

**Prevention of Sexual Harassment at The Gujarat National Law University,  
Redressal of Complaints Regulations, 2022**

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## PREAMBLE

**WHEREAS** it is mandatory on the part of the University to formulate regulations under the Sexual Harassment of Women at Workplace (Prevention, Prohibitions and Redressal) Act, 2013 and the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of women employees and students in Higher Educational Institutions) Regulations, 2015;

**WHEREAS** sexual harassment results in violation of the fundamental rights of a person to equality under Articles 14 and 15 of the Constitution of India and their Right to Life and to live with dignity under Article 21 of the Constitution, which are universally recognised by international conventions and instruments such as the Convention on the Elimination of all Forms of Discrimination against Women and the International Covenant on Civil and Political Rights which have been ratified by the Government of India;

**WHEREAS** the law aims to provide for protection against sexual harassment and for the prevention of sexual harassment and for the redressal of complaints of sexual harassment and for matters connected thereto and incidental thereto;

**WHEREAS** it is necessary to act decisively to provide for protection of all persons, against harassment on the basis of sex, gender identity, and sexual orientation, and to have a redressal mechanism in the University to provide for protection against sexual harassment through a fair inquiry in order to promote and provide a safe environment in Gujarat National Law University; Gujarat National Law University hereby makes the following regulations:

## CHAPTER I

### PRELIMINARY

#### 1. Short title, extent and commencement —

- (1) These regulations may be called 'Prevention of Sexual Harassment at The Gujarat National Law University, Redressal of Complaints Regulations, 2022'.
- (2) The Regulation **will be in addition to and not in derogation of any other rules** and regulations passed by Gujarat National Law University, as well as any other law for the time being in force.
- (3) They shall come into force with immediate effect.

**2. Interpretation clause** — In the Regulation, unless the context otherwise requires:

- (a) “**Act**” means, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013).
- (b) “**aggrieved person**” means, in relation to the University, a person, of any age whether employed or not, who alleges to have been subjected to any act of Sexual harassment by the Respondent.
- (c) “**campus**” includes, the location or the land on which GNLU and its related institutional facilities like libraries, laboratories, lecture halls, academic block, chamber blocks, faculty quarters, guest quarters, residences, halls, toilets, student centres, hostels, dining halls, stadiums, parking areas, parks-like settings and other amenities like health centres, canteens, bank counters, etc. are situated, and/or any other part of the premises under the control of GNLU, and also includes extended campus and covers within its scope places visited as a Student of GNLU including transportation provided for the purpose of commuting to and from the institution, the locations outside the institution on field trips, study tours, excursions, places used for camps, cultural festivals, sports meets and such other activities where a person is participating in the capacity of an Employee or a Student of GNLU.
- (d) “**Commission**” means, the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 (3 of 1956).
- (e) “**covered individuals**” are persons who have engaged in protected activity such as filing a sexual harassment charge, or who are closely associated with an individual who has engaged in protected activity, and such person includes an employee or a student or guardian of the aggrieved person.
- (f) “**Director**” means, in relation to GNLU, the sitting Vice Chancellor or the Director of GNLU.
- (g) “**employee**” means, a person employed at GNLU for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name and also includes, interns, volunteers,

teaching assistants, research assistants, whether employed or not, including those involved in field studies, projects, short-visits and camps.

- (h) “**GNLU**” means, Gujarat National Law University, established under Section 3(1) of the Gujarat National Law University Act, 2003 (9 of 2003).
- (i) “**ICC**” means, an Internal Complaints Committee constituted under Regulation 4.
- (j) “**Member**” means, a member of the ICC.
- (k) “**Presiding Officer**” means, the Presiding Officer of the ICC nominated under Regulation 4(2).
- (l) “**protected activity**” includes reasonable opposition to a practice believed to violate sexual harassment laws on behalf of oneself or others such as participation in sexual harassment proceedings, cooperating with an internal investigation on alleged sexual harassment practices or acting as a witness in an investigation by an outside agency or in litigation.
- (m) “**Regulation**” refers to regulation(s) made under the Prevention of Sexual Harassment at The Gujarat National Law University, Redressal of Complaints Regulations, 2022.
- (n) “**respondent**” means, a person against whom the aggrieved person has made a complaint under Regulation 10.
- (o) “**sexual harassment**” *includes* an unwanted conduct which occurs or which is persistent *and* which, on the basis of sex, demeans, humiliates or creates a hostile and intimidating environment and includes any one or more than one or all of the following unwelcome acts or conduct (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 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 (including cyberstalking as per Section 354D of The Indian Penal Code, 1860) or consistently following the aggrieved person in the University;
  - (vii) voyeurism including overt or tacit observation by the respondent by any means, of the Aggrieved person in their private moments;
  - (viii) any conduct whereby the respondent takes advantage of their position and subjects the aggrieved person to any form of sexual harassment and seeks sexual

- favours specially while holding out career/academic advancements, as an incentive or a natural result of submitting to the insinuations/demands of the respondent;
- (ix) any promise of preferential treatment in their career/education with an intention to gain any sexual favour;
- (x) any threat of detrimental treatment in their career/education with an intention to gain any sexual favour;
- (xi) any threat about their present or future career/education with an intention to gain any sexual favour;
- (xii) any treatment having a sexual colour or content likely to affect their emotional and/or physical health or safety;
- (xiii) implied or explicit threat about the present or future status of the person concerned;
- (xiv) humiliating treatment likely to affect the health, safety, dignity or physical integrity of the person concerned; or
- (xv) any other unwelcome physical, verbal or non-verbal conduct of sexual nature or any other act which amounts to harassment on the grounds of sex.

(p) “**student**” means, a person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short-term training programmes in GNLU;

Provided that a student who is in the process of taking admission in GNLU’s Campus, although not yet admitted, shall be treated, for the purposes of these regulations, as a student of GNLU, where any incident of Sexual harassment takes place against such student;

Provided that a student who is a participant in any of the activities of GNLU other than the institution/college/university where such student is enrolled shall be treated, for the purposes of these regulations, as a student of GNLU where any incident of Sexual harassment takes place against such student.

(q) “**Third Party Harassment**” refers to a situation where sexual harassment occurs as a result of an act or omission by any third party or outsider, who is not an employee or a student of GNLU, but a visitor to GNLU in some other capacity or for some other purpose or reason.

(r) “**victimisation**” means, any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour.

(s) “**University**” means, the Campus of GNLU, including —

- (i) Any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by GNLU;
- (ii) Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in GNLU;
- (iii) Any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the Director for undertaking such journey for study in GNLU.

**3. Prevention of sexual harassment** — No person shall be subjected to sexual harassment in the University.

## **CHAPTER II**

### **CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE**

**4. Composition** —

- (1) The Director shall, by an order in writing, constitute an Internal Complaints Committee (ICC).
- (2) The ICC shall have the following composition -
  - (a) A Presiding Officer who shall be a woman faculty member employed at a senior level (not below a Professor) at GNLU, nominated by the Director;

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from any other department, office or administrative unit of the University.

- (b) Two faculty members and two non-teaching employees, preferably committed to the cause of women and communities marginalised on the basis of gender and

sexuality, or who have had experience in social work or have legal knowledge, nominated by the Director;

- (c) Three students, if the matter involves students, who shall be enrolled at the undergraduate, master's, and research scholar levels respectively, elected through a transparent democratic procedure;
- (d) One member from amongst non-government organisations or associations committed to the cause of women and communities marginalised on the basis of gender and sexuality, or a person familiar with the issues relating to sexual harassment, nominated by the Director.

*Explanation* - Person familiar with the issues relating to sexual harassment shall be a person who has expertise on issues relating to sexual harassment and may include any of the following: -

- (i) A social worker with at least five years' experience in the field of social work which leads to creation of societal conditions favourable towards empowerment of women and communities marginalised on the basis of gender and sexuality, and in particular in addressing workplace sexual harassment;
  - (ii) A person who is familiar with labour, service, civil or criminal law.
- (3) At least one-half of the total members of the ICC shall be women.
  - (4) Persons in senior administrative positions in GNLU, such as Vice-Chancellor, Director, Registrar, etc., shall not be members of the ICC in order to ensure autonomy of its functioning.

#### 5. Term —

- (1) The term of office of the members of the ICC shall be for a period of three years. **One-third of the members of the ICC shall change every year.**
- (2) Where the Presiding Officer or any member of the ICC:
  - (a) contravenes Regulation 18; or
  - (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against them; or
  - (c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against them; or
  - (d) has so abused their position as to render their continuance in office prejudicial to



the public interest,

such Presiding Officer or member, as the case may be, shall be removed from the ICC and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of the Regulation, within thirty days of the vacancy.

- (3) For every ICC subsequent to the first ICC, the members of the new ICC shall be selected according to the Regulation at least **two months** before the end of the tenure of the members of the existing ICC.

*Explanation* – It is clarified that the new members selected at least two months before the end of the tenure of the members of the existing ICC shall only take office at the end of such tenure.

#### 6. Disclosure —

- (1) Upon nomination, the Presiding Officer and all the members of the ICC shall ***publicly*** disclose in writing, that they are not disqualified from the ICC on the relevant grounds laid down in Regulation 5(2). This disclosure **shall** be made by such person in the form specified in “**Annexure B**”.

- (2) Within **ten days** of a complaint being filed under Regulation 10(1), the Presiding Officer and all the members of the ICC, **shall** disclose in writing to the parties, any circumstances —

(a) indicating the existence, either direct or indirect, of any past or present relationship with, or interest in any of the parties or in relation to the subject-matter in dispute, of any kind, which is likely to give rise to justifiable doubts as to their independence or impartiality; and

(b) which are likely to affect their ability to devote sufficient time to the proceedings, and in particular their ability to complete the entire proceeding within a period of forty-five days.

*Explanation-* The said disclosure **shall** be made by such person in the form specified in “**Annexure C**”.

- (3) If any circumstances in Regulation 6(2) are meted out, the Presiding Officer and/or the member(s) of the ICC shall recuse themselves from the ICC. Such vacancy shall be filled by fresh nomination in accordance with the provisions of the Regulation, within thirty days of the vacancy.

- (4) The parties to the proceedings shall be afforded the opportunity to make a

representation before the ICC, challenging —

- (a) the disclosures made by the Presiding Officer and/or member(s) of the ICC under Regulation 6(1) and/or Regulation 6(2), and
- (b) the violation of principles of natural justice on the grounds of bias:

Provided that, in a proceeding of the ICC where a challenge has been made under Regulation 6(4) against the Presiding Officer and/or member(s) of the ICC, such person shall be afforded an opportunity of hearing, but shall not be allowed to be a judge in their own cause.

**7. Powers of ICC —**

- (1) The ICC shall have the power to issue circulars/notifications prescribing its procedure and for the purpose of carrying out and implementing the provisions of the Act and the present Regulation in their spirit and intent.
- (2) The ICC shall have the power to pass any orders to be able to carry out the objectives and mandate of the Act and the Regulation, including directing any party or person to take any suitable action.
- (3) For the purpose of making an inquiry, the ICC shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:
  - (a) summoning and enforcing the attendance of any person and examining them on oath;
  - (b) requiring the discovery and production of documents.

**8. Responsibilities of ICC —** The ICC shall:

- (1) provide assistance if an employee or a student chooses to file a complaint with the police;
- (2) provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining the aggrieved person's rights, and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence;
- (3) protect the identities of the aggrieved person(s), witness(s) and the respondent(s), which shall not be made public, or kept in the public domain especially during the process of the inquiry;

- (4) provide the necessary relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the respondent;
- (5) conduct the inquiry proceedings whilst having utmost regard of the comfort of the aggrieved person. The ICC shall reasonably consider the request of conducting interviews of each person separately and in confidence, and as far as possible, refrain from bringing the alleged victim and the respondent face to face;
- (6) shall not take the past sexual history of the parties into account while establishing and/or deciding on the incident/s of sexual harassment;
- (7) ensure that alleged victim(s) or witness(s) are not victimised or discriminated against while dealing with complaints of sexual harassment; and
- (8) ensure prohibition of retaliation or adverse action against covered individuals because of reason of being engaged in protected activity.

**9. Fees or allowances for Member of the ICC —**

- (1) The member appointed from amongst non- government organisations shall be entitled to an allowance of two hundred rupees per day for holding the proceedings of the ICC and also the reimbursement of travel cost incurred in travelling by train in three-tier air-condition or air-conditioned bus and auto rickshaw or taxi, or the actual amount spent by them on travel, whichever is less.
- (2) The Director shall be responsible for the payment of allowances referred to in Regulation 9(1).

### **CHAPTER III**

### **COMPLAINT**

**10. Complaint of sexual harassment —**

- (1) Any aggrieved person may make, in writing, a complaint of sexual harassment at the University to the ICC, within a period of **three months** from the date of incident and in case of a series of incidents, within a period of **three months** from the date of the last incident:

Provided that where such complaint cannot be made in writing, the Presiding Officer

or any member of the ICC, shall render all reasonable assistance to the person for making the complaint in writing:

Provided further that the ICC may, for the reasons to be recorded in writing, extend the time limit not exceeding another three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.

(2) Where the aggrieved person is unable to make a complaint on account of their physical or mental incapacity or death or otherwise, the following persons may assist the aggrieved person in making the complaint to the ICC, including -

- (i) their legal heir, or;
- (ii) friends, or;
- (iii) relatives, or;
- (iv) colleagues, or;
- (v) co-students, or;
- (vi) psychologist, or;
- (vii) guardian, or;
- (viii) an officer of the National Commission for Women or State Women's Commission (in case the aggrieved person is a woman), or;
- (ix) any person who has knowledge of the incident, with the written consent of the aggrieved person, or;
- (x) any other associate of the victim.

(3) The complaint may be filed in the format provided in “Annexure A” of the Regulation.

#### **11. Conciliation —**

(1) The ICC may, before initiating an inquiry under Regulation 12, at the request of the aggrieved person, take steps to settle the matter between them and the respondent through conciliation:

Provided that monetary settlement shall not be made the sole basis of conciliation.

(2) Where settlement has been arrived at under Regulation 11(1), the ICC shall record the settlement so arrived and forward the same to the Director to take action as specified

in the recommendation. The Director shall take action within **ten days** of the receipt of such recommendation.

- (3) Such settlement shall have the signature of all concerned parties and it shall be mentioned in writing that the settlement has been arrived at with free consent of the parties.
- (4) The ICC shall provide the copies of the settlement as recorded under Regulation 11(2) to the aggrieved person and the respondent.
- (5) Where a settlement is arrived at under Regulation 11(1), no further inquiry shall be conducted by the ICC.
- (6) Where the aggrieved person informs the ICC that any term or condition of the settlement arrived at under Regulation 11(2) has not been complied with by the respondent, the ICC shall proceed to make an inquiry into the complaint.

## **CHAPTER IV**

### **INQUIRY**

#### **12. Procedure –**

- (1) At the time of filing the complaint, the complainant shall submit to the ICC, six copies of the complaint along with supporting documents and the names and addresses of the witnesses.
- (2) On receipt of the complaint, subject to Regulation 6(2), the ICC shall send one of the copies received from the aggrieved person under Regulation 12(1) to the respondent within a period of **seven working days**.
- (3) The respondent shall file their reply to the complaint, along with their list of documents, and names and addresses of witnesses, within a period not exceeding **ten working days** from the date of receipt of the documents specified under Regulation 12(1).
- (4) The ICC shall make inquiry into the complaint in accordance with the principles of natural justice. All the proceedings shall be recorded in writing, preferably in the form of minutes. The record of the proceedings, and the statements of witnesses and parties shall be endorsed and authenticated by the persons concerned as well as by all the members of the ICC. These authenticated reports shall be made available to the parties at the earliest.

- (5) If any party desires to cross-examine any witness, the ICC may facilitate the same and shall record any statement made.
- (6) The ICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or Respondent fails, without sufficient cause, to present themselves for three consecutive hearings convened by the Presiding Officer:
- Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.**
- (7) The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
- (8) Notwithstanding anything in Regulation 13, in conducting the inquiry, it is mandatory for all members of the ICC to be present for all the hearings.
- (9) The inquiry under Regulation 12(1) shall be completed within a period of **forty-five days** from the receipt of the complaint. The ICC shall record in writing, reasons for any delay in completion of the inquiry within the stipulated time period. The same shall be submitted to the Director along with the inquiry report.
- (10) (a) The inquiry report, with recommendations, if any, has to be submitted within **ten days** from the completion of the inquiry to the Director.
- (b) The final inquiry report shall contain the following elements:
- (i) A description of the different aspects of the complaint;
  - (ii) A description of the process followed;
  - (iii) A description of the background information and documents that support or refute each aspect of the complaint;
  - (iv) An analysis of the information obtained;
  - (v) Findings as stated above;
  - (vi) Recommendations.
- (c) A copy of the findings/recommendations shall also be served on the parties to the complaint.
- (11) The Director shall act on the recommendations of the ICC within a period of **thirty days** from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.
- (12) If the Director decides not to act as per the recommendations of the ICC, then the Director shall record written reasons for the same to be conveyed to ICC and both the parties to the proceedings. On the other hand, if the Director decides to act as per the

recommendations of the ICC, then a show cause notice, answerable within **ten days**, shall be served on the party against whom action is decided to be taken. The Director shall proceed only after considering the reply or hearing the concerned parties.

**13. Minor infringement not to invalidate proceedings** — No minor infringement of procedure shall invalidate any proceeding under the Regulation, unless it is shown to cause prejudice to any of the parties.

**14. Support person** —

- (1) Any party to the inquiry proceedings may request the ICC for the appointment of a support person of the party's choice at any stage in the proceedings.
- (2) The ICC shall determine the role of the support person in consultation with the party who has made the request for the same. The support person may be allowed to attend all proceedings along with such party at the discretion of the ICC.

**15. Action during pendency of inquiry** —

- (1) During the pendency of an inquiry, the ICC may suo motu, or at the request of the aggrieved person or any person on their behalf, recommend to the Director to—
  - (a) transfer the aggrieved person or the respondent to another section or department to minimise the risks involved in contact or interaction, if such a recommendation is made by the ICC;
  - (b) grant leave to the aggrieved person with full protection of status and benefits for a period up to three months;
  - (c) restrain the respondent from reporting on the work performance of the aggrieved person or writing their confidential report, or evaluating their work or performance or tests or examinations, and assign the same to another officer;
  - (d) restrain the respondent from supervising any academic activity of the Aggrieved person;
  - (e) ensure that respondent is warned to keep a distance from the aggrieved person, and wherever necessary, if there is a definite threat, restrain their entry into the Campus;
  - (f) take strict measures to provide a conducive environment of safety and protection to the aggrieved person against retaliation and victimisation as a consequence of making a complaint of sexual harassment;

- (g) take any other action which is necessary.
- (2) The leave granted to the aggrieved person under Regulation 15(1) shall be in addition to the leave they would otherwise be entitled to.
- (3) On the recommendation of the ICC under Regulation 15(1), the Director may implement such recommendations, and send the report of such implementation to the ICC. If the Director decided not to act as per the recommendations of the ICC, then the Director shall record written reasons for the same to be conveyed to the ICC and both the parties of the proceedings.

**16. Recommendations of the ICC —**

- (1) Where the ICC arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the Director that no action is required to be taken in the matter.
- (2) Where the ICC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Director, depending on the severity of the offence:
  - (a) where the respondent is an employee,
    - (i) that they shall be punished in accordance with the service rules applicable to such person;
    - (ii) to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine, in accordance with the factors given in Regulation 16(5):

Provided that in case the Director is unable to make such deduction from the salary of the respondent due to them being absent from duty or cessation of employment, it may direct the respondent to pay such sum to the aggrieved person:

- (iii) to prescribe reformatory punishments like mandatory counselling and/or performance of community services;
  - (iv) impose any fine it considers reasonable, to be paid to GNLU, which shall use the amount to achieve the objects of the Regulations.
- (b) where the Respondent is a student, that GNLU may: -



- (i) withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card;
  - (ii) suspend or restrict entry into the Campus for a specific period;
  - (iii) expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants;
  - (iv) award reformative punishments like mandatory counselling and/or performance of community services;
  - (v) impose any fine it considers reasonable, to be paid to GNLU, which shall use the amount to achieve the objects of the Regulations;
  - (vi) award any other punishment that may be necessary.
- (3) (a) In an instance of Third-Party Harassment, the ICC shall recommend to the Director to impose any or a combination of the following penalties: -
- (i) Bar from entering the GNLU Campus;
  - (ii) Withdrawal of certificate or reward for successful completion of or participation in any conference, seminar, programme or competition organized by GNLU;
  - (iii) Warning or reprimand in writing;
  - (iv) Any other appropriate action.
- (b) ICC shall inform the institution or employer of the third party in such cases, of the details of the complaint and the penalty imposed.
- (4) (a) The aggrieved person is entitled to the payment of compensation upon a decision being made in their favour under Regulation 12(10), or by the appellate authority (Director) under Regulation 20.
- (b) The same shall be implemented upon the expiry of the limitation period prescribed for filing an appeal under Regulation 20, or upon the appeal being heard and finally decided in favour of the party concerned, as the case may be.
- (5) GNLU shall issue direction for payment of the compensation recommended by the ICC and accepted by the Director, which shall be recovered from the offender. The compensation payable shall be determined by the ICC on the basis of —
- (a) mental trauma, pain, suffering and distress caused to the aggrieved person;
  - (b) the loss of career opportunity due to the incident of sexual harassment;

- (c) the medical expenses incurred by the victim for physical, psychiatric treatment;
- (d) the income and status of the alleged perpetrator and victim;
- (e) the feasibility of such payment in lump sum or in instalments;
- (f) any other factor that may be considered relevant.

(6) In determining the punishment, the ICC shall consider the previous record of the offender under the Regulation, and in the case of a second or subsequent offence, *shall* prescribe severe punishment.

- 17. Punishment for false or malicious complaint and false evidence** — Where the ICC, arrives at a conclusion that the allegation against the Respondent is malicious or the person making the complaint has made the complaint knowing it to be false or the person making the complaint has produced any forged or misleading document, or any person has given false evidence or produced any forged or misleading document, it may recommend to the Director, to take action against the person who has made the complaint, or such witness:
- (a) if such person was an employee, then in accordance with the provisions of the service rules applicable to them;
  - (b) if the person is a student, then depending upon the severity of the offence, in accordance with Regulation 16(2)(b) and Regulation 16(5):

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

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure provided in Regulation 12, before any action is recommended.

- 18. Prohibition of publication or making known contents of complaint and inquiry proceedings** — Notwithstanding anything contained in the Right to Information Act, 2005 (22 of 2005), the contents of the complaint made under Regulation 10 , the identity and addresses of the aggrieved person, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC, and the action taken by the Director under the provisions of the Regulation shall not be published, communicated or made known to the public, press or media in any manner:

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under the Regulation without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved person and witnesses.

**19. Penalty for publication or making known contents of complaint and inquiry proceedings** — Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of the Regulation, contravenes Regulation 18, the Director shall take action, depending upon the severity of the offence -

- (1) if such person is an employee, in accordance with the provisions of the service rules applicable to the said person.
- (2) if such person is a student, in accordance with Regulation 16(2)(b), and for compensation according to Regulation 16(5).
- (3) if such person is not an employee or a student, as may be considered appropriate.

**20. Appeal before the Director** — An appeal against the findings/recommendations of the ICC may be filed by any party before the Director within a period of **thirty days** from the date of the recommendations.

## **CHAPTER V**

### **DUTIES**

**21. Responsibilities of GNLU** — GNLU shall -

- (1) publicly notify the provisions against sexual harassment and ensure their wide dissemination;
- (2) organise training programmes or as the case may be, workshops for the officers, functionaries, faculty and students, as indicated in the SAKSHAM Report (Measures for Ensuring the Safety of Women and Programmes for Gender Sensitization on Campuses) of the Commission, to sensitize them and ensure knowledge and awareness of the rights, entitlements and responsibilities enshrined in the Act and under the Regulation;

- (3) act decisively against all gender-based violence perpetrated against employees and students of all sexes, recognising that employees and students who are marginalised on the basis of sex, gender identity, and sexual orientation, including marginalisation on the basis of caste, religion, language, place of birth, and ethnicity, are vulnerable to many forms of sexual harassment, humiliation and exploitation;
- (4) publicly commit itself to a zero-tolerance policy towards sexual harassment;
- (5) reinforce its commitment to creating its Campus free from discrimination, harassment, retaliation or sexual assault at all levels;
- (6) create awareness about what constitutes sexual harassment including hostile environment harassment and quid pro quo harassment;
- (7) include in its prospectus and display prominently at conspicuous places or notice boards the penalty and consequences of sexual harassment and make all sections of the institutional community aware of the information on the mechanism put in place for redressal of complaints pertaining to Sexual harassment, contact details of members of the ICC, complaints procedure and so on;
- (8) inform employees and students of the recourse available to them if they are victims of sexual harassment;
- (9) organise regular orientation or training programmes for the members of the ICC to deal with complaints, steer the process of settlement or conciliation, etc., with sensitivity;
- (10) proactively move to curb all forms of harassment of employees and students whether it is from those in a dominant power or hierarchical relationship within GNLU or owing to intimate partner violence or from peers;
- (11) be responsible to assist the student or employee to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force;
- (12) ensure that committees working towards student welfare are sensitive to vulnerabilities and special needs, as vulnerable groups are particularly prone to harassment and also find it more difficult to complain. Vulnerability can be socially compounded by region, gender identity, sex, religion, class, caste, sexual orientation, minority identity and by being differently abled;
- (13) ensure that the guidelines for ethics for Research Supervision are put in place as research students and doctoral candidates are particularly vulnerable;
- (14) conduct a regular and half-yearly review of the efficacy and implementation of their anti-sexual harassment policy;

- (15) ensure that orientation courses for administrators conducted in GNLU must have a module on gender sensitization and sexual harassment issues;
- (16) ensure that counselling services have well trained full-time counsellors;
- (17) ensure that the staff receive gender sensitization training as a part of conditions of appointment. Adequate and well-trained security including a good proportion or balance of women security staff is necessary;
- (18) ensure that Campus safety policies do not result in securitization, such as over monitoring or policing or curtailing the freedom of movement, especially for women, transgender and non-binary Employees and students;
- (19) ensure that the concern for the safety of women students is not be cited to impose discriminatory rules for women in the hostels as compared to male students;
- (20) ensure adequate health facilities. This must include gender sensitive doctors and nurses, as well as the services of a gynaecologist;
- (21) monitor the timely submission of reports by the ICC; and
- (22) prepare an annual status report with details on the number of cases filed and their disposal and submit the same to the Commission.

**22. Duties of the Director** — The Director shall-

- (1) provide a safe working environment at the University with shall include safety from the persons coming into contact at the University;
- (2) display at any conspicuous place in the University, the penal consequences of sexual harassment; and the order constituting the ICC under Regulation 4(1);
- (3) declare the names and contact details of all the members of the ICC;
- (4) provide necessary facilities to the ICC, for dealing with the complaint and conducting an inquiry, including office and building infrastructure (computers, photocopiers, audio-video, equipment, etc.), staff (typists, counselling and legal services) as well as sufficient allocation of financial resources;
- (5) assist in securing the attendance of Respondent and witnesses before the ICC;
- (6) make available such information to the ICC, as it may require having regard to the complaint made Regulation 10(1);
- (7) provide assistance to the aggrieved person if they choose to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force;
- (8) ensure that the provisions for the protection of employees and students from sexual

harassment do not get misused.

**23. Manner of organizing workshops, etc.** — Subject to the provisions of Regulation 22, the Director shall –

- (1) carry out orientation programmes and seminars for the members of the ICC;
- (2) carry out awareness programmes for employees and students and create forum for dialogues which may involve Panchayati Raj Institutions, Gram Sabha, women's groups, mothers' committee, adolescent groups, urban local bodies and any other body as may be considered necessary;
- (3) conduct capacity building and skill building programmes for the members of the ICC;
- (4) use modules developed by the State Government, Central Government and civil society organisations having experience in prevention and redressal of sexual harassment, to conduct workshops and awareness programmes for sensitising the Employees and students with the provisions of the Act.

## **CHAPTER VI**

### **ANNUAL REPORT**

**24. ICC to submit annual report** — The ICC shall, in each academic year, prepare an annual report and submit the same to the Director. The report shall contain the following details-

- (a) number of complaints of sexual harassment received in the year;
- (b) number of complaints disposed-off during the year;
- (c) number of cases pending for more than ninety days;
- (d) number of workshops or awareness programme against sexual harassment carried out;
- (e) nature of action taken by the Director.

**25. Director to include information in annual report** — The Director shall include in its report the number of cases filed, if any, and their disposal under the Regulation in the annual report of GNLU.

**ANNEXURE A**  
**COMPLAINT FORM**  
**[See Regulation 10(3)]**

- Name of the Aggrieved Person:
- Name of the Complainant filing the complaint on behalf of the aggrieved person (where applicable):
- Designation:
- Qualification:
- Contact Details (complete postal address, mobile no., landline no., email id):
  
- Name of the Employer:
- Designation of the Employer:
  
- Date & Time of Incident alleged:
- Brief Details of the incident(s):
  
- Name of the Respondent:
- Power Relation with Respondent:
- Designation of Respondent:
- Employer of Respondent:
  
- Representation/Complaint before any other fora/agency:  
If yes, brief details and copies:
  
- List of Witnesses, if any:  
Witnesses Designation, addresses, contact details:
  
- Relationship with the witnesses, if any:
  
- Any previous grievance/incident caused by Respondent:  
If yes, give details:
  
- Whether the complaint has been filed within 3 months of the incident/last incident:  
If not, give reasons:

- Complaint: Hand-written \_\_\_\_\_ Typed\_\_\_\_\_ Handed-over\_\_\_\_\_ Mailed  
\_\_\_\_\_Posted\_\_\_\_\_
- Give details of mode of filing the complaint:



**ANNEXURE B**  
**DISCLOSURE FORM 1**  
*[See Regulation 6(1)]*

**Date:**

**Name:**

**Designation:**

**Organization/Institution:**

I \_\_\_\_\_, to the best of knowledge, in good faith affirm that-

- I have not been convicted for any offence, or have any inquiry into any offence pending before myself as on the date of this disclosure;
- I have not been found guilty in any disciplinary proceedings in the past, or have any disciplinary proceeding pending against myself as on the date of this disclosure; or
- I will not abuse or take undue advantage of my position so as to render my continuance in office prejudicial to the public interest in any manner.
- I will duly follow the law laid down in the Prevention of Sexual Harassment at The Gujarat National Law University, Redressal of Complaints Regulations, 2022 along with all the other relevant laws for the time being in force.

\_\_\_\_\_

**Sign**

