

HR Law Hotline

February 13, 2020

POSH ACT IN THE #METOO ERA

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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

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