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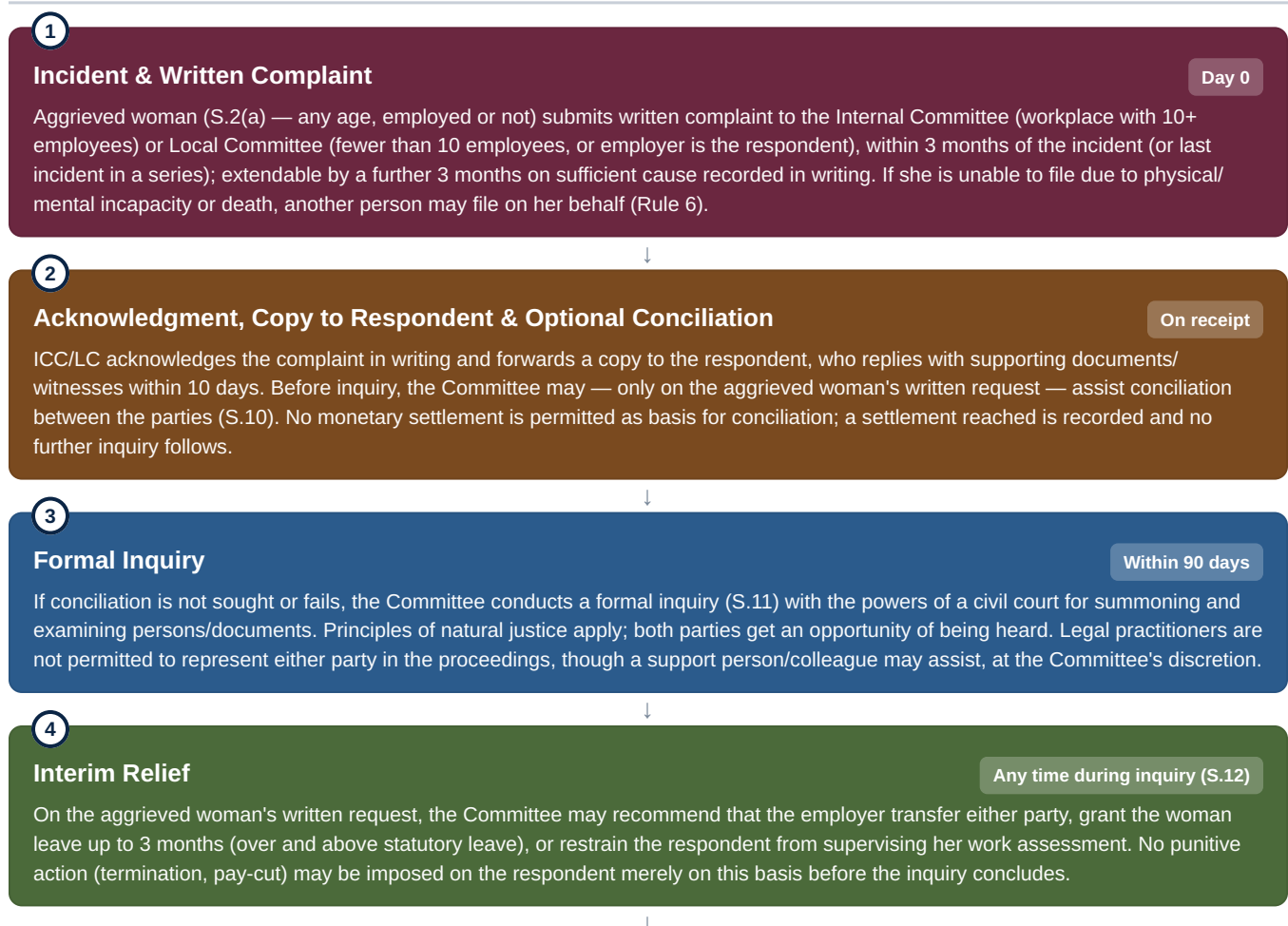
PRACTICE NOTE — EMPLOYMENT & POSH COMPLIANCE

The POSH Act, 2013 — Complaint to Resolution

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 & Rules, 2013 — single-view process chart

COMPLAINT WINDOW	3 months from incident (extendable +3 months for sufficient cause)
RESPONDENT'S REPLY	within 10 days of receiving complaint copy
INQUIRY TO BE COMPLETED	within 90 days of complaint
INQUIRY REPORT	within 10 days of completing inquiry
EMPLOYER ACTION ON REPORT	within 60 days of receiving report
APPEAL	within 90 days of recommendation

PROCESS CHART — FROM COMPLAINT TO APPEAL



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Inquiry Report

Within 10 days of completing inquiry

The Committee prepares a report of its findings with reasons, and recommendations — action against the respondent if the complaint is proved, or against the complainant/witness only where clear evidence shows the complaint was false or malicious (S.14) — mere failure to prove a complaint is not, by itself, punishable.

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Employer / District Officer Action

Within 60 days of report

The employer (for ICC) or District Officer (for LC) must act on the recommendations within 60 days — treating the report as misconduct under service rules, or otherwise as prescribed. Contents of the complaint and proceedings remain confidential throughout (S.16); breach attracts a penalty of ₹5,000 (S.17 read with Rule 12).

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Appeal

Within 90 days

Any person aggrieved by the recommendations, or by non-implementation of recommendations, may appeal to the court or tribunal in accordance with applicable service rules (or as prescribed, where none exist) within 90 days of the recommendations (S.18).

APPLICABILITY, DEFINITIONS & COMMITTEE STRUCTURE

WHO & WHERE IT APPLIES

- **Aggrieved woman (S.2(a)):** a woman of any age, employed or not, who alleges sexual harassment — covers employees, clients, customers, visitors, and domestic workers.
- **Workplace (S.2(o)):** defined widely — any organisation, department, office, branch unit, government body, PSU, hospital, sports institute, and any place visited during employment including transport provided by employer.
- **Internal Committee (ICC):** mandatory at every office/branch with 10 or more employees (S.4).
- **Local Committee (LC):** constituted by the District Officer for establishments with fewer than 10 employees, or where the complaint is against the employer (S.5, S.6).

WHAT CONSTITUTES SEXUAL HARASSMENT (S.3)

- Unwelcome physical contact and advances.
- A demand or request for sexual favours.
- Sexually coloured remarks.
- Showing pornography.
- Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature.
- Attracted where linked to implied/overt promise of preferential treatment, threat of detrimental treatment, threat about present/future employment, interference with work creating a hostile environment, or humiliating treatment affecting health or safety.

ICC / LC COMPOSITION

- **Presiding Officer:** a senior-level woman employee (nominated from among senior employees).
- **2 or more members:** employees committed to the cause of women / with social work or legal knowledge.
- **1 external member:** from an NGO or association familiar with sexual harassment issues.
- At least half of all members must be women; term of membership not exceeding **3 years**.

EMPLOYER DUTIES (S.19)

- Constitute an Internal Committee at every applicable workplace.
- Display penal consequences of sexual harassment and ICC composition/details prominently.
- Organise workshops and awareness programmes at regular intervals; sensitise employees on the Act.
- Provide assistance to the woman if she chooses to file a police complaint.
- Monitor timely submission of the Committee's report; include details in the annual report (S.21, S.22).

QUICK REFERENCE

Penalty for Non-Compliance (S.26)

Employer's failure to constitute an ICC, act on recommendations, or other contravention: fine up to **₹50,000**. Repeat default: doubled penalty and possible cancellation/non-renewal of licence or registration.

False or Malicious Complaint (S.14)

Action against the complainant/witness only where there is **clear evidence** that the complaint or evidence was false or malicious. Inability to substantiate a complaint, by itself, does not attract punishment.

Confidentiality (S.16 & S.17)

Identity of parties/witnesses and proceedings must not be published or made known to the press/public. Breach of confidentiality: penalty of **₹5,000** under Rule 12.

Practice Note — Recent Developments

Supreme Court in *Aureliano Fernandes v. State of Goa* (2023) directed strict compliance audits; a further Court-ordered district-wise compliance survey and SHe-Box registration drive has been reported through 2025. A Bill proposing gender-neutral coverage (replacing "woman" with "person") was introduced in Rajya Sabha in late 2025 but has not been confirmed as enacted — the Act, as it stands, protects women only. Verify current status before advising.

For internal practice reference only — cross-check against the bare Act, POSH Rules 2013, latest amendments, and High Court/Supreme Court rulings before relying in proceedings. Prepared 19 July 2026.

Primary sources: Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (indiacode.nic.in); POSH Rules, 2013; Ministry-affiliated reference text (cltri.gov.in / doe.gov.in).