



INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN: NEW DELHI

F. No. GAC-21-1/2015-CDN

Dated the 2nd January, 2015

ENDORSEMENT

Department of Personnel and Training, Ministry of Personnel Public Grievances and Pensions, Government of India, North Block, New Delhi has issued O. M. regarding Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. As approved by the competent authority, this O.M. No.11013/2/2014-Estt.(A.III) dated 27.11.2014 has been uploaded on the ICAR web-site www.icar.org.in and e-office for information guidance and strict compliance.

(Mary Sunita Barwa)

Under Secretary (CDN and R&D)

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3. Dr.(Mrs.) Harjit Kaur, Principal Scientist(Agri. Extn.) & Chairperson, ICAR Hqrs. Women's complaint committee, Room No. 320, KAB-I, Pusa, New Delhi-110012
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Sr. No. - 1CR/

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No. 11013/2/2014 Estt (A.III)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

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North Block, New Delhi,
Dated the 27th November 2014

OFFICE MEMORANDUM

Subject: Alignment of Service Rules with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.

The undersigned is directed to say that the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' { SHWW (PPR) Act } has been promulgated on 22nd April 2013. Further to the Act, the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013' were notified on 9.12.2013. The Act and the Rules framed thereunder provide a redressal mechanism for handling cases of sexual harassment at workplace. The Act and Rules are available at the website of the Ministry of Women and Child Development (wcd.nic.in) under Legislation/Acts.

2. The CCS (Conduct) Rules, 1964 and CCS (CCA) Rules, 1965 have been amended vide Notifications of even number published as G.S.R. 823(E) and G.S.R.822(E) in the Gazette of India – Extraordinary dated 19-11-2014. These are available on this Department's website www.persmin.gov.in

3. So far as Central Government employees are concerned, provisions already exist in the CCS (Conduct) Rules 1964 defining sexual harassment. Further, the proviso to Rule 14(2) of the CCS (CCA) Rules 1965 provides that the complaints committee established in each Ministry or Department or office enquiring into such complaints shall be deemed to be the inquiring authority appointed by the disciplinary authority and the committee shall hold the inquiry so far as practicable in accordance with the procedure laid down in those rules. Similar provisions exist in the relevant service rules of the Central Government servants not governed by CCS (Conduct) Rules / CCS (CCA) Rules.

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4. Sexual harassment as defined rule 3-C of CCS (Conduct) Rules, 1964 in has been amended vide Notification of even number dated 19-11-2014 (copy enclosed). The amended rule is as follows:

"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;

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- (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."

5. All Ministries/Departments are advised that the following procedure may be adopted while dealing with complaints of sexual harassment:-

- (i) Sexual harassment will include any one or more of the Acts or behaviour defined in Rule 3-C of the CCS (Conduct) Rules 1964 read with Sec 3(2) of SHWW (PPR) Act.
- (ii) The Committee constituted in each Ministry/ Department/ office under the CCS (Conduct) Rules, 1964 shall inquire into complaints of sexual harassment in accordance with the provisions of Section 4 of the SHWW (PPR) Act.
- (iii) The Committee will as far as practicable follow the procedures prescribed in CCS (CCA) Rules 1965 for conduct of the inquiry.
- (iv) If any complaint is received directly by the committee, the same shall be referred to the appropriate disciplinary authority and the Committee shall inquire into the complaint on the complaint being referred to it by the disciplinary authority.

6. In addition, the Committee will have the powers to recommend to the employer:-

- 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 granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled to.)
- 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

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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 inserted vide Notification of even Number dated 19-11-2014.

7. It may also be noted that the Committee may recommend action to be taken against the person who has made a complaint, if the Committee arrives at the conclusion that the allegation is malicious or the aggrieved woman or the person making the complaint has made the complaint knowing it to be false or has produced any forged or misleading document. The Committee may also recommend action against any witness if it comes to the conclusion that such witness has given false evidence or produced any forged or misleading document.

8. Attention is also invited to the following provisions of SHWW (PPR) Act:

- Sec 16 & 17 : Prohibition of publication or making known contents of complaint, inquiry proceedings and recommendations of the Committee.
- Sec 19 : Duties of employer. This may be read with provisions of Rule 3(C) (2) of CCS (Conduct) Rules.
- Sec 21, 22 of SHWW(PPR) Act and Rule 14 of the SHWW (PPR) Rules Annual Reports

9. All the Ministries/Departments are requested to bring the contents of this OM to the notice of all officers and staff working under them. The Ministries/ Departments are also requested to advise the PSEs /Autonomous Bodies under their administrative control to align their service rules with the SHWW (PPR) Act/ Rules.



(Mamta Kundra)
Joint Secretary to the Government of India
Tel: 23094276

To

All Ministries/Departments (as per standard list)

भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (I)

PART II—Section 3—Sub-section (I)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 608]

नई दिल्ली, बुधवार, नवम्बर 19, 2014/कार्तिक 28, 1936

No. 608]

NEW DELHI, WEDNESDAY, NOVEMBER 19, 2014/KARTIKA 28, 1936

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

अधिसूचना

नई दिल्ली, 19 नवम्बर, 2014

सा.का.नि. 822(अ):— संविधान के अनुच्छेद 309 के परंतुक एवं अनुच्छेद 148 के खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारतीय लेखा परीक्षा तथा लेखा विभाग में कार्यरत व्यक्तियों के संबंध में भारत के नियंत्रक एवं महालेखापरीक्षक के साथ परामर्श के पश्चात्, राष्ट्रपति, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण एवं अपील) नियमावली, 1965 में और संशोधन करने के लिए एतद्वारा निम्नलिखित नियम बनाते हैं, नामतः :-

- (1) इन नियमों को केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण एवं अपील) तृतीय संशोधन नियमावली, 2014 कहा जाएगा।
(2) ये सरकारी राजपत्र में इनके प्रकाशन की तारीख से प्रवृत्त होंगे।
- केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण एवं अपील) नियमावली, 1965 के नियम 11 में, स्पष्टीकरण में मद सं. (viii) के पश्चात् निम्नलिखित मद को जोड़ा जाएगा, नामतः :-

“(ix) केन्द्रीय सिविल सेवा (आचरण) नियमावली, 1964 के नियम 3 ग में अभिप्रेत यौन उत्पीड़न की शिकायतों की जांच हेतु तथा नियम 14 के उप नियम (2) के परंतुक में संदर्भित भारत सरकार के विभाग में बनाई गई शिकायत समिति की सिफारिशों पर दिया गया हर्जाना।”।

[सं. 11013/2/2014-स्था.(क)]

ममता कुंद्रा, संयुक्त सचिव

टिप्पणी: मूल नियम, भारत के राजपत्र में दिनांक 20 नवंबर, 1965 की अधिसूचना सं. 7/2/63 स्था.(क) के तहत प्रकाशित किए गए थे और निम्नलिखित अधिसूचना संख्याओं के तहत संशोधित किए गए थे:-

1.	का.आ.1149, दिनांक 13 अप्रैल, 1966;
2.	का.आ.1596, दिनांक 04 जून, 1966;
3.	का.आ.2007, दिनांक 09 जुलाई, 1966;
4.	का.आ.2648, दिनांक 02 सितम्बर, 1966;
5.	का.आ.2854, दिनांक 01 अक्टूबर, 1966;
6.	का.आ.1282, दिनांक 15 अप्रैल, 1967;
7.	का.आ.1457, दिनांक 29 अप्रैल, 1967;
8.	का.आ.3253, दिनांक 16 सितम्बर, 1967;
9.	का.आ.3530, दिनांक 07 अक्टूबर, 1967;
10.	का.आ.4151, दिनांक 25 नवम्बर, 1967;
11.	का.आ.321, दिनांक 09 मार्च, 1968;
12.	का.आ.1441, दिनांक 27 अप्रैल, 1968;
13.	का.आ.1870, दिनांक 01 जून, 1968;
14.	का.आ.3423, दिनांक 28 सितम्बर, 1968;
15.	का.आ.5008, दिनांक 27 दिसम्बर, 1969;
16.	का.आ.397, दिनांक 07 फरवरी, 1970;
17.	का.आ.3521, दिनांक 25 सितम्बर, 1971;
18.	का.आ.249, दिनांक 01 जनवरी, 1972;
19.	का.आ.990, दिनांक 22 अप्रैल, 1972;
20.	का.आ.1600, दिनांक 01 जुलाई, 1972;
21.	का.आ.2789, दिनांक 14 अक्टूबर, 1972;
22.	का.आ.929, दिनांक 31 मार्च, 1972;
23.	का.आ.1648, दिनांक 08 जुलाई, 1974;
24.	का.आ.2742, दिनांक 31 जुलाई, 1976;
25.	का.आ.4664, दिनांक 11 दिसम्बर, 1976;
26.	का.आ.3062, दिनांक 08 अक्टूबर, 1977;
27.	का.आ.3573, दिनांक 26 नवम्बर, 1977;
28.	का.आ.3574, दिनांक 26 नवम्बर, 1977;
29.	का.आ.3671, दिनांक 03 दिसम्बर, 1977;
30.	का.आ.2464, दिनांक 02 सितम्बर, 1978;
31.	का.आ.2465, दिनांक 02 सितम्बर, 1978;
32.	का.आ.920, दिनांक 17 फरवरी, 1979;
33.	का.आ.1769, दिनांक 05 जुलाई, 1980;
34.	का.आ.264, दिनांक 29 जनवरी, 1981;
35.	का.आ.2126, दिनांक 08 अगस्त, 1981;
36.	का.आ.2203, दिनांक 22 अगस्त, 1981;
37.	का.आ.2512, दिनांक 03 अक्टूबर, 1981;
38.	का.आ.168, दिनांक 23 जनवरी, 1982;
39.	का.आ.1535, दिनांक 12 मई, 1984;
40.	अ.सं.11012/15/84-स्था.(क), दिनांक 05 जुलाई, 1985
41.	अ.सं.11012/05/85-स्था.(क), दिनांक 29 जुलाई, 1985;

42.	अ.सं.11012/06/85-स्था.(क), दिनांक 06 अगस्त, 1985;
43.	का.आ.5637, दिनांक 21 दिसम्बर, 1985;
44.	का.आ.5743, दिनांक 28 दिसम्बर, 1985;
45.	का.आ.4089, दिनांक 13 दिसम्बर, 1986;
46.	अ.सं.11012/24/85-स्था.(क), दिनांक 26 नवम्बर, 1986;
47.	का.आ.830, दिनांक 28 मार्च, 1987;
48.	का.आ.831, दिनांक 28 मार्च, 1987;
49.	का.आ.1591, दिनांक 27 जून, 1987;
50.	का.आ.1825, दिनांक 18 जुलाई, 1987;
51.	का.आ.3060, दिनांक 15 अक्टूबर, 1988;
52.	का.आ. 3061, दिनांक 16 अक्टूबर, 1988;
53.	का.आ.2207, दिनांक 16 सितम्बर, 1989;
54.	का.आ.1084, दिनांक 28 अप्रैल, 1990;
55.	का.आ. 2208, दिनांक 25 अगस्त, 1990;
56.	का.आ.1481, दिनांक 13 जून, 1992;
57.	सा.का.नि. 289, दिनांक 20 जून, 1992;
58.	सा.का.नि.589, दिनांक 26 दिसम्बर, 1992;
59.	सा.का.नि.499, दिनांक 08 अक्टूबर, 1994;
60.	सा.का.नि.276, दिनांक 10 जून, 1995;
61.	सा.का.नि.17, दिनांक 20 फरवरी, 1996;
62.	सा.का.नि. 125, दिनांक 16 मार्च, 1996;
63.	सा.का.नि. 417, दिनांक 05 अक्टूबर, 1996;
64.	सा.का.नि. 337, दिनांक 02 सितम्बर, 2000;
65.	सा.का.नि. 420, दिनांक 28 अक्टूबर, 2000;
66.	सा.का.नि. 211, दिनांक 14 अप्रैल, 2001;
67.	सा.का.नि. 60, दिनांक 13 फरवरी, 2002;
68.	सा.का.नि. 2, दिनांक 03 जनवरी, 2004;
69.	सा.का.नि. 113, दिनांक 10 अप्रैल, 2004;
70.	सा.का.नि. 225, दिनांक 10 जुलाई, 2004;
71.	सा.का.नि. 287, दिनांक 28 अगस्त, 2004;
72.	सा.का.नि. 1, दिनांक 20 दिसम्बर, 2004;
73.	सा.का.नि. 49, दिनांक 29 मार्च, 2008;
74.	सा.का.नि. 12, दिनांक 07 फरवरी, 2009;
75.	का.आ. 946, दिनांक 09 अप्रैल, 2009;
76.	का.आ.1762 (ई), दिनांक 16 जुलाई, 2009;
77.	सा.का.नि. 55 (ई), दिनांक 02 फरवरी, 2010;
78.	का.आ. 2079(ई), दिनांक 01 जनवरी, 2014 और
79.	सा.का.नि. 769(ई), दिनांक 31 अक्टूबर, 2014

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 19th November, 2014

G.S.R.822 (E).— In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1965, namely:—

1. (1) These rules may be called the Central Civil Services (Classification, Control and Appeal) Third Amendment Rules, 2014.
(2) They shall come into force on the day of their publication in the Official Gazette.
2. In the Central Civil Services (Classification, Control and Appeal) Rules, 1965, in rule 11, in the Explanation, after item (viii), the following item shall be inserted 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.”

[No.11013/2/2014-Estt. (A)]

MAMTA KUNDRA, Jt. Secy.

Note: The principal rules were published in the Gazette of India vide notification number 7/2/63. Estt.(A), dated the 20th November, 1965 and subsequently amended vide notification numbers :—

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| 1. S.O. 1149, dated the 13th April, 1966; | 29. S.O. 3671, dated the 3rd December, 1977; |
| 2. S.O. 1596, dated the 4th June, 1966; | 30. S.O. 2464, dated the 2nd September, 1978; |
| 3. S.O. 2007, dated the 9th July, 1966; | 31. S.O. 2465, dated the 2nd September, 1978; |
| 4. S.O. 2648, dated the 2nd September, 1966; | 32. S.O. 920, dated the 17th February, 1979; |
| 5. S.O. 2854, dated the 1st October, 1966; | 33. S.O. 1769, dated the 5th July, 1980; |
| 6. S.O. 1282, dated the 15th April, 1967; | 34. S.O. 264, dated the 24th January, 1981; |
| 7. S.O. 1457, dated the 29th April, 1967; | 35. S.O. 2126, dated the 8th August, 1981; |
| 8. S.O. 3253, dated the 16th September, 1967; | 36. S.O. 2203, dated the 22nd August, 1981; |
| 9. S.O. 3530, dated the 7th October, 1967; | 37. S.O. 2512, dated the 3rd October, 1981; |
| 10. S.O. 4151, dated the 25th November, 1967; | 38. S.O. 168, dated the 23rd January, 1982; |
| 11. S.O. 321, dated the 9th March, 1968; | 39. S.O. 1535, dated the 12th May, 1984; |
| 12. S.O. 1441, dated the 27th April, 1968; | 40. Notification No.11012/15/84-Estt.(A), dated the 5th July, 1985; |
| 13. S.O. 1870, dated the 1st June, 1968; | 41. Notification No.11012/05/85-Estt.(A), dated the 29th July, 1985; |
| 14. S.O. 3423, dated the 28th September, 1968; | 42. Notification No.11012/06/85-Estt.(A), dated the 6th August, 1985; |
| 15. S.O. 5008, dated the 27th December, 1969; | 43. S.O. 5637, dated the 21st December, 1985; |
| 16. S.O. 397, dated the 7th February, 1970; | 44. S.O. 5743, dated the 28th December, 1985; |
| 17. S.O. 3521, dated the 25th September, 1971; | 45. S.O. 4089, dated the 13th December, 1986; |
| 18. S.O. 249, dated the 1st January, 1972; | 46. Notification No.11012/24/85-Estt.(A), dated the 26th November, 1986; |
| 19. S.O. 990, dated the 22nd April, 1972; | 47. S.O. 830, dated the 28th March, 1987; |
| 20. S.O. 1600, dated the 1st July, 1972; | 48. S.O. 831, dated the 28th March, 1987; |
| 21. S.O. 2789, dated the 14th October, 1972; | 49. S.O. 1591, dated the 27th June, 1987; |
| 22. S.O. 929, dated the 31st March, 1973; | 50. S.O. 1825, dated the 18th July, 1987; |
| 23. S.O. 1648, dated the 6th July, 1974; | 51. S.O. 3060, dated the 15th October, 1988; |
| 24. S.O. 2742, dated the 31st July, 1976; | 52. S.O. 3061, dated the 16th October, 1988; |
| 25. S.O. 4664, dated the 11th December, 1976; | 53. S.O. 2207, dated the 16th September, 1989; |
| 26. S.O. 3062, dated the 8th October, 1977; | 54. S.O. 1084, dated the 28th April, 1990; |
| 27. S.O. 3573, dated the 26th November, 1977; | |
| 28. S.O. 3574, dated the 26th November, 1977; | |

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| 55. S.O. 2208, dated the 25th August, 1990; | 68. GS.R. 2, dated the 3rd January, 2004; |
| 56. S.O. 1481, dated the 13th June, 1992; | 69. GS.R. 113, dated the 10th April, 2004; |
| 57. G.S.R. 289, dated the 20th June, 1992; | 70. G.S.R. 225, dated the 10th July, 2004; |
| 58. GS.R. 589, dated the 26th December, 1992; | 71. GS.R. 287, dated the 28th August, 2004; |
| 59. G.S.R. 499, dated the 8th October, 1994; | 72. GS.R. 1, dated the 20th December, 2004; |
| 60. G.S.R. 276, dated the 10th June, 1995; | 73. G.S.R. 49, dated the 29th March, 2008; |
| 61. G.S.R. 17, dated the 20th February, 1996; | 74. GS.R. 12, dated the 7th February, 2009; |
| 62. G.S.R. 125, dated the 16th March, 1996; | 75. S.O. 946, dated the 9th April, 2009; |
| 63. G.S.R. 417, dated the 5th October, 1996; | 76. S.O. 1762(E), dated the 16th July, 2009; |
| 64. G.S.R. 337, dated the 2nd September, 2000; | 77. G.S.R. 55(E), dated the 2nd February, 2010; |
| 65. G.S.R. 420, dated the 28th October, 2000; | 78. S.O. 2079(E), dated the 1 st January, 2014 and |
| 66. G.S.R. 211, dated the 14th April, 2001; | 79. G.S.R. 769(E), dated the 31 st October, 2014. |
| 67. G.S.R. 60, dated the 13th February, 2002; | |

अधिसूचना

नई दिल्ली, 19 नवम्बर, 2014

सा.का.नि. 623(अ).- संविधान के अनुच्छेद 309 के परंतुक एवं अनुच्छेद 148 के खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारतीय लेखा परीक्षा और लेखा विभाग में कार्यरत व्यक्तियों के संबंध में भारत के नियंत्रक एवं महालेखापरीक्षक के साथ परामर्श के पश्चात्, राष्ट्रपति, केन्द्रीय सिविल सेवा (आचरण) नियमावली, 1964 में और संशोधन करने के लिए एतद्वारा निम्नलिखित नियम बनाते हैं, नामतः:-

- (1) इन नियमों को केन्द्रीय सिविल सेवा (आचरण) द्वितीय संशोधन नियमावली, 2014 कहा जाएगा।
(2) ये सरकारी राजपत्र में इनके प्रकाशन की तारीख से प्रवृत्त होंगे।
- केन्द्रीय सिविल सेवा (आचरण) नियमावली, 1964 में नियम 3-ग के लिए निम्नलिखित प्रतिस्थापित किया जाएगा, नामतः:-

'3-ग - कामकाजी महिलाओं के लैंगिक उत्पीड़न पर प्रतिबंध,- (1) कोई भी सरकारी सेवक किसी भी कार्यस्थल पर किसी भी महिला के लैंगिक उत्पीड़न संबंधी किसी कार्य में लिप्त नहीं होगा।

(2) प्रत्येक सरकारी सेवक, जो कार्यस्थल का प्रभारी है, अपने कार्यस्थल पर किसी भी महिला का लैंगिक उत्पीड़न रोकने के लिए समुचित कदम उठाएगा।

स्पष्टीकरण - (1) इस नियम के प्रयोजनार्थ,-

(क) "लैंगिक उत्पीड़न" के अंतर्गत निम्नलिखित में से कोई एक या अधिक निंदनीय कार्य या व्यवहार (चाहे प्रत्यक्ष रूप से या तात्पर्यित) सम्मिलित है; अर्थात् :-

- शारीरिक संपर्क और फायदा उठाना; या
- लैंगिक पक्षपात की मांग या अनुरोध करना; या
- लैंगिक अर्थ वाली टिप्पणियां करना; या
- अश्लील साहित्य दिखाना; या
- लैंगिक प्रकृति का कोई अन्य निंदनीय शारीरिक, शाब्दिक या गैर-शाब्दिक आचरण करना।

(ख) अन्य परिस्थितियों के साथ ही निम्नलिखित परिस्थितियों को, यदि लैंगिक उत्पीड़न के किसी कार्य या आचरण के संबंध में उत्पन्न होती हैं या विद्यमान हैं या उससे संबंधित हैं, लैंगिक उत्पीड़न माना जा सकेगा:-

- उसके नियोजन में अधिमानी व्यवहार का अंतर्निहित या स्पष्ट वचन देना; या
- उसके नियोजन में अहितकर व्यवहार का अंतर्निहित या स्पष्ट धमकी देना; या
- उसकी वर्तमान या भावी नियोजन के प्राप्ति के बारे में अंतर्निहित या स्पष्ट धमकी देना; या
- उसके कार्य में हस्तक्षेप करना या उसके लिए अभिवासर या आपराधिक या शत्रुतापूर्ण कार्य बातावरण सृजित करना; या
- उसके स्वास्थ्य या सुरक्षा को प्रभावित कर सकने वाला अपमानजनक आचरण करना।

(ग) "कार्यस्थल" में निम्नलिखित शामिल हैं-

- (i) ऐसा कोई विभाग, संगठन, उपक्रम, स्थापन, उद्यम, संस्था, कार्यालय, शाखा या यूनिट जो केन्द्रीय सरकार द्वारा स्थापित, उसके स्वामित्वाधीन, नियंत्रणाधीन या पूर्णतः या भागतः उसके द्वारा प्रत्यक्ष रूप से या अप्रत्यक्ष रूप से उपलब्ध कराई गई निधियों द्वारा वित्तपोषित की जाती है;
- (ii) अस्पताल या परिचर्या गृह;
- (iii) प्रशिक्षण, खेलकूद या उससे संबंधित अन्य क्रियाकलापों के लिए प्रयुक्त, कोई खेलकूद संस्थान, स्टेडियम, खेलकूद कम्प्लेक्स या प्रतिस्पर्धा या क्रीडा का स्थान, चाहे आवासीय हो या नहीं;
- (iv) नियोजन से प्रोदभूत या उसके प्रक्रम के दौरान कर्मचारी द्वारा घ्रमण किया गया कोई स्थान, जिसके अंतर्गत ऐसी यात्रा के लिए नियोजक द्वारा उपलब्ध कराया गया परिवहन भी है;
- (v) कोई निवास-गृह या कोई गृह।"

[सं. 11013/2/2014-स्था.(क)]

ममता कुंद्रा, संयुक्त सचिव

टिप्पणी- मूल नियम, भारत के राजपत्र के भाग II, खंड 3, उप-खंड (i) में दिनांक 12 दिसंबर, 1964 की का.आ. सं. 4177 के तहत प्रकाशित किए गए थे और बाद में निम्नलिखित के तहत संशोधित किए गए थे:-

क्र.सं.	अधिसूचना सं.	दिनांक	भारत के राजपत्र के भाग II, खंड 3, उप-खंड (i) में प्रकाशित का.आ. सं.	
1.	25/23/68-स्था(क)	3 फरवरी, 1970	482	14 फरवरी, 1970
2.	25/11/72-स्था(क)	24 अक्टूबर, 1972	3643	4 नवंबर, 1972
3.	25/57/64-स्था(क)	5 जनवरी, 1973	83	13 जनवरी, 1973
4.	11013/12/75-स्था(क)	13 फरवरी, 1976	846	28 फरवरी, 1976
5.	25/19/74-स्था(क)	30 जून, 1976	2563	17 जुलाई, 1976
6.	11013/19/75-स्था(क)	6 जुलाई, 1976	5691	24 जुलाई, 1976
7.	11013/06/75-स्था(क)	24 नवंबर, 1976	4663	11 दिसंबर, 1976
8.	11013/4/76-स्था(क)	24 अगस्त, 1977	2859	17 सितंबर, 1977
9.	11013/03/78-स्था(क)	22 सितंबर, 1978	2859	30 सितंबर, 1978
10.	11013/12/78-स्था(क)	20 दिसंबर, 1978	3	6 जनवरी, 1980
11.	11013/3/80-स्था(क)	24 अप्रैल, 1980	1270	10 जून, 1980
12.	11013/21/84-स्था(क)	3 अक्टूबर, 1985	4812	19 अक्टूबर, 1985
13.	11013/6/85-स्था(क)	21 फरवरी, 1986	935	8 मार्च, 1986
14.	11013/11/85-स्था(क)	7 मार्च, 1986	1124	22 मार्च, 1986
15.	11013/5/86-स्था(क)	4 सितंबर, 1986	3159	20 सितंबर, 1986
16.	11013/16/85-स्था(क)	10 सितंबर, 1986	3280	27 सितंबर, 1986
17.	11013/1/87-स्था(क)	27 जुलाई, 1987	1965	8 अगस्त, 1987
18.	11013/19/87-स्था(क)	19 अप्रैल, 1988	1454	14 जून, 1988
19.	11013/18/87-स्था(क)	18 सितंबर, 1990	2582	6 अक्टूबर, 1990
20.	11013/20/91-स्था(क)	9 दिसंबर, 1992	3231	6 दिसंबर, 1992
21.	11013/4/93-स्था(क)	12 जुलाई, 1995	सा.का.नि. 355	29 जुलाई, 1995
22.	11013/4/93-स्था(क)	16 अगस्त, 1996	सा.का.नि. 637	31 अगस्त, 1996
23.	11013/10/97-स्था(क)	13 फरवरी, 1998	सा.का.नि. 49	7 मार्च, 1998
24.	11013/5/97-स्था(क)	14 अक्टूबर, 1999	सा.का.नि. 342	23 अक्टूबर, 1999
25.	11013/6/2001-स्था(क)	15 दिसंबर, 2003	सा.का.नि. 458	27 दिसंबर, 2003
26.	11013/7/2005-स्था(क)	18 अक्टूबर, 2005	सा.का.नि. 376	18 अक्टूबर, 2005

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27.	11013/12/2008-स्वा(क)	27 जनवरी, 2009	सा.का.नि. 8	27 जनवरी, 2009
28.	11013/8/2009-स्वा(क)	9 मई, 2011	सा.का.नि. 370(अ)	9 मई, 2011
29.	11013/3/2013-स्वा(क)	4 मार्च, 2014	सा.का.नि. 149(अ)	4 मार्च, 2014

NOTIFICATION

New Delhi, the 19th November, 2014

G.S.R.823 (E).— In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Conduct) Rules, 1964, namely:-

1. (1) These rules may be called the Central Civil Services (Conduct) Second Amendment Rules, 2014.
- (2) They shall come into force on the day of their publication in the Official Gazette.
2. In the Central Civil Services (Conduct), Rules, 1964, for rule 3C, the following rule shall be substituted, namely :-

'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 the work place.

Explanation. - (i) 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) a demand or request for sexual favours; or
- (iii) making sexually coloured remarks; or
- (iv) showing pornography; or
- (vi) 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.

[No.11013/2/2014-Estt. (A)]

MAMTA KUNDRA, Jt. Secy.

- 11/12 -

Note:- The Principal rules were published in the Gazette of India, Part II, Section 3, Sub-section (i), vide S.O. No. 4177 dated the 12th December, 1964 and subsequently amended by -

S. No.	Notification No.	Date	Published in the Gazette of India Part II Section 3, Sub-Section (i), S.O. No.	
1.	25/23/68-Estt.(A)	3rd February, 1970	482	The 14th February, 1970
2.	25/11/72-Estt.(A)	24th October, 1972	3643	The 4th November, 1972
3.	25/57/64-Estt.(A)	5th January, 1973	83	The 13th January, 1973
4.	11013/12/75-Estt.(A)	13th February, 1976	846	The 28th February, 1976
5.	25/19/74-Estt.(A)	30th June, 1976	2563	The 17th July, 1976
6.	11013/19/75-Estt.(A)	6th July, 1976	5691	The 24th July, 1976
7.	11013/06/75-Estt.(A)	24th November, 1976	4663	The 11th December, 1976
8.	11013/4/76-Estt.(A)	24th August, 1977	2859	The 17th September, 1977
9.	11013/03/78-Estt.(A)	22nd September, 1978	2859	The 30th September, 1978
10.	11013/12/78-Estt.(A)	20th December, 1978	3	The 6th January, 1980
11.	11013/3/80-Estt.(A)	24th April, 1980	1270	The 10th June, 1980
12.	11013/21/84-Estt.(A)	3rd October, 1985	4812	The 19th October, 1985
13.	11013/6/85-Estt.(A)	21st February, 1986	935	The 8th March, 1986
14.	11013/11/85-Estt.(A)	7th March, 1986	1124	The 22nd March, 1986
15.	11013/5/86-Estt.(A)	4th September, 1986	3159	The 20th September, 1986
16.	11013/16/85-Estt.(A)	10th September, 1986	3280	The 27th September, 1986
17.	11013/1/87-Estt.(A)	27th July, 1987	1965	The 8th August, 1987
18.	11013/19/87-Estt.(A)	19th April, 1988	1454	The 14th June, 1988
19.	11013/18/87-Estt.(A)	18th September, 1990	2582	The 6th October, 1990
20.	11013/20/91-Estt.(A)	9th December, 1992	3231	The 26th December, 1992
21.	11013/4/93-Estt.(A)	12th July, 1995	GSR 355	The 29th July, 1995
22.	11013/4/93-Estt.(A)	16th August, 1996	GSR 637	The 31st August, 1996
23.	11013/10/97-Estt.(A)	13th February, 1998	GSR 49	The 7th March, 1998
24.	11013/5/97-Estt.(A)	14th October, 1999	GSR 342	The 23rd October, 1999
25.	11013/6/2001-Estt.(A)	15th December, 2003	GSR 458	The 27th December, 2003
26.	11013/7/2005-Estt.(A)	18th October, 2005	GSR 376	The 18th October, 2005
27.	11013/12/2008-Estt.(A)	27th January, 2009	GSR 8	The 27th January, 2009
28.	11013/8/2009-Estt.(A)	9th May, 2011	GSR 370(E)	The 9th May, 2011
29.	11013/3/2013-Estt.(A)	4th March, 2014	GSR 149(E)	The 4th March, 2014

**THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE
(PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013**

[Act No 14 of 2013]

[22 April 2013]

PREAMBLE

An Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

Whereas sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment;

And WHEREAS the protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India;

And whereas it is expedient to make provisions for giving effect to the said Convention for protection of women against sexual harassment at workplace.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:-

CHAPTER I - PRELIMINARY

Section 1 - Short title extent and commencement

- (1) This Act may be called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Section 2 - Definitions

In this Act unless the context otherwise requires.-

(a) "aggrieved woman" means –

(i) in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;

(ii) in relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house;

(b) "appropriate Government" means-

(i) in relation to a workplace which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly-

(A) by the Central Government or the Union territory administration, the Central Government;

(B) by the State Government, the State Government;

(ii) in relation to any workplace not covered under sub-clause (i) and falling within its territory, the State Government;

(c) "Chairperson" means the Chairperson of the Local Complaints Committee nominated under sub-section (1) of section 7;

(d) "District Officer" means an officer notified under section 5;

(e) "domestic worker" means a woman who is employed to do the household work in any household for remuneration whether in cash or kind, either directly or through any agency on a temporary, permanent, part time or full time basis, but does not include any member of the family of the employer;

(f) "employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

(g) "employer" means-

(i) in relation to any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;

(ii) in any workplace not covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace.

Explanation. For the purposes of this sub-clause "management" includes the person or board or committee responsible for formulation and administration of policies for such organisation;

(iii) in relation to workplace covered under sub-clauses (i) and (ii), the person discharging contractual obligations with respect to his or her employees;

(iv) in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker;

(h) "internal Committee" means an Internal Complaints Committee constituted under section 4;

(i) "Local Committee" means the Local Complaints Committee constituted under section 6;

(j) "Member" means a Member of the internal Committee or the Local Committee, as the case may be;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "Presiding Officer" means the Presiding Officer of the Internal Complaints Committee nominated under sub-section (2) of section 4;

(m) "respondent" means a person against whom the aggrieved woman has made a complaint under section 9;

(n) "sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:-

- (i) physical contact and advances; or
- (ii) a demand or request for sexual favours; or
- (iii) making sexually coloured remarks; or
- (iv) showing pornography; or
- (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature:

(o) "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 appropriate Government or the local authority or a Government company or a corporation or a co-operative society;

(ii) any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;

(iii) hospitals or nursing homes;

(iv) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;

(v) 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;

(vi) a dwelling place or a house;

(p) "unorganised sector" in relation to a workplace means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten.

Section 3 - Prevention of sexual harassment

- (1) No woman shall be subjected to sexual harassment at any workplace.
- (2) 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 her employment; or
 - (ii) implied or explicit threat of detrimental treatment in her 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.

Chapter II CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

Section 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 Committee 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:

Provided that at least one-half of the total Members so nominated shall be women.

(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.

Chapter III CONSTITUTION OF LOCAL COMPLAINTS COMMITTEE

Section 5 - Notification of District Officer

The appropriate Government may notify a District Magistrate or Additional District Magistrate or the Collector or Deputy Collector as a District Officer for every District to exercise powers or discharge functions under this Act.

Section 6 - Constitution and jurisdiction of Local Complaints Committee

(1) Every District Officer shall constitute in the district concerned, a committee to be known as the "Local Complaints Committee" to receive complaints of sexual harassment from establishments where the Internal Complaints Committee has not been constituted due to having less than ten workers or if the complaint is against the employer himself.

(2) The District Officer shall designate one nodal officer in every block, taluka and tehsil in rural or tribal area and ward or municipality in the urban area, to receive complaints and forward the same to the concerned Local Complaints Committee within a period of seven days.

(3) The jurisdiction of the Local Complaints Committee shall extend to the areas of the district where it is constituted.

Section 7 - Composition, tenure and other terms and conditions of Local Complaints Committee

(1) The Local Complaints Committee shall consist of the following members to be nominated by the District Officer, namely:-

(a) a Chairperson to be nominated from amongst the eminent women in the field of social work and committed to the cause of women;

(b) one Member to be nominated from amongst the women working in block, taluka or tehsil or ward or municipality in the district;

(c) two Members, of whom at least one shall be a woman, to be nominated from amongst such non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, which may be prescribed:

Provided that at least one of the nominees should, preferably, have a background in law or legal knowledge:

Provided further that at least one of the nominees shall be a woman belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or minority community notified by the Central Government, from time to time;

(d) the concerned officer dealing with the social welfare or women and child development in the district, shall be a member ex officio.

(2) The Chairperson and every Member of the Local Committee shall hold office for such period, not exceeding three years, from the date of their appointment as may be specified by the District Officer.

(3) Where the Chairperson or any Member of the Local Complaints 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) 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 Chairperson 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.

(4) The Chairperson and Members of the Local Committee other than the Members nominated under clauses (b) and (d) of sub-section (1) shall be entitled to such fees or allowances for holding the proceedings of the Local Committee as may be prescribed.

Section 8 - Grants and audit

- (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the State Government grants of such sums of money as the Central Government may think fit, for being utilised for the payment of fees or allowances referred to in sub-section (4) of section 7.
- (2) The State Government may set up an agency and transfer the grants made under sub-section (1) to that agency.
- (3) The agency shall pay to the District Officer, such sums as may be required for the payment of fees or allowances referred to in sub-section (4) of section 7.
- (4) The accounts of the agency referred to in sub-section (2) shall be maintained and audited in such manner as may, in consultation with the Accountant General of the State, be prescribed and the person holding the custody of the accounts of the agency shall furnish, to the State Government, before such date, as may be prescribed, its audited copy of accounts together with auditors' report thereon.

Chapter IV COMPLAINT

Section 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 10 - Conciliation

(1) The Internal Committee or, as the case may be, the Local Committee, may, before initiating an inquiry under section 11 and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation:

Provided that no monetary settlement shall be made as a basis of conciliation.

(2) Where a settlement has been arrived at under sub-section (1), the Internal Committee or the Local Committee, as the case may be., shall record the settlement so arrived and forward the same to the employer or the District Officer to take action as specified in the recommendation.

(3) The Internal Committee or the Local Committee, as the case may be, shall provide the copies of the settlement as recorded under sub-section (2) to the aggrieved woman and the respondent.

(4) Where a settlement is arrived at under sub-section (7), no further inquiry shall be conducted by the Internal Committee or the Local Committee, as the case may be.

Section 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 under 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.

Chapter V - INQUIRY INTO COMPLAINT

Section 12 - Action during pendency of inquiry

(1) During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee or the Local Committee, as the case may be, may recommend to the employer to-

- (a) transfer the aggrieved woman or the respondent to any other workplace; or
- (b) grant leave to the aggrieved woman up to a period of three months: or
- (c) grant such other relief to the aggrieved woman as may be prescribed.

(2) The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.

(3) On the recommendation of the internal Committee or the Local Committee, as the case may be, under sub-section (1), the employer shall implement the recommendations made under sub-section (1) and send the report of such implementation to the Internal Committee or the Local Committee, as the case may be.

Section 13 - Inquiry report

(1) On the completion of an inquiry under this Act, the Internal Committee or the Local Committee, as the case may be, shall provide a report of its findings to the employer, or as the case may be, the District Officer within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.

(2) Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer and the District Officer that no action is required to be taken in the matter.

(3) Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer or the District Officer, as the case may be-

(i) to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed;

(ii) to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, in accordance with the provisions of section 15:

Provided that in case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman:

Provided further that in case the respondent fails to pay the sum referred to in clause (ii), the Internal Committee or, as the case may be, the Local Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

- (4) The employer or the District Officer shall act upon the recommendation within sixty days of its receipt by him.

Section 14 - Punishment for false or malicious complaint and false evidence

- (1) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or the District Officer, as the case may be, to take action against the woman or the person who has made the complaint under sub-section (1) or sub-section (2) of section 9, as the case may be, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed:

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

- (2) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer or the District Officer, as the case may be, to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.

Section 15 - Determination of compensation

For the purpose of determining the sums to be paid to the aggrieved woman under clause (ii) of sub-section (3) of section 13, the Internal Committee or the Local Committee, as the case may be, shall have regard to

- (a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;

- (b) the loss in the career opportunity due to the incident of sexual harassment;
- (c) medical expenses incurred by the victim for physical or psychiatric treatment;
- (d) the income and financial status of the respondent;
- (e) feasibility of such payment in lump sum or in instalments.

Section 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.

Section 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.

Section 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 subsection (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 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.

Chapter VI DUTIES OF EMPLOYER

Section 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 subsection (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 may 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.

Chapter VII - DUTIES AND POWERS OF DISTRICT OFFICER

Section 20 - Duties and powers of District Officer

The District Officer shall,-

- (a) monitor the timely submission of reports furnished by the Local Committee;
- (b) take such measures as may be necessary for engaging non-governmental organisations for creation of awareness on sexual harassment and the rights of the women.

Chapter VIII MISCELLANEOUS

Section 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.

Section 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.

Section 23 - Appropriate Government to monitor implementation and maintain data

The appropriate Government shall monitor the implementation of this Act and maintain data on the number of cases filed and disposed of in respect of all cases of sexual harassment at workplace.

Section 24 - Appropriate Government to take measures to publicise the Act

The appropriate Government may, subject to the availability of financial and other resources,-

- (a) develop relevant information, education, communication and training materials, and organise awareness programmes, to advance the understanding of the public of the provisions of this Act providing for protection against sexual harassment of woman at workplace.
- (b) formulate orientation and training programmes for the members of the Local Complaints Committee.

Section 25 - Power to call for information and inspection of records

- (1) The appropriate Government, on being satisfied that it is necessary in the public interest or in the interest of women employees at a workplace to do so, by order in writing,-
 - (a) call upon any employer or District Officer to furnish in writing such information relating to sexual harassment as it may require;
 - (b) authorise any officer to make inspection of the records and workplace in relation to sexual harassment, who shall submit a report of such inspection to it within such period as may be specified in the order.
- (2) Every employer and District Officer shall produce on demand before the officer making the inspection all information, records and other documents in his custody having a bearing on the subject matter of such inspection.

Section 26 - Penalty for noncompliance with provisions of Act

- (1) Where the employer fails to-
 - (a) constitute an Internal Committee under sub-section (1) of section 4;

(b) take action under sections 13, 14 and 22; and

(c) contravenes or attempts to contravene or abets contravention of other provisions of this Act or any rules made thereunder, he shall be punishable with fine which may extend to fifty thousand rupees.

(2) If any employer, after having been previously convicted of an offence punishable under this Act subsequently commits and is convicted of the same offence, he shall be liable to-

(i) twice the punishment, which might have been imposed on a first conviction, subject to the punishment being maximum provided for the same offence:

Provided that in case a higher punishment is prescribed under any other law for the time being in force, for the offence for which the accused is being prosecuted, the court shall take due cognizance of the same while awarding the punishment;

(ii) cancellation, of his licence or withdrawal, or non-renewal, or approval, or cancellation of the registration, as the case may be, by the Government or local authority required for carrying on his business or activity.

Section 27 - Cognizance of offence by courts

(1) No court shall take cognizance of any offence punishable under this Act or any rules made thereunder, save on a complaint made by the aggrieved woman or any person authorised by the Internal Committee or Local Committee in this behalf.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(3) Every offence under this Act shall be non-cognizable.

Section 28 - Act not in derogation of any other law

The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Section 29 - Power of appropriate Government to make rules

- (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely –
 - (a) the fees or allowances to be paid to the Members under sub-section (4) of section 4;
 - (b) nomination of members under clause (c) of sub-section (1) of section 7;
 - (c) the fees or allowances to be paid to the Chairperson, and Members under sub-section (4) of section 7;
 - (d) the person who may make complaint under sub-section (2) of section 9;
 - (e) the manner of inquiry under sub-section (1) of section 11;
 - (f) the powers for making an inquiry under clause (c) of sub-section (2) of section 11;
 - (g) the relief to be recommended under clause (c) of sub-section (1) of section 12;
 - (h) the manner of action to be taken under clause (i) of sub-section (3) of section 13;
 - (i) the manner of action to be taken under sub-sections (1) and (2) of section 14;
 - (j) the manner of action to be taken under section 17;
 - (k) the manner of appeal under sub-section (1) of section 18;
 - (l) the manner of organising workshops, awareness programmes for sensitising the employees and orientation programmes for the members of the Internal Committee under clause (c) of section 19; and
 - (m) the form and time for preparation of annual report by Internal Committee and the Local Committee under sub-section (1) of section 21.

(3) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Any rule made under sub-section (4) of section 8 by the State Government shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Section 30 - Power to remove difficulties

(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.