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## J.S. Verma Committee on Sexual Harassment at Workplace Act

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Union Ministry for Women and Child Development will set up a committee of senior judicial and legal persons to look into the legal and institutional framework to curb sexual harassment at workplaces following the #MeToo campaign on social media.

The Justice JS Verma committee was set up after the Nirbhaya incident of December 2012 and submitted its recommendations on strengthening the laws to curb crimes against women.

### JS Verma Committee recommendations on Sexual Harassment at the Workplace Act:

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- Justice J.S. Verma Committee had recommended **setting up of an employment tribunal instead of an internal complaints committee** (ICC) in the Sexual Harassment at the Workplace Act.
- To ensure speedy disposal of complaints, the committee proposed that the tribunal should not function as a civil court but may choose its own procedure to deal with each complaint.
- An internal complaints committee as laid down under the act could be counterproductive as dealing with such complaints in-house could discourage women from filing complaints.
- Domestic workers should be included within the purview of the Act.
- The Committee has termed the Sexual Harassment Act “unsatisfactory” and said it did not reflect the spirit of the Vishakha guidelines — framed by the Supreme Court in 1997 to curb sexual harassment at the workplace.
- The Committee said any “unwelcome behavior” should be seen from the subjective perception of the complainant, thus broadening the scope of the definition of sexual harassment.

- The Verma panel said an employer should be held liable if
  - he or she facilitated sexual harassment
  - permitted an environment where sexual misconduct becomes widespread and systematic
  - Where the employer fails to disclose the company's policy on sexual harassment and ways in which workers can file a complaint
  - When the employer fails to forward a complaint to the tribunal
  - The company would also be liable to pay compensation to the complainant
- The panel opposed penalizing women for false complaints as it can potentially nullify the objective of the law.
- The Verma panel also said that the time-limit of three months to file a complaint should be done away with and a complainant should not be transferred without her consent.

### **The Protection of Women Against Sexual Harassment at Workplace Act, 2013**

- The Act defines sexual harassment at the workplace and creates a mechanism for redressal of complaints. It also provides safeguards against false or malicious charges.
- 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.
- 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.