

VIII**Bill No. LXXXVI of 2024**

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

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

PART I

PRELIMINARY

1. (1) This Act may be called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Amendment Act, 2024.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and commencement.

Amendment of section 4.

2. In the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the principal Act), in section 4, —

14 of 2013.

(i) in sub-section (2), in clause (c), after the existing proviso, the following new proviso shall be inserted, namely:—

“Provided further that wherever applicable, at least one of the members shall be a woman belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or a minority community as notified by the Central Government, from time to time.”

(ii) in sub-section (5), after clause (d), the following new clause shall be inserted, namely: —

“(e) has been accused by the aggrieved woman of loss of trust and lack of confidence at any point of time during an inquiry,”

Amendment of section 6.

3. In the principal Act, in section 6 —

(i) in sub-section (1), the following new proviso shall be inserted, namely: —

“Provided that if any District Officer fails to constitute a Local Committee, for whatsoever reasons, he shall be liable to a penalty in accordance with the provisions of the service rules applicable to him.”

(ii) in sub-section (2), the following new proviso shall be inserted, namely: —

“Provided that the details of the nodal officer designated by the District Officer shall be made available and publicized through every local government office to enhance the accessibility of any aggrieved woman to their rights under this Act.”

Amendment of section 7.

4. In the principal Act, in section 7 —

(i) in sub-section (1), after clause (b), the following new clause shall be inserted, namely: —

“(bb) one Member to be nominated from amongst the women working in the informal sector, such as domestic work, construction, street vending, gig work, who have engaged in the field of social work and are committed to the cause of women;”

(ii) in sub-section (3), after clause (d), the following new clause shall be inserted, namely: —

“(e) has been accused by the aggrieved woman of loss of trust and lack of confidence at any point of time during an inquiry,”

Amendment of section 9.

5. In the principal Act, in section 9, in sub-section (1), for the words “three months”, wherever they occur, the words “one year”, shall be substituted.

Insertion of new section 11A.

6. In the principal Act, after section 11, the following new section shall be inserted, namely: —

Replacement of the Presiding Officer or Member of the Internal Committee or Chairperson or Member of the Local Committee.

“11A. Any aggrieved woman, who loses trust and lacks confidence in any Presiding Officer or Member of the Internal Committee or any Chairperson or Member of the Local Committee, at any point of time during an inquiry, may request in writing to the employer or the District Officer, as the case may be, to replace such member of the Internal Committee or Local Committee, as the case may be, until the inquiry is disposed of:

Provided that necessary action shall be taken by the employer or the District Officer, as the case may be, within a period of fifteen days from the date of receipt of such request:

Provided further that both the aggrieved woman and the member so accused, shall, within the fifteen day period for processing the request for replacement, be given a reasonable opportunity of being heard and/or to make a representation against the findings, before the Internal Committee or the Local Committee, as the case may be.”

7. In the principal Act, in section 13, in sub-section (4), for the words “sixty days”, the words “thirty days”, shall be substituted. Amendment of section 13.

8. In the principal Act, for section 16, the following shall be substituted, namely: — Substitution of section 16.

“16.(1) Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made under section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, and the action taken by the employer or the District Officer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner:

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity, or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

(2) Any person entrusted with the duty to handle or deal with the complaint or inquiry under the provisions of this Act, shall not disclose the case to the respondent in any means before formal communication by the Internal Committee or the Local Committee, as the case may be.

(3) If the person who disclosed or publicized the identity and addresses of the aggrieved woman or witnesses, or contents of the complaint and inquiry proceedings, is a member of the Internal Committee or the Local Committee, the employer or the District Officer, as the case may be, shall take measures to immediately expel the guilty from the Internal Committee or the Local Committee.”

9. In the principal Act, for section 17, the following shall be substituted, namely: — Substitution of section 17.

“17. Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Act, contravenes the provisions of sub-section (1) and sub-section (2) of section 16, such person shall be liable to a penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.”

10. In the principal Act, in section 18, — Amendment of section 18.

(i) for sub-section (1), the following shall be substituted, namely : —

“Any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clause (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or sub-section (2) of

section 14 or sub-section (3) of section 16 or section 17 or non-implementation of such recommendations, may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.”

(ii) in sub-section (2), for the words “ninety days”, the words “forty-five days”, shall be substituted.

Amendment of section 20.

11. In the principal Act, in section 20, after clause (b), the following new clause shall be inserted, namely: —

“(c) take such measures as may be necessary to maintain a list of practitioners or organizations that provide free legal aid and guidance for supporting the aggrieved women in ensuring their rights.”

Substitution of section 22.

12. In the principal Act, for section 22, the following shall be substituted, namely: —

“22. The employer shall include in its annual report and publish the report on its website or mobile-based application of the organisation, or both, as the case may be, the number of cases filed, if any, and their disposal under this Act, and further, intimate such number of cases, if any, to the District Officer.”

Substitution of section 24.

13. In the principal Act, for section 24, the following shall be substituted, namely: —

“24. The appropriate Government may, subject to the availability of financial and other resources, —

(a) develop relevant information, education, communication and training materials, and organise awareness programmes in every four months to advance public understanding of the provisions of this Act providing for protection against sexual harassment of woman at workplace;

(b) formulate orientation and training programmes in every six months for the members of the Local Committee.”

Amendment of section 26.

14. In the principal Act, in section 26, in sub-section (1), for the words “fifty thousand rupees”, the words “two lakh rupees”, shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 also known as the POSH Act, was enacted to prevent and manage sexual harassment of women in the workplace. While the Act has been instrumental in addressing workplace harassment, significant gaps remain in its implementation, particularly in strict enforcement of the Act. More importantly, the provisions in the Act fail to capture the practical problems of women in reporting harassment and the case is worse for women in the informal sector.

The informal sector constitutes a large portion of India's workforce, including domestic workers, agricultural laborers, construction workers, and others, who are highly vulnerable to sexual harassment but often lack access to formal mechanisms for redress. Local Complaints Committees (LCCs), which were designed to serve this purpose, are not sufficiently accessible or effective for women in the unorganized sector due to a lack of awareness, structural issues, and inadequate representation. The absence of concrete mechanisms to enforce accountability in both public and private institutions further exacerbates the problem. Hence there is an imperative need to check the execution of the Act to ensure that the benefits and protection of the Act reach every woman in both formal and informal settings. Further, the goal is to bring confidence in the systems for women to come forward to report incidents of sexual harassment.

Therefore, the Bill seeks to amend the POSH Act to ensure better representation, broader accessibility, effective inquiry processes, and increased penalties for non-compliance. Key amendments include mandating that District Officers establish fully functional LCCs in rural and urban areas and publicizing the nodal officers at every administrative level (block, taluka, tehsil, ward, and municipality) to expand accessibility to women. The Bill also obligates District Officers to maintain a list of organizations and practitioners offering free legal aid to support aggrieved women, ensuring that financial constraints do not hinder their access to justice. Most importantly, the Bill has mandated the inclusion of women from the informal sector as members of the LCCs to make sure their representation is adequately met to capture the unique challenges of the informal sector.

Further, to protect the privacy of complainants, the Bill strengthens confidentiality provisions – imposing stricter penalties for disclosing the identity of the aggrieved woman or other parties involved. It also empowers aggrieved women to request the replacement of any Internal Complaints Committee (ICC) or LCC member if they lose trust during an inquiry. Also, to provide women with greater flexibility to seek justice without undue pressure, the time limit for filing complaints of sexual harassment has been extended from three months to one year. Additionally, the time limit for issuing an inquiry report by ICCs and LCCs upon the completion of the investigation is reduced from sixty days to thirty days, thereby reducing undue delays in justice delivery. The Bill mandates the Central and State Governments to organize public awareness initiatives every four months to ensure that women, including those in the informal sector, are empowered to seek redress when necessary.

Hence, this Bill.

JEBI MATHER HISHAM

FINANCIAL MEMORANDUM

Clause 4 (i) of the Bill proposes to amend section 7 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) to include a member to be nominated from amongst the women working in the informal sector to the Local Complaints Committee (LCC), which will entail financial compensation to this additional member in the LCCs and will involve recurring expenditure from the Consolidated Fund of India. Besides, Clause 13 of the Bill proposes to substitute section 24 of the POSH Act to improve measures to publicize the Act to the public by increasing the frequency of awareness events and prescribes conducting orientation and training programs every six months for the members of the LCC to improve its efficiency and sensitivity.

Thus, the Bill, if enacted will involve expenditure of recurring nature from the Consolidated Fund of India. However, it is difficult to estimate the actual financial expenditure likely to be incurred at this stage.