

Gender Sensitization and Sexual Harassment of Women at Supreme Court (Prevention, Prohibition and Redressal) Guidelines, 2015

In exercise of the powers conferred by Regulation 14(1) of the Gender Sensitization & Sexual Harassment of Women at the Supreme Court of India (Prevention, Prohibition and Redressal) Regulations, 2013 the GSICC hereby frames the following Guidelines for conducting an Inquiry by the Internal Sub-Committee.

- i.** These Guidelines may be called “Gender Sensitization and Sexual Harassment of Women at Supreme Court (Prevention, Prohibition and Redressal) Guidelines, 2015”.
- ii.** These Guidelines shall come into force on the date of their notification by the GSICC on the official website of the Supreme Court of India.

I. Constitution of the Internal Sub-Committee

The Internal Sub Committee constituted by the GSICC under Regulation 9 shall conduct a fact finding inquiry, which shall comprise of three members, with a majority being women, and one outside/ external member.

As per Regulation 4(4), the outside/external member appointed under Clause 4(2)(f) shall be paid a fees of Rs. 3000 per sitting , from the allocated funds for holding the proceedings of the Internal Sub-Committee.

Such fees or allowances shall be subject to any revision that may be made by the GSICC from time to time.

The External Member appointed shall be entitled to an allowance of three thousand rupees (Rs. 3000) per sitting for holding the proceedings of the Internal Sub-Committee.

II. Receipt of Written Complaint with supportive documents and statement of witnesses

- i.** The aggrieved woman will be required to file her written Complaint either personally, or through a Volunteer as per Regulation 8, be accompanied by all supporting material, evidence, statements, and transcripts. The Complaint must be addressed to the GSICC, and submitted to the Member- Secretary of the GSICC.
- ii.** The aggrieved woman shall submit a list of witnesses, along with their affirmed statements, and contact details whom she desires to produce in support of her case before the Internal Sub-Committee.

III. Notice to the Respondent and Submission of Response in writing

- i.** That within 7 days of the receipt of a Complaint from an aggrieved woman, the Member Secretary shall serve the same alongwith enclosures on the Respondent.
- ii.** The Respondent will be called upon to place his written response along with the supporting material, and list of witnesses, within a period not exceeding 7 working days from the date of receipt of the Complaint.

IV. Reasonable Opportunity for the Complainant and the Respondent to present their case

If the aggrieved woman desires to produce any additional material or statement of any witness, which could not be submitted along with the Complaint, the Internal Sub-Committee will permit the aggrieved woman to do so, within such extended time as it deems appropriate.

V. Inquiry

- i. The Internal Sub-Committee will provide an opportunity to both parties and their respective witnesses, for an oral hearing. The hearings will be duly video-graphed.
- ii. The Member Secretary shall give three days (72 hours) advance notice to the aggrieved woman, the Respondent, and their respective witnesses before a hearing is convened. The notice can be served on the Complainant/ Volunteer or Respondent by personal service, email or facsimile message.
- iii. If the aggrieved woman desires to be accompanied by a Volunteer, she shall communicate the name of such person to the Member Secretary. Such a person shall have only observer status.
- iv. All persons participating in the inquiry proceedings conducted by the Internal Sub-Committee, shall observe secrecy and confidentiality of the proceedings. Any violation of confidentiality of these proceedings by any party can result in penalty being imposed by the GSICC which it may consider appropriate.
- v. The aggrieved woman and the Respondent shall be responsible for producing their witnesses before the Internal Sub-Committee on the date of hearing. However, if the Internal Sub-Committee is satisfied that the absence of either of the parties or their witnesses is on valid grounds, the Internal Sub-Committee may give an opportunity for further hearing.
- vi. The Internal Sub-Committee may call any person to appear as a witness, if it is of the opinion that it is so required for the conduct of the inquiry.
- vii. The Internal Sub-Committee will ensure that the Respondent and the aggrieved woman are not placed face to face, or placed in a situation where they may be face to face (e.g. they shall not be called at the same time and be made to wait in the same place), keeping strictly in view the need to protect the aggrieved woman from undergoing any trauma and/or safety problems.
- viii. The Internal Sub-Committee shall have the power to summon or call for any documents pertaining to the Complaint, which it may consider to be relevant, including any earlier Complaint that may have been filed against the Respondent.

- ix. The Internal Sub-Committee will not be precluded from taking cognisance of any new fact, or evidence which may arise, during the pendency of the inquiry proceedings, relating to the Complaint.
- x. The Internal Sub-Committee shall have the right to summon the aggrieved woman, the Respondent, and/or any witnesses for the purpose of recording any supplementary testimony and/or clarifications, if considered necessary.
- xi. The Member Secretary may permit inspection of the original documents filed, after prior intimation of three days by any of the parties. The concerned parties will not be permitted to take the original documents outside the office of the Member- Secretary.
- xii. The aggrieved woman, or the Respondent, may submit a list of interrogatories. The Internal Sub-Committee shall have the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, or gender-insensitive.

VI. Internal Sub-Committee may Proceed Ex-parte or Recommend Termination of Proceedings

The Internal Sub-Committee shall have the right to proceed ex-parte if the circumstances so warrant. In the event of the Respondent refusing to appear before the Internal Sub-Committee for three consecutive hearings, without valid justifiable ground, the Internal Sub-Committee shall proceed ex-parte against the Respondent on the basis of the material available before it.

The Internal Sub-Committee may recommend termination of proceedings to the GSICC if it comes to the conclusion that the Complaint is devoid of any truth, or has been frivolously instituted.

Provided that prior to the termination of the proceedings, or proceeding ex-parte, the parties would be intimated of the same by a written communication.

VII. Completion of Inquiry

The Internal Sub-Committee shall take all necessary steps to conduct and complete the fact finding inquiry within a period of 90 days of the constitution of the Internal Sub-Committee as per Regulation 9(3).

VIII. Recommendation to the GSICC

- i. After the fact finding inquiry is concluded by the Internal Sub-Committee, it shall submit a report containing reasons for its findings to the GSICC. In the event, that the Internal Sub-Committee concludes that the allegations against the Respondent have been proved, it shall recommend to the GSICC to be take appropriate action for gender discrimination and/or sexual harassment.

- ii.** If however, the Internal Sub-Committee finds no merit in the Complaint, it shall recommend to the GSICC that no action is required to be taken, and recommend closure of the Complaint.

IX. Protection of Identity and Confidentiality of Proceedings and Records

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the Complaint made under Regulation 8, the identity and address of the aggrieved woman, Respondent, and witnesses, and any other information relating to the Inquiry proceedings, recommendations of the Internal Sub-Committee, shall be kept confidential.

X. Action for false or malicious Complaint or false evidence

Where the Internal Sub-Committee arrives at the conclusion that the allegation against the Respondent is malicious, or the aggrieved woman, or any other person making the Complaint on her behalf, has made the Complaint knowing it to be false, or the aggrieved woman or any other person making the Complaint has produced any forged or any misleading document, the Internal Sub-Committee may make such recommendations to the GSICC to take appropriate action, to deter the filing of false and frivolous Complaints.

By Order

Nisha Bhardwaj
Registrar/Member Secretary
GSICC