

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2025

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CORAM:

THE HON'BLE Dr.JUSTICE R.N.MANJULA

W.P.(MD)Nos.13981, 9747 & 12601 of 2024

and

WMP.(MD) Nos. 12247 of 2024

~~Dr. Supraja~~ ... Petitioner in WP.MD.No.13981 of 2024
~~XXXXXXXX~~
~~Dr. Reshmi Nair~~ ... Petitioner in WP.MD.No.9747 of 2024
~~XXXXXXXXXX~~
~~Lxx Vaniha~~ ... Petitioner in WP.MD.No.12601 of 2024
~~XXXXXXXXXX~~

Vs.

State Represented by
The Principal Secretary to Government,
Ministry of Health and Family Welfare,
Namakkal Kavignar Maaligai,
Fort St.George, Chennai. ... R1 in WP.MD.Nos.13981, 9747 /24

The Managing Director,
Arasu Rubber Corporation,
Nagercoil, Kanniyakumari District. ... R1 in WP.MD.No.12601/24

The General Manager,
Arasu Rubber Corporation,
Nagercoil,
Kanniyakumari District. ... R2 in WP.MD.No.12601/24



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The Commissioner,
Indian Medicine and Homeopathy Department,
Chennai corporation child care centre,
Arignar Anna Government Hospital Campus,
Arumbakkam, Chennai. R2 in WP.MD.No.13981, 9747 of 2024

The Principal,
Government Ayurveda Medical
College and Hospital,
Chidambara Nagar,
Kottar, Nagercoil,
Kanyakumari District - 629001 R3 in WP.MD.No.13981, 9747 of 2024

Dr.Clarence Davy
The Principal,
Government Ayurveda Medical College and Hospital,
Chidambara Nagar,
Kottar, Nagercoil,
Kanyakumari District - 629001 ... R4 in WP.MD.No.9747/2024

Dr.Antony Suresh ... R5 in WP.MD.No.9747/2024

State of Tamil Nadu,
Represented through its Secretary,
Government of Tamilnadu,
Social Welfare and Women Empowerment Department,
Secretariat, Fort St. George,
Chennai. ... R4 in WP.MD.No.13981 of 2024

.... R6 in WP.MD.No.9747/2024

.... R3 in WP.MD.No.12601/24

Union of India,
Represented through its Secretary,
Ministry of Women and Child Development,



Government of India,
New Delhi.

... R5 in WP.MD.No.13981 of 2024
... R7 in WP.MD.No.9747/2024
... R4 in WP.MD.No.12601/24

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State Women Commission,
Represented through its Chairperson,
Tamilnadu State Commission for Women,
Kalas Mahal, 1st Floor,
Chepauk, Chennai - 600 005.

.... R6 in WP.MD.No.13981 of 2024
... R8 in WP.MD.No.9747/2024
... R5 in WP.MD.No.12601/24

National Commission for Women represented
through its Chairperson, Plot-21,
Jasola Institutional Area,
New Delhi - 110 025.

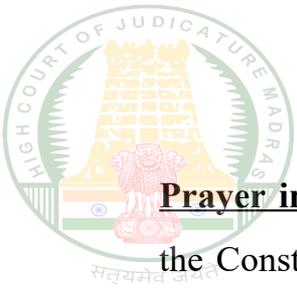
... R7 in WP.MD.No.13981 of 2024
... R9 in WP.MD.No.9747/2024
... R6 in WP.MD.No.12601/24

(R4 to R7 are Suo Motu impleaded vide
court order dated.28.06.2024
in WP(MD).13981/2024 by RNMJ)

(R6 to R9 are Suo Motu impleaded
vide court order dated.15.07.2024
in WP(MD).9747/2024 by RNMJ)

(R3 to R6 are Suo Motu impleaded
vide court order dated.15.07.2024
in WP(MD).12601/2024 by RNMJ)

Prayer in WP.(MD)No.13981 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of CERTIORARIFIED MANDAMUS, calling for the records in connection with 3rd respondent herein vide his proceeding reference R.No.2795/E/2024 dated 24.06.2024 and quash the same and consequentially direct the respondents to reinstate the petitioner into service with all benefits.



Prayer in WP.(MD)No.9747 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of MANDAMUS, directing the 1st and 2nd respondents herein to take disciplinary action as against the 4th and 5th respondents by forming an independent committee based on representation dated 26.10.2023.

Prayer in WP.(MD)No.12601 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of CERTIORARIFIED MANDAMUS, to call for the records of the impugned proceedings passed by the second respondent in Se.Mu.Aa.No.Pa2/12261/21 dated 27.06.2022 and the consequential impugned appeal rejection order passed by the first respondent in Se. Mu. Aa.No. Pal/8231/22, dated 23.01.2023 and quash the same and consequently, direct the respondents to grant the petitioner all service and monetary benefits.

In all WPs : Mrs. V.Nirmala Rani-*Amicus Cruire*

In WP.MD.No.13981 of 2024

For Petitioner : Mr.Niranjan S.Kumar

For Respondents : Mr. Ajmal Khan, AAG assisted by

Aswini Devi.K, AGP for R4

:Mr.V.Chandrasekaran, SPCCGSC for R5

:M/s.J.R.Annie Abinaya G.A. for R6

:Mr.S.Rajakumar, APP for R8



In WP.MD.No. 9747 of 2024

For Petitioner : Mr.Niranjana S.Kumar

For Respondents : Mr. Ajmal Khan, AAG assisted by

Aswini Devi.K, AGP for R6

:Mr.V.Chandrasekaran, SPCCGSC for R7

:M/s.J.R.Annie Abinaya G.A. for R8

:Mr.S.Rajakumar, APP for R10

In WP.MD.No.12601 of 2024

For Petitioner : Mr.K.Vamanan

For Respondents : Mr. Ajmal Khan, AAG assisted by

Aswini Devi.K, AGP for R3

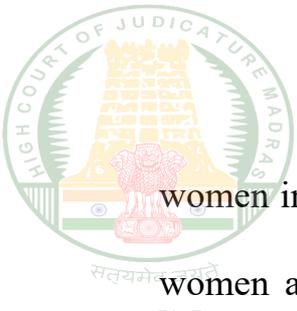
:Mr.V.Chandrasekaran, SPCCGSC for R4

:M/s.J.R.Annie Abinaya G.A. for R5

:Mr.S.Rajakumar, APP for R7

COMMON ORDER

On 21.11.2024 a detailed order has been passed in these writ petitions by giving the following directions in the larger interest under Part-VII by considering various aspects dealt in the earlier parts of that order. Certain directions are persuasive and reports have been invited as to the feasibility of the implementation of them in order to prevent sexual harassment against



women in all work places. As the issue involving such kind of violence against women are due to aggressive behaviour based on the socio-cultural mindset, various measures are needed to be taken to ensure whether the measures already taken have been properly implemented by removing the road blocks.

2. Following the above directions, various steps have been taken by the State Government towards complying the orders. The directions were continuous and their compliance demonstrates the commitment of the State parties to prevent discrimination against women. The various suggestions and ideas given by the various departments also reflect the realisation at all level that the new measures and the measures already in place need to be shaped better in order to achieve the desired object. The relevant paragraph No.189 containing the above directions are extracted hereunder:

“189. The following Directions are issued in the larger interest considering the various aspects dealt in the earlier parts of this order and also considering recommendations made by the State Women Commission and the learned amicus curiae:

I. (i) As the State Government has not yet framed the rules for the PoSH Act. The State Women Commission has filed the model draft rules which are very exhaustive. The State Women Commission shall submit a copy of the draft rule to the state Government within 2 weeks and the State Government shall



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scrutinize the rules and make necessary changes if it deems fit and finish the approval and publish the approved rules and submit a report about the process in this regard during the next hearing.

II. And the State Government is further directed to :

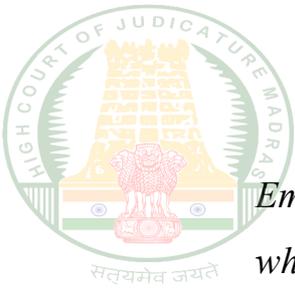
(i) To create a Government official website by giving a reference numbers to each of the Complaints Committee and to upload the details of the same in the website in order to ensure transparency of their functions.

(ii) To create a dashboard to provide information about the number of committees, details of the members in the committee, number of complaints received, number of complaints resolved, number of reports submitted by the Internal Committee and the details of action taken by the establishment and the result of such action.

(iii) To file a report as to whether sufficient funds are being spent to carry out the functions under sec.24 of the Act and in case of insufficiency of funds, report about the steps taken to generate funds for the effective implementation of the mandates of the Act.

To submit a report as to:

(i) Whether Gender budgets are allotted every financial year in terms of the G.O.(Ms)No.38 Social Welfare and Women



Empowerment [SW2(2)] Department dated 08.07.2022 and whether it is properly utilized by the Departments / Institutions.

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(ii) If so, what kind of enabling environment have been created in each department and Institutions by making use of the gender budget and how they have improved the quality of the work atmosphere, especially for women, given the specific nature of the Institution.

(iii) whether gender budget cell mechanism is in place and whether they are available in each and every institution of the State.

(iv) whether the gender cell is carrying out its functions as suggested in the respective Government orders formulating the gender budget.

(v) whether the women workers in each department is aware of the availability of the gender budget cell.

(vi) The State Women Commission can check the ground realities by making visits to important Institutions like Educational Institutions, hospitals etc and file its report to the Government.

(vii) To form a State level Technical Committee with persons professionally qualified in the field of gender and skilled in preparing Module and evaluation questionnaire for the Gender sensitization awareness and Training programmes.



III. All the Government respondents and both State and National Women Commissions are directed:

(i) To offer suggestions to compel gender sensitization and awareness for the employees and whoever comes into incidence of employment or avail services with the government and who take sensitization programs light or optional and for whom Government is spending its resources; and to prevent those who are paid with public money and indulge in gender discriminatory acts like sexual harassment against women in work places in violation of gender equality, which is a constitutional guarantee.

IV. The Government respondents are directed to file a feasibility report on the following:

- i. To include gender sensitization questions as part of competitive examination for employment under the State/ Union and other departments and Institutions.*
- ii. To have a pass in department and Institution specific gender sensitivity test along with pass in usual departmental account tests papers in order to get a pass for further promotion or get increment for any feeder cadre posts.*
- iii. To have similar basic level pass for persons working in basic service.*



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- iv. *To make periodical assessment of gender sensitivity in order to avoid misogynic tendencies present in managerial positions in any institution by getting unchecked promotion.*
- v. *To do gender sensitization assessment on persons already in service in Government and other Government Institutions and other establishments by making necessary amendments to the conditions of respective service rules.*
- vi. *To mandate a gender sensitivity clearance certificate issued by a Technical Authorities (Gender) at the Central /State /District/ Taluk/ Village level as a condition precedent to get license to carry out any business, start any company, school, hospital industry or a shop, run any institution (profitable or not), practice any profession, for driving, to convene and register marriages in order to constitute a family etc., wherever incidence of paid or unpaid care work or employment arise and to amend the respective rules accordingly.*
- vii. *To form gender sensitivity audit squad to inspect any such work place to check whether the employees are sensitive enough to have a harmless relationship with other genders with the help of specially designed gender sensitivity evaluation tool (suited to the*



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respective government work place) and recommend the authorities concerned for necessary action in case of finding below than the optimal level of gender sensitivity.

- viii. To appoint Central /State /District /Taluk /Village level Technical Authorities (Gender) with persons having experience and special qualification to give guidance, advice and to review the progress of implementation and submit report to the concerned authorities and recommend actions to be taken against those machineries which do not follow the guidelines and to conduct training and issue certificate for undergoing training and for conducting the gender sensitivity evaluation tests.*
- ix. To submit a report as to the feasibility of having a Separate department for Women Empowerment by separating it from the Social welfare and Women Empowerment, by considering the load of work and targets to be achieved.*
- x. The State and National Women Commission shall be given with the responsibility of monitoring the implementation of the Act as an independent body and they shall conduct periodical research as to the implementation of the PoSH Act.*



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- xi. *To maintain a register of outside members for the purpose of sec. 4(2) (c) and 7 (1) (c) of the Act, in order to avoid a same person occupying hundreds of committees under the above provisions.*
- xii. *To issue a warning circular to all departments /institutions/establishment for complying the mandatory requirements contemplated under POCSO Act and taken action in case of non-compliance.*
- xiii. *To submit a report on the gender sensitisation and age appropriate sexual education so far designed/given to the students studying in school and higher educational institutions.*
- xiv. *To file a report as to whether the government order issued in G.O.Ms.(D) No.83 dated 17.06.2021 has been implemented in all the schools in accordance with the guidelines issued for students safety and protection.*
- xv. *To offer suggestions to generate funds to enforce the above functions by giving appointments to the persons qualified in the area of gender reform.*

For example,

By imposing Gender reform surcharge/cess as similar as that of education surcharge/cess, etc.,”



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3. With regard to Compliance in respect of 189 (I) (i), the fourth respondent has already submitted that, in view of the limited rule making powers given to the state under the PoSH Act, they are not able to frame rules.

But they have issued exhaustive **Standard Operating Procedure** which has 10 parts. In this regard, a Government Order has been issued in G.O.Ms.No.64, Social Welfare and Women Empowerment (SW3-2) Department dated 19.06.2025. The valuable assistance offered by the 6th respondent, the State Women Commission by way of preparing the draft has been appropriately utilised by the State by making changes suiting to the needs of the various units of the State and the industrial units.

4. Compliance of directions given under para 189 (II):

In this regard, Social Welfare and Women Empowerment Department, Government of Tamil Nadu has filed a report stating that 22,044 Internal Committees have been formed in Government establishments and 34,907 in private establishments, making a total of 56,951. It is further submitted that the details of 41,103 Internal Committees (ICs) have been uploaded on the TN POSH Portal in compliance of the order and the complete uploading is nearing completion.



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5. By relying on the report received from the Commissionerate of Labour Department, vide Letter No.L2/32482/2024 dated 17.09.2025, it is submitted that the said report has the survey details regarding the constitution of Internal Complaints Committees in the following categories of private organizations as on 31.08.2025.

- i. Shops Establishments
- ii. Catering Establishments
- iii. Motor Transport Establishments
- iv. Beedi & Cigar Establishment
- v. Plantations

6. The Commissionerate of Labour Department has stated that it had surveyed a total of 1,84,072 establishments. Among these, 20,069 establishments have more than ten employees. Internal Complaints Committees have been constituted in 6,196 establishments, while 13,873 establishments are in the process of constituting such Committees in accordance with the directions of this Court. The category-wise details are as follows:

<i>Sl.No.</i>	<i>Categories of Private Organization</i>	<i>Total No.of. Establishments</i>
1.	Shops Establishments	1,61,425
2.	Catering Establishments	17,450

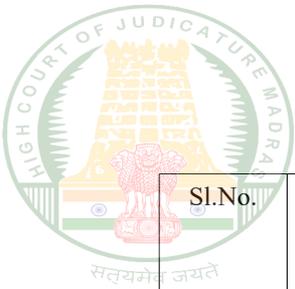


<i>Sl.No.</i>	<i>Categories of Private Organization</i>	<i>Total No.of Establishments</i>
3.	Motor Transport Establishments	3084
4.	Beedi & Cigar Establishments	1415
5.	Plantations	698
	Total	1,84,072

7. From the report said to have received from the Directorate of Collegiate Education, vide R.C.No.TNDCE/5877/2025-Q1, dated 05.08.2025, the following details are submitted to the court.

<i>Sl.No</i>	<i>Categories of Institution</i>	<i>No.of establishment with 10 and above employees</i>	<i>No.of establishment where ICs are formed</i>
1.	Government	180	180
2.	Aided	161	161
3.	Private	654	590
	Total	995	931

8. It is further submitted that in compliance of the direction to notify Nodal officers, the District Officers have designated 2981 Nodal Officers across various blocks, taluks, and tehsils in both rural and urban areas, as detailed below:-



Sl.No.	Officers Appointed in Revenue Division	Officers appointed in Taluk	Officers appointed in Block	Officers appointed in Corporation Zones	Officers appointed in ward	Officers appointed in Municipality	Officers appointed in Town Panchayat
I.	94	299	382	66	1605	144	391

9. By issuing GO.(Ms). No.65, Social Welfare and Women Empowerment Department, dated 18.06.2025, the Government has directed all the Administrative Departments and Heads of Department to authorize the designated officers within their specified local jurisdiction to inspect workplaces for compliance with the provisions of the Sexual Harassment of Women at Workplace (Protection, Prohibition and Redressal) Act, 2013. Such officers shall utilize the prescribed inspection format and checklist to verify that Internal Complaints Committees are properly constituted, functional and equipped with adequate training and support measures, and shall submit a report of inspection to the Government within seven days of occurrence.

10. The proposals are said to have been submitted to the Special Programme Implementation Department under the SHENERGY (Safety and Human Empowerment through Regulatory Governance and Energy) framework of the TN We-SAFE Project. The said proposals include:



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- Strengthening and upgradation of the 181 Women Helpline;
- Software improvement and hosting of the Internal Committee (IC) Portal for POSH compliance monitoring;
- Establishment of Gender Audit Squads in 39 districts to ensure gender sensitivity and POSH compliance; and
- Expansion of the Industry Coalition Project to promote safe and inclusive workplaces across key industries.

11. Comprehensive guidelines on child safety and prevention of sexual violence have already been issued vide G.O. (ID) No. 83, School Education Department, dated 17.06.2021.

12. As regards the direction given to form a State Level Technical Committee, it is already submitted that such committee is already in place and the said Committee is conducting Gender Sensitization programmes. It is also stated that as per the directions of the Court, the State Level Technical Committee is taking initiative to frame modules suiting to the requirements of each and every department or institution and train/sensitise them.



13. As regards the compliance of the directions given under 189 (III)

and IV

It is submitted that a Secretary level meeting was conducted on 06.08.2025 with representatives from all the Departments and stake holders and their suggestions were invited. The highlights of the meeting have already been recorded in the earlier order dated 02.09.2025. A detailed status report has been filed by the fourth respondent in this regard. A perusal of the detailed status report now filed by the fourth respondent State Government would show the active participation of the all the departments of the State in giving various ideas towards implementing the directions/suggestions of this court given under para 189 (III).

13.1. It is seen from the annexure attached with the status report filed today that the Human Resource Management Department, Transport Department, Labour Welfare and Skill Development Department, The Public Works Department, Youth Welfare and Sports Development Department, Micro, Small, Medium Enterprises Department, Water Resources Department have given many valuable suggestions. Some of the key suggestions are :

(i) to provide panic buttons in buses in order to help women passengers, if they happen to face sexual harassment.



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(ii) Modular office format with glass walls along with CCTV arrangement in all work places and to conduct gender sensitization programmes on quarterly, half-yearly and yearly basis.

(iii) During such programme, some of the key topics relating to understanding difference between sex, gender and sexual orientation, stereotypes and biases, recognising and challenging unconscious biases and stereotypes, understanding micro aggressions like subtle, often unintentional, discriminatory behaviours, adopting inclusive language and practices using respectful language, pronouns and practices that acknowledge diverse gender identities, training to address gender related issues to guide the employees about the appropriate ways in which interaction can be done with colleagues, visitors and public, conducting quizzes, tests and assessments to understand the perception of the employees during such workshops and thereby create gender sensitization environment.

(iv) to include a dismissal clause in the terms and conditions appointment orders and posting orders and to impart certified gender sensitization training during induction and annual refreshers for all staff.

(v) to emphasize the need for trained Internal Committees (ICs), nodal officers or gender audit cells, regular review of ICs, safe, confidential complaint mechanisms and annual compliance reports under the PoSH Act.



14. Compliance of directions given under 189 (IV)

189(IV)(i): *To include gender sensitization questions as part of competitive examination for employment under the State/Union and other departments and Institutions.*

With regard to the above direction the following compliance details are given.

1. Tamil Nadu Public Service Commission (TNPSC):

General Studies syllabus for competitive examinations have been revised to include the topic of gender sensitization. The revised syllabus has been published and will be followed in future examinations.

2. Tamil Nadu Uniformed Services Recruitment Board (TNUSRB):

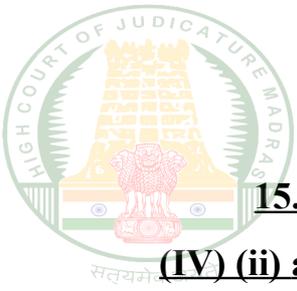
Future examinations for posts such as Sub-Inspector, Station Officer, Police Constable, Jail Warden, and Fireman will include questions on gender sensitization.

3. Medical Recruitment Board (MRB):

In all future Recruitment examinations, the question papers will include gender sensitization content as per orders.

4. Teacher Recruitment Board (TRB):

Future competitive examinations for School and Higher Education posts will include questions on gender sensitization under the General Studies syllabus.



15. Compliance with regard to the direction issued under para 189

(IV) (ii) and (iii)

189 (IV) (ii): *To have a pass in department and Institution specific gender sensitivity test along, with pass in usual departmental account tests papers in order to get a pass for further promotion.*

189 (IV) (iii): *To have similar basic levels pass for persons working in basic service.*

With regard to the above direction it is submitted that the TNPSC has included the PoSH Act in the syllabus for the Tamil Nadu Government Office Manual departmental test. The Revenue and Disaster Management Department has been informed to update the syllabus and issue necessary orders as per the directions of this court.

16. 189 (IV) (iv) and (vii):

189 (IV) (iv): *To make periodical assessment of gender sensitivity in order to avoid misogynic tendencies present in managerial positions in any institution by getting unchecked promotion.*

189 (IV) (vii): *To form gender sensitivity audit squad to inspect any such work place to check whether the employees are sensitive enough to have a harmless relationship with other genders with the help of specially sensitivity designed gender evaluation tool (suited to the respective government work place) and recommend the authorities concerned for necessary action in case of finding below than the optimal level of gender sensitivity.*



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It is submitted that a Government Order has been issued under G.O.(D). No.260, Finance (OP-M) Department dated 22.04.2025, to form Gender Sensitivity Audit Squads to inspect workplaces and assess employee behavior using a customized tool, and to recommend action if sensitivity is below the required level. Instructions have been issued to all the PSUs and Organizations under the control of the Industries Investment Promotion and Commerce Department to implement this provision. Similar instructions have been issued to all the HoDs under the control of Youth Welfare and Sports Development Department to implement this provision.

16.1. It is further submitted that sufficient rules already exist to ensure government servants to maintain proper conduct and gender sensitivity. In particular, Rule 19(2) of the Tamil Nadu Government Servants Conduct Rules, 1973, prohibits acts involving moral turpitude or bringing discredit to the Government (HRM). Instructions have been issued to all the PSUs and Organizations under the control of the Industries Investment Promotion and Commerce Department to implement the above provision. Similar instructions have been issued to all the HoDs under the control of Youth Welfare and Sports Development Department to implement this provision.



17. 189 (IV) (v): *To do gender sensitization assessment on persons already in service in Government and other Government Institutions and establishments by making necessary amendments to the conditions of respective service rules.*

It is submitted that as per Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, the Complaints Committee acts as Inquiry Authority while dealing with the Complaints of work place sexual harassment. Annual Confidential Reports (ACRs) assess personal and interpersonal behavior and adverse remarks within five years can prevent further promotions. Under the Tamil Nadu Government Servants Conditions of Service Act, 2016, an employee with pending disciplinary charges are not considered for promotion. So, it is submitted that the existing rules will be implemented strictly in case of any complaints of work place sexual harassment.

18. 189 (IV) (vi): *To mandate a gender sensitivity clearance certificate issued by a technical Authorities (Gender) at the Central/State/ District/ Taluk/ Village level as a condition precedent to get license to carry out any business, start any company, school, hospital industry or a shop, run any institution (profitable or not), practice any profession, for driving, to convene and register marriages in order to constitute a family etc., wherever incidence of paid or unpaid care work or employment arise and to amend the respective rules accordingly.*



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It is submitted that the safeguards already provided under the relevant statutes, including the Domestic Violence Act, 2005, Service Rules, Tamil Nadu Government Servants Conduct Rules, 1973, and labour regulations and if they are effectively implemented, such harassment will not occur. In the event of any instance of gender-based violence or misconduct, appropriate action can be initiated against the concerned individuals or institutions.

19.Compliance with regard to a direction given under 189 (IV) (viii):

To appoint Central/State/District/Taluk/Village level Technical Authorities (Gender) with persons having experience and special qualification to give guidance, advice and to review the progress of implementation and submit report to the concerned authorities and recommend actions to be taken against those machineries which do not follow the guidelines and to conduct training and issue certificate for undergoing training and for conducting the gender sensitivity evaluation tests.

It is submitted that NGOs will be involved to provide guidance, advice, and to monitor gender sensitization efforts along with the Directorate of Social Welfare.



20. Compliance with regard to a direction given under 189 (IV) (ix):

To submit a report as to the feasibility of having a Separate department for Women Empowerment by separating it from the Social Welfare and Women Empowerment, by considering the load of work and targets to be achieved.

It is submitted that the Commissionerate of Social Welfare was earlier integrated with the departments for Differently Abled Welfare, Child Welfare & Special Services and Integrated Child Development Services (ICDS). Later, these functions were restructured, with separate departments created for Differently Abled Welfare, Child Welfare & Special Services, and ICDS. At present, the Social Welfare Department primarily handles matters relating Women Welfare, Senior Citizens Welfare, the Noon Meal Programme, Prevention of Child Marriage, and schemes related to child welfare.

21. Compliance with regard to a direction given under 189 (IV) (x):

The State and National Women Commission shall be given with the responsibility of monitoring the implementation of the Act as an independent body and they shall conduct periodical research as to the implementation of the PoSH Act.



It is submitted that the Commission will serve as the overall supervising body for the implementation of the Act. Periodical research will be undertaken by the Commission.

22. Compliance with regard to a direction given under 189 (IV) (xi):

To maintain a register of outside members for the purpose of sec.4(2) cc) and 7(1) of the Act, in order to avoid a same person occupying hundreds of committees under the above provisions.

Instructions have been issued by the Labour Welfare Department & Social Welfare Department to maintain a register of outside members as per Section 4(2)(cc) and 7(1) of the Act, to ensure that the same person does not occupy multiple committee positions under these provisions. However, the relevant rules are required to be framed by the Central Government under the POSH Act, 2013.

23. Compliance with regard to a direction given under 189 (IV) (xii):

To issue a warning circular to all departments/Institutions/establishment for complying the mandatory requirements contemplated under POCSO Act and take action in case of non-compliance.

It is submitted that the guidelines on child safety and sexual violence prevention have already been issued through G.O. (1D) No. 83, School Education Department, dated 17.06.2021, mandating the constitution of Student



Safeguarding Advisory Committees, installation of safety boxes for confidential complaints, and conduct of regular awareness programmes.

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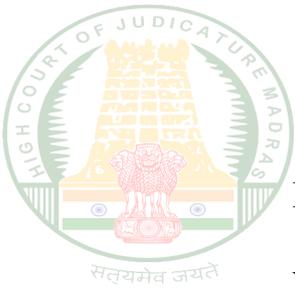
24. Compliance with regard to a direction given under 189 (IV) (xiii):

To submit a report on the gender sensitization and age-appropriate sexual education so far designed given to the students studying in school and higher educational institutions.

It is submitted that the Tamil Nadu State Council for Higher Education has constituted a Health and Wellness Curriculum Committee comprising experts from diverse medical and social science backgrounds. The Committee is currently developing a comprehensive Higher Educational Institutions curriculum addressing physical, mental and sexual health and well-being of students in Higher Educational Institutions. A dedicated section of the curriculum directly addresses the direction on gender sensitization and age-appropriate sexual education. The contents of the relevant chapters include the following topics:

A. Sexual and Reproductive Health and Rights:

- i. Changes during Puberty
- ii. Basics of Fertility
- iii. Sexual Health
- iv. Consent and Safe Practices
- v. Understanding and



Preventing Sexual Abuse

vi. Contraceptive Methods

vii. Pregnancy and Abortion.

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B. Mental Health and Well-being - One specific chapter has been designed on the gender Inclusivity and Awareness, to make the young minds to be culturally sensitive about gender inclusivity. It is also submitted that such topics will be included in the curriculum for all the higher educational institutions in Tamil Nadu. It is submitted that on submission of the curriculum by the Committee, the Universities will be advised appropriately.

It is further submitted that the Youth Welfare and Sports Development Department has also issued instructions to the Tamil Nadu Physical Education to include such chapters in their curriculum for students.

25. Compliance with regard to a direction given under 189 (IV) (xiv):

To file a report as to whether the Government order issued in G.O.Ms. (D)No.83 Dated 17.06.2021 has been implemented in all the schools in accordance with the guidelines issued for students' safety and protection.

It is submitted that the School Education Department has issued guidelines for child safety and prevention of sexual violence in the year 2021. All schools have formed Student Safeguarding Advisory Committees and



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installed safety boxes for confidential student complaints. A Central Complaint Centre (CCC) with the toll-free number 14417 also caters to the need of the complaints of the children. Any complaints related to sexual abuse that are received to this number is forwarded to 1098 and District Child Protection Officer (DCPO). School Management Committee (SMC) meeting was held in all schools including Government Schools in which POCSO awareness and safety of children was one of the agendas for discussion. 31185 schools have conducted the meeting in which 543009 SMC members participated.

26. Compliance with regard to a direction given under 189 (IV) (xv):

To offer suggestions to generate funds to enforce the above functions by giving appointments to the persons qualified in areas of gender reform. For example, By imposing Gender reform surcharge/cess as similar as that kind of education surcharge/cess, etc.

It is submitted that after the introduction of the constitutional amendment for Goods and Services Taxes (GST), the State Government may not have the legal powers to levy a new cess. It has further stated that such additional revenue may not be sufficient and that the cost of collection would be higher than the expected revenue.

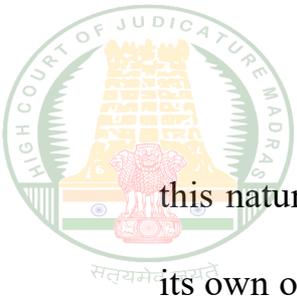


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27. Though the State agencies appear to be keen in taking serious actions within the rules when a complaint of sexual harassment is made, it appears that the State believes in persuasive approach to ensure gender sensitivity in work places and that the coercive approach is not needed. No harm in taking up such persuasive efforts if they could bring the desired result and in any specific time limit. If the desired outcome is not achieved and the process is not adequate, there need not be any hesitation to take a shift from convincing efforts and compulsive actions.

28. Legislative measures towards protecting women's right have always been a response to the outcry of the society. History shows that such strong response from the State has been the climax of the outcry of the society, especially during each wave of feminism. However, the action of the State can be something more special when it is taken without waiting for the voices to be heard but also by receiving the messages from those who are not able to raise their voices. Such vision of the State can itself be its mission.

29. Each legislative enactment brought to prevent violence against women is not just a response but it is an unspoken vow that the State has taken to see that such violations are not repeated and that it will not put up any more with any kind of indifference in achieving the women's equality. The orders of



this nature to the State agencies are just the reminders given to the State about its own oath.

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30. The uniqueness of democracy is the collective responsibility where the duties are expected not just from the State but also from the people. If the people are not active to perform such duties, then the State needs to make them active and responsive.

31. The overall response and interest shown by the State Government in implementing the directions is no doubt commendable. All the learned Government law officers under the lead of Advocate General and Additional Advocate Generals at Madurai along with the Public Prosecutor and various departments of the State, especially the department of Social Welfare for women and children have shown tremendous interest to ensure that many of the directions are complied by showing the State of Tamil Nadu as a model for the other States to follow. As certain steps now taken by the State Government are novel and result oriented, I place my special appreciation for all the stake holders. No doubt, the role of State Women Commission in assisting the



Government with draft rules is also not less than the department functionaries of the Government. And it is a welcome move from the Commission.

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32. The leaned Senior Panel Counsel [CGSC] for the Union of India has submitted that the Union of India is keenly watching the proactive steps taken by the State of Tamil Nadu and the Union of India is equally committed to take similar actions, as it has always considered the prevention of violence against women as a priority. Such a commitment is no doubt the need of the hour.

33. Before parting, this court feels it is appropriate to appreciate the courage and the public spirit of the petitioners who have given their consent to use their names in the orders without any redaction.

34. Apart from the steps already taken, the State has undertaken to continue its actions to realise the object of the PoSH Act. The State Government has demonstrated its commitment with several of its actions taken towards complying the orders passed in these writ petitions on various dates starting from 21.11.2024. Hence, I feel it is time to dispose the writ petitions by recording the report submitted by the State Respondent in this regard.



35. Accordingly, all the three Writ Petitions W.P.(MD) Nos.13981, 9747,

12601 of 2024 are **disposed**. The Chief Secretary, Government of Tamil Nadu,

is directed to circulate a copy of this order to the Secretaries of the Departments

concerned. No costs. The connected miscellaneous petition in WMP.(MD)

No.12247 of 2024 is closed.

No sunset is hopeless, as it brings rise the next day!

19.11.2025

Index : Yes

Internet : Yes

Speaking order

Neutral Citation : Yes

bkn



To:

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1. The Chief Secretary,
Government of Tamil Nadu.

2. The Principal Secretary to Government,
Ministry of Health and Family Welfare,
Namakkal Kavignar Maaligai,
Fort St.George, Chennai.

3. The Commissioner,
Indian Medicine and Homeopathy Department,
Chennai corporation child care centre,
Arignar Anna Government Hospital Campus,
Arumbakkam, Chennai.

4. The Principal,
Government Ayurveda Medical
College and Hospital,
Chidambara Nagar, Kottar, Nagercoil,
Kanyakumari District - 629001 .

5. Dr.Clarence Davy
The Principal, Government Ayurveda
Medical College and Hospital,
Chidambara Nagar, Kottar, Nagercoil,
Kanyakumari District - 629001.



6. The Managing Director,

Arasu Rubber Corporation,

Nagercoil, Kanniyakumari District.

7. The General Manager,

Arasu Rubber Corporation,

Nagercoil, Kanniyakumari District.

8. The Secretary,

Government of Tamilnadu,

Social Welfare and Women

Empowerment Department,

Secretariat, Fort St. George,

Chennai.

9. The Secretary

Union of India,

Ministry of Women and Child Development,

Government of India, New Delhi.

10. The Chairperson,

State Women Commission,

Tamilnadu State Commission for Women,

Kalas Mahal, 1st Floor,

Chepauk, Chennai - 600 005.



11. The Chairperson,

National Commission for Women

Plot-21, Jasola Institutional Area,

New Delhi - 110 025.

Copy to:

1. The Registrar General,)

High Court of Madras, Chennai.)

)

2. The Director,)

Tamilnadu State Judicial Academy,)

Rajaannamalai Puram,)

Chennai.)

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to circulate a soft / hard copy of this order to all the judicial officers of the State and the GSICC I & II of both the Principal Bench and Madurai Bench of this Court and GSICC's of the Districts and the Director, Tamil Nadu State Judicial Academy to have it as an annexure to the earlier order dated 21.11.2024, already circulated, after obtaining permission from the Hon'ble Chief Justice, in order to design the gender sensitisation programmes at their respective end accordingly.



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Dr.R.N.MANJULA, J.

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**W.P.(MD)Nos.13981, 9747 & 12601 of 2024
and
WMP.(MD) Nos. 12247 of 2024**

19.11.2025