

# **National Conference on Effective Implementation of the POSH Act, 2013**

**Organized By**

**Gender Sensitization and Internal Complaints Committee, Supreme Court  
of India**

**In Association With**

**National Judicial Academy, Bhopal**

---

**Date: 05<sup>th</sup> & 06<sup>th</sup> July 2025**

## **Inauguration of the Conference**

### **Speakers**

- Hon'ble Mrs. Justice B.V. Nagarathna, Judge, Supreme Court of India and Chairperson, Gender Sensitization and Internal Complaints Committee, Supreme Court of India
- Hon'ble Mr. Justice N. Kotiswar Singh, Judge, Supreme Court of India and Member, Gender Sensitization and Internal Complaints Committee, Supreme Court of India
- Hon'ble Mr. Justice Aniruddha Bose, Former Judge, Supreme Court of India, and Director – National Judicial Academy, Bhopal,

The session commenced with an acknowledgment of the efforts undertaken by the Gender Sensitization and Internal Complaints Committee (GSICC) of the Supreme Court of India and the National Judicial Academy in organizing the National Conference on the Effective Implementation of the Prevention of Sexual Harassment (Prevention, Prohibition and Redressal) Act PoSH, 2013. It was noted that the initiative was unique in its nature and scope. The participants of the conference, being key stakeholders, were recognized as the primary implementers of the statute. It was emphasized that the implementation of the PoSH Act poses particular challenges, especially because incidents often occur within the same organizational setting.

The discussion clarified that, to date, legislative responses to sexual harassment have primarily evolved within the framework of constitutional law. It was observed that sexual harassment at the workplace is prevalent across all types of organizations—government, non-government, private, organized, and unorganized sectors. However, it was highlighted that complaints are

predominantly reported from the organized sector. The need for systematic profiling and analysis of complaints was also underlined to better understand the nature and patterns of workplace sexual harassment.

The discussion highlighted the significance of the PoSH Act in terms of its focus on prevention, prohibition, and redressal mechanisms aimed at ensuring a safe working environment. It was underscored that the enactment of the legislation marks the need for cultural and attitudinal transformation, as well as the removal of structural barriers that hinder gender justice. Attention was drawn to the stigma often associated with job loss following the reporting of sexual harassment, which serves as a deterrent for complainants. The need to address both explicit and implicit forms of sexual harassment was emphasized. Concern was also expressed regarding the absence or limited presence of Internal Committees within the sports sector, underscoring the urgency of establishing PoSH mechanisms in this domain. It was further noted that while the PoSH Act, 2013 is a welcome piece of legislation, foundational guidelines had already been laid down in the landmark judgment of Vishaka v. State of Rajasthan in 1997.

### **Session 1**

Salient Features of the POSH Act, 2013 and Landmark Decisions of the Supreme Court of India relating to Sexual Harassment at Workplaces.

and

Significant Directions issued by the Supreme Court of India on POSH Act in *Aureliano Fernandes v. State of Goa*, M.A. Diary No.22553 of 2023.

### **Speakers**

**Ms. Aishwarya Bhati & Ms. Padma Priya**

The session commenced with a discussion on the salient features of the PoSH Act, 2013, highlighting its alignment with the constitutional provisions enshrined under Articles 14, 15, 19, and 21, which emphasize the assurance of dignity and humane conditions at the workplace. The principles enshrined in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), to which India is a signatory, were also underscored. The procedural

framework under the PoSH Act, 2013—beginning from the filing of a complaint under Section 9, the constitution of Internal Committees, the process of conciliation, formal inquiry, provision of interim relief, submission of inquiry reports, and subsequent action and appeal—was elaborated in detail. The detailed analysis of the definitions like Aggrieved Women, employee and Employer was made with reference to various case laws viz; *X v. Ani Technologies P Ltd., 2024 SCC OnLine Kar 102*; *Apparel Export Promotion Council v. A.K. Chopra (1999) 1 SCC 759* and *Prasad Pannian v. Central University of Kerala 2020 SCC Online Ker 6550*. Further, with reference to *Nisha Priya Bhatia v. Union of India (2020) 13 SCC 56* and *Saurabh Kumar Mallick v. Comptroller & Auditor General of India (2008) SCC Online Del 563*, the expanding scope of sexual harassment at workplace was discussed.

The constitution of Internal Complaints Committee and Local Complaints Committee was emphasized. The session highlighted the important key government initiatives to curb the sexual harassment at workplace including the SHe-Box (Sexual Harassment Electronic Box) that helps to streamline platform to file and track workplace Harassment complaints ensuring timely and assured redressal. Lastly, the session concluded with a detailed analysis of *Aureliano Fernandes v. State of Goa, (2024) 1 SCC 632*, wherein, The Supreme Court took strong exception to the fact that even a decade after the enactment of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013 (POSH Act), there remained serious lapses in its effective enforcement. The Court underlined that all the state functionaries, public authorities, private undertakings, organizations and institutions are duty bound to implement the POSH Act in letter and spirit. It was brought to the notice of the Court that as per a survey conducted by a national daily newspaper, out of 30 national sports federations in the country, 16 don't have an Internal Complaints Committee (ICC) till date. The directions were issued with regard to the Union and all State Governments must conduct a time-bound review to confirm whether all Ministries, Departments, Public Sector Units, Institutions, and Bodies have constituted ICCs, LCs.

## **Session 2 & 3**

Best Practices being followed in Government, Non-Governmental and Corporate Sectors for implementation of the POSH Act, 2013

### **Speakers**

**Secretaries/Representatives of Department of Women and Children, Government of India and States**

The session focused on the best practices being followed across Government, Non-Government, and Corporate sectors for the effective implementation of the PoSH Act, 2013. Presentations were made by Secretaries and representatives of the Departments of Women and Child Development, emphasizing efforts to train members in promoting a gender-sensitive and inclusive judicial culture. The objective was to equip judicial officers and staff with a clear understanding of the Act and to instill empathy, legal clarity, and a zero-tolerance approach towards sexual harassment.

It was underscored that regular capacity-building programs, including technical support for the police department and associated staff, should be sustained as an ongoing initiative. The translation and dissemination of the handbook on the PoSH Act were also highlighted to enhance its accessibility and outreach. Several departments have developed PoSH compliance dashboards to ensure transparency regarding complaints lodged and actions taken.

The constitution and functioning of Internal Complaints Committees (ICC) and Local Complaints Committees (LCC) were discussed in detail, with emphasis on the need for these bodies to remain consistently active and responsive to any reported complaints. It was advised that these committees continue to organize seminars and workshops to raise awareness about the Act across all sectors.

The session further highlighted the SHE-Box Portal, a digital initiative by the Government of India, designed to provide single-window access for all women—regardless of their employment status in the organized or unorganized, private or public sectors—to register complaints related to sexual harassment. Once a complaint is submitted through the portal, it is automatically forwarded to the appropriate authority with jurisdiction over the matter. Several states were reported to have adopted this mechanism to reinforce a zero-tolerance approach to sexual harassment in the workplace.

#### **Session 4**

Madras High Court's Training Programme with regard to Prevention of Sexual Harassment at  
Workplaces

And

Training and Sensitization Programmes to be conducted through High Court Committees at State  
Judicial Academies

#### **Speakers**

**Dr. Justice Anita Sumanth, Justice Lisa Gill, Justice Prathiba M. Singh, Justice Moushumi  
Bhattacharya, Hon'ble Justice Shampa Sarkar**

The PoSH Act, 2013 is a landmark legislation that reaffirms the fundamental rights of women to a safe and secure working environment. It was mentioned that its effective implementation within the judicial system is critical to promoting workplace equality and ensuring that institutions of justice themselves embody the principles of dignity and fairness.

It was highlighted that to realize the objectives of the PoSH Act, awareness generation and sensitization at every level of the judiciary are indispensable. These efforts are essential not only for compliance with legal mandates but also to promote a gender-sensitive and inclusive judicial work culture.

It was emphasized that a key aspect of the implementation strategy is the constitution and functioning of High Court Committees. These Committees serve as institutional anchors, responsible for driving awareness, organizing training programs, and fostering a culture of zero tolerance towards sexual harassment. In addition to initiating sensitization efforts, the Committees play a crucial role in monitoring, evaluating, and ensuring the follow-up of these initiatives to achieve long-term systemic change.

Furthermore, the establishment of Gender Sensitization and Internal Complaints Committees (GSICC) in the High Courts and subordinate courts serves as a structural mechanism to address grievances and promote a responsive institutional environment. These Committees are empowered

to handle complaints, conduct inquiries, and recommend appropriate redressal measures, thereby providing a reliable framework for addressing instances of workplace sexual harassment.

It was discussed that the targeted training initiatives are central to building institutional capacity. The primary target groups for such programs include judicial officers, court staff, and administrative personnel. It was suggested that through the proactive engagement of High Court PoSH Committees and the strategic involvement of State Judicial Academies, sensitization and capacity-building efforts can bring about a transformative shift in institutional culture.

The training programs conducted under the framework of the PoSH Act, 2013 by various state academies were designed with a comprehensive and forward-looking approach. One of the central themes of these sessions was promoting a gender-neutral perspective while addressing workplace-related issues. This approach seeks to foster inclusivity and ensure that all individuals, regardless of gender identity, are treated with fairness and dignity in professional settings.

Another significant area of focus was the understanding of evolving gender roles within professional spaces. The training highlighted the importance of acknowledging how social norms around gender are shifting and emphasized the need for the judiciary and associated stakeholders to adapt sensitively to these changes. By doing so, the programs aimed to deepen the participants' awareness of implicit biases and the structural challenges faced by different genders.

Promoting workplace equality was emphasized as a key preventative strategy against sexual harassment. Equality was presented not only as a legal obligation but also as a foundational value that can pre-emptively address power imbalances and reduce instances of harassment. The training further addressed specific challenges faced by women in their daily professional lives, including subtle forms of discrimination and lack of access to leadership roles, thereby highlighting the importance of active support mechanisms within institutions.

It was stressed that preventive measures were a recurring theme throughout the sessions. Participants were encouraged to cultivate supportive and respectful work environments through proactive strategies such as open communication, inclusive policies, and awareness-building initiatives. The trainings also provided practical clarity on workplace conduct by outlining the Do's and Don'ts in alignment with the provisions and spirit of the PoSH Act. These guidelines were shared to ensure that all individuals are aware of acceptable behavior and legal responsibilities.

Additionally, the training placed a strong emphasis on fostering empathy and promoting legal clarity, toward all forms of sexual harassment. The participants were urged to internalize the values of dignity, respect, and accountability in their professional conduct.

Lastly, structured institutional support, targeted capacity-building programs, and a focus on behavioral change are instrumental in creating safe, respectful, and inclusive workplaces. The judiciary, by integrating these practices into its institutional culture, can serve as a model for other sectors in ensuring zero tolerance towards sexual harassment and discrimination.

### **Session 5**

Way Forward for Effective Implementation of the POSH Act, 2013 in the States and Union Territories

### **Speakers**

**Mrs. Kalpana Yadav**

The session commenced with a reflection to the ongoing discussions critically on the implementation and impact of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, a decade since its enactment. While the legislation marked a significant step forward in securing safe workplaces, the discourse highlighted persistent issues of uneven compliance across sectors. Serious lapses have been noted in the functioning of Internal Committees, alongside widespread data gaps and ineffective monitoring mechanisms, all of which hinder the law's full and effective implementation.

Despite these challenges, the discussion acknowledged the progressive and evolving jurisprudence around the Act. Courts have increasingly adopted a broad and inclusive interpretation of its provisions, reinforcing a zero-tolerance stance on sexual harassment and advancing survivor-centered principles. This shift underscores that the issue is no longer confined to workplace regulation alone, but rather engages fundamental human rights. As such, it demands not only legal accountability but also a deeper cultural and attitudinal transformation within institutions and society at large.

It was mentioned that there is a strong recognition of the need to mainstream the issue of sexual harassment across all departments, sectors, institutions, and governance bodies. Isolated efforts are no longer sufficient; a systemic, unified approach is necessary. Encouragingly, the discussion

surfaced several instances of good practices that demonstrate the Act's transformative potential when implemented effectively. However, these practices remain limited in scope, pointing to an urgent need for replication and scaling up, with a renewed emphasis on preventive frameworks rather than reactive mechanisms.

Also, the discourse reaffirmed that the creation of safe and dignified workplaces is essential to the Government's vision of women-led development. Ensuring safety, respect, and equity at the workplace is key to enhancing female labor force participation, thereby contributing meaningfully to broader socio-economic goals.

It was advised to have focused attention on training and sensitization in relation to the PoSH Act is imperative, not merely as a best practice but as a legal mandate. The Act explicitly requires regular training and awareness initiatives, underscoring that compliance is not optional. Such efforts are crucial for empowering employees, as evidence consistently shows that increased awareness leads to positive shifts in workplace attitudes and a rise in the reporting of sexual harassment incidents.

Furthermore, the effective functioning of Internal Committees (ICs) and Local Committees (LCs) is contingent on proper training. Without it, these bodies are at risk of procedural lapses and mishandling of complaints, which ultimately undermines justice and the credibility of redressal mechanisms. Additionally, sensitization encourages bystanders to become upstanders—early, informal interventions by colleagues or supervisors often play a key role in preventing escalation of inappropriate behavior. It was highlighted that most importantly, beyond ensuring compliance, sustained training and awareness initiatives are foundational to initiating a broader cultural transformation. They help foster workplaces that are respectful, inclusive, and gender-equal—thereby laying the groundwork for a truly safe and empowering professional environment for all.

The impact of PoSH training has been both significant and multidimensional. One of the most notable outcomes is the increase in early interventions and greater reporting of incidents, which helps in addressing issues before they escalate. Enhanced awareness and capacity building have also contributed to improved resolution rates, with Internal and Local Committees better equipped to uphold the principles of natural justice in handling complaints. Training initiatives have played a key role in fostering safer workplaces that reflect a culture of zero tolerance towards sexual harassment. Moreover, they have empowered women in the workforce by reinforcing their rights



and ensuring their dignity is protected. A direct consequence of these efforts has been the strengthening of institutional accountability and the promotion of a sustained culture of compliance with the law. Collectively, these outcomes mark critical progress in transforming workplace environments into spaces of safety, equity, and respect.

Lastly, it was stressed that the judiciary plays a pivotal role in advancing the objectives of the PoSH Act by demonstrating leadership through both principle and practice. As institutions tasked with upholding the rule of law, courts and judicial bodies must lead by example—by modelling respectful behavior and fostering a culture of inclusivity and gender sensitivity within the justice system. Judicial academies have a critical role in institutionalizing a structured and informed response to sexual harassment through sustained training, research, and documentation, thereby addressing both knowledge and implementation gaps.

The judiciary has also contributed to the evolution of progressive jurisprudence by delivering landmark judgments that uphold survivor-centric principles and reinforce the zero-tolerance framework envisaged by the Act. Resources such as handbooks and guidelines serve as essential tools for reference and training to drive a unified agenda toward creating safe and equitable work environments across all sectors.

---