

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No.E(D&A) 2009/GS 1-9

New Delhi, dated: 20.1.2010

The General Manager (P),
All Indian Railways and
Production Units etc.,
(As Per Standard List).

Sub: Guidelines regarding prevention of sexual harassment of
working women in the workplace.

A copy of DOP&T's Office Memorandum No.11013/3/2009-Estt.A dated 21.7.2009 on the above subject is sent herewith. Contents of this O.M. may please be brought to the notice of all concerned for their information and strict compliance. The word 'no' appearing in line 4 of item (v) of the O.M. dated 21.7.2009 may, however, be treated as deleted. The number of the last para of the O.M. may also be read as (2) in place of (3). The provisions of DOP&T's O.M. of 13.2.1998 and the Cabinet Secretariat's Order No.1 dated 26.9.2008, referred to in introductory para and item (vi) of the aforesaid O.M. dated 21.7.2009, have been circulated on the Railways under Board's letter No.E(D&A) 97 GS 1-4 dated 1.7.1998 and No.E(D&A) 2008 GS 1-6 dated 19.11.2008. An amendment corresponding to Rule 14(2) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965; mentioned in Item (v) of the O.M. dated 21.7.2009 has been carried out in the Rule 9(2) of the Railway Servants (Discipline And Appeal) Rules, 1968 also.

2. A copy of the DOP&T's Office Memorandum of same number dated 3.8.2009 in the matter is also sent herewith for information and strict compliance by all concerned. In this connection, attention is also invited to D.O. letter No.E(D&A) 2008 GS 1-6 dated 24.9.2009 of the Board (Member Staff).

3. Please acknowledge receipt.



(Harish Chander)

Dy. Director Establishment(D&A)
Railway Board

DA: As above

Contd..2/-

No.E(D&A) 2009/GS 1-9

New Delhi, dated: 20.1.2010

Copy to:

1. The General Secretary, AIRF, 4 State Entry Road, New Delhi (with 35 spares).
2. The General Secretary, NFIR, 3 Chelmsford Road, New Delhi (with 35 spares).
3. All Members, Departmental Council & National Council and Secretary, Staff Side, National Council, 13-C Ferozshah Road, New Delhi (with 60 spares).
4. The Secretary General, FROA, Room No. 256-A, Rail Bhavan, New Delhi (with 6 spares).
5. The Secretary General, IRPOF, Room No. 268, Rail Bhavan, New Delhi (with 6 spares).
6. The Secretary, RBSSS 'Group A Officers' Association', Room No. 462, Rail Bhavan, New Delhi.
7. The Secretary General, AIRPFA, Room No. 256-D, Rail Bhavan, New Delhi.
8. The Secretary, RBSS 'Group B Officers' Association.
9. The Secretary, Railway Board Ministerial Staff Association.
10. The Secretary, Railway Board Group D Employees Association.
11. M/s Bahri Brothers, 742, Lajpat Rai Market, Delhi-110 006, P.O. Box No. 2032.
12. Adviser (Safety), Railway Board, New Delhi.
13. Chief Commissioner of Railway Safety, Lucknow.
14. The General Secretary, All India SC/ST Railway Employees Association, Room No.8, Ground floor, Rail Bhavan, New Delhi-110001.
15. The General Secretary, Retired Railway Employees' Welfare Association (Regd.), 490A/16, Gurudwara Road, Gurgaon.


for Secretary, Railway Board

Copy to:

PS/MR, PS/MSR(A) , PS/MSR(M)
PSO/PPSs to CRB, FC, MS, MT, ME, MM, ML,DG/RPF, DG/RHS, Secretary,
All Officers and Branches in Board's Office.

Copy also to:

CONCOR, CRIS, IRCON, IRCTC, IRFC, KRCL, MRVC, RVNL, RCIL, RITES,
DF CCL, PIPAVAU, KUTCH, RLDA

भारत सरकार
रेल मंत्रालय (रेलवे बोर्ड)

सं. ई (डी एंड ए) 2009/जीएस 1-9

नई दिल्ली, दिनांक: 20.01.2010

महाप्रबंधक (कार्मिक)
सभी भारतीय रेलें एवं उत्पादन इकाइयां, इत्यादि
(मानक सूची के अनुसार)


विषय: कार्य स्थल पर महिलाओं के यौन उत्पीड़न को रोकने से संबंधित मार्गनिर्देश।

उपर्युक्त विषय पर कार्मिक एवं प्रशिक्षण विभाग के दिनांक 21.07.2009 के कार्यालय ज्ञापन सं. 11013/3/2009-इस्टे.ए की प्रति भेजी जा रही है। इस कार्यालय ज्ञापन में दी गई विषयवस्तु सूचना एवं कड़ाई से अनुपालन के लिए सभी संबंधितों के ध्यान में लाई जाए। बहरहाल, दिनांक 21.07.2009 के कार्यालय ज्ञापन की मद (v) की चौथी लाइन में दिया गया शब्द 'नहीं' हटा दिया गया माना जाए। कार्यालय ज्ञापन के अंतिम पैरा की संख्या भी (3) के बजाय (2) पढ़ी जाए। दिनांक 21.07.2009 के उक्त कार्यालय ज्ञापन के प्रारंभिक पैरा तथा मद (vi) में उल्लिखित कार्मिक एवं प्रशिक्षण विभाग के दिनांक 13.02.1998 के कार्यालय ज्ञापन के प्रावधान तथा मंत्रिमंडल सचिवालय का दिनांक 26.09.2008 का आदेश सं. 1, बोर्ड के दिनांक 01.07.1998 के पत्र सं. ई(डी एंड ए)97 जीएस 1-4 तथा दिनांक 19.11.2008 के पत्र सं. ई(डी एंड ए) 2008 जीएस 1-6 के तहत रेलों पर परिपत्रित कर दिए गए हैं। दिनांक 21.07.2009 के कार्यालय ज्ञापन की मद (v) में उल्लिखित केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण तथा अपील) नियम, 1965 के नियम 14(2) का तदनुरूपी संशोधन रेल सेवक (अनुशासन एवं अपील) नियम, 1968 के नियम 9(2) में भी कर दिया गया है।

2. इस विषय में, कार्मिक एवं प्रशिक्षण विभाग के दिनांक 03.08.2009 के इसी संख्या के कार्यालय ज्ञापन की प्रति भी सूचना एवं कड़ाई से अनुपालन के लिए सभी संबंधितों को भेजी जा रही है। इस संबंध में, बोर्ड (सदस्य कार्मिक) के दिनांक 24.09.2009 के पत्र सं. ई(डी एंड ए) 2008 जीएस 1-6 की ओर भी ध्यान आकर्षित किया जाता है।

3. कृपया पावती दें।

संलग्नक: यथोक्त।


(हरीश चन्द्र)
उप निदेशक, स्था (अनु. एवं अपील)
रेलवे बोर्ड

सं. ई (डी एंड ए) 2009/जीएस 1-9

नई दिल्ली, दिनांक: 20.01.2010

प्रतिलिपि प्रेषित:

1. महासचिव, एआईआरएफ, 4 स्टेट एंट्री रोड, नई दिल्ली (35 अतिरिक्त प्रतियों सहित)।
2. महासचिव, एनएफआईआर, 3 चेम्सफोर्ड रोड, नई दिल्ली (35 अतिरिक्त प्रतियों सहित)।
3. विभागीय परिषद एवं राष्ट्रीय परिषद के सभी सदस्य, सचिव कर्मचारी पक्ष, राष्ट्रीय परिषद, 13-सी, फिरोजशाह रोड, नई दिल्ली (60 अतिरिक्त प्रतियाँ)।
4. महासचिव, फ़ोआ, कमरा नं. 256-ए, रेल भवन, नई दिल्ली (6 अतिरिक्त प्रतियों सहित)।
5. महासचिव, इरपोफ, कमरा नं. 268, रेल भवन, नई दिल्ली (6 अतिरिक्त प्रतियों सहित)।
6. सचिव, आरबीएसएसएस, 'ग्रुप ए ऑफिसर्स एसोसिएशन', कमरा नं. 462, रेल भवन, नई दिल्ली।
7. महासचिव, एआईआरपीएफए, कमरा सं. 256-डी, रेल भवन, नई दिल्ली।
8. सचिव, आरबीएसएस, 'ग्रुप बी ऑफिसर्स' एसोसिएशन।
9. सचिव, रेलवे बोर्ड मिनिस्ट्रीयल स्टॉफ एसोसिएशन।
10. सचिव, रेलवे बोर्ड ग्रुप-डी इंफ्लाइज़ एसोसिएशन।
11. मैसर्स बाहरी ब्रदर्स, 742, लाजपत राय मार्केट, दिल्ली 110 006, पोस्ट बॉक्स नं. 2032.
12. सलाहकार संरक्षा, रेलवे बोर्ड, नई दिल्ली।
13. मुख्य रेल संरक्षा आयुक्त, लखनऊ।
14. महासचिव, ऑल इंडिया एससी/एसटी रेलवे इंफ्लाइज़ एसोसिएशन, कमरा नं. 8, भू-तल, रेल भवन, नई दिल्ली-110 001.
15. महासचिव, रिटायर्ड रेलवे इंफ्लाइज़ वेलफेयर एसोसिएशन (रजि.) 490ए/16, गुरुद्वारा रोड, गुडगांव।


कृते सचिव, रेलवे बोर्ड

SA 2

No.11013/3/2009-Estt. (A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block,
New Delhi,

Dated the 21st July, 2009

OFFICE MEMORANDUM

Subject : . CCS (Conduct) Rules, 1964 – Guidelines regarding prevention of sexual harassment of working women in the workplace.

The undersigned is directed to refer to Department of Personnel and Training's O.M. No. 11013/10/97-Estt. (A) dated 13.02.1998 and 13.07.1999, O.M. No. 11013/11/2001-Estt. (A) dated 12.12.2002 and 04.08.2005 and O.M. No. 11013/3/2009-Estt. (A) dated 02.02.2009 on the abovementioned subject and to say that it is necessary to have in place at all times an effective Complaint Mechanism for dealing with cases of sexual harassment of working women and to create awareness in this regard, particularly amongst working women. The salient features of the Complaint Mechanism and inquiry procedure are as follows :-

(i) Rule 3 C of the CCS (Conduct) Rules, 1964 provides that no Government servant shall indulge in any act of sexual harassment of any women at her work place. 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. "Sexual harassment" includes such unwelcome sexually determined behaviour, whether directly or otherwise, as –

(a) physical contact and advances;

(b) demand or request for sexual favours;

(c) sexually coloured remarks;

(d) showing any pornography; or /-

(e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

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

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

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

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

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

(iv) The Committee constituted for redressal of the complaints by the victims of sexual harassment should be headed by an officer sufficiently higher in rank so as to lend credibility to the investigations.

(v) The Complaints Committee established in each Ministry or Department or Office for inquiring into complaints of sexual harassment shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority and that the Complaints Committee shall hold, if no separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into such complaints, the inquiry, as far as practicable in accordance with the procedure laid down in the said rules. [In 2004 a proviso was added to rule 14(2) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (copy enclosed) to this effect].

(vi) The Complaints Committee in terms of Cabinet Secretariat's Order No. 1 dated 26.09.2008 will inquire into complaints made against officers of the level of Secretary and Additional Secretary and equivalent level in the Government of India in the Ministries/Departments and Organisations directly under the control of the Central Government (other than the Central PSUs). The existing Complaints Committee established in each Ministry or Department or Office will, inquire into complaints of sexual harassment against only those Government servants who are not covered by the Cabinet Secretariat's Order No. 1 dated 26.09.2008

(vii) It may be ensured that the Complaints Committee shall at all times be in existence and changes in its composition, whenever necessary, should be made promptly and adequately publicized. The composition of the Complaints Committee be also posted on the websites of the concerned Ministries/Departments/Offices concerned.

Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

3. All Ministries/Departments are requested to bring the foregoing to the notice of all concerned.

Dated the 2nd August, 2009

(C.B. PALIWAL)

Joint Secretary to the Government of India

Encl. : as above

All Ministries/Departments of the Government of India.

Copy forwarded to

1. Comptroller and Auditor General of India, New Delhi
2. Lok Sabha Secretariat/Rajya Sabha Secretariat/Ministry of Parliamentary Affairs.
3. Union Public Service Commission, New Delhi.
4. President's Secretariat/Vice-President's Secretariat/ Prime Minister's Office.
5. Election Commission of India, New Delhi.
6. Central Vigilance Commission, New Delhi.
7. Staff Selection Commission, New Delhi.
8. Central Bureau of Investigation, New Delhi.
9. All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions.
10. All Officers and Sections in the Ministry of Personnel, PG and Pensions.
11. NIC (DOPT) with the request to place this O.M. in the Department's website (www.persmin.nic.in).

(200 spare copies).

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(P. PRABHAKARAN)
Deputy Secretary to the Government of India

All Ministries/Departments of the Government of India.

**PROVISIONS OF RULE 14(2) OF THE CENTRAL CIVIL SERVICES (CLASSIFICATION,
CONTROL & APPEAL) RULES, 1965**

14(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

No.11013/3/2009-Estt. (A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block,
New Delhi,
Dated the 3rd August, 2009


OFFICE MEMORANDUM

Subject : CCS (Conduct) Rules, 1964 – Guidelines regarding prevention of sexual harassment of working women in the workplace.

In continuation of Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Government of India O.M. of even number dated the 21st July, 2009 on the abovementioned subject, the undersigned is directed to say the matter was considered by a Committee of Secretaries and the following decision was taken:-

"As regards provisions for protection of women, it was suggested that the complaints committee mechanism provided under Vishakha guidelines relating to sexual harassment should be strictly in accordance with the judgment and steps should be taken to ensure that the committee is effective and functional at all times. It would also be desirable for the Committees to meet once a quarter, even if there is no live case, and review preparedness to fulfill all requirements of the Vishakha judgment in the Department/Ministry/organization concerned. DOPT will issue suitable directions.

2. All Ministries/Departments are requested to ensure compliance.


(P. PRABHAKARAN)
Deputy Secretary to the Government of India

All Ministries/Departments of the Government of India.