

POSH ACT: HC GUIDELINES CHALLENGED

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A petition has been filed in the Supreme Court challenging guidelines issued by the Bombay High Court in cases under the Protection of Women from Sexual Harassment (POSH) Act, which include a blanket bar on parties and advocates from sharing records, including orders and judgments, with the media.

The petition filed by advocate Abha Singh argued that the September 24, 2021, order of a single judge Bench of the HC was a “death blow” to freedom of speech and expression enshrined in Article 19. The petition said right to free speech can be curbed only if it interferes with the administration of justice. Any injunction on the right of the people to know facts is an encroachment on their right to information. “In matters of women empowerment, public discourse plays a crucial role in shaping the nature of legal entitlements that are delivered to women,” the petition argued.

It said the order may have a “ripple effect” and deter survivors from approaching courts as well as setting a dangerous precedent for trial cases. “The same will legitimise undue protection to sexual offenders.”

The guidelines were formed by Justice G.S. Patel of the HC to protect the identities of the parties in a case under the POSH Act.

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