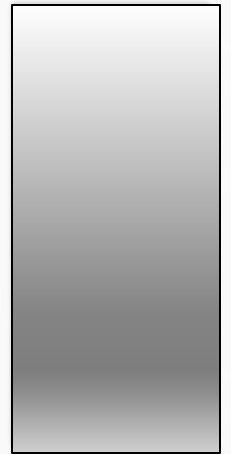


# **LEGALITE** ADVISORS

**LEGAL UPDATES ON THE SEXUAL HARASSMENT OF  
WOMEN AT WORKPLACE (PREVENTION, PROHIBITION  
AND REDRESSAL) AMENDMENT BILL, 2024**





## The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Amendment Bill, 2024

### 1. Introduction

On February 02, 2024, Dr. Sasmit Patra, Member of Parliament (Rajya Sabha), introduced a 'Private Member Bill' - The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Amendment Bill, 2024 ("**Amendment Bill**")<sup>1</sup> in the upper house of the Parliament to amend The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("**POSH Act**"). This piece of article seeks to inform the reader about the contents of the said Amendment Bill.

### 2. What is a Private Member's Bill?

In Parliament there are 2 (two) kinds of bills introduced – (a). Bills introduced by the Government or (b). Private Members' Bill, introduced by individual members of the Parliament. Since 1970, only 14 (fourteen) Private Members' Bills have been passed by the Parliament and received the President's assent<sup>2</sup> which is equivalent to insignificant percentage of the total Private Members' Bills introduced till date. The last Private Members' Bill to amend the POSH Act was introduced by Dr. Fouzia Khan on December 08, 2023<sup>3</sup>. A Private Members' Bill introduced in the Rajya Sabha, lapses on the retirement of the concerned member or the end of their term in the Rajya Sabha.

### 3. What does the Amendment Bill seek to change?

The Amendment Bill not discussed or passed post its introduction in the Rajya Sabha, and hence remains pending, seeks to amend two sections of the POSH Act:

#### (a.) Extension of the limitation period.

Currently, section 9 of the POSH Act stipulates a limitation period of 3 (three) months for filing complaints and in case of a series of incidents, within a period of 3 (three) months from the date of last incident. This period may be further extendable by 3 (three) months, provided that the Internal Committee or Local Committee (as the case may be) is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period. **The Amendment Bill seeks to extend the period of limitation for filing complaints to 1 (one) year from the date of the incident or 1 (one) year from the date of the last incident.**

#### (b.) Omission of the conciliation process.

Section 10 of the POSH Act, makes a provision for the Internal Committee, at the request of the aggrieved woman, to take steps at the for the settlement of the matter with the respondent (the accused), through conciliation prior to the initiation of the inquiry. **The Amendment Bill seeks the removal of this section 10, and through it the omission of the conciliation process.**

### 4. Conclusion.

<sup>1</sup> <https://sansad.in/rs/legislation/bills>

<sup>2</sup> <https://indianexpress.com/article/political-pulse/private-members-bills-parliament-8887297/>

<sup>3</sup> <https://prsindia.org/mptrack/rajya-sabha/fauzia-tahseen-ahmed-khan>

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While it may not be conducive to decide the righteousness of the amendment proposed, it is noteworthy to analyse the rationale behind the amendments proposed as under:

- (i.) Is the extension of limitation period to 1 (one) year from 3 (three) months because the extant period is too short for an aggrieved woman to process the trauma of being harassed and proceed to file the complaint); or
- (ii.) Is the removal of the conciliation clause owing to the said process being misused, by coercing the aggrieved woman to withdraw the complaint?.

It is difficult to draw conclusions based on a Private Members' Bill, as the same may not represent the general notion of the happenings in the industry at large and may be an individual's perspective. Both the amendments are aimed at providing greater flexibility to the aggrieved woman to ensure that the wrongdoer does not get any greater window of opportunity to escape and it remains to observe whether the said Amendment Bill would see the light of the day when it comes to balancing the legislation and avoiding the misuse thereof by any party subjected to the same, be it the apparently aggrieved woman or the alleged wrongdoer.

It is noteworthy that, Dr. Sasmit Patra's (the private member moving the Amendment Bill) term in the Rajya Sabha ends in June, 2025. He can ask for a discussion on the Private Members' Bill in the monsoon session of the Parliament, once the new government takes oath, until then the present provisions would be in vogue.

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