



तथा औद्योगिक अनुसंधान परिषद्

अनुसंधान भवन, 2, रफी मार्ग, नई दिल्ली-110 001

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH

Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110001

संख्या
No. 15-6(82)/98-ओ एंड एम -II

स्पीड-पोस्ट/दस्ती
19 सितम्बर, 2009

प्रेषक
From

मुख्य सतर्कता अधिकारी
Chief Vigilance Officer

To

सीएसआईआर की सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों के निदेशक/प्रधान
The Directors/Heads of all National Labs/Instts. of CSIR

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

महोदय,

मे आपकी सूचना, मार्गदर्शन एवं आवश्यक कार्यवाही हेतु उपरोक्त विषय पर भारत सरकार, कार्मिक, लोक शिक्कायत तथा पेंशन मंत्रालय (कार्मिक और प्रशिक्षण विभाग) द्वारा दिनांक 21 जुलाई, 2009 एवं 7 अगस्त, 2009 के कार्यालयी अपन सं. 11013/3/2009 Estt (A) को अग्रोपन कर रहे हैं। कृपया इसकी प्रति सभी संबंधित अधिकारियों को पदान की जाए।

I am to forward herewith a copy of the Office Memorandum No. 11013/3/2009-Estt.(A) of the Govt. of India, Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel and Training) dated 21st July, 2009 and 7th August, 2009 on the subject cited above for your information, guidance and necessary action, with a request that the copies of the same may kindly be provided to all concerned

भवदीय,

10/9/09
(अंजलि निवारी)

मुख्य सतर्कता अधिकारी

संलग्न: अथोपरि

प्रतिलिपि:

1. सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों के वरिष्ठ प्रशा. नियंत्रक / प्रशा. नियंत्रक/प्रशा. अधिकारी
2. अवर सचिव (के. कार्यालय)
3. उप सचिव (प्र. प्रशासन)
4. वरिष्ठ उप सचिव, सीएसआईआर कॉम्प्लेक्स
5. श्री ए. वाहिन, वैज्ञानिक, सूचना प्रौ. प्रभाग, सीएसआईआर वेबसाइट पर प्रसारित करने हेतु
6. कार्यालय प्रति

Ph endorse fo all
15/9/09

मे. डी.
हस्ताक्षर

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 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.

Cont - 2/- →

(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.

Cont --- 3/- =>

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


(C.B. PALIWAL)
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).

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

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.