


OFFICE OF THE DISTRICT & SESSIONS JUDGE : NEW DELHI DISTRICT
PATIALA HOUSE COURTS : NEW DELHI

No. 11903-11904 /CPPRCSH/NDD/PHC/ND

Dated, New Delhi 15/05/19

Sub: **Regulation "The Gender Sensitization & Sexual Harassment of Women at the High Court District Courts and Tribunals of Delhi (Prevention, Prohibition and Redressal) Act, 2018" as received from the Bar Council of Delhi.**

In compliance of the directions of the Headquarters, *Administrative Officer (Judl.) Computer Branch, NDD & the Care Taker, NDD* are hereby directed to upload/display, the enclosed letter no. 11455-464-I/OIC/Genl.-I/2019 dated 08/05/2019 of the Ld. Officer-In-Charge, General Branch, THC, Delhi alongwith its enclosures, on the subject captioned above, on the website of this Court and Notice Board respectively.



(Anu Grover Baliga)

Chairperson

Committee for Prevention, Prohibition & Redressal
of Complaints of Sexual Harassment against women
in New Delhi District, PHC, ND

Copy of the letter forwarded for information and necessary action to:

1. The Administrative Officer (Judl.); Computer Branch, NDD with the directions to upload the above said letter alongwith its enclosures on the website of this Court and submit a compliance report thereof for placing the same before the Ld. Chairperson, Sexual Harassment Committee, NDD.
- ✓ 2. The Care Taker, NDD to display the above said letter alongwith its enclosures on Notice Board and submit a compliance report thereof for placing the same before the Ld. Chairperson, Sexual Harassment Committee, NDD.


Sr. Administrative Officer (Judl.)

Committee for Prevention, Prohibition & Redressal
of Complaints of Sexual Harassment against women
in New Delhi District, PHC, ND

11354
9-05-19
OFFICE OF THE DISTRICT & SESSIONS JUDGE (HQs)
TIS HAZARI COURTS, DELHI

No. 11455-4645
/OIC/Genl.1/2019

Dated, Delhi the 08 MAY 2019

To

1. The District & Sessions Judge, East District, Karkardooma Courts Complex, Delhi.
2. The District & Sessions Judge, Shahdara District, Karkardooma Courts Complex, Delhi.
3. The District & Sessions Judge, South-East District, Karkardooma Courts Complex, Delhi.
- ✓ 4. The District & Sessions Judge, New Delhi District, Patiala House Courts, New Delhi.
5. The District & Sessions Judge, Saket Courts Complex, New Delhi.
6. The District & Sessions Judge, South-East District, Saket Courts Complex, New Delhi.
7. The District & Sessions Judge, West District, Tis Hazari Courts, Delhi.
8. The District & Sessions Judge, North-West District, Rohini Courts Complex, New Delhi.
9. The District & Sessions Judge, North District, Rohini Courts Complex, New Delhi.
10. The District & Sessions Judge, South-West District, Dwarka Courts Complex, New Delhi.

Subject: Regulation "The Gender Sensitisation & Sexual Harassment of Women at the High Court, District Courts and Tribunals of Delhi (Prevention, Prohibition and Redressal) Act, 2018" as received from the Bar Council of Delhi.

Sir,

I am directed to enclose herewith copy of letter bearing no. 9910/G-10/Genl.II/DHC dated 03.05.2019 alongwith its enclosure received from Sh. Shekhar Chandra, Joint Registrar (Genl. Admn.-I), Delhi High Court, New Delhi for your information and giving wide publicity to the Regulations for sensitisation of public to gender issues, prevention of sexual harassment of women within precincts of Court and for redressal of any complaints made in this regard.

Yours faithfully,

(Bhupesh Kumar)
Officer In-charge, General Branch (C)
Addl. District & Sessions Judge,
Tis Hazari Courts, Delhi

Encl: As above.

Copy to:

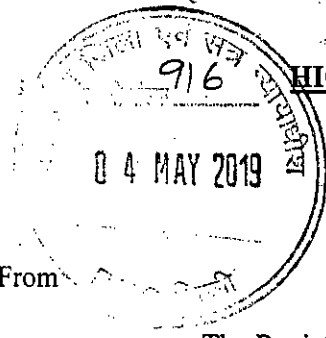
No. 11465-4665
/OIC/Genl.1/2019

Dated, Delhi the 08 MAY 2019

1. The President, Delhi Bar Association, Tis Hazari Courts, Delhi
2. Hony, Secretary, Delhi Bar Association, Tis Hazari Courts, Delhi.

Officer In-charge, General Branch (C), 09/05/19
Addl. District & Sessions Judge,
Tis Hazari Courts, Delhi

13/5/19
Ld. Chamberlain
PPRC of sexual
Harassment against
Women Committee



HIGH COURT OF DELHI AT NEW DELHI

No. 9910 G-10/Genl.II/DHC
Dated 03.05.19

From

The Registrar General
High Court of Delhi
New Delhi.

To

1. The District & Sessions Judge (HQs),
Tis Hazari Courts, Delhi.
2. Ms. Maninder Acharya,
Additional Solicitor General,
Chamber No. 16,
Lawyer Chamber Block-I,
Delhi High Court, New Delhi.
3. Mr. Kirti Uppal,
Senior Advocate,
Chamber No. 102,
Lawyer Chamber Block-I,
Delhi High Court, New Delhi.
4. Ms. Rebecca M. John,
Senior Advocate,
Chamber No. 9,
Lawyer Chamber Block-I
Delhi High Court, New Delhi.
5. Mr. Arun Bhardwaj,
Special Judge, CBI, New Delhi,
Rouse Avenue Court Complex,
Deen Dayal Upadhyay Marg,
New Delhi-110002.

Subject: - **Regulations "The Gender Sensitisation & Sexual Harassment of Women at the High Court, District Courts and Tribunals of Delhi (Prevention, Prohibition and Redressal) Act, 2018" as received from the Bar Council of Delhi**

Sir,

I am directed to forward herewith a copy of the Regulations "The Gender Sensitisation & Sexual Harassment of Women at the High Court, District Courts and Tribunals of Delhi (Prevention, Prohibition and Redressal) Act, 2018", as received from the Hony. Secretary, Bar Council of Delhi vide his letter dated 04.04.2019, for your information and perusal.

Yours faithfully

Shekhar Chandra

(Shekhar Chandra)
Joint Registrar (Genl. Admn.-I)
For Registrar General

Encl.: As above

DBS/JHQ
04/05/19
Ld. O.C. Genl.



Phone : 011-26498356, 26495196
Fax : 011-41752340
E-mail : barcouncilofdelhi@rediffmail.com
Web : www.delhibarcouncil.com

दिल्ली विधि परिषद्
BAR COUNCIL OF DELHI

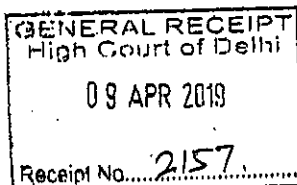
(Statutory Body Constituted under the Advocates Act, 1961)
H.O. : 2/6, Siri Fort Institutional Area, Khel Gaon Marg, New Delhi-110 049

Ref. No. 369/SF/2019

04.04.2019

Date :

The Registrar General
High Court of Delhi,
Sher Shah Suri Marg,
New Delhi-110003.



Sub:-

Re-constitution of Committee under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Ref:-

Letter No. 5121/Genl./G-10/DHC dated 28.02.2019

Sir,

Refer to above cited letter sent by your office regarding constituting the Committee under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 as also regarding Draft Regulations for formation of Committees district-wise as well as a separate Committee for High Court of Delhi under Section 4 (2) of said Act.

In this regard, please find enclosed herewith the copy of regulations "The Gender Sensitisation & Sexual Harassment of Women at the High Court, District Courts and Tribunals of Delhi (Prevention, Prohibition and Redressal) Act, 2018 passed by Bar Council of Delhi along with the following Committees:-

Delhi High Court and Tribunals Gender Sensitisation & Internal Complaints Committee ("DHCT-GSICC"), comprising of following members:-

1	Ms. Inderjeet Kaur Kochar	Retired Female Judge of Delhi High Court.
2	Mr. Hariharan, Sr. Advocate	One Volunteer Member
3	Ms. Sangeeta Sondhi	Female Member of DHCBA with at least 10 years membership
4	Ms. Indrani Ghosh	Associated with Social Welfare Department or N.G.O.
5	Mr. Ved Prakash Sharma	Nominee of Bar Council of Delhi, who shall also be Member Secretary of DHCT-GSICC

RAL BRANCH-11

No. 19

10/04/19 B.O. : 1-E Lawyers' Chambers, High Court of Delhi, New Delhi-110 003 Ph.: 23387701



Fax : 011-41752340
E-mail : barcouncilofdelhi@rediffmail.com
Web : www.delhibarcouncil.com

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दिल्ली विधि परिषद
BAR COUNCIL OF DELHI

(Statutory Body Constituted under the Advocates Act, 1961)
H.O. : 2/6, Siri Fort Institutional Area, Khel Gaon Marg, New Delhi-110 049


No. 369/SF/2019

Date : 04.04.2019

Delhi District Court Gender Sensitisation & Internal Complaints Committee ("DDC-GSICC"), comprising of following members:-

1	Ms. Kawiender	Retired Female Judge of District Court of Delhi
2	Ms. Chitra Malhotra	Female Member of District Court Bar Association with at least 10 years membership
3	Ms. Jyoti Kiran Sharma	Associated with Social Welfare Department or N.G.O.
4	Mr. Vishnu Sharma	Nominee of Bar Council of Delhi, who shall also be Member Secretary of DHCT-GSICC
5	Mr. Bharat Bhushan Sharma	One Volunteer Member

With regards,


(Vishnu Sharma)
Hony. Secretary

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**THE GENDER SENSITISATION & SEXUAL HARASSMENT OF WOMEN AT THE HIGH COURT,
DISTRICT COURTS AND TRIBUNALS OF DELHI
(PREVENTION, PROHIBITION AND REDRESSAL) REGULATIONS, 2018
BY BAR COUNCIL OF DELHI**

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 protection against sexual harassment and the right to work with dignity are universally recognized human rights by International conventions and instruments such as the 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 Delhi precincts :-

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 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 judgement dated 13 August 1997, in Writ Petition (CrI) No.666-70/92 it is necessary to provide for the protection of women;

AND WHEREAS In the Judgement of the Supreme Court in Medha Kotwal Lele v. Union of India & Others rendered by the Supreme court on 19 October 2012 reported in (2013) 1 SSC 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 Bar Council of India, Bar Association 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 Tamta & Ors. v. 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 now these Regulations are being published as a comprehensive code for prevention of sexual harassment of women within the precincts of the High Court, District Courts and Tribunals of Delhi and for redressal of any complaints that may be lodged.

The Bar Council of Delhi hereby makes the following Regulations :-

CHAPTER 1

PRELIMINARY

1. Short title, extent and commencement
 - (1) These Regulations may be called Bar Council of Delhi Gender Sensitisation & Sexual Harassment of Women at the High Court, District Courts and Tribunals of Delhi (Prevention, Prohibition and Redressal) Regulations, 2019.
 - (2) They shall come into force on its publication.
2. Definitions – In these Regulations, unless the context otherwise requires:-
 - (a) "aggrieved woman" means, in relation to the High Court, District Courts of Delhi or any Tribunals functioning in Delhi,, 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 High Court of Delhi, the District Court of Delhi and any Tribunal functioning in Delhi precincts ;
 - (b) "habitual Respondent" is a person against whom a previous Complaint of sexual harassment has been received by the Committee on an earlier occasion, irrespective of whether the matter was resolved with or without an inquiry and except where the Respondent has been exonerated in the previous complaint;
 - (c) "High Court" means the High Court of Delhi

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- (d) "District Court" means all the six District Courts i.e. Tis Hazari, Dwarka, Saket, Karkardooma, Rohini, Patiala House,
- (e) Tribunals means any tribunal functioning in Delhi.
- (f) "DHCT-GSICC" means the Delhi High Court and Tribunals Gender Sensitisation and Internal Complaints Committee.
- (g) DDC-GSICC means Delhi District Court Gender sensitization and internal complaint committee.
- (h) "Member" means a Member of the DHCT-GSICC or DDC-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) Appropriate authority means Bar Council of Delhi.
- (l) "Sexual harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely :-
- (i) physical contact and advances ;
 - (ii) a demand or request for sexual favours;
 - (iii) making sexually coloured remarks;
 - (iv) showing or exhibiting pornography and/or sexually explicit material by any means;
 - (v) sending undesirable sexually coloured oral or written messages, text messages, e-mail messages, or any such messages by electronic, manual or other means;
 - (vi) stalking or consistently following aggrieved woman in the High Court of Delhi precincts and outside;
 - (vii) voyeurism including overt or tacit observation by the Respondent by any means of the aggrieved woman in her private moments;
 - (viii) any conduct whereby the Respondent takes advantage of his position and subjects the aggrieved woman to any form of sexual harassment and seeks sexual favours especially 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;

- (10)
- (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) "High Court, District Court of Delhi and Tribunals of Delhi precincts" means the whole premises of the High Court, District Courts and Tribunals of Delhi including the Court Blocks, open grounds, parking spaces, Lawyers Chambers, corridor seats, libraries, canteens, bar-rooms, health centers and/or any other part of the premises under the control of the Chief Justice of High Court of Delhi; or District Judge of respective District Court or Chairperson of respective Tribunals of Delhi.
- (n) "Volunteer" means lawyers or other persons enlisted by the DHCT-GSICC or DDC-GSICC without any remuneration basis for carrying out the objects and purpose of these Regulations.
3. Prevention of sexual harassment – No woman shall be subject 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 for High Court and Tribunals—
- (1) DHCT-GSICC is constituted herein, fulfill a very important public function of sensitization the public to gender issues and to address any complaints made with regard to sexual harassment at High Court of Delhi & Tribunals precincts.
 - (2) The Bar Council of Delhi shall, by an order in writing constitute a Committee to be known as the "Delhi High Court and Tribunals Gender Sensitisation and Internal Complaints Committee" (DHCT-GSICC) which shall consist of not less than 5 members and shall include the following as far as practicable:-

- (a) One retired female Judge of the High Court of Delhi in terms of the judgement in the case of Vishaka (supra), who shall be the Chairperson of the Committee, to be nominated by Bar Council of Delhi.
 - (b) One female member of the Delhi High Court Bar Association, with at least 10 years of membership of the Delhi High Court Bar Association to be nominated by the Bar Council of Delhi.
 - (c) One member to be nominated by the Bar Council of Delhi Authority, from amongst persons who are associated with the Social Welfare Department or non-government organization having experience in the field of social justice, women empowerment, and/or gender justice, out of whom at least one member shall be a woman;
 - (d) Nominee of Bar Council of Delhi, who shall also function as the Member Secretary of the DHCT-GSICC, and Provided that it shall be ensured that the majority of the members of DHCT-GSICC shall be women members.
 - (e) One volunteer member to be nominated by appropriate authority.
- (3) The Member appointed under Clause 4(2)(c) shall be paid such fees or allowances from the allocated funds for holding the proceedings of the DHCT-GSICC as may be prescribed.
- (4) Where the Chairperson or any Member of the DHCT-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 take action under Regulation 11;
 - (c) contravenes or attempts to contravene or abets contravention of other provisions of these Regulations or any notifications/orders issued thereunder; or
 - (d) in the opinion of the appropriate Authority has so abused his/her position as to render his/her continuance in office prejudicial to the exercise of functions of the DHCT-GSICC;

Delhi and the vacancy so created shall be filled by fresh nomination in accordance with the provisions of these Regulations.

4A. Constitution of the Gender Sensitisation & Internal Complaints Committee for District Court of Delhi—

- (1) The DDC-GSICC is constituted herein fulfill a very important public function of sensitization the public to gender issues and to address any complaints made with regard to sexual harassment at the District Court of Delhi precincts.
- (2) The Bar Council of Delhi shall, by an order in writing constitute a Committee to be known as the "District Court Gender Sensitisation and Internal Complaints Committee" (DDC-GSICC) which shall consist of not less than 5 members and shall include the following as far as practicable :-
 - (a) One retired female Judge of the District Court of Delhi in terms of the Judgment in the case of Vishaka (supra), who shall be the Chairperson of the Committee, to be nominated by Bar Council of Delhi.
 - (b) One senior female member of the District Court Bar Association, with at least 10 years of membership of the District Court Bar Association to be nominated by the Bar Council of Delhi.
 - (c) One member to be nominated by the Bar Council of Delhi Authority, from amongst persons who are associated with the Social Welfare Department or non-government organization having experience in the field of social justice, women empowerment, and/or gender justice, out of whom at least one member shall be a woman;
 - (d) Secretary, Bar Council of Delhi, who shall also function as the Member Secretary of the DDC-GSICC, and Provided that it shall be ensured that the majority of the members of DDC-GSICC shall be women members.
 - (e) One volunteer member to be nominated by appropriate authority.
- (3) The Member appointed under Clause 4(2)(c) shall be paid such fees or allowances from the allocated funds for holding the proceedings of the DDC-GSICC as may be prescribed.
- (4) Where the Chairperson or any Member of the DDC-GSICC —

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- (c) *contravenes or attempts to contravene or abets contravention of other provisions of these Regulations or any notifications/orders issued thereunder; or*
- (d) *in the opinion of the appropriate Authority has so abused his/her position as to render his/her continuance in office prejudicial to the exercise of functions of the DDC-GSICC;*

Such Chairperson or Member, as the case may be, shall stand removed forthwith from the DDC-GSICC by a written order of the Bar Council of Delhi and the vacancy so created shall be filled by fresh nomination in accordance with the provisions of these Regulations.

5. **Terms of DHCT-GSICC and DDC-GSICC:-**

The term of each member of the DHCT-GSICC and DDC-GSICC shall be for two years, subject to the member being re-nominated for further periods by the appropriate Authority.

6. **Meeting of the DHCT-GSICC and DDC-GSICC:-**

- (1) The DHCT-GSICC & DDC-GSICC shall meet at least once in four months in a calendar year and as and when circumstances so require.
- (2) Member 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, confirmed and adopted. The member Secretary shall circulate the minutes of a meeting and the Resolutions so passed to all Members of the DHCT-GSICC and DDC-GSICC within 7 days of the holding of the meeting or the passing of the Resolution.
- (4) The Ordinary Meeting shall be called by the Chairperson with minimum seven days notice to all members.
- (5) Any member of the DHCT-GSICC & DDC-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 48 hours notice.
- (6) The quorum for all Meetings shall be one-third of the member of the DHCT-GSICC & DDC-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.

- (7) All motions shall be carried by a simple majority of those present and voting at all meetings, except where it is specifically provided for.
- (8) If a member does not attend 3 consecutive meetings he/she shall be liable to removal forthwith by the appropriate Authority, and the vacancy so created shall be filled in accordance with Regulation.

7. Function of the Delhi High Court and Tribunal Gender Sensitisation & Internal Complaints Committee and Delhi District Courts Gender Sensitisation Internal Complaint Committee –

- (1) DHCT-GSICC and DDC-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 of Delhi, District Courts and Tribunals.
- (2) Gender Sensitisation and Orientation : DHCT-GSICC and DDC-GSICC shall take the following steps with regard to gender sensitization and orientation :
 - (i) DHCT-GSICC and DDC-GSICC will organize programs for gender sensitization of the High Court, District Court and Tribunals of Delhi community through workshops, seminars, posters, film shows, debates, displays etc.
 - (ii) DHCT-GSICC and DDC-GSICC shall submit an Annual Report by December 31 every year to the appropriate Authority 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 DHCT-GSICC and DDC-GSICC shall include in its Annual Report the number of cases filed, if any, and their disposal under these Regulations in the Annual Report.
 - (iii) DHCT-GSICC and DDC-GSICC may enlist the help of NGOs, associations, volunteers, lawyers, lawyers' bodies, or the concerned legal services authorities to carry out these programs.
- (3) Crisis Management and Mediation- DHCT-GSICC and DDC-GSICC shall ensure that there is quick and responsive crises management, counseling and mediation available to all aggrieved women expeditiously:-
- (4) Complaint Redressal – The DHCT-GSICC and DDC-GSICC shall ensure that every complaint of an aggrieved woman is adequately dealt with in

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accordance with the established procedure and with complete sensitivity. The DHCT-GSICC and DDC-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 specified precincts in these regulations.

CHAPTER III

COMPLAINT & ENQUIRY INTO COMPLAINT

8. Complainant of Sexual Harassment :

- (1) Any aggrieved woman may make a complaint in writing of sexual harassment at the High Court of Delhi and Tribunals precincts to the DHCT-GSICC through its Member Secretary and at District Courts to DDC-GSICC through its member secretary.

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

9. Inquiry into complaint :

- (1) On receiving a complaint and upon being satisfied with regard to the genuineness of the complaint, the DHCT-GSICC and DDC-GSICC 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.
- (2) The inquiry into a complaint shall be conducted and completed within 90 days.

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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 DHCT-GSICC or DDC-GSICC.

Provided that where the Respondent is an employee of the Delhi High Court, District court and Tribunals the DHCT-GSICC or DDC-GSICC shall proceed to make inquiry into the complaint in accordance with the provisions of the services rules applicable to the Respondent.

10. Inquiry Report –

- (1) On the completion of the inquiry, DHCT-GSICC or DDC-GSICC shall provide the Inquiry Report to the concerned parties.
- (2) Where the DHCT-GSICC or DDC-GSICC arrives at the finding that the allegation against the Respondent has not been proved, it shall conclude that no action is required to be taken in the matter.
- (3) Where the DHCT-GSICC or DDC-GSICC arrives at the finding that the allegation against the Respondent has been proved, it shall recommend to the concerned body (Bar Council of Delhi, Bar Council of India, District Judge, Registrar Delhi High Court or Chairperson of Tribunal etc.), authority, institution to take appropriate action against the Respondent for sexual harassment.

11. Orders on Inquiry Report –

- (1) Subject to Regulation 9(1) above, the DHCT-GSICC or DDC-GSICC shall ^{have} the 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 Court precincts including the lists and respective websites;
 - (c) prohibition from harassing the victim in a 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 putting an end to the sexual harassment of the aggrieved woman.
- (2) DHCT-GSICC or DDC-GSICC will also have the power to recommend to the appropriate Authority to pass orders against the Respondent including, but not limited, to the following :
 - (a) Debarment of entry into the High Court of Delhi or District Court or Tribunal precincts for a specified period extending up to a maximum period of one year as the case may be; 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 appropriate Authority may pass orders thereon subject to Regulation 12.
- (3) The DHCT-GSICC or DDC-GSICC shall pass orders on the Inquiry Report and/or shall make recommendations to the appropriate Authority within 45 working days of submission of the Inquiry Report excluding the period of vacation of the High Court, District court or tribunals of Delhi and communicate the same to the parties forthwith.
- (4) The DHCT-GSICC or DDC-GSICC 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 proceedings under the Advocate Act, 1961) may have been filed with respect to the same complaint actions.
- (5) The orders of the appropriate Authority and the DHCT-GSICC or DDC-GSICC shall be final binding on the parties.

12. Representation :

- (1) Any person aggrieved by the order passed (or not passed) by the DHCT-GSICC or DDC-GSICC under Regulation 11(1), or recommendation made by the DHCT-GSICC or DDC-GSICC to the appropriate Authority under Regulation 11(2), or non-implementation of such orders or action may or modify the orders passed or the recommendations made as the appropriate Authority may deem fit, and shall also have the power to issue such orders or directions

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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. Interim/Restraint Order -

- (1) on the receipt of a complaint and during pendency of an inquiry on a written request made by the aggrieved woman, the DHCT-GSICC, DDC-GSICC if it considers it fit and proper, 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 DHCT-GSICC or DDC-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 AND DUTIES

14. Powers of DHCT-GSICC and DDC-GSICC -

- (1) The DHCT-GSICC or DDC-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 DHCT-GSICC or DDC-GSICC shall have the power to pass any order to carry out the objectives and mandate of the present Regulations including directing any party or person to take any suitable action.
- (3) For the purpose of making an inquiry, the DHCT-GSICC or DDC-GSICC shall have the same power 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 attendance of any person examining him on oath;

- (b) requiring the discovery and production of documents; and
- (c) any other matter which may be prescribed;

15. Duties – The DHCT-GSICC and in DDC-GSICC in coordination with and with the assistance of the office of the High Court, District Court and Tribunals of Delhi shall –

- (a) take measures to provide a safe working environment at the High Court, District court and tribunals of Delhi precincts;
- (b) display at any conspicuous place in the High Court, District Court and Tribunals of Delhi and on its website, the penal consequences of sexual harassments and the order constituting DHCT-GSICC and DDC-GSICC under the present Regulations;
- (c) provide necessary facilities for dealing with the complaint and conducting an inquiry;
- (d) assist in securing the attendance of respondent and witnesses;
- (e) Obtain such information for the DHCT-GSICC or DDC-GSICC as it may require having regard to the complaint;
- (f) cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the Respondent or the perpetrator;
- (g) take any other action and/or 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 address of the aggrieved woman, respondent and witnesses, any information relating to the inquiry proceedings, recommendations of the DHCT-GSICC or DDC-GSICC and the action taken by the DHCT-GSICC or DDC-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

aggravated woman submitting a specific request to do so in writing and upon the DHCT-GSICC or DDC-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 aggravated woman and witnesses.

17. Protection of action taken in good faith - No suit, prosecution or other legal proceedings shall lie against the appropriate Authority, DHCT-GSICC or DDC-GSICC and/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 thereunder.

18. Allocation of funds - The appropriate Authority 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, for organization of awareness programs, and for advancement of understanding of the public of the provisions of these Regulations; or
- (c) for organizing orientation and training programs for the members of the DHCT-GSICC or DDC-GSICC, volunteers, counselors etc.

19. Regulations not in derogation of any other law -

- (1) The provisions of these Regulations shall be in addition to and not in derogation of the provisions of any other law for the time being in force.
- (2) The provisions of the present Regulations shall not bar any Court from taking cognizance of any offence punishable under any other enactment or law.