

**MINISTRY OF DEFENCE**

Office of the JS (E/CAO)

Subject: **PREVENTION OF SEXUAL HARASSMENT OF  
WORKING WOMEN AT WORKPLACE – SENIORITY OF  
THE CHAIRPERSON OF THE COMPLAINT  
COMMITTEE - REGARDING**

A copy of Ministry of Personnel, Public Grievances and Pensions (DOP&T) OM No. 11013/2/2014-Estt (A.III) dated 09 Sep 2016 on the subject is forwarded herewith for information and necessary action.

  
(RK Bhonsale)  
DD CAO(Welfare)

Encl: As stated

All Coord Sections of IHQ of MoD(Army)/ISOs

IHQ of MoD(Navy)/DOA(Civ)

Air HQ/PC Coord

All Dy CAOs, Dir DHTI

All Sections of CAO's Office

All JCM Members

CAO/EDP

- For uploading on official website

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MoD, O/o JS (E/CAO), ID No.A/22234/CAO/JCM dated 24 Nov 2016

Copy to:-

Sr PPS to JS (E/CAO)

PS to Dir (E&A)

All recognized Associations of AFHQ/ISOs

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

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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 16<sup>th</sup> 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.

मु.प्र.अ. (व्यवस्थापन)	CAO (Wellfare)
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 (Mukesh Chaturvedi)  
 Director (E)  
 Tel: 2309 3176

To

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

20/09/16  
SAO/DO  
20/09/16