

Laws and Procedures: Sexual Harassment in the Workplace

Vishaka Guidelines against Sexual Harassment in the Workplace

**Guidelines and norms laid down by the Hon'ble Supreme Court in
Vishaka and Others Vs. State of Rajasthan and Others (JT 1997 (7) SC 384)**

HAVING REGARD to the definition of 'human rights' in Section 2 (d) of the Protection of Human Rights Act, 1993,

TAKING NOTE of the fact that the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time,

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

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

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

2. Definition

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

- a) Physical contact and advances;
- b) A demand or request for sexual favours;
- c) Sexually coloured remarks;
- d) Showing pornography;
- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

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

3. Preventive Steps

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

- (a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.
- (b) The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.
- (c) As regards private employers, steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.
- (d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

4. Criminal Proceedings

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

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

5. Disciplinary Action

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

6. Complaint Mechanism

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organisation for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

7. Complaints Committee

The complaint mechanism, referred to in (6) above, should be adequate to provide, where necessary, a Complaints Committee, a special counsellor or other support service, including the maintenance of confidentiality.

The Complaints Committee should be headed by a woman and not less than half of its member should be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

8. Worker's Initiative

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

9. Awareness

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

10. Third Party Harassment

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

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

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

Other legal provisions include filing a **criminal case** under sections of the Indian Penal Code (IPC), the Indecent Representation of Women (Prohibition) Act and/or filing a civil suit.

The sections of the **Indian Penal Code** that can be applicable to sexual harassment (which makes it a criminal case):

1. Section 294

'Whoever, to the annoyance of others, (a) does any obscene act in any public place, or (b) sings, recites and utters any obscene songs, ballads or words, in or near any public space, shall be punished with imprisonment of either description for a term that may extend to three months, or with fine, or with both.' This provision is included in Chapter XVI entitled 'Of Offences Affecting Public Health, Safety, Convenience and Morals' and is cognisable, bailable and triable by any magistrate.

2. Section 354

Whoever assaults or uses criminal force on any woman, intending to outrage her modesty or knowing it likely that he will thereby outrage her modesty, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

3. Section 509

(Word, gesture or act intended to insult the modesty of a woman) This is included in Chapter 22 entitled 'Of Criminal Intimidation, Insult and Annoyance', and is cognisable, bailable and triable by any magistrate. It holds: 'Whoever, intending to insult the modesty of

a woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture is seen by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.'

Under the **Indecent Representation of Women (Prohibition) Act (1987)** if an individual harasses another with books, photographs, paintings, films, pamphlets, packages, etc. containing the "indecent representation of women", they are liable for a minimum sentence of 2 years. Section 7 (Offenses by Companies) further holds companies where there has been "indecent representation of women" (such as the display of pornography) on the premises, guilty of offenses under this act, with a minimum sentence of 2 years.

Civil case

A civil suit can be filed for damages under tort laws. That is, the basis for filing the case would be mental anguish, physical harassment, loss of income and employment caused by the sexual harassment.

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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 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.

4. Sexual harassment as defined rule 3-C of CCS (Conduct) Rules, 1964 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

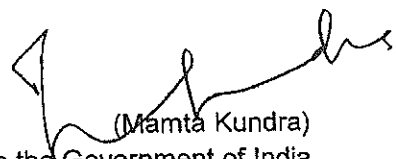
the terminal benefits payable to the officer or his heirs. Such compensation will not amount to penalty under Rule 11 of CCS (CCA) Rules in terms of the Explanation (ix) to Rule 11 inserted vide Notification of even Number dated 19-11-2014.

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)

भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (I)
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नई दिल्ली, बुधवार, नवम्बर 19, 2014/कार्तिक 28, 1936

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(ब):— 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 यून 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 06 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. 3464, 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 1st January, 2014 and
79. G.S.R. 769(E), dated the 31st October, 2014.

अधिसूचना

नई दिल्ली, 19 मचम्बर, 2014

सा.सा.नि. 823(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. (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।
2. 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 हैं; अर्थात् :-

- (i) शारीरिक संपर्क और फायदा उठाना; या
- (ii) लैंगिक पक्षपात की मांग या अनुरोध करना; या
- (iii) लैंगिक अर्थ वाली टिप्पणियां करना; या
- (iv) अश्लील साहित्य दिखाना; या
- (v) 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:-

- (i) उसके नियोजन में अधिमानी व्यवहार का अंतर्निहित या स्पष्ट वचन देना; या
- (ii) उसके नियोजन में अहितकर व्यवहार का अंतर्निहित या स्पष्ट धमकी देना; या
- (iii) उसकी वर्तमान या भावी नियोजन के प्राप्ति के बारे में अंतर्निहित या स्पष्ट धमकी देना; या
- (iv) उसके कार्य में हस्तक्षेप करना या उसके लिए अभिवासरमय या आपराधिक या शत्रुतापूर्ण कार्य बातावरण सृजित करना; या
- (v) 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 क्रीड़ा का स्थान, चाहे आवासीय हो या नहीं;
- (iv) नियोजन से प्रोदभूत या उसके प्रक्रम के दौरान कर्मचारी द्वारा धमण 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.

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