

AS INTRODUCED IN THE RAJYA SABHA
ON 5TH DECEMBER, 2025

Bill No. LXXXIII of 2024

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

A

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.

STATEMENT OF OBJECTS AND REASONS

The Bill reflects the urgent need to protect all individuals in the workplace, regardless of their gender and nature of work, from sexual harassment. Recognizing that discrimination and harassment can affect people of all gender identities, this Bill seeks to make the legal framework more inclusive, progressive, and aligned with India's constitutional and social values.

There has been a flux in the Indian gig economy, which has introduced a large segment of workers who are often not covered under the traditional workplace protections. To address this gap, this Bill seeks to expand the definitions of "employee" and "employer" to explicitly include gig workers and platform workers. This aims to ensure that protections against sexual harassment extend to all types of work arrangements, reflecting the evolution of modern workplaces.

The Bill upholds the Fundamental Rights guaranteed by articles 14, 15 and 21 of the Constitution of India, which protect equality, prohibit discrimination, and ensure the right to life and personal dignity. The landmark case of *NALSA v. Union of India* (2014) recognized transgender persons as a third gender and affirmed their rights. This amendment, building on that precedent, extends protections to include all persons, thereby aligning the law with constitutional values and rights. This amendment aligns with the Court's recognition of the need for laws to evolve with changing social conditions, as underscored in cases such as *National Textile Workers' Union v. P.R. Ramakrishnan* and *State v. S.J. Chowdhury*, wherein, the Supreme Court has emphasized the importance of adapting statutory interpretation to contemporary societal values. By updating the language and definitions in the erstwhile POSH Act, this Bill acknowledges the shifting realities of gender identities and the evolving workforce. The amendment to cover persons of all gender identities, brings Indian law closer to global standards and recognizes the importance of inclusive workplace policies.

The Bill seeks to achieve the above objectives.

MOHAMMED NADIMUL HAQUE

ANNEXURE

EXTRACTS FROM THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 (14 OF 2013)

Short title, extent and commencement.	1.	(1) This Act may be called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
Definitions.	2.	<p>In this Act, unless the context otherwise requires, —</p> <p style="text-align: center;">* * * * *</p> <p>(f) “employee” means a person employed at a workplace for any work on regular, temporary, <i>ad hoc</i> or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;</p> <p>(g) “employer” means —</p> <p>(i) in relation to any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;</p> <p>(ii) in any workplace not covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace.</p> <p><i>Explanation.</i> — For the purposes of this sub-clause “management” includes the person or board or committee responsible for formulation and administration of policies for such organisation;</p> <p>(iii) in relation to workplace covered under sub-clauses (i) and (ii), the person discharging contractual obligations with respect to his or her employees;</p> <p style="text-align: center;">* * * * *</p>
Constitution of Internal Complaints Committee.	4.	<p style="text-align: center;">* * * * *</p> <p>(2) The Internal Committees shall consist of the following members to be nominated by the employer, namely:—</p> <p>(a) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees:</p> <p>Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section (1):</p> <p>Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the</p>

Presiding Officer shall be nominated from any other workplace of the same employer or other department or organisation;

(b) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;

(c) one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:

Provided that at least one-half of the total Members so nominated shall be women.

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7. (1) The Local Committee shall consist of the following members to be nominated by the District Officer, namely: —

(a) a Chairperson to be nominated from amongst the eminent women in the field of social work and committed to the cause of women;

(b) one Member to be nominated from amongst the women working in block, taluka or tehsil or ward or municipality in the district;

(c) two Members, of whom at least one shall be a woman, to be nominated from amongst such non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, which may be prescribed:

Provided that at least one of the nominees should, preferably, have a background in law or legal knowledge:

Provided further that at least one of the nominees shall be a woman belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or minority community notified by the Central Government, from time to time;

(d) the concerned officer dealing with the social welfare or women and child development in the district, shall be a member *ex-officio*.

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Composition,
tenure and other
terms and
conditions of
Local
Committee.

RAJYA SABHA

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(Shri Mohammed Nadimul Haque, M.P.)