

Revised

**भारतीय मानक ब्यूरो
(स्थापना विभाग)**

मानक भवन,
9, बहादुर शाहज़फ़र मार्ग,
नई दिल्ली - 110 002

हमारा संदर्भ: स्था III/ICC/76:01/2021-22

दिनांक: 30 Aug 2024

OFFICE MEMORANDUM

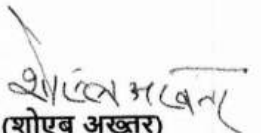
Subject: Reconstitution of "Internal Complaints Committee (ICC)" in work place at BIS-HQs.

In supersession of this department's Office Memorandum Ref. No. Estt-III/ICC/76:01/2020 dated 19.01.2024, it is informed that the Competent Authority has appointed Smt. Rachna Sehgal, Sc-G & Head (Publication) as Presiding Officer of Internal Complaints Committee (ICC) at BIS-HQs in place of Smt. Reena Garg, Sc-G & Head (LITD) and Smt. Smitha G. Nair, Director (Marketing & Consumer Affairs), HQs-PR Deptt., as one of the member of Internal Complaints Committee (ICC) at BIS-HQs in place of Smt. Neha Singhal, DD(A&F), HQs-GSD, with immediate effect. The other members of the Internal Complaints Committee (ICC) at BIS-HQs, remain the same.

2. Accordingly, the Composition of Internal Complaints Committee (ICC) under Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 at BIS-HQs. New Delhi shall be Reconstituted, as under:

- | | | | |
|------|--|---|-------------------|
| i) | Smt. Rachna Sehgal, Sc-G & Head (Publication), | : | Presiding Officer |
| ii) | Smt. Smitha G. Nair, Director (M&CA) | : | Member |
| iii) | Shri Bindu Kumar, AD (A&F), HQs-GSD | : | Member |
| iv) | Shri Shashi B. Thakur, Section Officer, HQs-Estt. | : | Member |
| v) | All India Democratic Women's Association
(AIDWA) Representative | : | NGO Member |

3. The Committee shall have tenure up to 09 Jan 2025.


(शोएब अख्तर)
निदेशक (स्थापना)

परिचालित: बी.आई.एस. के माध्यम से मुख्यालय के सभी विभागों, केन्द्रीय प्रयोगशाला/शाखा प्रयोगशालाएँ/प्रशिक्षण संस्थान/क्षेत्रिय कार्यालय/शाखा कार्यालय में परिचालित ।

Circulated to: All Department at BIS-HQs/Central Laboratory/Regional Laboratories/ NITS/Regional Offices/Branch Offices of BIS through BIS Intranet.

Annexure

The details of the Members of Internal Complaint Committee (ICC) of BIS HQs are given below:

- 1) Smt. Rachna Sehgal, Sc.-G & Head (Publication), Presiding Officer, ICC-BIS HQs,
Email Id: rachna@bis.gov.in, **Mobile No.:** 09899868646
- 2) Smt. Smitha G. Nair, Director (M&CA), Member
Email Id: smitanair24@gmail.com, **Mobile No.:** 09869740225
- 3) Shri Bindu Kumar, Assistant Director (A&F), Member
Email Id: bindu.kumar@bis.gov.in, **Mobile No.:** 08527758885
- 4) Shri Shashi B. Thakur, Section Officer (Estt), Member
Email Id : shashi.thakur@bis.gov.in, **Mobile No.:** 09899202696
- 5) Smt. Maimoona Mollah, All India Democratic Women's Association (AIDWA), NGO
Member
Email Id: aidwacec@gmail.com, **Mobile No:** 09811478191

भारतीय मानक ब्यूरो
(स्थापना विभाग)

मानक भवन,
9, बहादुर शाह जफर मार्ग,
नई दिल्ली - 110 002

Our Ref: Estt-III/76:01/2021-22

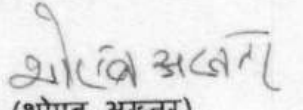

Dated: 18 Sep 2024

परिपत्र / CIRCULAR

Subject: Appointment of Nodal Officer for SHe -Box Portal in BIS

The Competent Authority has appointed the Presiding Officer of Internal Complaints Committee (ICC), BIS-HQs, Smt. Rachna Sehgal, Sc. G & Head (Publication) as the Nodal Officer for the SHe-Box Portal, a centralized platform for registering and monitoring complaints of Sexual Harassment of Women at Workplace.

2. ITS Department is requested to create SHe -Box portal in BIS website and upload details of the Nodal Officer on the SHe-Box Portal.
3. This has the approval of the Competent Authority.


(शोएब अख्तर)
निदेशक (स्थापना)


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Circulated to : All Department at BIS-HQs/Central Laboratory/Regional & Branch Laboratories/ NITS/Regional Offices/Branch Offices of BIS through BIS Intranet.



सत्यमेव जयते

**Compendium on
Sexual Harassment of Women at Workplace
(Prevention, Prohibition and Redressal) Act,2013
Act, Rules, Department of Personnel & Training
Orders and Notification
(Updated upto April,2017)**



**GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT**

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भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड I

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 18] नई दिल्ली, मंगलवार, अप्रैल 23, 2013/ वैशाख 3, 1935 (शक)
No. 18] NEW DELHI, TUESDAY, APRIL 23, 2013/ VAISAKHA 3, 1935 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 23rd April, 2013/Vaisakha 3, 1935 (Saka)

The following Act of Parliament received the assent of the President on the 22nd April, 2013, and is hereby published for general information:—

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

(No. 14 of 2013)

[22nd April, 2013.]

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

Short title,
extent and
commencement

1. (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.

Definitions.

2. 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.

Prevention of sexual harassment.

3. (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

Constitution of Internal Complaints Committee.

4. (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

5. 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.

Notification of District Officer.

6. (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.

Constitution and jurisdiction of Local Complaints Committee

(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.

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

Composition, tenure and conditions of Local Complaints Committee

(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.

Grants and
audit.

8. (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

Complaint of
sexual
harassment

9. (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.

Conciliation

10. (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 (1), no further inquiry shall be conducted by the Internal Committee or the Local Committee, as the case may be.

11. (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, and any other relevant provisions of the said Code where applicable:

Inquiry into
complaint

45 of 1860.

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.

45 of 1860.

(2) Notwithstanding anything contained in section 509 of the Indian Penal Code, 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 when trying a suit in respect of the following matters, namely:—

5 of 1908

(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

12. (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:

Action during
pendency of
inquiry

(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.

Inquiry report

13. (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.

Punishment for false or malicious complaint and false evidence

14. (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 of the witness 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.

15. 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 --

Determination of compensation.

(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.

22 of 2005

16. Notwithstanding anything contained in the Right to Information Act, 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:

Prohibition of publication or making known contents of complaint and inquiry proceedings.

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.

17. 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.

Penalty for publication or making known contents of complaint and inquiry proceedings

18. (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 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 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.

Appeal

(2) The appeal under sub-section (1) shall be preferred within a period of ninety days of the recommendations.

CHAPTER VI

DUTIES OF EMPLOYER

19. Every employer shall --

Duties of employer.

(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 sub-section (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 or any other law for the time being in force; 45 of 1860.

(h) cause to initiate action, under the Indian Penal Code 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; 45 of 1860.

(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

Duties and powers of District Officer.

20. 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

Committee to submit annual report

21. (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.

Employer to include information in annual report

22. 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.

Appropriate Government to monitor implementation and maintain data

23. 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.

Appropriate Government to take measures to publicise the Act

24. 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.

25. (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,--

Power to call for information and inspection of records

(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.

26. (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,

Penalty for non-compliance with provisions of Act.

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.

27. (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.

Cognizance of offence by courts

(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.

28. 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.

Act not in derogation of any other law.

29. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power of appropriate Government to make rules.

(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 (1) 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 (1) 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.

Power to
remove
difficulties

30. (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.

P.K. MALHOTRA,
Secy. to the Govt. of India.

CORRIGENDA

THE PREVENTION OF MONEY-LAUNDERING (AMENDMENT) ACT, 2012

(2 of 2013)

At page 18, in line 2, for "Arts", read "Art".

At page 21, in line 14, for "Protection", read "(Protection)".

CORRIGENDUM

THE UNLAWFUL ACTIVITIES (PREVENTION) AMENDMENT ACT, 2012
(3 of 2013)

At page 6, in line 22, *for* "clause", *read* "clause".

CORRIGENDUM

THE BANKING LAWS (AMENDMENT) ACT, 2012
(4 of 2013)

At page 8, in line 29, *for* 'sections 30', *read* 'section 30',.

CORRIGENDUM

THE APPROPRIATION ACT, 2013
(9 of 2013)

At page 1, in the marginal heading to section 2, *for* "4715,54,00,000",
read "49715,54,00,000".

महिलाओं का कार्यस्थल पर लैंगिक उत्पीड़न (निवारण, प्रतिषेध और प्रतितोष)

अधिनियम, 2013

(2013 का अधिनियम संख्यांक 14)

[22 अप्रैल, 2013]

महिलाओं के कार्यस्थल पर लैंगिक उत्पीड़न से संरक्षण और
लैंगिक उत्पीड़न के परिवादों के निवारण तथा
प्रतितोषण और उससे संबंधित या उसके
आनुषंगिक विषयों का उपबंध
करने के लिए
अधिनियम

लैंगिक उत्पीड़न के परिणामस्वरूप भारत के संविधान के अनुच्छेद 14 और अनुच्छेद 15 के अधीन समता तथा संविधान के अनुच्छेद 21 के अधीन प्राण और गरिमा से जीवन व्यतीत करने के किसी महिला के मूल अधिकारों और किसी वृत्ति का व्यवसाय करने या कोई उपजीविका, व्यापार या कारबार करने के अधिकार का, जिसके अंतर्गत लैंगिक उत्पीड़न से मुक्त सुरक्षित वातावरण का अधिकार भी है, उल्लंघन होता है;

और, लैंगिक उत्पीड़न से संरक्षण तथा गरिमा से कार्य करने का अधिकार, महिलाओं के प्रति सभी प्रकार के विभेदों को दूर करने संबंधी अभिसमय जैसे अंतरराष्ट्रीय अभिसमयों और लिखतों द्वारा सर्वव्यापी मान्यताप्राप्त ऐसे मानवाधिकार हैं, जिनका भारत सरकार द्वारा 25 जून, 1993 को अनुसमर्थन किया गया है;

और, कार्यस्थल पर लैंगिक उत्पीड़न से महिलाओं के संरक्षण के लिए उक्त अभिसमय को प्रभावी करने के लिए उपबंध करना समीचीन है;

भारत गणराज्य के चौंसठवें वर्ष में संसद् द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

अध्याय 1

प्रारंभिक

1. संक्षिप्त नाम, विस्तार और प्रारंभ—(1) इस अधिनियम का संक्षिप्त नाम महिलाओं का कार्यस्थल पर लैंगिक उत्पीड़न (निवारण, प्रतिषेध और प्रतितोष) अधिनियम, 2013 है।

(2) इसका विस्तार संपूर्ण भारत पर है।

(3) यह उस तारीख को प्रवृत्त होगा, जो केन्द्रीय सरकार, राजपत्र में अधिसूचना द्वारा, नियत करे।

2. परिभाषाएं—इस अधिनियम में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) “व्यथित महिला” से निम्नलिखित अभिप्रेत है,—

(i) किसी कार्यस्थल के संबंध में, किसी भी आयु की ऐसी महिला, चाहे नियोजित है या नहीं, जो प्रत्यर्थी द्वारा लैंगिक उत्पीड़न के किसी कार्य के करने का अभिकथन करती है;

(ii) किसी निवास स्थान या गृह के संबंध में, किसी भी आयु की ऐसी महिला, जो ऐसे किसी निवास स्थान या गृह में नियोजित है;

(ख) “समुचित सरकार” से निम्नलिखित अभिप्रेत है,—

(i) ऐसे कार्यस्थल के संबंध में, जो,—

(अ) केन्द्रीय सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा स्थापित, उसके स्वामित्वाधीन, नियंत्रणाधीन या प्रत्यक्षतः या अप्रत्यक्षतः उपलब्ध कराई गई निधियों द्वारा पूर्णतः या भागतः वित्तपोषित है, केन्द्रीय सरकार;

(आ) राज्य सरकार द्वारा स्थापित, उसके स्वामित्वाधीन, नियंत्रणाधीन या प्रत्यक्षतः या अप्रत्यक्षतः उपलब्ध कराई गई निधियों द्वारा पूर्णतः या भागतः वित्तपोषित है, राज्य सरकार;

(ii) उपखंड (i) के अंतर्गत न आने वाले और उसके राज्यक्षेत्र के भीतर आने वाले किसी कार्यस्थल के संबंध में, राज्य सरकार;

(ग) “अध्यक्ष” से धारा 7 की उपधारा (1) के अधीन नामनिर्दिष्ट स्थानीय परिवाद समिति का अध्यक्ष अभिप्रेत है;

(घ) “जिला अधिकारी” से धारा 5 के अधीन अधिसूचित कोई अधिकारी अभिप्रेत है;

(ङ) “घरेलू कर्मकार” से ऐसी कोई महिला अभिप्रेत है जो किसी गृहस्थी में पारिश्रमिक के लिए गृहस्थी का कार्य करने के लिए, चाहे नकद या वस्तुरूप में, या तो सीधे या किसी अभिकरण के माध्यम से अस्थायी, स्थायी, अंशकालिक या पूर्णकालिक आधार पर नियोजित है किंतु इसके अंतर्गत नियोजक के कुटुंब का कोई सदस्य नहीं है;

(च) “कर्मचारी” से ऐसा कोई व्यक्ति अभिप्रेत है, जो किसी कार्यस्थल पर किसी कार्य के लिए या तो सीधे या किसी अभिकर्ता के माध्यम से, जिसके अंतर्गत कोई ठेकेदार भी है, प्रधान नियोजक की जानकारी से या उसके बिना, नियमित, अस्थायी, तदर्थ या दैनिक मजदूरी के आधार पर, चाहे पारिश्रमिक पर या उसके बिना, नियोजित है या स्वैच्छिक आधार पर या अन्यथा कार्य कर रहा है, चाहे नियोजन के निबंधन अभिव्यक्त या विवक्षित हैं या नहीं और इसके अंतर्गत कोई सहकर्मकार, कोई संविदा कर्मकार, परिवीक्षाधीन, शिक्षु, प्रशिक्षु या ऐसे किसी अन्य नाम से ज्ञात कोई व्यक्ति भी है;

(छ) “नियोजक” से निम्नलिखित अभिप्रेत है,—

(i) समुचित सरकार या किसी स्थानीय प्राधिकरण के किसी विभाग, संगठन, उपक्रम, स्थापन, उद्यम, संस्था, कार्यालय, शाखा या यूनिट के संबंध में, उस विभाग, संगठन, उपक्रम, स्थापन, उद्यम, संस्था, कार्यालय, शाखा या यूनिट का प्रधान या ऐसा अन्य अधिकारी जो, यथास्थिति, समुचित सरकार या स्थानीय प्राधिकरण द्वारा इस निमित्त आदेश द्वारा विनिर्दिष्ट किया जाए;

(ii) उपखंड (i) के अंतर्गत न आने वाले किसी कार्यस्थल के संबंध में, कार्यस्थल के प्रबंध, पर्यवेक्षण और नियंत्रण के लिए उत्तरदायी कोई व्यक्ति ।

स्पष्टीकरण—इस उपखंड के प्रयोजनों के लिए, “प्रबंध” के अंतर्गत ऐसे संगठन के लिए नीतियों की विनिर्मिति और प्रशासन के लिए उत्तरदायी व्यक्ति या बोर्ड या समिति भी है;

(iii) उपखंड (i) और उपखंड (ii) के अंतर्गत आने वाले कार्यस्थल के संबंध में, अपने कर्मचारियों के संबंध में संविदात्मक बाध्यताओं का निर्वहन करने वाला व्यक्ति;

(iv) किसी निवास स्थान या गृह के संबंध में, ऐसा कोई व्यक्ति या गृहस्थी, जो ऐसे नियोजित कर्मकार की संख्या, समयावधि या प्रकार या नियोजन की प्रकृति या घरेलू कर्मकार द्वारा निष्पादित कार्यकलापों का विचार किए बिना, घरेलू कर्मकार को नियोजित करता है या उसके नियोजन से फायदा प्राप्त करता है;

(ज) “आंतरिक समिति” से धारा 4 के अधीन गठित आंतरिक परिवाद समिति अभिप्रेत है;

(झ) “स्थानीय समिति” से धारा 6 के अधीन गठित स्थानीय परिवाद समिति अभिप्रेत है;

(ञ) “सदस्य” से, यथास्थिति, आंतरिक समिति या स्थानीय समिति का कोई सदस्य अभिप्रेत है;

(ट) “विहित” से इस अधिनियम के अधीन बनाए गए नियमों द्वारा विहित अभिप्रेत है;

(ठ) “पीठासीन अधिकारी” से धारा 4 की उपधारा (2) के अधीन नामनिर्दिष्ट किया गया आंतरिक परिवाद समिति का पीठासीन अधिकारी अभिप्रेत है;

(ड) “प्रत्यर्थी” से ऐसा व्यक्ति अभिप्रेत है जिसके विरुद्ध व्यथित महिला ने धारा 9 के अधीन कोई परिवाद किया है;

(ढ) “लैंगिक उत्पीड़न” के अन्तर्गत निम्नलिखित कोई एक या अधिक अवांछनीय कार्य या व्यवहार चाहे प्रत्यक्ष रूप से या विवक्षित रूप से हैं, अर्थात् :—

(i) शारीरिक संपर्क और अग्रगमन; या

(ii) लैंगिक अनुकूलता की मांग या अनुरोध करना; या

(iii) लैंगिक अत्युक्त टिप्पणियां करना; या

(iv) अश्लील साहित्य दिखाना; या

(v) लैंगिक प्रकृति का कोई अन्य अवांछनीय शारीरिक, मौखिक या अमौखिक आचरण करना;

(ण) “कार्यस्थल” के अंतर्गत निम्नलिखित भी हैं—

(i) ऐसा कोई विभाग, संगठन, उपक्रम, स्थापन, उद्यम, संस्था, कार्यालय, शाखा या यूनिट, जो समुचित सरकार या स्थानीय प्राधिकरण या किसी सरकारी कम्पनी या निगम या सहकारी सोसाइटी द्वारा स्थापित, उसके स्वामित्वाधीन, नियंत्रणाधीन या पूर्णतः या सारतः, उसके द्वारा प्रत्यक्षतः या अप्रत्यक्षतः उपलब्ध कराई गई निधियों द्वारा वित्तपोषित की जाती है;

(ii) कोई प्राइवेट सेक्टर संगठन या किसी प्राइवेट उद्यम, उपक्रम, उद्यम, संस्था, स्थापन, सोसाइटी, न्यास, गैर-सरकारी संगठन, यूनिट या सेवा प्रदाता, जो वाणिज्यिक, वृत्तिक, व्यावसायिक, शैक्षिक, मनोरंजक, औद्योगिक, स्वास्थ्य सेवाएं या वित्तीय क्रियाकलाप करता है, जिनके अंतर्गत उत्पादन, प्रदाता, विक्रय, वितरण या सेवा भी है;

(iii) अस्पताल या परिचर्या गृह;

(iv) प्रशिक्षण, खेलकूद या उनसे संबंधित अन्य क्रियाकलापों के लिए प्रयुक्त, कोई खेलकूद संस्थान, स्टेडियम, खेलकूद प्रक्षेत्र या प्रतिस्पर्धा या क्रीड़ा का स्थान, चाहे आवासीय है या नहीं;

(v) नियोजन से उद्भूत या उसके प्रक्रम के दौरान कर्मचारी द्वारा परिदर्शित कोई स्थान जिसके अंतर्गत ऐसी यात्रा करने के लिए नियोजक द्वारा उपलब्ध कराया गया परिवहन भी है;

(vi) कोई निवास स्थान या कोई गृह;

(त) किसी कार्यस्थल के संबंध में, असंगठित सेक्टर से ऐसा कोई उद्यम अभिप्रेत है, जो व्यष्टियों या स्वनियोजित कर्मकारों के स्वामित्वाधीन है और किसी प्रकार के माल के उत्पादन या विक्रय अथवा सेवा प्रदान करने में लगा हुआ है और जहां उद्यम, कर्मकारों को नियोजित करता है, वहां ऐसे कर्मकारों की संख्या दस से अन्यून है।

3. लैंगिक उत्पीड़न का निवारण—(1) किसी भी महिला का किसी कार्यस्थल पर लैंगिक उत्पीड़न नहीं किया जाएगा।

(2) अन्य परिस्थितियों में निम्नलिखित परिस्थितियां, यदि वे लैंगिक उत्पीड़न के किसी कार्य या आचरण के संबंध में होती हैं या विद्यमान हैं या उससे संबद्ध हैं, लैंगिक उत्पीड़न की कोटि में आ सकेंगी :—

(i) उसके नियोजन में अधिमानी व्यवहार का विवक्षित या सुस्पष्ट वचन देना; या

(ii) उसके नियोजन में अहितकर व्यवहार की विवक्षित या सुस्पष्ट धमकी देना; या

(iii) उसके वर्तमान या भावी नियोजन की प्रास्थिति के बारे में विवक्षित या सुस्पष्ट धमकी देना; या

(iv) उसके कार्य में हस्तक्षेप करना या उसके लिए अभिन्नासमय या संतापकारी या प्रतिकूल कार्य वातावरण सृजित करना; या

(v) उसके स्वास्थ्य या सुरक्षा को प्रभावित करने की संभावना वाला अपमानजनक व्यवहार करना।

अध्याय 2

आंतरिक परिवाद समिति का गठन

4. आंतरिक परिवाद समिति का गठन—(1) किसी कार्यस्थल का प्रत्येक नियोजक, लिखित आदेश द्वारा, “आंतरिक परिवाद समिति” नामक एक समिति का गठन करेगा :

परंतु जहां कार्यस्थल के कार्यालय या प्रशासनिक यूनिटें, भिन्न-भिन्न स्थानों या खंड या उपखंड स्तर पर अवस्थित हैं, वहां आंतरिक समिति सभी प्रशासनिक यूनिटों या कार्यालयों में गठित की जाएगी।

(2) आंतरिक समिति, नियोजक द्वारा नामनिर्देशित किए जाने वाले निम्नलिखित सदस्यों से मिलकर बनेगी, अर्थात् :—

(क) एक पीठासीन अधिकारी, जो कर्मचारियों में से कार्यस्थल पर ज्येष्ठ स्तर पर नियोजित महिला होगी :

परंतु किसी ज्येष्ठ स्तर की महिला कर्मचारी के उपलब्ध नहीं होने की दशा में, पीठासीन अधिकारी, उपधारा (1) में निर्दिष्ट कार्यस्थल के अन्य कार्यालयों या प्रशासनिक यूनिटों से नामनिर्देशित किया जाएगा :

परंतु यह और कि कार्यस्थल के अन्य कार्यालयों या प्रशासनिक यूनिटों में ज्येष्ठ स्तर की महिला कर्मचारी नहीं होने की दशा में, पीठासीन अधिकारी, उसी नियोजक या अन्य विभाग या संगठन के किसी अन्य कार्यस्थल से नामनिर्दिष्ट किया जाएगा;

(ख) कर्मचारियों में से दो से अन्यून ऐसे सदस्य, जो महिलाओं की समस्याओं के प्रति अधिमानी रूप से प्रतिबद्ध हैं या जिनके पास सामाजिक कार्य में अनुभव है या विधिक ज्ञान है;

(ग) गैर-सरकारी संगठनों या संगमों में से ऐसा एक सदस्य जो महिलाओं की समस्याओं के प्रति प्रतिबद्ध है या ऐसा कोई व्यक्ति, जो लैंगिक उत्पीड़न से संबंधित मुद्दों से सुपरिचित है :

परंतु इस प्रकार नामनिर्देशित कुल सदस्यों में से कम से कम आधे सदस्य महिलाएं होंगी ।

(3) आंतरिक समिति का पीठासीन अधिकारी और प्रत्येक सदस्य अपने नामनिर्देशन की तारीख से तीन वर्ष से अनधिक की ऐसी अवधि के लिए पद धारण करेगा, जो नियोजक द्वारा विनिर्दिष्ट की जाए ।

(4) गैर-सरकारी संगठनों या संगमों में से नियुक्त किए गए सदस्य को आंतरिक समिति की कार्यवाहियां करने के लिए नियोजक द्वारा ऐसी फीसों या भत्ते, जो विहित किए जाएं, सदांत किए जाएंगे ।

(5) जहां आंतरिक समिति का पीठासीन अधिकारी या कोई सदस्य,—

(क) धारा 16 के उपबंधों का उल्लंघन करता है; या

(ख) किसी अपराध के लिए सिद्धदोष ठहराया गया है या उसके विरुद्ध तत्समय प्रवृत्त किसी विधि के अधीन किसी अपराध की कोई जांच लंबित है; या

(ग) किन्हीं अनुशासनिक कार्यवाहियों में दोषी पाया गया है या उसके विरुद्ध कोई अनुशासनिक कार्यवाही लंबित है; या

(घ) अपनी हैसियत का इस प्रकार दुरुपयोग करता है, जिससे उसका पद पर बने रहना लोक हित पर प्रतिकूल प्रभाव डालने वाला हो गया है,

वहां, यथास्थिति, ऐसे पीठासीन अधिकारी या सदस्य को समिति से हटा दिया जाएगा और इस प्रकार सृजित रिक्ति या किसी अन्य आकस्मिक रिक्ति को इस धारा के उपबंधों के अनुसार नए नामनिर्देशन द्वारा भरा जाएगा ।

अध्याय 3

स्थानीय परिवाद समिति का गठन

5. जिला अधिकारी की अधिसूचना—समुचित सरकार, इस अधिनियम के अधीन शक्तियों का प्रयोग करने या कृत्यों का निर्वहन करने के लिए किसी जिला मजिस्ट्रेट या अपर जिला मजिस्ट्रेट या कलक्टर या उप कलक्टर को प्रत्येक जिले के लिए जिला अधिकारी के रूप में अधिसूचित कर सकेगी ।

6. स्थानीय परिवाद समिति का गठन और उसकी अधिकारिता—(1) प्रत्येक जिला अधिकारी, संबंधित जिले में, ऐसे स्थापनों से जहां दस से कम कर्मकार होने के कारण आंतरिक परिवाद समिति गठित नहीं की गई है या यदि परिवाद स्वयं नियोजक के विरुद्ध है, वहां लैंगिक उत्पीड़न के परिवाद ग्रहण करने के लिए “स्थानीय परिवाद समिति” नामक एक समिति का गठन करेगा ।

(2) जिला अधिकारी, ग्रामीण या जनजातीय क्षेत्र में प्रत्येक ब्लॉक, ताल्लुका और तहसील में और शहरी क्षेत्र में वार्ड या नगरपालिका में परिवाद ग्रहण करने के लिए और सात दिन की अवधि के भीतर उसको संबंधित स्थानीय परिवाद समिति को भेजने के लिए एक नोडल अधिकारी को पदाभिहित करेगा ।

(3) स्थानीय परिवाद समिति की अधिकारिता का विस्तार जिले के उन क्षेत्रों पर होगा, जहां वह गठित की गई है ।

7. स्थानीय परिवाद समिति की संरचना, सेवाधृति और अन्य निबंधन तथा शर्तें—(1) स्थानीय परिवाद समिति, जिला अधिकारी द्वारा नामनिर्देशित किए जाने वाले निम्नलिखित सदस्यों से मिलकर बनेगी, अर्थात् :—

(क) अध्यक्ष, जो सामाजिक कार्य के क्षेत्र में प्रख्यात और महिलाओं की समस्याओं के प्रति प्रतिबद्ध महिलाओं में से नामनिर्दिष्ट की जाएगी;

(ख) एक सदस्य, जो जिले में ब्लॉक, ताल्लुका या तहसील या वार्ड या नगरपालिका में कार्यरत महिलाओं में से नामनिर्दिष्ट की जाएगी;

(ग) दो सदस्य, जिनमें से कम से कम एक महिला होगी, जो महिलाओं की समस्याओं के प्रति प्रतिबद्ध ऐसे गैर-सरकारी संगठनों या संगमों में से या ऐसा व्यक्ति, जो लैंगिक उत्पीड़न से संबंधित ऐसे मुद्दों से सुपरिचित हो जो विहित किए जाएं, नामनिर्दिष्ट किए जाएंगे :

परंतु कम से कम एक नामनिर्देशिती के पास, अधिमानी रूप से विधि की पृष्ठभूमि या विधिक ज्ञान होना चाहिए :

परंतु यह और कि कम से कम एक नामनिर्देशिती, अनुसूचित जातियों या अनुसूचित जनजातियों या अन्य पिछड़े वर्गों या केंद्रीय सरकार द्वारा समय-समय पर अधिसूचित अल्पसंख्यक समुदाय की महिला होगी;

(घ) जिले में सामाजिक कल्याण या महिला और बाल विकास से संबंधित संबद्ध अधिकारी, सदस्य पदेन होगा ।

(2) स्थानीय समिति का अध्यक्ष और प्रत्येक सदस्य, अपनी नियुक्ति की तारीख से तीन वर्ष से अनधिक की ऐसी अवधि के लिए पद धारण करेगा, जो जिला अधिकारी द्वारा विनिर्दिष्ट की जाए।

(3) जहां स्थानीय परिवार समिति का अध्यक्ष या कोई सदस्य,—

(क) धारा 16 के उपबंधों का उल्लंघन करता है; या

(ख) किसी अपराध के लिए दोषसिद्ध ठहराया गया है या उसके विरुद्ध तत्समय प्रवृत्त किसी विधि के अधीन किसी अपराध की कोई जांच लंबित है; या

(ग) किन्हीं अनुशासनिक कार्यवाहियों में दोषी पाया गया है या उसके विरुद्ध कोई अनुशासनिक कार्यवाही लंबित है; या

(घ) अपनी हैसियत का इस प्रकार दुरुपयोग करता है, जिससे उसका अपने पद पर बने रहना लोकहित पर प्रतिकूल प्रभाव डालने वाला हो गया है,

वहां, यथास्थिति, ऐसे अध्यक्ष या सदस्य को समिति से हटा दिया जाएगा और इस प्रकार सृजित रिक्ति या किसी आकस्मिक रिक्ति को इस धारा के उपबंधों के अनुसार नए नामनिर्देशन से भरा जाएगा।

(4) स्थानीय समिति का अध्यक्ष और उपधारा (1) के खंड (ख) और खंड (घ) के अधीन नामनिर्दिष्ट सदस्यों से भिन्न सदस्य स्थानीय समिति की कार्यवाहियां करने के लिए ऐसी फीसों या भत्तों के लिए, जो विहित किए जाएं, हकदार होंगे।

8. अनुदान और संपरीक्षा—(1) केंद्रीय सरकार, संसद् द्वारा इस निमित्त विधि द्वारा किए गए सम्यक् विनियोग के पश्चात् राज्य सरकार को धारा 7 की उपधारा (4) में निर्दिष्ट फीसों या भत्तों के संदाय के लिए उपयोग किए जाने के लिए ऐसी धनराशियों के, जो केंद्रीय सरकार ठीक समझे, अनुदान दे सकेगी।

(2) राज्य सरकार, एक अभिकरण की स्थापना कर सकेगी और उस अभिकरण को उपधारा (1) के अधीन किए गए अनुदान अंतरित कर सकेगी।

(3) अभिकरण, जिला अधिकारी को ऐसी राशियों का, जो धारा 7 की उपधारा (4) में निर्दिष्ट फीसों या भत्तों के संदाय के लिए अपेक्षित हों, संदाय करेगा।

(4) उपधारा (2) में निर्दिष्ट अभिकरण के लेखाओं को ऐसी रीति से रखा और संपरीक्षित किया जाएगा, जो राज्य के महालेखाकार के परामर्श से विहित की जाए और अभिकरण के लेखाओं को अभिरक्षा में रखने वाला व्यक्ति, ऐसी तारीख से पूर्व, जो विहित की जाए, राज्य सरकार को लेखाओं की संपरीक्षित प्रति, उस पर संपरीक्षक की रिपोर्ट के साथ प्रस्तुत करेगा।

अध्याय 4

परिवाद

9. लैंगिक उत्पीड़न का परिवाद—(1) कोई व्यथित महिला, कार्यस्थल पर लैंगिक उत्पीड़न का परिवाद, घटना की तारीख से तीन मास की अवधि के भीतर और श्रृंखलाबद्ध घटनाओं की दशा में अंतिम घटना की तारीख से तीन मास की अवधि के भीतर, लिखित में, आंतरिक समिति को, यदि इस प्रकार गठित की गई है या यदि इस प्रकार गठित नहीं की गई है तो स्थानीय समिति को कर सकेगी :

परंतु जहां ऐसा परिवाद, लिखित में नहीं किया जा सकता है वहां, यथास्थिति, आंतरिक समिति का पीठासीन अधिकारी या कोई सदस्य, या स्थानीय समिति का अध्यक्ष या कोई सदस्य, महिला को लिखित में परिवाद करने के लिए सभी युक्तियुक्त सहायता प्रदान करेगा :

परंतु यह और कि, यथास्थिति, आंतरिक समिति या स्थानीय समिति, लेखबद्ध किए जाने वाले कारणों से तीन मास से अनधिक की समय-सीमा को विस्तारित कर सकेगी, यदि उसका यह समाधान हो जाता है कि परिस्थितियां ऐसी थीं, जिसने महिला को उक्त अवधि के भीतर परिवाद फाइल करने से निवारित किया था।

(2) जहां व्यथित महिला, अपनी शारीरिक या मानसिक असमर्थता या मृत्यु के कारण या अन्यथा परिवाद करने में असमर्थ है वहां उसका विधिक वारिस या ऐसा अन्य व्यक्ति जो विहित किया जाए, इस धारा के अधीन परिवाद कर सकेगा।

10. सुलह—(1) यथास्थिति, आंतरिक समिति या स्थानीय समिति, धारा 11 के अधीन जांच आरंभ करने से पूर्व और व्यथित महिला के अनुरोध पर, सुलह के माध्यम से उसके और प्रत्यर्थी के बीच मामले को निपटाने के उपाय कर सकेगी :

परंतु कोई धनीय समझौता, सुलह के आधार के रूप में नहीं किया जाएगा।

(2) जहां उपधारा (1) के अधीन कोई समझौता हो गया है, वहां, यथास्थिति, आंतरिक समिति या स्थानीय समिति, इस प्रकार किए गए समझौते को अभिलिखित करेगी और उसको नियोजक या जिला अधिकारी को ऐसी कार्रवाई, जो सिफारिश में विनिर्दिष्ट की जाए, करने के लिए भेजेगी।

(3) यथास्थिति, आंतरिक समिति या स्थानीय समिति, उपधारा (2) के अधीन अभिलिखित किए गए समझौते की प्रतियां व्यथित महिला और प्रत्यर्थी को उपलब्ध कराएगी।

(4) जहां उपधारा (1) के अधीन कोई समाधान हो जाता है, वहां, यथास्थिति, आंतरिक समिति या स्थानीय समिति द्वारा कोई और जांच नहीं की जाएगी।

11. परिवाद की जांच—(1) धारा 10 के उपबंधों के अधीन रहते हुए, यथास्थिति, आंतरिक समिति या स्थानीय समिति, जहां प्रत्यर्थी कोई कर्मचारी है, वहां प्रत्यर्थी को लागू सेवा नियमों के उपबंधों के अनुसार और जहां ऐसे कोई नियम विद्यमान नहीं हैं, वहां ऐसी रीति से, जो विहित की जाए, परिवाद की जांच करने की कार्यवाही करेगी या किसी घरेलू कर्मकार की दशा में, स्थानीय समिति, यदि प्रथमदृष्ट्या मामला विद्यमान है, तो भारतीय दंड संहिता (1860 का 45) की धारा 509 और जहां लागू हो, वहां उक्त संहिता के किन्हीं अन्य सुसंगत उपबंधों के अधीन मामला रजिस्टर करने के लिए सात दिन की अवधि के भीतर पुलिस को परिवाद भेजेगी :

परंतु जहां व्यथित महिला, यथास्थिति, आंतरिक समिति या स्थानीय समिति को यह सूचित करती है कि धारा 10 की उपधारा (2) के अधीन किए गए समझौते के किसी निबंधन या शर्त का प्रत्यर्थी द्वारा अनुपालन नहीं किया गया है, वहां आंतरिक समिति या स्थानीय समिति, यथास्थिति, परिवाद की जांच करने के लिए कार्यवाही करेगी या पुलिस को परिवाद भेजेगी :

परंतु यह और कि जहां दोनों पक्षकार कर्मचारी हैं, वहां पक्षकारों को, जांच के अनुक्रम के दौरान, सुनवाई का अवसर दिया जाएगा और निष्कर्ष की प्रति दोनों पक्षकारों को, समिति के समक्ष निष्कर्षों के विरुद्ध अभ्यावेदन करने में उनको समर्थ बनाने के लिए उपलब्ध कराई जाएगी।

(2) भारतीय दंड संहिता (1860 का 45) की धारा 509 में किसी बात के होते हुए भी, न्यायालय, जब प्रत्यर्थी को अपराध का सिद्धदोष ठहराया जाता है, तब धारा 15 के उपबंधों को ध्यान में रखते हुए, प्रत्यर्थी द्वारा व्यथित महिला को ऐसी राशि के संदाय का, जो वह समुचित समझे, आदेश कर सकेगा।

(3) उपधारा (1) के अधीन जांच करने के प्रयोजन के लिए, यथास्थिति, आंतरिक समिति या स्थानीय समिति को वही शक्तियां होंगी, जो निम्नलिखित मामलों के संबंध में किसी वाद का विचारण करते समय सिविल प्रक्रिया संहिता, 1908 (1908 का 5) के अधीन किसी सिविल न्यायालय में निहित हैं, अर्थात्:—

- (क) किसी व्यक्ति को समन करना और उसको हाजिर कराना तथा उसकी शपथ पर परीक्षा करना;
- (ख) किन्हीं दस्तावेजों के प्रकटीकरण और पेश किए जाने की अपेक्षा करना;
- (ग) ऐसा कोई अन्य विषय, जो विहित किया जाए।

(4) उपधारा (1) के अधीन जांच, नब्बे दिन की अवधि के भीतर पूरी की जाएगी।

अध्याय 5

परिवाद की जांच

12. जांच लंबित रहने के दौरान कार्रवाई—(1) जांच लंबित रहने के दौरान, व्यथित महिला द्वारा किए गए लिखित अनुरोध पर, यथास्थिति, आंतरिक समिति या स्थानीय समिति, नियोजक को निम्नलिखित सिफारिश कर सकेगी,—

- (क) व्यथित महिला या प्रत्यर्थी का किसी अन्य कार्यस्थल पर स्थानान्तरण करना; या
- (ख) व्यथित महिला को तीन मास तक की अवधि की छुट्टी अनुदान करना; या
- (ग) व्यथित महिला को ऐसी अन्य राहत, जो विहित की जाए प्रदान करना।

(2) इस धारा के अधीन व्यथित महिला को अनुदत्त छुट्टी ऐसी छुट्टी के अतिरिक्त होगी, जिसके लिए वह अन्यथा हकदार होगी।

(3) उपधारा (1) के अधीन, यथास्थिति, आंतरिक समिति या स्थानीय समिति की सिफारिश पर, नियोजक, उपधारा (1) के अधीन की गई सिफारिशों को कार्यान्वित करेगा और ऐसे कार्यान्वयन की रिपोर्ट, यथास्थिति, आंतरिक समिति या स्थानीय समिति को भेजेगा।

13. जांच रिपोर्ट—(1) इस अधिनियम के अधीन जांच के पूरा होने पर, यथास्थिति, आंतरिक समिति या स्थानीय समिति अपने निष्कर्षों की एक रिपोर्ट, यथास्थिति, नियोजक या जिला अधिकारी को जांच के पूरा होने की तारीख से दस दिन की अवधि के भीतर उपलब्ध कराएगी और ऐसी रिपोर्ट संबंधित पक्षकारों को उपलब्ध कराई जाएगी।

(2) जहां, यथास्थिति, आंतरिक समिति या स्थानीय समिति इस निष्कर्ष पर पहुंचती है कि प्रत्यर्थी के विरुद्ध अभिकथन साबित नहीं किया गया है वहां, वह, नियोजक और जिला अधिकारी को यह सिफारिश करेगी कि मामले में किसी कार्रवाई का किया जाना अपेक्षित नहीं है।

(3) जहां, यथास्थिति, आंतरिक समिति या स्थानीय समिति इस निष्कर्ष पर पहुंचती है कि प्रत्यर्थी के विरुद्ध अभिकथन साबित हो गया है, वहां, वह, यथास्थिति, नियोजक या जिला अधिकारी से निम्नलिखित के लिए सिफारिश करेगी,—

(i) प्रत्यर्थी को लागू सेवा नियमों के उपबंधों के अनुसार कदाचार के रूप में या जहां, ऐसे सेवा नियम नहीं बनाए गए हैं, वहां ऐसी रीति से, जो विहित की जाए, लैंगिक उत्पीड़न के लिए कार्रवाई करने;

(ii) प्रत्यर्थी को लागू सेवा नियमों में किसी बात के होते हुए भी, प्रत्यर्थी के वेतन या मजदूरी से व्यथित महिला को या उसके विधिक वारिसों को संदत्त की जाने वाली ऐसी राशि की जो वह समुचित समझे, कटौती करने, जो धारा 15 के उपबंधों के अनुसार वह अवधारित करे :

परंतु यदि नियोजक प्रत्यर्थी के कर्तव्य से अनुपस्थित रहने या नियोजन के समाप्त हो जाने के कारण उसके वेतन से ऐसी कटौती करने में असमर्थ है तो वह प्रत्यर्थी को, व्यथित महिला को ऐसी राशि का संदाय करने का निदेश दे सकेगा :

परंतु यह और कि यदि प्रत्यर्थी, खंड (ii) में निर्दिष्ट राशि का संदाय करने में असफल रहता है तो, यथास्थिति, आंतरिक समिति या स्थानीय समिति, संबंधित जिला अधिकारी को भू-राजस्व के बकाया के रूप में राशि की वसूली के लिए आदेश अग्रेषित कर सकेगी ।

(4) नियोजक या जिला अधिकारी, उसके द्वारा सिफारिश की प्राप्ति के साठ दिन के भीतर उस पर कार्रवाई करेगा ।

14. मिथ्या या द्वेषपूर्ण परिवाद और मिथ्या साक्ष्य के लिए दंड—(1) जहां, यथास्थिति, आंतरिक समिति या स्थानीय समिति इस निष्कर्ष पर पहुंचती है कि प्रत्यर्थी के विरुद्ध अभिकथन द्वेषपूर्ण है या व्यथित महिला या परिवाद करने वाले किसी अन्य व्यक्ति ने परिवाद को मिथ्या जानते हुए किया है या व्यथित महिला या परिवाद करने वाले किसी अन्य व्यक्ति ने कोई कूटरचित या भ्रामक दस्तावेज पेश किया है तो वह, यथास्थिति, नियोजक या जिला अधिकारी को ऐसी महिला या व्यक्ति के विरुद्ध जिसने, यथास्थिति, धारा 9 की उपधारा (1) या उपधारा (2) के अधीन परिवाद किया है, उसको लागू सेवा नियमों के उपबंधों के अनुसार या जहां ऐसे सेवा नियम विद्यमान नहीं हैं, वहां, ऐसी रीति से, जो विहित की जाए, कार्रवाई करने की सिफारिश कर सकेगी :

परंतु किसी परिवाद को सिद्ध करने या पर्याप्त सबूत उपलब्ध कराने में केवल असमर्थता, इस धारा के अधीन परिवादी के विरुद्ध कार्रवाई आकर्षित नहीं करेगी :

परंतु यह और कि किसी कार्रवाई की सिफारिश किए जाने से पूर्व, विहित प्रक्रिया के अनुसार कोई जांच करने के पश्चात् परिवादी की ओर से द्वेषपूर्ण आशय सिद्ध किया जाएगा ।

(2) जहां, यथास्थिति, आंतरिक समिति या स्थानीय समिति इस निष्कर्ष पर पहुंचती है कि जांच के दौरान किसी साक्षी ने मिथ्या साक्ष्य दिया है या कोई कूटरचित या भ्रामक दस्तावेज दिया है, वहां वह, यथास्थिति, साक्षी के नियोजक या जिला अधिकारी को, उक्त साक्षी को लागू सेवा नियमों के उपबंधों के अनुसार या जहां ऐसे सेवा नियम विद्यमान नहीं हैं, वहां ऐसी रीति से, जो विहित की जाए, कार्रवाई करने की सिफारिश कर सकेगी ।

15. प्रतिकर का अवधारण—धारा 13 की उपधारा (3) के खंड (ii) के अधीन व्यथित महिला को संदत्त की जाने वाली राशियों का अवधारण करने के प्रयोजन के लिए, यथास्थिति, आंतरिक समिति या स्थानीय समिति निम्नलिखित को ध्यान में रखेगी,—

- (क) व्यथित महिला को कारित हुए मानसिक आघात, पीड़ा, यातना और भावात्मक कष्ट;
- (ख) लैंगिक उत्पीड़न की घटना के कारण वृत्ति के अवसर की हानि;
- (ग) पीड़ित द्वारा शारीरिक या मनश्चिकित्सीय उपचार के लिए उपगत चिकित्सा व्यय;
- (घ) प्रत्यर्थी की आय और वित्तीय हैसियत;
- (ङ) एकमुश्त या किस्तों में ऐसे संदाय की साध्यता ।

16. परिवाद की अंतर्वस्तुओं और जांच कार्यवाहियों के प्रकाशन या सार्वजनिक करने का प्रतिषेध—सूचना का अधिकार अधिनियम, 2005 (2005 का 22) में किसी बात के होते हुए भी, धारा 9 के अधीन किए गए परिवाद की अंतर्वस्तुओं, व्यथित महिला, प्रत्यर्थी और साक्षियों की पहचान और पते, सुलह और जांच कार्यवाहियों से संबंधित किसी जानकारी, यथास्थिति, आंतरिक समिति या स्थानीय समिति की सिफारिशों तथा इस अधिनियम के उपबंधों के अधीन नियोजक या जिला अधिकारी द्वारा की गई कार्रवाई को, किसी भी रीति से, प्रकाशित, प्रेस और मीडिया को संसूचित या सार्वजनिक नहीं किया जाएगा :

परंतु इस अधिनियम के अधीन लैंगिक उत्पीड़न की किसी पीड़ित को सुनिश्चित न्याय के संबंध में जानकारी का, व्यथित महिला और साक्षियों के नाम, पते या पहचान या उनकी पहचान को प्रकल्पित करने वाली किन्हीं अन्य विशिष्टियों को प्रकट किए बिना, प्रसार किया जा सकेगा ।

17. परिवाद की अंतर्वस्तुओं और जांच कार्यवाहियों के प्रकाशन या सार्वजनिक करने के लिए शक्ति—जहां कोई व्यक्ति, जिसको इस अधिनियम के उपबंधों के अधीन परिवाद, जांच या किन्हीं सिफारिशों या की जाने वाली कार्रवाई का संचालन करने या

उस पर कार्यवाही करने का कर्तव्य सौंपा गया है, धारा 16 के उपबंधों का उल्लंघन करेगा, वहां वह उक्त व्यक्ति को लागू सेवा नियमों के उपबंधों के अनुसार या जहां ऐसे सेवा नियम विद्यमान नहीं हैं, वहां, ऐसी रीति से, जो विहित की जाए, शास्ति के लिए दायी होगा।

18. अपील—(1) धारा 13 की उपधारा (2) के अधीन या धारा 13 की उपधारा (3) के खंड (i) या खंड (ii) या धारा 14 की उपधारा (1) या उपधारा (2) या धारा 17 के अधीन की गई सिफारिशों या ऐसी सिफारिशों को कार्यान्वित न किए जाने से व्यथित कोई व्यक्ति, उक्त व्यक्ति को लागू सेवा नियमों के उपबंधों के अनुसार न्यायालय या अधिकरण को अपील कर सकेगा या जहां ऐसे सेवा नियम विद्यमान नहीं हैं, वहां तत्समय प्रवृत्त किसी अन्य विधि के उपबंधों पर प्रतिकूल प्रभाव डाले बिना, व्यथित व्यक्ति ऐसी रीति से, जो विहित की जाए, अपील कर सकेगा।

(2) उपधारा (1) के अधीन अपील, सिफारिशों के नब्बे दिन की अवधि के भीतर की जाएगी।

अध्याय 6

नियोजक के कर्तव्य

19. नियोजक के कर्तव्य—प्रत्येक नियोजक,—

(क) कार्यस्थल पर सुरक्षित कार्य वातावरण उपलब्ध कराएगा, जिसके अंतर्गत कार्यस्थल पर संपर्क में आने वाले व्यक्तियों से सुरक्षा भी है;

(ख) लैंगिक उत्पीड़न के शास्तिक परिणाम; और धारा 4 की उपधारा (1) के अधीन आंतरिक समिति का गठन करने वाले आदेश को कार्यस्थल में किसी सहजदृश्य स्थान पर प्रदर्शित करेगा;

(ग) अधिनियम के उपबंधों से कर्मचारियों को सुग्राही बनाने के लिए नियमित अंतरालों पर कार्यशालाएं और जानकारी कार्यक्रम और आंतरिक समिति के सदस्यों के लिए अभिविन्यास कार्यक्रम, ऐसी रीति से, जो विहित की जाए, आयोजित करेगा;

(घ) यथास्थिति, आंतरिक समिति या स्थानीय समिति को परिवाद पर कार्यवाही करने और जांच का संचालन करने के लिए आवश्यक सुविधाएं उपलब्ध कराएगा;

(ङ) यथास्थिति, आंतरिक समिति या स्थानीय समिति के समक्ष प्रत्यर्थी और साक्षियों की हाजिरी सुनिश्चित करने में सहायता करेगा;

(च) यथास्थिति, आंतरिक समिति या स्थानीय समिति को ऐसी जानकारी उपलब्ध कराएगा, जो धारा 9 की उपधारा (1) के अधीन किए गए परिवाद को ध्यान में रखते हुए अपेक्षित हो;

(छ) महिला को, यदि वह भारतीय दंड संहिता (1860 का 45) या तत्समय प्रवृत्त किसी अन्य विधि के अधीन अपराध के संबंध में कोई परिवाद फाइल करना, चयन करती है, सहायता प्रदान करेगा;

(ज) ऐसे कार्यस्थल में, जिसमें लैंगिक उत्पीड़न की घटना हुई थी, अपराधकर्ता के विरुद्ध या यदि व्यथित महिला ऐसी बांछा करती है, जहां अपराधकर्ता कोई कर्मचारी नहीं है, भारतीय दंड संहिता (1860 का 45) या तत्समय प्रवृत्त किसी अन्य विधि के अधीन कार्रवाई आरंभ करवाएगा;

(झ) लैंगिक उत्पीड़न को सेवा नियमों के अधीन कदाचार मानेगा और ऐसे कदाचार के लिए कार्रवाई आरंभ करेगा;

(ञ) आंतरिक समिति द्वारा रिपोर्टों को समय पर प्रस्तुत किए जाने को मानिटर करेगा।

अध्याय 7

जिला अधिकारी के कर्तव्य और शक्तियां

20. जिला अधिकारी के कर्तव्य और शक्तियां—जिला अधिकारी,—

(क) स्थानीय समिति द्वारा दी गई रिपोर्टों को समय से प्रस्तुत किए जाने को मानिटर करेगा;

(ख) ऐसे उपाय करेगा, जो लैंगिक उत्पीड़न और महिलाओं के अधिकारों के संबंध में जानकारी सृजित करने के लिए गैर-सरकारी संगठनों को लगाने के लिए आवश्यक हों।

अध्याय 8

प्रकीर्ण

21. समिति द्वारा वार्षिक रिपोर्ट प्रस्तुत किया जाना—(1) यथास्थिति, आंतरिक समिति या स्थानीय समिति, प्रत्येक कलेंडर वर्ष में, ऐसे प्ररूप में और ऐसे समय पर, जो विहित किया जाए, एक वार्षिक रिपोर्ट तैयार करेगी और उसको नियोजक तथा जिला अधिकारी को प्रस्तुत करेगी।

(2) जिला अधिकारी, उपधारा (1) के अधीन प्राप्त वार्षिक रिपोर्टों पर एक संक्षिप्त रिपोर्ट राज्य सरकार को भेजेगा।

22. नियोजक द्वारा वार्षिक रिपोर्ट में जानकारी का सम्मिलित किया जाना—नियोजक, अपनी रिपोर्ट में फाइल किए गए मामलों, यदि कोई हों, और अपने संगठन की वार्षिक रिपोर्ट में इस अधिनियम के अधीन उनके निपटारे की संख्या को सम्मिलित करेगा या जहां ऐसी रिपोर्ट तैयार किए जाने की अपेक्षा नहीं की गई है, वहां ऐसे मामलों की संख्या, यदि कोई हो, जिला अधिकारी को सूचित करेगा।

23. समुचित सरकार द्वारा कार्यान्वयन की मानिटरी और आंकड़े रखा जाना—समुचित सरकार इस अधिनियम के कार्यान्वयन की मानिटरी करेगी और कार्यस्थल पर लैंगिक उत्पीड़न के फाइल किए गए और निपटाए गए सभी मामलों की संख्या से संबंधित आंकड़े रखेगी।

24. समुचित सरकार द्वारा अधिनियम के प्रचार के लिए उपाय किया जाना—समुचित सरकार, वित्तीय और अन्य संसाधनों की उपलब्धता के अधीन रहते हुए :—

(क) कार्यस्थल पर महिलाओं के लैंगिक उत्पीड़न से संरक्षण के लिए उपबंध करने वाले इस अधिनियम के उपबंधों के बारे में जनता की समझ बढ़ाने के लिए सुसंगत सूचना, शिक्षा, संसूचना और प्रशिक्षण सामग्रियां विकसित कर सकेगी और जानकारी कार्यक्रम आयोजित कर सकेगी;

(ख) स्थानीय परिवाद समिति के सदस्यों के लिए अभिविन्यास और प्रशिक्षण कार्यक्रम निश्चित कर सकेगी।

25. सूचना मांगने और अभिलेखों का निरीक्षण करने की शक्ति—(1) समुचित सरकार, यह समाधान हो जाने पर कि ऐसा करना लोक हित में या कार्यस्थल पर महिला कर्मचारियों के हित में आवश्यक है, लिखित आदेश द्वारा,—

(क) किसी नियोजक या जिला अधिकारी से लैंगिक उत्पीड़न के संबंध में ऐसी लिखित सूचना जो उसको अपेक्षित हो प्रस्तुत करने की मांग कर सकेगी;

(ख) किसी ऐसे अधिकारी को लैंगिक उत्पीड़न के संबंध में अभिलेखों और कार्यस्थल का निरीक्षण करने के लिए प्राधिकृत कर सकेगी, जो उसको ऐसी अवधि के भीतर, जो आदेश में विनिर्दिष्ट की जाए, ऐसे निरीक्षण की रिपोर्ट प्रस्तुत करेगा।

(2) प्रत्येक नियोजक और जिला अधिकारी, मांग किए जाने पर निरीक्षण करने वाले अधिकारी के समक्ष, उसकी अभिरक्षा में ऐसी सभी सूचनाओं, अभिलेखों और अन्य दस्तावेजों को प्रस्तुत करेंगे, जो ऐसे निरीक्षण की विषय-वस्तु से संबंधित हैं।

26. अधिनियम के उपबंधों के अननुपालन के लिए शास्ति—(1) जहां कोई नियोजक,—

(क) धारा 4 की उपधारा (1) के अधीन एक आंतरिक समिति का गठन करने में असफल रहेगा;

(ख) धारा 13, धारा 14 और धारा 22 के अधीन कार्रवाई करने में असफल रहेगा; और

(ग) इस अधिनियम के अन्य उपबंधों या उसके अधीन बनाए गए किन्हीं नियमों का उल्लंघन करेगा या उल्लंघन करने का प्रयास करेगा या उनके उल्लंघन को दुष्प्रेरित करेगा,

वहां वह, ऐसे जुर्माने से, जो पचास हजार रुपए तक का हो सकेगा, दंडनीय होगा।

(2) यदि कोई नियोजक इस अधिनियम के अधीन दंडनीय किसी अपराध में पूर्ववर्ती सिद्धदोष ठहराए जाने के पश्चात् उसी अपराध को करता है और सिद्धदोष ठहराया जाता है तो वह,—

(i) उसी अपराध के लिए उपबंधित अधिकतम दंड के अधीन रहते हुए, पूर्ववर्ती सिद्धदोष ठहराए जाने पर अधिरोपित दंड से दुगुने दंड का दायी होगा :

परंतु यदि तत्समय प्रवृत्त किसी अन्य विधि के अधीन ऐसे अपराध के लिए, जिसके संबंध में अभियुक्त का अभियोजन किया जा रहा है, कोई उच्चतर दंड विहित है तो न्यायालय दंड देते समय उसका सम्यक् संज्ञान लेगा;

(ii) सरकार या स्थानीय प्राधिकारी द्वारा उसके कारबार या क्रियाकलाप को चलाने के लिए अपेक्षित, यथास्थिति, उसकी अनुज्ञप्ति के रद्द किए जाने या रजिस्ट्रीकरण को समाप्त किए जाने या नवीकरण या अनुमोदन न किए जाने या रद्दकरण के लिए दायी होगा।

27. न्यायालयों द्वारा अपराध का संज्ञान—(1) कोई भी न्यायालय इस अधिनियम या उसके अधीन बनाए गए किन्हीं नियमों के अधीन दंडनीय किसी अपराध का संज्ञान, व्यथित महिला या आंतरिक समिति अथवा स्थानीय समिति द्वारा इस निमित्त प्राधिकृत किसी व्यक्ति द्वारा परिवाद किए जाने के सिवाय न करेगा।

(2) महानगर मजिस्ट्रेट या प्रथम वर्ग न्यायिक मजिस्ट्रेट के न्यायालय से अवर कोई न्यायालय इस अधिनियम के अधीन दंडनीय किसी अपराध का विचारण नहीं करेगा।

(3) इस अधिनियम के अधीन प्रत्येक अपराध असंज्ञेय होगा।

28. अधिनियम का किसी अन्य विधि के अल्पीकरण में न होना—इस अधिनियम के उपबंध, तत्समय प्रवृत्त किसी अन्य विधि के उपबंधों के अतिरिक्त होंगे, न कि उनके अल्पीकरण में।

29. समुचित सरकार की नियम बनाने की शक्ति—(1) केन्द्रीय सरकार इस अधिनियम के उपबंधों को कार्यान्वित करने के लिए नियम, राजपत्र में अधिसूचना द्वारा, बना सकेगी।

(2) विशिष्टतया और पूर्वगामी शक्ति की व्यापकता पर प्रतिकूल प्रभाव डाले बिना, ऐसे नियम निम्नलिखित सभी या किन्हीं विषयों के संबंध में उपबंध कर सकेंगे, अर्थात् :—

(क) धारा 4 की उपधारा (4) के अधीन सदस्यों को संदत्त की जाने वाली फीसों या भत्ते;

(ख) धारा 7 की उपधारा (1) के खंड (ग) के अधीन सदस्यों का नामनिर्देशन;

(ग) धारा 7 की उपधारा (4) के अधीन अध्यक्ष और सदस्यों को संदत्त की जाने वाली फीसों या भत्ते;

(घ) ऐसा व्यक्ति, जो धारा 9 की उपधारा (2) के अधीन परिवाद कर सकेगा;

(ङ) धारा 11 की उपधारा (1) के अधीन जांच की रीति;

(च) धारा 11 की उपधारा (2) के खंड (ग) के अधीन जांच करने की शक्तियां;

(छ) धारा 12 की उपधारा (1) के खंड (ग) के अधीन सिफारिश की जाने वाली राहत;

(ज) धारा 13 की उपधारा (3) के खंड (i) के अधीन की जाने वाली कार्रवाई की रीति;

(झ) धारा 14 की उपधारा (1) और उपधारा (2) के अधीन की जाने वाली कार्रवाई की रीति;

(ञ) धारा 17 के अधीन की जाने वाली कार्रवाई करने की रीति;

(ट) धारा 18 की उपधारा (1) के अधीन अपील की रीति;

(ठ) धारा 19 के खंड (ग) के अधीन कर्मचारियों को सुग्राही बनाने के लिए कार्यशालाएं, जानकारी कार्यक्रम और आंतरिक समिति के सदस्यों के लिए अभिविन्यास कार्यक्रम आयोजित करने की रीति; और

(ड) धारा 21 की उपधारा (1) के अधीन आंतरिक समिति और स्थानीय समिति द्वारा वार्षिक रिपोर्ट तैयार करने के लिए प्ररूप और समय।

(3) इस अधिनियम के अधीन केन्द्रीय सरकार द्वारा बनाया गया प्रत्येक नियम, बनाए जाने के पश्चात् यथाशीघ्र, संसद् के प्रत्येक सदन के समक्ष, जब वह सत्र में हो, कुल तीस दिन की अवधि के लिए रखा जाएगा। यह अवधि एक सत्र में अथवा दो या अधिक आनुक्रमिक सत्रों में पूरी हो सकेगी। यदि उस सत्र के या पूर्वोक्त आनुक्रमिक सत्रों के ठीक बाद के सत्र के अवसान के पूर्व दोनों सदन उस नियम में कोई परिवर्तन करने के लिए सहमत हो जाएं तो तत्पश्चात् वह ऐसे परिवर्तित रूप में ही प्रभावी होगा। यदि उक्त अवसान के पूर्व दोनों सदन सहमत हो जाएं कि वह नियम नहीं बनाया जाना चाहिए तो तत्पश्चात् वह नियम निष्प्रभाव हो जाएगा। किंतु नियम के इस प्रकार परिवर्तित या निष्प्रभाव होने से उसके अधीन पहले की गई किसी बात की विधिमान्यता पर प्रतिकूल प्रभाव नहीं पड़ेगा।

(4) किसी राज्य सरकार द्वारा धारा 8 की उपधारा (4) के अधीन बनाया गया कोई नियम बनाए जाने के पश्चात् यथाशीघ्र, जहां राज्य विधान-मंडल के दो सदन हैं, वहां प्रत्येक सदन के समक्ष या जहां ऐसे विधान-मंडल का एक सदन है, वहां उस सदन के समक्ष रखा जाएगा।

30. कठिनाइयों को दूर करने की शक्ति—(1) यदि इस अधिनियम के उपबंधों को प्रभावी करने में कोई कठिनाई उत्पन्न होती है तो केन्द्रीय सरकार राजपत्र में प्रकाशित आदेश द्वारा ऐसे उपबंध कर सकेगी, जो इस अधिनियम के उपबंधों से असंगत न हों, जो उस कठिनाई को दूर करने के लिए उसे आवश्यक प्रतीत हों:

परन्तु इस धारा के अधीन ऐसा कोई आदेश इस अधिनियम के प्रारंभ से दो वर्ष की अवधि की समाप्ति के पश्चात् नहीं किया जाएगा।

(2) इस धारा के अधीन किया गया प्रत्येक आदेश किए जाने के पश्चात्, यथाशीघ्र, संसद् के प्रत्येक सदन के समक्ष रखा जाएगा।



भारत का राजपत्र

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महिला एवं बाल विकास मंत्रालय

अधिसूचना

नई दिल्ली, 9 दिसम्बर, 2013

सा.का.नि. 769(अ).—केंद्रीय सरकार, महिलाओं का कार्यस्थल पर लैंगिक उत्पीड़न (निवारण, प्रतिषेध एवं प्रतितोष) अधिनियम, 2013 (2013 का 14) की धारा 29 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है. अर्थात्:—

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त महिलाओं का कार्यस्थल पर लैंगिक उत्पीड़न (निवारण, प्रतिषेध एवं प्रतितोष) नियम, 2013 है।
 - (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
2. परिभाषाएं.—इन नियमों में, जब तक संदर्भ में अन्यथा अपेक्षित न हो, —
 - (क) "अधिनियम" से कार्यस्थल पर महिलाओं का कार्यस्थल पर लैंगिक उत्पीड़न (निवारण, प्रतिषेध एवं प्रतितोष) अधिनियम, 2013 (2013 का 14) अभिप्रेत है;
 - (ख) "शिकायत" से धारा 9 के अधीन की गई शिकायत अभिप्रेत है;
 - (ग) "शिकायत समिति" से आंतरिक समिति अथवा स्थानीय समिति अभिप्रेत है;
 - (घ) "घटना" से धारा 2 के खंड (द) में यथा-परिभाषित लैंगिक उत्पीड़न की घटना अभिप्रेत है;
 - (ङ) "धारा" से अधिनियम की कोई धारा अभिप्रेत है;
 - (च) "विशेष शिक्षक" से कोई ऐसा व्यक्ति अभिप्रेत है जो विशेष जरूरतों वाले लोगों के साथ ऐसे ढंग से संचार करने के लिए प्रशिक्षित है, जिससे उनके व्यक्तिगत मतभेदों एवं आवश्यकताओं का समाधान होता है;
 - (छ) यहां शब्द और पद जो यहां प्रयुक्त हैं और परिभाषित नहीं किए गए हैं, किंतु अधिनियम में परिभाषित किए गए हैं, उनके अर्थ वही होंगे, जो अधिनियम में दिए गए हैं।
3. आंतरिक समिति के सदस्यों के लिए फीस या भत्ते :
 - (1) गैर-सरकारी संगठनों में नियुक्त सदस्य, आंतरिक समिति की कार्यवाहियों के आयोजन के लिए प्रतिदिन 200 रुपये के भत्ते के हकदार होंगे, और उक्त सदस्य रेलगाड़ी से श्री टायर वातानुकूलन या वातानुकूलित बस से तथा आटोरिक्षा या टैक्सी से अथवा यात्रा पर उसके द्वारा खर्च की गई वास्तविक राशि, जो भी, कम हो प्रतिपूर्ति के भी हकदार होंगे।
 - (2) नियोक्ता उप-नियम (1) में निर्दिष्ट भत्तों के संदाय के लिए उत्तरदायी होगा।

4. **लैंगिक उत्पीड़न से संबंधित मुद्दों से परिचित व्यक्ति :** धारा 7 की उप-धारा (1) के खण्ड (ग) के प्रयोजन के लिए लैंगिक उत्पीड़न से संबंधित मुद्दों से परिचित व्यक्ति ऐसा व्यक्ति होगा जिसे लैंगिक उत्पीड़न से संबंधित मुद्दों पर विशेषज्ञता प्राप्त हो तथा इसमें निम्नलिखित में से कोई सम्मिलित हो सकेगा -

- (क) समाज कार्य के क्षेत्र में कम से कम 5 साल के अनुभव वाला कोई सामाजिक कार्यकर्ता जो महिलाओं के सशक्तीकरण तथा विशिष्टतया कार्यस्थल पर लैंगिक उत्पीड़न की समस्या को दूर करने के लिए अनुकूल सामाजिक स्थितियों का सृजन करने का मार्ग प्रशस्त करता है;
- (ख) ऐसा व्यक्ति जिसे श्रम, रोजगार, सिविल या दंडिक विधि में अर्हता प्राप्त है।

5. **स्थानीय समिति के अध्यक्ष तथा सदस्यों के लिए फीस या भत्ता :**

- (1) स्थानीय समिति के अध्यक्ष उक्त समिति की कार्यवाहियों के आयोजन के लिए प्रतिदिन 250 रुपये (दो सौ पचास रुपये) के भत्ते के लिए हकदार होंगे।
- (2) धारा 7 की उप-धारा (1) के खंड (ख) और खंड (घ) के अधीन नामनिर्दिष्ट सदस्यों से भिन्न स्थानीय समिति के सदस्य, उक्त समिति की कार्यवाहियों के आयोजन के लिए प्रतिदिन दो सौ रुपये के भत्ते के हकदार होंगे और रेलगाड़ी से थ्री टायर वातानुकूलन, वातानुकूलित बस से तथा आटोरिक्षा या टैक्सी से अथवा यात्रा पर उसके द्वारा खर्च की गई वारतविक लागत जो भी कम हो, की प्रतिपूर्ति के भी हकदार होंगे।
- (3) जिला अधिकारी, उपनियम (1) और उपनियम (2) में निर्दिष्ट भत्तों के संदाय के लिए उत्तरदायी होगा।

6. **लैंगिक उत्पीड़न की शिकायत :** धारा 9 की उप-धारा (2) के प्रयोजन के लिए,

(i) जहां व्यथित महिला, अपनी शारीरिक असमर्थता के कारण शिकायत करने में असमर्थ है, वहां निम्नलिखित द्वारा शिकायत फाइल की जा सकती है -

- (क) उसका नातेदार या मित्र; अथवा;
- (ख) उसका सहकर्मी; या
- (ग) राष्ट्रीय महिला आयोग या राज्य महिला आयोग का कोई अधिकारी; या
- (घ) व्यथित महिला की लिखित सम्मति से कोई ऐसा व्यक्ति जिसे घटना की जानकारी है।

(ii) जहां व्यथित महिला, अपनी मानसिक अक्षमता के कारण शिकायत करने में असमर्थ है, वहां निम्नलिखित द्वारा शिकायत फाइल की जा सकती है -

- (क) उसका नातेदार या मित्र, अथवा
- (ख) कोई विशेष शिक्षक; या
- (ग) कोई अर्हित मनोविकार विज्ञानी या मनोवैज्ञानिक; अथवा
- (घ) संरक्षक या प्राधिकारी जिसके अधीन वह उपचार या देखरेख प्राप्त कर रही है; अथवा
- (ङ) उसके नातेदार या दोस्त या विशेष शिक्षक या अर्हता-प्राप्त मनोविकार विज्ञानी या मनोवैज्ञानिक या संरक्षक अथवा प्राधिकारी जिसके अधीन वह उपचार या देखरेख प्राप्त कर रही है, के साथ संयुक्त रूप से कोई ऐसा व्यक्ति जिसे लैंगिक उत्पीड़न की जानकारी है।

(iii) जहां व्यथित महिला, किसी कारण से शिकायत करने में असमर्थ है, वहां उसकी लिखित सम्मति से ऐसे व्यक्ति द्वारा शिकायत फाइल की जा सकती है, जिसे घटना की जानकारी है।

(iv) जहां व्यथित महिला की मृत्यु हो जाती है वहां एक शिकायत, घटना के जानकार द्वारा उसके विधिक वारिस की सम्मति से लिखित रूप में फाइल की जा सकेगी।

7. **शिकायत की जांच का ढंग -**

- (1) शिकायत फाइल करते समय, धारा 11 के उपबंधों के अध्यक्षीन शिकायतकर्ता समर्थक दस्तावेजों तथा साक्षियों के नाम एवं पता के साथ शिकायत की छह प्रतियां शिकायत समिति को प्रस्तुत करेगा।
- (2) शिकायत प्राप्त होने पर, शिकायत समिति उपनियम (1) के अधीन व्यथित महिला से प्राप्त प्रतियों में से एक प्रति सात कार्य दिवस की अवधि के भीतर प्रत्यर्थी को भेजेगी।
- (3) प्रत्यर्थी उपनियम (1) के अधीन विनिर्दिष्ट दस्तावेजों की प्राप्ति की तारीख से दस दिन से अधिक अवधि के भीतर दस्तावेजों की सूची तथा साक्षियों के नाम एवं पता के साथ शिकायत पर अपना उत्तर फाइल करेगा।
- (4) शिकायत समिति नैसर्गिक न्याय के सिद्धांतों के अनुसार, शिकायत की जांच करेगी।
- (5) शिकायत समिति को जांच की कार्यवाही समाप्त करने या शिकायत पर एक पक्षीय निर्णय देने का अधिकार होगा, यदि शिकायतकर्ता या प्रत्यर्थी पर्याप्त कारण के बिना यथारिथति अध्यक्ष या पीठस्थीन अधिकारी द्वारा आयोजित लगातार तीन सुनवाईयों में अनुपस्थित रहता है या रहती है :

परंतु संबंधित पक्षकार को अग्रिम में लिखित रूप में पन्द्रह दिन का नोटिस दिए बिना ऐसी समाप्ति या एक पक्षीय आदेश पारित नहीं किया जा सकेगा।

- (6) पक्षकारों को शिकायत समिति के समक्ष कार्यवाही के किसी चरण में अपने मामलों का प्रतिनिधित्व करने के लिए किसी विधिक व्यावसायी को लाने की अनुमति नहीं होगी।
 (7) जांच का संचालन करते समय, शिकायत समिति के कम से कम तीन सदस्य जिसमें यथास्थिति पीछासीन अधिकारी अथवा अध्यक्ष, हो, उपस्थित होंगे।

8. जांच लंबित रहने के दौरान शिकायतकर्ता को अन्य अनुतोष : व्यथित महिला के लिखित रूप में अनुरोध पर, शिकायत समिति नियोक्ता से निम्नलिखित की सिफारिश कर सकती है :

- (क) व्यथित महिला के कार्य निष्पादन या उसकी गोपनीय रिपोर्ट लिखने तथा इसे किसी अन्य अधिकारी को आवंटित करने से प्रत्यर्थी को अवरुध करना।
 (ख) शैक्षिक संस्था के मामले में व्यथित महिला की किसी शैक्षिक गतिविधि का पर्यवेक्षण करने से प्रत्यर्थी को अवरुध करना।

9. लैंगिक उत्पीड़न के लिए कार्रवाई करने की रीति : ऐसे मामलों को छोड़कर, जहां सेवा नियम विद्यमान हैं जहां शिकायत समिति इस निष्कर्ष पर पहुंचती है कि प्रत्यर्थी के विरुद्ध अभिकथन साबित हो गए हैं, यह यथास्थिति नियोक्ता या जिलाधिकारी से कार्रवाई करने की सिफारिश कर सकती है जिसमें लिखित रूप में क्षमा याचना करना, चेतावनी जारी करना, डांटना या निंदा करना, प्रोन्नति रोकना, वेतनबढ़ोत्तरी या वेतनवृद्धि रोकना, प्रत्यर्थी को सेवा समाप्ति करना या परामर्श सत्र में भाग लेने या सामुदायिक सेवा करने का आदेश देना शामिल है।

10. मिथ्या अथवा दुर्भावपूर्ण शिकायत अथवा मिथ्या साक्ष्य पर कार्रवाई : उन मामलों के सिवाय जहां सेवा नियम विद्यमान हैं, जहां शिकायत समिति इस निष्कर्ष पर पहुंचती है कि प्रत्यर्थी के विरुद्ध अभिकथन दुर्भावपूर्ण है अथवा व्यथित महिला अथवा शिकायत करने वाली अन्य किसी व्यक्ति ने यह जानते हुए कि यह मिथ्या है शिकायत की है अथवा व्यथित महिला या शिकायत करने वाले किसी व्यक्ति ने कूटरधित अथवा भ्रामक दस्तावेज प्रस्तुत किए हैं तो यह यथास्थिति नियोक्ता अथवा जिला अधिकारी को नियम 9 के उपबंधों के अनुसार कार्रवाई करने की सिफारिश कर सकेगी।

11. अपील : धारा 18 के उपबंधों के अधीन, धारा 13 की उप-धारा (2) के अधीन या धारा 13 की उप-धारा (3) के खण्ड (i) या खण्ड (ii) के अधीन अथवा धारा 14 की उपधारा (1) या उप-धारा (2) या धारा 17 के अधीन की गयी सिफारिशों या ऐसी सिफारिशों को कार्यान्वित न किए जाने से व्यथित कोई व्यक्ति औद्योगिक नियोजन (स्थायी आदेश) अधिनियम, 1946 (1946 का 20) की धारा 2 के खण्ड (क) के अधीन अधिसूचित अपील प्रधिकारी को अपील कर सकेगा।

12. धारा 16 के उपबंधों के उल्लंघन के लिए दंड - धारा 17 के उपबंधों के अधीन, यदि कोई व्यक्ति धारा 16 के उपबंधों का उल्लंघन करता है, तो नियोक्ता ऐसे व्यक्ति से शारित के रूप में पांच हजार रुपये की राशि की वसूली करेगा।

13. कार्यशालाएं आदि आयोजित करने की रीति : धारा 19 के उपबंधों के अधीन, प्रत्येक नियोक्ता—

- (क) कार्यस्थल पर लैंगिक उत्पीड़न के प्रतिशोध, निवारण एवं प्रतितोष के लिए एक आंतरिक नीति या चार्टर या संकल्प या घोषणा तैयार करेगा तथा उसका व्यापक प्रसार करेगा, जिसका आशय लिंग संवेदी सुरक्षित स्थानों को बढ़ावा देना तथा ऐसे अंतर्निहित कारकों का निवारण करना है, जो महिलाओं के विरुद्ध प्रतिकूल कार्य परिवेश में योगदान करते हैं;
 (ख) आंतरिक समिति के सदस्यों के लिए, प्रबोधन कार्यक्रमों एवं सेमिनारों का क्रियान्वयन करेगा;
 (ग) कर्मचारी जागरूकता कार्यक्रमों का क्रियान्वयन करेगा तथा संवादों के लिए मंच का सृजन करेगा जिसमें पंचायती राज संस्थाएं, ग्राम सभा, महिला समूह, मातृ समितियां, किशोर समूह, शहरी स्थानीय निकाय तथा कोई अन्य निकाय, जिसे आवश्यक समझा जाए, अंतर्बलित हो सकते हैं;
 (घ) आंतरिक समिति के सदस्यों के लिए क्षमता निर्माण एवं कौशल निर्माण कार्यक्रमों का संचालन करेगा;
 (ङ) आंतरिक समिति के सभी सदस्यों के नामों एवं संपर्क के ब्यौरों की घोषणा करेगा;
 (च) अधिनियम के उपबंधों के बारे में कर्मचारियों को संवेदनशील बनाने के लिए, कार्यशालाओं एवं जागरूकता कार्यक्रमों के आयोजन के लिए, राज्य सरकारों द्वारा विकसित मापदंडों का उपयोग करेगा।

14. वार्षिक रिपोर्टें तैयार करना : वार्षिक रिपोर्टें जिसे धारा 21 के अंतर्गत शिकायत समिति द्वारा तैयार किया जाएगा, में निम्नलिखित ब्यौरे होंगे :

- (क) वर्ष में प्राप्त लैंगिक उत्पीड़न की शिकायतों की संख्या;
 (ख) ऐसी शिकायतों की संख्या जिनका वर्ष के दौरान निस्तारण किया गया;
 (ग) ऐसे मामलों की संख्या जो नब्बे दिन से अधिक अवधि तक लंबित हैं;

- (घ) लैंगिक उत्पीड़न के विरुद्ध क्रियान्वित कार्यशालाओं या जागरूकता कार्यक्रमों की संख्या,
 (ङ) नियोक्ता या जिला अधिकारी द्वारा की गई कार्रवाई का स्वरूप।

[फा. सं. 19-5/2013-डब्ल्यूडब्ल्यू]

डॉ. श्रीरंजन, संयुक्त सचिव

MINISTRY OF WOMEN AND CHILD DEVELOPMENT

NOTIFICATION

New Delhi, the 9th December, 2013

G.S.R. 769(E).—In exercise of the powers conferred by section 29 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), the Central Government hereby makes the following rules, namely:—

1. **Short title and commencement.** – (1) These rules may be called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.
 (2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.** – In these rules, unless the context otherwise requires,–

- (a) "Act" means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013);
 (b) "complaint" means the complaint made under section 9;
 (c) "Complaints Committee" means the Internal Committee or the Local Committee, as the case may be;
 (d) "incident" means an incident of sexual harassment as defined in clause (n) of section 2;
 (e) "section" means a section of the Act;
 (f) "special educator" means a person trained in communication with people with special needs in a way that addresses their individual differences and needs;
 (g) words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. **Fees or allowances for Member of Internal Committee.**– (1) The Member appointed from amongst non-government organisations shall be entitled to an allowance of two hundred rupees per day for holding the proceedings of the Internal Committee and also the reimbursement of travel cost incurred in travelling by train in three tier air condition or air conditioned bus and auto rickshaw or taxi, or the actual amount spent by him on travel, whichever is less.

The employer shall be responsible for the payment of allowances referred to in sub-rule (1).

4. **Person familiar with issues relating to sexual harassment.**– Person familiar with the issues relating to sexual harassment for the purpose of clause (c) of sub-section (1) of section 7 shall be a person who has expertise on issues relating to sexual harassment and may include any of the following:–
 (a) a social worker with at least five years' experience in the field of social work which leads to creation of societal conditions favourable towards empowerment of women and in particular in addressing workplace sexual harassment;
 (b) a person who is familiar with labour, service, civil or criminal law.

1. **Fees or allowances for Chairperson and Members of Local Committee.**– (1) The Chairperson of the Local Committee shall be entitled to an allowance of two hundred and fifty rupees per day for holding the proceedings of the said Committee.

(2) The Members of the Local Committee other than the Members nominated under clauses (b) and (d) of sub-section (1) of section 7 shall be entitled to an allowance of two hundred rupees per day for holding the proceedings of the said Committee and also the reimbursement of travel cost incurred in travelling by train in three tier air condition or air conditioned bus and auto rickshaw or taxi, or the actual amount spent by him on travel, whichever is less.

The District Officer shall be responsible for the payment of allowances referred to in sub-rules (1) and (2).

6. **Complaint of sexual harassment.** – For the purpose of sub-section (2) of Section 9,–
 (i) where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by –

- (a) her relative or friend; or
 (b) her co-worker; or
 (c) an officer of the National Commission for Women or State Women's Commission; or
 (d) any person who has knowledge of the incident, with the written consent of the aggrieved woman;
- (ii) where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by-
- (a) her relative or friend; or
 (b) a special educator; or
 (c) a qualified psychiatrist or psychologist; or
 (d) the guardian or authority under whose care she is receiving treatment or care; or
 (e) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;
- (iii) where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent;
- (iv) where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.
7. **Manner of inquiry into complaint.**- (1) Subject to the provisions of section 11, at the time of filing the complaint, the complainant shall submit to the Complaints Committee, six copies of the complaint along with supporting documents and the names and addresses of the witnesses.
- (2) On receipt of the complaint, the Complaints Committee shall send one of the copies received from the aggrieved woman under sub-rule (1) to the respondent within a period of seven working days.
- (3) The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents specified under sub-rule (1).
- (4) The Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
- (5) The Complaints Committee shall have the right to terminate the inquiry proceedings or to give an *ex-parte* decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Chairperson or Presiding Officer, as the case may be:
- Provided that such termination or *ex-parte* order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.
- (6) The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Complaints Committee.
- (7) In conducting the inquiry, a minimum of three Members of the Complaints Committee including the Presiding Officer or the Chairperson, as the case may be, shall be present.
8. **Other relief to complainant during pendency of inquiry.**-The Complaints Committee at the written request of the aggrieved woman may recommend to the employer to-
- (a) restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer;
 (b) restrain the respondent in case of an educational institution from supervising any academic activity of the aggrieved woman.
9. **Manner of taking action for sexual harassment.**- Except in cases where service rules exist, where the Complaints Committee 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, to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.

5155 27/13-2

10. Action for false or malicious complaint or false evidence.- Except in cases where service rules exist, where the Complaints Committee arrives at the 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 District Officer, as the case may be, to take action in accordance with the provisions of rule 9.

11. Appeal.- Subject to the provisions of section 18, any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clauses (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 appellate authority notified under clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).

12. Penalty for contravention of provisions of section 16.- Subject to the provisions of section 17, if any person contravenes the provisions of section 16, the employer shall recover a sum of five thousand rupees as penalty from such person.

13. Manner to organise workshops, etc.- Subject to the provisions of section 19, every employer shall-

- (a) formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women;
- (b) carry out orientation programmes and seminars for the Members of the Internal Committee;
- (c) carry out employees awareness programmes and create forum for dialogues which may involve Panchayati Raj Institutions, Gram Sabha, women's groups, mothers' committee, adolescent groups, urban local bodies and any other body as may be considered necessary;
- (d) conduct capacity building and skill building programmes for the Members of the Internal Committee;
- (e) declare the names and contact details of all the Members of the Internal Committee;
- (f) use modules developed by the State Governments to conduct workshops and awareness programmes for sensitising the employees with the provisions of the Act.

14. Preparation of annual report.- The annual report which the Complaints Committee shall prepare under Section 21, shall have the following details:-

- (a) number of complaints of sexual harassment received in the year;
- (b) number of complaints disposed off during the year;
- (c) number of cases pending for more than ninety days;
- (d) number of workshops or awareness programme against sexual harassment carried out;
- (e) nature of action taken by the employer or District Officer.

[F. No. 19-5/2013-WW]

Dr. SHREERANJAN, Jt. Secy.

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 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

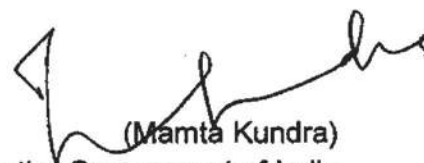
the terminal benefits payable to the officer or his heirs. Such compensation will not amount to penalty under Rule 11 of CCS (CCA) Rules in terms of the Explanation (ix) to Rule 11 inserted vide Notification of even Number dated 19-11-2014.

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)


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(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, नामत :-

1. (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।
2. 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, नामत :-

“(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 :—

- | | |
|--|--|
| 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 1st January, 2014 and
 79. G.S.R. 769(E), dated the 31st October, 2014.

अधिसूचना

नई दिल्ली, 19 नवम्बर, 2014

सा.का.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) 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 प्रास्थिति के बारे में अंतर्निहित या स्पष्ट धमकी देना; या
- उसके कार्य में हस्तक्षेप करना या उसके लिए अभित्रासमय 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 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-स्था(क)	27 जनवरी, 2009	सा.का.नि. 8	27 जनवरी, 2009
28.	11013/8/2009-स्था(क)	9 मई, 2011	सा.का.नि. 370(अ)	9 मई, 2011
29.	11013/3/2013-स्था(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

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

North Block, New Delhi
Dated July 16th, 2015

OFFICE MEMORANDUM

Subject: Steps for conducting inquiry in case of allegation of Sexual Harassment

Undersigned is directed to say that during the meeting of the Chairpersons of Complaints Committees with Secretary (Personnel) on the 16th April, 2015 it was suggested that the Department of Personnel and Training may prepare a step guide for conduct of inquiry in complaint cases of sexual harassment. Rule 14(2) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 lays down that the Complaints Committee established in each Ministry or Department for inquiring into complaints of sexual harassment shall hold such inquiry as far as practicable in accordance with the procedure laid down in these Rules.

2. The annexed guide on "*Steps for Conduct of Inquiry in complaints of Sexual Harassment*" is intended to give the procedure as prescribed in the rules/instructions. This is, however, not intended as a substitute for reference to the Rules and instructions. Members of the Complaints Committees and others who are required to deal with such inquiries should acquaint themselves with Central Civil Services (Classification, Control and Appeal) Rules, 1965, and instructions issued thereunder.


(Mukesh Chaturvedi)
Director (E)

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

Copy to:

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

Steps for Conduct of Inquiry in Complaints of Sexual Harassment

Complaints Committees

1. Complaints Committees have been set up in all Ministries/Department and organisations under them in pursuance to the judgement of the Hon'ble Supreme Court in the *Vishakha* case. As per Section 4(1) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013("the Act"), the Internal Complaints Committee (referred to as "Complaints Committee" hereafter) is to be set up at every workplace. As per Section 4(2), this will be headed by a woman and at least half of its members should be women. In case a woman officer of sufficiently senior level is not available in a particular office, an officer from another office may be so appointed. To prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committees should involve a third party, either an NGO or some other body which is familiar with the issue of sexual harassment.

What is Sexual Harassment?

2. "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.

3. The following circumstances, among other circumstances, 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.

Workplace defined:

4. As per Section 2(o) of the Act, the following places are included within the ambit of the expression "workplace":

- (i) any department, organisation, undertaking, establishment, enterprise, institution, office, etc. --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, etc., 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;

Initial relief

5. The Committee will also have the powers to recommend:-
- (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 will not be deducted from her leave account.)

Complaints Committee to be Inquiring Authority

6. As per Proviso to Rule 14(2) of CCS (CCA) Rules, 1965, in case of complaints of sexual harassment, the Complaints Committee set up in each Ministry or Department etc. for inquiring into such complaints shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority for the purpose of these rules. Complaints Committee, unless a separate procedure has been prescribed, shall hold the inquiry as far as practicable in accordance with the procedure laid down in the Rule 14.

Need for investigation

7. The Complaints Committees may act on complaints of sexual harassment when they receive them directly or through administrative authorities etc, or when they take cognizance of the same suo-moto. As per Section 9(1) of the Act, the aggrieved woman or complainant is required to make a complaint within three months of the incident and in case there has been a series of incidents, three months of the last incident. The Complaints Committee may however extend the time limit for reasons to be recorded in writing, if it is satisfied that the circumstances were such which prevented the complainant from filing a complaint within the stipulated period.

8. As mentioned above, the complaints of sexual harassment are required to be handled by Complaints Committee. On receipt of a complaint, facts of the allegation are required to be verified. This is called preliminary enquiry/fact finding enquiry or investigation. The Complaints Committee conducts the investigation. They may then try to ascertain the truth of the allegations by collecting the documentary evidence as well as recording statements of any possible witnesses including the complainant. If it becomes necessary to issue a Charge Sheet, disciplinary authority relies on the investigation for drafting the imputations, as well as for evidence by which the charges are to be proved. Therefore this is a very important part of the investigation.

Dual Role

9. In the light of the Proviso to the Rule 14 (2) mentioned above, the Complaints Committee would normally be involved at two stages. The first stage is investigation already discussed in the preceding para. The second stage is when they act as Inquiring Authority. It is necessary that the two roles are clearly understood and the inquiry is conducted as far as practicable as per Rule 14 of CCS (CCA) Rules, 1965. Failure to observe the procedure may result in the inquiry getting vitiated

10. As the Complaints Committees also act as Inquiring Authority in terms of Rule 14(2) mentioned above, care has to be taken that at the investigation stage that impartiality is maintained. Any failure on this account may invite allegations of bias when conducting the inquiry and may result in the inquiry getting vitiated. As per the instructions, when allegations of bias are received against an Inquiring Authority, such Inquiring Authority is required to stay the inquiry till the Disciplinary Authority takes a decision on the allegations of bias. Further, if allegations of bias are established against one member of the Committee on this basis, that Committee may not be allowed to conduct the inquiry.

11. In view of the above, the Complaints Committee when investigating the allegations should make recommendations on whether there is a prima facie substance in the allegations which calls for conducting a formal inquiry. They should avoid making any judgmental recommendations or expressing views which may be construed to have prejudiced their views while conducting such inquiry.

Decision to issue Charge sheet, and conducting Inquiry

12. On receipt of the Investigation Report, the Disciplinary Authority should examine the report with a view to see as to whether a formal Charge Sheet needs to be issued to the Charged Officer. As per Rule 14(3), Charge Sheet is to be drawn by or on behalf of the Disciplinary Authority. In case the Disciplinary Authority decides on that course, the Charged Officer should be given an opportunity of replying to the Charge sheet. As per Rule 14(5), a decision on conducting the inquiry has to be taken after consideration of the reply of the charged officer.

13. If the Charged Officer admits the charges clearly and unconditionally, there will be no need for a formal inquiry against him and further action may be taken as per Rule 15 of the CCS (CCA) Rules.

The Inquiry-stages

14. In case the Charged Officer denies the charges and his reply is not convincing, the Charge sheet along with his reply may be sent to the Complaints Committee for formal inquiry, and documents mentioned in Rule 14 (6) will be forwarded to the Complaints Committee. As per Section 11(3) of the Act, for the purpose of making an inquiry, the Complaints Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 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.

The Section 11(4) of the Act requires that the inquiry shall be completed within a period of ninety days.

15. The Disciplinary Authority shall also in terms of Rule 14(5) (c) appoint a Government servant as a Presenting Officer to present evidence on behalf of prosecution before the Complaints Committee/ Inquiring Authority. The listed documents are to be sent to the Presenting Officer. The Complaints Committee would, thereafter, summon the Presenting Officer and the Charged Officer. As a first step, the charged officer would be formally asked as to whether he admits the charges. As mentioned above, in case of any clear and unconditional admission of any Article of Charge, no inquiry would be held in respect of that Article and the admission of the Charged Officer would be taken on record. The inquiry would be held, thereafter, in respect of those charges which have not been admitted by the Charged Officer. The Charged Officer is also entitled to engage a Defence Assistant. The provisions relating to Defence Assistant are given in Rule 14(8).

16. The Inquiring Authority is, thereafter, required to ask the Presenting Officer to have the prosecution documents, listed in the Charge Sheet inspected by the Charged Officer. Copies of such documents, if not only given to the Charged Officer, would be handed over to him. The Charged Officer would, therefore, be required to submit a list of documents and witnesses which he wants to produce in support of his defense. The Inquiring Authority would consider allowing such documents or witnesses on the basis of their relevance. Normally, any document or witness which reasonably appears to be relevant and helpful in defense may be allowed. Once the documents have been allowed, the Inquiring Authority would send a requisition for these documents to the custodian of such documents.

17. When the regular hearing commences, the Inquiring Authority would ask the Presenting Officer to produce the documentary evidence. Such documents as are disputed by the Charged Officer have to be proved by the witnesses before they are taken on record. The undisputed documents would be taken on record and marked as exhibits.

Examination of Witnesses

18. Summons would, thereafter, be sent to the witnesses listed in the Charge sheet. The Presenting Officer may choose to produce them in any order he finds appropriate. These witnesses would be examined in the inquiry in the following manner. The examination in chief would be done by the Presenting Officer where the Presenting Officer may ask questions of the witness to ascertain the facts. The witness would, thereafter, be cross-examined by the Defense. After the cross-examination, the Presenting Officer would be given an opportunity to re-examine the witness. In the examination in chief, leading questions are not allowed. These are however allowed in the cross examination.

19. The procedure of Inquiry requires opportunity to the Charged Officer to cross-examine all the witnesses that appear on behalf of the Prosecution. Failure to do so may be construed as a denial of reasonable opportunity to the charged officer, resulting in vitiation of the Inquiry. If the complainant appears as a witness, she would also be examined and cross-examined. The Inquiry Officer may however disallow any questions which are offensive, indecent or annoying to the witnesses, including the complainant.

20. If Inquiring Authority wishes to ascertain some facts for clarity, he may pose questions to the witnesses. This should however, be done in such a manner as to not show any bias for or against the Charged Officer. This has to be done in the presence of the Presenting Officer and the Charged Officer/Defence Assistant. No inquiry should be conducted behind the back of the charged officer. The witnesses will be examined one by one, and the other witness who are either yet to be examined, or have been examined are not allowed to be present during the examination of a witness.

Daily Order Sheet

21. The Inquiring Authority would also maintain a document called Daily Order Sheet in which all the main events of the inquiry and including requests/representations by the Charged Officer or the Presenting Officer, and decisions thereon would be recorded. For example (i) if the Charged Officer refuses to cross-examine the witnesses, this should be recorded in the Daily Order Sheet (ii) the Daily Order Sheet should record that the Charged Officer had been advised that he has the right to engage a Defense Assistant (iii) it should also be clearly mentioned that the Charged Officer was also informed as to who are eligible to assist him as Defense Assistant. (iv) the Daily Order Sheet should also record in case request of the Charged Officer for engaging a particular person as Defense Assistant is disallowed in the light of the existing instructions. Daily Order Sheet should be signed by the Inquiring Authority, Presenting Officer and the Charged Officer/Defence Assistant.

Defence Evidence

22. After the prosecution evidence is over, the Charged Officer is required to submit his statement of defense. In this statement, the Charged Officer is required to briefly indicate his line of defense. After this, the Defense evidence will be taken. The evidence will be produced in the same order as the prosecution evidence. First, the documents allowed by the Inquiry Authority would be taken on record and then the witnesses called and their examination, cross-examination and re-examination done. The only difference here would be that the Examination in Chief would be done by defense while the cross-examination would be done by the prosecution. The defense would then have the opportunity of re-examining the witness.

General Examination of the Charged Officer

23. After the Defense evidence is over, the Inquiring Authority shall ask Charged Officer as to whether he wishes to appear as his own witness. In case he does so, he will be examined like any other defense witness. In case however, he declines to do so, the Inquiring Authority is required to generally question him. At this stage due care is required to be exercised that as per Rule 14(18) the purpose of this stage is to apprise Charged Officer of the circumstances which appear to be against him. This is to enable the Charged Officer to explain them to the Inquiring Authority. Presenting Officer and the Defence Assistant do not take any part in the General Examination. Charged Officer may not be compelled to answer questions during examination by the Inquiring Authority.

Brief

24. After this, the Presenting Officer would be asked to submit his brief. A copy of this brief would be given to the Charged Officer. Both the Presenting Officer and the Charged Officer may be allowed reasonable time for submission of their brief.

25. The Inquiring Authority then writes the Inquiry Report in which the evidence in support of the charges and against them will be examined. The Report should be a speaking one clearly bringing out as to the evidence on the basis of which any particular conclusion has been reached. Based on this analysis, the Inquiring Authority will give its findings on the Articles as proved or not proved. In case any Article of charge is proved only partially, then the Inquiring Authority should record the extent to which that Article has been proved.

Powers of the Committee to make recommendations

26. Normally, the Inquiry Officer is not allowed to make any recommendations in his report. Here the function of the Complaints Committee acting as the Inquiring Authority differs. The Complaints Committee may however, make recommendations including what has been mentioned in para 2 above:

- (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.
- Committee may recommend action to be taken against complainant, if the allegation is malicious, or the complainant knows it to be false, or has produced any forged or misleading document.
- The Committee may also recommend action against any witness if such witness has given false evidence or produced any forged or misleading document.

27. The Complaints Committee should also remember that as per the Section 16 of the Act, notwithstanding the RTI Act, 2005, information as regards identity and addresses of the aggrieved woman, respondent and witnesses, Inquiry proceedings, Recommendations of the Committee, shall not be published or communicated or made known to public, press or media in any manner. Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

28. With the above stage, the inquiry would be formally over. The Inquiring Authority should prepare separate folders containing the documents mentioned in Rule 14(23)(ii).

Suspension

29. A Government servant may also be placed under suspension before or after issue of a Charge Sheet where his continuance in office will prejudice the investigation, for example if there is an apprehension that he may tamper with witnesses or documents. Suspension may also be resorted to where continuance of the Government servant in office will be against wider public interest such as there is a public scandal and it is necessary to place the Government servant under suspension to demonstrate the policy of the Government to deal strictly with officers involved in such scandals. It may be desirable to resort to suspension in case of misdemeanor involving acts of moral turpitude.

Special provisions to deal with threats or intimidation

30. Disciplinary Authority may also dispense with inquiry under Rule 19(ii), and action may be taken without the inquiry when the Disciplinary Authority concludes that it is not reasonably practicable to hold such an inquiry. The circumstances leading to such a conclusion may exist either before the inquiry is commenced or may develop in the course of the inquiry. Such situation would be deemed to have arisen:

- (i) where the Government servant, through or together with his associates terrorizes, threatens or intimidates witnesses who are likely to give evidence against him with fear of reprisal in order to prevent them from doing so; or
- (ii) where the Government servant himself or with or through others threatens, intimidates and terrorizes the Disciplinary Authority, Members of the Committee, the Presenting Officer or members of their family.

Disciplinary Authority is not expected to dispense with the inquiry lightly, arbitrarily or with ulterior motive or merely because the case against the Government servant is weak.

F. No. 11012/5/2016-Estt.A-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
Establishment Division

North Block, New Delhi – 110001
Dated August 2, 2016

OFFICE MEMORANDUM

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

Undersigned is directed to say that following enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 [SHWW (PPR) Act] and notification of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 [SHWW (PPR) Rules] on 09.12.2013, the Government notified the amendments to Central Civil Services (Conduct) Rules 1964 and Central Civil Services (Classification, Control and Appeal) Rules, 1965. The amendments and other salient features of the Act/ Rules was brought to the notice of all concerned vide Office Memorandum No. 11013/02/2014-Estt.A-III dated 27.11.2014.

2. Section 18 (1) of the SHWW(PPR) Act, 2013 provides that any person aggrieved with the recommendations made under sub-section (2) of section 13 or under clause (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or sub-section (2) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with provisions of the service rules applicable to said person or where no such service rules exist then, without prejudice to the provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.

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

Where a Complaint Committee has not recommended any action against the employee against whom the allegation have been made in a case involving allegations of sexual harassment, the Disciplinary Authority shall supply a copy of the Report of the Complaint Committee to the complainant and shall consider her representation, if any submitted, before coming to a final conclusion. The representation shall be deemed to be an appeal under section 18(1) of the Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Contd.....

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)
Tele: 2309 3176

To

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

Copy to:

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

F. No. 11013/2/2014-Estt.A-III
Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel & Training
Establishment A-III Desk

North Block, New Delhi – 110001
Dated: 09.09.2016

OFFICE MEMORANDUM

Subject: Prevention of Sexual Harassment of working women at workplace – Seniority of the Chairperson of the Complaint Committee – regarding.

The undersigned is directed to refer to the DoPT OM no. 11013/2/2014-Estt.A-III dated 16th July, 2015 as the Para 1 of the Guide attached to the OM, it was clarified that the Complaints Committee set up to inquiry into charges of sexual harassment should be headed by a women and at least half of its member should also be women. In case a women officer of sufficiently senior level is not available in a particular office, an office from another officer may be so appointed. It was also indicated that to prevent the possibility of any undue pressure, the Complaints Committee should also involved a third party either NGO or some other body which is familiar with the issue of sexual harassment.

2. The issue of legality of a committee conducting inquiry against an officer against whom there are allegations of sexual harassment but where the Chairperson happens to be junior in rank to the suspect officer has been examined. It is clarified that there is no bar either in the CCS (CCA) Rules or under the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* to the Chairperson of the Complaints Committee being junior to the suspect officer or the charged officer. Hon'ble Allahabad High Court has in *Smt. Shobha Goswami vs State of U.P. And 2 Ors*, in WRIT – A No. – 31659 of 2015 observed as follows:

“In my opinion, there is nothing in the Scheme of the section which requires the lady member to be senior in rank to the officer against whom the allegation of sexual harassment are brought. The language of Section 4 of the Act only requires the lady member to the Senior Level”.

This also does not in any way cause any prejudice to the charged officer.

3. Further, to ensure fair inquiry, Ministries/ Departments may also consider transferring the suspect officer/ charged officer to another office to obviate any risk of that officer using the authority of his office to influence the proceedings of the Complaints Committee.

4. Hindi Version will follow.


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

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14. Hindi Section, DoP&T


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

No.11013/7/2016-Estt.A-III
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
Establishment A-III Desk

North Block, New Delhi,
Dated the 22nd December, 2016

OFFICE MEMORANDUM

Subject:- Central Civil Services (Conduct) Rules 1961 – Guidelines regarding prevention of sexual harassment of women at the workplace- regarding.

The undersigned is directed to refer to the DoPT OM number No.11013/2/2014-Estt.A-III, dated the 16th July, 2015 etc., vide which need for effective mechanism to ensure that inquiries in the case of allegations of sexual harassment are conducted as per the prescribed procedure and that they are monitored have been issued. Recently, a meeting was held under the Chairmanship of Minister, Women and Child Development wherein concern was expressed that the inquiries in such cases are taking unduly long time. It has, therefore, been decided that the following further steps may be taken to ensure that the inquiries are conducted expeditiously and the aggrieved women are not subjected to victimization:

- (1) As already conveyed vide OM dated 2nd February, 2015 all Ministries/Departments shall include in their Annual Reports information related to the number of such cases and their disposal.
- (2) As far as practicable, the inquiry in such cases should be completed within 1 month and in no case should it take more than 90 days as per the limit prescribed under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- (3) It should be ensured that the aggrieved women are not victimized in connection with the complaints filed by them. For a period of five years after a decision in a proven case of sexual harassment, a watch should be kept to ensure that she is not subjected to vendetta. She should not be posted under the Respondent, or any other person where there may be a reasonable ground to believe that she may be subjected to harassment on this account. In case of any victimization the complainant may submit a representation to the Secretary in the case of Ministries/Departments and Head of the Organization in other cases. These representations should be dealt with sensitivity, in consultation with the Complaints Committee, Ministries/Departments and Head of the Organization in other cases. These representations should be dealt with sensitivity, in consultation with the Complaints Committee, and a decision taken within 15 days of the submission of the same.

Cont.....2/-

- (4) All Ministries/Departments shall furnish a monthly report to the Ministry of Women and Child Development giving details of number of complaints received, disposed of and action taken in the case.



(Mukesh Chaturvedi)
Director (E)
Tele: 23093176

To

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14. Hindi Section, DoP&T



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Tele: 2309 3176

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 15th March, 2017

G.S.R. 251(E).—In exercise of the powers conferred by the proviso to article 309 read with clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to the persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Leave) Rules, 1972, namely:—

1. (1) These rules may be called the Central Civil Services (Leave) Amendment Rules, 2017.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Central Civil Services (Leave) Rules, 1972, for rule 48, the following rule shall be substituted, namely:-

“ 48, Special Leave connected to inquiry of sexual harassment - Leave upto a period of 90 days may be granted to an aggrieved female Government Servant on the recommendation of the Internal Committee or the Local Committee, as the case may be, during the pendency of inquiry under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the leave granted to the aggrieved female Government Servant under this rule shall not be debited against the leave account”.

[F. No. 13026/2/2016-Estt. (L)]

GYANENDRA DEV TRIPATHI, Jt. Secy.

Footnote : The principal rules were published *vide* Notification Number S.O. 940, dated the 8th April, 1972 and were last amended *vide* Notification number G.S.R. 711(E) dated the 8th October, 2014.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), vide number S.O. 940 dated the 8th April, 1972 and have been subsequently amended as follows:

S. No.	Number of the notification	Date	GSR. No.	GSR date
1	16(3)-E.IV(A)/71	11.1.1972	2724	4.11.1972
2	4(7)-E.IV(A)/72	30.4.1973	1399	19.5.1973
3	5(15)-E.IV(A)/73	13.7.1973	821	14.8.1973
4	14(10)-E.IV(A)/73	11.6.1974	Not readily available	
5	5(8)-E.IV(A)/73	19.7.1974	818	3.8.1974
6	14(8)-E.IV(A)/74	2.11.1974	1242	23.11.1974
7	16(3)-E.IV(A)/74	20.12.1974	1374	28.12.1974
8	16(5)-E.IV(A)/74	11.4.1975	526	26.4.1975
9	16(8)-E.IV(A)/74	26.5.1975	686	7.6.1975
10	4(1)-E.IV(A)/74	24.6.1975	834	12.7.1975
11	16(8)-E.IV(A)/74	20.9.1975	2876	27.12.1975
12	5(7)-E.IV(A)/75	2.12.1975	2877	27.12.1975
13	5(16)-E.IV(A)/73	15.1.1976	Not readily available	
14	16(6)-E.IV(A)/74	31.7.1976	1184	14.8.1978
15	16(3)-E.IV(A)/76	7.10.1976	1587	13.11.1976
16	4(9)-E.IV(A)/76	14.3.1977	611	14.5.1977
17	14(11)-E.IV(A)/76	12.9.1978	1159	23.9.1978
18	14025/1/78-E.IV(A)	4.10.1978	1255	21.10.1978

19	13024/1/76-E.IV(A)	29.8.1979	1150	15.9.1979
20	11022/1/77-E.IV(A)	21.11.1979	1422	1.12.1979
21	14018/1/80-LU	21.11.1980	1260	13.12.1980
22	16(19)-E.IV(A)/76	31.12.1980	263	24.11.1981
23	11012/2/80-Est.(L)	24.8.1981	811	5.9.1981
24	14028/9/80-Est.(L)	1.10.1981	927	17.10.1981
25	14025/9/80-Est.(L)	16.4.1982	423	8.5.1982
26	13023/2/81-Est.(L)	16.4.1983	430	4.6.1983
27	14028/8/82-Est.(L)	27.7.1983	489	13.8.1983
28	131023/2/81-Est.(L)	12.10.1983	804	5.11.1983
29	14028/6/81-Est.(L)	17.10.1973	350	24.3.1983
30	13015/11/82-Est.(L)	25.5.1984	566	9.6.1984
31	18011/3/80-Est.(L)	12.7.1984	788	28.7.1984
32	14028/1/81-Est.(L)	19.7.1984	817	4.8.1984
33	14028/16/82-Est.(L)	31.5.1985	558	15.6.1985
34	13014/1/85-Est.(L)	3.12.1985	1139	14.12.1985
35	14028/19/86-Est.(L)	9.12.1986	1072	14.12.1985
36	13023/20/84-Est.(L)	11.12.1986	1102	27.12.1986
37	13014/1/87-Est.(L)	17.6.1987	515	4.7.1987
38	11012/1/85-Est.(L)	23.6.1987	516	4.7.1988
39	14028/18/86-Est.(L)	23.3.1988	260	9.4.1988
40	11012/1/85-Est.(L)	6.6.1988	476	18.6.1988
41	13012/12/86-Est.(L)	10.3.1989	198	25.3.1989
42	13026/2/90-Est.(L)	22.10.1990	55	26.1.1991
43	11014/3/89-Est.(L)	2.5.1991	303	18.5.1991
44	11014/3/89-Est.(L)	21.1.1992	49	8.2.1992
45	13026/2/90-Est.(L)	4.3.1992	119	14.3.1992
46	13026/2/90-Est.(Leave)	20.4.1993	225	8.5.1993
47	13018/7/94-Estt.(L)	31.3.1995	317(E)	31.3.1995
48	14028/10/91-Estt.(L)	8.8.1995	385	19.8.1995
49	14028/4/91-Estt.(L)	18.9.1995	442	7.10.1995
50	14015/2/97-Estt.(L)	31.12.1997	727(E)	31.12.1997
51	13026/1/99-Estt.(L)	18.4.2002	149	27.4.2002
52	13026/1/2002-Estt.(L)	15/16.1.2004	186	5.6.2004
53	14028/1/2004-Estt.(L)	13.2.2006	47	4.3.2006
54	13018/4/2004-Estt.(L)	31.3.2006	91	27.4.2006
55	13023/3/98-Estt.(L), Vol.II	26.10.2007	229	3.11.2007
56	11012/1/2009-Estt.(L)	1.12.2009	170	5.12.2009
57	13026/1/2010-Estt.(L)	12.5.2011	160	12.5.2011
58	13026/5/2010-Estt.(L)	5.8.2011	601(E)	5.8.2011
59	14028/1/2010-Estt.(L)	26.8.2011	646(E)	26.8.2011
60	13018/4/2011-Estt.(L)	27.8.2011	648(E)	27.8.2011

61	13026/4/2011-Estt.(L)	26.12.2011	898(E)	26.12.2011
62	13026/3/2011-Estt.(L)	28.3.2012	255(E)	28.3.2012
63	13026/2/2010-Estt.(L)	29.3.2012	261(E)	29.3.2012
64	13026/5/2011-Estt.(L)	4.4.2012	283(E)	4.4.2012
65	13026/4/2012-Estt.(L)	18.2.2014	96(E)	18.02.2014
66	13026/4/2012-Estt.(L)	17.4.2014	286(E)	17.04.2014
67	13018/6/2013-Estt. (L)	09.10.2014	711(E)	09.10.2014

SARVESH KUMAR
SRIVASTAVA

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KUMAR SRIVASTAVA
Date: 2017.03.15 22:56:51
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No. 13026/622016-Estt. (L)

New Delhi, Dated the 16th March, 2017

To:

All Ministries/ Departments of Government of India (as per standard list)
Copy also forwarded to:

1. Office of the Comptroller and Auditor General of India/ Controller General of Accounts, Ministry of Finance.
2. Secretaries/ Union Public Service Commission/ Supreme Court of India/ Election Commission/ Lok Sabha Sectt./ Rajya Sabha Sectt./ Cabinet Sectt./ Central Vigilance Commission/ President's Sectt./ Vice President's Sectt./ Prime Minister's Office/ Niti Aayog / Central Information Commission.
3. Additional Secretary (Union Territory) Ministry of Home Affairs.
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5. Governors of all States/ Lt. Governors/ Administrators of Union Territories.
6. Secretary National Council (Staff Side), 13-C, Ferozshah Road, New Delhi.
7. All Members of Staff Side of the National Council of Departmental Council.
8. All attached/subordinate offices and desk/ section Officers of MHA including Rehabilitation Wing.
9. All Officers/ Sections of DoPT/DARPG/Deptt. of Pension & Pensioners' Welfare.
10. Department of Official Language (Legislative Department)
11. Railway Board, New Delhi
12. NIC, DoPT for uploading on the website of the Ministry.



(Sunil Kumar)
Section Officer (Leave)

Delhi High Court

Ms. C (Name And Address ... vs Indian Institute Of Corporate ... on 23 January, 2018

\$~25

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 455/2018 and CM Nos. 1984/2018, 1985/2018
& 1998/2018

MS. C (NAME AND ADDRESS CONFIDENTIAL) Petitioner

Through: Ms Vrinda Grover, Ms Ratna
Appender and Mr Soutik Banerjee,
Advocates.

versus

INDIAN INSTITUTE OF CORPORATE
AFFAIRS AND ORS.

..... Respondents

Through: Mr Bhagvan Swarup Shukla, CGSC
with Mr Kamaldeep, Advocate for R-
2.
Mr R.C. Meena, Ex-Regional
Director (ER) & (NER), Ministry of
Corporate Affairs, Govt. of India.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU
ORDER

% 23.01.2018

VIBHU BAKHRU, J

1. The petitioner, whose name is concealed to avoid any ignominy, has filed the present petition, inter alia, praying that directions be issued to respondent nos. 5 to 10 - persons constituting the Internal Complaints Committee (hereafter the ICC) - to comply with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereafter the Act).

2. The petitioner claims that on 10.11.2017 she was sexually assaulted and groped by respondent no.4. This incident happened within the campus of respondent no.1 at Manesar, Gurgaon, Haryana. She further alleges that respondent no.4 had been sending unwelcome whatsapp messages and songs of sexual nature to the petitioner. The petitioner states that the complaint in this regard was lodged with respondent no.3 on 13.11.2017 but the same was not immediately referred to the ICC.

3. According to the petitioner, the ICC was constituted on 28.11.2017. The petitioner claims that she has also applied for interim relief to the ICC, however, the same has not been considered as yet.

4. The petitioner claims that the ICC is not following the principles of natural justice and has not provided any statements, deposition, documents or evidence that has been placed before the ICC and, therefore, she has been effectively precluded from responding to the same. She also claims that some of the witnesses in the case are being intimidated and victimised. The petitioner also alleges

that respondent no.3 has failed to maintain confidentiality with regard to her identity at the campus and has shared the details of her complaint openly with other persons.

5. At the outset, Mr Shukla, the learned counsel appearing for the respondents states that the Ministry of Corporate Affairs, Government of India had constituted the ICC by an Office Order dated 20.04.2017 and the petitioners complaint was forwarded to the ICC on 14.11.2017.

6. He states that ICC is currently conducting a preliminary investigation and is not acting as an "Inquiring Authority". The proceedings are only to assist the Disciplinary Authority to form a prima facie opinion for constituting an inquiry under Rule 14 of the CCS(CCA) Rules, 1965.

7. Ms Grover, the learned counsel appearing for the petitioner contends that even at the stage of such preliminary investigation, it is necessary that all material collected by the ICC ought to be provided to the petitioner and she also be given a further opportunity to rebut the same. She submitted that the petitioner has not been provided any material and also has had no opportunity to cross-examine any of the witnesses that may have deposed in favour of respondent no.4 before the ICC.

8. She relied on the decisions of this Court in Manisha Sharma v. Union of India and Ors.: 196 (2013) DLT 741; Pallavi Pandey v. Kendriya Bhandar: 2013 SCC OnLine Del 3029; and Sonali Badhe, A.L.A. Directorate of Enforcement, Ahmedabad v. Ashish Chandra Singh DLA, New Delhi & Anr.: W.P.(C) 6207/2017, decided on 15.12.2017.

9. This Court is not persuaded to accept the contentions advanced on behalf of the petitioner. In terms of the Office Memorandum bearing F. No. 11013/2/2014-Estt (A-III) dated 16.07.2015 issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training (hereafter DoPT), the role of an ICC has been explained in the context of Rule 14 of the CCS(CCA) Rules, 1965.

10. It is relevant to refer to Rule 14 of the CCS(CCA) Rules, 1965; the relevant extract of which is set out below:-

"14. PROCEDURE FOR IMPOSING MAJOR PENALTIES :

(1) No order imposing any of the penalties specified in clauses (v) to (ix) of Rule 11 shall be made except after an inquiry held, as far as may be, in the manner provided in this rule and rule 15, or in the manner provided by the Public Servants (Inquiries) Act, 1850 (37 of 1850), where such inquiry is held under that Act.

(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government servant, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof.

Provided that where there is a complaint of sexual harassment within the meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964, the complaints Committee established in each ministry or Department or Office for inquiring into such complaints, shall be deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the complaints committee for holding the inquiry into the complaints of sexual harassments, the inquiry as far as practicable in accordance with the procedure laid down in these rules."

11. A plain reading of Rule 14 (2) of the CCS(CCA) Rules, 1965 indicates that an inquiry into any misconduct or misbehaviour against a Government servant would commence only where the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation or misconduct or misbehaviour on the part of the Government servant. The proviso to Rule 14 (2) of the said Rules specifies that the ICC would be the Inquiring Authority in cases where the complaint is of sexual harassment within the meaning of Rule 3 (C) of the CCS (Conduct) Rules, 1964.

12. It is not disputed that the ICC would be deemed to be an Inquiring Authority; however, the said inquiry would commence once the Disciplinary Authority forms an opinion as required under Rule 14 of the CCS(CCA) Rules, 1965. At this stage, the ICC is only conducting a preliminary investigation. The ICCs dual role has been explained in the guide on "Steps for conduct of Inquiry in complaints of Sexual Harassment", which was circulated under the cover of the Office Memorandum dated 16.07.2015. The relevant extract of the said OM reads as under:-

"Complaints Committee to be Inquiring Authority

6. As per Proviso to Rule 14(2) of CCS (CCA) Rules 1965, in case of complaints of sexual harassment, the Complaints Committee set up in each Ministry or Department etc. for inquiring into such complaints shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority for the purpose of these rules. Complaints Committee, unless a separate procedure has been prescribed, shall hold the inquiry as far as practicable in accordance with the procedure laid down in the Rule 14.

Need for investigation

7. The Complaints Committees may act on complaints of sexual harassment when they receive them directly or through administrative authorities etc, or when they take cognizance of the same suo-moto. As per Section 9(1) of the Act, the aggrieved woman or complainant is required to make a complaint within three months of the incident and in case there has been a series of incidents, three months of the last incident. The Complaints Committee may however extend the time limit for reasons to be recorded in writing, if it is satisfied that the circumstances were such which prevented the complainant from filing a complaint within the stipulated period.

8. As mentioned above, the complaints of sexual harassment are required to be handled to be verified. This is called preliminary enquiry/ fact finding enquiry or investigation. The Complaints Committee conducts the investigation. They may then try to ascertain the truth of the allegations by collecting the documentary evidence as well as recording statements of any possible witnesses including the complainant. If it becomes necessary to issue a Charge Sheet, disciplinary authority relies on the investigation for drafting the imputations, as well as for evidence by which the charges are to be proved. Therefore this is a very important part of the investigation.

Dual Role

9. In the light of the Proviso to the Rule 14(2) mentioned above, the Complaints Committee would normally be involved at two stages. The first stage is investigation already discussed in the preceding para. The second stage is when they act as Inquiring Authority. It is necessary that the two roles are clearly understood and the inquiry is conducted as far as practicable as per Rule 14 of CCS(CCA) Rules, 1965. Failure to observe the procedure may result in the inquiry getting vitiated."

13. As noted above, at this stage, the Disciplinary Authority has not formed an opinion for inquiring into the truth of the allegations made against respondent no.4 and an inquiry against respondent no.4 has not been instituted as yet. The preliminary investigation conducted by the ICC is only to assist the Disciplinary Authority to form such an opinion. The preliminary investigation would also aid the preparation of the imputation of charges for misconduct and misbehaviour, if any.

14. It is also essential that at this stage detailed findings are not returned by the ICC as the matter is only at a preliminary stage. Returning definite findings at this stage would certainly give a cause to the person accused to claim at the subsequent stage that the ICC had already made up its mind even before a copy of the imputation of charges were served on him. This would frustrate the intention of ensuring that the ICC act as an Inquiring Authority.

15. Since it is stated that the ICC is merely conducting a preliminary investigation regarding the complaint of the petitioner, no further interference by this Court is called for at this stage. However, it is necessary to observe that the ICC would be free to obtain any clarification from the petitioner, if considered expedient.

16. The ICC is requested to complete the proceedings as expeditiously as possible after the petitioner returns from the Bharat Darshan Tour.

17. Needless to state that if the petitioner is aggrieved by the Disciplinary Authority not taking an appropriate action at that stage, the petitioner would be at liberty to apply.

18. It is also necessary to observe that the petitioner also has the right even at this stage to approach the concerned authorities for immediate protection that may be required by her. It is seen that the ICC is also empowered to grant initial relief, if the circumstances so warrant.

19. Respondent no.2 shall also consider whether it is necessary to enquire into the role of respondent no.3.

20. The petition is disposed of with the aforesaid observations. The pending applications are also disposed of.

VIBHU BAKHRU, J JANUARY 23, 2018 RK/pkv



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. 527]

नई दिल्ली, मंगलवार, जुलाई 31, 2018/श्रावण 09, 1940

No. 527]

NEW DELHI, TUESDAY, JULY 31, 2018/SHRAVANA 09, 1940

कारपोरेट कार्य मंत्रालय

अधिसूचना

नई दिल्ली, 31 जुलाई, 2018

सा.का.नि. 725(अ).—सीमाशुल्क सरकार, कंपनी अधिनियम, 2013 (2013 का 18) की धारा 469 के साथ पठित धारा 134 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कंपनी (लेखा) नियम, 2014 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम कंपनी (लेखा) संशोधन नियम, 2018 है।
(2) ये नियम राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे।
2. कंपनी (लेखा) नियम, 2014 के नियम 8 में,
 - (i) उप नियम (5) में, खंड (viii) के बाद निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात्:-

“(ix) प्रकटीकरण, कि क्या कंपनी अधिनियम, 2013 की धारा 148 की उपधारा (1) के अधीन केन्द्रीय सरकार द्वारा विनिर्दिष्ट लागत अभिलेखों का अनुरक्षण कंपनी द्वारा करना अपेक्षित है या नहीं और तदनुसार ऐसे लेखा और अभिलेख तैयार किए जाते हैं और रखे जाते हैं,

(x) एक कथन कि कंपनी ने महिलाओं का कार्यस्थल पर लैंगिक उत्पीड़न (निवारण, प्रतिषेध और प्रतितोष) अधिनियम, 2013 [2013 का 14] के अधीन आंतरिक शिकायत समिति के गठन से संबंधित प्रावधानों का अनुपालन किया है;”;

- (ii) उप नियम (5) के बाद, निम्नलिखित नियम अंतःस्थापित किया जाएगा, अर्थात्:-

“(6) यह नियम एक व्यक्ति कंपनी या छोटी कंपनी के लिए लागू नहीं होगा”।;

(iii) नियम 8 के बाद निम्नलिखित नियम अंतःस्थापित किया जाएगा, अर्थात्:-

“8क. एक व्यक्ति कंपनी और छोटी कंपनी के लिए बोर्ड की रिपोर्ट में शामिल करने वाले विषय- (1) एक व्यक्ति कंपनी और छोटी कंपनी की बोर्ड की रिपोर्ट कंपनी के एकल वित्तीय कथन के आधार पर तैयार की जाएगी जो संक्षिप्त रूप में होगी और उसमें निम्नलिखित शामिल किया जाएगा:-

- (क) वेब पता, यदि कोई हो, जिस पर धारा 92 की उपधारा (3) में निर्दिष्ट वार्षिक रिटर्न रखा गया है;
 - (ख) बोर्ड की बैठकों की संख्या;
 - (ग) धारा 134 की उपधारा (5) में यथानिर्दिष्ट निदेशक का उत्तरदायित्व कथन;
 - (घ) जो केन्द्रीय सरकार को रिपोर्ट किए जाने योग्य है, उससे भिन्न धारा 143 की उपधारा (12) के अधीन लेखापरीक्षकों द्वारा रिपोर्ट किए गए कपट के संबंध में ब्यौरा;
 - (ङ) लेखापरीक्षक द्वारा उसकी रिपोर्ट में की गई प्रत्येक योग्यता, आरक्षण या प्रतिकूल टिप्पण या इंकार पर बोर्ड द्वारा दिया गया स्पष्टीकरण या टीका-टिप्पणी;
 - (च) कंपनी के मामलों की स्थिति;
 - (छ) वित्तीय सारांश या मुख्य विशेषताएं;
 - (ज) वित्तीय वर्ष समाप्त होने की तारीख से कारबार की प्रकृति में महत्वपूर्ण परिवर्तन और कंपनी की वित्तीय स्थिति पर उसका प्रभाव;
 - (झ) निदेशकों का विवरण जिन्हें वर्ष के दौरान नियुक्त किया गया था या त्याग-पत्र दिया है;
 - (ञ) विनियामकों या न्यायालयों या अधिकरणों द्वारा पारित महत्वपूर्ण और सारवान् आदेशों का ब्यौरा, जिनका भविष्य में चल रही प्रास्थिति के संबंध में और कंपनी के प्रचालन पर प्रभाव पड़ रहा है।
- (2) बोर्ड की रिपोर्ट में धारा 188 की उपधारा (1) में निर्दिष्ट संबंधित पक्षकारों के साथ संविदाओं या करारों की विशिष्टियां प्ररूप एजोसी-2 में निहित होंगी।”

[फा.सं.1/19/2013-सीएल-V-भाग]

के. वी. आर. मूर्ति, संयुक्त सचिव

टिप्पणः मूल अधिसूचना भारत के राजपत्र में सा.का.नि. 239(अ) तारीख 31 मार्च, 2014 द्वारा प्रकाशित की गई थी और तत्पश्चात् अधिसूचना संख्यांक सा.का.नि. 723(अ) तारीख 14 अक्टूबर, 2014, सा.का.नि. 37(अ) तारीख 16 जनवरी, 2015, सा.का.नि. 680(अ) तारीख 4 सितंबर, 2015, सा.का.नि. 742(अ) तारीख 27 जुलाई, 2016 और सा.का.नि. 1371(अ) तारीख 7 नवंबर, 2017 द्वारा संशोधित किए गए थे।

MINISTRY OF CORPORATE AFFAIRS

NOTIFICATION

New Delhi, the 31st July, 2018

G.S.R. 725(E).—In exercise of the powers conferred by section 134 read with section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the Companies (Accounts) Rules, 2014, namely:-

1. (1) These rules may be called the Companies (Accounts) Amendment Rules, 2018.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Companies (Accounts) Rules, 2014, in rule 8,

(i) In sub-rule (5), after clause (viii) the following clauses shall be inserted, namely:-

“(ix) a disclosure, as to whether maintenance of cost records as specified by the Central Government under sub-section (1) of section 148 of the Companies Act, 2013, is required by the Company and accordingly such accounts and records are made and maintained,

(x) a statement that the company has complied with provisions relating to the constitution of Internal Complaints Committee under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 [14 of 2013] ,”;

(ii) after sub-rule (5), the following rule shall be inserted, namely:-

“(6) This rule shall not apply to One Person Company or Small Company” ;

(iii) after rule 8, the following rule shall be inserted, namely:-

“8A. Matters to be included in Board’s Report for One Person Company and Small Company.- (1) The Board’s Report of One Person Company and Small Company shall be prepared based on the stand alone financial statement of the company, which shall be in abridged form and contain the following:-

(a) the web address, if any, where annual return referred to in sub-section (3) of section 92 has been placed;

(b) number of meetings of the Board;

(c) Directors’ Responsibility Statement as referred to in sub-section (5) of section 134;

(d) details in respect of frauds reported by auditors under sub-section (12) of section 143 other than those which are reportable to the Central Government;

(e) explanations or comments by the Board on every qualification, reservation or adverse remark or disclaimer made by the auditor in his report;

(f) the state of the company’s affairs;

(g) the financial summary or highlights;

(h) material changes from the date of closure of the financial year in the nature of business and their effect on the financial position of the company;

(i) the details of directors who were appointed or have resigned during the year;

(j) the details or significant and material orders passed by the regulators or courts or tribunals impacting the going concern status and company’s operations in future.

(2) The Report of the Board shall contain the particulars of contracts or arrangements with related parties referred to in sub-section (1) of section 188 in the Form **AOC-2**.”.

[F. No. 1/19/2013-CL-V-Part]

K.V.R. MURTY, Jt. Secy.

Note: The principal notification was published in the Gazette of India *vide* G.S.R. 239(E), dated the 31st March, 2014 and subsequently amended *vide* notification number G.S.R. 723(E) dated the 14th October, 2014, G.S.R 37 (E) dated the 16th January, 2015, G.S.R. 680(E) dated the 04th September, 2015, G.S.R. 742(E) dated the 27th July, 2016 and G.S.R. 1371(E) dated the 07th November, 2017.



GOVERNMENT OF INDIA

MINISTRY OF WOMEN AND CHILD DEVELOPMENT

Revised

**भारतीय मानक ब्यूरो
(स्थापना विभाग)**

मानक भवन,
9, बहादुर शाहज़फ़र मार्ग,
नई दिल्ली - 110 002

हमारा संदर्भ: स्था III/ICC/76:01/2021-22

दिनांक: 30 Aug 2024

OFFICE MEMORANDUM

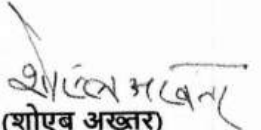
Subject: Reconstitution of "Internal Complaints Committee (ICC)" in work place at BIS-HQs.

In supersession of this department's Office Memorandum Ref. No. Estt-III/ICC/76:01/2020 dated 19.01.2024, it is informed that the Competent Authority has appointed Smt. Rachna Sehgal, Sc-G & Head (Publication) as Presiding Officer of Internal Complaints Committee (ICC) at BIS-HQs in place of Smt. Reena Garg, Sc-G & Head (LITD) and Smt. Smitha G. Nair, Director (Marketing & Consumer Affairs), HQs-PR Deptt., as one of the member of Internal Complaints Committee (ICC) at BIS-HQs in place of Smt. Neha Singhal, DD(A&F), HQs-GSD, with immediate effect. The other members of the Internal Complaints Committee (ICC) at BIS-HQs, remain the same.

2. Accordingly, the Composition of Internal Complaints Committee (ICC) under Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 at BIS-HQs. New Delhi shall be Reconstituted, as under:

- | | | | |
|------|--|---|-------------------|
| i) | Smt. Rachna Sehgal, Sc-G & Head (Publication), | : | Presiding Officer |
| ii) | Smt. Smitha G. Nair, Director (M&CA) | : | Member |
| iii) | Shri Bindu Kumar, AD (A&F), HQs-GSD | : | Member |
| iv) | Shri Shashi B. Thakur, Section Officer, HQs-Estt. | : | Member |
| v) | All India Democratic Women's Association
(AIDWA) Representative | : | NGO Member |

3. The Committee shall have tenure up to 09 Jan 2025.


(शोएब अख्तर)
निदेशक (स्थापना)

परिचालित: बी.आई.एस. के माध्यम से मुख्यालय के सभी विभागों, केन्द्रीय प्रयोगशाला/शाखा प्रयोगशालाएँ/प्रशिक्षण संस्थान/क्षेत्रिय कार्यालय/शाखा कार्यालय में परिचालित ।

Circulated to: All Department at BIS-HQs/Central Laboratory/Regional Laboratories/ NITS/Regional Offices/Branch Offices of BIS through BIS Intranet.

Annexure

The details of the Members of Internal Complaint Committee (ICC) of BIS HQs are given below:

- 1) Smt. Rachna Sehgal, Sc.-G & Head (Publication), Presiding Officer, ICC-BIS HQs,
Email Id: rachna@bis.gov.in, **Mobile No.:** 09899868646
- 2) Smt. Smitha G. Nair, Director (M&CA), Member
Email Id: smitanair24@gmail.com, **Mobile No.:** 09869740225
- 3) Shri Bindu Kumar, Assistant Director (A&F), Member
Email Id: bindu.kumar@bis.gov.in, **Mobile No.:** 08527758885
- 4) Shri Shashi B. Thakur, Section Officer (Estt), Member
Email Id : shashi.thakur@bis.gov.in, **Mobile No.:** 09899202696
- 5) Smt. Maimoona Mollah, All India Democratic Women's Association (AIDWA), NGO
Member
Email Id: aidwacec@gmail.com, **Mobile No:** 09811478191

भारतीय मानक ब्यूरो
(स्थापना विभाग)

मानक भवन,
9, बहादुर शाह जफर मार्ग,
नई दिल्ली - 110 002

Our Ref: Estt-III/76:01/2021-22

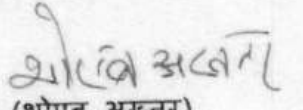

Dated: 18 Sep 2024

परिपत्र / CIRCULAR

Subject: Appointment of Nodal Officer for SHe -Box Portal in BIS

The Competent Authority has appointed the Presiding Officer of Internal Complaints Committee (ICC), BIS-HQs, Smt. Rachna Sehgal, Sc. G & Head (Publication) as the Nodal Officer for the SHe-Box Portal, a centralized platform for registering and monitoring complaints of Sexual Harassment of Women at Workplace.

2. ITS Department is requested to create SHe -Box portal in BIS website and upload details of the Nodal Officer on the SHe-Box Portal.
3. This has the approval of the Competent Authority.


(शोएब अख्तर)
निदेशक (स्थापना)


परिचालित: बी.आई.एस. के माध्यम से मुख्यालय के सभी विभागों, केन्द्रीय प्रयोगशाला/शाखा प्रयोगशालाएँ/प्रशिक्षण संस्थान/क्षेत्रिय कार्यालय/शाखा कार्यालय में परिचालित ।

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