

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 2<sup>nd</sup> February, 2009

**OFFICE MEMORANDUM**

**Subject :** Central Civil Services (Conduct) Rules, 1964 – constitution of a Complaints Committee to enquire into complaints of sexual harassment made against officers of the level of Secretary and Additional Secretary to the Government of India.

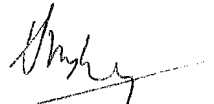
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The undersigned is directed to refer to the Department of Personnel and Training's O.M. No. 11013/10/97-Estt. (A) dated 13.02.1998 on the guidelines and norms to be observed to prevent sexual harassment of women issued under rule 3 of the Central Civil Services (Conduct) Rules, 1964 in pursuance of the judgment of the Hon'ble Supreme Court in Vishakha & Others vs. State of Rajasthan & Others (JT 1997 (7) SC 384) and to say that para 6 of the Supreme Court's guidelines provides for creation of an appropriate complaint mechanism so as to ensure time-bound treatment of complaints of sexual harassment. Para 7 thereof stipulates that the Complaints Committee should be headed by a woman and not less than half of its members should be women and that further to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either an NGO or other body who is familiar with the issue of sexual harassment. The various Ministries/Departments were also advised vide DOPT's O.M. No. 11013/10/97-Estt. (A) dated 13.07.1999 to ensure that 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. Subsequently, in 2004 a proviso was added to rule 14(2) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 to the effect that 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 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.

2. For inquiring 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), it has been decided with the approval of the Prime Minister to constitute a Complaints Committee in terms of Cabinet Secretariat's Order No. 1 dated 26.09.2008 (**copy** enclosed). Existing Complaints Committee established in each Ministry or Department or Office will, therefore, inquire into fresh 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.

3. All Ministries/Departments are requested to bring the foregoing to the notice of all concerned for information and necessary action.



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

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 and Ministry of Home Affairs.
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](http://www.persmin.nic.in)).

(200 spare copies).

New Delhi, Dated : 26<sup>th</sup> September 2008

ORDER NO.1

**Subject: Constitution of a Complaints Committee to enquire into complaints of sexual harassment made against officers of the level of Secretary and Additional Secretary to the Government of India.**

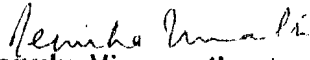
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With the approval of the Prime Minister, it has been decided to constitute a Complaints Committee to enquire into complaints of sexual harassment made against officers of the level of Secretary and Additional Secretary and equivalent level in Ministries, Departments and organizations directly under the control of the Central Government other than Central PSUs.

2. The Committee will proceed in accordance with guidelines laid down by the Supreme Court in the case of Visakha and Others vs. State of Rajasthan. The composition of the Committee will be as follows:

- i. Ms. Rathi Vinay Jha, (IAS retired),  
Secretary-General,  
World Travel and Tourism Council,  
New Delhi - Chairperson
- ii. Ms. Indu Agnihotri,  
Senior Fellow,  
Centre for Women's Development Studies,  
New Delhi - Member
- iii. A senior officer with experience of the sector or  
department to which the complaint relates (to be  
nominated for each case separately depending  
upon the Department/Ministry to which the  
complaint relates) - Member

3. The Committee will have a tenure of three years from the date of issue of this order and will be serviced by the Cabinet Secretariat.

  
(Renuka Viswanathan)  
Secretary (Coordination)

To,

- (i) Ms. Rathi Vinay Jha, (IAS retired),  
Secretary-General, World Travel and Tourism Council,  
A-228, Sushant Lok Phase-I,  
Gurgaon.
- (ii) Ms. Indu Agnihotri,  
Senior Fellow, Centre for Women's Development Studies,  
25, Bhai Vir Singh Marg,  
Gole Market, New Delhi-110001.