

NEWSLETTER

PRAMAN FOUNDATION



Highlights

✓ **Supreme Court Suo Motu Directions (Aureliano Fernandes v. State of Goa, 12 August 2025)**

✓ **Delhi Government's follow-up order & Proactive Measures (TOI Delhi, 1 October 2025)**

✓ **Political Parties Not "Workplaces" – September 15, 2025**

✓ **High Court Judgments**

Delhi High Court Clarifies Jurisdiction Over 'Employers' – August 28, 2025

Kerala High Court on Hostile Work Environment – August 2025

Editorial Note

Dear Readers,

In a landmark move following the Supreme Court's Suo motu proceedings in Aureliano Fernandes v. State of Goa, the judiciary has reiterated the urgent need for strict implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 — commonly known as the PoSH Act.

Taking direct note of these directions, the Delhi Government has swung into action, issuing fresh compliance orders to ensure that every organization in the capital has constituted an Internal Complaints Committee (ICC).

This month's newsletter brings you the highlights of these developments, what they mean for employers, and how PRAMAN Foundation can help you stay compliant and confident.

Warm regards,
Adv. Manju Parmar Hatgaonkar
Founder & CEO - Praman Foundation
Mantri - Adhivakta Parishad, Gurugram

Upcoming Events - Free Webinar: PoSH Compliance Simplified

Don't miss our Free Online Awareness Session on PoSH Compliance – Practical Implementation & Legal Updates.

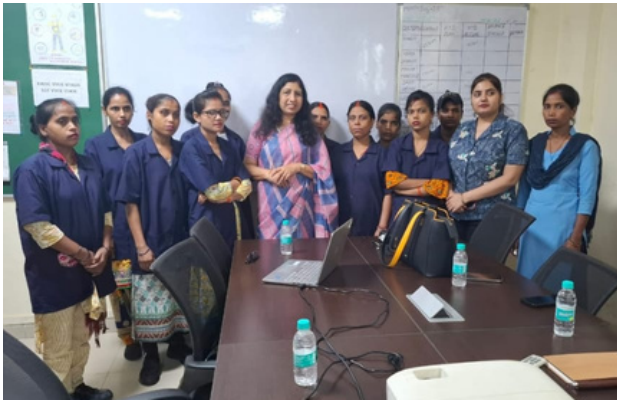
 **Date: 1st November, 2025, Saturday, ⌚ Time: 3:00–4:30 PM**

 **Speaker: Manju Parmar Hatgaonkar, PoSH Expert & Founder, PRAMAN Foundation**

This session aims to help organizations understand the latest legal requirements, internal committee obligations, and practical compliance framework.

 **Register now: <https://forms.gle/4SgkV72mnzomJco98>**

"Wishing you all a very Happy & Safe Deepawali".



✓ Supreme Court Suo Motu Directions & National Mandate (Aureliano Fernandes v. State of Goa, 12 August 2025)

While exercising Suo motu powers in the Aureliano Fernandes vs. State of Goa & Ors. case, the Supreme Court issued fresh directions aimed at stricter enforcement of the POSH Act, 2013:

Background: The Aureliano Fernandes Case

The case originates from complaints of sexual harassment against a faculty member at Goa University. The University's Internal Committee had conducted an inquiry, passed an ex parte order (in absence of the accused), and recommended termination.

The High Court (Bombay, Goa Bench) upheld the inquiry and sanction.

The Supreme Court intervened, finding the inquiry was conducted in undue haste, with insufficient opportunity given to the accused to defend himself. The procedural process violated the principles of natural justice.

The Court set aside earlier decisions and remanded the matter for fresh inquiry, prescribing strict procedural safeguards

☛ Recent Supreme Court Directions (Monitoring & Enforcement)

While many of the original directives came in May 2023, Supreme Court issued fresh directions aimed at stricter enforcement of the POSH Act, 2013:

This direction comes, via Suo motu review, as the Court has, reaffirmed and strengthened its enforcement posture, and continues to monitor nationwide compliance. A Bench comprising Justice BV Nagarathna and Justice KV Viswanathan delivered these orders while monitoring the implementation of its earlier directive dated December 3, 2024, in the same matter.

☛ Key Highlights:

- ✓ The Supreme Court directed a nationwide district-wise compliance survey to verify if organizations have constituted Internal Committees (ICs) under Section 4 of the POSH Act
- ✓ District Labour Commissioners and State Chief Labour Officers must physically verify POSH compliance in all workplaces.
- ✓ States/UTs must finish the survey within six weeks, reports are to be submitted to the Court, and the data uploaded to the She-Box Portal.
- ✓ Non-compliance may lead to license suspension or non-renewal under Section 26, on Labour Department's directions.
- ✓ Helplines for aggrieved women: 181 (Women), 1930 (Cybercrime), 1510 (Legal Aid).

This judgment marked a significant shift from passive enforcement to active regulatory oversight.

✳️ The SC has made it clear:

- Section 4 → Mandatory (IC) in every workplace with 10+ employees.
- Section 26 → Non-compliance may even lead to Penalties or non-renewal of licenses.
- Employer's Legal Duty → Constitution of an Internal Committee
- Labour Department's Statutory Role → Enforce compliance.
- POSH applies not only to corporates but also to unorganized sectors, PSUs, NGOs, educational institutions, and more.

🔑 The Message is Loud & Clear: Key Takeaways & Risks for Organizations

- The Supreme Court's direction reinforces that PoSH compliance is not optional or advisory — it is a statutory mandate under judicial supervision, it is a, a workplace right, and now directly linked with business continuity and license renewals.
- Safe workplaces empower women, strengthen organizations, and uphold justice. The responsibility lies with every employer, IC member, HR leader, and compliance professional.
- Workplaces lacking valid ICCs, or with flawed procedures, risk reputational, legal, and financial consequences.
- The procedural quality of inquiries matters: even if a complaint is valid, failure to follow due process may render the outcome vulnerable to judicial challenge (as seen in Aureliano Fernandes).
- Public agencies, State Departments, and private employers are all in scope — including small, medium, and unorganized workplaces (via LCs).
- Organizations should expect audits, surveys, or spot inspections by authorities or district administrators.
- Compliance must go beyond form — proper training, documentation, transparency, and website disclosures are critical.

 The matter will be next heard on 14th October 2025.



Delhi's Proactive Measures

Delhi has already begun responding to the strengthened enforcement narrative under PoSH. Act key step:

On 3 June 2025, the Delhi High Court launched an online portal for sexual harassment complaints covering staff, bar association members, and legal professionals. This unified portal helps complainants select the correct ICC/venue (High Court, Bar Association, or Bar Council) based on the respondent's affiliation.

The launch event included several judges and emphasized the link between Supreme Court precedents (including Aureliano Fernandes) and institutional reform in Delhi's legal ecosystem.

The portal aims to improve accessibility, confidentiality, and transparency in how harassment complaints are processed in the capital.

This is a noteworthy model in a metro jurisdiction actively aligning local institutions with national judicial directives

Delhi Govt's Follow-Up Action — DMs to Survey ICC Formation

Citing the Supreme Court's mandate, the Delhi Government has issued an order dated 29 September 2025, asking all District Magistrates to survey ICC formation across workplaces in both private and public sectors.

Reference: The Times of India, Delhi Edition – 1 October 2025

(Reported by Alok K.N. Mishra, Times of India Delhi)

According to the report:

"Delhi government has asked district magistrates to conduct a survey to check how many organizations in the city have formed Internal Complaints Committees (ICCs) to prevent sexual harassment at work. The move follows a Supreme Court direction dated August 12, 2025, requiring all States and UTs to complete such surveys within six weeks."

The Labour Department has instructed officials to compile and share district-wise data within 10 days. DMs are empowered to undertake random inspections, and the department is required to take action against workplaces that fail to constitute ICCs — in line with Section 26 of the PoSH Act, 2013.

This is a historic and proactive step by Delhi — signaling zero tolerance toward PoSH non-compliance.

Why Delhi's Developments Matter to You

- Delhi's example shows that local courts and institutions are ready to operationalize Supreme Court mandates.
- The presence of a streamlined complaint portal signals greater institutional readiness — putting pressure on private and corporate bodies to upgrade their internal mechanisms.
- If workplaces in Delhi or NCR aren't fully compliant (e.g. lacking properly constituted ICCs, public disclosures, procedural rigor), they may soon face intensified scrutiny.
- Delhi's actions may serve as a blueprint for other states to follow — making upscaling for compliance not just advisable, but strategic.

Key Takeaways & Risks

Risk / Gap	Implication	Suggestions
Missing or improperly formed ICCs	Violates mandatory statutory requirement under PoSH	Conduct an immediate audit and constitute/reconstitute the ICC
Procedural lapses (fair hearing, notice, cross-examination)	ICC decisions vulnerable to challenge in court	Ensure documented notifications, timelines, fair hearing rights
No public disclosure / transparency	Courts may expect policies, ICC composition, contact emails on websites	Publish ICC details and POSH policy on your corporate / HR portal
Lack of training & awareness	ICC members ill-prepared; employees unaware of rights	Conduct regular orientation, mock hearings, refresher workshops
Non-cooperation in impending surveys / audits	ICC members ill-prepared; employees unaware of rights	Proactively engage with district or state surveying agencies

3. Political Parties Not “Workplaces” – September 15, 2025

In a major decision, the Supreme Court dismissed a petition to extend the POSH Act to women political workers, holding that political parties are not workplaces under the Act.

- The Court reasoned that expanding the Act to cover political entities could open a “Pandora’s box.”
- The verdict upheld earlier Kerala High Court findings that parties are voluntary organizations without regular employer-employee relationships, thus exempt from POSH obligations.

4. High Court Judgments

Delhi High Court Clarifies Jurisdiction Over ‘Employers’ – August 28, 2025

In *X v. Akademi & Ors.* (2025 DHC 7501), the Delhi High Court held that when a sexual harassment allegation is made against a person qualifying as an “employer” under Section 2(g), jurisdiction lies with the Local Committee (LC), not the organization’s Internal Committee.

- The Court quashed the dismissal of the complainant and ordered her reinstatement with full arrears.
- It emphasized a purposive interpretation of “employer” to include senior officials with control or policy authority.

Kerala High Court on Hostile Work Environment – August 2025

The Kerala High Court clarified that “hostile work environment” claims are not covered under the POSH Act unless accompanied by sexual harassment as defined under Section 2(n).

This narrowed interpretation reaffirms that the Act is not a general workplace misconduct law, but specifically targets sexual harassment

Key Takeaways

- August 2025: Supreme Court mandated a six-week nationwide audit for POSH compliance.
- September 2025: Supreme Court excluded political parties from POSH applicability.
- August–October 2025: High Courts (Delhi, Kerala) clarified jurisdictional and scope issues, ensuring procedural fairness and focused interpretation.

These rulings collectively signal a two-pronged judicial approach — tightening enforcement of POSH compliance among formal organizations while resisting unwarranted expansion of the Act into non-employment domains.

Suggested Next Steps for You

1. Review your existing ICC / PoSH setup
2. Check if your organization’s details, ICC/LC composition, and contact mechanisms are publicly available on your website
3. Ensure that your inquiry procedures strictly follow principles of natural justice
4. Train or refresh your ICC members & HR on best practices
5. Document everything carefully — hearing notices, responses, minutes, evidence, fairness in timelines
6. Engage with a PoSH expert or external member (if needed) to strengthen independence



Closing Note

The message from both the judiciary and government is clear —

“Every workplace must be safe, accountable, and PoSH compliant.”

PRAMAN Foundation stands committed to empowering organizations with the tools, training, and expertise needed to make that vision a reality.

Together, let’s make every workplace a safe workplace –

“Stay vigilant. Stay ready. Stay compliant”

How Praman Foundation Can Help Your Organization

Given these developments, Praman Foundation is uniquely positioned to assist organizations in navigating the evolving POSH compliance landscape. Our services include:

- ✿ PoSH Readiness Audit & Gap Assessment — We evaluate your current compliance, highlight gaps, and recommend corrective action.
- ✿ External Member Services — Experienced PoSH experts to ensure impartial and legally sound inquiries.
- ✿ Policy Review & Drafting — We help you refine or draft PoSH policies, complaint handling, and appeals mechanisms in line with legal standards.
- ✿ Training & Capacity Building — For ICC members, HR teams, and employees (mandatory awareness) — including mock hearings, case studies, best practices.
- ✿ Website Compliance & Transparency Support — Assistance in publishing ICC/LC details, complaint mechanisms, contact emails on your website (as now required).
- ✿ Ongoing Advisory/ Monitoring & Support — Regular audits, compliance checks, and reporting to ensure you remain audit-ready.

Don't wait for a notice or inspection — proactive compliance is a mark of responsible leadership.

Overview of PRAMAN

PRAMAN signifies evidence, proof, or testimony: For us, it embodies belief, truth, a witness under oath, and an unwavering commitment to deliver legitimate justice through exemplary legal services

PRAMAN is a purpose-driven organization dedicated to promoting justice, dignity, and empowerment through its integrated work in legal services, workplace compliance, HR solutions, and community welfare. Driven by a holistic vision and backed by over two decades of corporate and legal experience, Founded by Advocate Manju Parmar Hatgaonkar, Praman operates across distinct but interlinked dynamic verticals:

- **Praman Legal** is a law firm offering expert legal counsel and representation in civil, criminal, family, and corporate law matters.
- **Praman POSH** specialized in end-to-end consultancy on the POSH Act, offering awareness sessions, IC training, audits, and External Member services on Internal Committees.
- **Praman HR** provides human resource consultancy offering strategic HR advisory, policy design, and recruitment solutions tailored to organizational needs.
- **Praman Foundation:** An ISO-certified, 80G/12A-approved NGO (NITI Aayog & MSME registered), driving initiatives in women's empowerment, child education, legal literacy, and elder care.
- **CSR Activities** - Through partnerships with various corporates

MISSION

To deliver comprehensive legal services, corporate compliance, HR advisory, community support, and foster a vibrant professional nexus that empowers individual and organizations to thrive.

VISION

To be leading force in promoting justice, equality, and empowerment through expertise and collaboration.

“A Commitment to Justice, Compliance & Social Impact.”

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