

Power of POSH

EMPOWERING WOMEN
IN THE WORKPLACE



राष्ट्रीय महिला आयोग
NATIONAL COMMISSION FOR WOMEN



◀ (A GUIDE FOR INTERNAL COMMITTEES AND LOCAL COMMITTEES) ▶

SAFETY APPS FOR WOMEN



This app is an initiative launched by the National Commission for Women (NCW) to provide women easy access to legal information and resources.



Shakti App launched by Ministry of Women and Child Development in collaboration with NCW is aimed at enhancing the safety of women



This app provides information about the One Stop Centre (OSC) scheme, which is designed to help women affected by violence



Ensuring safety of women. With just a press of a button, your near and dear ones can know your location.



This app provides a 24-hour emergency response system to help users get help from local volunteers.



If a user issues an SOS through the app, the location and audio-video is sent to the Delhi Police Control Room and friends or family are also alerted.

POWER OF POSH



PREFACE

The right of every woman to work in a safe and dignified environment is fundamental—not only to her personal well-being and sense of security but also to her economic empowerment and the overall progress of society. The workplace must be a space that fosters equality, respect, and opportunity. Yet, despite advancements, the threat of sexual harassment continues to be a barrier for many women across sectors, particularly in informal and unorganized workspaces.



Vijaya Rahatkar,
Chairperson,
National Commission for Women

The enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013—widely known as the POSH Act—was a landmark moment in India's legislative history. It recognized workplace sexual harassment as a violation of women's fundamental rights and laid down a clear framework for prevention, redressal, and protection. The law also acknowledges that women working outside the formal organizational structure—such as domestic workers, daily wage earners, self-employed individuals, and others in the unorganized sector—are equally vulnerable and in need of institutional support.

To address this, the POSH Act mandates the establishment of Local Committees (LCs) in every district. These Committees are entrusted with the vital responsibility of receiving and redressing complaints of sexual harassment at workplaces where Internal Committees do not exist. However, for these Committees to function effectively, it is essential that they are well-equipped, well-informed, and sensitive to the nuances of the issues they are meant to address. It is with this vision that the National Commission for Women has developed this guidebook: Implementation of the Prevention of Sexual Harassment at Workplace – A Guide for Local Committees under the POSH Act, 2013.

This resource is intended to serve as a comprehensive reference for members of Local Committees, district administration, and all stakeholders involved in implementing the provisions of the Act. The guide covers the legal framework, constitution and functioning of Local Committees, procedural aspects of inquiry, timelines, responsibilities of district officers, record-keeping, awareness generation, and support mechanisms for complainants.

It also provides practical tools, templates, and case illustrations to assist Committees in navigating real-world scenarios with sensitivity and legal clarity. The National Commission for Women firmly believes that empowering Local Committees with the right knowledge and tools will not only improve grievance redressal but also play a transformative role in creating a culture of zero tolerance towards sexual harassment. By promoting awareness, accountability, and action at the grassroots level, we take a significant step forward in fulfilling the objectives of the POSH Act.

Let us together strive to make every workplace in India—formal or informal—a space of respect, opportunity, and safety for women. I hope this guide serves not only as a manual but also as a catalyst for action and change.

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ABOUT NCW

The National Commission for Women was set up as statutory body in January 1992 under the National Commission for Women Act, 1990 (Act No. 20 of 1990 of Govt. of India) to review the Constitutional and legal safeguards for women; recommend remedial legislative measures, facilitate redressal of grievances and advise the Government on all policy matters affecting women.



MANDATE OF THE COMMISSION

The Commission shall perform all or any of the following functions, namely:

- Investigate matters related to safeguards for women under the Constitution and laws.
- Report to the Central Government on the functioning of these safeguards and recommend measures for their effective implementation.
- Review and recommend legislative amendments to address gaps in laws affecting women.
- Take up cases of violations of women's rights and non-implementation of related laws or policies.
- **Examine complaints or act suo moto on:**
 - Deprivation of rights,
 - Non-implementation of protective laws and policies,
 - Non-compliance with welfare measures.
- Conduct studies and recommend strategies to address discrimination and atrocities against women.
- Undertake research to promote women's representation and address barriers to their advancement.
- Advise on planning processes and evaluate development efforts concerning women.
- Inspect jails, remand homes, or institutions housing women and recommend corrective actions.
- Support litigation involving large groups of women.
- Submit reports to the Government on issues and challenges faced by women.
- Address other matters referred by the Central Government.

POWERS OF THE COMMISSION

While investigating, the Commission has powers equivalent to a civil court, including:

- Summoning and examining witnesses under oath.
- Requiring the discovery and production of documents.
- Receiving evidence through affidavits.
- Requisitioning public records.
- Issuing commissions for witness/document examination.
- Exercising other powers as prescribed.



ABOUT THE LAW

POSH GENESIS

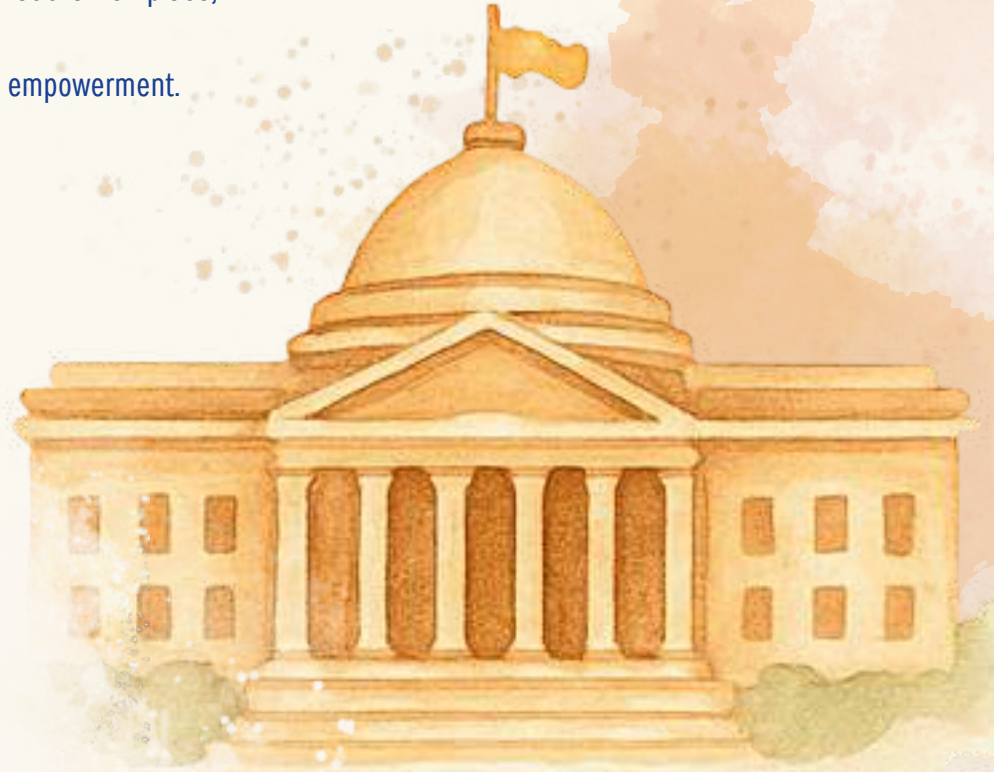
- In 1992, Bhanwari Devi, employed with the rural development programme of the Government of Rajasthan, was brutally gangraped due to her efforts to curb child marriage.
- A writ petition seeking redressal for sexual harassment at workplace was filed in the Supreme Court of India.
- The Supreme Court addressed the lacunae in law which left women workers in the country without any remedy when sexually harassed at workplace.

VISHAKA GUIDELINES: The Court acknowledged that sexual harassment at workplace violates fundamental right of women to choose any trade, profession or business of their choice. It laid down “Vishaka Guidelines” for prohibition, prevention and redressal of sexual harassment of women at workplace.

Vishaka Guidelines laid the foundation of **THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL ACT, 2013)**

OBJECTIVE OF THE ACT

- Prevent sexual harassment of women at the workplace;
- Provide a mechanism for redressal;
- Promote gender equality and women empowerment.



SCOPE OF POSH ACT

PREVENTION

- Ensure workplace cultures where the mind set and attitudes are geared towards women's safety

PROHIBITION

- Awareness about what sexual harassment is and will not be tolerated at workplace.

REDRESSAL

- In case of an incident, ensure that it is addressed justly and timely.



DEFINITION OF SEXUAL HARASSMENT

Sexual harassment includes:

- Physical contact and advances;
- A demand or request for sexual favours;
- Making sexually coloured remarks;
- Showing pornography;
- Any unwelcome physical, verbal or non-verbal conduct of sexual nature.



BEHAVIOURS THAT CONSTITUTE SEXUAL HARRASSMENT:

- Making sexually suggestive remarks or innuendos
- Making repeated offensive remarks, such as teasing related to a person's body or appearance
- Inappropriate questions, suggestions or remarks about a person's personal life.
- Displaying sexist or other offensive pictures, posters, videos, text messages via SMS, WhatsApp, DM on Instagram/Facebook or e-mails
- Behaviour that is intimidating, threatening and blackmailing around sexual favours
- Unwelcome social invitations, with sexual overtones commonly understood as flirting
- Unwelcome sexual advances which may or may not be accompanied by promises (quid pro quo) or threats
- Making physical contact such as touching
- Invasion of personal space (getting too close for no reason, brushing against or cornering someone)
- Persistently asking someone out, despite being turned down
- Stalking an individual (physical and on social media)
- Abuse of authority or power to threaten a person's job or undermine her performance against sexual favours
- Controlling a person's reputation by rumour- mongering about her private life
- Making sexually suggestive remarks or innuendos

6. WHAT IS A WORKPLACE?

Any department, organization, undertaking, establishment, enterprise, institution, office, etc., established, owned, controlled, or wholly/partly financed by the government or private sector, NGOs, etc. (any other as per sec 2)

Hospitals or nursing homes

A dwelling place or a house where a woman is employed (e.g., domestic workers)

Sports institutes, stadiums, sports complexes or competition or games venues, whether residential or not used for training, sports or other activities

Any place visited by the employee arising out of or during the course of employment, including transportation provided by the employer for commuting;

ABOUT IC UNDER POSH

1. WHERE INTERNAL COMMITTEES ARE CONSTITUTED?

At each office or branch with 10 or more employees, to address complaints of sexual harassment at the workplace

2. SCOPE & JURISDICTION OF INTERNAL COMMITTEES:

- Applicable to private sector, government organizations, NGOs, educational institutions, etc.
- The IC can inquire into complaints:
 - ❖ Made by any woman employee (permanent, temporary, ad hoc, intern, or working through an agency).
 - ❖ **Arising in the workplace, including:**
 1. Office premises,
 2. Transportation provided by the employer,
 3. Off-site locations for official duties, etc.

3. CONSTITUTION OF INTERNAL COMMITTEE:

According to Section 4 of the POSH Act, Internal Committee comprises of following persons:

1

PRESIDING OFFICER:

- A woman employed at a senior level at the workplace.
- If a senior-level woman employee is not available, the Presiding Officer shall be chosen from other offices or administrative units of the workplace.
- In case the other offices or administrative units of the workplace do not have a senior level employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organisation.

2

TWO MEMBERS:

- From among employees, preferably committed to the cause of women or having experience in social work or have legal knowledge

3

EXTERNAL MEMBER:

- From an NGO or association committed to the cause of women or a person familiar with issues of sexual harassment. (Having 5 years experience in the field of social work)

! Note: At least 50% of the members of the IC must be women.



Tenure of the Presiding officer and Members of Internal Committee:

3 years from the date of nomination

4. POWERS OF THE INTERNAL COMMITTEE:

The Internal Complaints Committee enjoys the powers same as that of a Civil Court namely:

Summoning and enforcing the attendance of any person and examining him on oath;

- ◆ Requiring the discovery and production of documents;
 - ◆ Recording Evidence;
 - ◆ Any other matter which may be prescribed.
-
- Implementation of the Internal Complaints Committee Policy relating to the prevention of sexual harassment.
 - Resolving complaints by the aggrieved based on the guidelines of the Internal Complaints Committee Policy.
 - Recommending actions to be taken by the Employer.



ABOUT LC UNDER POSH

1. LOCAL COMMITTEES ARE CONSTITUTED FOR:

- Where a workplace has fewer than 10 employees
- Where the employer is the respondent
- To cover unorganized sectors (e.g., domestic workers, daily wage labourers)

2. SCOPE & JURISDICTION OF LOCAL COMMITTEES:

- Operates at the district level
- Covers all workplaces lacking an Internal Committee
- Ensures rural, tribal, and informal workers have access to justice

3. COMPOSITION OF LOCAL COMMITTEE

According to Section 7 of the POSH Act, Local Committee comprises of following persons:

- **Chairperson:**
Eminent woman in the social work field and committed to the cause of women
- **One Member:**
From women working in the block, taluka, tehsil, ward, or municipality in the district
- **Two Members:**
Atleast one of the two members shall be a woman; **From NGOs or associations committed to women's cause:**
Atleast one must be a woman belonging to SC/ST/OBC/minority community;
Atleast one must have a background of law or legal knowledge
- **Ex Officio Member:**
The concerned officer dealing with social welfare or women and child and development in that district.
Tenure of the Members and Chairperson of Local Committee: 3 years

Minimum Quorum of Local Committee: 3 members including the Chairperson

WHO IS A NODAL OFFICER?

The District Officer shall designate one Nodal Officer:

- in each taluka, block and tehsil in rural or tribal area and
- ward or municipality in the urban areas.

Work of Nodal Officer:

To receive complaint and forward the same to the concerned Local Committee within a period of 7 days.



REDRESSAL OPTIONS BY IC/LC:

There are two options to redress the complaint of the aggrieved:

◆ Conciliation

- The aggrieved woman submits a written request for conciliation to IC/LC
- Only on complaint's request
- No monetary settlement
- Voluntary and confidential meeting

◆ Inquiry

- If the complainant would like to go ahead with inquiry, the IC/ LC must begin the inquiry
- Neither the complainant nor the respondent can bring a lawyer to represent them during the inquiry
- Inquiry must be completed within ninety days since the receipt of complaint.

Procedure Upon Completion of Inquiry by IC/LC:

1. Submission of Report:

- The Internal Committee (IC) or Local Committee (LC), upon completion of the inquiry, shall submit the inquiry report to the employer or the District Officer, as the case may be, within 10 days from the date of completion of the inquiry.
- A copy of the findings shall also be provided to both the aggrieved woman and the respondent.

2. If the Allegation is Not Proved:

The IC/LC shall recommend no action to be taken in the matter.

3. If the Allegation is Proved:

The IC/LC shall recommend the following to the employer/District Officer:

- Treat the act of sexual harassment as misconduct, and take appropriate disciplinary action in accordance with the provisions of the applicable service rules or employment contract.
- Monetary Compensation: Recommend deduction from the salary or wages of the respondent such amount as deemed appropriate to be paid to the aggrieved woman or her legal heirs, in accordance with Section 15 of the Act (which outlines factors to be considered while deciding compensation).

4. In Case of Salary Deduction Not Possible:

If the employer is unable to deduct the recommended amount from the salary or wages of the respondent due to absence from duty, cessation of employment, or any other reason, the respondent shall be directed to pay the amount directly to the aggrieved woman.

5. If the Respondent Fails to Pay:

The IC/LC may forward the recovery order to the concerned District Officer, who shall recover the amount as an arrear of land revenue, as per standard procedures under the law.

Contents of Report

Findings and recommendations of the actions to be taken against the guilty. A copy of the same is shared with the complainant and respondent.



POSH PROCEEDINGS

FILING A COMPLAINT

- Within Three months of incident
- Written complaint with 3 copies plus supporting documents

CONCILIATION

- Only upon complainant's request
- No monetary settlement
- If successful: Case closed

REPORT AND RECOMMENDATIONS

- Submit findings and recommendations within 10 days
- Copy of report given to both parties
- Implementation of recommendations within 60 days

Step
01

Phase
02

Phase
03

Phase
04

Phase
05

Phase
06

ASSESSMENT OF COMPLAINT

- Outline steps and required resources thoroughly.

NQUIRY PROCESS

- Both parties given opportunity to heard;
- Witness examination and cross examination;
- Complete in 90 days from receipt of complaint;
- Interim Measures to be taken like transfer of either party, granting leave to aggrieved women etc.

POSSIBLE ACTIONS TAKEN BY LC/IC

Complete the project and document results and recommendations.



DUTIES AND FUNCTIONS OF IC/LC

Receive complaints of sexual harassment	Recommend relief to victims	Monitoring and Reporting
Keep details of complainant confidential: <ul style="list-style-type: none">• Explain the rights and redressal process,• Explain conciliation and inquiry options to complainant.	<ul style="list-style-type: none">• Transfer of the woman or the respondent.• Leave for the complainant (up to 3 months, in addition to regular leave)• Any other protective measure	Every year, the IC/LC must send an Annual Report to the employer and District Officer, which includes: Number of complaints received, Number of cases resolved, Pending cases (over 90 days). Awareness programs conducted and Action taken reports
Conduct inquiries and submit findings	Monitor implementation of recommendations	
<ul style="list-style-type: none">• Begin inquiry within 7 days of receiving the complaint• Complete inquiry within 90 days (of the date of receiving the complaint)• Ensure no legal representation is involved (lawyers are not allowed)• Provide fair opportunity for both parties to present their side• Document everything committee and the complainant this protects both the	<ul style="list-style-type: none">• After inquiry of the case of sexual harassment.• submit a report with• Findings and Recommendation of action to be taken (if respondent is found guilty)• Suggestions for any relief for the complainant• Submit this report to the employer District Officer within 10 days of completing the inquiry.	

MAJOR TIMELINES UNDER THE ACT

Submission of Complaint → Within 3 months of date of incident

Notice to Respondent → Within 7 days of receiving copy of complaint

Completion of Inquiry → Within 90 days of receipt of complaint

Submission of Report to District Officer → Within 10 days of completion of inquiry

Implementation of Recommendations → Within 60 days of receiving the report

Appeal → To the court or tribunal within 90 days

ORGANIZATION CAN ALSO FORM AN APPELLATE COMMITTEE TO REVIEW THE FINDINGS OF IC

ACTION DURING PENDENCY OF INQUIRY



Transfer the aggrieved woman or the respondent to any other workplace

Grant leave to the aggrieved woman up to a period of three months

In case of an incident, ensure that it is addressed justly and timely.

NOTE: THE LEAVE GRANTED TO THE AGGRIEVED WOMAN UNDER THIS SECTION SHALL BE IN ADDITION TO THE LEAVE SHE WOULD BE OTHERWISE ENTITLED

MISCONCEPTIONS ABOUT THE LAW

	 MISCONCEPTION ABOUT THE LAW	 CORRECT FACT
1	We don't have women employees, so we don't need to comply.	A woman need not be an employee to file a complaint – she can be a vendor, customer, intern, visitor, job applicant, etc.
2	Only employees can file complaints.	The aggrieved woman need not be an employee; the respondent must be.
3	We have very few employees, so we are exempt.	The law applies regardless of employee count.
4	Is the law optional?	No. It is mandatory for all organisations, regardless of structure or constitution.
5	Incidents outside office are not our responsibility.	Workplace includes any location related to work including employer-provided transport.
6	Most of our staff are on contract payroll.	The term “employee” includes contractors, agents, interns, etc., whether paid or not.

7	Sexual harassment doesn't happen here.	One cannot assume the future – compliance is preventive.
8	We will comply only if a complaint is received.	Compliance is mandatory even without complaints – includes posters, policy, IC, sensitization, etc.
9	Having a policy and IC is enough	Compliance also includes training, awareness, documentation, etc.
10	External IC member must be from an NGO.	Can also be from a women's association or anyone familiar with sexual harassment issues.
11	HR Head must be Presiding Officer.	Only a senior woman employee can be Presiding Officer, not necessarily HR. Men cannot hold this post.
12	IC should be all women	At least 50% of IC members must be women. Full women panel is legal but having male members is advised for balance.
13	Oral complaints must be accepted.	IC can act only on written complaints. If needed, they must assist the woman in writing it.
14	Women will misuse the law if denied promotion.	The law has built-in safeguards: time limits, penalties for false complaints, natural justice principles.

15	Sensitization will increase complaints.	Awareness prevents offences and promotes respectful conduct. Understanding helps reduce misunderstandings.
16	Respondent is presumed guilty upon complaint.	There is no presumption of guilt. Woman must prove her case on balance of probabilities.
17	No harm if the law is not complied with.	Non-compliance attracts fines (₹50,000+), licence cancellation, and reputational damage.
18	No mechanism for organizations with <10 employees.	Complaints in such cases go to the Local Complaints Committee (LC) formed by the District Officer.



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.
- For registering complaints through the SHe-Box, a valid email id and mobile number is required.
- To register complaint, you can click on the tab "**Register your Complaint**" as shown on the Homescreen of Ministry of Women and Child Development.



DID YOU KNOW ?



AN ORGANIZATION HAS TO ASSIST YOU

in lodging a complaint with the complaint committee of the organization where the harasser works.

Or,
even lodge a police complaint against the harasser, if you so desire.



THE LAW PROVIDES PROMPT REMEDY

That's because the complaint committee has to complete the inquiry within 90 days.



And the 90 days period starts from the time you lodge the complaint and not from the day when it occurred.

FREQUENTLY ASKED QUESTIONS (FAQS)

Q: What if the respondent is a government officer?

A: LC can investigate if no IC exists in the department; otherwise, refer to the IC.

Q: Are domestic workers covered?

A: Yes, LC is the competent body to handle their complaints.

Q: Can a Transgender file a complaint under Act?

A: Only a transwoman can file a complaint under the SH Act.

Q: What if the committee found the complaint as false or malicious?

A: IC/LC may recommend to the employer/District Officer to take action against the complainant in such manner as may be prescribed after conducting inquiry.

Q: What details should the complaint include?

A: Description of the incident (relevant date, time and location of incident), name of respondent, working relationship between parties.

Q. What kind of punishment could be awarded under the Act?

A: As prescribed under the Service Rules

In case service rules do not exist:

- Written apology
- Warning
- Reprimand or Censure
- Withholding of promotion
- Withholding of pay rise or increments
- Terminating the guilty from service
- Undergoing a counselling session
- Carrying out community service
- Recommendation for criminal action in serious cases



Q. Who can file the complaint?

A. **In case of physical incapacity:** Complainant's relative, friend, co-worker, NCW or SWC, any person having knowledge of the incident with the written consent of the complainant

In case of mental incapacity: Complainant friend, relative, special educator, qualified psychiatrist, psychologist, guardian;

In case of complainant's death: Any person having knowledge of the incident with the written consent of legal heir

Q. Can the IC/LC recommend monetary compensation?

A. Yes. The IC/LC may recommend monetary compensation to be paid by the respondent to the aggrieved woman, based on factors like trauma, loss of career opportunity, etc.

Q. What records must be maintained by the IC/LC?

- Complaint register;
- Minutes of meetings;
- Inquiry reports;
- Annual report to be submitted to employer or District Officer.

Q. Are virtual meetings of IC/ LC allowed?

A. Yes, if physical meetings are not possible, virtual meetings can be conducted while ensuring all members and parties have access to technology and confidentiality is maintained.

Q. What is the objective of having an External Member in Internal Committee?

A. The purpose of having such a member is to ensure the presence of an independent person who can aid, advise and assist the Committee. It obviates an institutional bias.

Q. From where the penalty imposed under the Act has to be sourced?

S. No.	Scenario	Source of Penalty
1	Compensation/Penalty ordered	Respondent
2	Respondent refuses/fails to pay the penalty	Recovered by District Officer as arrears of land revenue
3	Employer's responsibility (IC cases)	As per company policy or employment contract
4	No LC funds or govt budget provision	Government funds are not used for penalties under POSH

Q. Who is liable to pay the penalty if a member of the Local Committee breaches the confidentiality of the complainant?

S. No.	Person who violated confidentiality	Who Pays / Source of Fine
1	Individual LC Member	From the individual member's own pocket
2	Government Officer in LC	Deducted from their salary or personal funds
3	NGO or Private Member	From their personal funds or NGO's liability
4	Entire LC found negligent	Recovery from concerned members (as determined by District Officer or appropriate authority)

Q. What is the objective of having an External Member in Internal Committee?

A. The purpose of having such a member is to ensure the presence of an independent person who can aid, advise and assist the Committee. It obviates an institutional bias.

Q. When can a Member of Internal Committee or Local Committee be disqualified?

A. An IC/LC member can be disqualified from the position before the completion of three years if he/she:

- Breaches confidentiality regarding information related to the case, like the details related to the identity of the complainant, witness, or the respondent, information regarding the progress of the inquiry, or the recommendation made by or actions taken by IC.
- Is convicted of an offence or an inquiry into the offence is pending.
- Has any pending disciplinary proceedings after found guilty.
- Has abused any powers to continue in their positions in office which could be against the public interest

Q. What can the IC do to maintain confidentiality?

- A. • Create Awareness Proactively
- Include a clause on confidentiality in the POSH Policy
 - Sign non-disclosure agreement

Q. What is the Penalty for breach of confidentiality?

- A● Anyone contravening the provision of confidentiality will be liable for penalty in accordance with the service rules.
- In the absence of a service rule, the employer can impose a fine of five thousand rupees for breach of confidentiality

Q. Things to keep in mind while recommending actions against the respondent.

- A● Severity of the misconduct.
- Respondent's past track record.
 - Designation and stature of the respondent.
 - Impact of the recommended action on the respondent and the organization

Q. Can the complainant register a police complaint?

A. Apart from registering a complaint with the Internal Committee or the Local Committee, POSH Act allows the aggrieved woman to file a police complaint also.

Section 19 (g) of the POSH Act states that the employer must “provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Bhartiya Nyaya Sanhita or any other law for the time being in force.

KEY JUDGEMENT

Initiatives for Inclusion Foundation & Anr. v. Union of India & Ors.

Delivered by a Bench of Justices S. Ravindra Bhat and Dipankar Dutta, this ruling addressed significant implementation gaps in the POSH Act, 2013, particularly concerning Local Complaints Committees (LCs) and District Officers under Sections 5 and 6.

Key Takeaways:

- **Empowered District Officers**

The Court emphasized that District Officers are pivotal—they coordinate, monitor, and ensure enforcement of Local Complaints Committees. In many States, such officers were either not appointed or lacked clarity in their roles, halting POSH compliance

- **Mandatory Constitution of LCs**

LCs must be set up in every district—especially for workplaces with fewer than 10 employees or those lacking an Internal Complaints Committee. Many districts had yet to comply



- **Clear Timelines Ordered:**

The Court directed States and UTs to:

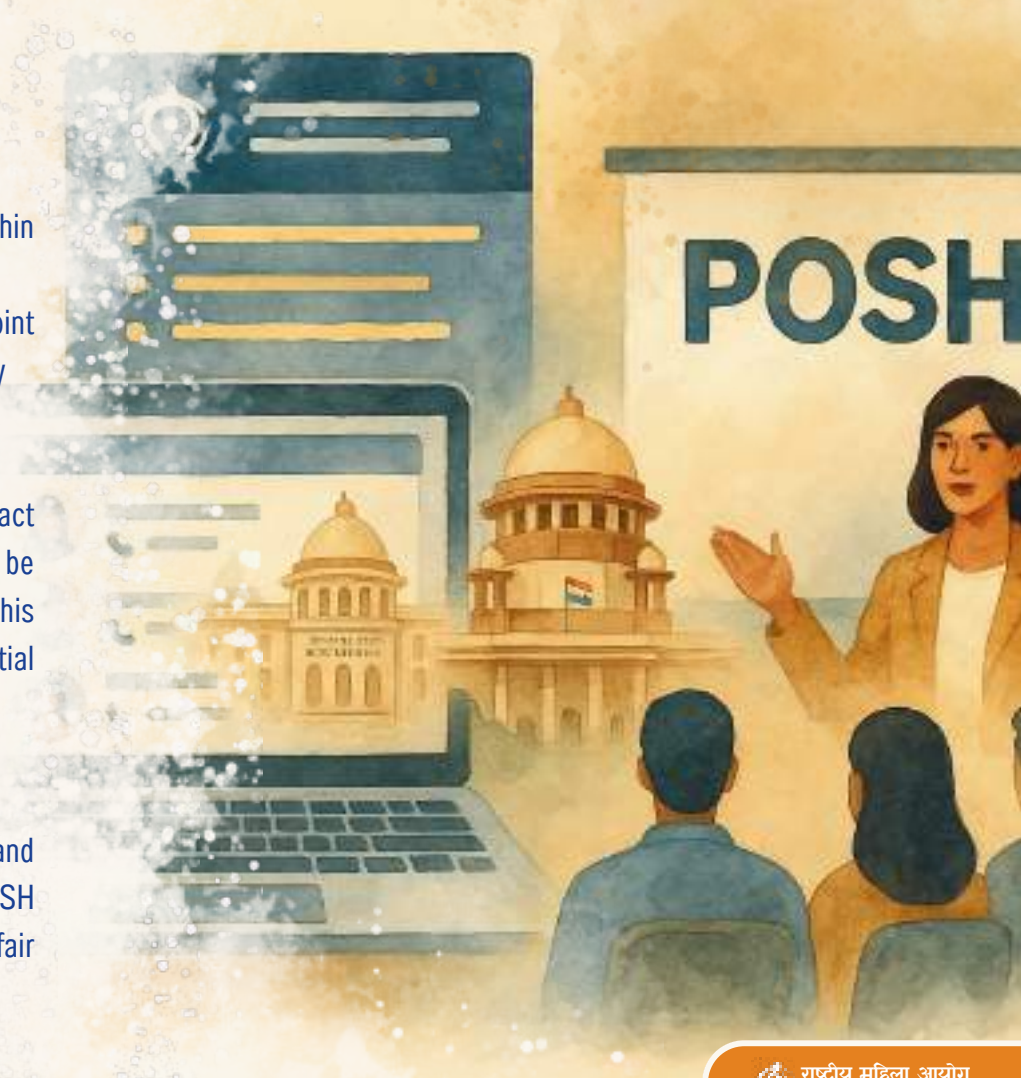
1. Notify District Officers rapidly (typically within 4 weeks post-judgment)
2. Constitute Local Committees and appoint nodal officers at block/taluk levels promptly

- **Transparency and Public Awareness:**

Committee information, including names, contact details, and complaint procedures, must be displayed on official government websites. This ensures visibility and accessibility for all potential complainants

- **Training Committee Members:**

The judgment stressed familiarising Local and Internal Committee members with POSH provisions and their responsibilities to ensure fair and competent inquiry processes.



Why this Judgment Matters ?

This landmark judgment bridged a major enforcement gap in the POSH framework as follows:

S. No.	Focus Area	Impact
1	Operationalizing LCs	Converts theoretical compliance into practical availability for victims, especially in unorganised/economically smaller workplaces
2	Strengthening Accountabilities	Assigns clear roles to District Officers, aligning grassroots enforcement with the POSH Act's intent
3	Enhancing Accessibility	With public information displays, it significantly improves awareness and channels for redressal
4	Quality Assurance	Training members helps minimize inquiry delays and errors

UGC's Legal Framework

UNIVERSITY GRANTS COMMISSION (PREVENTION, PROHIBITION, REDRESSAL OF SEXUAL HARASSMENT OF WOMEN EMPLOYEES AND STUDENTS IN HIGHER EDUCATIONAL INSTITUTIONS) REGULATIONS, 2015

Background & Legal Framework

- UGC Guidelines on POSH are based on the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013.
- Issued to ensure a safe, secure, and gender-sensitive environment for all students and staff in higher educational institutions (HEIs).
- UGC notified universities and colleges through its Regulations, 2015, **titled:**

“Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions”.

Applicability:

- Applicable to all higher educational institutions recognized by the UGC.

Scope and Coverage:

Encompasses all members of a Higher Educational Institution:

- Students (undergrad/postgrad, regular/distance)
- Faculty (permanent, contractual, visiting, ad-hoc etc)
- Non-teaching staff (administrative, technical, security, housekeeping)
- Guests & Visitors (visiting researchers, parents, vendors)
- Hostel residents on campus.

Internal Complaints Committee (IC)

Mandatory in all Higher Educational Institutions

COMPOSITION:

- Presiding Officer – a senior woman faculty member from HEI
- At least two faculty/staff members, preferably women
- One external member from NGO/legal/judicial background
- One student representative (if students are complainants/respondents)

Membership Term – 3 years; aim for gender diversity; minimum one-third women (IC may be reconstituted if membership dips below). Selection Criteria for external member: experience in women's issues, committed to fight sexual harassment, not connected to HEI governance.



Filing & Inquiry Process:

1. Complaint Submission

- Preferably in writing, within 3 months of incident (can extend to 3 more months if circumstances warrant).
- Complainants may approach IC directly or use anonymity via a supporter/helper.

2. Acceptance & Acknowledgment

- IC must acknowledge within 7 days and can suggest informal resolution.

3. Inquiry & Hearing:

- Conducted impartially; complainant and respondent may present evidence, call witnesses, be represented by a third party.
- Confidential hearings in enclosed rooms; resolution ideally within 90 days from complaint registration.

4. Report & Recommendations

- IC submits a report to the Institution's authority with findings and recommended actions (disciplinary measures, counseling, training, financial restitution).



5. Appeal Mechanism

- Respondent or complainant can appeal to LC within 30 days.

6. Implementation Timeline

- Institution must act on recommendations within 60 days of report submission.

Disciplinary Actions & Compliance:

- **Actions may include:**

- Warnings, suspension, expulsion, salary cuts, bond cancellation or termination.
- Disciplinary measures aligned with UGC Guidelines, in consultation with state Education Department or Employer (where applicable).

- **Non-compliance Consequences:**

- UGC may withhold or revoke grants funding.
- Institutional reputation damage; possible UGC inspection and public disclosure.

- **Hefty liabilities:**

- Compensation directed to victim; calculated per severity of harassment.



Institutional Responsibilities:

- Display “Zero Tolerance” policy prominently around campus and hostel areas.
- Conduct regular sensitization workshops, mandatory orientation for newcomers.
- **Infrastructure commitments:**
 - Secure campus lighting, CCTV in common areas
 - Safe transportation and escorts late at night on campus
 - Gender-neutral restrooms
- **Annual Reporting & Record-Keeping:**
 - IC submits annual report to Head of Institution and UGC (details anonymized to protect confidentiality).
 - Maintain records (complaints, inquiry proceedings, resolutions, training attendance) for at least 8 years

Institutional Responsibilities:

- Display policy against sexual harassment at prominent places.
- Conduct regular sensitization programs for staff and students.
- Ensure safe transportation, well-lit campuses, and gender-neutral infrastructure where possible.
- Encourage a gender-sensitive environment through curriculum and campus culture.

Compliance & Penalties:

- Non-compliance can lead to withdrawal of UGC grants.
- Annual submission of compliance report to UGC is mandatory.
- UGC may conduct inspections to check the implementation.

POSH: AT A GLANCE

- Law for women but not anti-men
- Law cannot be misused since provision made for penalizing complainant in case of false and malicious complaint
- ICC mandatory in case company has 10 or more employees (and not 10 women employees)
- Government has appointed LCC in each district to hear complaints from unorganized sector as well as in case companies don't make ICCs
- Further nodal officer appointed by Government in each block, taluka and tehsil in rural or tribal areas and ward or municipality is urban area to receive complaints and forward to LCC so that women don't have to travel very far
- ICC / LCC mandated to assist Complainant to make complaint in writing



- Woman Complainant need not be an employee
- Only Respondent needs to be an employee and can be Male/Female/3rd Gender
- Employee Definition is very wide to cover all situations inclusive Contract Employee
- Management made accountable for compliance with PoSH Act. Criminal Offence for Management and can be fined upto Rs. 50,000 personally. In case of repeated violation, double penalty and cancellation of business license is possible
- Complaint against Management can be made to Government's LCC to address bias concerns
- Even Domestic Workers can complain before LCC
- LCC can also hear complaints in case company does not have ICC
- ICC / LCC have powers of Civil Court under CPC
- NCW / SWC can make complaints on behalf of Aggrieved Women in certain circumstances [Rule 6(i)]
- LCC can filed criminal complaint against Management in case of any POSH Act violation [Section 27(1)]
- PoSH Act can be invoked in addition to any other law
- Fine in case of violation of confidentiality
- Prompt Justice i.e. Inquiry to be completed within maximum 90 days



SAFETY, RESPECT, EMPOWERMENT



HELPLINES FOR WOMEN



NATIONAL COMMISSION FOR WOMEN
24 X 7 HELPLINE

7827170170

WOMEN HELPLINE NUMBER

1098

CHILD HELPLINE

181

POLICE HELPLINE

112



राष्ट्रीय महिला आयोग

NATIONAL COMMISSION FOR WOMEN

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The establishment of Internal Committees and Local Complaints Committees is not a mere formality but a mandatory requirement to ensure the effective implementation of the POSH Act. The right to a dignified workplace is not merely a statutory right but a constitutional guarantee under Articles 14, 15, and 21, and it is incumbent upon all stakeholders to ensure its realization. The Non-compliance with the POSH Act undermines the constitutional mandate of gender equality and the right to a safe working environment.

: Hon'ble Supreme Court
(In *Aureliano Fernandes v. State of Goa & Others*,
2023 case)