



MINISTRY OF INFORMATION & BROADCASTING
(Administration – III Section)

No. B-11020/17/2011-Admn. III (Vol-II)

Dated the 13th June 2019

C I R C U L A R

Subject:- Internal Complaint Committee in the Ministry for redressal of grievances of women staff members – regarding

In supersession of this Ministry's Circular of even number dated the 28.05.18 on the subject mentioned above, the Internal Complaint Committee in the Ministry of Information & Broadcasting is reconstituted as under with mandate given in para-2 below, till further orders:-

S.No.	Name and Designation	Telephone Numbers
1	Ms. Anju Nigam, Joint Secretary (B-II) – Chairperson	23383857 (Office) 23384785 (Fax)
2	Ms. Jyoti Mehta, Director (BA-P) – Member	23381246 (Office)
3	Ms. Sonika Khattar, Under Secretary (BC-I, II & III) – Member	23387373 (Office)
4	Ms. Mala Chakraborty, Section Officer (IIS) – Member	23381941 (Office)
5	Ms. Kalpana David, National Secretary Administration, YWCA of India - Non official Member	23340294/ 23361561/ 23345235 (Office)
6	Shri M. Rajendran, Under Secretary (BC-IV) – Male Member	23386819 (Office)


2. Mandate of the Committee:

- The Committee will function in terms of the judgment delivered by the Hon'ble Supreme Court in matter relating to sexual harassment in work place, which has since been included in the CCS (Conduct) Rules, 1964 as Rule 3 C.
- The Committee will review the programmes and monitor implementation of development schemes for women in accordance with the guidelines suggested by the National Commission for Women.
- The Committee will look into all complaints of sexual harassment including such complaints filed against the heads of the media units under the administrative control of this Ministry in lines with Duty of Employer in work place or other institution to prevent or deter the commission of acts of sexual harassment in terms of guidelines and norms laid by Hon'ble Supreme Court in Vishakha & Others versus the State of Rajasthan and others (JT1997(7)SC 3847.

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- DoPT's OM No. - 430/5/2012 - Estt. A, OM No.-13020/2/2016- Estt. (L) dated 14.07.16 and OM No. 11012/5/2016- Estt. A- III dated 02.08.16 (copies enclosed) may be referred to while dealing with the matter related to sexual harassment of women at work place.
3. The Chairperson and every Member of the Committee shall hold office for such period, not exceeding three years, from the date of their nomination.
 4. The Chairperson shall have the authority to co-opt or call for the participation of any other officer of the Ministry as and when required by the Committee.
 5. Ms. Mala Chakraborty, S.O. (IIS), M/o I&B - Member is also nominated to work as Member Secretary/Convener of meeting of the Internal Complaint Committee.
 6. The Non Official Member shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer as may be prescribed.
 7. This issues with the approval of Secretary, I&B.

Encl: As above.


(Shailesh Gautam)
Under Secretary to the Govt. of India
Tele: 23384990

To

Chairperson / Members of Internal Complaint Committee, M/o I&B.

Copy to:-

1. All Officers/Staff Members of the Ministry.
2. All Media Units.
3. Secretary, Ministry of Women and Child Development, Shastri Bhawan, New Delhi.
4. Ms. Kalpana David, National Secretary Administration, YWCA of India - (Non Official Member), 10 Sansad Marg, New Delhi 110001.
5. National Commission for Women, Govt. of India, Plot No- 21, FC- 33, Jasola Institutional Area, New Delhi-1100025.
6. Notice Board.

105

No. 13026/2/2016-Estt(L)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

Old JNU Campus, New Delhi 110 067
Dated: 14.07.2016

OFFICE MEMORANDUM

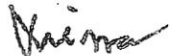
Subject: Implementation of leave provision under the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 – Reg.

Consequent to the enactment of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013', this Department is considering issuing instructions for the grant of leave to the aggrieved woman during pendency of inquiry up to a period of three months in addition to the leave which she is otherwise entitled to.

2. In this regard, it is proposed to insert/incorporate a new Rule in the CCS (Leave) Rules, 1972. The new rule may read as follows:

"Special Leave connected with inquiry on sexual harassment – Leave up to a maximum 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 Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

(2) The leave so granted to the aggrieved woman under this rule shall not be debited against the leave account."


(Navneet Misra)
Under Secretary to the Government of India

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104
62

F. No. 11012/5/2016-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 August 2, 2016

OFFICE MEMORANDUM

Subject: Central Civil Services (Classification, Control and Appeal) Rules 1965 — Guidelines regarding prevention of sexual harassment of women at the workplace— regarding

Undersigned is directed to say that following 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 Central Civil Services (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. Section 18 (1) of the SHWW(PPR) Act, 2013 provides that any person aggrieved with 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 sub-section (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 provisions of the service rules applicable to said person or where no such service rules exist then, without prejudice to the 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.

3. In accordance with Section 18(1) of the SHWW (PPR) Act, 2013, it has been decided that in all cases of allegations of sexual harassment, the following procedure may be adopted:

Where a Complaint Committee has not recommended any action against the employee against whom the allegation have been made in a case involving allegations of sexual harassment, the Disciplinary Authority shall supply a copy of the Report of the Complaint 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.

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4. All Ministries/ Departments/ Offices are requested to bring the above guidelines to the notice of all Disciplinary Authorities under their control. All cases, where final orders have not been issued may be processed as per these guidelines.
5. Hindi version will follow.

Mukesh Chaturvedi
(Mukesh Chaturvedi)
Director (E)
Tele: 2309 3176

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

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Secretary, Union Public Service Commission, New Delhi.
8. The Secretary, Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
10. Secretary, National Council (JCM), 13, Feroze Shah Road, New Delhi.
11. CVOs of all Ministries/Departments.
12. ADG (M&C), Press Information Bureau, DoP&T
13. ✓ NIC, Department of Personnel & Training, North Block, New Delhi (for uploading the same on the website of this Ministry under the Head OMs & Orders → Establishment → CCS (CCA) Rules and "What is new".
14. Hindi Section, DoP&T

102

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 pressure or influence from senior levels, the 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. 173-177/1999 in the case of Medha Kotwal Lale 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. [DOP&T 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>

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 10 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 the direction of the Supreme Court in the case of Vishalada & 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.