

ITEM NO.16

COURT NO.9

SECTION III

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

MISCELLANEOUS APPLICATION DIARY NO. 22553/2023

(Arising out of impugned final judgment and order dated 12-05-2023 in C.A. No. 2482/2014 passed by the Supreme Court Of India)

AURELIANO FERNANDES

PETITIONER

VERSUS

THE STATE OF GOA & ORS.

RESPONDENTS

(Ms. Padma Priya, learned counsel has been appointed as Amicus Curiae. )

WITH

MA 1688/2023 in C.A. No. 2482/2014 (III)

(IA No. 131628/2023 - CLARIFICATION/DIRECTION, IA No. 114246/2024 - EXEMPTION FROM FILING O.T., IA No. 248631/2023 - EXTENSION OF TIME)

Date : 13-08-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI  
HON'BLE MR. JUSTICE SANDEEP MEHTA

(Ms. Padma Priya, learned Amicus Curiae)

For Petitioner(s) Mr. Atul Jha, Adv.  
Mr. Dharmendra Kumar Sinha, AOR

By Courts Motion, AOR

For Respondent(s) Ms. Ruchira Gupta, Adv.  
Mr. Shishir Deshpande, AOR  
Ms. Pooja Tripathi, Adv.  
Ms. Harshita Sharma, Adv.  
Mr. Amit Kumar, Adv.  
Mr. Abhishek Verma, Adv.

Mr. Amrish Kumar, AOR

Mr. Vikramjit Banerjee, A.S.G. (NP)  
Mr. Gurmeet Singh Makker, AOR  
Ms. Swarupma Chaturvedi, Adv.  
Mr. Siddharth Sinha, Adv.  
Mr. Raman Yadav, Adv.  
Ms. Priyanka Terdal, Adv.

Mr. Abhimanyu Tewari, AOR  
Ms. Eliza Bar, Adv.

Mrs. Aishwarya Bhati, A.S.G.  
Mr. Mukesh Kumar Maroria, AOR  
Mr. V Chitambaresh, Adv.  
Mr. Shantnu Sharma, Adv.  
Mr. Annirudh Sharma Ii, Adv.  
Mr. Ishaan Sharma, Adv.  
Mr. S K Singhania, Adv.  
Mr. B K Satija, Adv.  
Mr. Sarthak Karol, Adv.  
Ms. Anupriya Srivastava, Adv.\*  
Ms. Riddhi Jad, Adv.

Mr. Tanmaya Agarwal, AOR  
Mr. Wrick Chatterjee, Adv.  
Mrs. Aditi Agarwal, Adv.  
Mr. Vinayak Mohan, Adv.

Ms. Rashmi Nandakumar, AOR

Mr. Sameer Abhyankar, AOR  
Mr. Aakash Thakur, Adv.  
Mr. Rahul Kumar, Adv.  
Mr. Kushagra Aman, Adv.  
Ms. Ayushi Bansal, Adv.

Mr. Sudarshan Singh Rawat, Adv.  
Mr. Ajay Bahuguna, Adv.  
Ms. Saakshi Singh Rawat, Adv.  
Mr. S Sunil, Adv.  
Mr. Sudarshan Singh Rawat, AOR

Mr. Siddhant Sharma, AOR

Mr. Sahil Bhalai, AOR  
Mr. Tushar Giri, Adv.  
Mr. Siddharth Anil Khanna, Adv.  
Mr. Ritik Arora, Adv.  
Mr. Shivam Mishra, Adv.  
Mr. Murshlin Ansari, Adv.

Mr. Nishe Rajen Shonker, AOR  
Mrs. Anu K Joy, Adv.  
Mr. Alim Anvar, Adv.

Mr. Kanu Aggarwal, Adv.  
Mr. Tadimalla Bhaskar Gowtham, Adv.  
Mr. Krishna Kant Dubey, Adv.  
Mr. Mrinal Elkar Mazumdar, Adv.  
Mr. Mukesh Kr Verma, Adv.  
Mr. Rajesh Singh Chouhan, Adv.  
Mr. Piyush Beriwal, Adv.  
Mr. Mukul Singh, Adv.  
Mr. Shreekant Neelappa Terdal, AOR  
Ms. Indira Bhakar, Adv.\*  
Mr. Vineet Singh, Adv.\*

**UPON hearing the counsel, the Court made the following  
O R D E R**

- 1 Ms. Padma Priya, learned *Amicus Curiae*<sup>1</sup> has filed a note of hearing dated 06<sup>th</sup> August, 2024, compiling the information furnished on affidavits by the Union of India<sup>2</sup>, States/Union Territories<sup>3</sup>. At the outset, it is submitted by the learned AC that it has come to her notice that in many cases, the constitution of Internal Committee<sup>4</sup> is not in terms of the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act<sup>5</sup>, 2013. In some cases, the IC is headed by a male member, which is impermissible under the provisions of the PoSH Act and Rules.

Ms. Aishwarya Bhati, learned Additional Solicitor General<sup>6</sup>, who

1 For short the 'AC'

2 For short the 'UOI'

3 For short the 'UT'

4 For short the 'IC'

5 For short the 'PoSH Act'

6 For short the 'ASG'

appears for UOI submits that the UOI is in the process of making available a Dashboard where all the information relating to the IC's constituted in Departments under the UOI shall be collated and displayed. She submits that the said Dashboard is still under trial and is being fine-tuned.

2. The UOI is directed to file an affidavit furnishing the details of the Dashboard sought to be created and the nature of information that shall be available on the Dashboard for the perusal of this Court. If the said Dashboard is comprehensive, then on the next date of hearing directions shall be issued calling upon all the States Governments and UTs to replicate the Dashboard prepared by the UOI.
3. Learned AC next refers to the tabulated statement prepared by her on the basis of the information furnished in the affidavits filed by the States of Bihar, Chhattisgarh, Maharashtra, Goa, West Bengal, Rajasthan, Uttarakhand, Karnataka, Nagaland, Odisha, Uttar Pradesh, Manipur, Kerala, Andhra Pradesh, Government of NCT of Delhi, UTs of Ladakh, Puducherry, Andaman & Nicobar, Chandigarh, Department of Rural Development, Department of Land Resources-Ministry of Rural Development, Ministry of Railways and Ministry of Minority Affairs. She submits that some other State Governments/UTs /Departments of UOI have filed their affidavits after 15<sup>th</sup> July, 2024, copies whereof have not been furnished to her.
4. Relevant State Governments/UTs/Departments of UOI and other

organizations who have filed their affidavits after 15<sup>th</sup> July, 2024, shall furnish copies thereof to learned AC through email, to enable her to collate the entire data.

5. Learned AC further submits that she has identified five areas which have been highlighted in the judgment passed by this Court that need to be addressed by the State Governments/UTs/Departments of UOI and other organizations which are as follows:

“1. Whether all the Ministries, Departments, Government organisations, authorities, public sector undertakings, institutions, bodies, etc. concerned 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.

2. Whether details of the email 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 authority/functionary/organization/institution/ body concerned, as the case may be. The information furnished shall also be updated from time-to-time.

3. 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.

4. Whether immediate and effective steps have been taken by the authorities/managements/ employers to familiarise 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.

5. 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.”

6. As it is submitted by learned AC that many of the affidavits that have been filed do not include the aforementioned information or the averments made are rather sketchy and generalized, it is deemed appropriate to direct that

affidavits be filed by State Governments/UTs/Departments of UOI, concerned Ministries, organizations and authorities, responding specifically to the queries highlighted above, in a tabulated form. The aforesaid tabulated statement shall be furnished to the learned AC to enable her to prepare a note for the next date of hearing for the perusal of this Court.

7. It is stated by learned AC that so far, none of the Public Sector Undertakings<sup>7</sup> have filed any affidavit.
8. It is rather surprising to note the aforesaid submission. It is deemed appropriate to direct that the Ministry of Women and Child Development, UOI, shall get in touch with every Ministry under whom various PSUs fall and collate the information required to be furnished by them. The Joint Secretary of the Ministry shall gather the data and file a comprehensive affidavit specifically in respect of the action taken by the PSUs falling under different Ministries to comply with the directions issued by this Court, as identified in paragraph 5 above.
9. The aforesaid affidavits/tabulated statements shall be filed by the parties within four weeks from today with copies electronically furnished to the learned AC.
10. Learned ASG informs the Court that there is some overlap in the directions issued by a Coordinate Bench of this Court in Writ Petition (Civil) No. 1224 of 2017, titled "*Initiatives for Inclusion Foundation & Anr. Vs. Union of India &*

<sup>7</sup> For short the PSUs

Ors.” and it would be appropriate if that matter is tagged with the present matters so that the compliances can be monitored effectively by the same Bench.

11. Liberty is granted to the learned ASG to mention the matter before Hon’ble the Chief Justice for appropriate orders.
12. List on 24<sup>th</sup> September, 2024.

**(POOJA SHARMA)**  
**COURT MASTER (SH)**

(\*Additional physical appearance given in Court.)

**(NAND KISHOR)**  
**COURT MASTER (NSH)**