



SEXUAL HARASSMENT LAW UPDATE – MANDATORY REGISTRATION OF THE INTERNAL COMMITTEE FOR ESTABLISHMENTS LOCATED IN TELANGANA AND MUMBAI

Introduction

In India, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the “**Harassment Act**”) and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (the “**Harassment Rules**”) deal with sexual harassment against women at the workplace.

The Harassment Act and the Harassment Rules require an employer employing at least ten (10) employees (including contract workers, probationers, trainees and apprentices) to mandatorily constitute an internal committee (the “**IC**”) for handling sexual harassment complaints.

Constitution of the IC

As per the Harassment Act, the IC should comprise of at least four (4) members to be nominated by the employer as follows:

- a woman employed at a senior level at the workplace from among the employees of the company, who shall be the presiding officer, and in case a senior level woman employee is not present at a particular office of the company, then a senior level woman employee of the company present at another office of the company may be appointed;
- at least two (2) members from among the employees who are committed to the cause of women or who have experience in social work or legal knowledge; and
- one (1) member from any non-governmental organization or association committed to the cause of women or a person having expertise on issues relating to sexual harassment such as a social worker with at least five (5) years’ experience in social work leading to creation of societal conditions favourable towards empowerment of women, and in particular, in addressing workplace sexual harassment, or a person familiar with labour, service, civil or criminal laws.

Further, at least 50% of the members of the IC must be women. The members of the IC can hold office for three (3) years from the date of their nomination to the IC. Furthermore, a separate IC is required to be constituted for each branch office of the company.

Registration of the IC

Recently, the Women Development and Child Welfare Department, Government of Telangana, has launched a web portal (<https://tshebox.tgwdcw.in/>) on which all ICs of establishments located in the State of Telangana have to mandatorily be registered by July 15, 2019.

Similarly, the District Women and Child Development Department of Mumbai has issued a notification requiring mandatory registration of all ICs of establishments located in the city of Mumbai by July 20, 2019. For this, a signed copy of the prescribed Form A is required to be submitted to the Sub-Divisional Magistrate, Old Customs House, Shaheed Bhagat Singh Road, Fort, Mumbai 400001 or to the District Women and Child Development Department, 117, BDD Chawl, Dr. Ambedkar Colony Compound, Ganpat Jadhav Marg, Worli, Mumbai 400018.

The penalty for non-registration is INR50,000 (approx. US\$715) in both cases.

Our comments

In the wake of the *Me Too* movement in India last year, it was noted that several workplaces lacked an IC despite it being a mandatory requirement since 2013. Therefore, the government has imposed the requirement to register the IC, failing which a penalty will be levied. This will ensure that employers take sexual harassment issues more seriously, and ensure compliance with the Harassment Act and the Harassment Rules. Having said so, the mandatory registration of ICs within a very short timeline adds an additional compliance requirement, which many employers may find difficult to adhere to.