

Proposed Law on Sexual Harassment at Workplace Delayed

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India's [Union Cabinet](#) deferred its approval for the draft '[Protection of Women from Sexual Harassment](#) at Workplace Bill, 2010' (Bill) due to possible concerns that [the Bill](#) appears to be disproportionately in favor of the complainant and that the burden of proving innocence was on the employer, which could potentially encourage misuse of the law.¹

The Government of India, in 2004, through the National Commission of Women initiated the Bill, which has been in discussion since then. The Bill is largely based on the guidelines laid down by the Supreme Court of India (Supreme Court) in a decision² concerning sexual harassment against female employees at the workplace. The Bill proposes to cover, in addition to the organized sector, unorganized sectors, domestic workers and educational institutions. The Bill also lays down detailed provisions with respect to setting up of a complaints committee, which would look into complaints regarding sexual harassment. The Bill also mandates that the committee complete the enquiry in a time-bound manner.

The Bill envisages a penalty of de-registration of the institution or a fine of INR 50,000 (approx. US\$1,000) for violating the provisions therein and a repetition of the same offence could result in the punishment being up to three times such amount. The Bill also seeks to make false complaints of sexual harassment punishable.

Until the Bill is passed and there is a codified law in India on prohibition of sexual harassment at the workplace, all employers will need to continue to comply with the guidelines laid down by the Supreme Court on this subject, which require employers to, inter alia, set up a complaints committee and take other steps to prevent sexual harassment against female employees at the workplace.

¹ The Times of India, TNN, April 27, 2012 (<http://timesofindia.indiatimes.com/india/Cabinet-puts-off-lopsided-bill-on-sexual-harassment/articleshow/12888366.cms>)

² Vishaka v. State of Rajasthan, AIR 1997 SC 3011