

Urgent

No.EDN-HE(21)A(3)20/2014-SH-Vol-I
Directorate of Higher Education,
Himachal Pradesh, Shimla-1

[Tel:0177-2653120](tel:0177-2653120) Extn.234_E.mail:genbr@rediffmail.com, Fax: 2812882

Dated Shimla-1 the 13th May, 2016

To

1. All the Principals,
Government/ Pvt. Degree/ Skt. Colleges in,
Himachal Pradesh
2. All the Deputy Directors of Higher Education,
Himachal Pradesh

Subject:-

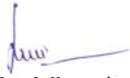
- (1) Alignment of Service Rules with the Sexual Harassment of women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.**
(2) Steps of conducting inquiry in case of allegation of Sexual Harassment.

Memo,

This is with reference to office memorandum No.Per(AP-II)A (3)10/75-Vol-IV dated 18-04-2016, received from the Under Secretary (Personnel) to the Government of Himachal Pradesh, Shimla-2, on the subject cited above.

In this regard, you are directed that these instructions/ guidelines may be brought to the notice of all concerned for strict compliance.

This must be given personal attention and top priority please.


(B.L. Vinta),
Joint Director of Higher Education(C),
Himachal Pradesh

Endst. No. Even dated Shimla-1 the 13th May, 2016

Copy for information and necessary action is forwarded to:-

1. The Under Secretary (Personnel) to the Government of Himachal Pradesh, Shimla-2, w.r.t. office memorandum No.Per(AP-II)A (3)10/75-Vol-IV dated 18-04-2016.
2. Guard file.

-Sd-

Joint Director of Higher Education(C),
Himachal Pradesh

No. Per(AP-II)A(3)10/75 Vol-IV
Government of Himachal Pradesh
Department of Personnel(AP-II)

Dated Shimla-2, the 18th April 2016

OFFICE MEMORANDUM

Subject : **(1) Alignment of Service Rules with the Sexual harassment of women at Workplace (Prevention, prohibition and Redressal) Act, 2013.**
(2) Steps of conducting inquiry in case of allegation of Sexual Harassment.

The governor, Himachal Pradesh is please to approve the adoption of O.M. No. 11013/2014 Estt. (A.III) dated 27th November, 2014, O.M. No. 11013/2/2014 Estt. (A.III) dated 16th July, 2015, F. No. 11013/2/2014-Estt.A.III dated 30th July, 2015, Notification No. 11013/2/2014-Estt.(A.III) [G.S.R. 823(E)] dated 19th November, 2014 and Notification No. 11013/2/2014 Estt. (A.III) [G.S.R. 822(E)] dated 19th November, 2014 from Government of India, Ministry of Personnel, Public grievances and pensions, Department of personnel & Training, New Delhi (copy enclosed) and to make applicable to the employees of the State Government with immediate effect.

2 These instructions may be brought to the notice of all concerned for strict Compliance.

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(Ram Singh Ranot)
Under Secretary (Personnel) to the
Government of Himachal Pradesh.
Tel. No. 0177-2624646

Endst.No. Per(AP-II)A(3) 10/75 Vol-IV Dated Shimla, the 18th April, 2016.
Copy to:-

1. All the Administrative Secretaries to the Government of Himachal Pradesh.
2. All the Head of Departments in Himachal Pradesh.
3. All the Divisional Commissioners in Himachal Pradesh.
4. All the Deputy Commissioners in Himachal Pradesh.
5. The Secretary, H.P. public service Commission, Shimla-171002.
6. The Registrar, H.P. High Court, Shimla-171001.
7. The Registrar, H.P. Administrative Tribunal, Shimla-171002.
8. All the Managing Directors/Registrars/Secretaries of all Boards/Corporations/ Autonomous Bodies in Himachal Pradesh.
9. The Secretary, H.P. Vidhan Sabha, Shimla-171004.
10. Guard file

-----sd-----
Under Secretary (Personnel) to the
Government of Himachal Pradesh.

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 sexual harassment of any 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 behavior, (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 behavior 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, organization, undertaking, 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 behavior 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 Bodles under their administrative control to align their service rules with the SHWW (PPR) Act/ Rules.

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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 11- खण्ड 3-उप-खण्ड (1)

PART II-Section 3-Sub-Section (1)

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 शि कायत तथा पें ान 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 भाक्तियों का प्रयोग करते हुए और भारतीय 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) 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।
- 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 14के उप नियम (2) के परंतुक में संदर्भित भारत सरकार के विभाग में बनाई शिकायत समिति की सिफारिशों पर दिया गया हर्जाना।

2 THE GAZETTE OF INDIA :EXTRAORDINARY {PART II-SEC.3(I)}

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 13 अप्रैल, 1966:
3	का, आ 2007, दिनांक 9 जुलाई, 1966: का, आ 1596, दिनांक 13 अप्रैल, 1966:
4	वा,आ,2648,दिनांक02सितम्बर,1966:
5	का, आ,2854, दिनांक 01 अक्टूबर, 1966;
6	का, आ, 1282, दिनांक 15 अप्रैल, 1967;
7	का, आ दिनांक,1457, 29 अप्रैल, 1967;
8	का, आ दिनांक,3253, 19 सितम्बर,1967;
9	का, आ दिनांक,3530, 07 अक्टूबर, 1967;
10	का, आ दिनांक,4151,25 नवम्बर, 1967;
11	का, आ दिनांक,321, 09 मार्च, 1968;
12	का, आ दिनांक,1441, 27 अप्रैल, 1968;
13	का, आ दिनांक,1870, 01 जून, 1968;
14	का, आ दिनांक,3423, 28 सितम्बर, 1968;
15	का, आ दिनांक,5008, 27 दिसम्बर, 1969;
16	का, आ दिनांक,397, 07 फरवरी,1970;
17	का, आ दिनांक,3521,, 25 सितम्बर, 1971;
18	का, आ दिनांक,249, 01 जनवरी,1972;
19	का, आ दिनांक,990, 22 अप्रैल,1972;
20	का, आ दिनांक,1600, 01 जुलाई,1972:
21	का, आ दिनांक,2789, 14 अक्टूबर,1972;
22	का, आ 929दिनांक,,31 मार्च,1972;
23	का, आ1648 दिनांक,06 जुलाई, 1974;
24	का, आ2742, 31 जुलाई,,1976;
25	का, आ4664 दिनांक08 दिसम्बर,1976;
26	का, आ3062 दिनांक, 08 अक्टूबर,1977;
27	का, आ3573, दिनांक,26 नवम्बर,1977;
28	का, आ 3574,दिनांक,26 नवम्बर,1977;
29	का, आ3671, दिनांक,03 दिसम्बर,1977;
30	का, आ2464, दिनांक,02 सितम्बर,1978;
31	का, आ2465, दिनांक, 02 सितम्बर,1978;
32	का, आ920, दिनांक,17फरवरी, 1979;
33	का, आ1769 दिनांक,05 जुलाई,1980;
34	का, आ 264,दिनांक,29 जनवरी,1981;
35	का, आ2126, दिनांक,08 अगस्त,1981;
36	का, आ,2203,
37	का, आ,2512,
38	का, आ,168,
39	का, आ,1535
40	अ,सं,11012 / 15 / 84-स्था,(क),दिनांक05 जुलाई,1985;
41	अ,सं, 11012 / 15 / 85-स्था,(क),दिनांक 29 जुलाई,1985;

42	अ,सं, 11012 / 06 / 85-स्था,(क), दिनांक 06 अगस्त, 1985:
43	वा,सा, 5637दिनांक 21 दिसम्बर, 1985;
44	वा,सां, 15743, दिनांक 28 दिसम्बर, 1985:
43	अ,सं, 5637दिनांक 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, दिनांक28 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, दिनांक28 अप्रैल,1990;
55	का, आ,2208, दिनांक 25 अगस्त,1990;
56	का, आ,1481, दिनांक 13 जून,1992;
57	सा,का,नि,289, दिनांक20जून,1992;
58	सा,का,नि,589, दिनांक26 दिसम्बर,1992;
59	सा,का,नि,499 दिनांक08 अक्टूबर,1994;
60	सा,का,नि,276, दिनांक10जून,1995;
61	सा,का,नि,17ए दिनांक20 फरवरी,1996;
62	सा,का,नि,125, दिनांक16 मार्च,1996;
63	सा,का,नि,417, दिनांक05 अक्टूबर,1996;
64	सा,का,नि,337, दिनांक02 सितंबर,2000
65	सा,का,नि,420, दिनांक28 अक्टूबर,2000;
66	सा,का,नि,211, दिनांक14 अप्रैल,2001;
67	सा,का,नि,60, दिनांक03 जनवरी,2004;
68	सा,का,नि,113, दिनांक10 अप्रैल,2004;
70	सा,का,नि,225, दिनांक10 जुलाई,2004;
71	सा,का,नि,287, दिनांक28 अगस्त,2004;
72	सा,का,नि,1 दिनांक20दिसंबर,2004
73	सा,का,नि,49 दिनांक29 मार्च,2008;
74	सा,का,नि,12, दिनांक07 फरवरी,2009;
75	वा, आ,946, दिनांक09 अप्रैल,2009;
76	का,सा,1762(ई), दिनांक16फरवरी,2009;
77	सा,का,नि,55(ई), दिनांक02 फरवरी,2010;
78	का,सा2079 (ई) दिनांक01 जनवरी2014 और
79	सा,का,769(ई), दिनांक31 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) There 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 number:-

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 29thApril, 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 14 October, 1972;
22. S.O.929, dated the 31st March, 1974;

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 3rd 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 June, 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. 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. 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.R287, 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,2014and
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 भाक्तियों 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 पश्चात्, राष्ट्रपति, केन्द्रीय 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) नियमावली, 2014 कहा जाएगा ।
(2) ये सरकारी राजपत्र में इनके प्रकाशन की तारीख से प्रवृत्त होंगे ।
- 2 केन्द्रीय सिविल सेवा (आचरण) नियमावली, 1964 के 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—

- (1) भाषाई संपर्क और फायदा उठाना: या
- (2) लैंगिक पक्षपात की मांग या अनुरोध करना: या
- (3) लैंगिक अर्थ वाली टिप्पणियां करना: या
- (4) अश्लील साहित्य दिखाना: या
- (5) लैंगिक प्रकृति का कोई अन्य निंदनीय भाषाई, भाषाईक या गैर भाषाईक आचरण करना ।

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

- (1) उसके नियोजन में अधिमानी व्यवहार का अंतर्निहित या स्पष्ट वचन देना: या
- (2) उसके नियोजन में अहितकर व्यवहार का अंतर्निहित या स्पष्ट धमकी देना: या
- (3) उसकी वर्तमान या भावी नियोजन के प्रास्थिति के बारे में अंतर्निहित या स्पष्ट धमकी देना: या
- (4) उसके कार्य में हस्तक्षेप करना या उसके लिए अभित्रासमय या आपराधिक या भानुतापूर्ण कार्य वातावरण सृजित करना: या
- (5) उसके स्वास्थ्य या सुरक्षा को प्रभावित कर सकने वाला अपमानजनक आचरण करना ।

(ग) 'कार्यस्थल' में निम्नलिखित शामिल हैं—

- (1) ऐसा कोई विभाग, संगठन, उपक्रम, स्थापन, उद्यम, संस्था, कार्यालय, भाखा 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:
- (2) अस्पताल या परिचर्या गृह:
- (3) प्रशिक्षण, खेलकूद या उससे संबंधित अन्य क्रियाकलापों के लिए प्रयुक्त, कोई खेलकूद संस्थान, स्टेडियम, खेलकूद काम्प्लेक्स या प्रतिस्पर्धा या क्रीडा का स्थान, चाहे आवासीय हो या नहीं:
- (4) 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:
- (5) कोई निवास-गृह या कोई गृह ।

टिप्पणी- मूल नियम, भारत के राजपत्र के भाग 11, खंड 3, उप-खंड (1) 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 11, खंड	3 उप-खंड (1) में प्रकाशित का आ सं
1	25/23/68-स्था(क)	3 फरवरी,1970	482	14फरवरी,1970
2	25/11/72- स्था(क)	24 अक्टूबर, 1972	3643	4नवंबर,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)	30जन,1976	2563	17जुलाई,1976
6	11013/19/75- स्था(क)	6जुलाई,1976	5691	24जुलाई,1976
7	11013/06/75- स्था(क)	24नवंबर,1976	4663	14 दिसंबर,1976
8	11013/4/76- स्था(क)	24अगस्त,1977	2859	17सितंबर,1977
9	11013/03/78- स्था(क)	22 सितंबर,1978	2859	30सितंबर,1978
10	11013/12/78- स्था(क)	20 दिसंबर,1978	3	5 जनवरी, 1980
11	11013/3/80- स्था(क)	24अप्रैल,1980	1270	10जन,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	22मार्च,1986
15	11013/5/86- स्था(क)	4 सितंबर,1986	3159	20सितंबर,1986
16	11013/16/85- स्था(क)	10 सितंबर,1986	3280	27सितंबर,1986
17	11013/1/87- स्था(क)	27जुलाई,1987	1965	8 अगस्त,1987
18	11013/19/87- स्था(क)	19 अप्रैल,1988	1454	14जन,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
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	9 मई,2011
29	11013/3/2013- स्था(क)	4 मार्च,2014	सा,का,नि,149,	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 work place.
Explanation – (1)For the Purpose of this rule.
(a) “sexual harassment” includes anyone 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, organization, 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 KUNDRRA, 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 Part II	in the Gazette of India Section (i).S.O.No.
1	25/23/68-Estt.(A)	3 rd February, 1970	482	The 14 February]1970
2	25/11/72- Estt.(A)	24 th October, 1972	3643	The 4 November]1972
3	25/57/64- Estt.(A)	5 th January, 1973	83	The 13 January] 1973
4	11013/12/75- Estt.(A)	13 th February, 1976	846	The 28 February]1976
5	25/19/74- Estt.(A)	30 th June, 1976	2563	The 17 July 1976
6	11013/19/75- Estt.(A)	6 th July, 1976	5691	The 24 July 1976
7	11013/06/75- Estt.(A)	24 th November, 1976	4663	The 14 December]1976
8	11013/4/76- Estt.(A)	24 th August, 1977	2859	The 17 September]1977
9	11013/03/78- Estt.(A)	22 nd September, 1978	2859	The 30 September]1978
10	11013/12/78- Estt.(A)	20 th December, 1978	3	The 5 January] 1980
11	11013/3/80- Estt.(A)	24 th April, 1980	1270	The 10 June]1980
12	1101321/84- Estt.(A)	3 rd October, 1985	4812	The 19 October]1985
13	11013/6/85- Estt.(A)	21 st February, 1986	935	The 8 March 1986
14	11013/11/85- Estt.(A)	7 th March, 1986	1124	The 22 March]1986
15	110135/86- Estt.(A)	4 th September, 1986	3159	The 20 September]1986
16	11013/16/85- Estt.(A)	10 th September, 1986	3280	The 27 September 1986
17	11013/1/87- Estt.(A)	27 th July, 1987	1965	The 8 August]1987
18	11013/19/87- Estt.(A)	19 th April, 1988	1454	The 14 June]1988
19	11013/18/87- Estt.(A)	18 th September, 1990	2582	The 6 October]1990
20	11013/20/91- Estt.(A)	9 th December, 1992	3231	The 6 December]1992
21	11013/4/93- Estt.(A)	12 th July, 1995	GSR355	The 29 July 1995
22	11013/4/93- Estt.(A)	16 th August, 1996	GSR637	The 31 August]1996
23	11013/10/97- Estt.(A)	13 th February, 1998	GSR49	The 7 March, 1998
24	11013/5/97- Estt.(A)	14 th October, 1999	GSR342	The 23 October]1999
25	11013/6/2001- Estt.(A)	15 th December, 2003	GSR458	The 27 December 2003
26	11013/72005- Estt.(A)	18 th October, 2005	GSR376	The 18 October]2005
27	11013/12/2008- Estt.(A)	27 th January, 2009	GSR8	The 27 January, 2009
28	11013/8/2009- Estt.(A)	9 th May, 2011	GSR370(E)	The 9 May, 2011
29	11013/3/2013- Estt.(A)	4 th March, 2014	GSR149(E)	The 4 March, 2014

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.

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(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 organizations under them in pursuance to the judgment 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 and 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:-
 - implied or explicit promise of preferential treatment in employment; or
 - implied or explicit threat of detrimental treatment in employment; or
 - implied or explicit threat about her present or future employment ; or
 - Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
 - 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 , organization, 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 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 called preliminary enquired 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 Rule

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) Rule, 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 Rules 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 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 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 Office, 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 violation 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 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 the 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 women 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 II 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(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.

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-110001
Dated July 30th 2015

CORRIGENDUM

Subject:- Steps for conducting inquiry in case of allegations of Sexual Harassment.

The undersigned is directed to say that a step guide for conduct of inquiry in complaint cases of sexual harassment was prepared by this Department and the same was circulated vide O.M. of even no. dated 16-07-2015.

2. In the step guide the definition of workplace' is based on section 2(o) of the Sexual Harassment of Women (Prevention, Prohibition, and Redressal) Act, 2013. However, in para 4 'a dwelling place or a house' was inadvertently omitted. Therefore, in the step guide under the heading 'workplace' the following may be added in para 4 after (iv):

'(v) a dwelling place or a house'

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(M.P. Rama Rao)
Under Secretary to the Government of India

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. 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).
16. Hindi Section, DoP&T