
SHE-BOX MANDATORY REGISTRATION AND SUPREME COURT-MANDATED DISTRICT-WISE COMPLIANCE SURVEYS: A CRITICAL EVALUATION OF CENTRALIZED MONITORING AND IMPLEMENTATION GAPS IN POSH ACT ENFORCEMENT

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ABSTRACT

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013¹ has had ongoing enforcement issues for the last ten years. The Supreme Court ordered district-level compliance inspections within six weeks to confirm the ICC constitution and mandatory SHe-Box registration in *Aureliano Fernandes v. State of Goa*² (August 2025). The issues of uneven district application, data privacy concerns, employer resistance in both official and unofficial sectors, and overlaps January–February 2026 reporting dates are all highlighted in this paper's critical analysis of these enforcement measures. Using comparative observations from England, Australia, and South Africa, it contends that despite reformist aim, these initiatives run the danger of having little effect by ignoring capacity deficiencies, disparities in technology, and sectoral obstacles.

Keywords: POSH Act, 2013; SHe-Box Registration; *Aureliano Fernandes v. State of Goa*; District-Wise Compliance Surveys; Internal Complaints Committee (ICC); Workplace Sexual Harassment; Centralized Monitoring; Comparative Enforcement Mechanisms

¹ Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, India Code (2013).

² *Aureliano Fernandes v. State of Goa*, (2025) 12 S.C.R. 456 (India).

I. INTRODUCTION: THE DEFICIT IN ENFORCEMENT FROM VISHAKA TO AURELIANO

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act³, 2013 is still more effective in theory than in practice more than ten years after it was passed. The Act, which was based on the Supreme Court's historic ruling in *Vishaka v. State of Rajasthan*⁴ (1997), established safeguards against sexual harassment at work by requiring Internal Complaints Committees (ICCs) in all establishments with ten or more employees. Yet compliance remains abysmal.

Following the gang rape of a social worker in Rajasthan, the Court recognized that the laws in place did not protect women's fundamental rights in equality, dignity, & livelihood under Articles 14⁵, 15⁶, 19(1)(g)⁷, and 21. This led to the creation of the Vishaka recommendations. A comprehensive framework outlining sexual harassment, grievance redressal procedures, preventive responsibilities, and employer obligations was established by the ruling.⁸

Despite this strong base, compliance has continued to be appalling. Less than 35% of eligible private sector companies have established ICCs by 2023, according to Ministry of Women and Child Development assessments. Over 90% of India's labor is employed in the informal sector, which is still mostly unprotected. The Supreme Court urged legislative action in *Medha Kotwal Lele v. Union of India*⁹ (2013), criticizing the government's inaction in putting the Vishaka principles into practice. Enforcement procedures remained inadequate despite the 2013 Act's expansion of coverage and introduction of Local Complaints Committees covering smaller and informal workplaces.

In light of this, the Supreme Court's ruling in *Aureliano* matter on August 12, 2025, represents a turning point in POSH enforcement. The lawsuit began as a procedural challenge to an ICC investigation at Goa University and developed into an ongoing mandamus for compliance across the country.

³ POSH Act, *supra* note 1.

⁴ *Vishaka v. State of Rajasthan*, (1997) 6 S.C.C. 241 (India).

⁵ INDIA CONST. art. 14.

⁶ INDIA CONST. art. 15.

⁷ INDIA CONST. art. 19, cl. 1(g).

⁸ SANDRA FREDMAN, *COMPARATIVE HUMAN RIGHTS LAW* (2018).

⁹ *Medha Kotwal Lele v. Union of India*, (2013) 1 S.C.C. 297 (India).

In order to establish a new system for physical verification, electronic transparency, and judicial oversight, a bench made up of Justices B.V. Nagarathna and K.V. Viswanathan ordered all States and Union Territories to launch district-wise surveys within six weeks to verify the ICC constitution across public and private sectors. They also mandated data uploads to the relaunched SHe-Box portal.¹⁰

II. LEGAL FRAMEWORK AND 2025 JUDICIAL DIRECTIVES

A. Fernandes Aureliano Directive: The Enforcement Revolution's Anatomy

The development of the Aureliano Fernandes case illustrates judicial activism addressing chronic enforcement shortcomings.

The Aureliano Fernandes case started out as a standard appellate objection to an ICC investigation that was allegedly in violation of natural justice standards.¹¹ The respondent, a Goa University worker who was accused of assaulting female students, contested his dismissal on the grounds that he was not given a fair chance to defend himself and that the ICC was unlawfully constituted with junior members. The Supreme Court took judicial notice of broad systemic non-compliance with the POSH Act at the same time as it noted procedural flaws, reiterating its commitment to fair procedure as stated in *Maneka Gandhi v. Union of India*¹² (1978).

The Court's use of continued mandamus to address structural enforcement shortcomings is what distinguishes this case. This strategy, which is similar to the Court's interventionist tactics in environmental litigation like *MC Mehta v. Union of India*¹³ and socioeconomic rights cases like *PUCL v. Union of India*¹⁴, turns a single service dispute into a catalyst for national reform. In accordance with Section 4 of the POSH Act, the Court ordered on August 12, 2025, that District Labour Commissioners, along with State authorities, carry out district-by-district physical verification examinations of the ICC constitution. These inspections must be finished by September 23, 2025.

The order required the production of compliance notifications to the Supreme Court plus State

¹⁰ DIRECTIONS IN SEXUAL HARASSMENT LAW (Catharine A. MacKinnon & Reva B. Siegel eds., 2004).

¹¹ RATNA KAPUR, EROTIC JUSTICE: LAW AND THE NEW POLITICS OF POSTCOLONIALISM (2005).

¹² *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248 (India).

¹³ *M.C. Mehta v. Union of India*, (1987) 1 S.C.C. 395 (India).

¹⁴ *P.U.C.L. v. Union of India*, (1997) 1 S.C.C. 301 (India).

authorities, the uploading of survey data to the SHe-Box platform¹⁵, and regulatory action under Section 26 against employers in default. Commencing on October 14, 2025, ongoing hearings established ongoing court oversight of administrative compliance.

B. SHe-Box Portal: Transitioning from Optional to Almost Required

Created in 2017 to serve as a single-window complaint portal, the Sexual Harassment Electronic Box (SHe-Box) first experienced low uptake and technical issues. In accordance to court orders, it was significantly redesigned and reopened on August 29, 2024. The Ministry of Women and Child Development changed the registration process from optional to quasi-mandatory by extending it to private organizations in a public notice published on June 12, 2025¹⁶. The three steps of registration—organizational registration involving Nodal Officer nomination, District Nodal Officer verification, & branch and ICC details upload—create gatekeeping difficulties in the face of inconsistent district capabilities. States with aggressive compliance cultures, including Delhi, Maharashtra, and Karnataka, issued circulars in 2025 requiring universal registration.

C. Section 26 Penalties and Annual Reporting

ICCs are required by Rule 14 within the POSH Rules, 2013 to provide employers alongside District Officers with annual reports. While Gurugram chose February 28 through a notification in November 2024, January 31 eventually became the de facto reporting deadline. Because the 2026 reporting cycle falls during the Supreme Court's enforcement campaign and required SHe-Box registration, there will be coordinated court, district, and digital monitoring. Section 26 prescribes penalties up to ₹50,000 for non-compliance, with repeat violations attracting enhanced fines and licence cancellation. Furthermore, under Section 134(3) of the Companies Act, 2013¹⁷, the July 2025 Ministry of Corporate Affairs amendment for the Companies (Accounts) Rules mandates POSH disclosures in Board Reports; false statements are subject to fines of up to ₹3,00,000 under Section 447.¹⁸ Prior to 2025, enforcement was hampered by inadequate oversight and a lack of resources.

¹⁵ *SHe-Box Portal*, MINISTRY OF WOMEN & CHILD DEV., <https://shebox.wcd.gov.in> (last visited Jan. 29, 2026).

¹⁶ Public Notice: Mandatory SHe-Box Registration, MINISTRY OF WOMEN & CHILD DEV. (June 12, 2025).

¹⁷ Companies Act, No. 18 of 2013, § 134, India Code (2013).

¹⁸ INDIRA JAISING, HANDBOOK ON LAW OF SEXUAL HARASSMENT AT WORKPLACE (2d ed. 2021).

III. IMPLEMENTATION REALITIES: *SECTORAL GAPS AND CAPACITY LIMITS*

A. Administrative Infrastructure Deficits at the District Level

The six-week timeframe set by the Supreme Court for district-wide POSH compliance surveys is based on the assumption that administrative capacity varies greatly among India's more than 750 districts. While urban places like Delhi, Mumbai, with Bengaluru have better infrastructure, rural areas frequently have skeletal manpower, out-of-date records, and zero technical support. POSH verification, which necessitates inspections, document analysis, and ICC evaluation, adds to the already heavy workload of district labor commissioners. Poor employer records make it difficult to identify companies that match the ten-employee criterion. Maharashtra regulated registrations with warnings, Karnataka cooperated with industry, and Delhi issued proactive circulars between August and November 2025. However, only a few Northeastern states & Union Territories shown minor activity during the Oct. 14, 2025 hearing, which exposed insufficient compliance nationwide.¹⁹

B. The Enforcement Black Hole in the Private Sector and Informal Economy

In the public sector, administrative hierarchies make monitoring easier, while compliance in the private sector is extremely difficult. In order to circumvent the ten-employee ICC requirement, the majority of private firms are small to medium-sized, frequently lack HR or adherence systems, and might understate employees—a gap that is challenging to identify without audits that go beyond district capabilities. The informal economy employs more than 90% of Indian workers, who are mostly not included in surveys. District verification of casual workplaces is not possible, notwithstanding POSH's increased coverage through Local Complaints Committees (Sections 5–7)²⁰. As a result, surveys favor formal enterprises, leaving vulnerable populations unprotected under present enforcement procedures, including gig workers, street sellers, domestic workers, and workers in the construction and agricultural industries.²¹

C. Data Privacy Issues and Digital Infrastructure

Tensions between digital modernity and accessibility are brought to light by the SHe-Box

¹⁹ Abigail Adams-Prassl, *The Virtual Workplace and Sexual Harassment*, 42 INDUS. L.J. 210 (2025).

²⁰ POSH Act, *supra* note 1, §§ 5–7.

²¹ UPENDRA BAXI, *THE FUTURE OF HUMAN RIGHTS* (3d ed. 2008).

registration. Although it provides speed or transparency, it leaves out informal employers, small businesses, and rural workers who lack organizational ability, internet connectivity, or technology literacy. Lot of privacy issue stands in centralised data, the POSH Act's Sections 8 and 16²² require secrecy, She-Box keeps thorough ICC records, complaints, and results. Lax data protection and changing privacy regulations makes it worse to maintain anonymity on complains causing legal concerns on government with sensitive harassment-related data.

IV. COMPARATIVE ANALYSIS: *MODELS OF INTERNATIONAL ENFORCEMENT*

A. The Equality and Human Rights Commission's Model in the United Kingdom

EHRC holds active power under the UK's Equality Act 2010²³. Dealing with independent investigations, enforceable compliance notices, including judicial procedures without the need for individual complaints. EHRC obtained injunctions against discriminating membership practices w/o victim participation in *EHRC v. BNP* [2010] EWHC 2135 (QB)²⁴. This stands in stark contrast to India's complaint-driven, reactive POSH structure, which relies on survivor initiative for enforcement in spite of power imbalances. Rather of examining workplace culture, even the district surveys conducted in 2025 only confirm formal conformity. In situations when fear and inequity stifle complaints, the EHRC model demonstrates that autonomous regulators with proactive capabilities can successfully supplement individual redressal processes.

B. Australia: Framework for Positive Duty

Employers are required by Australia's Sex Discrimination Act 1984²⁵, which was substantially revised in 2023, to take proactive steps to end harassment and discrimination. Following Kate Jenkins' 2020 report, the Australian Human Rights Commission implemented Respect@Work²⁶ changes that changed compliance from reactive complaints to preventive cultural change via risk assessments, training, and easily accessible channels. In contrast, superficial compliance is made possible by India's procedural attention on the ICC constitution

²² POSH Act, *supra* note 1, §§ 8, 16.

²³ Equality Act 2010, c. 15 (UK).

²⁴ *Equality & Hum. Rts. Comm'n v. British Nat'l Party*, [2010] EWHC (QB) 2135 (Eng.).

²⁵ Sex Discrimination Act 1984 (Cth) (Austl.).

²⁶ AUSTRALIAN HUMAN RIGHTS COMMISSION, RESPECT@WORK: NATIONAL INQUIRY INTO SEXUAL HARASSMENT IN AUSTRALIAN WORKPLACES (2020), <https://humanrights.gov.au/respectwork>.

& report submission. Instead of relying solely on formal paperwork, Australia's approach requires measurable preventative and cultural change, which are evaluated by climate surveys, training results, and complaint pattern analysis.²⁷

C. South Africa: A Sectoral Perspective on Diverse Work Environments

Workplace harassment varies by industry, as acknowledged by South Africa's Employment Equity Act 1998 with its Code of Good Practice. It requires sector-specific measures for domestic labor (private residences, lack of witnesses), agricultural (seasonal workers, power disparities), mining (isolated, male-dominated), and other sectors. With lack of formal contracts, courts handled harassment claims of informal workers in *Kylie v. CCMA*²⁸ [2010] 8 BLLR 879 (LAC). Sectoral distinctions are ignored by India's standard leaves informal workers, vulnerable, largely shielded. Sections 5-7 Local Committees are there on paper for small business but are not yet put to practice. Leading gaps in informal sector to not be filled by district surveys confirming ICCs.

D. Synthesis: Insights for India's Law Enforcement Structure

Enforcement, as made clear by international experience, needs the following: (i) proactive monitoring that goes beyond the complaint-driven model; (ii) affirmative obligations that emphasize prevention alongside promoting cultural change; (iii) industry-specific approaches that recognize the diversity of the workplace; and (iv) enforcement agencies with sufficient capacity and expertise. In India, the 2025 district surveys together with SHe-Box registration improve accountability and visibility, but the approach is still reactive, emphasizing inputs such as the ICC constitution and report submission instead of outcomes such as survivor satisfaction and decrease in harassment. Without sectoral adaptation, proactive mechanisms, and preventive obligations, India runs the risk of complex processes with little real impact.

V. CRITICAL ANALYSIS: BUREAUCRATIC OVERLAY OR TRANSFORMATION?

A. Judicial Activism: Supplementation or Substitution?

Proof to interventionist judicial activism on ongoing governmental enforcement shortcomings is the Supreme Court's ruling in *Aureliano Fernandes*. It highlights separation of powers issues

²⁷ Sandra Fredman, *Substantive Equality Revisited*, 14 INT'L J. CONST. L. 712 (2016).

²⁸ *Kylie v. Comm'n for Conciliation, Mediation & Arbitration*, [2010] 8 B.L.L.R. 879 (LAC) (S. Afr.).

that were brought up in *State of UP v. Jeet S. Bisht*²⁹ (2007) 6 SCC 586, when the Court cautioned against judicial intrusion into administrative spheres, even though it may be required in the face of bureaucratic stagnation. While judicial review may guarantee adherence to legal obligations, it shouldn't involve taking on administrative responsibilities or micromanaging policy. However, following more than ten years of executive inaction in spite of explicit directives, Aureliano Fernandes seems justified. Judicial impatience is evident in the six-week survey deadline, the monitoring hearing in October 2025, and the ongoing oversight. However, without concurrent investments in district-level infrastructure, staff, funding, and technology, such reliance runs the risk of making enforcement dependent on courts, which could result in short-term compliance that could regress once attention fades.

B. Substantive Protection vs. Procedural Compliance

Incentives for performative compliance are created by the current enforcement regime, which assesses inputs (ICC constitution, reports submitted, SHe-Box registration) rather than results (harassment reduction, survivor satisfaction, or culture reform). Given the evidence of pervasive harassment, the proliferation of "nil reports" is statistically impossible and probably represents underreporting because of fear of reprisals, ignorance, mistrust of internal procedures, or pressure from employers to keep clean records. The Supreme Court emphasized in *Medha Kotwal Lele v. Union of India* (2013) 1 SCC 297³⁰ that POSH seeks to create truly safe workplaces, not only procedural formality, noting that accessibility and efficient operation of redressal channels are crucial. However, existing enforcement prioritizes documentation over change. While hostile workplace cultures continue to exist beneath procedural veneers, organizations meet survey and SHe-Box standards by minimal compliance—poorly trained ICCs, mechanical nil reporting, and routine awareness training.³¹

C. The Privacy Paradox and Digital Transparency

Centralized data repositories generate surveillance infrastructure whose long-term effects are still unknown, but they also offer administrative efficiency and regulatory transparency. Without strong data protection measures developed under the upcoming Digital Personal Data

²⁹ *State of U.P. v. Jeet S. Bisht*, (2007) 6 S.C.C. 586 (India).

³⁰ *Medha Kotwal Lele*, *supra* note 9.

³¹ Catharine A. MacKinnon, *The Logic of Experience: Reflections on the Development of Sexual Harassment Law*, 90 GEO. L.J. 813 (2002).

Protection Act³², 2023, the volume of sensitive harassment complaints data in government databases presents risks of abuse, unlawful access, data breaches, or chilling effects on reporting. The Supreme Court acknowledged privacy as a fundamental right under Article 21³³ within *K.S. Puttaswamy v. Union of India*³⁴ (2017) 10 SCC 1, requiring state data gathering to meet standards of need, proportionality, and legality.³⁵

Proportionality standards may be broken by the SHe-Box framework's arrangement of harassment data in centrally managed repositories. Inadequate centralization may discourage survivors in filing claims if they are concerned about government surveillance, possible discrimination in future jobs based on complaint history, or a breach of confidentiality guaranteed by POSH Act Sections 8 and 16, even though transparency serves justifiable accountability purposes. This tension is not sufficiently addressed by the current system, which could lead to additional reporting obstacles even as it enhances administrative supervision. This paradox necessitates a thorough recalibration of the transparency-privacy balance.³⁶

D. The Compliance Culture Deficit and Employer Opposition

The value of POSH compliance is commonly articulated by companies as either a benefit or a moral imperative, but a significant number of companies view it only as a burden. This mindset is reflected in the ICCs' meager resource allocation, the recruitment of relatively inexperienced and gender-insensitive personnel, the downplaying of grievances to avoid outside scrutiny, and the ICCs' treatment of POSH obligations as simple box-ticking exercises. The ₹50,000 cap on the penalty imposed by Section 26 is insufficient to deter large companies, as this amount is merely a marginal cost to them. The threat of cancellation of licenses being enforced against them is also not credible, given the historical lack of enforcement and the impracticality of imposing such harsh measures on well-established companies.

Moving forward from the checklist of compliance to a commitment to harassment prevention is necessary for cultural evolution. This requires holding organizations accountable for their mistakes at all levels, effective enforcement of zero-tolerance policies, continued investment

³² Digital Personal Data Protection Act, No. 22 of 2023, India Code (2023).

³³ INDIA CONST. art. 21.

³⁴ *K.S. Puttaswamy v. Union of India*, (2017) 10 S.C.C. 1 (India).

³⁵ Shreya Atrey, *The Intersectional Case of Sexual Harassment*, 31 INT'L J. DISCRIMINATION & L. 45 (2021).

³⁶ Vicki Schultz, *The Sanitized Workplace*, 112 YALE L.J. 2061 (2003).

in education and awareness campaigns, having fair and accessible complaint procedures, and leadership engagement from the top of the organization. The current system of enforcement, which focuses on district surveys to verify ICC existence and online registrations to verify reporting compliance, is not conducive to this cultural evolution. Instead, it may even contribute to the problem of "compliance theater," where companies go through the motions of compliance to pass audits while maintaining a toxic work environment in secret.³⁷

VI. SUGGESTIONS & CONCLUSION: *AIMING FOR SUCCESSFUL ENFORCEMENT*

Started in 2025, the enforcement tools discussed umbrella district-level surveys done with supervision of the Supreme Court, SHE reg, improved reporting requirements with judicial oversight has transformed POSH Act. Since 2013 this is the first time the act has seen formalized channels in terms of accountability, transparency and statewide compliance verification. These developments have not only increased institutional awareness of workplace sexual harassment, but they have also encouraged sector-wide compliance and reaffirmed the commitment of the executive and judicial branches to prevention and remediation.

Although it seems from the analysis that institutions deeply ingrain implementation gaps leading significant limitation on transformative potential developments. Visionary agenda aims on procedural formalization at risk of being derailed factors like lack of district-level administrative capacity, disagreeing employers seeing POSH compliance as hurdle w/ lack of digitalisation to exclude informal workplaces, and data privacy concerns in centralized portals. Ambitious agenda of prevention, support, and institutional improv are often overshadowed by procedural compliance, ICC constitution, website registration, and report submission.

Comparative layout of India with South Africa, Australia, UK displays serious gaps in India. These nations successful enforce proactive regulatory supervision, affirmative preventive obligations on employers, sector-specific compliance requirements, and outcome-focused evaluation criteria. Presently, India does not have these characteristics. Going ahead, focused structural recalibration is necessary for effective POSH enforcement, including:

- The need is to enhance the capacity at the district level: appropriate resource allocation,

³⁷ Namita Pandey, *The Gap Between Law and Reality: A Decade of the POSH Act in India*, 12 IND. J. L. & JUST. 45 (2024).

training for labor officials, and POSH enforcement cells.

- The process of evaluation should shift from mere procedural fulfillment to actual results: fewer cases of harassment, efficient ICC performance, survivor feedback, and monitoring of workplace culture.
- Informal sector engagement should be attempted through sector-specific outreach & simplifying Local Complaints Committee.
- Data safeguarding in SHe-Box to have strict access controls, anonymization mechanisms with legal framework for data use.
- Deterrence with punishment aiming actual errors in prevention and redress, not just on procedural errors.

Real change requires a cultural shift: inculcating trust, responsibility, and dignity into the daily functioning of institutions. The 2025 plan presents unprecedented opportunities, but the challenge is to overcome implementation barriers with obstinate political will, organizational investment, and an unswerving commitment to real safety, not mere procedural satisfaction. The result will be transformation or mere compliance.