

इन्दीवर पान्डेय, आई.ए.एस.
सचिव

INDEVAR PANDEY, I.A.S.
Secretary

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सत्यमेव जयते

75
आज़ादी का
अमृत महोत्सव

भारत सरकार
महिला एवं बाल विकास मंत्रालय
शास्त्री भवन, नई दिल्ली-110 001

Government of India
Ministry of Women & Child Development



D.O No. 16/3/2023-WW

26/7/2023
14th August, 2023

Dear Secretary,

I would like to draw your attention to the judgment dated 12th May, 2023 (copy enclosed) passed by the Hon'ble Supreme Court of India in Civil Appeal No. 2482 of 2014 filed by Shri Aureliano Fernandes Vs State of Goa and Ors., wherein 53 Ministries of the Government have been listed as Respondents. The appeal challenges a judgment of the High Court of Bombay dismissing the writ petition against order passed by the Appellant's University, based on Report of Internal Complaints Committee, on a complaint of sexual harassment levelled against the Appellant.

2. The Hon'ble Court while passing the directions in the said appeal (copy enclosed) noted that there are lapses in the enforcement of 'the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (SH Act), 2013' and passed certain directions to UOI, all States/ UTs and others which are self-explanatory. The Hon'ble Court has directed the Union of India to file the affidavit within eight weeks for reporting compliance. In view of D.O. Letter No. 1/50/3/2016-Cab dated 16th June, 2016 of Cabinet Secretary and being the nodal Ministry of the SH Act, 2013, this Ministry will file the affidavit on behalf of Union of India.

3. In the past also, we had written several times to all the Ministries/ Departments of the Central Government to ensure effective implementation of the SH Act. I am sure that action must have been taken in all the offices under your charge for effective implementation of the Act.

4. I shall be grateful if you could direct the concerned officers in your Ministry/ Department as well as the Statutory Authorities/Institutions/Organisations under your Ministry/ Department to go through the directions for immediate compliance and provide a consolidated information in the attached format, in respect of all organizations under your respective Ministries/Departments, to this Ministry within a fortnight for filing a common affidavit on behalf of Uoi.

With regards,

Yours sincerely,

(Indevvar Pandey)

Encl. As above

Secretaries of all Ministries/ Departments, Government of India.

Annexure

Sl. No.	Name of the Ministry	Whether IC exists strictly as per the provisions of SH Act, 2013 (if yes, copy of orders may be provided)	Whether information regarding constitution of IC, details of e-mail ids & contact numbers, procedure for filing online complaint and other relevant rules/regulations are available on the official website (if not, the same may be done immediately and updated time to time)	Details of immediate and effective steps taken by the authorities to familiarize members of the IC with their duties and the manner in which an inquiry is to be conducted from the date complaint is received till report is submitted	Whether orientation programmes, workshops, seminars and awareness programme conducted to upskill the members of IC and to educate women employee and women's groups about the provisions of the Act, relevant rules/regulations. The details of exercises undertaken for the last 3 years may be provided	Other relevant information, if any
1	Department					
2	Attached Offices					
3	Statutory Bodies					
4	Autonomous Bodies					
5	Public Sector Undertaking					

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2482 of 2014

AURELIANO FERNANDES

....

APPELLANT

Versus

153881

STATE OF GOA AND OTHERS

....

RESPONDENTS

Certified to be true copy

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Assist. Secy.
19/5/23
Supreme Court of India

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JUDGEMENTHIMA KOHLI, J.A. SCOPE OF THE APPEAL

1. A challenge has been laid by the appellant to the judgment dated 15th March, 2012, passed by the High Court of Judicature at Bombay Bench, at Goa, dismissing a writ petition¹ preferred by him against an order² passed by the Executive Council³ of Goa University (Disciplinary Authority) accepting the Report⁴ of the Standing Committee for Prevention of Sexual Harassment at Work Place⁵ and imposing upon him, a major penalty of dismissal from services and disqualification from the future employment under Rule 11(IX) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965⁶ which was duly upheld by the Governor and the Chancellor of Goa University, being the Appellate Authority⁷.

B. SEQUENCE OF EVENTS(a) PROCEEDINGS BEFORE THE FIRST COMMITTEE:

2. The factual matrix of the case needs to be placed in a chronological sequence. The appellant commenced his career in the respondent no. 2 – Goa University as a Temporary Lecturer in the Department of Political Science, in the year 1996. He was

¹ W.P. No. 602 of 2011

² Dated 10th May, 2010

³ For short 'EC'

⁴ Dated 05th June, 2009

⁵ For short 'The Committee'

⁶ For short the CCS (CCA) Rules

⁷ Vide Order dated 19th April, 2011

76. 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.

O. DIRECTIONS

77. To fulfil the promise that the PoSH Act holds out to working women all over the country, it is deemed appropriate to issue the following directions :

- (i) The Union of India, all State Governments and Union Territories are directed to undertake a timebound 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

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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 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

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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.

1961826/2023/CR

L. 10000-10000-10000-10000

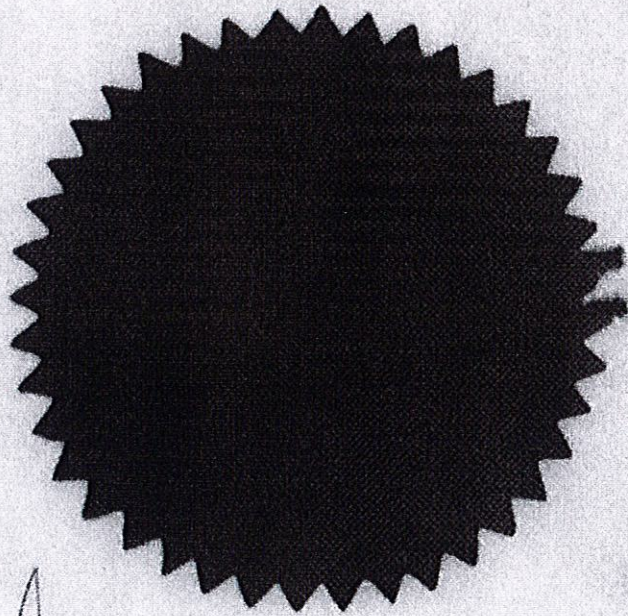
78. The Union of India and all States/UTs are directed to file their affidavits within eight weeks for reporting compliances. List after eight weeks.

79. The appeal is allowed on the above terms while leaving the parties to bear their own costs. Pending applications, if any, shall stand disposed of.

Sd/-
[A. J. BOPANNA]

Sd/-
[HIMA KOHLI]

NEW DELHI
MAY 12, 2023



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STAMPED TEXT

Direction of Hon'ble Court Dated 12.05.2023 in Civil Appeal No. 2482 of 2014 filed by Shri Aureliano Fernandes Vs State of Goa and Ors. seeking information reg.

From : Mr SANTOSH <sakhi-mwcd@gov.in>

Tue, Aug 22, 2023 04:05 PM

Subject : Direction of Hon'ble Court Dated 12.05.2023 in Civil Appeal No. 2482 of 2014 filed by Shri Aureliano Fernandes Vs State of Goa and Ors. seeking information reg.

1 attachment

To : Manoj Ahuja <Secy-agri@nic.in>, Dr(Mr) Himanshu Pathak <dg.icar@nic.in>, Dr. Abhilaksh Likhi <secy-fisheries@nic.in>, Ms. Alka Upadhyaya <secyahd@nic.in>, chairman@dae.gov.in, head icpd <head.icpd@dae.gov.in>, RAJESH KOTECHA <secy-ayush@nic.in>, Arun Baroka <sec.cpc@nic.in>, Ms S. Aparna <secy-pharma@nic.in>, Rajiv Bansal <secy.moca@nic.in>, Mr Amrit Lal Meena <secy.moc@nic.in>, secy-ipp <secy-ipp@nic.in>, Commerce Secretary Office <csoffice@nic.in>, Shri Apurva Chandra <secy-dot@nic.in>, Secretary Posts <secretary-posts@indiapost.gov.in>, ROHIT KUMAR SINGH <secy-ca@nic.in>, Shri Sanjeev Chopra <secy-food@nic.in>, Gyanesh Kumar <secy-coop@gov.in>, Secretary MCA <secy.mca@nic.in>, Govind Mohan <secy-culture@nic.in>, Secretary DP <sdpns@nic.in>, Shri Vijoy Kumar Singh IAS <secyesw@nic.in>, Shri Giridhar Aramane <defsecy@nic.in>, Mr Lok Ranjan <secydoner@nic.in>, Dr M Ravichandran <secretary@moes.gov.in>, Sanjay Kumar <secy.sel@nic.in>, K. Sanjay Murthy <secy.dhe@nic.in>, Secretary MeitY <secretary@meity.gov.in>, Ms Leena Nandan <secy-moef@nic.in>, SAURABH KUMAR <secyeast@mea.gov.in>, Dammu Ravi <secyer@mea.gov.in>, Sanjay Verma <secywest@mea.gov.in>, Dr. Ausaf Sayeed <secycpv@mea.gov.in>, Shri Ajay Seth <secy-dea@nic.in>, T.V. Somanathan <secyexp@nic.in>, Secretary DFS <secy-fs@nic.in>, Sanjay Malhotra <rsecy@nic.in>, Shri Ali R. Rizvi <secy-dpe@nic.in>, Secretary MoFPI <secy.mofpi@nic.in>, Sudhansh Pant <secyhfw@nic.in>, Office of Secretary DHR <secy-dhr@gov.in>, Shri Kamran Rizvi <shioff@nic.in>,