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152. Can a husband file a complaint with the Internal Committee on behalf of his wife under the POSH Act, 2013, in cases of sexual harassment at the workplace?

Under the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (**POSH Act, 2013)**, a husband **can** file a sexual harassment complaint on behalf of his wife under specific circumstances. Let's explore this by breaking down the relevant sections of the Act as below:

1. Who is an Aggrieved Woman?

As per **Section 2(a)** of the POSH Act:

- An "aggrieved woman" refers to:
  - **In a workplace**: Any woman, of any age, whether employed or not, who alleges to have been subjected to sexual harassment by the respondent.
  - **In a dwelling place or house**: A woman employed in such a dwelling place who alleges harassment.

This means that for the purpose of filing a complaint, the woman (in this case, the wife) must have experienced sexual harassment either at her workplace or, if applicable, at a dwelling place where she is employed.

2. Who is the Respondent?

As per **Section 2(m)**, the "respondent" is the person against whom the aggrieved woman (wife) has filed a complaint. This person is the alleged perpetrator of the sexual harassment.

3. What is Sexual Harassment?

As per **Section 2(n)** of the POSH Act, sexual harassment includes:

- Physical contact and advances
- A demand or request for sexual favors
- Making sexually colored remarks
- Showing pornography
- Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature.

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If the wife has been subjected to any of these forms of harassment, she qualifies to make a complaint.

4. **What is the Procedure for a Complaint of Sexual Harassment?**

As per **Section 9** of the Act:

- **Sub-section (1)** states that an "aggrieved woman" (the wife in this case) must file a written complaint of sexual harassment to the Internal Committee (IC) or Local Committee within 3 months of the incident or the last incident in a series.
- **Sub-section (2)** allows another person to file the complaint on behalf of the woman **in specific circumstances**:
  - **In case of physical or mental incapacity**: A legal heir or any other person may file the complaint.
  - **In case of death**: A legal heir (including the husband) can file the complaint.

Conclusion:

In the given case, if the wife is **unable to file the complaint herself** due to **physical or mental incapacity**, her husband, as her legal heir or representative, is entitled to file the complaint on her behalf, as per **Section 9(2)** of the POSH Act.

This provision ensures that even if the aggrieved woman is incapacitated or otherwise unable to represent herself, her rights are protected, and her family members (including her husband) can seek redressal through the proper legal channels.

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