



Gujarat National Law University

‘SEXUAL HARASSMENT OF WOMEN AT THE GUJARAT NATIONAL LAW UNIVERSITY, REDRESS OF COMPLAINTS REGULATIONS, 2014’

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PREAMBLE

WHEREAS it is mandatory on the part of the University to formulate the regulations under the “Sexual Harassment of Women at Workplace (Prevention, Prohibitions and Redressal) Act, 2013.

WHEREAS the Act aims to provide for protection against the sexual harassment at a workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected thereto and incidental thereto.

WHEREAS it is necessary to have a redressal mechanism in the University to provide for women protection against sexual harassment through a fair inquiry in order to promote the safe environment for women in precincts of Gujarat National Law University.

Gujarat National Law University hereby makes the following regulations:

‘SEXUAL HARASSMENT OF WOMEN AT THE GUJARAT NATIONAL LAW UNIVERSITY, REDRESS OF COMPLAINTS REGULATIONS, 2014’

CHAPTER-I PRELIMINARY

1. Short title, extent and commencement –

- (1) These regulations may be called ‘Sexual Harassment of Women at the Gujarat National Law University, Redress of Complaints Regulations, 2014’.
- (2) These Regulations will be in addition to and not in derogation to the rules and regulations passed by Gujarat National Law University.
- (3) They shall come into force with immediate effect.

2. Definitions- In these regulations, unless the context otherwise requires:—

- (a) “Act” means, “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- (b) "aggrieved woman" means, in relation to the Gujarat National Law University, 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 Gujarat National Law University precincts, and also includes a female of any age, whether employed or not, who claims to be have been subjected to sexual harassment by the person who is an employee of Gujarat National Law University;

- (c) "Appropriate authority" means, in relation to Gujarat National Law University, the sitting Vice chancellor or the Director of Gujarat National Law University;
- (d) "employee" means a person employed at a Gujarat National Law University 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;
- (e) "GNLU" means Gujarat National Law University.
- (f) "GNLU precincts" means the whole premises of the Gujarat National Law University including the Administrative Block, Academic Block, open grounds, parking, Chamber Blocks, libraries, canteens, Hostel, Faculty Quarters, Guest Quarters, health centers and/or any other part of the premises under the control, of the Gujarat National Law University;
- (g) "ICC" means the Internal Complaint Committee constituted and notified as per the mandate of Act by Administrative authority of Gujarat National Law University in writing;
- (h) "Member" means a member of the Internal Complaint Committee;
- (i) "prescribed" means prescribed by the present regulations;
- (j) "respondent" means a person against whom the aggrieved woman has made a complaint under the present regulations;
- (k) "sexual harassment" includes any one or more of the following unwelcome acts or behaviour 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 Gujarat National Law University precincts;
 - (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 specially while holding out career advancements, as an incentive or a natural result of submitting to the insinuations/demands of the respondent;
- (ix) any other unwelcome physical, verbal or nonverbal conduct of sexual nature;
- (x) any promise of preferential treatment in her career with an intention to gain any sexual favour;
- (xi) any threat of detrimental treatment in her career with an intention to gain any sexual favour;
- (xii) any threat about her present or future career with an intention to gain any sexual favour;
- (xiii) any treatment having a sexual colour or content likely to affect her emotional and/or physical health or safety.

3. **Prevention of sexual harassment-** No woman shall be subjected to sexual harassment at the GNLU precincts.

CHAPTER II CONCILIATION

4. **Conciliation-**

(1) The ICC, may, before initiating an inquiry under these regulations 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 ICC, shall record the settlement so arrived and forward the same to the appropriate authority to take action as specified in the recommendation.

(3) The ICC, 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 ICC.

CHAPTER III
COMPLAINT & INQUIRY INTO COMPLAINT

5. Complaint of Sexual Harassment–

- (1) Any aggrieved woman may make a complaint in writing of sexual harassment at the Gujarat National Law University precincts to the ICC through the Member Secretary or any other member of ICC within **three months** of the date of the incident.

Provided that where the aggrieved woman is unable to make such a complaint in writing due to any reason, the Member of the ICC shall render all reasonable assistance to the woman for making the complaint in writing.

- (2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or for any other reason, her legal heir or such other person directly concerned with her interests may make a complaint under this regulation.

6. Inquiry into complaint-

- (1) On receiving a complaint and upon being satisfied with regard to the genuineness of the complaint, the ICC shall conduct a fact finding inquiry.
- (2) The ICC 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, 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 days** of the initiation of inquiry.

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 ICC.

7. Inquiry Report-

- (1) On the completion of an inquiry under these regulations, the ICC shall provide the Inquiry Report of its findings, along with the complete record of the inquiry proceedings including the pleadings and all the material on record to the Appropriate authority, within a period of **Ten days** from the date of completion of the inquiry and such report shall also be made available to the concerned parties.
- (2) Where the ICC arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the Appropriate authority that no action is required to be taken in the matter.
- (3) Where the ICC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Appropriate authority to take appropriate action for sexual harassment.

- (4) Where the ICC arrives at the conclusion that the allegation against the respondent has been proved, it may recommend to Appropriate authority 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 woman or to her legal heirs, as it may determine, in accordance with the provisions of section 15 of the Act.

Provided that in case the Appropriate authority is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman:

Provided further that in case the respondent fails to pay the sum referred to in subsection (4), the Appropriate authority may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

- (5) Where the ICC, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint 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 misleading document, it may recommend to Appropriate authority, to take action against the woman or the person who has made the complaint.

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

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

- (6) Where the ICC, arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the Appropriate authority to take appropriate actions.
- (7) The Appropriate authority shall act upon the recommendations within **sixty days** of receipt of inquiry report.

8. 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 ICC, subject to the provisions of Section 12 of the Act, if it considers it fit and proper, may recommend specific interim measures to the Appropriate authority, who on receipt thereof 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) The Appropriate authority shall implement the recommendations of ICC made under subsection 1 and send the report of such implementation to the ICC

CHAPTER-IV
POWERS & DUTIES

9. 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 regulations 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 present regulations 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 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.

10. Duties –

- (1) The ICC in coordination with and with the assistance of the Appropriate authority shall-
 - (i) 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;
 - (ii) submit timely reports to Appropriate authority and concerned officer as mandated in Act;
 - (iii) take any other action and/or measures to ensure an effective and meaningful implementation of the Act and present regulations.

CHAPTER V
MISCELLANEOUS

11. 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 ICC and the action taken by the ICC 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 ICC acceding to the said request and recommending to Appropriate authority.

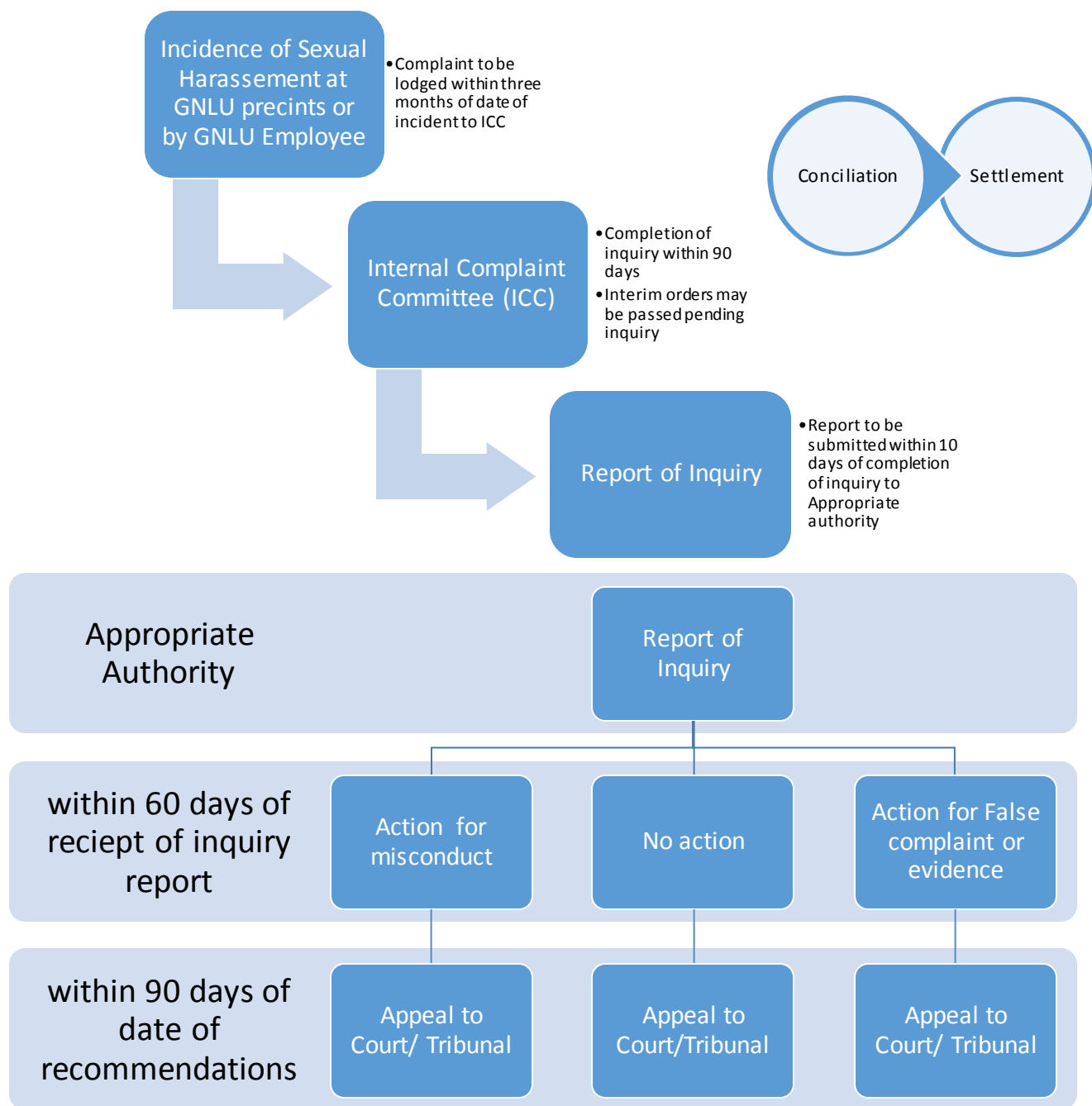
- (2) Upon the respondent being found guilty, information may be disseminated regarding the justice secured to any victim of sexual harassment under these regulations without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

12. Protection of action taken in good faith-

No suit, prosecution or other legal proceedings shall lie against the Appropriate authority or ICC 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.

13. 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.



Flowchart: Procedure to be followed for the Redress of Complaints under this Regulation