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Title : Motion to consider Protection of Women Against Sexual Harassment at Workplace Bill, 2010 (Bill Passed).

MADAM SPEAKER: The House will now take up Item No. 15 – Shrimati Krishna Tirath

महिला और बाल विकास मंत्रालय की राज्य मंत्री (श्रीमती कृष्णा तीरथ): अध्यक्ष महोदया, मैं प्रस्ताव * करती हूँ :

"कि महिलाओं के कार्यस्थल पर लैंगिक उत्पीड़न से संरक्षण और लैंगिक उत्पीड़न के परिवारों के निवारण तथा उससे संबंधित या उसके आनुषंगिक विषयों का उपबंध करने वाले विधेयक पर विचार किया जाए। "

MADAM SPEAKER: The question is:

"That the Bill to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto be taken into consideration."

The motion was adopted.

...(Interruptions)

MADAM SPEAKER: The House will now take up clause-by-clause consideration of the Bill.

Clause 2 Definitions

Amendments made:

Page 2, for lines 10 to 12, substitute

'(a) "aggrieved woman" means

(i) in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;

(ii) in relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house;'. (3)

. Page 2, after line 23, insert

' (da) "domestic worker" means a woman who is employed to do the household work in any household for remuneration whether in cash or kind, either directly or through any agency on a temporary, permanent, part time or full time basis, but does not include any member of the family of the employer;'. (4)

Page 2, lines 29 and 30, omit

"but does not include domestic worker working at home;". (5)

Page 2, after line 39, insert

'Explanation.' For the purposes of this sub-clause "management" includes the person or board or committee responsible for formulation and administration of policies for such organisation;

(iii) in relation to workplace covered under sub-clauses (i) and (ii), the person discharging contractual obligations with respect to his or her employees;

(iv) in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker;'. (6)

(6)

Page 3, for lines 6 to 13, substitute --

'(m) "sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely :--

- (i) physical contact and advances; or
- (ii) a demand or request for sexual favours; or
- (iii) making sexually coloured remarks; or
- (iv) showing pornography; or
- (v) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature;'. (7)

Page 3, for lines 26 and 27, substitute--

"(iv) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;

(v) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;

(v) a dwelling place or a house;". (8)

(Shrimati Krishna Tirath)

MADAM SPEAKER: Amendments 47 to 50, Shrimati Susmita Bauri -- Not moving.

...(Interruptions)

MADAM SPEAKER: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 Prevention

**of sexual
harassment**

Amendment made:

Page 3, for lines 32 to 39, substitute -

"3.(1) No woman shall be subjected to sexual harassment at any workplace.

(2) The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment :--

- (i) implied or explicit promise of preferential treatment in her employment; or
- (ii) implied or explicit threat of detrimental treatment in her employment; or
- (iii) implied or explicit threat about her present or future employment status; or
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) humiliating treatment likely to affect her health or safety.". (9)

(Shrimati Krishna Tirath)

MADAM SPEAKER: The question is:

"That clause 3 as amended, stand part of the Bill."

The motion was adopted.

Clause 3 as amended, was added to the Bill.

Clause 4 Costitution of Internal Complaints committee

Amendments made:

Page 4, *for* lines 11 to 14, *substitute*--

"Provided further that in case the other office or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organisation;". (10)

Page 4, line 19, *after* "women", *insert*"

"or a person familiar with the issues relating to sexual harassment". (11)

Page 4, *for* lines 24 to 26, *substitute*"

"(4) The Member appointed from amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed.". (12)

Page 4, *for* lines 29 to 31, *substitute*"

"(b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or

(c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or". (13)

Page 4, *omit* lines 32 to 35. (14)

(Shrimati Krishna Tirath)

MADAM SPEAKER: Amendment No. 51, Shrimati Susmita Bauri – Not moving.

...(Interruptions)

MADAM SPEAKER: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

Clause 6 Costitution and

**jurisdiction of Local
Complaints committee**

Amendments made:

Page 5, line 2, *after* 'Local Complaints Committee', *insert* "â€"

"to receive complaints of sexual harassment from establishments where the Internal Complaints Committee has not been constituted due to having less than ten workers or if the complaint is against the employer himself". (15)

Page 5, *for* lines 3 to 10, *substitute* "â€"

"(2) The District Officer shall designate one nodal officer in every block, taluka and tehsil in rural or tribal area and ward or municipality in the urban area, to receive complaints and forward the same to the concerned Local Complaints Committee within a period of seven days.

(3) The jurisdiction of the Local Complaints Committee shall extend to the areas of the district where it is constituted.". (16)

(Shrimati Krishna Tirath)

...(Interruptions)

MADAM SPEAKER: Amendment Nos. 52, Shrimati Susmita Bauri – Not moving.

...(Interruptions)

MADAM SPEAKER: The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 7 Composition tenure and

other terms and

conditions of Local

Complaints Committee

Amendments made:

Page 5, line 19, *after* "women", *insert* "â€"

"or a person familiar with the issues relating to sexual harassment". (17)

Page 5, *after* line 21, *insert* "â€"

"Provided further that at least one of the nominees shall be a woman belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or minority community notified by the Central Government, from time to time.". (18)

Page 5, for lines 22 to 27, substitute

"(d) the concerned officer dealing with the social welfare or women and child development in the district, shall be a member *ex officio*". (19)

Page 5, line 29, for "prescribed", substitute "specified by the District Officer".

(20)

Page 5, lines 30 to 33, substitute

"(3) Where the Chairperson or any Member of the Local Complaints Committee

(a) contravenes the provisions of section 16; or

(b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or

(c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or

(d) has so abused his position as to render his continuance in office prejudicial to the public interest,

such Chairperson or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section". (21)

Page 5, line 34, after "Local Committee", insert

"other than the Members nominated under clauses (b) and (d) of sub-section (1)". (22)

(Shrimati Krishna Tirath)

MADAM SPEAKER: The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8 was added to the Bill.

Clause 9 Complaint of sexual harassment

Amendments made:

Page 6, for line 5, substitute

"so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:". (23)

Page 6, after line 9, insert

"Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.". (24)

(Shrimati Krishna Tirath)

MADAM SPEAKER: The question is:

"That clause 9, as amended, stand part of the Bill."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Clause 10 Conciliation

Amendment made:

Page 6, *after* line 15, *insert*"

"Provided that no monetary settlement shall be made as a basis of conciliation.". (25)

(Shrimati Krishna Tirath)

...(Interruptions)

MADAM SPEAKER: The question is:

"That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clause 11 Inquiry

Complaint

Amendment made:

Page 6, *for* lines 25 to 31, *substitute*"

"**11.** (1) Subject to the provisions of section 10, the Internal Committee or the Local Committee, as the case may be, shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed or in case of a domestic worker, the Local Committee shall, if *prima facie* case exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code, and any other relevant provisions of the said Code where applicable:

Provided that where the aggrieved woman informs the Internal Committee or the Local Committee, as the case may be, that any term or condition of the settlement arrived at under sub-section (2) of section 10 has not been complied with by the respondent, the Internal Committee or the Local

Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police:

Provided further that where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

(1A) Notwithstanding anything contained in section 509 of the Indian Penal Code, the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provisions of section 15." (26)

(Shrimati Krishna Tirath)

...(Interruptions)

MADAM SPEAKER: The question is:

"That clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clause 12 Action during pendency of enquiry

Amendments made:

Page 7, line 1, after "woman", insert

"up to a period of three months". (27)

Page 7, line 4, for "entitled to otherwise if the case is proved", substitute "otherwise entitled". (28)

(Shrimati Krishna Tirath)

...(Interruptions)

MADAM SPEAKER: The question is:

"That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

...(Interruptions)

MADAM SPEAKER: Hon. Members, we will take up the next item, that is, item No.16; and will come back to this item later on. Does the House agree?

SEVERAL HON. MEMBERS: Yes, Madam.

...(Interruptions)

12.20hrs

PROTECTION OF WOMEN AGAINST SEXUAL HARASSMENT

AT WORK PLACE BILL, 2007 – contd.

MADAM SPEAKER: The House shall revert to Item No.15. Hon. Minister to move amendments to clause 13.

Clause 13 Inquiry report.

Amendments made:

Page 7, line 11, *after* "District Officer", *insert* –

"within a period of ten days from the date of completion of the inquiry".

(29)

Page 7, line 24,

for "such sum of compensation",

substitute "such sum as it may consider appropriate". (30)

Page 7, line 29,

for "pay such compensation",

substitute "pay such sum". (31)

Page 7, *after* line 29, *insert* –

"Provided further that in case the respondent fails to pay the sum referred to in clause (ii), the Internal Committee or, as the case may be, the Local Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.". (32)

(Dr. C.P. Joshi)

MADAM SPEAKER: The question is:

"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended was added to the Bill.

**Clause 14 Punishment for false
or malicious complaints
and false evidence**

Amendments made:

Page 7, line 33, *for* "false or malicious", *substitute*—

"malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false". (33)

Page 7, line 42, *omit* "or falsehood". (34)

(Shritmati Krishna Tirath)

MADAM SPEAKER: There are Amendment Nos. 54 and 55 to clause 14 to be moved by Shrimati Susmita Bauri.

Shrimati Susmita Bauri - not moving.

...(Interruptions)

MADAM SPEAKER: The question is:

"That clause 14, as amended, stand part of the Bill."

The motion was adopted.

Clause 14, as amended, was added to the Bill.

...(Interruptions)

Clause 15 Determination of Compensation

Amendment made:

Page 8, line 7, for "compensation", substitute "sums". (35)

(Shrimati Krishna Tirath)

MADAM SPEAKER: The question is:

"That clause 15, as amended, stand part of the Bill."

The motion was adopted.

Clause 15, as amended, was added to the Bill.

...(Interruptions)

Clause 16 Prohibition of publication or making known contents of complaint and enquiry proceedings

MADAM SPEAKER: There is an Amendment No. 56 to clause 16 to be moved by Shrimati Susmita Bauri. Shrimati Susmita Bauri – not moving.

MADAM SPEAKER: The question is:

"That clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

Clause 17 was added to the Bill.

...(Interruptions)

Clause 18 Appeal

Amendment made:

Page 8, line 39, for "thirty days", substitute "ninety days" (36)

(Shrimati Krishna Tirath)

MADAM SPEAKER: The question is:

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

...(Interruptions)

Clause 19 Duties of Employer

Amendments made:

Page 8, line 46, after "workplace,", insert "the penal consequences of sexual harassments, and". (37)

Page 9, for lines 1 and 2, substitute"

"(c) organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;". (38)

Page 9, for lines 13 to 16, substitute"

45 of "(h) cause to initiate action, under the Indian Penal Code or
1860 any other law for the time being in force, against the perpetrator,
or if the aggrieved woman so desires, where the perpetrator is not
an employee, in the workplace at which the incident of sexual
harassment took place;

(i) treat sexual harassment as a misconduct under the service
rules and initiate action for such misconduct;

(j) monitor the timely submission of reports by the Internal
Committee." (39)

(Shrimati Krishna Tirath)

MADAM SPEAKER: The question is:

"That clause 19, as amended, stand part of the Bill."

The motion was adopted.

Clause 19, as amended, was added to the Bill.

...(Interruptions)

**Clause 20 Duties and power
of District Officer**

Amendment made:

Page 9, lines 20 and 21, *omit* "Internal Committee or the". (40)

(Shrimati Krishna Tirath)

MADAM SPEAKER: The question is:

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

Clauses 21 to 23 were added to the Bill.

...(Interruptions)

Motion Re: Suspension of Rule 80(i)

SHRIMATI KRISHNA TIRATH: Madam, I beg to move:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 41 to the Protection of Women Against Sexual Harassment at Workplace Bill, 2010 and that this amendment may be allowed to be moved."

MADAM SPEAKER: The question is:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 41 to the Protection of Women Against Sexual Harassment at Workplace Bill, 2010 and that this amendment may be allowed to be moved."

The motion was adopted.

...(Interruptions)

New Clause 23A Appropriate Government

to take measures to publicise

the Act.

Amendment made:

Page 9, *after* line 37, *insert*--

MADAM SPEAKER: The question is:

"That New Clause 23A be added to the Bill."

The motion was adopted.

New Clause 23A was added to the Bill.

Clauses 24 to 27 were added to the Bill.

...(Interruptions)

**Clause 28 Power of the appropriate
Government to make rules**

Amendments made:

Page 10, line 33, *omit* "Presiding Officer and". (42)

Page 10, *after* line 34, *insert*--

"(aa) nomination of members under clause (c) of sub-section (1) of section 7;" (43)

Page 11, line 3, *omit* "and". (44)

Page 11, *after* line 3 *insert*--

"(ja) the manner of organising workshops, awareness programmes for sensitising the employees and orientation programmes for the members of the Internal Committee under clause (c) of section 19;" (45)

(Shrimati Krishna Tirath)

MADAM SPEAKER: The question is:

"That clause 28, as amended, stand part of the Bill."

The motion was adopted.

Clause 28, as amended, was added to the Bill.

Clause 29 was added to the Bill.

...(Interruptions)

**Clause 1 Short title,
extent and comment**

Amendment made:

Page 2, *for* lines 4 and 5, *substitute* "â€"

"1. (1) This Act may be called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and

Redressal) Act, 2012.". (2)

(Shrimati Krishna Tirath)

MADAM SPEAKER: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

...(Interruptions)

Enacting Formula

Amendment made:

Page 2, line 1, for "Sixty-first", substitute "Sixty-third". (1)

(Shrimati Krishna Tirath)

MADAM SPEAKER: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Preamble was added to the Bill.

The Long Title was added to the Bill.

...(Interruptions)[\[S3\]](#)

MADAM SPEAKER: Now, the hon. Minister may move that the Bill, as amended, be passed.

...(Interruptions)

SHRIMATI KRISHNA TIRATH : I beg to move:

"That the Bill, as amended, be passed."

MADAM SPEAKER: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.