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# INTERNAL COMPLAINTS COMMITTEE (ICC)

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## Policy and Guidelines



**Pandit Deendayal Upadhyaya Adarsha Mahavidyalaya  
Amjonga, Goalpara-783124, Assam**

**Internal Complaints Committee (ICC)**  
**Pandit Deendayal Upadhyaya Adarsha Mahavidyalaya**  
**Amjonga, Goalpara-783124, Assam**

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*“Whereas sexual harassment results in violation of the fundamental rights of a woman to equality under articles.....”*  
*[Preamble, Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act]*

**1. PREAMBLE**

As enshrined in the Preamble to the Constitution of India, “equality of status and opportunity” must be secured for all its citizens; equality of every person under the law is guaranteed by Article 14 of the Constitution. A safe workplace is therefore a woman’s legal right. Indeed, the Constitutional doctrine of equality and personal liberty is contained in Articles 14, 15 and 21 of the Indian Constitution. These articles ensure a person’s right to equal protection under the law, to live a life free from discrimination on any ground and to protection of life and personal liberty.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was enacted to ensure safe working spaces for women and to build enabling work environments that respect women’s right to equality of status and opportunity. An effective implementation of the Act will contribute to the realization of their right to gender equality, life and liberty, equality in working conditions everywhere.

Pandit Deendayal Upadhyaya Adarsha Mahavidyalaya Amjonga was established in 2017 with Higher Secondary and Bachelor of Science courses affiliated to AHSEC and Gauhati University, Assam. In the year 2023 arts stream was introduced and started Bachelor of Arts. The College is committed to create and maintain a community in which students, teachers and non-teaching staff can work together in an environment free of violence, harassment, exploitation and intimidation. Every member of the College community should be aware that while the College is committed to the right to freedom of expression and association, it strongly supports gender equality.

. Initially the Sexual Harassment cell was constituted by the Principal of PDUAM Amjonga in January 2021. Thereafter, the Sexual Harassment cell was renamed as the Internal Complaints Committee (ICC). The ICC functions with the core objectives of up-holding and uplifting the mission of the institute and on doing so, enhances the quality of life at the campus.

All members of the College community, including all the students, faculty and staff, as well as part-time and contractual workers, as well as visitors on campus are subject to this policy.

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Anyone violating this policy is subject to disciplinary action. This document describes the role and constitution of the ICC, as well as the procedures for seeking redressal of sexual harassment.

## **2. INTRODUCTION**

Sexual Harassment at workplace results in violation of the fundamental rights of a woman to equality as per and her right to live with dignity. For the first time in India in 1997, a petition was filed in the Supreme Court to enforce the fundamental rights of working women, after the brutal gang rape of Bhanwari Devi, a social worker from Rajasthan. As an outcome of the landmark judgment of the Vishaka and Others vs State of Rajasthan the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, was enacted. The Supreme Court of India, for the first time in the Vishaka Guidelines, acknowledged Sexual Harassment at the workplace as a human rights violation. Further, the Act also reflects the commitment of the Government to the ratification of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) on July 09, 1993, This new legislation makes every effort to be a user friendly tool in the hands of the employers and employees, to create safe and secure workplaces for all women. An effective implementation of the Act will contribute to the realization of their right to gender equality, life and liberty, equality in working conditions everywhere. The sense of security at the workplace will improve women's participation in work, resulting in their economic empowerment and inclusive growth.

Every Executive Authority shall constitute an Internal Complaints Committee (ICC) through a written order. The ICC is a mandatory body that every educational institution in India, including colleges, must establish as per the guidelines of the University Grants Commission (UGC) and the Supreme Court of India. The ICC of the college is responsible for dealing with complaints of sexual harassment made by students, faculty members, or staff members. The main objective of the ICC is to create a safe and inclusive environment in the college, to prevent sexual harassment, and to provide a platform for individuals to report any incidents of sexual harassment. The committee is also responsible for investigating the complaints and taking appropriate action against the perpetrator. The ICC follows a specific process for handling complaints, which includes receiving the complaint, conducting an inquiry, and submitting a report of the findings to the college authorities. The committee also ensures the confidentiality of the complainant and the witnesses throughout the investigation

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process. Overall, the ICC plays a crucial role in preventing sexual harassment, providing support to the complainant, and ensuring that the college environment is safe and inclusive for all individuals associated with the college.

In accordance with the "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and "University Grant Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015" the Internal Complaint Committee (ICC) has been reconstructed in Pandit Deendayal Upadhyaya Adarsha Mahavidyalaya Amjonga [Office Order No. PDUAM/GA/MISP/PT-1/2019/22/1730 dated 6<sup>th</sup> July 2023]. ICC of PDUAM, Amjonga is dedicated to creating and maintaining a safe and inclusive environment for all women employees and students of the college. The ICC operates under the mandate of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and UGC Regulations, 2015.

The following policy has been made keeping in mind the above facts.

### **3. OBJECTIVES**

The objectives of the ICC to prevent sexual harassment of women and men at the workplace are as follows:

- i. To prevent sexual harassment by promoting gender amity among students, teaching and non-teaching staff of the Institution.
- ii. To develop a policy against sexual harassment of women and men at the college.
- iii. To publicly commit itself to a zero-tolerance policy towards sexual harassment.
- iv. To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases at the college.
- v. To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
- vi. To uphold the commitment of the college to provide an environment free of gender based discrimination.
- vii. To create a secure physical and social environment deter any act of sexual harassment.
- viii. To promote a social and psychological environment to raise awareness on any form of sexual harassment.

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- ix. To recommend appropriate punitive action against the guilty person.
- x. To treat sexual harassment as a misconduct under service rules if the perpetrator is an employee.
- xi. To treat sexual harassment as a violation of disciplinary rules if the perpetrator is a student.
- xii. To monitor the timely submission of annual reports by the ICC.

**4. DEFINITIONS**

- (a) “**aggrieved woman**” means in relation to work place, a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent
- (b) ‘**Act**’ means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013)
- (c) “**campus**” means the location or the land on which College and its related institutional facilities like libraries, laboratories, lecture halls, residences, halls, toilets, student centres, hostels, dining halls, stadiums, parking areas, parks-like settings and other amenities like health centres, canteens, etc., are situated and also includes extended campus and covers within its scope places visited as a student of the College including transportation provided for the purpose of commuting to and from the institution, the locations outside the institution on field trips, internships, study tours, excursions, short-term placements, places used for camps, cultural festivals, sports meets and such other activities where a person is participating in the capacity of an employee or a student of the College.
- (d) “**covered individuals**” are persons who have engaged in protected activity such as filing a sexual harassment charge, or who are closely associated with an individual who has engaged in protected activity and such person can be an employee or a fellow student or guardian of the offended person.
- (e) “**employee**” means a person as defined in the Act and also includes, for the purposes of these Regulations trainee, apprentice (or called by any other name), interns, volunteers, teacher assistants, research assistants, whether employed or not, including those involved in field studies, projects, short-visits
- (f) “**sexual harassment**” means-

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(i) “An unwanted conduct with sexual undertones if it occurs or which is persistent and which demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and includes any one or more or all of the following unwelcome acts or behaviour (whether directly or by implication), namely:

(a) any unwelcome physical, verbal or non verbal conduct of sexual nature;

(b) demand or request for sexual favours;

(c) making sexually coloured remarks

(d) physical contact and advances; or

(e) showing pornography”

(ii) any one (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones-

(a) implied or explicit promise of preferential treatment as quid pro quo for sexual favours;

(b) implied or explicit threat of detrimental treatment in the conduct of work;

(c) implied or explicit threat about the present or future status of the person concerned;

(d) creating an intimidating offensive or hostile learning environment;

(e) humiliating treatment likely to affect the health, safety dignity or physical integrity of the person concerned

(g) “**student**” means a person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short-term training programmes in a College.

(h) “**third Party Harassment**” refers to a situation where sexual harassment occurs as a result of an act or omission by any third party or outsider, who is not an employee or a student of the college, but a visitor to the college in some other capacity or for some other purpose or reason;

(i) “**victimisation**” means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour

(j) “**workplace**” means the campus of a college including-

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- (a) 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 college;
- (b) Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in college;
- (c) Any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the Executive Authority for undertaking such journey for study in college.

**I. Constitution of Internal Complaints Committee:**

Every Executive Authority shall constitute an ICC with an inbuilt mechanism for gender sensitization against sexual harassment. The ICC shall have the following composition:

- A Presiding Officer who shall be a woman faculty member employed at a senior level at the college.
  - Two faculty members and two non-teaching employees.
  - Three students, if the matter involves students, who shall be enrolled at the undergraduate.
  - One member from amongst non-government organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
  - Not less than two teaching employees and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge
- II.** At least one-half of the total members of the ICC shall be women.
- III.** Persons in senior administrative positions shall not be members of ICCs
- IV.** The term of office of the members of the ICC shall be for a period of three years.
- V.** 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 Executive Authority.



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**5. Responsibilities of Internal Complaints Committee (ICC):** The Internal Complaints Committee shall:

- (a) provide assistance if an employee or a student chooses to file a complaint with the police
- (b) provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights, and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence
- (c) protect the safety of the complainant by not divulging the person's identity, and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the offender
- (d) ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment and
- (e) ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.

**6. The process for making complaint and conducting Inquiry:** The ICC shall comply with the procedure prescribed in the UGC Regulations and the Act, for making a complaint and inquiring into the complaint in a time bound manner. The College shall provide all necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy

**7. Process of making complaint of sexual harassment:** An aggrieved person is required to submit a written complaint to the ICC within three months from the date of the incident and in case of a series of incidents within a period of three months from the date of the last incident. Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the person for making the complaint in writing; Provided further that the ICC may, for the reasons to be accorded in the writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period. Friends, relatives, Colleagues, Co-students, Psychologist, or any other associate of the victim

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may file the complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death.

**8. Process of conducting Inquiry:**

(1) The ICC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within a period of seven days of such receipt.

(2) Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complaint along with the list of documents, and names and addresses of witnesses within a period of ten days.

(3) The inquiry has to be completed within a period of ninety days from the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the inquiry to the Executive Authority of the College. Copy of the findings or recommendations shall also be served on both parties to the complaint.

(4) The Executive Authority of the College shall act on the recommendations of the committee within a period of thirty days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.

(5) An appeal against the findings or /recommendations of the ICC may be filed by either party before the Executive Authority of the College within a period of thirty days from the date of the recommendations.

(6) If the Executive Authority of the College decides not to act as per the 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 the recommendations of the ICC, then a show cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken. The Executive Authority of the College shall proceed only after considering the reply or hearing the aggrieved person.

(7) The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The College shall facilitate a conciliation process through ICC, as the case may be, once it is sought. The resolution of the conflict to the full satisfaction of the aggrieved party wherever possible, is preferred to purely punitive intervention.

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(8) The identities of the aggrieved party or victim or the witness or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.

**9. Interim redressal:** The College may,

(a) Transfer the complainant or the respondent to another section or department to minimise the risks involved in contact or interaction, if such a recommendation is made by the ICC;

(b) Grant leave to the aggrieved with full protection of status and benefits for a period up to three months;

(c) Restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant;

(d) Ensure that offenders are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry into the campus;

(e) Take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimisation as a consequence of making a complaint of sexual harassment.

**10. Punishment and compensation:**

(1) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules, if the offender is an employee.

(2) Where the respondent is a student, depending upon the severity of the offence, the College may-

(a) withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card;

(b) suspend or restrict entry into the campus for a specific period;

(c) expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants;

(d) award reformatory punishments like mandatory counselling and, or, performance of community services.

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(3) The aggrieved person is entitled to the payment of compensation. The College shall issue direction for payment of the compensation recommended by the ICC and accepted by the Executive Authority, which shall be recovered from the offender. The compensation payable shall be determined on the basis of:

- (a) mental trauma, pain, suffering and distress caused to the aggrieved person;
- (b) the loss of career opportunity due to the incident of sexual harassment;
- (c) the medical expenses incurred by the victim for physical, psychiatric treatment;
- (d) the income and status of the alleged perpetrator and victim; and
- (e) the feasibility of such payment in lump sum or in instalments.

**11. Action against frivolous complaint:** To ensure that the provisions for the protection of employees and students from sexual harassment do not get misused, provisions against false or malicious complaints have to be made and publicised within all Institute.. If the ICC concludes that the allegations made were false, malicious or the complaint was made knowing it to be untrue, or forged or misleading information has been provided during the inquiry, the complainant shall be liable to be punished as per the service rule. However, the mere inability to substantiate a complaint or provide adequate proof will not attract attention against the complainant. Malicious intent on the part of the complainant shall not be established without an inquiry, in accordance with the procedure prescribed, conducted before any action is recommended.

**12. Prohibition of publication or making known contents of complaint and inquiry proceedings:**

Notwithstanding anything contained in the Right to Information Act, 2005 (22 of 2005), the contents of the complaint made under section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC, as the case may be, and the action taken by the employer or the District Officer under the provisions of this 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

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harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

**13. Penalty for publication or making known contents of complaint and inquiry proceedings;**

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.

**14. Committee to submit annual report:**

(1) The ICC shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and the District Officer.

(2) The District Officer shall forward a brief report on the annual reports received to the State Government.

**15. Consequences of non-compliance:**

(1) The UGC shall, in respect of any institution that will fully contravenes or repeatedly fails to comply with the obligations and duties laid out for the prevention, prohibition and redressal of sexual harassment of employees and students, take one or more of the following actions after providing due notice:

(a) Withdrawal of declaration of fitness to receive grants under section 12B of the University Grants Commission Act, 1956.

(b) Removing the name of the college from the list maintained by the Commission under clause (f) of section 2 of said Act, 1956.

(c) Withholding any grant allocated to the institution.

(d) Declaring the institution ineligible for consideration for any assistance under any of the general or special assistance programmes of the Commission.

(e) Informing the general public, including potential candidates for employment or admission, through a notice displayed prominently in the newspapers or other suitable media and posted

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on the website of the Commission, declaring that the institution does not provide for a zero tolerance policy against sexual harassment.

- (f) Recommending the affiliating university for withdrawal of affiliation.
- (g) Recommending the Central Government for withdrawal of declaration as an institution deemed to be university, in case of an institution deemed to be university.
- (h) Recommending the appropriate State Government for withdrawal of status as university in case of a university established or incorporated under a State Act.
- (i) Taking such other action within its powers as it may deem fit and impose such other penalties as may be provided in the University Grants Commission Act, 1956 for such duration of time till the institution complies with the provisions of these regulations.

(2) No action shall be taken by the Commission under these regulations unless the Institution has been given an opportunity to explain its position and an opportunity of being heard has been provided to it.

*This is hereby clarified that PDUAM, Amjonga shall comply the guidelines of the Apex court in the Sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, "University Grant Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015" and rules made there under other laws of the land made in this regard.*

*Sarkar*

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Presiding Office, ICC, PDUAM, Amjonga  
Date: 06/12/2022  
Policy Document No: PDUAM/17/22/01



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