



Affiliated to GGSIP University, New Delhi  
Approved by AICTE & Council of Architecture

## DELHI TECHNICAL CAMPUS

### INTERNAL COMPLAINTS COMMITTEE

#### **Introduction:-**

Delhi Technical Campus (DTC) has zero tolerance policy towards sexual harassment of women at the campus of the college. The Supreme Court of India in Vishakha v. State of Rajasthan, (1997) 7 SCC 323, has also reaffirmed that sexual harassment at work place is a form of discrimination against women. It violates the constitutional right to gender equality. Hon'ble Supreme Court of India had provided guidelines to address this issue pending the enactment of a suitable legislation by the Parliament. Indian Parliament in its wisdom has enacted "the sexual harassment of women at workplace (prevention, prohibition and redressal) Act, 2013 (Act No 14 of 2013).

The directions of Hon'ble Supreme Court and provisions of Act No 14 of 2013, are to be followed in letter and spirits. In exercise of the powers conferred by clause (g) of sub section (1) of section 26 of the University Grants Commission Act, 1956 (Act No. 3 of 1956) read with sub section (1) of section 20 of the said Act, University Grants Commission has made and notified UGC (Prevention, Prohibition and Redressal of women employees and students in higher educational institutions) Regulations, 2015. These regulations were notified w.e.f., 2<sup>nd</sup> May, 2016

In compliance with above mentioned provisions, DTC has constituted an internal complaint committee (here-in-after referred to as ICC) as follows:

#### **(A) Constitution of ICC:-** ICC shall have following members:-

- Dr. Anupama Sharma (Professor) 9718077224  
a.sharmamba@delhitechnicalcampus.ac.in, **Presiding Officer**
- Ms. Megha Gaur 9999780702  
m.gaur@delhitechnicalcampus.ac.in **Member**
- Mr. Vijay Jindal 9891515166  
v.jindal@delhitechnicalcampus.ac.in **Member (Non Teaching)**
- Ms. Indu Sharma 9811349980  
i.sharma@delhitechnicalcampus.ac.in **Member (Non Teaching)**
- Abdul Shariq B.Tech 9971417539 **Student Member**
- Sanya Kapoor MBA 9953667840 **Student Member**
- Anisha Khandelwal B.Arch 8377973447 **Student Member**

- Smt. Charu Wali Khanna, a representative from a NGO working for the rights of women, member, 9999767180, **Member**

(B) The ICC will enquire and look after the complaints of sexual harassment received from any student or faculty member in accordance with U. G. C. (Prevention, Prohibition and redressal of sexual harassment of women employees and students in higher educational institutes) Regulations, 2015

(C) The student members of the ICC will participate in the proceedings of ICC only if the complaint is received against another student of the college.

(D) What is sexual harassment?

### **Definition**

The definition of sexual harassment in the law includes many actions that are often brushed off as harmless or trivial. If there is an unwanted conduct with sexual undertones, it can be classified as sexual harassment. Any unwelcome physical/verbal/non-verbal conduct of sexual nature, demands/requests of sexual favours, sexually colored remarks, physical contact/advances or showing pornography is considered as sexual harassment.

S. 2 (n) of the Sexual Harassment of Women at Workplace (prevention, prohibition and redressal) Act, 2013 and section 2 (k) of U.G.C. (Prevention, prohibition and redressal of sexual harassment of woman employees and students in higher educational institutions) Regulations, 2015 also defines 'sexual harassment.'

(E) **Who can file a complaint:** - Anyone can file a complaint with the college internal complaints committee if the matter pertains to the college. The complainant can also approach the police station in whose jurisdiction the harassment took place.

(F) **Jurisdiction:** - The College ICC will have jurisdiction over the complaints relating to college premises. However, if the act of sexual harassment takes place outside the college, during a college/university event, or any other place where a person is participating in the capacity of an employee or student, it will be covered by the ICC of the college. ICC will conduct inquiries into sexual harassment complaints from students, faculty members and non-teaching staff, in accordance with UGC (Prevention, Prohibition and Redressal of women employees and students in higher educational institutions) Regulations, 2015. The committee will also provide assistance to complainants if they want to file a complaint with the police station concerned.

If any complainant decides to approach the director of the college or any faculty member, the complaint so filed shall be forwarded to the ICC same day without unnecessary delay. All sexual harassment complaints on campus will be inquired into and handled only by the ICC. No other authority shall have jurisdiction to deal with complaints of sexual harassment. There shall be only one ICC in the college for dealing with sexual harassment complaints.

**(G) Display of details of ICC on the college site:** - One can approach the Presiding officer of ICC or any of the committee members, who will forward the complaint to the presiding officer. The names and contact numbers of presiding officer of ICC, and members are loaded/ displayed prominently on the college website and on the notice board of the college.

**(H) Limitation:** - The ICC will take cognizance of a complaint if it is made within three months of the incident or within three months of the last incident in a series of incidents. The time limit can be extended by another three months if the committee is satisfied that circumstances prevented the person from filing a complaint.

**(I) Register of complaints:** - ICC of the college has maintain a complaint register in which all the complaints of sexual harassment shall be entered. The complaints shall be serially numbered, year wise in this register. This register shall have columns like serial number, date of receipt of the complaint, name and address of the complainant along with his/her mobile number and e-mail address, name of the person against whom complaint is filed, date of closing of the inquiry and the result of the inquiry.

**(J) Procedure of inquiry by ICC:** - The complainant as well as the person against whom the complaint is made, both can bring witnesses and produce evidence. The inquiry committee will ask for complainant to testify and provide any evidence available such as phone call, logs, texts etc. But since sexual harassment usually takes place without presence of witnesses, it does not have to be proved beyond doubt to be able to charge the perpetrator/respondent.

Whenever a complaint is received by the committee, the ICC will send its copy to the person against whom the complaint is made within seven days. The respondent against whom the complaint is filed will be required to file his/her reply along with details of witnesses of his defence within 10 days. The entire inquiry process will be completed within a period of 90 days from the date of receipt of the complaint. The committee will ensure that the complainant is not discriminated against or victimized in any manner. Fair opportunity of hearing shall be afforded to the respondent against whom complaint is received. The complainant shall be given opportunity to produce his/her evidence first. The

respondent will be at liberty to ask any questions to the witnesses produced by the complainant. Both the parties will have the liberty of filing documentary evidence before the hearing starts before the ICC. All the copies of evidence recorded against the respondent will be provided to him/her on his costs. For this purpose, he/she will have to move in writing before ICC.

**(K) Submission of inquiry report:** - An inquiry report with observations and recommendations, if any, will be sent to the executive authority, i.e., Director of the college and both the parties within 10 days of the completion of inquiry.

**(L) Final decision:** - The executive authority, i.e., Director of the college will take necessary action, as deemed fit within 30 days of the submission of the report by ICC unless an appeal against the finding is filed within that time by either party.

**(M) Mediation and Conciliation:** - Efforts for mediation and conciliation will be tried by the ICC. The mediation and conciliation process will be facilitated by the ICC so to arrive at a settlement between the two parties. The settlement shall not have monetary tones. The conflict resolution to the full satisfaction of the aggrieved party, wherever possible, will be done by the ICC before resorting to punitive intervention in accordance with **UGC (Prevention, Prohibition and Redressal of women employees and students in higher educational institutions) Regulations, 2015**. ICC will make every endeavor to bring the parties to amicable settlement.

**(N) Interim redressal mechanism:** - During the pendency of the inquiry, ICC can recommend a transfer of the complainant or respondent to different departments to mitigate the situation. In case a student files a complaint against a teacher, the respondent can be restrained from evaluating work/tests/examination papers of the complainant. If the committee apprehends any direct threat to the atmosphere or discipline of the college, the respondent can be debarred from entering the college campus.

**(O) Confidentiality:** -All proceedings before the ICC will be kept confidential. In order to maintain confidentiality and to ensure safety and privacy of the complainant, the ICC members will not divulge the identity of the victim or the nature of the complaint to anyone.

**(P) Punishment:** - For student respondents, sexual harassment will be treated as violation of disciplinary rules. The punishments which can be imposed are, they can be subjected to rustication, expulsion or suspension from the college for a reasonable period. Other punishments include mandatory community service or withholding certain privileges such as scholarships or access to library. The

employees, if found guilty will be treated as guilty of misconduct and appropriate action, including, but not limited to, dismissal of the employee can be ordered at the discretion of the ICC. The higher education institution is also responsible for booking and initiating proceedings as required by law against those guilty of sexual harassment.

**(Q) Right of Appeal:-** An appeal against the findings or recommendations of ICC may be filed by either party before the executive authority i.e., Director of the college within a period of thirty days from the date of recommendations of the ICC.

If the executive authority, i.e., Director decides not to act as per recommendations of the ICC, then it shall record written reasons for the same to be conveyed to ICC and both the parties to the proceedings. If on the other hand, it is decided to act as per recommendations of ICC then a **show cause notice**, answerable within 10 days shall be served on the party against whom action is decided to be taken. The executive authority shall proceed only after considering the reply or hearing the aggrieved person.

**(R) False complaints:** - According to Section 11 of the 2015 UGC regulations, action will be taken against those who file “frivolous complaints.” If the ICC concludes and is of the opinion that the allegations launched by the complainant were false or were filed with a malicious intention and were made knowing that they were untrue, the complainant can be suitably punished. Not providing adequate proof by the complainant will not come under this category since “malicious intention” of the complainant shall not be established without an inquiry.

Issued by Delhi Technical Campus through its Director General.

Dated: Feb 2018

Justice Bhanwar Singh  
Former judge, Allahabad High Court  
Director General  
Delhi Technical Campus Greater Noida