



**Most
Significant
Judgment**

People, Culture, Regulation & Legal

Volume – 009; 30-Jan-2024



Inquiry under POSH Act is exempt from judicial review

Union of India & Ors vs. Dilip Paul, Hon'ble SC, Nov 06, 2023

- ✓ **Judicial review is not against the decision but the decision-making process.**
- ✓ Sexual harassment in any form at the workplace must be viewed seriously and the harasser should not be allowed to escape from the clutches of law because the same humiliates and frustrates a victim of sexual harassment, more particularly when the harasser goes unpunished or is let off with a relatively minor penalty
- ✓ **However, at the same time, it should be kept in mind that the charge of this nature is very easy to make and is very difficult to rebut**
- ✓ When a plea is taken of false implication for extraneous reasons, the courts have a duty to make deeper scrutiny of the evidence and decide the acceptability or otherwise of the accusations.
- ✓ **Every care should be taken to separate the chaff from the grain.**
- ✓ The veracity and genuineness of the complaint should be scrutinised to prevent any misuse of such laudable laws enunciated for the upliftment of the society and for equal rights of people without gender discrimination by anybody under the garb of “sexual harassment”, lest justice rendering system would become a mockery.