

## HR Law Hotline

July 16, 2019

### SEXUAL HARASSMENT COMMITTEE REGISTRATION MANDATORY IN SELECT INDIAN STATES

- Employers in Mumbai and the state of Telangana are required to register their Internal Committees with the respective state authorities.
- While employers in Mumbai are required to submit details of their Internal Committees to the office of the District Women and Child Development Officer, employers in the state of Telangana are required to register their Internal Committees through the Sexual Harassment Electronic Box.
- Failure to furnish information or register the Internal Committees could lead to a fine extending up to Rs. 50,000.

Employers in Mumbai and the state of Telangana<sup>1</sup> are required to furnish information or register their Internal Committees ("IC") with the respective state authorities within the prescribed timelines<sup>2</sup>.

This order has been issued further to the powers vested with the Women and Child Development departments of each state,<sup>3</sup> to (a) monitor effective implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("**Anti-Sexual Harassment Act**")<sup>4</sup> and (b) call for information from employers as may be necessary in the interest of the public or women employees at a workplace.<sup>5</sup>

While employers in Mumbai are required to register their ICs with the office of the District Women and Child Development Officer in the prescribed format, employers in the state of Telangana are required to register their ICs on the Sexual Harassment Electronic Box ("**T-she box**")<sup>6</sup>.

Failure to furnish information or register the ICs may result in a monetary penalty of INR 50,000 (approx. US\$1,000).<sup>7</sup>

#### BACKGROUND

As per the Anti-Sexual Harassment Act, every employer is required to constitute an IC at each office or administrative unit of the workplace employing at least ten employees. The Anti-Sexual Harassment Act *inter alia* sets out the constitution of the IC, process to be followed for making a complaint as well as the process to be followed by the IC in investigating complaints pertaining to workplace sexual harassment. Please refer to our legal alert on obligations of an employer under the Anti-Sexual Harassment Act [here](#).

An employer who fails to constitute an IC or comply with the provisions of the Anti-Sexual Harassment Act may be subject to a monetary penalty of INR 50,000 (approx. US\$1,000). A repeated offence could result in the punishment being doubled and / or de-registration of the entity or revocation of any statutory business licenses.

#### PROCEDURE FOR REGISTRATION

As per the office order issued by the Government of Maharashtra, every government and non-governmental organisation or private undertaking or society, enterprise, trust, manufacturer, supplier, industrial, health services, financial unit, service provider, hospital, nursery, etc. are required to submit details of their ICs in the prescribed format to the District Women and Child Development Officer.<sup>8</sup>

The Government of Telangana has on the other hand, introduced an online portal named the T-she box, wherein, employers (including government and non-government entities) are required to register their ICs by providing *inter alia* the following information (a) organisation type; (b) name and address of the organisation and branch; (c) number and name of the departments; (d) details of the authorised person (contact number, email id); (e) date of formation of IC and details of the members of the IC and (f) order of appointment of the IC.

The T-she box also enables an aggrieved woman to lodge her complaint relating to workplace sexual harassment. Once the complaint has been filed, the same will be directed to the concerned IC. In the event that the IC is unable to resolve the complaint or remains in a disagreeable state, the T-she box will assist (upon feedback received from the complainant) in re-directing the complaint to the trial court.<sup>9</sup> The complainant will also be able to check the status of the complaint on the portal by providing the Unique Case ID which is generated while registering the complaint.

#### ANALYSIS

While sensitisation and awareness of workplace sexual harassment has increased in the past few years, it is interesting to note that the government is now moving towards ensuring strict implementation and enforcement of the Anti-Sexual Harassment Act. The Indian Ministry of Women and Child Development ("WCD") had previously launched an online complaint platform i.e.; the "Sexual Harassment Electronic Box ("**She-Box**") in order to enable female employees or visitors to raise complaints of sexual harassment at the workplace through an online platform.<sup>10</sup> However, there was no requirement for employers to furnish and/or register details of their ICs with the WCD. Please refer to our legal alert on this subject [here](#).

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The WCD had also previously issued certain training materials<sup>11</sup> to advance the understanding of the public of the provisions of the Anti-Sexual Harassment Act. The Ministry of Corporate Affairs had thereafter made it mandatory for private companies to disclose in their annual reports that they have complied with the provisions relating to constitution of the IC under the Anti-Sexual Harassment Act.

The state governments' move to introduce the registration of all ICs will now enable the government to zero down on those employers who have (i) failed to constitute the IC or (ii) incorrectly constituted the IC. With the increasing number of workplace sexual harassment cases, the step taken by the state government is expected to make employers more vigilant when it comes to constituting their ICs and ensuring effective grievance redressal.

It will be interesting to see which other states would follow the footsteps of governments of Maharashtra and Telangana in this respect.

– Archita Mohapatra & Preetha S

You can direct your queries or comments to the authors

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<sup>1</sup>Including but not limited to the city of Hyderabad, Secunderabad, Warangal, Nizamabad

<sup>2</sup> July 20th in Maharashtra and July 15th in Telangana

<sup>3</sup> <https://wcd.nic.in/sites/default/files/Implementationofsexualharssment.pdf>

<sup>4</sup> Section 23 of the Anti-Sexual Harassment Act

<sup>5</sup> Section 25 of the Anti-Sexual Harassment Act

<sup>6</sup> available at <https://tshebox.tgwdcw.in/>

<sup>7</sup> <https://tshebox.tgwdcw.in/> 'Notification for Registration of ICC by all Government and Non-Government entities'

<sup>8</sup> At the following address: 117 BDD Chawl, Dr. Ambedkar Boarding Compound, Worli, Mumbai – 400018 or to Sub-Divisional Magistrate, Old Custom House, Shaheed Bhagat Singh Road, Fort, Mumbai – 400001

<sup>9</sup> <https://tshebox.tgwdcw.in/> 'Allocation of Complaint'

<sup>10</sup> <http://pib.nic.in/newsite/PrintRelease.aspx?relid=168892>

<sup>11</sup> <https://wcd.nic.in/sites/default/files/Handbook%20on%20Sexual%20Harassment%20of%20Women%20at%20Workplace.pdf>

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