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PART-IIB

THE HIGH COURT OF MEGHALAYA AT SHILLONG

NOTIFICATION

The 22nd February, 2019.

No.HCM.II/440/2013/Estt/748.

THE GENDER SENSITISATION & SEXUAL HARASSMENT OF WOMEN AT THE HIGH COURT OF MEGHALAYA AND DISTRICT COURTS (PREVENTION, PROHIBITION AND REDRESSAL) REGULATIONS, 2019

Preamble

WHEREAS gender discrimination and sexual harassment results in violation of the fundamental rights of a woman to equality guaranteed under Articles 14 and 15 of the Constitution of India and her right to life and to live with dignity guaranteed 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 guaranteed under Article 19(1) (g) of the Constitution of India;

AND WHEREAS sensitization against discrimination on basis of gender and the protection against sexual harassment and the right to work with dignity are universally recognized human rights by international convention 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 the High Court of Meghalaya and the District Courts subordinate to it;

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 High Court of Meghalaya and the District Courts subordinate to it 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 vs. State of Rajasthan rendered by the Supreme Court in its judgement dated 13th August, 1997, in Writ Petition (Crl) No. 666-70/92 it is necessary to provide for the protection of women.

AND WHEREAS in the judgment of the Supreme Court in Medha Kotwal Lele vs. Union of India & Others, rendered by the Supreme Court on 19th 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 initiative of education and advancement of women and girls in all spheres of life and the further directions given in the said judgement including the directions with regards 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 judgement to approach the respective courts and the directions to the courts to effectively consider the grievances raised in this regards.

AND WHEREAS following upon and in conformity with the above, in the Writ Petition (Civil) No. 162 of 2013, Ms. Binu Tamta & Ors. Vs. High Court of Delhi, the Supreme Court of India 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 complaint that may be filed in that regard;

AND WHEREAS the draft regulations being placed before the Court on 3rd July, 2013 and the Supreme Court directing for further consideration of the regulations by the parties concerned and the Attorney General for India;

AND WHEREAS upon consideration of all the views placed before the Court, the Supreme Court by order dated 17th July, 2013 was pleased to approve the said regulations and authorize the issuance of the same and order the enforcement of the Regulations *inter alia* having regard to the aforesaid judgement and in terms of Article 142 of the Constitution of India to render full and complete justice.

AND WHEREAS the Supreme Court of India in the said order dated 17th July, 2013 in the above referred Writ Petition (Civil) No. 162 of 2013 directed all the High Courts to formulate their own Regulations in the same manner, in order to contain the Harassment of Women in the High Court precincts.

Now, therefore, the High Court of Meghalaya hereby make the following regulations as a comprehensive code for prevention of Sexual Harassment of Women within the precincts of the High Court of Meghalaya as also the District Courts within the State of Meghalaya subordinate to it and for redressal of any complaint that may be lodged therein.

CHAPTER I
PRELIMINARY

1. **Short title, extent and commencement:** (1) These Regulations shall be called the “**Gender Sensitization & Sexual Harassment of Women at the High Court of Meghalaya and District Courts (Prevention, Prohibition and Redressal) Regulations, 2019**” (hereinafter referred to as the “**Regulations**”).
 - (2) They shall apply to the High Court of Meghalaya and the District Courts within the State of Meghalaya subordinate to it (subject to such modifications, variations or exception, if any, in the said Regulations, as made applicable to the District Courts as the Chief Justice of the High Court of Meghalaya may, from time to time, specify).
 - (3) They shall come into force from the date of publication in the official Gazette.
2. **Definitions:** In these Regulations, unless the context otherwise requires:
 - (1) ‘**Aggrieved Woman**’ means 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 precincts of the High Court or District Court;
 - (2) ‘**Appropriate Authority**’ means the Chief Justice of the High Court of Meghalaya;
 - (3) ‘**Chairperson**’ means the chairperson of the Gender Sensitization and Internal Complaints Committee set up at the High Court or District Court level, as the case may be, (in short the ‘**GSICC**’) constituted under Regulation 3 of these Regulations;
 - (4) ‘**Chief Justice**’ means the Chief Justice of the High Court of Meghalaya;
 - (5) ‘**District Court**’ means and includes all the subordinate Courts within the State of Meghalaya within the superintendence and control of the High Court of Meghalaya;
 - (6) ‘**Internal Sub-Committee**’ means the sub-committee set up under Regulation 9 of these Regulations;
 - (7) ‘**Member**’ means a member of GSICC (at the High Court or District Court level, as the case may be);
 - (8) ‘**Respondent**’ means and includes a person against whom the aggrieved women has made a complaint under the present Regulations;
 - (9) ‘**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 within the precincts of the High Court or District Court and outside;
 - vii. 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;
 - viii. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
 - ix. implied or explicit promise of preferential treatment in her career;
 - x. implied or explicit threat about her present or future career;
 - xi. interferes with her work or creating an intimidating or offensive or hostile work environment for her; or
 - xii. any treatment having a sexual colour or content likely to affect her emotional and/or physical health or safety.
- (10) **'The High Court or District Court precincts'** means and includes, but not limited to, the whole premises of the High Court of Meghalaya or District Courts including the court block, open ground, parking, chamber blocks, libraries, canteens and / or any other part of the premises under the control of the High Court or District Court;
- (11) **'Volunteer'** means lawyers or other persons enlisted by the GSICC (at the High Court or District Court level, as the case may be) without any remuneration for carrying out the objects and purpose of these Regulations.

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

- 3. Prevention of Sexual Harrassment:** No woman shall be subjected to sexual harassment at the High Court of Meghalaya precincts or in the precincts of subordinate Courts of the State of Meghalaya.
- 4. Constitution of the Gender Sensitization & Internal Complaints Committee:**
- (1) The Chief Justice shall, by an order in writing constitute a Committee at the High Court to be known as the "Gender Sensitization and Internal Complaints Committee" which shall, as far as may be practicable, consist of not less than 7 (seven) members and not more than 13 (thirteen) members and shall include the following:
 - i. One (one) or 2 (two) Judges of the High Court, one of whom shall be the Chairperson of the Committee, to be nominated by the Chief Justice;
 - ii. One (one) or 2 (two) senior members of the Bar with at least 10 (ten) years of membership of the High Court of Meghalaya Bar Association to be nominated by the Chief Justice, one of whom shall be a woman;
 - iii. at least 1 (one) or at the most 2 (two) outside members to be nominated by the Chief Justice from amongst persons who are associated with the Social Welfare Department or non-government organisation, out of whom atleast one shall be a woman having experience in the field of social justice, women empowerment, and/ or gender justice;
 - iv. 1 (one) lady officer in the service of the High Court not below the rank of a Deputy Registrar who shall be nominated by the Chief Justice, who shall function as the Member Secretary of the GSICC; and any other members 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.
 - (2) The Chief Justice shall, by an order in writing constitute the GSICC at the District Court level which shall, as far as may be practicable, consist of not less than 3 (three) members and not more than 5 (five) members, out of which one member shall function as its Member Secretary, and shall include the following:
 - i. 2 (two) Judicial Officers, one of whom shall be the Chairperson of the Committee, to be nominated by the Chief Justice of High Court of Meghalaya; and
 - ii. 2 (two) senior members of the Bar, to be nominated by the District Judge of the concerned District Court, one of whom shall be a woman.
 - (3) The outside member appointed under Regulation 3 (1) (iii) shall be paid such fees or allowances from the allocated funds for holding the proceedings of the GSICC (at the High Court or District Court level, as the case may be) as may be prescribed.

- (4) Where the chairperson or any member of the GSICC (at the High Court or District Court level, as the case may be):
- i. 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;
 - ii. fails to constitute an Internal Sub-Committee to inquire into a particular complaint;
 - iii. contravenes or attempts to contravene or abets contravention of other provisions of these Regulations or any notifications/orders issued thereunder; or
 - iv. in the opinion of the Chief Justice has abused his/ her position so as to render his/her continuance in office prejudicial to the exercise of functions of the GSICC (at the High Court or District Court level, as the case may be); such chairperson or member, as the case may be, shall stand removed forthwith from the GSICC (at the High Court or District Court level, as the case may be) by a written order of the Chief Justice and the vacancy so created shall be filled by fresh nomination/election in accordance with the provisions of these Regulations.

5. Terms of Gender Sensitization & Internal Complaints Committee members: The terms of each member of the GSICC (at the High Court level) shall be for 2 (two) years subject to the member being re-elected/re-nominated for a maximum period of 2 (two) terms, and a member who has been removed under Regulation 3 (4) shall not be eligible for re-nomination or re-election.

6. Meetings of the Gender Sensitisation & Internal Complaints Committee:

- (1) The GSICC (at the High Court or District Court level, as the case may be) shall meet at least once in 4 (four) months in a calendar year. Members shall be intimated of meetings and agenda in writing and/or by electronic communication by the Member Secretary.
- (2) Minutes of all meetings shall be recorded, confirmed and adopted. The Member Secretary shall circulate the minutes of the meeting and the resolutions so passed to all members of the GSICC (at the High Court or District Court level, as the case may be) within 7 (seven) days of the holding of the meeting or passing of the resolution.
- (3) The ordinary meeting shall be called by the chairperson with minimum 7 (seven) days notice to all members. Any member of the GSICC (at the High Court or District Court level, as the case may be) may at any time request the chairperson to call an emergency meeting with a notice of 48 (forty eight) hours. However, this will not prevent the Chairperson from convening an emergency meeting without 48 (forty eight) hours notice.
- (4) The quorum for all meeting shall be one-third of the members of the GSICC (at the High Court or District Court level, as the case may be). In the event the quorum is not completed for any meeting, an adjourned meeting shall be held within the next 10 (ten) days following for which no quorum shall be required.
- (5) All motions shall be carried by a simple majority of those present and voting at all meetings, except where it is otherwise specifically provided for.

- (6) Whenever a complaint is received or a report of the Internal Sub-Committee is submitted, the Member Secretary shall within a period of 7 (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 15 (fifteen) days from the date of complaint or the report received.
- (7) If a Member does not attend 3 (three) consecutive meetings, he/she shall be liable for removal forthwith by the Chief Justice and the vacancy so created shall be filled in accordance with the regulation prescribed for that purpose.

7. Function of the Gender Sensitization & Internal Complaints Committee (at the High Court or District Court level, as the case may be):

- (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 High Court or District Courts.
- (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 precincts of the High Court or District Court;
 - ii. GSICC will organize programmes for the gender sensitization of the High Court or District Court through workshops, seminars, posters, film shows, debates, displays, etc;
 - iii. GSICC shall submit an annual report by December 31st 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 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;
 - iv. GSICC may enlist the help of NGOs, 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.
 - vi. Volunteers will also assist in the gender sensitization, 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.
 - vii. GSICC will organize and train members and volunteers to equip them to handle sexual harassment cases including legal and medical aspects of aid.

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- (3) Crisis Management and Mediation: GSICC shall ensure that there is quick and responsive crisis management, counselling and mediation available to all aggrieved women expeditiously which shall include the following activities:
- i. GSICC will assist in the mediation of crisis arising out of incidents of sexual harassment at the High Court or District Court 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.
 - iii. GSICC will coordinate with the High Court or District Court security services to devise ways and means by which a system of prevention of and crisis management that is both gender sensitive as well as prompt and effective is put in place.
 - iv. It will maintain regular contact through the Member Secretary with the High Court and/or District Court security services to ensure that in the 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) 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 District Court.

CHAPTER III
COMPLAINT & INQUIRY INTO COMPLAINT

8. Complaint of Sexual Harassment:

- (1) Any aggrieved woman may make a complaint in writing of sexual harassment at the High Court or District Court precincts to the respective GSICC (at the High Court or District Court level, as the case may be) through the concerned Member Secretary in accordance with the form and procedure as notified by it within a period of 3 (three) months from the date of last incident and in case of failure to do so within the prescribed limit, the GSICC or the Internal Sub Committee, delegated in this behalf as the case may be, condone the delay extending the time limit beyond 3 (three) months if it is satisfied that the circumstances were such which prevented the woman from filing a complaint under this section.
- (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 this Regulation.

9. Conciliation:

- (1) The Internal Sub-Committee, may, before initiating an inquiry under section 9 and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation: Provided that no monetary settlement shall be made as a basis of conciliation.
- (2) Where a settlement has been arrived at under sub-section (1), the Internal Sub-Committee shall record the settlement so arrived and forward the same to the GSICC (at the High Court or District Court level, as the case may be) to take action as specified in the recommendation.
- (3) The Internal Sub-Committee shall provide the copies of the settlement as recorded under sub-section (2) to the aggrieved woman and the respondent.
- (4) Where a settlement is arrived at under sub-section (1), no further inquiry shall be conducted by the Internal-Sub Committee.

10. Inquiry into complaint:

- (1) On receiving a complaint and upon being satisfied with regard to the genuineness of the complaint, the GSICC (at the High Court or District Court level, as the case may be) shall constitute an Internal Sub-Committee to conduct a fact finding inquiry, which shall comprise 3 (three) members of the GSICC (at the High Court or District Court level, as the case may be) 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 14 (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 (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 with the stipulated period due to reasons beyond the control of the Internal Sub-Committee.

11. Action during pendency of Inquiry:

- (1) During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Sub-Committee, may recommend to the GSICC (at the High Court or District Court level, as the case may be) to:
 - i. transfer the aggrieved woman or the respondent to any other workplace; or
 - ii. grant leave to the aggrieved woman up to a period of three months; or
 - iii. grant such other relief to the aggrieved woman as may be prescribed.
- (2) The leave granted to the aggrieved woman under this Regulation shall be in addition to the leave she would be otherwise entitled.
- (3) On the recommendation of the Internal Sub-Committee, as the case may be, under sub-section (1) above, the GSICC shall implement the recommendations made under sub-section (1) and send the report of such implementation to the Internal Sub-Committee.

12. Inquiry Report:

- (1) On the completion of an inquiry under these Regulations, the Internal Sub-Committee shall provide the Inquiry Report of its findings alongwith the complete record the inquiry proceedings including the pleadings and all the material on record to the GSICC (at the High Court or District Court level, as the case may be) within a period of 10 (ten) days from the date of completion of the inquiry and such report shall 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 (at the High Court or District Court level, as the case may be) 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 (at the High Court or District Court level, as the case may be) 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 (at the High Court or District Court level, as the case may be) differ from the conclusion of the Internal Sub-Committee, the GSICC (at the High Court or District Court level, as the case may be) after hearing the aggrieved woman and respondent in person, record its reasons to so differ and take consequent action accordingly.
- (5) The GSICC (at the High Court or District Court level, as the case may be) shall pass order 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 45 (forty-five) working days of submission of the Inquiry Report of the Internal Sub-Committee, excluding the period of holidays, and/or vacation of the High Court or District Courts. Provided that the validity of the orders of the GSICC (at the High Court or District Court level, as the case may be) shall not be called into question upon the same not being passed within the stipulated time.

13. Orders on Inquiry Report:

- (1) Subject to Regulation 9 (1) above, the GSICC (at the High Court or District Court level, as the case may be) shall have the power to pass the following orders to secure justice to the victim of sexual harassment:
 - i. admonition;
 - ii. admonition with publication of such admonition in the Court precincts including cause lists and the website of the High Court or District Court;
 - iii. 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
 - iv. subject to Regulation 12 (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 or District Court level, as the case may be) will also have the power to recommend to the Chief Justice to pass orders against the Respondent including, but not limited, to the following:
 - i. debarment of entry into the High Court or District Court precincts for a specified period extending upto a maximum period of one year; and
 - ii. 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 may pass orders thereon subject to Regulation 13.

- (3) The GSICC (at the High Court or District Court level, as the case may be) shall pass orders on the Inquiry Report and/or shall make recommendations to the Chief Justice within 45 (forty five) working days of the submission of the Inquiry Report, excluding the period of vacation of the High Court or District Court and communicate the same to the parties forthwith.
- (4) The GSICC (at the High Court or District Court level, as the case may be) and the Internal Sub-Committee shall have the jurisdiction to inquiry 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 and the GSICC (at the High Court or District Court level, as the case may be) shall be final and binding on the parties.

14. Representation:

- (1) Any person aggrieved by the order passed (or not passed) by the GSICC under Regulation 12 (1), or recommendation made by the GSICC to the Chief Justice under Regulation 12 (2), or non-implementation of such orders or action may make a representation to the Chief Justice who shall have the power to set aside or modify the orders passed or the recommendation made as the Chief Justice 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.
- (2) The representation above shall be preferred within a period of 90 (ninety) days of communication of the order or recommendation.

15. 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 (at the High Court or District Court level, as the case may be) if it considers it fit proper and may recommend specific interim measures to be taken in a signed decision to the Chief Justice who on receipt thereof may pass such interim order(s) 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 sub-section (1) above by the Respondent, the GSICC (at the High Court or District Court level, as the case may be) shall close and/or strike off the defence of the Respondent and pass final orders under Regulation 12.

CHAPTER IV
POWERS & DUTIES

16. Powers of GSICC & Internal Sub-Committee:

- (1) The GSICC (at the High Court or District Court level, as the case may be) 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 (at the High Court or District Court level, as the case may be) shall have the power to pass any order(s) to carry out the objectives and mandate of the aforesaid Regulations including directing any party or person to take any suitable action.
- (3) For the purpose of making an inquiry, the GSICC (at the High Court or District Court level, as the case may be) 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:
 - i. summoning and enforcing the attendance of any person and examining him on oath;
 - ii. requiring the discovery and production of documents; and
 - iii. any other matter which may be prescribed.
- (4) The GSICC (at the High Court or District Court level, as the case may be) by resolution to be passed by two-third 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 and fair play while conducting the inquiry.
- (5) The GSICC (at the High Court or District Court level, as the case may be) shall at all times have supervisory powers over the Internal Sub-Committee and it may issue direction(s) to the Internal Sub-Committee from time to time in accordance with the provisions of the aforesaid Regulations.

17. Duties: The GSICC (at the High Court or District Court level, as the case may be) in coordination with and assistance of the High Court of Meghalaya shall –

- (1) take measures to provide a safe working environment at the High Court or District Court precincts;
- (2) display at any conspicuous place in the High Court or District Court and on its website the penal consequence of sexual harassments and the order constituting the Internal Committee under the present Regulations;
- (3) display at any conspicuous place in the High Court or District Court and on its web-site, the status and outcome of complaints of sexual harassment;

- (4) organize workshops and awareness programmes at regular intervals for sensitizing the persons carrying out work at the High Court or District Court premises with the provisions of the aforesaid Regulations and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;
- (5) provide necessary facilities to the Internal Sub-Committee for dealing with the complaint and conducting an inquiry;
- (6) assist in securing the attendance of respondent and witnesses before the Internal Sub-Committee;
- (7) obtain such information for the Internal Sub-Committee as it may require having to the complaint;
- (8) 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;
- (9) monitor the timely submission of reports by the Internal Sub-Committee; and
- (10) take any other action and/or measures to ensure an effective and meaningful implementation of the aforesaid Regulations.

CHAPTER V

MISCELLANEOUS

18. 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 (at the High Court or District Court level, as the case may be) and the action taken by the GSICC (at the High Court or District Court level, as the case may be) 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 (at the High Court or District Court level, as the case may be) 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 witnesses.

- 19. Protection of action taken in good faith:** No suit, prosecution or other legal proceedings shall lie against the Chief Justice, GSICC (at the High Court or District Court level, as the case may be) and the Internal Sub-Committee or its members thereof in respect of anything which is done or intended to be done in good faith in pursuance of the aforesaid Regulations, and the circulars/orders/notifications issued thereunder.
- 20. Allocation of fund:** The Chief Justice may, subject to the availability of financial and other resources allocate and provide suitable funds as may be prescribed:
- i. for the effective implementation of the aforesaid Regulations;
 - ii. for development of relevant information, education, communication and training materials, for organization of awareness programmes, and for advancement of understanding of the public of the provisions of these Regulations; or
 - iii. for organizing orientation and training programmes for the members of the GSICC, Internal Sub-Committee, volunteers, counsellors etc.
- 21. Regulations not in derogation with any other law:**
- (1) The provisions of these Regulations shall be in addition to and not in derogation with the provisions of any other law for the time being in force.
 - (2) The provisions of the aforesaid Regulations shall not bar any Court from taking cognizance of any offence punishable under any other enactment or law.
- 22. Appeal:**
- (1) Any person aggrieved from the recommendations made under sub-section (2) of Regulation 11 or non-implementation of such recommendations may prefer an appeal to the Court or Tribunal, without prejudice to provisions contained in any other law for the time being in force, the aggrieved woman may prefer an appeal in such manner as may be prescribed.
 - (2) The appeal under sub-section (1) shall be preferred within a period of ninety days of the recommendations.
- 23. Cognizance of offence by courts:**
- (1) No Court shall take cognizance of any offence punishable under any regulations made thereunder, save on a complaint made by the aggrieved woman or any person authorised by the GSICC (at the High Court or District Court level, as the case may be) in this behalf.
 - (2) No Court inferior to that of a Judicial Magistrate of the first class shall try any offence punishable under the aforesaid regulations.
 - (3) Every offence under the aforesaid regulations shall be non-cognizable.
- 24. Interpretation:** All questions relating to the interpretation of these Regulations shall be referred to the Chief Justice, whose decision thereon shall be final.

25. **Power to amend:** The Chief Justice may, from time to time, amend by way of addition or variation any provision of these Regulations.
26. **Repeal and Savings:** (1) All previous Rules, Regulations, Orders, Notifications, Circulars and Instructions with respect to the subject matter covered by these Regulations are hereby repealed.
- (2) Notwithstanding such repeal, anything done or action taken under any of the rules and orders so repealed shall be deemed to have been made or taken under these Regulations and are hereby saved.

REGISTRAR GENERAL
HIGH COURT OF MEGHALAYA,
SHILLONG.