

F.No.M-13012/01/2009-Coord.
Government of India
Ministry of Statistics and Programme Implementation
(Coordination Section)

Sardar Patel Bhawan, Sansad Marg,
New Delhi, dated the .04.2017

OFFICE MEMORANDUM

Subject: Reconstitution of Complaints Committee against Sexual Harassment of Women at Workplace in the Ministry of Statistics and Programme Implementation—regarding.

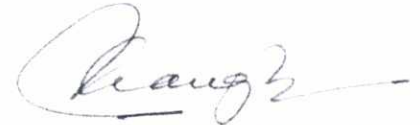
In continuation of this Ministry's O.M. of even number dated 21.06.2016 on the above mentioned subject as partially modified vide O.M. of even number dated 19.10.2016 and in compliance of guidelines on sexual harassment cases of working women issued by DOP&T vide their O.M. No. 11013/10/97-Estt.(A) dated 13.02.1987 in light of judgement of Hon'ble Supreme Court in the Writ Petition No.666-70 of 1992 (Visakha Case), it has been decided with approval of the Competent Authority to reconstitute Complaints Committee in this Ministry to deal with the complaints of sexual harassment of women at work places with following composition:

(i)	Ms. T. Rajeswari, DDG(NAD) Tele No. (O): 23744211 Mob. No. 9871465089 e-mail: r.thondiyil@nic.in	Chairperson
(ii)	Ms. Richa Shankar, Dir(SSD) Tele No. (O): 26168428 Mob. No. 9810494597 e-mail: richas@gov.in	Member
(iii)	Ms. Anjali Rawat, Director(FOD) Tele No. (O): 22388161 Mob. No. 9891255768 e-mail: anjali.rawat@nic.in	Member
(iv)	Ms. Seema Chawla, Asst. Dir(O.L.) Tele No. (O): 23340538 Mob. No. 9582920863 e-mail: seema.chawla@nic.in	Member
(v)	Shri R.K. Bhorla, DS(Ad.II&III) Tele No. (O): 2365785 Mob. No. 9811821220 e-mail: bhorla@nic.in	Member Secretary and Convener
(vi)	Ms. Chaitali Halder Tele No. (O): 23747130 Mob. No. 9910610444 e-mail:	Non-official Member

2. The Committee will consider the complaints from women employees of the Ministry only relating to sexual harassment. The word " Sexual Harassment " will include such unwelcome sexually determined behavior, whether directly or otherwise such as;

- i. Physical contact and advance;
- ii. Demand or request for sexual favours;
- iii. Sexually coloured remarks;
- iv. Showing any pornography; or
- v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

3. The Committee will provide , where necessary, a special counselor or other support service including maintenance of confidentiality of the complaint and ensure time-bound treatment and redressal of complaints made by women employees.
4. The guidelines of Supreme Court in this regard as issued vide DOP&T's O.M. dated 13.02.1998 are enclosed for the use of Members of the Committee.
5. DG, NSSO and DG, CSO are requested to set up their own similar Committees for their respective organizations, if already not set up.
6. As per DOP&T's O.M. No. 11013/3/2009-Esst.(A) dated 08.10.2009, the Committee shall meet at least once in every quarter even if no live case is available, to review the preparedness and fulfill the requirements of the Apex Court's Judgement in Vishakha case. Convener of the Committee shall be responsible for appropriate action in this regard.
7. All complaints by the women employees against sexual harassment received in the Ministry shall be routed through the Convener of the Committee to maintain proper records of such complaints and their disposal.



(Lalitana Chhangte)
Deputy Secretary to the Govt. Of India
Ph. 011-23340139

Encls.: Supreme Court guidelines as issued by DOP&T vide O.M. dated 13.02.1998

All Members of the Committee

Copy for information and action as per DOP&T's O.M. dated 8.10.2009 to:

1. Director (ISI), 203, B.T. Road, Kolkata.
2. DG, CSO, New Delhi.
3. DG&CEO, NSSO, New Delhi.
4. ADG (DPD), Kolkata.
5. ADG (SDRD), Kolkata.
6. DDG, CSO (IS Wing), Kolkata.

Copy for information also to:

1. PPS to Secretary (S&PI).
2. PPS to Addl. Secretary (S&PI).
3. PPS to Joint Secretary (Admn.).
4. All Divisional Heads in the Ministry as per the standard list.
5. All Sections in the Ministry
- ✓ 6. DDG, Computer Centre (For displaying this order on the website of MoSPI).
7. RTI Section for including in the Compendium of Manuals u/s 4 of RTI Act.
8. Pay & Accounts Officer, MoSPI.

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No.11013/10/97-Estt. (A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

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New Delhi, dated the 13th February, 1998

OFFICE MEMORANDUM

Subject : CCS (Conduct) Rules, 1964 – Supreme Court Judgment in the case of Vishaka Vs. State of Rajasthan regarding sexual harassment of working women.

The undersigned is directed to say that in the case of Vishaka and Ors Vs. State of Rajasthan and Ors. (JT 1997 (7) SC 384), the Hon'ble Supreme Court has laid down guidelines and norms to be observed to prevent sexual harassment of working women.

2. It has been laid down in the judgment above-mentioned that it is the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required. For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or implication) as :-

- a) physical contact and advances;
- b) a demand or request for sexual favours;
- c) sexually coloured remarks;
- d) showing pornography;
- e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

3. Attention in this connection is invited to Rule 3 (1) (iii) of the CCS (Conduct) Rules, 1964, which provides that every Government servant shall at all times do nothing which is unbecoming of a Government servant. Any act of sexual harassment of women employees is definitely unbecoming of a Government servant and amounts to a misconduct. Appropriate disciplinary action should be initiated in such cases against the delinquent Government servant in accordance with the rules.

4. Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the concerned authorities shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

5. In particular, it should be ensured that victims, or witnesses are not victimized or discriminated against while dealing with complaints or sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

6. **Complaint Mechanism :-** 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 every organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints. Wherever such machineries for redressal of grievance already exist, they may be made more effective and in particular women officers should preferably handle such complaints.
7. **Awareness :-** Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (copy enclosed) in a suitable manner.
8. A specific provision is, however, being made in the CCS (Conduct) Rules, 1964, prohibiting sexual harassment of women by Government servants, in compliance of the judgment of the Hon'ble Supreme Court.
9. The Ministries/Departments are requested to bring these instructions to the notice of all concerned for strict compliance.
10. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these instructions issue after consultation with the Comptroller and Auditor General of India.

Hindi version will follow.

Sd/-
(Harinder Singh)
Joint Secretary to the Government of India

All Ministries/Departments of the Government of India.

Copy forwarded to :

1. Comptroller and Auditor General of India, New Delhi
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigation, New Delhi.
5. All Union Territory Administrations.
6. Lok Sabha Secretariat/Rajya Sabha Secretariat/Ministry of Parliamentary Affairs.
7. All Officers and Sections in the Ministry of Personnel, PG and Pensions and MHA.
8. All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and MHA

Sd/-
(Harinder Singh)
Joint Secretary (E)

HAVING REGARD to the definition of 'human rights' in Section 2 (d) of the Protection of Human Rights Act, 1993, **TAKING NOTE** of the fact that the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time,

It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women.

1. Duty of the Employer or other responsible persons in work places and other institutions :

It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

2. Definition :

For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as :

- a) Physical contact and advances;
- b) a demand or request for sexual favours;
- c) sexually coloured remarks;
- d) showing pornography;
- e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Where any of these acts is committed in circumstances where-under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in Government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

3. Preventive Steps :

All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality to this obligation they should take the following steps :-

(a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.

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(b) The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.

(c) As regards private employers steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.

(d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

4. Criminal Proceedings :

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular, it should ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

5. Disciplinary Action :

Where such conduct amount to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

6. Complaint Mechanism :

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.

7. Complaint Mechanism :

The complaint mechanism referred to in (6) above, should be adequate to provide, where necessary, a Complaints Committee, a special counsellor 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.

8. Workers' Initiative :

Employees should be allowed to raise issues of sexual harassment at workers' meeting and in other appropriate forum and it should be affirmatively discussed in Employer-Employee Meetings.

9. Awareness :

Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

10. Third Party Harassment :

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

11. The Central/State Governments are requested to consider adopting suitable measures including legislation to ensure that the guidelines laid down by this order are also observed by the employers in Private Sector.

12. These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993.