

**कार्यस्थल पर लैंगिक उत्पीड़न (निवारण, प्रतितोष) अधिनियम  
2013 ( Sexual Harassment of Women at Workplace  
(Prevention, Prohibition) Act, 2013**



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# Sexual Harassment

sexual harassment is a behavior . It is defined as  
unwelcome behavior of a sexual nature .



**Workplace harassment goes by various names like- workplace bullying, mobbing, workplace aggression etc.**



# **What is Sexual Harassment ?**

- Physical Contact.
- A demand or request for sexual favour.
- Showing the pornography.
- Any other physical , verbal or non verbal conduct of a sexual nature.

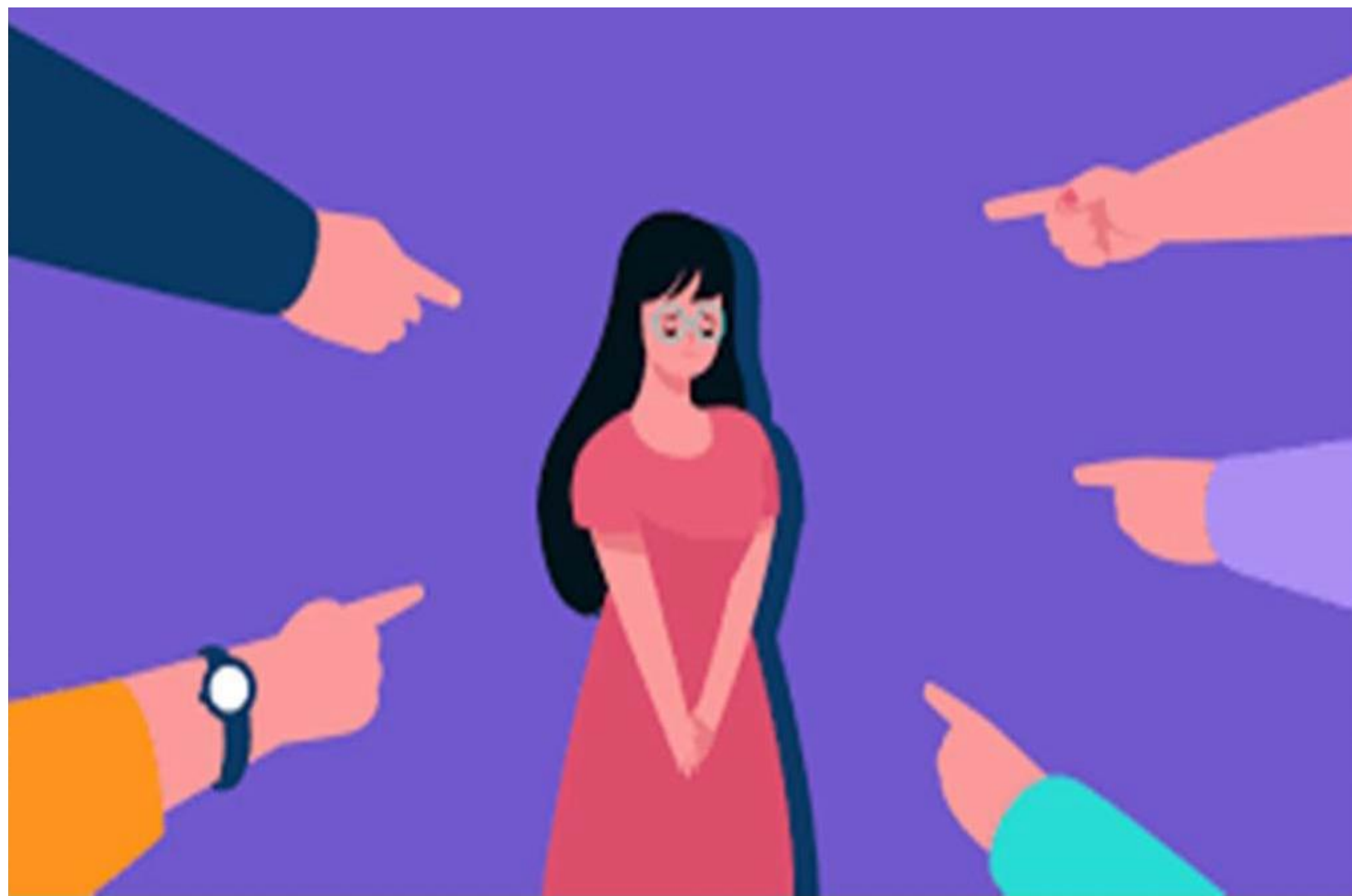
# **Types of Harassment**

- Verbal/ Written.
- Visual.
- Physical.

## Verbal/ Written

- Referring to an adult as Babe.
- Whistling at someone and making sexual comments .
- Telling sexual jokes or stories.
- Asking about sexual preferences or history.
- Making kissing sound, howling and smacking lips.
- Telling lies or spreading rumors about the person's personal sex life.





## Verbal/Written

- Comments about clothing.
- personal behavior or a person's body.
- sending emails or text messages of a sexual nature.
- Physical Assault; impeding or blocking movement;



## Non Verbal

- Looking at a person up and down or staring.
- Blocking a person's path or following a person.
- Giving personal gift.



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- Displaying sexually suggestive visuals.
- Making facial expressions.
- Making sexual gesture through body movement.
- Visual: Posters, drawings, pictures, screensavers, emails or text of a sexual nature.

## Physical

- Giving a massage around the neck or shoulders.
- Touching the person's clothing, hair, or body.
- Standing close or brushing up against another person.



History of Sexual Harassment of Women at  
Workplace (Prevention, Prohibition ) Act, 2013  
(**Vishakha Guideline**)

- Bhanwari Devi belonged to a caste *kumhar* (potter) family and lived in Bhateri, a village in Rajasthan.

- In 1985, Bhanwari Devi became a *saathin* ("friend"), a grassroots worker employed as part of the Women's Development Project (WDP) run by the Government of Rajasthan.

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- As part of her job, she took up issues related to land, water, literacy, health, Public Distribution System and payment of minimum wages at famine relief works.
- In 1992, Bhanwari found herself alienated, when she took up the issue of child marriage.

Contd...

- Who was gang rape in 22 Sep. 1992 by men angered by her efforts to prevent a child marriage in their family.
- National and international media attention, and became a landmark episode in India's women's rights movement.



- ◆ 5 November 1995, the district and sessions court in Jaipur dismissed the case and acquitted all the five accused.
- ◆ The judgment of August 1997 provided the basic definitions of sexual harassment at the workplace and provided guidelines to deal with it.

# Sexual Harassment at Workplace (PoSH)

The Prevention of Sexual Harassment at Workplace (Prevention, Prohibition) Act and Rules, 2013 (“Law”)

Mandates every Employer to “provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace

**POSH**  
STAND UP, SPEAK OUT





- ◆ The Vishaka Case, the Hon'ble Supreme Court of India took a great step towards the empowerment of women by issuing guidelines to curb sexual harassment at Workplace.

## **The Vishakha Guideline**

- The Visakha guideline was issued by the Supreme Court since 1997.
- All workplace should have an appropriate complaints mechanism with complaint committee, special counsellor .
- Other support services.
- There must be strict maintenance of confidentiality.

## **Workplace means**

- Organizations, Departments, Institutions, Office, Branch Unit.

( In the public / private sector ,both organized or unorganized )

- Hospitals, Nursing home, Educational Institutions, Stadiums .

- NGOs , Trusts, Service Providers .

- Any place visited by the employee in the course of employment including transportation.

- **Sexual Harassment at Workplace (Prevention, Prohibition) Act and Rules, 2013** was made effective in the whole of India on December 9, 2013, by the Ministry for Women and Child Development.

- The Act has been described in 8 chapters and 30 sections.

- The act will ensure the all women protected against sexual harassment at all the work place.(public or private and domestic worker as well)

## Objective of Act 2013

- Preventing sexual harassment at workplace.
  - Compensation to the victim.
  - To give constitutional recognition to the Visakha Guideline.
  - Sexual harassment of women at workplace will be considered a violation of fundamental rights and International human rights agreements.
- These are .....

Contd...

# **Sexual Harassment and Indian Constitution**

## **Fundamental Rights**

- Art. 14 : Equality before law.
- Art. 15 : Right to non-discrimination.
- Art. 15(1) The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them .
- Art. 15(3) The state shall make any special provision in favour of women and children.

- Art. 16(1): Right to equal opportunities in employment to any office under the state.
- Art. 16(2): No citizen shall, on grounds only of religion , race, caste, sex, place of birth or any of them be ineligible for any employment or office under the state.

- Art. 19(g): Right to practice any profession or to carry out any occupation , trade or business.
- Art. 21: Right to life.
- Art. 32: Remedies for enforcement of right.

## **Directive Principle of State Policy**

- **Art. 42** The state shall make provision for securing just and humane conditions of work.

## **Fundamental Duties**

- **Art. 51(a)** It is the duty of every citizen to abide by the constitution and respect its ideals and institution.

• **Art. 51(e)** To promote harmony and the spirit of common brotherhood among all the people of India.

To renounce practices derogatory to the dignity of women.

## **Complaint Mechanism**

The complaint mechanism should provide, where necessary:

- A Complaints Committee .
- A Special Counsellor or
- Other support services.

There must be strict maintenance of confidentiality.

## **Internal Complaints Committee (“ICC”)**

- Any organization having 10 (ten) or more employees shall constitute an **Internal Complaints Committee** by an order in writing.
- Complaint committee headed by women.
- Two female members who have restrictions for women’s interests and have knowledge of common law.
- Not less than the half members should be women.
- Includes a third party / NGO.

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- Not less than the half members should be women.

Includes a third party / NGO.

- The tenure of the committee will be 3 years.  
section 4(3)

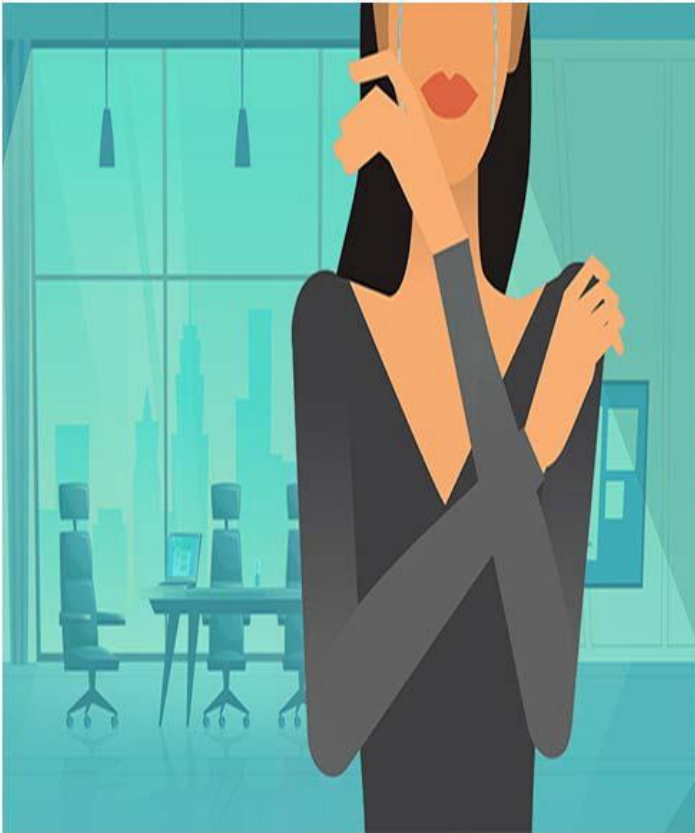
- **Local Complaint Committee (LCC)** will be formed in organizations where there are less than 10 employees.

- The time limit for an aggrieved woman to give a complain within 3 months from the date of incident or the date of the last incident in case of a series of incident (Section 9(1)).
- The complaints committee can extend this time limit. If the victim is unable to make a complaint first.

Conti.....



- The committee is required to complete the inquiry within a time period of 90 days. once completed, a report has to be issued within ten days.
- Mandated to take action on the report within 60 days.



- ◆ If the victim is physically and mentally unable to make a complaint , then any other person can also make a complaint.( like her co-worker, friend, or relative)
- ◆ They need to have written consent from her.

# **Provision of punishment in Sexual Harassment of Women at Workplace (Prevention, Prohibition) Act, 2013**

- Written Apology.
- Warning.
- Withholding of promotion and salary.
- Adverse entry under employee service manual.
- Get fired.
- The Indian Penal Code also provide for punishment for sexual harassment.
- There is a provision for the above punishment in the act for making a false complaint.

# **Worker's Initiative**

Employees should be allowed to raise issues of Sexual Harassment at workers meetings, employer and employee meeting & other forums.

# **Reason for non reporting:**

- Family pressure
- Police Attitude
- Social Stigma
- Prolonged court trial
- Faulty low implementation
- Various corrupt practices.

An illustration on a dark blue background featuring eight hands of various skin tones and sleeve colors (red, dark blue, light blue, yellow, white, dark purple) pointing their index fingers towards the center. The hands are arranged in a circular pattern around the central text.

**WAYS TO PREVENT  
HARASSMENT AT THE  
WORKPLACE?**

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# **Suggestion to curb sexual harassment**

- Creation of awareness among women .
- Eradication of illiteracy among women.
- Spread of legal and Constitution literacy among women.
- Free legal aid to women including free legal advice.
- Promotion of economic independence of women.
- Change the attitude towards women.

# Thanks

