

HR Law Hotline

February 13, 2020

POSH ACT IN THE #METOO ERA

This article was originally published on February 4, 2020 by:



PoSH Act in the #MeToo era

Since the uprise of #MeToo as a movement, several new situations have arisen, some of which were not envisaged at the time of enforcing the PoSH Act.

Recently, the Delhi High Court passed an order directing a social networking site (SNS) to take down the #MeToo posts against an Indian artist. After the anonymous post, raising allegations of sexual harassment, the artist filed a defamation suit. The Court restrained the SNS from posting any further posts against the artist and directed the SNS to reveal the identity of the person who posted it. The Court added that such allegations of sexual harassment cannot be posted in public without any legal backing and to that extent, it should be taken down.

Since the uprise of #MeToo as a movement, several new situations have arisen, some of which were not envisaged at the time of enforcing the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act in 2013 ("PoSH Act"). Our criminal laws were also amended the same year to introduce "sexual harassment" as an offense and provide punishment, including fine and imprisonment, for committing the offense of sexual harassment. However, the existing laws still appear to be not fully equipped in coping with some of the situations, as discussed below.

For complete article, click [here](#).

– Vikram Shroff & Archita Mohapatra

You can direct your queries or comments to the authors

DISCLAIMER

The contents of this hotline should not be construed as legal opinion. View detailed disclaimer.

This Hotline provides general information existing at the time of preparation. The Hotline is intended as a news update and Nishith Desai Associates neither assumes nor accepts any responsibility for any loss arising to any person acting or refraining from acting as a result of any material contained in this Hotline. It is recommended that professional advice be taken based on the specific facts and circumstances. This Hotline does not substitute the need to refer to the original pronouncements.

This is not a Spam mail. You have received this mail because you have either requested for it or someone must have suggested your name. Since India has no anti-spamming law, we refer to the US directive, which states that a mail cannot be considered Spam if it contains the sender's contact information, which this mail does. In case this mail doesn't concern you, please unsubscribe from mailing list.

Research Papers

Structuring Platform Investments in India For Foreign Investors

March 31, 2025

India's Oil & Gas Sector— at a Glance?

March 27, 2025

Artificial Intelligence in Healthcare

March 27, 2025

Research Articles

2025 Watchlist: Life Sciences Sector India

April 04, 2025

Re-Evaluating Press Note 3 Of 2020: Should India's Land Borders Still Define Foreign Investment Boundaries?

February 04, 2025

INDIA 2025: The Emerging Powerhouse for Private Equity and M&A Deals

January 15, 2025

Audio

CCI's Deal Value Test

February 22, 2025

Securities Market Regulator's Continued Quest Against "Unfiltered" Financial Advice

December 18, 2024

Digital Lending - Part 1 - What's New with NBFC P2Ps

November 19, 2024

NDA Connect

Connect with us at events, conferences and seminars.

NDA Hotline

Click here to view Hotline archives.

Video

Vyapak Desai speaking on the danger of deepfakes | Legally Speaking with Tarun Nangia | NewsX

April 01, 2025

**Vaibhav Parikh, Partner, Nishith
Desai Associate on Tech, M&A, and
Ease of Doing Business**

March 19, 2025

**SIAC 2025 Rules: Key changes &
Implications**

February 18, 2025