

Maharashtra Government introduces inspection framework for compliance under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

On May 14, 2026, the Women and Child Development Department of the Government of Maharashtra (“**MH Government**”) has issued a circular authorising designated officers to conduct inspections of establishments in order to assess their compliance under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) (“**PoSH**”) Act, 2013 (“**PoSH Act**”).

Recognising the vast number of private establishments, Government and Semi-Government bodies, corporations, and institutions operating across the State, the MH Government considered it necessary to create an inspection framework to ensure effective implementation of the PoSH regime. The circular signals increased regulatory scrutiny and reflects a clear shift towards verifying whether organisations are not only adopting PoSH policies on paper but are meaningfully complying with their statutory obligations in practice.

Statutory basis for the inspections

The circular reiterates that effective implementation of the PoSH Act requires verification of whether complaints are being appropriately addressed, Internal Committees (“**ICs**”) are being properly constituted, periodic reports are being submitted, and other legal obligations are being fulfilled. The objective is to strengthen implementation of the law and ensure appropriate justice to complainants.

The authority for such inspections flows from Section 25 of the PoSH Act, which empowers the appropriate government, by an order in writing, to: (a) call upon any employer or the district officer¹ to furnish information relating to sexual harassment; and (b) authorise any officer to inspect workplace records and establishments in relation to sexual harassment compliance.

Pursuant to these powers, the MH Government has authorised a wide range of officers to conduct inspections. The circular identifies 12 (twelve) categories of officers, including district officers, officers and employees at the Women and Child Development Commissionerate level, probation officers, Government-appointed superintendents and lady superintendents of Government and non-governmental organisation institutions, district probation officers, among others.

¹ As per the circular, for implementation of the functions prescribed under the PoSH Act, the deputy collector of every district has been designated/declared as the district officer under the PoSH Act.

Procedure for conducting inspections

The circular lays down an administrative structure and procedure for conducting inspections.

The State Nodal Officer and the Commissioner, Women and Child Development, are entrusted with determining the inspection methodology, jurisdictional allocation, and inspection objectives. Divisional Deputy Commissioners are tasked with supervising inspections in accordance with directions issued by the Commissioner, Women and Child Development.

The District Women and Child Development Officer and the Child Development Project Officer (Urban) will function as nodal officers for identifying establishments and determining inspection objectives in urban areas. The services of *Anganwadi Chief Sevikas* and supervisors may also be utilised for inspection purposes.

Importantly, the circular mandates that inspections must strictly adhere to the inspection checklist prescribed by the MH Government. It further provides that the State Nodal Officer, Commissioner, and district nodal officers must ensure that only 1 (one) officer or team visits an establishment for inspection, presumably to avoid duplication and administrative disruption.

The inspection checklist: a comprehensive compliance audit

For the purpose of conducting the inspection, the circular lays out an extensive inspection checklist which will be relied upon by the inspection officers to assess organisational compliance under the PoSH Act. The checklist is divided into 5 (five) separate parts, each aimed at evaluating a different aspect of PoSH compliance. Taken together, the checklist effectively operates as a comprehensive compliance audit tool.

Part A – PoSH policy and IC compliance

Part A of the checklist focuses on foundational compliance requirements relating to the organisation's PoSH policy and constitution of the IC.

The checklist seeks to verify whether the establishment has formally adopted a PoSH policy and, if not, the reasons for non-adoption. It further examines whether the policy has been disseminated to all employees, including interns and contractual personnel.

The inspection also assesses whether an IC has been constituted in every office and whether the composition of the IC satisfies statutory requirements. This includes verifying whether the IC consists of at least four members, whether a senior-level woman employee has been appointed as Presiding Officer, whether an external member has been appointed, and whether at least fifty percent of the members are women.

Interestingly, the checklist goes beyond the statutory text in certain respects. It specifically asks whether the organisation's PoSH policy and the SHe-Box portal link are available on the establishment's website and official social media channels. Another notable question seeks to assess whether the organisation's policy extends to remote and virtual work environments, including work-from-home arrangements.

Part B – Support and assistance to the aggrieved woman

Part B of the checklist evaluates the mechanisms available to support an aggrieved woman during the complaint and inquiry process.

The checklist examines whether the organisation provides multiple channels for filing complaints, including email, written complaints, online systems, and the SHe-Box portal. It also reviews whether statutory timelines and acknowledgement requirements are being complied with.

Further, the inspection seeks to assess whether confidentiality obligations are maintained, whether interim relief measures are made available where necessary, and whether safeguards exist to prevent retaliation or victimisation of

complainants and witnesses. The checklist also inquires whether counselling support or legal assistance is provided where requested or required.

Part C – Awareness and training measures

Part C of the checklist focuses on awareness creation and training initiatives undertaken by the employer.

This includes assessing whether IC members have received adequate training and whether regular awareness programmes are conducted for employees regarding the provisions of the PoSH Act and workplace conduct expectations.

The emphasis on training reinforces the long-standing regulatory expectation that PoSH compliance is not limited to committee constitution alone but also requires sustained sensitisation efforts across the organisation.

Part D – Employer responsibilities and operational compliance

Part D examines the employer's broader statutory responsibilities and operational compliance framework.

The checklist seeks to verify whether inquiry timelines prescribed under the PoSH Act are being adhered to, including timelines for completion of inquiries and implementation of recommendations made by the IC. It also assesses whether records relating to complaints and inquiries are securely maintained.

Additionally, the inspection evaluates whether the employer has ensured a safe working environment, both physical and digital. The inclusion of 'digital' workplace safety is particularly reflective of hybrid work models and judicial precedents that recognised the concept of the 'extended workplace' under the PoSH Act.

The checklist also examines whether annual reports are being submitted every year and whether all required particulars are included in such reports. Further, it assesses whether disciplinary action is taken in cases where misconduct is established and whether regular inspections of PoSH compliance are undertaken.

Part E – SHe-Box onboarding and portal compliance

The final section of the checklist focuses on compliance relating to the SHe-Box portal.

The inspection seeks to verify whether the organisation has appointed a nodal officer for the SHe-Box portal and whether details of nodal officers for all offices employing 10 (ten) or more employees have been updated on the portal.

The checklist further requires verification of whether the IC details of the head office, as well as all branch offices, have been uploaded on the portal. It also examines whether the organisation's annual report has been uploaded on SHe-Box.

Conclusion

The circular makes it clear that if deficiencies are found during inspection, penal action must be initiated against the concerned establishment as per the recommendations of the inspection officer under Section 26 of the PoSH Act. The circular marks a notable shift towards active enforcement and institutional monitoring of PoSH compliance in Maharashtra. While organisations have historically focused on policy adoption and annual training exercises, the detailed nature of the inspection checklist indicates that regulators now expect demonstrable operational compliance across all aspects of the law.

The inclusion of questions relating to digital workplace safety, work-from-home environments, website disclosures, social media visibility, and SHe-Box integration also suggests an attempt to align PoSH compliance expectations with evolving workplace structures and technology-driven work arrangements. Importantly, employers with multiple offices or units should also revisit whether their IC constitution is compliant at the unit level. This is an area that is

often overlooked in practice, particularly by organisations operating across multiple cities or through several offices within the same city. In this regard, the recent directive issued by the National Commission for Women on May 22, 2026², to a prominent technology company requiring constitution of separate ICs at each unit employing 10 (ten) or more employees, based on findings from a fact-finding exercise is a timely reminder that regulators are closely examining not just whether an IC exists, but whether it has been validly and appropriately constituted for each relevant unit.

Organisations operating in Maharashtra would therefore be well advised to conduct internal compliance reviews, revisit their IC constitution and documentation practices, assess SHe-Box readiness, and ensure that their policies and procedures can withstand regulatory scrutiny under the newly introduced inspection framework.

Employment Practice

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² <https://www.ncw.gov.in/press-release/ncw-directs-tcs-nashik-for-a-comprehensive-posh-compliance/>



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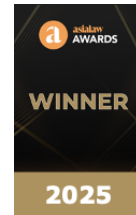
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