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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

(Separate paging is given to this Part in order that it may be filed as a separate compilation)

भाग III—खण्ड 4

[PART III—SECTION 4]

[सांविधिक निकायों द्वारा जारी की गई विविध अधिसूचनाएं जिसमें कि आदेश, विज्ञापन और सूचनाएं सम्मिलित हैं]

[Miscellaneous Notifications including Notifications, Orders, Advertisements and Notices issued by Statutory Bodies]

भारतीय रिज़र्व बैंक

(गैर-बैंकिंग पर्यवेक्षण विभाग)

मुंबई-400005, दिनांक 6 दिसम्बर 2012

सं. गैबैंपवि(नीप्र)252/सीजीएम(यूएस)-2012--भारतीय रिज़र्व बैंक, जनता के हित में यह आवश्यक समझकर और इस बात से संतुष्ट होकर कि देश के हित में ऋण प्रणाली को विनियमित करने के लिए, बैंक को समर्थ बनाने के प्रयोजन से, सभी कोर निवेश कंपनियों (सीआईसी) को निम्नलिखित निदेश देना आवश्यक है। भारतीय रिज़र्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 45जक, 45ट तथा 45ठ द्वारा प्रदत्त शक्तियों और इस संबंध में प्राप्त शक्तियों का प्रयोग करते हुए निम्नलिखित निदेश देता है :--

निदेशों का संक्षिप्त शीर्षक (नाम) तथा उसे प्रयोग में लाना

i. इन निदेशों को कोर निवेश कंपनी-विदेशी निवेश (रिज़र्व बैंक) निदेश, 2012 कहा जाएगा।

ii. यह निदेश तत्काल प्रभाव से लागू होंगे।

iii. यह निदेश विदेशी मुद्रा विभाग द्वारा विदेशी निवेश के लिए निर्धारित निर्देशों के अतिरिक्त होगा।

2. सीआईसी द्वारा विदेशी निवेश के मामले में भारतीय रिज़र्व बैंक से पूर्व अनुमति

i. यह निदेश सभी सीआईसी[1] (भारतीय रिज़र्व बैंक से पंजीकृत अथवा पंजीकरण से छूट प्राप्त किसी भी स्थिति में) पर लागू होंगे, जो विदेशी निवेश की इच्छा रखती है।

ii. विदेशी वित्तीय[2] क्षेत्र में निवेश :

वित्तीय क्षेत्र में विदेशी निवेश की इच्छा रखने वाली सीआईसी को भारतीय रिज़र्व बैंक से पंजीकरण प्रमाण पत्र (सीओआर) धारण तथा पंजीकृत सीआईसी पर लागू सभी विनियमों का पालन करना होगा। अतः सीआईसी जिन्हें बैंक के विनियमन संरचना से छूट प्राप्त है (छूट प्राप्त सीआईसी) वित्तीय क्षेत्र में विदेशी निवेश के लिए उन्हें बैंक से पंजीकरण प्रमाण पत्र प्राप्त करने की आवश्यकता है तथा वे सीआईसी-एनडी-एसआई की तरह विनियमित होंगी।

iii. गैर वित्तीय क्षेत्र में निवेश :

[1] सीआईसी, 05 जनवरी 2011 के परिपत्र गैबैंपवि(नीप्र)कंपरि सं. 206/03.10.001/2010.11 के पैरा 2(बी) परिभाषित के अनुसार जिसका शीर्षक है कोर निवेश कंपनियों के लिए विनियामक संरचना।

[2] इस उद्देश्य के लिए वित्तीय क्षेत्र अर्थात् वह क्षेत्र/सेवाएं जो वित्तीय क्षेत्र विनियामक द्वारा विनियमित है।

The 17th December 2012

No. 14-3/2012(CPP-II)—In exercise of the powers conferred by sub-section (1) of Section 26 of the University Grants Commission Act, 1956 (3 of 1956), the University Grants Commission (UGC) hereby makes the following Regulations namely :—

1. **SHORT TITLE, APPLICATION AND COMMENCEMENT:-**

(1) These regulations may be called the UGC (Promotion of Equity in Higher Educational Institutions) Regulations, 2012.

(2) They shall apply to all the higher educational institutions in India.

(3) They shall come into force from the date of their publication in the Official Gazette.

2. **DEFINITIONS:-** In these regulations, unless the context otherwise requires, -

(a) "**constituent of higher educational institutions**" means any authority or person or group of persons or sections of the institutional community belonging to the higher educational institutions;

(b) "**discrimination**" means any distinction, exclusion, limitation or preference which has the purpose or effect of nullifying or impairing equality of treatment in education and in particular -

i) of depriving a student or a group of students on the basis of caste, creed religion, language, ethnicity, gender, disability of access to education of any type or at any level;

ii) of imposing conditions on any student or group of students which are in-compatible with the dignity of human; and

iii) of subjecting to the provision of establishing or maintaining separate educational systems or institutions for students or groups of students based on caste, creed, religion, language, ethnicity, gender and disabilities.

(c) "**equity**" means a level playing field for all students in respect of the entitlement and opportunity for enjoyment of all legitimate rights.

(d) "**harassment**" means unwanted conduct which is persistent and demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened adverse consequences;

(e) "**higher educational institution**" means a university within the meaning of clause (f) of section 2, a College within the meaning of clause (b) of sub-section (1) of section 12 A and an institution deemed to be a University declared under section 3 of the University Grants Commission Act, 1956;

(f) "**ragging**" means any of the acts as defined under the University Grants Commission Regulations on Curbing the Menace of Ragging in Higher Education Institutions, 2009;

(g) "**unfavourable treatment**" means any adverse changes in the working environment, denial of training, and denial of opportunities for advancement, unfavorable probationary reports, vexatious grievances and exclusion by peers;

(h) "**victimisation**" means any unfavorable treatment of a student on the basis caste, creed, religion, language, ethnicity, gender and disability.

3. **Higher Educational Institution to take measure against discrimination:-**

(1) Every higher educational institution shall take appropriate measures to -

a) safeguard the interests of the students without any prejudice to their caste, creed, religion, language, ethnicity, gender and disability.

b) eliminate discrimination against or harassment of any student in all forms in higher educational institutions by prohibiting it and by providing for preventive and protective measures to facilitate its eradication and punishments for those who indulge in any form of discrimination or harassment;

c) promote equality among students of all sections of the society.

(2) Without prejudice to the directives or instructions of the Central Government or the State Governments issued from time to time in respect of treatment of students belonging to Scheduled Castes or the Scheduled Tribes, no higher educational institution shall discriminate a student belonging to the Scheduled Castes and the Scheduled Tribes categories, or allow or condone any constituent of the higher educational institution to discriminate such a student or group of such students, and take the following measures namely :-

(a) the higher educational institution or constituent of higher educational institution shall not discriminate against students belonging to the Scheduled Castes and the Scheduled Tribes in admissions -

(i) by breach of the policy of reservation in admissions as may be applicable;
(ii) in accepting application for admission of such students;
(iii) in the way in which an application is processed;
(iv) in the arrangements made for, or the criteria used in, deciding who should be offered admission as a student;
(v) by withholding or refusing to return any document in the form of certificates of degree, diploma, etc., deposited with higher educational institutions by such a student for the purpose of seeking admission, with a view to inducing or compelling such a student to pay any fee or fees in respect of any course or programme of study which he/she does not intend to pursue;

(vi) by demanding money in excess of that specified in the declared admission policy;

(vii) by denying or limiting access to any benefit arising from such enrolment provided by the higher educational institutions;

(viii) by treating unfavorably in any way in connection with the student's enrolment to a specific standard of class or area of study, training or instruction.

(b) the higher educational institutions or constituent of higher educational institutions shall prohibit all persons and authorities of the higher educational institutions from harassing or victimizing any student.

(i) by announcing, verbally or otherwise, in the class, the names of the castes, tribes, religion or region of the students;

(ii) by labeling students as reserved category in the class;

(iii) by passing derogatory remarks indicating caste, social, regional, racial or religious background as reason of under-performance in the class;

(iv) by allotting differential time to any student to meet faculty as compared to other students;

(v) by keeping any student idle in the laboratory and not allowing him/her to work even if he/she is allowed to enter;

(vi) by earmarking separate seats to any student or a group of students in the reading hall;

(vii) by following differential treatment to any student regarding issue of books or journals or magazines, etc.;

(viii) by treating any student or section of students separately in utilising the sports facilities on the basis of their caste, creed, region or religion.

(c) The higher educational institution or constituent of higher educational institution shall not discriminate or allow discrimination in evaluation on the basis of caste, creed, religion, language, ethnicity, gender and disability -

(i) by not properly evaluating and re-evaluating examination papers of such students and by giving them less marks;

(ii) by delaying declaration of results of any student or section of students;

(d) the higher educational institution or constituent of higher educational institution shall ensure that there is no discrimination against the students on the basis of caste, creed, religion, language, ethnicity, gender and disability:

(i) by not giving full information about the fellowships related matters;

(ii) by withholding or stopping the fellowships meant for students;

(e) The higher educational institution or constituent of higher educational institution shall ensure that no student or section of students is discriminated on the basis of caste, creed, religion, language, ethnicity, gender and disability, against -

(i) by segregating such students from others in hostel or mess or reading room or common room or playground or canteen and any other student amenities including drinking water facilities, etc.;

(ii) by indulging in acts of ragging specifically targeted against such students;

(iii) by doing any thing which disrupts or disturbs the regular activities of such students;

(iv) by any act of financial extortion or forceful expenditure put on such students;

(v) by not allowing such students to participate in the cultural programme or the sports events;

(f) the higher educational institution shall promote equality among all sections of the students without prejudice to their belonging to any social group and for this purpose it shall establish an Equal Opportunity Cell and appoint an Anti-Discrimination Officer who shall not be below the rank of a Professor in the case of a University and an Institution deemed to be a University, and not below the rank of Associate Professor in the case of a college;

(g) the higher educational institution shall prohibit any conduct by any person or group of persons in the higher educational institution, whether by words spoken or written or by any act which has the effect of ragging on students.

(h) the higher educational institution shall prescribe the procedures and mechanism, within a period of six months of coming into force of these regulations, to deal with and decide any complaint of discrimination, made or submitted by any student or group of students and it shall be obligatory on the part of the higher educational institution to decide such complaints within a maximum period of sixty days from the date of receipt or submission of such complaints;

(i) the higher educational institution shall take steps to educate the educational fraternity and public and raise public awareness on the importance of equality and overcoming any form of caste based discrimination and harassment against students belonging to the marginalized sections, including SC/ST students of the society in higher educational institution;

(j) The higher educational institutions shall ensure the strict implementation of all constitutional provisions and protective measures in respect of students belonging to SC/ST categories;

(k) the higher educational institution shall upload on its website all measures for elimination of discrimination and punishments for breaching them and the higher educational institution shall also upload relevant public awareness material for prevention of discrimination against and harassment of any section of the student.

4. **PUNISHMENTS:-** (1) Whoever commits any act of discrimination or harassment as specified in these regulations against any student or section of students in any higher educational institution, shall be dealt with through the following procedure, namely:-

a) on receipt of a written complaint, the Anti Discrimination Officer shall initiate follow-up action including preliminary fact finding inquiry, if he considers necessary;

b) on the recommendation of the Anti Discrimination Officer, the higher educational institution shall take appropriate follow-up action:

c) the competent authority of the higher educational institution upon receipt of the inquiry report shall refer the same to the Anti Discrimination Officer in the case of students for taking appropriate action in accordance with the provisions of the Statutes or Ordinances or Regulations of the higher educational institution or the UGC Regulations on Ragging and any other Regulations in force; or

d) in case of teachers and non-teaching staff, the competent authority of the higher educational institution upon receipt of the inquiry report shall take appropriate action in accordance with the provision of the Statutes or Ordinances or Regulations of the higher educational institution or service rules as applicable to higher educational institution.

2. The punishment shall be commensurate with the nature of the discrimination or harassment.

5. **INFORMATION ABOUT THE COMPLAINT:-** (1) A complaint about discrimination or harassment as defined in these regulations may be made in writing by a student or a parent of a student irrespective of whether the discrimination or harassment is alleged to have taken place within or outside the higher educational institution.

2. The complaint shall include sufficient details of the alleged act of discrimination or harassment.

3. The complaint shall be made to the Anti Discrimination Officer.

4. The higher educational institution shall formulate and make public, by uploading the information on its website, a transparent procedure for filing and dealing with such complaint.

6. **APPEAL**

Subject to provisions made by higher educational institutions, any person aggrieved by an order made by the Anti Discrimination Officer may prefer an appeal against such order within a period of ninety days from the date of the order to the Head of the higher educational institution.

Provided that the Head of the higher educational institution may entertain an appeal after the expiry of the said period of ninety days, if he is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period of ninety days.

AKHILESH GUPTA
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