TELANGANA STATE LEGAL SERVICES AUTHORITY
1st & 2nd Floor, 'Nyaya Seva Sadan' Near Naga Devata Temple,
Gate No 2, High Court Premises, Hyderabad - 500 066
E-Mail: telanganaslsa@gmail.com
Website:www.tslsa.telangana.gov.in

CH.PANCHAKSHARI
Member Secretary
(District & Sessions Judge)

Sir/Madam,

Roc. No. 2534 /TSLSA/2025, Date:12-05-2025

Sub:- Implementation of the Hon'ble Supreme Court's Directions in 'Aureliano Fernandes v. State of Goa', MA No. 22553/2023 - Communicated - Reg.

Ref: NALSA E-mail Lr. Dt: 08.05.2025

***

Adverting to the captioned subject, I am to state that the Member Secretary, National Legal Services Authority, New Delhi vide letter in the reference cited, stated that with the approval of the Hon'ble Executive Chairman, NALSA, it is to apprise to all the SLSAs that the Hon'ble Supreme Court of India, *vide* its order dated 03.12.2024 in ***'Aureliano Fernandes v. State of Goa'*, MA No. 22553/2023**, arising out of final judgment and order dated 12.05.2023 in Civil Appeal No. 2482 of 2014, has issued directions.

Therefore, I am requesting your good office to circulate the copy of the order passed by the Hon'ble Supreme Court of India to all DLSAs and MLSCs and requesting to follow the directions issued in the said order.

Yours faithfully,

12/5/25

MEMBER SECRETARY

To
All the Chairpersons, District Legal Services Authorities in the State of Telangana.

DISTRICT LEGAL SERVICES AUTHORITY
RECEIVED
424/2025
DATED
12.05.2025
YADADRI-BHUVANAGIRI

OFFICE OF THE DISTRICT LEGAL SERVICES AUTHORITY, YADADRI-BHUVANAGIRI

Endt.Dis.No. 452 /DLSA/2025 Dt:12.05.2025

" Communicated "

CHAIRMAN

To:

1. The Secretary, DLSA, Yadadri-Bhuvanagiri
2. All the Chairmen, MLSCs in Yadadri-Bhuvanagiri dist.

ITEM NO.6 COURT NO.8 SECTION III

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

MISCELLANEOUS APPLICATION Diary No(s). 22553/2023

[Arising out of impugned final judgment and order dated 12-05-2023 in C.A. No.2482/2014 passed by the Supreme Court of India]

AURELIANO FERNANDES Petitioner(s)

VERSUS

THE STATE OF GOA & ORS. Respondent(s)

(Ms. Padma Priya, learned counsel has been appointed as Amicus Curiae.)

WITH
MA 1688/2023 in C.A. No. 2482/2014 (III)
(FOR CLARIFICATION/DIRECTION ON IA 131628/2023
FOR EXTENSION OF TIME ON IA 248631/2023
FOR EXEMPTION FROM FILING O.T. ON IA 114246/2024
IA No. 131628/2023 - CLARIFICATION/DIRECTION
IA No. 114246/2024 - EXEMPTION FROM FILING O.T.
IA No. 248631/2023 - EXTENSION OF TIME)

W.P.(C) No. 1224/2017 (PIL-W)
(IA No. 74098/2019 - EARLY HEARING APPLICATION
IA No. 95766/2018 - EXEMPTION FROM FILING O.T.
IA No. 29686/2018 - EXEMPTION FROM FILING O.T.
IA No. 127408/2022 - EXEMPTION FROM FILING O.T.
IA No. 107538/2022 - EXEMPTION FROM FILING O.T.
IA No. 12835/2018 - INTERVENTION/IMPLEADMENT)

Date : 03-12-2024 This petition was called on for hearing today.

CORAM :
HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

Ms. Padma Priya, Amicus Curiae.

For Petitioner(s) Mr. Sanjay Parikh, Sr. Adv.
Ms. Kritika, Adv.
Ms. Sanjana Grace Thomas, Adv.
Ms. Tara Elizabeth Kurien, Adv.
Mr. D.P.Singh, Adv.
Ms. Srishti Agnihotri, AOR

Mr. Atul Jha, Adv.
Mr. Dharmendra Kumar Sinha, AOR

By Courts Motion, AOR

Signature Not Verified
Digitally signed by NEETU SACHDEVA
Date: 2024.12.06 16:44:51 IST
Reason:

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For Respondent(s) Ms. Ruchira Gupta, Adv.
Mr. Shishir Deshpande, AOR
Ms. Pooja Tripathi, Adv.
Ms. Harshita Sharma, Adv.
Mr. Amit Kumar, Adv.
Mr. Abhishek Verma, Adv.

Mr. Sahil Bhalaik, AOR
Mr. Tushar Giri, Adv.
Mr. Siddharth Anil Khanna, Adv.
Mr. Ritik Arora, Adv.
Mr. Shivam Mishra, Adv.
Mr. Gowtham Polanki, Adv.
Mr. Murshlin Ansari, Adv.

Mr. Mahfooz Ahsan Nazki, AOR

Mr. Manish Kumar, AOR

Mr. Surjendu Sankar Das, AOR
Mr. Samarpit Chauhan, Adv.

Mr. Vinod Sharma, AOR

Mr. Rushab Aggarwal, Adv.
Mr. Pashupathi Nath Razdan, AOR

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Indrajit Prasad, Adv.
Mr. Karun Sharma, Adv.
Ms. Rajkumari Divyasana, Adv.

Mr. Bharat Bagla, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Sarad Kumar Singhania, AOR
Ms. Bharti Tyagi, Adv.

Mr. Anando Mukherjee, AOR
Mr. Shwetank Singh, Adv.

Mr. Shibashish Misra, AOR
Ms. Nupur Kumar, AOR

Ms. G. Indira, AOR
Mr. P Gandepan, Adv.
Mr. Ashwini Kumar, Adv.

Mr. Tanmaya Agarwal, AOR

contd..

Mr. Shwetank Sailakwal, Adv.
Mr. Wrick Chatterjee, Adv.
Mrs. Shwetank Sailakwal, Adv.
Mrs. Aditi Agarwal, Adv.

Ms. Mantika Haryani, Adv.
Ms. Astha Sharma, AOR
Ms. Pratibha Yadav, Adv.

Mrs. Aishwarya Bhati, A.S.G.
Mr. Vikramjeet Banerjee, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mrs. Nidhi Khanna, Adv.
Mr. V Chitambaresh, Adv.
Mrs. Rekha Pandey, Adv.
Mr. Shantnu Sharma, Adv.
Mrs. Suhasini Sen, Adv.
Mr. Annirudh Sharma Ii, Adv.
Mrs. Swati Ghildiyal, Adv.
Mr. Ishaan Sharma, Adv.
Mr. Tanmay Mehta, Adv.
Mr. S K Singhania, Adv.
Mr. B K Satija, Adv.
Mr. Sarthak Karol, Adv.
Ms. Riddhi Jad, Adv
Ms. Anupriya Srivastav, Adv.

Mr. K.M.Nataraj, A.S.G.
Mr. Kanu Aggarwal, Adv.
Mr. Tadimalla Bhaskar Gowtham, Adv.
Mr. Vatsal Joshi, Adv.
Mr. Mukesh Kr.verma, Adv.
Mr. Krishna Kant Dubey, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Mrinal Elkar Mazumdar, Adv.
Mr. Varun Chugh, Adv.
Mr. Mukesh Kr Verma, Adv.
Mrinal Elkar Mazumdar, Adv.
Mr. Rajesh Singh Chouhan, Adv.
Mr. Piyush Beriwal, Adv.
Tadimalla Bhaskar Gowtham, Adv.
Mr. Mukul Singh, Adv.
Mr. Shreekant Neelappa Terdal, AOR

Mr. Raj Bahadur Yadav, AOR

Mr. Aravindh S., AOR
Mr. Akshay Gupta, Adv.
Mr. Abbas B, Adv.

Mr. Sravan Kumar Karanam, AOR
Ms. Tayade Pranali Gowardhan, Adv.
Mr. Abhiram Bannuri, Adv.

contd..

Mr. Gurmeet Singh Makker, AOR
Mr. Vikramjit Banerjee, A.S.G.
Ms. Suhashini Sen, Adv.
Ms. Rekha Pandey, Adv.
Ms. Nidhi Khanna, Adv.
Ms. Swati Ghildiyal, Adv.
Ms. Sweksha, Adv.
Mr. Amrish Kumar Sharma, Adv.

Ms. Swati Ghildiyal, AOR
Ms. Deepanwita Priyanka, Adv.
Ms. Devyani Bhatt, Adv.
Ms. Abhipsa Mohanty, Adv.
Ms. Neha Singh, Adv.

Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. Deepak Thukral, A.A.G.
Mr. Samar Vijay Singh, AOR
Mr. Nikunj Gupta, Adv.
Ms. Himanshi Sakhya, Adv.
Mr. Saurav Sachdeva, Adv.
Mr. Sandeep Saxena, Adv.
Ms. Aakanksha, Adv.
Ms. Sabarni Som, Adv.
Mr. Fateh Singh, Adv.
Mr. Amitabh Ranjan, Adv.

Mr. Shantanu Sagar, AOR
Mr. Anil Kumar, Adv.
Mr. Gunjesh Ranjan, Adv.
Mrs. Divya Mishra, Adv.
Mr. Vaibhav Jain, Adv.
Mr. Chinmay Kumar, Adv.

Mr. V. N. Raghupathy, AOR
Ms. Mythili S, Adv.

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.

Mr. Avijit Mani Tripathi, AOR
Mr. T.k. Nayak, Adv.
Ms. Marbiang Khongwir, Adv.
Mr. Daniel Lyngdoh, Adv.

Ms. K. Enatoli Sema, AOR
Ms. Limayinla Jamir, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.

contd..

Mr. Prang Newmai, Adv.

Mr. Sameer Abhyankar, AOR
Mr. Aakash Thakur, Adv.
Mr. Krishna Rastogi, Adv.

Mr. Amit Anand Tiwari, Sr. A.A.G.
Mr. Sabarish Subramanian, AOR
Ms. Devyani Gupta, Adv.
Mr. Vishnu Unnikrishnan, Adv.
Mr. C Kranthi Kumar, Adv.
Mr. Danish Saifi, Adv.
Ms. Tanvi Anand, Adv.

Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Mr. Saurabh Tripathi, Adv.

Mr. Abhishek Atrey, AOR
Dr. Abhishek Atrey, Adv.
Ms. Ishita Bist, Adv.
Ms. Ambika Atrey, Adv.
Ms. Jyoti Verma, Adv.
Mr. Brijesh Kumar, Adv.

Mr. Gopal Singh, AOR

Mr. Amrish Kumar, AOR
Mr. Vikramjit Banerjee, A.S.G.
Mr. Adarsh Kumar Pandey, Adv.
Mr. Noor Rampal, Adv.
Ms. Sweksha, Adv.
Mr. Shashank Bajpai, Adv.
Ms. Alina Masoodi, Adv.

Mr. Saurabh Rajpal, AOR
Mr. Siddhant Singh, Adv

Mr. Gurmeet Singh Makker, AOR
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Ms. Sweksha, Adv.
Mr. Amrish Kumar Sharma, Adv.

Mr. Divyanshu Kumar Srivastava, AOR

Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.

contd..

Ms. Swati Ghildiyal, AOR
Ms. Deepanwita Priyanka, Adv.
Ms. Devyani Bhatt, Adv.
Ms. Abhipsa Mohanty, Adv.
Ms. Neha Singh, Adv.

Mr. Sravan Kumar Karanam, AOR
Ms. Tayade Pranali Gowardhan, Adv.
Mr. Abhiram Bannuri, Adv.

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Mr. Tanmay Mehta, Adv.
Mr. S K Singhania, Adv.
Mr. B K Satija, Adv.
Mr. Sarthak Karol, Adv.

Ms. Aishwarya Bhati, A.S.G.
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V.chitambaresh, Adv.
Shantnu Sharma, Adv.
Annirudh Sharma-ii, Adv.
Ishaan Sharma, Adv.
S.k.singhania, Adv.
B.k.satija, Adv.
Manish, Adv.
Dr. N. Visakamurthy, AOR

Ms. Diksha Rai, AOR
Ms. Aakanksha Kaul, Adv.
Ms. Apurva Sachdev, Adv.
Mr. Piyush Vyas, Adv.
Mr. Aman Sahani, Adv.
Ms. Rhea Borkotoky, Adv.
Mr. Akash Saxena, Adv.
Ms. Purvat Wali, Adv.

Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Mr. Saurabh Tripathi, Adv.

contd..

Mr. Manish Kumar, AOR

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Mr. Aakash Thakur, Adv.
Mr. Krishna Rastogi, Adv.

Mr. Sudarshan Singh Rawat, AOR
Mr. Ajay Bahuguna, Adv.
Ms. Saakshi Singh Rawat, Adv.
Mr. Sunny Sachin Rawat, Adv.

Mr. Siddhant Sharma, AOR
Mr. Prafull Bhardwaj, Adv.

Ms. Manju Jetley, AOR

Mr. Sahil Bhalaik, AOR
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Mr. Varun Chugh, Adv.

contd..

Mr. Mukesh Kr Verma, Adv.
Mrinal Elkar Mazumdar, Adv.
Mr. Rajesh Singh Chouhan, Adv.
Mr. Piyush Beriwal, Adv.
Tadimalla Bhaskar Gowtham, Adv.
Mr. Mukul Singh, Adv.
Mr. Shreekant Neelappa Terdal, AOR

Ms. Rashmi Nandakumar, AOR
Ms. Yashmita Pandey, Adv.

UPON hearing the counsel the Court made the following

O R D E R

We have heard learned senior counsel for the petitioner(s), learned A.S.G. and learned counsel appearing for the Union of India, learned counsel for NALSA and learned Amicus Curiae and also other senior counsel/counsel, who are appearing for the respective States and Union Territories.

Learned counsel for the NALSA, with reference to her note has brought to our notice the three ways in which an aggrieved woman can approach the Legal Services Institutions for the purpose of making her complaint or to seek advice in such matters. They are: (i) through Legal Services Clinics and para Legal Volunteers (PLVs); (ii) Legal helpline (15100 – NALSA helpline number); and (iii) through the Legal Services Management System, the details of which are available on NALSA'S web-site.

She submitted that any aggrieved women who is not in a position to access the Internal Complaints Committee or the Local Committee could seek advice or file her complaint through the aforesaid modes. She further submitted that if any aggrieved woman approaches any of the legal services institutions, the personnel at those institutions would assist such an aggrieved woman to file the complaint either before the Internal Complaints Committee or

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before the Local Committee, as the case may be, and in cases where necessary, will also assist such an aggrieved woman to approach the local police station.

During the course of submissions, learned Amicus Curiae pointed out that having regard to Sections 5 to 7 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (for short, `the 2013 Act'), there is a need for the appropriate Government notifying the District Magistrate or Additional District Magistrate or Collector or Deputy Collector, which would also include the Deputy Commissioner of a district as a District Officer for every district to exercise powers or discharge functions under the Act; that every District Officer has to constitute in the district concerned, a Committee known as the Local Committee to receive complaints of sexual harassment from establishments, where the Internal Committee has not been constituted due to having less than ten workers or if the complaint is against the employer itself. Further, the District Officer has to facilitate one Nodal Officer in every Block, Taluka and Tehsil in rural or tribal area and ward or municipality in the urban area, to receive complaints and forward the same to the concerned Local Committee within a period of seven days. The jurisdiction of the Local Committee extends to the areas of a district, where it is constituted.

Learned Amicus also pointed out that the composition, tenure and other terms and conditions of the Local Committee are delineated in Section 7 of the 2013 Act. Therefore, there is a

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need for implementation of this provision in the States and Union Territories where they are not yet implemented. She further submitted that this Local Committee is in addition to the Internal Committee particularly where they have not yet been constituted owing to less than ten workers or the Local Committee would be assisting the complainant if the complainant is against the employer itself. For ease of reference, Sections 5 to 7 of the 2013 Act are extracted as under -

> "5. Notification of District Officer. — The appropriate Government may notify a District Magistrate or Additional District Magistrate or the Collector or Deputy Collector as a District Officer for every District to exercise powers or discharge functions under this Act.
>
> 6. Constitution and jurisdiction of Local Committee.— (1) Every District Officer shall constitute in the district concerned, a committee to be known as the "Local Committee" to receive complaints of sexual harassment from establishments where the Internal Committee has not been constituted due to having less than ten workers or if the complaint is against the employer himself.
>
> (2) The District Officer shall designate one nodal officer in every block, taluka and tehsil in rural or tribal area and ward or municipality in the urban area, to receive complaints and forward the same to the concerned Local Committee within a period of seven days.
>
> (3) The jurisdiction of the Local Committee shall extend to the areas of the district where it is constituted.
>
> 7. Composition, tenure and other terms and conditions of Local Committee. — (1) The Local Committee shall consist of the following members to be nominated by the District Officer, namely: —
>
> (a) a Chairperson to be nominated from amongst the eminent women in the field of social work and committed to the cause of women;
>
> (b) one Member to be nominated from amongst the women working in block, taluka or tehsil or ward or municipality in the district;

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(c) two Members, of whom at least one shall be a woman, to be nominated from amongst such non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, which may be prescribed:

Provided that at least one of the nominees should, preferably, have a background in law or legal knowledge:

Provided further that at least one of the nominees shall be a woman belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or minority community notified by the Central Government, from time to time;

(d) the concerned officer dealing with the social welfare or women and child development in the district, shall be a member ex officio.

(2) The Chairperson and every Member of the Local Committee shall hold office for such period, not exceeding three years, form the date of their appointment as may be specified by the District Officer.

(3) Where the Chairperson or any Member of the Local Committee —
(a) contravenes the provisions of section 16; or
(b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
(c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
(d) has so abused his position as to render his continuance in office prejudicial to the public interest, such Chairperson or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

(4) The Chairperson and Members of the Local Committee other than the Members nominated under clauses (b) and (d) of sub-section (1) shall be entitled to such fees or allowances for holding the proceedings of the Local Committee as may be prescribed.

Having regard to the mandate of Section 5, the Chief Secretary of every State and the Union Territories to ensure that the District Magistrate or Additional District Magistrate or the

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Collector or Deputy Collector or the Deputy Commissioner, as the case may be, be appointed and notified as District Officer ex officio for every district in the States and Union Territories to exercise powers or discharge functions under the provisions of the Act.

Further, the District officer of every district has to in turn constitute a Committee to be known as Local Committee to receive complaints of sexual harassment as stipulated in sub-Section 1 of Section 6 of the Act.

The District Officer shall also designate one nodal officer in every block, taluka and tehsil in rural or tribal area and ward or municipality in the urban area, to receive complaints and to forward the same to the concerned Local Committee within a period of seven days from the date of receipt of such complaint. The jurisdiction of the Local Committee shall extend to the areas of the district where it is constituted.

Further, the District Officer shall constitute a Local Committee in terms of sub-Section 1 of Section 7 of the Act wherever such Local Committee has not yet been constituted in a particular district.

In order that the aggrieved women may be able to make the complaint to the Local Committee, the names of the nodal officer and their designation for each Block, Taluka and Tehsil in the rural or tribal areas and ward or municipality in the urban areas, who would receive the complaints and forward the same to the Local Committee shall be notified on the website of the District Officer,

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who is none other than the District Magistrate or Additional District Magistrate or the Collector or Deputy Collector or the Deputy Commissioner, as the case may be, ex officio.

In whichever States or Union Territories the Sexual Harassment electronic Box (SHe-Box) portal has been instituted by the Government of the States or the Union Territories the same shall also indicate the name and designation of the nodal officer for each district.

The District Officer shall also comply with the duties as mentioned in Section 20 of the 2013 Act.

For ease of reference, Section 20 is extracted as under -

> "20. Duties and powers of District Officer.—The District Officer shall, —
> (a) monitor the timely submission of reports furnished by the Local Committee;
>
> (b) take such measures as may be necessary for engaging non-governmental organisations for creation of awareness on sexual harassment and the rights of the women."

In addition, the Chief Secretaries of each State shall also direct the Deputy Commissioners, District Magistrates or Additional District Magistrates, Collector or Deputy Collector of each district to survey the number of organisations, both public sector as well as private, within the district, which have already constituted the Internal Complaints Committee and seek information in that regard. Further, wherever the Internal Complaints Committee have not been constituted, the District Officer shall take steps to ensure that such Committees are constituted by sending the

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necessary advisories/directions to the said entities. This may be done having regard to Section 26 of the Act, where a penalty is envisaged when an employer fails to constitute the Internal Committee under sub-Section 1 of Section 4.

The Internal Complaints Committees have to be constituted by the employer in respect of a work place . This is a statutory duty. Work place is defined under Section 2(o) of the 2013 Act, which reads as under -

> **"2(o) "workplace" includes —**
>
> **(i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;**
>
> **(ii) any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainmental, industrial, health services or financial activities including production, supply, sale, distribution or service;**
>
> **(iii) hospitals or nursing homes;**
>
> **(iv) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;**
>
> **(v) any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey;**
>
> **(vi) a dwelling place or a house;"**

The aforesaid direction has also been issued in order dated

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22.10.2024 by this Court, the relevant portion of which reads as under -

" xxx xxxx

It is further observed that the Ministry of Labour of the Union of India as well as the Departments of Labour in the respective State Governments in consultation with the Department of Women and Child Development both at the Union as well as at the State Level shall take steps to ensure that the provisions of the Act are effectively implemented by issuing directions for the constitution of the Internal Complaints Committees where they have not yet been constituted and also for ensuring the said Committees work in accordance with law in letter and spirit of the Act and train the employees in the form of giving training and creating awareness about the rights of the women in workplaces.

xxx xxx

It is also expected that the Department of Labour, Department of Women and Child Development in all the States as well as the Union of India shall render all assistance to the National and State Legal Services Authorities respectively for effective implementation of the Act."

Learned A.S.G. submitted that vide order dated 22.10.2024, this Court has noted the institution of the She-Box portal and the information on the said portal is being filled-up and the States and Union Territories could also access the She-Box to indicate the relevant information in compliance with the provisions of the Act.

The District Officer appointed for every district could also upload the requisite details for the effective implementation of Sections 4 and 6 of the Act in the matter of constitution of the Internal Complaints Committee in a work place by every employer as well as the Local Committee which has been constituted for each

district through the Labour Department/Department of Women and Child of each State which shall in turn upload the details to the She-Box which has been instituted by the Union of India. Every state could also think of instituting a She-box for the purpose of registering complaints, either before the Internal Complaints Committee of a work place or through a Local Committee of a district as a means of access to make such a complaint and if any such She-box is or has been constituted by the State Government/Union Territory, the same shall be activated and the complaints received shall in turn be referred to the respective Internal Complaints Committee or the Local Committee, as the case may be.

The above observations are for the purpose of facilitation to make a complaint by an aggrieved woman.

For the purpose of conducting a survey by the District Officer as notified above, the said survey shall be conducted and the report shall be submitted to this Court on or before 31.03.2025 on behalf of every State/Union Territory. Thus, the following directions -

(1) The Chief Secretaries of every State shall take steps to identify and notify the Officer to be the District Officer of every District on or before 31.12.2024, if not already done.

(2) The District Officer shall constitute the Local Committee wherever such committees have not yet been constituted or there has to be a reconstitution of such committees already constituted on or before 31.01.2025.

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(3) The Chief Secretaries of States/Territories shall ensure that the Internal Complaints Committee shall be constituted or re-constituted, as the case may be, having regard to the Section 4 of the 2013 Act in respect of their Government Departments, instrumentalities and agencies of the State Government and public sector units and other units coming under the supervision and control of the State Governments/Union Territories by 31.01.2025.

(4) Similarly, Union of India/Central Government, shall take steps to constitute or re-constitute, as the case may be, the Internal Complaints Committee in respect of a work place, wherever the same has not yet been accomplished on or before 31.01.2025 in respect of its Departments, instrumentalities and agencies.

(5) The respective States/Union Territories to file the affidavits in compliance of these directions and copies of the said affidavits shall be e-mailed to learned ASG, learned Amicus Curiae, learned AOR for the petitioner(s) in W.P. No. 1224/2017. The said affidavits shall be filed in the first week of February, 2025 indicating the compliance of the aforesaid directions.

(6) The Legal Services Institutions at the Central, State, District and Taluka levels shall assist an aggrieved woman to make a complaint under the provisions of the 2013 Act as and when approached.

The Registry of this Court is directed to provide Login-ID to learned Amicus Curiae assisting this Court in this case so as to have access to all the pleadings, affidavits and other documents

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etc. filed by the respective counsel in this case.

The Registry of this Court to send a copy of this Order to the respective Chief Secretaries of the States/Union Territories for compliance.

List on 11.02.2025.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(ANU BHALLA)
COURT MASTER (NSH)

ITEM NO.14 COURT NO.7 SECTION III

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

MISCELLANEOUS APPLICATION Diary No(s). 22553/2023

[Arising out of impugned final judgment and order dated 12-05-2023 in C.A. No. 2482/2014 passed by the Supreme Court of India]

AURELIANO FERNANDES Petitioner(s)

VERSUS

THE STATE OF GOA & ORS. Respondent(s)

Ms. Padma Priya, learned counsel has been appointed as Amicus Curiae.

WITH
MA 1688/2023 in C.A. No. 2482/2014 (III)
FOR CLARIFICATION/DIRECTION ON IA 131628/2023
FOR EXTENSION OF TIME ON IA 248631/2023
FOR EXEMPTION FROM FILING O.T. ON IA 114246/2024
IA No. 131628/2023 - CLARIFICATION/DIRECTION
IA No. 114246/2024 - EXEMPTION FROM FILING O.T.
IA No. 248631/2023 - EXTENSION OF TIME

W.P.(C) No. 1224/2017 (PIL-W)
IA No. 74098/2019 - EARLY HEARING APPLICATION
IA No. 107538/2022 - EXEMPTION FROM FILING O.T.
IA No. 95766/2018 - EXEMPTION FROM FILING O.T.
IA No. 29686/2018 - EXEMPTION FROM FILING O.T.
IA No. 127408/2022 - EXEMPTION FROM FILING O.T.
IA No. 12835/2018 - INTERVENTION/IMPLEADMENT

Date : 22-04-2025 This petition was called on for hearing today.

CORAM :
HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) :Mr. Sanjay Parikh, Sr. Adv.
Ms. Srishti Agnihotri, AOR
Ms. Esha Shekhar, Adv.
Ms. Sanjana Grace Thomas, Adv.
Ms. Kritika, Adv.
Ms. Tara Elizabeth Kurien, Adv.
Mr. D.p.singh, Adv.

Signature Not Verified
Digitally signed by NEETU SACHDEVA
Date: 2025.04.24 16:42:13 IST
Reason:

Mr. Dharmendra Kumar Sinha, AOR
By Courts Motion, AOR

For Respondent(s) : Mr. Sahil Bhalaik, AOR
Mr. Tushar Giri, Adv.

contd..

Mr. Siddharth Anil Khanna, Adv.
Mr. Ritik Arora, Adv.
Mr. Shivam Mishra, Adv.
Mr. Gowtham Polanki, Adv.
Mr. Sewa Singh, Adv.
Mr. Nimit Shukla, Adv.

Ms. Ruchira Gupta, Adv.
Mr. Shishir Deshpande, AOR
Ms. Pooja Tripathi, Adv.
Mr. Amit Kumar, Adv.
Mr. Abhishek Verma, Adv.

Mr. Mahfooz Ahsan Nazki, AOR

Mr. Manish Kumar, AOR
Mr. Divyansh Mishra, Adv.

Mr. Surjendu Sankar Das, AOR
Mr. Vishwajeet Singh Shekhawat, Adv.
Mr. P K Bajaj, Adv.

Mr. Sandeep Singh Dingra, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Ms. Manisha Chawla, Adv.
Mr. Varun Varma, Adv.
Mr. Zawed Raza, Adv.
Mr. Rajesh Singh, Adv.
Mr. Vinod Sharma, AOR

Mr. Rushab Aggarwal, Adv.
Mr. Pashupathi Nath Razdan, AOR

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.

Mr. Aditya Krishna, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Sarad Kumar Singhania, AOR

Mr. Anando Mukherjee, AOR
Mr. Shwetank Singh, Adv.
Ms. Pooja Singh, Adv.

Mr. Shibashish Misra, AOR

Mr. Siddhant Sharma, AOR
Ms. Osheen Bhat, Adv.

contd..

Ms. G. Indira, AOR
Mr. P Gandepan, Adv.

Mr. Tanmaya Agarwal, AOR
Mr. Wrick Chatterjee, Adv.
Mrs. Aditi Agarwal, Adv.

Mr. Kunal Mimani, AOR
Mr. Tanish Arora, Adv.

Mrs. Aishwarya Bhati, A.S.G.
Mr. Vikramjeet Banerjee, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. V Chitambaresh, Adv.
Mrs. Rekha Pandey, Adv.
Mrs. Suhasini Sen, Adv.
Mr. Shantnu Sharma, Adv.
Mrs. Swati Ghildiyal, Adv.
Mr. Annirudh Sharma Ii, Adv.
Mr. Tanmay Mehta, Adv.
Mr. Ishaan Sharma, Adv.
Mr. S K Singhania, Adv.
Mr. B K Satija, Adv.
Mr. Sarthak Karol, Adv.

Mr. Aishwarya Bhati, A.S.G.
Mr. K.M.Nataraj, A.S.G.
Mr. Sarthak Karol, Adv.
Mr. Vatsal Joshi, Adv.
Mr. V Chitambaresh, Adv.
Mr. Mukesh Kr.verma, Adv.
Mr. Shantnu Sharma, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Annirudh Sharma Ii, Adv.
Mr. Ishaan Sharma, Adv.
Mrinal Elkar Mazumdar, Adv.
Mr. Sarad Kumar Singhania, Adv.
Tadimalla Bhaskar Gowtham, Adv.
Mr. B K Satija, Adv.
Mr. Kanu Aggarwal, Adv.
Mr. Tadimalla Bhaskar Gowtham, Adv.
Mr. Krishna Kant Dubey, Adv.
Mr. Mrinal Elkar Mazumdar, Adv.
Mr. Mukesh Kr Verma, Adv.
Mr. Rajesh Singh Chouhan, Adv.
Mr. Piyush Beriwal, Adv.
Mr. Mukul Singh, Adv.
Mr. Varun Chugh, Adv.
Mr. Arvind Kumar Sharma,aor, Adv.
Mr. Shreekant Neelappa Terdal, AOR
Mr. Raj Bahadur Yadav, AOR

contd..

Mr. Aravindh S., AOR
Mr. Akshay Gupta, Adv.
Mr. Aadithya Aravindh, Adv.

Mr. Sravan Kumar Karanam, AOR
Ms. P. Geetanjali, Adv.
Mr. Abhiram Bannur, Adv.

Mr. Vikramjit Banerjee, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Swarupma Chaturvedi, Adv.
Mr. Siddharth Sinha, Adv.
Mr. Raman Yadav, Adv.
Ms. Priyanka Terdal, Adv.

Ms. Swati Ghildiyal, AOR
Ms. Deepanwita Priyanka, Adv.
Ms. Abhipsa Mohanty, Adv.

Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. Deepak Thukral, A.A.G.
Mr. Samar Vijay Singh, AOR
Mr. Nikunj Gupta, Adv.
Ms. Aakanksha, Adv.
Ms. Sabarni Som, Adv.
Mr. Aman Dev Sharma, Adv.
Mr. Nikhil Goyal, Adv.
Mr. Ayush Gupta, Adv.
Ms. Shalini Satyanarayan, Adv.

Mr. Shantanu Sagar, AOR
Mr. Anil Kumar, Adv.
Mr. Gunjesh Ranjan, Adv.
Mr. Manoneet Dwivedi, Adv.
Mr. Prakash Kumarmangalam, Adv.
Mr. Abhishek Kumar Gupta, Adv.
Ms. Niharika Rai, Adv.

Mr. V. N. Raghupathy, AOR
Mr. Raghavendra M. Kulkarni, Adv.

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.
Mr. Santhosh K, Adv.

Mr. Avijit Mani Tripathi, AOR

Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.

contd..

Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

Mr. Sameer Abhyankar, AOR
Ms. Ripul Swati Kumari, Adv.
Mr. Krishna Rastogi, Adv.

Mr. Sabarish Subramanian, AOR

Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Mr. Saurabh Tripathi, Adv.

Mr. Abhishek Atrey, AOR
Dr. Abhishek Atrey, Adv.
Ms. Ishita Bist, Adv.

Mr. Gopal Singh, AOR

Mr. Siddhant Sharma, AOR
Ms. Osheen Bhat, Adv.

Ms. Ankita Sharma, AOR
Mr. Arjun D Singh, Adv.

Mr. Sahil Bhalaik, AOR
Mr. Tushar Giri, Adv.
Mr. Siddharth Anil Khanna, Adv.
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Mr. Shivam Mishra, Adv.
Mr. Gowtham Polanki, Adv.
Mr. Sewa Singh, Adv.

Mr. Vikramjit Banerjee, A.S.G.
Mr. Sudarshan Lamba, AOR
Mr. Shashank Bajpai, Adv.
Mr. Noor Rampal, Adv.
Ms. Alina Masod, Adv.
Mr. Adarsh Kr. Panday, Adv.
Ms. Sweksha, Adv.

Ms. Aishwarya Bhati, A.S.G.
Mr. A.K. Sharma- Aor, Adv.
Mr. Sarthak Karol, Adv.
Mr. V.Chitambaresh, Adv.
Mr. Shantnu Sharma, Adv.
Mr. Annirudh Sharma-(ii), Adv.
Mr. Ishaan Sharma, Adv.
Mr. S.K.Singhania, Adv.

contd..

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Mr. Mukul Singh, Adv.
Mr. Varun Chugh, Adv.
Mr. Arvind Kumar Sharma,aor, Adv.
Mr. Shreekant Neelappa Terdal, AOR

Mr. Shovan Mishra, AOR
Ms. Bipasa Tripathy, Adv.

Mr. Amrish Kumar, AOR

Mr. Saurabh Rajpal, AOR
Mr. Aishwary, Adv.

Mr. Vikramjit Banerjee, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Swarupma Chaturvedi, Adv.
Mr. Siddharth Sinha, Adv.

contd..

Mr. Raman Yadav, Adv.
Ms. Priyanka Terdal, Adv.

Mr. Divyanshu Kumar Srivastava, AOR
Mr. Saurabh Pandey, Adv.

Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.

Ms. Swati Ghildiyal, AOR
Ms. Deepanwita Priyanka, Adv.
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Mr. Ishaan Sharma, Adv.
Mr. S K Singhania, Adv.
Mr. B K Satija, Adv.
Mr. Sarthak Karol, Adv.

Mr. Sravan Kumar Karanam, AOR
Ms. P. Geetanjali, Adv.
Mr. Abhiram Bannur, Adv.

Ms. Aishwarya Bhati, A.S.G.
Sarthak Karol, Adv.
V.Chitambaresh, Adv.
Shantnu Sharma, Adv.
Annirudh Sharma-ii, Adv.
Ishaan Sharma, Adv.
S.k.singhania, Adv.
B.k.satija, Adv.
Manish, Adv.
Dr. N. Visakamurthy, AOR

Ms. Diksha Rai, AOR
Ms. Purvat Wali, Adv.
Mr. Piyush Vyas, Adv.

Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Mr. Saurabh Tripathi, Adv.

contd..

Ms. Meenakshi S. Kamble, Adv.
Ms. Niharika Dewivedi, Adv.
Mr. Akhileshwar Jha, Adv.
Mr. Amit Kumar Chawla, Adv.
Mr. Sanjiv Kumar Jain, Adv.
ms. Gurjinder Kaur, Adv.
Ms. Manju Jetley, AOR

Mr. Manish Kumar, AOR
Mr. Divyansh Mishra, Adv.

Mr. Avijit Mani Tripathi, AOR

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Ms. Pooja Singh, Adv.

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Mr. Krishna Rastogi, Adv.

Mr. Surjendu Sankar Das, AOR
Mr. Vishwajeet Singh Shekhawat, Adv.
Mr. P K Bajaj, Adv.

Mr. Sudarshan Singh Rawat, AOR
Ms. Saakshi Singh Rawat, Adv.
Mr. Ajay Bahuguna, Adv.
Mr. Sunny Sachin Rawat, Adv.

Ms. Mrinal Gopal Elker, AOR
Mr. Aditya Vaibhav Singh- G.a,, Adv.
Ms. Abha R. Sharma, Adv.
Ms. Chhavi Khandelwal, Adv

UPON hearing the counsel the Court made the following

O R D E R

Registry to show the name of Shri Arvind S., learned counsel for the Union Territory of Puducherry, in the Cause List.

contd..

Ms. Padma Priya, learned Amicus Curiae submitted that pursuant to the directions issued by this Court on 03.12.2024, there have been certain compliances which have been made by the respective State Governments and Union Territories. However, there is no complete compliance of all the directions. In this regard, learned Amicus Curiae has submitted a Status Report collating the details of compliances which have been made by the State Governments as well as the Union Territories (U.Ts) and also the details of there being no complete compliance of our directions issued on the aforesaid date. She therefore, submitted that she would issue a communication to all the learned counsel appearing for the respective State Governments and Union Territories to file further affidavits so as to bring out complete compliance of the directions issued by this Court on the aforesaid date. She further submitted that the chart would be prepared on receipt of the said affidavits with regard to further compliances that have to be made. In this regard, her submission was that mere issuance of directions by the State Governments/U.Ts to the local authorities for compliance with the orders of this Court without there being a follow-up action to ensure that there has in fact being an obedience to the order of this Court would be of no avail. According to learned Amicus Curiae, the State Governments and U.Ts must bring to the notice of this Court that not only there has been communication of the directions issued by this Court but more

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importantly, compliance of the said directions inasmuch as the appointment of the District Officers, constitution or re-constitution of the Internal Complaints Committee at the work places must be made in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (for short, `the 2013 Act') and at the earliest.

In the circumstances, we direct the State Governments and Union Territories to file follow-up affidavits, so as to indicate that there has been compliance of the directions issued by this Court on 03.12.2024 inasmuch as pursuant to the communications made by the State Governments to the local authorities, there has been constitution of the Internal Complaints Committee at the work places and further the provisions of the Act have been complied with. The said affidavits shall be filed on or before 09.05.2025.

Further, the Union of India shall also file its respective affidavits with regard to compliance of the directions issued on 03.12.2024. For ease of reference, the directions issued are extracted below –

"(1) The Chief Secretaries of every State shall take steps to identify and notify the Officer to be the District Officer of every District on or before 31.12.2024, if not already done.

(2) The District Officer shall constitute the Local Committee wherever such committees have not yet been

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constituted or there has to be a reconstitution of such committees already constituted on or before 31.01.2025.

(3) The Chief Secretaries of States/Territories shallensure that the Internal Complaints Committee shall be constituted or re-constituted, as the case may be, having regard to the Section 4 of the 2013 Act in respect of their Government Departments, instrumentalities and agencies of the State Government and public sector units and other units coming under the supervision and control of the State Governments/Union Territories by 31.01.2025.

(4) Similarly, Union of India/Central Government, shall take steps to constitute or re-constitute, as the case may be, the Internal Complaints Committee in respect of a work place, wherever the same has not yet been accomplished on or before 31.01.2025 in respect of its Departments, instrumentalities and agencies.

(5) The respective States/Union Territories to file the affidavits in compliance of these directions and copies of the said affidavits shall be e-mailed to learned ASG, learned Amicus Curiae, learned AOR for the petitioner(s) in W.P. No. 1224/2017. The said affidavits shall be filed in the first week of February, 2025 indicating the compliance of the aforesaid directions.

(6) The Legal Services Institutions at the Central, State, District and Taluka levels shall assist an aggrieved woman to make a complaint under the provisions of the 2013 Act

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as and when approached.

The Registry of this Court is directed to provide Login-ID to learned Amicus Curiae assisting this Court in this case so as to have access to all the pleadings, affidavits and other documents etc. filed by the respective counsel in this case."

Learned Amicus Curiae further submitted that the directions with regard to appointment of Nodal Officers in terms of sub-Section (2) of Section 6 of 2013 Act have not been complied with by certain States as well as the Union Territories, while it has been done so by others.

The State Governments and the Union Territories are directed to indicate in detail the appointment of the Nodal Officers as well as the uploading of the same on the respective websites and to indicate details of the same in the affidavit to be filed by the respective States as well as the Union Territories.

Further, as requested by learned A.S.G. appearing for the Union of India, a virtual conference between the representatives of the Department of Women and Child Development of the respective State Governments and Union Territories with the representatives of the same Department of the Union of India and the learned Amicus Curiae as well as learned counsel for the petitioner(s) could be held on 03.05.2025 at 11.00 a.m., so that there could be an exchange of information and best practices that are being followed in

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the respective States.

Learned counsel for the respective State Governments and Union Territories may also be present in the said meeting.

Learned Amicus Curiae to inform the learned standing counsel/counsel for the State of Arunanchal Pradesh and Union Territory of Daman and Diu about today's proceedings so as to comply with the directions issued by this Court on 03.12.2024 as well as the directions issued today.

It is needless to observe that learned counsel representing the States as well as Union Territories would transmit the affidavits to be filed by them to the learned Amicus Curiae and learned counsel for the petitioner(s) by email at the earliest.

List on 14.05.2025.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)

NATIONAL LEGAL SERVICES AUTHORITY

SPEAK UP

Handbook on 'POSH Act'

For Employees/Employers/Institutions/Organisations/ Internal Committees/Local Committees



CREATING WORKPLACE: BOLD & JUST



SPEAK UP

Handbook on 'POSH Act'
[Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013]

NATIONAL LEGAL SERVICES AUTHORITY

Conceptualized and created:

Shreya Arora Mehta

In consultation with

S.C. Munghate
Samarendra P. Naik-Nimbalkar
Amandeep Sibia
Aavritee Naithani
Anurag Bhaskar

Research and technical assistance:

Komal Bansal

Printed At

Degree 360 Solutions Pvt. Ltd.

B. R. Gavai
Judge, Supreme Court of India
&
Executive Chairman,
National Legal Services Authority

B-Block, Ground Floor
Administrative Buildings Complex
Supreme Court of India, New Delhi-110001

FOREWORD

The workplace is meant to be a space where individuals thrive, contribute meaningfully, and realize their full potential – free from fear, discrimination, and harassment. The protection of this right is not only a legal imperative but also a moral one, reflecting our collective responsibility to uphold dignity and equality for all. As the visionary social reformer Savitribai Phule once said, "Women's rights are not a privilege but a fundamental aspect of human rights." This powerful statement underscores that women's rights are intrinsic to the notion of equality, and integral to the advancement of society as a whole. The Constitution of India enshrines the right to equality and non-discrimination under Articles 14 and 15, and guarantees the right to life and personal liberty, including the right to live with dignity, under Article 21. These constitutional principles form the bedrock of gender equality, ensuring that no individual is denied the opportunity to work in a safe and respectful environment.

India's commitment to gender justice is further reflected in its ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which calls for the protection of women from all forms of violence and discrimination, including in the workplace. The 1997 Vishakha Judgment by the Supreme Court of India was a pivotal moment, recognizing sexual harassment at the workplace as a violation of fundamental rights under Articles 14, 15, and 21, and establishing a framework for the prevention and redress of such harassment. Building upon these judicial developments, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) was enacted to provide a comprehensive legal framework to ensure that women feel safe, respected, and empowered in every workplace.

While the POSH Act provides a robust legal framework, a statute remains redundant without its proper implementation and awareness. The true impact of any law is realized only when its provisions are fully understood, disseminated, and effectively enforced. This is where initiatives like SPEAK UP – a Handbook on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, developed by the National Legal Services Authority (NALSA), become indispensable. This handbook plays a critical role in making the law accessible and actionable, and in creating the awareness necessary to translate legal mandates into real-world practices.

One of the most important aspects of ensuring a safe and respectful work environment is through capacity building. By empowering both employees and employers with the knowledge and tools to prevent, identify, and address sexual harassment, this handbook supports the creation of workplaces where everyone can work with dignity and respect. Through its guidance on orientation programs, awareness campaigns, and the establishment of Internal and Local Committees, the handbook assists organizations in fostering a culture of accountability, sensitivity, and respect.

Contd....P/2

Address for Communication: National Legal Services Authority, Ground Floor, Double Storey, Jaisalmer House
26, Mansingh Road, New Delhi-110011 • Website: www.nalsa.gov.in, E-mail: nalsa-dla@nic.in
Ph: 23382778, 23071450, Fax: 23382121

The judiciary has consistently underscored the importance of gender justice and the right to work with dignity. As Executive Chairman of NALSA, I take pride in our continued efforts to make legal knowledge accessible and actionable for every citizen. This handbook furthers our mission by equipping individuals and institutions with the tools needed to prevent, prohibit, and redress sexual harassment in the workplace.

I commend the team behind this publication for their dedication and clarity of purpose. It is my sincere hope that this handbook will inspire greater sensitivity, accountability, and proactive engagement in ensuring that our workplaces truly reflect the constitutional values of gender equality by preventing discrimination and ensuring a safe, respectful environment for women.



(B. R. Gavai)

राष्ट्रीय विधिक सेवा प्राधिकरण
NATIONAL LEGAL SERVICES AUTHORITY
(Constituted under the Legal Services Authorities Act, 1987)

एस. सी. मुनघाटे
S. C. MUNGHATE
(Principal District Judge)
सदस्य सचिव
MEMBER SECRETARY
(In-charge)

B-Block, Ground Floor,
Administrative Buildings Complex,
Supreme Court of India, New Delhi-110001

Ground Floor, Double Storey,
Jaisalmer House, 26, Mansingh Road,
New Delhi-110011

MESSAGE

It is my privilege, as Member Secretary of the National Legal Services Authority (NALSA), to present this handbook titled SPEAK UP, on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 – commonly known as the POSH Act. This publication comes at a crucial time, underscoring our collective responsibility to foster safe, inclusive, and respectful workplaces for all.

Sexual harassment at the workplace not only violates fundamental rights but also stands as a significant barrier to gender equality and the professional advancement of women. The POSH Act establishes a pivotal legal framework aimed at ensuring every woman can work with dignity, free from fear. However, its true effectiveness relies on widespread awareness, thorough understanding, and proper implementation by all stakeholders – employers, employees, and authorities alike.

This handbook will serve as an important tool for all stakeholders in achieving practical outcomes that are essential for creating equitable and gender-sensitive workplaces. It will promote legal literacy to help individuals understand their rights and available redressal mechanisms; support gender sensitization to challenge discriminatory behaviors; encourage reflection on learned responses that perpetuate inequality; promote respectful gender behavior; and foster self-awareness in professional conduct. It will also strengthen confidence in safe and accessible reporting mechanisms, ensuring that women can speak up without fear. Together, these outcomes will contribute to building workplace cultures grounded in equality, dignity, and safety.

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Developed as a comprehensive and accessible resource, the handbook simplifies legal provisions, explains complaint and inquiry procedures, and outlines the roles and responsibilities of Internal Committees, Local Committees, employers, and district authorities. Through this effort, NALSA seeks to support a collective and informed approach toward ensuring safer work environments for women across all sectors.

I extend my sincere appreciation to the NALSA team for their dedicated efforts in bringing this valuable handbook to life. I urge all stakeholders to engage meaningfully with this handbook and take proactive steps to build workplaces where every woman can work with dignity, equality, and confidence.

(S.C. Munghate)

POSH by NALSA: Empowering Voices

In workplaces where dreams take flight,
POSH module of NALSA ensures the right,
To work with dignity, safe and free,
From harassment, fear, and hostility.

Unwelcome words, a touch, a stare,
A power misused, a burden to bear.
Remarks that sting, advances unkind,
A hostile space, a troubled mind.

A shield for those who dare to speak,
For justice strong, yet voices meek,
It lights the path where fairness reigns,
And strives to ease the silent pains.

Committees formed with purpose clear,
To listen, act, and persevere,
Through every grievance, truth prevails,
In NALSA's care, justice sails.

Awareness spread, from city to town,
Breaking barriers, tearing them down,
Training minds, reshaping the norm,
Building a culture safe and warm.

Together we stand, hand in hand,
With NALSA's legal aid, firm and planned,
Creating workplaces, bold and just,
Where respect and equity are a must.

- Shreya Arora Mehta

1. Workplace Sexual Harassment – What is it?

What is Sexual Harassment at Workplace?



Physical Contact and Advances

A demand or request for sexual favours

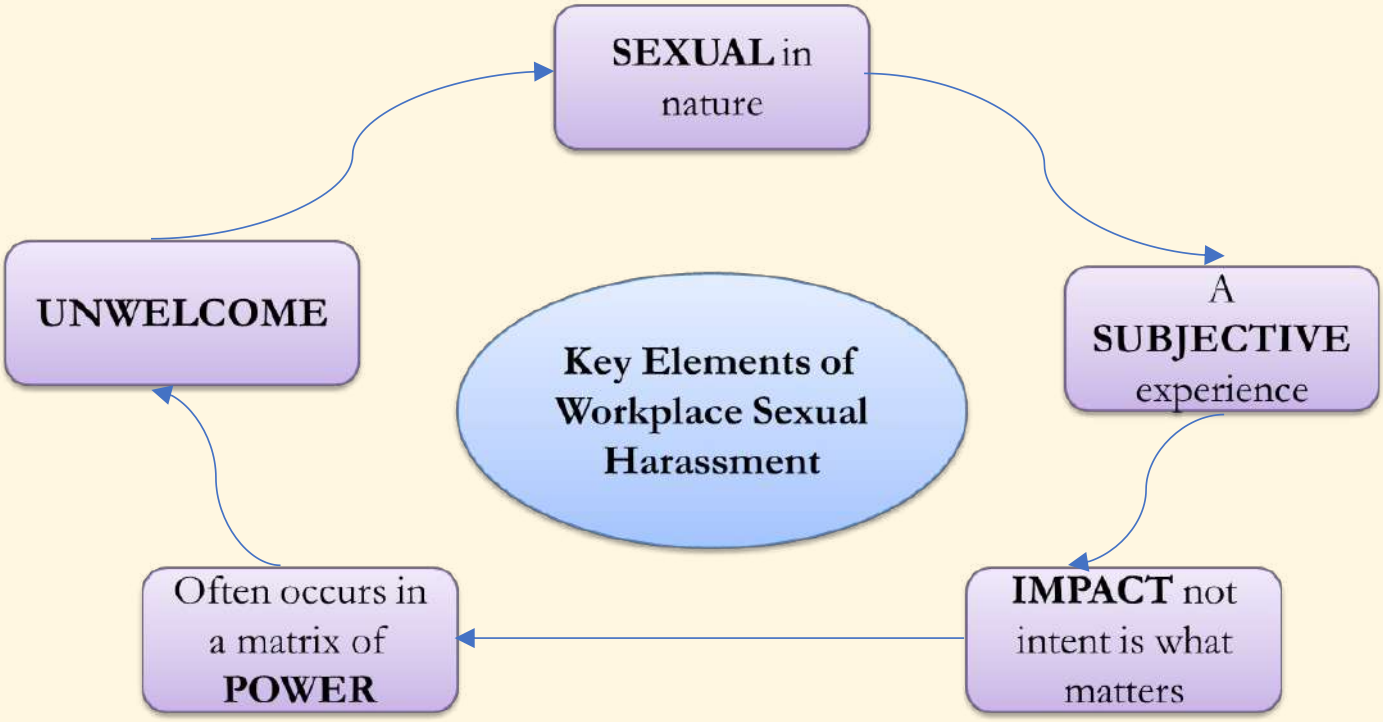


Sexually coloured remarks

Showing pornography

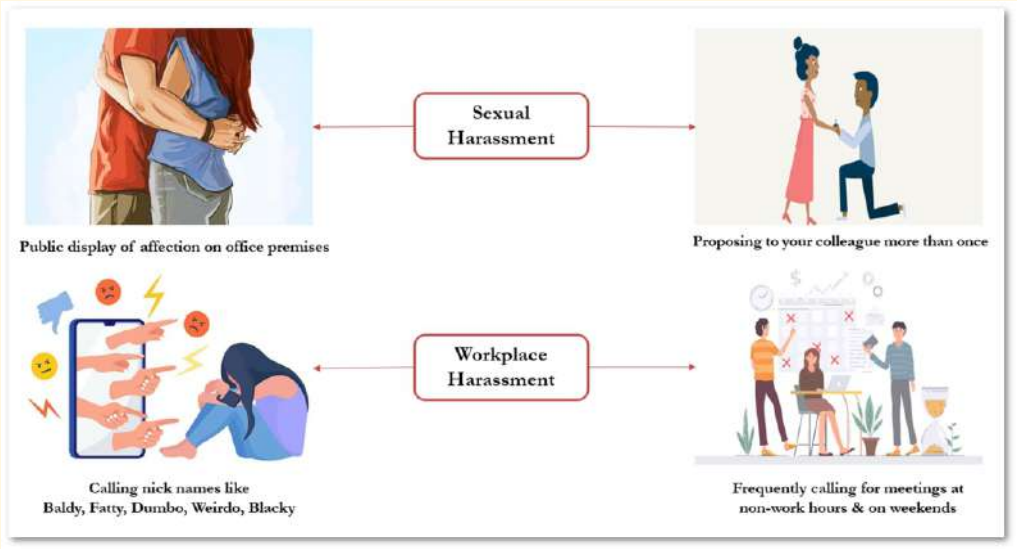
Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Any act or conduct which includes such unwelcome sexually determined behavior (whether directly or by implication)



Some examples of workplace behaviour that CONSTITUTE sexual harassment

- Making sexually suggestive remarks or innuendos.
- Serious or repeated offensive remarks, such as teasing related to a person's body or appearance.
- Displaying sexist or other offensive pictures, posters, MMS, SMS, WhatsApp, or e-mails.
- Intimidation, threats, blackmail around sexual favours.
- Unwelcome social invitations, with sexual overtones commonly understood as flirting.
- Threats, intimidation or retaliation against an employee who speaks up about unwelcome behaviour with sexual overtones.



Some examples of workplace behaviour that may NOT constitute sexual harassment

- Following-up on work absences.
- Requiring performance to job standards.
- The normal exercise of management rights.
- Work-related stress e.g. meeting deadlines or quality standards.
- Conditions of works.
- Constructive feedback about the work mistake and not the person.

Workplace Sexual Harassment through Electronic Means



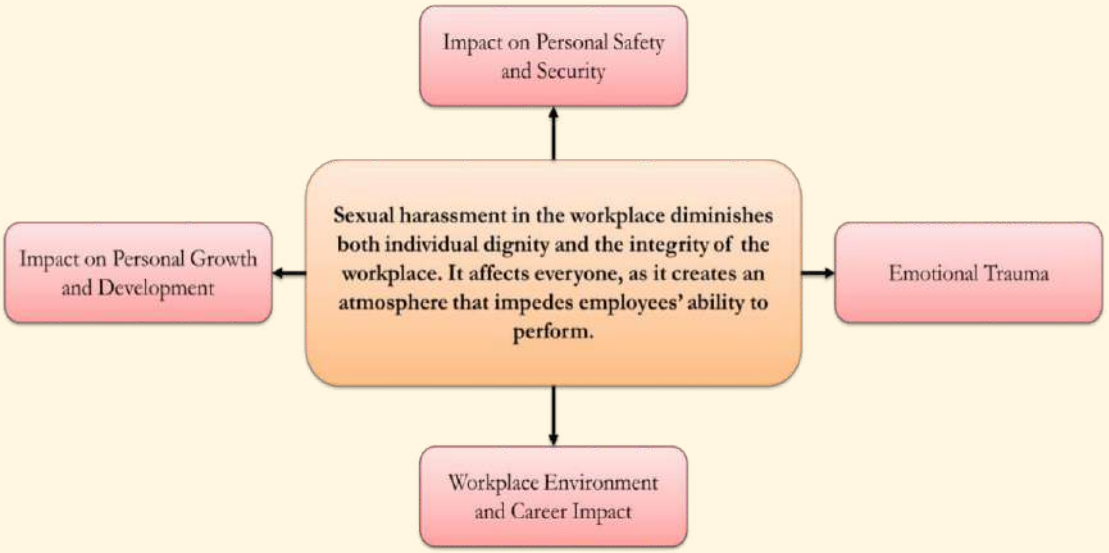
Hey, you look amazing in your profile picture. You should post more selfies. You're too beautiful to be hiding behind work.

The messages you've been sending me – they are inappropriate and unwelcome. We are colleagues, and what you're doing is not just uncomfortable for me. It also constitutes sexual harassment.



The POSH Act covers "any unwelcome physical, verbal or non-verbal conduct of sexual nature" which includes sexual harassment occurring through electronic means or digital platforms like social media, emails, messaging apps, etc., as long as the sexual harassment incident has a nexus to the workplace or employment relationship.

What are the Possible Impacts of Sexual Harassment?

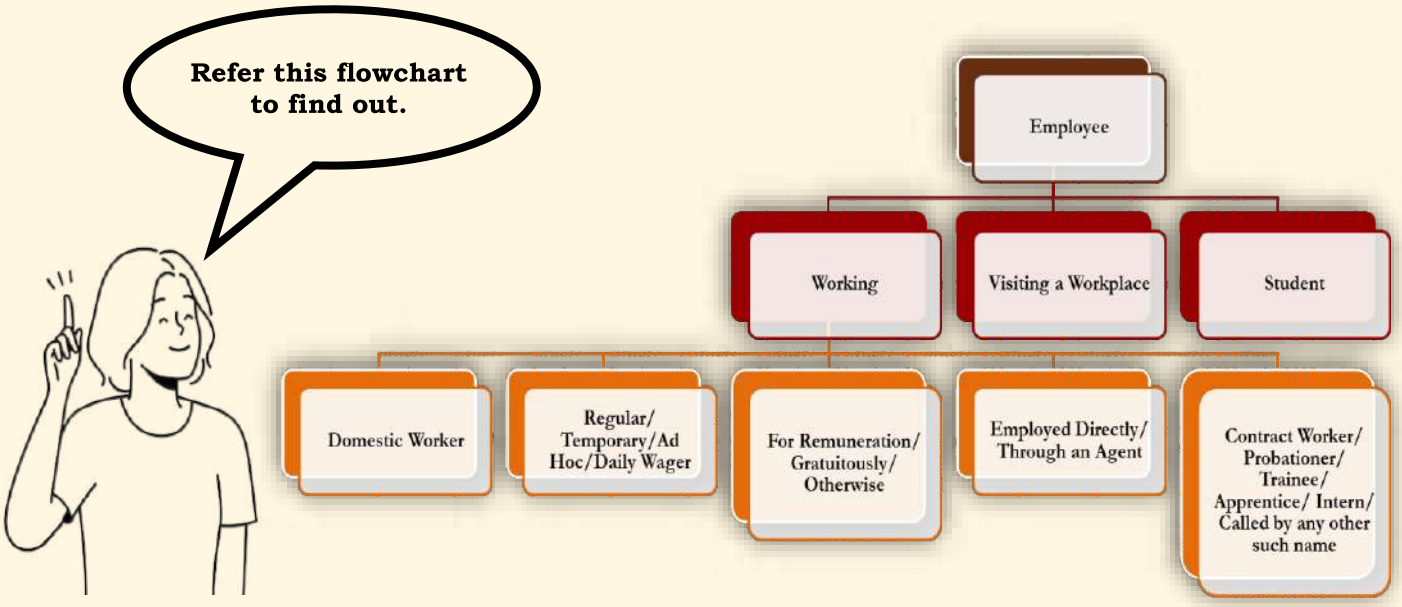


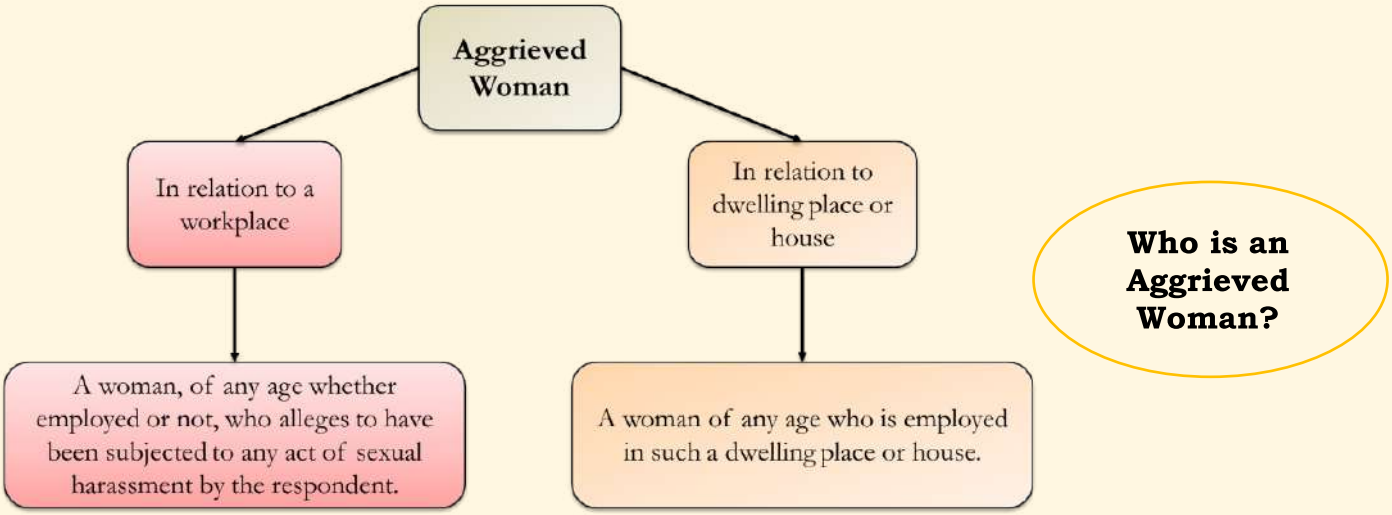
How can I determine if a place is a workplace?



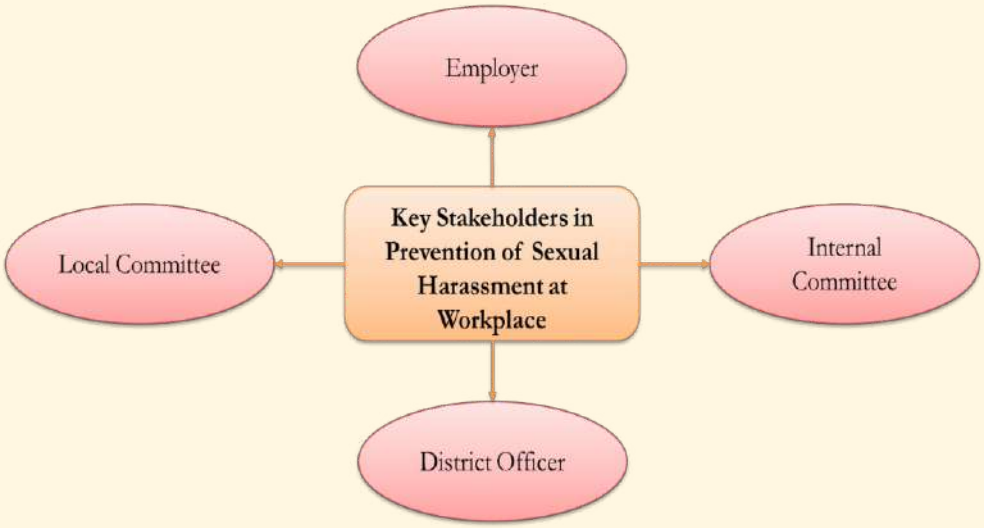
A workplace can be any of the following
Government organizations, Government company, corporations, cooperative societies,
Private sector organizations, venture, society, trust, NGO or service providers,
Hospitals and Nursing Homes,
Sports Institutes, Stadiums, Training Institutions,
Places visited by the employee arising out of or during the course of employment, including transportation provided by the employer,
A dwelling place or house,
Any enterprise owned by an individual or self-employed workers engaged in the production or sale of goods or providing services of any kind,
Any enterprise which employs less than 10 workers.


I have faced sexual harassment at a workplace but how do I know if I am considered an employee?
?


Refer this flowchart to find out.
Employee
Working
Visiting a Workplace
Student
Domestic Worker
Regular/ Temporary/Ad Hoc/Daily Wager
For Remuneration/ Gratuitously/ Otherwise
Employed Directly/ Through an Agent
Contract Worker/ Probationer/ Trainee/ Apprentice/ Intern/ Called by any other such name


Aggrieved Woman
In relation to a workplace
In relation to dwelling place or house
A woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
A woman of any age who is employed in such a dwelling place or house.
Who is an Aggrieved Woman?

2. Prevention and Prohibition



Who is Responsible for Preventing Sexual Harassment at Workplace?



1. Who is an Employer?

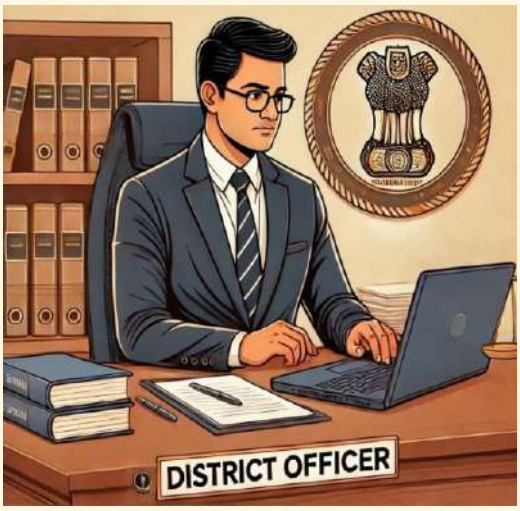
Employer

- The head of the department, organization, undertaking, establishment, enterprise, institution, office, branch or unit of the Appropriate Government or a local authority or such officer specified in this behalf.
- Any person (whether contractual or not) responsible for the management, supervision and control the workplace.
- A person or a household who employs or benefits from the employment of domestic worker in a dwelling place or house.

2. Who is a District Officer?

A District Magistrate/Additional District Magistrate/ Collector/ Deputy Collector is appointed as a District Officer at the local level.

The District Officer is responsible for carrying out the powers and functions at the district levels (including every block, taluka, tehsil, ward, and municipality).



Responsibilities of Employer and District Officer

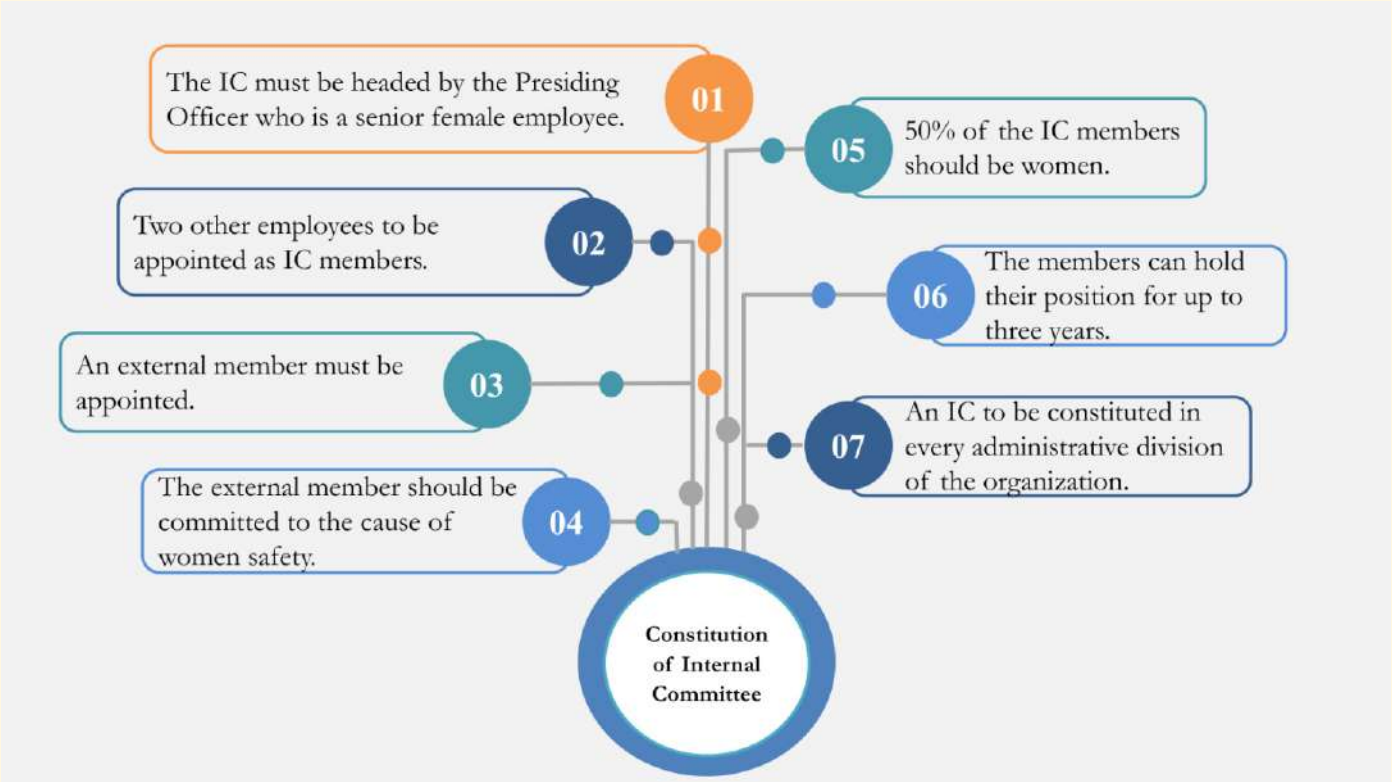
The Employer/District Officer is obliged to create a workplace free of sexual harassment. It is their responsibility to:

1. Create and communicate a detailed policy;
2. Ensure awareness and orientation on the issue;
3. Constitute Internal/Local Committee in every workplace and district so that every working woman is provided with a mechanism for redress of her complaint(s);
4. Ensure Committees are trained in both skill and capacity;
5. Prepare an annual report and report to the respective state government;
6. Appointment of a nodal officer by the District Officer to receive complaints at the local level.

3. What is an Internal Committee?

The law provides that any organization that has 10 or more employees, must constitute an Internal Committee (IC) to receive and redress complaints on Sexual Harassment at workplace.





4. What is a Local Committee?

The District Officer constitutes a Local Committee (LC) in every district so as to enable women in the unorganized sector or small establishments to work in an environment free of sexual harassment. The LC receives complaints:

1. From women working in an organization having less than 10 workers;
2. When the complaint is against the employer himself;
3. From domestic workers.

Members of Local Committee	Eligibility
Chairperson	Nominated from amongst the eminent women in the field of social work and committed to the cause of women.
Member	Nominated from amongst the women working in the block, taluka or tehsil or ward or municipality in the district.
2 Members	Nominated from amongst such NGOs/ associations/persons committed to the cause of women or familiar with the issues relating to sexual harassment, provided that: • At least one must be a woman belonging to SC/ST/OBC/any minority community. • At least one must have a background of law or legal knowledge.
Ex Officio Member	The concerned officer dealing with social welfare or women and child development in the district.



Employers/District Officers are responsible for complying with prohibition, prevention and redress of workplace sexual harassment. It means having a policy that:

1. Prohibits unwelcome behaviour that constitutes workplace sexual harassment;
2. Champions prevention of workplace sexual harassment through orientation, awareness and sensitization sessions; and
3. Provides a detailed framework for redress.

Dissemination of Information and Awareness Generation

Employers/District Officers have a legal responsibility to:

1. Effectively communicate a policy that prohibits unwelcome behaviour that constitutes workplace sexual harassment, and provides a detailed framework for prevention, and redress processes.
2. Carry out awareness and orientation for all employees.
3. Widely publicize names and contact details of the members of Internal and Local Committees.



3. Redressal

Who can complain and where?

If you are an employee, who is facing sexual harassment at workplace, or if you know any of such person who is being sexually harassed at workplace and want to help the victim, you may reach out to the Internal Committee of your workplace or the Local Committee of your district constituted under the POSH Act.



Internal or Local Committee

In Case of Physical Incapacity:
- Complainant's relative,
- Complainant's friend
- Co-worker
- Officer of NCW or SCW
- Any person having knowledge of the incident with the written consent of the complainant.

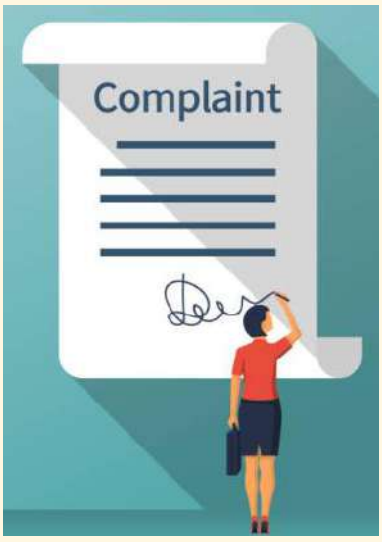
In Case of Mental Incapacity:
- Complainant's relative,
- Complainant's friend
- Special educator,
- Qualified psychiatrist/psychologist,
- Guardian/authority under whose care the complaint is receiving treatment/care.
- Any person having knowledge of the incident, jointly with any person mentioned above.

In Case of Complainant's Death:
Any person having knowledge of the incident with the written consent of her legal heir.

In case Complainant is unable to file the complaint due to any other reason:
Any person having knowledge of the incident with her written consent.

The Complainant

What should the complaint contain?



What should the complaint contain?

Description of the Incident

- Relevant Dates, Timings & Locations of the Incident(s).
- Name of the Respondent
- Working Relationship between the Parties

The Sexual Harassment Complaint Process

Stage 1: Receipt of the Complaint

Step 1: Receive and Acknowledge Receipt of the Complaint
The complainant needs to submit the sexual harassment complaint in writing within 3 months of the last alleged incident to the Complaints Committee or any other person designated by the organization/District Officer.
Upon receipt, the complaint should be reviewed to ensure that the complaint satisfies the Act, Rules, Workplace Policy, Vishaka Guidelines and other related laws.

Step 2: Meet and Talk to the Complainant to Explore Options for Formal and Informal Resolution
The complainant needs to be informed about the ensuing process and the informal or formal options available for the redress.

Step 3: Informal Mechanism
The person designated to receive and manage the Complaints is responsible to explore enabling ways to address the complaint if the complainant chooses to adopt the informal process. This can include counseling, educating, orienting, or warning the respondent to stop the unwelcome behavior or appointing a conciliator between the parties.

Step 4: Formal Mechanism
If the complainant opts for formal redress, or the nature of the complaint is serious which calls for formal redress, then the Complaints Committee responds to the complaint.

Step 5: Respondent and Response
Within 7 days of receiving a complaint, the Complaints Committee will inform the respondent in writing that a complaint has been received.
The respondent will have an opportunity to respond to the complaint in writing within 10 days thereafter.

Stage 2: Planning Carefully

Step 6: Prepare the File
A sound inquiry relies on sound preparation. This includes taking into account the following steps:
1. Create an independent confidential file of the complaint and other related documents.
2. Review law and policy,
3. Make a list of all the dates & events relating to the written complaint as well as the names of witnesses,
4. Obtain and review all supporting documents relevant to the complaint,
5. Create a plan by preparing an initial checklist to ensure that all the critical elements are covered.

Step 7: Consideration
While a complaint is pending inquiry, a complainant can make a written request for her transfer or the transfer of the respondent or for leave upto 3 months.
Maintain clear and timely communication with the parties throughout the process.

Stage 3: Interviews

Step 8: Prepare an Interview Plan for the Hearing: Complainant, Witnesses, Respondent
Before conducting interviews, the Complaints Committee should decide which issues need to be pursued for questioning.
Interviews are meant to obtain information that is relevant to the complaint from individuals.
Interviews should be conducted with each person separately and in confidence. The complainant and the respondent should not be brought face to face with each other.

Step 9: Assess the Completeness of the Information Collected
The Complaints Committee should review the information gathered and their factual relevance to each aspect of the complaint to determine whether there is enough information to make a finding on the complaint.

Stage 4: Reasoning

Step 10: Analyze and assess the information gathered during the inquiry.
Once the information and review is complete, the Complaints Committee will make its reasoned finding(s), which involves having to:

- Identify the substance of each aspect of the complaint.
- Determine, whether or not, on a balance of probability, the unwelcome sexual harassment took place.
- Check that such behavior/conduct falls within the definition of sexual harassment.
- Comment on any underlying factor(s) that may have contributed to the incident.

Step 11: Create a timeline to help establish the sequence of events related to the complaints.

Step 12: Compare similarities and differences within each of the statements made by interviewees.

Stage 5: Finding & Recommendation

Step 13: Finding
The Complaints Committee must arrive at a finding of whether the complaint is upheld, not upheld or inconclusive.
If both the parties are employees, before finalizing the findings, the Complaints Committee shall share its finding with both the parties and provide them an opportunity to make representation against it before the Committee.

Step 14: Recommendations
Based on its findings, the Complaints Committee shall then make appropriate recommendations which may include:

1. Where the Complaints Committee is unable to uphold the complaint, it shall recommend no action.
2. Where the Complaints Committee upholds the complaint, it may recommend such action as stated within the relevant policy or service rules, which may include a warning to terminate.
3. The Complaints Committee may also recommend financial damages to the complainant.
4. The Complaints Committee can also give additional recommendations to address the underlying factors contributing to sexual harassment at the workplace.

Stage 6: Report

Step 15: Writing the Report

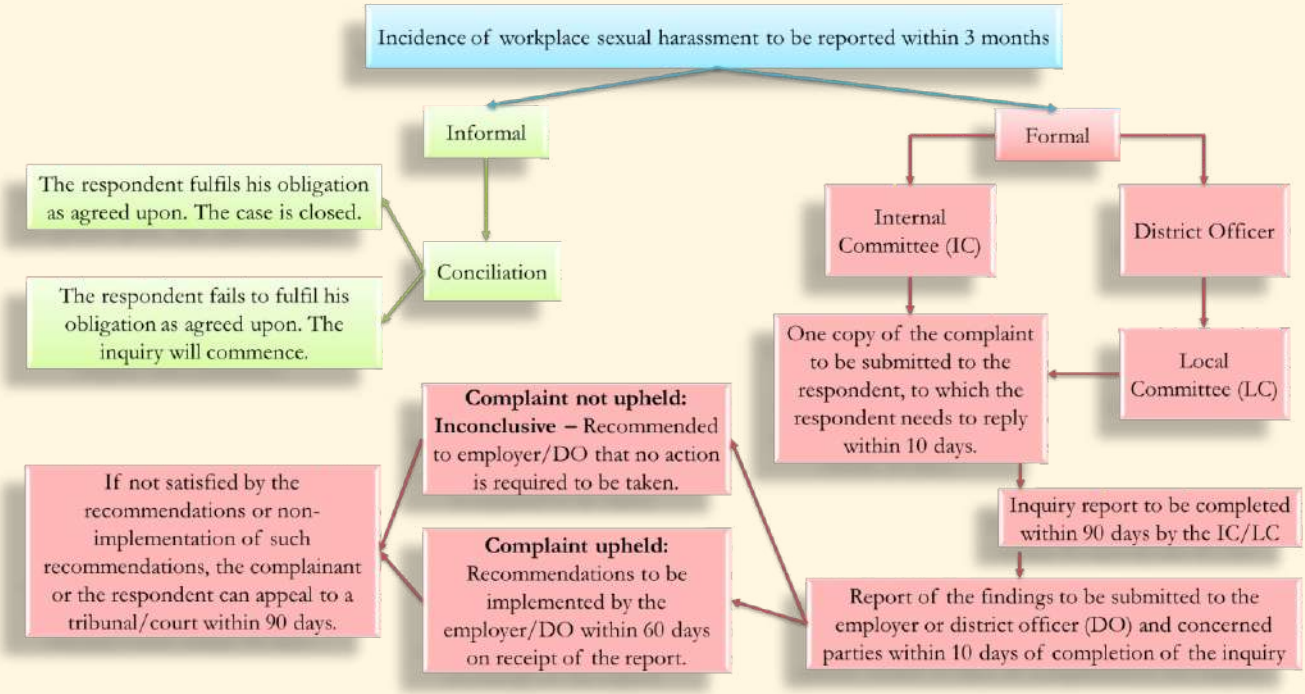
The Complaints Committee will prepare a final report that contains the following elements:

- A description of the different aspects of the complaint;
- A description of the process followed;
- A description of the background information and documents that support or refute each aspect of the complaint;
- An analysis of the information obtained;
- Findings as stated above;
- Recommendations.

NOTE

- An inquiry must be completed within 90 days and a final report must be submitted to the Employer or District Officer within 10 days thereafter. Such report will also be made available to the concerned parties. The Employer or District Officer is obliged to act on the recommendation within 60 days.
- Any person who is not satisfied with the findings or recommendations of the Complaints Committee or non-implementation of the recommendations, may appeal in an appropriate court of tribunal.

Inquiry Process



Timelines

Submission of Complaint	Within 3 months of the last incident
Notice to the Respondent	Within 7 days of receiving copy of the complaint
Completion of Inquiry	Within 90 days
Submission of Report by IC/LC to employer/DO	Within 10 days of completion of the inquiry
Implementation of the Recommendations	Within 60 days
Appeal	Within 90 days of the recommendation

Penalties

An employer can be subjected to a penalty of upto Rs. 50,000 for:

- Failure to constitute Internal Committee,
- Failure to act upon recommendations of the Internal Committee,
- Failure to file an annual report to the District Officer where required,
- Contravening or attempting to contravene or abetting contravention of the POSH Act or Rules.

If an employer repeats a breach, they shall be subject to:

- Twice the punishment or higher punishment if prescribed under any other law for the same offence.
- Cancellation/Withdrawal/Non-renewal of registration/license required for carrying on business or activities.

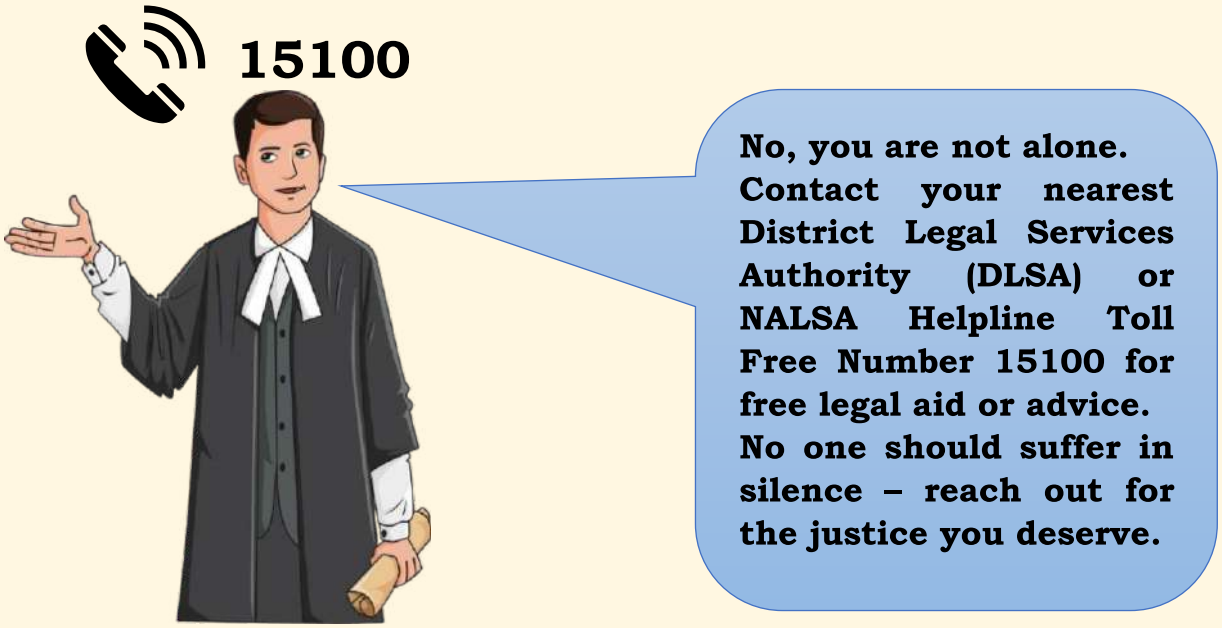
SHe-Box



Sexual Harassment electronic Box (SHe-Box) is an effort of GoI to provide a single window access to every woman, irrespective of her work status, whether working in organised or unorganised, private or public sector, to facilitate the registration of complaint related to sexual harassment. Any woman facing sexual harassment at workplace can register their complaint through this portal. Once a complaint is submitted to the 'SHe-Box', it will be directly sent to the concerned authority having jurisdiction to take action into the matter.




What if they blame me???
What if I lose my job???
Maybe I should just stay silent...
District Legal Services Authority (DLSA)


15100
No, you are not alone. Contact your nearest District Legal Services Authority (DLSA) or NALSA Helpline Toll Free Number 15100 for free legal aid or advice. No one should suffer in silence – reach out for the justice you deserve.

“Empowering women is a prerequisite for creating a good nation, when women are empowered, society with stability is assured. Empowerment of women is essential as their thoughts and their value systems lead to the development of a good family, good society and ultimately a good nation.”

- Dr. A.P.J. Abdul Kalam

Nation's Commitment to Women Safety

National Legal Services Authority

For free legal aid and services
Helpline: 15100
Address: B Block, Ground Floor, Administrative Buildings Complex,
Supreme Court of India, New Delhi-110001
Jaisalmer House, 26, Man Singh Road, New Delhi-110011

SHe-Box - https://shebox.wcd.gov.in/

For registration of complaint against sexual harassment
of women at workplace

Emergency Response Support System: 112

For immediate assistance in any emergency situation

National Women Helpline: 181

For 24 hours support and emergency response
to women affected by violence

National Commission for Women

For issues related to violence against women
Helpline: 7827170170
Address: Plot-21, Jasola Institutional Area, New Delhi – 110025

Ministry of Women and Child Development

For protection of women & child rights
Contact No.: 011-23381611
Address: Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi 110001

One Stop Centres (OSC)

For providing integrated support to women affected by violence, including medical assistance, legal aid, psychological counselling, and temporary shelter
Find your nearest OSC at:
https://missionshakti.wcd.gov.in/statisticsOsc#

National Human Rights Commission

For protection and promotion of human rights
Helpline: 14433
Address: Manav Adhikar Bhawan, Block-C, GPO Complex, INA, New Delhi – 110023

National Commission for Protection of Child Rights

For complaints related to violation of child rights
Fax: 011-23724026
Address: 5th Floor, Chanderlok Building,36 Janpath, New Delhi-110001

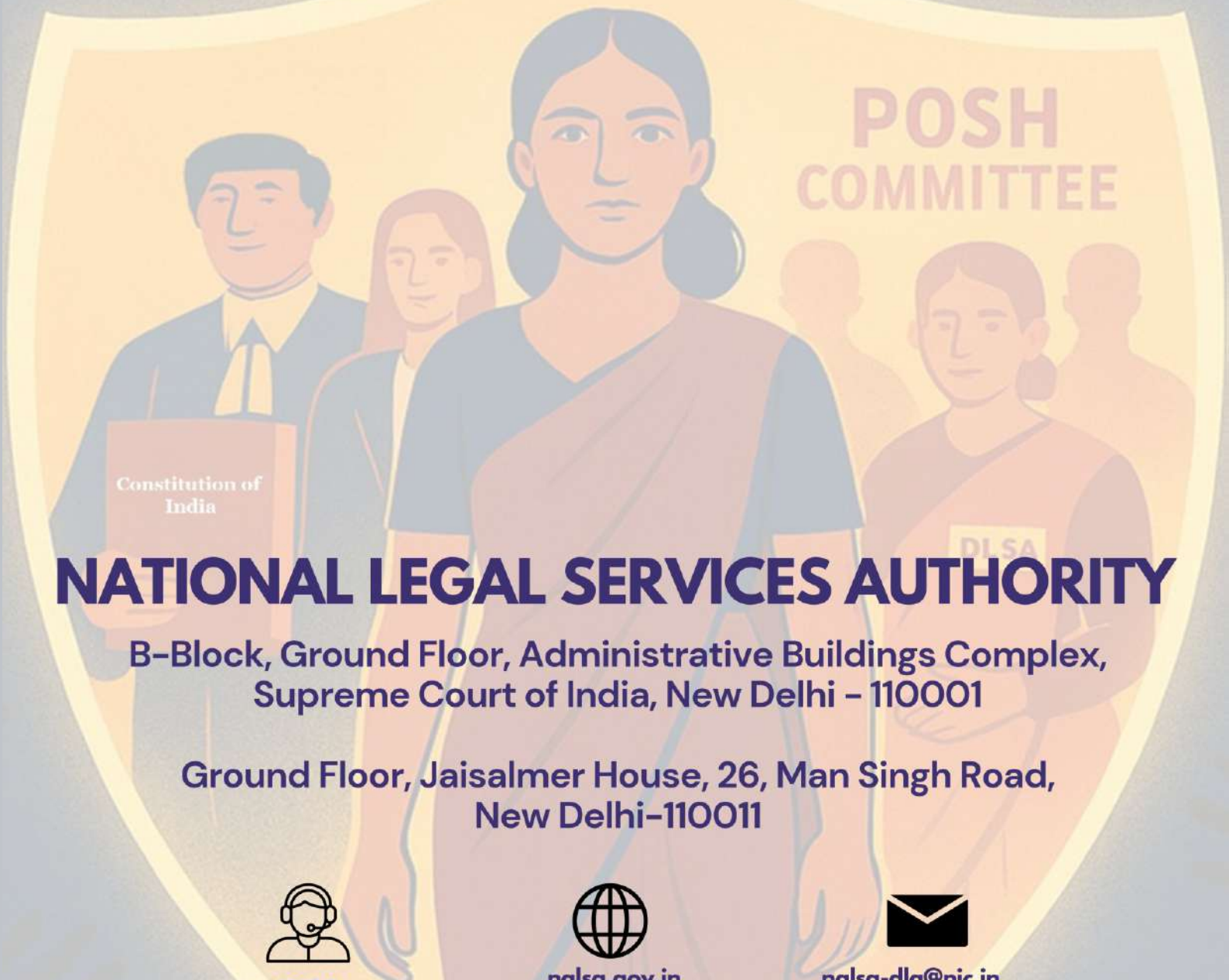
Cyber Crime Helpline – 1930

For reporting cyber-crimes (harassment, stalking, online fraud, etc.) against women and girls


न्याय सब के लिए
ACCESS TO JUSTICE FOR ALL

न्याय सब के लिए

ACCESS TO JUSTICE FOR ALL



NATIONAL LEGAL SERVICES AUTHORITY

B-Block, Ground Floor, Administrative Buildings Complex,
Supreme Court of India, New Delhi - 110001

Ground Floor, Jaisalmer House, 26, Man Singh Road,
New Delhi-110011

15100
Toll Free Helpline Number

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