

THE PROTECTION OF WOMEN AGAINST SEXUAL HARASSEMENT AT  
WORKPLACE BILL, 2007

Comments received in March, 2007 – First volume pages 1-247

S.No.	Gist of comment/suggestion	Number of comments and reference (page nos.)	Response
(1) 1	(2) No need for this new law.	(3) 2 (74, 82-85)	(4) There is unquestionable need for the proposed law. Even the Supreme Court observed in its judgement in the Vishaka Case that there was a vacuum in the existing legislation with regard to the prevention of sexual harassment of working women in all work places.
2	The bill has poverty of language and style / Is a poor draft which would not be accepted by courts / We will challenge constitutional validity of words which are attempting to secure positions to feminist women / The bill in its present form is directionless, vague and will not benefit women.	4 (22, 70-73, 83-85, 236)	No comments.
3	Has suggested revision of cl.3 to provide for a definition of SH linked to what has been termed as contractual relationship.	1 (70-73)	The suggestion made cannot be considered on account of its abstruseness.
4	Make the bill gender-neutral / Provide for the protection of men also / The law will be misused against men both by women and men.	16 (17-18, 20-21, 95-97, 110, 116-123, 130, 131, 134, 136, 140-41, 142-43, 145, 189-90, 195-96, 236, 237)	The overwhelming nature of sexual harassment is harassment of women on account of their female sex. Harassment of men cannot be put on the same footing character-wise or incidence-wise. Protection to men is also not in the mandate of Ministry of WCD.

<p>5</p> <p><i>already provided</i></p>	<p>Compensation to the accused in a case of false complaint may be laid down on the same lines as the compensation provided for to the aggrieved woman / There should be provision for fine in false complaints, to be used for dissemination purposes / There should be heavy penalty or jail term for false complaint / Death penalty should be given for false complaint / Punishment for false complaint should be the same as the punishment to respondent if the complaint were true / Male colleague instigating false complaint or those giving false evidence should be transferred and not posted back at the same place.</p>	<p>6 (17-18, 54, 111-13, 148, 236, 243)</p>	<p>The bill envisages in respect of false complaint or witness or document that the guilty can be proceeded against in accordance with the service rules applicable to him/her and if there are no service rules applicable, in such manner as may be prescribed (by the rules to be made under the Act). There appears no need to change this provision.</p>
<p>6</p>	<p>Provision for punishment for false complaint can be misused. Female complainant should not be punished. Conspirator/instigator should be.</p>	<p>1 (22)</p>	<p>Misuse of the provisions regarding false complaint is not a distinct possibility. Female complainant cannot be exempted from adverse action in case of false complaint. There need not necessarily be any conspirator/instigator in a false complaint.</p>
<p>7</p> <p><i>should be specified in the rules</i></p>	<p>Enquiry procedure is left to the rules to be framed under the Act. It is necessary to lay down a fair and impartial procedure in the Act itself / Enquiry committee under the bill should have similar powers and procedures of a departmental enquiry / Evidence before committee should be recorded verbatim, tape-recorded and video graphed if possible / Witnesses' evidence should be taken, under their signature before members of the committee / Standard of proof should be specified.</p>	<p>4 (17-18, 22, 111-13, 241)</p>	<p>According to the present bill, the internal complaints committee or the local complaints committee shall make inquiry into the complaint in such manner as may be prescribed and have such powers for making the enquiry as may be prescribed. The apparent intention is to keep the number of clauses in the bill to the minimum and to enable the procedure and powers to be laid down in the rules in necessary details. As</p>

			regards standard of proof, the same may vary according to circumstances.
8	In case the complaints committee has concluded that the allegation has been proved, it can recommend action to be taken against the respondent in accordance with the service rules applicable to him, if any. It has been suggested that action in accordance with service rules should not involve a further departmental enquiry.	1 (242)	This suggestion is worth consideration. The enquiry by the complaints committee should also serve as enquiry under the service rules.
9	Period of 90 days for completion of enquiry should be reduced to 60 days / Minimum time should be allowed / 30 days on day to day hearing basis may be allowed.	3 (111-13, 192, 240)	For consideration whether a maximum of 60 days should be allowed for the conduct of enquiry.
10	If inquiry is not completed within the prescribed period, extension of 15 days may be granted / If complainant, respondent or witness does not cooperate or abstains, enquiry may be closed after 45 days and disciplinary action taken against the defaulter.	1 (241)	There is no need for such provisions.
11	Recommendation in enquiry report should be acted upon within 60 days instead of 90 days / Minimum time should be allowed / 30 days may be allowed.	3 (111-13, 192, 242)	For consideration whether a maximum time of 60 days may be allowed for action to be taken on the inquiry report. A further period of 30 days may be allowed where the inquiry report is altered.
12	The employer or district officer should be bound by the recommendations of the complaints committee.	1 (242)	The bill provides that where the employer or district officer is not in agreement with complaints committee's enquiry report, he will alter the enquiry report in consultation with the complaints committee.

See 17/3  
How to do  
17/3/1992  
a letter of  
17/3/1992

Can be  
considered

This may not be  
necessary as the  
it does not provide  
a question

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13	The bill should target harassment including sexual harassment / Verbal or mental harassment should be included.  <i>Not possible as it would be difficult to handle.</i>	3 (22, 65, 100)	It was agreed in the meeting held by this Ministry with women's rights organizations on 26.9.2006 that the bill should cover sexually determined behaviour only and not sexually discriminatory behaviour as well.
14	Include MNCs, BPOs and KPOs in the definition of workplace.  <i>already provided</i>	1 (78)	These are included in the definition of workplace in the bill.
15	The schedule to the bill [which is an illustrative list of employments in the unorganized sector] omits completely media/television/advertising/publishing/acting/manpower recruitment/DTH service/radio and TV channels/film production.	1 (114)	These employments can be included in the schedule if considered falling in unorganized sector.
16	Schools, colleges and other teaching institutions are not mentioned. The victim can be a student.  <i>Student?</i>	3 (22, 62, 94)	Educational institutions are covered in the bill as work place only. There was a demand in the NGO meeting held on 26.9.2006 that students should also be covered. This was also favoured in the examination of the meeting's minutes in this Ministry but has not been provided for in the draft bill prepared by the Legislative Department.
17	Quantum of punishment not specified. It should not be discretionary but specific for 1 <sup>st</sup> , 2 <sup>nd</sup> and more than 2 offences / Penalty including minimum penalty should be clearly spelt out / There should be stricter punishment/ The person found guilty of SH should be dismissed from service or made to resign / Punishment should be reduction in position and disallowing financial benefits / SH should be a criminal offence and the scope of punishment should include imprisonment / There should be provision for punitive action under IPC.	4 (22, 50, 60, 76, 114, 149, 154, 229)	The bill provides that action against the guilty shall be taken as per the service rules applicable to him and if there are no service rules, in such manner as may be prescribed. The bill does not debar action under criminal law and procedure.

Schedule only lists the employment in the unorganized sector.

Ref Sec 1(5) already prescribed

18	Actions to be taken as per Supreme Court's guidelines in Vishaka Case not detailed.	1 (22)	No comments.
19	CEO is equally guilty - he tries everything to shield the perpetrator for the sake of his own reputation / Employer should also be held responsible for any instance of SH / Employer should be criminally charged with destroying evidence if proper steps are not taken within a short time of receipt of complaint.	3 (50, 76, 208)	Apart from providing that it will be a duty of the employer to provide a safe working environment at the workplace, the bill does not embody the principle of vicarious liability of the employer.
20	The accused should be immediately transferred followed by enquiry by a separate agency / should be temporarily suspended.  <i>mandatory transfer of accused Ref Sec 10(1)(b)</i>	3 (50, 60, 206)	As per the bill, the aggrieved woman can seek her own transfer or transfer of the respondent during the pendency of inquiry.
21	Leave granted to the aggrieved woman during pendency of inquiry should be paid leave over and above the leave she is normally entitled to, in case SH is proved.	1 (114)	This suggestion is worth consideration.
22	Compensation to the victim may not be feasible in all cases.  <i>X</i>	1 (114)	Compensation is only an alternative redress, the first being action in accordance with the service rules or action in the manner prescribed.
23	Government (employer) should give no objection for charge-sheeting the accused by the police or related authorities.  <i>X</i>	1 (124-25)	The bill does not prescribe no objection of the Government for any purpose. This suggestion is outside the purview of the bill.
24	Local police should assist the woman at workplace / There should be women police at every workplace.  <i>X</i>	2 (91, 214)	This is outside the purview of the bill.
25	Provide for regular reporting by each Ministry/office.  <i>X</i>	1 (50)	The bill provides for the employer to include information in annual report.

*Sec 17  
duty of  
employer*

*Sec 10(1)(b)  
can be modified  
includes this*

*already  
there  
Sec 19*

26	Employers may be authorized to prescribe and enforce dress code/code of conduct for female employees.	6 (52, 55, 194, 203, 205, 214)	This is outside the purview of the bill.
27	Duties of employer, especially a government office, should include not pressurizing any woman employee to stay late or attend office on holiday as far as possible.	3 (53, 202, 216)	This is outside the purview of the bill. Employer's duties in the bill include the duty to provide a safe working environment at the workplace.
28	The bill should include the right form of addressing a female employee.	1 (56)	This is outside the purview of the bill.
29	Include sensitization towards women's rights and status/ Create awareness generation.	5 (57, 60, 91, 94, 230)	This is outside the purview of the bill.
30	Aggrieved woman can be not only an employee but an employer also.	1 (58)	The bill is to provide protection to employees. Employers should be expected to take care of such situations themselves.
31	Husband and wife should be posted at the same station. Include this as a statutory provision in the bill.	2 (59, 205)	This is outside the purview of the bill.
32	What if the employer or district officer does not act on the recommendations of the enquiry/ Fine of Rs.10,000/- is too low. A higher amount or withholding promotion/increment or imprisonment should be considered.	2 (63, 114)	Penalty for inaction on enquiry report is Rs.10,000. There is a point in the suggestion that this may not be sufficient.
33	Any senior woman officer in government service should also be appointed chairperson of the committee. It is necessary to nominate a revenue officer, apart from police or law officer.	1 (111-13)	The suggestion lacks merit or relevance to the object of the bill or feasibility.
34	Deputy district magistrate should be nominated on block level local complaints committee.	1 (111-13)	The suggestion lacks merit or relevance to the object of the bill or feasibility.

35	Judicial officer may be involved in enquiry to make it impartial. <i>α</i>	1 (65)	The suggestion lacks merit or relevance to the object of the bill or feasibility.
36	The bill does not provide for trial in court; only a domestic inquiry is prescribed. This would not serve any purpose / Special Courts headed by women judges should try cases of SH. <i>α</i>	2 (82-85, 192)	The suggestion lacks merit or relevance to the object of the bill or feasibility.
37	Define criterion for organizations where complaints committee is compulsory. <i>α</i>	1 (98)	According to the bill every employer of a work place shall constitute an internal complaints committee. For workplaces where this cannot be constituted, there is local complaints committee.
38	All elected women representatives of local governments should be chairpersons of complaints committees. <i>α</i>	1 (152)	The suggestion lacks merit or relevance to the object of the bill or feasibility.
39	If the District Officer is a male, the female next below him in the district set up should be made co-terminus. <i>α</i>	1 (153)	The suggestion lacks merit or relevance to the object of the bill or feasibility.
40	Committee should include persons qualified in gender studies or legal studies or social studies. 30% each should be women, men and people of other gender orientations. <i>α</i>	1 (70-73)	The suggestion lacks merit or relevance to the object of the bill or feasibility.
41	Oblige organizations not required to set up complaints committee to inform employees regarding committee where complaint can be made. <i>Similar to Sec 17 rules of distt officer may be included</i>	1 (98)	This suggestion may be considered.
42	Provide for enquiry to be set up in any organization which has not set up a committee. <i>(?)</i>	1 (98)	This situation should be provided for in the bill.
43	Who will pay remuneration to members of committee? <i>this needs to be discussed</i>	1 (98)	The employer setting up the internal complaints committee or the district officer setting up the local complaints

			committee should pay allowances/remuneration to members of the committees.
44	Designate some qualified officers also to attend to complaints besides formation of committees, e.g., when no committee has been formed. X	1 (91)	The suggestion lacks merit or relevance to the object of the bill or feasibility.
45	NCW should be given powers to enquire and take direct action / Women commission should handle the complaints. X	3 (50, 82-85, 209)	The suggestion lacks merit or relevance to the object of the bill or feasibility.
46	Authorize regulatory bodies of organized sector to conduct inquiry. X	1 (78)	The suggestion lacks merit or relevance to the object of the bill or feasibility.
47	Work Committee already provided for in Industrial Disputes Act can handle complaints of SH. The committees under the bill have no powers. X	1 (82-85)	The suggestion lacks merit or relevance to the object of the bill or feasibility.
48	There should be local, district and state level committees. X	1 (111-13)	It is not our vision that there should be a 3-tier complaints mechanism and a complaint should progress from one tier to the next.
49	Consider the following options in complaints committees: -  1 - Allow aggrieved woman to nominate her representative on the committee as no justice can be done to her by a committee whose members including NGO representative have been appointed by the employer.  2 - State Government may appoint a district level committee headed by an expert/legal female and having employers' and aggrieved woman's representatives, government representative and NGO representative.  X	1 (124-25)	The suggestion lacks merit or relevance to the object of the bill or feasibility.



	<p>3 - Protection Officers may be appointed at district level to register complaint and to place the same before the Magistrate who can decide if it needs to be looked into by the district level committee.</p> <p>4 - The state level committee in Delhi which deals with all government departmental cases can be replicated in other states. A state level committee can become a forum for appeal.</p> <p>5 - Separate committees may be set up by Central Government to deal with cases originating in Central Government offices, PSUs and National Banks. A central committee may be formed as a forum for appeal.</p>		
50	<p>There should be a national monitoring committee in Min. of WCD, also to serve as appellate authority / Provide for appraisal of complaints committee by a single national committee.</p>	2 (70-73, 98)	The suggestion lacks merit or relevance to the object of the bill or feasibility.
51	<p>Punishment should be provided for persons conducting inquiry if they contravene the provisions of the Act or make malicious decision / Employer should be penalized if the enquiry report is fake/sham/watered down.</p>	2 (70-73, 208)	The suggestion lacks merit or relevance to the object of the bill or feasibility.
52	<p>Power to change the orders and recommendations made under the Act should be vested in judicial officers, Addl District and Sessions Judge and above.</p>	1 (70-73)	The suggestion lacks merit or relevance to the object of the bill or feasibility.
53	<p>Employer should give publicity to redress committee and ways to approach it. District officers should publicize their committees in newspapers/ media / List, phone numbers, website of District Officers, Government bodies that can be approached by the victim for assistance should be mentioned.</p>	2 (76, 78)	Office order to set up internal complaints committee and its display is provided for in the bill.
54	<p>Employer should not make public a woman's private life. The bill should deal with malicious gossip.</p>	2 (70-73, 78)	This is outside the purview of the bill.

*This needs to be assessed - goes to publicising CS' det up.*

55	The complainant should have the right to challenge any finding or recommendation of inquiry or decision of disciplinary authority which is unfavourable to her. <i>Needs to be discussed</i>	1 (80-81)	This suggestion is worth consideration.
56	Woman should not be dismissed by employer or placed under suspension if she has lodged a complaint of SH. <i>Needs to be discussed</i>	2 (91, 158-59)	The suggestion lacks merit or relevance to the object of the bill or feasibility.
57	Conciliation is uncalled for. <i>X</i>	3 (82-85, 128, 239)	Conciliation is prescribed at the instance of the aggrieved woman only and by and large this has been endorsed.
58	There should be a period within which appeal can be preferred. <i>Needs to be discussed</i>	1 (111-13)	This is worth consideration. A period of 3 months may be considered.
59	Facilities and security should be provided for nurses on duty in hospitals in night shift. <i>X</i>	1 (206-207)	This is outside the purview of the bill.
60	Examples of SH may be given in cl.3 <i>X</i>	1 (236)	The suggestion lacks merit or relevance to the object of the bill or feasibility.
61	Changes suggested in the composition of internal complaints committee, such as only one representative of employees instead of 2, NGO to be changed from case to case, 1 to be taken from panel of Inquiry Officers, members of the committee should be senior to the accused, etc. <i>X</i>	1 (238)	The suggestion lacks merit or relevance to the object of the bill or feasibility.
62	Only husband, mother, father, brother, sister may be allowed to make a complaint on behalf of the aggrieved woman and not any colleague. <i>X</i>	1 (240)	The suggestion lacks merit or relevance to the object of the bill or feasibility.

**THE PROTECTION OF WOMEN AGAINST SEXUAL HARASSMENT AT  
WORK PLACE BILL, 2007**

Comments received in March 2007 - Second Volume Pages 248 & 427

S.N.	Name of the organization/Person	Gist of comment/suggestion	Numbers of comments and reference (page No.s)	Response/Reply
1.	Mieenal Passi	The accused under the circumstances is posted at the same quarters as the victim.	248	Does not merit consideration. It is already provided in the bill that the complainant can seek her own transfer or the transfer of the accused during enquiry.
2.	Giriraj Agarwal	Law should be crime based and the word men/women should be replaced by the word person.	249	Does not merit consideration.
3.	Sanjay Pal	This law will be greatly misused just laws like 498 A and DV Act/gender biased laws be stopped.	251	Does not merit consideration.
4.	Rani Das	This law is the best law in India	252	--
5.	Parul Goyal	Women Bill will lead to major crack in the wall thereby creating a sense of fear in men.	253	Does not merit consideration.
6.	Anamika Jamwal	The clause for stoppage of mental harassment of women at their work place may be included in the bill.	254	Mental harassment relating to sexual harassment is covered in the bill.
7.	Rajendra Sharma	Cheek the attendance of working women at the time of office opening and office closing time and go out in office time.	255	Does not merit consideration.
8.	Sneha	Every women should know her right and laws that protect her	256	Outside the bill's purview.
9.	Vineet Rueia	Make this law as stringent as possible in the presence of female colleagues.	257, 258	The bill is intended to be an effective law.

10.	Deepti Pandey	Unlimited SMS & phone calls may be made punishable offences.	258	Does not merit consideration.
11.	Hetesh Madan	For safety of women staff necessary steps may please be taken by the employer.	259	The duties of the employer in the bill include the duty to provide a safe working environment at the workplace.
12.	Haridasnair	A strong deterrent clause should be inserted to prevent false allegations.	260	The bill has provision to deal with false complaints.
13.	Nice Guy	As a citizen of India do not support this biased bill because this bill is so strongly drafted against a particular gender.	261	Does not merit consideration.
14.	Sanjoy Pal	This law should not be made gender biased.	262	Does not merit consideration.
15.	S.S. Sethi	The enlarged definition may be incorporated in the draft bill in the light of recent judgement delivered by the Hon'ble Supreme Court.	263	The definition of sexual harassment in the bill conforms to the definition given in Supreme Court's judgement in the Vishaka Case.
16.	Common Man	This law should be gender neutral/the accused should be considered innocent till proven guilty. If the allegation of the women proven to be false very strict action should be taken against her/support the genuine victim irrespective of their gender.	264, 265	Does not merit consideration.  The bill has provision to deal with false complaints.
17.	Jesus Thomos	Ministry should not bring bill on sexual harassment at work place. If this happens, employer will stop hiring the females at their work place.	266	Does not merit consideration.
18.	R. Varaprasad	Strict law should be enacted with severe capital punishment on proved culprit.	268	Capital punishment is not called for in sexual harassment.

40.	Amritlal Rawal	A dress code & work code should be implemented so that no one is instigated to cause any Sexual Offence.	346	Cannot be considered.
41.	Swarup Sarkar	Men/ Women to be replaced by the person and Husband/ Wife to be replaced by Spouse.	354	Cannot be considered.
42.	Vishakha Khan	<ul style="list-style-type: none"> <li>The Internal Complaint committee should be consist of a Medical Practitioner/ Doctor/ Community Health Worker at Block, District at State Level.</li> <li>An aggrieved Women may make a Complaint of Sexual Harassment at Workplace to the Committee or the Local Committee - and/ or at the Local Police Station - Mahila Thana.</li> <li>Develop literature and leaflets to increase public awareness of the reality of Sexual Violence in our Society may be disturbed at District, Secondary and Primary Health Care Centre.</li> </ul>	359, 360, 361, 362	<p>Cannot be considered.</p> <p>Complaint at police station is not debarred by the bill.</p> <p>Outside the csope of the bill.</p>
43.	Pooja Shastri	Why is it taken for granted that it is only Women who can be subjected to Sexual Harassment.	387	Cannot be considered.

44.	Cpim	<ul style="list-style-type: none"> <li>Every district Officer shall draw up a list of a Group of Experts, consisting of persons from various Field who are involved with and sensitive to Women issues.</li> <li>This may be added in Chapter II.</li> <li>In section 6(2) (C) the Word such Non - Govt Organisation as may be specified may be substituted by the Word group of</li> </ul>	389	There is no need for this suggestion.
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		<p>Experts.</p> <ul style="list-style-type: none"> <li>In Chapter III Section 7 (1) the Word any aggrieved Women may be substituted by the World any aggrieved Women or on her behalf.</li> <li>In case the allegation against the respondent in false or malicious or the aggrieved Women or any other person making the complaint has produced any forged or misleading documents the following word may be substituted in the remaining portion of the paragraph in Section 12 (1) that the Complaint will be treated as cancelled.</li> <li>Request alleged victim of Sexual Harassment may be expected for giving her evidence in writing provided that she makes herself available for cross examination.</li> </ul>		<p>Already provided for in cl. 7.</p> <p>~</p> <p>This cannot be agreed to.</p> <p>Enquiry procedure is to be laid down in the rules to be framed under the Act.</p>
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45.	Rakshak	<ul style="list-style-type: none"> <li>The Act should be made applicable to all employees, irrespective of gender. The word employee should replace the work women in all appropriate places in the Draft Bill so to render the proposed draft gender neutral.</li> <li>No Committee be formed unless to hear a specific complaint.</li> <li>No remuneration, monetry otherwise, be provided to the committee members or Chairperson.</li> <li>Instead of being gender biased and committed to the "cause of women" the appointment of the Committee Chairperson and</li> </ul>	411-421	<p>Cannot be agreed to.</p> <p>There has to be a standing committee. This cannot be agreed to.</p> <p>This cannot be agreed to.</p>
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		<p>members should be on the basis of their integrity and their judicious approach.</p> <ul style="list-style-type: none"><li>• No members, external to the employer organisation, be allowed in the committee.</li><li>• Any stipulation w.r.t. the number of women in the Committee is unnecessary and makes a prejudiced assumption that only women are capable of arbitrating complaints. This, as well as the 'commitment to the cause of women' is addressed by Suggestion #4.</li><li>• Treating the offence of Sexual Harassment as a psychosocial offence, it is more important to focus on the presence of trained psychologists and behavior therapist or at the very least managers trained in conducting fact based investigations on the panel as opposed to the number of women.</li><li>• The power of the committee and the appeals process should be specified unambiguously</li><li>• Monetary compensation should not be a part of conciliation proceedings. This would to large extent help avoid potential for misuse.</li><li>• The complaint should be filed immediately on the occurrence of the alleged</li></ul>		<p>This cannot be agreed to and is even against Vishaka guidelines.</p> <p>Representation of women on the complaint committee is necessary.</p> <p>Cannot be agreed to.</p> <p>Powers of the committee, inquiry procedure and manner of appeal where there are no service rules applicable are to be prescribed in the rules under the Act.</p> <p>Cannot be agreed to.</p> <p>No explicit provision in the</p>
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		<p>occurrence of the alleged incident. Any complaint not filed within a stipulated time period (2 weeks) should be closely scrutinized for veracity before admission and the delay should be explained in writing by the complainant, to the satisfaction of the committee.</p> <ul style="list-style-type: none"><li>• As prevalent in the western world, the Employer should bear the financial burden of the compensation</li><li>• Order to the aggrieved person.</li><li>• The committee should be divested of all powers to order any monetary compensation at any stage of the proceedings.</li><li>• Mandatory action be taken against the complainant when the complaint is found to be frivolous or malicious.</li><li>• Falsely accused person should have the right to pursue justice in a court of law, and claim appropriate</li></ul>	<p>bill is necessary regarding some delay in filing complaint.</p> <p>Not necessary in the Indian context.</p> <p>Cannot be agreed to.</p> <p>Provision has been made regarding false complaint. The bill does not take away the right of any person to approach a court of law.</p>
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<p>should be subjected to no. of employees in a particular institution</p> <p>-Appointment of District Officers in Section 5- <b>instead of appointment of a District Magistrate, their suggestion is that a new cadre of authority to be appointed.</b></p> <p>- Complaint of Sexual Harassment Section 7 (1) - <b>Consent of the woman for filing any complaint should be mandatory</b></p> <p>- Enquiry Report Section 11 (4) - instead of 'he may alter the conclusion', - <b>the power to alter the 'conclusion' should be deleted</b></p> <p>- Prohibition of Publication or making known contents of complaint &amp; enquiry proceedings - Section 14 - exception should be provided that <b>parties shall have complete access to all the relevant documents of the inquiry</b></p> <p>- Punishment for false for malicious complaints -Section 12 (1) - Since the bill does not contain any protection to the aggrieved woman or witnesses, provision regarding <b>punishment for false complaints is strongly disapproved</b> otherwise it will have a deterrent effect in women filing complaints</p> <p>- Employers Duties - Section 17 - It should not only restrict its duties on the employer but the District Officer should also be made to carry out similar duties</p> <p>Section 18 - copy of the Annual Report of LCC should be submitted not only to the District Officer, but also to MWCD and Ministry of Labour</p>	<p>P.435</p> <p>P.435-436</p> <p>P.436</p> <p>P.437</p>	<p>Officer.</p> <p>New cadre may not be feasible.</p> <p>If power to alter the conclusion is dropped, the question of power to set aside the enquiry report will crop up</p> <p>Cl. 14 is regarding disclosure of information to media and not regarding access of parties to relevant documents.</p> <p>Provision regarding false complaints has been considered necessary.</p> <p>The duty of the District Officer is to carry out the functions under the Act. Not feasible</p>
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- These provisions are to be included in the GOI Bill 437 - 438

\* Protection against victimization

Protection against victimization can be considered but should not conflict with action in false complaint.

\* Provision in which the inquiry should be conducted and for recording the evidence

Inquiry procedure is to be prescribed in rules under the Act.

\* Services of Counsellor/ Lawyer to be made available to aggrieved woman

Not feasible

\* Right to withdraw the complaint should also be included

P.535

Conciliation is prescribed in the bill.

**The additional comments submitted by LCWRI**

- Need for a central legislation on the unorganised sector wherein there should be a compulsory registration of employers & workers.

Additional comments are beyond the scope of the bill.

- Complaint Committee (Central law to regulate employment & wages) must be formed in all Districts, taluks & ward, Panchayats and this committee should address the issue of Sexual harassment. It should be supportive to the affected persons and punishment to be according depending on the severity of the offence.

<p>Ms.Uma Chakr. arti/ Sh.Neeraj Malik from DU And Ms Pratiksha Baxi from JNU</p>	<p>Specific comments and the suggestions made are -</p> <ul style="list-style-type: none"> <li>- The title should include "The Prevention and Protection of Women against Sexual Harassment at the Workplace Bill, 2007"</li> <li>- Section 2 (1) <b>Educational institutions</b> be mentioned under Section (i) &amp; 'Trust' &amp; 'Non-Governmental organisations' to be added under Section (ii) and phrase 'charitable, religious' be added after educational activities</li> <li>- Section 3 i.e. Sexual Harassment - definition of Sexual Harassment should separately be included and the word 'Humiliating' be substituted by 'offensive'</li> <li>- Coverage - Section 2(a) of the GOI Bill - A separate section be added for educational institutions</li> <li>- Constitution of Complaints Committee - Section 5 Appointment of District Officer - Instead of word 'may appoint, it should be substituted by 'shall'</li> <li>- Constitution of Local Complaints Committee - Section 6(1) instead of 'the District Officer may constitute at every block', it should be 'shall'</li> <li>- The following provision in Section 4 &amp; 6 to be made- No NGO representative on the Complaints Committee shall be related/connected to the employer any</li> </ul> <p><i>to be included under Workplace to be discussed</i></p>	<p>P.442</p>	<p>May not be agreed to.</p>
		<p>P.443</p>	<p>"Institution" already mentioned. Trust and NGO can be mentioned. Charitable activities may be considered for inclusion but bringing religious activities in the ambit of workplace may be controversial</p>
		<p>P.444</p>	<p>Sexual harassment is explained in cl. 3. No need for substituting of the word humiliating - the phrases used are offensive or hostile work environment and humiliating conduct.</p>
		<p>P.445</p>	<p>No need for shall.</p>
			<p>NGO related/connected to employer is a vague</p>

complainant may seek his disqualification on this ground and the employer shall be bound to replace him with another external expert.

- Complaint of sexual harassment – Section 7(1) – **consent of the woman should be mandatory for filing any complaint** and in Section 8(1), instead of 'settle the matter between her and the respondent through 'conciliation', it should be 'mediation'.

P.446

term.

- Enquiry Report – to avoid repetition of word **enquiries**, suggestion is made to state that " **the employer shall then penalize the respondent** in accordance with Service Rules, applicable to the respondent".

P.447

Mediation is also a valid term but **conciliation is widely in use**.

- A sub-section 5 to be added after Section 11 (4) that the **parties shall have the Right to make Representation against the findings of the Committee**

*to be discussed*

*Agreed*

May not be agreed to.

Woman's right to challenge the conclusion that allegation has not been proved may be included in the bill.

- Determination of compensation – Section 13 (1) 'compensation' word to be **substituted by 'damages/reparation'** words and the **compensation awarded may be recovered as arrears of land revenue.**

P448

Compensation is a standard term. Arrear of land revenue need not be applied.

- Section 14 – A provision for the parties to have the **Right to Receive the report of the Complaints Committee within 15 days** to be incorporated

*to be discussed*

P.449

This suggestion may be considered.

- Duties of Employer - Section 17 – the following to be added – **educating all employees on the definition of sexual harassment & procedure for redressal** and Not alter to the prejudice of the complainant/Supporter/witness concerned

- Section 17 restricts only to the duties of employee, but for various unorganised sectors, it becomes difficult to establish the employee-employer relationship, hence, District Officer should be made to carry out similar duties.

May not be agreed to.

Functions (duties) of the employer and that of the District Officer cannot

	<p>- Section 12 (1) the bill does not contain any protection to the aggrieved woman / witnesses, the provision reg. <b>punishment for false complaint</b> are strongly disapproved.</p> <p>- In the said bill, <b>no provision</b> is made for the <b>aggrieved person to approach the court</b></p> <p>- the bill should provide a provision on <b>Vicarious Liability</b></p>		<p>be the same.</p> <p>Provision for false complaint has been considered necessary.</p> <p>Any affected person can approach a court without the same being provided for in the bill. Vicarious liability may not be agreed to.</p>
<p>Ms. Yogini Sawant</p>	<p>Comments are general quoting various past examples of Alisha Chinai, Rupan Deol Bajaj, Ms. Bhanwari Devi etc. quoting various laws and penal provisions in the IPC. The definition of 'Sexual Harassment' should be inclusive &amp; not exclusive as there is a possibility of confusion.</p> <p>- It should be <b>Uniform Sexual Harassment Bill</b> i.e. for Male on female vice-versa and same-sex harassment</p> <p>-The organisations' code of conduct should be accessible to all employees and organization should be attached with some NGO helping <b>Redressal. Counseling programmes to be conducted for all its employees</b></p> <p>- The Review Committee inclusive of both male &amp; female, would evaluate the work of Enquiry Committee and to ensure that there is no misbalance</p> <p>-If the defendant is part of Promotion &amp; Tenure Committee while enquiry is going on, he should be <b>suspended for that time period till enquiry is over. If found guilty, he should be punished</b> depending upon the severity of such action</p> <p>- <b>Speedy investigation</b> into the complaint to be ensured by the Enquiry Committee and <b>no prejudiced action</b> should be taken against the</p>	<p>456 (472-486 from Nishant Agrawal &amp; 487-502 from Nishant Agrawal - main focus on this issue</p>	<p>Does not merit consideration for the purposes of the bill.</p> <p>No need for any review committee.</p> <p>Outside the scope of the bill.</p>