



# THE LAW GURUKUL

Public Legal Awareness

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## POSH Newsletter

EVERYTHING YOU NEED TO KNOW

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# SAFE, DECENT, RESPECTFUL WORKPLACES FOR ALL



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## THE SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

A COMPREHENSIVE LAW WITH WIDE-RANGING IMPLICATIONS, IT PROHIBITS UNWELCOME CONDUCT OF A SEXUAL NATURE AT THE WORKPLACE AND DEFINES IT IN CLEARLY. THE ACT HAS THE POTENTIAL TO BRING UNPRECEDENTED AND WIDE-RANGING CHANGES IN THE WAY WOMEN ARE TREATED AND THOUGHT ABOUT IN INDIAN SOCIETY.



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**TOUCHING  
NOT  
NECESSARY TO  
CONSTITUTE  
SEXUAL  
HARASSMENT**

APPAREL EXPORT PROMOTION COUNCIL V. A.K CHOPRA, 1999,

[INDIANKANOON.ORG/DOC/856194](http://INDIANKANOON.ORG/DOC/856194)

A PERSON OF ANY GENDER MAY FEEL THREATENED AND SEXUALLY HARASSED WHEN HER/HIS MODESTY OR DIGNITY AS A MEMBER OF THE SAID GENDER IS OFFENDED... IRRESPECTIVE OF THE SEXUALITY AND GENDER OF THE PERPETRATOR... .'

DR.MALABIKA BHATTACHARJEE V/S INTERNAL COMPLAINTS COMMITTEE THE VIVEKANANDA COLLEGE



**SAME  
GENDER  
COMPLAINTS  
ALLOWED  
UNDER POSH  
ACT, 2013**

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# Homage to Bhanwari Devi



**SOME INDIVIDUALS SEEM TO BE BORN TO MAKE HISTORY. THEY BECOME THE SOURCE OF INSPIRATION FOR LITERALLY MILLIONS OF PEOPLE, EVEN THOUGH THEIR OWN STRUGGLE NEVER ENDS. SUCH AN INDIVIDUAL IS BHANWARI DEVI. WE OWE THE EXISTENCE OF THE LAW ON THE PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE TO HER WILLINGNESS TO FIGHT AGAINST ALL ODDS, INCLUDING SOCIAL BOYCOTT IN HER OWN VILLAGE.**

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**"Awareness about the rights  
of women can be truly  
meaningful if that  
awareness is created  
amongst the younger  
generation of men in our  
society. "**

**-Hon'ble CJI D.Y.  
Chandrachud**

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Sexual Harassment is a form of gender discrimination, and violates the fundamental rights guaranteed under Article 14 and 21 of the Constitution of India.

## Wrestlers Protest:

The extent to which sexual harassment is a deep seated problem in the country and an ever present reality has become clear as a result of the protest by champion women wrestlers at the Jantar Mantar in New Delhi, which began in April 2023.

While the matter is sub-judice we shall refrain from making any comments and await the Judicial Outcome.



<https://www.thelawgurukul.com/about>



The Law Gurukul is a Public Legal Awareness Initiative. Its aim is to spread legal literacy amongst the masses by online means.



## PoSH Trainings

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<https://www.thelawgurukul.com/poshtraining>







**‘Workplace’ includes any place visited by an employee in the course of her work, including any transportation provided by the employer.**

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The PoSH Act provides an unprecedented opportunity to HR professionals for helping to create a safer, more humane and productive work environment for everyone.

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**All establishments, factories, hotels, hospitals, schools, colleges or shops etc. employing 10 or more employees (even when there is no woman employee) have to constitute an Internal Complaint Committee (ICC). Notices regarding company policy against Sexual Harassment must be displayed with contact details of all members. Not doing so invites prosecution and punishment.**



**OF THE FOUR MEMBERS OF ICC, ONE HAS TO BE INDEPENDENT FROM THE COMPANY (MAY BE FROM A REPRESENTATIVE OF AN NGO OR ASSOCIATION COMMITTED TO THE CAUSE OF WOMEN, ETC.).**



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## **WHY DO WE NEED THIS LAW?**

**Though the number of women in the workforce has been rising, there has been little or no change in attitudes towards women. The mentality and behavior of large numbers of people continue to be disturbing and unacceptable.**

**‘I never fought  
against KPS Gill,  
I fought against  
the mindset of  
society.’**

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These are the words of Rupan Deol Bajaj, IAS. She took on the might of the Punjab administration and the most powerful IPS officer of his times because of his offensive, lewd, and drunken behavior at an official party in 1988.

SUPREME COURT OF INDIA HAS DIRECTED UNION GOVT,  
UTS, ALL STATE GOVTS, & STATUTORY BODIES OF  
PROFESSIONALS INCLUDING UNIVERSITIES TO ENSURE  
ESTABLISHMENT OF ICCS AND STRICT IMPLEMENTATION  
OF POSH ACT



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*AURELIANO FERNANDES V. STT OF GOA SCI DT. 12.05.2023. LIVELAW 13.05.23;  
[HTTPS://WWW.LIVELAW.IN/TOP-STORIES/SUPREME-COURT-POSH-ACT-PROTECTION-OF-  
WOMEN-FROM-SEXUAL-HARASSMENT](https://www.livelaw.in/top-stories/supreme-court-posh-act-protection-of-women-from-sexual-harassment)*



(VIJAYKUMARAN C.P.V. V. CENTRAL UNIVERSITY OF KERALA AND  
ORS., 2020) WWW.LIVELAW.IN/PDF\_UPLOAD/PDF\_UPLOAD-  
369638.PDF

# EMPLOYMENT CANNOT BE TERMINATED ON BASIS OF ALLEGATIONS ALONE

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