



JSA Prism Employment Law

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Sexual harassment law compliance under the spotlight: Supreme Court of India issues a 6 (six) week deadline to verify compliance

The Hon'ble Supreme Court of India ("Supreme Court") in *Aureliano Fernandes vs. The State of Goa and Ors.*¹ has directed all States and Union Territories to complete a district-wise survey within 6 (six) weeks from the date of the order (*i.e., on or before September 23, 2025*). The survey must be conducted to verify whether employers, both in the public and private sectors, are compliant with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("PoSH Act").

While the law has undeniably raised awareness, spurred the formation of Internal Complaints Committees ("ICC") and mandated policies, posters and trainings, the Supreme Court has issued the directive in response to the on-going non-compliance in certain quarters. The Supreme Court has reiterated that the legislation is not a mere formality but a critical safeguard for workplace dignity and safety.

Brief facts

The case originated from a sexual harassment complaint filed against the petitioner, Aureliano Fernandes, by female students at the Goa University. An ICC as required under the PoSH Act was constituted to investigate the matter. The ICC found him guilty and recommended employment termination. Aggrieved by the ICC's recommendations, the petitioner challenged this decision, arguing that the inquiry was conducted without giving him a fair and reasonable opportunity to defend himself, thereby violating the principles of natural justice.

The High Court of Bombay (Goa Bench) ("**Bombay (Goa) HC**") dismissed his petition, but the Supreme Court, in its judgment dated May 12, 2023², found that the inquiry was conducted in a 'tearing hurry' and the petitioner was not given reasonable time to effectively participate. As a result, the Supreme Court set aside the Bombay (Goa) HC's judgment and directed the matter back to the ICC for conducting a fresh inquiry in accordance with the principles of natural justice.

The broader impact and current status

While the original case was about a specific individual, the Supreme Court's final judgment on May 12, 2023, went a step ahead to address the widespread and inadequate implementation of the PoSH Act across the country. Noticing significant lapses in the enforcement of the PoSH Act, the Supreme Court issued a series of broad directives to the Union of India, all State Governments, and Union Territories. These directions mandated a time-bound exercise to

¹ Miscellaneous Application Diary No(s).22553/2023 (decided on August 12, 2025)

² Civil Appeal No. 2482 of 2014 (Judgment dated May 12, 2023)

ensure that all concerned ministries, departments, government organisations, public sector undertakings, and other institutions have properly constituted ICCs or Local Committees (“**LCs**”) as required by the PoSH Act.

Supreme Court directions

The Supreme Court's earlier order dated December 3, 2024³, directed a survey to determine whether both public and private organisations have constituted ICCs. Despite this directive, the petitioner's counsel and the amicus curiae appointed by the Supreme Court, pointed out that full compliance remains pending from all States and Union Territories. In response, the Supreme Court has now issued directions to ensure effective implementation:

1. the Labour Commissioners at the district level and Chief Labour Officers at the State level must provide a list of registered establishments to the respective District Officer;
2. the District Officer must transmit such data to the Chief Secretaries of the States and Union Territories for submission to the Supreme Court; and
3. these officers will then carry out a physical verification of compliance, focusing primarily on whether ICCs have been constituted in accordance with the requirements under the PoSH Act.

The Supreme Court pointed out that the purpose of this exercise is to ensure that ICCs and LCs are established in accordance with the PoSH Act, especially in the private sector, mandating completion of this exercise within 6 (six) weeks from the date of the order. The compiled data must be provided to the amicus curiae for the court's review and further directions. The States were also advised to ensure that the collected data is ‘on-boarded’ onto the She-box platform created by the Ministry of Women and Child Development.

The Supreme Court has also made it clear that non-compliant entities stand at the risk of facing serious consequences, including possible refusal of licence renewals by the Labour Department until full compliance is demonstrated.

What this means for employers

The PoSH Act requires every workplace with at least 10 (ten) employees to establish an ICC. However, many private establishments have either failed to constitute such committees, appointed members improperly, or failed to duly train the ICC members. These deficiencies are likely to be exposed during this survey, thereby remaining on record, if at all such non-compliances are observed.

Employers who are yet to constitute their ICCs and frame anti-sexual harassment policy (“**PoSH Policy**”) must take immediate steps to ensure compliance with the provisions of the PoSH Act to avoid regulatory and reputational fallout. Employers must confirm that their ICCs are in place for each workplace/office that meets all statutory requirements within the 6 (six) week survey window. This includes verifying whether the ICC has the proper number of members, gender representation, and the mandatory inclusion of an external member having the necessary expertise handling sexual harassment cases.

Employers should also ensure that the PoSH Policy and other notices such as details of the duly constituted ICC, list of punishments, are prominently displayed at the workplace. The details of ICC members are communicated to all staff, and regular awareness sessions are conducted to familiarise employees with their rights and the complaint process. Training the ICC to handle complaints with sensitivity and in accordance with the PoSH Act's timelines is equally critical.

An internal audit of past complaints, redressal procedures, and record-keeping should be conducted to identify and fix gaps, if any. If there has been a failure to submit the annual report as required under the PoSH Act or register the establishment on the She-Box portal, those actions must also be remediated immediately.

³ *Aureliano Fernandes v. The State of Goa and Ors.* (Miscellaneous Application Diary No(s).22553/2023)(Judgment dated December 3, 2024)

Conclusion

Recently, many State Governments have issued notifications directing public and private employers to mandatorily register and update details of their ICCs on the She-Box portal. In view of the present Supreme Court directive, it is likely that other States and Union Territories will also follow suit by issuing similar directives.

The Supreme Court's order is a clear signal that passive or partial compliance will no longer be tolerated. With district officials tasked to verify on-ground adherence, employers will need to act quickly. Needless to mention, ensuring that the mechanisms under the PoSH Act are fully functional is not just a legal obligation, it is a cornerstone of a safe and respectful work culture.

This development heightens the imperative to take a proactive, systemic approach to governance under the PoSH Act, rather than a mere tick-box exercise. Employers should therefore use this opportunity to embed robust practices that protect employees, strengthen governance and safeguard the organisation's legitimacy and reputation.

Employment Practice

JSA has a team of experienced employment law specialists who work with clients from a wide range of sectors, to tackle local and cross-border, contentious and non-contentious employment law issues. Our key areas of advice include (a) advising on boardroom disputes including issues with directors, both executive and non-executive; (b) providing support for business restructuring and turnaround transactions, addressing employment and labour aspects of a deal, to minimise associated risks and ensure legal compliance; (c) providing transaction support with reference to employment law aspects of all corporate finance transactions, including the transfer of undertakings, transfer of accumulated employee benefits of outgoing employees to a new employer, redundancies, and dismissals; (d) advising on compliance and investigations, including creating compliance programs and policy, compliance evaluation assessment, procedure development and providing support for conducting internal investigations into alleged wrongful conduct; (e) designing, documenting, reviewing, and operating all types of employee benefit plans and arrangements, including incentive, bonus and severance programs; and (f) advising on international employment issues, including immigration, residency, social security benefits, taxation issues, Indian laws applicable to spouses and children of expatriates, and other legal requirements that arise when sending employees to India and recruiting from India, including body shopping situations.

JSA also has significant experience in assisting employers to ensure that they provide focused and proactive counselling to comply with the obligations placed on employees under the prevention of sexual harassment regime in India. We advise and assist clients in cases involving sexual harassment at the workplace, intra-office consensual relationships, including drafting of prevention of sexual harassment (POSH) policies, participating in POSH proceedings, conducting training for employees as well as Internal Complaints Committee members, and acting as external members of POSH Committees.

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18 Practices and
41 Ranked Lawyers



7 Ranked Practices,
21 Ranked Lawyers



14 Practices and
12 Ranked Lawyers



12 Practices and 50 Ranked
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20 Practices and
22 Ranked Lawyers



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