



सां/No.: 5-1(17)/2008-PD

दिनांक/Dated: 27.12.2016

प्रेषक / From:

संयुक्त सचिव (प्रशासन)
Joint Secretary (Admn.)

सेवा में / To :

The Directors / Heads of all
National Labs./Instts. of CSIR
Hqrs./Complex/Centres/Units


महोदय/Sir / महोदया/Madam,

मुझे भारत सरकार द्वारा जारी किये गए निम्नलिखित कार्यालय ज्ञापन को जानकारी, मार्गदर्शन और अनुपालन के लिए अग्रेषित करने का निदेश हुआ है।

I am directed to forward herewith following Office Memoranda for information, guidance and compliance.

क्र.स. S.No.	कार्यालय ज्ञापन Office Memorandum	विषय / Subject
1	Ministry of Personnel, Public Grievances, and Pensions, DoPT OM No.11013/2/2014-Estt.A-III dated 09.09.2016	Prevention of Sexual Harassment of working women at workplace - Seniority of the Chairperson of the Complaint Committee - regarding.
2	Ministry of Personnel, Public Grievances, and Pensions, DoPT OM No. 11013/4/2016-Estt (A-III) dated 20 th July, 2016.	Clarification of the Definition of Members of Family in the context of Rule 4 regarding.

भवदीय/Yours faithfully


27-12-16

(संतोष कुमार / Santosh Kumar)
अनु.अधि.(नीति प्रभाग)/Section Officer (PD)

संलग्न/Encl. : यथोपरि/As above

प्रतिलिपि/Copy to:

- 1) Head, IT Division with the request to make these Office Memoranda available on the website & Policy Repository.
- 2) कार्यालय प्रति/Office copy

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 officer from another office 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 be 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

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 (Conduct) Rules & "what is new")
14. Hindi Section, DoP&T


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

F.No.11013/4/2016-Estt (A-III)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

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North Block, New Delhi-110 001

Dated : 20th July, 2016

OFFICE MEMORANDUM

**Subject : Clarification of the Definition of "Members of Family"
in the context of Rule 4 regarding.**

The undersigned is directed to say that as per rule 4 (1) of CCS (Conduct) Rules, 1964, no Government servant shall use his position or influence directly or indirectly to secure employment for any member of his family in any company or firm. Further, rule 4(3) reads as follows:

"No Government servant shall in the discharge of his official duties deal with any matter or give or sanction any contract to any company or firm or any other person if any member of his family is employed in that company or firm or under that person or if he or any member of his family is interested in such matter or contract in any other manner and the Government servant shall refer every such matter or contract to his official superior and the matter or contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made."

2. As per rule 2 of the CCS (Conduct) Rules, 1964, the definition of "Members of Family" may differ from that given in the rule 2, sub clause (c) in the context of a rule. For removal of doubts it is clarified that in the context of rule 4(1) and 4(3) "Members of family" in relation to a Government servant include the wife or husband, son or daughter, parents, brothers or sisters or any person related to any of them by blood or marriage, whether they are dependent on the Government servant or not.

3. All Ministries/ Departments/Offices are requested to bring the above guidelines to the notice of all Disciplinary Authorities under their control.

4. Hindi Version follows.


(Mukesh Chaturvedi)
Director (E)
Tel No.23093176

To

All Ministries/ Departments of the Government of India.

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. The Secretary, Central Vigilance Commission, New Delhi.
10. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
11. Secretary, National Council (JCM), 13, Feroze Shah Road, New Delhi.
12. Chief Vigilance Officers of all Ministries/Departments.
13. ADG (M&C); Press Information Bureau, DoP&T
- ✓ 14. 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(Conduct) Rules
15. Hindi Section


(Mukesh Chaturvedi)
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