

EOD

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A comprehensive legislation focusing on prevention of sexual harassment as well as providing a redressal mechanism has been enacted by the Government of India. The Act "**Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013)**" has been published in the Gazette of India dated 23.04.2013. The Govt. has also made rules called "**Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013**". The same have also published in the Gazette of India dated 09.12.2013

2. The Act is framed on the basis of guidelines framed by the Hon'ble Supreme Court in the case of Vishaka vs State of Rajasthan which was until now, the only law that dealt with sexual harassment cases apart from certain provisions of the Indian Penal Code.

3. **The salient features of the said Act are as follows:-**

- (i) Definitions;
- (ii) Prevention of sexual harassment;
- (iii) Constitution of Internal Complaints Committee;
- (iv) Constitution and jurisdiction of Local Complaints Committee;
- (iv) Composition, tenure and other terms and conditions of Local Complaints Committee;
- (vi) Complaint of sexual harassment;
- (vii) Conciliation;
- (viii) Inquiry into complaint;
- (ix) Action during pendency of inquiry;
- (x) Inquiry Report;
- (xi) Punishment for false or malicious complaint and false evidence;



- (xii) Determination of compensation;
- (xiii) Prohibition of publication or making known contents of complaint and inquiry proceedings;
- (xiv) Penalty for publication or making known contents of complaint and inquiry proceedings;
- (xv) Appeal;
- (xvi) Duties of employer;
- (xvii) Committee to submit annual report;
- (xviii) Employer to include information in annual report;
- (xix) Appropriate Govt. to monitor implementation and maintain data;
- (xx) Power to call for information and inspection of records;
- (xxi) Penalty for non-compliance with provisions of Act;
- (xxii) Cognizance of offence by courts.

4. The significant features of the Sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 are as follows:

- (i) Fees or allowances for Member of Internal Complaints Committee (Rule- 3)
- (ii) Person familiar with issues relation to sexual harassment (Rule-4)
- (iii) Fees or allowances for Chairperson and Member of Local Committee (Rule-5)
- (iv) Complaint of sexual harassment (Rule-6)
- (v) Manner of inquiry into complaint (Rule-7)
- (vi) Other relief to complainant during pendency of inquiry (Rule-8)
- (vii) Manner of taking action for sexual harassment (Rule-9)
- (viii) Action for false or malicious complaint or false evidence(Rule-10)
- (ix) Appeal (Rule-11)
- (x) Penalty for contravention of provisions of section 16 of Act (Rule-12)
- (xi) Manner to organize workshops etc (Rule-13)
- (xii) Preparation of annual report (Rule-14).

