



Ref: KIM/IC/AICTE/2024-25

Date: 08<sup>th</sup> Oct. 2024

**ORDER**

The Internal Committee (IC) is constituted (As per Section 4 All India Council for Technical Education (Gender Sensitization, Prevention and Prohibition of Sexual Harassment of Women Employees and Students and Redressal of Grievances in Technical Institutions) Regulations, 2016 vide No. F. AICTE/WH/2016/01 dated 10th June, 2016

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**COMPOSITION OF THE INTERNAL COMMITTEE (IC)**

**The Committee consists of 7 (Seven) members.**

Working Rules for Internal Committee: In pursuance of the Sexual harassment of women at workplace (Prevention and Prohibition and Redressal) Act 2013 and the Rules framed there under, the institute hereby adopts the following procedure for determining complaints filed to the internal committee (IC) constituted under the act. The procedure complies with basic principles of natural justice and fair play and must be adhered to in all complaints, though, in individual complaints, for reasons to be stated in writing, the IC reserves the right to make exceptions to the procedure stated hereunder.

1. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the IC, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. Six copies of written complaint should be submitted to the committee or any of its members along with list of witness and supporting documents.

2. Additional documents and list of witness can be submitted to IC at a later stage during the proceeding. Provided that where such complaint cannot be made in writing, the presiding officer or any other member of the IC shall render all reasonable assistance to the woman for making the complaint in writing. Provided further that the IC for

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the reasons to be recorded in writing, can extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

3. Any complaint received by the members should be immediately forwarded to the Presiding Officer, and this must be notified to other committee members at the earliest and not later than three days and a meeting should be called for discussing the matter.

4. The committee shall discuss and decide on its jurisdiction to deal with the case or reject the complaint prima facie and recommend to the institute that no action is required to be taken in the matter.

5. Notice shall be issued to the respondent within seven working days of receipt of the complaint and ten working days shall be given for submission of reply (along with the list of witnesses and documents).

6. The committee will provide assistance to the aggrieved woman, if she so chooses, to file a police complaint in relation to an offence under Indian Penal code.

7. The committee may, before initiating an inquiry, at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation.

8. No monetary settlement shall be made as the basis of conciliation. Where a settlement has been arrived at, the IC shall record the settlement so arrived and forward the same to the employer for necessary compliance.

9. The committee shall provide the copies of the settlement as recorded under (7) to the aggrieved woman and the respondent. Where a settlement is arrived at, no further inquiry shall be conducted by the IC.

10. If conciliation is found to be not feasible, notice will be issued to both parties for hearing.

11. The committee may direct the Registrar to ensure the safety and protection of the aggrieved woman if and when required.

12. As an interim measure, IC may recommend.

a. The transfer of the aggrieved woman or the respondent to another section or department as deemed fit by the committee.

b. Grant leave to the aggrieved woman up to a period of three months or

c. restrain the respondent from exercising any administrative authority or supervision or academic evaluation of the aggrieved woman.

d. grant such other relief to the aggrieved woman as the case may require.

13. The committee shall proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent considering sexual harassment as misconduct.

14. The Presiding Officer shall convene the first hearing of the inquiry. The respondent, the aggrieved woman, and the witnesses shall be intimated at least 7 working days in advance in writing of the date, time and venue of the inquiry proceedings. The subsequent proceedings may be on a day to day basis, to be decided by IC.

15. The committee shall provide reasonable opportunity to the aggrieved woman and the respondent for presenting and defending her/his case.

16. The committee may at any time during the enquiry proceedings, preclude the face to face examination of the respondent and the aggrieved woman and or/their witnesses keeping in view the need to protect the aggrieved woman or the witnesses from facing any serious health and or /safety problems.

17. 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. The aggrieved woman /respondent has to submit the written reply before the committee within the specified time given.

18. The committee shall have the right to summon, as many times as required, the respondent, aggrieved woman and, or any witness for the purpose of supplementary testimony and or/clarifications.

19. The committee shall have the power to summon any official papers or documents pertaining to the aggrieved woman as well as respondent.

20. The past sexual history of the aggrieved woman shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.



21. The committee shall have the right to terminate the inquiry proceedings and to give an ex party decision on the complaint, should respondent fail, without valid ground, to be present for three consecutive hearings convened by the Presiding Officer.

22. The aggrieved woman and the respondent, or any one person on her/his behalf, shall have the right to examine written transcripts of the recordings with the exclusion of witnesses 'names and identities

Any person nominated by the aggrieved woman and /or the respondent on her/his behalf, shall be (only)

Either a student, or a member of the academic or non-teaching staff. No person who has been found guilty of sexual harassment shall be accepted as a nominee. The aggrieved woman /respondent should inform the presiding officer specially if they wish to exercise this right. The Presiding officer shall allow access to such documents on a specific date to be intimated at two days in advance to each of the parties concerned. At no point in time, however, can the concerned parties take these documents outside the office.

23. The aggrieved woman and the respondent shall be responsible for presenting their witnesses before the committee. However, if the committee is convinced that the absence of either of the parties to the disputes is on valid grounds, the committee shall adjourn that particular meeting of the committee for a period not exceeding five days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fail to appear for the said adjourned meetings without prior intimation/valid ground.

24. All proceedings of the IC shall be recorded in writing. The record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned as well as committee members present in token of authenticity thereof. In case the minutes cannot be reduced in writing the same day, as audio recording of the proceedings may be made, and the written proceedings will be authenticated on a next available opportunity.

25. If the aggrieved woman desires to tender any documents by way of evidence, the committee can supply true copies of such documents to the respondent. Similarly, if the respondent desires to tender any documents in evidence, the committee shall apply true copies of such documents to aggrieved woman.

26. In the event the committee thinks that supplementary testimony is required, the presiding Officer shall forward to the persons concerned a summary of the proceedings and allow for a time period of seven days to submit such testimony, in person or in writing, to the committee.

27. The aggrieved woman and the respondent shall have the right of cross -examination of all witnesses. However, such cross-examination shall be conducted in the form of written questions and responses via the committee only. The respondent shall have no right to directly cross-examine the aggrieved woman or her witnesses.

28. The respondent/aggrieved woman may submit to committee, a written list of questions that he/she desires to pose to the aggrieved woman/witness. The internal committee shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, slanderous, derogatory or gender insensitive.

29. Amicus Curie can be called for helping the committee if and when required.

30. After concluding its investigation, the committee shall submit a detailed reasoned report to the institute.

31. If the committee finds no merit in the allegations, it shall report to the Institute.

32. In the event the committee finds that the allegation(s) against the respondent have been proved, it shall recommend the nature of action to be taken by the Institute. The following actions may be recommended.

- a) A written apology
- b) Warning
- c) Reprimand or censure
- d) Withholding of promotion
- e) Withholding of pay rise or increments.
- f) Undergoing a counseling session
- g) Carrying out of community service
- h) Terminating the respondent from service
- i) Any other punishment according to the service rules applicable to the respondent.



- 33) When the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the institute to make action against such falsification.
- 34) Nothing precludes the institute authority from taking cognizance of any new fact or evidence which may arise or be brought before it during the pendency of the inquiry proceedings or even after the communication of the finding to appropriate institute authorities.
- 35) If the allegations are proved against the respondent, the committee may direct the institute to ensure the payment of compensation to the aggrieved woman shall be decided based on the following facts:
- a) The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman.
  - b) The loss of career opportunity due to the incident of sexual harassment.
  - c) Medical expenses incurred by the victim for physical or psychiatric treatment.
  - d) The income and financial status of the respondent.
  - e) Feasibility of such payment in lump sum or in installments.
- 36) The institute authorities will file a compliance report to the committee within 30 days of issuance of such recommendation.
- 37) IC shall have the necessary powers to take suo motu notice of incidents of sexual harassment and/or gender injustice in the institute campus and act against the same in such manner as it deems appropriate.
- 38) The identity of the aggrieved woman respondent, witnesses, and proceedings of the committee and its recommendations and the action taken by the institute shall not be published, communicated or made known to the public, press or media in any manner and it will be outside the purview of the Right to Information Act, 2005.
- 39) No legal practitioner will be allowed to represent either the aggrieved woman or the respondent in proceedings before the internal committee.
- 40) The committee has the powers of a civil in the following cases.
- a) Summoning and enforcing the attendance of any person related to the incident.
  - b) Requiring the discovery and production of any documents.
  - c) Any other matter relating to the incident as decided by the committee from time to time.
- 41) The aggrieved woman or respondent may prefer an appeal to the competent authority.

**To: The Chairperson and All the Member of above committee.**

**For Kirloskar Institute of  
Management**

*Miyaya*  
**Director**



Copy to:

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