



SRI SAIRAM HOMOEOPATHY MEDICAL COLLEGE & RESEARCH CENTRE

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Zero Tolerance Policies on Sexual Harassment & Ragging

I. Preamble

India's first legislation specifically addressing the issue of workplace sexual harassment is the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as "POSH Act") which was enacted by the Ministry of Women and Child Development, India in 2013. The said Act aims at providing 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.

UGC Regulations on curbing the menace of ragging in Higher Educational Institutions, 2009 were passed by the University Grants Commission in the year 2009 to curb the menace of ragging in the Universities in India.

II. Definitions (Key Terms)

a) **"Aggrieved woman"** as under the POSH Act means

(i) in relation to workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment;

(ii) in relation to dwelling place or house, a woman of any age who is employed in such a dwelling place or house;

b) **"Employer"** as under the POSH Act 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. 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;

c) “**Sexual harassment**” as under the POSH Act 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;

d) “**Workplace**” as under the POSH Act 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 by the employer for undertaking such journey;

(vi) a dwelling place or a house;

e) “**Ragging**” as under the UGC Regulations on curbing the menace of ragging in Higher Educational Institutions, 2009 means 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.

f) **“Plagiarism”** as under Section 2 (k) of UGC Act 1956, means an act of academic dishonesty and a breach of ethics. It involves using someone else’s work as one’s own. It also includes data plagiarism and self-plagiarism. g) **“Environmental pollution”** as under the Environment Protection Act, 1986 means the presence in the environment of any environmental pollutant.

III. Scope:

POSH Act was enacted by Parliament to give effect to the Convention for protection of women against sexual harassment at workplace. The POSH Act covers sexual harassment resulting in any violation of the women’s fundamental rights to equality under articles 14 and 15 of the Constitution of India and her right to life and 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 safe environment free from sexual harassment.

The UGC Regulations on curbing the menace of ragging in Higher Educational Institutions, 2009 were passed by the University Grants Commission in the year 2009 to curb the menace of ragging in the Universities in India. The best part of these regulations is that they shall apply to all the institutions including:

- (i) Universities under the Central/provincial/state act
- (ii) Deemed university under the UGC Act, 1956
- (iii) All other educational institutions

IV. Need of the policy:

The zero-tolerance policy on sexual harassment at workplace provides protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it.

The need for a zero-tolerance policy on ragging is to ensure that the campus and accommodations facilities are free of the menace of ragging.

V. Objectives of the Policy:

The POSH Policy is meant to promote a healthy work environment that is free from harassment of all kinds for all those covered. To provide a safe and respectful work environment / establish an atmosphere for employees that is free from Harassment or discrimination against employees on the basis of race, colour, creed, religion, gender, national origin, age, sexual orientation or gender identity, or physical or mental disability and outline the company’s policy to protect all categories of employees (Direct and indirect) against sexual harassment in particular.

The main objectives of the anti-ragging policy shall be to generate awareness amongst the students of dehumanizing effect of ragging inherent in its perversity, to keep a continuous watch and vigil over ragging so as to prevent its occurrence and recurrence, to promptly and stringently deal with the incidents of ragging brought to the notice and to generate an atmosphere of discipline by sending a clear message that no act of ragging shall be tolerated and any act of ragging shall not go unnoticed and unpunished.

VI. Policy:

Guidelines for implementation of the policy With respect to the zero-tolerance policy towards sexual harassment, all organisations with more than 10 employees need to conduct an awareness programme for the employees of the organisation. The organisation has to constitute an internal committee to address the issues and complaints related to sexual harassment within the organisation. The internal committee will also include external members from NGOs working for the welfare of women. Organisations with fewer than 10 employees can approach the Local Committee set up at District Level by the State Government.

With respect to the zero-tolerance policy towards ragging, the institutions are required to publish that the ragging is totally banned in the institution and anyone found doing/abetting ragging would be suitably punished.

VII. Procedure-

(Setting up of committees, working of committees, Responsibilities of the committee members, consequences of non- adherence to the guidelines)

1) With respect to the zero-tolerance policy towards sexual harassment, there shall be constitution of an Internal Complaints Committee

2) 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.

3) The Internal Committees 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 organization;

(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 organizations 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.

4) 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.

5) The Member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed. 6) 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. As per S. 26 of the Act, Non-compliance with POSH can cost an employer a monetary penalty of Rs. 50,000. An employer can be subjected to a penalty of up to INR 50,000 for: ☐

- Failure to constitute Internal Complaints Committee ☐
- Failure to act upon recommendations of the Complaints Committee; or ☐
- Failure to file an annual report with the District Officer where required; or ☐
- Contravening or attempting to contravene or abetting contravention of the Act or Rules.

With respect to the zero-tolerance policy towards ragging, every institution 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 fresher's category as well as senior students, non-teaching staff; and shall have a diverse mix of membership in terms of levels as well as gender.

b) It shall be the duty of the AntiRagging 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) Every institution shall also constitute a smaller body to be known as the AntiRagging 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.

VIII. Beneficiaries

Women employees of any age, students, departments, organisations, undertakings, establishments, enterprises, institutions, offices.

IX. UGC Guidelines pertaining to that policy in appendix

UGC Regulations emphasized the responsibility of Higher Educational Institutes to act decisively against all gender-based violence against employees and students of all sexes, including the third gender. The regulation states that sexual harassment is gender-neutral, and educational institutes should act upon complaints of both male and female employees and all students, male, female, and third gender.

These regulations of the UGC have taken a revolutionary initiative by adopting a genderneutral approach which means that irrespective of the gender, the victim can lodge a complaint, and the UGC POSH regulations shall protect the rights of students enrolled at the institute and ensure that they are all safe from sexual abuse regardless of the gender.

UGC regulations on curbing the menace of ragging in Higher Educational Institutions, 2009 intends to prohibit 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 indiscipline 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; and thereby, to eliminate ragging in all its forms from universities, deemed universities and other higher educational institutions in the country by prohibiting it.

A handwritten signature in green ink, appearing to read 'P. C. Khan', written in a cursive style.

PRINCIPAL