

OFFICE OF THE PRINCIPAL ACCOUNTANT GENERAL (A&E) PUNJAB &
U.T., CHANDIGARH

CIRCULAR

Circular No. Welfare /2022-23/38

Dated: - 10.08.2022

As per Rule 3-C of CCS (Conduct) Rules, 1964 prohibits Sexual Harassment of any women at her workplace. For the purpose of this Rule, 'sexual harassment' includes such unwelcomed sexually determined behaviour whether directly or otherwise, as-

- (a) Physical contact and advances.
- (b) Demand of request for sexual favours.
- (c) Sexually coloured remarks.
- (d) Showing any pornography.
- (e) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

Encl: - DOPT ACT and FAQs.

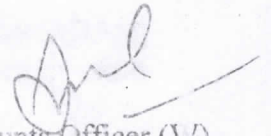
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Dy. Accountant General (Admin)

No. Welfare /2022-23/534-540

Dated: - 10.08.2022

Copy to:-

1. Secretary to Pr. Accountant General
2. Sr.PS /PA to All Group Officers.
3. All members of sexual Harassment committee.
4. All Section.
5. IT Support Cell for uploading on website.
6. ITA Section.
7. Notice Boards.


Sr. Accounts Officer (V)

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No.11013/3/2009-Estt. (A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block,
New Delhi,
Dated the 3rd August, 2009

OFFICE MEMORANDUM

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

In continuation of Ministry of Personnel, Public Grievances and Pensions Department of Personnel and Training, Government of India O.M. of even number dated the 21st July, 2009 on the abovementioned subject, the undersigned is directed to say the matter was considered by a Committee of Secretaries and the following decision was taken:-

"As regards provisions for protection of women, it was suggested that the complaints committee mechanism provided under Vishakha guidelines relating to sexual harassment should be strictly in accordance with the judgment and steps should be taken to ensure that the committee is effective and functional at all times. It would also be desirable for the Committees to meet once a quarter, even if there is no live case, and review preparedness to fulfill all requirements of the Vishakha judgment in the Department/Ministry/organization concerned. DOPT will issue suitable directions.

2. All Ministries/Departments are requested to ensure compliance.

(P.PRABHAKARAN)
Deputy Secretary to the Government of India

All Ministries/Departments of the Government of India.

**PROVISIONS OF Rule 14 (2) of the CENTRAL CIVIL SERVICES
(CLASSIFICATION, CONTROL AND APPEAL) RULES, 1965**

14 (2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government servant, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof.

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

Monday, July 26, 2010

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REFERENCER



HOME CONTACT LINKS MEMBERS

LOGIN

A Complete Reference Library for Customs & Excise Officers

The Central Civil Services (Classification, Control & Appeal) Rules, 1965

No.11013/3/2009-Estt.(A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi, Dated the 7th August, 2009

OFFICE MEMORANDUM

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

In continuation of the Department of Personnel and Training's O.M. of even number dated the 21st July, 2009 on the abovementioned subject, the undersigned is directed to say that the following may be substituted for the existing instructions in para 1 (v) thereof:-

"(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 the Complaints Committee shall hold, if 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 Central Civil Services (Classification, Control and Appeal) Rules, 1965 [In 2004 a proviso was added to rule 14(2) of the said rules. (copy enclosed) to this effect]."

2. The number of the last para of the O.M. under reference may be read as (2) in place of (3).

(P.PRABHAKARAN)
Deputy Secretary to the Government of India

PROVISIONS OF Rule 14(2) of the CENTRAL CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES, 1965

14(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct Of. misbehaviour against a Government servant, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof.

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

[DOPT OM No. 11013/3/2009-Estt. (A) dated 2nd February, 2009]

(25 E) Guidelines regarding prevention of sexual harassment of working women in the workplace.

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 04.03.2005 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 in charge 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.

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(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.

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F.No. 43012/5/2012-Estt.A

Department of Personnel and Training

Establishment (A-III)

Frequently Asked Questions(FAQs) and Answers
on
Sexual Harrassment of Women
at
Working Place

Sl. No.	Question	Answer
1.	Whether there is any Rule for prohibition of sexual harassment of working woman?	Yes. Rule 3-C of CCS (Conduct) Rules, 1964 prohibits sexual harassment of any woman at her workplace.
2.	What are the specific provisions of the Rule?	(1) No Government servant shall indulge in any act of sexual harassment of any woman at her work place. (2) Every Government servant who is incharge of a workplace shall take appropriate steps to prevent sexual harassment to any woman at such workplace. Explanation.- For the purpose of this Rule, 'sexual harassment' includes such unwelcomed 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.
3.	What are the guidelines and norms to be maintained to prevent and deal with cases of sexual harassment in working place?	The Hon'ble Supreme Court has laid down guidelines and norms in this matter in the case of Vishakha & Ors. Vs. State of Rajasthan & Ors. (Jt. 1997(7) SC 384). These guidelines and norms to be observed to prevent sexual harassment of working woman have been circulated to all Ministries and Departments vide DOPT's O.M. No. 11013/10/1997-Estt.A dated 13.2.1998. A copy of these guidelines are available on the website on the Ministry at www.persmin.nic.in . As per above guidelines, there should be a Complaints Committee, a special Counsellor or other support service including maintenance of confidentiality. (DOPT's O.M. dated 21.7.2009 and 7.8.2009)
4.	Composition of Complaints Committee.	The Complaints Committee should be headed by a woman and not less than half of its Members 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

		<p>other body who is familiar with the issue of sexual harassment. (enclosure of DOPT's O.M. dated 13th Feb., 1998)</p>
5.	What will be the rank of the Chairperson of the Committee?	<p>Committee should be headed by an officer sufficiently higher in rank so as to lend credibility to the investigations. (DOPT's O.M. 11013/10/97-Estt.A dated 13.7.1999)</p>
6.	What about complaints against senior level officers?	<p>For inquiring into complaints made against officers of the level of Secretary, Addl Secretary and equivalent level of Govt of India, a separate Complaints Committee has been set up by the Cabinet Secretariat with the approval of the Prime Minister. (DOPT's O.M. No. 11013/3/2009-Estt. A dated 2nd Feb., 2009 Cab. Secretariat's O.M. 501/28/1/2008-CA V dated 26.9.2008)</p>
7.	Whether separate Complaints Committee should be set up for each complaint of sexual harassment case?	<p>No. It is necessary to have in place at all times an effective mechanism for dealing with cases of sexual harassment and to create awareness in this regard. There should be Standing Committee in each organisation for inquiring into any such complaints. The Complaints Committee must make an Annual Report to the Government Department concerned of the complaints and action taken by them. It would also be desirable of the Committees to meet once in a quarter even if there is no live case and review preparedness to fulfil all requirements of the Vishakha judgment in the Department / Ministry / Organisation concerned. (DOPT's O.M. dated 21.7.2009, 7.8.2009 and 3rd August, 2009)</p>
8.	What is the status of the report of the Complaints Committee?	<p>In its Order dated 26.04.2004 in the Writ Petition No. 173-177/ 999 in the case of Medha Kotwal Lele and Ors. Vs. UOI & Ors. the Hon'ble Supreme Court has directed that 'the Reports of the Complaints Committee shall be deemed an Inquiry Report under the CCS Rules. Thereafter, the Disciplinary Authority will act on the report in accordance with the Rules'. Sub-Rule (2) of Rule 14 of CCS (CCA) Rules, 1965 has accordingly been amended to provide that the Complaints Committee shall be deemed to be the Inquiry Authority for the purpose of these Rules by the Notification No. 11012/5/2001-Estt.A dated 01.07.2004 (GSR 225 dated 10th July, 2004). In view of the said amendment made to the CCS(CCA) Rules, the instructions contained in DOPT's O.M. dated 12th Dec., 2002 stands modified and the report of the Complaints Committee should be treated as an inquiry report and <u>not</u> a preliminary report. [DOPT O.M. No.11013/3/2009-Estt. (A) Dated the 21st July, 2009] [DOPT OM dated 12.12.2002 as amended by O.M. dated 4.8.2005]</p>

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9.	Is there any Charge Sheet in such cases?	The Complaint forwarded by the DA to the Complaint Committee is treated as Charge Sheet. Specific Charge Sheet may also be made on the basis of complaints.
10.	Is the procedure prescribed in the CCS(CCA) Rule 14 followed in such enquiries?	The Complaint Committee is the competent authority in such cases to decide the procedure. However, since the report of the committee is to be treated as the enquiry report under the CCS(CCA) rules and the Disciplinary Authority is to take action on that report as per the same rules (as mentioned at point no 8 above) the procedure prescribed in rule 14 of the CCS(CCA) Rules are to be followed as far as practicable. [DOP&T O.M. No. 11013/3/2009-Estt. (A) dated the 3 rd August, 2009]
11.	Whether copy of the report should be given to the Charged Officer / Complainant?	Yes, may be given.
12.	Whether any special leave or transfer is to be granted to the complainant if such request is made by her?	As per the existing Leave Rules, there is no special type of leaves that can be granted to the aggrieved woman. However, she can be granted any kind of regular leave that is admissible to her under the provisions of CCS (Leave) Rules, 1972 (as amended from time to time). The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer. (DOPT's O.M. No 11013/10/97-Estt.A dated 13 th Feb., 1998)
13.	Whether any amendment to the existing Rules / instructions is being made on this issue?	The existing Rules / Instructions / guidelines / norms / mechanisms have been formulated on the basis of direction of the Supreme Court in the case of Vishakha & Others vs. State of Rajasthan and Medha Kotwal Lele & Ors vs. UOI & Ors. as mentioned above. However, Ministry of Women & Child Development have introduced a Comprehensive Bill in the Parliament on the issue of sexual harassment at working place – Government, Semi-Government, Private Sector as well as unorganized sectors. After passing of the Bill in the Parliament detailed Rules vis-a-vis that Act may be formulated by the Government.

This has the approval of Joint Secretary (Establishment).

(U.S. Chattopadhyay)

Under Secretary to the Government of India

Director (NIC), DOPT with the request to upload the same on the website of this Ministry.

