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LEGAL FRAMEWORK FOR SEXUAL HARASSMENT AT WORKPLACE IN INDIA: AN OVERVIEW OF JUDICIAL PRECEDENTS

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Abstract

Law has a very important role in ensuring women equality, liberty and dignity at workplaces and in society. Comprehensive legal framework is made to provide for safe, secure and enabling environment to every woman irrespective of their age or employment status, free from all forms of sexual harassment by fixing the responsibility on the employer as well as District Magistrate or Collector of every District in the state as District Officer and laying down a statutory redressal mechanism.¹ Courts play a significant role in stimulating the whole administrative and legal system towards women's concerns and their protection. The Supreme Court and various High courts have in their judgments laid down the guidelines to be followed in interpreting the various provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and procedure to be followed in dealing with the complaints of sexual harassment. The paper provides an insight into various court judgments in interpreting and applying the Act to the cases of sexual harassments at workplaces and at the same time directing the Union Government and the State Governments to take affirmative action and make sure that the objective behind enacting the POSH Act is achieved in real terms.

Keywords:Court Judgments , Legal Framework , Sexual Harassment , The Constitution of India

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is “an act basically introduced in line with Article 11 of the convention on elimination of all forms of discrimination, to which India is a party, which requires state parties to take appropriate measures to eliminate discrimination against women in the field of employment. It is also evident that the act has its genesis in Article 21 of The Constitution of India, which relate to the life and personal liberty, and includes right to life with dignity and in case of women, it means that they must be treated with due respect, decency and dignity at workplaces. Another reason was that more and more women started joining the workforce, both in organized and unorganized sectors, and for ensuring an enabling working environment for women. The Act is also the outcome of the fact that the sexual harassment at workplace is considered the violation of women's right to equality, life and personal liberty, which creates an unsecured and hostile work environment, which discourages women participation in work thereby, adversely affecting their social and economic empowerment and the goal of inclusive growth. While introducing the Act, the Union Government has also considered the concept of equality provided under Article 14 and Article 15 of The Constitution of India, which prescribes discrimination on the grounds of religion, race, caste, sex or place of birth or any of them. That apart Article 19(1)(g) which gives fundamental right to all citizens to practice any profession, or to carry on any occupation, trade or business and which presupposes the availability of an enabling environment for women, which is equitable, safe and secure in every aspect.”²

The Supreme Court of India in the case of Vishaka & others vs. State of Rajasthan & others (1997 (7) SCC323) also held “that the Sexual harassment at workplace is a form of discrimination against women and recognized that it violates the Constitutional rights to equality and provided the guidelines to address the issue pending enactment of a suitable legislation.”³

¹ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

² Centre for Constitutional Rights v State of Kerala, (WP(C)No.36059 of 2018 in the Kerala High Court) retrieved from Sexual harassment at work place <https://indiankanoon.org/doc/94892413/>

³The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 , Professional Book Publishers, New Delhi. p-2.



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The Act, 2013⁴ (Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013) defines “Sexual Harassment. “sexual harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:—

- (i) physical contact and advances; or
- (ii) a demand or request for sexual favours; or
- (iii) making sexually coloured remarks; or
- (iv) showing pornography; or
- (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;”

The Act provides that no woman shall be subjected to Sexual Harassment at any workplace. “workplace” includes—

1. Any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;
2. Any private sector organization or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organization, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;
3. Hospitals or nursing homes;
4. Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
5. Any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey;
6. A dwelling place or a house;
7. “Unorganized sector” in relation to a workplace means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten.

The Act mentions the following circumstances, among other circumstances, if it occurs, or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment at any workplace:—

- (i) implied or explicit promise of preferential treatment in her employment; or
- (ii) implied or explicit threat of detrimental treatment in her employment ; or
- (iii) implied or explicit threat about her present or future employment status; or
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) humiliating treatment likely to affect her health or safety.

The Act provides that Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the “Internal Complaints Committee”. Every District Officer shall constitute in the district concerned, a committee to be known as the “[Local Committee]” to receive complaints of sexual harassment from establishments where the [Internal Committee] has not been constituted due to having less than ten workers or if the complaint is against the employer himself.

In the judgment in *Mrs A---v Local Complaints Committee, Indore*, W.P.No.22314 of 2017 “ the Indore Bench of Madhya Pradesh High Court has slapped a penalty of Rs. 50000 on Medanta Hospital Indore for not having Internal Complaints

⁴ Ibid.



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Committee and directed the hospital to pay a compensations of Rs. 25 lakh to the complainant for failing to address her complaint.”⁵

“The Public Interest Litigations (WP(C)No.36059of 2018 in the Kerala High Court) filed by various organizations seeking to constitute a grievance redressal mechanism against sexual harassment as envisaged in the Act,2013. The case involved the issue whether any of the respondent organizations are creating a workplace or creating an employer-employee relationship in order to attract the provision of Act, 2013 and thereby bound to constitute an Internal Complaints Committee. Section 4 of the Act deals with the constitution of Internal Complaints Committee which specifies that every employer of a workplace, by an order in writing, constitute a committee to be known as Internal Complaints Committee. It also makes it clear that there should be an employer-employee relationship and there should be a workplace managing the employer to constitute the Internal Complaints Committee. The court observed that the organizations associated with the film industries are not the employers of the actor artists in the film industry but these organizations have their own structure, in which employees are there and therefore they are duty bound to constitute Internal Complaints Committee, if the employees are exceeding 10 in number in contemplation of section 4 and section 6 of the Act, 2013. If women workers employed are less than ten in number they are entitled to make complaints to Local Complaints Committee in accordance with the provisions made in the section and section 9 of the Act, 2013. The court observed that the political parties which are not having any employer-employee relationship with its members and are not carrying on with any private venture, undertaking, enterprise, institution, establishment etc. in contemplation of a workplace as defined under section 2(o)(ii) of Act 2013 are not liable to make any Internal Complaints Committee. In all other cases a woman employee subjected to sexual harassment is entitled to file any complaint of sexual harassment before the local committee in contemplation of the provisions of the Act under section 9 and section 6 of the Act,2013.”⁶

“Subject to the provisions of section 10, the Internal Complaints Committee or the Local Committee, as the case may be, where the respondent is an employee, proceed to make an enquiry into the complaint in accordance with the provisions of service rule applicable and where no such rule exist , in such manner as may be prescribed. For the purpose of making an enquiry the committee shall have the same powers as are vested in civil court under the code of civil procedure, 1908 when trying a suit in respect of the following matters, namely- a. summoning and enforcing the attendance of any person and examining him on oath; b. Requiring the discovery and production of documents; and c. Any other matter which may be prescribed. The enquiry shall be completed in 90 days.”⁷ The judgment of the case Shital Prasad Sharma vs The State of Rajasthan and others S.B. Civil Writs No. 2313/2018 noted that the petitioner being government servant and as per the requirement of section 11 of the Act, 2013 the committee had to make enquiry into the complaint in accordance with the provisions of Central Services Rules and emphasized that, procedure which they evolve should be in consonance with the rules of natural justice (sub rule 4 of Rule 7 of the Rules, 2013.). This ensures exclusion of favoritism, prejudice or bias. The court also observed that as per Rule 9, 2013, wherever the service rules exist and the complaints committee arrives at a conclusion that allegation against a person has been proved, it shall recommend to the employer, or the District officer, as the case may be, to take any action including a written apology, warning, reprimand or censure, withholding of promotion, or pay rise or increments, terminating the person from service or undergoing a counseling session or carrying out community service. The said rule 9 of the Act, 2013 makes an exception in respect of the cases where the service rules exist and in such cases service rules will be applicable for imposing penalties.”⁸

Supreme Court of India in Apparel export Promotion Council vs A.K. Chopra on 20th January, 1999 (AIR 1999 SUPREME COURT 625) dealt with the question “whether an action of the superior against a female employee which is against moral sanctions and does not withstand test of decency and modesty not amount to sexual harassment and whether the physical

⁵ Courts imposes penalty for non compliance under POSH, retrieved from <https://capindia.in> No.6, 2019

⁶ Centre for Constitutional Rights v State of Kerala,(WP(C)No.36059of 2018 in the Kerala High Court) , op.cit.

⁷ The Sexual Harrasment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

⁸Shital Prasad Sharma vs The State of Rajasthan and others S.B. Civil Writs No. 2313/2018 retrieved from Sexual harassment at work place <https://indiankanoon.org/doc/73651374/>



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contact is essential ingredient of such a charge. It was upheld that sexual harassment is a form of sexual advances, request for sexual favors and other verbal or physical conduct with sexual overtones, whether directly or by implication, particularly when submission to or rejection of such a conduct by female employees was capable of being used for effecting the employment of female employee and unreasonably interfering with her work performance and had the effect of creating an intimidating or hostile working environment for her. It held that in cases involving the violation of human rights, the courts must forever remain alive to the international instruments and conventions and apply the same to the given case when there is no inconsistency between the international norms and domestic law. In a case involving a charge of sexual harassment or attempt to sexually molest, the courts are required to examine the broader probabilities of a case and not swayed by insignificant discrepancies or narrow technicalities or dictionary meaning of expression molestation. They must examine the entire material to determine the genuineness of the complaint. Such cases are required to be dealt with greater sensitivity.”⁹

As per section 14 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressed) Act, 2013, there is a provision for taking disciplinary action against any person for making false complaints. The Criminal Procedure Code, 1973 and the Indian Penal Code, 1860 collectively made for the action to be taken against a person who has made a false complaint to the police. The Internal Complaints Committee or the Local Committee as the case may be, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or if the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or the District Officer as the case may be, to take action against the person who has made the complaint, under sub section (1) or subsection (2) of section 9, as the case may be, in accordance with the service rules applicable and where no such rules exist than in such manner as may be prescribed. Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant. Provided further that the malicious intent on part of the complainant shall be established after the enquiry in accordance with the procedure prescribed, before any action is recommended. In the B----- vs Union of India pronounced on 30 jan 2024 (Jharkhand High Court at Ranchi W.P.(S) No.6207 of 2017) case it was observed that” the false allegations do constitute a case of gross misconduct and indiscipline but false complaint is not the same as incorrect complaint. The former expression envisages the existence of intention with malice. Unsubstantiated allegations means that the allegations are incorrect. Mere inability to substantiate a complaint or inability to provide adequate proof need not attract action against the complainant. In the present case there was no evidence to indicate that any other person was involved in the leveling of charges and there was no coconspirator found hence the disciplinary proceedings cannot be applied as no enquiry was contemplated under section 14 (1) of the Act of 2013.”¹⁰

Section 18 of 2013 Act provides for appeal by any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clause 1 or clause (11) of sub-section (3) of section 13 or sub-section (1) or subsection (2) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of service rules applicable to the said person or where no such service rules exit then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed. The appeal shall be preferred within a period of ninety days of the recommendations. In the case of Dr. Satish Kumar S Hosamani vs The State of Karnataka (W.P.N0.11147/2024) “the question addressed was whether in the absence of prescribed Appellate authority if the petitioner could invoke Article 226 of the Constitution of India or they have to approach the tribunal under section 19 of the 1985 Act for being holders of civil post/Government servants. It was made clear that the sexual harassment at workplace is to be treated as misconduct and for such misconduct the competent disciplinary authority could impose any of the prescribed punishment . This is a service matter and the

⁹ Apparel export Promotion Council vs A.K. Chopra on 20th January, 1999 (AIR 1999 SUPREME COURT 625) retrieved from Sexual harassment at work place <https://indiankanoon.org/doc/856194/>

¹⁰ B... vs Union of India pronounced on 30 jan 2024 (Jharkhand High Court at Ranchi W.P.(S) No.6207 of 2017) retrieved from Sexual harassment at work place <https://indiankanoon.org/doc/172803759/>



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petitioners being civil servants have to approach the tribunals invoking section 19 of the 1985 Act. As the alternative forum was available the writ petition under article 226 was declined.”¹¹

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident; Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing; Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period. Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section. It was upheld by the the Calcutta High Court in the case *Dr. Nirmal Kanti Chakraborti vs Vaneeta Patnaik & Ors* on 23 December, 2024 (FMA 873 of 2024 with CAN 1 of 2024) that a sexual harassment complaint filed by a faculty member against Dr. Nirmal Kanti Chakraborti, who was appointed Vice-Chancellor of Kolkata’s West Bengal National University of Juridical Sciences (WBNUJS) in 2019, was time-barred, the Supreme Court said it should nevertheless “haunt” him forever. The wrong which has been committed against the appellant [faculty member] may not be investigated on technical grounds, but it must not be forgotten,” Thus, it was directed that this judgment shall be made part of the resume of respondent no.1, compliance of which shall be strictly ensured by him personally,” the court said.¹²

The supreme court in *Aureliano Fernandes vs State Of Goa* (CIVIL APPEAL NO. 2482 of 2014) on 12th May, 2023 observed that “however salutary this enactment may be, it will never succeed in providing dignity and respect that women deserve at the workplace unless and until there is strict adherence to the enforcement regime and a proactive approach by all the State and non-State actors. If the working environment continues to remain hostile, insensitive and unresponsive to the needs of women employees, then the Act will remain an empty formality. If the authorities/managements/employers cannot assure them a safe and secure work place, they will fear stepping out of their homes to make a dignified living and exploit their talent and skills to the hilt. It is, therefore, time for the Union Government and the State Governments to take affirmative action and make sure that the altruistic object behind enacting the PoSH Act is achieved in real terms.”¹³

“To fulfill the promise that the POSH Act holds out to working women all over the country, the court issued the following directions :

- (i) The Union of India, all State Governments and Union Territories are directed to undertake a time bound exercise to verify as to whether all the concerned Ministries, Departments, Government organizations, authorities, Public Sector Undertakings, institutions, bodies, etc. have constituted ICCs/LCs/ICs, as the case may be and that the composition of the said Committees are strictly in terms of the provisions of the PoSH Act.
- (ii) It shall be ensured that necessary information regarding the constitution and composition of the ICCs/LCs/ICs, details of the e-mail IDs and contact numbers of the designated person(s), the procedure prescribed for submitting an online complaint, as also the relevant rules, regulations and internal policies are made readily available on the website of the

¹¹ Dr. Satish Kumar Hosamani vs The State of Karnataka (W.P.NO.11147/2024)retrieved from <https://indiankanoon.org/doc/129195472/>

¹² Supreme Court says time barred sexual harassment complaint must haunt vice-chancellor, The Hindu retrieved from <https://www.thehindu.com/news/national/supreme-court-says-time-barred-sexual-harassment-complaint-must-haunt-vice-chancellor-forever/article70042670.ece>

¹³ Aureliano Fernandes vs State Of Goa (CIVIL APPEAL NO. 2482 of 2014) <https://indiankanoon.org/doc/38950634/>



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concerned Authority/Functionary/ Organisation/Institution/Body, as the case may be. The information furnished shall also be updated from time to time.

(iii) A similar exercise shall be undertaken by all the Statutory bodies of professionals at the Apex level and the State level (including those regulating doctors, lawyers, architects, chartered accountants, cost accountants, engineers, bankers and other professionals), by Universities, colleges, Training Centres and educational institutions and by government and private hospitals/nursing homes.

(iv) Immediate and effective steps shall be taken by the authorities/ managements/employers to familiarize members of the ICCs/LCs/ICs with their duties and the manner in which an inquiry ought to be conducted on receiving a complaint of sexual harassment at the workplace, from the point when the complaint is received, till the inquiry is finally concluded and the Report submitted.

(v) The authorities/management/employers shall regularly conduct orientation programmes, workshops, seminars and awareness programmes to upskill members of the ICCs/LCs/ICs and to educate women employees and women's groups about the provisions of the Act, the Rules and relevant regulations.

(vi) The National Legal Services Authority(NALSA) and the State Legal Services Authorities(SLSAs) shall develop modules to conduct workshops and organize awareness programmes to sensitize authorities/managements/employers, employees and adolescent groups with the provisions of the Act, which shall be included in their annual calendar.

(vii) The National Judicial Academy and the State Judicial Academies shall include in their annual calendars, orientation programmes, seminars and workshops for capacity building of members of the ICCs/LCs/ICs established in the High Courts and District Courts and for drafting Standard Operating Procedures (SOPs) to conduct an inquiry under the Act and Rules.

(viii) A copy of this judgment shall be transmitted to the Secretaries of all the Ministries, Government of India who shall ensure implementation of the directions by all the concerned Departments, Statutory Authorities, Institutions, Organisations etc. under the control of the respective Ministries. A copy of the judgment shall also be transmitted to the Chief Secretaries of all the States and Union Territories who shall ensure strict compliance of these directions by all the concerned Departments. It shall be the responsibility of the Secretaries of the Ministries, Government of India and the Chief Secretaries of every State/Union Territory to ensure implementation of the directions issued.

(ix) The Registry of the Supreme Court of India shall transmit a copy of this judgment to the Director, National Judicial Academy, Member Secretary, NALSA, Chairperson, Bar Council of India and the Registrar Generals of all the High Courts. The Registry shall also transmit a copy of this judgment to the Medical Council of India, Council of Architecture, Institute of Chartered Accountants, Institute of Company Secretaries and the Engineering Council of India for implementing the directions issued.

(x) Member-Secretary, NALSA is requested to transmit a copy of this judgment to the Member Secretaries of all the State Legal Services Authorities. Similarly, the Registrar Generals of the State High Courts shall transmit a copy of this judgment to the Directors of the State Judicial Academies and the Principal District Judges/District Judges of their respective States.

(xi) The Chairperson, Bar Council of India and the Apex Bodies mentioned in sub-para (ix) above, shall in turn, transmit a copy of this judgment to all the State Bar Councils and the State Level Councils, as the case may be.

(xii) The Union of India and all States/UTs are directed to file their affidavits within eight weeks for reporting compliances.”¹⁴

¹⁴ Ibid.



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While monitoring the implementation of its directions given in the case *Aureliano Fernandes vs State Of Goa* (CIVIL APPEAL NO. 2482 of 2014) the Apex Court ordered a nationwide survey to identify public or private entity that are yet to constitute an Internal Committee. vide the Order dated 03.12.2024 the following directions were passed:

“For the purpose of conducting a survey by the District Officer, the said survey shall be conducted and the report shall be submitted to this Court on or before 31.03.2025 on behalf of every State/Union Territory. Thus, the following directions –

1. The Chief Secretaries of every State shall take steps to identify and notify the Officer to be the District Officer of every District on or before 31.12.2024, if not already done.
2. The District Officer shall constitute the Local Committee wherever such committees have not yet been constituted or there has to be a reconstitution of such committees already constituted on or before 31.01.2025.
3. The Chief Secretaries of States/Territories shall ensure that the Internal Complaints Committee shall be constituted or reconstituted, as the case may be, having regard to the Section 4 of the 2013 Act in respect of their Government Departments, instrumentalities and agencies of the State Government and public sector units and other units coming under the supervision and control of the State Governments/Union Territories by 31.01.2025.
4. Similarly, Union of India/Central Government, shall take steps to constitute or reconstitute, as the case may be, the Internal Complaints Committee in respect of a work place, wherever the same has not yet been accomplished on or before 31.01.2025 in respect of its Departments, instrumentalities and agencies.
5. The respective States/Union Territories to file the affidavits in compliance of these directions and copies of the said affidavits shall be e-mailed to learned ASG, learned Amicus Curiae, learned AOR for the petitioner(s) in W.P. No. 1224/2017. The said affidavits shall be filed in the first week of February, 2025 indicating the compliance of the aforesaid directions.
6. The Legal Services Institutions at the Central, State, District and Taluka levels shall assist an aggrieved woman to make a complaint under the provisions of the 2013 Act as and when approached.”¹⁵

Further, vide Order dated 22.04.2025 *Aureliano Fernandes vs State Of Goa* (CIVIL APPEAL NO. 2482 of 2014) , this Hon’ble Court directed as under:

“In the circumstances, we direct the State Governments and Union Territories to file follow-up affidavits, so as to indicate that there has been compliance of the directions issued by this Court on 03.12.2024 in as much as pursuant to the communications made by the State Governments to the local authorities, there has been constitution of the Internal Complaints Committee at the work places and further the provisions of the Act have been complied with. The said affidavits shall be filed on or before 09.05.2025. Further, the Union of India shall also file its respective affidavits with regard to compliance of the directions issued on 03.12.2024...”¹⁶

In a judgement on feb11, 2025, the Supreme Court imposed a penalty of Rs. 5000/- on five states- Manipur, Jharkhand, Madhya Pradesh, Himachal Pradesh, Telangana and One Union-Territory Puducherry- for failing to comply with its earlier directive on the POSH’s Act enforcement.¹⁷

The Supreme Court held on 12-08-2025 *Aureliano Fernandes vs State Of Goa* (CIVIL APPEAL NO. 2482 of 2014) that “there will be under mentioned Penalty for non-compliance with provisions of Act.—

1. Where the employer fails to—
 - (a) constitute an Internal Committee under sub-section (1) of section 4; 1. Subs. by Act 23 of 2016, s. 3 and the Second Schedule, for “Local Complaints Committee” (w.e.f. 6-5-2016). 13
 - (b) take action under sections 13, 14 and 22; and
 - (c) contravenes or attempts to contravene or abets contravention of other provisions of this Act or any rules made thereunder, he shall be punishable with fine which may extend to fifty thousand rupees.
2. If any employer, after having been previously convicted of an offence punishable under this Act subsequently commits and is convicted of the same offence, he shall be liable to—(i) twice the punishment, which might have

¹⁵ ibid

¹⁶ *Aureliano Fernandes vs State Of Goa* retrieved from

https://api.sci.gov.in/supremecourt/2023/22553/22553_2023_6_11_61891_Order_21-May-2025.pdf

¹⁷ Ibid.



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been imposed on a first conviction, subject to the punishment being maximum provided for the same offence: Provided that in case a higher punishment is prescribed under any other law for the time being in force, for the offence for which the accused is being prosecuted, the court shall take due cognizance of the same while awarding the punishment; (ii) cancellation, of his licence or withdrawal, or non-renewal, or approval, or cancellation of the registration, as the case may be, by the Government or local authority required for carrying on his business or activity.

The States may also ensure that the data that has already been collected is on-boarded in the she-box platform which has been created by the Department of Women and Child. Case is further listed on 14-10-2025.”¹⁸

An initiative of GOI in this direction is Sexual Harassment electronic Box (SHe -Box). “This is an effort of GOI Ministry of Women and Child Development to provide a single window access to every woman, irrespective of her work status, whether working in organized or unorganized, 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.”¹⁹

The challenge which lies ahead is to codify the behavior which lies in the realm of friendly jokes, indecent stare, eve teasing for fun sake making it challenging for the judiciary to incorporate the norms of ethics and morality in their judgments. The bigger challenge is to check the false allegations which may tarnish the image of other person. The sexual harassment of a female is incompatible with the dignity and honour of a woman and the judiciary has contributed significantly to further the concerns of women through their judgments from time to time.

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¹⁸Aureliano Fernandes vs State Of Goa (CIVIL APPEAL NO. 2482 of 2014)

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¹⁹ SHe- Box, Ministry of Women and Child Development, <https://shebox.wcd.gov.in>