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 lain 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

No. 11013/2/2014-Estt.(A-III) dated 16.07.2015

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.

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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/मनगढ़ंत 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 जहां 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, यहां तक कि गैर-पारंपरिक कार्यस्थल जिनमें टेली-कम्यूटिंग भी शमिल 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 शक्तियां 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 जागरुकता 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 अत: नियोक्ताओं और स्थानीय अधिकारियों को सभी शिकायतों की विवेचना के लिए शिकायत समितियां 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)

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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)

रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

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
PUBLISHED BY AUTHORITY

सं. 608] नई दिल्ली, बुधवार, नवम्बर 19, 2014/कार्तिक 28, 1936
No. 608] NEW DELHI, WEDNESDAY, NOVEMBER 19, 2014/KARTIKA 28, 1936

कार्मिक, लोक 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 एतदद्वारा निम्नलिखित नियम बनाते हैं, नामत :-

1. (1) इन नियमों को केंद्रीय 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. केंद्रीय सिविल सेवा (वर्गीकरण, नियंत्रण एवं अपील) नियमावली, 1965 के नियम 11 में, स्पष्टीकरण में मद सं. (viii) के पश्चात् निम्नलिखित मद को जोड़ा जाएगा, नामत :-

"(ix) केंद्रीय 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 अक्तूबर, 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 अक्तूबर, 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 अक्तूबर, 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 अक्तूबर, 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 अक्तूबर, 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 अक्तूबर, 1988;
52.	का.आ. 3061, दिनांक 16 अक्तूबर, 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 अक्तूबर, 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 अक्तूबर, 1996;
64.	सा.का.नि. 337, दिनांक 02 सितंबर, 2000;
65.	सा.का.नि. 420, दिनांक 28 अक्तूबर, 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 दिसंबर, 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 अक्तूबर, 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 :—

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

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. GS.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. GS.R. 2, dated the 3rd January, 2004;
69. GS.R. 113, dated the 10th April, 2004;
70. G.S.R. 225, dated the 10th July, 2004;
71. GS.R. 287, dated the 28th August, 2004;
72. GS.R. 1, dated the 20th December, 2004;
73. G.S.R. 49, dated the 29th March, 2008;
74. GS.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 महालेखापरीक्षक के साथ परामर्श के पश्चात, राष्ट्रपति, केन्द्रीय सिविल सेवा (आचरण) नियमावली, 1964 में और संशोधन करने के लिए एतदद्वारा निम्नलिखित नियम बनाते हैं, नामत:-

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, नामत:-

'3-ग - कामकाजी महिलाओं के लैंगिक उत्पीड़न पर प्रतिबंध,- (1) कोई भी सरकारी सेवक किसी भी कार्यस्थल पर किसी भी महिला के लैंगिक उत्पीड़न संबधी 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 - (I) 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; अर्थात –

(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 है या उससे संबंधित है, 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 प्रास्थिति के बारे में अंतर्निहित या स्पष्ट धमकी देना; या
(iv) उसके कार्य में हस्तक्षेप करना या उसके लिए अभित्रासमय या आपराधिक या शत्रुतापूर्ण कार्य वातावरण 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 पूर्णत: या भागत: 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 काम्प्लेक्स 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 अक्तूबर, 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 अक्तूबर, 1985	4812	19 अक्तूबर, 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 अक्तूबर, 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 अक्तूबर, 1999	सा.का.नि. 342	23 अक्तूबर, 1999
25.	11013/6/2001-स्था(क)	15 दिसंबर, 2003	सा.का.नि. 458	27 दिसंबर, 2003
26.	11013/7/2005-स्था(क)	18 अक्तूबर, 2005	सा.का.नि. 376	18 अक्तूबर, 2005

4577 GI/14-2

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

(vi) 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

Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.