assessing complainant's work performance or to transfer him/her to any other department or section.
- d. Ensure warning to the offender to keep distance from the aggrieved, and in case of definite threat, restrain their entry into campus.
- e. Grant any other such relief as may be appropriate.

9. INITIATION OF ACTION

As the inquiry report is received from the ICC, the Competent Authority shall implement the decision of the ICC.



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10. APPEALS

- a. ICC shall have no jurisdiction to entertain any communication from any side, viz. the Complainant, Respondent or any of the witnesses after the submission of the Report. The ICC becomes 'functus officio' after the submission of its decision on the complaint in hand. The Appeals Committee shall consist of the Vice Chancellor, a senior faculty member and an external member.
- b. Within 30 days of the receipt of the decision of ICC, appeal may be filed.

11. PUNISHMENTS

The ICC may impose any or a combination of the following penalties for sexual harassment which shall be recorded on the permanent academic record of the respondent:

A. In case of students:

- i. Warning, reprimand or censure; oral or in writing
- ii. Withholding certain privileges from the students such as access to the library, transportation, scholarships, allowances, identity card
- iii. Revocation of hall ticket for any examination
- iv. Suspension from the University or restrict entry for a specified period
- v. Expulsion from the University or Halls of Residence
- vi. Denial of readmission, if serious offence
- vii. Public Apology in writing
- viii. Bar on representing the University in any conference, course, competition, academic, cultural, sports or otherwise, exchange program, or any other co-curricular or extra-curricular activities
- ix. Withholding of degree
- x. Mandatory counselling
- xi. Mandatory attendance in a gender-sensitization workshop
- xii. Mandatory performance of community service
- xiii. Disbarment from holding any position of responsibility within the University

B. In case of employee:

- i. May be censured or reprimanded or warned
- ii. May be asked to give written apology
- iii. May increment be withheld or promotion deferred for specified period
- iv. Suspension
- v. Termination
- vi. Or any other appropriate action or disciplinary action as per service rules or any other rules applicable or as per the relevant Act or the UGC Regulations applicable

C. In case of third parties:

- i. Bar from entering the DNLU campus
- ii. Withdrawal of certificate or reward for successful completion of or participation in any conference, seminar, programme or competition organized by the University.
- iii. Warning or Reprimand in writing
- iv. Any other appropriate action as per the DNLU rules applicable



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12. ANNUAL REPORT

The ICC shall prepare an Annual Report giving an account of cases filed, if any and their disposal etc, and forward a copy of the same to the Vice-Chancellor of DNLU.

13. PUNISHMENT FOR FALSE COMPLAINTS

Where the Internal Complaints Committee arrives at a conclusion during or after the inquiry that the allegation against the Respondent is either malicious or false, appropriate punitive action may be taken by the University as per service rules applicable on recommendations of the committee.

14. SAVING

Nothing contained in this code shall prejudice any rights available to the employee or prevent any person from seeking any legal remedy under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; National Commission for Woman Act 1990, Protection of Human Rights Commission Act 1993 or under any other law for the time being in force.

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the University shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

The proceedings under this policy shall not, in any way, be affected by any other proceedings against the respondent preferred by the complainant under any other provision of civil or criminal law, except to the extent specifically ordered by a court of law



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RULES GOVERNING THE FUNCTIONING OF THE INTERNAL COMPLAINTS COMMITTEE CONSTITUTED BY THE UNIVERSITY UNDER THE UNIVERSITY GRANTS COMMISSION (PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT OF WOMEN EMPLOYEES AND STUDENTS IN HIGHER EDUCATION INSTITUTIONS) REGULATIONS, 2015

1. These rules, shall be in addition, and not in derogation of the University Grant Commission (Prevention, Prohibition, and Redressal of Sexual Harassment of Women Employees and Students in Higher Education Institutions) Regulations, 2015.
2. **Policy Advisor**: The University shall appoint a “Policy Advisor” who shall assist the University in ensuring compliance with the mandate prescribed in Section 19 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and the UGC Regulations.

CHAPTER 1: FACILITATORS

3. The University shall appoint facilitators to assist it in the implementation of the UGC Regulations, 2015.
4. Appointment of Facilitators shall take place in the following manner –
 - (i) At the commencement of each academic year, the University shall call for volunteers from amongst students to be “Facilitators”
 - (ii) A training programme shall be conducted by the University, with the assistance of an NGO working with gender issues, for those students who volunteer to be Facilitators for the next academic year. Students who successfully complete the training programme to the satisfaction of the University and the trainers, shall be eligible to be appointed to become Facilitators.
 - (iii) The University shall then appoint appropriate number of Student Facilitators. Provided that as far as possible there shall be effective representation from all batches.
 - (iv) A minimum of fifty per cent of the Facilitators shall be women.
 - (v) The Facilitators shall hold office for a period of one year.
5. Facilitators shall perform the following functions:
 - a. Act as the support system for the complainant.
 - b. Take necessary steps to prevent further victimisation of the complainant, including:
 - i. Making diligent efforts to prevent the ostracisation of the complainant within the community
 - ii. Assisting the complainant with filing a formal complaint, if such assistance is sought by the complainant
 - iii. Creating awareness and sensitivity within the student body and University community



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- c. Provide assistance in organizing conferences, workshops or other events
For the sensitization of the DNLU community in matters relating to gender and sexual harassment
 - d. Spread awareness about the institutional mechanisms relating to sexual harassment through the process of orientation, dialogue and other processes which may be deemed fit;
6. A Facilitator may be removed if-
- a. The Facilitator acts in contravention to the UGC Regulations or against the spirit of the same, or
 - b. A complaint of sexual harassment is lodged against the Facilitator

Provided that where a complaint has been lodged, the Facilitator shall be suspended temporarily during the inquiry proceedings, and shall be removed permanently if the ICC finds that he has committed sexual harassment.

CHAPTER 2: PROCEDURE FOR CONDUCTING INQUIRIES

7. General principles for inquiry proceedings-
- a. A quorum of at least half the members including the Chairperson shall be required for every sitting of the ICC. In the absence of the Chairperson, rules to fill casual vacancies as noted in the Prevention of Sexual Harassment of Women at the Workplace Act and Rules 2013 shall apply.
 - b. All proceedings shall be documented. In particular, all testimonies and all questions put to witnesses shall be recorded verbatim as far as possible.
 - c. The inquiry proceedings shall be confidential. All parties shall be bound by such confidentiality, including confidentiality of the name of the Complainant, nature of the complaint, and contents of any documents received by the ICC in connection with the proceedings. The ICC and Facilitators will take adequate measures to ensure that norms of confidentiality are strictly maintained.
 - d. The proceedings shall be conducted as expeditiously as possible.
 - e. The ICC shall adhere to principles of natural justice in conducting the inquiry.
 - f. The ICC shall ensure that at all times during the proceedings the dignity and autonomy of all parties concerned are safeguarded.
 - g. Parties shall be provided with an opportunity to clarify or question any allegations/contention raised against/concerning them. However, ICC shall not permit questions that are intended only to intimidate, harass, browbeat or humiliate any witness (including the Complainant or Respondent.)
 - h. In accordance with the provisions of The Sexual Harassment of Women at Workplace Act 2013 and in compliance with decisions of the Supreme Court, the ICC will consider the past sexual history of complainants as irrelevant for the purposes of the inquiry.
 - i. If the Complainant or any witness so desires, the ICC shall take adequate steps to ensure that the Complainant or such witness is not made to sit facing the Respondent. Further, if the Complainant so desires (or if any other witness so requests, and the ICC considers the request justified) the ICC shall require the Respondent to submit any questions to be put to the Complainant or such witness in writing to the ICC and the ICC will ask the question to the



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Complainant or such witnesses. The ICC may decide, for reasons to be recorded in writing, to not ask a question if it violates any norms stated above, or for the same reason may re-frame the question in a manner that keeps its meaning intact.

- j. The Complainant shall have the right to request the ICC for an interim measure at any stage of the proceedings.
8. After receiving the written response of the Respondent, the ICC shall summon witnesses on the date specified for the commencement of proceedings or on any other date.
9. The Complainant, Respondent and any other witness shall narrate on oath their statements regarding the allegations. This statement shall then be the basis for cross-examination by the other party.
10. When any statement is provided or any document produced at the inquiry, reasonable time shall be given to all parties to peruse such statement or document.
11. All statements shall be read over to, rectified and signed by the person making the statement. The ICC shall initiate disciplinary proceedings in the case of any lying or intentional misleading on oath.
12. After conclusion of the oral hearing, the ICC will issue a reasoned order within one week from the day after the conclusion of the oral hearing, stating whether or not the allegations have been proved and reasons for the same. If the allegations have been proved, the order shall also contain the ICC's recommendations as to the remedial action to be taken by the University.
13. A Copy of the Order shall be sent to the Complainant, Respondent and University. The parties shall be informed that they may file an appeal to the University within a period of thirty days from the date of the findings/recommendations of the ICC. The procedure and the grounds for the same should be mentioned within the Order.
14. All notices, orders, summons, interim measures, and any other communication to any person should be routed through the office of the Registrar. The office of the Registrar is bound by confidentiality.
15. The Chairperson of the ICC shall maintain a catalogue which shall include;
 - i. The names and accounts of witnesses
 - ii. All material placed before the ICC by any party to the proceeding

Provided that after the conclusion of the appellate procedure, or once the right to appeal has lapsed, it is the duty of the Presiding Officer of the ICC to ensure that the aforementioned materials are destroyed

16. Nothing in these rules shall prevent the ICC from exercising its inherent powers to determine its own rules, including the modification of these rules, power to summon additional witnesses, and undertake any other measure for the fair conduct of any other proceedings.

CHAPTER 3: CONCILIATION

17. The following principles shall be adhered to if the complainant opts for conciliation under the UGC Regulations:
 - (i) The process of conciliation shall be initiated only on receipt of a request in writing from the complainant.
 - (ii) A complainant may submit such a written request for conciliation at any point



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during the proceedings.

- (iii) If the complainant requests for conciliation, the Chairperson of the ICC shall within a period of one week of the receipt of such request, summon the complainant in order to ensure that she has not opted for conciliation under any form of coercion/threat. In the event that the Chairperson of the ICC concludes that an element of coercion is involved, she may, with the consent of the complainant file a separate complaint regarding "Victimisation" as defined in Regulation 2(n) of the UGC Regulations.
- (iv) The process of conciliation shall be conducted by the Internal Complaints Committee, or by a sub-committee of the ICC, constituted by the University for this purpose.
- (v) Conciliation shall not include any component of monetary settlement or pecuniary benefit to either of the parties, but may include a verbal or written apology, counselling of respondent, bond of good conduct by the respondent, monitoring of the respondent's good conduct by the University, or any other reasonable relief agreed to by the complainant.
- (vi) Notwithstanding anything contained in any other law for the time being in force, the conciliator and the parties shall keep confidential all matters relating to the conciliation proceedings. Confidentiality shall extend also to the settlement agreement, except where its disclosure is necessary for purposes of implementation and enforcement.
- (vii) The conciliation process shall be completed within a period of 30 days from the time of receiving the request for the same from the complainant.
- (viii) The complainant may opt out of the conciliation process at any point during these thirty days, without any adverse inference being drawn against her for doing so.
- (ix) If at any point in the Conciliation process, the conciliator/s appointed deem that the conciliation has been unsuccessful, they shall present a detailed report to the ICC giving reasons for the same within a week of such decision.
- (x) If the conciliation process fails, the inquiry shall resume according to the provisions of these Rules.

Provided that the time period spent in the conciliation proceedings shall not be counted in the overall time limit for the proceedings of the ICC.

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ANNEXURE – A

Complaint of Sexual Harassment at Workplace to the Internal Complaints Committee

Name of the complainant:

Designation(Faculty member/Staff/Student/ any other):

Qualification:

Contact Details (Postal address, Mobile number, Email address):

Name and details of the Employer:

Date and Time of the alleged incident:

Brief details:

Name of the Respondent:

Relation with Respondent (Colleague/Senior/Junior/Batchmate/etc):

Designation of Respondent:

Employer of Respondent:

First reaction during/after the alleged incident:

Representation/Complaint before any other for agency:

If yes, please provide details:

List of Witnesses, if any (with contact details):

Any previous grievance/incident caused by the Respondent:

If yes, give details:

Complaint: Hand-written Typed Handed-over Mailed Posted
(please tick)