

F. No. 11012/05/2016-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 June 2, 2016

OFFICE MEMORANDUM

Subject: Central Civil Services (Conduct) Rules 1964 — Guidelines regarding prevention of sexual harassment of women at the workplace— regarding

The undersigned is directed to say that a need for providing for an appeal to the complainant in allegation of sexual harassment in accordance with the Section 18(1) of the Sexual Harassment of Women at Workplace [Prevention, Prohibition and Redressal] Rules, 2013 has been examined. The draft instructions are attached. Before the instructions in the Draft O.M. are finalized, all stakeholders, Ministries / Departments are requested to offer their comments / views, if any, in this regard latest by **21st June, 2016** at the e-mail address mp.ramarao@nic.in.



(Mukesh Chaturvedi)
Director (E)
Tel: 23093176

To
All Ministries/ Departments of the Government of India

Copy to:

1. ADG (M&C), Press Information Bureau, DoP&T, North Block, New Delhi
- ✓ 2. NIC, DoP&T with the request to place the above said O.M. alongwith its enclosures on the website of this Department on the homepage for 20 days (what is New?)

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Subject: Central Civil Services (Conduct) Rules 1964 — 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 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 Charged Officer in a case involving allegations of sexual harassment, the Disciplinary Authority shall supply a copy of the Report of the Complaints 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.

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)

Director (E)

To

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