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**Dr. Virender Sindhu**  
Assistant Prof., U.I.L.M.S.,  
MDU, Rohtak, Haryana, India

## Protection against sexual harassment: Endeavours of the national commission for women

**Dr. Virender Sindhu**

### 1. Introduction

It has been demonstrated in all of the countries that Court directives (e.g. Vishaka) coupled with employer commitment are simply not enough to combat a problem as serious as SHW. In India, private initiatives are currently drafting a civil statute on SHW. If such a statute is enacted, potential benefits may ensue. The following list of potential benefits is meant to be illustrative, not exhaustive:

- The enactment of courts specifically to deal with Sexual Harassment of Women cases, similar to Mahila Courts.
- The opportunity to have rules of evidence in favor of woman, e.g. presumptions;
- Speedier justice for woman, so they do not have to go through traditional time, consuming annexure, delaying justice for years.
- Specifically articulated remedies available for victims.

The need for a law against Sexual Harassment arises because of the urgent requirement for an affirmative legislative stand against SHW. This law will enhance the constitutional prohibition against Sexual Harassment at the workplace as laid down in Vishaka. Only the law can make enforceable a declaration that Sexual Harassment is a violation of rights, and create an atmosphere of obedience. This can be accompanied by an effective enforcement machinery and adequate deterrent effect.

Though there is no statute as yet in India that addresses itself directly to sexual harassment, two statutes may be of particular help to victims of sexual harassment. These are the National Commission for Women Act, 1990, and the Protection of Human Rights Act, 1993.

### 1.1 The national commission for women act, 1990

#### Objects and reasons

The statement of objects and reasons of the National Commission for Women Act, 1990 states:

“Successive Commissions on women had noted in their Reports the unequal status of women obtaining in every sphere of life and had suggested the setting up of an agency to fulfill the surveillance functions as well as to facilitate redressal of their grievances. Several women activist and voluntary action groups had also been making persistent demands for setting up of a commission for women. The country cannot progress as long as the inequality persists with reference to half of its population”

### 1.2 code of conduct by the national commission for women

#### The Code of Conduct

In 1998, the National Commission for Women (NCW) formulated a Code of Conduct for Workplace, putting down the Supreme Court guidelines in a simple manner and circulated it widely amongst all the ministries and government departments to enable it to percolate down to the lowest functionary. The Code of Conduct was also circulated to all State Commissions for Women, NGOs, and to apex bodies of the corporate sector and to the media.

The main features of the code of conduct 1998<sup>[1]</sup> are as follows:

#### (1) General Features

The Code considers sexual harassment as a serious criminal offence which can destroy human

#### Correspondence

**Dr. Virender Sindhu**  
Assistant Prof., U.I.L.M.S.,  
MDU, Rohtak, Haryana, India

dignity and freedom <sup>[2]</sup> and includes eve-teasing; unsavory remarks; innuendos and taunts; gender based insults and sexist remarks; obnoxious telephone calls; physical confinement as sexual harassment apart from verbal or physical sexual advances <sup>[3]</sup>. Sexual harassment includes eve-teasing and insult to the modesty of a woman by sound, gesture, act or display of any object <sup>[4]</sup>.

The Code covers both 'quid pro quo' and 'hostile work environment' forms of sexual harassment and contemplates that employer shall prevent or deter the commission of any act of sexual harassment <sup>[5]</sup>. It shall be the employer's duty to take appropriate steps for prevention of sexual harassment at workplace <sup>[6]</sup>.

## **(2) Complaint Mechanism**

The head of the organization shall constitute a Complaint Committee headed by a woman and not less than half of its members should be women <sup>[7]</sup>. The Committee should involve an NGO or any other body familiar with the issue of sexual harassment.

## **(3) Conducting Inquiry by Complaints Committee and Subsequent Action**

The aggrieved person shall prefer a complaint containing the name of the contravener within 15 days from the date of occurrence of the alleged incident. If the victim prefers to remain anonymous she can hand over the complaint to the head of the organization who will forward the gist of the complaint to the Complaints Committee. <sup>[8]</sup> The Committee shall take immediate necessary action to hold an inquiry in the matter. After such examination the Committee will submit its recommendations to the head of the organization who will forward to those to the management <sup>[9]</sup> the management of the organization shall confirm the penalty recommended <sup>[10]</sup>.

## **(4) Duties of the Employer**

The Code contemplates initiation of appropriate disciplinary action in accordance with the service rule where the conduct of the employee amounts to misconduct. Where such conduct amounts to a criminal offence under IPC 1860 or any other law, the employee shall initiate action by making a complaint to the appropriate authority <sup>[11]</sup>.

Where a third party is involved in sexual harassment of the employee, the employer and the person-in-charge shall take all necessary steps to assist the affected person in term of support.

## **(5) Annual Report**

The bill envisages that the Complaints Committee will prepare an annual report giving the account of its activities during the year, to the head of the department who will forward it to the government department with its comments <sup>[12]</sup>.

## **1.3 Domestic Violence Act, 2005**

### **Domestic Violence Act for Women's empowerment in India**

Domestic Violence Act 2005 is the first significant attempt in India to recognize domestic abuse as a punishable offence, to extend its provisions to those in live-in relationships, and to provide for emergency relief for the victims, in addition to legal recourse.

### **Why a legislation for domestic violence?**

Domestic violence is among the most prevalent and among the least reported forms of cruel behavior.

Till the year 2005, remedies available to a victim of domestic violence in the civil courts (divorce) and criminal courts (vide Section 498A of the Indian Penal Code) were limited. There was no emergency relief available to the victim; the remedies that were available were linked to matrimonial proceedings; and the court proceedings were always protracted, during which period the victim was invariably at the mercy of the abuser.

Also the relationships outside marriage were not recognized. This set of circumstances ensured that a majority of women preferred to suffer in silence. It is essentially to address these anomalies that the Protection of Women from Domestic Violence Act was passed.

### **Who are the primary beneficiaries of this Act?**

Women and children. Section 2(a) of the Act will help any woman who is or has been in a domestic relationship with the 'respondent' in the case. It empowers women to file a case against a person with whom she is having a 'domestic relationship' in a 'shared household', and who has subjected her to 'domestic violence'.

Children are also covered by the Act; they too can file a case against a parent or parents who are tormenting or torturing them, physically, mentally, or economically. Any person can file a complaint on behalf of a child.

### **Who is defined as 'respondent' by this law?**

Section 2 (q) states that any adult male member who has been in a domestic relationship with the aggrieved person is the 'respondent'. The respondent can also be a relative of the husband or male partner. Thus, a father-in-law, mother-in-law, or even siblings of the husband and other relatives can be proceeded against.

### **How does the new law define domestic abuse?**

Section 3 of the law says any act / conduct / omission / commission that harms or injures or has the potential to harm or injure will be considered 'domestic violence'.

Under this, the law considers physical, sexual, emotional, verbal, psychological, and economic abuse or threats of the same.

Even a single act of commission or omission may constitute domestic violence — in other words; women do not have to suffer a prolonged period of abuse before taking recourse to the law.

### **How does the law ensure that a wife who takes legal recourse in the event is not intimidated or harassed?**

An important aspect of this law is that it aims to ensure that an aggrieved wife, who takes recourse to the law, cannot be harassed for doing so. Thus, if a husband is accused of any of the above forms of violence, he cannot during the pending disposal of the case prohibit/restrict the wife's continued access to resources/ facilities to which she is entitled by virtue of the domestic relationship, including access to the shared household. In short, a husband cannot take away her jewellery or money, or throw her out of the house while they are having a dispute.

### **What are the main rights of a woman as recognized by this law?**

The law is so liberal and forward-looking that it recognizes a woman's right to reside in the shared household with her husband or a partner even when a dispute is on. Thus; it legislates against husbands who throw their wives out of the

house when there is a dispute. Such an action by a husband will now be deemed illegal, not merely unethical.

Even if she is a victim of domestic violence, she retains right to live in 'shared homes' that is, a home she shares with the abusive partner. Section 17 of the law, which gives all married women or female partners in a domestic relationship the right to reside in a home that is known in legal terms as the shared household, applies whether or not she has any right, title or beneficial interest in the same.

The law provides that if an abused woman requires, she has to be provided alternate accommodation and in such situations, the accommodation and her maintenance has to be paid for by her husband or partner.

The law, significantly, recognizes the need of the abused woman for emergency relief, which will have to be provided by the husband. A woman cannot be stopped from making a complaint/application alleging domestic violence. She has the right to the services and assistance of the Protection Officer and Service Providers, stipulated under the provisions of the law.

A woman who is the victim of domestic violence will have the right to the services of the police, shelter homes and medical establishments. She also has the right to simultaneously file her own complaint under Section 498A of the Indian Penal Code.

Sections 18-23 provide a large number of options for legal redressal. She can claim through the courts Protection Orders, Residence Orders, Monetary Relief, Custody Order for her children, Compensation Order and Interim/ Ex parte Orders.

If a husband violates any of the above rights of the aggrieved woman, it will be deemed a punishable offence. Charges under Section 498A can be framed by the magistrate, in addition to the charges under this Act. Further, the offences are cognizable and non-bailable. Punishment for violation of the rights enumerated above could extend to one year's imprisonment and/or a maximum fine of Rs 20,000.

#### **1.4 The national commission for women draft bills**

It was during the period that the National Commission for woman took up the task of formulating a comprehensive legislation to deal with Sexual Harassment at the workplace. For drafting the law it set up a group of civil society activists and finally a law came to be drafted. This bill in turn was submitted to the Ministry of Human Resource Development, Department, which made amendments to this Bill and invited suggestions from the public at large. When Medha Kotwali's case came up in Supreme Court in late 2004, the solicitor general made a statement that the Govt. was serious in introducing a law to deal with Sexual Harassment at the workplace and the Court adjourned the matter so that the petitioners and other organizations could study the Bill and make recommendation. It was in this context that a number of organizations working on the issue of Sexual Harassment met in Mumbai in November 2004, to discuss and suggest amendments to this Bill. In this issue we have published both the Bill as recommended by the Govt. and the alternate bill suggested by the organizations which gathered for discussion in Mumbai. The alternate bill is more in the nature of a revised bill as it does in many respects accepts the framework of the Govt. bill was found lacking either in substance or in details and such changes have been recommended.

The national Commission for Women has held several meetings with various organizations, government departments etc., since November 2000, to assess the effective implementation of Supreme Court guidelines. More than 28 meetings were held during the years 2000-2003, which were attended by more than 707 organizations [13]. Based on its interaction with women groups, lawyers, journalists, employers and employees of various organizations, the NCW formulated four draft bills on sexual harassment in succession in the years 2000, 2003, 2003 and 2006.

#### **1.4.1 Salient Features of Draft Bill on Sexual Harassment of Women at Their Workplace (Prevention) Bill 2000**

##### **Definition**

According to the Bill, 'sexual Harassment' is defined as inclusive of any act of verbal or gestural sexual advances, unwelcome sexually determined behavior as avoidable physical contacts, obscene jokes, innuendoes, whistling, staring, Molestation, etc., towards women workers by their male superiors, colleagues or anyone who for the time being is in a position to sexually harass the women workers [14].

The Bill defines 'woman' as a woman employed directly or through agency for wages or similar other consideration [15]. The 'workplace' means any place where such a woman is working [16].

##### **(1) Penal Provisions**

The Bill provides the punishment of an imprisonment for five years or fine of Rs. 20,000 INR or both, in case of commission of sexual harassment at workplace [17]. The Bill further contemplates that the onus of proving innocence will be on the accused [18]. It is also envisaged that the supervisors, managers and the managing director will be jointly liable [19] along with the accused for the commission of the sexual harassment under s. 34, IPC

##### **(2) Complaints Mechanism**

The bill contemplates creation of a complaints committee by the employer's organisation, comprising five members. The Committee should be headed by a woman and half of the Committee members should be women [20]. The Committee should include an NGO or other body familiar with the issue of sexual harassment.

The Bill further contemplates the appointment of a woman Special Officer [21] in every department and women District Level Officer [22] for dealing with complaints of sexual harassment.

The Complaints Committee will make the Annual Report to the Government department concerned of the complaints and action taken by it [23]. The most important provision is the power of the government to terminate the services of both the accused and the person-in-charge or to withdraw the facilities and concessions extended to that organization by the appropriate government [24] in case of inaction in a sexual harassment case.

##### **(3) Duty of Employer**

The employer should initiate action by making a complaint to the appropriate authority in case the conduct amounts to penal offence [25].

Where sexual harassment occurs as a result of action or omission by any third party or outsider, the employer and the person-in-charge will take all necessary and reasonable

steps to assist the victim in terms of support and preventive action <sup>[26]</sup>. The employer shall ensure that the victim or the witness are not victimized or discriminated against while dealing with complaints of sexual harassment <sup>[27]</sup>.

It is the duty of the employer to inform the Special Officer and District Officer regarding the disciplinary action initiated against the accused <sup>[28]</sup>.

#### **(4) Rights of the victim**

The Bill contemplates that the trial of the offence shall be held in camera if the woman victim so desires <sup>[29]</sup>. Victims of the sexual harassment should have the option to seek the transfer of the perpetrator or their own transfer.

### **1.4.2 Salient features of Draft Bill on Sexual Harassment of Women at their Workplace (Prevention) Bill 2003**

#### **(1) Definitions**

The definition of 'sexual harassment' has been made specific as it refers to avoidable sex advance either verbal or through gestures etc. The definition of 'woman' has been made more elaborate to include a self-employed woman and a student in an educational or institution of learning.

The definition of 'workplace' includes place of sale of agricultural or other products; courts premises, police stations, remand homes or other judicial establishment; restaurants, clubs hotels, resorts or any other hospitality establishment and a training institution

#### **(2) Penal Provisions**

The Bill makes it absolutely clear that the conduct of sexual harassment would amount to misconduct in employment <sup>[30]</sup>. It further clarifies that the liability of the employer, supervisor etc., will be joint under s 34, IPC irrespective of the intention and prior meeting of minds.

#### **(3) Complaints Mechanism**

The number of members of Complaints Committee headed by a woman is raised to seven where, not less than half will be women. The Bill contemplates that at least three NGOs should be involved in the Committee.

The Bill envisages the setting up of separate Complaints Committee for each branch of the concerned establishment and fixes the maximum period of six months from the date of receipt of sexual harassment complaint, for completion of its report.

The Bill contemplates a situation where the employer himself may be the harasser. In such a case, the Complaints Committee shall, at the option of the victim, transfer the perpetrator and ensure that no victimisation of the victim or the witnesses takes place.

#### **(4) Power of the District Level Officer**

Greater Powers have been given to the District Level Officer regarding investigation and subsequent actions. She can investigate a case and direct the employer to forward it to the Complaints Committee of his establishment which will submit its report to her in a time bound manner. The District Level Officer shall ensure that disciplinary action is taken against the harasser by the appropriate authority.

Where the employer himself is the accused, the District Level Officer shall be empowered to initiate the disciplinary action against such employer in accordance with the service rules.

The Draft Bill of 2003, also, could not culminate into the final Bill and it was felt by the NCW and the activist groups that it should further be emended. The modified version is contained in the Draft Bill on the Sexual Harassment of Women at the Workplace (Prevention and Redressal) Bill 2004. Its main distinguishing features are as follows

### **1.4.3 Salient Features of Draft Bill on the Sexual Harassment of Women at the Workplace (Prevention and Redressal) Bill 2004.**

#### **(1) General**

A massive shift in the approach in drafting the Bill can be absorbed from an inclination towards criminal liability principles to those contained in a labour legislation. The proposed legislation treats sexual harassment as a civil wrong and not a crime and accordingly prescribes the remedies, which are civil in nature. The Bill clarifies in s 3 that sexual harassment is unlawful and amounts to misconduct in employment and an unfair labour practice. The section also covers all possible work situations where sexual harassment can occur whether the woman victim is an employee or not or is a woman student or visitor in an educational institution.

#### **(2) Definitions**

The Bill defines 'aggrieved woman' as any female person, whether major or minor and includes a woman employed, working or studying who has been subjected to sexual harassment.

The Bill broadens the scope for making the complaints as 'complaint' is defined to include not only the aggrieved woman herself but her legal heir or representative in case of her death and a trade union or woman's organisation with her consent.

The Bill defines 'employee' in a broad manner so as to include all types of work arrangements whether direct or indirect; whether the terms of employment are express or implied; whether working for remuneration or on voluntary basis and includes all types of permanent, casual, temporary or domestic employees.

The definition of workplace is also broadened to include public places, transportation by air, road or sea, clubs, societies, institutions of local self government such as panchayats, municipalities and municipal corporations.

#### **(3) Penal Provisions**

As the Bill precedes on the premise that sexual harassment at workplace is a misconduct and unfair labor practice it does not prescribe severe punishments. The Bill contemplates imposition of major penalties – withholding an increment for more than a year; reducing rank./grade; terminating the services, by discharge or dismissal, after paying all dues, and minor penalties – writing; fine; suspension for a period not exceeding four days.

The Complaints Committee may issue certain directions that the harasser should not repeat or continue such unlawful sexual harassment or that he should redress any loss or damage suffered by the complainant or pay compensation to the victim or her legal heirs.

#### **(4) Complaints Mechanism**

The Bill makes it mandatory for the employer, who has employed 50 or more personnel in the preceding 12 months, to constitute an Internal Complaints Committee. Similar is the situation in case of an educational institution in which 20

or more students have been registered in the preceding 12 months.

The Bill contemplates the constitution of Local Complaints Committee by the District Level Special Officer. It is the duty of the Complaints Committees, under the Bill, to hold enquires in complaints and to resolve the matter by amicable settlement, if so requested by the complainant.

The Bill provides for elaborate procedure for elaborate procedure for holding preliminary inquiry, inquiry, by the Complaints Committees and their powers to summon witnesses and documents.

#### **(5) Duties and Liabilities of the Employer**

The Bill envisages that the employer will take all possible steps to ensure a safe work environment free from sexual harassment and to generate awareness among the employees regarding the definition of sexual harassment and redressal mechanisms.

The Bill contemplates that in case of failure on the part of the employer to fulfil his duties under the Bill, i.e., to constitute an Internal Complaints Committee or failure to implement the order of the Complaints Committee or efforts to protect the person found guilty of the sexual harassment, the District Level Special Officer may entertain the complaint in this regard or take suo moto cognizance of the matter. In such a case, the Local Complaints Committee may direct the employer to pay a penalty, to be deposited in 'Sexual Harassment Fund' or to pay compensation to the complainant.

#### **(6) Right of the Victim**

The victim's right to receive the copies of the proceedings before the Complaints Committee and the copy of the order of the Committee is well recognized under the Bill.

The Bill further envisages that as far as possible, confidentiality and privacy of the complaint and defendant must be maintained.

On the request of the complainant, the employer shall arrange for a counsellor for her, at his cost. The right of the complainant to withdraw the complaint is also recognized under the Bill.

The Draft Bill of 2004 also could not culminate into a legislation on Sexual harassment at workplace. The National Commission for Women continued with the deliberations amongst women activists' groups regarding the Draft Bill and proposed a new Draft Bill in the year 2006.

### **1.4.4 The salient features of the Draft Bill on the Sexual Harassment of Women at Work Place (prevention, Prohibition and Redressal) Bill 2006.**

#### **(1) General**

The title of the Draft Bill is more elaborate as it takes care of prevention, prohibition and redressal of sexual harassment. A human rights approach, as contained in the international instruments and the Constitution of India, is clearly reflected in the preamble of the Draft Bill as it emphasizes on not just the protection of women from sexual harassment but also protection of right to livelihood and to that end, prevention and redressal of sexual harassment of women.

The Bill clearly chalks out the provisions to prohibit sexual harassment in case in employer-employee relations and also prohibits sexual harassment in other cases.

#### **(2) Definitions**

An explanation on 'Hostile Environment' is added to the definition of sexual harassment. Explanation 2 clarifies that in determining if the conduct in question was sexually coloured and unwelcome or not, the reasonable perception of the women would be taken into account.

Misconduct has been defined to take into its ambit the unwelcome conducts of officials of armed and paramilitary forces.

The definition of 'employer' includes a person who is in a position of authority whether supervisory, evaluator, pecuniary or fiduciary including the owner or trustee of an educational institution or any professional body, society etc. An elaborate definition of workplace contains the illustrations in the Schedule I of the Bill.

#### **(3) Complaints Mechanism**

The Bill prescribes a simplified complaint mechanism for all workplaces that supersedes all other types of mechanisms prescribed elsewhere. The Bill contemplates setting up of an Internal Complaints Committee at the Workplace and Local Complaints Committee at the district level. The Bill also contemplates setting up of an ad-hoc internal complaints committee in case the defendant happens to be the head of the workplace. In such a case, the appropriate government will appoint an ad hoc committee to be headed by a chairperson who is senior in rank and status to the defendant.

#### **(4) Penal Provisions**

The Committee may recommend to the employer that nay punishment be imposed on the defendant commensurate with the gravity of the offence which he has committed. It may be recommended by the committee that an unconditional apology letter be written by the defendant to the woman that such behavior will not be repeated. It may further be recommended by the committee that the defendant should pay such compensation to the woman that is commensurate with the gravity of the offence committed and the salary of the defendant. The compensation may be deducted from his salary or be paid in a lump sum. In addition to the unconditional apology and compensation, the committee may impose the punishments of censure or termination from the services.

#### **(5) Employer's Liability**

The court may impose a fine of not less than Rs 10,000 on any workplace which has failed to initiate action in a case of sexual harassment complaint or which has failed to constitute an Internal Complaints Committee and similar fine may be imposed on the employer in case of non-compliance of any of the duties cast on him under the Bill.

The law on sexual harassment in India is far behind the western model. The provisions of IPC relating to molestation and eve-teasing remain on the statute in the exact form as were enacted by Lord Macaulay. Sexual harassment at workplace has been recognized by the Supreme Court but it is also true that the guidelines prescribed by the Court are not foolproof and do not cater to all such possible situations. Moreover, the fact remains that howsoever comprehensive the guidelines may be, they cannot replace the efficacy of a legislative enactment on the issue. Despite four Draft Bills by the National Commission for Women, there is no legislative enactment in the country to deal with sexual harassment is overloaded with various

ambiguities which make the implementation of law to redress the grievances of the victims a herculean task. Various lacunae inherent in the concept of sexual harassment and the legal framework are discussed in the next two chapters.

#### 1.4.5 Analysis of the protection of woman against sexual harassment at workplace bill 2010

The union cabinet approved the introduction of the Protection of Woman against Sexual Harassment at workplace Bill 2010 in the parliament to ensure a safe environment for woman at work places, both in public and private sectors whether organized or unorganized. The measure will help in achieving gender empowerment and equality.

The proposed bill, if enacted will ensure the women are protected against Sexual Harassment at all the work place, be it in public or private. This will contribute to realization of their right to gender equality, life and liberty and equality in working conditions everywhere. The sense of security at the workplace will improve woman's participation in work, resulting in their economic empowerment and inclusive growth.

#### Salient features of the bill are as follows

1. The Bill proposes a definition of Sexual Harassment, which is as laid down by the Hon'ble Supreme Court in Vishaka v/s State of Rajasthan (1997). Additionally it recognizes the promise or threat to a woman's employment prospects or creation of hostile work environment as 'Sexual Harassment' at workplace and expressly seeks to prohibit such acts.
2. The Bill provides protection not only to woman who are employed but also to any woman who enters the workplace as a client, customer, apprentice and daily waged worker or in ad-hoc capacity. Students, research scholars in colleges/ universities and patients in hospitals have also been covered. Further, the Bill seeks to cover workplaces in the unorganized sectors.
3. The Bill provides for an affective complaints and redressal mechanism. Under the proposed Bill, every employer is required to constitute an internal complaints committee: Since a large number of the establishments (41.2 million out of 41.83 million as per Economic Census 2005) in our country have less than 10 workers for whom it may not be feasible to set up an Internal Complaints Committee (ICC), the bill provides for setting up of Local Complaints Committee (LCC) to be constituted by the designated district officer at the district or sub-district levels, depending upon the need. This twin mechanism would ensure that woman in any workplace, irrespective of its size or nature, have access to a redressed mechanism. The LCC's will enquire into the complaints of Sexual Harassment and recommend action to the employer or District Officer.
4. Employer who fail to comply with the provisions of the proposed Bill will be punishable with a fine which may extend to Rs.50,000/-.
5. Since, there is a possibility that during the pendency of the enquiry the woman may be subject to threat and aggression, she has been given the option to seek interim relief in the form of transfer either of her own or the Respondent or seek leave from work.
6. The complaint committees are required to complete the enquiry within 90 days and a period of 60 days has been

given to the employer/ district officer for implementation of the recommendations of the committee.

7. The Bill provides for safeguards in case of false or malicious complaint of Sexual Harassment. However, mere inability to substantiate the complaint or provide adequate proof would not make the complainant liable for punishment.
8. Implementation of the Bill will be the responsibility of the Central Govt. in cash of its own undertakings/ establishments and of the state Govts. in respect of every workplace established, owned controlled or wholly or substantially financed by it as well as of private sector establishments falling within their territory. Besides the state and central Govts will oversee implementations on the employers to include a report on the number of cases filed and disposed of in their Annual Report. Organizations, which do not prepare Annual Reports, would forward this information to the Distt. Officer.
9. Through this implementation mechanism, every employer has the primary duty to implement the provisions of law within his/ her establishments while the State and Central Govts. have been made responsible for overseeing and ensuring overall implementation of the law. The Govts. will also be responsible for maintaining data on the implementation of the law. In this manner, the proposed Bill will create an elaborate system of reporting and checks and balances, which will result in effective implementation of the law.

"To some extent this bill has filled up the gaps which are present in the earlier bill such as now it also includes the unorganized sectors.

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