

¹EXPLANATION I.— A Government servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of Clause (ii) of sub-rule (1).

EXPLANATION II.— Nothing in Clause (ii) of sub-rule (2) shall be construed as empowering a Government servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

²[3-A. Promptness and Courtesy

No Government servant shall—

- (a) in the performance of his official duties, act in a discourteous manner;
- (b) in his official dealings with the public or otherwise adopt dilatory tactics or wilfully cause delays in disposal of the work assigned to him.]

²[3-B Observance of Government's policies

Every Government servant shall, at all times—

- (i) act in accordance with the Government's policies regarding age of marriage, preservation of environment, protection of wildlife and cultural heritage;
- (ii) Observe the Government's policies regarding prevention of crime against women.]

³[3-C. Prohibition of sexual harassment of working women

(1) No Government servant shall indulge in any act of sexual harassment of any woman at any workplace.

(2) Every Government servant who is in charge of a workplace shall take appropriate steps to prevent sexual harassment to any woman at such workplace.

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

1. Inserted by G.I., Dept. of Per. & Trg., Notification No. 11013/6/85-Estt. (A), dated the 21st February, 1986 and published as S.O. 935 in the Gazette of India, dated the 8th March, 1986.

2. Inserted by G.I., Dept. of Per. & Trg., Notification No. 11013/4/93-Estt. (A), dated the 12th July, 1995 and published as GSR 355 in the Gazette of India, dated the 29th July, 1995.

3. Substituted by G.I., Dept. of Per. & Trg., Notification No. 11013/2/2014-Estt. (A), dated the 19th November, 2014 and published as GSR 823 (E) in the Gazette of India, dated the 19th November, 2014.

- (ii) a demand or request for sexual favours; or
 - (iii) making sexually coloured remarks; or
 - (iv) showing pornography; or
 - (v) any other unwelcome physical, verbal, 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 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, sports 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.]

GOVERNMENT OF INDIA'S DECISIONS

(1) Intimation required to be given regarding conviction.— Attention is invited to Rules 55 and 55-A of the Central Civil Services (Classification, Control and Appeal) Rules and Section 240 (3) of the Government of India Act, 1935 (also Article 311 of the new Constitution) which provide that the procedure thereunder need not be followed in cases where a departmental penalty is to be imposed on a Government servant on the basis of facts which have led to his conviction in a Criminal Court. Dismissal, etc., in such cases is not to be automatic; each case should be examined on its merits and orders imposing the appropriate penalty