



# TAMIL NADU GOVERNMENT GAZETTE

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## Part VI—Section 1

Notifications of interest to the General Public issued by  
Heads of Departments, etc.

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

### JUDICIAL NOTIFICATION

THE GENDER SENSITISATION & SEXUAL HARASSMENT OF WOMEN AT THE MADRAS HIGH COURT –PRINCIPAL SEAT AT CHENNAI AND MADURAI BENCH AT MADURAI – (PREVENTION, PROHIBITION AND REDRESSAL) REGULATIONS, 2013.

(R.O.C. No. 40/2013-Con.B2.)

No. VI(1)292(a-1)/2014.

No.148/2014.—The Hon'ble Supreme Court of India in the Order dated 17-07-2013 in W.P.(C) No. 162/2013 in Binu Tamta and another Vs. High Court of Delhi and others, while setting Comprehensive Regulations viz., the Gender Sensitisation and Sexual Harassment of Women at the Supreme Court of India (Prevention, Prohibition and Redressal) Regulations, 2013 in place, has directed that the High Courts too may formulate their own Regulations in the same manner and to ensure that the same are implemented at the District level as well.

In compliance of the said directions of the Hon'ble Supreme Court of India in W.P.(C) No.162/2013, the Madras High Court notified "THE GENDER SENSITISATION & SEXUAL HARASSMENT OF WOMEN AT THE MADRAS HIGH COURT – PRINCIPAL SEAT AT CHENNAI AND MADURAI BENCH AT MADURAI – (PREVENTION, PROHIBITION AND REDRESSAL) REGULATIONS, 2013", vide Notification No.200/2013, dated 25-10-2013 and the same was published in the Extraordinary Issue of the *Tamil Nadu Government Gazette* No. 352, Part VI—Section 1, dated 27-11-2013.

Since it was pointed out that there were certain defects and difficulties in the working of the said existing "THE GENDER SENSITISATION & SEXUAL HARASSMENT OF WOMEN AT THE MADRAS HIGH COURT – PRINCIPAL SEAT AT CHENNAI AND MADURAI BENCH AT MADURAI – (PREVENTION, PROHIBITION AND REDRESSAL) REGULATIONS, 2013", the High Court deliberated upon the same and made some amendments to said existing Regulations.

In the said circumstances, the Madras High Court hereby re-issues "THE GENDER SENSITISATION & SEXUAL HARASSMENT OF WOMEN AT THE MADRAS HIGH COURT – PRINCIPAL SEAT AT CHENNAI AND MADURAI BENCH AT MADURAI – (PREVENTION, PROHIBITION AND REDRESSAL) REGULATIONS, 2013" in supersession of the "THE GENDER SENSITISATION & SEXUAL HARASSMENT OF WOMEN AT THE MADRAS HIGH COURT – PRINCIPAL SEAT AT CHENNAI AND MADURAI BENCH AT MADURAI – (PREVENTION, PROHIBITION AND REDRESSAL) REGULATIONS, 2013", notified vide High Court's Notification No.200/2013, dated 25-10-2013 and published in the Extraordinary Issue of the *Tamil Nadu Government Gazette* No. 352, Part VI—Section 1, dated 27-11-2013.

High Court, Madras,  
9th September 2014.

P. KALAIYARASAN,  
Registrar General.

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## THE GENDER SENSITISATION &amp; SEXUAL HARASSMENT OF WOMEN AT THE MADRAS HIGH COURT – PRINCIPAL SEAT AT CHENNAI AND MADURAI BENCH AT MADURAI – (PREVENTION, PROHIBITION AND REDRESSAL) REGULATIONS, 2013.

(R.O.C. No.40/2013-Con.B2)

No. VI(1)/292(a-2)/2014.

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 basis of gender and the protection against sexual harassment and the right to work with dignity are universally recognised 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 Madras High Court (Principal Seat at Chennai and Madurai Bench at Madurai) precincts;

AND WHEREAS it is necessary to provide for gender sensitisation in working environment and protection against sexual harassment of women at the Madras High Court (Principal Seat at Chennai and Madurai Bench at Madurai) 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 and Others Vs. State of Rajasthan and Others rendered by the Hon'ble Supreme Court reported in (1997) 6 SCC 241 it is necessary to provide for the protection of women;

AND WHEREAS in the Judgment of the Hon'ble Supreme Court in Medha Kotwal Lele and Others Vs. Union of India & Others, 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, 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 in the order of the Hon'ble Supreme Court in Binu Tamta and another V. High Court of Delhi and others, rendered on 17.07.2013, in W.P.(C) No.162/2013, while setting Comprehensive Regulations viz., the Gender Sensitisation and Sexual Harassment of Women at the Supreme Court of India (Prevention, Prohibition and Redressal) Regulations, 2013 in place, it has been directed that the High Courts too may formulate their own Regulations in the same manner and to ensure that the same are implemented at the District level as well;

AND WHEREAS now these Regulations are being published as a comprehensive code for prevention of sexual harassment of women within the precincts of the Madras High Court (Principal Seat at Chennai and Madurai Bench at Madurai) and for redressal of any complaint that may be lodged in the Madras High Court either at the Principal Seat at Chennai or at the Madurai Bench at Madurai.

The Madras 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 Woman at the Madras High Court - Principal Seat at Chennai and Madurai Bench at Madurai - (Prevention, Prohibition and Redressal) Regulations, 2013.

(2) They shall come into force on such date as the Chief Justice of the Madras High Court may, by notification issued in the name of the Registrar General, appoint.

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

(a) "aggrieved woman" means, in relation to the 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 Madras High Court (Principal Seat at Chennai and Madurai Bench at Madurai) precincts;

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- (b) "Appropriate Authority" means in relation to the High Court, the Chief Justice of Madras High Court;
- (c) "Chairperson" means the Chairperson of the High Court Gender Sensitisation and Internal Complaints Committee (GSICC);
- (d) Chief Justice in the context of the present Regulations means the Chief Justice of Madras High Court;
- (e) "habitual respondent" is a person against whom a previous complaint of sexual harassment under these regulations was found proved;
- (f) "GSICC" means the Madras High Court Gender Sensitisation and Internal Complaints Committee constituted under Regulation 4 which further means the Madras High Court Gender Sensitisation and Internal Complaints Committee - I for its Principal Seat at Chennai or Madras High Court Gender Sensitisation and Internal Complaints Committee - II for its Madurai Bench at Madurai, as the case may be;
- (g) "Internal Sub-Committee" means the sub-committee constituted under Regulation 4 (5) ;
- (h) "member" means a member of the GSICC;
- (i) "prescribed" means prescribed by the present Regulations;
- (j) "respondent" means a person against whom the aggrieved woman has made a complaint under the present Regulations;
- (k) "sexual harassment" includes any one or more of the following unwelcome acts or behaviour towards the aggrieved woman (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 message, e-mail messages, or any such messages by electronic, manual or other means;
  - (vi) stalking the aggrieved woman in the High Court precincts and outside;
  - (vii) voyeurism including overt or tacit observation of the aggrieved woman, by any means, in her private moments;
  - (viii) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
  - (ix) any other unwelcome treatment having a sexual colour or content, likely to affect the aggrieved woman's emotional and/or physical health or safety;
  - (x) 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 and includes such conduct that;
    - (a) holds out career advancements whether explicitly or implicitly, as an incentive or a natural result of submitting to the insinuations/demands of the respondent; or
    - (b) impliedly or explicitly promises preferential treatment in or threatens to endanger her career;
    - (c) impliedly or explicitly promises to render or procure a favourable action or threatens to take adverse action in any legal proceedings in which the aggrieved woman is concerned;
    - (d) interferes with her work or creates an intimidating, offensive or hostile work environment for her
- (l) "High Court precincts" means the whole premises of the Madras High Court including the court buildings, open grounds, parking spaces, old and new chamber blocks, libraries, canteens, Bar-rooms, health centers and/or any other part of the premises of the High Court in its Principal Seat at Chennai or at the Madurai Bench at Madurai under the control of the Chief Justice, and such other places connected thereto, where any official or related functions/duties/meetings/work of the High Court or transportation in connection thereto is carried out and/or as may be decided by the Hon'ble The Chief Justice from time to time, but does not include the premises of the above nature occupied by other tribunals and courts subordinate to the Madras High Court within the High Court compound;

(m) "volunteer" means lawyers or other persons enlisted by the GSICC without any remuneration for carrying out the objects and purposes of these Regulations;

3. **Prevention of sexual harassment** – No woman shall be subjected to sexual harassment at the High Court precincts.

#### CHAPTER - II

#### COMPOSITION & CONSTITUTION OF GENDER SENSITISATION & INTERNAL COMPLAINTS COMMITTEE:

#### 4. Constitution of the Gender Sensitisation & Internal Complaints Committee –

(1) The High Court GSICC is constituted herein to fulfill a very important public function of sensitizing the public to gender issues and to address any complaint made with regard to sexual harassment at the High Court precincts.

(2) The Chief Justice shall, by an order in writing, constitute a Committee to be known as the "High Court Gender Sensitisation and Internal Complaints Committee" (GSICC) which shall consist of not less than seven members and not more than thirteen members, who are gender sensitive and shall include the following as far as practicable:

(a) one or two Judges of the High Court, one of whom shall be the Chairperson of the Committee in terms of the judgment in terms of Vishaka & others Vs. State of Rajasthan reported in (1997) 6 SCC 241, to be nominated by the Chief Justice;

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

(c) one or two members to be nominated by the Madras Bar Association and the Madras High Court Advocates Association with at least ten years of membership out of whom at least one shall be a woman;

(d) one member of the Women Lawyer's Association to be nominated by the Association;

(e) one woman member of the High Court Clerks Association to be nominated by the Association;

(f) at least one and not more than two outside members to be nominated by the Chief Justice, who are associated with the Social Welfare Department or a non-government organisation having experience in the field of women empowerment and/or gender justice, out of whom at least one member shall be a woman;

(g) one woman officer in the services of the Madras 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

(h) any other member that the Chief Justice may deem fit to nominate;

*Provided* that it shall be ensured that the majority of the members of GSICC shall be women.

(3) The outside member appointed under Clause 4(2)(f) shall be paid such fees or allowances as may be prescribed, from the funds allocated for GSICC.

(4) 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, or

(b) fails to constitute an Internal Sub-Committee to inquire into a particular complaint, or

(c) fails to take action under Regulations 7(3) and (4) and 12, or

(d) contravenes or attempts to contravene or abets contravention of any provision of these Regulations or any notification/order issued thereunder, or

(e) in the opinion of the Chief Justice, has so abused his/her position as to render his/her continuance in office prejudicial to the functioning 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 and the vacancy so created shall be filled by fresh nomination in accordance with the provisions of these Regulations.

(5) The GSICC may, for the purpose of conducting a fact finding inquiry, by order in writing, constitute an Internal Sub-Committee 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.

### 5. Term of Gender Sensitisation & Internal Complaints Committee members -

(1) The term of each member of the GSICC shall be for two years, subject to the member being nominated for a maximum of two terms and a member who has been removed under Regulation 4(4) shall not be eligible for re-nomination.

(2) If any vacancy arises, the Chief Justice shall, subject to regulation 4, nominate another member to fill that vacancy, for the remaining term.

### 6. Meetings of the Gender Sensitisation & Internal Complaints Committee -

(1) The GSICC shall meet at least once in three months in a calendar year.

(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 and confirmed. The Member Secretary shall circulate the minutes of the meeting and the resolutions or decisions taken therein, to all the members of the GSICC within seven days of such meeting.

(4) The ordinary meeting shall be called by the Chairperson with minimum seven days' notice to all members.

(5) Any member of the GSICC may at any time request the Chairperson to call an emergency meeting with a notice of forty eight hours. The Chairperson shall also be entitled to convene an emergency meeting without forty eight hours notice.

(6) The quorum for all meetings shall be one-third of the members of the GSICC. If there is no quorum at any meeting, an adjourned meeting shall be held within the next ten days following with the available members.

(7) All decisions shall be taken by a simple majority of those present and voting at all meetings, except where it is specifically provided for.

(8) Whenever a complaint is received or a report of the Internal Sub-Committee is submitted, the Member- Secretary shall forthwith place the same before the Chairperson.

(9) The Chairperson on receipt of such complaint or report shall call for a meeting to consider the complaint or the report not later than fifteen days from the date of its receipt, or, if necessary, an emergency meeting within forty eight hours.

(10) If a member does not attend three consecutive meetings without intimation to the Chairperson of the GSICC, he/she shall be liable to be removed forthwith by the Chief Justice and the vacancy so created shall be filled in accordance with these Regulations.

### 7. Functions of the Gender Sensitisation & Internal Complaints Committee -

(1) **Framing of Policy:** 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 precincts.

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

(i) GSICC will ensure prominent publicity of the policy on gender sensitisation, prevention and redressal of sexual harassment in the High Court precincts;

(ii) GSICC will organise programmes for gender sensitisation of the High Court community through workshops, seminars, posters, film shows, debates, displays and the like;

(iii) GSICC shall submit an Annual Report by the 31st of December every year to the Chief Justice 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 allocation required by it. The GSICC shall include in its Annual Report the number of complaints registered, if any, and their outcome;

(iv) GSICC may seek the assistance of NGOs, associations, volunteers, lawyers, lawyers' bodies, women's groups, psychologists, counsellors, doctors 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 their contact details. 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 management duties of GSICC, but shall not participate in the redressal of complaints under these Regulations;

(vi) GSICC will organise and train members and volunteers to enable them to handle sexual harassment cases and provide legal and medical assistance.

**(3) Crisis Management and Resolution:**

(i) GSICC shall ensure that quick and responsive crisis management, counselling and resolution are available to the aggrieved woman;

(ii) GSICC will coordinate with the police officials to provide a gender sensitive and effective system to prevent sexual harassment. It will maintain regular contact through the Member Secretary with the police officials in charge of the Comprehensive Security System to ensure that any incident relating to harassment shall be intimated to the GSICC and/or the volunteers identified by it without delay;

(iii) The GSICC shall, before initiating an inquiry under Regulation 10 and at the request of an aggrieved woman take steps to resolve the matter between her and the respondent;

*Provided* that no monetary settlement shall be made the basis of such resolution.

(iv) No resolution or settlement shall conclude without the approval of the GSICC, and such settlement shall be effected and be enforceable only upon it being duly approved by the GSICC which shall satisfy itself that the said settlement is voluntary, fair, unbiased, and free from any extraneous consideration or influence and is wholly acceptable to the aggrieved woman.

(v) The terms of the settlement shall be recorded in writing and copies thereof shall be furnished to the aggrieved woman and to the respondent.

**(4) Complaint Redressal**

The GSICC shall ensure that every complaint of an aggrieved woman is promptly and adequately dealt with in accordance with the established procedure and with sensitivity. The GSICC shall have the power to inquire into and pass orders against the respondent/delinquent in a complaint made in relation to any form of sexual harassment in the precincts of the High Court.

CHAPTER - III

**COMPLAINT, REDRESSAL PROCESS & INQUIRY**

**8. Complaint of Sexual Harassment -**

(1) Any aggrieved woman may make a complaint in writing of sexual harassment at the High Court precincts to the GSICC through the Member Secretary or in her/ his absence to any member of the GSICC, with full particulars and duly signed:

*Provided* that for any reason, where the aggrieved woman is unable to make a complaint in writing, any 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.

(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 under these Regulations.

(3) When a complaint is sent through electronic or digital mode, the aggrieved woman may be called upon to appear in person before the Member Secretary to confirm the complaint, before it is acted upon.

(4) A complaint shall be registered promptly and immediately.

**9. Redressal Process -**

(1) The complaint redressal process shall form a two stage procedure. At the first stage, there shall be a preliminary inquiry followed by crisis resolution and prevention. If the aggrieved woman is not satisfied with the outcome, or the respondent does not abide by the advice tendered for prevention, there shall be a second stage of a full-fledged inquiry:

*Provided* if the aggrieved woman, for any reason, prefers only a full-fledged inquiry, the first stage shall not be insisted upon.

(2) The redressal process shall be complainant friendly and gender sensitive.

(3) The GSICC or the Internal Sub Committee may at its discretion devise appropriate procedure for the conduct of the inquiry.

(4) As soon as the redressal process is initiated, the aggrieved woman and the respondent shall be informed of their rights and be given a copy of these regulations.

(5) The redressal process shall adopt principles of natural justice and the aggrieved woman and the respondent shall be entitled to be informed at each stage of the proceedings, and be furnished copies of the complaint, rebuttal / explanation, list of witnesses and their statements/ testimonies, documentary evidence and such other relevant particulars that may be available.

(6) The minutes of the inquiry shall also be furnished, at request, to both the parties.

(7) During the redressal process, the past sexual history of the aggrieved woman shall not be taken into account or allowed to be adduced by anyone.

(8) The aggrieved woman or the respondent may be permitted to be accompanied by a friend or a relative and such person shall only be an observer during the proceedings.

(9) The aggrieved woman and the respondent shall be present in person for every hearing of the inquiry and may be permitted to be assisted by a counsel.

(10) At the aggrieved woman's request, face to face encounter with the respondent may be avoided.

(11) The GSICC shall at the request of the aggrieved woman provide assistance of a counsellor or a women's rights activist, psychologist or a doctor from those empanelled under these regulations. However such person shall not be entitled to participate in the inquiry.

(12) The aggrieved woman may withdraw her complaint in writing at any point of time:

*Provided* if the GSICC has reason to believe that such withdrawal is consequent upon coercion or intimidation exerted by the respondent or any person on his behalf, directly or indirectly, the GSICC shall take a decision to continue the inquiry.

#### 10. Inquiry into complaint -

(1) Subject to Regulations 7(3) and 9, on receiving a complaint, and upon being satisfied that it *prima facie* discloses facts constituting sexual harassment, the GSICC shall form an Internal Sub-Committee to conduct a fact finding inquiry.

(2) (a) The Internal Sub-Committee shall send a copy of the complaint to the respondent within three days of its receipt by the Committee and call for an explanation to be submitted within five days thereafter.

(b) A copy of the explanation and supporting documents as submitted by the respondent shall be furnished to the aggrieved woman forthwith.

(c) The Internal Sub-Committee shall, within five days of receipt of the explanation, call both the aggrieved woman and the respondent for resolution as set out in Regulation 7 (3) above.

(3) If the resolution in terms of Regulation 7(3) fails or if the aggrieved woman informs the GSICC that the respondent has not complied with any term/condition of the settlement arrived at under Regulation 7 (3), the Internal Sub-Committee shall call upon both the aggrieved woman and the respondent to furnish the list of documents, names and addresses of witnesses within a period not exceeding five working days.

(4) The Internal Sub-Committee shall conduct an inquiry and shall hear and duly record the statement of the aggrieved woman, the respondent, and any other person the parties wish to examine, subject to Regulation 14(2), and thereafter prepare a report enclosing the record of the inquiry proceedings.

(5) The fact finding inquiry into the complaint shall be conducted and completed within sixty days of the constitution of the Internal Sub-Committee:

*Provided* the GSICC may extend the time for inquiry in appropriate cases and the validity of such inquiry shall not be called in question for not being completed within the stipulated period due to reasons beyond the control of the Internal Sub-Committee.

(6) The fact-finding inquiry into a complaint shall be conducted and completed within sixty days of the constitution of the Internal Sub-Committee, provided that the GSICC may extend the time for inquiry in appropriate cases.

(7) 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/action.



### 11. Inquiry Report -

(1) On the completion of an inquiry under these Regulations, the Internal Sub-Committee shall provide the inquiry report with 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) The GSICC shall consider all the materials on record and the inquiry report of the Internal Sub-Committee and pass orders either accepting or rejecting the findings.

(3) If upon consideration of the materials on record and inquiry report of the Internal Sub-Committee, more than two-third members of the GSICC differ from the findings of the Internal Sub-Committee, for substantially strong grounds, the GSICC shall proceed further to hear both the aggrieved woman and the respondent and pass appropriate orders recording its reasons.

**Explanation :** For computing the two-third majority as stated above, the members of the Internal Sub-Committee shall stand excluded.

### 12. Orders on Inquiry Report -

(1) The GSICC shall consider the inquiry report and make appropriate recommendations to the Chief Justice within thirty working days of the submission of the inquiry report, excluding the period of vacation of the High Court and communicate the same to the parties forthwith:

**Provided** that the validity of the decisions of the GSICC shall not be called into question upon the same not being passed within the stipulated time.

(2) Subject to Regulations 10 and 11 above, the GSICC, in case of an adverse finding against the respondent, shall have the power to recommend the following to the Chief Justice, to secure justice to the victim of sexual harassment:

(a) admonition;

(b) admonition with publication of such admonition in the High Court precincts, cause list and the High Court website;

(c) prohibiting the respondent from harassing the victim in any manner including, but not limited to, prohibition from communicating with her through phone, messages, electronic means, physical or other means;

(d) debarment of the respondent's entry into the High Court precincts for a specified period extending upto a maximum period of one year; and

(e) 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.

(3) The Chief Justice may consider the records of the inquiry, the recommendations of the GSICC and the representation, if any, submitted by either party and pass appropriate orders and such orders shall be final and binding on the parties.

### 13. Representation -

(1) Any person, aggrieved by the order passed (or not passed) by the GSICC, or recommendations made by the GSICC to the Chief Justice, or the non-implementation of such orders or action, may make a representation to the Chief Justice, who shall have the power to set aside, modify or pass such orders as the Chief Justice may deem fit, and shall also have the power to issue such orders or directions that may be necessary to secure complete justice to the victim of sexual harassment.

(2) A representation under clause (1) above shall be preferred within a period of fifteen working days from the receipt of the order or recommendations.

### 14. Interim measures and restraint order -

(1) On the receipt of a complaint and during the pendency of an inquiry, on a written request made by the aggrieved woman, the GSICC, if it considers fit and proper, may recommend specific interim measures to the Chief Justice, who on receipt thereof, may pass such interim orders required for the personal safety and for safeguarding the dignity of the aggrieved woman, and/or for a fair conduct of the inquiry, and both the aggrieved woman and the respondent shall be bound by the same.

(2) If the respondent violates the order passed under clause (1) above, the GSICC shall strike off the defence of the respondent and proceed further.

**15. Compensation -**

(1) The GSICC is also empowered to recommend, in appropriate cases, to the Chief Justice, adequate compensation to be paid by the respondent to the aggrieved woman having regard to -

- (a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- (b) the loss in her career 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 instalments.

(2) The above compensation shall be recovered from the respondent in the following manner:

(a) in the case of a salaried employee, by deduction from his salary or wages, notwithstanding anything in the service rules applicable to him;

*Provided* that in case the employer is unable to make such deduction from the salary of the respondent due to his absence from duty or cessation of employment, the respondent may be directed to pay the sum to the aggrieved woman;

*Provided* further that in case the respondent fails to pay the sum so ordered, the same may be recovered as an arrear of land revenue

(b) in case of a respondent other than a salaried employee, the recovery shall be effected as an arrear of land revenue.

**16. False or Malicious Complaint -**

If the GSICC, on examination of the complaint, arrives at the conclusion that the allegations contained in the complaint made by the aggrieved woman or any other person making the complaint against the respondent are false or malicious or if the aggrieved woman or any other person making the complaint has produced any forged or misleading document, the GSICC may recommend to the Chief Justice to take action against such person:

*Provided* that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section;

*Provided* further that the malicious intent on the part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

## CHAPTER - IV

**POWERS & DUTIES****17. 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 these Regulations in their spirit and intent.

(2) The GSICC shall have the power to pass any order to be able to carry out the objectives and mandate of these 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 re-constitute the Internal Sub-Committee for any purpose in terms of these regulations.

(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 these Regulations.

18. Duties – The GSICC in coordination with and assistance of the High Court shall

- (a) take measures to provide a safe working environment at the Madras High Court precincts;
- (b) display at any conspicuous place in the Madras High Court and on its web-site, the penal consequences of sexual harassment and the order constituting the GSICC under these Regulations;
- (c) organise awareness programmes at regular intervals for sensitising the persons working at the High Court premises about the provisions of these Regulations;
- (d) conduct workshops and orientation programmes for the members of the GSICC and all the others involved with its functioning;
- (e) provide necessary facilities to the Internal Sub-Committee for dealing with the complaint and for conducting an inquiry;
- (f) assist in securing the attendance of the 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

##### 19. 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 thereon 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 in accordance with clause (2) hereinbelow.

(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 particular calculated to lead to the identification of the aggrieved woman and witnesses.

20. Protection of action taken in good faith – No suit, prosecution or other legal proceedings shall lie against the Chief Justice, GSICC and the Internal Sub-Committee or its members or such persons referred to in Regulation 7(2) and (4) 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 thereunder.

21. Allocation of funds – The Chief Justice 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 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; and
- (c) for organizing orientation and training programmes for the members of the GSICC, Internal Sub-Committee, volunteers, counsellors etc.,

##### 22. 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.

High Court, Madras,  
9th September 2014.

P. KALAIYARASAN,  
Registrar General.