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Mandatory PoSH Audit: Review of the Gurugram ADC’s 2025 Compliance Checklist

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On 21 December 2021 the Additional Deputy Commissioner, Gurugram and ex-officio District Officer under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 issued a de-novo compliance directive that has converted the statutory annual reporting obligation into a full-scale PoSH audit. Addressed to every entity that falls within the amplitude of "employer" under Sections 2(g) and 3 of the Act schools, companies, institutions, NGOs, contractors, vendors, suppliers, start-ups, call-centres, BPOs, shops, commercial establishments, offices, branches, warehouses, godowns, factories, industrial units, co-working spaces, shared offices and project sites situated in the revenue district of Gurugram. The communication is styled as D.O. letter No. 21-12-21 and carries an 8-page annexure titled "PoSH Act Compliance Checklist (Comprehensive)". Though cast in soft administrative language, the directive is peremptory: each workplace must complete the checklist, attach it to the calendar-year 2025 annual report (1 January 2025 – 31 December 2025) and transmit both documents to the District Office, Vikas Sadan, Gurugram on or before 31 December 2025. Non-filing of the PoSH Audit, the officer warns, will be treated as a continuing offence under Section 24 of the Act inviting monetary penalty, prosecution and possible suspension of government approvals.

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Facts and procedural matrix

The letter is anchored in the statutory powers conferred on the District Officer by Sections 19, 21, 22 and 23 of the PoSH Act read with Rule 14 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013. It recalls that every employer is already obliged to constitute an Internal Committee, maintain written policies, display notices, conduct awareness programmes, monitor complaints and file an annual return containing case specific data. What is new is the insistence on documentary proof in a pre-formatted template, effectively shifting the burden of persuasion onto the employer. The checklist is divided into six substantive segments policy governance, display & communication, Internal Committee constitution, complaint handling & monitoring, statutory reporting and annual statistics followed by a mandatory enclosure grid and a declaration clause. Each segment incorporates the statutory ingredients prescribed by the Central Act as well as the incremental requirements administratively devised by the District Office, such as bilingual notice display, virtual-training metrics, external-member contact verification.

Since the PoSH Act confers original jurisdiction on the District Officer to receive annual reports, call for additional information and initiate prosecution, the directive possesses coercive force.

Substantive stipulations unpacked

The PoSH Audit begins with an attestation clause on the existence of a written PoSH policy that must expressly enumerate the underlying factors contributing to a hostile work environment. Employers are required to cite policy reference numbers and board-approval dates, thereby precluding the practice of adopting boiler-plate documents at the eleventh hour. The second segment concentrates on visibility: notices containing the names, telephone numbers and e-mail addresses of every IC member including the External Member must be displayed at conspicuous locations such as entrance lobbies, lift areas, canteens and shop floors, and must be bilingual or trilingual depending on the linguistic profile of the workforce.

Training metrics are quantified with almost tax-like precision. Entities must disclose the number of physical and virtual orientation programmes conducted during 2025, aggregate attendance, languages used and coverage of contingent workers such as security staff, housekeeping personnel, interns and visitors. The District Officer has also inserted a continuous-campaign clause, obliging employers to run poster drives, payroll-slip messages or screen-savers throughout the year.

The constitution of the Internal Committee is subjected to microscopic verification. Beyond the statutory requirement of a senior-level woman Presiding Officer and two employee members, the checklist demands consent letters, external-member qualification proof, quorum-compliance certification and administrative-facility inventory (secure filing cabinet, independent meeting room, computer, printer and travelling allowance). A novel insertion is the obligation to conduct annual refresher workshops for IC members in both 2024 and 2025, effectively making skill-building a rolling compliance duty.

Complaint-handling provisions mirror the statutory timeline but add a monitoring layer. Employers must confirm implementation of interim measures recommended by the IC and attest completion of final recommendations within the 60-day window..

The reporting segment fuses Sections 21 and 22 obligations. The District Officer demands that the IC forward its annual report containing case-wise details, while the company simultaneously discloses PoSH statistics in its Directors' Report under Section 22(2). Entities with more than ten workers must additionally file Form-A under the Haryana State Rules. The checklist ends with a quantitative grid complaints received, disposed, pending beyond ninety days with explanatory notes, workshops conducted and nature of disciplinary action followed by a declaration clause that exposes the signatory to penal consequences for mis-statement.

Consequences and penal scaffold

The letter explicitly invokes Section 24 of the PoSH Act which stipulates a fine for defaults. Since the Act treats non-filing as a continuing offence, the District Officer may also recommend suspension or withdrawal of licences, government approvals or contractual benefits.

Gurugram-based employers must therefore treat the checklist not as another bureaucratic formality but as a binding compliance code whose breach carries both monetary and reputational jeopardy. The circular also signals a broader trend: district administrations across the country are moving from post-facto prosecution to real-time audit, making self-certification the first line of defence against regulatory and litigation risk.

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