

कार्यालय जिला एवं सत्र न्यायाधीश, भोपाल (मध्यप्रदेश)
// विविध आदेश //

क्रमांक _____/सा0अनु0/2020

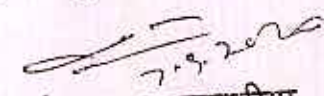
भोपाल, दिनांक _____ सितम्बर, 2020

माननीय उच्च न्यायालय मध्यप्रदेश जबपलुर के पृष्ठांकन क्रमांक सी/177/दो-15-1/2001(डी.ई.) दिनांक 10.01.2018 में दिये गये निर्देशानुसार तथा म.प्र. राजपत्र दिनांक 26.04.2016 एवं दिनांक 15.12.17 में प्रकाशित, उच्च न्यायालय म.प्र. एवं अधीनस्थ न्यायालयों में महिलाओं के प्रति लैंगिक भेदभाव, दुर्व्यवहार तथा यौन उत्पीड़न (बचाव, रोकथाम तथा निवारण) की अनुमोदित नियमावली 2015 के चैप्टर-2 के नियम 4(बी) एवं 4(iv) के अनुसरण में पूर्व में समस्त आदेशों को निरस्त करते हुये जिला एवं सत्र न्यायालय भोपाल में महिलाओं से दुर्व्यवहार एवं यौन उत्पीड़न आदि के संबंध में प्राप्त होने वाली शिकायतों के निवारण हेतु निम्नानुसार कमेटी पुर्नगठित की जाती है :-

जिला न्यायालय कमेटी

- | | |
|--------------|---|
| अध्यक्ष | - विशेष न्यायाधीश, एस.सी./एस.टी., भोपाल, |
| वरिष्ठ सदस्य | - श्री मुंशी सिंह चन्द्रावत, सेवानिवृत्त न्यायाधीश, |
| वरिष्ठ सदस्य | - श्री अजीज अहमद सिद्दीकी, अधिवक्ता, |
| महिला सदस्य | - 1. श्रीमती ज्योति डोगरे शर्मा, चौबीसवें व्यवहार
न्यायाधीश वर्ग-1, भोपाल,
2. श्रीमती ज्योति राठौर, प्रथम व्यवहार न्यायाधीश वर्ग-2,
भोपाल, |
| सचिव | - श्री राजेन्द्र कुमार शिवहरे, प्रशासनिक अधिकारी, जिला
न्यायालय, भोपाल, |
| महिला सदस्य | - श्रीमती अलका परिहार, सहा.ग्रेड-2, भोपाल, |

उपरोक्तानुसार गठित कमेटी के सभी सदस्यों को निर्देशित किया जाता है कि वे, उच्च न्यायालय न.प्र. एवं अधीनस्थ न्यायालयों में महिलाओं के प्रति लैंगिक भेदभाव, दुर्व्यवहार तथा यौन उत्पीड़न (बचाव, रोकथाम तथा निवारण) की नियमावली 2015 में विहित निर्देशों के अंतर्गत निर्धारित समयावधि के भीतर अपनी बैठके आयोजित कर, कमेटी के समक्ष प्रस्तुत शिकायतों के निवारण हेतु नियमावली 2015 के अनुसार विधिवत् कार्यवाही सम्पादित करते हुये अपना जांच प्रतिवेदन प्रस्तुत करें।


जिला एवं सत्र न्यायाधीश
भोपाल(म0प्र0)



मध्यप्रदेश राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 18]

भोपाल, शुक्रवार, दिनांक 29 अप्रैल 2016—वैशाख 9, शक 1938

भाग ४

विषय-सूची

(क) (1) मध्यप्रदेश विधेयक,	(2) प्रवर समिति के प्रतिवेदन,	(3) संसद में पुरःस्थापित विधेयक.
(ख) (1) अध्यादेश,	(2) मध्यप्रदेश अधिनियम,	(3) संसद के अधिनियम.
(ग) (1) प्रारूप नियम;	(2) अन्तिम नियम,	

भाग ४ (क)—कुछ नहीं

भाग ४ (ख)—कुछ नहीं

भाग ४ (ग)

प्रारूप नियम

विधि और विधायी कार्य विभाग

क्र. 1129-21-ब-(एक)-2016

भोपाल, दिनांक 26 अप्रैल 2016

Approved Draft

THE GENDER SENSITISATION AND SEXUAL HARASSMENT OF WOMEN AT THE HIGH COURT OF
MADHYA PRADESH AND SUBORDINATES COURTS
(PREVENTION, PROHIBITION AND REDRESSAL)
REGULATIONS, 2015

D R A F T
16.02.2015

**THE GENDER SENSITISATION AND SEXUAL HARASSMENT OF WOMEN AT THE
HIGH COURT OF MADHYA PRADESH AND ITS SUBORDINATE COURTS
(PREVENTION, PROHIBITION AND REDRESSAL)
REGULATIONS, 2015**

WHEREAS gender discrimination and sexual harassment results in violation of the fundamental right of a woman to equality under Articles 14 and 15 of the constitution of India and her right to life and to live with dignity under Article 21 of the Constitution of India and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment under Article 19 (1) (g) of the Constitution of India;

AND WHEREAS Sensitisation against discrimination on the basis of gender and the protection against sexual harassment and the right to work with dignity are universally recognizes human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified

on the 25th June, 1993 by the Government of India;

AND WHEREAS it is expedient to make provisions for giving effect to the Constitution of India and the said Convention for protection of women against sexual harassment at Madhya Pradesh High Court and its subordinate Courts precincts.

AND WHEREAS it is necessary to provide for gender Sensitisation in working environment and protection against sexual harassment of women at the Madhya Pradesh High Court and its Subordinate Courts precincts and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto;

AND WHEREAS according to the decision in Vishaka v. State of Rajasthan rendered by the Supreme Court in its judgment dated 13 August 1997, in Writ Petition (Crl.) No. 666-70/92 (reported in AIR 1997 SC 3011), it is necessary to provide for the protection of women.

AND WHEREAS in the judgment of the Supreme Court in Medha Kotwal Lele v. Union of India and Others, rendered by the Supreme Court on 19 October 2012 reported in (2013) 1 SCC 297, the necessity of protecting women from any form of indecency, indignity and disrespect in

all places (in their homes as well as outside), is emphasized and it has been directed to provide new initiatives of education and advancement of women and girls in all spheres of life and the further directions given in the said judgment including the directions with regard to the need to give instructions/ circulars by all statutory bodies such as the Bar Council of India, State Bar Councils and Bar Associations; and the liberty granted in the said judgment to approach the respective courts and the directions to the courts to effectively consider the grievances raised in this regard.

AND WHEREAS following upon and in conformity with the above, in Writ Petition (Civil) No. 162 of 2013, Ms Binu Tamta and Ors. v. High Court of Delhi, the High Court of Madhya Pradesh appointed a committee for framing regulations to ensure safe working environment for women in the precincts of the High Court, and Subordinate Courts and the said committee having framed regulations to combat the problem of sexual harassment within the precincts of the High Court of Madhya Pradesh and Subordinate Courts for the redressal of any complaint that may be filed in that regard;

AND WHEREAS now these Regulations are being published as a comprehensive code for prevention of sexual harassment of women within the precincts of the Madhya Pradesh High Court and its Subordinate Courts and for redressal of any complaints that may be lodged in the High Court or concerning District Court, as the case may be.

The High Court hereby makes the following Regulations:

CHAPTER I PRELIMINARY

1. **Short title, extent and commencement** - (1) These Regulations may be called the Gender Sensitisation and Sexual Harassment of Women at the Madhya Pradesh High Court and its Subordinate Courts (Prevention, Prohibition and Redressal) Regulations, 2015.

(2) They shall come into force on such date as the Chief Justice of Madhya Pradesh may, by notification in the official Gazette, appoint.

2. **Definitions** - In these Regulations, unless the context otherwise requires:-

- (a) "**aggrieved woman**", means, in relation to the Madhya Pradesh High Court and its Subordinate Courts, any female, of any age, whether employed or not, who claims to have been subjected to any act of sexual harassment by any person in the Madhya Pradesh High Court and its Subordinate Courts precincts but does not include any female who is already governed by the Madhya Pradesh High Court service rules on the subject or Madhya Pradesh Civil Services (Conduct) Rules, 1965;
- (b) "**appropriate Authority**" means in relation to the Madhya Pradesh High Court, the Chief Justice of Madhya Pradesh High Court;
- (c) "**Chairperson**" means the Chairperson of the Madhya Pradesh High Court and its Subordinate Courts Gender Sensitisation and Internal Complaints Committee (GSICC);
- (d) "**Chief Justice**" in context of the present Regulations means the Chief Justice of Madhya Pradesh;
- (e) "**District Judge of the district**" in context of the present Regulations means the sitting District Judge of the concerning district of Madhya Pradesh.

(f) "**GSICC**" means the Madhya Pradesh High Court and its Subordinate Courts Gender Sensitisation and Internal Complaints Committee constituted under Regulation 4;

(g) "**habitual Respondent**" is a person against whom a previous Complaint of sexual harassment has been received by the GSICC on earlier occasion, irrespective of whether the matter was resolved with or without an inquiry and except where the Respondent has been exonerated in the previous complaint;

(h) "**Internal Sub-Committee**" means the Sub-committee set up under Regulation 9;

(i) "**Member**" means a Member of the GSICC;

(j) "**Madhya Pradesh High Court Precincts**" means the whole premises of the Madhya Pradesh High Court including the Administrative Block, open grounds, parking, Museum, libraries, canteens, bar-rooms inclusive of lawyer's chambers, dispensary and/or any other part of the premises under the control of the Chief Justice of Madhya Pradesh High Court;

(k) **Member Secretary:** A Registry Officer appointed by the Chief Justice for the High Court and an

official appointed by the District Judge shall be the Member Secretary of the GSICC.

(l) "**Prescribed**" means prescribed by the present Regulations;

(m) "**Respondent**" means a person against whom the aggrieved woman has made a Complaint under the present Regulations;

(n) "**Sexual harassment**" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely :-

- (i) physical contact and advances;
- (ii) a demand or request for sexual favours;
- (iii) making sexually coloured remarks;
- (iv) showing or exhibiting pornography and/or sexually explicit material by any means;
- (v) sending undesirable sexually coloured oral or written messages, text messages, e-mail messages or any such messages by electronic, manual or other means;

- (vi) stalking or consistently following aggrieved woman in the Madhya Pradesh High Court and its Subordinate Courts precincts and outside;
- (vii) voyeurism including overt or tacit observation by the Respondent by any means, of the aggrieved woman in her private moments;
- (viii) any conduct whereby the Respondent takes advantage of his position and subjects the aggrieved woman to any form of sexual harassment and seeks sexual favours specially while holding out career advancements, whether explicitly or implicitly, as an incentive or a natural result of submitting to the insinuations/ demands of the Respondent;
- (ix) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
- (x) implied or explicit promise of preferential treatment in her legal career;
- (xi) implied or explicit threat of detrimental treatment in her career;
- (xii) implied or explicit threat about her present or future career;

- (xiii) interferes with her work or creating an intimidating or offensive or hostile work environment for her; or
- (xiv) any treatment having a sexual colour or content likely to affect her emotional and/or physical health or safety.

(o) "**Subordinate Courts' precincts**" means the whole premises of the concerning District Court and/or outline courts including the Administrative Block, if any, open grounds, parking, lawyers Chambers, if any, libraries, canteens, bar-rooms, dispensary, if any and/or any other part of the premises under the control of the District Judge.

3. Prevention of sexual harassment-No woman shall be subjected to sexual harassment at the Madhya Pradesh High Court and its Subordinate Courts precincts.

CHAPTER II

COMPOSITION AND CONSTITUTION OF GENDER SENSITISATION AND INTERNAL COMPLAINTS COMMITTEE

4. (1) The Chief Justice shall, by an order in writing, constitute a Committee known as the "Gender Sensitisation And Internal Complaints Committee" (GSICC) for the High Court and the District Judge shall, by an order in writing, constitute a committee known as the "Gender Sensitisation And Internal Complaints Committee" (GSICC) for Subordinate Courts to fulfill the object of these regulations comprising not less than 5 and not more than 7 Members each and shall, as far as practicable, include the following:

(a) The High Court Committee:

(i) One sitting and one former Judge (where available) of the High Court, in terms of the judgment in the case of Vishaka (supra), one of whom shall be the Chairperson of the Committee, to be nominated by the Chief Justice.

(ii) One designated senior advocate of Madhya Pradesh to be nominated by the Chief Justice.

(iii) One woman designated senior advocate or a woman senior advocate in regular practice for not less than 20 years, in the High court.

(iv) An officer of the Registry, not below the rank of a Registrar to be nominated by the Chief Justice, shall function as the Member Secretary to the Committee.

(v) Any other person (s) nominated by the Chief Justice.

(b) District Court Committee:-

(i) One sitting and one former Judge (where available) of the subordinate Courts, in terms of the judgment in the case of Vishaka (supra), one of whom shall be the Chairperson of the Committee, to be nominated by the District Judge;

(ii) One senior member of District bar having not less than 20 years of practice, to be nominated by the District Judge;

(iii) One woman Judge, where available, on the establishment of concerned judicial District, not below the rank of Civil Judge Class I to be nominated by the District Judge.

(iv) Any other person (s) nominated by the District judge.

(v) The Clerk of Court shall function as Secretary to the Committee.

(2) The outside Member appointed under Clause 4(2)(f) shall be paid such fees or allowances from the allocated funds for holding the proceedings of the GSICC as may be prescribed in the schedule.

(3) Where the Chairperson or any Member of the GSICC-

(a) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her;

(b) fails to constitute an internal sub-Committee to inquire into a particular Complaint;

(c) fails to take action under Regulation 11;

(d) contravenes or attempts to contravene or abets contravention of other provisions of these Regulations or any notifications/orders issued thereunder; or

(e) in the opinion of the Chief Justice or the District Judge, as the case may be, has so abused his/her position as to render his/her continuance in office prejudicial to the exercise of functions of the GSICC;

Such Chairperson or Member, as the case may be, shall stand removed forthwith from the GSICC by a written order of the Chief Justice or the District Judge, as the case may be, and the vacancy so created shall be filled by fresh selection/nomination in accordance with the provisions of these Regulations.

5. Term of Gender Sensitisation and Internal Complaints Committee members-

The term of each member of the GSICC shall be for two years, subject to the member being nominated/selected for a maximum period of two terms, and a member who has been removed under Regulation 4(3) shall not be eligible for renomination or re-selection.

6. (1) The Gender Sensitisation and Internal Complaints Committee (GSICC) shall meet at least once in every quarter of a calendar year.

(2) The Member Secretary shall in writing or by means of electronic communication, send intimation of the meeting along with its agenda to the members of GSICC.

(3) Minutes of all meetings shall be recorded, confirmed and adopted. The Member Secretary shall circulate the minutes of a meeting and the Resolutions so passed to all Members of the GSICC within 7 days of the holding of the meeting or the passing of the Resolution.

(4) Ordinarily, a Meeting shall be called by the Chairperson with minimum seven days' notice to all members. However, if necessary, the Chairperson on his own motion or upon the request of any member of GSICC may convene a meeting at any time.

(5) The quorum for all Meetings shall be one-third of the members of the GSICC. In the event the quorum is not completed for any meeting, an adjourned meeting shall be held within the next 10 days next following, for which no quorum shall be required.

(6) All motions shall be carried by a simple majority of those present and voting at the meeting.

Whenever a Complaint is received or a Report of the Internal Sub-Committee is submitted, the Member-Secretary shall within a period of 7 days request the Chairperson to call either an Ordinary or Emergency Meeting to take action on the same, and the Chairperson shall call a meeting for this purpose not later than 15 days from the date of the Complaint or the Report.

A Member not attending 3 consecutive meetings may be removed by the Chief Justice or the District Judge, as the case may be; and the vacancy so created shall be filled in accordance with the Regulations.

7. Functions of the Gender Sensitisation and Internal Complaints Committee:

(1) GSICC shall be responsible for framing a Policy from time to time and its implementation with regard to gender Sensitisation and prevention and redressal of Sexual Harassment in the High Court or, Subordinate Courts, as the case may be.

(2) Gender Sensitisation and Orientation: GSICC shall take the following steps with regard to

gender Sensitisation and orientation:-

- (i) GSICC will ensure the prominent publicity of the Policy on gender Sensitisation and prevention and redressal of Sexual Harassment in the High Court or Subordinate Courts precincts.
- (ii) GSICC will organize programmes for the gender Sensitisation Of the High Court or, Subordinate Courts, community, as the case may be, through workshops, seminars, posters, film shows, debates, displays, etc.
- (iii) GSICC shall submit an Annual Report by December 31 every year to the Chief Justice or the District Judge, as the case may be, which shall be made public outlining the activities undertaken by it and charting out a blueprint for the activities/steps to be taken up in the following year along with necessary budgetary allocations required by it. The GSICC shall include in its Annual Report the number of cases filed, if any, and their disposal under these Regulations in the annual report.
- (iv) GSICC may enlist the help of Non-Government Organizations (NGO), associations, volunteers,

lawyers, lawyer's bodies or the concerned legal services authorities to carry out these programmes.

(v) GSICC will enlist and activate an adequately representative team of volunteers and shall ensure the widespread publicity of the contact details (both official and personal) of all its members and volunteers. The services of such volunteers shall be available at all times to any aggrieved woman or any person in need of consultation or guidance. Volunteers will also assist in the gender Sensitisation, crisis mediation and crises management duties of GSICC, but shall not participate in the task of formal redressal of complaints under these Regulations and Procedures.

(vi) GSICC will organize and train members and volunteers to equip them to handle sexual harassment cases including legal and medical aspects of aid.

(3) Crisis Management and Mediation GSICC shall ensure that there is quick and responsive crises management, counseling and mediation available to all aggrieved women expeditiously which shall include the following activities:

(i) GSICC will assist in the mediation of crises arising out of incidents of sexual harassment at the High Court and/or Subordinate Courts precincts.

(ii) No mediation shall conclude without approval of the GSICC, and the mediated settlement shall be effected and be enforceable only upon it being duly approved by the GSICC which shall satisfy itself that the said mediation settlement is voluntary, fair, unbiased and free from any extraneous consideration or influence. GSICC will co-ordinate with the High Court or Subordinate Courts' security services to devise ways and means by which a system of prevention and of crisis management, that is, both gender sensitive as well as prompt and effective. It will maintain regular contact through the Member Secretary with the High Court or Subordinate Courts security services, as the case may be, to ensure that in crises arising out of incidents of sexual harassment, GSICC members and/or the volunteers identified by it, shall be intimated of such incidents, without delay.

(4) Complaint Redressal- The GSICC shall ensure that every complaint of an aggrieved woman is adequately dealt with in accordance with the established procedure and with complete sensitivity. The GSICC shall have the power to inquire into and pass orders against the Respondent/deviant/ delinquent in a complaint made in relation to any form of sexual harassment in the entire precincts of the High Court or Subordinate Courts.

CHAPTER III

COMPLAINT and INQUIRY INTO COMPLAINT

8. Complaint of Sexual Harassment - (1) Any aggrieved woman may make a complaint in writing supported by an affidavit, of sexual harassment at the High Court of Madhya Pradesh or, Subordinate Courts precincts, as the case may be, to the GSICC through the Member Secretary in accordance with the form and procedure so notified by it.

Provided that where the aggrieved woman is unable to make such a complaint in writing due to any reason, the Member of the GSICC or volunteer, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing and the affidavit.

(2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity, or death or for any other reason, her legal heir or such other person directly concerned with her interests may make a complaint as per sub-regulation (1) above, under these Regulation.

9. Inquiry into complaint- (1) On receiving a complaint and upon being satisfied with regard to the genuineness of the Complaint, the GSICC shall constitute an Internal Sub-Committee to conduct a fact finding inquiry, which shall comprise three members of the GSICC itself; or such other persons as to be so nominated by the GSICC in its meeting, with majority members being women, and at least one person being an outside member.

(2) The Internal Sub-Committee shall conduct an inquiry and shall hear and duly record the statements of the aggrieved woman, the Respondent, and any other person, the parties wish to examine, subject to the provisions of Regulation 13(2), and thereafter it shall prepare a Report and enclose therein the complete proceedings of the Inquiry.

(3) The fact finding inquiry into a Complaint shall be conducted and completed within 90 days of the constitution of the Internal Sub-Committee.

Provided that the validity of any such inquiry shall not be called in question if it is not completed within the stipulated period due to reasons beyond the control of Internal Sub-Committee.

10. Inquiry Report - (1) On the completion of an inquiry under these Regulations, the Internal Sub-Committee shall submit the Inquiry Report along with complete record to GSICC within a period of ten days from the date of completion thereof and a copy of the report shall also be furnished to concerned parties.

(2) Where the Internal Sub-Committee is of the opinion that the allegation against the Respondent has not been proved, it shall make a recommendation accordingly to the GSICC.

(3) Where the Internal Sub-Committee arrives at the conclusion that the allegation against the Respondent has been proved; it shall recommend to the GSICC to take appropriate action for gender discrimination and/or sexual harassment.

(4) Upon consideration of the material on record and the Inquiry Report of the Internal Sub-Committee, if more than two-thirds of the members of the GSICC differ from the opinion/conclusion of the Internal Sub-Committee, the GSICC shall after hearing the aggrieved woman and Respondent in person, record its reasons to so differ and take consequent action

(5) The GSICC shall pass orders either accepting or rejecting the Inquiry Report of the Internal Sub-Committee and thereafter pass consequent orders that may be appropriate and necessary in this regard and may make all suggestions/recommendation so as to secure justice to the victim of sexual harassment within 45 working days of submission of the Inquiry Report of the Internal Sub-Committee.

Provided that the validity of the orders of the GSICC shall not be called in question if they are not passed within the stipulated period due to reasons beyond its control.

11. Orders on Inquiry Report:

(1) Subject to Regulation 9(1) above, the GSICC shall have the power to pass the following order to secure justice to the victim of sexual harassment:

(a) admonition;

(b) admonition, with publication of such admonition:

(i) by affixing it at some conspicuous place (s) in the Court precincts

(ii) by publication in cause list of the High Court or the Subordinate Courts, as the case may be and

(iii) Website; of the High Court or the Subordinate Courts as the case may be.

(c) prohibition from harassing the victim in any manner including, but not limited to, prohibition from communicating with her in any manner such as phones, messages, electronic means, physical or other means for a specified period; and subject to Regulation 11 (2), pass all orders, suggesting/recommending steps necessary for putting an end to the sexual harassment of the aggrieved woman.

(2) GSICC of High Court or District Court, as the case may be, shall have the power to recommend to the Chief Justice of High Court or to the concerned District Judge, as the case may be, to pass orders against the Respondent including, but not limited, to the following:

(a) debarment of entry into the High Court of Madhya Pradesh or, Subordinate Courts precincts for a specified period extending upto a maximum period of one year; and

(b) in appropriate cases, to recommend filing of a criminal complaint and/or a disciplinary complaint before the concerned disciplinary authority governing the Respondent (including the concerned Bar Council and Bar Association) for taking appropriate action, and the Chief Justice of High Court or, the concerning District Judge, as the case may be, may pass orders thereon subject to Regulation 12.

(3) The GSICC shall pass orders on the Inquiry Report and/ or shall make recommendations to the Chief Justice of High Court or, the concerning District Judge, as the case may be, within 45 working days of the submission of the Inquiry Report and communicate the same to the parties forthwith.

(4) The GSICC and the Internal Sub-Committee shall have the jurisdiction to inquire into a complaint and take any action thereon notwithstanding that any criminal complaint or any other complaint under any other law (including a disciplinary proceeding under the Advocates Act, 1961) may have been filed with respect to the same complaint/ actions.

(5) The orders of the Chief Justice or the concerned District Judge, as the case may be, shall be final and binding on the parties.

12. Representation- (1) Any person aggrieved by:

(a) the order passed by the GSICC under Regulation 11 (1), or recommendation made by the GSICC to the Chief Justice of High Court or, the concerning District Judge , as the case may be under Regulation 11 (2);

(b) non implementation of such orders or action or

(c) inaction on the part of GSICC of the High Court or concerned District Court

may make a representation to the Chief Justice of the High Court or, the concerning District Judge , as the case may be, who shall have the power to set aside or modify the orders passed or the recommendation made as deemed fit and shall also have the power to issue such orders as may be necessary to secure complete justice to the victim of sexual harassment.

The representation under Regulation 12(1) shall be preferred within a period of ninety days

of communication of the order or recommendation.

13. Restraint Order- (1) On the receipt of a Complaint and during the pendency of an Inquiry, on a written prayer made by the aggrieved woman, the GSICC if it considers it fit and proper, may recommend specific interim measures to be taken in a signed decision to the Chief Justice of High Court or, the concerning District Judge, as the case may be, who on receipt thereof, may pass such interim orders that may be required for the personal safety and for safeguarding the dignity of the aggrieved woman, and both the aggrieved woman and the Respondent shall be bound by the same.

(2) Upon disobedience, defiance or violation of the order passed under clause (1) above by the Respondent, the GSICC shall close the defence of the Respondent and pass final orders under Regulation 10(5) and Regulation 11.

CHAPTER IV

POWERS and DUTIES

14. Powers of GSICC and Internal Sub-Committee-(1) The GSICC shall have the power to issue circulars/notifications prescribing its procedure and for the purpose of carrying out and implementing the provisions of these Regulations in their spirit and intent.

(2) The GSICC shall have the power to pass any orders to be able to carry out the objectives and mandate of these Regulations.

(3) For the purpose of making an inquiry, the GSICC and the Internal Sub-Committee shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents; and
- (c) any other matter which may be prescribed.

(4) The GSICC by Resolution to be passed by two-thirds majority may remove any member of the Internal Sub-Committee and appoint a new member in his/her place, if it is of the view that such a member has acted prejudicially to the principles of natural-justice, fair play and has acted with bias in the conduct of the Inquiry.

(5) The GSICC shall at all times have supervisory powers over the Internal Sub-Committee and it may issue directions to the Internal Sub-Committee from time to time in accordance with the provisions of the Regulations.

15. Duties- The GSICC in coordination with and the assistance of the office of the High Court or, the concerning District Judge, as the case may be, shall:

(a) take all necessary measures to provide a safe working environment at the High Court or Sub-ordinate Court precincts, as the case may be;

(b) display at a conspicuous place in the High Court and precincts of Sub-ordinate Courts, as the case may be and on its website, the penal consequences of sexual harassments and the order

constituting the Internal Sub-committee under the present Regulations;

(c) display at a conspicuous place in the High Court and precincts of Sub-ordinate Courts, as the case may be and on its website, the status and outcome of complaints of sexual harassment;

(d) organize workshops and awareness programmes at regular intervals for sensitizing the persons carrying out work the High Court and precincts of Sub-ordinate Courts, as the case may be, with the provisions of the these Regulations and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;

(e) provide necessary facilities to the Internal Sub-Committee for dealing with the complaint and conducting an inquiry;

(f) assist in securing the attendance of respondent and witnesses before the Internal Sub-Committee;

(g) obtain such information for the Internal sub-Committee as it may require having regard to the complaint;

- (h) cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the Respondent and/or the perpetrator;
- (i) monitor the timely submission of reports by the Internal Sub-Committee; and
- (j) take any other action and/or measures to ensure an effective and meaningful implementation of these Regulations.

CHAPTER V

MISCELLANEOUS

16. Confidentiality- (1) The contents of the complaint made under these Regulations, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to the inquiry proceedings, recommendations of the GSICC and the action taken by the GSICC shall be confidential and shall not be published, communicated or made known to the public, press and media in any manner except upon the aggrieved woman submitting a specific

request to do so in writing and upon the GSICC acceding to the said request.

(2) Upon the Respondent being found guilty, information may be disseminated regarding the justice secured to any victim of sexual harassment under these Regulations without disclosing the name, address, identity or any other particulars designed to lead to the identification of the aggrieved woman and witnesses.

17. Protection of action taken in good faith- No suit, prosecution or other legal proceedings shall lie against the Chief Justice or the District Judge, GSICC and the Internal Sub-Committee on its members in respect of anything which is done or intended to be done in good faith pursuant to these Regulations, and the circulars/orders /notifications issued thereunder.

18. Allocation of funds - The Chief Justice may, subject to the availability of financial and other resources, allocate and provide required funds:

(a) for the effective implementation of these Regulations;

(b) for development of relevant information, education, communication and training materials, for organization of awareness programmes, and for advancement of the understanding of the public of the provisions of these Regulations; or

(c) for organizing, orientation and training programmes for the members of the GSICC, Internal Sub-Committees, volunteers, counselors etc.

19. Regulations not in derogation of any other law (1) The provisions of these Regulations shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

(2) The provisions of these Regulations shall not bar any Court from taking cognizance of any offence punishable under any other enactment or law.

THE SCHEDULE FEES OR ALLOWANCES OF OUTSIDE MEMBER

The outside Member appointed under Clause 4(2)(f) shall be paid fees of Rs. 1000/per sitting.

सी. एल. मुकाती, अवर सचिव.

