

HUMAN DEVELOPMENT AND RESEARCH CENTRE ST. XAVIER'S NON-FORMAL EDUCATION SOCIETY

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SERVICE REGULATIONS

1. PREAMBLE:

The Human Development and Research Centre is a non-profit, non-governmental organization. It came into being under the aegis of the St. Xavier's Non Formal Education Society, an autonomous body registered under the Societies Registration Act XXI of 1860 as a **society** (No. Guj./549/Ahmedabad of 29.8.77) and as a **Trust** (No.F:625 Ahmedabad of 13.9.77). The "Memorandum of Association" lays down the objects and purposes for which the Society is established.

The Human Development and Research Centre is a secular voluntary organization which exists to empower marginalized communities, particularly, dalits, tribals and women, towards social transformation by conceiving and conducting programmes of an educational nature; facilitating people's movements and creating sustainable livelihood options.

To carry out its mission, the Society combines two important aspects of development strategy: active involvement and direct intervention at the grassroots level through community organizing; and conceptualizing that involvement through research training and critical reflection.

The work of the Society seeks a committed and professional approach and is based on professional competence as an answer to the needs of the groups it seeks to serve. This is usually done by teamwork, by a commonly decided and accepted policy with specific areas of work for each of the members of the team. Every member is expected to give selflessly his/her maximum in service.

The Society, however, works ultimately under the direction of the Governing Body, which is its policy-=maker and final authority.

2. TITLE:

These regulations may be called "Human Development & Research Centre – St. Xavier's Non-Formal Education Society, Staff Service Regulations, 2000".

3. APPLICATION AND COMMENCEMENT:

- (a) These regulations shall apply to all persons employed by the Human Development and Research Centre.
- (b) These regulations will come into force from 1st April 2015 and will remain in force till further notification.
- (c) These regulations supersede any earlier service regulations.
- (d) The manual may be revised and amended by the Governing Body without any prior notice. The Board reserves the right to amend these regulations from time to time.
- (e) A copy of the manual will be given to all current employees. New employees will be given a copy at the time of their employment.

4. **DEFINITIONS:**

In these Regulations unless there is anything repugnant in the subject or context:

- (a) "Board" means the Governing Body of the St. Xavier's Non-formal Education Society.
- (b) "Centre" means the Human Development and Research Centre.
- (c) "The Director" means a person appointed by the Board to hold the office of Director of the Human Development and Research Centre.
- (d) "Family" means the employee's wife or husband as the case may be, dependent children and dependent parents whose monthly income does not exceed Rs.750/- and minor brothers and sisters ordinarily residing with the employee.

(e) "Pay" means pay admissible to an employee in accordance with pay scales as shown in Annexure "A" of these Regulations.

5. CLASSIFICATION OF SERVICES:

The services of Human Development And Research Centre staff will be classified as:

- (a) Group I which will comprise posts carrying pay-scale grades 1 to 4 both inclusive.
- (b) Group II which will comprise posts carrying pay-scale grades 5 to 9, both inclusive.

6. APPOINTMENTS:

- (a) All appointments are made by the Governing Body or the Director with authority delegated to him/her by the Governing Body.
- (b) Employees will be appointed by the Director in accordance with the directions of the Governing Body or the Committee constituted thereof, delegated by a resolution of the Governing Body.
- (c) Before the appointment of any permanent employee, that appointment must have the prior approval of the Governing Body.
- Appointments to the posts of the Society may be made by direct recruitment or promotion on merit from the existing employees; or by deputation from other institutes or organizations.
- (e) Every employee shall be given a letter of appointment. The letter will contain the nature of work, specifications, timings, period etc. It may also contain certain provisions which are specific for a particular employee or job but not contained in this Personnel Manual.
- (f) All employees have to go through a period of probation which normally lasts one year and may be extended in certain cases. The probation period of experienced staff members may be waived by the management in certain cases, in normal circumstances.
- (g) During the period of probation the employee is expected to go through a programme of induction.

7. CLASSIFICATION OF EMPLOYEES:

Employees shall be classified as:

- (a) Permanent employees
- (b) Probationers
- (c) Temporary employees
- (d) Trainees
- (e) Contractual
- (a) "Permanent employee" means an employee who has been appointed on a permanent basis by the Appointing Authority and who has completed a probationary period of at least one year and who has been confirmed in writing by the appointing authority after completion of the above probationary period or its extension thereof.
- (b) "Probationer" means an employee who is employed to fill a permanent vacancy or post and who has not completed one year of service and who has not been confirmed in service by an order in writing.
- (c) "Temporary employee" means an employee who has been appointed for a fixed period, for work which is of an essentially temporary nature or who is employed temporarily as an additional employee either full-time or part-time, during a temporary increase in work of a permanent nature.
- (d) "Trainee" means an employee who is a learner and who may or may not be paid an allowance for training.
- (e) "Contractual employee" means an employee working in the Centre under conditions prescribed by a contract signed between them and the appointing authority of the centre.

8. GENERAL REGULATIONS:

8.1 Integrity and Devotion to Duty:

Every employee of the Centre shall at all times maintain absolute integrity and devotion to duty and shall do nothing which is unbecoming of an employee of the Centre.

8.2. Secrecy:

No employee shall communicate directly or indirectly an official document or part thereof or information to any person except with the prior permission in writing of the Director.

8.3. Prohibition of Trade, Business or Employment:

No employee shall, except with the prior permission in writing of the Director, engage directly or indirectly in any part- or full- time employment or undertake any activity which would/ is likely to conflict with the interests and activity of the Centre.

8.4. Service Record:

Service record of every employee shall be maintained in which particulars in regard to the employee's date of appointment, name, permanent and present address, date of birth, identification marks, educational qualifications, scales of pay and designation, fixation of pay, posting, promotions, transfers, punishments shall be recorded. The entries in the service book will be attested by the officer duly authorized by the Director for the purpose.

8.5. Transfer:

The Board shall have the right to transfer on the same pay and to an equal or identical post any employee from one department or section to another department or section and/or from one place to another place anywhere in India where activities of the Centre are undertaken.

8.6. Identity Card:

Every permanent employee and full-time employee will be provided with an Identity Card (IC). The IC will normally be valid for a period of one year, or the period of employment of the employee, whichever is shorter. Loss of IC should be reported to the Director immediately. A fresh one may be issued on receipt of a written application by the concerned employee and on payment of the stipulated amount.

A fresh IC will be issued every year only on return of the previous year's IC.

On completion/ termination of service in the Society and prior to the settlement of any dues to the employee, the IC has to be returned to the Society.

8.7. Public Manifestations:

Any public manifestation (in any way connected with the vision and objectives of the Society) whether a public speech or a published article, requires the prior written approval of the Director.

8.8. Pav:

Pay admissible to various categories of employees shall be in accordance with the pay scales indicated in the Annexure "A" appended to these regulations.

8.9. Days and Timings of Work:

The Centre shall work six days in a week and shall observe one day as weekly off, which will ordinarily be Sunday.

A full working day will ordinarily have 8 working hours, from 9:30 to 5:30 p.m. This will include a lunch and tea-break.

The total number of working hours per month should be calculated on the basis of 8 working hours a day. If the total working hours for a month is more/less than the mandatory total hours, it should be adjusted against the previous or following month. This calculation is not considered in the case of CL. Any deficit in the working hours must be sanctioned by the authorized person.

8.10. Closed Holidays:

Fifteen days, other than Sundays, will be fixed as Closed Holidays in a year. These holidays will be notified to the employees by the Director, a fortnight before the commencement of the calendar year.

8.11. Provident Fund:

All permanent employees will be members of the contributory Provident Fund Scheme and adhere to the provident fund regulations of the Centre.

9. LEAVE:

9.1. General Conditions of Leave:

- (a) Leave cannot be claimed as of right.
- (b) When the exigencies of the Society so require, leave of any kind may be refused or revoked or postponed in the interest of the Society.
- (c) Leave has to be applied for, in writing and handed in to the authorized officer.
- (d) Leave has to be sanctioned by the Director/ Administrative Officer/ duly authorized officer.
- (e) No encashment of any leave is permissible.
- (f) An employee who does not have prior sanction for the leave is liable to forfeit his/her salary for the said period and/or given a break in service.

9.2. Casual Leave-CL (12 Days):

- (a) Casual leave up to 12 days during the financial year can be granted.
- (b) Not more than three days of Casual Leave at a time may be allowed to an employee (excluding prefixes and suffixes).
- (c) Intervening Sundays or Holidays will be treated as days of leave.
- (d) Under normal circumstances, an employee should give at least 24 hours' advance intimation for availing of Casual Leave.
- (e) Unavailed of Casual Leave will not be carried forward into the next year.
- (f) New staff is eligible for 12 days of Casual Leave during the first year.
- (g) A leave/deficit of four hours will be counted as half CL.
- (h) Any deficit in the working hours must be sanctioned by the Manager.

9.3. Earned Leave/Paid Leave-PL (30 Days):

Section 9.3. applies only to employees listed in Section 6(a), 6(b).

- (a) Only permanent employees and contractual full-time employees are entitled to Earned Leave.
- (b) Earned Leave on full emoluments admissible to a permanent and contractual full-time employee shall be thirty days for every completed year of service.
- (c) Earned Leave on full emoluments admissible to a project full-time employee (upto three years of service) shall be fifteen days for every completed year of service.
- (d) Earned Leave has to be applied for at least 20 days in advance, and sanctioned in writing by the Director.
- (e) Earned Leave for a permanent employee can be taken, only in one or maximum, in two segments, in the entire year. However, under special circumstances, these limits can be waived by a written permission of the Director to allow for three blocks. No exception will be made for more than three blocks. A block should be no less than 7 days.
- (f) Prefixes/ Suffixes may be attached to Earned Leave
- (g) Intervening Sundays and Holidays will be treated as days of Leave

(h) Earned Leave can be accumulated upto a maximum of 37 days in a year for a permanent and contractual full time employee, (Up to seven days of leave not utilized during the year, may be carried forward to the following year).

9.4. Accident/Hospital Leave/Medical Leave-ML (12 Days):

Accident/ Hospital leave may be sanctioned to an employee who requires hospitalization/ confinement to bed on account of accident/ illness, on production of medical certificate for illness longer than 4 days. Leave for this purpose may be calculated at the rate of 12 days of leave for every completed year of the service. However, such leave admissible to an employee shall be limited to ninety days at a time. A record of all employees' accumulations, utilization and balances of such leave will be maintained in the Service Records.

- (a) The Director, may, at their discretion, sanction leave on full pay for any serious/ prolonged illness or accident, which requires hospitalization or bed rest. Application for this leave must be made in writing to the Director by the employee, or by an immediate family member if they are not able to do so, within one week of the commencement of the illness/ accident.
- (b) The period of leave sanctioned will depend solely on the discretion of the Director, depending on the merits of each case. However, medical leave will be granted only for a minimum of 4 days.
- (c) A medical certificate from a Registered Medical Practitioner will have to be furnished stating the nature of illness and the number of days for which rest or hospitalization is required. The medical certificate is required only if the number of days is higher than 7.
- (d) If the leave is less than four days, it will count as Casual Leave.
- (e) With special permission alternate days can be sanctioned by the Director.
- (f) In case of misuse of ML, the CMST (Central Management and Support Team) will inform the Director.

9.5. Maternity Leave (135 Days):

Maternity leave will be granted to a female member of the staff on full pay for a period which may extend to 135 days per occasion, for two occasions during the entire period of service.

If, after completion of maternity leave, the employee requires relaxation in regular working hours, this should be provided against her Paid Leave, with special permission of the Director.

9.6. Paternity Leave (15 Days):

Paternity leave will be granted to a male member of the staff on full pay for a period which may extend to 15 days per occasion, for two occasions during the entire period of service.

The 15 days of paternity leave can be taken within a month of child delivery.

9.7. Leave without Pay:

Staff can take Leave without Pay with the previous approval and signature of the Director.

9.8. Compensatory Leave:

The staff is eligible for compensatory leave in lieu of work done during any declared holiday.

Compensatory leave may be applied for and sanctioned, on fulfillment of the following conditions:

- The Director/Manager and the administration should be informed by email when the staff member works on a holiday.
- b. The application for compensatory leave should be made and the leave taken within one month of the holiday when the staff member worked.
- c. The application for compensatory leave should mention the date of the holiday for which compensatory leave is sought.

Compensatory leave may be availed of in combination with any other type of leave (CL, PL, ML) only with special permission of the Director/Manager.

If a staff member takes leave after 5 hours of work, she/he needs to take permission from her/his in-charge and also inform the administration.

9.9. Leave for Staff working under Contractual Arrangement:

For purpose of leave under contractual arrangements sections 16, 17, 18, 20 and 21 shall apply. The Director may, however, grant leave with pay at his/her discretion.

Note: In the case of all leaves, intervening Sundays or Holidays will be treated as days of leave. The prefix and suffix days of a leave period must both be working days.

None of the above-mentioned types of leave may be sanctioned with any other type of leave. Eg: Casual Leave and Paid Leave cannot be sanctioned together.

10. SALARY AND OTHER MONETARY BENEFITS

10.1. Salary

The salary package will change from time to time according to the decision of the Governing Board.

The Society is essentially a service and non-profit organization. However, great care is taken to pay the employees salaries which are in keeping with the principles of justice.

Every employee is given a salary corresponding to his/her grade within the Society. Salary scales are drawn up by the Governing Body, in accordance with these grades and made as beneficial as possible to the employee. In spite of having limited resources, the Society also provides various allowances for its permanent employees.

- (a) All salaries will be paid during the first week of the following month, into the account of the employee in a nationalized bank specified by the Society.
- (b) All employees who are eligible to pay their Income-Tax must do so within the time limit and observe other statutory requirements as per the laws of the Government of India
- (c) Necessary statutory deductions will be made by the Society from the employees' salary.
- (d) Any monetary claim (and/or certificates pertaining to salary/ work experience/ character) on the Society, must be made within 45 days of the completion/ termination of the service. These claims will be considered only if the employee has settled all his/her financial, material and other obligatory dues to the Society, prior to that.

10.2. Annual Increments

The salary scale of every permanent employee also indicates the annual increment. However, this increment cannot be claimed as a matter of right merely because it has been fixed on a certain scale. The granting of an increment is based inter-alia on the conduct, the performance and the regularity of the employee.

In case where the employee has shown outstanding merit or has displayed outstanding loyalty or devotion to duty, the Governing Body may at its discretion, sanction additional increments as deemed fit.

10.2. Dearness Allowance (D.A)

Every permanent employee shall be eligible for Dearness Allowance at the rate prescribed by the Society. The rate may change from time to time.

10.3. Gratuity:

- (a) Gratuity is admissible to any permanent employee at the time of his/her retirement or termination of service in accordance with sections 26(a) and 26(b); provided that at the time of retirement or termination of service such an employee has rendered continuous service for not less than five years. Provided that the completion of continuous service of five years shall not be necessary where the termination of services of the employee is due to death or permanent disablement. Provided further that in case of death of the employee, gratuity payable to the employee shall be paid to the nominees/ heir of the employee.
- (b) Gratuity is payable to an employee at the rate of fifteen days of the salary last drawn by the employee, for every completed year of service, and at the same rate for part thereof. However, the amount of gratuity payable to an employee shall not exceed 10 months' salary. "Salary" for purposes of this section will include basic pay and dearness allowance only.
- (c) Notwithstanding anything contained in section 24(b), gratuity payable to an employee may be forfeited, if termination of service of such an employee is a result of punishment in accordance with section 28, (e), (f), (g).

11. RETIREMENT:

- (a) The age of retirement or superannuating of the employees shall be completion of fifty-eight years.
- (b) A maximum of two years of extension can be given with the permission of the Board.
- (c) The employee shall be served notice of retirement one month prior to the date of retirement.

12. TERMINATION OF EMPLOYMENT:

- (a) The employment of a permanent employee may be terminated by either party with one month's notice or one month's pay in lieu of notice thereof.
- (b) The employment of a probationer or of a temporary employee may be terminated with one month's notice or one month's pay in lieu of the period of notice.
- (c) The order of termination of an employee shall be served in writing by the Director or a duly authorized officer on his behalf.
- (d) If any permanent employee wishes to leave the service of the Centre she/he shall give one month's notice in writing to the Director or to the duly authorized officer or one month's pay in lieu thereof.
- (e) If any probationer or temporary employee desires to leave the service of the Centre she/ he shall give one month's notice in writing to the Director or to the duly authorized officer or one month's pay in lieu thereof.
- (f) Contractual arrangements may be terminated in accordance with the terms of the understanding. In special cases, however, such arrangements may be terminated by mutual consent.

13. MISCONDUCT:

Any of the following acts or omissions on the part of the employees shall amount to misconduct:

- (a) Willful insubordination or disobedience, whether or not in combination with one another, of any lawful reasonable order of a superior;
- (b) Going on an illegal strike or abetting, inciting, instigating or acting in furtherance thereof;
- (c) Willful slowing down in performance of work, or abatement in or instigating thereof;
- (d) Theft, fraud or dishonesty in connection with the Centre's business or property; or the theft of property of another employee within the premises of the establishment.
- (e) Taking or giving bribes or any illegal gratification; or unauthorized dealings with trainees; or taking any advantage for personal benefit of any person dealing with the Centre in connection with the activities of the Centre.
- (f) Habitual absence without leave or absence without leave for more than ten consecutive days or overstaying the sanctioned leave without sufficient grounds or proper or satisfactory explanation.
- (g) Late attendance on not less than three occasions within a month.
- (h) Habitual breach of any service regulation or any law applicable to the Centre or any rules made there under.

- (i) Collection without the permission of the Director of any money within the premises of the Centre except as sanctioned by any law for the time being in force.
- (j) Drunkenness, riotous, disorderly or indecent behaviour on the premises of the Centre or at any other place where employee is posted or sent in connection with the activities of the centre.
- (k) Commission of any act of indiscipline or misbehaviour on the premises of the Centre or at any other place where the employee is posted or sent in connection with the activities of the Centre.
- (l) Habitual neglect of work.
- (m) Habitual breach of any rules or instructions for the maintenance and running of any department, wing or section, or for the maintenance or upkeeping of the cleanliness of any portion of the Centre, wing or section within the premises of the centre.
- (n) Failure to account for the delivery of goods, machines, equipments or money or other property of the Centre that come into his/her hands/possession or charge by virtue of performance of his/her duties.
- (o) Canvassing for any staff association membership, or unauthorized collection of association dues within the premises of the Centre except in accordance with law or with the permission of the Centre.
- (p) Willful damage to work in process or to any property of the Centre.
- (q) Holding any meeting inside the premises of the Centre without the previous permission of the competent authority or except in accordance with the provisions of the law for the time being in force.
- (r) Disclosing to any unauthorized person any information with regard to the activities of the Centre which may come into the possession of the employee in the course of his/her work or otherwise.
- (s) Gambling within the premises of the Centre.
- (t) Smoking or spitting on the premises of the Centre where it is prohibited.
- (u) Failure to observe safety instructions notified under any Law or Rules of the Centre or interference with any safety device or equipment installed within the premises of the Centre.
- (v) Distributing or exhibiting within the premises of the Centre handbills, pamphlets, posters and such other things or causing any matter to be displayed by means of signs or writing or other visible representation without previous sanction of the Director.
- (w) Refusal to accept a charge-sheet order or other communication served in accordance with these Service Regulations.
- (x) Unauthorized possession of any lethal weapon in the premises of the Centre.
- (y) Neglect to take due care of equipments, machines, instruments entrusted to the employee in the course of duties.
- (z) Conviction in any course of law for any offence involving moral turpitude.

13.1. Punishment:

An employee guilty of misconduct shall be subject to any of the following punishments:

- (a) Warning or Censure
- (b) Suspension
- (c) Withholding of increments of pay
- (d) Reduction to a lower grade in the pay-scale for a specified time period
- (e) Compulsory retirement
- (f) Discharge of service
- (g) Dismissal

13.2. Disciplinary Authorities

- (a) The Board or the Director or a trustee authorized by a Resolution of the Board shall be the disciplinary authority for employees belonging to Group-II.
- (b) The Director and/or a duly authorized officer shall be the disciplinary authority for the rest of the employees.

Explanation:

Disciplinary authority means and includes an authority competent to institute departmental inquiries and/or impose any of the punishments specified in section 13.1 above.

13.3. Disciplinary Procedure:

- (a) No order of punishment under sub-clause (b) to (g) of section 13.1 shall be made except after holding an inquiry with respect to the alleged misconduct in the manner set forth in section 13.3 (b) hereunder:
- (b) An employee against whom an inquiry has to be held shall be given a charge-sheet clearly stating the circumstances appearing against him/her and requiring explanations. She/he shall be given an opportunity to answer the charge and will permitted to be defended by an employee working in the same department as him/herself. Except for reasons to be recorded in writing by the officer holding the inquiry, the employee shall be permitted to produce witnesses in his/her defence and cross-examine any witnesses on whose evidence the charge rests. A concise summary of the evidence presented on either side and the employee's plea shall be recorded.
- (c) As a result of disciplinary proceeding against an employee any action is contemplated or is pending under any sub-clause (b), (c), (d), (e), (f), (g) of section 13.1 or where any proceedings on a criminal charge are taken against him/her in respect of any offence and the Disciplinary Authority is satisfied that it is necessary or desirable to place the employee under suspension, she/he may by order in writing suspend the employee with effect from such date as may be specified in the order. A statement setting out in detail the reasons for such suspension shall be supplied to the employee within a week from the date of suspension.
 - (ii) An employee who is placed under suspension under clause (i) section (c), during the period of such suspension, shall be paid a subsistence allowance at the following rates, namely:
 - Where the enquiry contemplated or pending is departmental, the subsistence allowance shall for the first ninety days from the day of suspension, be not less than one-half of the pay which the employee would have been entitled to if she/he were on leave with pay. If on account of prolongation of the departmental enquiry the employee continues to be under suspension for a period exceeding ninety days, the subsistence allowance shall for such period be not less than three fourths of the pay. Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the employee, the subsistence allowance shall, for the period exceeding ninety days be reduced to an amount up to one-fourth of the pay.
 - Where the enquiry is by an outside agency or as the case may be, where the proceedings on the criminal charge are taken against the employee, the subsistence allowance, shall for the first one hundred and eighty days from the date of suspension, be not less than one half of the pay to which the employee would have been entitled if she/he were on leave. If on account of prolongation of such enquiry or proceedings on a criminal charge, the employee continues to be under suspension for a period exceeding one hundred and eighty days, the subsistence allowance shall, for such period, be not less than three-fourths of the pay.
 - Provided that where such enquiry or proceedings on a criminal charge is prolonged beyond a period of one hundred and eighty days for reasons directly attributable to the employee, the subsistence allowance shall for the period exceeding one hundred and eighty days, be reduced to an amount up to one-fourth of the pay.
 - (iii) If on the conclusion of the enquiry or as the case may be, of the proceedings on a criminal charge, the employee has been found guilty of the charges framed against him/her and it is considered, after giving the employee concerned a reasonable opportunity of making representation on the penalty proposed, that punishments as specified under section 13.1 (b), (c), (d), (e), (f) and (g), would meet the ends of justice, the disciplinary authority shall pass an order accordingly:

Provided that when an order imposing punishments specified in section 13.1 (e), (f), (g) is passed under this clause, the employee shall be deemed to have been absent from duty during the period of suspension and shall not be entitled to any remuneration for such period, but the subsistence allowance already paid to him/her shall not be recovered:

Provided further that where the period between the date on which the employee was suspended from duty pending the enquiry or proceedings on a criminal charge and the date on which an order imposing punishment specified in section 13.1 (b) is passed exceeds four days, the employee shall be deemed to have been suspended only for four days or for such a shorter period as specified in the said order of punishment and for the remaining period she/he shall be entitled to the same pay as she/he would have received if she/he had not

been placed under suspension, after deducting the subsistence allowance paid to him/her for such period:

Provided also that when an order imposing punishment specified in section 13.1 (c), (d) is passed under this clause, the employee shall be deemed to have been on duty during the period of suspension and be entitled to the same pay and privileges as she/he would have received if she/he had not been placed under suspension, after deducting the subsistence allowance paid to him/her for such period.

- (iv) If one the conclusions of the enquiry, or as the case may be, of the proceedings on a criminal charge, the employee has been found to be not guilty of any of the charges framed against him/her. She/he shall be deemed to have been on duty during the period of suspension and shall be entitled to the same pay and privileges as she/he would have received if she/he would not have been placed under suspension, after deducting the subsistence allowance paid to him/her for such period.
- (v) The payment of subsistence allowance under this order shall be subject to the employee concerned not taking up any employment or doing any remunerative activity during the period of suspension.
- (vi) For purposes of this section pay means basic pay and dearness allowance.
- (d) In awarding punishment under section 13.3, the Disciplinary Authority shall take into account the gravity of the misconduct, the previous record, if any, of the employee and any other extenuating or aggravating circumstances that may exist.
- (e) If an employee refuses to accept a charge-sheet, order or other communication served in accordance with these Regulations and provided that she/he has been asked to accept the charge-sheet in the presence of at least two witnesses, she/he shall be told verbally the time and the place at which the enquiry into his/her alleged misconduct is to be held and if she/he refuses or fails to attend at that time, the enquiry shall be conducted ex-parte and the punishment awarded shall take into account the misconduct thus committed.
- (f) Punishment under section 13.1 (c), (d), (e), (f), (g) shall be approved by the Board before they are awarded.

14. DECLARATION OF BEING BOUND BY THESE REGULATIONS:

Every employee shall subscribe to a declaration in Form I appended herewith.

PROCUREMENT POLICY

(Applicable from June 2009)

- 1. For purchases higher than Rs.20,000/-, three quotations need to be collected.
- 2. The decision will be taken based on the quality of the product and track record of the provider.
- 3. In the interior areas, where banks are not available or the provider has no bank account or is unable to operate a bank account or does not have a PAN card, the payment can be done in cash for bills higher than Rs.5000/-.
- 4. The Procurement policy committee will have the entire purchasing power.
- 5. The Procurement policy committee members are Sunita Mendonza, Manish Solanki, Arif Mirza and Sangita Parmar. Admin incharge will be part of the Purchase Committee meeting as ex-officio during admin related purchases and Computer Dept Incharge will be part of the PC meeting as ex-officio during computer department related purchases.

The guidelines have been prepared based on the practice in the past.

St. Xavier's Non-Formal Education Society

(Human Development and Research Centre)

Policy Document

TADA CUM ALLOWANCE POLICY

- A. Travel & Daily Allowance
- B. Telecommunication
- C. Printing charges
- D. Photocopying charges
- E. Insurance support

A. TRAVEL & DAILY ALLOWANCE POLICY

Each staff member is eligible for travel and food allowance while traveling to and within the project area or while on out-station tours, for the work of HDRC. This policy will be re-evaluated yearly.

Food Allowance Entitlement

1. Staff members are entitled to a food allowance of Rs. 290/- per day while away from headquarters, in any town/city. This includes 2 meals, tea-breakfast and tea-snacks.

For Field Area:

<u>Tea-breakfast:</u>	Rs.50/-
Lunch:	Rs.110/-
Afternoon Tea:	Rs.20/-
Dinner:	Rs.110/-
Total	Rs.290/-

Field staff members are entited to Rs.340/- per day for travels to Ahmedabad. This includes 2 meals, tea-breakfast and tea-snacks.

For Ahmedabad

<u>Tea-breakfast:</u>	Rs.60/-
Lunch:	Rs.130/-
Afternoon Tea:	Rs.20/-
Dinner:	Rs.130/-
Total	Rs.340/-

Note: Food allowance will not be provided for collective programmes for which food arrangements are made. Food allowance will be provided for collective programmes for which food arrangements are not made.

2. Boarding, lodging and food allowance to areas outside Gujarat shall be reimbursed to the staff after approval by the Director, when these arrangement are not being taken care of.

For	r boarding and lodging per day	For food per day
•		For Metro Cities: Rs.300/- for 2 meals, tea-
	2000/-	breakfast and tea-snacks
•	For other Cities maximum Rs.1000/-	For other Cities: Rs.250/- for 2 meals, tea-
		breakfast and tea-snacks

- 3. In case of sickness and other special cases, alternative arrangements can be made with the approval of the Project Coordinator / Director.
- 4. Food expenses will be reimbursed to field (local) staff who need to spend the night there at a rate of Rs.75/- at the village level and Rs.100/- at the taluka level.
- 5. <u>Lodging and boarding allowance of Rs. 300/- will be provided to the staff when they go to the taluka and district headquarters.</u> A lodging and boarding allowance of Rs. 500/- to Rs. 750/- for metros will be provided after approval by the Project Manager.
- 6. For group travel for any collective programme, making use of the vehicle of the organisation, the travel expenses and food expenses have to be made collectively by the driver. These expenses will not be reimbursed individually. The driver will submit and be reimbursed for a total of maximum Rs.50/per day per person for snacks and Rs.90 per day per person for meals
- 7. Expenditure bills for costs incurred during field work should be produced for reimbursement.

Travel Allowance Entitlement

- 1. Staff travel expenses by public vehicles (auto rickshaw or shuttle jeep) in the project area, will be reimbursed after approval by the project coordinator or in-charge on the TA form. The ticket will not be required in such a case.
- 2. A vehicle can be hired with the permission of project coordinator or team leader, keeping in mind the importance of the field work. The staff member has to inform the person responsible (administration-in-charge) regarding the hiring of the vehicle. The decision of the administration in-charge will have to be accepted by the project staff. At the time of payment of the vehicle, the bill, photocopy of RC book and driving licence have to be attached in the prescribed format. Booking will not be accepted earlier than 15 days prior to the date of travelling. The vehicle will be provided on a first come first served basis.
- 3. Each staff member is entitled to hire an auto-rickshaw from home to the bus depot / railway station / airport and return. In special cases, the organization shall arrange for the vehicle. Women staff will be picked from home and dropped home between 10.00 pm and 6.00 am. Women staff may avail of 3rd AC travel, in special cases decided by the project coordinator/project-in-charge, in consultation with the Director. Bus/train tickets needs to be submitted for reimbursement. If reservation is not available, alternative arrangements can be made with the director's approval.
- 4. If any staff member is invited by any out-station organization or individual for their work, the organization/individual inviting the staff member is required to make travel arrangements. In exceptional cases, the centre will bear such expenses.
- 5. The following vehicle expenses will be charged under the project:

Vehicle	Non A.C	A.C
Jeep/Car	<u>Rs. 10/km</u>	Rs. 12/km
2 wheeler	<u>Rs. 4/km</u>	

(a) Staff members who work in the City Area will be entitled to night charges for travel after 11.00 pm.

- (b) <u>Urban staff is entitled to reimbursement for charges of sharing auto/city transport at the Ahmedabad city level. In special cases, other options can be considered with the permission of the project coordinator.</u>
- (c) For field work, 10 hours will be counted for night stay.

6. For Personal Use (for staff):

<u>Vehicle</u>		Non A.C	<u>A.C</u>
Jeep/Car		<u>Rs. 10/km</u>	Rs. 12/km
2 wheeler	<u>Organisation</u>	as per Petrol Bill-as per log book	Ξ
	Personal	<u>Rs. 4/km</u>	<u>=</u>

For others/outsiders:

Booking charges for the vehicle for individuals and organizations which are not part of HDRC will follow the table above. The charge for the driver will be Rs.450/- per day, including food and boarding arrangements. The administration in-charge will be responsible for making these arrangements.

For driver employed by the centre:

- 1. The driver is entitled to DA as per the norms for other staff.
- 2. Compensatory leave or daily allowance will be provided to the driver for work on holidays.
- 3. The driver is entitled to one day of rest after going to the field for 4 days continuously.
- 4. Monitoring will be done by the Administrative Team.

For the Administrative Team:

- 1. Daily allowance will be provided to the Administrative Staff for work on a holiday.
- 2. The organizational vehicle will be used for official work or auto-rickshaw fare will be reimbursed.
- 3. TA, DA will be provided to the administrative staff for field work where required, as applicable to the field staff.

Boarding Arrangement:

1. Hotel expenses will be reimbursed as per actual to admininistrative staff if required to go for organizational work outside Gujarat. This decision will be taken by the staff and the project coordinator or project in-charge or the Director, if necessary.

B. EXPENSES TO BE REIMBURSED FOR TELECOMMUNICATION

Mobile Phone Allowance:

- 1. Reimbursement will take place per month, based on the requirement of the project. The amount will be decided by the Director in consultation with the program coordinator/ program in-charge.
- 2. Monthly Rs. 400/- will be charged to the Program coordinator and Project Manager.
- 3. Monthly Rs. 300/- will be charged to the Program Associate and Program Officer.
- 4. Monthly Rs. 300/- will be charged to the Cluster and Taluka Coordinator.
- 5. Monthly Rs. 300/- will be charged to the Team Leader (from work area).

Telephone

Each staff member based at the Ahmedabad office can use the EPBX system for telephone and the phone cost will be charged under each project, accordingly, every month.

Use of Internet and Emailing

Each staff member based at the Ahmedabad office can use the internet free of cost through a server-based system for emailing and web surfing.

The cost will be charged as a lump sum under the respective project. The list of usage will be prepared by the administration team every month.

C. PRINTING PAPERS - CHARGES

Each staff member based at the Ahmedabad office can make use of the printing facility. A note has to be made in the given register.

The cost will be charged under the respective project. The list of usage will be prepared by the administration team every month.

D. PHOTOCOPYING - CHARGES

Each staff member based at the Ahmedabad office can make use of the photocopying facilities. A note has to be made in the given register.

The cost will be charged under respective project. The list of usage will be prepared by the administration team every month.

E. INSURANCE POLICY

- (a) Staff members who have been with the institution longer than one year will be covered under the group insurance scheme for 'Accident third party insurance'.
- **(b)** Family members of the staff will be covered under Mediclaim. 50% premium will be paid by the organization and 50% by the staff.

Family is defined as:

- o In the case of unmarried staff members: the person and their parents.
- o In the case of married staff members: the spouses; their children and their parents, if they are fully depent on them. Married daughters/sons of the staff members will not be covered/included in the understanding of 'family'.
- In the case of single parents: the person, their children and their parents, if they are fully dependent on them.

The policy is in effect from January 2016. The policy can be revised with the due organizational process. Modifications in the policy will be displayed on the noticeboard and the new policy document will be shared with the staff members concerned.

GENDER POLICY

HDRC is a social organisation intervening in the social issues of society. Gender is one of the issues that HDRC addresses as part of its intervention. In order to be relevant and congruent to the various social discriminations the organisation addresses in society HDRC needs to address the same issues within the organisation. Further, in order to build and maintain its credibility it is essential that HDRC, as an organisation, also address this issue at its own level.

As an employer, the Centre is committed to creating and nurturing a workplace free of any and all types of discrimination. In an effort towards developing gender sensitivity in the organisation, there have been several seminars and discussions that have taken place to debate various aspects and dimensions of this issue from time to time. These discussions have shaped the understanding and practice of gender within the organisation. The grassroots involvement of the Centre continues to inform and further sharpen and refine its understanding of this issue and the manner of addressing it.

The present gender policy document of HDRC is an effort at articulating the policy initiatives of HDRC in the direction of gender justice and gender sensitivity at the organisational level. Gender-just and gender-sensitive policies have been formulated from time to time and have been in practice also, yet a coherent written document to this effect was lacking, and this document, hopefully will fulfil this need. Section I gives an overview of the organisation and sets the context for the policy document. Section II gives an understanding of gender in HDRC. Sections III and IV list out the various components of the present policy.

The gender policy has taken various aspects of the organisation into account, such as, its mission, governance, executive and other roles and positions, its structure and staffing policies, culture, facilities, safety issues, and its direct interventions.

I

ORGANISATIONAL HISTORY

The Behavioural Science Centre (BSC, now HDRC, hereafter referred to as 'the Centre') grew out of the St. Xavier's College, Ahmedabad as a response to the need for "real education". The formal system of education catered to the elite of society and failed to address the real need of the country i.e. education to the rural, marginalised masses. As a result of this dissatisfaction three professors from the College, with varied academic backgrounds, tried to make up for the deficiencies of formal education through camps for university students covering areas like motivation, dealing with one's own feelings, group dynamics etc. It was therefore called 'Behavioural Science Centre'. They came into contact with rural students and eventually with the rural communities through them. Contacts with the rural population brought them face to face with the realities of poverty, underdevelopment and caste inequalities and made them realise the inadequacy of such an educational approach:

- ☐ It had failed to take into account the lack of financial resources and technological competence in the rural economy;
- It did not address the organisational characteristics of the community and the institutional framework required for the economic development of the community.

Neither technology nor financial resources could be procured through this educational system. They realised that it had to be developed in action. "In other words soon we realised that true education presupposes an insertion in the mode of production" (Annual Report, 1977).

It had become clear that this was possible only through rigorous learning in the "Rural University" through immersion in the rural reality. The professors resigned from the college and became fully involved in rural

work. This was the turning point, when the BSC left behind its linkages with the formal educational system and moved on to become a full-fledged NGO working for development.

Approach of the BSC/HDRC:

- The Centre's approach took into account the exploitative and oppressive system which was perpetuated by caste ideology. Caste ideology was instrumental in damaging the self-esteem and confidence of those communities and individuals who were considered to be on the 'lower rungs' of the caste system. This also kept them perpetually divided and unorganised. This called for an **educational pedagogy** which enabled the Dalits to regain their self esteem by overcoming socially imposed fears and through heightened awareness of their own social condition and of the structural nature of poverty.
- The "insertion in the mode of production" was made possible through the medium of cooperativism. The cooperative strategy aimed at uniting and organising the Dalit community around locally available resources. It also involved developing and transferring appropriate and relevant technologies which the people could utilise and manage. The control over technology and resources was made possible by **technomanagerial training** provided to the village cooperative functionaries and to the committees.
- Organising the community is paramount to the strategy of the HDRC. In the initial stages, the village cooperative was the concrete manifestation of the functional unity of the community and the organisation of the productive process. The *forms of organisation* would change with time and context. The cooperatives would eventually be federated into an area-level federation; the village-level cooperative model would eventually be replaced by an area-level cooperative; and where cooperatives were not feasible, people's organizations would take the form of registered trusts and societies. But the essential principle of *a local organisation owned, controlled and managed by the people* has remained at the core of the Centre's approach.

The history of the Centre for following years revolved around these three themes:

- An educational pedagogy stressing critical awareness (caste ideology, the structural nature of poverty, gender ideology, tribal identity and minority issues)
- ☐ Interventions into the means of production through social forestry cooperatives, agricultural services, fisheries, agro-processing, dairy cooperatives and enterprise development.
- □ Local organisations tending towards sustainability and self-management ultimately taking responsibility for the direction of development of the communities they belong to.

The mission statement of the Centre, developed in the early 80s stood as such:

"The Centre exists to fight injustice to man and nature through the promotion and creation of sustainable local organisations of the marginalised, which are owned and managed by them".

Initiation of work with women

Normally when we talk about society, we only consider men. This was the case at the Centre too. During the period from the Centre's beginning to 1987, women were not involved in any of the development work undertaken by the Centre; its various organisations comprised of only male members and only men attended the meetings in the 'vas'. Patriarchal society is an unjust social structure and if the Centre aimed at changing this discriminatory social structure, it felt the need to cultivate an understanding that society is made up not only of men, but men and women both. Thus, the Centre began its work among women after 1987 with the aim of eliminating the prevalent gender bias. From experience, the Centre observed that the women are the most oppressed lot. A Dalit woman was doubly oppressed because of her caste and gender. The Centre's efforts to form women's organisations started quite late (also see Franco et al, 2000: 11-15).

¹ The marginalised communities for the Centre referred in the main to the Dalits, and to an extent the Adivasis.

UNDERSTANDING OF GENDER

The understanding of gender at the Centre is that it is a structure of oppression i.e. it stresses its constructed, human-made nature, a purposeful undertaking of society with an urge to power. Implicit in this understanding is its ideological dimension (Sherry Chand 1991²). Gender operates in tandem with other structures of oppression such as, caste, race, class, ethnicity, and makes for double or triple burden of oppressive structures bearing on the woman, the oppressed other in a gender relationship (Franco 2000: 5³); we also concede that the same structures can also make for compensatory pulls in the opposite directions. The gendered nature of the socialisation of both men and women is an aspect of this reality that the Centre accepts as a given.

As a matter of strategy the Centre focuses on proactively working on the structural aspects of the oppressive ideology to address the issue. It is imperative for the Centre, as an agent of social change, to intervene proactively in this process, to foster a counter-socialisation among both genders, in order to promote gender-sensitivity and gender-justice.

III PRESENT POLICY

The present gender policy addresses the place, role, position, status and impact of organisational life on women as well as men within the organisation. The policy takes into account various aspects of the life of the organisation and functions such as governance, management, leadership, decision-making, resource allocation and organisation culture. The following must be viewed in this light.

A) GOVERNANCE

The organisation will strive to maintain a fair balance between the genders at all levels of its functioning. The Governing Board will include women to the extent possible⁴. The Governing Board, in its capacity of directing the activities of the Centre, will keep the gender dimension in mind.

The gender ratio in the Governing Board has improved. The Governing Board has incorporated 3 women members on a body of 9. These women are development professionals of long standing, with several years of grassroots experience (activism and research) to their credit.

	Female	Male	Total
Board of Trustees	4	8	12

B) MANAGEMENT

² Sherry Chand, Sarvar (1991). 'Human Relationships' in *The Practice of Love*, D'Costa et al, 1991, Gujarat Sahitya Prakash, Anand

³ Franco, Fernando et al (2000). The Silken Swing: The Cultural Universe of Dalit and Koli Patel Women, Stree, Calcutta.

⁴The Centre is managed by the Society of Jesus, and the Governing Board will always have a majority of Jesuits (who are men) on its Board, making it impossible to have an equal number of women on its Board.

> Staffing

The organisation will strive to maintain a fair balance between the genders at all levels of its functioning⁵.

Implementation:

The recruitment procedure addresses the issue and, post-1987, there has been a conscious effort to recruit more women on the staff. The gender ratio in the organisation staff has improved. The staff ratio stands at (January 2018) (13 females: 22 males:), excluding the administrative staff. The representation of the two genders at various levels in the organisation is given below:

	Female	Male	Total
Director	0	1	1
Research Director	0	1	1
Program Managers	1	5	6
Finance Manager	1	0	1
Project Managers	2	3	5
Project Officers	6	1	7
Field Coordinators	2	5	7
Account Assistant	0	1	1
Admin Assistant	0	6	6
Fellows	20	32	52
Consultants	4	2	6
Total	37	56	93

• While recruiting:

- A) Between a man and a woman of equal merit, priority may be given to the woman, to achieve a better gender balance in the organisation.
- B) Between two women having equal merit, the more vulnerable sections will be given priority: such as single women, widows, divorcees, physically challenged women etc, **depending on an assessment of their economic position.**

➤ Allocation of Roles & Responsibilities

In the allocation of roles and responsibilities, the organisation will always remain aware of the stereotypes operating in society and take special care to break them wherever possible, by encouraging and facilitating members to take up tasks and activities which are non-stereotypical for the gender (while taking due account of merit, competence and inclination).

Implementation

• All decision-making bodies must, to the extent possible, have representation of men and women. Care must be taken to ensure special representation of women on all such bodies, wherever they are not represented through their present post.

 The organization will make conscious efforts to include women in leadership roles and on decision-making bodies and give opportunities and concomitant support to women to assume and discharge their leadership functions.

⁵The organisation is also committed to maintaining its diverse and inclusive character and will try to promote it through its recruitment. All things being equal, women from the priority communities would get preference.

 Allocations of roles and responsibilities to female and male staff in public fora should not perpetuate gender stereotypes. A conscious effort should be made to give / take non-stereotypical roles by both men and women.

➤ Maternity Paternity Leave

The organisation will remain sensitive to the special needs of women because of their child-bearing role and will strive to make efforts to help the woman cope with this phase of her life to the extent possible. At the same time, the organisation will also try to promote child-rearing and caring as an equal and joint responsibility of both partners.

Implementation (see point 9.5 in the HDRC Policy Document)

- All female staff with field level responsibilities are entitled to 1 year of Leave Without Pay (LWP) for a maximum of two pregnancies / live births, within the first 2 years of the birth of the child. This provision will not be applicable for any subsequent pregnancies.
- Female staff who have field level responsibilities will be given flexibility for a change in the nature of
 responsibilities during and post pregnancy e.g. reduced travelling, desk job or work at home (depending
 on her competencies and abilities), for the first two pregnancies.
- Facility for Child care/Crèche for staff who have children and need support mechanisms to be able to continue their work smoothly may be considered.

> Health

Special health needs of women will be given due consideration and respect.

Implementation

- Flexibility is given to women field staff to conduct training programmes/ organize meetings/ field visits according to her health conveniences (viz. menstrual cycle).
- At the field site, whenever infrastructure has to be bought or rented, attention should be paid to find and select buildings with toilets.
- Infrastructure facilities for women at local level need to be revamped, keeping in mind the need for sanitation facilities.
- Offices should be equipped with necessities like sanitary napkins in the first-aid kits and sanitary napkin disposal facility in the women's toilets.
- Buildings and infrastructure should address gender aspects heights, lengths, special requirements if any, etc.

> Security of women staff

Given that the external environment is not sensitive to gender issues, the security of women staff remains a live issue. The organisation expects that the staff will remain conscious of this factor. The women staff are not expected to undertake any security risks (such as night travel, travelling alone in case of perception of threat, etc.) In case an unfortunate eventuality should result, the organisation is committed to providing the woman with emotional and psychological support and counselling as well as legal redressal.

Sexual harassment of women at the workplace (See Anti Sexual Harrassment Policy)

The Centre recognises the sexual harassment of women as a serious offence which is included in the service regulations as a specific head of misconduct. Sexual harassment is defined as "any act / behaviour / remark, involving verbal or physical violence, which causes hurt, insult, humiliation, intimidation, pain and/ or fright to the recipient, or is otherwise unwelcome to the recipient in any way." As defined in the Supreme Court guidelines (Vishakha Vs the State of Rajasthan, August 1997) sexual harassment includes such unwelcome sexually determined behaviour as:

- Physical contact
- Sexually coloured remarks

- Showing pornography
- Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature e.g. leering, dirty jokes, sexual remarks about a person's body, etc.

Such behaviour constitutes an offence and, on receipt of such a complaint, the organisation will constitute a committee to investigate the case and fix the penalty for it. At all times, the confidentiality of the complainant will be maintained and the organisation will ensure that the complainant and/or the witness are not threatened and/or victimised in any way.

C) ORGANISATION CULTURE

Language

- The organisation insists on the use of inclusive language in public fora, and in private wherever possible.
- The organisation does not tolerate language which is disrespectful on the basis of gender.

Gender sensitisation

To counter the impact of traditional socialisation and to make a transition towards gender-just and gender-sensitive socialization, gender sensitivity programmes for the staff will be considered.

Redressal of gender issues

- The organisation will not tolerate any values or actions of the staff that harm the cause of gender justice through indiscriminate use of this 'excuse'. The understanding here is that everything that happens in the organisation is not a gender issue. Naming it as such when it is not so, leads to an overreaction against any attempt to think about gender even when it is necessary. Such actions tend to ultimately harm the cause by creating mistrust and suspicion, thereby impacting the culture negatively. A genuine case of gender discrimination or injustice might not be fairly dealt with in such an environment. There may be a need to devise a mechanism whereby a body can look into such issues with due objectivity and facilitate their redressal
- Individuals should not use gender as a means to settle interpersonal scores.

Oppression / discrimination in the domestic sphere

- The organization will not tolerate a male staff member who perpetrates domestic violence, believes in and perpetuates the practice of dowry and sex determination tests indicating a preference for a son/boy.
- In case of a complaint of domestic violence (physical violence, rape, sex selection, son-preference, dowry) from the spouse of a male staff member, or upon a complaint from any quarter in this regard, an inquiry should be instituted and, if found guilty, appropriate action, legal or otherwise, may be taken against the staff member.
- Female staff members who are victims of domestic violence may be given support by the organisation. If she desires organisational help and is ready to bear the legal consequences, the organisation could take the responsibility of negotiation/arbitration.

COMMUNITY BASED ORGANISATIONS

The Community Based Organisations that the HDRC supports and works with will be encouraged to follow the HDRC gender policy.

A) GOVERNANCE

The Managing Committees of the CBOs will have a minimum representation of 50% women.

B) MANAGEMENT

Staffing

While recruiting, if we are looking at two women having equal merit the more vulnerable sections of women, single women, widows, physically challenged women, divorced women etc. could be given priority.

➤ Maternity Paternity Leave

Women staff who have completed one year with the organisation would be given maternity leave of 135 days for 2 pregnancies / live births. Thereafter, they will have access only to maternity leave without pay.

> Training

Gender sensitization programmes will be conducted for all CBO staff as well as at the community level (for both men and women).

➤ Allocation of roles and responsibilities

Allocations of roles and responsibilities to the staff in public for should not perpetuate gender stereotypes. A conscious effort should be made to give / take non-stereotypical roles.

There will be a team of staff members (from HDRC) to monitor the gender aspects in our interventions.

➤ Health

Health of women staff members should be paid special attention to. Staff members will be encouraged to undergo health check-ups.

➤ Infrastructure & Other Facilities

Infrastructure facilities for women at the local level need to be provided keeping in mind the need for sanitation.

C) ORGANISATION CULTURE

- The organisation does not tolerate any values or actions of the staff that show gender discrimination. A member doing so should be relieved of his/her post forthwith.
- When punitive action against staff members is contemplated for actions and/or behaviour (especially pertaining to man-woman relationships, sexual orientation) on grounds of cultural inappropriateness, care should be taken to avoid, at all costs, any action/behaviour/remark which is derogatory to the woman (staff or otherwise).
- Staff ensure education for their girls, failing which a show-cause notice could be served on them.

"Ensuring a Respectful workspace – free of harassment and discrimination"

HDRC's Anti Sexual Harassment Policy



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I. Introduction

HDRC is a social organisation intervening in the social issues of society. Gender is one of the issues that HDRC addresses as part of its intervention. In order to be relevant and congruent to the various social discriminations the organisation addresses in society, HDRC needs to address the same issues within the organisation. Further, in order to build and maintain its credibility it is essential that HDRC, as an organisation, also address this issue at its own level.

As an employer, the Centre is committed to creating and nurturing a workplace free of any and all types of discrimination. In an effort towards developing gender sensitivity in the organisation, there have been several seminars and discussions that have taken place to debate various aspects and dimensions of this issue from time to time. These discussions have shaped the understanding and practice of gender within the organisation. The grassroots involvement of the Centre continues to inform and further sharpen and refine its understanding of this issue and the manner of addressing it.

HDRC is an equal opportunity employer and upholds the right to dignity of all its team members. The organization is committed to creating a healthy working environment that enables all members and women in particular, to work without fear of sexual harassment, gender bias, or prejudice. We believe that Sexual harassment at the work place, or other than work place if involving employees, is a grave and punishable offence.

II. Scope of the Policy

This policy has been developed and procedures designed to prevent sexual harassment, and to deal with any complaints which may arise in response to the Supreme Court Guidelines in Visakha Judgment and "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013

Sexual Harassment infringes the fundamental right of a woman to gender equality under Article 14 – 15 of the Constitution of India and her right to life and live with dignity under Article 21 of the Constitution which includes a right to a safe environment free from sexual harassment. The right to protection from sexual harassment and the right to work with dignity are recognized as universal human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which has been ratified by the Government of India.

The provisions of the above mentioned Act, Constitutional provisions and CEDAW shall be applicable to HDRC. Also the Anti-Sexual Harassment policy shall extend to all Staff (men and women) of HDRC and its project partners, and include external incidents involving such staff.

III. Definitions

For the purposes of this Policy

- (a) "Aggrieved employee" means any employee of the organization against whom any act of sexual harassment is alleged to have been committed;
- (b) "Appropriate Government" means in relation to a workplace which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly-
 - (i) by the Central Government or the Union territory administration, the Central Government;
 - (ii) by the State Government, the State Government.
- (c) "Chairperson" means the Chairperson of the Committee;
- (d) "Committee" me

- (e) ans an Internal Complaints Committee constituted under section 4;
- (f) "Employee" and "staff" mean a person employed at a workplace for any work whether full-time, parttime, contracted, temporary, voluntary, and also researchers, trainees, consultants, fellows and employees of projects, either directly or by or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, whether the terms of employment are express or implied and includes a domestic worker, a co-worker, a contract worker, probationer, trainee, apprentice or by any other name called;
- (g) "Employer" means:-
 - (i) in relation to any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organization, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf:
 - (ii) in any workplace not covered under clause (i) any person responsible for the management, supervision and control of the of the workplace;
- (h) "Member" means a member of the Committee;
- (i) "Prescribed" means prescribed by rules made under this Policy;
- (j) "Respondent" means a person against whom a complaint has been made under section 9;
- (k) "Workplace" means:-
 - (i) Any department, organization, 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 Government or the local authority or a Government company or a corporation or a co-operative society;
 - (ii) Any private sector organization or a private venture, undertaking, enterprise, institution, establishment, society, unit or service provider carrying on commercial, professional, vocational, educational, industrial or financial activities including production, supply, sale, distribution or service;
 - (iii) A house or dwelling place;
 - (iv) And includes any place visited by the employee arising out of, or during and in the course of, employment;

"NGOs" means any non-governmental organization operating on a secular non-profit basis and involved in work concerning gender justice.

IV. Sexual Harassment

"Sexual Harassment" includes such unwelcome sexually determined behavior as physical contact and advances, sexually coloured remarks, showing pornography and sexual demand, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.

There are usually three kinds of sexual harassment and the following examples are not exhaustive. Sexual harassment can be perpetrated upon members of the opposite gender or one's own gender.

• Non-Verbal

- Gestures
- o Staring / leering
- o Invading personal space
- o Pin-ups
- o Offensive publications
- Offensive letters / memos
- o Unsolicited and unwanted gifts
- O Use for social media for emotional and physical harassment

Verbal

- o Language of a suggestive or explicit nature
- o Unwanted propositions
- o Jokes of a sexual or explicit nature
- o Use of "affectionate names"
- o Questions or comments of a personal nature

Physical

- Deliberate body contact
- Indecent exposure
- o Groping / fondling / kissing
- o Coerced sexual contact

V. Preventive Action

Consistent with the existing law "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013", HDRC will take all reasonable steps to ensure prevention of sexual harassment at work. Such steps shall include:

- Circulation of HDRC's policy in English/Gujarati to all the members and Partner organizations.
- Sexual harassment will be affirmatively discussed at monthly meetings, workshops etc.,
- Conduct or cause to carry out in-house training on sexual harassment and addressing complaints to staff as well as members of Internal Complaint Committee.
- Guidelines will be prominently displayed to create awareness of the rights of female employees.
- Widely publicize that the Sexual Harassment is a crime and will not be tolerated.

The employer – HDRC will assist persons affected in cases of sexual harassment by outsiders.

Names and contact numbers of members of the internal complaint's committee will be prominently displayed in the head offices as well as field offices of all Partner organizations.

VI. Reporting a Complaint

 If an individual believes that she is the victim of sexual harassment or retaliation, she is encouraged to report such complaint immediately. HDRC has designated the Internal Complaints Committee (ICC) to receive all complaints, verbal or written, of harassment on behalf of the organization.

- 2. The Internal Complaints Committee constituted will be appointed for a period of three years.
- 3. A complaint under this Act may be lodged with ICC at the earliest point of time and in any case within 3 month (or later if allowed by the ICC) of occurrence of the alleged incident. The complaint shall contain all the material & relevant details concerning the alleged Sexual Harassment in six copies and one copy of the complaint should be sent to the respondent.
- 4. If the complainant feels that she cannot disclose her identity for any reason, the complainant shall address the complaint to the Head of the Organization & hand over the same in person or in a sealed cover.
- 5. The head of the organization shall than forward the copy of the original complaint with all material & relevant details of the complainant to the Chairperson of the Committee.
- 6. Within 1 week of receipt of the complaint, the Chairperson shall communicate the same to all the members of ICC.
- 7. Within 10 days of receipt, respondent will file his reply on the complaint.

VII. Internal Complaints Committee and Field Level Committee

In HDRC we have central ICC based in Ahmedabad and 4 field level committees covering (i)Junagadh, (ii) Banaskantha district, (iii) Sabrakntha and Aravali districts and (iv) Ahmedabad urban.

Members of the Internal Complaints Committee and Field Level Committee are:

Sr. No.	Details of Members	Designation in ICC
1.	Ms. Pushpa Vaghela	Chairperson
2.	Ms. Persis Ginwala	Expert Members
	Ms. Prita Jha	
3.	Ms. Minaxi Patelia	Members
	Ms. Shehnaz Ansari	
	Mr. Imran Khan	
	Mr. Manoj Parmar	
	Mr. Mukesh Lakum	
	Ms. Beena Macwan	
4.	Junagadh District:	Field level Committee Members
	Govind Chavda, Sharmilaben Chavda,	
	Miraben Parmar	
	Sabarkantha and Arvali District:	
	Kishorbhai Chaudhari, Kamlaben Damor,	
	Sangita Pandor	
	Banaskantha District (Danta):	
	Kailashben Damor, Maniben Gamar,	
	Rasikbhai Parmar	
	Ahmedabad District:	
	Savita Solanki, Ravindra Kapadiya,	
	Menakshi Parmar	

- (i) A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Chairperson, at least two members, one of whom shall be a woman.
- (ii) The travel, food and staying charges for the Chairperson and all the members of the Committee shall be provided by the organization. A modest lump-sum honorarium could be paid to the expert.

(iii) All meetings of the ICC shall be selected by the Chairperson through mutual consultation among the members.

VIII. Process of Enquiry

- 1. Upon receiving a formal complaint, the Committee shall ask the complainant to prepare a detailed statement of the incidents if written complaint is sketchy. A statement of allegations will be drawn up by the Committee and sent to the respondent.
- 2. The respondent will be asked to prepare a response to the statement of allegations and submit to the Committee within the given time.
- 3. The complainant and the respondent may ask to be represented or accompanied by a member of staff. ICC may take final decision.
- 4. The Committee will organize verbal hearings with the complainant and the respondent. And can ask both the parties for written submission or to provide evidence
- 5. The statement of the complainant will be recorded in front of ICC, not necessary in the presence of the respondent. The respondent may cross question the complainant if there is a need to do so in the presence of the Committee members.
- 6. The Committee will take testimonies of other relevant persons and review the evidence whenever necessary. Care should be taken to avoid any retaliation against the witnesses by giving necessary protection.
- 7. The Committee will take its decision after carefully reviewing the circumstances, evidence and relevant statements in all fairness.
- 8. If the respondent, being provided fair opportunity to participate in the enquiry and defend him/herself fails to participate in the inquiry, the Committee may conduct the enquiry ex parte by giving 15 days' notice.
- 9. In the course of investigating any complaint of sexual harassment, the ICC shall ensure that the principles of natural justice are adhered to namely:
 - (i) Both parties shall be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents before the ICC;
 - (ii) Upon completion of the investigation, both parties will be informed of the results of that investigation.
 - (ii) Documents which form part of the official record shall also be given to the complainant if need be.
- 10. The enquiry shall be conducted in Gujarati, Hindi, English or the local language, whichever is requested by the parties
- 11. The venue of the enquiry should be as per the convenience of the complainant.
- 12. Enquiry will be completed in maximum 90 days. If ICC feels more time is needed, they can take decision of extending the tenure of enquiry.

IX. Enquiry Report

- 1. On the completion of the enquiry, the Committee shall provide a report of its findings to the Director.
- 2. Where the Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to Director that no action is required to be taken in the matter.
- 3. Where the Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Director
 - a. to take action for misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action the ICC deems appropriate under the circumstances; or
 - b. to deduct from the salary or wages of the respondent such sum of compensation to be paid to the aggrieved employee or to legal heirs, as it may determine, in accordance with the provisions of section XII; or to direct the respondent to pay such compensation to the aggrieved employee; or
 - c. any other appropriate action.
 - d. if the aggressor is guilty of sexual harassment or has repeatedly (second time) committed acts of SH, then he/ must be dismissed.
 - e. sexual harassment by line managers or by colleagues senior to the victim will be considered to be very serious and will attract higher penalties.
- 4. Where any recommendation has been made to the Director, person shall act upon the recommendation within ninety days of its receipt by him:

X. Punishment for false or malicious complaint and false evidence

- Where the Committee arrives at a conclusion that the allegation against the respondent is false or malicious or the aggrieved employee or any other person making the complaint has produced any forged or misleading document, it may recommend to the Director to take action against the employee or the person who has made the complaint in accordance with the provisions of the service rules applicable to her or him or where no such service rules have been made, in such manner as may be prescribed.
- 2. Where the Committee arrives at a conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules have been made, in such manner as may be prescribed.

XI. Determination of compensation

- 1. For the purpose of determining the compensation to be paid to the aggrieved employee under clause (b) of sub-section (3) of section X, the Committee shall have regard to
 - a. the mental trauma, pain, suffering and emotional distress caused to the aggrieved employee;
 - b. the loss in the 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.

XII. Confidentiality

- 1. Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made under section 9, the identity and addresses of the aggrieved employee, respondent and witnesses, any information relating to conciliation and enquiry proceedings, recommendations of the Committee, and the action taken by the employer under the provisions of this Policy 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 this Policy without disclosing the identity and address of the aggrieved employee, respondent and witnesses.
- 2. Where any person entrusted with the duty to handle or deal with the complaint, enquiry or any recommendations or action to be taken under the provisions of this Policy contravenes the provisions, he/she 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 have been made, in such manner as may be prescribed.

XIII. Appeal

Any person aggrieved by any order passed by ICC may prefer an appeal in accordance with the provisions of the service rules applicable to the said person or where no such service rules.

XIV. Sexual Harassment and HDRC's partners/ associates

HDRC is responsible for ensuring that its partners/associates have a commitment to and sexual harassment free working atmosphere within their organizations, i.e. the partner organizations/associates. While respecting the autonomy of the partner organization, HDRC will have to play a facilitating role within the partner organization,

- Creating a gender just environment in partner organisations/associates, community based organisation, people organisations that HDRC is engaged with.
- Helping these organisations/assocaites in building a complete understanding of the Policy Against Sexual Harassment through trainings and capacity building.
- Providing support to these organisations/associates in the formulation of their policy against Sexual
 harassment and Internal Complaints Committee in line with the "The Sexual Harassment of
 Women at Workplace (Prevention, Prohibition and Redressal) Act 2013".
- Ensuring that complaints of sexual harassment in these organisations/associates are heard and investigated and appropriate action taken and providing the necessary if required.

XV. Third Party Harassment

Where Sexual Harassment occurs as a result of an act or omission by any third party or outsider, HDRC will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

XVI. Management Obligations

- Management of HDRC shall provide all necessary assistance for the purpose of ensuring full, effective and prompt implementation of this policy. It shall further be bound by the decisions of the ICC and shall implement the same expeditiously.
- 2. The support to be provided to the ICC includes:
 - (i) Administrative support for training and other preventive actions.
 - (ii) Support during SH enquiries
 - (iii) Adequate financial resources for all activities
 - (iii) Time planning for members of ICC
- 3. The responsibility for preventive activities (regarding SH) rests with the Management of HDRC at central and District levels.
- 4. HDRC's Leadership and management at all levels are expected to provide adequate protection to ICC members and FIPs in case of threats and any retaliation. Support and protection must also be provided (by Management) if matters go to Court. Management should in all cases defend the ICC and the complainant.
- 5. In the event the conduct complained of amounts to a specific offence under the Indian Penal Code or under any other law in existence, the ICC, subject to the wishes of the complainant, shall take appropriate action in making a complaint with the appropriate authority. The APJ Partner Organizations management will have to provide all manner of support required in such instances.
- 6. HDRC's Management will actively assist and do all that is necessary to ensure the safety of a complainant in the office premises or otherwise in respect to any duties/activities performed in connection with her/his work, which take place outside office premises.
- 7. All the units of HDRC have to ensure that the ICC retains its autonomy and may work unhindered.
- 8. The proceedings under this policy shall not be stalled or postponed merely because the complainant is proceeding against the accused under any other provision of law.
- 9. The provisions of this policy shall not restrict the powers of the Management or the complainant to proceed against the alleged offender for any other misconduct or other legal remedies.

References:

- 1) Supreme Court judgement in the case of Vishaka and others Vs. State of Rajasthan and others;
- 2) The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013
- 3) Anti-Sexual Harassment Policies of Janvikas, Tata Power, Centre for Development & LEPRA Society, SACIWaters, Alliance for Peace and Justice, Utthan
- 4) Ministry of Labour and Employment, Citizen's Charter, Public Grievances.

Child Protection Policy

Human Development and Research Centre St. Xaviers Non-formal Education Society

The HDRC's Child Protection Policy reflects the organization's determination and commitment towards the protection of child rights. HDRC has been working for more than thirty years towards addressing various social issues and problems in various districts of Gujarat. After analyzing the issues of tribals, dalits and marginalized communities, efforts are being made by the organization to bring these deprived communities to the mainstream society, by using various strategies to make the system more accountable and accessible.

Need of Child Protection Policy:

On the basis of working experience of last three decades in different areas of Gujarat, it seems necessary to pay more attention to the issues of women and children in the area. Keeping in view the child rights, various programs, activities are being organized for child development in past 5 years. HDRC believes that every child has the right to live a healthy, free, safe, equitable and dignified life. HDRC is committed to safeguarding the child rights as per the declaration of United Nation. This policy is being developed for the purpose to ensure that there is no violation of child rights during the work in our program area, no such incident happens / or there is a dearth of these incidents. In order to fulfill the commitment shown in this policy, required institutional structure will be developed so that we can provide justified solution to the child rights issue.

Purpose of the Child Protection Policy:

- Compliance with UN declaration of child rights and to protect the rights of children in accordance
 with the provisions made under the Indian constitution. Enforce the rights of freedom and equality
 to children.
- To promote child safe practices and protect children from harm, abuse, neglect and exploitation in any form.
- Ensure that each child gets a nourishing, independent, respectful, equal and safe environment in the head office, field offices and program area of HDRC.
- Develop a suitable framework for effective implementation of this policy.

Scope of the Child Protection Policy:

- Child Protection Policy applies to everyone working for or association with HDRC, this include the staff, volunteers, community volunteers and contractors. Also applies to the staff and / or representatives of people's organizations and association who have been working for or with HDRC.
- This policy will be applicable to all the vendors, caterers, contractors, agents, etc. coming for construction work and for other works in the HDRC office.
- Develop fearless and safe environment for children in the head office and in the program area of HDRC.

Provisions in the Child Protection Policy:

- HDRC is committed to safety of children from harm and ensuring protections of children's right are fully realized.
- The policy has provision of providing security, help and support to children immediately after receiving information about the violation of child rights.
- Code of conducts has been given for employees to ensure the safety of children.

Definitions of Child Protection:

A Child abuse is defined as all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment of a child and included any action that result in actual or potential harm to a child. The reduction of all such incidents and prevention of these events is known as child protection. There are different kinds of stakeholders in the environment where the children live in, in which parents, siblings, other family members, neighbors, anganwadi workers, teachers, farmers hiring children, various institutions etc. are included. Generally, children come in contact with different stakeholders due to different times, events and activities.

It is not practical and expected that all these stakeholders have a broad and complete understanding towards the protection of child rights and security of children. Therefore, it is not feasible that their action and behavior are in accordance with the children rights. Keeping this reality in mind, it is mandatory to have child protection policy in the organisation.

Code of conduct for Child Protection:

- The policy will be applied to all the staff, volunteer, collectives etc. who come in contact with children directly and indirectly.
- Identifying the places where children can be at risk for safety.
- As far as possible, organizing activities that prevent child rights violations or help in reducing these incidents
- To ensure safety of children, identify safe places for organizing activities and programs.
- Organisation staff, volunteers, collective, members of people's organizations and its representatives will never do any kind of abuse, neglect, humiliation, exploitation and violence with children.
- Children will not be address by any such abusive word which represents gender, religion and caste. Community-based, discriminating behavior will not be done with children.
- Children will not be intimidated or threatened by speaking in loud voice/shouting.
- Staff/volunteer/collective etc. will not allow to do their own work from the children come to attend the public programs, training, camps and workshops.
- Children will not be involved in any dangerous/risky work or activity, which may cause mental or physical harm to the children.
- Ensure that children meet the clean, fearless and healthy environment in public programs, trainings and camps.
- Staff/Volunteers/Collective etc. or anyone associated with the organization will not get any kind of labor work from children under the age of 18.
- In various programs, children carrying vehicle will not be allowed to accommodate more children than capacity. The concerned vehicle must be registered in RTO and the driver should have a valid license.
- Keeping the age of children in view, do not conduct any activities with greater capacity than their physical ability.
- Unnecessary social or political issues will not be discussed /made from children.

Implementation of the Child Protection Policy:

- If it is noticed that, the child protection rights is being violated by the contractors coming for different types of work in the HDRC campus, then the contract will be canceled immediately and necessary action will be taken against that contractor.
- Inadvertently, if there is a violation of the rules shown in the policy, then 10% of the salary of the person responsible for that work will be deposited in the form of a penalty. In a serious situation, the services of that person can also be terminated.
- If any staff /volunteer/collective etc. whosoever disrespect or neglects the child on the basis of gender, religion and caste will be fired from the institution.
- Legal assistance / guidance will be provided in case of threat to child protection.

Placement policy for students

Rules and regulation for students during placement and working hours:

- The institute is not bound to provide travel, food or any other allowance for the students coming for the placement.
- Students are not eligible for any holidays other than public holidays and important festivals.
- The students must respect the traditional clothing, food habits, life style and their culture while working in a rural environment.
- It is necessary to take the permission of the responsible and concerned person before changing the area and responsibility given according to the plan.
- If there is a difference between a student and a responsible person in regard of rules mentioned above, the decision will be taken after discussing with the superior.

Responsibility of HDRC:

- On behalf of institution, the coordinator appointed for the placement at the field level will be responsible for planning of work, execution, supervision and follow up, lodging and food arrangements etc.
- Program Coordinator or Project In-charge of the area will be responsible for providing orientation of institutional values, activities, achievements etc. to the students going into the field for placement.
- At the HDRC level, it will be decided in collaboration with the Placement Coordinator that what will students do in terms of placements?
- The arrangements will be made for night stay in the respective field office to the students comes for the placements. Only after being in the village for at least 3 days, the fourth day students will be able to come to the office.
- The rules and regulations of the local organization of the concerned area will be applicable to the students.
- If required, institution or placement coordinator can send students to attend any specific training program or meeting. Travel allowance can be given for the same, if required.
- Involve students in various activities of the organization, programs, training or camp.

Facilities given by the HDRC:

- During field work, if the student gets sick then the HDRC will provide primary treatment facility.
- For night stay of the students, arrangements will be made in the respective field office.
- Give certificate of placement to students coming to the HDRC.
- Keeping the requirements related to the health of women, HDRC will provide the necessary facilities.

Rules:

If any kind of abuse/misbehave/harassment/misconduct is done with a woman by any staff or the member of organization, then necessary steps will be taken by the institution within 3 days.

FORM I

I hereby declare that I have received and read the Human Development And Research Centre, St.
Xavier's Non-Formal Education Society, Staff Service Regulations, Procurement Policy, TADA Cum
Allowance Policy, Gender Policy, Anti Sexual Harassment Policy, Child Protection Policy and Student
Placement Policy and that I agree to abide by the same.

Name:		
Signature:		
Date:		