

Bill No. I of 2024

THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE
(PREVENTION, PROHIBITION AND REDRESSAL)
AMENDMENT BILL, 2024

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BILL

further to amend the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

BE it enacted by Parliament in the Seventy- fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Amendment Act, 2024.

Short title and commencement.

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(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

14 of 2013

2. In the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the principal Act), in section 9:—

Amendment of
section 9

(a) in sub-section (1), for the words “within a period of three months from the date of incident” and “within a period of three months from the date of last incident”, the words “within a period of one year from the date of incident” and “within a period of one year from the date of last incident” respectively, shall be substituted; and 5

(b) in the second proviso to sub-section (1), the words “not exceeding three months” shall be omitted.

Omission of
section 10.

3. In the principal Act, section 10 shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 represents a significant step towards protection of women against sexual harassment at the workplace. However, considering the lived experiences of the women workforce and the realities of the modern workplace, the Act needs to address two important issues

Pensions Section 9 stipulates a limitation period of three months for filing complaints, further extendable by three months, provided that the Internal Committee or Local Committee (as the case may be) is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period. This limitation period is inapposite since in cases involving sexual harassment, women may be so traumatised as to render filing of the complaint impossible until such time they have recouped their strength. Placing a maximum limit of six months on such complaints does great injustice to the aggrieved woman.

Section 10 provides the aggrieved woman with the option of settling the complaint through conciliation. This provision is highly problematic since it fails to take into account the possibility of influencing, coercing, pressuring or intimidating the complainant to arrive at a settlement. While there are certain areas (such as contractual matters) where conciliation may be fruitful, an attempt to reach a compromise in matters of sexual harassment of women greatly undermines the dignity of women.

This Bill intends to remedy these problems by amending the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. It provides that the basic limitation period for filing complaints shall be fixed at one year, which shall be further extendable, without any upper limit, by the Internal Committee or Local Committee (as the case may be), upon satisfaction that the circumstances prevented the woman from filing the complaint within the limitation period. Additionally, it proposes the deletion of the provision for conciliation in its entirety.

This Bill seeks to achieve the above objectives.

SASMIT PATRA

ANNEXURE

THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION,
PROHIBITION AND REDRESSAL) ACT, 2013

(14 OF 2023)

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9. (1) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:

Complaint of sexual harassment

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing:

Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

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10. (1) The Internal Committee or, as the case may be, the Local Committee, may, before initiating an inquiry under section 11 and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation.:

Conciliation.

Provided that no monetary settlement shall be made as a basis of conciliation.

(2) Where settlement has been arrived at under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall record the settlement so arrived and forward the same to the employer or the District Officer to take action as specified in the recommendation.

(3) The Internal Committee or the Local Committee, as the case may be, shall provide the copies of the settlement as recorded under sub-section (2) to the aggrieved woman and the respondent.

(4) Where a settlement is arrived at under sub-section (1), no further inquiry shall be conducted by the Internal Committee or the Local Committee, as the case may be.

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further to amend the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

(Dr. Sasmit Patra, M.P.)