

Centre for tougher law against sexual harassment at work

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Group of Ministers finalises recommendations, which will be put up for public comments.

The Group of Ministers (GoM) headed by Home Minister Amit Shah, which was constituted to strengthen the legal framework to prevent sexual harassment at the workplace, has finalised its recommendations, a senior official said.

The recommendations, which include addition of new provisions to the Indian Penal Code, will be put up for comments from the public, the official said.

The GoM was constituted first in October 2018 in the aftermath of the #MeToo movement after many women shared their ordeal on social media. It was reconstituted in July 2019 under Mr. Shah.

The other members of the GoM are Finance Minister Nirmala Sitharaman, Human Resource and Development Minister Ramesh Pokhriyal and Women and Child Development Minister Smriti Irani.

IPC overhaul

Another official said changes to the existing laws on sexual harassment at the workplace would be incorporated when the overhaul of the IPC was complete. The Ministry of Home Affairs (MHA) is working on another project to reboot the IPC, introduced by the British in 1860.

Several retired judges, legal luminaries and State governments are being consulted by the Bureau of Police Research and Development (BPR&D) to amend various sections of the IPC and the Code of Criminal Procedure (Cr. PC).

“When changes are made to the IPC, the sections on crime against women will also be amended. The laws need to change with time, and sexual harassment of women at the workplace will be addressed through the IPC amendments also,” the official said.

The Women and Child Development Ministry had steered the Sexual Harassment of Women and Workplace (Prevention, Prohibition and Redressal) Act in 2013, which was applicable to government offices, the private sector, NGOs and the unorganised sector.

The official said the proposed amendments would be largely based on the Vishaka Guidelines laid down by the Supreme Court in 1997, on which the 2013 Act was based. It made the employer responsible to prevent or deter acts of sexual harassment at the workplace. The 2013 Act had shortcomings like giving the powers of a civil court to the internal complaints committee (ICC) without specifying if the members need to have a legal

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background. It only imposed a fine of Rs.50,000 on employers for non-compliance. The Act said the employer shall provide assistance to the woman if she chooses to file a complaint under the IPC “against the perpetrator after the conclusion of the enquiry”.

The GoM also examined the report of the Justice J.S. Verma Committee that was constituted in the wake of the Nirbhaya gang-rape and murder in 2012. The Verma committee had recommended an employment tribunal, instead of an ICC, as dealing with such complaints in-house could discourage women from coming out.

As per National Crime Records Bureau (NCRB) the number of sexual harassment incidents at “work or office premises” registered under Section 509 IPC (words, gesture or act to insult the modesty of a woman) were 479 and 401 in the years 2017 and 2018 respectively. Among the cities, the highest number of such cases were registered in Delhi (28), Bengaluru (20), Pune (12) and Mumbai (12) in 2018. The total number of sexual harassment incidents in 2018 including that in public places, shelter homes and others was 20,962.

The MHA in December 2018 had written to all States to ensure that the ICC under the 2013 Act was constituted and notified to the police departments.