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GENDER JUSTICE AND ACCESS TO REDRESSAL UNDER THE POSH ACT: A CRITICAL STUDY OF LOCAL COMMITTEES AND THEIR EFFECTIVENESS FOR INFORMAL SECTORS WORKERS

AUTHORED BY - DHISHNA D.S & DEVIKA P S

ABSTRACT

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was enacted to ensure safe working spaces for women and to build enabling work environments that respect women's right to equality of status and opportunity by extending protection to both formal and informal sector workers. To facilitate accessible and decentralized redressal of workplace sexual harassment complaints the legislature established Local Committee under this act. Despite this legislative intent the practical effectiveness of LCs remains questionable as most of the women are not aware of its existence which was analysed on the studies conducted by Martha Farrell Foundation. The women working in informal sectors are reluctant in reporting the atrocities happening to them in workplaces due to fear of losing their jobs, social stigma and employer dependency. The maxim vigilantibus non dormientibus jura subveniunt which means the law helps those who are vigilant but such vigilance is a luxury to those women who are underprivileged. Therefore, it is unjust for the law to expect action from the disempowered. Even though law protects the women, they cannot often access these benefits which leads to administrative invisibility. The existence of online complaint system known as SHE-box also have a restricted impact to a certain extend due to lack of digital access and awareness among women. This paper critically examines the implementation gaps by analysing to what extend the local committees fulfils the mandate of ensuring access to justice to workers in the informal sectors and suggesting reforms in order to ensure law in action rather than law in papers.

Keywords: POSH Act, Local Committees, Informal Sector, Access to Justice, Administrative Invisibility, SHe-Box.

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INTRODUCTION

Sexual harassment against women is one of the most heinous crimes that is prevailing in our society even in 21st century. It is a pervasive violation of human rights that persists as a global challenge[1]. Women as per the concept of patriarchal society is the most vulnerable and marginalized group whose dignity and rights often deprived. The international mandate for safe workplaces under CEDAW influenced India's shift from patriarchal normalization to a constitutional framework ensuring gender justice.[2]

Our Indian Constitution ensures Justice and equal status and opportunity. It emphasizes equality, prohibiting discrimination based on sex, and promotes fraternity to uphold the dignity of women which is enshrined under Article 14, 15 and 21 of the Indian Constitution.[3] Therefore, a safe workplace for women in every sector is their legal right. But the harsh reality is that women are often deprived of these rights particularly in the informal sectors where cases remain underreported due to various reasons. As these atrocities became widespread, the need for legislation became urgent.

In India, the law relating to sexual harassment at the workplace was laid down in the landmark judgement of the supreme court in Vishaka v. State of Rajasthan[4] where the court recognized sexual harassment as a violation of fundamental rights and held workplaces accountable. The supreme court framed guidelines and issued directions to the Union of India for a law intended to provide a decentralised redressal and grievance mechanisms platform against workplace sexual harassment. Thus formulated the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.[5] The unique feature of the POSH Act is the establishment of Internal Committees and Local Committees (LCs) to address complaints regarding work place sexual harassment. Local Committee act as a safety net for those whose sufferings often goes unnoticed. Despite this frame work the effectiveness of LCs remains questionable because many women are unaware of its existence or unable to access it due to socio-economic constraints. The principle vigilantibus non dormientibus jura subveniunt fails in this context because vigilance itself becomes a luxury for underprivileged women. Studies conducted by organizations such as Martha Farrell Foundation expose this gap, leading to what may be termed as administrative invisibility where women are legally protected but practically

[1] Human Rights Watch, *"No #MeToo for Women Like Us"* (2020)
[2] Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979.
[3] Constitution of India 1950, arts 14, 15, 19 and 21.
[4] *Vishaka v State of Rajasthan* (1997) 6 SCC 241 (SC).
[5] Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.

unable to access justice.[6] Also, initiatives like SHE-box knows as Sexual Harassment box aim to improve accessibility but are limited by digital divide and lack of digital literacy.[7] Consequently, the law often remains in papers rather than in action which is the core theme going to discuss in this paper by examining the implementation gaps, specifically analysing the extent to which LCs fulfil their mandate for informal sectors.

LEGAL FRAMEWORK OF POSH ACT

The law relating to workplace sexual harassment in India was laid down in Vishaka v State of Rajasthan. The heinous incident happened to Bhanvari Devi subsequently added fuel to the most underrated issue of the society and became the spotlight. Before this judgement there was no explicit guidelines except recourse under the Indian Penal Code, which was often ineffective due to delays and lack of sensitivity. This case became sensational after a coalition of feminist organisations like Vishaka and other women groups from Rajasthan and Jagori and Kali for women from Delhi filed a Public Interest Litigation against state of Rajasthan and union of India where the court recognised sexual harassment is considered as a violation of women's fundamental right to equality and that all workplaces/establishments/institutions be made accountable to uphold these rights. The Vishaka guidelines have the influence of International human rights law instruments like the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and also included equality before law and equal protection of law under Article 14, right to non-discrimination under Article 15, fundamental freedoms and right to life and liberty under Article 19 and 21 respectively which is enshrined in the Indian Constitution. Any act of workplace harassment violates these fundamental rights and undermines women's dignity and personal liberty. Article 42[8] of the Indian Constitution further directs the state to ensure just and humane working conditions, forming the basis for safe workplaces. It ensures safe, fair workplaces and mandates support for working women during pregnancy and postpartum, serving as the basis for labour laws like the Maternity Benefit Act. Thus, interpreting this Article also reveals that it also ensures redressal against sexual harassment.

As per the guidelines the employers need to set up committees and to implement the same but are failed due to lack of incentives. Most of the organizations failed to do so. The Sexual

[6] Martha Farrell Foundation Report (2018–2022).
[7] Ministry of Women and Child Development, SHe-Box Portal
[8] The Constitution of India, art. 42.

Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 emerged after the Vishaka guidelines proved inadequate to address evolving workplace sexual harassment issues. The Act established a dual redressal mechanism: Internal Committees (ICs) for establishments with 10 or more employees and Local Committees (LCs) at the district level whereas act as redressal mechanism for workers in the unorganized sectors. The act defined 'sexual harassment'[9] as any unwanted physical contact, a demand for sexual favours, making sexual remarks, or any other unwanted physical verbal, or nonverbal remark is considered as sexual harassment. The term 'workplace'[10] under the act is broad and it includes Government and Private Organizations, Hospitals, educational institutions, sports institutions, any place visited during employment, including transportation, dwelling places or houses. This inclusive definition is particularly significant for informal sector workers whose workplace may not be a conventional office setting. The informal economy constitutes a major portion of employment, with over 80–90% of women workers in India engaged in informal work. [11]When it comes to India the situation is same as workers with limited education or economic resources are far more likely to be employed in informal settings. So those women have to depend on the Local committee and if the LCs fail the entire system fails for most women. The LCs are therefore, designed to bridge this gap and provide a decentralized, accessible forum for redressal.

ROLE AND IMPORTANCEOF LOCAL COMMITTEES

According to POSH Act, 2013 it is mandatory to establish committees to address sexual harassment complaints. The internal complaints committee (ICC) are responsible for handling complaints from institutions having 10 or more employees under Section 4 of the POSH Act [12]and non-constitution of the same can attract a penalities. While the ICC handle the formal sector, Local Committees are established as a safety net for the unorganized sectors where an internal committee cannot be formed.

Local committees (LC) are established under section 6 of the POSH Act[13] where a District Officer is responsible for constituting the Local Committee in every district[14] who designates

[9] POSH Act, 2013, § 2(n).
[10] POSH Act, 2013, § 2(o).
[11] International Labour Organization, *Women and Men in the Informal Economy* (2018).
[12] POSH Act, 2013, § 4.
[13] POSH Act, 2013, § 6.
[14] POSH Act, 2013, § 7.

nodal officer in the rural and urban areas. The complaints[15] are received by the nodal officer from Employees of organisation having less than ten employees; women working in the unorganised sector like housekeeping staff; and employees from organisations with more than ten employees but if the complaint is against the employer himself and forward the same to the concerned LCs within 7 days. The LCs must have 5 members, including women, an eminent female presiding officer, legal expertise, and representation from SC/ST/OBC or minority communities, with the district officer as an ex-officio member. Local committees are empowered to receive complaints of sexual harassment, conduct fair and impartial inquiries, and recommend appropriate actions. They possess powers similar to that of a civil court, which strengthens their authority and ensures procedural fairness and play a crucial role in addressing power imbalances where the employer himself may be the respondent, encouraging reporting, and spreading awareness, thereby promoting access to justice in informal sectors. Through this approach the Local Committees contribute to a more inclusive and responsive legal framework especially in the informal sectors. However, LCs remain functionally fragmented, often lacking infrastructure, staff, and financial support, unlike institutionally structured ICCs. Additionally, ambiguity in defining "employer," as seen in cases like Jaya Kodate v. Rashtrasant Tukdoji Maharaj Nagpur University,[16] creates jurisdictional confusion, leaving victims in a state of redressal limbo and undermining the effectiveness of the mechanism.

THEORY OF ADMINISTRATIVE INVISIBILITY

The LCs serve as a redressal mechanism for workplace sexual harassment, but in many districts, they remain nonfunctional due to failure in appointing district officers who are responsible for constituting an LC. This results in Local Committees not being constituted in many districts, creating a serious gap in addressing rising cases of sexual harassment in the informal sector. In most of the cases such offences are often not taken seriously, and since most workplaces have fewer than 10 employees with no ICC, the aggrieved only have an option of LCs. But the irony here is majority of the people are unaware of their right or aware of them but there is no body for the redressal of the same. When the state fails to constitute LCs, it effectively ensures that the grievances of informal workers never enter the official record. Because their complaints cannot be filed or tracked, these women become "administratively invisible" they exist in the workforce, but their legal struggles are non-existent in the eyes of

[15] POSH Act, 2013, § 9.
[16] *Jaya Kodate v. RTM Nagpur University*, 2014 SCC OnLine Bom 814.

the administration.

This state of invisibility points out a major gap between law in papers and law in action. The maxim vigilantibus non dormientibus jurs subveniunt which explains that the law helps those who are vigilant prevail as an illusion because such vigilance is a luxuary that many underprivileged women, burdened by economic dependency and fear of losing their livelihood. By failing to ensure a redressal machinery, the state reinforces a structural exclusion. Furthermore, the smaller number of complaints regarding workplace harassment in many district LCs often misunderstood as absence of harassment at that concerned district which is considered as the zero-complaint paradox. But in reality, it points out the existence of administrative invisibility where most of the victims are too invisible or too fearful to step forward which is ultimately designed to protect them. In the unorganized sector, the "employer" is often a direct provider of basic survival needs. Since the LC is the only body empowered to hear complaints against an "employer," the stakes of filing a complaint are absolute. Without a mechanism to protect the career interests and livelihoods of these women who often face immediate termination upon filing the POSH Act's promise of "redressal" remains a theoretical right that fails to manifest in the lives of the most vulnerable.

DIGITAL DIVIDE, SURVIVAL REALITIES, AND THE ZERO COMPLAINT PARADOX: BARRIERS TO JUSTICE UNDER THE POSH ACT

If you look at how the POSH Act actually plays out for women working in the informal sector, there's a big gap between what the law promises and what women can really access. The law says there should be simple, decentralized ways to get justice, but that's not what's happening on the ground.

Take the digital tools like the SHe-Box, which was supposed to make it easier to file complaints about sexual harassment. In theory, that should cut through a lot of red tape. In reality, most women in informal jobs, domestic workers, construction labourers, and street vendors don't even have smartphones or a steady internet connection, let alone the digital know-how to use this system. So instead of helping, the digital first approach just locks more people out and ends up reinforcing the same old inequalities.

Because of this digital divide, lots of Local Committees (LCs) end up reporting almost no complaints at all. Authorities often read that as a sign that workplaces are safe, but they're missing the point. No complaints don't mean no harassment; they just mean people can't access

any way to report it. People don't know the system exists, or it's too complicated to use, or they're just invisible to the institutional structures meant to protect them. So silence far from proving safety says more about walls than windows.

But tech barriers aren't the only challenge. For women in informal work, filing a complaint is a survival gamble. Jobs are precarious. There's barely any regulation, contracts, or job security. Employers have the power, and rocking the boat usually means you're out of a job simple as that.

So, for many, keeping silent isn't about being passive. It's about protecting their only source of income because the system doesn't guarantee any support or even basic relief if retaliation happens. Unlike in formal jobs, informal workers don't have shields against backlash while the process drags on. Without that backup, "justice" is just a word on paper.

Put all these together digital roadblocks, invisible institutions, and economic dependency and you get this cycle where women just can't access what the law promises. The "zero complaint paradox"[17] isn't a sign of progress at all it's a sign that the framework recognizes rights but doesn't help people actually use them. And unless we break down these barriers, "safe workplaces" will stay out of reach for the very people this law is supposed to help.

JUDICIAL TRENDS AND THE ACCOUNTABILITY VACUUM

Courts have had to step in again and again to plug the holes between what the POSH Act requires and what actually happens. The law looks good on paper one system for the formal sector (Internal Committees), another for the informal (Local Committees) but when it comes to accountability, there's a serious imbalance.

One big report, the Martha Farrell Foundation Report (2018–2022), lays it out: too many districts have Local Committees in name only or barely any complaints get filed. So the "zero complaint paradox" comes up again not as proof of safety, but as evidence that redressal systems and institutional mechanisms are out of reach for most women.

The courts noticed this gap years ago. In Vishaka v. State of Rajasthan, the Supreme Court called out workplace harassment as a fundamental rights issue and demanded real accountability. Later, in Medha Kotwal Lele v. Union of India[18], the court made it clear: it's not enough just to set up committees; the law expects them to actually work.

[17] *Human Rights Watch, 2020 Report.*
[18] *Medha Kotwal Lele v. Union of India*, (2013) 1 SCC 311

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And then came Aureliano Fernandes v. State of Goa[19] another landmark. The Supreme Court saw that people weren't bothering to comply with the Act, so they set out mandatory direction's real committees, regular training, strict enforcement. They wanted more than just token compliance.

But despite these interventions, a core contradiction sticks around. In the formal sector, Section 19[20] makes it clear: the employer has to make the workplace safe, run awareness programs, set up complaint mechanisms it's all spelled out, with teeth. If they drop the ball, there are consequences.

Things get fuzzier in the informal sector. Here, it's the state government's job to set up Local Committees, but there's no equivalent bite no clear, enforceable duties or penalties for inaction. With responsibility spread thin and few direct consequences, real accountability slips through the cracks.

So, while the judiciary keeps pushing for real change, the lack of firmly enforceable state responsibility in the informal sector still keeps the law from working the way it should. Until that gap gets closed, protection under the POSH Act risks being just another privilege for those with formal jobs, not an actual right for everyone.

SUGGESTIONS AND REFORMS FOR STRENGTHENING LC UNDER THE POSH FRAMEWORK

Just passing the POSH Act isn't enough the whole thing rests on how well Local Committees (LCs) function on the ground. To fix the accountability vacuum and make the system truly accessible, reform has to happen on several levels echoing what Human Rights Watch said back in 2020.

First off, the central government actually needs to make every district set up fully working LCs. That means not just naming them, but tracking if they're operational, and keeping them under regular review. We need nationwide, yearly audits that dig into whether these committees are active, what their makeup looks like, how well they perform, whether women can access them, how quickly complaints get handled, and what outreach efforts they run.

Digital tools like the She Box do have potential but only if women actually know about them and can use them. So, there's a need for massive awareness drives, especially in local languages. But let's be honest: the digital gap isn't closing soon. So, we need real world

[19] *Aureliano Fernandes v. State of Goa*, 2023 SCC OnLine SC 1112.
[20] POSH Act, 2013, § 19.

solutions too community centres, help desks, posters in common spaces, in person complaint systems, whatever it takes to make sure everyone has a way in.

Getting justice can't drag on forever, so setting deadlines for how quickly complaints have to be handled is important. The government also has to put real money behind LCs these committees should have the budget, staff, and resources to actually do their job, run awareness campaigns, and support women through the process.

The law itself needs a tune-up too. LCs should be decentralized further imagine sub-committees set up right down at the village or ward level. And you need to have at least one woman from the informal sector on every LC, so the committee actually understands what these women go through and can build trust.

For domestic workers, things are even worse. They should be allowed to approach LCs directly for civil remedies, instead of being shunted into the regular criminal justice process. Free legal aid should be non-negotiable women need help to understand the system and not feel lost or exposed.

Training matters. Police officers, judges, local officials, and community leaders all need to shake off outdated attitudes and actually listen. Training must go beyond checklists, use public materials, repeat the message, and keep it practical.

Working alone won't cut it either. NGOs, unions, women's groups, and civil society have to be in the mix raising awareness, bridging gaps, and holding institutions to account.

In simple terms: LCs need to stop being boxes to tick and start acting as active, visible, effective lifelines for working women. That's the only way to make the promises of POSH real.

CONCLUSION

Looking at the POSH Act's journey, the contradiction is stark the law spells out rights and protections, but for many, especially in the informal sector, justice is still mostly out of reach. On paper, the law is robust, even constitutionally sound, but in practice, administrative gaps, the digital divide, and the myth of "zero complaints" mean the system often fails the very people it claims to protect. Silence isn't proof of safety it's just a sign that the system is hard to reach.

At its core, whether women can access justice under POSH depends on their circumstances. For workers in the informal sector, speaking up about harassment isn't simply a legal exercise; it's a direct threat to their livelihood and dignity. In that world, silence is often a calculated, self-protective move, not a sign of weakness or resignation.

The courts have made strong moves, insisting on meaningful enforcement, but a big gap remains: responsibility lands firmly on employers in the formal sector, but when it comes to Local Committees, the state's role remains vague and responsibility gets muddled. This diffuse accountability makes the law difficult to enforce and leaves the burden sitting with the women themselves often those least able to carry it.

In the end, you can't measure the value of this law by what it promises on paper, but by whether women can actually rely on it. The right to a safe workplace isn't a luxury it's a foundation for dignity. But rights mean nothing if people can't use them. As the old legal saying goes, rights without remedies are empty. If the POSH system wants to keep its promise, it has to move from words to action from distant guarantees to real, practical help. Only then will justice feel real for the women who need it most. We should offer free legal support and guidance so women aren't lost in the system or too scared to come forward.

Training matters, too. Police, court officials, local leaders, employers—everyone involved needs to learn how to tackle harassment without blaming victims. Materials and resources should be out there for the public, not buried in government offices.

Non-state actors like NGOs, trade unions, and women's groups must be part of the process. They're closest to affected women and can help with outreach, feedback, and bridging the gap between communities and institutions.

In short LCs should stop being passive, invisible bodies. They need to become the front line of support, trust, and accountability, so POSH's protections mean something to every woman, not just those lucky enough to work in the formal sector.

REFERENCES / BIBLIOGRAPHY

Primary Sources

- The Constitution of India, 1950.
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Cases

- *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.
- *Medha Kotwal Lele v. Union of India*, (2013) 1 SCC 311.
- *Aureliano Fernandes v. State of Goa*, (2023) SCC Online SC 1112.
- *Jaya Kodate v. Rashtrasant Tukdoji Maharaj Nagpur University*, 2014 SCC OnLine Bom 814.

ISSN: 2582-6433

International Instruments

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979.

Reports and Articles

- Martha Farrell Foundation, *Sexual Harassment at Workplace Report (2018–2022).*
- Human Rights Watch, *"No #MeToo for Women Like Us"* (2020).
- International Labour Organization, *Women and Men in the Informal Economy* (2018).
- NITI Aayog Reports on Women Workforce Participation.
- Economic Survey of India 2018–19.

Government Sources

- Ministry of Women and Child Development, Government of India – SHe-Box Portal.