

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(s).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(s)

VERSUS

THE STATE OF GOA & ORS.

Respondent(s)

(Ms. Padma Priya, learned counsel has been appointed as Amicus
Curiae)WITHMA 1688/2023 in C.A. No. 2482/2014 (III)

(FOR CLARIFICATION/DIRECTION ON IA 131628/2023

FOR EXTENSION OF TIME ON IA 248631/2023

FOR EXEMPTION FROM FILING O.T. ON IA 114246/2024

IA No. 131628/2023 - CLARIFICATION/DIRECTION

IA No. 114246/2024 - EXEMPTION FROM FILING O.T.

IA No. 248631/2023 - EXTENSION OF TIME)

Date : 24-09-2024 This petition was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGHFor Petitioner(s) Mr. Atul Jha, Adv.
Mr. Dharmendra Kumar Sinha, AOR

By Courts Motion, AOR

Ms. Padma Priya, Adv. (A.C.)

For Respondent(s) Ms. Ruchira Gupta, Adv.
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Ms. Eliza Bar, Adv.

Mrs. Aishwarya Bhati, A.S.G.
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Mr. Annirudh Sharma-II, Adv.
Mr. Ishaan Sharma, Adv.
Mr. S K Singhania, Adv.
Mr. B K Satija, Adv.
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Mr. Anando Mukherjee, AOR
Mr. Shwetank Singh, Adv.

Mr. Sameer Abhyankar, AOR
Mr. Aakash Thakur, Adv.
Mr. Rahul Kumar, Adv.
Mr. Aryan Srivastava, Adv.
Ms. Ayushi Bansal, Adv.
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Mr. Ajay Kumar Sharma, Adv.
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Mr. Ritik Arora, Adv.
Mr. Shivam Mishra, Adv.
Mr. Gowtham Polanki, Adv.
Mr. Murshlin Ansari, Adv.

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Mr. Alim Anvar, Adv.
Mr. Ajith Anto Perumbully, 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

Mr. Vikramjit Banerjee, A.S.G.
Mr. Adarsh Kumar Pandey, Adv.
Mr. Noor Rampal, Adv.
Ms. Sweksha, Adv.
Mr. Shashank Bajpai, Adv.
Ms. Alina Masoodi, Adv.
Mr. Amrish Kumar, AOR

Mr. Gurmeet Singh Makker, AOR

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

1. This Court, in paragraph (5) of Order dated 13.08.2024, has observed as under:-

"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.""

2. Ms. Padma Priya, learned Amicus Curiae, assisting this Court in the matter submitted that the States have not filed their affidavits regarding the concerns expressed by this Court, as noted above.

3. In the circumstances, the State Governments as well as the Union of India are directed to file their affidavits having regard to the aforesaid five points which have been raised by this Court noted above. The said affidavits shall be filed on or before 18.10.2024.

4. The Union of India also to comply with the direction, as noted above.

5. List on 22.10.2024.

(VIJAY KUMAR)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)