ANNEXURE – I

THE GOVERNMENT BILL

THE SEXUAL HARASSMENT OF WOMEN AT THE WORK PLACE
(PREVENTION AND REDRESSAL) BILL, 2004

A Bill

To provide for the prevention and redressal of sexual harassment of women of work place on arising during or out of the course of their employment and matters connected thereto, in keeping with the principles of equality, freedom, life and liberty as enshrined in the Constitution of India and in pursuance of the Convention signed .... For the elimination of all forms of discrimination against women.

CHAPTER I
PRELIMINARY

1. (1) This Act may be called the Sexual Harassment of Women at the Work place (Prevention and Redressal) Act, 2004.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force with immediate effect.

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

(a) “aggrieved woman” means any female person, whether major or minor and includes a woman employed or working or studying, who has been subjected to sexual harassment.

(b) “appropriate Government” means, -

(i) in relation to any department of the Central Government or any establishment or undertaking wholly or substantially financed by that Government, or such other bodies or corporations established by or under the control of the Central Government, the Central Government; and

(ii) in relation to any department of a State Government or any establishment or undertaking wholly or substantially financed by that Government, or any local authority, or any establishment or undertaking established by or under the control of the State Government, the State Government;
(c) "complainant" means, -
  (i) an aggrieved woman herself;
  (ii) an aggrieved woman for herself and on behalf of others, in the case of more than one aggrieved woman;
  (iii) the legal heir or representative, in the case of death of an aggrieved woman; or
  (iv) a registered trade union or a women's organisation or a non-governmental organisation, on behalf of aggrieved woman or women referred to in sub-clause (i) or sub-clause (ii) or sub-clause (iii).

Who files a complaint of sexual harassment under this Act.

(d) "Complaints Committee" includes the Internal Complaints Committee constituted under section 5;

(e) "defendant" means a person against whom a complaint is filed by a complainant;

(f) "District Special Officer" or "Special Officer" means a person appointed under section 6 or section 7, as the case may be;

(g) "educational institution" means a university, college, school, private coaching centre or any other institution at which education or training is provided;

(h) "employee" means a person employed for any work directly, or by or through any agency (including a contractor), with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis, whether the terms of employment are express or implied, and includes any person employed as a temporary, casual, badli, probationer, trainee, apprentice or by whatever name called, and a domestic servant employed in a house or dwelling place or any other establishment;

(i) "employer" means, -
  (a) In relation to a department of the Central Government or a State Government, the authority prescribed in this behalf, or where no authority is prescribed, the head of the department;
(b) in relation to an establishment or undertaking wholly or substantially by the Central Government or the State Government or any local authority of a State Government, as the case may be, the authority prescribed in this behalf, or, where no person is so prescribed, the Chief Executive Officer,

(c) in a work place not covered under sub-clauses (a) and (b), the person who, or the authority which, whether called a manager, managing director, managing agent, mukadam, or by whatever name called, is responsible for the supervision and control of the work place or house, in which the employee is employed, and in respect of a contract employee includes the principal employer of the work place in which the employee is working, as well as the contractor;

(d) in any other case, the person who is in a position of authority whether evaluator, pecuniary or fiduciary including the owner or trustee of an educational institution.

(j) "Internal Complaints Committee” means a committee constituted by the employer under section 4;

(k) “Local Complaints Committee” means a Committee constituted under section 9.

(l) “owner”, in relation to an educational institution, means the person who establishes an educational institution, or a trustee or the person who is responsible to manage it as a principal, manager or by whatever name called;

(m) “panel of experts” means the list of experts prepared and maintained by the District Special Officer under section 8;

(n) “Proceedings” means any proceedings carried out by any authority prescribed or persons authorized under this Act;
(o) "sexual harassment" means any unwelcome sexually determined conduct whether physical, verbal or non-verbal, including but not limited to, sexual advances, demands or requests for sexual favours, molestation, sexually nuanced gestures, comments, remarks or jokes either, verbal, textual, graphic or electronic;

(p) "work place", in relation to an employee, means any place where an aggrieved woman or defendant is employed or works, or visits in connection with work during the course of or arising out of employment, including, but no limited to the following, namely :-

(i) a factory, mine, plantation or forest;
(ii) a place where any agricultural operation is carried out;
(iii) a place of sale of agricultural or other products;
(iv) a brick kiln or a construction site;
(v) a shop, business establishment, a corporation or a private officer;
(vi) an office or establishments of a professional or consultants;
(vii) an industrial establishment;
(viii) a banking or financial institution;
(ix) a restaurant, club, hotel, resort or other hospitality establishment;
(x) a hospital, nursing home or a health centre;
(xi) a court premises, police station, remand home or any judicial or quasi - judicial establishment;
(xii) an establishment wherein a person is employed for exhibition or performance of sporting or any other form of entertainment or preparation thereof;
(xiii) a house, dwelling place whether permanent, temporary or in transit;
(xiv) any government, semi-government, establishment or departmental including telegraph office, post office, telephone exchange, railways, statutory board or any governmental scheme instituted for profit or otherwise;
(xvi) a free trade zone or special economic zone;
(xvii) a non-governmental organisation. A public or charitable trust.
A religious body, trust or institutions a co-operative housing society or an association.

(xviii) a street;
(xix) any form of transportation whether by road, sea or air;
(xx) any other public place.

CHAPTER II  
SEXUAL HARASSMENT OF WOMEN

3. (1) No employer, supervisor or co-employee shall, in any manner whatsoever, sexually harass a female, -

(a) employee at the work place where she is work;
(b) who, for whatsoever reason, is present in or at the work place; or
(c) who, comes into contact with the employer, supervisor or employee in connection with her work or with the work of these persons.

(2) No owner or employee, including the teaching staff, of an educational institution, shall in any manner whatsoever, sexually harass a woman student who attends class or training or visits the educational institution.

(3) Notwithstanding anything contained in any other law for the time being in force, sexual harassment shall, -

(i) amount to misconduct in any employment and the service rules or regulations relating to conduct and discipline at the work place or educational institution and such rules or regulations shall include provision for prohibiting sexual harassment and provide for appropriate penalties against an offender;

(ii) amount to an unfair labour practice within the meaning of clause (ra) of section 2 of the Industrial Disputes Acts, 1947.

CHAPTER III
COMPLAINTS COMMITTEES

4. (1) Every employer who employs or has employed fifty or more employees or every owner who registers or has registered fifty or more students in the preceding twelve

Duty of the employer or owner to
months in a calendar year shall constitute an Internal Complaints Committee.

Provided that an employer or owner who employs or has employed less than fifty employees or registers or has registered students in any preceding twelve months in a calendar year may constitute an Internal Complaints Committee.

Provided further that the employer who has more than one office or branch office or the owner who has more than one educational institution or branch thereof shall constitute an Internal Complaints Committee in each of them:

Provided also that where an employer or owner has at any time constituted an Internal Complaints Committee under this section, such a Committee shall continue to exist notwithstanding that the number of employees or students at any time thereafter falls below fifty.

5. (1) An Internal Complaints Committee shall consist of a woman President and not less than one half of its members should be women:

Provided that an Complaints Committee shall nominate a representative of a non-governmental organisation or any other body which is working for the cause of upliftment of women and is familiar with the issue of sexual harassment.

(2)Not less than one half of the members of the Internal Complaints Committee shall be women:

Provided that where it is not possible to constitute an Internal Complaints Committee with the one half of women members due to non-availability of suitable women, the Committee shall be constituted with as many women members as near to one half of the total membership, after recording reasons therefore.

(3)It shall be the duty of an Internal Complaints Committee to make preliminary investigations into a complaint made to it by a complainant, hold enquiries into such complaints, to resolve the matter by amicable settlement, if so requested by the complainant, and to issue orders pursuant to the findings of the enquiry.

6. (1) Every employer and owner shall designate a female employee to be a Special officer in every department or educational institution or branch or office of such department or educational institutions under his or its

Appointmen 
t of Special 
Officers.
control to receive complaints under this Act.

(2) Every employer or owner shall endeavour to publicise widely the name or designation and duties of the Special Officer in every department or educational institution under his or its control.

7. (1) The appropriate Government shall appoint a District Special Officer for every district, as may be prescribed, to deal with complaints arising out of provisions of this Act.

(2) The District Special Officer, referred to in sub-section(1), shall be of the rank not lower than the Assistant Labour Commissioner and shall have his or her office in the office of the Labour Commissioner.

(3) The District Special Officer shall be a female, wherever a female officer in the rank specified in sub-section (2) is available.

(4) It shall be the duty of the District Special Officer to

   (a) receive complaints from the district concerned;
   (b) prepare and maintain a panel of experts;
   (c) constitute a Local Complaints Committee; and
   (d) forward a copy of an Order passed by the Local Complaints Committee to the complaint, defendant and employer or owner for compliance and carry out any other functions assigned to her or him under this Act.

8. Every District Special Officer shall prepare and maintain a panel of Group of Experts consisting of eminent persons from various fields who are generally involved with women's issues, women's rights activists, social workers, counselors, lawyers, doctors, psychiatrists, trade unionists, journalists, etc., as enumerated in section 2(1)(j) at each District.

9. (1) When a complaint is received by a District Special Officer, the District Special Officer shall constitute a Local Complaints Committee consisting of not less than three persons from the panel of experts;

   Provided that not less than one half of its members shall be women:

   Provided further that in case of non-availability of a suitable woman, such Committee shall be constituted without one half of the women members after recording reasons in writing therefore.
(2) The Local Complaint Committee shall be headed by a woman, who shall be its chairperson.

**CHAPTER IV**

**PROCEDURE FOR LODGING A COMPLAINT**

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| 10. (1) | Where an Internal Complaints Committee has been set up in a workplace or an educational institution, a complaint under this Act may be lodged with any member of the Internal Complaints Committee:  
Provided that if a complaint is made to the employer it shall be forwarded to the Internal Complaints Committee:  
Provided further that in case where a complaint of sexual harassment is against the employer or owner, the aggrieved woman shall make the complaint to the Special Officer or to any member of the Internal Complaints Committee.  
(2) If the aggrieved woman complaints that she has been subject to an act of sexual harassment at another branch or office to which she has been deputed or to which she has visited in connection with her work or studies, a complaint in this regard shall be made either to the Internal Complaints Committee relating to her regular branch or office or to the internal Complaints Committee relating to the branch office where the act of sexual harassment has allegedly taken place. |
| 11. (1) | Save and except for the cases specified in section 12, a complaint under this Act may be made to the District Special officer.  
(2) When a complaint is made to the Special Officer, he or she shall constitute the Local Complaints Committee fro the panel of experts with fifteen days of the said complaint and designate a female member as its chairperson.  
(3) The Local Complaint Committee shall operate from the local proximity of the complainant’s workplace or educational institution. |
| 12. | Where an oral complaint is made to the employer or owner, or Internal Complaints Committee or any of its members, or the Special Officer, it shall be duty of the employer or owner, or the Internal Complaints Committee or its member, or the Special Officer, as the case may be, to reduce the said complaint in writing and read out the Complaints to Special officer or Local Complaints Committee. Oral complaints to be |
complaint to the complainant and obtain the signature thereon of the complainant.

13. (1) A complaint made under section 10 or section 11 by a complainant referred to in sub-clause (iii) or sub-clause (iv) of clause © of section 2 shall be made only after obtaining a written consent of the aggrieved woman or, in the case of her death, her heirs or legal representative, authorizing the organisation or individual to file the complaint on her or their behalf.

(2) The consent given under sub-section (1) may be withdrawn at any stage of the proceedings by the aggrieved woman or her legal heir or representative, as the cause may be.

14. (1) Without prejudice to any proceedings initiated or any action taken under this Act, where the conduct of a sexual harassment amounts to an offence under the provisions of the Indian Penal Code or any other law for the time being in force, it shall be the duty of the employer or owner, or the Internal Complaints Committee or its member, or the Special Officer, as the case may be, who receives such a complaint, to immediately inform the complainant of her right to initiate action in accordance with law before the appropriate authority.

(2) Notwithstanding that whether the complainant opts to initiate any criminal proceedings under the provisions of the Indian Penal Code or any other law for the time being in force, the employer or owner, or the Internal Complaints Committee or any of its members, or the Special officer, as the case may be, shall be bound to initiate proceedings as provided by or under this Act.

15. All the complaints made under this Chapter shall be confidential and it shall be the duty of the members of the intend Complaints Committee of the Special Officer to ensure that its confidentiality is maintained forever.

CHAPTER V
PROCEDURES BEFORE THE COMPLAINTS COMMITTEE

16. (1) On receiving a complaint of sexual harassment, the Internal Complaints Committee shall conduct an inquiry into the complaint by interviewing the complainant and defendant and any witnesses, determining if there are individuals with direct or indirect information regarding the complaint, and, if so, by interviewing them or by obtaining information from such other persons and making such inquiraries as it thinks fit.
(2) The Internal Complaints Committee shall complete its inquiry within ninety days from the date of the complaint, record in writing its findings and take appropriate action on the basis of the findings.

(3) During the course of enquiry, the complainant and the defendant shall be called separately to ensure freedom of expression and an atmosphere free of intimidation.

Provided that the complainant shall be entitled to accompany one representative during the enquiry.

(4) An Internal Complaints Committee shall be free to adopt its own procedure for carrying out the inquiry having regard to the sensitive nature of the complaint and the respective power position of the parties.

| 17. (1) The Internal Complaints Committee shall, for the purposes of an enquiry under this Chapter, have the power to summon witnesses or call for documents or any information. |
| (2) If it has reason to believe that a person is capable of furnishing such documents or information, it may direct that person to produce the documents or information by serving notice in writing on that person, summoning the person or calling for documents or information at such place and within such time as may be specified in the notice. |
| (3) Where an information is recorded or stored by means of a mechanical, electronic or other device, to produce the same or to produce a clear reproduction in writing of the information. |
| (4) Where the documents or information are produced before the Internal Complaints Committee in accordance with this section, the Committee may – |
| (i) take possession of the documents and make copies or take extracts therefrom; |
| (ii) retain the possession of the documents for such period as may be deemed necessary for the enquiry. |

Power to summon.
18. The Internal Complaints Committee shall have the power to issue appropriate interim orders directing the employer or owner, on the demand of either the complainant or any witness giving evidence in her support to implement such measures as transferring, changing shift of either the complainant witness or defendant to protect the complainant or witnesses against victimization or discrimination or may issues such other interim orders as may be deemed necessary to ensure the safety of the complainant or supporter or witness.

19. The complainant and the defendant shall have the right to receive copies of the proceedings, documents or any other evidence produced during the course of enquiry.

### CHAPTER VI
#### FINDINGS AND DIRECTIONS

20. (1) On the completion of an enquiry by an Internal Complaints Committee or a Local Complaints Committee, it may by a reasoned order.

   (a) dismiss the complaint which was the subject-matter of the inquiry; or

   (b) pass any one or more of the following directions, namely :-

      (i) that the defendant shall not repeat or continue such unlawful conduct; or

      (ii) that the defendant shall perform any reasonable act or course of conduct to redress any loss or damage suffered by the complainant; or

      (iii) that the defendant shall pay to the aggrieved woman or her legal heirs damages by way of compensation for any loss or damage suffered by her or her legal heirs by reason of the conduct of the defendant; or

      (iv) that the defendant shall give a written apology to the aggrieved woman clearly undertaking that such behaviour will not be repeated and that no retaliatory steps will be taken by him or on his behalf; or

      (v) that a punishment in addition to above be imposed upon the defendant, where the defendant is an employee, by the employer or owner, according to the gravity of the act of which he has been found guilty and in accordance with the service rules or standing
orders applicable to the work place or the educational institution.

Provided that where there is no service rules or standing orders, the Committee may direct that any of the following punishments, having regard to the gravity of the act of which he has been found guilty, be imposed on the defendant:-

minor penalties;

(a) give him a warning or censure in writing;
(b) fine him subject to and in accordance with the provisions of the Payment of Wages Act, 1936;
(c) withhold an increment for a period not exceeding one year;
(d) Suspend him for a period not exceeding four days;

major penalties:
(e) withhold an increment for more than a year;
(f) reduce his rank or grade;
(g) terminate his services, by discharging or dismissing him, after paying any dues to which he is entitled to in law;

Provided further that before any action is taken under this clause, the defendant shall be given an opportunity to show cause as to why the proposed action should not be taken against him.

Explanation – For the purpose of this sub-section, “damage” shall include the injury to the feelings of the aggrieved woman or the humiliation suffered by her.

(2) Where the defendant is the employer or owner, or is a co-employee involved in the sexual harassment, or a complaint, led to or resulted in any adverse change to the service conditions of the aggrieved woman or any witness or representative, or any prejudice being caused to the victim or any witness in terms of their service conditions and employment, the concerned Committee may, in addition to any of the above directions, direct that,-

(a) the employer restore the particular service condition of the aggrieved woman or witness or representative, with retrospective effect and full benefits from the date it was adversely changed, including where the aggrieved woman or witness of sexual harassment has
been terminated from service, to reinstate her or him with full back wages and continuity of services;

(b) the employer grant to the aggrieved woman or witness the particular service condition to which she or he would have been entitled but for the act of sexual harassment or consequences of the same, with retrospective effect and full benefits from the date the said service condition would have been granted to her or him but for the act of sexual harassment or consequences of the same.

(3) The findings and directions of the Internal Complaints Committee or the Local Complaints Committee shall be binding on the employer or the owner.

22. (1) Where the order has been passed by an Internal Complaints Committee, the said Committee shall forward a copy of the order each to the complainant, defendant and the employer or owner.

(2) Where the order has been passed by a Local Complaints Committee, it shall submit its order to the concerned Special officer, who shall forward a copy of the same to the complainant, defendant and the employer or owner.

Copies of the order to be given to the complainant and the defendant

CHAPTER VII
DUTIES AND LIABILITIES OF AN EMPLOYER

23. (1) Every employer or owner shall,

(a) ensure a safe work or study environment free from sexual harassment including prevention and deterrence;

(b) maintain a proactive program to educate all employees or students as to the definition of sexual harassment and procedure for redressal;

(c) facilitate initiation of proceedings under this Act if an act of sexual harassment has been brought to his or her notice;

(d) ensure that the complainant or supporter or witness is not victimized, harassed or discriminated against for initiating or supporting or giving evidence in, proceedings under this Act;

(e) not alter to the prejudice of the aggrieved woman or witness or representative concerned, the conditions of service prevailing immediately prior to the complaint being lodged as a consequence to the making and prosecuting of a complaint under this Act;

Duties of an employer
(f) ensure that complainant or supporter or witness is not punished by discharging, transferring, dismissing or otherwise for any misconduct, as a consequence to the complaint save with express permission in writing of the Internal Complaints Committee;

(g) if the situation so demands, immediately transfer the defendant.

(2) Every employer or owner shall take all necessary and reasonable steps to prevent and ensure that no woman is subject to sexual harassment in his work place or educational institution by any third party and where any such sexual harassment occurs, the employer shall take all necessary and reasonable steps to assist the aggrieved woman to redress the act of sexual harassment.

(3) The onus shall be on the employer or owner to prove that he had taken all reasonable measures to comply with the duties entrusted to him under this Act.

24. (1) Where an employer or owner, -

(a) fails to perform duties entrusted to him under section 23;

(b) fails to constitute an Internal Complaints Committee as required under section 4;

(c) Protects a person found guilty of sexual harassment;

(d) in any manner pressurizes the aggrieved woman or witnesses or supporters from initiating or participating in proceedings under this Act or pressurize her to withdrawing a complaint;

(e) fails to implement the order of the Internal Complaints Committee; or

(f) in any manner violates the provisions of this Act;

a complaint to this effect may be made to the Internal Complaints Committee or Special Officer, or the said Committee or Officer may take cognizance of the same sue moto and the matter will be dealt with by the said Committee or Officer in accordance with the procedure specified for dealing with complaints under this Act.
(2) In addition to the reliefs set out above, the Internal Complaints Committee or the Local Complaints Committee may direct the employer to pay a penalty, to be deposited in the “Sexual Harassment Fund” through the office of the Special Officer or compensation to the complainant or witness commensurate with the loss or injury suffered or damages caused to her by the above wrongful actions of employer or owner.

(3) In addition to the above, where any woman is subject to an act of sexual harassment due to the employer or owner where the act took place, not having taken all necessary and reasonable steps to prevent the same, the aggrieved woman may file a suit for damages, and other relief, against the employer in a civil court.

**CHAPTER IX**

**APPEAL**

25. (1) In taking any decisions and submitting any reports under this Act, Complaints Committees or District Level Special Officer and Person from the Group of Experts shall, for the purposes of this section, be deemed to be acting on behalf of the employer of the defendant, and where the defendant is himself the employer, then the said Committees/person shall be deemed to be acting on behalf of the said employer.

(2) Any defendant aggrieved by a decision or report of a Complaints Committee or District Level Special Officer and person from the Group of Experts finding him guilty of sexual harassment and or against whom action has been taken by the employer may, -

(2) if he is a “workman” under Industrial Dispute Act, 1947, -

(i) make a complaint in writing on points of fact and law, as if the decision had been taken by the employer to the Industrial Tribunal in whose jurisdiction his work place falls, and on receipt of such a complaint, the Industrial Tribunal shall adjudicate upon the same as if it were a dispute referred to it in accordance with the provisions of the Industrial Disputes Act, 1947, and shall submit its award to the Appropriate Government and the provisions of the Industrial Disputes Act, 1947 shall apply accordingly;
Provided that where a defendant is aggrieved by any decision or report referred to in sub-section (2) and where the woman who was the victim of the sexual harassment was harassed at her work place / in connection with her work, then any complaint referred to in subsection (2)(a) (i) shall be filed in the Industrial Tribunal in whose jurisdiction the said woman’s work place falls.

(ii) file any other legal proceedings, on points of fact and law, as if the decision had been taken by the employer;

(iii) If she is not a “workman” under industrial law, file proceedings, on points of both fact and law, before the forum / court before whom he would ordinarily file proceedings against a decision of, or action taken by, the employer.

(3) Any aggrieved woman who is aggrieved by a decision or report of an Internal Complaints Committee or a Local Complaints Committee / District Labour Officer and person from the Group of Experts taken under this Act, and/or action taken, or not taken by an employer or head of the educational institution in this regard, may, -

(a) If she is a “workman” under industrial law, -

(i) make a complaint in writing on points of fact and law, as if the decision had been taken by the employer, to the Industrial Tribunal in whose jurisdiction her work place falls, and on receipt of such a complaint, the Industrial Tribunal shall adjudicate upon the same as if it were a dispute referred to it in accordance with the provisions of the Industrial Disputes Act, 1947 and shall submit its award to the Appropriate Government and the provisions of the Industrial Disputes Act, 1947 shall apply accordingly;

(ii) File any other legal proceedings, on points of fact and law, as if the decision had been taken by the employer.

(b) If she is not a “workman” under Industrial law, file proceedings, on points of both fact and law, before the forum / court before whom she would ordinarily file proceedings against a decision of or action taken by the employer.
| CHAPTER X  
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<td>26. Employers and others responsible for the implementation of this Act will recognize that confidentiality is important and will respect the confidentiality and privacy of complainants or defendants, to the extent reasonably possible.</td>
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<td>27. On the request of a Complainant, a counselor shall be made available to her, at the cost of the employer, at any time after the lodging of a complaint, whether before an Internal Complaints Committee or District Level Special Officer, which shall be in addition to any proceedings / enquiries which have been instituted under the Act.</td>
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| 28. (i) If at any stage after the filing of a complaint and during any proceedings in respect of it under this Act by the Complaints Committee, the aggrieved woman shall have the right to withdraw the complaint and the Committee/person shall permit her to withdraw the complaint and if an inquiry has commenced, shall discontinue the inquiry.  
(ii) If it is brought to the notice of the Complainants Committee, or the Committee is of the opinion that, pressure is being brought on the complainant or the witnesses to withdraw their statements or not go through with the complaint then the committee will record this. | Withdrawal of Complaint. |
| 29. If a complaint of sexual harassment is dismissed by a Complaints Committee under this Act, no action whatsoever (including the recovery of any costs involved in investigating/enquiring into the complaint) may be taken in regard to the same against the complainant/witnesses/supporters by the employer | Complainant/Witnesses/Supporters not be penalized. |
| 30. Where an aggrieved woman institutes any suit or legal proceedings in a civil court in respect of an act of sexual harassment which is unlawful under this Act, no court fees will be payable by the woman. | No court fees payable. |
| 31. Every Internal Complaints Committee shall furnish from time to time to the District Special Officer concerned and every District Special Officer shall together with his return forward such return to the Central Government and to the State Government as they may require to monitor the effective implementation of the provisions of this Act. | Returns. |
| 32. Every employee shall have the right to raise issues of sexual harassment at the worker’s meeting and in any other appropriate forum and it shall be discussed thoroughly in the employer and employee meetings. | Employees right to raise issues. |
33. The provisions of this Act shall be an addition to and not in derogation of the provisions of any other law for the time being in force, -

Provided that nothing in this Act shall effect any law, agreement, contract, terms and conditions of service or policy regarding sexual harassment at the work place which applies to any woman employee or student on the date on which this Act comes into force, if any such law, agreement, contract, terms and conditions of service or policy regarding sexual harassment at the work place is or are more favourable to the women concerned than the provisions of this Act.

34. (1) The appropriate 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, -

(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 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) Every rule made by the State Government under this Act 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.
SCHEDULE I

The following item shall be added as Item 17 to The Fifth Schedule, Part 1, of the Industrial Disputes Act, 1947.

"To dismiss, discharge or in any way adversely alter the service conditions of a female employee, (or any fellow employee who stands as a witness in this regard), on account of her making or having made an allegation of sexual harassment".

SCHEDULE II

The following Item shall be added as Item 11 to Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971.

"To dismiss, discharge or in any way adversely alter the service conditions of a female employee, (or any fellow employee who stands as a witness in this regard), on account of her making or having made an allegation of sexual harassment".