

No.11013/3/2009-Estt. (A)
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 21st July, 2009

OFFICE MEMORANDUM

Subject : CCS (Conduct) Rules, 1964 – Guidelines regarding prevention of sexual harassment of working women in the workplace.

The undersigned is directed to refer to Department of Personnel and Training's O.M. No. 11013/10/97-Estt. (A) dated 13.02.1998 and 13.07.1999, O.M. No. 11013/11/2001-Estt. (A) dated 12.12.2002 and 04.08.2005 and O.M. No. 11013/3/2009-Estt. (A) dated 02.02.2009 on the abovementioned subject and to say that it is necessary to have in place at all times an effective Complaint Mechanism for dealing with cases of sexual harassment of working women and to create awareness in this regard, particularly amongst working women. The salient features of the Complaint Mechanism and inquiry procedure are as follows :-

(i) Rule 3 C of the CCS (Conduct) Rules, 1964 provides that no Government servant shall indulge in any act of sexual harassment of any women at her work place. 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. "Sexual harassment" includes such unwelcome sexually determined behaviour, whether directly or otherwise, as --

(a) physical contact and advances;

(b) demand or request for sexual favours;

(c) sexually coloured remarks;

(d) showing any pornography; or./-

(e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

(ii) Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

(iii) The complaint mechanism should be adequate to provide, where necessary, a Complaints Committee, a special councillor or other support service, including the maintenance of confidentiality.

The Complaints Committee should be headed by a woman and not less than half of its member should be women. Further to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

(iv) The Committee constituted for redressal of the complaints by the victims of sexual harassment should be headed by an officer sufficiently higher in rank so as to lend credibility to the investigations.

(v) The Complaints Committee established in each Ministry or Department or Office for inquiring into complaints of sexual harassment shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority and that the Complaints Committee shall hold, if no separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into such complaints, the inquiry, as far as practicable in accordance with the procedure laid down in the said rules. [In 2004 a proviso was added to rule 14(2) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (**copy enclosed**) to this effect].

(vi) The Complaints Committee in terms of Cabinet Secretariat's Order No. 1 dated 26.09.2008 will inquire into complaints made against officers of the level of Secretary and Additional Secretary and equivalent level in the Government of India in the Ministries/Departments and Organisations directly under the control of the Central Government (other than the Central PSUs). The existing Complaints Committee established in each Ministry or Department or Office will, inquire into complaints of sexual harassment against only those Government servants who are not covered by the Cabinet Secretariat's Order No. 1, dated 26.09.2008.

(vii) It may be ensured that the Complaints Committee shall at all times be in existence and changes in its composition, whenever necessary, should be made promptly and adequately publicized. The composition of the Complaints Committee be also posted on the websites of the concerned Ministries/Departments/Offices concerned.

3. All Ministries/Departments are requested to bring the foregoing to the notice of all concerned.

(C.B. PALLIWAL)

Joint Secretary to the Government of India

Encl. : as above

All Ministries/Departments of the Government of India.

Copy forwarded to

1. Comptroller and Auditor General of India, New Delhi
2. Lok Sabha Secretariat/Rajya Sabha Secretariat/Ministry of Parliamentary Affairs.
3. Union Public Service Commission, New Delhi.
4. President's Secretariat/Vice-President's Secretariat/ Prime Minister's Office.
5. Election Commission of India, New Delhi.
6. Central Vigilance Commission, New Delhi.
7. Staff Selection Commission, New Delhi.
8. Central Bureau of Investigation, New Delhi.
9. All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions.
10. All Officers and Sections in the Ministry of Personnel, PG and Pensions.
11. NIC (DOPT) with the request to place this O.M. in the Department's website (www.persmin.nic.in).

(200 spare copies).