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HIGH COURT OF JUDICATURE AT PATNA

NOTIFICATION

31st July, 2026

No. 1015(R) — In compliance of the directions of the Hon'ble Supreme Court of India, as contained in the order dated 17-07-2013 passed in Writ Petition (Civil) No. 162 of 2013, in the matter of Ms. Binu Tamta & Anr V/S High Court of Delhi & Ors., the High Court of Judicature at Patna here by approves and adopt "THE GENDER SENSITIZATION & SEXUAL HARASSMENT OF WOMEN AT HIGH COURT OF JUDICATURE AT PATNA (PREVENTION, PROHIBITION AND REDRESSAL) REGULATIONS 2026".

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PREAMBLE

WHEREAS Gender Discrimination and Sexual Harassment results in violation of the fundamental rights of a woman to equality under Article 14 and 15 of the Constitution of India and her right to life and 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 safe environment free from Sexual Harassment under Articles 19(1) (g) of the Constitution of India;

AND WHEREAS sensitization against Discrimination on basis of gender and the protection against Sexual Harassment and the right to work and live with dignity are universally recognized human right by International Conventions and Instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India;

AND WHEREAS it is expedient to make provisions for giving effect to the Convention for Protection of Women against Sexual Harassment at High Court of Judicature at Patna precincts;

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 of Judicature at Patna and for redressal of any complaints that may be lodged in the High Court of Patna.

CHAPTER-I
PRELIMINARY

1. ***Short title extent and commencement:-***

(1) These Regulation may be called the High Court of Judicature at Patna Gender Sensitization & Sexual Harassment of Women (Prevention, Prohibition and Redressal) Regulation, 2026.

(2) They shall come into force with effect from 1st August, 2026.

2. ***Definitions:-***

In these Regulations, unless the context otherwise requires-

(a) ***"aggrieved woman"*** means, in relation to the High Court of Judicature at Patna 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 Judicature at Patna precincts;

(b) ***"appropriate authority"*** means in relation to the High Court of Judicature at Patna, the sitting Chief Justice or Acting Chief Justice of the High Court of Judicature at Patna.

(c) ***"Chairperson"*** means the Chairperson of the Complaints Committee of the High Court of Judicature at Patna.

(d) ***"Member"*** means a member of the Complaint Committee.

(e) ***"Respondent"*** means a person against whom a complaint of sexual harassment has been received by the PHCGSICC of the High Court of Judicature at Patna.

(f) ***"PHCGSICC"*** means Patna High Court Gender Sensitization and Internal Complaint Committee constituted under the Regulation 4.

(g) ***"High Court of Judicature at Patna precincts"*** means the whole premises of the High Court of Judicature at Patna including the court block, open grounds, parking, chamber blocks, libraries, canteens, bar-rooms, health centers and/or any other part of the premises under control of the Hon'ble Chief Justice of the High Court of Judicature at Patna.

(h) ***"Prescribed"*** means prescribed by the present Regulations.

(i) ***"Sexual Harassment"*** includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:-

(i) physical contact and advances; or

(ii) a demand or request for sexual favours; or

(iii) making sexually coloured remarks; or

(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 Judicature at Patna 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 favor 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;

(ix) any other unwelcome physical, verbal or non-vernal 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;

(j) ***"Employer"*** means disciplinary authority as per service rule.

3. ***Prevention of sexual harassment.***—No women shall be subjected to sexual harassment at the High Court of Judicature at Patna precincts.

CHAPTER-II

Constitution of Patna High Court Gender Sensitization and Internal Complaint Committee.

4. ***Constitution of High Court of Judicature at Patna Gender Sensitization and Internal Complaint Committee:-***

(1) High Court of Judicature at Patna Gender Sensitization and Internal Complaints committee shall be constituted to fulfill a very important public function of sensitizing the public to gender issues and to address any complaints made with regard to sexual harassment at the High Court of Judicature at Patna.

(2) The Chief Justice of High Court of Judicature at Patna by an order in writing, shall constitute a committee to be known as the Patna High Court Gender Sensitization and Internal Complaint Committee (PHCGSICC) which shall consist of not less than 4 members and shall include the following as far as practicable: -

(a) One Judge preferably senior most women judge of the High Court of Judicature at Patna, who shall be the Chairperson of

the Committee to be nominated by The Chief Justice of High Court of Judicature at Patna.

(b) One Female member of any of the Bar Association of High Court of Judicature at Patna with at least 10 years of membership of the Bar Association concerned to be nominated by the Hon'ble Chief Justice of High Court of Judicature at Patna.

(c) Not less than 2 female members from amongst employees in the service of the High Court of Judicature at Patna to be nominated by the Hon'ble Chief Justice of High Court of Judicature at Patna. Out of two female members one female member shall be an officer not below the rank of the District Judge and other female member shall be an officer not below the rank of Deputy Registrar.

(3) Any other member that the Chief Justice of High Court of Judicature at Patna may deem fit to nominate.

Provided that it shall be ensured that the majority of the members of the PHCGSICC shall be women members.

(4) The Chairperson/ Presiding Officer and every member of the Internal Complaint Committee shall hold office for such period, not exceeding 3 years from the date of their nomination or as may be specified by the Chief Justice of High Court of Judicature at Patna.

(5) Where the Presiding Officer or any Member of the Internal Complaint Committee, -

(a) Contravenes the provisions of section 16; 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 him; or

(c) Has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or

(d) Has so abused his position as to render his continuance in office prejudicial to the public interest,

Such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

CHAPTER-III
COMPLAINT

5. ***Complaint of Sexual Harassment:-***

(1) Any aggrieved woman may make, in writing, a complaint of sexual harassment at High Court of Judicature at Patna precincts to the PHCGSICC, 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 last incident:

Provided that where such complaint cannot be made in writing, the Presiding Officer/ Chairperson or any Member of the Internal Complaint Committee shall render all reasonable assistance to the woman for making the complaint in writing;

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

(2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this Regulation.

6. ***Conciliation:-***

(1) The Internal Complaint Committee may, before, initiating an inquiry under section 7 and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation.

(2) Where settlement has been arrived at under sub-section (1), the Internal Compliant Committee, as the case may be, shall record the settlement so arrived and forward the same to the Hon'ble the Chief Justice of High Court of Judicature at Patna for necessary action.

(3) The Internal Complaint Committee, as the case may be, shall provide the copies of the settlement as recorded under sub-section (2) to the aggrieved woman and the respondent.

(4) Where a settlement is arrived at under sub-section (1), no further inquiry shall be conducted by the Internal Complaint Committee.

7. **Inquiry into Complaint:-**

(1) Subject to the provisions of section 7, the Internal Complaint Committee, as the case may be, shall, where the respondent is an employee, proceed, to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and if *prima facie* case exist, forward the complaint to the police, within a period of seven days for registering the case under section 79 of BNS (section 509 of IPC), and any other relevant provisions of the said Code where applicable:

Provided that where the aggrieved woman informs the Internal Complaint Committee, as the case may be, that any terms or condition of the settlement arrived at under sub- section (2) of section 6 has not been complied with by the respondent, the Internal Complaint Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police:

Provided further that where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

(2) Notwithstanding anything contained in under section 79 of BNS (Section 509 of IPC), the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provisions of section 10.

(3) For the purpose of making an inquiry under sub-section (1), the Internal Complaint Committee, as the case may be, 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 matter, namely: -

(a) Summoning and enforcing the attendance of any person and examining him on oath;

(b) Requiring the discovery and production of documents; and

(c) Any other matter which may be prescribed.

(4) The inquiry under sub-section (1) shall be completed within a period of ninety days.

8. ***Inquiry Report:-***

(1) On the completion of an inquiry under these Regulation, the Internal Complaint Committee shall provide the inquiry report of its findings along with the complete record of the inquiry proceeding including the pleading and all the materials on record to the Hon'ble the Chief Justice of High Court of Judicature at Patna within a period of ten days from the date of completion of the inquiry.

(2) Where the Internal Complaint Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend in its report that no such action is required to be taken in the matter.

(3) Where the Internal Complaint Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend in its report to take appropriate action for gender discrimination and/or sexual harassment.

(4) Upon consideration of the materials on record and the inquiry report of the Internal Complaint Committee, the Hon'ble Chief Justice of High Court of

Judicature at Patna shall pass orders either accepting or rejecting the inquiry report of the Internal Complaint Committee and thereafter pass consequent orders that may be appropriate and necessary for putting an end to the sexual harassment and take all steps to secure justice to the victim of sexual harassment.

9. ***Punishment for false or malicious complaint and false evidence: -***

(1) Where the Internal Complaint Committee, as the case may be, 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 as the case may be, to take action against the woman or the person who has made the complaint under sub-section (1) or sub-section (2) of section 5, as the case may be, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed:

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 recommended.

(2) Where the Internal Complaint Committee, as the case may be, 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 employer of the witness, as the case may be, to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.

10. **Order on Inquiry Report:-**

(1) Subject to Regulation 7 (1) above, the employer 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 cause list and High Court of Judicature at Patna website;

(c) Prohibition from harassing the victim in any manner including, but not limited to, prohibition from communicating with her in any manner such as phones, messages, electronic means, physical or other means for a specified period; and

(d) Subject to Regulation 10(2), pass all orders, direction and/or direct taking steps necessary for putting an end to the sexual harassment of the aggrieved woman.

(2) The Internal Complaint Committee will also have the power to recommend to the Chief Justice of High Court of Judicature at Patna to pass orders against the respondent including, but not limited to the following:

(a) Debarment of entry into the High Court of Judicature at Patna precincts for a specified period extending up to a maximum period of one year; 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 for taking appropriate action and the Chief Justice of High Court of Judicature at Patna may pass orders thereon.

(3) The Internal Complaint Committee shall pass orders on the inquiry report and/ or shall make recommendations and submit its inquiry report along with complete record to the Chief Justice of High Court of Judicature at Patna for necessary action.

(4) The Internal Complaint Committee shall have the jurisdiction to look into a complaint, to inquire into a complaint and take any action thereon notwithstanding that any criminal complaint or any other complaint under any other law may have been filed with respect to the same complaint/ actions.

(5) The orders of the Chief Justice of High Court of Judicature at Patna and the Internal Complaint Committee shall be final and binding on the parties.

11. ***Prohibition of publication or making known contents of complaints and inquiry proceedings.***—Notwithstanding anything contained in the Right to Information Act, 2005 (22 of 2005), the contents of the complaint made under section 5, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee, as the case may be, and the action taken by the employer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner:

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

12. ***Penalty for publication or making known contents of complaints 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 this Act, contravenes the provisions of section 11, he shall be liable for penalty in accordance with the provisions of the service rules applicable to the

said person or where no such service rules exist, in such manner as may be prescribed.

13. ***Appeal:-***

(1) Any person aggrieved from the recommendations made under sub-section (2) of section 8 or under sub-section (3) of section 8 or section (9) or section (12) or non- implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.

(2) The appeal under sub-section (1) shall be preferred within a period of ninety day of the recommendations.

CHAPTER-IV
Power and Duties

14. ***Power of- Patna High Court Gender Sensitization and Internal Complaint Committee (PHCGSICC*) :-**

(1) The PHCGSICC 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 Regulation in their spirit and intent.

(2) The PHCGSICC shall have the power to pass any order to be able to carry out the objectives and mandates of the present Regulation including directing any party or person to take any suitable action.

(3) For the purpose of making an inquiry, the PHCGSICC 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:

(a) Summoning and enforcing the attendance of any person and examining him on oath;

(b) Requiring the discovery and production of documents; and

(c) Any other matter which may be prescribed.

(4) The PHCGSICC may make request to Hon'ble the Chief Justice, Patna High Court for removal of any member of the Committee and appoint a new member in his/her place, only if it is of the view that such a member has acted prejudicially to the principles of natural justice, fair play and has acted biasedly in the conduct of the inquiry.

(5) The Chief Justice, Patna High Court shall at all times have supervisory powers over the Committee and it may issue directions to the PHCGSICC from time to time in accordance with the provisions of the present Regulations.

15. ***Duties.***—The PHCGSICC in coordination with and with the assistance of the office of the High Court of Judicature at Patna shall-

(a) Take measures to provide a safe working environment for women at the High Court of Judicature at Patna precincts;

(b) Display at all conspicuous place in the High Court of Judicature at Patna and on its website, the penal consequences of sexual harassment and the order constituting the Committee under the present Regulation;

(c) Display at all conspicuous place in the High Court of Judicature at Patna and on its website, the status and outcome of complaints of sexual harassment;

(d) Organize workshops and awareness programs at regular intervals for sensitizing the persons carrying out work at the High Court of Judicature at Patna premises with the provisions of the present Regulations and orientation programs for the members of the Committee in the manner as may be prescribed;

(e) Provide necessary facilities to the Committee for dealing with the complaint and conducting an inquiry;

(f) Assist in securing the attendance of respondent and the witnesses before the Committee;

(g) Obtain such information as it may require having regard to the complaint;

(h) Cause to initiate action, under the Bharatiya Nyay Sanhita or any other law for the time being in force, against the respondent and/or the perpetrator;

(i) Monitor the timely submission of reports; and

(j) Take any other action and/or measures to 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 addresses of the aggrieved woman, respondent and witnesses, any information relating to the inquiry proceedings, recommendations of the PHCGSICC and the action taken by the PHCGSICC 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 PHCGSICC acceding to the said request.

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

17. ***Protection of action taken in good faith.***—No suit, prosecution or other legal, proceedings shall lie against the Chief Justice of the High Court of Judicature at Patna, PHCGSICC and/or its members in respect of anything which is done for intended to be done in good faith in pursuance of these Regulations and the circulars/orders/notifications issued thereunder.

18. ***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.

By Order
Dr. R. K. Singh-I
Registrar General I/c.

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