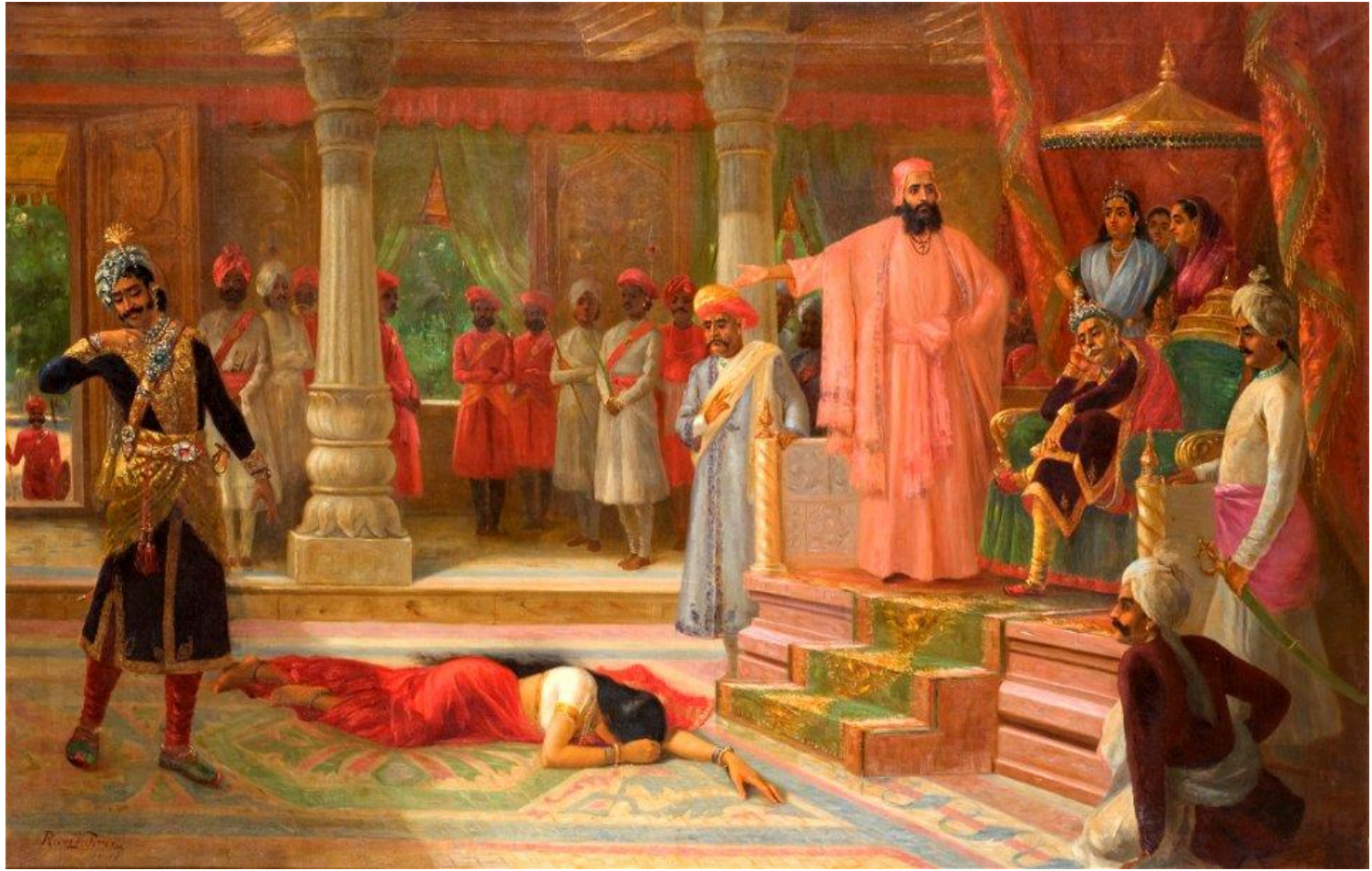


**The Sexual Harassment  
of Women at  
Workplace  
(Prevention,  
Prohibition and  
Redressal) Act, 2013**



# Draupadi disguised as Sairandhri, *Malini (garland maker)*





As Keechaka pulled Draupadi by hair when he attempted to molest her, & Bhima replaces her & slays him with bare hands.



# Bhanwari Devi



- Bhanwari Devi had worked as a *saathin* (friend) for the state government's Women's Development Program
- Tried to prevent a nine-month-old girl's wedding..

- *"It was dusk. My husband and I were working in our fields when they started beating him up with sticks. There were five of them,"*
- She ran to help her husband, pleading with the men to show some mercy, but two of the attackers pinned him down, while the remaining three took turns to rape her.
- 22 Sep.1992

# <https://vishakhawe.org/>



Vishakhā

Who



**Vishakha is celebrating its 28<sup>th</sup> year of establishment for right based intervention in the area of** education, health, and combating violence against women and girls. In the past two decade Vishakha has worked towards empowerment of women, girls and marginalized communities primarily in Rajasthan and other parts of the country. Vishakha was one of the key litigants in filling a joint a joint PIL[1] in the case where the Supreme Court of India issued the landmark Guidelines for Prevention of Sexual harassment at the Workplace in 1997, popularly known as the **Vishakha Guidelines** **read more...**

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# Bhanwari Devi's Case and the Vishaka Guidelines

- Bhanwari Devi filed an **FIR** and testified that multiple dominant caste men violently assaulted and raped her as a retaliatory measure.
- In 1995, the **trial court acquitted** the accused, observing
  - (i) members of a dominant caste would not rape a woman from an oppressed caste;
  - (ii) men of different castes would not participate in a gang rape;
  - (iii) older men aged 60-70 cannot participate in a gang rape; ...

# Justice Jagdish Sharan Verma



# Bhanwari Devi's Case and the Vishaka Guidelines

- The acquittal caused national outrage, particularly because of the nexus with Bhanwari Devi's work as a government social worker.
- Members of civil society **filed PIL** in the Supreme Court of India seeking that “workplaces must be made safe for women and that it should be the responsibility of the employer to protect women employee at every step.”
- In 1997, *Vishaka v. State of Rajasthan* laid down guidelines to protect women from sexual harassment in workplaces. [Judgement](#)

# Vishaka Guidelines

A definition of sexual harassment

Prioritizing **prevention**

Provision of an innovative **redress mechanism**

**Shifting accountability** from individuals to institutions

Obligation on workplaces, institutions and those in positions of responsibility, to uphold working women's fundamental right to equality and dignity at the workplace:

- Prohibition
- Prevention
- Redress



Nirbhaya 2012

.....



# Justice Verma Committee Report



Jagdish Sharan Verma



Gopal Subramaniam



Leila Seth

**COMMITTEE MEMBERS**



REPORT OF THE COMMITTEE ON  
**AMENDMENTS  
TO  
CRIMINAL LAW**

JUSTICE J.S. VERMA (RETD)  
CHAIRMAN

JUSTICE LEILA SETH (RETD)  
MEMBER

GOPAL SUBRAMANIAM  
MEMBER

JANUARY 23, 2013

- A revolutionary judgement based on the fundamental rights of women. ...later became the basis for -
- **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**

# The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

- *Passed on 22nd April, 2013*
- *Came into force on 9th December, 2013*
- ***The sense of security at the workplace will improve women's participation in work, resulting in their **economic empowerment and inclusive growth** and overall growth of economy.***
- Economically empowered women are key to the nation's overall development and this can only be achieved if it is ensured that women's workspaces across all sectors and all over the country have a safe and secure environment for work.

# Preamble

- Sexual harassment results in violation of the **fundamental rights** of a woman:
- right to **equality** under Articles 14 and 15
- **right to life and to live with dignity** under Article 21
- **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) Art.19(1)(g)

# CEDAW

- Protection against sexual harassment and
- right to work with dignity

are universally recognised **human rights** by

- Convention on the Elimination of all Forms of Discrimination against Women

*ratified on 25th June, 1993 by India*

- Substantive equality and
- women's rights as human rights

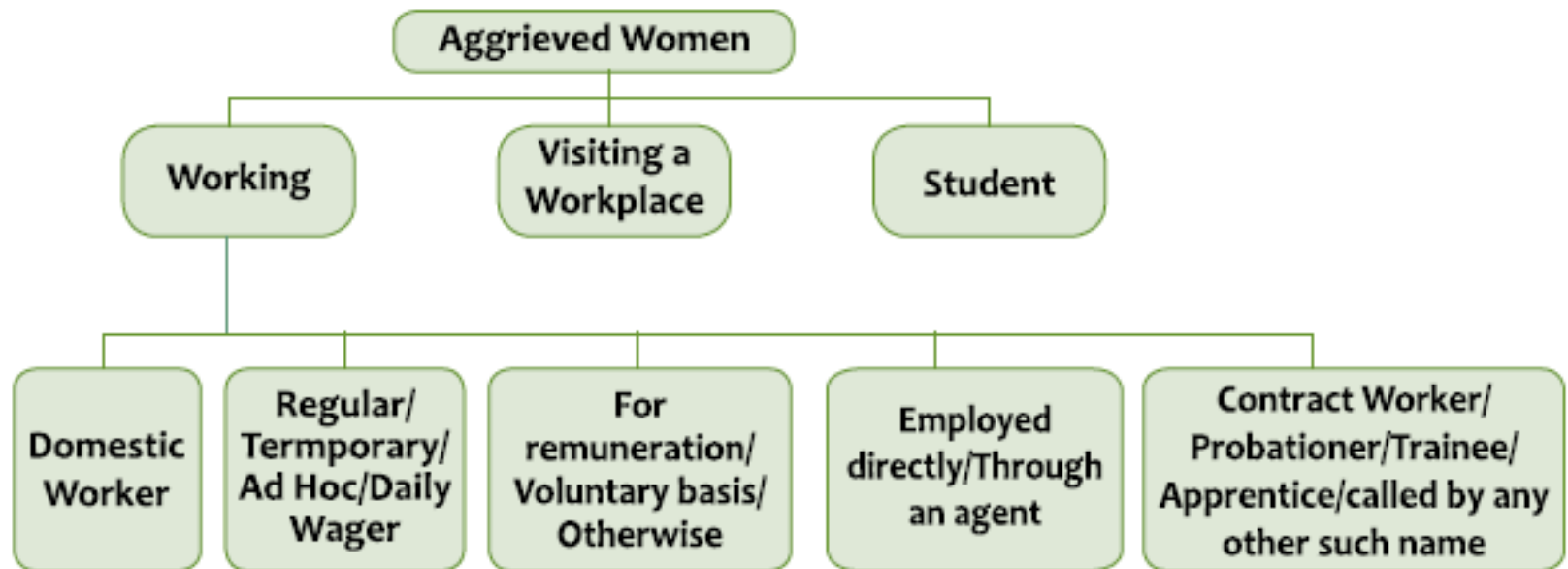
# Civil remedy

- civil remedy to women and is in addition to other laws that are currently in force.
- Any woman who wishes to report instances of sexual harassment at the workplace has the right to take recourse of **both civil and criminal** proceedings.

# Other remedies

- Conciliation or
- Formal Complaint under POSH Act **or/and**
- Criminal Complaint under
- IPC S.354A/ BNS S.75

# Aggrieved Woman



MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(University Grants Commission)

NOTIFICATION

New Delhi, the 2nd May, 2016

**University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015**

**No. F. 91-1/2013(TFGS).**—In exercise of the powers conferred by clause (g) of sub-section (1) of section 26 of the University Grants Commission Act, 1956 (3 of 1956), read with sub-section (1) of Section 20 of the said Act, the University Grants Commission hereby makes the following regulations, namely:—

- 1. Short title, application and commencement.**—(1) These regulations may be called the University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015.

- (1) “student” means a person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short-term training programmes in a HEI;  
Provided that a student who is in the process of taking admission in HEIs campus, although not yet admitted, shall be treated, for the purposes of these regulations, as a student of that HEI, where any incident of sexual harassment takes place against such student;  
Provided that a student who is a participant in any of the activities in a HEI other than the HEI where such student is enrolled shall be treated, for the purposes of these regulations, as a student of that HEI where any incident of sexual harassment takes place against such student;

# Workplace



# Extended Workplace

Any place visited by the employee

- arising out of or
- during the course of employment
- including transportation by the employer for undertaking such journey;



Topic portal

# Violence and harassment in the world of work



Introduction

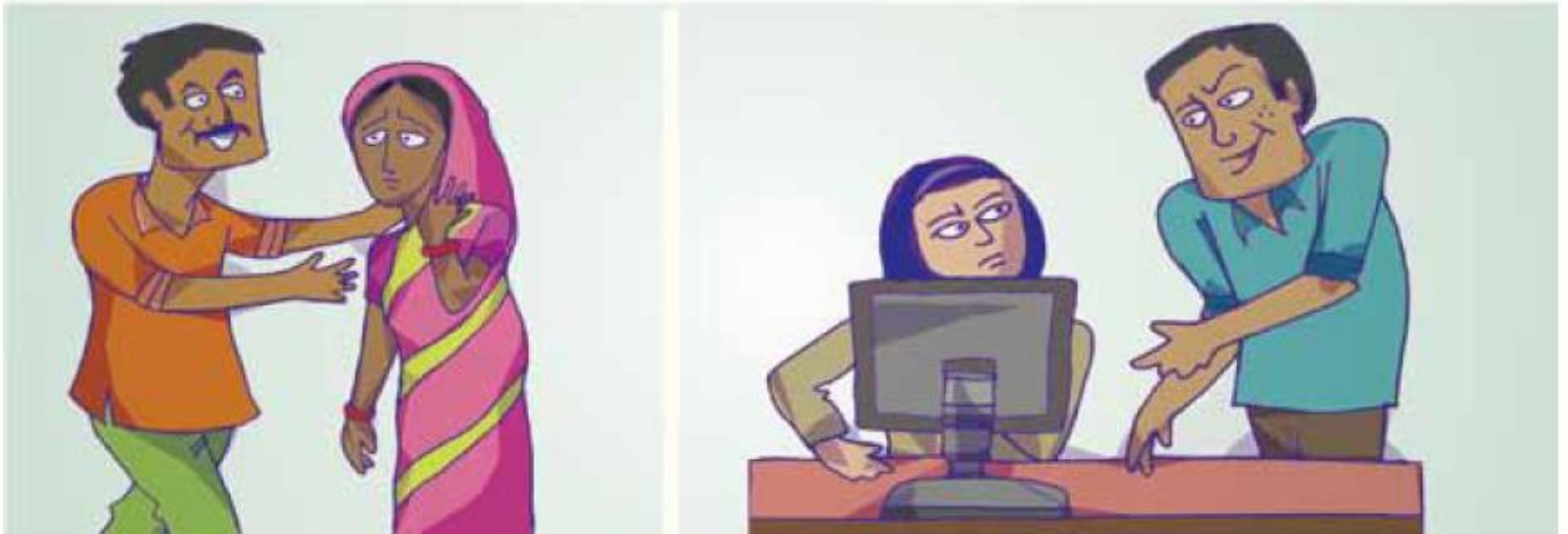


Adopted in June 2019 [ILO Convention No. 190 \(C190\)](#) is the first international treaty to recognize the right of everyone to a world of work free from violence and

- **"World of Work"** covers harassment occurring during travel, training, social activities, and—crucially—**digital communications**.
- **"Domestic Violence" Link:** C190 is the first international standard to acknowledge that domestic violence affects employment, productivity, and health and safety, requiring employers to take reasonable measures to mitigate its impact.

“Sexual Harassment” includes anyone or more of the following unwelcome acts or behaviour (whether directly or by implication), namely:

1. Physical contact or advances;
2. A demand or request for sexual favours;
3. Making sexually coloured remarks;
4. Showing pornography;
5. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature



- <https://www.youtube.com/watch?v=2Ej8Sl2Y3-A>
- *Negative Rumours*
- <https://filmfreeway.com/Agnisikha089>



- Bolivia
- **Law Against Harassment and Political Violence Toward Women (2012)**
- Juana Quispe was a councilwoman in Bolivia who was harassed for years by male colleagues who wanted her to resign so her male alternate could take her seat. She was denied entry to sessions and had her salary suspended. In 2012, she was murdered.

- **Amnesty International India Study (2020)**
- An analysis of tweets during the 2019 General Elections in India found that 95 women politicians received nearly **1 million hateful mentions**.
- *Women politicians were targeted not just for their policies, but with threats of rape and physical violence.*
- **Impact:** This digital harassment creates a hostile "virtual workplace," deterring younger women from entering public life because the cost of visibility is too high.

# Digital Self-Defense

- A common tactic used against women in Indian politics is character assassination (e.g., circulating morphed photos or spreading rumors of affairs). This is a specific form of sexual harassment designed to destroy political credibility.

- **The "Respectability" Trap:** Because character assassination is a primary tool of harassment in politics, female leaders are forced to expend a disproportionate amount of time and energy defending their reputations and proving their "morality," detracting from their ability to execute their political mandates.

## THE FIRST STEP TO PREVENTION IS RECOGNITION

Workplace Sexual Harassment is  
behaviour that is

**UNWELCOME**

**SEXUAL** in nature

A **SUBJECTIVE** experience

**IMPACT** not intent is what matters

Often occurs in a matrix of **POWER**



UNWELCOME	WELCOME
Feels bad	Feels good
One-sided	Reciprocal
Feels powerless	In-control
Power-based	Equality
Unwanted	Wanted
Illegal	Legal
Invading	Open
Demeaning	Appreciative
Causes anger/sadness	Happy
Causes negative self-esteem	Positive self-esteem

# Two common forms of *inappropriate behaviour*:

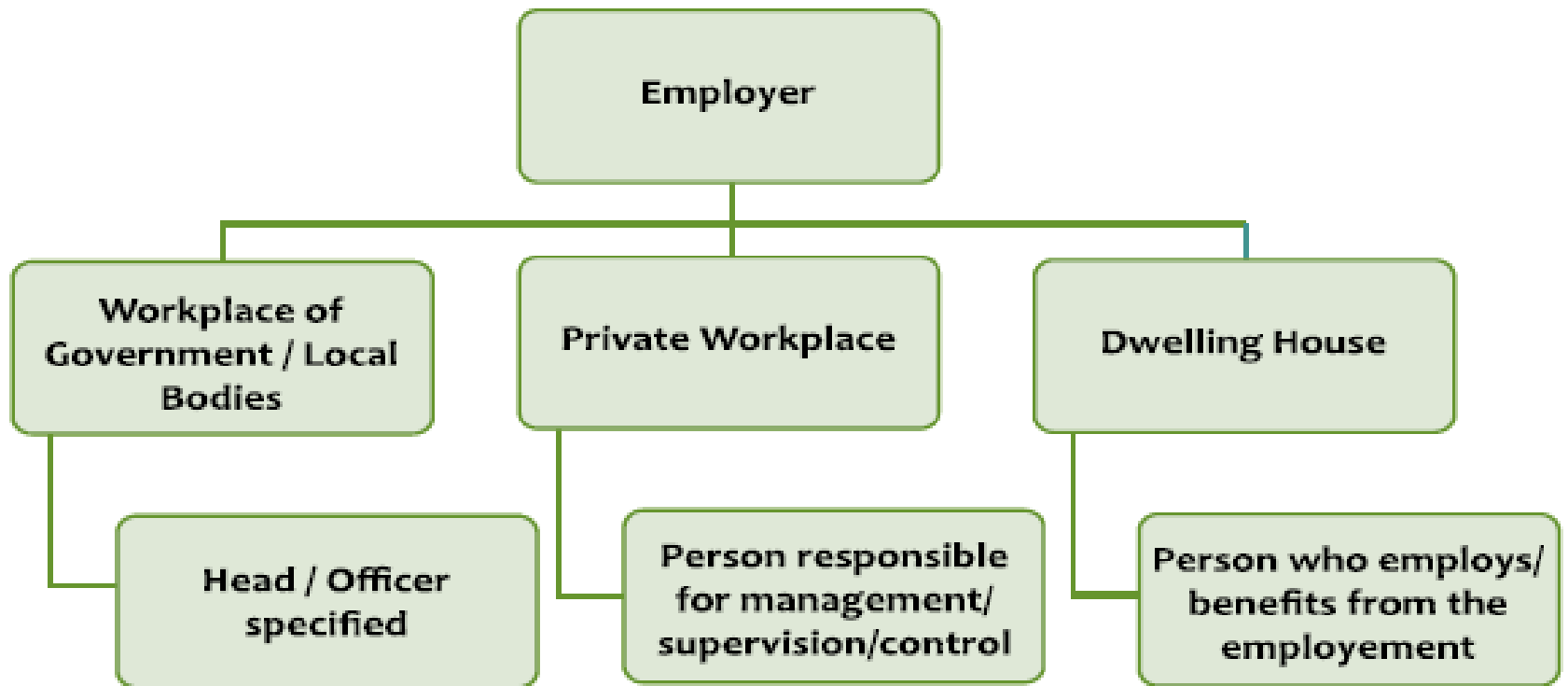
- • **Quid Pro Quo** (literally 'this for that')
  - - Implied or explicit promise of preferential/detrimental treatment in employment
  - - Implied/ explicit threat about her present/future employment status
- • **Hostile Work Environment**
  - - interference with her work
  - Creating a hostile/ intimidating/offensive work environment for her
  - - Humiliating treatment likely to affect her health/safety

# *Quid Pro Quo*

- To force the woman to agree with such **conduct by promising/threatening her (explicitly or implicitly) preferential/detrimental treatment in her job.**
- *“If you agree to accompany me on a study tour, I will give you promotion or in case you refuse, I will transfer you other place.”*
- Submission to or rejection of such conduct by the woman is used as the basis **for deciding the future course of her job.**
- *“If you refuse to obey my demand, I will not renew your contract.”*

# *Hostile work environment*

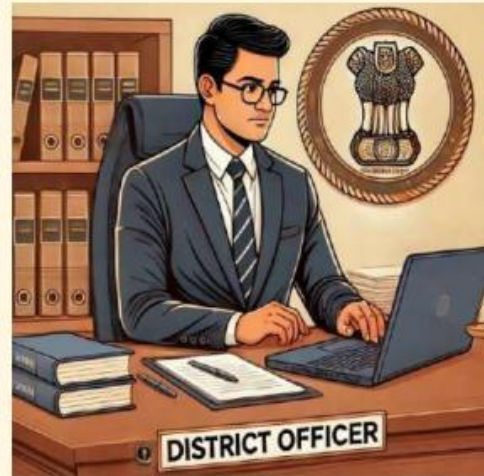
- unreasonably interfering with woman's work performance or
- subjecting woman to humiliating treatment likely to affect her health and safety.



## 2. Who is a District Officer?

A District Magistrate/Additional District Magistrate/ Collector/ Deputy Collector is appointed as a District Officer at the local level.

The District Officer is responsible for carrying out the powers and functions at the district levels (including every block, taluka, tehsil, ward, and municipality).



## Responsibilities of Employer and District Officer

**The Employer/District Officer is obliged to create a workplace free of sexual harassment. It is their responsibility to:**

1. Create and communicate a detailed policy;
2. Ensure awareness and orientation on the issue;
3. Constitute Internal/Local Committee in every workplace and district so that every working woman is provided with a mechanism for redress of her complaint(s);
4. Ensure Committees are trained in both skill and capacity;
5. Prepare an annual report and report to the respective state government;
6. Appointment of a nodal officer by the District Officer to receive complaints at the local level.



**Employers/District Officers are responsible for complying with prohibition, prevention and redress of workplace sexual harassment. It means having a policy that:**

1. Prohibits unwelcome behaviour that constitutes workplace sexual harassment;
2. Champions prevention of workplace sexual harassment through orientation, awareness and sensitization sessions; and
3. Provides a detailed framework for redress.

## **Dissemination of Information and Awareness Generation**

**Employers/District Officers have a legal responsibility to:**

1. Effectively communicate a policy that prohibits unwelcome behaviour that constitutes workplace sexual harassment, and provides a detailed framework for prevention, and redress processes.
2. Carry out awareness and orientation for all employees.
3. Widely publicize names and contact details of the members of Internal and Local Committees.



## Penalties

**An employer can be subjected to a penalty of upto Rs. 50,000 for:**

- Failure to constitute Internal Committee,
- Failure to act upon recommendations of the Internal Committee,
- Failure to file an annual report to the District Officer where required,
- Contravening or attempting to contravene or abetting contravention of the POSH Act or Rules.

**If an employer repeats a breach, they shall be subject to:**

- Twice the punishment or higher punishment if prescribed under any other law for the same offence.
- Cancellation/Withdrawal/Non-renewal of registration/license required for carrying on business or activities.

# Who can make a complaint?

- Aggrieved Women Herself, or
- any person who has knowledge of the incident with written consent [of her legal heir (in case the aggrieved women passed away)]
- In case of **physical incapacity**
  - Her relative
  - Friend
  - Co worker
  - Officer of NCW or SCW
  - Any person who has knowledge of incident with the **written consent of complainant**
- In case of **mental incapacity**
  - Qualified psychiatrist or psychologist
  - Guardian or authority under whose care she is receiving treatment or care

# Complaints Committee

- Every employer of workplace with 10 employees is bound to constitute in writing the **internal committee**. 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.
- The **Local Committee** is set up 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.**

# Complaints Committees

- Internal Committee (IC)
- Local Committee (LC).
- All Complaints Committees must have 50 % representation of women.
- Mandatory

# Interim Measures

- While a complaint is pending inquiry, a complainant can make a written request for **her transfer or the transfer of the respondent**, or for **leave** (upto 3 months).
- She can also request the Complaints Committee to restrain the respondent from **reporting on her work performance** or **writing her confidential report** or supervising her academic activities (in case she is in educational institution).

# IC may recommend:

- Disciplinary action, including a written apology, reprimand, warning, censure;
- Withholding promotion/ pay raise/ increment;
- Termination;
- Counselling;
- Community service.

# Constitution-Internal Committee (IC)

Every organization has to constitute an Internal Committee (IC) having following members

- **Chairperson** – Woman working at senior level in the organisation
- **2+ Members** (at least) – Amongst **employees** committed to women issues, have legal knowledge or experience in social work
- **1 Member** – from NGO
- *More than Half of members to be women.*

# Local Committee

- **Every district** must constitute a Local Committee
- Responsible for receiving complaints of sexual harassment from organisations having less than 10 workers.
- Also comes into play when the complaint is against the employer himself

# Local Committee (LC)

- The State Government will notify the District Magistrate/Additional District Magistrate/Collector/ Deputy Collector as **District Officer** in every district, who will constitute a Local Committee (LC) so as to enable women in the unorganised sector or small establishments to work in an environment free of sexual harassment.

# LC will have following members:

- **Chairperson**- Nominated from amongst the eminent **women** in the field of social work and committed to the cause of women
- **Member**- Nominated from amongst the **women** working in the block, taluka or tehsil or ward or municipality in the district
- **2 Members**- Nominated from amongst such NGO/ associations/persons committed to the cause of women or familiar with the issues relating to sexual harassment, provided that:
  - **At least one must be a woman**
  - At least one must have a background of law or legal knowledge
- **Ex Officio member** - The concerned officer dealing with social welfare or women and child development in the district

h) “Higher Educational Institution” (HEI) means a university within the meaning of clause ( j) of section 2, a college within the meaning of clause(b) of sub-section (1) of section 12A and an institution deemed to be a University under section 3 of the University Grants Commission Act, 1956 (3 of 1956);

- (a) A Presiding Officer who shall be a woman faculty member employed at a senior level (not below a Professor in case of a university, and not below an Associate Professor or Reader in case of a college) at the educational institution, nominated by the Executive Authority;

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 2(o);

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 organization;”

- (b) two faculty members and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by the Executive Authority;
- (c) Three students, **if the matter involves students**, who shall be enrolled at the undergraduate, master’s, and research scholar levels respectively, elected through transparent democratic procedure;
- (d) one member from amongst non-government organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the Executive Authority.

At least one-half of the total members of the ICC shall be women.

**10. Punishment and compensation-** (1) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the HEI, if the offender is an employee.

(2) Where the respondent is a student, depending upon the severity of the offence, the HEI may,-

- (a) withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances, and identity card;
- (b) suspend or restrict entry into the campus for a specific period;
- (c) expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants;
- (d) award reformatory punishments like mandatory counselling and, or, performance of community services.

# How to locate IC within an organisation?

- As per the Act, the employer is obligated to **display** the order constituting ICC at any conspicuous place in the workplace.
- However, if this is not done, then one can contact the employer/head of the department/human resource department to obtain information about the ICC constituted under the SH Act.

# Locating LC in a particular district

For locating LC or one of its members, one can adopt following measures:

- Contact the District Officer's office
- Contact One Stop Centre/Women Helpline (toll free thorough 181, 100 etc.) functioning in your district/State
- Contact the State Commission for Women
- Contact the State Department of Women and Child Development/department looking after women issues

# IC/LC not constituted in the organisation/district?

- Non constitution of Complaints Committee is punishable with a **fine of Rs. 50,000/-** and repeat offenders will be punished with **cancellation/withdrawal of licence/registration** required for carrying on business activities.
- *The aggrieved can approach the court to complain about the same.*

# Complaints Committee Procedure

- Aggrieved woman can file a **complaint within 3 months** of the date of the incident
- Once the complaint is received, the IC or LC to **conduct an inquiry** and complete it within 90 days

# Procedure

- The complaints committee shall send one of the **copies** received from the aggrieved woman to **the respondent** within a period of 7 working days.
- The respondent shall file **their reply** to the complaint along with his list of documents and names and addresses of witnesses within a period not exceeding **10 working days** from the date of receipt of the documents.

# Conciliation

- Before initiating the inquiry, Complaints Committee on the request of the aggrieved woman may try to settle the dispute with the respondent through **conciliation**.
- *No monetary settlement shall be made as a basis of conciliation*
- *If settlement is arrived-no further inquiry shall be conducted*
- *If any term or condition of the settlement arrived has not been complied with by the respondent, the Committee shall proceed to make an inquiry (on complaint)*
- *Conciliation: A mutual agreement between parties to settle a problem between themselves peacefully.*

# Procedure followed by the Complaints Committee:

- In case there is no **conciliation** and the respondent is an employee, IC shall proceed to **make inquiry** into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exists, in such manner as may be prescribed
- In case of **domestic worker**, IC shall, if **prima facie case exists**, forward the complaint to the police within a period of 7 days for registering the case under IPC S. 509 and any other relevant provisions

# Procedure followed by the Complaints Committee:

- Further, where the aggrieved woman informs the complaints committee that the respondent is **not complying** with any term or condition of the settlement arrived through conciliation, the complaints committee shall proceed to **make an inquiry** into the complaint or forward the complaint to the police.
- In case, both the parties are employees, the parties shall during the course of inquiry be given an **opportunity of being heard** and a **copy of the findings** shall be made available to both the parties enabling them to make representation against the findings before the committee.

# Inquiry by Complaints Committee

- The Complaints Committee (IC/LC) will conduct an **inquiry** into the complaint by calling all the concerned parties i.e. **complainant, respondent, witnesses** etc.
- Later, on the basis of the testimonies of the concerned parties and evidences (documentary or otherwise) gathered, the Committee will frame its **findings**, which will be shared with the employer.

# Interim relief during the inquiry from IC?

During the inquiry, at the written request of complainant, ICC can provide following interim reliefs to the complainant:

- **Transfer** the complainant or respondent to any other place
- Grant **leave** to the complainant for upto 3 months in addition to her entitled leave
- Restrain the respondent from **reporting** on the work performance/ writing confidential report of aggrieved
- Restrain the respondent from **supervising** academic activities of aggrieved

# Powers of Civil Court to Complaints Committee:

- The Internal Complaints Committee and the Local Committee have been vested with the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, which are:
  - i) Summoning and enforcing the attendance of any person and examining him on oath;
  - ii) Requiring the discovery and production of documents;
  - iii) Any other matter which may be prescribed.

# If Committee Finds Allegations True

- If the IC finds that the allegations to be true, it submits a **report to the employer** to:
  1. Take action for sexual harassment as a **misconduct**.
  2. To **deduct from the salary** or wages of the respondent appropriate amount that needs to be paid to the victim.

*The employer must act on these recommendations within **60 days***

# Kinds of punishment could be awarded

- As prescribed under the Service Rules
- In case service rules do not exist
  - **Disciplinary action** including written apology, reprimand, warning, censure
  - withholding of **promotion/ pay raise/ increment**
  - **Termination** of employment
  - Undergo counselling
  - Community service
  - Deduction from salary

# Compensation to the Complainant

- The committee is empowered to determine the sum to be paid to the aggrieved woman. The complaints committee at the time of determining the sum shall have regard to:
  - i) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
  - ii) the loss in the career opportunity due to the incident of sexual harassment;
  - iii) medical expenses incurred by the victim for physical or psychiatric treatment;
  - iv) the income and financial status of the respondent;
  - v) feasibility of such payment in lump sum or in instalments.

# Action against the Complainant

- Complaints committee has the power to recommend to the employer to take action against the complainant, in case, complaints committee arrives at a conclusion that the complaint has been made **maliciously** and knowing it to be **false** or the complainant has produced any forged or misleading document.
- But mere inability to substantiate the complaint or provide adequate proof in support of the complaint need not attract action against the complainant.
- Moreover, the malicious intent on the part of the complainant shall be established by the complaints committee before recommending the action against the complainant.

Submission of Complaint	Within 3 months of the last incident
Notice to the Respondent	Within 7 days of receiving copy of the complaint
Completion of Inquiry	Within 90 days
Submission of Report by IC/LC to employer/DO	Within 10 days of completion of the inquiry
Implementation of the Recommendations	Within 60 days
Appeal	Within 90 days of the recommendation

# Duties of the Employer

- formulate and widely disseminate an internal
- **policy** or charter or resolution or declaration for
- **prohibition, prevention and redressal of sexual harassment at the workplace** intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women;
- [NULD Policy](#)

**National Law University, Delhi Policy**  
*on*  
***SEXUAL HARASSMENT OF WOMEN AT WORKPLACE***  
***(PREVENTION, PROHIBITION AND REDRESSAL)***

# Duties of the Employer

Formulation of an **Anti Sexual Harassment Policy**

- i) Provide **safe working environment** at the workplace. It also includes the safety from the persons coming into contact at the workplace.
- ii) **Display** at any conspicuous place in the workplace, the penal consequences of sexual harassment and the order constituting the Internal Committee.
- iii) Organise workshops and **awareness programs** at regular intervals for sensitizing the employees with the provisions of the Act. Organise orientation programs for the members of the Internal Committee.
- iv) Constitute and provide **necessary facilities** to the internal **committee** or the local committee for dealing with the complaint and conducting an inquiry.

# Duties of the Employer

- v) **Assist in securing the attendance** of respondent and witnesses before the internal committee or the local committee.
- vi) **Make available information** having regard to the complaint to the internal committee or the local committee.
- vii) Provide **assistance to the aggrieved woman** if she chooses to file a complaint under IPC or any other law for the time being in force.
- viii) Cause to **initiate action against the perpetrator** under IPC or any other law for the time being in force or if the aggrieved woman so desires, where the perpetrator is not an employee in the workplace at which the incident of sexual harassment took place.

# Duties of the Employer

- ix) **Treat sexual harassment as misconduct** under the service rules and initiate action for such misconduct.
- x) **Monitor the timely submission of reports** by the Internal Committee.
- xi) The employer shall include in the annual report of organization, the **number of cases filed and disposed under this Act** or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.

# Maintaining Confidentiality of the cases

The Act prohibits the disclosure of:

- Identity and address of complainant, respondent and witnesses
- Information pertaining to conciliatory/ inquiry proceedings or recommendation of ICC or action taken by the employer.
- **Breach of confidentiality will invite a penalty of Rs. 5,000/-** which will be collected by the employer
- **Exception:** Dissemination of information regarding the justice secured without disclosure of name, address, identity and particulars of complainant or witnesses

# Appeal

- Central Government Industrial Tribunal-cum-Labour Courts (CGIT-cum-LCs) which are headed by Presiding Officers who are selected from amongst serving or retired High Court Judges and District/ Additional District Judges

<https://wdcw.tg.nic.in/>

The following notification shall be published in the Extra-ordinary Issue of the  
Telangana State Gazette:

**NOTIFICATION**

In exercise of the powers conferred by clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (Act No.20 of 1946) (hereinafter referred to as "the said Act") read with Rule 11 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, the Government of Telangana being an appropriate Government appoints eight (8) Labour Courts & Industrial Tribunals in the Telangana State constituted under section 7 of the Industrial Disputes Act, 1947 mentioned in column (2) of the schedule appended hereto, as the Appellate Authority in their respective jurisdictions, to exercise the functions of an Appellate Authority under the said Act in respect of the Industrial Establishments in relation to which the State Government is the appropriate authority for preferring appeals in the cases of Sexual Harassment of Women at Workplace.

**Schedule**

Sl. No.	Labour Courts / Industrial Tribunals
(1)	(2)
1.	Labour Court-I, Hyderabad
2.	Labour Court-II, Hyderabad
3.	Labour Court-III, Hyderabad
4.	Additional Industrial Tribunal-cum-Labour Court, Hyderabad
5.	Industrial Tribunal-I, Hyderabad
6.	Industrial Tribunal-II, Hyderabad
7.	Industrial Tribunal-cum-Labour Court, Godavarikhani
8.	Industrial Tribunal-cum-Labour Court, Warangal

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)



“

Milestone towards safety of  
women at workplace New

# SHe-Box Portal

Centralized repository of information related to Internal Committees (ICs) and Local Committees (LCs) formed across the country, encompassing both the government & private sectors.

Offers a streamlined platform to file and track workplace harassment complaints, ensuring timely and assured redressal.



Visit here: [shebox.wcd.gov.in](https://shebox.wcd.gov.in)

# <https://shebox.wcd.gov.in/> Central/State Govt/Pvt.

shebox.wcd.gov.in

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  नए समाज की ओर  
Towards a new dawn

**MINISTRY OF WOMEN & CHILD DEVELOPMENT**  
GOVERNMENT OF INDIA



HOME | ABOUT US | LAWS AND REGULATIONS | RESOURCE DIRECTORY | IEC MATERIAL | EMPANELMENT | USER MANUAL | FAQ | CONTACT US | LOGIN

With the new **SHe-Box** portal, filing and tracking workplace harassment complaints is easier than ever.

It is a Comprehensive online portal for ensuring effective implementation of PoSH Act.



## SHe-Box

### Online Complaint Management System

IF YOU ARE FACING SEXUAL HARASSMENT AT WORKPLACE

Sexual Harassment electronic Box (SHe-Box) is an effort of GoI to provide a single window access to every woman, irrespective of her work status, whether working in organised or unorganised, private or public sector, to facilitate the registration of complaint related to sexual harassment. Any woman facing sexual harassment at workplace can register their complaint through this portal. Once a complaint is submitted to the 'SHe-Box', it will be directly sent to the concerned authority having jurisdiction to take action into the matter.

- Register your Complaint
- Workplace / Nodal Officer Registration
- Private Head Office Registration

## SHe-Box Portal: Commitment to a Safe workplace



### Key Features:

- **Comprehensive Coverage:** For all women, regardless of work status or sector
- **User-Friendly:** Easy access and straightforward process
- **Resources:** Centralised public repository of all Internal Committees and Local Committees across the country

### How to Register Your Complaint?




1. **Visit:** SHe-Box Portal  
<https://shebox.wcd.gov.in/>
2. **Requirements:** A valid email ID and mobile number
3. **Register:** Click on "**Register your Complaint**" on the homepage
4. **Submission:** Your complaint will be sent to the concerned Internal / Local Committee directly



**No, you are not alone. Contact your nearest District Legal Services Authority (DLSA) or NALSA Helpline Toll Free Number 15100 for free legal aid or advice. No one should suffer in silence - reach out for the justice you deserve.**


- three ways in which an aggrieved woman can approach the Legal Services Institutions for the purpose of making her complaint or to seek advice in such matters:
- (i) through Legal Services Clinics and para Legal Volunteers (PLVs);
- (ii) Legal helpline (15100 – NALSA helpline number); and
- (iii) through the Legal Services Management System, the details of which are available on NALSA'S web-site.

<https://scourtapp.nic.in/lsams/nologin/applicationFiling.action?requestLocale=en>



आय सब के लिए  
ACCESS TO JUSTICE FOR ALL

National Legal Services Authority  
Legal Services Management System



सत्यमेव जयते

Home About Us Apply Legal Aid Track Your Application Reminders / Clarifications Victim Compensation Pre-Arrest Assistance  
Defence Personnel FAQ / Help Contact Us

English हिंदी मराठी తెలుగు தமிழ் മലയാളം ગુજરાતી বাংলা ଓଡ଼ିଆ ಕನ್ನಡ

### APPLICATION FORM FOR LEGAL AID / Grievance

**Legal Aid / Grievance Application**

Application For \*:  Received Through \*:

State:  District:  Taluka:

**Legal Aid / Grievance**

Nature of Legal Aid / Grievance \*:

Summary of problem for which legal aid / Grievance is sought \*:

**Personal Details**

Applicant Name \*:  Upload Photograph:  No file chosen (gif, jpeg Image only)

Father Name:  Mother:

Applicant Name \*:

Father Name:

Spouse Name:

Gender \*:

Mobile \*:

Religion:

Occupation:

Eligibility Category\*:

Current Address \*:

Text Here...

Permanent Address:

Text Here...

- Choose an Item --
- Scheduled Caste
- Scheduled Tribe
- Persons in custody in a protective home or in a juvenile home or in a psychiatric hospital or nursing home
- General (Persons whose annual income does not exceed prescribed limit)
- Women
- Children
- Persons with disability
- Victims of mass disaster, violence, flood, drought, earthquake or industrial disaster
- Industrial Workmen
- Victims of trafficking in human beings or begar
- Others
- Transgender
- Defence Personnel (Serving)
- Defence Personnel (Retired)
- Defence Personnel (Dependent)

-- Choose an Item --

Income Certificate

Annual Income:



Who qualifies as an applicant or beneficiary for seeking legal aid or advice under this programme?

Beneficiaries or Applicants, in order to avail the benefits under this programme must belong to one of the categories mentioned under Section 12 of The Legal Services Authority Act of 1987. These include:

- a.** Member of a Scheduled Caste
- b.** Member of a Scheduled Tribe;
- c.** Victim of trafficking in human beings or begar as referred in article 23 of the Constitution;
- d.** Woman or a Child;
- e.** Person with disability;
- f.** Person in custody;
- g.** An industrial workman;
- h.** Victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster;
- i.** Person with annual income less than as specified under law;
- j.** Other.

What are the essential requirements for an advocate to register under this programme for volunteering legal services?



### Welcome

Please select your user type



**Register as Beneficiary**



**Login as Beneficiary**

or

**Login as**



VLE



Nyaya Sahayak

INSTANT CALLING

CHAT BOT



# Indian Penal Code, 1860

- Conduct that may be construed as sexual harassment, can also constitute an offence and can be penalized under the IPC. Prior to the Criminal Amendment Act, 2013 it was brought within the ambit of Section 354 which made any act outraging the modesty of a woman a crime. After the said amendment, Section 354A has been inserted to make sexual harassment a particular offence. The following sections address the offence of sexual harassment:

# Section 354A

## The Indian Penal Code, 1860

- **354A. Sexual harassment and punishment for sexual harassment.—**
- (1)A man committing any of the following acts—
- (i)physical contact and advances involving unwelcome and explicit sexual overtures; or
- (ii)a demand or request for sexual favours; or
- (iii)showing pornography against the will of a woman; or
- (iv)making sexually coloured remarks, shall be guilty of the offence of sexual harassment.
- (2)Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to **three years**, or with fine, or with both.
- (3)Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to **one year**, or with fine, or with both.

# Punishment for SH under S.354 A

- The punishment for (i), (ii) and (iii) as given above is rigorous imprisonment for a term that may extend to 3 years, or a fine, or both while the punishment for (iv) is either simple or rigorous imprisonment for a term which may extend to 1 year, or a fine, or both.

# BHARATIYA NYAYA SANHITA, 2023

- 75. (1) A man committing any of the following acts:— (i) physical contact and advances involving unwelcome and explicit sexual overtures; or (ii) a demand or request for sexual favours; or (iii) showing pornography against the will of a woman; or (iv) making sexually coloured remarks, shall be guilty of the offence of sexual harassment. (2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both. (3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

# Consent invalid BNS S.68

- 376C. Sexual intercourse by a person in authority.—
- Whoever, being--(a) in a **position of authority** or in a fiduciary relationship; or (b) a public servant; or (c) superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force, or a women's or children's institution; or (d) on the management of a hospital or being on the staff of a hospital, **abuses such position** or fiduciary relationship **to induce or seduce** any woman either in his custody or **under his charge or present in the premises** to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than **five years, but which may extend to ten years**, and shall also be liable to fine.
- Explanation 1.— In this section, "sexual intercourse" shall mean any of the acts mentioned in clauses (a) to (d) of section 375. Explanation 2.— For the purposes of this section, Explanation 1 to section 375 shall also be applicable. Explanation 3.— "Superintendent", in relation to a jail, remand home or other place of custody or a women's or children's institution, includes a person holding any other office in such jail, remand home, place or institution by virtue of which such person can exercise any authority or control over its inmates. Explanation 4.— The expressions "hospital" and "women's or children's institution" shall respectively have the same meaning as in Explanation to sub-section (2) of section 376.

# BNS

68. Whoever, being— (a) in a position of authority or in a fiduciary relationship; or (b) a public servant; or (c) superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force, or a women’s or children’s institution; or (d) on the management of a hospital or being on the staff of a hospital, abuses such position or fiduciary relationship to induce or seduce any woman either in his custody or under his charge or present in the premises to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine. Explanation 1.—In this section, “sexual intercourse” shall mean any of the acts mentioned in clauses (a) to (d) of section 63. Explanation 2.—For the purposes of this section, Explanation 1 to section 63 shall also be applicable. Explanation 3.—“Superintendent”, in relation to a jail, remand home or other place of custody or a women’s or children’s institution, includes a person holding any other office in such jail, remand home, place or institution by virtue of which such person can exercise any authority or control over its inmates Explanation 4.—The expressions “hospital” and “women’s or children’s institution” shall respectively have the same meanings as in clauses (b) and (d) of the Explanation to sub-section (2) of section 64.

# Dominique Strauss-Kahn



The managing director of the International Monetary Fund, candidate for the French presidency, Dominique Strauss-Kahn, was taken off an Air France plane at Kennedy International Airport minutes before it was to depart for Paris

On May 14, 2011

sexual assault allegation by a hotel maid

<https://www.nytimes.com/2011/05/15/nyregion/imf-head-is-arrested-and-accused-of-sexual-attack.html>

# #MeToo

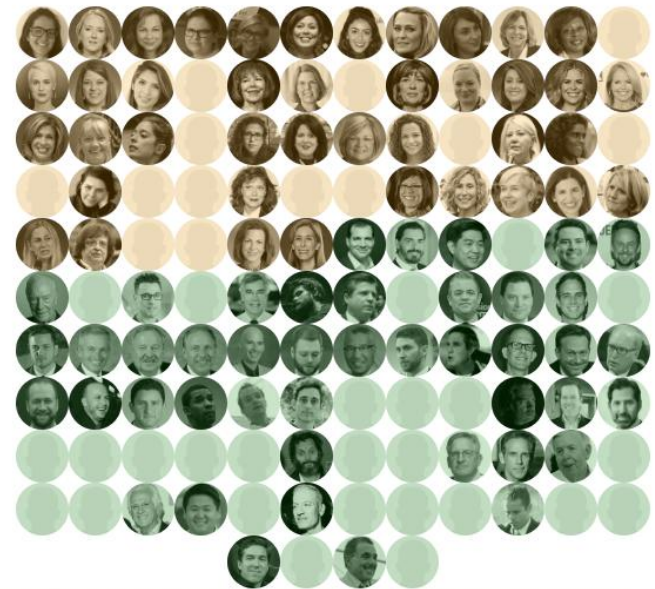
## #MeToo Brought Down 201 Powerful Men. Nearly Half of Their Replacements Are Women.

By AUDREY CARLSEN, MAYA SALAM, CLAIRE CAIN MILLER, DENISE LU, ASH NGU, JUGAL K. PATEL and ZACH WICHTER UPDATED Oct. 29, 2018

201 lost jobs or major roles



124 replacements: 54 women and 70 men



# #MeToo

- The phrase "Me Too," which was first used by social activist **Tarana Burke** in 2006 to raise awareness about the prevalence of sexual violence, particularly among women of **color**.
- The movement gained widespread attention and traction when it was popularized as a hashtag on social media by **actress Alyssa Milano** in October 2017.
- The #MeToo hashtag encouraged survivors of sexual harassment and assault to share their experiences on social media, often **publicly naming their perpetrators**.
- Led to a flood of stories from individuals across various industries, including entertainment, politics, journalism, and academia...

- 
- POSH-Introduction
- <https://www.youtube.com/watch?v=faq3CwJfdlY&t=13s>
- [consent-1](#)
- <https://www.youtube.com/watch?v=JjPMsjphCUU>
- [consent-2](#)
- <https://www.youtube.com/watch?v=NLKWEUhOHss>

## Questions

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How is POSH Act being implemented in India?

---

Can you suggest Preventive Measures to prevent sexual harassment in workplaces?

## Questions

---

Do you think women in India are aware of the POSH Act?

---

Do you suggest any initiatives for promoting awareness?

## Questions

---

Do you suggest  
any reforms wrt  
the POSH Act?

---

## MINISTRY OF CORPORATE AFFAIRS

### NOTIFICATION

New Delhi, the 31st July, 2018

**G.S.R. 725(E).**—In exercise of the powers conferred by section 134 read with section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the Companies (Accounts) Rules, 2014, namely:-

1. (1) These rules may be called the Companies (Accounts) Amendment Rules, 2018.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Companies (Accounts) Rules, 2014, in rule 8,

(i) In sub-rule (5), after clause (viii) the following clauses shall be inserted, namely:-

“(ix) a disclosure, as to whether maintenance of cost records as specified by the Central Government under sub-section (1) of section 148 of the Companies Act, 2013, is required by the Company and accordingly such accounts and records are made and maintained,

(x) a statement that the company has complied with provisions relating to the constitution of Internal Complaints Committee under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 [14 of 2013] ,”;

- Failure to include disclosures mandated under Section 134 of the Companies Act, 2013 and the rules framed thereunder in the Board of Director's report is punishable with fine of not less than INR 50,000 which may extend to INR 25,00,000.
- Additionally, every officer of the company who is in default is punishable with imprisonment for a term which may extend to 3 years or with fine of not be less than INR 50,000, which may extend to INR 5,00,000 or with both


# Supreme Court issues notice to Centre, BCI on plea related to POSH complaints by women lawyers

The petition argued that the Bombay High Court order has left women lawyers remediless, as the HC held that the POSH Act will not apply to bar councils

Published - November 22, 2025 08:59 am IST - New Delhi

PTI

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# Aureliano Fernandes vs The State Of Goa - 22 Oct. 2024

- The Supreme Court of India
- mandatory district-wise survey across the nation with respect to compliance under the POSH Act.
- –directed the District Officers to verify each employer’s compliance towards constituting (“IC”) and
- -displaying statutory notices about the penal consequences

<https://www.wdcw.tg.nic.in/documents/LCC%20list%20of%2033%20districts..pdf>

Telangana State She-Box / Local Committee Details						
S.No	District	LC Address	Chairperson Name	Contact Info	Office Address	Designation
1	ADILABAD	District Welfare Office, WCD&SC, Balasadanam Complex, Near Bus Depot, Vidya Nagar, Adilabad.	Smt.Saritha	Email : sarithaadp1@gmail.com Mobile No. : 9848538341	Adila Adharsha HIV Positive People Welfare Society (ADP+), Adilabad.	Chairperson
2		District Welfare Office, WCD&SC, Balasadanam Complex, Near Bus Depot, Vidya Nagar, Adilabad.	Smt.Sunitha	Email : pdicds.adbd@gmail.com Mobile No. : 9441424004	DSCDO,Adilabad.	Member
3		District Welfare Office, WCD&SC, Balasadanam Complex, Near Bus Depot, Vidya Nagar, Adilabad.	Smt.Manjulatha	Email : pdicds.adbd@gmail.com Mobile No. : 7013133319	Adilabad	Member
4		District Welfare Office, WCD&SC, Balasadanam Complex, Near Bus Depot, Vidya Nagar, Adilabad.	Smt.E.Umadevi	Email : pdicds.adbd@gmail.com Mobile No. : 7396610 89	Town Level Federation President, Adilabad.	Member
5		District Welfare Office, WCD&SC, Balasadanam Complex, Near Bus Depot, Vidya Nagar, Adilabad.	Smt.Udaysree	Email : pdicds.adbd@gmail.com Mobile No. : 9492280942	Sectoral Officer,O/o DEO, Adilabad.	Member
6		District Welfare Office, WCD&SC, Balasadanam Complex, Near Bus Depot, Vidya Nagar, Adilabad.	Smt.K.Milkah, Ex-Officio member	Email : pdicds.adbd@gmail.com Mobile No. : 9392024455	WCD&SC,Adilabad.	Member
7	BHADRADRI KOTHAGUDEM	Room No. G1, IDOC, Palvancha Bhadradi Kothagudem District	Smt.Veipula.Vijetha	Email : vijethaveipula@gmail.com Mobile No. : 7032705979	Room No. G1 IDOC Palvancha	Chairperson
8		Room No. G1, IDOC, Palvancha Bhadradi Kothagudem District	Smt. T.Mangathara	Email : cdpotekulapalli@gmail.com Mobile No. : 9391097897	ICDS Project office Tekulapalli	Member
9		Room No. G1, IDOC, Palvancha Bhadradi Kothagudem District	Smt.M.Annapurna	Email : disha.annapurna@gmail.com Mobile No. : 8341923412	Kothagudem	Member
10		Room No. G1, IDOC, Palvancha Bhadradi Kothagudem District	Sri.B.Lakshmi	Email : blakshmi@gmail.com Mobile No. : 9392292242	Kothagudem	Member
11		Room No. G1, IDOC, Palvancha Bhadradi Kothagudem District	Smt.J.M.Swarnalatha Lenina	Email : cdpoktdmr@gmail.com Mobile No. : 9866166105	ICDS Project office Kothagudem	Member
12		O/o the District Welfare Office, 4th floor Sneha Silver Jubilee Bhawan, Laldikapol, Hyderabad	Smt.Rohini	Email : deo_hydbad@yahoo.co.in Mobile No. : 7995087607	O/o the District Education Office Nizam College, Fateh Maidan, Abids, Hyderabad, Telangana 500001	Chairperson
13		O/o the District Welfare Office, 4th floor Sneha Silver Jubilee Bhawan, Laldikapol, Hyderabad	Smt Parima	Email : dco.coop.hyd@gmail.com Mobile No. : 9100115759	Cooperative Department, 3rd floor, Gubakalna Building, M.I Road, Nampally, Hyderabad	Member

# Dist Collector –Dist Officer

## GOVERNMENT OF TELANGANA

### ABSTRACT

Dept. for WCD&SC – To notify the District Collector of every district as District Officer to exercise powers of discharge of function under sexual harassment of women at work place Act, 2013

=====  
DEPARTMENT FOR WOMEN, CHILDREN, DISABLED & SENIOR CITIZENS (SCHEMES)

G.O.MS.No. 1

Dated: 22/02/2016:

Read the following:

1. From the Ministry of Women & Child Welfare, D.O.No.19-8/2013-WW/781, dt.04-01-2014.
2. From the Director, Women Development & Child Welfare, Hyderabad, Lr.No.257/TS/SRCW/2015, dt.05-09-2015.

\*\*\*\*\*

### **ORDER:**

In the reference 1<sup>st</sup> cited, the Government of India has stated that Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has come into force from 9<sup>th</sup> December, 2013. The Rules under this Act have also been notified on 9<sup>th</sup> December, 2013 that sexual harassment of women at workplace is a violation of women's right to gender equality, life and liberty. The Act needs to be implemented in an effective manner in order to provide a safe and secure working environment to women and to ensure constitution of Internal Complaints Committee as mandated in the Act in every department/organization/undertaking/industrial establishment and educational institution. Further, they have requested to ensure notification of district officers so as to facilitate the constitution of Local Complaints Committees in every district.

In the reference 2<sup>nd</sup> cited, the Director, WD & CW has stated that as per Section 5 of the Act, the Government may notify a District Magistrate or the Collector or Deputy Collector as a District Officer for every District to exercise powers of discharge of functions under Sexual Harassment of Women at Workplace Act, 2013 and as per the Sub-Section 1 of the Section 6, the 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 and requested to notify District Officer in all the Districts of Telangana State as per the Act for the prevention and redressal of complaints of sexual harassment.

After careful examination of the matter, Government hereby notify District Collector/District Magistrate as a District Officer for every District to exercise

# IC Guidelines

In *Rashi v. Union of India and Another*, the Delhi HC clarified certain requirements that need to be followed by the IC regarding its constitution and functioning:

- IC members must be **impartial** i.e. they should not have any personal knowledge or interest in the case or be connected to the case in any manner;
- IC members should not have **conflict** with any of the parties involved;
- IC members ought to possess **blemish-less credentials**;
- An independent person should be **someone external** and cannot, for example, be the panel lawyer of a bank where the Complainant and the Respondent are employees of the bank;
- There should be **no undue pressure and influence on the IC from senior levels**;
- Principles of **natural justice** should be followed scrupulously; and
- The *Visakha* Guidelines should continue to guide the IC and should be followed rigorously. *MANU DE 2178 2020*

- The SC in *Delhi University & Anr. v. Bidyug Chakraborty and Ors.* reiterated the importance of privacy of the witnesses' identity in sexual harassment cases.
- *SLP(C)No.23060/2009.*
- *2017 LLR 1014.*

Delhi HC in *Ashok Kumar Singh v. University of Delhi & Ors\_* laid down a detailed procedure to allow fair opportunity to the delinquent to cross-examine the witnesses while maintaining their identity confidential.

The procedure is as follows:

- The delinquent should be allowed to cross-examine the witnesses of the complainant through a questionnaire, which shall be submitted to the IC at the time when they are produced for cross-examination;
- The witnesses shall answer the questionnaire in the presence of the IC;
- Both the parties shall not be present at the time when the cross-examination of the witnesses of the complainant is being recorded;
- IC shall endeavour to ensure that the witnesses who are being cross-examined, do not confabulate with the witnesses who are yet to be cross-examined;

- IC shall make every endeavour to supply a copy of the cross-examination of the complainants' witnesses to the delinquent on the same day (of questioning) or at the earliest, in any case before cross-examination of the next witness;
- After completion of cross-examination of the complainants' witnesses, the delinquent would be permitted to lead defence evidence.
- The delinquent shall submit the examination-in-chief of the defence witnesses to the IC. Copies of the statements of the delinquent's witnesses shall immediately be made available to the complainant;
- After completion of the cross-examination of the witnesses of the delinquent, parties shall be given a personal hearing by the IC.
- *SLP(C)No.23060/2009.*
- *2017 LLR 1014.*


## Supreme Court dismisses plea to include women political workers under POSH Act, says it will open a 'Pandora's box'

A Bench headed by the CJI questioned the submissions made on behalf of the petitioner-advocate M.G. Yogamaya that political parties came within the definition of 'employer' under the Act

Updated - September 15, 2025 04:24 pm IST - NEW DELHI

THE HINDU BUREAU

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- The new regime consolidates 29 laws into four codes:
- **Code on Wages (2019)**
- **Industrial Relations Code (2020)**
- **Code on Social Security (2020)**
- **OSH Code (Occupational Safety, Health, and Working Conditions, 2020)**

# OSH Code 2020: The Game Changer

- **Safety as a Right:** Sexual harassment is now categorized under "Occupational Safety."
- **Employer Mandate:** Employers *must* provide a safe environment free from harassment as part of their health and safety duties.
- **Night Shift Clause:** Women can work between 7 PM and 6 AM **only if** the employer ensures:
  - Adequate protection of dignity.
  - Safe transportation.
  - Consent from the employee.

# Inclusion of Gig and Platform Workers

- **Breaking Boundaries:** Traditionally, "workplace" was defined by a physical office.
- **Social Security Code:** Now recognizes gig/platform workers (delivery, ride-sharing, freelancers).
- **Redressal:** These workers are now entitled to protection against harassment under the broader definitions of the New Codes.

# Penalties and Victim Compensation

- Under the new regime, the financial "teeth" of the law have been sharpened:
- **Steeper Fines:** Non-compliance with safety standards (including harassment protocols) leads to higher penalties than the original POSH Act.
- **Victim Support:** The OSH Code allows the court to award up to **50% of the fine** imposed on the perpetrator directly to the victim.
- **Compounding Offenses:** Provisions for settling minor offenses, but repeat harassment violations face criminal prosecution.

<https://www.livelaw.in/top-stories/same-gender-sexual-harassment-complaints-maintainable-posh-act-calcutta-high-court-168397>

## Same-Gender Sexual Harassment Complaints Maintainable Under POSH Act : Calcutta High Court

**LIVELAW NEWS NETWORK**

14 Jan 2021 1:16 PM (0 mins read )



*"Sexual harassment, as contemplated in the 2013 Act, has to pertain to the dignity of a person, which relates to her/his gender and sexuality; which does not mean that any person of the same-gender cannot hurt the modesty or dignity as envisaged by the 2013 Act", HC said.*

# *Dr Sohail Malik v Union of India*

- **Bench:** J.K. Maheshwari J, Vijay Bishnoi J
- Complainants can approach IC of their own workplace - against harassment by employee of a different workplace.
- **Judgement Date:** 10 December 2025
- **Citations:** 2025 INSC 1415 | 2025 SCO.LR 12(3)[14]

Social Media?

# BNS

- 22. Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

# THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016

- 92. Punishment for offences of atrocities.—  
Whoever,—
- ..(d) being in a position to dominate the will of a child or woman with disability and uses that position to exploit her sexually;
- ..shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

# MENTAL HEALTHCARE ACT, 2017

- 20. Right to protection from cruel, inhuman and degrading treatment.—(1) Every person with mental illness shall have a right to live with dignity. (2) Every person with mental illness shall be protected from cruel, inhuman or degrading treatment in any mental health establishment and shall have the following rights, namely:—
  - ..(k) to be protected from all forms of physical, verbal, emotional and sexual abuse.

- 108. Punishment for contravention of provisions of the Act or rules or regulations made thereunder.—Any person who contravenes any of the provisions of this Act, or of any rule or regulation made thereunder shall for first contravention be punishable with imprisonment for a term which may extend to six months, or with a fine which may extend to ten thousand rupees or with both, and for any subsequent contravention with imprisonment for a term which may extend to two years or with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees or with both.

IC may extend time limit for filing complaint by 3 months by recording reasons for extension



Last Act of Sexual Harassment

Complaint Received by IC

**3 Months**

**7 Working Days**

Copy of Complaint to Respondent

**10 Working Days**

Respondent's Written Response

**90 Days**

Conciliation or Inquiry

**10 Days**

Inquiry Report (Recommendations)

**60 Days**

Employer Action

# Thank You

Srinivas Madhav

[srinivasmadhav.india@gmail.com](mailto:srinivasmadhav.india@gmail.com)

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