

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.

WITH

MA 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

W.P.(C) No. 1224/2017 (PIL-W)

IA No. 74098/2019 - EARLY HEARING APPLICATION
IA No. 107538/2022 - EXEMPTION FROM FILING O.T.
IA No. 95766/2018 - EXEMPTION FROM FILING O.T.
IA No. 29686/2018 - EXEMPTION FROM FILING O.T.
IA No. 127408/2022 - EXEMPTION FROM FILING O.T.
IA No. 12835/2018 - INTERVENTION/IMPLEADMENT

Date : 22-04-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

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UPON hearing the counsel the Court made the following

O R D E R

Registry to show the name of Shri Arvind S., learned
counsel for the Union Territory of Puducherry, in the Cause
List.

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Ms. Padma Priya, learned Amicus Curiae submitted that pursuant to the directions issued by this Court on 03.12.2024, there have been certain compliances which have been made by the respective State Governments and Union Territories. However, there is no complete compliance of all the directions. In this regard, learned Amicus Curiae has submitted a Status Report collating the details of compliances which have been made by the State Governments as well as the Union Territories (U.Ts) and also the details of there being no complete compliance of our directions issued on the aforesaid date. She therefore, submitted that she would issue a communication to all the learned counsel appearing for the respective State Governments and Union Territories to file further affidavits so as to bring out complete compliance of the directions issued by this Court on the aforesaid date. She further submitted that the chart would be prepared on receipt of the said affidavits with regard to further compliances that have to be made. In this regard, her submission was that mere issuance of directions by the State Governments/U.Ts to the local authorities for compliance with the orders of this Court without there being a follow-up action to ensure that there has in fact being an obedience to the order of this Court would be of no avail. According to learned Amicus Curiae, the State Governments and U.Ts must bring to the notice of this Court that not only there has been communication of the directions issued by this Court but more

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importantly, compliance of the said directions inasmuch as the appointment of the District Officers, constitution or re-constitution of the Internal Complaints Committee at the work places must be made in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (for short, 'the 2013 Act') and at the earliest.

In the circumstances, we direct the State Governments and Union Territories to file follow-up affidavits, so as to indicate that there has been compliance of the directions issued by this Court on 03.12.2024 inasmuch as pursuant to the communications made by the State Governments to the local authorities, there has been constitution of the Internal Complaints Committee at the work places and further the provisions of the Act have been complied with. The said affidavits shall be filed on or before 09.05.2025.

Further, the Union of India shall also file its respective affidavits with regard to compliance of the directions issued on 03.12.2024. For ease of reference, the directions issued are extracted below -

"(1) The Chief Secretaries of every State shall take steps to identify and notify the Officer to be the District Officer of every District on or before 31.12.2024, if not already done.

(2) The District Officer shall constitute the Local Committee wherever such committees have not yet been

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constituted or there has to be a reconstitution of such committees already constituted on or before 31.01.2025.

(3) The Chief Secretaries of States/Territories shall ensure that the Internal Complaints Committee shall be constituted or re-constituted, as the case may be, having regard to the Section 4 of the 2013 Act in respect of their Government Departments, instrumentalities and agencies of the State Government and public sector units and other units coming under the supervision and control of the State Governments/Union Territories by 31.01.2025.

(4) Similarly, Union of India/Central Government, shall take steps to constitute or re-constitute, as the case may be, the Internal Complaints Committee in respect of a work place, wherever the same has not yet been accomplished on or before 31.01.2025 in respect of its Departments, instrumentalities and agencies.

(5) The respective States/Union Territories to file the affidavits in compliance of these directions and copies of the said affidavits shall be e-mailed to learned ASG, learned Amicus Curiae, learned AOR for the petitioner(s) in W.P. No. 1224/2017. The said affidavits shall be filed in the first week of February, 2025 indicating the compliance of the aforesaid directions.

(6) The Legal Services Institutions at the Central, State, District and Taluka levels shall assist an aggrieved woman to make a complaint under the provisions of the 2013 Act

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as and when approached.

The Registry of this Court is directed to provide Login-ID to learned Amicus Curiae assisting this Court in this case so as to have access to all the pleadings, affidavits and other documents etc. filed by the respective counsel in this case."

Learned Amicus Curiae further submitted that the directions with regard to appointment of Nodal Officers in terms of sub-Section (2) of Section 6 of 2013 Act have not been complied with by certain States as well as the Union Territories, while it has been done so by others.

The State Governments and the Union Territories are directed to indicate in detail the appointment of the Nodal Officers as well as the uploading of the same on the respective websites and to indicate details of the same in the affidavit to be filed by the respective States as well as the Union Territories.

Further, as requested by learned A.S.G. appearing for the Union of India, a virtual conference between the representatives of the Department of Women and Child Development of the respective State Governments and Union Territories with the representatives of the same Department of the Union of India and the learned Amicus Curiae as well as learned counsel for the petitioner(s) could be held on 03.05.2025 at 11.00 a.m., so that there could be an exchange of information and best practices that are being followed in

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the respective States.

Learned counsel for the respective State Governments and Union Territories may also be present in the said meeting.

Learned Amicus Curiae to inform the learned standing counsel/counsel for the State of Arunachal Pradesh and Union Territory of Daman and Diu about today's proceedings so as to comply with the directions issued by this Court on 03.12.2024 as well as the directions issued today.

It is needless to observe that learned counsel representing the States as well as Union Territories would transmit the affidavits to be filed by them to the learned Amicus Curiae and learned counsel for the petitioner(s) by email at the earliest.

List on 14.05.2025.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)