



*Sakshi Singhal*  
*Senior Associate*

## SUPREME COURT ON POSH LAW IMPLEMENTATION

The Supreme Court of India (SC), in *Aureliano Fernandes* case,<sup>1</sup> on December 13, 2024 issued directives for the constitution and operation of committees under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) across India.

### Brief Facts

The case involved a petition before the SC arising out of a previous judgment concerning the implementation of the POSH Act. The petition highlighted the challenges in accessing justice for women employees facing sexual harassment at workplaces, particularly in cases where Internal Committees (ICs) were not constituted by employers having less than ten employees, or when the complaint was against the employer.

### SC's Guidelines

The SC issued several directives aimed at strengthening the implementation of the POSH Act including:<sup>2</sup>

- Appointment of District Officers: Chief Secretaries of all states were directed to appoint a District Officer for each district to oversee the implementation of the POSH Act by December 31, 2024.
- Constitution of Local Committees (LC): District Officers were directed to constitute LC in every district by January 31, 2025, to handle complaints where ICs are not constituted by employers or when complaints are against the employer.
- Constitution/Re-constitution of ICs: State governments and the Union of India were directed to ensure that all their departments, instrumentalities, agencies, public sector units, and other entities under their control must have properly constituted ICs by January 31, 2025.
- Survey and Reporting: District Officers were tasked with surveying the number of establishments in their districts that have constituted ICs and submit a report to the SC by March 31, 2025.
- Information Dissemination: The names and designations of nodal officers responsible for receiving complaints at various levels (block, *taluka*, *tehsil*, ward, municipality) were to be published on the websites of District Officers and the 'She-Box' portal.
- Support from Legal Services Institutions: Legal Services institutions at all levels (Central, State, District, and Taluka) were directed to provide assistance to aggrieved women in filing complaints under the POSH Act.

The SC also highlighted:<sup>3</sup>

- Access to the She-Box portal for District Officers to upload relevant details about ICs and LCs, enabling better monitoring and implementation.
- The possibility for states to consider instituting their own She-Box portals to further streamline the complaint filing process.
- The role of the Ministry of Labour and the Departments of Women and Child Development in ensuring effective implementation of the POSH Act through training, awareness campaigns, and coordination with legal services authorities.

<sup>1</sup> *Aureliano Fernandes v. The State of Goa & Ors*, 2024 LiveLaw (SC) 959.

<sup>2</sup> Paragraphs 16 and 17 of the Judgement.

<sup>3</sup> Paragraphs 14, 16 and 17 of the Judgement.

## Observations

The SC's directives emphasized a multi-pronged approach to strengthen the mechanisms for preventing and addressing sexual harassment complaints at workplaces. This involves clear responsibility allocation to government officials, utilization of technology, empowering legal services institutions, and ensuring accessibility for aggrieved women seeking redressal.

\*\*\*\*\*

This *Counselence Connect* contains information in a nutshell on a recent change in law.

This is not legal advice and must not be treated so. For any clarifications, please contact us at: [info@counselence.com](mailto:info@counselence.com). Past issues of *Counselence Connect* are available at the 'Newsletters' page of our website ([www.counselence.com](http://www.counselence.com)).