

# **THE PROHIBITION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE BILL, 2010**

**National Commission for Women, New Delhi**

	<p style="text-align: center;"><b>THE PROHIBITION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE BILL, 2010</b></p> <p><b>PREAMBLE</b></p> <p><b>(A Bill conferring upon women the right to protection against sexual harassment and towards that end for the prevention and redressal of sexual harassment of women)</b></p> <p><i>Whereas</i> Sexual Harassment infringes the fundamental right of a woman to gender equality under Articles 14 and 15 of the Constitution of India and her right to life and live with dignity under Article 21 of the Constitution which includes a right to a safe environment free from sexual harassment.</p> <p><i>And Whereas</i> the right to protection from sexual harassment and the right to work with dignity are recognized as universal human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which has been ratified by the Government of India.</p> <p><i>And Whereas</i> the Supreme Court in <i>Vishakha vs State of Rajasthan</i> [1997 (7) SCC 323] has formulated guidelines to address sexual harassment until a suitable legislation is enacted in this respect.</p> <p>Be it enacted by Parliament in the _____ year of the Republic of India as follows:</p>	
	<p><b>CHAPTER I</b> <b>PRILIMINARY</b></p>	
	<p><b>1. (1) This Act may be called the <b>Prohibition of sexual harassment of women at workplace bill,</b></b></p>	<p><b>Short title, extent and</b></p>

	<p><b>2010</b></p> <p>(2) It extends to the whole of <b>India except the State of Jammu and Kashmir.</b></p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p>	<p><b>commencement.</b></p>
	<p><b>2.</b> In this Act, unless the context otherwise requires,-</p> <p>(a) “aggrieved woman” in relation to a work place means a woman, against whom an act of sexual harassment has been or alleged to have been committed and includes an employee, student, research scholar, patient, etc.;</p> <p>(b) “appropriate Government” means in relation to a workplace which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly-</p> <p>(i) by the Central Government or the Union territory administration, the Central Government;</p> <p>(ii) by the State Government, the State Government.</p> <p>(c) “Chairperson” means the Chairperson of the Committee or of the Local Committee, as the case may be;</p> <p>(d) “Committee” means an Internal Complaints Committee constituted under section 4;</p> <p>(e) “District Officer” means an officer appointed under section 5;</p> <p>(f) “employee” means a person employed at a workplace for any work on regular, temporary, ad-hoc or daily wage basis, either directly or by 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</p>	<p><b>Definitions.</b></p>

	<p>voluntary basis or otherwise, whether the terms of employment are express or implied and includes a domestic worker, a co-worker, a contract worker, probationer, trainee, apprentice or by any other name called;</p> <p>(g) “employer” means:-</p> <p>(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;</p> <p>(ii) in any workplace not covered under clause (i), any person responsible for the management, supervision and control of the of the workplace;</p> <p>(h) “Local Committee” means the Local Complaints Committee constituted under section 6;</p> <p>(i) “member” means a member of the Committee or of the Local Committee, as the case may be;</p> <p>(j) “prescribed” means prescribed by rules made under this Act;</p> <p>(k) “respondent” means a person against whom a complaint has been made under section 7;</p> <p>(l) “Workplace” includes:-</p> <p>(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;</p>	
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	<p>(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, entertainment, industrial or financial activities including production, supply, sale, distribution or service;</p> <p>(iii) a house or dwelling place;</p> <p>(iv) any place, vehicle either by air, land, rail or sea visited by the employee arising out of, or during and in the course of, employment;</p> <p>(v) “Unorganized Sector” which shall come within the meaning of “workplace”, means all private unincorporated enterprises including own account enterprises engaged in any agriculture, industry, trade and/or business and includes sectors as mentioned in the schedule, being illustrative.</p> <p>(m) “ <b>National Commission</b>” means the National Commission for Women constituted under the national Commission for women Act 1990</p> <p>(o) “<b>State Commission</b>” means the state commissions for women constituted in the respective states</p>	
	<p><b>3.</b> At any workplace, no woman, shall be subjected to sexual harassment including unwelcome sexually determined behavior, physical contact, advances, sexually coloured remarks, showing pornography, sexual demand, request for sexual favours or any other unwelcome conduct of sexual nature whether verbal, textual, physical, graphic or electronic or by any other actions, which may include, but is not limited to -</p> <p>(i) implied or overt promise of preferential treatment in employment; or</p> <p>(ii) implied or overt threat of detrimental treatment in employment; or</p>	<p><b>Prevention of sexual harassment at workplace.</b></p>

	<p>(iii) implied or overt threat about the present or future employment status;</p> <p>(iv) conduct which interferes with work or creates an intimidating or offensive or hostile work environment; or</p> <p>(iv) Humiliating conduct constituting health and safety problems.</p>	
	<p><b>CHAPTER II</b> <b>CONSTITUTION OF COMMITTEES</b></p>	
<p>Constitution of Internal Complaints Committee.</p>	<p><b>4.</b> (1) For the purpose of this Act, every employer of a work place shall constitute, by an Office Order in writing, an Internal Complaints Committee.</p> <p>Provided that where the offices or administrative units of the workplace are located at different places, the Committee shall as far as practicable be constituted at all administrative units or offices.</p> <p>(2) The Committee shall consist of the following members namely:-</p> <p>(a) a Chairperson, from amongst employees, who shall be a senior level woman, committed to the cause of women. In case a senior level woman employee is not available, the Chairperson shall be appointed from a sister organization or a non-governmental organization;</p> <p>(b) not less than two members from amongst employees committed to the cause of women or who have had experience in social work; and</p> <p>(c) one member from amongst such non-governmental organisations or associations or other interests committed to the cause of women, as may be specified:</p> <p>Provided that atleast fifty per cent of the members so nominated shall be women.</p> <p>(3) The Chairperson and every member of the</p>	

	<p>Committee <b>shall hold office for such period as may be specified by the employer.</b></p> <p>(4) The Chairperson and members of the Committee shall be entitled to such allowances or remuneration as may be prescribed.</p> <p>(5) Where the Chairperson or any member of the Committee contravenes the provisions of section 14, 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 appointment in accordance with the provisions of this section.</p>	
	<p><b>5.</b> The appropriate Government may appoint a <b>District Magistrate or Additional District Magistrate or the Collector or Additional Collector</b> as a District Officer for every District to carry out the functions under this Act.</p>	<p><b>Appointment of District Officer</b></p>
	<p>6. (1) Where at a workplace, constitution of the Committee is not possible or practicable, or where the Committee has not been constituted by the employer of any work place, or where the complaint is against the employer himself, the District Officer may, <b>constitute one or more than one Local Complaints Committee as may be required .</b></p> <p>(2) The Local Committee shall consist of the following members:-</p> <p>(a) a chairperson to be appointed by the <b>district officer</b> from amongst women committed to the cause of women;</p> <p>(b) one member to be appointed by the <b>district officer</b> from amongst the registered trade unions or workers associations functioning in that block or district;</p> <p>(c) two members, of whom at least one shall be a woman, to be appointed by the <b>district officer</b> from amongst such Non-Governmental Organizations or associations or other interests committed to the cause of women, as may be specified;</p>	<p><b>Constitution of Local Complaints Committee.</b></p>

	<p>(d) one Protection Officer appointed by the State Government under the Protection of Women from Domestic Violence Act, 2005 in the District or <b>any other officer such as inspectors or additional inspectors under the shops and establishments Acts of the respective states , additional inspectors under the factories Act 1948 or any other public servant at the district level appointed under any law for the time being in force</b></p> <p>Provided that at least fifty per cent of the members so nominated shall be women.</p> <p>(3) The Chairperson and every member of the Local Committee shall hold office for such period, as may be <b>specified by the district officer .</b></p> <p>(4) The Chairperson and Members of the Local Committee shall be entitled to such allowances or remuneration as may be prescribed.</p> <p>(5) The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the State Government by way of grants such sums of money as the Central Government may think fit for being utilized for the purposes of sub-section (4). The State Governments may identify a suitable agency and transfer the grants to that agency. The agency shall pay to the district officer, appointed as per Section 5 of the Act, such amount as may be required for the purposes of sub-section (4).</p> <p>(6) The jurisdiction of the Local Committee shall be limited <b>to the area as may be specified by the District officer</b></p> <p>(7) Where the Chairperson or any member of the Local Committee contravenes the provisions of section 14, such Chairperson or member, as the case may be, shall be removed from the Local Committee and the vacancy so created or any casual vacancy shall be filled by fresh appointment in accordance with the provisions of this section.</p>	43 of 2005
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	<p>(8) The Local Committee shall have the powers of the Civil Court for the purposes of administration of oath, summoning of witnesses, service of summons and recording of evidence.</p>	
	<p><b>CHAPTER III COMPLAINT</b></p>	
<p>Complaint of sexual harassment.</p>	<p>7. (1) An aggrieved woman may make a complaint of sexual harassment at workplace to the Committee or the Local Committee, or to the Commission ,as the case may be, in writing:</p> <p style="padding-left: 40px;">Provided that where such complaint cannot be made in writing, the Chairperson or any member of the Committee or the Local Committee, as the case may be, shall render all reasonable assistance to the woman making the complaint to reduce the same in writing.</p> <p style="padding-left: 40px;"><b>Provided further that a complainant may file a complaint to the local committee or to the Commission where the Committee has not been constituted by the employer of any work place, or where the complaint is against the employer</b></p> <p>(2) Where the aggrieved woman is not able 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.</p> <p>(3) <b>Where a complaint is made before the National or the State Commission for women , the commission may in the first instance direct the employer or the district officer to enquire into the matter and in cases where a complaint is against the employer himself and where the circumstances warrant so , the commission may itself conduct the enquiry in accordance with the procedure prescribed under the Act</b></p>	

	<p><b>8.</b> (1) At the request of the aggrieved woman the Committee or the Local Committee, as the case may be, may, before initiating enquiry under this Act, take steps to settle the matter between her and the respondent through conciliation.</p> <p>(2) Where a settlement is arrived at under sub-section (1), the Committee or the Local Committee, as the case may be, shall record the settlement and recommend to the employer or the District Officer to take action as prescribed in the reconciliation statement.</p> <p>(3) The Committee or the Local Committee , as the case may be, shall provide the copies of the settlement recorded under sub-section (2) to the aggrieved woman and the respondent.</p> <p>(4) Where a settlement is arrived at under sub-section (1), no further enquiry shall be conducted by the Committee or the Local Committee, as the case may be.</p>	<p><b>Conciliation</b></p>
	<p><b>9.</b> (1) Where conciliation under sub-section (1) of section 8 is not arrived at, the Committee or the Local Committee, as the case may be, shall, subject to the provisions of section 14, <b><u>proceed to make enquiry into the complaint in accordance with its service and conduct rules /standing orders /policies and where no such rules exist then in such a manner as may be prescribed:</u></b></p> <p>Provided that where the aggrieved woman informs the Committee or the Local Committee, as the case may be, that any term or condition of the conciliation arrived at under sub-section (1) of section 8 has not been complied with by the respondent, the Committee or the Local Committee shall also proceed to make inquiry into the complaint.</p> <p>(2) The Committee or the Local Committee, as the case may be, shall have such powers for the purpose of making enquiry under sub-section (1) as may be prescribed.</p>	<p><b>Enquiry into complaint.</b></p>

	<p>(3) The enquiry under sub-section (1) shall be completed within a period of ninety days.</p> <p>(4) Where the Committee or the Local Committee, as the case may be, fails to complete the enquiry within the period specified under sub-section (3), the employer or the District Officer, as the case may be, may take such action as may be prescribed.</p> <p><b>(5) In cases where the allegation of Sexual Harassment is against the employer of the aggrieved woman, or against the person in charge of the workplace concerned, she may lodge the complaint with the national or state commission or to the local complaints Committee if she so chooses;</b></p> <p><b>Provided further that every employer of the workplace shall ensure that the chairperson of the Committee be sufficiently senior to the person against whom a complaint has been made and where the defendant employed in a workplace or organization holds a senior position as head of the workplace or is the employer or is the person in charge of the workplace concerned, the appropriate Government shall appoint a ad hoc committee headed by a chairperson who shall be senior in rank and status to the defendant or provide the option to the complainant to lodge the complaint with the local complaint committee or with the national or state women commissions</b></p>	
	<p><b>CHAPTER IV</b> <b>ENQUIRY INTO COMPLAINT</b></p>	
<p><b>Action during pendency of enquiry.</b></p>	<p><b>10.</b> (1) During the pendency of enquiry, on a written request made by the aggrieved woman, the Committee or the Local Committee, as the case may be, may recommend to the employer to-</p> <ul style="list-style-type: none"> <li>(a) transfer the aggrieved woman or the respondent to any other workplace; or</li> <li>(b) grant leave to the aggrieved woman; or</li> <li>(c) grant to the aggrieved woman any other relief which may be prescribed.</li> </ul> <p>Provided that no woman shall be transferred except on her own request or suspended;</p> <p>And,</p>	

	<p>The leave granted to her under this section will be in addition to the leave she would be entitled to otherwise if the case is proved;</p> <p>(2) On the recommendation of the committee or the Local Committee, as the case may be, under subsection (1), the employer or the District Officer may take such necessary action as may be deemed proper.</p>	
<p>Enquiry report.</p>	<p><b>11.</b> (1) On the completion of an enquiry under this Act, the 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, District officer. The report shall also be made available to all the concerned parties.</p> <p>(2) Where the 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 or the District Officer that no action is required to be taken in the matter.</p> <p>(3) Where the <b>Committee</b> arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take action for misconduct in accordance with the provisions of the service rules/conduct rules or policies governing disciplinary matters applicable to the respondent</p> <p>(4) Where the Local Committee, , 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,</p> <p>(a) to take action for misconduct in accordance with the provisions of the service rules conduct rules or policies governing disciplinary matters applicable to the respondent</p> <p>(b) where no such service rules have been made, in such manner as may be prescribed;</p>	

	<p>(4) Where any recommendation has been made to the employer or the District Officer under sub-section (3) (4) he shall act upon the recommendation within sixty days of its receipt by him.</p>	
<p>Penalties which may be imposed where no rules exist</p>	<p><b>12. Where no service or disciplinary rules exist</b> , the District officer may impose any of the following penalties</p> <p>(a) Direct the employer to :-</p> <p>(i) Obtain a written apology from the respondent or</p> <p>(ii) suspend the respondent for a period not exceeding 15 days during which the respondent shall be entitled to such allowances as may be prescribed by the district officer or</p> <p>(iii) <b>terminate</b> the respondent from service or</p> <p>(b) <b>Direct the employer or the respondent to pay to the respondent such sum of compensation to the aggrieved woman or to legal heirs, as it may determine, in accordance with the provisions of section 13; provided that Recovery form pay /salary/wages, in no case, shall exceed one-fourth of the salary/wages earned in that month;</b></p> <p>(c) <b>Revocation ,suspension of any licence or registration , for such period as may be specified , issued under any law for the time being in force ,provided that an opportunity to the employer/respondent to be heard, is afforded before initiating any action or</b></p> <p>(d) <b>Cessation as a beneficiary under any Central or State sponsored schemes</b></p> <p>(e) <b>Any other matter as may be prescribed</b></p>	
	<p><b>13. (1) For the purpose of determining the compensation to be paid to the aggrieved woman under clause (b) of section 12, the district officer , shall have regard to-</b></p>	<p>Determination of compensation.</p>

	<p>(a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;</p> <p>(b) the loss in the career opportunity due to the incident of sexual harassment;</p> <p>(c) medical expenses incurred by the victim for physical or psychiatric treatment;</p> <p>(d) the income and financial status of the respondent;</p> <p>(e) Feasibility of such payment in lump sum or in installments.</p>	
<b>Recovery of compensation</b>	<p><b>14. Where any compensation is ordered on the respondent or employer under section 12 is not paid,--</b></p> <p><b>(i) the District officer may recover the amount so payable by detaining or selling the goods belonging to such person which are under his control; or</b></p> <p><b>(iii) If the amount cannot be recovered from such person in the manner provided in clause (i) the district officer shall proceed to recover from such person the respondent or the employer the amount specified as if it were an arrear of land revenue.</b></p>	
	<p><b>15. Whoever contravenes and fails to comply with the decision of the district officer under sec 12 , 13 and 14 of this Act , shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both, and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every</b></p>	<p>Contravention of the orders of the district officer</p>

	<p>day during which such contravention continues after conviction for the first such contravention.</p> <p>(2) If any person who has been convicted of any offence punishable under sub section (1) is again guilty of an offence involving a contravention or failure of compliance of the same provision, he shall be punishable on a subsequent conviction with imprisonment for a term which may extend to six months or with fine which shall not be less than five hundred rupees but which may extend to two thousand rupees or with both:</p>	
	<p><b>16.</b> (1) Where the Committee or the Local Committee, as the case may be, arrives at a conclusion that the allegation against the respondent is false or malicious 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 to take action against the woman or the person who has made the complaint in accordance with the provisions of the service rules applicable to her or him or where no such service rules have been made, in such manner as may be prescribed.</p> <p>(2) Where the Committee or the Local Committee, as the case may be, arrives at a conclusion that during the enquiry 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 to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules have been made, in such manner as may be prescribed.</p>	<p>Punishment for false or malicious complaint and false evidence.</p>
<p>Prohibition of publication or making known contents of complaint and enquiry</p>	<p><b>17.</b> Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made under sub-section (1) of section 7, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and enquiry proceedings,</p>	<p>22 of 2005</p>

<p>proceedings.</p>	<p>recommendations of the Committee or the Local Committee, as the case may be, and the action taken by the employer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner:</p> <p>Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the identity and address of the aggrieved woman and witnesses.</p>	
<p>Penalty for publication or making known contents of complaint and enquiry proceedings.</p>	<p><b>18.</b> Where any person entrusted with the duty to handle or deal with the complaint, enquiry or any recommendations or action to be taken under the provisions of this Act contravenes the provisions of section 14 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 have been made, in such manner as may be prescribed.</p>	
<p>Appeal.</p>	<p><b>19.</b> (1) Any person aggrieved by any order passed under <b>sub-section (2) of Section 11</b> or <b>sub-section (3) and (4) of section 11</b> or <b>section 12</b> or <b>section 16</b> may prefer an appeal in accordance with the provisions of the service rules applicable to the said person or where no such service rules have been made or is applicable to the person aggrieved, in such manner as may be prescribed within 30 days from the date of the passing/receipt of the order of the Committee</p> <p>(2) The Appellate forum shall grant an oral hearing to the Appellant and may pass interim directions in <b>the nature of grant of leave, transfer or restraining orders against the Respondent or any other order as deemed appropriate ;</b></p>	
	<p><b>CHAPTER V</b></p> <p><b>DUTIES OF EMPLOYER</b></p>	
<p>Duties of the Employer</p>	<p><b>20.</b> The employer shall-</p> <p>(a) provide a safe working environment at the workplace which will include safety from the</p>	

	<p>employees of the establishment as well as third parties coming into contact at the workplace;</p> <p>(b) display at any conspicuous place in the workplace the Office Order made under sub-section (1) of section 4;</p> <p>(c) undertake workshops and training programmes at regular intervals for sensitizing the members;</p> <p>(d) provide necessary facilities to the Committee or the Local Committee, as the case may be, to deal with the complaint and conduct enquiry;</p> <p>(e) ensure the attendance of respondent and witnesses before the Committee or the Local Committee, as the case may be;</p> <p>(f) make available such information to the Committee or the Local Committee, as the case may be, as it may require with regard to the complaint made under sub-section (1) of section 7;</p> <p>(g) Assist the woman if she so chooses in the filing of a criminal complaint in relation to the offence;</p> <p>(h) Initiate criminal action under the Penal Code or any other law for the time being in force against the perpetrator after the conclusion of the enquiry, or without waiting for the enquiry, where the perpetrator is not an employee in the work place where the incident of sexual harassment has taken place.</p>	
	<p>21. Exemption of employer or manager from liability in certain cases</p> <p>(1) Where the employer or manager of an</p>	<p>Exemption of employer or manager from liability in certain cases</p>

	<p>establishment is charged with an offence against this Act or the rules or orders made thereunder, he shall be entitled upon complaint duly made by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the employer or manager of the establishment proves to the satisfaction of the Court--</p> <p>(a) That he has used due diligence to enforce the execution of this Act, and</p> <p>(b) that the said other person committed the offence in question without his knowledge consent or connivance, that other person shall be convicted if the offence and shall be liable to the like fine as if he were the employer or manager, and the employer or manager shall be discharged from any liability under this Act.</p>	
<p>Duties of District Officer</p>	<p style="text-align: center;"><b>CHAPTER VI</b> <b>DUTIES OF DISTRICT OFFICER</b></p> <p><b>22.</b> The District officer shall</p> <ol style="list-style-type: none"> <li>1. Have the overall responsibility to ensure that the provisions of the Act are complied with and fulfill the duties of the Employer as in Clauses (d) to (f) of Section 17 where the employer himself is the accused.</li> <li>2. also administer the fines received under the Act and create a corpus and utilize the same for the benefit of the victims as may be prescribed;</li> <li>3. ensure that timely reports are furnished by the Committee;</li> <li>4. conduct or cause to be conducted surprise checks on establishment to ensure that women are working in a sexual harassment free work places;</li> <li>5. guide establishments in engaging civil society organizations for creation of awareness on sexual harassment and the rights of the women;</li> </ol>	
	<p><b>23. Monitoring of the Act</b></p>	<p><b>Monitoring of</b></p>

	<p>(1) The National Commission for women or, as the case may be, the State Commission for women shall, in addition to the functions assigned to them under their respective Acts examine and review the implementation of this Act and advise the appropriate Government on its implementation</p> <p>(2) The said Commissions shall, while inquiring into any matters relating to have the same powers as assigned to them under their respective Act.</p>	<p><b>the Act</b></p>
	<p style="text-align: center;"><b>CHAPTER VII MISCELLANEOUS</b></p> <p><b>24.</b> The 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 or the District Officer.</p>	<p>Committee to submit annual report.</p>
	<p><b>25.</b> The employer shall include a section on the cases filed and judgments conferred under this Act in each annual report of his organization.</p>	<p>Employer to include information in annual report.</p>
	<p><b>26.</b> (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,-</p> <p style="padding-left: 40px;">(a) call upon any employer or District Officer to furnish in writing such information relating to sexual harassment as it may require;</p> <p style="padding-left: 40px;">(b) authorise any officer or to make inspection of the records and workplace 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.</p> <p>(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.</p>	

	<p><b>27. (1)</b> Where the employer or the District Officer fails to-</p> <ul style="list-style-type: none"> <li>(a) constitute a Committee under sub-section (1) of section 4 or under sub-section (1) of section 6, as the case may be;</li> <li>(b) take action under sections 11, 12 and 20; and</li> <li>(c) contravenes or attempts to contravene or abets contravention of other provisions of this Act or any rules made thereunder,</li> </ul> <p>he or she shall be punishable with fine which may extend to rupees fifty thousand.</p> <p>(2) The fine collected under sub-section (1) shall be kept in a corpus created and utilized for any purpose as may be prescribed.</p>	
<p>Power of the appropriate Government to make rules.</p>	<p><b>28. (1)</b> The Central Government may, by notification in the official gazette, make rules for carrying out the provisions of this Act.</p> <p>(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:-</p> <ul style="list-style-type: none"> <li>(a) the allowances and remuneration to be paid to the Chairperson and members under sub-section (4) of section 4;</li> <li>(b) the allowances and remuneration to be paid to the Chairperson and members under sub-section (4) of section 6;</li> <li>(c) the person who may make complaint under sub-section (2) of section 7;</li> <li>(d) the manner of enquiry under sub-section (1) of section 9;</li> <li>(e) the powers for making enquiry under sub-section (2) of section 9;</li> <li>(f) the action to be taken by employer or District Officer under sub-section (4) of section 9;</li> <li>(g) the relief to be recommended under clause (c) of sub-section (1) of section 10;</li> <li>(h) the manner of action to be taken under clause (a) of sub-section (3) of section 11;</li> </ul>	

	<p>(i) the manner of action to be taken under sub-section (1) of section 12;</p> <p>(j) the manner of action to be taken under sub-section (2) of section 12;</p> <p>(k) the manner of action to be taken under section 15;</p> <p>(l) the manner of appeal under section 16;</p> <p>(m) the manner of utilization of fines under sub-section (2) of section 18;</p> <p>(n) the form and time for preparation of annual report by Committee under section 19; and</p> <p>(o) the purpose for which the fine collected may be utilized under sub-section (2) of section 22.</p> <p>(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 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.</p> <p>(4) Every rule made under this Act 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.</p>	
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**SCHEDULE**

**(Reference clause (v) of sub-section (I) of section 2)**

**LIST OF EMPLOYMENTS IN THE UNORGANISED SECTOR****1. AGRICULTURE**

- a. agriculture
- b. agricultural machinery handling
- c. small scale farming

**2. CONSTRUCTION**

- a. construction work
- b. brick-kiln work
- c. building and road maintenance
- d. carpentry
- e. construction of tents and pandals, supply of utensils and decorations for functions
- f. quarry work
- g. welding
- h. stone crushing
- i. minor minerals and mines work
- j. sand mining

**3. HANDLOOMS & POWERLOOMS, DYEING**

- a. handloom weaving of cotton and silk
- b. powerloom weaving
- c. cloth printing
- d. bleaching & dyeing
- e. ginning

**4. FISH**

- a. fishing
- b. fish selling
- c. fishery production
- d. fish processing

**5. POULTRY & ANIMAL HUSBANDRY**

- a. animal husbandry
- b. dairying and allied activities
- c. shepherding

**6. TEA, COFFEE, RUBBER, CASHEW, PLANTATION, PROCESSING, HORTICULTURE, SERICULTURE**

- a. cashew processing
- b. gardening and parks maintenance
- c. horticulture and flori culture
- d. plantation (other than those covered under Plantations Labour Act, 1951 (Act No.69 of 1951))
- e. sericulture (silk rearing)

**7. FORESTS & ALLIED ACTIVITES**

- a. forestry operation
- b. honey gathering
- c. minor forest produce gathering
- d. tendu leaves collection

**8. TREE CLIMBING, COIR**

- a. coir processing / manufacture
- b. toddy tapping
- c. coconut peeling
- d. tree climbing

**9. HOME BASED WORK**

- a. agarbatti making
- b. beads making / piercing
- c. beedi & cigar manufacture
- d. bindi work
- e. coaching service
- f. envelope & file making
- g. masala making
- h. matches manufacture
- i. pappad making
- j. pickle making

**10. VENDORS**

- a. hawking and vending
- b. newspaper vending
- c. panwallaha service

**11. HANDICRAFTS**

- a. blacksmith
- b. goldsmith

- c. pottery
- d. artist
- e. sculpture
- f. cane / reed work
- g. carpet weaving
- h. chikan work
- i. hand embroidery work
- j. floral work and garland making

## **12. SERVICES (TRADITIONAL & MODERN)**

- a. beautician
- b. hair dressing
- c. health service
- d. rag picking
- e. scavenging
- f. shoe shining work
- g. sweeping
- h. laundry work
- i. child care
- j. cook
- k. security service
- l. band playing
- m. cable TV operation
- n. folk arts
- o. video & photography
- p. sound & light service

**13. SHOPS & ESTABLISHMENTS**

- a. shops & establishment service
- b. catering
- c. clubs and canteens service
- d. coaching service
- e. computer and information technology related services
- f. courier service
- g. data entry operation
- h. distribution of petroleum products
- i. electronic and electrical goods repairs
- j. health services
- k. hotel and restaurant services
- l. ngo services
- m. packing and packaging
- n. petrol bunk / pump and allied service
- o. security service
- p. telephone booth service
- q. jute products
- r. band playing
- s. cable TV operation
- t. folk arts
- u. video & photography
- v. sound & light service

**14. TRANSPORT & ALLIED**

- a. transport services (driving, conducting, cleaning etc)
- b. auto rickshaw

- c. bicycle repair
- d. boat / ferry operation
- e. bullock / camel – cart operation
- f. rickshaw pulling
- g. service station work
- h. wayside mechanics and workshop services
- i. automobile work

## **15. SALT PANS**

- a. salt pan work
- b. loading & unloading

## **16. SMALL SCALE & COTTAGE INDUSTRIES**

- a. arrack and liquor production and vending
- b. bakery work
- c. bangles manufacture
- d. bindi work
- e. brush making
- f. breweries, distilleries
- g. bulb manufacture
- h. carpet weaving
- i. electroplating
- j. envelope making
- k. fire work / crackers production
- l. flour mills operation
- m. foundry
- n. Garment manufacture

- o. glassware manufacturing
- p. lock making
- q. masala making
- r. matches manufacture
- s. papped making
- t. pickle making
- u. plastic manufacture
- v. printing press work
- w. rice mills, oil mills, dhal mills
- x. sawmill work
- y. soap manufacture
- z. sports goods manufacture
- aa. steel vessels and utensils manufacture
- ab. timber industry (furniture manufacturing saw mills)
- ac. toy making
- ad. butchery
- ae. welding
- af. engineering work
- ag. tin containers
- ah. sago
- ai. nib making
- aj. tanning (including hides and skill production), leather goods manufacture
- ak. footwear production

**17. DOMESTIC**

- a. gardening,
- b. baby sitting,
- c. cook
- d. cleaning & washing
- e. care of the sick & aged

**18. LOADING UNLOADING GOODS SHEDS, YARDS MARKETS  
ETC**

- a. headload work
- b. cleaning
- c. stacking

**19. TAILORING**