

F. No C 30013/51/2016-Ad.IVA
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs

5th Floor, HUDCO Vishala Bldg,
Bhikaji Cama Place, New Delhi,
Dated, the 14th October, 2016

To

All the Chief Commissioners/Directors General under CBEC

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

Sir/Madam,

I am directed to enclose herewith a copy of an O.M. F.No. 11013/2/2014-Estt.A-III dated 09.09.2016 received from Department of Personnel & Training on the subject mentioned above for information and necessary action.

Encl: As above

Yours faithfully,



(B. Ginkhan Mang)

Under Secretary to the Govt of India
Tel. No. 011- 26162673

Copy to: Webmaster, O/o Directorate General of System, New Delhi with the request to upload the letter on the website of CBEC.

US - Coord.

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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.

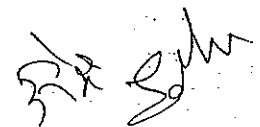
2. The issue of legality of a committee conducting inquiry against an officer against whom there are allegations of sexual harassment but where the Chairperson happens to be junior in rank to the suspect officer has been examined. It is clarified that there is no bar either in the CCS (CCA) Rules or 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

To

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

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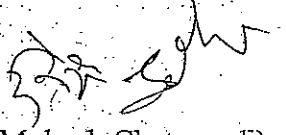
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19/9/16
M. Mehra

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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