

AIDWA Press Statement on Bill for Protection of Women against Sexual Harassment at the Workplace in India

Thursday, 16 December 2010

AIDWA welcomes the introduction in the Lok Sabha of the Bill on the Protection of Women Against Sexual Harassment at the Work place. This bill has been introduced after a consistent struggle by women's organizations for several years.

However, AIDWA is deeply concerned about certain provisions in the draft. It is unfortunate that "false and malicious complaints" of sexual harassment have been made punishable in the proposed law. This is totally against the Vishaka Judgment which had clearly stated that no action should be taken against a woman for making a complaint. The entire civil law to deal with cases of sexual harassment was meant to be enacted to provide a conducive atmosphere in which women victims could make a complaint, because women employees are usually extremely hesitant to lodge a complaint for fear of reprisal. Our experience of dealing with cases and as members of complaint committees has shown us how accusations of false complaints are routinely made against the women victims. Though mere inability to substantiate the complaint or provide adequate proof has not been made punishable, we feel that this is not good enough. It would be highly improper for the complaints Committee to pronounce judgment on this matter. The fact that she can be proceeded against will hang like a Damocles' sword over the victim's head. AIDWA demands that there should be no such clause in the Bill. Any person who feels that a false complaint has been made against him can always take recourse to the criminal or civil law in this regard relating to defamation etc.

It is also unfortunate that the proposed Bill does not apply to domestic workers. This is despite the fact that the NCW draft had specifically listed domestic work in its scheduled list of unorganized work. Leaving this vulnerable section of women workers out of the purview of this Bill is unacceptable.

The proposed Government Bill lays down that complaint committees with at least 50% women members will be set up in institutions and a local committee will be constituted by a District officer for victims of sexual harassment in very small institutions or in situations where no complaint committee is available. However since the discretion to appoint the committee rests solely with the District officer, it is liable to be exercised in an arbitrary manner. A more transparent procedure should be prescribed under the proposed law.

AIDWA has also always demanded that all recommendations of punishment of the complaint committees to the employers/District officers must be accepted and implemented and no additional inquiries should be initiated.

AIDWA demands that the changes suggested above should be incorporated in the bill and thereafter that the bill be passed without any delay.

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related report: 'Bill Against Sexual Harassment: AIDWA Points Out Lacunae' in [People's Democracy, December 12, 2010](http://pd.cpim.org/2010/1212_pd/12122010_10.html) [http://pd.cpim.org/2010/1212_pd/12122010_10.html]

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