फैक्स /FAX : 26589873, 26589414
011-26588662, 011-26589791, 011-26589258
Website : www.icmr.nic.in
E-mail : icmrhqds@sansad.nic.in

भारतीय आयुर्विज्ञान अनुसंधान परिषद
INDIAN COUNCIL OF MEDICAL RESEARCH

स्वास्थ्य अनुसंधान विभाग (स्वास्थ्य एवं परिवार कल्याण मंत्रालय)
वी रामलिंगस्वामी भवन, अन्सारी नगर, नई दिल्ली - 110029
DEPARTMENT OF HEALTH RESEARCH (MINISTRY OF HEALTH & FAMILY WELFARE)
V. RAMALINGASWAMI BHAWAN, ANSARI NAGAR, NEW DELHI-110029

क्रमांक.E16/47/2022-प्रशासन **दिनांक:01/02/2023**

सेवा में,

निदेशक/प्रभारी निदेशक
परिषद के सभी संस्थान/केन्द्र

महोदय/महोदया,

विभिन्न मंत्रालयों/विभागों से प्राप्त निम्नलिखित पत्र, सूचना एवं आवश्यक कार्यवाही के लिए संलग्न है।

S. No	Reference No. & Date	Name of Ministry	Subject
1.	DO.No.28/03/2022-P&PW(B) Dated: 29.12.2022	Ministry of Personnel, Public Grievances & Pensions, Department of Pension & Pensioners Welfare, Lok Kalyan Bhawan, New Delhi	NPS – reg.
2.	No. Nil Updated on: 04.11.2022	Ministry of Personnel, Public Grievances and Pension, Department of Personnel & Training, Establishment Division, New Delhi	Updated Dop&T's Guidelines on Prevention of Sexual Harassment of Women at Workplace - reg.

भवदीय,
2/2/23
जगदीश राजेश
सहायक महानिदेशक (प्रशासन)

अनुलंग्नक:यथोक्त

प्रतिलिपि: 1. महानिदेशक/वरि.उपमहानिदेशक (प्रशा.)/वरि.वित्त सलाहकार के निजी सचिव
2. परिषद के सभी प्रभाग प्रमुख
3. उपमहानिदेशक (प्रशा.)/सहा. महानिदेशक (प्रशा.)/सहा. महानिदेशक (वित्त.)
4. डॉ.एल.के शर्मा, वैज्ञानिक ई: वैबसाइट पर अप्लोड करने के लिए ईमेल आईडी (sharma.lk@icmr.gov.in) पर मेल कर दिया गया है।

26589873, 26589414
फैक्स /FAX : 011-26588662, 011-26589791, 011-26589258
Website : www.icmr.nic.in
E-mail : icmrhqds@sansad.nic.in

भारतीय आयुर्विज्ञान अनुसंधान परिषद
INDIAN COUNCIL OF MEDICAL RESEARCH

स्वास्थ्य अनुसंधान विभाग (स्वास्थ्य एवं परिवार कल्याण मंत्रालय)
वी रामलिंगस्वामी भवन, अन्सारी नगर, नई दिल्ली - 110029
DEPARTMENT OF HEALTH RESEARCH (MINISTRY OF HEALTH & FAMILY WELFARE)
V. RAMALINGASWAMI BHAWAN, ANSARI NAGAR, NEW DELHI-110029

No.16/47/2022-Admn. Dated:01/02/2023

To

The Directors/Directors-in-charge of
All Institutes/Centers of ICMR

Sir/Madam,

Please find enclosed the following letters which have been received from different Ministries/Departments for information and necessary action:

S.No	Reference No. & Date	Name of Ministry	Subject
1.	DO.No.28/03/2022-P&PW(B) Dated: 29.12.2022	Ministry of Personnel, Public Grievances & Pensions, Department of Pension & Pensioners Welfare, Lok Kalyan Bhawan, New Delhi	NPS – reg.
2.	No. Nil Updated on: 04.11.2022	Ministry of Personnel, Public Grievances and Pension, Department of Personnel & Training, Establishment Division, New Delhi	Updated Dop&T's Guidelines on Prevention of Sexual Harassment of Women at Workplace - reg.

Yours faithfully

1/2/23

(Jagdish Rajesh)
Assistant Director General (Admin.)

Encl: As above

Copy to: 1. PS to DG/Sr. DDG(A)/Sr. FA
2. All Divisional Heads
3. DDG(A)/ ADG(A)/ ADG(F)
4. Dr. L.K. Sharma, Scientist "E"-soft copy of the same has been mailed at your email ID (Sharma.lk@icmr.gov.in) for website upload

वी. रामलिंगस्वामी भवन, पोस्ट बॉक्स नं. 4911,
अंसारी नगर, नई दिल्ली - 110 029, भारत
V. Ramalingaswami Bhawan, P.O. Box No. 4911,
Ansari Nagar, New Delhi - 110 029, India
Tel: +91-11-26588895 / 26588980 / 26589794
+91-11-26589336 / 26588707
Fax: +91-11-26588662 | icmr.nic.in

वी. श्रीनिवास, आई.ए.एस.
सचिव
V. Srinivas, IAS
SECRETARY

सत्यमेव जयते

आज़ादी का अमृत महोत्सव

भारत सरकार
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय,
पेंशन एवं पेंशनभोगी कल्याण विभाग
लोक नायक भवन, खान मार्किट,
नई दिल्ली-110003
GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS,
DEPARTMENT OF PENSION & PENSIONERS' WELFARE
LOK NAYAK BHAWAN, KHAN MARKET,
NEW DELHI-110003

D.O. No. 28/03/2022-P&PW (B)

December 29, 2022

Dear Secretary,

The National Pension System (NPS) was introduced for Central Government employees w.e.f. 01.01.2004 vide Ministry of Finance (Department of Economic Affairs) Notification No. 5/7/2003-ECB & PR dated 22.12.2003. NPS is mandatory for all new recruits joining the Central Government service (except armed forces) from 01.01.2004. On introduction of NPS for Central Government employees, the CCS(Pension) Rules, 1972 were amended vide notification dated 30.12.2003 making them applicable to Central Government employees appointed on or before 31.12.2003.

2. For streamlining implementation of NPS, the Department of Pension and Pensioners' Welfare in consultation with other Concerned Departments/ Organizations has notified Central Civil Services (Implementation of National Pension System) Rules, 2021 on 30.03.2021 to regulate service matters of Central Government employees covered under NPS.

3. The Department of Pension & Pensioners' Welfare had issued Sixty (60) Notifications/Circulars during the month of October, 2022 in Special Campaign 2.0. A compendium of these circulars has been prepared for general awareness of Ministries / Departments.

4. Soft copies of these books have been uploaded in this Department's website for reference by all concerned.

5. I am pleased to forward copies of the Central Civil Services (Implementation of National Pension System) Rules, 2021 (one copy each in Hindi and English of the book) and Compendium of circulars issued by this Department during October, 2022 printed by this Department for reference/use by your Ministry/ Department.

Yours sincerely,

With best regards,

(V. Srinivas)

All the Secretaries to GOI.

सूचना का अधिकार

Gmail ADMN-II ADMN <admn2355@gmail.com>

Fwd: Updated DoP&T Guidelines on Prevention of Sexual Harassment of Women at Workplace-regarding.

1 message

R Lakshminarayanan <lakshminarayanan.r@icmr.gov.in> Sat, Dec 17, 2022 at 3:01 AM
To: admn2355 <admn2355@gmail.com>
Cc: SAFAL CHETRI CHETRI <chetri.s@icmr.gov.in>, Jagdish Rajesh <rajeshj.hq@icmr.gov.in>

Please circulate.

Thanks

Dr R Lakshminarayanan
Deputy Director General (A) &
Vigilance Officer
ICMR HQ, New Delhi.

----- Forwarded Message -----
From: cbaisya@gmail.com
To: directornimr@gmail.com
Cc: Sr DDG Admin <srddga.hq@icmr.gov.in>, R Lakshminarayanan <lakshminarayanan.r@icmr.gov.in>, dineshsoni739@gmail.com, vedp1967@gmail.com, Aruna Sen <aruna.sen@gov.in>, Aruna Sen <aruna.sen@nic.in>, arunabahlsen@gmail.com, dir@nirrh.res.in
Sent: Sat, 17 Dec 2022 16:07:34 +0530 (IST)
Subject: Updated DoP&T Guidelines on Prevention of Sexual Harassment of Women at Workplace-regarding.

Madam,
Please find the updated DoP&T's Guidelines in the above mentioned subject.
Regards,
C. Baisya

Updated DOPT Guidelines for Prevention of Sexual Harassment of Women at Workplace.pdf
478K

Mr. Sumit
18/11

D.No.4 Admn
18/11/2022
Receipt No. 648505

Updated on 04.11.2022

Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel & Training
Establishment Division
*****

PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE

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

(i) Guidelines/ Norms of the Hon'ble Supreme Court were circulated by Department of Personnel & Training vide OM No. 11013/10/97-Estt.(A) dated 13.02.1998 for strict compliance by the Ministries/ Departments.

(ii) Amendments in Central Civil Services (Conduct) Rules, 1964 were also carried out by inserting the Rule 3-C declaring Sexual Harassment of Working Women as a misconduct, vide Notification No. 11013/10/97-Estt.(A) dated 13.02.1998 published in Gazette of India as G.S.R. 49 dated 07.03.1998

(iii) Subsequently, Central Civil Services (Classification, Control & Appeal) Rules, 1965 were also amended by inserting a provision below sub-rule 2 of Rule 14 in connection with treatment of the Complaint Committee as Inquiring Authority and to follow the procedure as laid down in these Rules to hold inquiry into the complaints of Sexual Harassment. This was notified vide Notification No. 11012/5/2001-Estt.A dated 01.07.2004 published in Gazette of India vide G.S.R. No. 225 dated 10.07.2004

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

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

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

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

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

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

(2) Every Government servant who is 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."

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

(B) COMPLAINTS COMMITTEE:

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

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

❖ **Section 4 of the SHWW (PPR) Act-**

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

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

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

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

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

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organisation;

(b) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;

(c) one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:

(3) The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

(4) The Member appointed from amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed.

(5) Where the Presiding Officer or any Member of the Internal Committee, —

(a) contravenes the provisions of section 16; or
(b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
(c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
(d) has so abused his position as to render his continuance in office prejudicial to the public interest,

such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section."

[Section 4 of the SHWW (PPR) Act]

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

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

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

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

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

❖ **Complaints Committee to be Inquiring Authority**

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

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

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

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

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

(C) INQUIRY INTO COMPLAINT [FIRST STAGE]

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

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

by which the charges are to be proved. Therefore this is a very important part of the investigation.

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

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

*"**9. Complaint of sexual harassment**.— (1) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:*

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing:

Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

(2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section."

[Section 9 of the SHWW (PPR) Act]

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

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

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

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

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

(a) her relative or friend; or

(b) a special educator; or

(c) a qualified psychiatrist or psychologist; or

(d) the guardian or authority under whose care she is receiving treatment or care; or

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

(iii) where the aggrieved women for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent;

(iv) where the aggrieved women is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir."

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

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

Provided that where the aggrieved woman informs the Internal Committee or the Local Committee, as the case may be, that any term or condition of the settlement arrived at under sub-section (2) of section 10 has not been complied with by the respondent, the Internal Committee or the Local Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police:

Provided further that where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

(2) Notwithstanding anything contained in section 509 of the Indian Penal Code (45 of 1860), the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provisions of section 15.

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

Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;
(b) requiring the discovery and production of documents; and
(c) any other matter which may be prescribed.

(4) The inquiry under sub-section (1) shall be completed within a period of ninety days."

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

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

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

(3) The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses within a period not exceeding ten working days from the date of receipt of the documents specified under sub-rule(1).

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

(5) The Complaints Committee shall have the right to terminate the inquiry proceedings or to give an exparte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Chairperson or Presiding Officer, as the case may be:

Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.

(6) The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Complaints Committee.

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

- On the completion of an inquiry under this Act, the Complaints Committee shall provide a report of its findings to the employer within a period of ten

days from the date of completion of the inquiry and such report be made available to the concerned parties.

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

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

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

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

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

(D) INQUIRY UNDER CCS (CCA) RULES, 1965 [SECOND STAGE]

Dual Role

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

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

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

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

Decision to issue Charge sheet. and conducting Inquiry

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

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

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

The Inquiry-stages

- In case the Charged Officer denies the charges and his reply is not convincing, the Charge sheet along with his reply may be sent to the Complaints Committee for formal inquiry, and documents mentioned in Rule 14 (6) will be forwarded to the Complaints Committee. As per Section 11(3) of the Act, for the purpose of making an inquiry, the Complaints Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:—

  (a) summoning and enforcing the attendance of any person and examining him on oath;
  (b) requiring the discovery and production of documents; and
  (c) any other matter which may be prescribed.

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

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

- When the regular hearing commences, the Inquiring Authority would ask the Presenting Officer to produce the documentary evidence. Such documents as are disputed by the Charged Officer have to be proved by the witnesses before they are taken on record. The undisputed documents would be taken on record and marked as exhibits.
  [Para 14 to 17 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

Examination of Witnesses

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

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

- If Inquiring Authority wishes to ascertain some facts for clarity, he may pose questions to the witnesses. This should however, be done in such a manner as to not show any bias for or against the Charged Officer. This has to be done in the presence of the Presenting Officer and the Charged Officer/Defence Assistant. No

inquiry should be conducted behind the back of the charged officer. The witnesses will be examined one by one, and the other witness who are either yet to be examined, or have been examined are not allowed to be present during the examination of a witness.

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

■ Daily Order Sheet

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

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

■ Defence Evidence

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

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

■ General Examination of the Charged Officer

After the Defense evidence is over, the Inquiring Authority shall ask Charged Officer as to whether he wishes to appear as his own witness. In case he does so, he will be examined like any other defense witness. In case however, he declines to do so, the Inquiring Authority is required to generally question him. At this stage due care is required to be exercised that as per Rule 14(18)

the purpose of this stage is to apprise Charged Officer of the circumstances which appear to be against him. This is to enable the Charged Officer to explain them to the Inquiring Authority. Presenting Officer and the Defence Assistant do not take any part in the General Examination. Charged Officer may not be compelled to answer questions during examination by the Inquiring Authority.

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

■ Brief

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

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

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

■ Powers of the Committee to make recommendations

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

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

  (a) to transfer the aggrieved woman or the charged officer to any other workplace; or

  (b) to grant leave to the aggrieved woman up to a period of three months. (The leave will not be deducted from her leave account).

  (c) to grant such other relief to the aggrieved woman as may be prescribed; or

  (d) to deduct from the salary or wages of the charged officer such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs.Any amount outstanding at the time of cessation of the services of the charged officer due to retirement, death or otherwise may be recovered from the

terminal benefits payable to the officer or his heirs.Such compensation will not amount to penalty under Rule 11 of CCS (CCA) Rules in terms of the Explanation (ix) to Rule 11.

(e) to take actionagainst complainant, if the allegation is malicious, or the complainant knows it to be false, or has produced any forged or misleading document.

(f) to take actionagainst any witness if such witness has given false evidence or produced any forged or misleading document.

[Para 6 and 7 of the OM No. 11013/2/2014-Estt.A-III dated 27.11.2014]
[Para 5 and 26 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

(g) The Complaints Committee at the written request of the aggrieved women may recommend to the employer to-

i. restrain the respondent from reporting on the work performance of the aggrieved women or written her confidential report, and assign the same to another officer;

ii. restrain the respondent in case of an educational institution from supervising any academic activity of the aggrieved women.

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

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

"48. Special Leave connected to inquiry of sexual harassment - Leave upto a period of 90 days may be granted to an aggrieved female Government Servant on the recommendation of the Internal Committee or the Local Committee, as the case may be, during the pendency of inquiry under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the leave granted to the aggrieved female Government Servant under this rule shall not be debited against the leave account".

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

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

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

(ix) Any compensation awarded on the recommendation of the Complaints Committee referred to in the proviso to sub-rule (2) of rule 14 and established in the Department of the Government of India for inquiring into any complaint of

sexual harassment within the meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964'

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

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

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

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

    "***16.Prohibition of publication or making known contents of complaint and inquiry proceedings***.—*Notwithstanding anything contained in the Right to Information Act, 2005 (22 of 2005), the contents of the complaint made under section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, and the action taken by the employer or the District Officer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner:*

    Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses."

  - ***17. Penalty for publication or making known contents of complaint and inquiry proceedings.***— *Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Act, contravenes the provisions of section 16, he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.*

- With the above stage, the inquiry would be formally over. The Inquiring Authority should prepare separate folders containing the documents mentioned in Rule 14(23)((ii) of CCS (CCA) Rules, 1965

  [Para 28 of OM No. 11013/2/2014-Estt.(A-III) dated 16.07.2015]

■ Suspension of the Charged Officer

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

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

■ Transfer of Charged Officer:

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

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

■ Special provisions to deal with threats or intimidation

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

(i) where the Government servant, through or together with his associates terrorizes, threatens or intimidates witnesses who are likely to give evidence against him with fear of reprisal in order to prevent them from doing so; or

(ii) where the Government servant himself or with or through others threatens, intimidates and terrorizes the Disciplinary Authority, Members of the Committee, the Presenting Officer or members of their family.

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

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

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

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

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

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

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

"18 Appeal.—(1) Any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clause (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or subsection (2) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.

(2) The appeal under sub-section (1) shall be preferred within a period of ninety days of the recommendations."

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

- Ministry of Women & Child Development launched an online complaint management system titled Sexual Harassment electronic-Box (She-Box) on 24th July, 2017 for registering complaints related to sexual harassment at workplace. The She-Box is an initiative to provide a platform to the women working or visiting any office of Central Government (Central Ministries, Departments, Public Sector Undertakings, Autonomous Bodies and Institutions etc.) to file complaints related to sexual harassment at workplace under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

- Once a complaint is submitted to She-Box, it will be directly sent to the Internal Complaint Committee (ICC) of the concerned Ministry/ Department/ PSU/ Autonomous Body etc. having jurisdiction to inquire into the complaint. The She-Box also provides an opportunity to both the complainant and nodal administrative authority to monitor the

progress of inquiry conducted by the ICCs. The She-Box portal can be accessed at the link given below:

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

- Features of the She-Box are as under:

(i) She-Box is an online Complaint Management System for lodging complaints related to sexual harassment of women at workplace. The steps required for filing of complaint through She-Box can be downloaded from the link: http://www.shebox.nic.in/assets/site/downloads/manual.pdf

(ii) Any woman working or visiting any office of Central Government (Central Ministries, Departments, Public Sector Undertakings, Autonomous Bodies and Institutions etc.) can file complaint related to sexual harassment at workplace through this She-Box.

(iii) Once a complaint is submitted to the She-Box, it will directly send the complaint to the Internal Complaints Committee (ICC) of the concerned Ministry/ Department/ PSU/ Autonomous Body etc. having jurisdiction to inquire into the complaint. The Internal Complaints Committee will take action as prescribed under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and update the status of the complaint through '**Administrator Login**'.

(iv) The status of complaint can be viewed at any time by pressing the tab '**View Status of Your Complaint**' within She-Box.

- The complaint registered in the She-Box contains only a brief description of the incident of sexual harassment at workplace. The Internal Complaints Committee (ICC) is required to initiate inquiry as prescribed under Section 11 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 read with Department of Personnel & Training's O.M. No.11013/2/2014-Estt.(A-III) dated 16th July, 2015 by calling upon the complainant to provide detailed complaint along with all the relevant evidences (documentary or otherwise).

(G) Duties of the employer-

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

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

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

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

(a) provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;

(b) display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee under sub-section (1) of section 4;

(c) organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;

(d) provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;

(e) assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;

(f) make available such information to the Internal Committee or the Local Committee, as the case be, as it may require having regard to the complaint made under sub-section (1) of section 9;

(g) provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force;

(h) cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;

(i) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;

(j) *monitor the timely submission of reports by the Internal Committee"*

[Section 19 of the SHWW (PPR) Act]

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

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

➢ It should be ensured that the aggrieved women are not victimized in connection with the complaints filed by them. For a period of five years after a decision in a proven case of sexual harassment, a watch should be kept to

ensure that she is not subjected to vendetta. She should not be posted under the Respondent, or any other person where there may be a reasonable ground to believe that she may be subjected to harassment on this account. In case of any victimization the complainant may submit a representation to the Secretary in the case of Ministries/Departments and Head of the Organization in other cases. These representations should be dealt with sensitivity, in consultation with the Complaints Committee, Ministries/Department and Head of the Organization in other cases. These representations should be dealt with sensitivity, in consultation with the Complaints Committee, and a decision taken within 15 days of the submission of the same.

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

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

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

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

➢ Section 21 of the the SHWW (PPR) Act

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

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

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

"14. Preparation of annual report.- The annual report which the Complainants Committee shall prepare under Section 21, shall have the following details:-

(a) number of complaints of sexual harassment received in the year;
(b) number of complaints disposedoff during the year;
(c) number of cases pending for more than ninety days;
(d) number of workshops or awareness programme against sexual harassment carried out;
(e) *nature of action taken by the employer or District Officers."*

(I) Provisions regarding preparation of Annual Report by Employer

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

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

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

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

(J) Miscellaneous-

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

Note: List of the OMs mentioned in this document is **annexed**. In case any reference to the relevant OM is required, the same may be accessed by clicking on the hyperlink or from the DOPT's website.

ANNEXURE

List of Rules, Notifications and OMs mentioned in this Document

No.	Acts and Rules
1.	Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
2	Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013
3	Central Civil Services (Classification, Control and Appeal) Rules, 1965
4.	Central Civil Services (Conduct) Rules, 1964
5.	Central Civil Services (Leave) Rules, 1972

S. No.	**OM No.**	**Subject**
1.	OM.No.11013/10/97-Estt.A dated 13.02.1998	CCS(Condcut) Rules, 1964 – Supreme Court Judgment in the case of Vishaka Vs. State of Rajasthan regarding sexual harassment of working women.
2.	OM.No.11013/10/97-Estt.A dated 13.07.1999	Prevention of sexual harassment of working women – Supreme Court judgment in the case of Vishaka Vs. State of Rajasthan.
3.	OM.No.11013/11/2001-Estt.A dated 12.12.2002	Report of the Complaints Committee constituted for prevention of sexual harassment of women at work places – follow up action.
4.	OM.No.11013/11/2001-Estt.A dated 04.08.2005	Report of the Complaints Committee constituted for prevention of sexual harassment of women at work places – follow up action.
5.	OM.No.11013/3/2009-Estt.A dated 2.2.2009	CCS(Conduct) Rules, 1964 – constitution of a Complaints Committee to enquire into complaints of sexual harassment made against officers of the level of Secretary and Additional Secretary to the Government of India.
6.	OM.No.11013/3/2009-Estt.A dated 21.7.2009	CCS(Conduct) Rules, 1964 – Guidelines regarding prevention of sexual harassment of working women in the workplace.
7.	OM.No.11013/3/2009-Estt.A dated 3.8.2009	CCS(Conduct) Rules, 1964 – Guidelines regarding prevention of sexual harassment of working women in the workplace.
8.	OM.No.11013/3/2009-Estt.A dated 7.8.2009	CCS(Conduct) Rules, 1964 – Guidelines regarding prevention of sexual harassment of working women in the workplace.
9.	OM.No.11013/3/2009-Estt.A dated 8.10.2009	Complaints Committee mechanism relating to sexual harassment.
10.	OM.No.11013/2/2014-Estt.A-III dated 27.11.2014	Alignment of Service Rules with the Sexual Harassment of women at workplace (prevention, prohibition and redressal) Act 2013.
11.	*OM.No.11013/2/2014-Estt.A-III dated 2.2.2015*	*CCS(Conduct) Rules 1964 – Guidelines regarding prevention of sexual harassment of women at the*

		workplace – regarding.
12.	OM.No.11013/2/2014-Estt.A-III dated 5.5.2015	Meeting held on 16.04.2015 to review the progress of implementation of the guidelines on prevention of sexual harassment of women at the workplace – forwarding of Minutes – reg.
13.	OM.No.11013/2/2014-Estt.A-III dated 16.7.2015	Steps for conducting inquiry in case of allegation of Sexual Harassment.
14.	OM.No.11013/2/2014-Estt.A-III dated 30.7.2015	Steps for conducting inquiry in case of allegation of Sexual Harassment.
15.	OM.No.13026/2/2016-Estt.L dated 14.7.2016	Implementation of leave provision under the sexual harassment of women at workplace (prevention, prohibition & redressal) Act, 2013 – reg.
16.	OM.No.11012/5/2016Estt.A-III dated 2.8.2016	CCS(CCA) Rules, 1965 – Guidelines regarding prevention of sexual harassment of women at the workplace – reg.
17.	OM.No.11013/2/2014-Estt.A-III dated 9.9.2016	Prevention of Sexual Harassment of working women at workplace - Seniority of the Chairperson of the Complaint Committee – reg.
18.	OM.No.11013/7/2016-Estt.A-III dated 22.12.2016	CCS(Conduct) Rules 1961 – Guidelines regarding prevention of sexual harassment of women at the workplace – reg.
19.	OM.No.11013/7/2016-Estt.A-III dated 1.11.2017	Online complaint management system titled "Sexual Harassment electronic-Box (She-Box)" – reg.