

मौलाना आज़ाद नेशनल उर्दू यूनिवर्सिटी
 MAULANA AZAD NATIONAL URDU UNIVERSITY

(A Central University established by an Act of Parliament in 1998)

Gachibowli, Hyderabad - 500 032, A.P.



Accredited "A" Grade by NAAC

DRAFT REGULATIONS PADASH

Preliminary

Right to work with dignity, against gender discrimination and protection from sexual harassment have been recognised as basic human right. The Hon'ble Supreme Court of India in Vishakha v State of Rajasthan has given comprehensive guidelines for prohibition and prevention of the sexual harassment at workplace. The parliament has legislated an Act "The sexual Harassment of Women at Workplace. (Prevention, Prohibition & Redressal) Act 2013" and gazette notified the same on 23-04-2013. Accordingly the university shall formulate Regulations to provide the regulatory mechanism against sexual harassment of women at workplace.

I Short Titles and Scope

These Rules and Procedures of MANUU's Committee against sexual harassment will be called the Rules and guidelines of Policy against Discrimination and Sexual Harassment (PADASH). The provisions of these Rules and Guidelines of PADASH shall apply to all students, employees of the MANUU, and also to residents, service providers, and outsiders. These rules and procedures shall be applicable to all complaints of sexual harassment made by:

1. A student against an employee or a co-student; or by an employee against a student or another employee in either case, irrespective of

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whether sexual harassment is alleged to have taken place within or outside the campus.

2. A resident against a student or an employee or by a student or an employee against a resident, irrespective of whether sexual harassment is alleged to have taken place within or outside the campus.
3. A service provider or a person engaged by a service provider or an outsider against a student or an employee or a resident or or a service provider or a person engaged by a service provider, if the sexual harassment is alleged to have taken place within the campus.
4. student or an employee or a resident against an outsider or a service provider or a person engaged by a service provider if the sexual harassment is alleged to have taken place within or outside the campus.

II Definitions

1. **Sexual Harassment:** Sexual harassment may be defined as a pattern of behaviour as referred to in the Act under sec.3(2) and includes the following:

Any unwelcome sexually determined behaviour, whether directly or by implication, and includes physical contact, loaded comments, slander and advances, a demand or request for sexual favour, sexually coloured remarks or jokes, letters, phone calls or emails SMSs, gestures, showing pornography or visual displays of sexual images, lurid stares, stalking, molestation, sounds of derogatory nature having the purpose or effect of interfering with an individual's performance or of creating an intimidating hostile or offensive work environment and other unwelcome physical, verbal or non-verbal conduct of a sexual nature.



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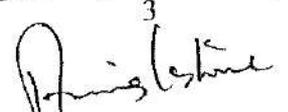
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2. **Employee:** means a person appointed by the university on a salary, remuneration or honorarium.
3. **Campus:** includes all places of work and residence in Hyderabad campus of MANUU. It includes all places of instruction, research and administration, as well as hostels, guesthouses, public places, libraries, canteens, gardens, park, parking places and places of residence allotted and administered by MANUU.
4. **Counsellor:** includes any person, empanelled by committee on **PADASH** and / or appointed by the University authorities, who has proven expertise in social and personal counselling on matters arising out of incidents of sexual harassment.
5. **NGO:** includes any Non-Governmental Organisation registered under the Societies' Registration Act or Indian Trusts act. Such a society/charitable trust must not be affiliated to any political party, and should have been engaged in work for gender equality, particularly for the amelioration of the status of women, for a minimum of three years prior to the date of empanelment.
6. **Outsider:** A person who is not a student, resident, or employee of MANUU.
Service provider: includes any person who runs or manages commercial enterprises, or provides services, or a person engaged by the service provider on the campus. It includes, but is not limited to, persons working in shops, canteens, hostels and restaurants on the campus, as well as persons, working in premises allotted on the campus, such as the shopping complexes, Department of Posts & Telegraph, Bank and any other such similar services.



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8. **Student:** any person who is enrolled for any course whether full time or part time regular or distance mode with MANUU.
9. **Supreme Court Judgement:** shall refer to the guidelines on the prevention and deterrence of sexual harassment in the workplace laid down by the Supreme Court of India on 13th August, 1997 in its ruling on the Writ Petition (Criminal) Vishaka v State of Rajasthan and the judgement titled Apparel Export promotion Council v A.K. Chopra, on 20th January, 1999.
10. **University** means Maulana Azad National Urdu University.
11. **University authorities:** The authorities of the University as defined in the University Statutes.
12. **Act** means the Act legislated and passed by the parliament known as "The sexual Harassment of Women at Workplace.(Prevention, Prohibition & Redressal) Act 2013" (Act 14 of 2013).
13. **"Complaint"** means the complaint made under section 9;
14. **"Complaint Committee"** means the Internal Committee, the Anti Sexual Harassment Committee or Committee on PADASH constituted by the University.
15. **"Incident"** means an incident of sexual harassment as defined in clause (n) of section 2;
16. **"Section"** means a section of the Act.
17. **"Special educator"** means a person trained in communication with the people with special needs in a way that addresses their individual differences and needs;
18. Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.



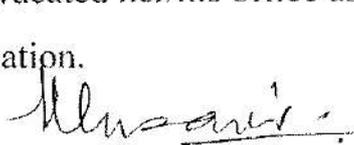
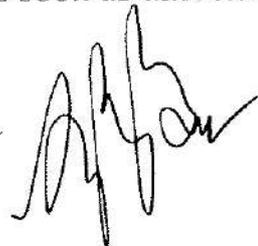
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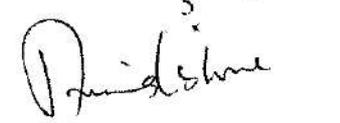
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III Composition and Functions of the internal Complaints Committee:

1. Committee shall have a membership of 7 to 9 persons, of which at least half the members shall be women.
 - a. Chairperson, woman professor or Associate Professor or Senior Functionary of MANUU.
 - b. Two faculty members (at least one woman).
 - c. Two Members of Non-Teaching Staff one of them should be woman. Senior of them would be Convenor.
 - d. One representative of an NGO having specialized in empowerment of women in general and addressing workplace sexual harassment in particular or a person with legal background.
 - e. A person who is familiar with labour, service, civil or criminal law.
 - f. Any two members of the committee may be re nominated to the next committee to make the proceedings of the committee more coherent and consistent.
 - g. Any other member/s nominated by the Vice Chancellor.
2. **Term of Office of PADASH Members:** The tenure of each member of the committee on PADASH shall be three years from the date of notification.
3. **Vacancy of a Member Owing to Absence without Intimation**
If a member of committee on PADASH remains absent without written intimation to the committee on PADASH from three consecutive meetings, her/his office shall thereupon become vacant.
4. **Resignation of a Member** A member of committee on PADASH may resign her/his office at any time by tendering her/his resignation in writing to the Registrar of the University. Such a person shall be deemed to have vacated her/his office as soon as university authorities accept the resignation.

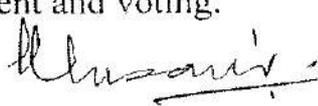
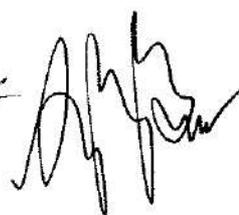
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5. **Filling a Vacancy in PADASH:** If a vacancy arises in **PADASH**, the committee on **PADASH** shall coordinate with competent authority to arrange for the filling up of the vacancy in the particular category, within four weeks, barring the period during which the University is on vacation. If the vacancy remains unfilled after the specified period, the Vice-Chancellor may, in consultation with the committee on **PADASH**, fill up the vacant positions by appropriate nominations. No act or proceedings of the committee on **PADASH** shall be invalidated merely by reason of the existence of a vacancy or vacancies.

IV. *Meetings of Committee on PADASH*

1. Committee on **PADASH** shall meet at least once in a semester or at such intervals as may be necessary.
2. Member shall be intimated of meetings in writing or by electronic communication.
3. Minutes of all meetings shall be recorded, confirmed and adopted.
4. Any member of committee on **PADASH** may request the Chairperson to convene an Ordinary Meeting. Forty-eight hours notice shall be required for such a meeting to be convened.
5. The quorum for an Ordinary Meeting shall be one-third of the existing members of committee on **PADASH**. Motions shall be carried by a simple majority of those present and voting.
6. Any member of committee on **PADASH** may request the Chairperson to convene an Emergency Meeting. Reasonable notice shall be required for such a meeting to be convened. The quorum for an Emergency Meeting shall be fifty per cent of the existing members of committee on **PADASH**. Motions shall be carried by a simple majority of those present and voting.

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7. A special meeting shall be convened by the Chairperson of committee on **PADASH**, with reasonable notice. It shall have a quorum of fifty percent of the existing members. Motions shall be carried by a simple majority.
8. There shall be no quorum for the meetings postponed for want of quorum.

V. *Functions of committee on PADASH*

1. The committee shall be responsible for the implementation of the recommendations of the Supreme Court Judgement and the policy of the Government in respect of prevention of sexual harassment at work place.
2. ***Gender Sensitisation and Orientation***
 - a. The committee will ensure the prominent publicity of the policy in all Centres, Schools, polytechnics, ITIs, Hostels, Office of administration, as well as in all public places on the campus such as the library, health centre, residential areas, canteens, shopping centres, etc.
 - b. The committee will organise programmes for the genders sensitisation of the University community through workshops, seminars, posters, film shows, debates, skits, etc. It may enlist the help of specialised NGOs and any campus body to carry out these programmes.
 - c. Committee on **PADASH** will conduct at least one major activity per year involving large sections of the University community.



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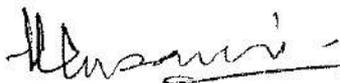


3. Crisis Management and Mediation

- a. The committee will assist in the mediation of situations arising out of incidents of sexual harassment and sexual assaults in the campus.
- b. The committee will co-ordinate with the campus security services, proctorial office to devise ways and means by which a system of crisis management that is gender-sensitive as well as prompt and effective is evolved. It will maintain regular contact with the campus security services to ensure that in crises arising out of incidents of sexual harassment, the committee on **PADASH** shall be intimated without delay.
- c. The committee at the beginning of each year shall ensure wide spread publicity of the contact details of all its members.
- d. In cases in which sexually motivated conduct against a student, an employee, or a resident and/or a service provider or a person engaged by a service provider amounts to a specific offence under the Indian Penal Code or any other Indian law, Committee shall assist the affected party in making a complaint to the appropriate authority outside the University. The University authorities shall be kept informed of such development.

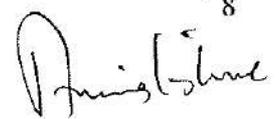
VI. Complaints Filing Process

1. Any student, resident, service provider, a person engaged by a service provider, outsider, or an employee may lodge a complaint of sexual harassment against a student, resident, service provider, a person engaged by a service provider, outsider, or an employee. Third party complaints and witness complaints shall be entertained. As referred to in section 9 of Act. The Committee shall take suo motto notice of



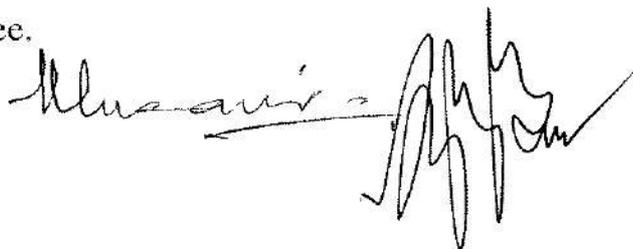


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grave violations of the principles of gender sensitivity and justice on this campus.

- 1.1. 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 women 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.
- 1.2. 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.
- 1.3. 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 women and the respondent.
- 1.4. 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.
2. Complaints can be lodged directly with any member of Committee, or through existing channels for lodging grievances, such as the University authorities, etc. If the complaint is made through any such channel, the person to whom the complaint is made should bring it to the notice of Committee within two working days of its receipt by her/him. Upon receipt of the complaint, the Committee member to whom the complaint is made shall forward the same to the Committee.

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2.1. 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 exists, 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:

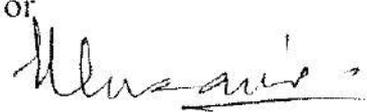
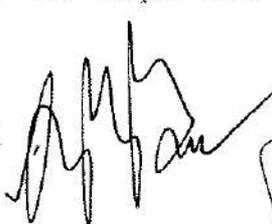
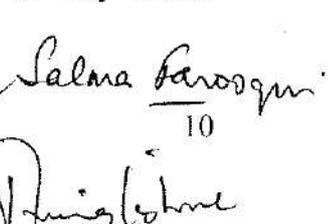
Provided that where the aggrieved women informs the Internal Committee or the Local Committee, as the case may be, that any term or condition of the settlement arrived at under sub-section (2) of section 10 has not been complied with by the respondent, the Internal Committee or the Local Committee shall 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.

2.2. During the pendency of an inquiry, on a written request made by the aggrieved ac women, the Internal Committee or the Local Committee, as the case may be, may recommend to the employer to

(a) Transfer the aggrieved women or the respondent to any other workplace; or



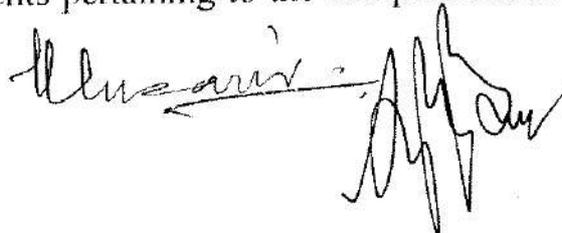




or exert pressure on the complainant or any person in the complainant's confidence may prove prejudicial to her/his case.

14. The complainant or any other person should intimate in writing to the committee, the Chairperson of the committee on **PADASH**, of any violation of order of restraint by the defendant(s), or any persons acting on his behalf.
15. Should the Committee members and the chairperson of the committee on **PADASH**, be convinced of the truth of such allegations, the chairperson of the committee on **PADASH** may summon the defendant(s) in person and issue a verbal or written warning that such behaviour may lead to an adverse inference being drawn against her/him.
16. The Committee shall consider all violations of the restraint order when determining the nature of offence if a defendant found guilty of sexual harassment.

VII. Procedure of Enquiry

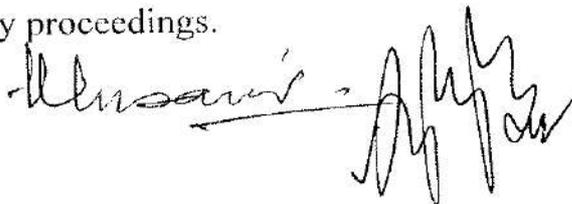
1. The Committee shall strive to complete the enquiry within 90 days.
2. All record of enquiry such as complaints, summons deposition, restrained orders questionnaires, attendance, materials of proof shall be maintained by committee.
3. The Committee shall provide reasonable opportunity to the complainant and the defendant for presenting and defending her/his case.
4. The Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.
5. The Committee shall have the power to summon any official papers or documents pertaining to the complainant as well as the defendant.

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The committee shall have the same powers, as are vested in a civil court under, the code of civil procedure 1908.

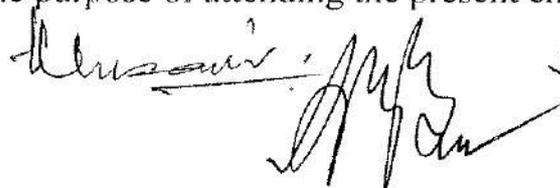
6. The Committee may consider as relevant any earlier complaints against the defendant. However, the past sexual history of the complainant shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.
7. The Committee shall have the right to summon, as many times as required, the defendant, complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
8. The Committee shall have the right to terminate the enquiry proceedings and to give an ex parte decision on the complaint, should the defendant fail, without valid ground, to present herself/himself for three consecutive hearings convened by the Committee. The Committee may reopen the enquiry if the situation so warrants.
9. The Committee shall be responsible for making the defendant and the complainant aware that counselling services can be made available if so desired.
10. Within two working days of the institution of enquiry proceeding by the committee on PADASH, the Committee shall summon the complaint and defendant giving details of place, date and time of enquiry. The Committee shall also make available to the defendant a true copy of the complaint(s) lodged by the complainant(s).
11. The complainant and the defendant shall submit to the committee a list of witnesses, together with their contact details that she/he desires the Committee to examine.
12. The committee shall convene the first hearing of the enquiry. The defendant, the complainant, and witnesses shall be intimated at least seventy-two hours in advance in writing of the date, time and venue of the enquiry proceedings.

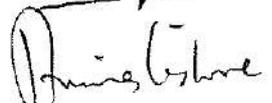



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(2) Protection against Victimisation

- a)* If the complainant is a student and the defendant(s) is a teacher, (OR an Officer of the University, OR a non-Teaching staff member in a chair of Authority) during the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the defendant(s) shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research (OR handling of any confidential Para- Academic work related to University).
- b)* If a witness named by the complainant is a student and the defendant(s) is a teacher, during the investigation and enquiry, and even after such an enquiry if the teacher is found guilty, the defendant shall not supervise any academic activity of the student, including but not limited to, evaluation and examination, re-examination, and supervision of research.
- c)* If both the complainant and the defendant(s) are employees of the University, during the investigation and enquiry, and even after such an enquiry, if the defendant is found guilty, the defendant shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized.
- d)* If witnesses named by the complainant and the defendant(s) are the employees of the University, during the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the defendant shall not write the Confidential Reports of the complainant, if she/he is otherwise so authorized.
- e)* If the defendant(s) is an outsider, during the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the defendant shall not be allowed to enter the campus, except for the purpose of attending the present enquiry.



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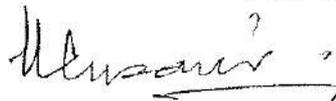
- f) If the defendant(s) is a resident/service provider or a person engaged by a service provider, during the investigation and enquiry, and even after such an enquiry if the defendant is found guilty, the order of restraint issued by the committee shall be in force at all times.

XI. Annual Report of committee on PADASH

As required by the Act, the University authorities shall forward to the government department concerned, the Annual Report of the committee on **PADASH** together with a written report on the Action Taken by them on the recommendations of the committee on **PADASH**.

XII. Miscellaneous

- 1 The proceedings under these Rules and Procedures of **PADASH** shall not, in any way, be affected by any other proceedings against the defendant preferred by the complainant under any other provision of civil or criminal law, except to the extent specifically ordered by a court of law.
- 2 The provisions of these Rules and Procedures of **PADASH** shall not restrict the complainant to proceed against the defendant for any other misconduct, or pursue criminal or civil remedies, whether or not connected with the misconduct within the purview of these rules.
- 3 These regulations shall be part and parcel of the Act (14 of 2013) and the rules formulated by Government of India and as amended from time to time.
- 4 In case of any confusion or clarification in these regulations the text of the Act and the regulations framed by the Central Government shall be referred. Further if any confusion remains the decision of the Vice Chancellor shall be final and binding on all concerned.


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22
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