

SheSR  
CONSULTING LLP

# SheSR Speaks

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We present the third edition of “SheSR Speaks”. It is our monthly newsletter that brings the latest legal, legislative and industry updates and best practices on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) (**PoSH**), Diversity Equity and Inclusion (**DEI**) and Corporate Social Responsibility (**CSR**).

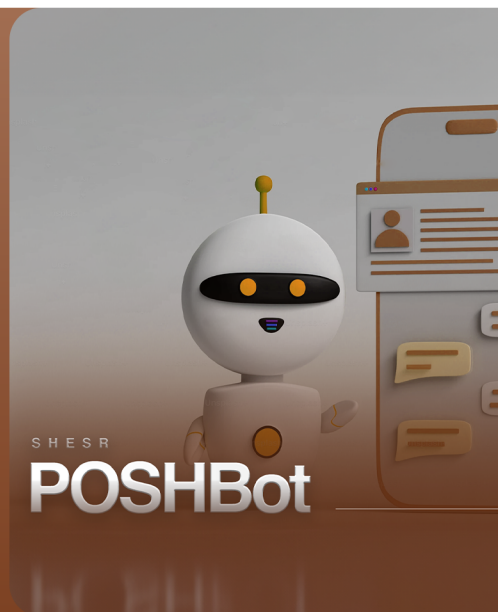
## PoSH Bot

Do you have a question regarding your rights under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013?

### **Ask the SheSR PoSH-Bot!**

It is the one stop solution for all your PoSH related questions.

Try it out today: <https://www.shesr.in/poshbot>



## PoSH Updates

### **1.Expanding the scope of Employee – the Ola Case**

In the recent case of **Ms. X v. ICC**, ANI Technologies Pvt. Ltd., the definition of ‘employee’ under section 2(f) of the Sexual Harassment of Women at Workplace (Prohibition, Prevention and Redressal) Act, 2013 (PoSH Act) was expanded and an **inclusive interpretation was laid down.**

Ms. X, the petitioner, was sexually harassed by a person impersonating to be an OLA cab driver.

The Petitioner tried to move the Internal Committee (IC or ICC) of ANI Technologies for redressing the complaint. The ICC however refused to investigate and record the complaint, stating that it lacked the jurisdiction to investigate the complaint as there existed no employer-employee relationship between the driver and ANI Technologies (Ola).

[Read the judgement here](#)

## 2. Safety at Higher Educational Institutions – Maharashtra National Law University Case

In *X vs. Maharashtra National Law University (MNLU)*, Mumbai, a student, “X,” pursued legal action against MNLU, **challenging his expulsion following a sexual harassment finding** by the University's Internal Complaints Committee (ICC). The complaint by another student, “Y,” stemmed from an incident in February 2023. After investigation, the ICC recommended expelling X, citing his prior misconduct and failure to reform.

X’s appeal to the Vice-Chancellor led to a temporary concession, allowing him to complete his exams under specific conditions. However, this decision was contested by both X and Y, ultimately leading to a writ **petition in the Bombay High Court**.

[Read the case here](#)

## DEI Updates

### 1. Toyota Motor Corporate drops its DEI initiative

In a recent move, Toyota Motor Corporation **plans to discontinue its support for DEI** and pro LGBTQIA+ event and will instead narrow community activities to align with STEM Education and workforce readiness.

This move was in response to a **campaign by Robby Starbuck**, a conservative activist. Starbuck says he wants Corporate America to stay out of Social Issues and is only interested in pushing a "neutral" stance.

Toyota is the latest major company to drop their DEI initiatives following this backlash.

# CSR Updates

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## 1. MCA tightens CSR compliance date

The Ministry of Corporate Affairs (MCA) has tightened the CSR compliance in India by reducing the window for submitting CSR returns. Companies are now required to file the CSR-2 return for the FY 2023-24 by 31 December 2024 as opposed to the earlier timeline of filing by 31 March the following year.



## 2. Samsung announces winners of Solve for Tomorrow

Samsung announced the winners of the third edition of its flagship initiative '**Solve for Tomorrow**' that it runs with a strategic partnership with the Foundation for Innovation and Technology Transfer (FIIT), IIT Delhi, Ministry of Electronics and Information technology and the United Nations in India. Eco Tech Innovator, the winning team from Assam developed an idea ensuring **equitable access to potable water and sanitation**.

## Guest Column

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How can we use **data and tech to prevent Sexual Harassment** at the Workplace?


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-Ajay Kumar,  
Partner, Triumvir Law


The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was a great step forward in protecting women from sexual harassment at the workplace. It provided for a mechanism to redress sexual harassment issues by its creation of Internal Committee and Local Committees. By using a **procedure that was tailored to consider the particular vulnerabilities of the victim** while also providing for natural justice, the Act managed to pave the way forward for a victim centric approach.

But what this also did was **place the onus of bringing a problem to light on the victim**. So, while the Act exists today and is implemented by employers, to trigger a process under this Act, there must always be a complainant. This is possibly the greatest hurdle for victims to seek redress. Often, they are afraid of retaliation and shaming. Therefore, many just prefer to seek other options like a quiet resignation or a request to be assigned to a different team. This, however, **doesn't ensure that the harasser faces any semblance of justice at all**. In most cases, unless someone complains, a harasser can get away with harassing multiple women over an extended period of time.

[Read more here](#)

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