

WACDD-MISC/9/2023-WACDD-Women and Child Development Department

I/190768/2023

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S.O. 14/14/23
14/14/23

SUPREME COURT URGENT

GOVERNMENT OF ASSAM
DEPARTMENT OF WOMEN & CHILD DEVELOPMENT
Block - D, 1st Floor, Dispur,
Janata Bhawan, Guwahati- 781 006. wcdasaam2022@gmail.com

E-308086/67

Dated Dispur the 8th June, 2023

From: Shri Mukesh Ch. Sahu, IAS
Principal Secretary to the Govt. of Assam
Department of Women & Child Development

To: The Senior Most Secretary to the Govt. of Assam
All Departments (Welfare of Minorities and Development Department)

Sub: Judgment dated 12.05.2023 passed by the Hon'ble Supreme Court in Civil
Appeal No. 2482/2014 (*in re Aureliano Fernandes -vs- State of Goa & Others*)

Sir,

In inviting a reference to the above, I am directed to inform you that the Chief Secretary, Assam had convened a meeting on 02.06.2023 to discuss issues relating to compliance of the Judgment passed by the Hon'ble Supreme Court of India in the instant matter. The matter relates to implementation of the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (in brief, POSH Act).

In this context, the directions issued by the Hon'ble Supreme Court are as follows: -

- (i) The Union of India, all State Governments and Union Territories are directed to undertake a time bound exercise to verify as to whether all the concerned Ministries, Departments, Government organizations, authorities, Public Sector Undertakings, institutions, bodies, etc. 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.
- (ii) It shall be ensured that necessary information regarding the constitution and composition of the ICCs/LCs/ICs, details of the e-mail IDs and contact

Page 1 of 4

H.U.
14/06/23

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23/6/23

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 the concerned Authority /Functionary /Organization/ Institution/ Body, as the case may be. The information furnished shall also be updated from time to time.

- (iii) 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.
- (iv) Immediate and effective steps shall be taken by the authorities/managements/employers to familiarize 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.
- (v) The authorities/ management/ employers shall regularly conduct orientation programmes, workshops, seminars and awareness programmes to up skill 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.
- (vi) A copy of the judgment shall also be transmitted to the Chief Secretaries of all the States and Union Territories who shall ensure strict compliance of these directions by all the concerned Departments.
- (vii) The Union of India and all States/UTs are directed to file their affidavits within eight weeks for reporting compliances.

Accordingly, the directions issued by the Hon'ble Supreme Court have been captured in a format which is enclosed herewith. The said format is to be circulated to each and every office under your administrative control including Directorates, Boards, Corporations, Councils, Societies, Trusts, Statutory Bodies, Educational Institutions, etc. The said information may be collected and compiled at the Departmental level and thereafter, a

WACDD-MISC/9/2023-WACDD-Women and Child Development Department

I/190768/2023

compliance report as per Format enclosed may be submitted for the Department as a whole latest by 30.06.2023.

In case, the Internal Complaints Committee have not been constituted so far, the same may be constituted on a priority basis and trainings imparted. The updated information may also be uploaded on to the Departmental/ Directorate websites immediately.

For your ready reference, the copy of the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 is available on the website - <https://wcd.nic.in/sites/default/files/Sexual-Harassment-at-Workplace-Act.pdf>. The Ministry of Women and Child Development has brought out a Handbook on the said Act and the same is available for download from the website of the Ministry of Women & Child Development - <https://wcd.nic.in/sites/default/files/Handbook%20on%20Sexual%20Harassment%20of%20Women%20at%20Workplace.pdf>

The matter is of utmost importance and the case is likely to be listed for hearing in the second week of July. It has, therefore, become necessary to file the affidavit-in-opposition in the first week of July.

This has the approval of Chief Secretary, Assam.

Yours faithfully,

Encl: as stated above

Signed by Mukesh Chandra Sahu

Date: 08-06-2023 12:22:06

Principal Secretary to the Govt. of Assam
Department of Women & Child Development

Memo No. E-308086/67-A

Dated Dispur the 8th June, 2023

1. The Secretary, Co-ordination, O/o Chief Secretary, Assam, Dispur for information

By Order, etc.

Signed by Partha Pratim Majumdar

Date: 08-06-2023 12:56:18

Secretary to the Govt. of Assam.
Department of Women & Child Development