



## SC Asks States to Appoint Officers under POSH Act, 2013

**For Prelims:** [Supreme Court, Sexual Harassment of Women at Workplace \(Prevention, Prohibition and Redressal\) Act, 2013](#), [Vishakha guidelines](#), [Local Complaints Committee \(LCCs\)](#)

**For Mains:** Initiatives related to women's safety in India and issues concerned therewith.

**Source:** TH

### Why in News?

Recently, the [Supreme Court of India \(SC\)](#) has directed **Ministry of Women and Child Development (MoWCD)** of all states/UTs to **appoint district officers** under the [Sexual Harassment of Women at Workplace \(Prevention, Prohibition and Redressal\) Act, 2013 \(POSH Act\)](#) to ensure the effective implementation of the law.

### What are the Supreme Court's Directives to States ?

- **Need for SC's Direction:**
  - The Supreme Court realised that women found protection under a law against sexual harassment in workplaces **beyond their reach** for the simple reason that there was no one to go to with their complaints.
  - The court found that **many states had not bothered to notify District Officers under the POSH Act** all these years. Therefore, it directed all states to immediately appoint district officers under the POSH Act.
- **Role of District Officers Under the POSH Act:**
  - The POSH Act mandates states to appoint an officer in every district who would play a **"pivotal" role in the implementation of the Act.**
  - The District Officer would constitute [Local Complaints Committees \(LCCs\)](#) to receive complaints from women employed in small establishments with less than 10 workers or cases in which the assailant is the employer himself.
  - A District Officer's responsibilities also included appointing nodal officers under the Act in rural, tribal and urban areas.
- **Appointment of Nodal Persons:**
  - SC directed that the **MoWCD of every State/UT** through its Principal Secretary, should consider identifying a **'nodal person' within the Department**, to oversee and aid in coordination as contemplated under the POSH Act.
    - This person would also be able to coordinate with the Union Government on matters relating to this Act and its implementation.
- **Deadline of Report Submission:**
  - Further, each State/UT Government is to submit a consolidated report of its compliance with the below directions to the Union Government within 8 weeks.

### What is the PoSH Act, 2013?

#### ▪ **About:**

- The POSH Act is a legislation **enacted by the Government of India in 2013** to address the issue of sexual harassment faced by women in the workplace.
  - The Act aims to create a safe and conducive work environment for women and provide protection against sexual harassment.
- The PoSH Act **defines sexual harassment to include unwelcome acts such as physical contact and sexual advances, a demand or request for sexual favours, making sexually coloured remarks, showing pornography**, and any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature.

#### ▪ **Background:**

- The Supreme Court in a landmark judgment in the ***Vishakha and others v State of Rajasthan 1997*** case gave '**[Vishakha guidelines](#)**'.
- These guidelines **formed the basis for the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**.
- The SC also drew its strength from several provisions of the **Constitution including [Article 15](#)** (against discrimination on grounds only of religion, race, caste, sex, and place of birth), also drawing from relevant International Conventions and norms such as the General Recommendations of the **[Convention on the Elimination of All Forms of Discrimination Against Women \(CEDAW\)](#)**, which India ratified in **1993**.

#### ▪ **Key Provisions:**

- **Prevention and Prohibition:** The Act places a legal obligation on employers to prevent and prohibit sexual harassment in the workplace.
- **Internal Complaints Committee (ICC):** Employers are required to constitute an **ICC** at each workplace with **10 or more employees** to receive and address complaints of sexual harassment.
  - The Complaints Committees have the powers of civil courts for gathering evidence.
- **Duties of Employers:** Employers must undertake awareness programs, provide a safe working environment, and display information about the POSH Act at the workplace.
- **Penalties:** Non-compliance with the Act's provisions can result in penalties, including fines and cancellation of business licenses.

### What Can Be the Way Forward?

- **Employment Tribunal:** Setting up of an **employment tribunal instead of an internal complaints committee (ICC)** in the Sexual Harassment at the Workplace Act should be followed.
- **Power to Form Own Procedure:** To ensure speedy disposal of complaints, it is proposed that the **tribunal should not function as a civil court** but may choose its own procedure to deal with each complaint.
- **Expanding Scope of Act:** Domestic workers should be included within the purview of the Act.
  - The **[Justice Verma Committee](#)** said any "unwelcome behavior" should be seen from the subjective perception of the complainant, thus broadening the scope of the definition of sexual harassment.
- **Responsibility of Employer:** The **Justice Verma Committee** said an employer should be held liable if:
  - he or she facilitated sexual harassment.
  - permitted an environment where sexual misconduct becomes widespread and systematic.
  - Where the employer fails to disclose the company's policy on sexual harassment and ways in which workers can file a complaint.
  - The Verma panel also said that the **time-limit of three months to file a complaint should be done away with** and a complainant should not be transferred without her consent.

### Other Initiatives Related to Women's Safety

- **[One Stop Centre Scheme](#)**
- **UJJAWALA: A Comprehensive Scheme for Prevention of trafficking and Rescue, Rehabilitation and Reintegration of Victims of Trafficking and Commercial Sexual Exploitation**
- **[SWADHAR Greh](#) (A Scheme for Women in Difficult Circumstances)**

## Legal Insights

### [Appeal to Departmental Authority Under POSH](#)

## UPSC Civil Services Examination, Previous Year Questions (PYQs)

**Q. Two of the schemes launched by the Government of India for Women's development are Swadhar and Swayam Siddha. As regards the difference between them, consider the following statements: (2010)**

1. Swayam Siddha is meant for those in difficult circumstances such as women survivors of natural disasters or terrorism, women prisoners released from jails, mentally challenged women etc., whereas Swadhar is meant for holistic empowerment of women through Self Help Groups.
2. Swayam Siddha is implemented through Local Self Government bodies or reputed Voluntary Organizations whereas Swadhar is implemented through the ICDS units set up in the states.

**Which of the statements given above is/are correct?**

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

**Ans: (d)**