

D. H. Joshi

Lawyers not employees: Court says POSH Act not applicable for Bar Council staff The Bombay High Court declared that Bar Councils do not have an employer-employee relationship with advocates, exempting them from forming Internal Complaints Committees under the POSH Act. The Bombay High Court on Monday clarified that the Bar Council of India (BCI) and the Bar Council of Maharashtra and Goa (BCMG) are not obligated to form Internal Complaints Committees (ICCs) as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (POSH Act) as they do not have an employer- employee relationship with practising advocates. The bench, comprising Chief Justice Alok Aradhe and Justice Sandeep Marne, explained that the POSH Act is applicable only in contexts where there is a clear employer-employee relationship. They concluded that because bar councils do not employ the advocates who practice under them, the