

असाधारण

EXTRAORDINARY

भाग ॥-- खण्ड ।

PART II -- Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नई दिल्ली, मेंगसवार, अप्रैल 23, 2013/ वैशाख 3, 1935 (शक)

No. 18] NEW DELHI, TUESDAY, APRIL 23, 2013/ VAISAKHA 3, 1935 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 23rd April, 2013/Vaisakha 3, 1935 (Saka)

The following Act of Parliament received the assent of the President on the 22nd April, 2013, and is hereby published for general information:—

THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

(No. 14 of 2013)

[22nd April, 2013.]

An Act 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.

Whereas sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment;

And whereas the protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India:

AND WHEREAS it is expedient to make provisions for giving effect to the said Convention for protection of women against sexual harassment at workplace.



सवाधर्ग EXTRAORDEYARY 'का [] — बच्च 1 PART1[— Section 1 वाणिकत से जन्मतिम

PUBLISHED BY AUTHORITY

चे देल्ली, पंताबस, अर्थेस 25, 2013/ वेस्तस 5, 1935 (रेस्ट) NEW BELHL, TUESDAY, APRIL 23, 2813/ VAISAKHA 3, 1935 (SAKA)

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Ann treasures is in expedient to make provisions for giving effect to the said Convention for protection of women against sexical horasomers as workplace.

Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follow-

extent and commencement

- 1. (7) This Act may be called the Sexual Harassment of Women at Workplace (Prevention Prohibition and Redressal) Act, 2013.
- (2) It extends to the whole of India.

 (3) It shall come into force on such date as the Central Government may, by notification

Definitions:

- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.

 2. In this Act, unless the context otherwise requires—

 (a) aggrieved woman, means—

 (b) 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 semployed in such a dwelling place or house.
 - employed in such a dwelling place or house;

 - (b) appropriate Government means—

 (f) in relation to a workplace which is established; owned, controlled or wholly or substantially financed by hunds provided directly or indirectly—
 - (4) by the Central Government or the Union territory administration,
 - (B) by the State Government, the State Government;
 - (i) in relation to any workplace hot covered under sub-clause (i) and dalling within its territory, the State Government.
 - (c) Charperson imeans the Chairperson of the Local Complaints Committee nominated under sub-section (//) of section 7/1/15
 - (d) District Officer Incans an officer notified under section 5;
 - (e) 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;
 - *** (f) "employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration of not, of working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer trainer apprentice or called by any other such name;

 (2) employer means.

 - (f) in relation to any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organisation, undertaking establishment; enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be may by an order specify in this behalf;
 - (ii) in any workplace not covered under sub-clause (i), any person sponsible for the management, supervision and control of the workplace.

ed by Parliament in the Sixty-Grant Year of the Report in of India on Griconic— Hibe

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J. (J) Third Act may be called the School Harachment of Woman at Haraphine [Prevention, obligation and Represent) Act, 2013.

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(b) "appropriate Government" means --

(f) to relation to a workplace which is scratificate, extend, compelled or wholly or indesentially fluenced by fields provided directly as harmonity.

(A) by the Central Gordmand or the Union territory editanderation the Car . . . (B) by the State Government, the State Covernment

(ii) in relation to key workplace not covered exter schechase (i) and falling within its stratory, the Shap Government,

(e) "Cheirperson" means the Chaipperson of the Lotal Completes Committee mand under sub-section (f) of section 7;

(a) "District Officer" musics an officer mailled under section 5:

(e) "dementic works" means a written who is employed to do the beatched; in any household for remaneration whether in each or kind, either directly or also years on a temporary, permanent, part time or full time invist, but directly or a lade any member of the family of the employer.

"In "employee" means a person employed as a workpine for any work on regular, same, and according to the same and the same

(a) in relation to my department, organization, undersisting, establishment, idepties, brashalion, office, transh or cuti office operation Government or a stripent, establishment, establ

(ii) In any workplace not covered under arti-closes (i), any person inside for the management, supervision and control of the workplace

THE GAZETTE OF INDIACXT RAORDINARY

Explanation.—For the purposes of this sub-cisuse intensacti includes the person or board or committee responsible for farotitating and administration of policies for some organization.

(ii) and other to workplace covered which reductions of (iii) and (ii) and (iii) and (iii) and other cruptage of discharging commenced obligations with prospect to his or the cruptage or

(h) in relation to a dwelling plane or house, a person or a beombode who comply who be been been as a beombode who camples worked, breaked which person of a beombode who do camples worked person of the soundor, thus period or type of such worker employed, or the nature of the camployment or activities performed by the domestic worker;

(#) "Internal Committee" motion on Internal Completints Committee of

(/) Tuocal Con tee" meting the Local Completitis Committee describered as de-

(/) "Member" meiors a Member of the Internal Constitute of the Local Constitution at the case may be;

(i) "prescribed" s ens prescribed by rules made under this Act;

(f) "Profiding Officer" means the Presiding Officer of the Internal Completers with a nominated under sub-section (2) of section 4;

(w) "respondent" meens a person against whom the agginoved woman has made a complaint under section 9;

(a) "sexual harassment" spectudes any one or more of the fire behaviour (whether directly or by implication) namely---

(f) physical contact and advinces; or

(II) a domand or request for sexual flavours; or

(III) moking strictally coloured remarks; or

(#) showing perhography; or

(v) any other timestronic physical, verbal or ann-verbal conduct of service

(o) "workplace" includes-

(f) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or sold which is established, owned, controlled or wholly or substantially financed by frands provided directly or indirectly by the appropriate Government or the local authority or a Convenance conguego or a ilon of a co-operative society;

(ii) any private sector organization or a private venture, underst energylae, institution, establishment, society, trust, non-governia-organization, with or service powder carrying on connecticits, profession continual, consistence of the control of the control of the continual consistency determinents, industrial, health services or flue activities including production, supply, sale, distribution or service;

(fil) hospitals or nursing bodies;

(Ir) say sports busines, stadium, sports complex or competition or games c, whether residential or not used for training, sports or other activities

(v) any place visited by the employee scring out of or during the course of layment including transportation provided by the employer for understaing

THE GAZETTS OF INDIA EXTRAORDINARY

[PART (]-

(vi) a dwelling place or a house;

(p) "manorgamined sector" in relation to a workplace encase an enterprise overand by individuals or self-employed workers and degaged in the production or rate of goods or providing service of any kind whatmoree, and where the amorprise energicys workers, the number of such workers in tens than ten.

- $\mathfrak{J}_{\bullet}(I)$ No woman shall be subjected to sexual because
- (2) The following circumstances, among other circumstances, if it access or is parent lation to or connected with any act or bette view of sexual haracterist way present to
 - (1) implied or explicit promise of professorial transment in her amplicate
 - (ii) idualised on explicit threat of decrimental treatment in his acressly-man; to
 - (III) implied or explicit three about her present or future applicyment status; or
 - (iv) interference with her work or crassing an includedting or offersive or hostile
 - (v) Journal Harling treasment Microy to affine their Joseph or nafety.

CHAPTERD

COMMITTUREM OF DIFFERNAL COMPLAINTS CONFURTING

Constitute of laternal Completion Commission

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4. (/) Every supplyer of a workplace shall, by an order in writing, on known as the "last real Compilates Compilers":

Anorm as the "mere not Compounts a Compounts":

Provided that where the offices or establishment's limits of the workplace are located as
all places or divisional or sub-divisional level, the instruct Committee shall be constituted inistrative make of offices.

- (2) The Intersal Committee shall consist of the following members to be noted
 - (a) a Precising Officer who shall be a worsen employed as a senior level at workplace from amongst the cuployees:

Provided that is case a skelor level woman employee is not available, the Providing Officer shall be nominated from other offices or administrative miles of the workplace referred to in sub-sension (P):

Provided further that is case the other offices or administrative units of the place do not have a sealor lavel workes employee, the Presiding Officer shall be made from any other workplace of the same employer-or other department or laveline.

(b) not less than two frienders than accompt employees prefundly combitted or cause of women or while have had experience in sooial work or leave legal

(e) one metabor from amongst non-governmental organizations or associations extended to the cases a f women or a pursual familiar with the federal rating to ground

Provided that at heat one-half of the total Members at nothinsted sinflike w

- (3) The Presiding Officer and every Member of the Islamed Committee shall hold office for such period, not exceeding three years, from the date of their continuation as may be specified by the explayer.
- (4) The Mershor appelished from amongst the con-governmental organizations as essectiations shall be paid such fires or allocaracter for holding the proceedings of the Internal Committee, by the country, as may be prescribed.

THE CAZETTE OF INDIA EXTRAORDINARY

A Presiding Officer or any Methher of the Jelestud Committee,

() printrovenes the jacovicions of section 16; or
(i) has been convicted for an offerce or an inequiry text an offerce under say law
(ii) has been force is pending against king; or

(c) he has been found pointy in any disciplantry proceedings or a disciplinary rading is pending against him; or

(a) has so almosed his position as to render his continuance in office prejudioist to the public interest,

such Presiding Officer of Mensher, as the case trury be, shall be ramoved from the Committee and the vacancy so creamed or only casual vacancy eball be filled by first nonlination is decorated with the provisions of finis-action.

CHAPTER III

CONTITUTION OF LOCAL CROSS ARITS CONDITION

5. The appropriate Government may actify a District Magistrate or Additional District Mattheutilitation or the Collector or Deputy Collector as a District Officer for every District to of Durcks of Departs of

6. (7) fivery District Officer shall constitute in the district concerned, a conic (1) in the contract of the contract contract to the contract contract and a contract in the known as the "Lored Complehent Committee" for receive completers of sexual harasqueet those of sub-lishments inhere the treemed Completes Committee here not been constituted due to having lest them are workers or if the completes is against the employer himself.

(2) The District Officer shall designate our node! officer in every block; whete and in rival or tribet area and ward or menicipality in the urban area, to receive completes orward the partie to the concerned Local Compilates Committee within a period of seven days.

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

7. (1) The Local Completes Committee shall countri of the following mecahers to be instead by the District Officer, remely—

(a) is Chairperson to be nominated from amongst the enricest wor of social work and committed to the easter of woman;

(b) see Mercher to be nominested from secongs: the women working to block, interior or triall or ward or missic loadity in the district;

(c) two Mcnforz, of whom at least one shall be a woman, to be semisated from ongst such non-governmental organisations or expectations committed to the cause women or a person familiar with the issues relating to accusal horsesment, which tray

Provided that at least one of the nominees should, preferably, have a background

Provided further that at least one of the nominees shall be a woman belonging to the Scheduled Castae or the Scheduled Tribus or the Other Backward Classes or minarity countrarity notified by the Control Government, from time to time;

(d) the conserved officer dealing with the social welfare or women and child improve in the district, shall be a momber at afficia

(J) The Chairperson and every Momber of the Local Committee shall hold office for period, not according three years, from the date of stem appointment at may be specified by the District Officer.

(vi) a dwelling place or a house:

(p) "unorganised sector" in relation to a workplace means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten.

Prevention of sexual harassment.

- 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 persent 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.

CHAPTER II

CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

Constitution of Internal Complaints Committee.

4. (1) Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee":

Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the Internal Committee shall be constituted at all administrative units or offices.

- (2) The Internal Committee shall consist of the following members to be nominated by the employer, namely:—
 - (a) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees:

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section (1):

Provided further that in case the other offices of 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;

- (b) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- (c) one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:

Provided that at least one-half of the total Members so nominated shall be women.

- (3) The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.
- (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.

- (2) 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 of 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 of any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section

- (4) The Chairperson and Members of the Local Committee other than the Members nominated under clauses (b) and (a) of sub-section (7) shall be entitled to such fees or allowances for holding the proceedings of the Local Committee as may be prescribed.
- 8: (1) The Central Government may after due appropriation made by Partiament by law in this behalf, make to the State Government grants of such sums of money as the Central Government may think fit for being utilised for the payment of ccs or allowances referred to
- in sub-section (4) of section 7

 (2) it he State Government may set up an agency and transfer the grants made under sub-section (7) (6) that agency
- (3) (1 he agency shall pay to the District Officer, such sums as may be required for the payment of fees of allowances referred to in sub-section (4) of section 7
- (1) The accounts of the agency referred to in sub-section (2) shall be maintained and audited in such manner as may, in consultation with the Accountant General of the State, be prescribed and the person holding the custody of the accounts of the agency shall furnish, to the State Government, before such date; as may be prescribed, its audited copy of accounts. together with auditors report thereon. CHAPTERIV

COMPLAINT

Complaint of sexual harassment

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- 29.3(7) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, of the Local Committee, in ease at is not so constituted, within a period of three months from the date of meident and in case of a series of incidents, within a period of three months from the date of last incident:
- Provided that where such complaint cannot be made in writing the Presiding Officer or any, Member of the Internal Committee of the Chairperson or any, Member of the Local Committee, as the case may be shall render all reasonable assistance to the woman for making the complaint in writing
- 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.
- (2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise; her legal helf or such other person as may be prescribed may make a complaint under this section.

Conciliation.

10.(1) The Internal Committee or, as the case may be, the Local Committee may before initiating an inquiry under section (1) and at the request of the aggreeved woman take steps to settle the matter between her and the respondent through conciliation:

(J) Where the Cheirperson to any Member of the Local Completes Commisses \rightarrow

(a) contravenes the provisions of section 16; or

- (b) has been convicted for an offence or an impulsy and an offence under any less for the rank being in force is pending against iden; or
- (c) has been found gettly in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
- (d) has so abused his position as to render his consistence in affice projudicial to the public interest,

such Chair person of Member, as the case may be, that the removed from the Constitute and the security so created or any casual vacancy shall be filled by their numinisation in secondance with the provisions of this section.

(4) The Charperson and Members of the Local Committee other than the Members nonlinitee under classes (6) and (4) of sub-section (7) shell be critical to such fives or allowances for holding the proceedings of the Local Committee as may be prescribed.

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- 8. (1) The Central Government may, after the appropriation made by Parliament by leve in this behalf, make to the State Government grants of such sums of money as the Contral Government may think fit, for being utilized for the payment of flees or allowances referred to it sith-section (4) of section 7.
- $\sqrt{\ }$. (2) The State Government may set up an agency and transfer the grants made under sub-section (4) to that egency.
- (1) The agency shall pay to the District Officer, such sums as may be required for the phymens of flow or allowances referred to in sub-section (4) of section ?.
- (4) The accounts of the agency referred to in sub-section (7) shall be amintained and and leed in such married as rasy, in consultation with the Accounting Deneral of the Saste, be prescribed and the person boiling the custody of the account of the agency shall know, to the State Observament, before such dute, as may be prescribed, in analised copy of accounts together with and loan't report thereon.

· CHAPTERTV Company

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- 9. (1) Any aggrieved woman may make, in writing, a complaint of sex and burnament at workplace to the harroal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of fives months from the after of incident and in case of a series of incidenta, within a period of three months from the date of has incidence.
- Previded that where such complaint connot be made in writing, the Presiding Officer or any Member of the Internal Connection or the Chaleperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for staking the complaint in writing:

Provided further that the transact Committee or, as the case easy be, the Local Committee may, for the reasons to be received in writing, extend the time limit not exceeding three shorths, If it is satisfied that the chrumamones were such which preveneed the woman fram filling a compilate within the said period.

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10. (7) The internal Committee or, is the cise rasy be, the Lucal Committee, may, before inhitisting on inquiry under section 11 and at the request of the aggressed women take steps to scale the matter between law and the respondent shrough concillation.

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Provided that so mondary sottlement shall be made as a bests of conciliation.

- (2) Where a actifement has bose serived at under sub-section (1), the internal Controlled or the Local Committee, as the case stay be, shall record the actifement so arrived and forward the atmost to the employer or the District Officer to take action as specified in the recommendation.
- (3) The laternal Committee or the Local Committee, as the case may be, shall provide the explets of the actinement as recorded under sub-section (2) to the aggrieved woman and the respondent.
- (4) Where a settlement is arrived at under sub-section (I), no further inquiry shall be conducted by the Internal Committee or the Local Committee, as the case may be.
- 11. (1) Subject to the provisions of section 10, the hispital Contribute or the Local committee, as the case may be, shall, where the helponoses it as employee, proceed to make inquiry into the complaint is accordance with the provisions of the service rules applicable to the respondent and where no such rules early. In such meants is may be prescribed as in case of a domestic worker, the Local Committees shall, if praving factor gase exist, thrower 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 secolicable.

Provided that where the aggrieved worsen informs the Internal Committee or the Local - Committee, is the case may be, that any term or condition of the settlement entired at under-sub-section (2) of section 10 has not been complied with by the respondent, the Internal Committee of the Local Committee shall proved to matte an inoquiry too 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 coarse of linguisty be given as opportunity of being heard and a copy of the florfings shall be made variable to both the parties enabling them to make representation against the findings before the Commines.

- (2) How/thatmfling saything contained in section 509 of the Indian Peest Code, the court time, when the respondent is convicted of the offence, enter payment of such same as it may consider appropriate, to the aggreeved wernish by the respondent, having regard to the provisions of section 15.
- (3) For the purpose of making an inquiry under sub-section (7), the internal Connections or the Local Committee, so the case may be, shall have the tame powers as are vested in a civil court under the Code of Civil Procedure, 1904 when trying a suk in respect of the following matters, namely:—
 - (a) summoning and enforcing the attendance of any person and countring him on path:
 - (b) requiring the discovery and production of documents; and
 - (c) any other matter which may be prescribed.
- (I) The inquiry under sub-section (I) shall be completed within a period of altern days.

CHAPTERV

INDUSTRIBUTION CONTINUES

(a) transfer the aggrieved worken or the respondent to any other workplace, or

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- (b) grant leave to the aggrieved womanup to a period of three months
- ener(c) grant such other relief to the aggreved woman as may be prescribed. (2) The leave granted to the aggrieved woman under this section shall be in addition to
 - the leave she would be otherwise chilled
 - (3) On the recommendation of the Internal Committee or the Local Committee has the case may be, under sub-section (1), the employer shall implement the recommendations made under sub-section (1) and send the report of such implementation to the Internal Committee or the Local Committee, as the case may be

Inquiry report.

- 13. (1) On the completion of an inquiry under this Act, the internal Committee or the Local Committee as the case may be shall provide a report of its findings to the employer, or as the case may be the District Officer within a period of ten days from the date of completion of the inquiry and such reportibe made available to the concerned parties
 - (2) Where the Internal Committee of the Local Committee as the case may be arrived at the conclusion that the allegation lagainst the respondent has not been proved it shall recommend to the employer and the District Officer that no action is required to be taken in the marter.
 - (3) Where the Internal Committee of the Local Committee as the case may be arrives at the conclusion that the allegation against the respondent has been proved the shall recommend to the employer or the District Officer, as the case may be
 - and (1) to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent of where no such service rules have been made, in such manner as may, be prescribed,
 - (II) to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs as it may determine, in accordance with the provisions of section 15:

Provided that in case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment ar may direct to the respondent to pay such sum to the aggrieved woman

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.

(4) The employer or the District Officer shall act upon the recommendation within sixty days of its receipt by him.

Punishment for false or. malicious complaint and false evidence.

14. (1) Where the Internal Committee or the Local Committee (as) the case may be arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggreed woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer of the District Officer, as the case may be to take action against the woman of the person who has made the complaint under sub-section (1) or sub-section (2) of section 9, as the case may be, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed:

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section.

Provided further that the malicious intent on part of the complainant shall be established efter an inquiry in accordance with the procedure prescribed, before any action is recommended.

(b) grant leave to the aggricued woman up to a period of three months; or

(c) grant such other relief to the aggreefed woman as may be prescribed.

(2) The leave graced to the aggreered worner under this section shall be in addition to the leave she would be otherwise entitled.

(3) On the commence of the internal Consultee or the Local Committee, as the case may be, under sub-acction (1), the employer shall implement the recommendations made under sub-acction (1) and send the report of such implementation to the lacertal Committee or the Local Consultee, as the case may be.

i.3. (f) On the completion of an inquiry under this Act, the Insects I Committee or the Local Committee, as the cises may be, shall provide a report of its flashings to the especially as the case stay be, the I Fixtlet Officer within a period of set days from the date of completion of the largelity and such report be made available to the concerned parties.

(2) Where the learned Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has not been proved, is thall recommend to the employer and the District Officer that no action is required to be taken in

(J) Where the lottrial Committee or the Local Committee, as the case may be, arrives at the coordurion that the allogation against the respondent has been proved, it class recommend to the employer or the District Officer, as the case may be...

(f) to take action for account harasteriest at a selecondust in accord provisions of the sorvice roles applicable to the respondent or where no such arrice roles have been made, in such manner as may be prescribed;

(II) to dictart, notwithstanding anything in vertice rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid in the applicate woman to not rules applicable, no it may determine, in accordance with the provisions of section 15:

Provided that in case the employer is mable to make such deduction from the takey of the emponders date to his being absent from due you or exaction of employment is may direct to the responders to pay such sum to the aggreed woman.

Provided further that in case the respondent falls to pay the sum referred to in-clause (I/), the internal Committee or, as the case away be, the Lacal Committee way forward the order for recovery of the sum as an error of lend revenue to the concerned

(4) The employer or the District Officer shall act upon the reconstructualistic citys of its receipt by him.

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days of its receipt by aim.

i.i. (1) Where the Intermet Committee or the Local Committee, as the case may be, arrived at a conclusion that the alligation against the respondent is malicious or the aggricular woman or any other person analysis, the complaint has made the complaint has produced any other person making the complaint has produced any farged or relicioning document, it may recommend to the amployer or the Destrict Officer, as the case may be, to take action against the woman or the process who has noted the campleful under the provisions of the person who has noted the campleful ander sub-section (2) or sub-section (2) of accrision 9, as the case may be, in accordance with the provisions of the service rules applicable to have or him or where no such service rules exist, in such manner as may be presented.

Provided that a mere leability as substantists a complaint or provide adequated not attract action against the complainant under (bit section:

Provided further that the mulicious jusces on part of the complaintent shall be established efter an inquiry in accordance with the procedure prescribed, before any action is

THE GAZETTE OF INDIA EXTRAORDINARY

1/1) When the Internal Committee or the Local Committee, at the case may be, arrived to the control of the docking the Jacquin way witness here given filter ordered or produced the project of the viscos or the filter of the viscos or the filter of the viscos or the filter of filter, as the case may be, to rate action to accordance with the previsions of the fifty of filter, as the case may be, to rate action to accordance with the previsions of the fifty of the supplicable to ask without a case, the said witness or where the such service rules exist, is such service in the prevision of the filter
15. Far the purpose of determinities the nums to be paid to the aggrieved woman under clause (4) of sub-section (3) of section 13, the Internal County lites on the Local Commutee, as, the case may be, shall have regard to —

(a) the mental traums, pain, suffering and emotional distress caused in the ... segricved #bhain;

· (b) the loss in the extrem opportunity due to the incident of second intractional; (c) medical expenses incurred by the victim for physical or psychiatric treatment;

(a) the income and financial status of the respondent;

(a) leasibility of such payment in temp sum or in instalments.

The assembly of such payelers in lower such or in instalances.

16. New-tinstanding exyching contained is the Right to information Act, 2005, the profit in the complaint made conder section 9, the identity and addresses of the aggricus and applications of impairs and applications, recognized and wincases, any information relating to conditions and impairs and impairs are the section taken by the comployer or the District Officer under the provisions of this Act shall not be published, communicated or made known to the public, pers and model in noy manner:

Provided that information may be dissentioned regarding the justice secured to any yields of served barratonizes under this Act Without disclosing the name, address, identity of any other particulars calculated to lead to the identification of the appricing woman and

17. Where any person entrained with the duty to bundle or deal with the complaint, industry or any recommendations or action to be taken under the provisions of this Act, couldnesses the provisions of section 16, be shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules

18, (1) Any person aggrieved from the recommendations made under sub-section (2) of section 13 or under chuse (3) or cluste (6) of sub-section (3) of section 13 or sub-section (1) or sub-section (2) of section 14 or sub-section (1) or sub-section (2) of section 14 or suction 17 or son-substantiation only perfor an appeal to the court or tribunal in secondate with the provisions of the service rules applicable in the sald person or where so such service rules exist then, without projudios to provisions constitude in any other law for the time being in force, the person aggrieved may prefer an appeal in such risconer as may be preseribed.

(7) The appeal ender sub-section (7) shall be preferred within a period of afnery days ir recommendations.

CHAPTER VI

Detres or exercises

19. Every employer shall-

(a) provide a safe working environment at the workplace;
 safety from the persons coming into contact at the workplace;

(b) display at any conspicuous place in the workplace, the penal consequences of sexual harassmenes; and the order constituting, the lastrue | Constitution and a suction (1) of section 4:

- (a) 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.
- (d) provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry,
- (e) assist in securing the attendance of respondent and witnesses before the internal Committee or the Local Committee, as the case may be;
- (1) make available such information to the Internal Committee or the Local Committee, as the case may be, as it may require having regard to the complaint made under sub-section (1) of section 9;
- under sub-section (1) of section 9;

 [8) provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- (h) cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the aggreeved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- (f) 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.

CHAPTER VII

DUTIES AND POWERS OF DISTRICT OFFICER

Duties and powers of District Officer.

- 20. The District Officer shall,—
- (a) monitor the timely submission of reports furnished by the Local Committee;
- (b) take such measures as may be necessary for engaging non-governmental organisations for creation of awareness on sexual harassment and the rights of the

CHAPTER VIII

MISCELLANEOUS

Committée to submit annual réport

- 21. (1) The Internal Committee or the Local Committee, as the case may be, shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and the District Officer.
- (2) The District Officer shall forward a brief report on the annual reports received under sub-section (1) to the State Government.

Employer to include information in annual report.

22. The employer shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report of his organisation or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.

Appropriate
Government
to monitor
implementation
and maintain
data.

* 23. The appropriate Government shall monitor the implementation of this Act and maintain data on the number of cases filed and disposed of in respect of all cases of sexual harassment at workplace:

Appropriate Government to take measures to publicise the Act.

- 24. The appropriate Government may, subject to the availability of financial and other resources.
 - (a) develop relevant information, education, communication and training materials; and organise awareness programmes, to advance the understanding of the public of the provisions of this Act providing for protection against sexual harassment of woman at workplace;

(c) organise workshops and eventures programmes at regular intervals for our sitisting the employees with the provisions of she Act and orientation programmes for the measures of the interior Committee in the treatment as many to prescribed;

(a) provide accessing facilities to the internel Committee or the Local Committee as the case may be, for deating with the compleths and conducting an logality:

(e) easies in accuring the attendance of respondent and witnesses before the letternal Committee to the Local Committee, as the case may be;

(f) make available such information to the Internal Con-Committee, as the case may be, as is may require having regard to the completion and an out-section (!) of section 3;

(g) provide assistance to the woman if she a chooses to the a complaint in relation to the offence under the inclina Penel Code or any other haw the the being 45 of 1650 in finance.

(h) cause to initiate action, under the incides Pernal Code or any other law for the 45 of 1888 then being in force, against the perpension; or if the agarismed woman so desired, where the perpension is not an employee, in the werkplace at which the incident of securif benefits only place;

(f) treat sexual lumasiae actico for, such miscondoes;

(/) manhor the timety sobmi film of reports by the internal Committee CHAPTER VII

During and rowing or District Offices

2... The District Officer shall,---

(a) monitor the timely submission of experts furnished by the Local Cos (a) take such measures as may be necessary for engaging non-governments only factions for cression of awareness on secting barranteess and the rights of the

CHAPTER VIII

MINITELANGUE

21. (1) The Internal Committee or the Local Committee, so the case may be, shall be actionable year prepare, in such form and at such time as any be prescribed, an annual new land ashenic the same to the employer and the District Officer.

(2) The District Officer shall forward a brief report on the samest reports re section (/) to the State Govern

Section (7) for the outer sectionment.

2. The emblyour shall include in its report the marker of outer filed, if any, and their
outer this Act in the articular report of his organization of Sifters no such report is
lead to be proposed, beginness such assessor of cases, Many, to the District Officer.

23. The approprieto (Novement shall monitor the implementation of this Acc and thin dot to mits member of cases filed and disposed of an respect of all cases of sexual sament at workplate.

24. The appropriate Government citry, subject to the giveliability of financial and other

(2) develop relevant information, education, communication and training wheels is, and organize an articles programmes, to advance the undermoding of the 10th of the provisions of this Act providing for protection against sevent horsement works as workplace;

THE GAZETTE OF INDIA EXTRAORDINARY II

(A) formulate orientation and including programmes for the mambers of the Local

25. (I) The appropriate Covernment, on budge straffed that it is accessive in the process of in the interest of women employees at a workplace to do so, by order in

(a) call upon any employer or District Officer to familiah in writing such inform relating to second increasment as it may require;

(b) authorise sity officer to make impection of the records and workplace in relation to scuand humanous, who shall subtisk a report of such impoction to it within such period as stay be specified in the order.

(2) Every employer and District Officer shall produce on demand before the officer making the lespection all follows: the contract of the documents to like testedy having a bearing on the subject makine of such inspection.

26. (/) Where the amployer falls to--

(a) constitute \widetilde{aa} between Committee under sub-section (7) of section 4;

(b) take action ander sections 13, 14 and 22; and

(c) contravers or attempts to contravenc or afters continued the Act or any rules under the context,

be shall be punishable with fine which may extend to fifty the

(2)11 any employer, after having been previously convicted of an offence pushinable under thir Act subsequently commits and is convicted of the same offence, he shall be liable

(i) twice the parishment, which raight have been imposed on a first a subject to the purishment being maximum provided for the same offence;

Provided that it case a higher punishment is prescribed under any other in the time being in force, for the offence for which the accused is being prosesses count shall make due cognizance of the same within avending the punishment;

(A) cancellation, of his ficence or withdrawal, or non-conwal, or appreciated and of the registration, so the case may be, by the Clovernment or local at required for earlying on his business or serivity.

27. (1) No count shall take cognitizance of say offices punishable under this Act or any made thereworks; serve on a contribute made by the aggrieved worses or any person wheel by the insernal Committee or Local Committee in this behalf.

(2) No court inferior to that of a Metropolisan Maghitude or a Judicial Maghirute of test class shall try any offence purishable under this Act.

(J) Every offence under this Act shaft be non-cognizable.

28. The provisions of this Act that be in addition to and not in throughtion of the Art and to titions of any other lew for the time belog in force.

My other lew for the time belog in force.

29. (/) The Central Government may, by notification in the Official Gazette, ander rules carrying out the provisions of this Act.

(7) In particular and without projudice to the gaverality of the foxegoing power, such rules may provide for all or any of the following matters, namely:

(a) the fees of Allowances to be paid to the Members under sub-section (4) of section 4;

(b) remination of members under clause (c) of sub-section (f) of section 7_1

(c) the free or allowances to be paid to the Chalipperson, and Medibers under section (d) of section 7;

- (d) the person who may make complaint under sub-section (2) of section 9;
- (2) the manner of inquiry under sub-section (2) of (2) the manner of inquiry under sub-section (3) of section (3) of section (3) of section (3) of section (4) of section (5) of sub-section (1) (2) of sub-section (1) (3) of section (4) of section (5) of sub-section (1) (2) of sub-section (1) (3) of section (4) of section (5) of sub-section (6) of sub-section (7) of section (7) of
 - (2) the relief to be recommended under clause (c) of sub-section (1) of section 12;
 - (h) the manner of action to be taken under clause (f) of sub-section (3) of section 13
 - (1) the manner of action to be taken under sub-sections (1) and (2) of section 14; (1) the manner of action to be taken under section 17.

 (A) the manner of appeal under sub-section (1) of section 18.
 - (1) 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; and
 - (m) the form and time for preparation of annual report by Internal Committee and the Local Committee under sub-section (1) of section 21
- (3) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of hoteffect, as the case may be; so, however, that any such modification of annulment shall be without prejudice to the validity of anything previously done under that rule:
- (4) Any rule made under sub-section (4) of section 8 by the State Government shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses; or where such Legislature consists of one House, before that House the same of the same

Power to remove difficulties.

- 30.(7) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette; make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:
- Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.
- (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament

P.K. MALHOTRA, Secy. to the Govt. of India.

CORRIGENDA

THE PREVENTION OF MONEY-LAUNDERING (AMENDMENT) ACT, 2012 ..., (2 of 2013)

At page 18, in line 2 for "Arts", read "Art"

Al page 21, in line 14, for "Protection", read "(Protection)".

(#) the person who may make complaint under sub-acction (2) of section 9:

- (a) the martier of impulsy under sub-section (7) of scatton (1), $\ensuremath{\text{c}}$
- (f) the powers for making an inquiry under charto (c) of sub-section (2) of section (1);
- (g) the relief to be recommended under clause (e) of sub-action (1) of section 12;
- (h) the manner of action to be teleso under clause (i) of sub-section (3) of section 13;
 - (f) the manner of action to be taken under sub-sections (f) and (f) of section (4)
 - (f) the matter of action to be taken under section 17:
 - (I) the mainer of appeal under sub-sertion (I) of section 18;
- (f) the charact of organising workshops, awareness programmers for sanctisking the employees and orientation programmers for the transfers of the internal Committee under clause (c) of section 19; and
- (w) the form and thrue for preparation of anomal repart by internal Committee and the Local Committee under sub-section (I) of saction 21.
- the Local Controllers under sub-section (f) of saction 21.

 (f) Every rule useds by the Central Government moder this Act-shall be laid as sacto as may be after it is made, before each House of Parliament, width it is in assettion, for a tent period of shirty days which thay be comprised in one section or in two or store successive sections, and if, before the criphy of the section transcriberely following the section or the sections, and if, before the textigent part of tacking any modifications in the relief accordance services resistant affects, both Housest agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; no, however, that any modification or attractment shall be without projudice to the velicity of anything previously done under that rule.
- (A) Arty role midds under sub-section (4) of section 8 by the State Government shall be laid, as soon 61 theny be after it is made, before each gloupe of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that

- 30. (1) If any difficulty arrises in giving effect to the provisions of that Act, the Control Government may, by order published in the Official Gasette, such such provisions, not tenoristical with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:
- Provided that no such order shall be reade under this section after the employ of a period of two years from the commiscocement of this Act.
- (2) Every order made under this section shall be faid, as soon as may be after it is made, before each House of Parliament.

PREMAILHOTRA, In the Gave by India. Step to the Gast of Inc

CORRIGENDA

THE PREVENTION OF MONEY-LAUNCERING (AMENDMENT) ACT, 2012

(2 of 2013)

At page 18, in line 2, for "Arts", rand "Art",

All page 21, in time 14, Jun "Protection", name "(Protectionin).

THE GAZETTE OF INDIA EXTRAORDINARY

CORUGISHOUM

THE UNLAWFUL ACTIVITIES (PREVENTION) AMENDMENT ACT, 2012 (3 of 2013)

ec", reod "claise". At page 6, in line 22, for "citi

CORRECTION

THE BANKING LAWS (AMENDMENT) ACT, 2012 (4 of 2013)

At page 8, in line 29, for 'sections 30", ' resul 'section 30," '.

CORRIGENDUM

THE APPROPRIATION ACT, 2013 (9 of 2013)

At page 1, in the marginal heading to section 2, for "4715,54,00,000", al "4715,54,00,000".

PART I

Section i



GOVERNMENT OF KERALA

Law (Leg.-Publication) Department

NOTIFICATION

No. 18565/Leg.Pbn.2/2013/Law.

Dated, Thirtyananthapuram, 23rd November 2013.

The following Act of Parliament published in the Gazette of India, Extraordinary, Part II, Section I dated 23rd day of April, 2013 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on 22nd April, 2013.

By order of the Governor,

C. P. RAMARAJA PREMA PRASAD,

Law Secretary.

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THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013.

CHAPTER I

PRELIMINARY

CLAUSES

- 1. Short title, extent and commencement.
- Definitions.
- 3. Prevention of sexual harassment.

CHAPTER II

CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

4. Constitution of Internal Complaints Committee.

CHAPTER III

CONSTITUTION OF LOCAL COMPLAINTS COMMITTEE

- 5. Notification of District Officer.
- 6. Constitution and jurisdiction of Local Complaints Committee.
- 7. Composition, tenure and other terms and conditions of Local Complaints Committee.
- Grants and audit.

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- 9. Complaint of sexual harassment.
- 10. Conciliation
- 11. Inquiry into complaint.

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INQUIRY INTO COMPLAINT

- 12. Action during pendency of inquiry.
- 13. Inquiry report.
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- 15. Determination of compensation.
- 16. Prohibition of publication or making known contents of complaint and inquiry proceedings.

CLAUSES

- 17. Penalty for publication or making known contents of complaint and inquiry proceedings.
- 18. Appeal.

CHAPTER VI

DUTIES OF EMPLOYER

19. Duties of employer.

CHAPTER VII

DUITES AND POWERS OF DISTRICT OFFICER

20. Duties and powers of District Officer.

CHAPTER VIII-

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- 21. Committee to submit annual report.
- 22. Employer to include information in annual report.
- 23. Appropriate Government to monitor implementation and maintain data.
- 24. Appropriate Government to take measures to publicise the Act.
- 25. Power to call for information and inspection of records.
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- 27. Cognizance of offence by courts.
- 28. Act not in derogation of any other law.
- 29. Power of appropriate Government to make rules.
- 30. Power to remove difficulties.

THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 (Act No. 14 of 2013)

AN

ACT

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.'

WHEREAS sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment;

AND WHEREAS the protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India;

AND WHEREAS it is expedient to make provisions for giving effect to the said Convention for protection of women against sexual harassment at workplace.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- 1. Short title, extent and commencement—(1) This Act may be called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
 - (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
 - 2. Definitions.—In this Act, unless the context otherwise requires,—

(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;

(b) "appropriate Government" means—

- (i) in relation to a workplace which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly—.
- (A) by the Central Government or the Union territory administration, the Central Government;
 - (B) by the State Government, the State Government;
- (ii) in relation to any workplace not covered under sub-clause (i) and falling within its territory, the State Government;
- (c) "Chairperson" means the Chairperson of the Local Complaints Committee nominated under sub-section (1) of section 7;
 - (d) "District Officer" means an officer notified under, section 5;
- (e) "domestic worker" means a woman who is employed to do the household work in any household for remuneration whether in eash 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;
- (f) "employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

(g) "employer" means—

(i) in relation to any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department,

organisation, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;

(ii) in any workplace not covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace.

Explanation.—For the purposes of this sub-clause "management" includes the person or board or committee responsible for formulation and administration of polices 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;
- (h) "Internal Committee" means an Internal Complaints Committee constituted under section 4;
- (i) "Local Committee" means the Local Complaints Committee constituted under section 6;
- (j) "Member", means a Member of the Internal Committee or the Local Committee, as the case may be;
 - (k) "prescribed" means prescribed by rules made under this Act;
- (1) "Presiding Officer" means the Presiding Officer of the Internal Complaints Committee nominated under sub-section (2) of section 4;
- (m) "respondent" means a person against whom the aggrieved woman has made a complaint under section 9;
- (n) "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 sexual nature;
- (o) "workplace" includes-
- (i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;
- (ii) any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainmental, industrial, health services or financial activities including production, supply, sale, distribution or service;
 - (iii) hospitals or nursing homes;
- (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;
 - (vi) a dwelling place or a house;
- (p) "unorganised sector" in relation to a workplace means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten.
- 3. Prevention of sexual harassment.—(1) No woman shall be subjected to sexual harassment at any workplace.
- (2) The following circumstances, among other circumstances, if it occurs or is persent 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.

CHAPTER II

CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

4. Constitution of Internal Complaints Committee.— (1) Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee":

Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the Internal Committee shall be constituted at all administrative units or offices.

- (2) The Internal Committee shall consist of the following members to be nominated by the employer, namely:—
 - (a) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees:

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section (1):

Provided further that in case the other offices 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;

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- (b) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- (c) one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:

Provided that at least one-half of the total Members so nominated shall be women.

- (3) The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.
- (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.
- (5) Where the Presiding Officer or any Member of the Internal 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) he 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 Presiding Officer 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.

CHAPTER III

CONSTITUTION OF LOCAL COMPLAINTS COMMITTEE

- 5. Notification of District Officer.—The appropriate Government may notify a District Magistrate or Additional District Magistrate or the Collector or Deputy Collector as a District Officer for every District to exercise powers or discharge functions under this Act.
- 6. Constitution and jurisdiction of Local Complaints Committee.—(1) Every District Officer shall constitute in the district concerned, a committee to be known as the "Local Complaints Committee" 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.

- (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.
- 7. Composition, tenure and other terms and conditions of Local Complaints Committee.— (1) The Local Complaints Committee shall consist of the following members to be nominated by the District Officer, namely:—
 - (a) a Chairperson to be nominated from amongst the eminent women in the field of social work and committed to the cause of women;
 - (b) one Member to be nominated from amongst the women working in block, taluka or tehsil or ward or municipality in the district;
 - (c) two Members, of whom at least one shall be a woman, to be nominated from amongst such non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, which may be prescribed:

Provided that at least one of the nominees should, preferably, have a background in law or legal knowledge:

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;

- (d) the concerned officer dealing with the social welfare or women and child development in the district, shall be a member ex officio.
- (2) The Chairperson and every Member of the Local Committee shall hold office for such period, not exceeding three years, from the date of their appointment as may be specified by the District Officer.
- (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.

- (4) The Chairperson and Members of the Local Committee other than the Members nominated under clauses (b) and (d) of sub-section (1) shall be entitled to such fees or allowances for holding the proceedings of the Local Committee as may be prescribed.
- 8. Grants and audit.—(1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the State Government grants of such sums of money as the Central Government may think fit, for being utilised for the payment of fees or allowances referred to in sub-section (4) of section 7.
- (2) The State Government may set up an agency and transfer the grants made under sub-section (1) to that agency.
- (3) The agency shall pay to the District Officer, such sums as may be required for the payment of fees or allowances referred to in sub-section (4) of section 7.
- (4) The accounts of the agency referred to in sub-section (2) shall be maintained and audited in such manner as may, in consultation with the Accountant General of the State, be prescribed and the person holding the custody of the accounts of the agency shall furnish, to the State Government, before such date, as may be prescribed, its audited copy of accounts together with auditors' report thereon.

CHAPTER IV

COMPLAINT

9. Complaint of sexual harassment.—(1) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not 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:

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing:

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.

- (2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.
- 10. Conciliation.—(1) The Internal Committee or, as the case may be, the Local Committee, may, before initiating an inquiry under section 11 and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation:

Provided that no monetary settlement shall be made as a basis of conciliation.

- (2) Where a settlement has been arrived at under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall record the settlement so arrived and forward the same to the employer or the District Officer to take action as specified in the recommendation.
- (3) The Internal Committee or the Local Committee, as the case may be, shall provide the copies of the settlement as recorded under sub-section (2) to the aggrieved woman and the respondent.
- (4) Where a settlement is arrived at under sub-section (I), no further inquiry shall be conducted by the Internal Committee or the Local Committee, as the case may be.
- 11. Inquiry into complaint.—(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 (45 of 1860), 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.

- (2) Notwithstanding anything contained in section 509 of the Indian Penal Code (45 of 1860) 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.
- (3) For the purpose of making an inquiry under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents; and
 - (c) any other matter which may be prescribed.

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(4) The inquiry under sub-section (1) shall be completed within a period of ninety days.

CHAPTER V

INQUIRY INTO COMPLAINT

- 12. Action during pendency of inquiry.—(1) During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee or the Local Committee, as the case may be, may recommend to the employer to—
 - (a) transfer the aggrieved woman or the respondent to any other workplace; or

- (b) grant leave to the aggrieved woman up to a period of three months; or
- (c) grant such other relief to the aggrieved woman as may be prescribed.

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- (2) The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.
- (3) On the recommendation of the Internal Committee or the Local Committee, as the case may be, under sub-section (1), the employer shall implement the recommendations made under sub-section (1) and send the report of such implementation to the Internal Committee or the Local Committee, as the case may be.
- 13. Inquiry report.—(1) On the completion of an inquiry under this Act, the Internal Committee or the Local Committee, as the case may be, shall provide a report of its findings to the employer, or as the case may be, the District Officer within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.
- (2) Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer and the District Officer that no action is required to be taken in the matter.
- (3) Where the Internal Committee or the Local Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer or the District Officer, as the case may be—
 - (i) to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed;
 - (ii) to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, in accordance with the provisions of section 15:

Provided that in case the employer is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman:

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.

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- (4) The employer or the District Officer shall act upon the recommendation within sixty days of its receipt by him.
- 14. Punishment for false or malicious complaint and false evidence—
 (1) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or the District Officer, as the case may be, to take action against the woman or the person who has made the complaint under subsection (1) or sub-section (2) of section 9, as the case may be, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed:

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:

Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

(2) Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness or the District Officer, as the case may be, to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.

- 15. Determination of compensation.—For the purpose of determining the sums to be paid to the aggrieved woman under clause (ii) of sub-section (3) of section 13, the Internal Committee or the Local Committee, as the case may be, shall have regard to—
 - (a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
 - (b) the loss in the career opportunity due to the incident of sexual harassment;
 - (c) medical expenses incurred by the victim for physical or psychiatric treatment;
 - (d) the income and financial status of the respondent;
 - (e) feasibility of such payment in lump sum or in instalments.
- 16. Prohibition of publication or making known contents of complaint and inquiry proceedings.—Notwithstanding anything contained in the Right to Information Act, (22 of 2005), the contents of the complaint made under section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, and the action taken by the employer or the District Officer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner:

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

17. Penalty for publication or making known contents of complaint and inquiry proceedings.—Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Act, contravenes the provisions of section 16, he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.

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- 18. Appeal.—(1) Any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clause (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or sub-section (2) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.
- (2) The appeal under sub-section (1) shall be preferred within a period of ninety days of the recommendations.

CHAPTER VI

DUTIES OF EMPLOYER

- 19. Duties of employer.—Every employer shall—
- (a) provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- (b) display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee under sub-section (1) of section 4;
- (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;
- (d) provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;
- (e) assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be:
- Local Committee, as the case may be, as it may require having regard to the complaint made under sub-section (1) of section 9;
- G. 67/2013/DTP.

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- (g) provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force;
- (h) cause to initiate action, under the Indian Penal Code (45 of 1860) or 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;

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- (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.

Chapter²VII DUITIES AND POWERS OF DISTRICT OFFICER

- 20. Duties and powers of District Officer.— The District Officer shall,—
- (a) monitor the timely submission of reports furnished by the Local Committee:
- (b) take such measures as may be necessary for engaging non-governmental organisations for creation of awareness on sexual harassment and the rights of the women.

CHAPTER-VIII

MISCELLANEOUS

21. Committee to submit annual report.— (1) The Internal Committee or the Local Committee, as the case may be, shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and the District Officer.

⁽²⁾ The District Officer shall forward a brief report on the annual reports received under sub-section (1) to the State Government.

- 22. Employer to include information in annual report.— The employer shall include in its report the number or cases filed, if any, and their disposal under this Act in the annual report of his organisation or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.
- 23. Appropriate Government to monitor implementation and maintain data.— The appropriate Government shall monitor the implementation of this Act and maintain data on the number of cases filed and disposed of in respect of all cases of sexual harassment at work place.
- 24. Appropriate Government to take measures to publicise the Act. The appropriate Government may, subject to the availability of financial and other resources, —.
 - (a) develop relevant information, education, communication and training materials, and organise awareness programmes, to advance the understanding of the public of the provisions of this Act providing for protection against sexual harassment of woman at workplace;
 - (b) formulate orientation and training programmes for the members of the Local Complaints Committee.
- 25. Power to call for information and inspection of records— (1) The appropriate Government, on being satisfied that it is necessary in the public interest or in the interest of women employees at a workplace to do so, by order in writing,—
 - (a) call upon any employer or District Officer to furnish in writing such information relating to sexual harassment as it may require;
 - (b) authorise any officer to make inspection of the records and work place in relation to sexual harassment, who shall submit a report of such inspection to it within such period as may be specified in the order.
- (2) Every employer and District Officer shall produce on demand before the officer making the inspection all information, records and other documents in his custody having a bearing on the subject matter of such inspection.

- 26. Penalty for non-compliance with provisions of Act.—(1) Where the employer fails to—
 - (a) constitute an Internal Committee under sub-section (1) of section 4;
 - (b) take action under sections 13, 14 and 22; and
 - (c) contravenes or attempts to contravene or abets contravention of other provisions of this Act or any rules made thereunder,

he shall be punishable with fine which may extend to fifty thousand rupees.

- (2) If any employer, after having been previously convicted of an offence punishable under this Act subsequently commits and is convicted of the same offence, he shall be liable to—
 - (i) twice the punishment, which might have been imposed on a first conviction, subject to the punishment being maximum provided for the same offence:

Provided that in case a higher punishment is prescribed under any other law for the time being in force, for the offence for which the accused is being prosecuted, the court shall take due cognizance of the same while awarding the punishment;

- (ii) cancellation, of his licence or withdrawal, or non-renewal, or approval, or cancellation of the registration, as the case may be, by the Government or local authority required for carrying on his business or activity.
- 27. Cognizance of offence by courts.— (1) No court shall take cognizance of any offence punishable under this Act or any rules made thereunder, save on a complaint made by the aggrieved woman or any person authorised by the Internal Committee or Local Committee in this behalf.
- (2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.
 - (3) Every offence under this Act shall be non-cognizable.
- 28. Act not in derogation of any other law.— The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.
- 29. Power of appropriate Government to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the fees or allowances to be paid to the Members under sub-section (4) of section 4;
- (b) nomination of members under clause (c) of sub-section (1) of section 7:
- (c) the fees or allowances to be paid to the Chairperson, and Members under sub-section (4) of section 7;
- (d) the person who may make complaint under sub-section (2) of section 9;
 - (e) the manner of inquiry under sub-section (1) of section 11;

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- (f) the powers for making an inquiry under clause (c) of sub-section (2) of section 11;
- (g) the relief to be recommended under clause (c) of sub-section (1) of section 12;
- (h) the manner of action to be taken under clause (i) of sub-section (3) of section 13;
- (i) the manner of action to be taken under sub-sections (1) and (2) of section 14;
 - (j) the manner of action to be taken under section 17;
 - (k) the manner of appeal under sub-section (1) of section 18;
- (1) 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; and
- (m) the form and time for preparation of annual report by Internal Committee and the Local Committee under sub-section (1) of section 21.
- (3) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

- (4) Any rule made under sub-section (4) of section 8 by the State, Government shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.
 - 30. Power to remove difficulites.— (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

PART I Section i



GOVERNMENT OF KERALA

Law (Leg.-Publication) Department

NOTIFICATION

No. 14775/Leg.Pbn.4/2013/Law. Dated, Thiruvananthapuram, 29th November, 2013.

The following Act of Parliament published in the Gazette of India Extraordinary, Part II, Section I dated the 19th day of June, 2012 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President of India on the 19th day of June, 2012.

By order of the Governor,

C. P. RAMARAJA PREMA PRASAD,

Law Secretary.

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THE CENTRAL EDUCATIONAL INSTITUTIONS (RESERVATION IN ADMISSION) AMENDMENT ACT, 2012

(Act No. 31 of 2012)

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ACT

to amend the Central Educational Institutions (Reservation in Admission)

Act. 2006.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

- 1. Short title.—This Act may be called the Central Educational Institutions (Reservation in Admission) Amendment Act, 2012.
- 2. Amendment of section 2.— In section 2 of the Central Educational Institutions (Reservation in Admission) Act, 2006 (5 of 2007) (hereinafter referred to as the principal Act), after clause (i), the following clauses shall be inserted, namely:—
 - '(ia) "Specified north-eastern region" means the area comprising of the States of Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura and the tribal areas of Assam referred to in the Sixth Schedule to the Constitution;
 - (ib) "State seats", in relation to a Central Educational Institution, means such seats, if any, out of the annual permitted strength in each branch of study or faculty are earmarked to be filled from amongst the eligible students of the State in which such institution is situated;'.
- 3. Amendment of section 3.—In section 3 of the principal Act, the following provisos shall be inserted, namely:—

"Provided that the State seats, if any, in a Central Educational Institution situated in the tribal areas referred to in the Sixth Schedule to the Constitution shall be governed by such reservation policy for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes, as may be specified, by notification in the Official Gazette, by the Government of the State where such institution is situated:

Provided further that if there are no State seats in a Central Educational Institution and the seats reserved for the Scheduled Castes exceed the percentage specified under clause (i) or the seats reserved for the Scheduled Tribes exceed the percentage specified under clause (ii) or the seats reserved for the Scheduled Castes and the Scheduled Tribes taken together exceed the sum of percentages specified under clauses (i) and (ii), but such seats are—

- (a) less than fifty per cent. of the annual permitted strength on the date immediately preceding the date of commencement of this Act, the total percentage of the seats required to be reserved for the Other Backward Classes under clause (iii) shall be restricted to the extent such sum of percentages specified under clauses (i) and (ii) falls short of fifty per cent. of the annual permitted strength;
- (b) more than fifty per cent. of the annual permitted strength on the date immediately preceding the date of commencement of this Act, in that case no seat shall be reserved for the Other Backward Classes under clause (iii) but the extent of the reservation of seats for the Scheduled Castes and the Scheduled Tribes shall not be reduced in respect of Central Educational Institutions in the specified north-eastern region."
- 4. Amendment of section 4.—In section 4 of the principal Act, clause (a) shall be omitted.
 - 5. Amendment of section 5.—In section 5 of the principal Act,—
 - (a) in sub-section (1), for the words "number of such seats available", the words "number of such seats available or actually filled, whichever be less," shall be substituted;
 - (b) in sub-section (2), for the words "three years", the words "six years" shall be substituted.
- 6. Amendment of section 6.—In section 6 of the principal Act, for the figures "2007", the figures "2008" shall be substitued.



असाधारंण

EXTRAORDINARY

भाग II—खण्ड 3ं—उप-खण्ड (i)

PART II—Section 3—Sub-section (i) प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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गृह मंत्रालय

अधिसूचना

नई दिल्ली, 10 अक्तूबर, 2014

सा.का.नि. 716(अ).—केन्द्रीय सरकार,सिख गुरुद्वारा अधिनियम, 1925 (1925 का पंजाब अधिनियम-8) की धारा 2 के खण्ड (17 क) एवं धारा 47कके साथ पठित धारा 146 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मुख्य आयुक्त, गुरुद्वारा निर्वाचन की नियुक्ति को विनियमित करने से संबंधित निम्नलिखित नियम बनाती है, अर्थात:-

- 1. संक्षिप्त नाम और प्रारंभ : (1) इन नियमों का संक्षिप्त नाम मुख्य आयुक्त गुरुद्वारा निर्वाचनकी नियुक्ति संबंधी नियम, 2014 कहा है।
 - (2)ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
- 2. परिभाषाएं : इन नियमों में, जब तक कि संदर्भ में अन्यथा अपेक्षित न हो, --
 - (क) "अधिनियम" से सिख गुरुद्वारा अधिनियम, 1925(1925 का पंजाब अधिनियम-8) अभिप्रेत है;
 - (ख) इसमें प्रयुक्त उन शब्दों और पदों, जिन्हें इन नियमों में परिभाषित नहीं किया गया है, किंतु इन्हें अधिनियम में परिभाषित किया गया है, का क्रमश: वहीअर्थ होगा, जैसा अधिनियम में है।
- 3. मुख्य आयुक्त गुरुद्वारा निर्वाचन की नियुक्ति : केन्द्रीय सरकार, राजपत्र में अधिसूचना द्वारा नियम 4 के उपनियम 3 के अधीन चयनित किसी व्यक्ति को उक्त अधिनियम के अधीन अपेक्षित कार्यों को निष्पादित करने के लिए 'मुख्य आयुक्त गुरुद्वारा निर्वाचन' के रूप में नियुक्त कर सकेगी।

- 4. तलाश-सह-चयन समिति द्वारा चयन की रीति-
 - (1) केन्द्रीय सरकार, पंजाब और हरियाणा उच्च न्यायालय के रजिस्ट्रार से कम से कम तीन ऐसे सेवानिवृत्त न्यायाधीशों के पैनल की मांग करेगी, जिनकी उम्र 70 वर्ष से अधिक न हो तथा जो पंजाब और हरियाणा उच्च न्यायालय से सेवानिवृत्त हुए हों।
 - (2) पंजाब और हरियाणा उच्च न्यायालय से सेवानिवृत्त न्यायाधीशों का पैनल प्राप्त हो जाने पर, तलाश-सह-चयन समिति, जिसमें निम्नलिखित सदस्य सम्मिलित होंगे,मुख्य आयुक्त गुरुद्वारा निर्वाचन के पद के लिए वरीयता क्रम में उपयुक्त अभ्यर्थी (अभ्यर्थियों) के एक पैनल की सिफारिश करेगी, अर्थात् :—
 - (i) गृह सचिव

– अध्यक्ष

(ii) विधि सचिव

– सदस्य

(iii) सचिव, व्यय विभाग

- सदस्य

- (3) मुख्य आयुक्त, गुरुद्वारा निर्वाचन के पद के अंतिम चयन के लिए,तलाश-सह-चयन समिति (सर्च-कम-सेलेक्शन कमिटी) की सिफारिश को नियुक्ति संबंधी मंत्रिमंडल समिति को अग्रेषित किया जाएगा।
- 5. मुख्य आयुक्त, गुरुद्वारा निर्वाचन की पदावधि: इस नियम 3 के अधीननियुक्त, मुख्य आयुक्त, गुरुद्वारा निर्वाचन की पदावधि दो वर्ष की होगी, जिसे, यदि आवश्यक हो, तो नियुक्ति संबंधी मंत्रिमंडल समिति (ए सी सी) के अनुमोदन से एक वर्ष के लिए बढ़ाया जा सकेगा।
- 6. वेतन और भत्ते : मुख्य आयुक्त, गुरुद्वारा निर्वाचन का वेतन और भत्ते, भारत सरकार के सचिव को अनुज्ञेय वेतन और भत्तों के समान होंगे, जिसमें से पेंशन की राशि कम कर दी जाएगी।

[सं. 17014/13/2014-आई एस-VII]

राकेश सिंह, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS NOTIFICATION

New Delhi, the 10th October, 2014

G.S.R. 716(E).—In exercise of the powers conferred by sub-section (1) of Section 146 read with clause (17A) of Section 2 and Section 47 A of the Sikh Gurdwaras Act, 1925 (Punjab Act VIII of 1925), the Central Government hereby makes the following rules regulating the appointment of the Chief Commissioner, Gurdwara Elections, namely:-

- 1. Short title and commencement. (1) These rules may be called the Chief CommissionerGurdwara Elections Appointment Rules, 2014.
 - (2) They shall come into force on the date of their publication in the Official Gazette.

- 2. Definitions. In these rules, unless the context otherwise requires, -
 - (a) "Act" means the Sikh Gurdwaras Act, 1925 (Punjab Act VIII of 1925);
 - (b) Words and expressions used herein and not defined in these rules, but defined in the Act, shall have the meanings respectively assigned to them in the Act.
- 3. Appointment of Chief Commissioner, Gurdwara Elections. The Central Government may, by notification in the Official Gazette, appoint a person selected under sub-rule-3 of rule-4 as the Chief Commissioner, Gurdwara Elections for performing the functions required under the Act.
- 4. Manner of selection by Search-cum-Selection Committee. -
- (1) The Central Government shall seek from the Registrar, Punjab and Haryana High Court, a panel of at least three retired judges not exceeding the age of 70 years who have retired from the Punjab and Haryana High Court.
- (2) On receipt of the panel of retired judges from the Punjab and Haryana High Court, the Search-cumbelection Committee, consisting of the following members, shall recommend a panel of suitable candidate(s) for the post of Chief Commissioner, Gurdwara Elections in the order of preference, namely:-

(i) Home Secretary

- Chairman

(ii) Law Secretary

- Member

(iii) Secretary, Department of Expenditure

- Member

- (3) The recommendation of the Search-cum-Selection Committee shall be forwarded to the Appointments Committee of Cabinet (ACC) for final selection for the post of Chief Commissioner, Gurdwara Elections.
- 5. Term of office of Chief Commissioner, Gurdwara Elections. The term of office of the Chief Commissioner, Gurdwara Elections, so appointed under rule-3, shall be for a period of two years which may be extended by a period of one year, if considered necessary, with the approval of the Appointments Committee of Cabinet (ACC).
- 6. Pay and allowances. The pay and allowances to the Chief Commissioner, Gurdwara Elections shall be a admissible to a Secretary to the Government of India minus pension.

[No.17014/13/2014-IS.VII] RAKESH SINGH, Jt. Secy.



असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

सं. 1283]

नई दिल्ली, शुक्रवार, जून 19, 2015/ज्येष्ठ 29, 1937

No. 12831

NEW DELHI, FRIDAY, JUNE 19, 2015/JYAISTHA 29, 1937

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 19 जून, 2015

का.आ. 1642(अ).—संविधान के अनुच्छेद 239 के खण्ड (1) के अधीन प्रदत्त शक्तियों के अनुसरण में, राष्ट्रपति एतद्द्वारा निदेश देते हैं कि कार्यस्थल पर महिलाओं का यौन उत्पीड़न (निवारण, प्रतिषेध एवं निराकरण) अधिनियम, 2013 (2013 का 14) के अन्तर्गत, चंडीगढ़, लक्षद्वीप एवं राष्ट्रीय राजधानी राज्यक्षेत्र दिल्ली के संबंध में, उपयुक्त सरकार के कार्यों का निर्वहन संबंधित संघ राज्य क्षेत्र के प्रशासक (जिसे प्रशासक अथवा उप राज्यपाल के रूप में जाना जाता है) द्वारा किया जाएगा।

[फा. सं. यू-11030/03/2015-यूटीएल]

राकेश सिंह, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS NOTIFICATION

New Delhi, the 19th June, 2015

S.O. 1642(E).—In pursuance of powers conferred under clause (1) of article 239 of the Constitution, the President hereby directs that the powers and the functions of the appropriate Government under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), shall, subject to the control of the President and until further orders, be exercised and discharged in relation to the Union Territories of Chandigarh, Lakshadweep and National Capital Territory of Delhi, by the Administrator (whether known as Administrator or Lieutenant Governor) of the respective Union Territory.

[F. No. U-11030/03/2015-UTL]

RAKESH SINGH, Jt. Secv.

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असामारण

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H. 27331

मई तिरसी, मीमवार, दिसाबर ७, २०१३/अग्रहारण १८, १९३५

Na 2733]

NEW DELHI, MONDAY, DECEMBER 9, 2013/AGRAHAVANA 18, 1935

महिला एवं बाल विकास संज्ञालय

अवसूचना

नहें दिल्ली, क विसम्बर, 2013

का.बा. 3606(व)—केंद्रीय अपनार, महिलाओं का कार्यण्यल घर लिएक उत्पादन (निवारण, प्रतिधेव और प्रतिशीप). अधिनियम: 2015 (2013 का सं 14) की घारा 1 की छप-धारा (3) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए ह दिसम्बर, 2013 को छरा तारीख के रूप में नियत करती है जिसको छक्त अधिनियम के उपक्ष प्रमृत्त होंगे।

[पातः १७-५/२०१३-स्ट्यूटस्यू

टा औरंशन, संयुक्त सहित्य

MINISTRY OF WOMEN AND CHILD DEVELOPMENT ROTURICATION

New Delhi, the 9th December, 2013

S.O. 3606(E)—In exercise of the powers conferred by sub-section (3) of Section 1 of the Sexual Harassment of Women at Werkplace (Prevention, Prohibition and Redressal) Act, 20)/3 (14 of 2013), the Central Government hereby appoints the 9th day of December, 2013 as the date on which the provisions of the said Act shall come into force.

[F. No. 19-5/2013-WW] Dr. SHREERANJAN, Jt. Secv. ് കേരള സർക്കാർ Government of Kerala 2014



Regn. No. KERBIL/2012/45073 dated 5-9-2012 with RNI

Reg. No. KL/TV(N)/634/2012-14

കേരള ഗസ്റ് KERALA GAZET E

അസാധാരണം EXTRAORDINARY

'ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത് PUBLISHED BY AUTHORITY

	തിരുവനന്തപുരം;	2014 മാർച്ച് 24 24th March 2014	
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Vol. III	Monday	1936 ചൈിതര 3 3rd Chaithra 1936	No.

GOVERNMENT OF KERALA

Social Justice (B) Department

NOTIFICATION

G. O; (P) No. 28/2014/SJD.

Dated, Thiruvananthapuram, 20th March, 2014.

S. R. O. No. 215/2014.—In exercise of the powers conferred by section 5 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Central Act 14 of 2013), the Government of Kerala hereby notify the District Collectors of all Districts in the State as the District Officers for the purpose of exercising and discharging all the powers and functions and under the said Act.

By order of the Governor,

Dr. K. M. Abraham,

Additional Chief Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Section 5 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Central Act 14 of 2013), empowers the State Government to notify a District Magistrate or Additional District Magistrate or the Collector or Deputy Collector as a District Officer for every District to exercise powers or discharge functions under the said Act. Now, Government of Kerala have decided to notify the District Collectors of all Districts as the District Officers for the purposes of the said Act.

This notification is intended to achieve the above object.