

The Big News 4th May 2023 Wrestlers' Protest Prevention Of Sexual Harassment Act

Wrestlers offer to return medals, honours; Vinesh asserts 'protest is political': 'Itni beizzati toh kar di'

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The wrestlers have alleged that they were beaten up by some policemen Wednesday night.

Protection of women against Sexual harassment Act

- The Supreme Court in a landmark judgement in the Vishakha and others v State of Rajasthan 1997 case gave 'Vishakha guidelines'. These guidelines formed the basis for the The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Sexual Harassment Act").
- Mechanism: The Act defines sexual harassment at the workplace and creates a mechanism for redressal of complaints. Every employer is required to constitute an Internal Complaints Committee at each office or branch with 10 or more employees. The Complaints Committees have the powers of civil courts for gathering evidence. The Complaints Committees are required to provide for conciliation before initiating an inquiry if requested by the complainant.
- Penal Provisions: Penalties have been prescribed for employers. Non-compliance with the provisions of the Act shall be punishable with a fine. Repeated violations may lead to higher penalties and cancellation of license or registration to conduct business.
- Responsibility of Administration: The State Government will notify the District Officer in every district, who will constitute a Local Complaints Committee (LCC)

so as to enable women in the unorganised sector or small establishments to work in an environment free of sexual harassment.

- Victim could be: Aggrieved victim could be a woman “of any age whether employed or not”, who “alleges to have been subjected to any act of sexual harassment”. This meant that the rights of all women working or visiting any workplace, in any capacity, were protected under the Act.



5 circumstances: The Act mentions five circumstances that amount to sexual harassment:

- Implied or explicit promise of preferential treatment in her employment;
- implied or explicit threat of detrimental treatment;
- implied or explicit threat about her present or future employment status;
- interference with her work or creating an offensive or hostile work environment;
- humiliating treatment likely to affect her health or safety.

Complaint procedure: Technically, it is not compulsory for the aggrieved victim to file a complaint for the ICC to act. The Act says that she “may” do so and if she cannot, any member of the ICC “shall” render “all reasonable assistance” to her to complain in writing. If the woman cannot complain because of “physical or mental incapacity or death or otherwise”, her legal heir may do so.

Key issues

- There could be feasibility issues in establishing an Internal Complaints Committee at every branch or office with 10 or more employees.
- The Internal Complaints Committee has been given the powers of a civil court. However, it does not require members with a legal background nor are there any provisions for legal training.
- The Bill provides for action against the complainant in case of a false or malicious complaint. This could deter victims from filing complaints.
- Two different bodies are called the ‘Local Complaints Committee. The Bill does not clearly demarcate the jurisdiction, composition and functions of these Committees.
- Unlike sexual harassment legislation in many other countries, this Bill does not provide protection to men.