

GOVERNMENT OF TAMIL NADU

**Personnel and Administrative
Reforms (A) Department,
Secretariat, Chennai-600 009.**

Letter No.41367/A/2000-6, Dated :29.12.2000.

From

THIRU.A.P. MUTHUSWAMI, I.A.S.,

Chief Secretary to Government.

To

All Secretaries to Government, Chennai-9.

All Departments of Secretariat, Chennai-9.

All Heads of Departments including all Collectors,

District Judges & District Magistrates (Judicial),

The Secretary, Tamil Nadu Public Service Commission,

Chennai-2.

The Registrar, High Court, Chennai-104.

The Registrar, Tamil Nadu Administrative Tribunal,

Chennai-600 104.

Sir,

Sub : Tamil Nadu Government Servants Conduct Rules, 1973- Supreme Court Judgement in the case of Vishaka Vs. State of Rajasthan regarding sexual harassment of working women.

Ref : 1.Personnel and Administrative Reforms Department, Letter No.20054/A/98-1, dated 22.4.1998.

2.Additional Advocate General, Tamil Nadu, Letter D.O.ROC.No.133 of 2000, dated 26.7.2000.

3.Additional Advocate General, Tamil Nadu, Opinion No.17/2000, dated 26.8.2000.

In the reference first cited, the guidelines and norms to be observed to prevent sexual harassment of working women laid down by the Hon'ble Supreme Court of India in the case of Vishaka and others Vs. State of Rajasthan and others (JT 1997 (7) SC 384) (AIR 1997 SC 3011) were communicated to bring those instructions to the notice of all concerned for strict compliance. However, it is noticed that in respect of the guidelines relating to the Complaint Mechanism and Complaints Committee, departments have not constituted a Complaints Committee to execute the orders of the Supreme Court of India.

2. I am, therefore, directed to request you to constitute the Complaints Committee as per the guidelines furnished along with the Government Letter first cited before 31.1.2001 and to send the report on the action taken thereon to the Government in the administrative department concerned. The procedure for conducting enquiry by the Complaints Committee and the guidelines for employers are enclosed herewith as Annexures I and II.

Yours faithfully,

V. ULAGASUNDARAM,

for CHIEF SECRETARY TO GOVERNMENT.

ANNEXURE -1

PROCEDURE FOR CONDUCTING ENQUIRY BY THE COMPLAINTS COMMITTEE

1(i) Any person aggrieved by sexual harassment shall prefer a complaint before the Complaints Committee at the earliest point of time and in any case within 30 days from the date of occurrence of the alleged sexual harassment.

Provided that the Complaints Committee may entertain such complaint even beyond 30 days, if the complainant satisfies that the delay was caused due to reasons beyond her control.

(ii) The complaint shall contain all the material and relevant details concerning the alleged sexual harassment including the name of the contravenor and the complaint shall be addressed to the Complaints Committee.

2. The Complaints Committee on receipt of the complaint shall follow the principles of natural justice by giving opportunity to the complainant and the person complained against. Then the Complaints Committee shall take immediate necessary action to cause an enquiry to be made discreetly or hold enquiry, if necessary.

3. The Complaints Committee is only a fact finding Committee and it shall find out whether there is a prima-facie case. The Complaints Committee shall finish its findings of the Complaint within 60 days from the date of receipt of the complaint.

4. The Complaints Committee, after examination and after giving an opportunity to the person complained against, shall submit its report to the Head of the Organisation / Department concerned. In turn, the Head of the Organisation / Department shall forward the report to the concerned disciplinary authority for further action. If the complaint is made against Non-I.A.S. Head of the Department, the Complaints Committee shall submit its report direct to the Government which is the disciplinary authority.

5. On receipt of the report from the Complaints Committee, the Disciplinary authority shall, after following the procedure laid down in the relevant rules decide as to whether any penalty shall be imposed or not, after considering the merits of each case.

6. In order to prevent false and frivolous complaints, if the complaint is proved to be false, on receipt of the Complaints Committee's report, the disciplinary authority shall initiate disciplinary action against the **complainant**.

7. The Complaints Committee shall prepare an Annual Report giving a full account of its activities during the previous year and forward a copy thereof to the Head of

Organisation / Department concerned who shall in turn forward the same to the Government department concerned with his comments.

A.P. MUTHUSWAMI,

CHIEF SECRETARY TO GOVERNMENT.

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V. ULAGASUNDARAM,

SECTION OFFICER.

ANNEXURE - II

GUIDELINES FOR THE EMPLOYERS

Where the conduct of an employee amounts to misconduct in employment as defined in the relevant rules, the employer may also initiate appropriate disciplinary action, for good and sufficient reasons though no complaint is made to the Complaints Committee.

2. Where sexual harassment occurs as a result of an act by any third party or outsider, the employer shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

A.P. MUTHUSWAMI,

CHIEF SECRETARY TO
GOVERNMENT.

| TRUE COPY |

V.
ULAGASUNDARAM,

SECTION
OFFICER.