



GOVERNMENT OF WEST BENGAL
Office Of the Principal
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Policy Guidelines of the ICC, Darjeeling Government College

PREAMBLE

Darjeeling College has committed itself to providing a congenial and conducive atmosphere where all students, teachers, and non-teaching staff can work together in an environment free of violence, harassment, exploitation, and intimidation. This includes all forms of gender violence, sexual harassment, and discrimination based on gender. Every member is expected to be aware of the commitment to the right to freedom of expression and association, it strongly supports gender equality and opposes any form of gender discrimination and violence.

The Supreme Court of India, in a landmark judgment in August 1997 (Vishaka & others vs. the State of Rajasthan & others) stated that every instance of sexual harassment is a violation of "Fundamental Rights" under Articles 14, 15, and 21 of the Constitution of India, and amounts to violation of the "Right to Freedom" under Article 19 (1)(g). Another Supreme Court Judgement in January 1999 (Apparel Export Promotion Council vs. Chopra) stated that sexually harassing behavior "needs to be eliminated as there is no compromise on such violations". The Supreme Court further reiterated that sexual harassment "is a violation of the fundamental right to gender equality and the right to life and liberty".

In this regard, Darjeeling Government College adopts this policy to prevent, prohibit, and punish sexual harassment in the workplace. The policy upholds that every woman shall have the right to work in a workplace that is free from any form of sexual harassment.

Definition of Sexual Harassment:

The following are considered as sexual harassment of women:

- Physical contact and sexual advances
- Demand or request for sexual favors
- Sexually colored remarks
- Showing pornography
- Sexual Abuse by using any online social media/ online platforms.
- Any other unwelcome physical/verbal or nonverbal conduct of a sexual nature.

OBJECTIVES OF THE POLICY

- ✓ To fulfill the directive of the Supreme Court, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and The University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees And Students In Higher Educational Institutions) Regulations, 2015, (published on 2nd May 2016.) and

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the University of North Bengal in respect of implementing a policy against sexual harassment in the institution.

- ✓ To evolve a mechanism for the prevention and redressal of sexual harassment cases and other acts of gender-based violence in the institution.
- ✓ To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
- ✓ To provide an environment free of gender-based discrimination.
- ✓ To ensure equal access to all facilities and participation in activities of the college
- ✓ To create a secure physical and social environment that will deter acts of sexual harassment
- ✓ To promote a social and psychological environment that will raise awareness about sexual harassment in its various forms.

JURISDICTION

The rules and regulations outlined in this policy shall apply to all complaints of sexual harassment made:

- By a member of the institution against any other member irrespective of whether the harassment is alleged to have taken place within or outside the campus.
- By an outsider against a member of the college or by a member of the college against an outsider if the sexual harassment is alleged to have taken place within the campus.

By a member of the college against an outsider if the sexual harassment is alleged to have taken place outside the campus. In such cases, the Committee shall recommend that the college authorities initiate action by making a complaint with the appropriate authority. Further, the committee will actively assist and provide available resources to the complainant in pursuing the complaint.

Who can complain? How can they Complain?

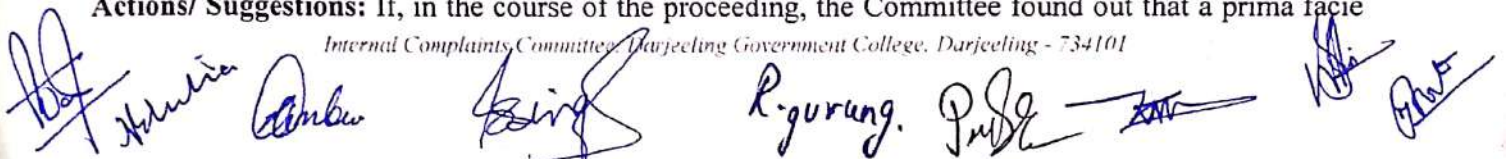
1. In case of any sexual harassment as stated by the law the Complainant must give a written complaint in the given format by the College.
2. The Complainant can take the form from the College Office and put it in the drop box of the ICC/ Grievance Redressal Committee OR email it to the provided email id of the ICC.
3. Only written complaints will be considered. Any other form of complaint other than written will not be accepted.
4. In special cases if the complainant is unable to write, the complaint may be oral. In such cases, it shall be documented in writing by the ICC member receiving the complaint and the same shall be authenticated by the complainant under her dated signature or thumb impression as the case may be. The members of the Committee shall maintain confidentiality about the proceedings conducted by them.
5. The Complaint can be received about the case apart from the complainant in two cases
 - a) In cases of forced confinement of the person. In such a case, brought by another person on behalf of the complainant, the Committee will examine whether an inquiry, intervention or some other assistance is needed.
 - b) In exceptional cases, third party/witness complaints may be entertained. In such cases, the Committee will ascertain whether the person alleged to have been sexually harassed wishes to lodge a formal complaint. Once such a complaint is received the Committee shall proceed to inquire into it as per the procedure specified.

PROCEEDINGS:

6. On receipt of the complaint, the committee shall convene a meeting within seven working days. The Committee shall conduct the proceedings by the principles of natural justice.
7. At least 5 members of the Committee should be present to fulfill the quorum of the meeting.
8. Within not more than *five working days* on the receipt of the first intimation of the inquiry, the complainant and the defendant shall submit, to the Presiding Officer of the Committee in writing, a list of witnesses, together with their contact details, that she/he desires the Committee to examine.
9. The defendant, the complainant, and witnesses shall be intimated at least seventy-two hours (3 days) in advance in writing of the date, time, and venue of the inquiry proceedings. The responsibility of communicating with the witnesses lies with the committee regarding the date, time, and venue of the meeting.
10. The Committee shall have the power to summon any official papers or documents pertaining to the complaint under inquiry.
11. The Committee shall have the right to summon, as many times as required, the defendant, complainant, and/or any witnesses for supplementary testimony and/or clarifications.
12. All proceedings of the Committee shall be recorded in writing. The record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof.
13. The Committee shall start ex parte proceedings in two cases:
 - a. If the complainant or the defendant fails to respond to the inquiry within the given time frame, the Committee will send a reminder/summon letter. Even after the reminder, if the defendant fails to respond the Committee shall start the ex-parte proceedings.
 - b. Should the complainant/defendant **choose not to participate** in the proceedings, the Committee shall continue ex parte. In this case, the representative of both the parties should be present.
14. All persons heard by the Committee, as well as observers/nominees, shall take and observe an oath of secrecy about the proceedings to protect the dignity of the complainant and the defendant. Any violation of the oath of secrecy may invite penalties.
15. In case of the students the parents/guardians of both parties will be informed and if need arise shall be asked to attend the proceedings.
16. If the ICC decides not to conduct an inquiry into a complaint, it shall record the reasons for the same in the minutes of the Committee meeting. The Committee shall make the same available to the complainant in writing.
17. The Committee shall prepare the minutes of all proceedings duly signed by the members of the Committee.
18. The Committee shall try to complete its proceedings as per the guidelines set by the PoSH act and UGC Guidelines against the Prevention, Prohibition and Redressal of Women Act, 2015.
19. After the completion of the inquiry and after finalizing the decision, the ICC shall prepare a report documenting every proceeding and the subsequent penalty to the offender to the College authority.

Actions/ Suggestions: If, in the course of the proceeding, the Committee found out that a prima facie

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case of sexual harassment is made out against the accused employee(s)/student and that there is any chance of the recurrence of any such action, or that it is required to do so in the interests of justice, it may, on the request of the complainant or otherwise, depending upon the severity of the case a disciplinary action is liable to be taken against the accused as per the service rule for the employees and as per College regulations. The committee shall function as per the guidelines set by the UGC notification.

Actions against false complaint: If, at the culmination of the proceedings before it, the Committee is satisfied that the complainant has knowingly brought false charges of sexual harassment against any person. The committee shall recommend the same disciplinary action stated above to the competent authority.

The competent authority for the students will be the Officer-in-charge/Principal of the College. If the offender is an employee and if found guilty of sexual harassment shall be punished by the rules laid down in service rules.

The cases beyond the capacity of the Committee shall be reported to a Higher authority for necessary action.

The policy guidelines have been prepared and duly signed by

| Sl.no | Name | Position | Signatures |
|-------|--|---|-------------------------------|
| 1 | Dr. Sujata Rani Rai, Associate Professor and Head, of Nepali | Presiding Officer | <i>Sujata Rani Rai</i> |
| 2 | Dr. Prabir Kumar Sen, Associate professor, and Head, of Chemistry | Internal member | <i>Prabir Kumar Sen</i> |
| 3 | Prof. Dewki Limbu, Assistant Professor of Geography, | Internal member | <i>Dewki Limbu</i> |
| 4 | Prof Nisha Tamang, Assistant Professor of Geography, | Internal member | <i>Nisha Tamang</i> 13 |
| 5 | Prof. Shraddhanjali Singh, Assistant Professor of Hindi | Internal member | <i>Shraddhanjali Singh</i> |
| 6 | Mrs. Norjin Tshering Bhutia, Translator, | Office Staff Representative | <i>Norjin Tshering Bhutia</i> |
| 7 | Mrs. Tshering Doma Bhutia, Group-D Staff,(Chemistry) | Non-Teaching Staff Representative | <i>Tshering D Bhutia</i> |
| 8 | Mr. Tej Kumar Thapa | Child Protection Officer & Senior Lead Anugyalaya, Darjeeling DSSS, Divyavani, Near Loreto Convent South Gate, Loch Nagar, External Member | <i>Tej Kumar Thapa</i> |
| 9 | Mrs. Ritika Gurung (B.A. L.L.B. Hons), Advocate, District & Session Court, | Legal Advisor/ External Member | <i>R. Gurung</i> |