

**INDIAN INSTITUTE OF TECHNOLOGY KANPUR**  
**Registrar's Office**

IITK/A-93/LC-21  
September 16, 2021

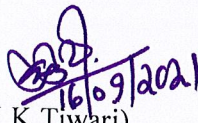
**NOTIFICATION**

*(Refer Rule 2 of The Indian Institute of Technology Kanpur (Inquiry into Complaints of Sexual Harassment of Women at Workplace) Rules, 2021)*

In exercise of the powers conferred by Section 13(1) of the Institutes of Technology Act, 1961, the Board of Governors of Indian Institute of Technology Kanpur, and pursuant to the Section 11(1) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, has approved the rules namely "The Indian Institute of Technology Kanpur (Inquiry into Complaints of Sexual Harassment of Women at Workplace) Rules, 2021".

The aforesaid rules shall come into force w.e.f. December 01, 2021; save that any existing cases pending (or complaints filed before December 01, 2021) before the Institute/ICC would continue to be governed by the extant norms.

Copy of notified Rules is available on home page of IITK Women's Cell and also on <https://www.iitk.ac.in/wc/sexual-harassment>.

  
(K K Tiwari)  
Registrar

Copy to:

1. Director
2. Dy. Director
3. All Deans
4. All Heads of Departments/Section/Units/IPDs
5. Presiding Officer, Internal Complaints Committee
6. All Notice Boards

**The Indian Institute of Technology Kanpur  
(Inquiry into Complaints of Sexual Harassment of  
Women at Workplace)  
Rules, 2021**

**Statement of Objects and Reasons**

Whereas, in terms of section 11(1) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, inquiry in the complaints of sexual harassment is to be made in accordance with provisions of the service rules applicable to the respondent and where no such rules exists, in such manner as may be prescribed.

Now therefore, in exercise of the powers conferred by Section 13(1) of the Institutes of Technology Act, 1961, the Board of Governors of Indian Institute of Technology Kanpur, pursuant to the aforementioned section 11(1) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, hereby makes the following rules, namely "The Indian Institute of Technology Kanpur (Inquiry into Complaints of Sexual Harassment of Women at Workplace) Rules, 2021"

**Short title, extent and commencement**

1. These rules shall be called "The Indian Institute of Technology Kanpur (Inquiry into Complaints of Sexual Harassment of Women at Workplace) Rules, 2021" and shall be applicable to all kinds, categories and classes of its employees, including workers directly employed/engaged by the Institute.
2. These rules shall come into force from the date of approval of these rules by the Board of Governors of Indian Institute of Technology Kanpur.<sup>1</sup>

**Definitions**

3. In these rules, unless there is anything repugnant in the subject or context-
  - a) "Act" means The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

---

<sup>1</sup> Enforceable w.e.f. 01.12.2021 *vide* Notification No. IITK/A-93/LC-21 dated 16.09.2021.

- b) "Aggrieved Women" would a complainant under section 9(2) of the Act read with rule 10 of these Rules.
- c) "Board of Governors" means the Board of Governors of Indian Institute of Technology Kanpur.
- d) "Director" means the Director of Indian Institute of Technology Kanpur.
- e) "Institute" means the Indian Institute of Technology Kanpur.
- f) "Committee" means the Internal Complaints Committee constituted by the Director of Indian Institute of Technology Kanpur as per provisions of sub-section 1 of section 4 of the Act.
- g) "Member" means the member(s) of Internal Complaints Committee constituted by the Director in conformity with provisions of Section 2(h) of the Act and includes its Presiding Officer.
- h) "Presiding Officer" means the Chairperson of the Internal Complaints Committee constituted by the Director.
- i) "Rules" would, unless the context otherwise indicate, mean 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013'.
- j) "Statutes" means Indian Institute of Technology Kanpur Statutes.

#### **The Committee and its Formation**

- 4. The Director of the Institute shall have the powers to constitute the Committee in conformity with the provisions of Section 4(1) of the Act in the following manner, namely: -
  - a) the Presiding Officer, to be a senior woman Professor of the Institute;
  - b) one person from amongst the academic staff of the Institute;
  - c) one person from amongst the non-academic staff of the Institute;

- d) two person from amongst academic/non-academic staff of the Institute committed to the cause of women or who has had experience in social work or have legal knowledge; and
- e) one person 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 to be so nominated shall be women.

- 5. The Presiding Officer and every member of the Committee shall hold office for such period, not exceeding three years from the date of their nomination, as may be specified by the Director.

#### **Act of Sexual Harassment to be deemed as misconduct**

- 6. Any act of sexual harassment of women at workplace of the Institute by its employee(s) shall, if proved in the inquiry conducted by the Committee, be treated as 'misconduct' for all intents and purposes.

#### **Complaint**

- 7. Any aggrieved woman may make a complaint as provided under section 9 of the Act.

Provided that the Committee may treat any complaint as a complaint under these Rules which may be referred to it by the Director of the Institute and may proceed in accordance with the provisions of these Rules.

- 8. The complaint shall normally be accompanied with the list of witnesses, their addresses and supporting documents. However, the list of witnesses, their addresses and supporting documents may also be furnished by the complainant during the inquiry proceedings, preferably on the first date of hearing.

#### **Cognizance of Complaint**

- 9. All complaints whether addressed to the Presiding Officer or any other member of the Committee or routed through the Director shall be taken cognizance of by the Committee and be enquired in terms of the provisions of these Rules.

10. Any complaint on behalf of an aggrieved woman who is unable to make a complain on account of her physical or mental incapacity or death or otherwise, may be filed by any other person in terms of rule 6(i) to 6(iv) of 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, which shall be taken cognizance of by the Committee and proceeded forthwith.
11. The complaint shall be submitted in six copies to the Committee. However, the same shall not be rejected merely because any lesser number of copies has been received. The Committee in such case, shall take cognizance of the complaint and endeavor to make out the copies in required number either suo-motto or by advising the complainant to do so.

### **Conciliation at the request of aggrieved woman**

12. The Committee may, at the request of the aggrieved woman, take steps to settle the matter through conciliation, as provided under section 10 of the Act.
13. Where a settlement has been arrived at under Rule 12 of these rules read with sub-section (i) of section 10 of the Act, the Committee shall record the settlement so arrived and forward it to the Director with its recommendations to take further action as specified in the recommendations.
14. A copy of the settlement shall also be provided to the aggrieved woman and the respondent.

### **Manner of Inquiry into complaint**

15. Any complaint received by any member of the Committee shall immediately be forwarded by the member concerned to the Presiding Officer who shall notify it to all other members of the Committee at the earliest but not later than three days.
16. A meeting of the Committee shall be called by the Presiding Officer within three days of receipt of the complaint. However, before discussing and deciding on its jurisdiction on taking cognizance of the complaint, the Committee shall, in the first instance, ensure that the complainant is present before the Committee and, if not, at least one lady member from the Committee shall visit her to make preliminary inquiry from the aggrieved woman and thereafter the Committee shall discuss and prima facie decide whether to deal with the complaint or

reject the complaint. In case, the Committee decides to prima facie reject the complaint, the reasons thereof shall be recorded in writing and a recommendation to the Director shall be sent along with the reasons as to why no action is required to be taken in the matter.

17. Subject to the provision of section 10 of the Act and rule 12 of these Rules, the Committee shall, where the respondent is an employee of the Institute, proceed to make an inquiry into the complaint in accordance with the provisions of these Rules.
18. On receipt of the complaint, the Committee shall as far as possible within seven working days, send a copy of the complaint along with the names and addresses of witnesses and supporting documents, received along with the complaint, to the respondent. At the same time, the Committee shall summon the respondent to appear in person and file his reply within a period not exceeding ten working days before the Committee. The summon notice shall contain the date, time and venue of the inquiry proceedings. Summon notice shall simultaneously be issued to the complainant as well for appearance in the hearing.
19. The respondent shall in compliance of the notice as above, submit his reply to the complaint in six copies together with his own list of witnesses stating in clear terms their relevance to his defense, their addresses and supporting documents to the Committee.
20. The Presiding Officer shall make available to the complainant a copy of the reply filed by the respondent along with the list of witnesses and the supporting documents.
21. The aggrieved woman shall thereafter be allowed to submit her rejoinder, if any.
22. Both the parties, i.e., the aggrieved woman and the respondent shall be afforded reasonable opportunity to present and defend their case.
23. After the first date of hearing, subsequent hearing shall, as far as possible, be carried out on day-to-day basis. Should the respondent or the complainant fail, without valid ground or sufficient cause, to be present on any date of hearing before the Committee or the Presiding Officer, the Committee shall have the right to conduct ex-parte proceedings and to render ex-parte decision on the complaint.

Provided that such termination or ex-parte order may not be passed without giving a notice in writing at least three days in advance to the party concerned.

24. The Committee may suo-motto summon/call any person to appear as a witnesses if in its opinion, it shall be in the interest of justice.
25. The Committee shall have the right to summon, as many times as it deems necessary, the respondent, aggrieved woman and/or any witness for supplementary testimony and/or clarifications.
26. The Committee shall have the power to summon the production of any official paper or documents pertaining or related to the subject matter of complaint, which in its opinion may be of assistance to the inquiry.
27. The past sexual history of the aggrieved woman shall not be subjected to probe during the inquiry proceedings and any such information shall be deemed to be irrelevant for the purposes of complaint of sexual harassment.
28. The presence of a minimum of four members including the Presiding Officer shall be necessary for all inquiry proceedings.
29. All inquiry proceedings shall be recorded by the Committee in writing.

#### **Principles of natural justice to apply to inquiry proceedings**

30. The inquiry into the complaint shall be made by the Committee in accordance with the principles of natural justice.

#### **Bar on legal practitioner in inquiry proceedings**

31. No legal practitioner shall be allowed to represent either the aggrieved woman or the respondent in the proceedings before the Committee.

#### **Examination and cross-examination of witnesses and adducing the evidence.**

32. The proceedings and the statement of the witnesses shall be recorded in writing and signed by both the parties, the witnesses concerned and the Presiding Officer to authenticate the same. If deemed appropriate, audio/video recording of the witnesses' statements may also be done.

33. If the aggrieved woman desires to submit any documents by way of evidence and which are not in her possession but are in the domain of the Institute/its employee(s) and which are deemed necessary in the interest of justice, the Committee shall endeavor to arrange for the supply of true copies of such documents to the aggrieved woman and vice-versa in case of the respondent. However in each case, the copies of such tendered documents shall be made available to the other party as well.
34. Similarly, if either of the parties intend to adduce any additional/supplementary evidence, documentary or of persons, the Committee may permit the same following the due procedure.
35. Nothing shall preclude the Committee or the Institute from taking cognizance of any new fact or evidence which may arise or be brought before it during the pendency of inquiry proceedings or even after the submission of findings/report to the appropriate authorities of the Institute. However, in such case, the committee shall be required to submit its supplementary report to the Director.

### **Help of Amicus Curie**

36. The Committee may, at its discretion and if required, call an Amicus Curie to help it in the inquiry.

### **Completion of inquiry, submission of report and its follow up.**

37. If the Committee finds no merit in the allegations, it shall accordingly submit its report to the Director.
38. The inquiry into complaint of sexual harassment of woman at workplace shall be completed in ninety days.
39. The Committee shall after completion of inquiry submit a detailed and reasoned report to the Director at the earliest but not later than ten days after completion of the inquiry along with its recommendations thereto.
  - a. If the Committee concludes that the allegations against the respondent stand proved, it shall submit its report to the Director for awarding appropriate punishment as per the Statutes of the Institute.



- b. If the Committee concludes that allegations against the responded are malicious or false or forged/misleading documents have been produced on the part of the aggrieved woman, it may recommend to the Director to take action against such act or falsification, on the part of the aggrieved woman.
40. The Institute authorities shall act upon the recommendations within 60 days of its receipt and inform the Committee of action taken.

### **Bar on information being made public**

41. Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaints made under rule 7 of these Rules, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Committee and the action taken by the Director under the provisions of the Act, shall not be published, communicated or made known to the public, press and media in any manner.

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under the Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

### **Powers of the Committee**

42. As an interim measure, the Committee may during the pendency of an inquiry, on a written request made by the aggrieved woman, recommend to the Director to;
  - a. transfer the aggrieved woman or the respondent to another section or department or workplace as it deems appropriate;
  - b. grant leave to the aggrieved woman up to a period of three months in addition to her existing leave benefits;
  - c. restrain the respondent from exercising any administrative authority or supervision or writing confidential report or evaluation or from supervising any academic activity, as the case may be, or of the aggrieved woman; and

- d. grant such other relief to the aggrieved woman as the case may require.
43. The Committee on complaints in which it arrives at the conclusion that the allegation against the respondent has been proved, may if deemed necessary, may further recommend to the Director to deduct from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or her legal heirs, as it may determine in accordance with the provision as provided hereinafter in these Rules.

#### **Determining the sum to be paid to the aggrieved woman**

44. For the purpose of determining the sums to be paid to the aggrieved woman under rule 53 of these Rules, the Committee shall have regard to ;
- a. the mental trauma, pain. suffering and emotional distress caused to the aggrieved woman;
  - b. the loss in the career opportunity due to the incident of sexual harassment;
  - c. the income and financial status of the respondent;
  - d. feasibility of such payment in lump sum or in instalment;

#### **Appeal**

45. If the aggrieved woman/complainant or the respondent is not satisfied with the findings of the Committee, she/he may prefer an appeal before the Board of Governors along with all necessary documents.

Provided the appeal must be filed within a period of ninety days of the recommendations/findings/decision of the Committee.

\*\*\*\*\*