



Protection of Women from Sexual Harassment Act, 2013

For Prelims: [Supreme Court, Sexual Harassment of Women at Workplace \(Prevention, Prohibition and Redressal\) Act, 2013](#), [Vishakha guidelines](#), [One Stop Centre Scheme](#), [Nari Shakti Puruskar](#).

For Mains: Initiatives Related to Women's Safety in India.

Why in News?

In a recent judgment, the [Supreme Court](#) expressed concerns about the implementation of the [Sexual Harassment of Women at Workplace \(Prevention, Prohibition and Redressal\) \(PoSH\) Act, 2013](#).

- The court emphasized the **serious lapses and uncertainties surrounding the Act**, leading to many **working women feeling compelled to leave their jobs**.

What is the Key Concern Raised by the Supreme Court?

- **Concern:**
 - There were serious lapses and uncertainties in the implementation of the PoSH Act, for example **only 16 out of 30 national sports federations** had constituted **Internal Complaints Committees (ICCs) as mandated**.
 - This reflects poorly on state functionaries, public authorities, private undertakings, organizations, and institutions responsible for implementing the PoSH Act.
 - These lapses also have a negative impact on **women's self-esteem, emotional well-being, and physical health**. Also, it makes women reluctant to report instances of **sexual harassment due to uncertainty** and lack of confidence in the process.
- **Recommendation:**
 - If the working environment remains hostile, insensitive, and unresponsive, the Act will remain a mere formality. The Act must be **enforced diligently to ensure the dignity and respect that women deserve at the workplace**.
 - There is a need to undertake a **time-bound exercise** to verify whether relevant bodies have constituted **ICCs, Local Committees (LCs), and Internal Committees (ICs) under the Act**.
 - Instructed bodies to publish details of their respective committees on their websites.
 - SC has given **eight weeks for government Ministries**, bodies to comply with mandates of the 2013 Act.

What is the PoSH Act, 2013?

- **About:**
 - The **POSH Act is a legislation enacted by the Government of India in 2013** to address the issue of **sexual harassment** faced by women in the workplace.
 - The Act aims to create a **safe and conducive work environment** for women and provide protection against sexual harassment.

- The PoSH Act defines sexual harassment to **include unwelcome acts such as physical contact and sexual advances, a demand or request for sexual favours, making sexually coloured remarks, showing pornography,** and any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature.
- **Background:** The Supreme Court in a landmark judgment in the **Vishakha and others v State of Rajasthan 1997 case** gave '[Vishakha guidelines](#)'.
 - These guidelines formed the basis for **the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.**
 - The **SC also drew its strength** from several provisions of the Constitution including **Article 15 (against discrimination on grounds only of religion, race, caste, sex, and place of birth),** also drawing from relevant International Conventions and norms such as the **General Recommendations of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),** which India ratified in 1993.
- **Key Provisions:**
 - **Prevention and Prohibition:** The Act places a legal obligation on **employers to prevent and prohibit sexual harassment in the workplace.**
 - **Internal Complaints Committee (ICC):** Employers are required to constitute an **ICC at each workplace with 10 or more employees** to receive and address complaints of sexual harassment.
 - The Complaints Committees have the **powers of civil courts** for gathering evidence.
 - **Duties of Employers:** Employers must undertake awareness programs, provide a safe working environment, and **display information about the POSH Act at the workplace.**
 - **Complaint Mechanism:** The Act lays down a procedure for filing complaints, conducting inquiries, and providing a fair opportunity to the parties involved.
 - **Penalties:** Non-compliance with the Act's provisions can result in penalties, including **fines and cancellation of business licenses.**

What are the Recommendations of the Justice Verma Committee on Sexual Harassment at Workplace?

- **Domestic workers** should be included within the purview of the PoSH Act.
- It proposes a conciliation process where the complainant and the respondent are initially encouraged to resolve the issue through negotiation and agreement.
- The employer should pay **compensation to the woman who has suffered sexual harassment.**
- Setting up of an **Employment tribunal** instead of an **internal complaints committee (ICC) in the PoSH Act.**

What are the Other Initiatives Related to Women's Safety?

- [One Stop Centre Scheme](#)
- **UJJAWALA: A Comprehensive Scheme for Prevention of trafficking and Rescue, Rehabilitation and Re-integration of Victims of Trafficking and Commercial Sexual Exploitation**
- [SWADHAR Greh](#) (A Scheme for Women in Difficult Circumstances)
- [Nari Shakti Puruskar](#)

Source: [TH](#)

