



राष्ट्रीय फैशन प्रौद्योगिकी संस्थान
National Institute of Fashion Technology
स्थापना विभाग, निफ्ट मुख्यालय
Establishment Department, NIFT Head Office
हौज़ खास, नई दिल्ली
Hauz Khas, New Delhi

No. 1275(1)/NIFT/HO/Estt.II/Constitution of ICC/2019/28

dated 15.10.2026

कार्यालय ज्ञापन / OFFICE MEMORANDUM

विषय / Subject: महिलाओं का कार्यस्थल पर लैंगिक उत्पीड़न (निवारण, प्रतिषेध एवं प्रतितोष) अधिनियम, 2013 की धारा 4 के अंतर्गत NIFT मुख्यालय के कर्मचारियों तथा NIFT परिसरों के समूह 'क' एवं 'ख' के अधिकारियों के संबंध में आंतरिक शिकायत समिति (ICC) का पुनर्गठन – संबंध में।

Re-constitution of the Internal Complaints Committee (ICC) in respect of employees of NIFT Head Office and Group 'A' and 'B' officials of NIFT Campuses under Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 – reg.

महिलाओं का कार्यस्थल पर लैंगिक उत्पीड़न (निवारण, प्रतिषेध एवं प्रतितोष) अधिनियम, 2013 की धारा 4 के प्रावधानों के अंतर्गत तथा कार्यालय ज्ञापन संख्या 1275(1)/NIFT/HO/Estt-II/Constitution of ICC/2019/531 दिनांक 29.04.2024, जिसे बाद में दिनांक 07.07.2026 के कार्यालय ज्ञापन द्वारा संशोधित किया गया था (प्रतियां संलग्न), के अधिक्रमण में, महानिदेशक, NIFT के अनुमोदन से NIFT मुख्यालय के कर्मचारियों तथा NIFT के सभी परिसरों में कार्यरत समूह 'क' एवं 'ख' के अधिकारियों के संबंध में आंतरिक शिकायत समिति (ICC) का निम्नानुसार पुनर्गठन किया जाता है: /Under the provisions of Section 4 of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' and in supersession of Office Memorandum No.1275(1)/NIFT/HO/Estt-II/Constitution of ICC/2019/531 dated 29.04.2024 subsequently amendment vide OM dated 07.07.2026 (**copy enclosed**), DG-NIFT has reconstituted the Internal Complaints Committee (ICC) of NIFT Head Office in respect of employees of NIFT Head Office and Group 'A' and 'B' officials of all NIFT Campuses as under:

1. अध्यक्ष / **Chairperson** – प्रो. (डॉ.) रूबी कश्यप / Prof. (Dr.) Ruby Kashyap, NIFT, नई दिल्ली / New Delhi
2. सदस्य / **Member** – प्रो. (डॉ.) गुलनाज़ बानो / Prof. (Dr.) Gulnaz Bano, NIFT, बेंगलुरु / Bengaluru
3. सदस्य / **Member** – डॉ. शुभांगी यादव / Dr. Shubhangi Yadav, एसोसिएट प्रोफेसर / Associate Professor, NIFT, गांधीनगर / Gandhinagar
4. बाह्य सदस्य / **External Member** – श्रीमती एल.वी. जयश्री / Mrs. L.V. Jayashree, निदेशक / Director, SPASTN, तमिलनाडु / Tamil Nadu
5. सदस्य-संयोजक / **Member-Convenor** – श्री कुशल जांगिड / Shri Kushal Jangid, निदेशक / Director, NIFT, दमन / Daman

2. NIFT मुख्यालय की आंतरिक शिकायत समिति का कार्यकाल इस कार्यालय ज्ञापन के जारी होने की तिथि से तीन वर्ष की अवधि के लिए होगा/The tenure of the ICC-NIFT, HO shall be for a period of three years from the date of issue of this OM.

3. शिकायत प्राप्त होने पर, समिति आरोपों की सत्यता का पता लगाने के लिए आवश्यक जांच करेगी। इस संबंध में समिति विशाखा दिशा-निर्देशों तथा महिलाओं का कार्यस्थल पर लैंगिक उत्पीड़न (निवारण, प्रतिषेध एवं प्रतितोष) अधिनियम, 2013 के प्रावधानों का अनुपालन करेगी। जांच के दौरान संबंधित दस्तावेजी साक्ष्य एकत्र किए जाएंगे तथा शिकायतकर्ता और संभावित गवाहों के बयान दर्ज किए जाएंगे। जांच की कार्यवाही कार्मिक एवं प्रशिक्षण विभाग (DoPT) के कार्यालय ज्ञापन संख्या 11013/2/2014-Estt.(A-

III) दिनांक 16.07.2015 तथा कार्यस्थल पर कार्यरत महिलाओं के लैंगिक उत्पीड़न की रोकथाम से संबंधित दिनांक 04.11.2022 के कार्यालय जापन, यथामय संशोधित, के अनुसार की जाएगी। (प्रतियां संलग्न)/On receipt of a complaint, the ICC shall conduct necessary enquiries in accordance with the Vishakha Guidelines as well as 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' ('the Act') to ascertain the truth of the allegations by collecting documentary evidence and recording statements of possible witnesses including the complainant, as per provisions/Steps for conducting inquiry in case of allegation of sexual harassment issued vide DoPT OM no. 11013/2/2014-Estt.(A-III) dated 16.07.2015 and DoPT OM on.166756656557 dated 04th November, 2022, regarding prevention of sexual harassment of working women at workplace as amended from time to time.(copy enclosed)

4. प्रारंभिक जांच के उपरांत, समिति अपनी रिपोर्ट तथा जांच की कार्यवाही के दौरान प्रस्तुत किए गए सभी मूल दस्तावेजों सहित सक्षम अनुशासनिक प्राधिकारी को प्रस्तुत करेगी। यदि शिकायत में वर्णित आरोप प्रथम दृष्टया लैंगिक उत्पीड़न की प्रकृति के नहीं पाए जाते हैं, तो समिति उचित कार्यवाई हेतु मामला रजिस्ट्रार को संदर्भित कर सकती है।/The ICC shall then submit the preliminary enquiry report to the Competent Disciplinary Authority along with all the original documents produced during the preliminary enquiry proceedings. In case the allegations do not appear to be in the nature of sexual harassment, the ICC may refer matter to the Registrar for appropriate action.

5. यदि किसी शिकायत का संबंध ऐसे NIFT परिसर से है, जहां समिति का कोई सदस्य कार्यरत है, तो संबंधित सदस्य उस विशिष्ट शिकायत की जांच में भाग नहीं लेंगे। ऐसी स्थिति में महानिदेशक, NIFT द्वारा किसी अन्य सदस्य को नामित किया जाएगा।/In case of a complaint is related to a campus in which member(s) of the Committee is/are working, the said ICC member(s) shall not participate in that specific enquiry. In such a case, another Member(s) shall be nominated by the DG-NIFT.

6. यह कार्यालय जापन सक्षम प्राधिकारी के अनुमोदन से जारी किया जाता है।/This issues with the approval of the Competent Authority.



प्रो. (डॉ.) राहुल चंद्र / Prof. (Dr.) Rahul Chandra
पंजीयक / Registrar

सेवा में / To:

1. आंतरिक शिकायत समिति के सभी सदस्य – नवगठित ICC, NIFT मुख्यालय तथा पूर्व ICC, NIFT मुख्यालय।
All Members of the newly re-constituted ICC, NIFT Head Office, and members of the previous ICC, NIFT Head Office.
2. सभी परिसर निदेशक/संयुक्त निदेशक – इस अनुरोध के साथ कि इस कार्यालय जापन की जानकारी संबंधित सभी अधिकारियों/कर्मचारियों को देते हुए आवश्यक अनुपालन सुनिश्चित करें।
All Campus Directors/Joint Directors, with a request to bring this Office Memorandum to the notice of all concerned for information and compliance.
3. मुख्य सतर्कता अधिकारी (CVO)/डीन (शैक्षणिक)/निदेशक (मुख्यालय)/निदेशक (वित्त एवं लेखा)/निदेशक (आईटी)।
CVO/Dean (Academics)/Director (HO)/Director (F&A)/Director (IT).
4. मुख्य प्रशासनिक अधिकारी (CAO)/सभी विभागाध्यक्ष/सभी सीपी।
CAO/All Heads/All CPs.
5. उप निदेशक (प्रवेश)/विधि अधिकारी/सतर्कता अधिकारी/उप निदेशक (NRC), NIFT मुख्यालय।
DD (Admissions)/Legal Officer/Vigilance Officer/DD (NRC), NIFT Head Office.
6. महानिदेशक, NIFT के निजी सचिव।
PS to DG, NIFT.
7. NIFT मुख्यालय एवं सभी परिसरों के सूचना पट्ट।
Notice Boards at NIFT Head Office and all NIFT Campuses.



राष्ट्रीय फैशन प्रौद्योगिकी संस्थान
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Establishment Department, NIFT Head Office
हौज खास, नई दिल्ली
Hauz Khas, New Delhi

Copy

No. 1275(1)/NIFT/HO/Estt.II/Constitution of ICC/2019 /02

07.07.2026

OFFICE MEMORANDUM

Subject: Reconstitution of an Internal Complaints Committee (ICC) in respect of the employees of NIFT Head Office and Group 'A' and 'B' officials of all NIFT Campuses under Section 4 of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013'- reg.

Ref; 1. Estt Dept. NIFT H.O O.M no. 1275(1)/NIFT/HO/Estt.II/Constitution of ICC/2019/531 dt. 29.04.24
2. Estt Dept. NIFT H.O O.M no.1275(1)/NIFT/HO/Estt.II/Constitution of ICC/2019 dt 24. 09.25

With reference to this office O.M (s) dated 29.04.2024 & 24.09.2025 (Copy enclosed for ready reference) on the above subject, the Competent Authority has decided to reconstitute the ICC of NIFT – Head Office by nominating Mrs. L. V. Jayashree, Director, SPASTN, as External Member in place of Ms. Nirmala Prabhakaran, President, YWCA-Delhi - External Member for remaining tenure of the Committee i.e upto 28th April, 2027. Other terms and conditions of the O.M referred as reference at sr.no. 1 above will be same.

2. The revised composition of the ICC of NIFT – Head Office is as follows:

1. Prof (Dr) Divya Satyan, NIFT Chennai - Chairperson
2. Shri Partha Seal, Associate Professor, NIFT Kolkata -Member
3. Ms. Shubhangi Yadav, Associate Professor, NIFT Gandhinagar - Member
4. Mrs. L. V. Jayashree, Director, SPASTN, Tamilnadu --External Member
5. Shri Deepak Rana, Deputy Director(F&A), NIFT Kangra - Member-Convenor

This issues with the approval of the Competent Authority.

Encl: As above

(Dr. Rahul Chandra)
Registrar

To

1. All Members of the ICC, NIFT H.O.
2. CVO/ Dean(A)/Director (HO)/Director(F&A)/Director (IT)
3. All Campus Directors/Joint Directors- with the request to bring the above to the notice of all concerned for information and compliance
4. All Heads of the Units/All Chairpersons of the Academic Departments
5. Dy. Director (Admissions)/Legal Officer/Vigilance Officer NIFT-HO
6. PS to DG-NIFT



राष्ट्रीय फैशन प्रौद्योगिकी संस्थान
National Institute of Fashion Technology
स्थापना विभाग, निफ्ट मुख्यालय
Establishment Department, NIFT Head Office
हौज़ खास, नई दिल्ली
Hauz Khas, New Delhi

No. 1275(1)/NIFT/HO/Estt.II/Constitution of ICC/2019

24.9.2025

OFFICE MEMORANDUM

Subject: Reconstitution of an Internal Complaints Committee (ICC) in respect of the employees of NIFT Head Office, NIFT and Group 'A' and 'B' officials of NIFT Campuses under Section 4 of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013'-reg.

With reference to this office order No. 1275(1)/NIFT/HO/Estt.II/Constitution of ICC/2019 dated 29th April, 2024 on the above subject. Due to the administrative reasons the Competent Authority has decided to reconstitute the ICC of NIFT – Head Office by nominating Shri Deepak Rana, Deputy Director(F&A), NIFT Kangra as Member- Convener in place of Shri Brijesh Deore, Joint Director, NIFT Kolkata.

2. The revised composition of the ICC of NIFT – Head Office is as follows:

1. Prof (Dr) Divya Satyan, NIFT Chennai - Chairperson
2. Shri Partha Seal, Associate Professor, NIFT Kolkata - Member
3. Ms. Shubhangi Yadav, Associate Professor, NIFT Gandhinagar - Member
4. Ms. Nirmla Prabhakaran, President, YWCA-Delhi - External Member
5. Shri Deepak Rana, Deputy Director(F&A), NIFT Kangra - Member-Convener -

This issues with the approval of the Competent Authority.

(Dr. Rahul Chandra)
Registrar

To

1. All Members of the ICC, NIFT H.O.
2. CVO/ Dean(A)/Director (HO)/Director(F&A)/Director (IT)
3. All Campus Directors/Joint Directors- with the request to bring the above to the notice of all concerned for information and compliance
4. All Heads of the Units/All Chairpersons of the Academic Departments
5. Dy. Director (Admissions)Legal Officer/Vigilance Officer NIFT-HO
6. PS to DG-NIFT
7. Guard File



राष्ट्रीय फैशन प्रौद्योगिकी संस्थान
National Institute of Fashion Technology
स्थापना विभाग, निफ्ट मुख्यालय
Establishment Department, NIFT Head Office
हौज़ खास, नई दिल्ली
Hauz Khas, New Delhi

No. 1275(1)/NIFT/HO/Estt.II/Constitution of ICC/2019/531

dated 29th April, 2024

कार्यालय ज्ञापन / OFFICE MEMORANDUM

Reference: 1. No. 1275(1)/NIFT/HO/Estt.II/Constitution of ICC/2019/497 dated 22nd March, 2024
2. No. 1275(1)/NIFT/HO/Estt.II/Constitution of ICC/2019/495 dated 21st March, 2024

Sub: Reconstitution of ICC-HO upon change of chairperson - Reconstitution of Internal Complaints Committee (ICC) in respect of the employees of NIFT Head Office, NIFT and Group 'A' and 'B' officials of NIFT Campuses under Section 4 of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013'-reg.

Under the provisions of Section 4 of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' and in supersession of Office Memorandum No. 1275(1)/NIFT/HO/Estt-II/Constitution of ICC/2019 dated 21st December, 2020, DG-NIFT has reconstituted the Internal Complaints Committee (ICC) in respect of employees of NIFT Head Office and Group 'A' and 'B' officials of all NIFT Campuses as under:

- 1) Chairperson - Prof (Dr) Divya Satyan, NIFT Chennai
- 2) Member - Shri Partha Seal, Associate Professor, NIFT Kolkata
- 3) Member - Ms. Shubhangi Yadav, Associate Professor, NIFT Gandhinagar.
- 4) External Member - Ms. Nirmala Prabhakaran, President, YWCA-Delhi
- 5) Member-Convenor - Shri Brijesh Deore, Joint Director, NIFT Kolkata

2. The tenure of the ICC-HO shall be for a period of three years from the date of issue of this OM.

3. On receipt of a complaint, the ICC shall conduct necessary enquiries in accordance with the Vishakha Guidelines as well as 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' ('the Act') to ascertain the truth of the allegations by collecting documentary evidence and recording statements of possible witnesses including the complainant. The ICC shall then submit the preliminary enquiry report to the Competent Disciplinary Authority along with all the original documents produced during the preliminary enquiry proceedings. In case the allegations do not appear to be in the nature of sexual harassment, the ICC may refer matter to the Registrar for appropriate action.

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4. In case of a complaint is related to a campus in which member(s) of the Committee is/are working, the said ICC member(s) shall not participate in that specific enquiry. In such a case, another Member(s) shall be nominated by the DG-NIFT.
5. This issues with the approval of the Competent Authority.



कर्नल विक्रान्त लखनपाल / Col. Vikrant Lakhnarpal
पंजीयक / Registrar

सेवा में / To

1. All Members – Newly reconstituted ICC-HO and Previous ICC-HO
2. Prof. Dr. Malini Divakala, NIFT Hyderabad
3. All Campus Directors/Joint Directors- with the request to bring the above to the notice of all concerned for information and compliance
4. CVO/ Dean(A)/Director(HO)/Director(F&A)/Director(IT)
5. CAO/Joint Director, NIFT Head Office
6. All Heads/All CPs
7. DD(Estt)/DD(Admissions)Legal Officer/Vigilance Officer/DD(NRC), NIFT-HO
8. PS to DG-NIFT
9. Notice Board at NIFT Head Office/Campuses

Copy

No.DOPT-1667566576557
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training
ESTT.(Estt. A-III)

(Dated 04 November, 2022)

OFFICE MEMORANDUM

Prevention of sexual harassment of working women at workplace

In the case of Vishaka and Ors Vs State of Rajasthan and Ors (JT 1997 (7) SC 384), the Hon'ble Supreme Court had laid down the guidelines and norms to be observed to prevent sexual harassment of working women. In pursuance to the pronouncement of this judgement, Department of Personnel and Training took the following steps:

- (i) Guidelines/ Norms of the Hon'ble Supreme Court were circulated by Department of Personnel & Training vide OM No. 11013/10/97-Estt.(A) dated 13.02.1998 for strict compliance by the Ministries/ Departments.
- (ii) Amendments in Central Civil Services (Conduct) Rules, 1964 were also carried out by inserting the Rule 3-C declaring Sexual Harassment of Working Women as a misconduct, vide Notification No. 11013/10/97-Estt.(A) dated 13.02.1998 published in Gazette of India as G.S.R. 49 dated 07.03.1998
- (iii) Subsequently, Central Civil Services (Classification, Control & Appeal) Rules, 1965 were also amended by inserting a provision below sub-rule 2 of Rule 14 in connection with treatment of the Complaint Committee as Inquiring Authority and to follow the procedure as laid down in these Rules to hold inquiry into the complaints of Sexual Harassment. This was notified vide Notification No. 11012/5/2001-Estt.A dated 01.07.2004 published in Gazette of India vide G.S.R. No. 225 dated 10.07.2004

2. Later on, the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' {SHWW (PPR) Act} was promulgated on 22.04.2013. The 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013' were notified on 09.12.2013. The Act and the Rules framed thereunder provide a redressal mechanism for handling cases of sexual harassment of women at workplace.

3. Thus, the provisions relating to handling cases of sexual harassment of women at workplace are scattered across SHWW (PPR) Act, Central Civil Services (Conduct) Rules, 1964, Central Civil Services (Classification, Control and Appeal) Rules, 1965, etc. In addition, a number of executive instructions covering different aspects of this issue have been issued from time to time. Now, with a view to facilitate the Ministries/Departments and other stake holders in proper implementation of these provisions, a need has been felt to consolidate these provisions and place the same in the public domain for easy access as and when required. Accordingly, the relevant provisions of the Act/Rules/executive instructions have been compiled as under:

(A) DEFINITION OF "SEXUAL HARASSMENT" AND "WORKPLACE"

Section 2(n) and 2(o) of the SHWW (PPR) Act defines "Sexual Harassment" and "Workplace" respectively. The same have been incorporated through an amendment in the CCS (Conduct) Rules, 1964 as under:

"Rule 3C - Prohibition of sexual harassment of working women

- (1) No Government servant shall indulge in any act of sexual harassment of any woman at any work place.*
- (2) Every Government servant who is in charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.*

Explanation- 1 For the purpose of this rule,

(a) "sexual harassment" includes any one or more of the following acts or behaviour, (whether directly or by implication), namely:—

- (i) physical contact and advances; or*
- (ii) demand or request for sexual favours; or*
- (iii) sexually coloured remarks; or*
- (iv) showing any pornography; or*
- (v) any other unwelcome physical, verbal, non-verbal conduct of a sexual nature.*

(b) The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment: -

- (i) implied or explicit promise of preferential treatment in employment; or*
- (ii) implied or explicit threat of detrimental treatment in employment; or*
- (iii) implied or explicit threat about her present or future employment status; or*
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or*
- (v) humiliating treatment likely to affect her health or safety.*

(c) "workplace" includes, -

- (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 the Central Government;*
- (ii) hospitals or nursing homes;*

- (iii) *any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;*
- (iv) *any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;*
- (v) *a dwelling place or a house."*

(Rule 3-C of the CCS (Conduct) Rules, 1964)

(B) COMPLAINTS COMMITTEE:

- ❖ Complaints Committees have been set up in all Ministries/Department and organizations under them in pursuance to the judgement of the Hon'ble Supreme Court in the *Vishakha* case. As per Section 4(1) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("the Act"), the Internal Complaints Committee (referred to as "Complaints Committee" hereafter) is to be set up at every workplace. As per Section 4(2), this will be headed by a woman and at least half of its members should be women. In case a woman officer of sufficiently senior level is not available in a particular office, an officer from another office may be so appointed. To prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committees should involve a third party, either an NGO or some other body which is familiar with the issue of sexual harassment.

[Para 1 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

❖ Section 4 of the SHWW (PPR) Act-

"4. Constitution of Internal Complaints Committee.— (1) Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee":

Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the Internal Committee shall be constituted at all administrative units or offices.

(2) The Internal Committees shall consist of the following members to be nominated by the employer, namely: —

(a) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees:

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section(1):

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer

shall be nominated from any other workplace of the same employer or other department or organisation;

- (b) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;*
- (c) one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:*
- (3) The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.*
- (4) The Member appointed from amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed.*
- (5) Where the Presiding Officer or any Member of the Internal 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) he 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."

[Section 4 of the SHWW (PPR) Act]

❖ **Seniority of the Chairperson of the Complaint Committee-**

There is no bar either in the CCS (CCA) Rules or under the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* to the Chairperson of the Complaints Committee being junior to the suspect officer or the charged officer. Hon'ble Allahabad High Court has in *Smt. Shobha Goswami vs State of U.P. and 2 Ors*, in WRIT – A No. – 31659 of 2015 observed as follows:

"In my opinion, there is nothing in the Scheme of the section which requires the lady member to be senior in rank to the officer against whom the allegation of sexual harassment are brought. The language of Section 4 of the Act only requires the lady member to be the Senior Level".

This also does not in any way cause any prejudice to the charged officer.

[Para 2 of OM No. 11013/2/2014-Estt.A-III dated 09.09.2016]

❖ **Complaints Committee to be Inquiring Authority**

As per Proviso to Rule 14(2) of CCS (CCA) Rules, 1965, in case of complaints of sexual harassment, the Complaints Committee set up in each Ministry or Department etc. for inquiring into such complaints shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority for the purpose of these rules. Complaints Committee, unless a separate procedure has been prescribed, shall hold the inquiry as far as practicable in accordance with the procedure laid down in the Rule 14.

[Para 6 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

❖ **Proviso to Rule 14(2) of the CCS (CCA) Rules, 1965-**

"Provided that where there is a complaint of sexual harassment within the meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964, the Complaints Committee established in each Ministry or Department or Office for inquiring into such complaints, shall be deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into the complaints of sexual harassment, the inquiry as far as practicable in accordance with the procedure laid down in these rules."

[Proviso to Rule 14(2) of the CCS (CCA) Rules, 1965]

(C) INQUIRY INTO COMPLAINT [FIRST STAGE]

- The Complaints Committees may act on complaints of sexual harassment when they receive them directly or through administrative authorities etc, or when they take cognizance of the same suo-moto. As per **Section 9 (1) of the Act**, the aggrieved woman or complainant is required to make a complaint within three months of the incident and in case there has been a series of incidents, three months of the last incident. The Complaints Committee may however extend the time limit for reasons to be recorded in writing, if it is satisfied that the circumstances were such which prevented the complainant from filing a complaint within the stipulated period.
- As mentioned above, the complaints of sexual harassment are required to be handled by Complaints Committee. On receipt of a complaint, facts of the allegation are required to be verified. This is called preliminary enquiry/fact finding enquiry or investigation. The Complaints Committee conducts the investigation. They may then try to ascertain the truth of the allegations by collecting the documentary evidence as well as recording statements of any possible witnesses including the complainant. If it becomes necessary to issue a Charge Sheet, disciplinary authority relies on the investigation for drafting the imputations, as well as for evidence by which the charges are to be proved. Therefore this is a very important part of the investigation.

[Para 7 and 8 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

➤ **Section 9 of the the SHWW (PPR) Act**

"9. Complaint of sexual harassment.— (1) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, 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 or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing:

Provided further that the Internal Committee or, as the case may be, the Local Committee may, 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 section."

[Section 9 of the SHWW (PPR) Act]

➤ **Rule 6 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013**

"6. Complainant of Sexual Harassment.- For the purpose of sub-Section (2) of Section 9,-

(i) Where the aggrieved women is unable to make a complaint on account of her physical incapacity, a complaint may be filed by –

- (a) her relative or friend; or
- (b) her co-worker; or
- (c) an officer of the National Commission for Women or State Women's Commission; or
- (d) any person who has knowledge of the incident, with the written consent of the aggrieved women;

(ii) where the aggrieved women is unable to make a complaint on account of her mental incapacity, a complaint may be filed by-

- (a) her relative or friend; or
- (b) a special educator; or
- (c) a qualified psychiatrist or psychologist; or
- (d) the guardian or authority under whose care she is receiving treatment or care; or
- (e) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;

- (iii) where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent;
- (iv) where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir."

➤ **Section 11 of the SHWW (PPR) Act**

"11. Inquiry into complaint.— (1) Subject to the provisions of section 10, the Internal Committee or the Local 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 where no such rules exist, in such manner as may be prescribed or in case of a domestic worker, the Local Committee shall, if prima facie case exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code (45 of 1860), and any other relevant provisions of the said Code where applicable:

Provided that where the aggrieved woman informs the Internal Committee or the Local Committee, as the case may be, that any term or condition of the settlement arrived at under sub-section (2) of section 10 has not been complied with by the respondent, the Internal Committee or the Local 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 section 509 of the Indian Penal Code (45 of 1860), 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 15.

(3) For the purpose of making an inquiry under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall have the same powers as are vested in a civil court 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 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."

➤ **Rule 7 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013**

"7. Manner of Inquiry into complaint.- (1) Subject to the provisions of section 11, at the time of filing the complaint, the complainant shall submit to the Complaints Committee, six copies of the complaint along with supporting documents and the names and addresses of the witness.

(2) On receipt of the complaint, the Complaints Committee shall send one of the copies received from the aggrieved woman under sub-rule(1) to the respondent within a period of seven working days.

(3) The respondent shall file his reply to the complaint along with his 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 sub-rule(1).

(4) The Complaints Committee shall make inquiry into the complaint accordance with the principles of natural justice.

(5) The Complaints Committee 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 herself or himself for three consecutive hearings convened by the Chairperson or Presiding Officer, as the case may be:

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.

(6) 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 Complaints Committee.

(7) In conducting the inquiry, a minimum of three Members of the Complaints Committee including the Presiding Officer or the Chairperson, as the case may be, shall be present."

- On the completion of an inquiry under this Act, the Complaints Committee shall provide a report of its findings to the employer within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.

[Section 13(1) of the SHWW (PPR) Act]

- Where the Complaints Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.

[Section 13(2) of the SHWW (PPR) Act]

- Where the Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent.

[Section 13(3)(i) of the SHWW (PPR) Act]

(D) INQUIRY UNDER CCS (CCA) RULES, 1965 [SECOND STAGE]**❖ Dual Role**

- In the light of the Proviso to the Rule 14 (2) mentioned above, the Complaints Committee would normally be involved at two stages. The first stage is investigation already discussed in the preceding para. The second stage is when they act as Inquiring Authority. It is necessary that the two roles are clearly understood and the inquiry is conducted as far as practicable as per Rule 14 of CCS (CCA) Rules, 1965. Failure to observe the procedure may result in the inquiry getting vitiated.
- As the Complaints Committees also act as Inquiring Authority in terms of Rule 14(2) mentioned above, care has to be taken that at the investigation stage that impartiality is maintained. Any failure on this account may invite allegations of bias when conducting the inquiry and may result in the inquiry getting vitiated. As per the instructions, when allegations of bias are received against an Inquiring Authority, such Inquiring Authority is required to stay the inquiry till the Disciplinary Authority takes a decision on the allegations of bias. Further, if allegations of bias are established against one member of the Committee on this basis, that Committee may not be allowed to conduct the inquiry.
- In view of the above, the Complaints Committee when investigating the allegations should make recommendations on whether there is a prima facie substance in the allegations which calls for conducting a formal inquiry. They should avoid making any judgmental recommendations or expressing views which may be construed to have prejudiced their views while conducting such inquiry.

[Para 9 to 11 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

❖ Decision to issue Charge sheet. and conducting Inquiry

- On receipt of the Investigation Report, the Disciplinary Authority should examine the report with a view to see as to whether a formal Charge Sheet needs to be issued to the Charged Officer. As per Rule 14(3), Charge Sheet is to be drawn by or on behalf of the Disciplinary Authority. In case the Disciplinary Authority decides on that course, the Charged Officer should be given an opportunity of replying to the Charge sheet. As per Rule 14 (5), a decision on conducting the inquiry has to be taken after consideration of the reply of the charged officer.
- If the Charged Officer admits the charges clearly and unconditionally, there will be no need for a formal inquiry against him and further action may be taken as per Rule 15 of the CCS (CCA) Rules.

[Para 12 and 13 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

❖ The Inquiry-stages

- In case the Charged Officer denies the charges and his reply is not convincing, the Charge sheet along with his reply may be sent to the Complaints Committee for formal inquiry, and documents mentioned in Rule 14 (6) will be forwarded to the Complaints Committee. As per Section 11(3) of the Act, for the purpose of making an inquiry, the Complaints Committee 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.
- The Disciplinary Authority shall also in terms of Rule 14(5)(c) appoint a Government servant as a Presenting Officer to present evidence on behalf of prosecution before the Complaints Committee/ Inquiring Authority. The listed documents are to be sent to the Presenting Officer. The Complaints Committee would, thereafter, summon the Presenting Officer and the Charged Officer. As a first step, the charged officer would be formally asked as to whether he admits the charges. As mentioned above, in case of any clear and unconditional admission of any Article of Charge, no inquiry would be held in respect of that Article and the admission of the Charged Officer would be taken on record. The inquiry would be held, thereafter, in respect of those charges which have not been admitted by the Charged Officer. The Charged Officer is also entitled to engage a Defence Assistant. The provisions relating to Defence Assistant are given in Rule 14(8).
- The Inquiring Authority is, thereafter, required to ask the Presenting Officer to have the prosecution documents, listed in the Charge Sheet inspected by the Charged Officer. Copies of such documents, if not only given to the Charged Officer, would be handed over to him. The Charged Officer would, therefore, be required to submit a list of documents and witnesses which he wants to produce in support of his defense. The Inquiring Authority would consider allowing such documents or witnesses on the basis of their relevance. Normally, any document or witness which reasonably appears to be relevant and helpful in defense may be allowed. Once the documents have been allowed, the Inquiring Authority would send a requisition for these documents to the custodian of such documents.
- When the regular hearing commences, the Inquiring Authority would ask the Presenting Officer to produce the documentary evidence. Such documents as are disputed by the Charged Officer have to be proved by the witnesses before they are taken on record. The undisputed documents would be taken on record and marked as exhibits.

[Para 14 to 17 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

❖ **Examination of Witnesses**

- Summons would, thereafter, be sent to the witnesses listed in the Charge sheet. The Presenting Officer may choose to produce them in any order he finds appropriate. These witnesses would be examined in the inquiry in the following manner. The examination in chief would be done by the Presenting Officer where the Presenting Officer may ask questions of the witness to ascertain the facts. The witness would, thereafter, be cross-examined by the Defense. After the cross-examination, the Presenting Officer would be given an opportunity to re-examine the witness. In the examination in chief, leading questions are not allowed. These are however allowed in the cross examination.
- The procedure of Inquiry requires opportunity to the Charged Officer to cross-examine all the witnesses that appear on behalf of the Prosecution. Failure to do so may be construed as a denial of reasonable opportunity to the charged officer, resulting in vitiation of the Inquiry. If the complainant appears as a witness, she would also be examined and cross-examined. The Inquiry Officer may however disallow any questions which are offensive, indecent or annoying to the witnesses, including the complainant.
- If Inquiring Authority wishes to ascertain some facts for clarity, he may pose questions to the witnesses. This should however, be done in such a manner as to not show any bias for or against the Charged Officer. This has to be done in the presence of the Presenting Officer and the Charged Officer/Defence Assistant. No inquiry should be conducted behind the back of the charged officer. The witnesses will be examined one by one, and the other witness who are either yet to be examined, or have been examined are not allowed to be present during the examination of a witness.

[Para 18 to 20 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

❖ Daily Order Sheet

The Inquiring Authority would also maintain a document called Daily Order Sheet in which all the main events of the inquiry and including requests/representations by the Charged Officer or the Presenting Officer, and decisions thereon would be recorded. For example (i) if the Charged Officer refuses to cross-examine the witnesses, this should be recorded in the Daily Order Sheet (ii) the Daily Order Sheet should record that the Charged Officer had been advised that he has the right to engage a Defense Assistant (iii) it should also be clearly mentioned that the Charged Officer was also informed as to who are eligible to assist him as Defense Assistant. (iv) the Daily Order Sheet should also record in case request of the Charged Officer for engaging a particular person as Defense Assistant is disallowed in the light of the existing instructions. Daily Order Sheet should be signed by the Inquiring Authority, Presenting Officer and the Charged Officer/Defence Assistant.

[Para 21 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

❖ Defence Evidence

After the prosecution evidence is over, the Charged Officer is required to submit his statement of defense. In this statement, the Charged Officer is required to briefly indicate his line of defense. After this, the Defense evidence will be taken. The evidence will be produced in the same order as the prosecution evidence. First, the documents allowed by the Inquiry Authority would be taken on record and then the witnesses called and their examination, cross-examination and re-examination done. The only difference here would be that the Examination in Chief would be done by defense while the cross-examination would be done by the prosecution. The defense would then have the opportunity of re-examining the witness.

[Para 22 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

❖ **General Examination of the Charged Officer**

After the Defense evidence is over, the Inquiring Authority shall ask Charged Officer as to whether he wishes to appear as his own witness. In case he does so, he will be examined like any other defense witness. In case however, he declines to do so, the Inquiring Authority is required to generally question him. At this stage due care is required to be exercised that as per Rule 14(18) the purpose of this stage is to apprise Charged Officer of the circumstances which appear to be against him. This is to enable the Charged Officer to explain them to the Inquiring Authority. Presenting Officer and the Defence Assistant do not take any part in the General Examination. Charged Officer may not be compelled to answer questions during examination by the Inquiring Authority.

[Para 23 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

❖ **Brief**

- After this, the Presenting Officer would be asked to submit his brief. A copy of this brief would be given to the Charged Officer. Both the Presenting Officer and the Charged Officer may be allowed reasonable time for submission of their brief.
- The Inquiring Authority then writes the Inquiry Report in which the evidence in support of the charges and against them will be examined. The Report should be a speaking one clearly bringing out as to the evidence on the basis of which any particular conclusion has been reached. Based on this analysis, the Inquiring Authority will give its findings on the Articles as proved or not proved. In case any Article of charge is proved only partially, then the Inquiring Authority should record the extent to which that Article has been proved.

[Para 24 and 25 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

❖ **Powers of the Committee to make recommendations**

- Normally, the Inquiry Officer is not allowed to make any recommendations in his report. Here the function of the Complaints Committee acting as the Inquiring Authority differs.

The Complaints Committee will also have the powers to recommend:-

- (a) to transfer the aggrieved woman or the charged officer to any other workplace; or
- (b) to grant leave to the aggrieved woman up to a period of three months. (The leave will not be deducted from her leave account).
- (c) to grant such other relief to the aggrieved woman as may be prescribed; or
- (d) to deduct from the salary or wages of the charged officer such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs. Any amount outstanding at the time of cessation of the services of the charged officer due to retirement, death or otherwise may be recovered from the terminal benefits payable to the officer or his heirs. Such compensation will not amount to penalty under Rule 11 of CCS (CCA) Rules in terms of the Explanation (ix) to Rule 11.
- (e) to take action against complainant, if the allegation is malicious, or the complainant knows it to be false, or has produced any forged or misleading document.
- (f) to take action against any witness if such witness has given false evidence or produced any forged or misleading document.
[Para 6 and 7 of the OM No. 11013/2/2014-Estt.A-III dated 27.11.2014]
[Para 5 and 26 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]
- (g) The Complaints Committee at the written request of the aggrieved women may recommend to the employer to-
 - i. restrain the respondent from reporting on the work performance of the aggrieved women or written her confidential report, and assign the same to another officer;
 - ii. restrain the respondent in case of an educational institution from supervising any academic activity of the aggrieved women.

[Rule 8 of the SHWW (PPR) Rules, 2013]

➤ Rule 48 of CCS (Leave) Rules, 1972 [Special Leave connected with inquiry on sexual harassment]:

"48. Special Leave connected to inquiry of sexual harassment - Leave upto a period of 90 days may be granted to an aggrieved female Government Servant on the recommendation of the Internal Committee or the Local Committee, as the case may be, during the pendency of inquiry under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the leave granted to the

aggrieved female Government Servant under this rule shall not be debited against the leave account".

[Rule 48 of CCS (Leave) Rules, 1972]

➤ Explanation (ix) to Rule 11 of the CCS (CCA) Rules, 1965

"Explanation.—The following shall not amount to a penalty within the meaning of this rule, namely:—

(ix) Any compensation awarded on the recommendation of the Complaints Committee referred to in the proviso to sub-rule (2) of rule 14 and established in the Department of the Government of India for inquiring into any complaint of sexual harassment within the meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964"

❖ **Prohibition of publication or making known contents of complaint and inquiry proceedings.—**

- The Complaints Committee should also remember that as per the Section 16 of the Act, notwithstanding the RTI Act, 2005, information as regards identity and addresses of the aggrieved woman, respondent and witnesses, Inquiry proceedings, Recommendations of the Committee, shall not be published or communicated or made known to public, press or media in any manner. Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

[Para 27 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

➤ **Section 16 and 17 of the SHWW (PPR) Act**

"16.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 section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, and the action taken by the employer or the District Officer 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."

- **17. 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 this Act, contravenes the provisions of section 16, 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.*

- ❖ With the above stage, the inquiry would be formally over. The Inquiring Authority should prepare separate folders containing the documents mentioned in Rule 14(23) ((ii) of CCS (CCA) Rules, 1965
[Para 28 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

❖ **Suspension of the Charged Officer**

A Government servant may also be placed under suspension before or after issue of a Charge Sheet where his continuance in office will prejudice the investigation, for example if there is an apprehension that he may tamper with witnesses or documents. Suspension may also be resorted to where continuance of the Government servant in office will be against wider public interest such as there is a public scandal and it is necessary to place the Government servant under suspension to demonstrate the policy of the Government to deal strictly with officers involved in such scandals. It may be desirable to resort to suspension in case of misdemeanor involving acts of moral turpitude.

[Para 29 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

❖ **Transfer of Charged Officer:**

To ensure fair inquiry, Ministries/ Departments may also consider transferring the suspect officer/ charged officer to another office to obviate any risk of that officer using the authority of his office to influence the proceedings of the Complaints Committee.

[Para 3 of OM No. 11013/2/2014-Estt.(A-III) dated 09.09.2016]

❖ **Special provisions to deal with threats or intimidation**

Disciplinary Authority may also dispense with inquiry under Rule 19(ii), and action may be taken without the inquiry when the Disciplinary Authority concludes that it is not reasonably practicable to hold such an inquiry. The circumstances leading to such a conclusion may exist either before the inquiry is commenced or may develop in the course of the inquiry. Such situation would be deemed to have arisen:

- (i) where the Government servant, through or together with his associates terrorizes, threatens or intimidates witnesses who are likely to give evidence against him with fear of reprisal in order to prevent them from doing so; or
- (ii) where the Government servant himself or with or through others threatens, intimidates and terrorizes the Disciplinary Authority, Members of the Committee, the Presenting Officer or members of their family.

[Para 30 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

- ❖ Disciplinary Authority is not expected to dispense with the inquiry lightly, arbitrarily or with ulterior motive or merely because the case against the Government servant is weak.

[Last Para of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

(E) APPEAL UNDER SECTION 18(1) OF THE SHWW (PPR) ACT, 2013 BY THE COMPLAINANT

- Where a Complaint Committee has not recommended any action against the employee against whom the allegation have been made in a case of involving allegations of sexual harassment, the Disciplinary Authority shall supply a copy of the Report of the Complaints Committee to the complainant and shall consider her representation, if any submitted, before coming to a final conclusion. The representation shall be deemed to be an appeal under section 18(1) of the Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

[Para 3 of OM No. 11012/5/2016-Estt.A-III dated 02.08.2016]

➤ Section 18 of the the SHWW (PPR) Act [Appeal]

"18 Appeal.—(1) Any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clause (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or subsection (2) of section 14 or section 17 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 days of the recommendations."

(F) Sexual Harassment electronic-Box (She-Box)

- Ministry of Women & Child Development launched an online complaint management system titled Sexual Harassment electronic-Box (She-Box) on 24th July, 2017 for registering complaints related to sexual harassment at workplace. The She-Box is an initiative to provide a platform to the women working or visiting any office of Central Government (Central Ministries, Departments, Public Sector Undertakings, Autonomous Bodies and Institutions etc.) to file complaints related to sexual harassment at workplace under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- Once a complaint is submitted to She-Box, it will be directly sent to the Internal Complaint Committee (ICC) of the concerned Ministry/ Department/ PSU/ Autonomous Body etc. having jurisdiction to inquire into the complaint. The She-Box also provides an opportunity to both the complainant and nodal administrative authority to monitor the progress of inquiry conducted by the ICCs. The She-Box portal can be accessed at the link given below:

<http://www.shebox.nic.in/>

➤ Features of the She-Box are as under:

- (i) She-Box is an online Complaint Management System for lodging complaints related to sexual harassment of women at workplace. The steps required for filing of complaint through She-Box can be downloaded from the link: <http://www.shebox.nic.in/assets/site/downloads/manual.pdf>
 - (ii) Any woman working or visiting any office of Central Government (Central Ministries, Departments, Public Sector Undertakings, Autonomous Bodies and Institutions etc.) can file complaint related to sexual harassment at workplace through this She-Box.
 - (iii) Once a complaint is submitted to the She-Box, it will directly send the complaint to the Internal Complaints Committee (ICC) of the concerned Ministry/ Department/ PSU/ Autonomous Body etc. having jurisdiction to inquire into the complaint. The Internal Complaints Committee will take action as prescribed under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and update the status of the complaint through '**Administrator Login**'.
 - (iv) The status of complaint can be viewed at any time by pressing the tab '**View Status of Your Complaint**' within She-Box.
- The complaint registered in the She-Box contains only a brief description of the incident of sexual harassment at workplace. The Internal Complaints Committee (ICC) is required to initiate inquiry as prescribed under Section 11 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 read with Department of Personnel & Training's O.M. No.11013/2/2014-Estt.(A-III) dated 16th July, 2015 by calling upon the complainant to provide detailed complaint along with all the relevant evidences (documentary or otherwise).

(G) Duties of the employer-

➤ **Rule 3C(2) of the CCS (Conduct) Rules, 1964**

Every Government servant who is incharge of a work place shall take appropriate steps to prevent sexual harassment to any woman at the work place.

➤ **Section 19 of the the SHWW (PPR) Act [Duties of employer]**

"19. Duties of employer.— Every employer shall—

- (a) provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;*
- (b) display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee under sub-section (1) of section 4;*
- (c) organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;*
- (d) provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;*
- (e) assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;*
- (f) make available such information to the Internal Committee or the Local Committee, as the case be, as it may require having regard to the complaint made under sub-section (1) of section 9;*
- (g) provide assistance to the woman if she so chooses 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;*
- (h) cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;*
- (i) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;*
- (j) monitor the timely submission of reports by the Internal Committee"*

[Section 19 of the SHWW (PPR) Act]

- It should be ensured that Complaints Committee shall at all time be in existence and changes in its composition, whenever necessary, should be made promptly and adequately publicized. The composition of the Complaint Committee should also be posted on the website of the concerned Ministries/ Departments/ Office concerned. It would also be desirable for the Committees to meet once a quarter, even if there is no live case, and review preparedness to fulfil all requirements of the Vishakha judgment in the Department/ Ministry/ organization concerned.

[OM No. 11013/2/2014-Estt.A-III dated 02.02.2015]

- It should be ensured that the aggrieved women are not victimized in connection with the complaints filed by them. For a period of five years after a decision in a proven case of sexual harassment, a watch should be kept to ensure that she is not subjected to vendetta. She should not be posted under the Respondent, or any other person where there may be a reasonable ground to believe that she may be subjected to harassment on this account. In case of any victimization the complainant may submit a representation to the Secretary in the case of Ministries/Departments and Head of the Organization in other cases. These representations should be dealt with sensitivity, in consultation with the Complaints Committee, Ministries/Department and Head of the Organization in other cases. These representations should be dealt with sensitivity, in consultation with the Complaints Committee, and a decision taken within 15 days of the submission of the same.

[Para 3 of the OM No 11013/7/2016-Estt.A-III dated 22.12.2016]

- All Ministries/Department shall furnish a **monthly report** to the Ministry of Women and Child Development giving details of number of complaints received, disposed of and action taken in the case.

[Para 4 of the OM No 11013/7/2016-Estt.A-III dated 22.12.2016]

(H) **Provisions regarding preparation of Annual Report by Complaints Committee**

➤ **Section 21 of the the SHWW (PPR) Act**

"21. Committee to submit annual report.— (1) The Internal Committee or the Local Committee, as the case may be, shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and the District Officer.

(2) The District Officer shall forward a brief report on the annual reports received under sub-section (1) to the State Government."

➤ **Rule 14 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013**

"14. Preparation of annual report.- The annual report which the Complainants Committee shall prepare under Section 21, shall have 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 employer or District Officers."*

(I) **Provisions regarding preparation of Annual Report by Employer**

- Attention of all Ministries is invited to Section 22 of the Act relating to including information in Annual Report, and to request that information relating to number of cases filed, if any, and their disposal may be included in the Annual Report of the Ministry/ Department.

[Para 6 of the OM No. 11013/2/2014-Estt.A-III dated 02.02.2015]

➤ **Section 22 of the the SHWW (PPR) Act**

"22. Employer to include information in annual report.—The employer shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report of his organisation or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer"

(J) **Miscellaneous-**

- Fees or allowance for Member of the Complaints Committee is mentioned in Sexual Harassment of Women at Workplace (Prevention, Prohibition or Redressal) Rules, 2013

Note: In case any reference to the relevant OM is required, the same may be accessed by clicking on the hyperlink or from the DOPT's website.

Annexure 9

F. No. 11013/2/2014-Estt (A-III)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

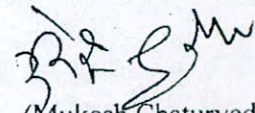
North Block, New Delhi
Dated July 16th, 2015

OFFICE MEMORANDUM

Subject: Steps for conducting inquiry in case of allegation of Sexual Harassment

Undersigned is directed to say that during the meeting of the Chairpersons of Complaints Committees with Secretary (Personnel) on the 16th April, 2015 it was suggested that the Department of Personnel and Training may prepare a step guide for conduct of inquiry in complaint cases of sexual harassment. Rule 14(2) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 lays down that the Complaints Committee established in each Ministry or Department for inquiring into complaints of sexual harassment shall hold such inquiry as far as practicable in accordance with the procedure laid down in these Rules.

2. The annexed guide on "*Steps for Conduct of Inquiry in complaints of Sexual Harassment*" is intended to give the procedure as prescribed in the rules/instructions. This is, however, not intended as a substitute for reference to the Rules and instructions. Members of the Complaints Committees and others who are required to deal with such inquiries should acquaint themselves with Central Civil Services (Classification, Control and Appeal) Rules, 1965, and instructions issued thereunder.


(Mukesh Chaturvedi)
Director (E)

To

The Secretaries of All Ministries/Departments
(as per the standard list)

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Secretary, Union Public Service Commission, New Delhi.
8. The Secretary, Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
10. National Commission for Scheduled Castes, New Delhi.
11. National Commission for Scheduled Tribes, New Delhi.
12. National Commission for OBCs, New Delhi.
13. Secretary, National Council (JCM), 13, Feroze Shah Road, New Delhi.
14. CVOs of all Ministries/Departments.
15. ADG (M&C), Press Information Bureau, DoP&T
- ✓ 16. NIC, Department of Personnel & Training, North Block, New Delhi (for uploading the same on the website of this Ministry under the Head OMs & Orders Establishment Conduct Rules).
17. Hindi Section, DoP&T

Steps for Conduct of Inquiry in Complaints of Sexual Harassment

Complaints Committees

1. Complaints Committees have been set up in all Ministries/Department and organisations under them in pursuance to the judgement of the Hon'ble Supreme Court in the *Vishakha* case. As per Section 4(1) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013("the Act"), the Internal Complaints Committee (referred to as "Complaints Committee" hereafter) is to be set up at every workplace. As per Section 4(2), this will be headed by a woman and at least half of its members should be women. In case a woman officer of sufficiently senior level is not available in a particular office, an officer from another office may be so appointed. To prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committees should involve a third party, either an NGO or some other body which is familiar with the issue of sexual harassment.

What is Sexual Harassment?

2. "sexual harassment" includes any one or more of the following acts or behaviour, (whether directly or by implication), namely:—

- (i) physical contact and advances; or
- (ii) demand or request for sexual favours; or
- (iii) sexually coloured remarks; or
- (iv) showing any pornography; or
- (v) any other unwelcome physical, verbal, non-verbal conduct of a sexual nature.

3. The following circumstances, among other circumstances, in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment: -

- (i) implied or explicit promise of preferential treatment in employment; or
- (ii) implied or explicit threat of detrimental treatment in employment ; or
- (iii) implied or explicit threat about her present or future employment status; or
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) humiliating treatment likely to affect her health or safety.

Workplace defined:

4. As per Section 2(o) of the Act, the following places are included within the ambit of the expression "workplace":

- (i) any department, organisation, undertaking, establishment, enterprise, institution, office, etc. --established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the Central Government;
- (ii) hospitals or nursing homes;
- (iii) any sports institute, stadium, etc., used for training, sports or other activities relating thereto;
- (iv) any place visited by the employee arising out of or during the course of employment --including transportation provided by the employer for undertaking such journey;

Initial relief

5. The Committee will also have the powers to recommend:-

- (a) to transfer the aggrieved woman or the charged officer to any other workplace; or
- (b) to grant leave to the aggrieved woman up to a period of three months.
(The leave will not be deducted from her leave account.)

Complaints Committee to be Inquiring Authority

6. As per Proviso to Rule 14(2) of CCS (CCA) Rules, 1965, in case of complaints of sexual harassment, the Complaints Committee set up in each Ministry or Department etc. for inquiring into such complaints shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority for the purpose of these rules. Complaints Committee, unless a separate procedure has been prescribed, shall hold the inquiry as far as practicable in accordance with the procedure laid down in the Rule 14.

Need for investigation

7. The Complaints Committees may act on complaints of sexual harassment when they receive them directly or through administrative authorities etc, or when they take cognizance of the same suo-moto. As per Section 9(1) of the Act, the aggrieved woman or complainant is required to make a complaint within three months of the incident and in case there has been a series of incidents, three months of the last incident. The Complaints Committee may however extend the time limit for reasons to be recorded in writing, if it is satisfied that the circumstances were such which prevented the complainant from filing a complaint within the stipulated period.

8. As mentioned above, the complaints of sexual harassment are required to be handled by Complaints Committee. On receipt of a complaint, facts of the allegation are required to be verified. This is called preliminary enquiry/fact finding enquiry or investigation. The Complaints Committee conducts the investigation. They may then try to ascertain the truth of the allegations by collecting the documentary evidence as well as recording statements of any possible witnesses including the complainant. If it becomes necessary to issue a Charge Sheet, disciplinary authority relies on the investigation for drafting the imputations, as well as for evidence by which the charges are to be proved. Therefore this is a very important part of the investigation.

Dual Role

9. In the light of the Proviso to the Rule 14 (2) mentioned above, the Complaints Committee would normally be involved at two stages. The first stage is investigation already discussed in the preceding para. The second stage is when they act as Inquiring Authority. It is necessary that the two roles are clearly understood and the inquiry is conducted as far as practicable as per Rule 14 of CCS (CCA) Rules, 1965. Failure to observe the procedure may result in the inquiry getting vitiated

10. As the Complaints Committees also act as Inquiring Authority in terms of Rule 14(2) mentioned above, care has to be taken that at the investigation stage that impartiality is maintained. Any failure on this account may invite allegations of bias when conducting the inquiry and may result in the inquiry getting vitiated. As per the instructions, when allegations of bias are received against an Inquiring Authority, such Inquiring Authority is required to stay the inquiry till the Disciplinary Authority takes a decision on the allegations of bias. Further, if allegations of bias are established against one member of the Committee on this basis, that Committee may not be allowed to conduct the inquiry.

11. In view of the above, the Complaints Committee when investigating the allegations should make recommendations on whether there is a prima facie substance in the allegations which calls for conducting a formal inquiry. They should avoid making any judgmental recommendations or expressing views which may be construed to have prejudiced their views while conducting such inquiry.

Decision to issue Charge sheet, and conducting Inquiry

12. On receipt of the Investigation Report, the Disciplinary Authority should examine the report with a view to see as to whether a formal Charge Sheet needs to be issued to the Charged Officer. As per Rule 14(3), Charge Sheet is to be drawn by or on behalf of the Disciplinary Authority. In case the Disciplinary Authority decides on that course, the Charged Officer should be given an opportunity of replying to the Charge sheet. As per Rule 14(5), a decision on conducting the inquiry has to be taken after consideration of the reply of the charged officer.

13. If the Charged Officer admits the charges clearly and unconditionally, there will be no need for a formal inquiry against him and further action may be taken as per Rule 15 of the CCS (CCA) Rules.

The Inquiry-stages

14. In case the Charged Officer denies the charges and his reply is not convincing, the Charge sheet along with his reply may be sent to the Complaints Committee for formal inquiry, and documents mentioned in Rule 14 (6) will be forwarded to the Complaints Committee. As per Section 11(3) of the Act, for the purpose of making an inquiry, the Complaints Committee 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.

The Section 11(4) of the Act requires that the inquiry shall be completed within a period of ninety days.

15. The Disciplinary Authority shall also in terms of Rule 14(5) (c) appoint a Government servant as a Presenting Officer to present evidence on behalf of prosecution before the Complaints Committee/ Inquiring Authority. The listed documents are to be sent to the Presenting Officer. The Complaints Committee would, thereafter, summon the Presenting Officer and the Charged Officer. As a first step, the charged officer would be formally asked as to whether he admits the charges. As mentioned above, in case of any clear and unconditional admission of any Article of Charge, no inquiry would be held in respect of that Article and the admission of the Charged Officer would be taken on record. The inquiry would be held, thereafter, in respect of those charges which have not been admitted by the Charged Officer. The Charged Officer is also entitled to engage a Defence Assistant. The provisions relating to Defence Assistant are given in Rule 14(8).

16. The Inquiring Authority is, thereafter, required to ask the Presenting Officer to have the prosecution documents, listed in the Charge Sheet inspected by the Charged Officer. Copies of such documents, if not only given to the Charged Officer, would be handed over to him. The Charged Officer would, therefore, be required to submit a list of documents and witnesses which he wants to produce in support of his defense. The Inquiring Authority would consider allowing such documents or witnesses on the basis of their relevance. Normally, any document or witness which reasonably appears to be relevant and helpful in defense may be allowed. Once the documents have been allowed, the Inquiring Authority would send a requisition for these documents to the custodian of such documents.

17. When the regular hearing commences, the Inquiring Authority would ask the Presenting Officer to produce the documentary evidence. Such documents as are disputed by the Charged Officer have to be proved by the witnesses before they are taken on record. The undisputed documents would be taken on record and marked as exhibits.

Examination of Witnesses

18. Summons would, thereafter, be sent to the witnesses listed in the Charge sheet. The Presenting Officer may choose to produce them in any order he finds appropriate. These witnesses would be examined in the inquiry in the following manner. The examination in chief would be done by the Presenting Officer where the Presenting Officer may ask questions of the witness to ascertain the facts. The witness would, thereafter, be cross-examined by the Defense. After the cross-examination, the Presenting Officer would be given an opportunity to re-examine the witness. In the examination in chief, leading questions are not allowed. These are however allowed in the cross examination.

19. The procedure of Inquiry requires opportunity to the Charged Officer to cross-examine all the witnesses that appear on behalf of the Prosecution. Failure to do so may be construed as a denial of reasonable opportunity to the charged officer, resulting in vitiation of the Inquiry. If the complainant appears as a witness, she would also be examined and cross-examined. The Inquiry Officer may however disallow any questions which are offensive, indecent or annoying to the witnesses, including the complainant.

20. If Inquiring Authority wishes to ascertain some facts for clarity, he may pose questions to the witnesses. This should however, be done in such a manner as to not show any bias for or against the Charged Officer. This has to be done in the presence of the Presenting Officer and the Charged Officer/Defence Assistant. No inquiry should be conducted behind the back of the charged officer. The witnesses will be examined one by one, and the other witness who are either yet to be examined, or have been examined are not allowed to be present during the examination of a witness.

Daily Order Sheet

21. The Inquiring Authority would also maintain a document called Daily Order Sheet in which all the main events of the inquiry and including requests/representations by the Charged Officer or the Presenting Officer, and decisions thereon would be recorded. For example (i) if the Charged Officer refuses to cross-examine the witnesses, this should be recorded in the Daily Order Sheet (ii) the Daily Order Sheet should record that the Charged Officer had been advised that he has the right to engage a Defense Assistant (iii) it should also be clearly mentioned that the Charged Officer was also informed as to who are eligible to assist him as Defense Assistant. (iv) the Daily Order Sheet should also record in case request of the Charged Officer for engaging a particular person as Defense Assistant is disallowed in the light of the existing instructions. Daily Order Sheet should be signed by the Inquiring Authority, Presenting Officer and the Charged Officer/Defence Assistant.

Defence Evidence

22. After the prosecution evidence is over, the Charged Officer is required to submit his statement of defense. In this statement, the Charged Officer is required to briefly indicate his line of defense. After this, the Defense evidence will be taken. The evidence will be produced in the same order as the prosecution evidence. First, the documents allowed by the Inquiry Authority would be taken on record and then the witnesses called and their examination, cross-examination and re-examination done. The only difference here would be that the Examination in Chief would be done by defense while the cross-examination would be done by the prosecution. The defense would then have the opportunity of re-examining the witness.

General Examination of the Charged Officer

23. After the Defense evidence is over, the Inquiring Authority shall ask Charged Officer as to whether he wishes to appear as his own witness. In case he does so, he will be examined like any other defense witness. In case however, he declines to do so, the Inquiring Authority is required to generally question him. At this stage due care is required to be exercised that as per Rule 14(18) the purpose of this stage is to apprise Charged Officer of the circumstances which appear to be against him. This is to enable the Charged Officer to explain them to the Inquiring Authority. Presenting Officer and the Defence Assistant do not take any part in the General Examination. Charged Officer may not be compelled to answer questions during examination by the Inquiring Authority.

Brief

24. After this, the Presenting Officer would be asked to submit his brief. A copy of this brief would be given to the Charged Officer. Both the Presenting Officer and the Charged Officer may be allowed reasonable time for submission of their brief.

25. The Inquiring Authority then writes the Inquiry Report in which the evidence in support of the charges and against them will be examined. The Report should be a speaking one clearly bringing out as to the evidence on the basis of which any particular conclusion has been reached. Based on this analysis, the Inquiring Authority will give its findings on the Articles as proved or not proved. In case any Article of charge is proved only partially, then the Inquiring Authority should record the extent to which that Article has been proved.

Powers of the Committee to make recommendations

26. Normally, the Inquiry Officer is not allowed to make any recommendations in his report. Here the function of the Complaints Committee acting as the Inquiring Authority differs. The Complaints Committee may however, make recommendations including what has been mentioned in para 2 above:

- (c) to grant such other relief to the aggrieved woman as may be prescribed; or
- (d) to deduct from the salary or wages of the charged officer such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs.
- Any amount outstanding at the time of cessation of the services of the charged officer due to retirement, death or otherwise may be recovered from the terminal benefits payable to the officer or his heirs.
- Such compensation will not amount to penalty under Rule 11 of CCS (CCA) Rules in terms of the Explanation (ix) to Rule 11 inserted vide Notification of even Number dated 19-11-2014.
- Committee may recommend action to be taken against complainant, if the allegation is malicious, or the complainant knows it to be false, or has produced any forged or misleading document.
- The Committee may also recommend action against any witness if such witness has given false evidence or produced any forged or misleading document.

27. The Complaints Committee should also remember that as per the Section 16 of the Act, notwithstanding the RTI Act, 2005, information as regards identity and addresses of the aggrieved woman, respondent and witnesses, Inquiry proceedings, Recommendations of the Committee, shall not be published or communicated or made known to public, press or media in any manner. Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

28. With the above stage, the inquiry would be formally over. The Inquiring Authority should prepare separate folders containing the documents mentioned in Rule 14(23(ii)).

Suspension

29. A Government servant may also be placed under suspension before or after issue of a Charge Sheet where his continuance in office will prejudice the investigation, for example if there is an apprehension that he may tamper with witnesses or documents. Suspension may also be resorted to where continuance of the Government servant in office will be against wider public interest such as there is a public scandal and it is necessary to place the Government servant under suspension to demonstrate the policy of the Government to deal strictly with officers involved in such scandals. It may be desirable to resort to suspension in case of misdemeanor involving acts of moral turpitude.

Special provisions to deal with threats or intimidation

30. Disciplinary Authority may also dispense with inquiry under Rule 19(ii), and action may be taken without the inquiry when the Disciplinary Authority concludes that it is not reasonably practicable to hold such an inquiry. The circumstances leading to such a conclusion may exist either before the inquiry is commenced or may develop in the course of the inquiry. Such situation would be deemed to have arisen:

- (i) where the Government servant, through or together with his associates terrorizes, threatens or intimidates witnesses who are likely to give evidence against him with fear of reprisal in order to prevent them from doing so; or
- (ii) where the Government servant himself or with or through others threatens, intimidates and terrorizes the Disciplinary Authority, Members of the Committee, the Presenting Officer or members of their family.

Disciplinary Authority is not expected to dispense with the inquiry lightly, arbitrarily or with ulterior motive or merely because the case against the Government servant is weak.

कार्यस्थल पर महिलाओं का यौन उत्पीड़न (रोकथाम, निषेध और निवारण) अधिनियम, 2013 की प्रमुख विशेषताएँ

- यह अधिनियम कार्यस्थल पर यौन उत्पीड़न को परिभाषित करता है और शिकायतों के निवारण की व्यवस्था करता है। यह मिथ्या/मनगढ़त या दुर्भावनापूर्ण आरोपों के खिलाफ सुरक्षा उपाय की भी व्यवस्था करता है।
- अधिनियम में यौन उत्पीड़न के रूप में 'प्रतिशोध उत्पीड़न' और 'शत्रुतापूर्ण कार्य वातावरण' की अवधारणाओं को भी शामिल किया गया है, यदि ऐसा यौन उत्पीड़न के किसी कार्य या व्यवहार के संबंध में होता हो।
- "पीड़ित महिला" की परिभाषा, जिसे अधिनियम के तहत सुरक्षा मिलेगी, सभी महिलाओं को कवर करने के लिए बेहद व्यापक है, चाहे उसकी उम्र या रोजगार की स्थिति कुछ भी हो, चाहे वह संगठित या असंगठित, सार्वजनिक या निजी क्षेत्रों में हो। साथ ही, इसमें ग्राहकों और घरेलू श्रमिकों को भी कवर किया गया है।
- नियोक्ता को ऐसे व्यक्ति के रूप में परिभाषित किया गया है जो कार्यस्थल के प्रबंधन, पर्यवेक्षण और नियंत्रण के लिए जिम्मेदार है और इसमें ऐसे व्यक्ति भी शामिल हैं जो धारा 2 (जी) के तहत ऐसे संगठन की नीतियाँ बनाते और प्रशासित करते हैं।
- विशाखा दिशानिर्देशों में "कार्यस्थल" पारंपरिक कार्यालय सेट-अप तक ही सीमित है जहाँ एक स्पष्ट नियोक्ता-कर्मचारी संबंध होता है, जबकि यह अधिनियम बहुत व्यापक है। इसमें सार्वजनिक और निजी संगठन, विभाग, कार्यालय, शाखा इकाई, संगठित और असंगठित क्षेत्र, अस्पताल, नर्सिंग होम, शैक्षणिक संस्थान, खेल संस्थान, स्टेडियम, खेल परिसर और परिवहन सहित कोई भी स्थान जहाँ कर्मचारी रोजगार के लिए आते हैं, यहाँ तक कि गैर-पारंपरिक कार्यस्थल जिनमें टेली-कम्यूटिंग भी शामिल है, इस कानून के अंतर्गत आएंगे।
- समिति को 90 दिनों की समयावधि के भीतर जांच पूरी करनी होगी। जांच पूरी होने पर, मामले को ध्यान में रखते हुए रिपोर्ट नियोक्ता या जिला अधिकारी को भेजी जाएगी तथा उन्हें 60 दिनों के भीतर रिपोर्ट पर कार्रवाई करना अनिवार्य है।
- प्रत्येक नियोक्ता को 10 या अधिक कर्मचारियों वाले प्रत्येक कार्यालय या शाखा में एक आंतरिक शिकायत समिति का गठन करना अनिवार्य है। जिला अधिकारी को प्रत्येक जिले में और यदि आवश्यक हो तो ब्लॉक स्तर पर एक स्थानीय शिकायत समिति का गठन करना अनिवार्य है।
- शिकायत समितियों के पास सबूत इकट्ठा करने के लिए सिविल अदालतों की शक्तियाँ निहित हैं।
- शिकायतकर्ता द्वारा अनुरोध किए जाने की स्थिति में शिकायत समितियों को जांच शुरू करने से पहले समाधान प्रदान करना अपेक्षित है।
- अधिनियम के तहत जांच प्रक्रिया गोपनीय होनी चाहिए और अधिनियम गोपनीयता भंग करने वाले व्यक्ति पर 5000 रुपये का जुर्माना अधिरोपित करने का प्रावधान करता है।
- अधिनियम के अनुसार नियोक्ताओं को अन्य दायित्वों के साथ-साथ शिक्षा एवं संवेदीकरण कार्यक्रम का संचालन और यौन उत्पीड़न के खिलाफ नीतियाँ विकसित करनी होंगी। परिसर में प्रदर्शित बैनर और पोस्टर; कर्मचारियों, प्रबंधकों और आंतरिक समिति के सदस्यों के लिए ई-लर्निंग पाठ्यक्रम; कक्षा प्रशिक्षण सत्र; ई-मेल के माध्यम से संगठनात्मक यौन उत्पीड़न नीति का संचार, ई-लर्निंग या कक्षा प्रशिक्षण के माध्यम से जागरूकता फैलाई जा सकती है। यह अनुशंसा की जाती है कि ई-लर्निंग या कक्षा प्रशिक्षण कर्मचारी की प्राथमिक संचार भाषा में दिया जाए।
- प्रत्येक संगठन को कार्यस्थल पर महिलाओं का यौन उत्पीड़न (रोकथाम, निषेध और निवारण) अधिनियम, 2013 के नियम 14 के अनुसार प्रत्येक कैलेंडर वर्ष जिला अधिकारी को एक वार्षिक रिपोर्ट भेजनी होगी।
- इस अधिनियम में नियोक्ताओं के लिए दंड निर्धारित किया गया है। अधिनियम के प्रावधानों का अनुपालन न करने पर ₹ 50,000 तक का जुर्माना लगाया जा सकता है। बार-बार उल्लंघन करने की स्थिति में ₹ 5000 से अधिक का जुर्माना लगाया जा सकता है एवं व्यवसाय संचालित करने के लिए लाइसेंस या पंजीकरण रद्द किया जा सकता है।
- सरकार किसी अधिकारी को किसी भी संगठन में कार्यस्थल और यौन उत्पीड़न से संबंधित रिकॉर्ड का निरीक्षण करने का आदेश दे सकती है।
- अधिनियम के तहत स्कूलों और कॉलेजों के छात्रों के साथ-साथ अस्पतालों के मरीज़ भी शामिल हैं अतः नियोक्ताओं और स्थानीय अधिकारियों को सभी शिकायतों की विवेचना के लिए शिकायत समितियाँ गठित करनी होंगी। अनुपालन में विफल रहने वाले नियोक्ताओं को 50,000 रुपये तक के जुर्माने से दंडित किया जाएगा।

Major features of the POSH Act, 2013

- The Act defines sexual harassment at the work place and creates a mechanism for redressal of complaints. It also provides safeguards against false or malicious charges.
- The Act also covers concepts of 'quid pro quo harassment' and 'hostile work environment' as forms of sexual harassment if it occurs in connection with an act or behaviour of sexual harassment.
- The definition of "aggrieved woman", who will get protection under the Act is extremely wide to cover all women, irrespective of her age or employment status, whether in the organised or unorganised sectors, public or private and covers clients, customers and domestic workers as well.
- An employer has been defined as any person who is responsible for management, supervision, and control of the workplace and includes persons who formulate and administer policies of such an organisation under Section 2(g).
- While the "workplace" in the Vishakha Guidelines is confined to the traditional office set-up where there is a clear employer-employee relationship, the Act goes much further to include organisations, department, office, branch unit etc. in the public and private sector, organized and unorganized, hospitals, nursing homes, educational institutions, sports institutes, stadiums, sports complex and any place visited by the employee during the course of employment including the transportation. Even non-traditional workplaces which involve tele-commuting will get covered under this law.
- The committee is required to complete the inquiry within a time period of 90 days. On completion of the inquiry, the report will be sent to the employer or the District Officer, as the case may be, they are mandated to take action on the report within 60 days.
- Every employer is required to constitute an Internal Complaints Committee at each office or branch with 10 or more employees. The District Officer is required to constitute a Local Complaints Committee at each district, and if required at the block level.
- The Complaints Committees have the powers of civil courts for gathering evidence.
- The Complaints Committees are required to provide for conciliation before initiating an inquiry, if requested by the complainant.
- The inquiry process under the Act should be confidential and the Act lays down a penalty of Rs. 5000 on the person who has breached confidentiality.
- The Act requires employers to conduct education and sensitisation programmes and develop policies against sexual harassment, among other obligations. The objective of Awareness Building can be achieved through Banners and Posters displayed in the premises, e-learning courses for the employees, managers and Internal Committee members, Classroom training sessions, Communication of Organizational Sexual Harassment Policy through emails, e-learning or Classroom Training. It is recommended that the e-learning or Classroom Training be delivered in the primary communication language of the employee.
- Every organization must file an Annual Report to the District Officer every calendar year as prescribed in the Rule 14 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.
- Penalties have been prescribed for employers. Non-compliance with the provisions of the Act shall be punishable with a fine of up to ₹ 50,000. Repeated violations may lead to higher penalties and cancellation of licence or deregistration to conduct business.
- Government can order an officer to inspect workplace and records related to sexual harassment in any organisation.
- Under the Act, which also covers students in schools and colleges as well as patients in hospitals, employers and local authorities will have to set up grievance committees to investigate all complaints. Employers who fail to comply will be punished with a fine of up to 50,000 rupees.

No. 11013/2/2014 Estt (A.III)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

.....
North Block, New Delhi,
Dated the 27th November 2014

OFFICE MEMORANDUM

Subject: Alignment of Service Rules with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.

The undersigned is directed to say that the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' { SHWW (PPR) Act } has been promulgated on 22nd April 2013. Further to the Act, the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013' were notified on 9.12.2013. The Act and the Rules framed thereunder provide a redressal mechanism for handling cases of sexual harassment at workplace. The Act and Rules are available at the website of the Ministry of Women and Child Development (wcd.nic.in) under Legislation/Acts.

2. The CCS (Conduct) Rules, 1964 and CCS (CCA) Rules, 1965 have been amended vide Notifications of even number published as G.S.R. 823(E) and G.S.R.822(E) in the Gazette of India – Extraordinary dated 19-11-2014. These are available on this Department's website www.persmin.gov.in

3. So far as Central Government employees are concerned, provisions already exist in the CCS (Conduct) Rules 1964 defining sexual harassment. Further, the proviso to Rule 14(2) of the CCS (CCA) Rules 1965 provides that the complaints committee established in each Ministry or Department or office enquiring into such complaints shall be deemed to be the inquiring authority appointed by the disciplinary authority and the committee shall hold the inquiry so far as practicable in accordance with the procedure laid down in those rules. Similar provisions exist in the relevant service rules of the Central Government servants not governed by CCS (Conduct) Rules / CCS (CCA) Rules.

4. Sexual harassment as defined rule 3-C of CCS (Conduct) Rules, 1964 in has been amended vide Notification of even number dated 19-11-2014 (copy enclosed). The amended rule is as follows:

"Rule 3C - Prohibition of sexual harassment of working women

(1) No Government servant shall indulge in any act of sexual harassment of any woman at any work place.

(2) Every Government servant who is incharge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation- 1 For the purpose of this rule,

(a) "sexual harassment" includes any one or more of the following acts or behaviour, (whether directly or by implication), namely:--

- (i) physical contact and advances; or
- (ii) demand or request for sexual favours; or
- (iii) sexually coloured remarks; or
- (iv) showing any pornography; or
- (v) any other unwelcome physical, verbal, non-verbal conduct of a sexual nature.

(b) The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment : -

- (i) implied or explicit promise of preferential treatment in employment; or
- (ii) implied or explicit threat of detrimental treatment in employment ; or
- (iii) implied or explicit threat about her present or future employment status; or
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) humiliating treatment likely to affect her health or safety.

(c) "workplace" includes, -

- (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 the Central Government;

- (ii) hospitals or nursing homes;
- (iii) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
- (iv) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;
- (v) a dwelling place or a house."

5. All Ministries/Departments are advised that the following procedure may be adopted while dealing with complaints of sexual harassment:-

- (i) Sexual harassment will include any one or more of the Acts or behaviour defined in Rule 3-C of the CCS (Conduct) Rules 1964 read with Sec 3(2) of SHWW (PPR) Act.
- (ii) The Committee constituted in each Ministry/ Department/ office under the CCS (Conduct) Rules, 1964 shall inquire into complaints of sexual harassment in accordance with the provisions of Section 4 of the SHWW (PPR) Act.
- (iii) The Committee will as far as practicable follow the procedures prescribed in CCS (CCA) Rules 1965 for conduct of the inquiry.
- (iv) If any complaint is received directly by the committee, the same shall be referred to the appropriate disciplinary authority and the Committee shall inquire into the complaint on the complaint being referred to it by the disciplinary authority.

6. In addition, the Committee will have the powers to recommend to the employer:-

- a) to transfer the aggrieved woman or the charged officer to any other workplace; or
- b) to grant leave to the aggrieved woman up to a period of three months.
(The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled to.)
- c) to grant such other relief to the aggrieved woman as may be prescribed; or
- d) to deduct from the salary or wages of the charged officer such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs. Any amount outstanding at the time of cessation of the services of the charged officer due to retirement, death or otherwise may be recovered from

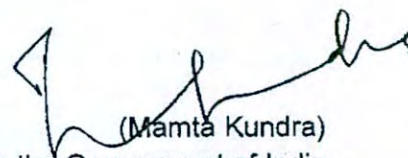
the terminal benefits payable to the officer or his heirs. Such compensation will not amount to penalty under Rule 11 of CCS (CCA) Rules in terms of the Explanation (ix) to Rule 11 inserted vide Notification of even Number dated 19-11-2014.

7. It may also be noted that the Committee may recommend action to be taken against the person who has made a complaint, if the Committee arrives at the conclusion that the allegation is malicious or the aggrieved woman or the person making the complaint has made the complaint knowing it to be false or has produced any forged or misleading document. The Committee may also recommend action against any witness if it comes to the conclusion that such witness has given false evidence or produced any forged or misleading document.

8. Attention is also invited to the following provisions of SHWW (PPR) Act:

- Sec 16 & 17 : Prohibition of publication or making known contents of complaint, inquiry proceedings and recommendations of the Committee.
- Sec 19 : Duties of employer. This may be read with provisions of Rule 3(C) (2) of CCS (Conduct) Rules.
- Sec 21, 22 of SHWW(PPR) Act and Rule 14 of the SHWW (PPR) Rules
Annual Reports

9. All the Ministries/Departments are requested to bring the contents of this OM to the notice of all officers and staff working under them. The Ministries/ Departments are also requested to advise the PSEs /Autonomous Bodies under their administrative control to align their service rules with the SHWW (PPR) Act/ Rules.



(Mamta Kundra)
Joint Secretary to the Government of India
Tel: 23094276

To

All Ministries/Departments (as per standard list)

भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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कार्मिक, लोफ शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

अधिसूचना

नई दिल्ली, 19 नवम्बर, 2014

सा.का.नि. 822(अ):— संविधान के अनुच्छेद 309 के परंतुक एवं अनुच्छेद 148 के खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारतीय लेखा परीक्षा तथा लेखा विभाग में कार्यरत व्यक्तियों के संबंध में भारत के नियंत्रक एवं महालेखापरीक्षक के साथ परामर्श के पश्चात्, राष्ट्रपति, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण एवं अपील) नियमावली, 1965 में और संशोधन करने के लिए एतद्वारा निम्नलिखित नियम बनाते हैं, नामतः :-

1. (1) इन नियमों को केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण एवं अपील) तृतीय संशोधन नियमावली, 2014 कहा जाएगा।
(2) ये सरकारी राजपत्र में इनके प्रकाशन की तारीख से प्रवृत्त होंगे।
2. केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण एवं अपील) नियमावली, 1965 के नियम 11 में, स्पष्टीकरण में मद सं. (viii) के पश्चात् निम्नलिखित मद को जोड़ा जाएगा, नामतः :-

“(ix) केन्द्रीय सिविल सेवा (आचरण) नियमावली, 1964 के नियम 3 ग में अभिप्रेत यौन उत्पीड़न की शिकायतों की जांच हेतु तथा नियम 14 के उप नियम (2) के परंतुक में संदर्भित भारत सरकार के विभाग में बनाई गई शिकायत समिति की सिफारिशों पर दिया गया हर्जाना।”।

[सं. 11013/2/2014-स्था.(क)]

ममता कुंद्रा, संयुक्त सचिव

टिप्पणी: मूल नियम, भारत के राजपत्र में दिनांक 20 नवंबर, 1965 की अधिसूचना सं. 7/2/63 स्था.(क) के तहत प्रकाशित किए गए थे और निम्नलिखित अधिसूचना संख्याओं के तहत संशोधित किए गए थे:-

1.	का.आ.1149, दिनांक 13 अप्रैल, 1966;
2.	का.आ.1596, दिनांक 04 जून, 1966;
3.	का.आ.2007, दिनांक 09 जुलाई, 1966;
4.	का.आ.2648, दिनांक 02 सितम्बर, 1966;
5.	का.आ.2854, दिनांक 01 अक्टूबर, 1966;
6.	का.आ.1282, दिनांक 15 अप्रैल, 1967;
7.	का.आ.1457, दिनांक 29 अप्रैल, 1967;
8.	का.आ.3253, दिनांक 16 सितम्बर, 1967;
9.	का.आ.3530, दिनांक 07 अक्टूबर, 1967;
10.	का.आ.4151, दिनांक 25 नवम्बर, 1967;
11.	का.आ.321, दिनांक 09 मार्च, 1968;
12.	का.आ.1441, दिनांक 27 अप्रैल, 1968;
13.	का.आ.1870, दिनांक 01 जून, 1968;
14.	का.आ.3423, दिनांक 28 सितम्बर, 1968;
15.	का.आ.5008, दिनांक 27 दिसम्बर, 1969;
16.	का.आ.397, दिनांक 07 फरवरी, 1970;
17.	का.आ.3521, दिनांक 25 सितम्बर, 1971;
18.	का.आ.249, दिनांक 01 जनवरी, 1972;
19.	का.आ.990, दिनांक 22 अप्रैल, 1972;
20.	का.आ.1600, दिनांक 01 जुलाई, 1972;
21.	का.आ.2789, दिनांक 14 अक्टूबर, 1972;
22.	का.आ.929, दिनांक 31 मार्च, 1972;
23.	का.आ.1648, दिनांक 06 जुलाई, 1974;
24.	का.आ.2742, दिनांक 31 जुलाई, 1976;
25.	का.आ.4664, दिनांक 11 दिसम्बर, 1976;
26.	का.आ.3062, दिनांक 08 अक्टूबर, 1977;
27.	का.आ.3573, दिनांक 26 नवम्बर, 1977;
28.	का.आ.3574, दिनांक 26 नवम्बर, 1977;
29.	का.आ.3671, दिनांक 03 दिसम्बर, 1977;
30.	का.आ.2464, दिनांक 02 सितम्बर, 1978;
31.	का.आ.2465, दिनांक 02 सितम्बर, 1978;
32.	का.आ.920, दिनांक 17 फरवरी, 1979;
33.	का.आ.1769, दिनांक 05 जुलाई, 1980;
34.	का.आ.264, दिनांक 29 जनवरी, 1981;
35.	का.आ.2126, दिनांक 08 अगस्त, 1981;
36.	का.आ.2203, दिनांक 22 अगस्त, 1981;
37.	का.आ.2512, दिनांक 03 अक्टूबर, 1981;
38.	का.आ.168, दिनांक 23 जनवरी, 1982;
39.	का.आ.1535, दिनांक 12 मई, 1984;
40.	अ.सं.11012/15/84-स्था.(क), दिनांक 05 जुलाई, 1985
41.	अ.सं.11012/05/85-स्था.(क), दिनांक 29 जुलाई, 1985;

42.	अ.सं.11012/06/85-स्था.(क), दिनांक 06 अगस्त, 1985;
43.	का.आ.5637, दिनांक 21 दिसम्बर, 1985;
44.	का.आ.5743, दिनांक 28 दिसम्बर, 1985;
45.	का.आ.4089, दिनांक 13 दिसम्बर, 1986;
46.	अ.सं.11012/24/85-स्था.(क), दिनांक 26 नवम्बर, 1986;
47.	का.आ.830, दिनांक 28 मार्च, 1987;
48.	का.आ.831, दिनांक 28 मार्च, 1987;
49.	का.आ.1591, दिनांक 27 जून, 1987;
50.	का.आ.1825, दिनांक 18 जुलाई, 1987;
51.	का.आ.3060, दिनांक 15 अक्टूबर, 1988;
52.	का.आ. 3061, दिनांक 16 अक्टूबर, 1988;
53.	का.आ.2207, दिनांक 16 सितम्बर, 1989;
54.	का.आ.1084, दिनांक 28 अप्रैल, 1990;
55.	का.आ. 2208, दिनांक 25 अगस्त, 1990;
56.	का.आ.1481, दिनांक 13 जून, 1992;
57.	सा.का.नि. 289, दिनांक 20 जून, 1992;
58.	सा.का.नि.589, दिनांक 26 दिसम्बर, 1992;
59.	सा.का.नि.499, दिनांक 08 अक्टूबर, 1994;
60.	सा.का.नि.276, दिनांक 10 जून, 1995;
61.	सा.का.नि.17, दिनांक 20 फरवरी, 1996;
62.	सा.का.नि. 125, दिनांक 16 मार्च, 1996;
63.	सा.का.नि. 417, दिनांक 05 अक्टूबर, 1996;
64.	सा.का.नि. 337, दिनांक 02 सितम्बर, 2000;
65.	सा.का.नि. 420, दिनांक 28 अक्टूबर, 2000;
66.	सा.का.नि. 211, दिनांक 14 अप्रैल, 2001;
67.	सा.का.नि. 60, दिनांक 13 फरवरी, 2002;
68.	सा.का.नि. 2, दिनांक 03 जनवरी, 2004;
69.	सा.का.नि. 113, दिनांक 10 अप्रैल, 2004;
70.	सा.का.नि. 225, दिनांक 10 जुलाई, 2004;
71.	सा.का.नि. 287, दिनांक 28 अगस्त, 2004;
72.	सा.का.नि. 1, दिनांक 20 दिसम्बर, 2004;
73.	सा.का.नि. 49, दिनांक 29 मार्च, 2008;
74.	सा.का.नि. 12, दिनांक 07 फरवरी, 2009;
75.	का.आ. 946, दिनांक 09 अप्रैल, 2009;
76.	का.आ.1762 (ई), दिनांक 16 जुलाई, 2009;
77.	सा.का.नि. 55 (ई), दिनांक 02 फरवरी, 2010;
78.	का.आ. 2079(ई), दिनांक 01 जनवरी, 2014 और
79.	सा.का.नि. 769(ई), दिनांक 31 अक्टूबर, 2014

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 19th November, 2014

G.S.R.822 (E).— In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1965, namely:—

1. (1) These rules may be called the Central Civil Services (Classification, Control and Appeal) Third Amendment Rules, 2014.
(2) They shall come into force on the day of their publication in the Official Gazette.
2. In the Central Civil Services (Classification, Control and Appeal) Rules, 1965, in rule 11, in the Explanation, after item (viii), the following item shall be inserted namely :—
“(ix) any compensation awarded on the recommendation of the Complaints Committee referred to in the proviso to sub-rule (2) of rule 14 and established in the Department of the Government of India for inquiring into any complaint of sexual harassment within the meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964.”

[No.11013/2/2014-Estt. (A)]

MAMTA KUNDRA, Jt. Secy.

Note: The principal rules were published in the Gazette of India vide notification number 7/2/63. Estt.(A), dated the 20th November, 1965 and subsequently amended vide notification numbers :—

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| 1. S.O. 1149, dated the 13th April, 1966; | 29. S.O. 3671, dated the 3rd December, 1977; |
| 2. S.O. 1596, dated the 4th June, 1966; | 30. S.O. 2464, dated the 2nd September, 1978; |
| 3. S.O. 2007, dated the 9th July, 1966; | 31. S.O. 2465, dated the 2nd September, 1978; |
| 4. S.O. 2648, dated the 2nd September, 1966; | 32. S.O. 920, dated the 17th February, 1979; |
| 5. S.O. 2854, dated the 1st October, 1966; | 33. S.O. 1769, dated the 5th July, 1980; |
| 6. S.O. 1282, dated the 15th April, 1967; | 34. S.O. 264, dated the 24th January, 1981; |
| 7. S.O. 1457, dated the 29th April, 1967; | 35. S.O. 2126, dated the 8th August, 1981; |
| 8. S.O. 3253, dated the 16th September, 1967; | 36. S.O. 2203, dated the 22nd August, 1981; |
| 9. S.O. 3530, dated the 7th October, 1967; | 37. S.O. 2512, dated the 3rd October, 1981; |
| 10. S.O. 4151, dated the 25th November, 1967; | 38. S.O. 168, dated the 23rd January, 1982; |
| 11. S.O. 321, dated the 9th March, 1968; | 39. S.O. 1535, dated the 12th May, 1984; |
| 12. S.O. 1441, dated the 27th April, 1968; | 40. Notification No.11012/15/84-Estt.(A), dated the 5th July, 1985; |
| 13. S.O. 1870, dated the 1st June, 1968; | 41. Notification No.11012/05/85-Estt.(A), dated the 29th July, 1985; |
| 14. S.O. 3423, dated the 28th September, 1968; | 42. Notification No.11012/06/85-Estt.(A), dated the 6th August, 1985; |
| 15. S.O. 5008, dated the 27th December, 1969; | 43. S.O. 5637, dated the 21st December, 1985; |
| 16. S.O. 397, dated the 7th February, 1970; | 44. S.O. 5743, dated the 28th December, 1985; |
| 17. S.O. 3521, dated the 25th September, 1971; | 45. S.O. 4089, dated the 13th December, 1986; |
| 18. S.O. 249, dated the 1st January, 1972; | 46. Notification No.11012/24/85-Estt.(A), dated the 26th November, 1986; |
| 19. S.O. 990, dated the 22nd April, 1972; | 47. S.O. 830, dated the 28th March, 1987; |
| 20. S.O. 1600, dated the 1st July, 1972; | 48. S.O. 831, dated the 28th March, 1987; |
| 21. S.O. 2789, dated the 14th October, 1972; | 49. S.O. 1591, dated the 27th June, 1987; |
| 22. S.O. 929, dated the 31st March, 1973; | 50. S.O. 1825, dated the 18th July, 1987; |
| 23. S.O. 1648, dated the 6th July, 1974; | 51. S.O. 3060, dated the 15th October, 1988; |
| 24. S.O. 2742, dated the 31st July, 1976; | 52. S.O. 3061, dated the 16th October, 1988; |
| 25. S.O. 4664, dated the 11th December, 1976; | 53. S.O. 2207, dated the 16th September, 1989; |
| 26. S.O. 3062, dated the 8th October, 1977; | 54. S.O. 1084, dated the 28th April, 1990; |
| 27. S.O. 3573, dated the 26th November, 1977; | |
| 28. S.O. 3574, dated the 26th November, 1977; | |

55. S.O. 2208, dated the 25th August, 1990;
 56. S.O. 1481, dated the 13th June, 1992;
 57. G.S.R. 289, dated the 20th June, 1992;
 58. G.S.R. 589, dated the 26th December, 1992;
 59. G.S.R. 499, dated the 8th October, 1994;
 60. G.S.R. 276, dated the 10th June, 1995;
 61. G.S.R. 17, dated the 20th February, 1996;
 62. G.S.R. 125, dated the 16th March, 1996;
 63. G.S.R. 417, dated the 5th October, 1996;
 64. G.S.R. 337, dated the 2nd September, 2000;
 65. G.S.R. 420, dated the 28th October, 2000;
 66. G.S.R. 211, dated the 14th April, 2001;
 67. G.S.R. 60, dated the 13th February, 2002;
 68. G.S.R. 2, dated the 3rd January, 2004;
 69. G.S.R. 113, dated the 10th April, 2004;
 70. G.S.R. 225, dated the 10th July, 2004;
 71. G.S.R. 287, dated the 28th August, 2004;
 72. G.S.R. 1, dated the 20th December, 2004;
 73. G.S.R. 49, dated the 29th March, 2008;
 74. G.S.R. 12, dated the 7th February, 2009;
 75. S.O. 946, dated the 9th April, 2009;
 76. S.O. 1762(E), dated the 16th July, 2009;
 77. G.S.R. 55(E), dated the 2nd February, 2010;
 78. S.O. 2079(E), dated the 1st January, 2014 and
 79. G.S.R. 769(E), dated the 31st October, 2014.

अधिसूचना

नई दिल्ली, 19 नवम्बर, 2014

सा.का.नि. 823(अ).- संविधान के अनुच्छेद 309 के परंतुक एवं अनुच्छेद 148 के खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारतीय लेखा परीक्षा और लेखा विभाग में कार्यरत व्यक्तियों के संबंध में भारत के नियंत्रक एवं महालेखा परीक्षक के साथ परामर्श के पश्चात्, राष्ट्रपति, केन्द्रीय सिविल सेवा (आचरण) नियमावली, 1964 में और संशोधन करने के लिए एतद्वारा निम्नलिखित नियम बनाते हैं, नामतः:-

1. (1) इन नियमों को केन्द्रीय सिविल सेवा (आचरण) द्वितीय संशोधन नियमावली, 2014 कहा जाएगा।
 (2) ये सरकारी राजपत्र में इनके प्रकाशन की तारीख से प्रवृत्त होंगे।
2. केन्द्रीय सिविल सेवा (आचरण) नियमावली, 1964 में नियम 3-ग के लिए निम्नलिखित प्रतिस्थापित किया जाएगा, नामतः:-

'3-ग - कामकाजी महिलाओं के लैंगिक उत्पीड़न पर प्रतिबंध,- (1) कोई भी सरकारी सेवक किसी भी कार्यस्थल पर किसी भी महिला के लैंगिक उत्पीड़न संबंधी किसी कार्य में लिप्त नहीं होगा।

(2) प्रत्येक सरकारी सेवक, जो कार्यस्थल का प्रभारी है, अपने कार्यस्थल पर किसी भी महिला का लैंगिक उत्पीड़न रोकने के लिए समुचित कदम उठाएगा।

स्पष्टीकरण - (1) इस नियम के प्रयोजनार्थ,-

(क) "लैंगिक उत्पीड़न" के अंतर्गत निम्नलिखित में से कोई एक या अधिक निंदनीय कार्य या व्यवहार (चाहे प्रत्यक्ष रूप से या तात्पर्यित) सम्मिलित है; अर्थात् -

- (i) शारीरिक संपर्क और फायदा उठाना; या
- (ii) लैंगिक पक्षपात की मांग या अनुरोध करना; या
- (iii) लैंगिक अर्थ वाली टिप्पणियां करना; या
- (iv) अश्लील साहित्य दिखाना; या
- (v) लैंगिक प्रकृति का कोई अन्य निंदनीय शारीरिक, शाब्दिक या गैर-शाब्दिक आचरण करना।

(ख) अन्य परिस्थितियों के साथ ही निम्नलिखित परिस्थितियों को, यदि लैंगिक उत्पीड़न के किसी कार्य या आचरण के संबंध में उत्पन्न होती हैं या विद्यमान हैं या उससे संबंधित हैं, लैंगिक उत्पीड़न माना जा सकेगा:-

- (i) उसके नियोजन में अधिमानी व्यवहार का अंतर्निहित या स्पष्ट वचन देना; या
- (ii) उसके नियोजन में अहितकर व्यवहार का अंतर्निहित या स्पष्ट धमकी देना; या
- (iii) उसकी वर्तमान या भावी नियोजन के प्राप्ति के बारे में अंतर्निहित या स्पष्ट धमकी देना; या
- (iv) उसके कार्य में हस्तक्षेप करना या उसके लिए अभिप्रायसमय या आपराधिक या शत्रुतापूर्ण कार्य बातावरण सृजित करना; या
- (v) उसके स्वास्थ्य या सुरक्षा को प्रभावित कर सकने वाला अपमानजनक आचरण करना।

(ग) "कार्यस्थल" में निम्नलिखित शामिल हैं-

- (i) ऐसा कोई विभाग, संगठन, उपक्रम, स्थापन, उद्यम, संस्था, कार्यालय, शाखा या यूनिट जो केन्द्रीय सरकार द्वारा स्थापित, उसके स्वामित्वाधीन, नियंत्रणाधीन या पूर्णतः या भागतः उसके द्वारा प्रत्यक्ष रूप से या अप्रत्यक्ष रूप से उपलब्ध कराई गई निधियों द्वारा वित्तपोषित की जाती है;
- (ii) अस्पताल या परिचर्या गृह;
- (iii) प्रशिक्षण, खेलकूद या उससे संबंधित अन्य क्रियाकलापों के लिए प्रयुक्त, कोई खेलकूद संस्थान, स्टेडियम, खेलकूद कॉम्प्लेक्स या प्रतिस्पर्धा या क्रीड़ा का स्थान, चाहे आवासीय हो या नहीं;
- (iv) नियोजन से प्रोदभूत या उसके प्रक्रम के दौरान कर्मचारी द्वारा भ्रमण किया गया कोई स्थान, जिसके अंतर्गत ऐसी यात्रा के लिए नियोजक द्वारा उपलब्ध कराया गया परिवहन भी है;
- (v) कोई निवास-गृह या कोई गृह।

[सं. 11013/2/2014-स्था.(क)]

ममता कुंद्रा, संयुक्त सचिव

टिप्पणी- मूल नियम, भारत के राजपत्र के भाग II, खंड 3, उप-खंड (i) में दिनांक 12 दिसंबर, 1964 की का.आ. सं. 4177 के तहत प्रकाशित किए गए थे और बाद में निम्नलिखित के तहत संशोधित किए गए थे:-

क्र.सं.	अधिसूचना सं.	दिनांक	भारत के राजपत्र के भाग II, खंड 3, उप-खंड (i) में प्रकाशित का.आ. सं.	
1.	25/23/68-स्था(क)	3 फरवरी, 1970	482	14 फरवरी, 1970
2.	25/11/72-स्था(क)	24 अक्टूबर, 1972	3643	4 नवंबर, 1972
3.	25/57/64-स्था(क)	5 जनवरी, 1973	83	13 जनवरी, 1973
4.	11013/12/75-स्था(क)	13 फरवरी, 1976	846	28 फरवरी, 1976
5.	25/19/74-स्था(क)	30 जून, 1976	2563	17 जुलाई, 1976
6.	11013/19/75-स्था(क)	6 जुलाई, 1976	5691	24 जुलाई, 1976
7.	11013/06/75-स्था(क)	24 नवंबर, 1976	4663	11 दिसंबर, 1976
8.	11013/4/76-स्था(क)	24 अगस्त, 1977	2859	17 सितंबर, 1977
9.	11013/03/78-स्था(क)	22 सितंबर, 1978	2859	30 सितंबर, 1978
10.	11013/12/78-स्था(क)	20 दिसंबर, 1978	3	6 जनवरी, 1980
11.	11013/3/80-स्था(क)	24 अप्रैल, 1980	1270	10 जून, 1980
12.	11013/21/84-स्था(क)	3 अक्टूबर, 1985	4812	19 अक्टूबर, 1985
13.	11013/6/85-स्था(क)	21 फरवरी, 1986	935	8 मार्च, 1986
14.	11013/11/85-स्था(क)	7 मार्च, 1986	1124	22 मार्च, 1986
15.	11013/5/86-स्था(क)	4 सितंबर, 1986	3159	20 सितंबर, 1986
16.	11013/16/85-स्था(क)	10 सितंबर, 1986	3280	27 सितंबर, 1986
17.	11013/1/87-स्था(क)	27 जुलाई, 1987	1965	8 अगस्त, 1987
18.	11013/19/87-स्था(क)	19 अप्रैल, 1988	1454	14 जून, 1988
19.	11013/18/87-स्था(क)	18 सितंबर, 1990	2582	6 अक्टूबर, 1990
20.	11013/20/91-स्था(क)	9 दिसंबर, 1992	3231	6 दिसंबर, 1992
21.	11013/4/93-स्था(क)	12 जुलाई, 1995	सा.का.नि. 355	29 जुलाई, 1995
22.	11013/4/93-स्था(क)	16 अगस्त, 1996	सा.का.नि. 637	31 अगस्त, 1996
23.	11013/10/97-स्था(क)	13 फरवरी, 1998	सा.का.नि. 49	7 मार्च, 1998
24.	11013/5/97-स्था(क)	14 अक्टूबर, 1999	सा.का.नि. 342	23 अक्टूबर, 1999
25.	11013/6/2001-स्था(क)	15 दिसंबर, 2003	सा.का.नि. 458	27 दिसंबर, 2003
26.	11013/7/2005-स्था(क)	18 अक्टूबर, 2005	सा.का.नि. 376	18 अक्टूबर, 2005

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27.	11013/12/2008-स्था(क)	27 जनवरी, 2009	सा.का.नि. 8	27 जनवरी, 2009
28.	11013/8/2009-स्था(क)	9 मई, 2011	सा.का.नि. 370(अ)	9 मई, 2011
29.	11013/3/2013-स्था(क)	4 मार्च, 2014	सा.का.नि. 149(अ)	4 मार्च, 2014

NOTIFICATION

New Delhi, the 19th November, 2014

G.S.R.823 (E).— In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Conduct) Rules, 1964, namely:-

1. (1) These rules may be called the Central Civil Services (Conduct) Second Amendment Rules, 2014.
(2) They shall come into force on the day of their publication in the Official Gazette.
2. In the Central Civil Services (Conduct), Rules, 1964, for rule 3C, the following rule shall be substituted, namely :-

'3C. Prohibition of sexual harassment of working women, - (1) No Government servant shall indulge in any act of sexual harassment of any woman at any work place.

(2) Every Government servant who is incharge of a work place shall take appropriate steps to prevent sexual harassment to any woman at the work place.

Explanation. - (I) For the purpose of this rule, -

- (a) "sexual harassment" includes any one or more of the following 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 pornography; or
 - (v) any other unwelcome physical, verbal, non-verbal conduct of a sexual nature.
- (b) the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment :-
 - (i) implied or explicit promise of preferential treatment in employment; or
 - (ii) implied or explicit threat of detrimental treatment in employment; or
 - (iii) implied or explicit threat about her present or future employment status; or
 - (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
 - (v) humiliating treatment likely to affect her health or safety.
- (c) "workplace" includes,-
 - (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 the Central Government;
 - (ii) hospitals or nursing homes;
 - (iii) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
 - (iv) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;
 - (v) a dwelling place or a house.

[No.11013/2/2014-Estt. (A)]

MAMTA KUNDRA, Jt. Secy.

Note:- The Principal rules were published in the Gazette of India, Part II, Section 3, Sub-section (i), vide S.O. No. 4177 dated the 12th December, 1964 and subsequently amended by -

S. No.	Notification No.	Date	Published in the Gazette of India Part II Section 3, Sub-Section (i), S.O. No.	
1.	25/23/68-Estt.(A)	3rd February, 1970	482	The 14th February, 1970
2.	25/11/72-Estt.(A)	24th October, 1972	3643	The 4th November, 1972
3.	25/57/64-Estt.(A)	5th January, 1973	83	The 13th January, 1973
4.	11013/12/75-Estt.(A)	13th February, 1976	846	The 28th February, 1976
5.	25/19/74-Estt.(A)	30th June, 1976	2563	The 17th July, 1976
6.	11013/19/75-Estt.(A)	6th July, 1976	5691	The 24th July, 1976
7.	11013/06/75-Estt.(A)	24th November, 1976	4663	The 11th December, 1976
8.	11013/4/76-Estt.(A)	24th August, 1977	2859	The 17th September, 1977
9.	11013/03/78-Estt.(A)	22nd September, 1978	2859	The 30th September, 1978
10.	11013/12/78-Estt.(A)	20th December, 1978	3	The 6th January, 1980
11.	11013/3/80-Estt.(A)	24th April, 1980	1270	The 10th June, 1980
12.	11013/21/84-Estt.(A)	3rd October, 1985	4812	The 19th October, 1985
13.	11013/6/85-Estt.(A)	21st February, 1986	935	The 8th March, 1986
14.	11013/11/85-Estt.(A)	7th March, 1986	1124	The 22nd March, 1986
15.	11013/5/86-Estt.(A)	4th September, 1986	3159	The 20th September, 1986
16.	11013/16/85-Estt.(A)	10th September, 1986	3280	The 27th September, 1986
17.	11013/1/87-Estt.(A)	27th July, 1987	1965	The 8th August, 1987
18.	11013/19/87-Estt.(A)	19th April, 1988	1454	The 14th June, 1988
19.	11013/18/87-Estt.(A)	18th September, 1990	2582	The 6th October, 1990
20.	11013/20/91-Estt.(A)	9th December, 1992	3231	The 26th December, 1992
21.	11013/4/93-Estt.(A)	12th July, 1995	GSR 355	The 29th July, 1995
22.	11013/4/93-Estt.(A)	16th August, 1996	GSR 637	The 31st August, 1996
23.	11013/10/97-Estt.(A)	13th February, 1998	GSR 49	The 7th March, 1998
24.	11013/5/97-Estt.(A)	14th October, 1999	GSR 342	The 23rd October, 1999
25.	11013/6/2001-Estt.(A)	15th December, 2003	GSR 458	The 27th December, 2003
26.	11013/7/2005-Estt.(A)	18th October, 2005	GSR 376	The 18th October, 2005
27.	11013/12/2008-Estt.(A)	27th January, 2009	GSR 8	The 27th January, 2009
28.	11013/8/2009-Estt.(A)	9th May, 2011	GSR 370(E)	The 9th May, 2011
29.	11013/3/2013-Estt.(A)	4th March, 2014	GSR 149(E)	The 4th March, 2014