

No.6/220/04-PER/ 398
Administration of Daman & Diu,
Department of Personnel &
Administrative Reforms,
Secretariat,
Daman – 396 220.

Dated:- 29/06/2015.

Read:- Order No.6/220/04-PER/705 dated 30/06/2014.

**Sub:-Constitution of the "Complaint Committee for redressal of
Complaint of Sexual Harassment of Woman employees at work
Place".**

O R D E R

1. In supersession to the earlier order referred to at preamble above, the Administrator, Daman & Diu is pleased to re-constitute the "Complaints Committee" for redressal of the complaints of sexual harassment of women employees at work place. The composition of the Complaints Committee will be as under :-

Sl. No.	Name of Officer	Designation	Chairperson/ Member
1.	Smt Mitaji Namchoom, IAS	Collector, Daman	Chairperson
2.	Smt. Seema Bawa, DANICS	Asstt. Registrar of Coop. Societies, Daman.	Member
3.	Dr. Sangeeta Joshi	Dy. Director, Medical & Health Services, Daman	Member
4.	Smt. Abhilasha Agarwal	Supdt. of Fisheries, Daman	Member
5.	Dr. Priti C. Halpati	Medical Officer, Government Hospital, Marwad, Daman	Member
6.	Ms.Suneeta Srikumar	Asstt. Director(IT), Dept. of Information & Technology, Daman	Member

2. The Committee shall ensure time bound disposal of complaints and should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment, while inquiring any complaint of sexual harassment..

3. The Committee shall make an annual report to the Administrator relating the Complaints received in the matter and action taken thereby.

4. Any woman employee may file a complaint with regard to the "Sexual Harassment" at the place of her posting with any of the member of the Committee, and the Committee shall take immediate action with regard to verification of such complaint and report their findings and recommendations to the Administrator within 30 days of receipt of the Complaint.

5. All Government Employees shall provide necessary assistance to the Committee in discharge of its functions. Failure to do so shall make them liable for disciplinary action.



6. The Sexual harassment as defined under rule 3-C of CCS (Conduct) Rules, 1964 has been amended by Government of India vide Notification dated 19/11/2014. The Amended Rule is as follows:

"Rule – 3 (C) – Prohibition of sexual harassment of working women

(1) No Government Servant shall indulge in any act of sexual harassment of any women at her work place.

(2) 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.

Explanation – 1 For the purpose of this rule,

(a) "Sexual Harassment" includes any one or more of the following acts or behaviour, (whether directly or by implication) namely:-

- i) Physical contact and advances; or
- ii) Demand or request for sexual favours; or
- iii) Sexually coloured remarks; or
- iv) Showing any pornography; or
- v) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

(b) The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:-

- (i) implied or explicit promise of preferential treatment in employment; or
- (ii) Implied or explicit threat of detrimental treatment in employment; or
- (iii) Implied or explicit threat about her present or future employment status; or
- (iv) Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) Humiliating treatment likely to affect her health or safety

(c) "workplace" includes –

- (i) any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the Central Government;
- (ii) hospitals or nursing homes;
- (iii) any sports institute, stadium, sport complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
- (iv) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;
- (v) a dwelling place or a house.



7. The Chairman and Members of the Committee are advised that the following procedure may be adopted while dealing with complaints of sexual harassment:-

- (i) Sexual harassment will include any one or more of the Acts or behaviour defined in Rule 3-C of the CCS (Conduct) Rules 1964 read with Sec 3(2) of SHWW (PPR) Act.
- (ii) The Committee constituted in each Ministry/Department/office under the CCS (Conduct) Rules, 1964 shall inquire into complaints of sexual harassment in accordance with the provisions of Section 4 of the SHWW (PPR) Act.
- (iii) The Committee will as far as practicable follow the procedures prescribed in CCS (CCA) Rules 1965 for conduct of the inquiry.
- (iv) If any complaint is received directly by the committee, the same shall be referred to the appropriate disciplinary authority and the Committee shall inquire into the complaint on the complaint being referred to it by the disciplinary authority.

8. In addition, the Committee will have the powers to recommend to the employer :-

- a) to transfer the aggrieved woman or the charged officer to any other workplace; or
- b) to grant leave to the aggrieved woman up to a period of three months.
(The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled to.)
- c) to grant such other relief to the aggrieved woman as may be prescribed; or
- d) to deduct from the salary or wages of the charged officer such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs. Any amount outstanding at the time of cessation of the services of the charged officer due to retirement, death or otherwise may be recovered from the terminal benefits payable to the officer or his heirs. Such compensation will not amount to penalty under Rule 11 of CCS (CCA) Rules in terms of the Explanation (ix) to Rule 11 inserted vide Notification of even Number dated 19/11/2014.

9. It may also be noted that the Committee may recommend action to be taken against the person who has made a complaint, if the Committee arrives at the conclusion that the allegation is malicious or the aggrieved woman or the person making the complaint has made the complaint knowing it to be false or has produced any forged or misleading document. The Committee may also recommend action against any witness if it comes to the conclusion that such witness has given false evidence or produced any forged or misleading document.



10. Attention is also invited to the following provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act:

- Sec 16 & 17 : Prohibition of publication or making known content of complaint, inquiry proceedings and recommendations of the Committee.
- Sec 19 : Duties of employer. Thus may be read with provisions of Rule 3 (C) (2) of CCS (Conduct) Rules.
- Sec 21, 22 of SHWW (PPR) Act and Rule 14 of the SHWW (PPR) Rules Annual Reports.

By order and in the name of the
Administrator of Daman & Diu.

(P. S. Jani)

Addl. Secretary (Per)

To,

1) All the Members of the Committee.

- (i) Smt. Mitali Namchoom, IAS, Collector/Director (Social Welfare), Daman
- (ii) Smt. Seema Bawa, DANICS, Asstt. Registrar of Coop. Societies, Daman.
- (iii) Dr. Sangeeta Joshi, Dy. Director, Medical and Health Service, Daman
- (iv) Smt. Abhilasha Agrawal, Supdt. of Fisheries, Daman
- (v) Dr. Priti C. Halpati, Medical Officer, Government Hospital, Marwad, Daman
- (vi) Ms. Suneeta Srikumar, Asstt. Director (IT), Dept. of Information & Technology, Daman

2) All Heads of Offices, Daman & Diu with the direction to bring this order to the notice of all Woman employees working in their department and confirm within 30 days to the Personnel Department, and place it on the Notice Board of the Office for wide publicity.

Copy to:-

1. The Staff Officer to Administrator, Secretariat, Daman.
2. The Development Commissioner, Secretariat, Daman.
3. The Finance Secretary, Secretariat, Daman.
4. The Secretary(Education), Daman
5. The Secretary(Tourism), Daman
6. The Collector, Daman/Diu/DNH.
6. The SIO, NIC, Daman for uploading in the Website.
7. The Asstt. Director (OL), Daman for translation into Hindi.
8. The Deputy Director, Planning & Statistics, Daman with a request to publish the same in the official Gazette.
9. Office copy/Guard file.