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Government of India/ भारत सरकार

Sainik Schools Society/ सैनिक स्कूल सोसाइटी

Ministry of Defence/ रक्षा मंत्रालय

101, D-1 Wing, Sena Bhawan/ सेना भवन

New Delhi - 110 011/ नई दिल्ली-110011

No 14(22)/SSS/2023

14 Sep 23

Principal

All Sainik Schools

All New Sainik Schools

JUDGEMENT PASSED BY THE HON'BLE SUPREME COURT OF INDIA IN CIVIL APPEAL NO 2482 OF 2014 FILED BY AURELIANO FERNANDES Vs STATE OF GOA AND ORS: DIRECTIONS REGARDING IMPLEMENTATION OF SEXUAL HARASSMENT ACT- FILING OF A COMMON AFFIDAVIT ON BEHALF OF UoI

1. Refer the following:-

(a) Ministry of Woman & Child Development DO letter No 16/0/2023-WW dated 14 Aug 23 (Copy enclosed).

(b) Sainik School Call letter No 34(42)/2020/D(SSC)/3 dated 08 Sep 23 (Copy enclosed).

(c) A copy of Judgement passed by the Hon'ble Supreme Court of India in Civil Appeal No 2482 of 2014 (Copy enclosed)

2. Principal Sainik School Kalkiri is to be the overall co-ordinator to compile the school wise details and forwarded the same to this office by 18 Sep 23.

3. All Zonal Co-ordinators and Mentor schools for New Sainik Schools are requested to collect the data in respect of schools in their respective Zone as per the prescribed format mentioned at Para 1(b) above and forward the same to Sainik School Kalkiri by 1100 hrs 17 Sep 23.



Encl- As above.


(S Jacob)
Air Commodore
Inspecting Officer

Government of India
Ministry of Defence
D(SSC)

Subject: Judgment passed by the Hon'ble Supreme Court of India in Civil Appeal No.2482 of 2014 filed by Aureliano Fernandes Vs State of Goa and Ors. – Directions regarding implementation of Sexual Harassment Act – Filing of a common affidavit on behalf of UoI – reg.

Please find enclosed a copy of a DO letter dated 14.08.2023 from Ministry of Women & Child Development, forwarded by D(Est.I/Gp.I) vide its IDN No. A-A-52029/01/97-D(Est.I/Gp.I)(Pt.) dated 01.09.2023 on the subject mentioned above.

2. It has been conveyed vide aforesaid D.O letter dated 14.08.2023 that the Hon'ble Supreme Court of India in Civil Appeal NO.2482 of 2014 filed by Aureliano Fernandes Vs State of Goa and Ors., wherein 53 Ministries of the Government have been listed as Respondents. The appeal challenges a judgment of the High Court of Bombay dismissing the writ petition against order passed by the Appellant's University, based on report of Internal Complaints Committee on a complaint of sexual harassment leveled against the Appellant.
3. The Hon'ble Court while passing the directions in the said appeal noted that there are lapses in the enforcement of the Sexual Harassment of Women Act, 2013 and passed certain directions to UoI, all States / UTs and others (copy enclosed). The Hon'ble Court has directed the UoI to file the affidavit with eight weeks for reporting compliance.
4. Accordingly, M/o WCD has requested that a direction may be issued to concerned offices of Ministry/Department as well as the Statutory Authorities / Institutions / Organisations to go through the directions of Hon'ble Court for immediate compliance and provide a consolidated information in the attached format within a fortnight for filing a common affidavit on behalf of UoI.
5. In this connection, Inspecting Officer, Sainik Schools Society is requested that directions may be issued to all Sainik Schools (under erstwhile pattern) to go through the directions issued by the Hon'ble Court for immediate compliance and a complied information/report from all Sainik Schools (under erstwhile pattern) in the **prescribed format** (copy enclosed) may be forwarded to this office for onward transmission to M/o WCD in the matter.

Shailesh Rana
06/9/2023
(Shailesh Rana)

Under Secretary D(SSC)
Tele. 011-23015789

Inspecting Officer, SSS, MoD

MoD ID No. 34(42)/2020/D(SSC)/3

dated 06/09/2023

- It download the judgement.
- Complied per pt.
dt. 06/09/23

Jr 13/9

Ministry of Defence
D(Est./Gp.I)

Subject: Judgment passed by the Hon'ble Supreme Court of India in Civil Appeal No.2482 of 2014 filed by Aureliano Fernandes Vs State of Goa and Ors. - Directions regarding implementation of Sexual Harassment Act - Filing of a common affidavit on behalf of UoI - reg.

Reference is invited to the Ministry of Women & Child Development's D.O. letter dated 14.08.2023 (copy enclosed) on the above subject.

2. In this connection, the Hon'ble Supreme Court of India in Civil Appeal No.2482 of 2014 filed by Aureliano Fernandes Vs State of Goa and Ors., wherein 53 Ministries of the Government have been listed as Respondents. The appeal challenges a judgment of the High Court of Bombay dismissing the writ petition against order passed by the Appellant's University based on report of Internal Complaints Committee on a complaint of sexual harassment leveled against the Appellant.

3. The Hon'ble Court while passing the directions in the said appeal noted that there are lapses in the enforcement of the Sexual Harassment of Women at Workplace Act, 2013 and passed certain directions to UoI, all States / UTs and others (copy enclosed). The Hon'ble Court has directed the UoI to file the affidavit within eight weeks for reporting compliance.

4. Accordingly, M/o WCD has requested that a direction may be issued to concerned offices of Ministry/Department as well as the Statutory Authorities / Institutions / Organisations to go through the directions of Hon'ble Court for immediate compliance and provide a consolidated information in the attached format (copy enclosed) within a fortnight for filing a common affidavit on behalf of UoI.

5. It is therefore, requested that the necessary directions may be issued to the Directorates / Organisations / PSUs etc. under their administrative control for immediate compliance of the directions issued by the Hon'ble Court and a consolidated compliance report in the prescribed format may be forwarded to D(Est./Gp.I) through their concern JS to D(Est./Gp.I) for onward transmission of the same to M/o WCD.

6. This issues with the approval of Competent Authority.

Enc: As above.


(Shikatosh Banerji)
Under Secretary to the Government of India
Tel: 2301 2200

All Joint Secretaries and equivalent officers of the Department of Defence, Department of Defence Production, Department of Ex-Servicemen Welfare, Department of Military Affairs and MoD(Finance)

MoD ID No. A -A-52029/D1/87 - D(Est./Gp.I)(Pl.) dated 1st September, 2023

Copy for information to:

Ms. Anu R. Shine,
Member Secretary (ICG) and US(N-II/Ops), DMA, MoD

Office of J.S. (Legal & Works)
On file 3952
05/09/2023

to put up a compliance report with for JS

fo (SSC)
05/09/23

DD (R & C)
USC/SC ✓

4/9
5/9



सत्यमेव जयते

D.O No. 18/3/2023-WW

14th August, 2023

Dear Secretary,

I would like to draw your attention to the judgment dated 12th May, 2023 (copy enclosed) passed by the Hon'ble Supreme Court of India in Civil Appeal No. 2482 of 2014 filed by Shri Aureliano Fernandes Vs State of Goa and Ors. wherein 53 Ministries of the Government have been listed as Respondents. The appeal challenges a judgment of the High Court of Bombay dismissing the writ petition against order passed by the Appellant's University, based on Report of Internal Complaints Committee, on a complaint of sexual harassment levelled against the Appellant.

2. The Hon'ble Court while passing the directions in the said appeal (copy enclosed) noted that there are lapses in the enforcement of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (SH Act), 2013 and passed certain directions to UOI: all States/ UTs and others which are self-explanatory. The Hon'ble Court has directed the Union of India to file the affidavit within eight weeks for reporting compliance. In view of D.O. Letter No. 1/50/3/2016-Cab dated 16th June, 2016 of Cabinet Secretary and being the nodal Ministry of the SH Act, 2013, this Ministry will file the affidavit on behalf of Union of India.

3. In the past also, we had written several times to all the Ministries/ Departments of the Central Government to ensure effective implementation of the SH Act. I am sure that action must have been taken in all the offices under your charge for effective implementation of the Act.

4. I shall be grateful if you could direct the concerned officers in your Ministry/ Department as well as the Statutory Authorities/Institutions/Organisations under your Ministry/ Department to go through the directions for immediate compliance and provide a consolidated information in the attached format, in respect of all organizations under your respective Ministries/Departments, to this Ministry within a fortnight for filing a common affidavit on behalf of UOI.

With regards,

Yours sincerely

Encl. As above

(Indevar Pandey)

Secretaries of all Ministries/ Departments, Government of India.

76. However salutary this enactment may be, it will never succeed in providing dignity and respect that women deserve at the workplace unless and until there is strict adherence to the enforcement regime and a proactive approach by all the States and Union State actors. If the working environment continues to remain hostile, insensitive and unresponsive to the needs of women employees, then the Act will remain an empty formality. If the authorities/managements/employers cannot assure them a safe and secure work place, they will leave stepping out of their homes to make a dignified living and employ their talent and skills to the full. It is, therefore, time for the Union Government and the State Governments to take affirmative action and make sure that the altruistic intent behind enacting the PoSH Act is achieved in real terms.

9. DIRECTIONS

77. To fulfil the promise that the PoSH Act holds out to working women all over the country, it is deemed appropriate to issue the following directions:

(i) The Union of India, all State Governments and Union Territories are directed to undertake a thorough exercise to verify as to whether all the concerned Ministries, Departments, Government Organizations, authorities, Public Sector Undertakings, institutions, bodies, etc. have constituted ICCs/CWCs as per the

(v) The authorities/management/employers shall regularly conduct orientation programmes, workshops, seminars and awareness programmes to women members of the ICCs/ECs/OCs and to educate women employees and women's groups about the provisions of the Act, the Rules and relevant legislation.

(vi) The National Legal Services Authority (NALSA) and the State Legal Services Authorities (SLSAs) shall develop modules to conduct workshops and regular awareness programmes to sensitize authorities/managements/employees, employees and adolescent groups with the provisions of the Act which shall be included in their annual calendar.


(vii) The National Judicial Academy and the State Judicial Academies shall include in their annual calendars, orientation programmes, seminars and workshops for capacity building of members of the ICCs/ECs/OCs established in the High Courts and District Courts and for drafting Standard Operating Procedures (SOPs) to conduct an inquiry under the Act and Rules.

(viii) A copy of the judgment shall be transmitted to the Secretaries of all the States/Union Territories of India and shall be implemented in the State/UTs by all the concerned Departments, Governmental, Institutional, Organisations etc. under the control of the respective Ministries. A copy of the judgment shall also be transmitted to the Chief Secretaries of all the States and Union Territories.

28. The Union of India and its States/UTs are directed to file their appeals with High Courts for disposal of appeals. List after 10th week.

29. The appeal is allowed on the above terms while leaving the parties to bear their costs. Pending applications, if any, shall stand stayed.


[A. J. SOPANNA]


[HIMA KOHLI]

NEW DELHI
MAY 12, 2023

Sl. no.	Name of the Ministry	Whether	Whether	Details of	Whether	Other relevant information, if any
	Department					
	Attached Offices					
	Statutory Bodies					
	Autonomous Bodies					
	Public Sector Undertaking					

Sl. No.	Name of the Ministry	Whether IC exists strictly as per the provisions of SH Act, 2013 (If yes, copy of orders may be provided)	Whether necessary information regarding constitution and composition of IC, details of e-mails & contact numbers, procedure for filing online complaint and other relevant rules/ regulations are available on the official website (If not, the same may be done immediately and updated time to time)	Details of immediate and effective steps taken by the authorities to familiarize the members of the IC with their duties and the manner in which an inquiry is to be conducted from the date complaint is received till report is submitted	Whether orientation programmes, workshops, seminars and awareness programme conducted to upskill the members of IC and to educate women employee and women's groups about the provisions of the Act, relevant rules/ regulations. The details of exercises undertaken for the last 3 years may be provided	Other relevant information, if any
	Department					
	Attached Offices					
	Statutory Bodies					
	Autonomous Bodies					
	Public Sector Undertaking					