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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 23*rd April*, 2013/*Vaisakha* 3, 1935 (*Saka*)

The following Act of Parliament received the assent of the President on the 22nd April, 2013, and is hereby published for general information:-

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

(No. 14 OF 2013)

[22*nd April*, 2013.]

An Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

WHEREAS sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment;

AND WHEREAS the protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India;

AND WHEREAS it is expedient to make provisions for giving effect to the said Convention for protection of women against sexual harassment at workplace.

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

CHAPTER I

PRELIMINARY

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.

(*2*) It extends to the whole of India.

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

Definitions

2. In this Act, unless the context otherwise requires,—

(*a*) "aggrieved woman" means—

(*i*) in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;

(*ii*) in relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house;

(*b*) "appropriate Government" means—

(*i*) in relation to a workplace which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly

(*A*) by the Central Government or the Union territory administration, the Central Government;

(*B*) by the State Government, the State Government;

(*ii*) in relation to any workplace not covered under sub-clause (*i*) and falling within its territory, the State Government;

(*c*) "Chairperson" means the Chairperson of the Local Complaints Committee nominated under sub-section (*1*) of section 7;

(*d*) "District Officer" means an officer notified under section 5;

(*e*) "domestic worker" means a woman who is employed to do the household work in any household for remuneration whether in cash or kind, either directly or through any agency on a temporary, permanent, part time or full time basis, but does not include any member of the family of the employer;

(*f*) "employee" means a person employed at a workplace for any work on regular, temporary, *ad hoc* 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;

(*g*) "employer" means—

(*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;

(*ii*) in any workplace not covered under sub-clause (*i*), any person responsible for the management, supervision and control of the workplace.

Explanation.— For the purposes of this sub-clause "management" includes the person or board or committee responsible for formulation and administration of polices for such organisation;

(*iii*) in relation to workplace covered under sub-clauses (*i*) and (*ii*), the person discharging contractual obligations with respect to his or her employees;

(*iv*) in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker;

(*h*) "Internal Committee" means an Internal Complaints Committee constituted under section 4;

(*i*) "Local Committee" means the Local Complaints Committee constituted under section 6;

(*j*) "Member" means a Member of the Internal Committee or the Local Committee, as the case may be;

(*k*) "prescribed" means prescribed by rules made under this Act;

(*l*) "Presiding Officer" means the Presiding Officer of the Internal Complaints Committee nominated under sub-section (*2*) of section 4;

(*m*) "respondent" means a person against whom the aggrieved woman has made a complaint under section 9;

(*n*) "sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:—

(*i*) physical contact and advances; or

(*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 or non-verbal conduct of sexual nature;

(*o*) "workplace" includes —

(*i*) any department, organisation, 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 appropriate Government or the local authority or a Government company or a corporation or a co-operative society;

(*ii*) any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainmental, industrial, health services or financial activities including production, supply, sale, distribution or service;

(*iii*) hospitals or nursing homes;

(*iv*) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;

(*v*) 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;

(*vi*) a dwelling place or a house;

(*p*) "unorganised sector" in relation to a workplace means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten.

Prevention of sexual harassment

3. (*1*) No woman shall be subjected to sexual harassment at any workplace.

(*2*) 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 her employment; or

(*ii*) implied or explicit threat of detrimental treatment in her 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.

CHAPTER II

CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

Constitution of Internal Complaints Committee.

4. (*1*) Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee":

Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the Internal Committee shall be constituted at all administrative units or offices.

(*2*) The Internal Committee shall consist of the following members to be nominated by the employer, namely: —

(*a*) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees:

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*):

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the 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.

(*3*) The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

(*4*) The Member appointed from amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed.

(5) Where the Presiding Officer or any Member of the Internal Committee,—

(*a*) contravenes the provisions of section 16; or

(*b*) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or

(*c*) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or

(*d*) has so abused his position as to render his continuance in office prejudicial to the public interest,

such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

CHAPTER III

CONSTITUTION OF LOCAL COMPLAINTS COMMITTEE

Notification of District Officer.

5. The appropriate Government may notify a District Magistrate or Additional District Magistrate or the Collector or Deputy Collector as a District Officer for every District to exercise powers or discharge functions under this Act.

Constitution and jurisdiction of Local Complaints Committee

6. (*1*) Every District Officer shall constitute in the district concerned, a committee to be known as the "Local Complaints Committee" to receive complaints of sexual harassment from establishments where the Internal Complaints Committee has not been constituted due to having less than ten workers or if the complaint is against the employer himself.

(*2*) The District Officer shall designate one nodal officer in every block, taluka and tehsil in rural or tribal area and ward or municipality in the urban area, to receive complaints and forward the same to the concerned Local Complaints Committee within a period of seven days.

(*3*) The jurisdiction of the Local Complaints Committee shall extend to the areas of the district where it is constituted.

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

7. (*1*) The Local Complaints 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*.

(*2*) The Chairperson and every Member of the Local Committee shall hold office for such period, not exceeding three years, from the date of their appointment as may be specified by the District Officer.

(*3*) Where the Chairperson or any Member of the Local Complaints Committee —

(*a*) contravenes the provisions of section 16; or

(*b*) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or

(*c*) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or

(*d*) has so abused his position as to render his continuance in office prejudicial to the public interest,

such Chairperson or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

(*4*) The Chairperson and Members of the Local Committee other than the Members nominated under clauses (*b*) and (*d*) of sub-section (*1*) shall be entitled to such fees or allowances for holding the proceedings of the Local Committee as may be prescribed.

Grants and audit

8. (*1*) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the State Government grants of such sums of money as the Central Government may think fit, for being utilised for the payment of fees or allowances referred to in sub-section (*4*) of section 7.

(*2*) The State Government may set up an agency and transfer the grants made under sub-section (*1*) to that agency.

(*3*) The agency shall pay to the District Officer, such sums as may be required for the payment of fees or allowances referred to in sub-section (*4*) of section 7.

(*4*) The accounts of the agency referred to in sub-section (*2*) shall be maintained and audited in such manner as may, in consultation with the Accountant General of the State, be prescribed and the person holding the custody of the accounts of the agency shall furnish, to the State Government, before such date, as may be prescribed, its audited copy of accounts together with auditors' report thereon.

CHAPTER IV

COMPLAINT

Complaint of sexual harassment

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:

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.

(*2*) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.

Conciliation

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: