

F. No. 11013/2/2014-Estt.A-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
Establishment Division

North Block, New Delhi - 110001

Dated July 11th, 2016

OFFICE MEMORANDUM

Subject: Prevention of Sexual Harassment of working women at workplace - Seniority of the Chairperson of the Complaint Committee - regarding.

The undersigned is directed to say that many references for clarification on the rank of the Chairperson of the Complaints Committee vis a vis the employees against whom the allegations have been made in accordance with the Sexual Harassment of Women at Workplace [Prevention, Prohibition and Redressal] Act, 2013 has been examined. The draft instructions are attached. Before the instructions in the Draft O.M. are finalized, all stakeholders, Ministries / Departments are requested to offer their comments / views, if any, in this regard latest by **25th July, 2016** at the e-mail address dire-dopt@nic.in



(Mukesh Chaturvedi)

Director (E)

Tel: 23093176

To

All Ministries/ Departments of the Government of India

Copy to:

✓ NIC, DoP&T with the request to place the above said O.M. alongwith its enclosures on the website of this Department on the homepage **for 15 days** (what is New?)

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Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel & Training
Establishment A-III Desk

North Block, New Delhi – 110001

Dated....., 2016

OFFICE MEMORANDUM

Subject: Prevention of Sexual Harassment of working women at workplace – Seniority of the Chairperson of the Complaint Committee – regarding.

The undersigned is directed to say that following the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 [SHWW(PPR) Act] and notification of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 [SHWW(PPR) Rules] on 09.12.2013, the Government notified the amendments to Central Civil Services (Conduct) Rules 1964 and Classification, Control and Appeal Rules, 1965. The amendments and other salient features of the Act/ Rules was brought to the notice of all concerned vide Office Memorandum No. 11013/02/2014-Estt.A-III dated 27.11.2014.

2. As per Section 4(1) of the SHWW (PPR) Act, 2013, 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.

3. As per the amended Rule 14 of the CCS (CCA) Rules, 1965, in cases of sexual harassment, the inquiry is to be conducted by the Complaints Committee in that Ministry/ Department. Recently, many references for clarification on the rank of the Chairperson of the

Complaints Committee vis a vis the employee against whom the allegations have been made have come to this Department. The matter has been examined in consultation with the Department of Legal Affairs and Ministry of Women & Child Development. It is clarified that the committee constituted in terms of the SHWW (PPR) Act, 2013 is legally competent to hold an inquiry into a case irrespective of the fact that the Chairperson of such Committee is lower in rank to the employee against whom the allegations have been made.

4. All Ministries/ Departments/Offices are requested to bring the above guidelines to the notice of all Disciplinary Authorities under their control.
5. Hindi version will follow.

(Mukesh Chaturvedi)
Director (E)

To

The Secretaries of All Ministries/Departments (as per the standard list)