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Supreme Court Intervenes: Directives Issued for Implementation of the PoSH Act

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (PoSH Act) was enacted to ensure a safe working environment for women. Despite being in force for over a decade, its implementation has remained woefully inadequate. Non-compliance with key provisions, such as the constitution of Internal Complaints Committees (ICCs) under Section 4, and Local Committees (LCs) under Section 6, has persisted across organizations. The inaction of authorities at various levels has rendered the Act ineffective in many workplaces, forcing the Supreme Court of India to step in and address the gaps.

In response to these deficiencies, the Supreme Court issued a series of directives in the case of Aureliano Fernandes Versus the State of Goa & Ors. (MANU/SCOR/137541/2024) that are aimed at ensuring the Act's provisions are implemented effectively and comprehensively.

Key Directions Issued by the Supreme Court

1. Appointment of District Officers

State governments have been directed to designate District Magistrates, Additional District Magistrates, Collectors, or Deputy Collectors as District Officers in every district. These officers are tasked with ensuring the proper implementation of the Act, including oversight of ICCs and LCs.

2. Formation of Local Committees

The Court mandated the immediate establishment of Local Committees in every district. These committees are required to address complaints from establishments with fewer than 10 employees or if the complaint is against the employer himself.

3. Appointment of Nodal Officers

Each district must appoint Nodal Officers at the block, taluka, tehsil, or municipal level to act as the first point of contact for complaints. These officers must forward complaints to the appropriate Local Committees within seven days.

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4. Verification of ICC Compliance

The District Officers must conduct surveys of all public and private organizations within their jurisdictions to verify whether ICCs have been constituted. Compliance reports must be submitted to the Chief Secretaries of States to ensure accountability.

5. SHeBox Portal Enhancement

The Court directed that updated details of Nodal Officers, Local Committees, and ICCs be made available on the SHeBox portal, an online platform for lodging complaints. States without a localized version of the portal were ordered to establish one to facilitate better grievance redressal mechanisms.

6. Awareness and Accessibility

District Officers were instructed to ensure that the names and contact details of Nodal Officers and Local Committees are published on district websites. This measure is intended to increase accessibility for complainants seeking redressal.

7. Legal Assistance

The Supreme Court emphasized the availability of legal aid for complainants under the framework of the Act. Aggrieved women can approach Legal Services Institutions, helplines, or the National Legal Services Authority (NALSA) for support. In urgent cases, complainants can seek police assistance to expedite the filing of their complaints.

Timelines for Compliance

The Supreme Court provided specific deadlines for compliance:

- **December 31, 2024**
Appointment of District Officers under Section 5.
- **January 31, 2025**
Constitution of Local Committees under Section 6.
- **March 31, 2025**
The Court has granted time till this date for compliance and directed Chief Secretaries of States to oversee the execution of its directions.

For the PoSH Act to be truly effective, it needs to move beyond being just a law on paper. Without proper enforcement and accountability, the protections it offers will remain meaningless. Workplaces must now fulfill their obligations under the law, ensuring the safety and dignity of the employees in all work environments.

