

THE GAUHATI HIGH COURT AT GUWAHATI

(THE HIGH COURT OF ASSAM, NAGALND, MIZORAM &
ARUNACHAL PRADESH)

NOTIFICATION

H.C.XI-08/2014/499/RC dated 18.11.2014: The Hon'ble Gauhati High Court is pleased to notify the following Regulations with immediate effect:

THE GENDER SENSITISATION & SEXUAL HARASSMENT OF WOMENT AT THE GAUHATI HIGH COURT AND THE DISTRICT COURTS (PREVENTION, PROHIBITION AND REDRESSAL) REGULATIONS, 2014

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**THE GENDER SENSITISATION & SEXUAL HARASSMENT OF WOMEN AT THE GAUHATI
HIGH COURT AND THE DISTRICT COURTS (PREVENTION, PROHIBITION AND
REDRESSAL) REGULATIONS, 2014**

PREAMBLE

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 sensitization against discrimination on the basis of gender and the protection against sexual harassment and the right to work with dignity are universally recognized human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Woman, 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 in the precincts of the Gauhati High Court and the District Courts;

AND WHEREAS it is necessary to provide for gender sensitization in working environment and protection against sexual harassment of women at the precincts of the Gauhati High Court and the District Courts for the prevention and redressal of complaints of 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, it is necessary to provide for the protection to women;

AND WHEREAS in the judgment of the Supreme Court in **Medha Kotwal Lele v. Union of India & Others**, rendered on 19th October 2012, 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 for 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, Bar Associations and State Bar Councils, 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 Tanta & Others Vs High Court of Delhi**, the Supreme Court of India appointed a Committee for framing regulations the Gauhati High Court appointed a committee for framing regulations to ensure a safe working environment for women in the precincts of the Supreme Court and the said committee having framed regulations to combat the problem of sexual harassment within the precincts of the Supreme Court of India and for the redressal of any complained that may be filed in that regard;

AND WHEREAS the Supreme Court of India in the said Order dated 17.07.2013 in the above referred Writ Petition (Civil) No.162 of 2013 directed all the High Courts to formulate their own regulation in the same manner, in order to contain harassment of women in the premises of the High Court and the District Court of the state.

AND WHEREAS following upon and in conformity with the above, the Gauhati High Court appointed a committee to ensure a safe working environment for women in the precincts of the Gauhati High Court and District Courts, and the said committee having framed regulations to combat the problem of sexual harassment within the precincts of the Gauhati High Court, District Courts including its three outlying Permanent Benches at Kohima, Nagaland, Aizawl, Mizoram, and Itanagar, Arunachal Pradesh and also the District Courts of these States for the redressal of any complaint that may be filed in that regard;

AND WHEREAS upon consideration of all the views, the Gauhati High Court by order dated 18.11.2014 was pleased to approve the said regulations and authorize the issuance of the said order for the enforcement of the Regulations inter alia having regard to the aforesaid judgments to render full and complete justice;

AND WHEREAS now these Regulations are being published as a comprehensive code for prevention of sexual harassment of women within the precincts of the Gauhati High Court and its Outlying Benches and the District Courts under its jurisdiction and for redressal of any complaints that may be lodged in the Gauhati High Court and District Courts;

The Gauhati High Court hereby makes the following Regulations:

CHAPTER I PRELIMINARY

- 1. Short title, extent and commencement –**
 - (1) These Regulations may be called the Gender Sensitization & Sexual Harassment of Women at the Gauhati High Court and District Courts (Prevention, Prohibition and Redressal) Regulations, 2014.
 - (2) They shall come into force on such date as the Chief Justice of Gauhati High Court 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 Gauhati High Court, 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 Gauhati High Court or District Courts and it includes three outlying permanent Benches at Kohima, Nagaland; Aizawl, Mizoram; and Itanagar, Arunachal Pradesh precincts and also District Courts of these states;

 - (b) “Appropriate Authority” means in relation to the Gauhati High Court and its three outlying permanent Benches at Kohima, Nagaland; Aizawl, Mizoram; and Itanagar, Arunachal Pradesh, the sitting Chief Justice of the Gauhati High Court and in relation to District Courts, the District and Sessions Judge of the concerned district;

 - (c) “Chairperson” means the Chairperson of the Gauhati High Court Gender Sensitization and Internal Complaints Committee (GSICC) in relation to the High Court and Chairperson of concerned District Court Gender Sensitization and Internal Complaints Committee (DCGSICC) in relation to District Court;

 - (d) “Chief Justice” in context of the present Regulations means the sitting Chief Justice of the Gauhati High Court;

- (e) "District & Sessions Judge" means the concerned sitting District & Sessions Judge of the respective judicial district;
- (f) "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 enquiry and except where the respondent has been exonerated in the previous complaint;
- (g) "GSICC" means the Gauhati High Court and District Courts Gender Sensitization and Internal Complaints Committee constituted under Regulation 4;
- (h) "Internal sub-Committee" means the sub-Committee set up under Regulation 9;
- (i) "Member" means a Member of the GSICC;
- (j) "Prescribed" means prescribed by the present Regulations;
- (k) "Respondent" means a person against whom the aggrieved woman has made a Complaint under the present Regulation;
- (l) "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 materials 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 precincts of the Gauhati High Court or District Courts 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 legal career;
 - (xii) implied or explicit threat about her present or future legal 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.
- (m) "Gauhati High Court precincts" means the whole premises of the Gauhati High Court including the precincts of its three permanent outlying Benches at Kohima, Nagaland; Aizawl, Mizoram; and Itanagar, Arunachal Pradesh; the Courts Block, open grounds, parking areas, old and new Chamber Blocks, libraries, canteens, bar-rooms, health centres and/or any other part of the premises under the control of the Chief Justice.
- (n) "District Courts precincts" means the whole premises of the District and Sessions Judge and the premises of all other courts of the judicial district with the court block, open grounds, parking, chamber blocks, Libraries, Canteens, Bar-rooms, Health centres and/or any other part of the premises of judicial district.
- Explanation: The District Court precincts also includes the precincts of Family Courts, all Courts of Special Judge, Motor Accident Claims Tribunals, Labour Court, Industrial Tribunal, Designated Court, State and District Legal Services Authorities;*
- (o) "Volunteer" means lawyers or other persons enlisted by the GSICC without any remuneration basis for carrying out the objects and purpose of these Regulations.

- (3) **Prevention of sexual harassment-** No woman shall be subjected to sexual harassment at the Gauhati High Court, Principal Seat, Outlying Bench and in District Courts.

CHAPTER II COMPOSITION & CONSTITUTION OF GENDER SENSITISATION & INTERNAL COMPLAINTS COMMITTEE

- (4) **Constitution of the Gender Sensitization & Internal Complaints Committee-**
- (1) The Gauhati High Court GSICC is constituted herein to fulfil a very important public function of sensitization of the public to gender issues and to address any complaints made with

regard to sexual harassment at the precincts Gauhati High Court and District Courts.

(2) The Chief Justice shall, by order in writing, constitute a Committee to be known as the Gauhati High Court Gender Sensitization and Internal Complaints Committee (GSICC) which shall consist of not less than five members and shall include the following as far as practicable;

(a) One or two sitting Judges of the Gauhati 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 of the Gauhati High Court.

(b) One or two senior members of the Gauhati High Court Bar with at least twenty years of membership of the Gauhati High Court Bar Association to be nominated by the Chief Justice of the Gauhati High Court, one of whom should be a woman;

(c) One or two members to be elected by General Ballot of the Gauhati High Court Bar Association who shall be a registered member of the Gauhati High Court Bar Association for at least ten years out of whom at least one should be a woman;

(d) One member preferably a woman, being a member of the High Court Advocates Clerk's association nominated or elected by General Ballot of the High Court Advocates Clerk's Association.

(e) At least one, and at the most two, outside members to be nominated by the Chief Justice from among the persons who are associated with the Social Welfare Department or non-governmental organizations having experience in the field of social justice, women empowerment, and/or general justice, out of whom one member shall be a woman;

(f) One woman officer in the service of the Gauhati High Court not below the rank of a Deputy Registrar to be nominated by the Chief Justice, who shall function as the Member Secretary of the GSICC; and

(g) Any other member that the Chief Justice may deem fit to nominate.

(i) Provided that it shall be ensured that the majority of the Members of GSICC shall be woman members.

(3) The District and Sessions Judge of the respective judicial district shall also by order in writing, constitute a Committee to be known as the District Gender Sensitization and Internal Complaints Committee (DCGSICC) which shall consist of not less than five members and not more than ten members and shall include the following as far as practicable;

(a) One or two Judicial Officers of the district courts, one of whom shall be the Chairperson of the Committee, to be nominated by the District and Sessions Judge;

(b) One or two members of the District Bar Association with at least fifteen years of membership of the Bar Association to be

nominated by the District and Sessions Judge, one of whom should be a woman;

(c) One or two members to be nominated or elected by General Ballot of the District Bar Association who shall be a registered member of the Bar Association for at least ten years out of whom at least one should be a woman;

(d) One member preferably woman being member of the District Court Advocate Clerk's Association nominated or elected by General Ballot of the District Courts Clerks Association;

(e) At least one, and at the most two, outside members to be nominated by the District and Sessions Judge from among the persons who are associated with the Social Welfare Department or Non-Governmental Organizations having experience in the field of social justice, women empowerment, and/or general justice, out of whom one member shall be a woman;

(f) One woman officer in the service of the District Court not below the rank of a Head Clerk to be nominated by the District and Sessions Judge, who shall function as the Member Secretary of the DCGSICC; and

(g) Any other member that the District and Sessions Judge may deem fit to nominate.

(i) Provided that it shall be ensured that the majority of the Members of DCGSICC shall be woman members.

(4) The outside member appointed under Clause 4 (2) (d) and if appointed under clause 4 (2) (f), shall be paid such fees or allowances from the allotted funds for holding the proceedings of the GSICC as may be prescribed.

(5) 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 the Complaint;

(c) fails to take action under Regulation 11;

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

(e) in the opinion of the Chief Justice or the District and Sessions Judge has so abused his/her position as render his /her continuance in office pre-judicial 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 and Sessions Judge and the vacancy so created shall be filled up by fresh nomination/election in accordance with the provisions of these Regulations.

- (5) **Term of Gender Sensitization & Internal Complaints Committee members-**
The term of each member of the GSICC shall be two years, subject to the member being elected/nominated for a maximum period of two terms, and a member who has been removed under Regulation 4(4) shall not be eligible for re-nomination or re-election.

- (6) **Meetings of the Gender Sensitization & Internal Complaints Committee-**

- (1) The GSICC shall meet at least once in a month.
- (2) Members shall be intimated of meetings and agenda in writing and/or by electronic communication by the Member Secretary.
- (3) Minutes of all meetings shall be recorded, confined and adopted. The Member Secretary shall circulate the minutes of a meeting and the Resolutions so passed to all Members of the GSICC within seven days of the holding of the meeting or the passing of the Resolution.
- (4) The Extra-ordinary Meeting of the GSICC shall be called by the Chairperson with minimum seven days notice to all members.

Any member of the GSICC may at any time request the Chairperson to call an Emergency Meeting with a notice of forty-eight hours. However, this will not prevent the Chairperson from convening an emergency meeting without forty-eight hours notice.

- (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 following, for which no quorum shall be required.
- (6) All motions shall be carried by a simple majority of those present and voting at all meetings, except where it is specifically provided for.
- (7) Whenever a Complaint is received or a Report of the Internal Sub-Committee is submitted, the Member-Secretary shall within a period of seven 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 fifteen days from the date of the Complaint or the Report.

If a Member does not attend 3 consecutive meetings he/she shall be liable to removal forthwith by the Chief Justice or the District and Sessions Judge, and the vacancy so created shall be filled in accordance with Regulation.

- (7) **Functions of the Gender Sensitization and Internal Complaints Committee-**

- (1) GSICC shall be responsible for framing a Policy from time to time and its implementation with regard to gender sensitization and prevention and redressal of Sexual Harassment in the Gauhati High Court and the District Courts of Assam, Nagaland, Mizoram and Arunachal Pradesh.
- (2) Gender Sensitization and Orientation: GSICC shall take the following steps with regard to Gender sensitization and orientation:
 - (i) GSICC will ensure the prominent publicity of the Policy on Gender sensitization and prevention and redressal of sexual Harassment in the Gauhati High Court in all places in the Gauhati High Court and in the precincts of its three outlying permanent Benches at Kohima, Nagaland; Aizawl, Mizoram; and Itanagar, Arunachal Padesh including District Courts; such as the Court building, old and new chamber blocks, library, health centre, canteens etc.
 - (ii) GSICC will organize programs for the gender sensitization of the Gauhati High Court community 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 and Sessions 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 budget allowances 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 NGO's associations, volunteers, lawyer's bodies and the Judicial Academy, or the concerned legal services authorities to carry out these programs.
 - (v) GSICC will enlist and activate an adequately representative team of volunteers and shall ensure the widespread publicity of the contract details (both official and personal) of all its members and volunteers. The service 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 sensitization, crisis mediation and crisis 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- The concerned GSICC shall ensure that there is quick and responsive crisis management, counselling and mediation available to all the 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 precincts of the Gauhati High Court or District Court.
- (ii) No mediation shall conclude without approval of the GSICC, and the mediated settlement shall be effected and be enforceable only on 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 coordinate with the Registry of the High Court or the concerned District and Sessions Judge as the case may be to devise ways and means by which a system of prevention of and crisis management that is gender sensitive as well as prompt and effective is put in place. It will maintain regular contact through the Member Secretary with the Registry of the High Court or concerned District and Sessions Judge as the case may be to ensure that in crisis 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) Compliant Redressal- The concerned 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 Gauhati High Court or District Courts as the case may be.

CHAPTER III COMPLAINTS & INQUIRY INTO COMPLAINT

8. Complaints of Sexual Harassment –

(1) Any aggrieved woman may make a complaint in writing of sexual harassment at the precincts of the Gauhati High Court or District Court 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 volunteers, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing.

(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/representative or such other person directly concerned with her interest may make a complaint under this Regulation.

9. Inquiry into Complaint-

(1) On receiving a complaint and upon it being 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 of 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 said 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 ninety days of the Constitution of the Internal Sub-Committee.

Provided that the validity of any inquiry shall not be called into question upon the inquiry not being completed within the stipulated period due to reasons beyond the control of the Internal Sub-Committee.

10. Inquiry Report-

(1) On the completion of any inquiry under these Regulations, the Internal sub-Committee shall provide the Inquiry Report of its findings along with the complete record of the inquiry proceedings including the pleadings and all the material on record to the GSICC within a period of ten days from the date of completion of the inquiry and such Report shall also be made available to the concerned parties.

(2) Where the Internal sub-Committee arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the GSICC that no action is required to be taken in the matter.

(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 conclusion of the Internal sub-Committee, the GSICC shall, upon hearing the aggrieved woman and Respondent in person, record its reasons to so differ and take consequent action accordingly.

(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 for putting an end to the sexual harassment and take all steps to secure justice to the victim of sexual harassment within 15 days of submission of the Inquiry Report of the Internal sub-Committee, excluding the period of holidays, and/or vacation of the Gauhati High Court or District Court as the case may be.

Provided that the validity of the orders of the GSICC shall not be called into question for the same not being passed within the stipulated time.

11. Orders on Inquiry Report-

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

(a) admonition;

(b) admonition with publication of such admonition in the precincts of the High Court and District Court including cause lists and website of Gauhati High Court and District Court without mentioning the name of the victim woman.

(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

(d) subject to Regulation 11(2), pass all orders, directions, and/or direct taking steps necessary for putting an end to the sexual harassment of the aggrieved woman.

(2) GSICC at the High Court Level and District Court level will also have the power to recommend to the Chief Justice or the concerned District and Sessions Judge to pass orders against the Respondent including, but not limited to the following:

(a) debarment of entry into the Gauhati High Court or concerned District Courts precincts for a specified period extending up to 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) for taking appropriate action, and the Chief Justice or concerned District and Sessions Judge 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 or concerned District and Sessions Judge within 30 working days of submission of the Inquiry Report, excluding the period of vacation of the Gauhati High Court or District Court 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 and Sessions Judge and GSICC shall be final and binding on the parties.

12. Representation- Any person aggrieved by the order passed (or not passed) by the GSICC under Regulation 11(1), or recommendation made by the GSICC to the Chief Justice or the concerned District and Sessions Judge under Regulation 11(2), or non-implementation of such orders or action may make a representation to the Chief Justice or the concerned District and Sessions Judge who shall have the power to set aside or modify the orders passed at the recommendation made as the Chief Justice or the concerned District and Sessions Judge may deem fit, and also have the power to issue such orders or directions that 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 of recommendation.

13. Restraint Order-

(1) On the receipt of a Complaint and during the pendency of the Inquiry, on a written request 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 or the concerned District and Sessions Judge, 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 and/or strike off the defence of the Respondent and pass final orders under Regulation 10(5) and Regulation 11.

CHAPTER IV

POWERS & DUTIES

14. Powers of GSICC & 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 the present 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 to the present Regulations including directing any party or person to take any suitable action.

(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, only 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 present Regulations.

15. Duties- The GSICC in coordination with and with the assistance of the Registry of the Gauhati High Court or the concerned District and Sessions Judge shall—

(a) take measures to provide a safe working environment at the precincts of the Gauhati High Court or District Court;

(b) display at any conspicuous place in the Gauhati High Court or District Court and on its web-site, the penal consequences of sexual harassment and the order constituting the Internal Committee under the present Regulations;

(c) display at any conspicuous place in the Gauhati High Court or District Court and on its web-site, 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 at the Gauhati High Court or District Court premises with the provisions of the present Regulations and orientation programmes for the members of the Internal Committee for dealing with the complaint and conducting an inquiry;

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

(f) obtain such information for the Internal Sub-Committee as it may require regard to the complaint;

(g) 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;

(h) monitor the timely submission of reports by the Internal Sub-Committee; and

(i) take any other action and/or measures to ensure an effective and meaningful implementation of the present Regulations.

CHAPTER V MISCELLANEOUS

16. Confidentiality-

(1) The contents of the complaint made under the present 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 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 calculated to lead to the identification of the aggrieved woman and witness.

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

18. Allocation of funds- The Chief Justice or the concerned District and Sessions Judge may, subject to the availability of financial and other resources allocate and provide suitable funds as may be prescribed

(a) for the effective implementation of the present Regulations;

(b) for development of relevant information, education, communication and training materials, the 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, counsellors 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 the present Regulations shall not bar any Court from taking cognizance of any offence punishable under any other enactment or law.

By Order,

Sd/- M.K. Bhattacharjee

REGISTRAR GENERAL

Memo No. HC.XI-08/2014/500-578/RC Dated 18.11.2014.

Copy to:-

1. The Secretary General, Supreme Court of India, New Delhi – 110001.
2. The L.R & Secretary to the Govt. of Assam, Judicial Department, Dispur, Guwahati.
3. The Secretary to the Govt. of Nagaland, Department of Justice and Law, Kohima.
4. The Secretary to the Govt. of Mizoram, Law and Judicial Department, Aizawl.

5. The Secretary to the Govt. of Arunachal Pradesh, Law and Judicial Department, Itanagar.
6. The Registrar General, High Court of _____.
7. The Registrar (Vigilance)/ Registrar (Admn.)/ Registrar (Judicial), Gauhati High Court, Guwahati.
8. The Registrar –cum- Secretary to Hon’ble the Chief Justice (Acting), Gauhati High Court, Guwahati.
9. The District & Sessions Judge, _____, Assam. *(He/ She is requested to furnish a copy of this notification to all the Judicial Courts in his/ her concerned District and also to the Bar Association of the concerned District.)*
10. The Registrar, Gauhati High Court, Kohima Bench, Kohima/ Aizawl Bench, Aizawl. *(He is requested to furnish a copy of this Notification to:*
 - i) *The Hon’ble Judges available at the station*
 - ii) *All the District & Sessions Judges of the concerned State.*
 - iii) *The Bar Association of the concerned Bench.)*
11. The Joint Registrar (_____), Gauhati High Court, Guwahati.
12. The Joint Registrar, Gauhati High Court, Itanagar Bench, Naharlagun. *(He is requested to furnish a copy of this Notification to:*
 - i) *The Hon’ble Judges available at the station*
 - ii) *All the District & Sessions Judges of the concerned State.*
 - iii) *The Bar Association of the concerned Bench.)*
13. The Chief Judicial Magistrate, _____, Assam.
14. The OSD –cum- Joint Director (Officiating), Judicial Academy, Assam.
15. The OSD, Gauhati High Court, Guwahati.
16. The Deputy Registrar (_____) Gauhati High Court, Guwahati.
17. The Secretary General, Gauhati High Court Bar Association.
18. The Secretary, All Assam Lawyers’ Association.
19. The Secretary, Advocates’ Association.
20. The Secretary, Lawyers’ Association, Guwahati.
21. The Deputy Director (Printing & Stationery), Assam Govt. Press, Guwahati. *(He is requested to publish the notification in the next issue of the official Gazette and send at least 5 (five) copies to the undersigned after publication.)*
22. The Asstt. Registrar (_____), Gauhati High Court, Guwahati.
23. The Librarian –Cum– Research Officer, Gauhati High Court, Guwahati.
24. The Private Secretary to Hon’ble Mr/Mrs. Justice _____, Gauhati High Court, Guwahati.
25. The Administrative Officer (Judicial), _____, Gauhati High Court, Guwahati.
26. The Administrative Officer, Judicial Academy, Assam.
27. The Publisher, Nagaland Gazette, Kohima/ Mizoram Gazette, Aizawl/ Arunachal Pradesh Gazette, Itanagar. *(He is requested to publish the notification in the next issue of the official Gazette and send at least 5 (five) copies to the undersigned after publication.)*
28. The Systems Analyst, Gauhati High Court, Guwahati, for uploading the above notification in the High Court Website.
29. The C.A. to the Registrar General, Gauhati High Court, Guwahati.

REGISTRAR GENERAL

A.T
18.11.14