

No.C-36011/1/2010.PG.  
Government of India  
Ministry of Human Resource Development  
(Department of Higher Education)  
Vigilance Section

Room No.231'C', Shastri Bhawan,  
New Delhi, the 23<sup>rd</sup> December, 2014.

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

I am directed to enclose a copy of the OM. No.11013/2/2014-Estt.(A. III)  
dated 27<sup>th</sup> November 2014 alongwith its enclosures from the Department of  
Personnel and Training on the above mentioned subject with the request that the  
guidelines may kindly be circulated to all concerned subordinate  
offices/autonomous bodies/ PSUs on which the Ministry have jurisdiction.

  
(K.D. Verma) 23/12/2014  
Under Secretary (Vig.)  
Tele: 23386317

All Bureau Heads as per list attached.

Copy to

All officers/staff of MHRD.

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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)

.....  
North Block, New Delhi,  
Dated the 27<sup>th</sup> 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 22<sup>nd</sup> 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](http://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](http://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.

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;

- (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

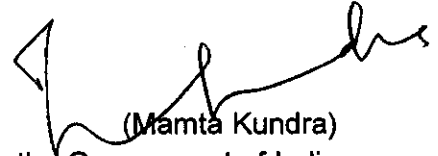
the terminal benefits payable to the officer or his heirs. Such compensation will not amount to penalty under Rule 11 of CCS (CCA) Rules in terms of the Explanation (ix) to Rule 11 inserted vide Notification of even Number dated 19-11-2014.

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)

**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;  |  |

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



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