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# **ECHOES OF TRAUMA: SEXUAL HARASSMENT, TRAUMA, AND THE MENTAL HEALTHCARE IMPERATIVE**

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## **THEME OF THE CONFERENCE: SEXUAL HARASSMENT & MENTAL HEALTHCARE**

Sexual harassment stands as a pressing challenge to both public health and gender justice, leaving survivors with immediate emotional turmoil and long-lasting psychological scars. It often leads to emotional turmoil and lasting psychological harm. This paper looks closely at how sexual harassment and mental healthcare are connected, showing that many survivors struggle with anxiety, depression, trauma symptoms, withdrawing from social spaces, and a long-term decline in confidence and productivity. Although legal measures such as the POSH Act exist, survivors still encounter serious gaps in support, like insufficient trauma-focused counselling, ongoing societal judgment, and the insensitivity often shown by institutions.

The paper suggests that meaningful & equitable justice can only emerge from a cohesive or interconnected approach that integrates legal protections, organizational responsibility, and comprehensive mental health care. It calls attention to the urgent need for system-wide reforms, such as embedding mental health services across professional and academic spaces, preparing Internal Committees to respond through trauma-informed practices, and strengthening government-supported psychological care. Additionally, it highlights that maintaining confidentiality, dignity, and empathy within redressal processes is vital for helping survivors heal and regain a sense of control over their lives.

The paper contends that gender justice cannot be achieved through legal procedures alone; it must be strengthened by mental healthcare that is accessible, survivor-centered, and sensitive to trauma. It argues for a holistic and multi-dimensional framework that brings together psychological support, legal redressal, and preventive strategies to create environments that are

truly safe and equitable. Ultimately, the paper suggests that only through such an integrated and empathetic approach can society move closer to lasting well-being and a more meaningful realization of gender justice.

**Keywords:** Sexual Harassment; Mental Health; Gender Justice

## **I. Introduction**

Sexual harassment is no longer understood merely as an individual grievance or a breach of workplace discipline; it is increasingly recognized as a pervasive form of gendered violence with profound implications for public health, human dignity, and substantive gender equality. Across professional, academic, and informal workspaces, sexual harassment operates as a mechanism of power and control, reinforcing structural gender hierarchies and creating environments of fear, silence, and exclusion. While legal frameworks seek to address such conduct through complaint-based redressal mechanisms, the lived experiences of survivors reveal that the harm inflicted by sexual harassment extends far beyond the immediate incident, often manifesting in deep and enduring psychological trauma.

Empirical research consistently demonstrates that survivors of sexual harassment experience significantly higher levels of anxiety, depression, emotional distress, and post-traumatic stress symptoms compared to non-harassed individuals (Richman et al., 1999; Chen et al., 2005; Hansen et al., 2022<sup>1</sup>). These psychological consequences frequently lead to social withdrawal, loss of professional confidence, diminished productivity, and long-term career disruptions (McLaughlin et al., 2017; Willness et al., 2007<sup>2</sup>). In many cases, the trauma associated with sexual harassment is compounded by institutional responses that are dismissive, proceduralistic, or overtly hostile, resulting in secondary victimization and re-traumatization (Friborg et al., 2017; Nielsen et al., 2020<sup>3</sup>). This body of evidence underscores that sexual harassment is not only a violation of legal norms but also a serious mental health concern requiring sustained and sensitive intervention.

In the Indian context, the constitutional promise of gender equality and dignity under Articles 14, 15, and 21 has shaped the jurisprudential response to sexual harassment, beginning with

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<sup>1</sup> Richman et al., 1999; Chen et al., 2005; Hansen et al., 2022

<sup>2</sup> McLaughlin et al., 2017; Willness et al., 2007

<sup>3</sup> Friborg et al., 2017; Nielsen et al., 2020

the Supreme Court's landmark decision in *Vishaka v. State of Rajasthan* (1997)<sup>4</sup>. The Vishaka Guidelines, and subsequently the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act), sought to institutionalize preventive and remedial mechanisms through Internal Complaints Committees (ICCs) and formal inquiry procedures. While the POSH framework represents a significant normative advancement, scholars and practitioners have repeatedly highlighted its limitations in practice, particularly its failure to account for the psychological dimensions of sexual harassment and trauma (Jaising, 2014; Sakhrani, 2017; Rao & George, 2020<sup>5</sup>).

A growing body of legal scholarship critiques the functioning of ICCs as structurally constrained, procedurally rigid, and often embedded within the very institutions accused of enabling harassment. Mehta (2021) argues that internal complaint mechanisms frequently reproduce existing power hierarchies, resulting in outcomes that prioritise institutional reputation over survivor well-being. Similar concerns have been raised regarding inadequate training, lack of independence, insensitivity towards complainants, and an excessive focus on evidentiary formalism rather than survivor experiences (Pradhan & Devi, 2024; SCC Online, 2025<sup>6</sup>). Judicial interpretations further reveal how limitation periods, jurisdictional constraints, and narrow procedural compliance can effectively bar access to justice, leaving survivors without meaningful remedies (DPI Piper Knowledge, 2025<sup>7</sup>).

Critically, the existing legal framework treats sexual harassment predominantly as a disciplinary or compliance issue, with little emphasis on its mental health consequences. Trauma-informed care, psychological counselling, and long-term mental health support remain peripheral, if not entirely absent, from institutional redressal processes. This omission is particularly troubling given extensive evidence linking sexual harassment to post-traumatic stress disorder, depressive symptoms, and chronic emotional harm (Hansen et al., 2022; Kumar et al., 2021; Jina & Thomas, 2013<sup>8</sup>). By failing to integrate mental healthcare into redressal mechanisms, the law risks reducing justice to procedural closure rather than genuine healing and restoration of agency.

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<sup>4</sup> *Vishaka v. State of Rajasthan* (1997)

<sup>5</sup> Jaising, 2014; Sakhrani, 2017; Rao & George, 2020

<sup>6</sup> Pradhan & Devi, 2024; SCC Online, 2025

<sup>7</sup> DPI Piper Knowledge, 2025

<sup>8</sup> Hansen et al., 2022; Kumar et al., 2021; Jina & Thomas, 2013

This paper argues that gender justice cannot be achieved through legal remedies alone. Instead, it contends that meaningful and equitable justice requires an integrated framework that recognizes sexual harassment as both a legal wrong and a source of psychological trauma. Drawing upon legal analysis, mental health research, and gender justice theory, the paper examines the limitations of the current POSH regime, highlights the mental health impacts of sexual harassment, and advocates for trauma-informed, survivor-centered approaches within institutional and legal responses. It proposes that embedding mental healthcare into redressal systems while ensuring confidentiality, dignity, and empathy is essential to restoring survivor autonomy and advancing substantive gender equality.

Ultimately, this paper seeks to reframe sexual harassment not merely as a matter of workplace regulation, but as a critical intersection of law, mental health, and human rights. Only through a holistic and multi-dimensional approach that integrates psychological support, legal accountability, and preventive institutional culture can society move towards lasting well-being and the meaningful realization of gender justice.

## **II. Conceptual Framework: Sexual Harassment, Trauma, and Mental Health**

### **A. Defining Sexual Harassment: Legal and Sociological Dimensions**

Sexual harassment is a multifaceted phenomenon that cannot be adequately captured through legal definitions alone. Legally, sexual harassment in India derives its normative foundation from constitutional guarantees of equality, dignity, and the right to life under Articles 14, 15, and 21 of the Constitution. The Supreme Court, in *Vishaka v. State of Rajasthan* (1997)<sup>9</sup>, conceptualized sexual harassment as a violation of fundamental rights, recognizing that unwelcome sexual conduct undermines women's ability to participate equally in the workplace. This understanding was later codified in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, which defines sexual harassment broadly to include physical, verbal, non-verbal, and implied conduct of a sexual nature.

However, feminist legal scholars have long argued that statutory definitions, while necessary, remain insufficient to capture the lived realities of harassment. Jaising (2014) notes that sexual harassment must be understood not merely as isolated misconduct, but as a structural manifestation of gender inequality embedded within workplace cultures. Similarly, Sakhrani

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<sup>9</sup> *Vishaka v. State of Rajasthan* (1997)

(2017) highlights the tension between due process and substantive justice, observing that legal frameworks often prioritise procedural neutrality while neglecting the power asymmetries that shape harassment claims. From a sociological perspective, sexual harassment functions as a mechanism of social control, reinforcing gendered hierarchies and regulating women's access to public and professional spaces.

Thus, sexual harassment occupies a dual position: it is both a legally cognizable wrong and a socially produced harm rooted in unequal power relations. Any conceptual framework that seeks to address its consequences must therefore move beyond formal definitions and engage with the broader social and institutional contexts in which harassment occurs.

### **B. Understanding Trauma and Psychological Harm**

Trauma, in psychological terms, refers to an emotional response to deeply distressing or disturbing experiences that overwhelm an individual's ability to cope. Sexual harassment, particularly when persistent or perpetrated within hierarchical relationships, constitutes a form of chronic stress capable of producing trauma-related symptoms. Empirical studies consistently demonstrate a strong association between experiences of sexual harassment and adverse mental health outcomes, including anxiety, depression, emotional exhaustion, and post-traumatic stress disorder (Richman et al., 1999; Chen et al., 2005; Hansen et al., 2022<sup>10</sup>).

Unlike discrete traumatic events, sexual harassment often unfolds over time, creating an environment of anticipatory fear, hypervigilance, and loss of control. Jina and Thomas (2013)<sup>11</sup> emphasise that sexual violence and harassment disrupt fundamental assumptions of safety and trust, leading to long-term psychological consequences even in the absence of physical harm. Indian studies further corroborate these findings, showing elevated rates of depressive symptoms, sleep disturbances, and reduced self-worth among working women who experience sexual harassment (Kumar et al., 2021<sup>12</sup>).

Importantly, trauma does not end with the cessation of harassment. Institutional responses particularly those that are dismissive, adversarial, or excessively procedural can exacerbate psychological harm through processes of secondary victimisation. Friberg et al. (2017) and Nielsen et al. (2020)<sup>13</sup> demonstrate that hostile work environments and inadequate redressal mechanisms significantly compound mental health distress. This underscores the need to

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<sup>10</sup> Richman et al., 1999; Chen et al., 2005; Hansen et al., 2022

<sup>11</sup> Jina and Thomas (2013)

<sup>12</sup> Kumar et al., 2021

<sup>13</sup> Friberg et al. (2017) and Nielsen et al. (2020)

conceptualize trauma not merely as an individual pathology, but as a socially mediated and institutionally reinforced experience.

### **C. Sexual Harassment as Gendered Violence**

Sexual harassment must be situated within the broader continuum of gendered violence. Feminist theory conceptualizes gendered violence as acts that disproportionately target individuals based on gender, serving to maintain patriarchal dominance and social control. Gangoli and Chakraborty (2021) argue that legal responses to violence against women often fail to address its structural roots, treating symptoms rather than systemic causes. Sexual harassment, in this sense, operates as a subtle yet pervasive form of violence that normalises women's vulnerability in public and professional spaces.

The framing of sexual harassment as gendered violence challenges the tendency to trivialise it as "misconduct" or interpersonal conflict. Fitzgerald et al. (1997) and Willness et al. (2007)<sup>14</sup> demonstrate that harassment is closely linked to organisational climates that tolerate gender inequality and abuse of power. Its consequences ranging from psychological distress to economic and career setbacks reflect patterns commonly associated with other forms of gender-based violence (McLaughlin et al., 2017<sup>15</sup>).

Viewing sexual harassment through the lens of gendered violence also foregrounds the importance of survivor dignity, autonomy, and voice. Fredman and Goldblatt (2015)<sup>16</sup> emphasise that substantive equality requires addressing structural disadvantage and harm, rather than merely ensuring formal legal compliance. This perspective reinforces the argument that legal remedies must be accompanied by supportive measures that recognise and address the trauma inflicted by harassment.

### **D. Intersection of Workplace Power, Gender, and Mental Health**

Workplaces are not neutral spaces; they are structured by hierarchies of authority, gender, class, and contractual precarity. Sexual harassment frequently arises within these power-laden environments, where perpetrators exploit positional authority or institutional cultures of silence. Mehta (2021) illustrates how Internal Complaints Committees under the POSH Act often mirror organisational hierarchies, compromising their independence and reinforcing

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<sup>14</sup> Fitzgerald et al. (1997) and Willness et al. (2007)

<sup>15</sup> McLaughlin et al., 2017

<sup>16</sup> Fredman and Goldblatt (2015)

survivor vulnerability. Pradhan and Devi (2024)<sup>17</sup> further note that delegated legislation and institutional guidelines in educational settings frequently fail to account for the unique power dynamics faced by students and early-career professionals.

These power asymmetries have direct implications for mental health. Survivors often face the dual burden of coping with psychological trauma while navigating hostile or indifferent institutional processes. Fear of retaliation, career stagnation, and reputational harm contributes to chronic stress, anxiety, and withdrawal from professional spaces (McLaughlin et al., 2017<sup>18</sup>). Huang v. *Ohio State University* (2025)<sup>19</sup> offers a comparative perspective, demonstrating how blurred work-study boundaries intensify vulnerability and complicate access to protection and support.

The intersection of gender, power, and mental health reveals the limitations of complaint-centric legal frameworks. When redressal mechanisms fail to recognise trauma and structural inequality, they risk perpetuating harm rather than alleviating it. A conceptual framework grounded in this intersection therefore demands trauma-informed, survivor-centred approaches that address both psychological well-being and institutional accountability.

### **III. Psychological Consequences of Sexual Harassment**

Sexual harassment inflicts harm that extends far beyond the moment of the incident, often leaving survivors with deep and enduring psychological consequences. A growing body of interdisciplinary research demonstrates that sexual harassment operates as a chronic stressor that adversely affects mental health, emotional stability, social functioning, and professional identity. These psychological effects are not incidental but constitute a central dimension of the harm caused by harassment, underscoring the inadequacy of purely procedural or punitive legal responses.

#### **A. Anxiety, Depression, and Emotional Distress**

One of the most consistently documented consequences of sexual harassment is the heightened prevalence of anxiety and depressive symptoms among survivors. Empirical studies across diverse occupational and cultural contexts reveal a strong association between exposure to sexual harassment and clinically significant levels of emotional distress. Richman et al. (1999), in their study of university employees, found that individuals who experienced sexual

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<sup>17</sup> . Pradhan and Devi (2024)

<sup>18</sup> McLaughlin et al., 2017

<sup>19</sup> Huang v. *Ohio State University* (2025)

harassment reported substantially higher levels of depression, anxiety, and psychological strain compared to those who did not. Similarly, Chen et al. (2005)<sup>20</sup> demonstrated that workplace sexual harassment was significantly correlated with depressive symptoms, even after controlling for other workplace stressors.

These emotional responses are often characterised by persistent feelings of fear, humiliation, anger, and helplessness. The unpredictability and ambiguity of harassment particularly when it involves subtle, non-physical conduct can create a constant state of emotional vigilance, eroding psychological well-being over time. Indian research mirrors these findings, with Kumar et al. (2021) documenting elevated rates of anxiety, mood disturbances, and emotional exhaustion among working women who had experienced sexual harassment. Such distress is frequently intensified by institutional inaction or scepticism, which may lead survivors to internalise blame and question the legitimacy of their own experiences.

### **B. Post-Traumatic Stress Disorder and Trauma Responses**

Beyond general emotional distress, sexual harassment has been increasingly recognised as a precipitating factor for trauma-related disorders, including post-traumatic stress disorder (PTSD). Hansen et al. (2022)<sup>21</sup> provide robust empirical evidence that workplace sexual harassment significantly increases the risk of PTSD symptoms, such as intrusive memories, hyperarousal, emotional numbing, and avoidance behaviours. These symptoms resemble those observed in survivors of other forms of gender-based violence, challenging the perception that sexual harassment constitutes a “lesser” harm.

Trauma responses are particularly pronounced when harassment occurs within hierarchical relationships or persists over extended periods. Jina and Thomas (2013)<sup>22</sup> emphasise that sexual violence and harassment disrupt an individual’s sense of safety, autonomy, and bodily integrity, producing long-term psychological effects even in the absence of physical injury. The repetitive nature of harassment, coupled with the survivor’s inability to escape the environment such as a workplace or educational institution can result in complex trauma, marked by chronic stress and impaired emotional regulation.

Importantly, trauma may also be exacerbated by the redressal process itself. Adversarial inquiries, repeated recounting of experiences, and lack of empathy from institutional authorities can trigger re-traumatisation, reinforcing feelings of powerlessness and distress. This

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<sup>20</sup> Chen et al. (2005)

<sup>21</sup> Hansen et al. (2022)

<sup>22</sup> Jina and Thomas (2013)

highlights the critical need for trauma-informed approaches within legal and organisational responses.

### **C. Social Withdrawal, Fear, and Loss of Agency**

Sexual harassment often leads to profound changes in survivors' social behaviour and sense of agency. Fear of further harassment, retaliation, or reputational harm frequently results in social withdrawal, avoidance of professional interactions, and reluctance to participate in public or collaborative spaces. Friberg et al. (2017)<sup>23</sup> note that survivors in care and service professions often modify their behaviour altering work schedules, avoiding certain colleagues, or limiting client interaction to reduce exposure to risk.

This withdrawal is not merely a coping mechanism but reflects a deeper erosion of autonomy and self-efficacy. Survivors may experience a loss of confidence in their judgment and decision-making, particularly when their experiences are minimised or questioned by others. Nielsen et al. (2020)<sup>24</sup> observe that prolonged exposure to workplace hostility and inadequate institutional support contributes to long-term psychological disengagement and diminished self-worth.

From a gender justice perspective, such loss of agency has broader implications. Sexual harassment effectively restricts women's access to professional and social spaces, reinforcing gendered patterns of exclusion and silence. The psychological toll thus intersects with structural inequality, limiting survivors' ability to assert their rights and pursue opportunities on equal terms.

### **D. Impact on Professional Performance, Identity, and Productivity**

The psychological consequences of sexual harassment significantly affect survivors' professional performance and career trajectories. Emotional distress, trauma symptoms, and chronic stress impair concentration, motivation, and cognitive functioning, leading to reduced productivity and job satisfaction. Willness et al. (2007)<sup>25</sup>, in their meta-analysis, found that sexual harassment was strongly associated with decreased organisational commitment, increased absenteeism, and higher turnover intentions.

McLaughlin et al. (2017)<sup>26</sup> further demonstrate that sexual harassment has lasting economic

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<sup>23</sup> Friberg et al. (2017)

<sup>24</sup> Nielsen et al. (2020)

<sup>25</sup> Willness et al. (2007)

<sup>26</sup> McLaughlin et al. (2017)

and career consequences, including stalled promotions, job loss, and downward occupational mobility. These outcomes are not solely the result of the harassment itself but are compounded by institutional responses that fail to protect or support survivors. Over time, the cumulative effect of these experiences can alter professional identity, leading survivors to disengage from careers they once found meaningful.

Such impacts underscore that sexual harassment is not only a personal or psychological harm but also a systemic barrier to gender equality in the workforce. The loss of talent, productivity, and professional confidence represents a broader social cost that remains insufficiently acknowledged within legal frameworks.

### **E. Long-Term Mental Health Outcomes for Survivors**

The mental health consequences of sexual harassment often persist long after the behaviour has ceased or formal complaints have concluded. Longitudinal studies indicate that survivors may experience enduring symptoms of depression, anxiety, and trauma, particularly in the absence of adequate psychological support (Hansen et al., 2022; Nielsen et al., 2020<sup>27</sup>). These long-term outcomes challenge the assumption that closure of legal proceedings equates to recovery or justice.

In the Indian context, limited access to affordable, trauma-informed mental healthcare further exacerbates these effects. Kumar et al. (2021)<sup>28</sup> highlight that many survivors continue to suffer in silence due to stigma, lack of institutional support, and inadequate public mental health infrastructure. Without sustained intervention, the psychological scars of sexual harassment can shape survivors' self-perception, relationships, and engagement with public life.

Recognising the long-term mental health outcomes of sexual harassment is therefore essential to any meaningful conception of justice. It demands a shift from short-term, complaint-centric responses to holistic frameworks that prioritise healing, empowerment, and long-term well-being.

## **IV. Legal Framework Governing Sexual Harassment in India**

India's legal response to sexual harassment has evolved through a combination of constitutional jurisprudence, statutory intervention, and sector-specific regulations. While this framework reflects a growing recognition of sexual harassment as a rights violation, it

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<sup>27</sup> (Hansen et al., 2022; Nielsen et al., 2020)

<sup>28</sup> Kumar et al. (2021)

continues to prioritise procedural compliance over survivor-centred and trauma-informed justice.

### **A. *Vishaka v. State of Rajasthan* and the Constitutional Foundation**

The legal foundation for addressing sexual harassment in India was laid by the Supreme Court in *Vishaka v. State of Rajasthan* (1997)<sup>29</sup>. Recognising the absence of specific legislation, the Court framed sexual harassment as a violation of fundamental rights under Articles 14 (equality), 15 (non-discrimination), and 21 (right to life and dignity). Drawing upon international human rights norms, particularly the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Court articulated binding guidelines aimed at preventing and redressing sexual harassment at the workplace.

The *Vishaka* judgment was significant not only for defining sexual harassment but also for locating it within constitutional morality and substantive equality. By acknowledging the chilling effect of harassment on women's participation in public life, the Court implicitly recognised its psychological and dignitary harm. However, the guidelines were primarily preventive and procedural in nature, offering limited insight into the mental health consequences of harassment or the need for survivor support beyond inquiry mechanisms.

### **B. The POSH Act, 2013: Objectives, Structure, and Mechanisms**

The enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 marked a legislative attempt to institutionalise the *Vishaka* principles. The Act adopts a broad definition of sexual harassment, encompassing physical, verbal, non-verbal, and implied conduct of a sexual nature. Its stated objectives include prevention, prohibition, and redressal of sexual harassment, alongside the creation of safe working environments for women (Ministry of Women & Child Development, 2013).<sup>30</sup>

Structurally, the Act mandates the constitution of Internal Complaints Committees (ICCs) in organisations and Local Complaints Committees (LCCs) at the district level. It prescribes timelines for inquiry, provides for interim reliefs, and imposes obligations on employers to conduct awareness programmes and ensure compliance. While the Act represents a progressive shift towards formal recognition of workplace harassment, scholars argue that it conceptualises harm primarily in disciplinary terms, with minimal attention to psychological trauma or long-

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<sup>29</sup> *Vishaka v. State of Rajasthan* (1997)

<sup>30</sup> (Ministry of Women & Child Development, 2013).

term mental health needs (Jaising, 2014; Nishith Desai Associates, 2017<sup>31</sup>).

### **C. Role and Jurisdiction of Internal Complaints Committees**

ICCs form the core of the POSH redressal mechanism. They are empowered to receive complaints, conduct inquiries, and recommend action. However, their institutional placement within the employer's organisational structure has raised serious concerns regarding independence and impartiality. Mehta (2021) demonstrates that ICCs often function under implicit pressure to protect institutional interests, leading to biased outcomes, delays, or informal settlements that undermine survivor agency.

Judicial interpretations have further complicated ICC jurisdiction. Recent Supreme Court rulings have clarified the scope and limits of ICC authority, particularly in relation to jurisdictional boundaries and limitation periods (SCC Online, 2025). In some cases, strict adherence to procedural timelines has resulted in dismissal of complaints, effectively denying survivors access to justice (DPI Piper Knowledge, 2025<sup>32</sup>). These developments highlight how procedural rigidity can override substantive concerns of harm, dignity, and trauma.

### **D. Procedural Safeguards, Confidentiality, and Due Process**

The POSH Act incorporates several procedural safeguards, including confidentiality obligations under Section 16, protection against retaliation, and principles of natural justice. While these provisions aim to balance fairness and privacy, their implementation often falls short. Sakhrani (2017) argues that due process under POSH is frequently interpreted through a quasi-adversarial lens, requiring survivors to repeatedly narrate traumatic experiences without adequate emotional support.

Confidentiality breaches, insensitive questioning, and lack of trauma-informed inquiry practices contribute to secondary victimisation. Rao and George (2020)<sup>33</sup> observe that ICC members often lack adequate training in handling trauma, resulting in processes that prioritise evidentiary scrutiny over survivor well-being. Consequently, procedural safeguards, though well-intentioned, may inadvertently exacerbate psychological harm when applied without sensitivity.

### **E. Comparative Overview: IPC, POSH Act, and Bharatiya Nyaya Sanhita**

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<sup>31</sup> Jaising, 2014; Nishith Desai Associates, 2017

<sup>32</sup> DPI Piper Knowledge, 2025

<sup>33</sup> Rao and George (2020)

Sexual harassment may also attract criminal liability under the Indian Penal Code (IPC), particularly Sections 354A–D, which criminalise sexual harassment, stalking, voyeurism, and assault. These provisions offer punitive remedies but are limited by high evidentiary thresholds, lengthy trials, and the stigma associated with criminal prosecution (Sharma & Shreshth, 2024). As a result, many survivors prefer the POSH mechanism despite its limitations.

The Bharatiya Nyaya Sanhita (BNS), introduced as part of India’s criminal law reform, largely retains the IPC’s approach to sexual offences, focusing on punishment rather than survivor rehabilitation. While the coexistence of criminal and civil remedies theoretically offers choice, in practice it fragments justice and overlooks the mental health dimensions of harm.

In sum, India’s legal framework reflects an evolving but incomplete response to sexual harassment. While constitutional jurisprudence and statutory mechanisms recognise sexual harassment as a serious violation, they remain insufficiently attuned to trauma, mental health, and survivor-centred justice. This gap underscores the need for integrating psychological care into legal redressal systems.

## **V. Trauma-Informed Justice: Gaps in the Current Legal Approach**

Despite the normative advances of the POSH Act, its implementation remains largely disconnected from trauma-informed justice. POSH inquiries continue to rely on rigid, quasi-adjudicatory procedures that fail to account for the psychological effects of sexual harassment, such as fear, memory fragmentation, and emotional distress (Mehta, 2021<sup>34</sup>). The absence of trauma-sensitive practices results in processes that prioritise procedural compliance over survivor safety and well-being.

Survivors bear a disproportionate emotional labour throughout the redressal process. They are required to repeatedly narrate traumatic experiences, meet strict evidentiary standards, and withstand adversarial questioning, effectively shifting the burden of proof onto them (Sakhrani, 2017<sup>35</sup>). Such practices reinforce power imbalances and exacerbate psychological harm. Further, although confidentiality is mandated under the POSH Act, inconsistent enforcement often leads to privacy breaches, workplace stigma, and retaliation, resulting in secondary victimisation (Rao & George, 2020<sup>36</sup>). These shortcomings expose the limitations of punitive and complaint-centric models that treat sexual harassment solely as a disciplinary violation,

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<sup>34</sup> Mehta, 2021

<sup>35</sup> Sakhrani, 2017

<sup>36</sup> (Rao & George, 2020)

neglecting healing and long-term recovery.

## **VI. Mental Healthcare as an Essential Component of Gender Justice**

Mental healthcare must be recognised as integral to gender justice and as part of the State's obligation to protect dignity and the right to life under Article 21 of the Constitution. Empirical research demonstrates that sexual harassment is strongly associated with depression, anxiety, and PTSD, underscoring the need for trauma-focused psychological support alongside legal remedies (Hansen et al., 2022; Kumar et al., 2021<sup>37</sup>).

Employers and educational institutions bear a responsibility to embed accessible counselling services within their organisational structures, while ensuring survivor autonomy and confidentiality. The State must strengthen public mental health infrastructure and provide government-supported, affordable trauma care, particularly for women in informal or precarious employment. Comparative perspectives, including international workplace and university frameworks, highlight the effectiveness of integrated models that combine legal redress with counselling and preventive mental health services (Huang v. *Ohio State University*, 2025<sup>38</sup>).

Recognising mental healthcare as essential not ancillary to justice enables a shift from procedural closure to meaningful recovery, reinforcing the pursuit of substantive gender equality.

## **VII. Policy Recommendations and Systemic Reforms**

To address the persistent gaps in India's response to sexual harassment, reforms must move beyond procedural compliance and adopt a survivor-centred, trauma-informed framework that integrates legal accountability with mental healthcare.

First, legal and regulatory reforms under the POSH regime are necessary to strengthen institutional independence and sensitivity. The Act should be amended to mandate minimum qualifications and specialised training for Internal Complaints Committee (ICC)<sup>39</sup> members in trauma-informed practices, gender sensitivity, and mental health awareness. Clear statutory

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<sup>37</sup> Hansen et al., 2022; Kumar et al., 2021

<sup>38</sup> Huang v. *Ohio State University*, 2025

<sup>39</sup> Internal Complaints Committee (ICC)

guidance must be issued to reduce excessive procedural rigidity, particularly in relation to evidentiary standards and limitation periods, ensuring that substantive justice is not defeated by technicalities.

Second, mandatory mental health protocols should be embedded within redressal processes. Survivors must be offered access to trauma-focused counselling at every stage of the complaint process, independent of inquiry outcomes. Psychological support should not be contingent upon filing a formal complaint, recognising that healing and justice are distinct but interconnected needs.

Third, the establishment of independent external bodies and inclusion of psychological experts is critical. External oversight mechanisms comprising legal professionals, mental health practitioners, and gender experts can enhance impartiality and reduce institutional bias. Psychological experts should be involved in designing inquiry procedures and advising ICCs on trauma-sensitive engagement with survivors.

Fourth, robust monitoring, evaluation, and enforcement mechanisms must be developed. Periodic audits of ICC functioning, anonymised reporting of outcomes, and penalties for non-compliance can improve transparency and accountability. Government agencies should play a proactive role in supervising implementation rather than relying on self-reporting by institutions.

Finally, reforms must prioritise survivor autonomy, consent, and choice. Survivors should retain control over the pace, nature, and extent of their engagement with redressal mechanisms, including the option to pursue support services without initiating formal proceedings. Upholding dignity and agency is essential to ensuring that justice processes do not become another source of harm.

### **Conclusion**

This paper has argued that sexual harassment must be understood not merely as an act of workplace misconduct, but as a profound violation of dignity, equality, and mental well-being. Reframing sexual harassment as both a form of trauma and a rights violation reveals the depth of harm it inflicts on survivors harm that extends beyond immediate emotional distress to include long-term psychological, social, and professional consequences. Empirical evidence

consistently demonstrates that experiences of sexual harassment are closely linked to anxiety, depression, post-traumatic stress, social withdrawal, and diminished agency, underscoring its significance as a serious public health concern alongside a gender justice issue.

The analysis further highlights the limitations of law when it operates in isolation. While constitutional jurisprudence and statutory frameworks such as the POSH Act have played a critical role in recognising sexual harassment as unlawful, their implementation remains largely procedural and complaint-centric. Legal mechanisms continue to prioritise inquiry, evidence, and sanctions, often without sufficient attention to the psychological realities of survivors. As a result, redressal processes may inadvertently reproduce harm through rigid procedures, emotional labour burdens, and institutional insensitivity. The persistence of such gaps reveals that formal legal compliance, though necessary, is insufficient to deliver meaningful justice or facilitate survivor recovery.

This paper therefore underscores the imperative of an integrated and empathetic approach to justice one that bridges law, mental healthcare, and institutional responsibility. Trauma informed justice requires that legal processes be designed with an understanding of how trauma affects memory, behaviour, and participation. Embedding mental healthcare within redressal mechanisms not only supports survivor healing but also enhances the fairness and legitimacy of legal outcomes. Employers, educational institutions, and the State share a collective responsibility to create environments that prioritise dignity, confidentiality, and psychological safety alongside accountability.

Finally, pathways towards safer and more equitable spaces demand a shift from reactive compliance to proactive cultural transformation. Preventive strategies, sustained awareness, independent oversight, and accessible mental health services are essential to dismantling the structural conditions that enable sexual harassment. By recognising survivor autonomy and centring care alongside justice, institutions can move beyond symbolic adherence to the law and towards substantive equality. Ultimately, achieving gender justice requires more than the prohibition of harm; it requires a commitment to healing, empowerment, and the creation of spaces where all individuals can participate free from fear and discrimination. Only through such a holistic and empathetic framework can society meaningfully address the echoes of trauma and move closer to lasting well-being and genuine equality.

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