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# **LAW ON PAPER, JUSTICE IN PRACTICE?** **EVALUATING THE EFFECTIVENESS OF WORKPLACE** **SEXUAL HARASSMENT FRAMEWORKS IN INDIA**

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## **1. INTRODUCTION**

Sexual harassment is a risk that occurs in workplaces all over the world and lowers working life quality, undermines the quality of professional life endangers women's well being and perpetuates gender inequality, and costs businesses and organisations money. Sexual harassment undermines a woman's fundamental rights, including equality under Articles 14 and 15 of the Indian Constitution, the right to life and dignity under Article 21, and the freedom to pursue any profession, trade, or business in a safe and secure environment. Internationally, various conventions recognize the right to work with dignity and protection from sexual harassment as essential human rights. The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, along with its implementing rules, came into effect on December 9, 2013. However, public awareness-raising is the only way to ensure that this legislation is used effectively. Frequent training sessions will raise people's awareness. Women's complete involvement in professional settings is nevertheless hampered by the prevalence of sexual harassment. Thus, even though India has a strong legislative framework to combat sexual harassment in the workplace, its efficacy is severely hampered by poor implementation, a lack of knowledge, and insufficient institutional procedures, making the gap between the law and practice a persistent problem.<sup>1</sup>

## **2. MEANING OF SEXUAL HARASSMENT AT WORKPLACE**

The term "workplace harassment" refers to a wide range of undesirable behaviours, acts, or communications that occur in the workplace. Workplace harassment includes a variety of behaviours that compromise a polite and healthy work environment rather than being restricted to a single conduct type. The term "sexual harassment" is wide-ranging and encompasses various forms of inappropriate and unethical behavior in the workplace. Sexual harassment is

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<sup>1</sup> Wahab, Md. Imran, The POSH Act: A Critical Analysis of Its Limitations and Impact, LegalServiceIndia (online), available at <https://www.legalserviceindia.com/legal/article-19175-the-posh-act-a-critical-analysis-Of-its-limitations-and-impact.html> (last visited Oct. 17, 2025).

defined by the Equal Employment Opportunity Commission (EEOC) “as unwanted sexual advances, requests for sexual favours, and other sexually suggestive verbal or physical behaviour. When the behaviour directly or indirectly impacts a person’s job, unreasonably interferes with their ability to perform their job, or fosters an intimidating, hostile, or unpleasant work environment, it is considered sexual harassment.

There are two forms of sexual harassment that are recognised by law:

1. Sexual harassment in exchange for something
2. Sexual harassment in a hostile setting.

Compared to earlier times, victims of sexual harassment are now more likely to file complaints and pursue legal action against harassing parties and their employers. More than 90% of sexual harassment allegations have included men harassing women, according to data from the Equal Employment Opportunity Commission (EEOC). Nonetheless, men have brought some charges of sexual harassment against female supervisors and managers as well as same-sex harassment.

1. Quid pro quo happens when a sexual favourable treatment is given in return for a job benefit, such as hire, advancement, wages raise, shift or work assignments, performance expectations, and other employment conditions; or when a personal favour is declined, resulting in an authentic employment disadvantage, such as the loss of the aforementioned job benefit. Usually, this happens to a boss, manager, or representative of the employer that is given the authority to make employment choices.
2. Hostile work environment: It refers to a workplace atmosphere where employees feel uncomfortable due to unwanted and uninvited behaviours, whether they be verbal, physical, or nonverbal.<sup>2</sup>

### **3. HISTORICAL BACKGROUND OF LEGAL FRAMEWORK REGARDING SEXUAL HARASSMENT OF WOMEN AT WORKPLACE IN INDIA**

#### **3.1 Early Social and Cultural Context**

It is impossible to separate from India’s history of sexual harassment at work from the country’s broader history of gender inequality and women’s status in society. Indian women had very few official jobs prior to independence and were mostly employed in household,

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<sup>2</sup> Dattopant Thengadi, Sexual Harassment at Workplace (National Board for Workers Education & Development, Ministry of Labour & Employment, Govt. Of India, n.d.).

agricultural, or unorganised industries. Despite being common in these settings, harassment and exploitation were rarely seen as distinct social or legal issues. Indian women had very few official jobs prior to independence and were mostly employed in household, agricultural, or unorganised industries.

Despite being common in these settings, harassment and exploitation were rarely seen as distinct social or legal issues. Such behaviour was viewed as a “private” matter under patriarchal norms, and the lack of women’s presence in public institutions made redress mechanisms all but impossible. But there were also cases of resistance. For instance, one of the first known demonstrations against the sexual abuse of workers by male factory supervisors was the Madurai Mill Women’s Strike in Tamil Nadu in 1920<sup>3</sup>. Working-class women took early collective action against harassment and gendered discrimination, as this incident is described in “Women, Union, and the Strike Against Sexual Harassment in Colonial Madurai, 1920” (Oxford University Press, 2022).

### **3.2 Post-Independence Period**

The Preamble of the Indian Constitution ensures “equality of status and opportunity” for all citizens, while Article 14 guarantees equality before the law. Consequently, every woman has a legal right to work in a safe environment. Moreover, Articles 14, 15, and 21 of the Constitution emphasize the principles of equality and personal liberty, ensuring protection under the law, freedom from discrimination of any kind, and safeguarding of life and personal freedom. Article 19(1)(g) further upholds the right “to practice any profession or to carry on any occupation, trade, or business,” emphasizing that any act undermining equality endangers the physical, mental, and social well-being of workers. This principle is also reinforced by the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, often referred to as the international bill of rights for women, which promotes equality between men and women in all spheres — social, economic, cultural, political, and civil. In India, feminist legal activism grew during the 1980s and 1990s as a result of international campaigns for gender equality. Women's groups including Saheli, Mahila Dakshata Samiti, and the All India Democratic Women's Association (AIDWA) started recording cases of sexual harassment at work and requesting official legal recognition. Before there was any law or guideline specifically about sexual harassment at workplace, women who were harassed had to rely on general provisions of the Indian Penal Code (IPC), 1860 and constitutional protections. Such as Section 354A, 354B, 354C, 509.

However, these provisions were found inadequate, particularly after the Bhanwari Devi incident, where a woman government worker was sexually assaulted while discharging her official duties.

The case, brought before the Supreme Court in *Vishaka & Ors. v. State of Rajasthan* (1997), marked a watershed moment, as the Court laid down the Vishaka Guidelines, forming the foundation of later legislation.

#### **4. VISHAKA CASE ANALYSIS**

##### **Vishaka & Ors. V/S State of Rajasthan, AIR 1997 Sc 3011**

##### **FACTS OF THE CASE**

Bhanwari Devi was employed by the Women's Development Project (WDP), a government program in Rajasthan that sought to prevent child marriages in her community, as a social worker (sometimes referred to as "Saathin"). In 1992, she intervened to stop a kid under a year old from marrying into a household belonging to a traditionally dominating caste (landlords or Gujjars). Because of her efforts, she gained the wrath of the family. Five guys are charged with gang raping her in her village while her husband was present as payback. She came across multiple instances of institutional failure. The first police station insulted and harassed her, even ordering her to remove her clothing in case it held proof. The doctors refused to properly examine her, the medical report was delayed, and timely forensic evidence was difficult to get (the vaginal swab was collected more than 48 hours after the requisite 24-hour period). The trial court cleared the defendants due to "insufficient evidence." Declaring that the evidence did not prove culpability, the Rajasthan High Court maintained the acquittal, characterising the incident as a "revenge rape" case. Following widespread outrage from NGOs, women's rights organizations, and activists, a Public Interest Litigation (PIL) was filed on behalf of "Vishaka," a women's rights group, along with other petitioners, against the State of Rajasthan and the Union of India.

##### **Issues Raised.**

1. In the PIL, the Supreme Court acknowledged that current civil and criminal legislation were insufficient to combat workplace sexual harassment.
2. Domestic laws that particularly addressed sexual harassment of working women did not exist.

3. The issue was whether courts may create rules in the interim while Parliament passed legislation.

#### **4.1 The Vishakha Judgment & Guidelines (1997)**

The Supreme Court, including Chief Justice Sujata V. Manohar and Justice B. N. Kirpal, rendered its judgement in *Vishakha & Ors. V. State of Rajasthan* in 1997. According to the Court's interpretation of Articles 14 (equality), 15 (non-discrimination), 19(1)(g) (right to continue one's profession), and 21 (right to life, including dignity), sexual harassment in the workplace is a breach of fundamental rights. In the lack of domestic legislation, the Court additionally interpreted the constitutional guarantee of gender equality and dignity by referring to international treaties and standards, such as CEDAW. Since Parliament had not yet passed legislation, the Court issued "Vishakha Guidelines" under Article 141 (the Supreme Court's rulings are binding law), which must be complied with until legislation is passed. Court defined sexual harassment as unwanted sexual behaviour that affects or is related to work, including verbal, nonverbal, physical, pornographic, and requests for sexual favours. Employers and institutions were required by the guidelines to establish preventive and redressal processes. Complaint committee or process Timesensitive protocols Maintaining confidentiality Protection of witnesses and complainants Display of the committee members' names and the penalties Sensitisation, awareness, and training Employers are accountable for discouraging harassment, including external harassment. state governments' cooperation in approving implementation strategies.<sup>3,5</sup>

This landmark judgment, rooted in women's rights and the rights to life and liberty, ensured that women could work freely in a safe and secure environment. In the aforementioned decision, the Court recognised the importance of women's active involvement in the workforce for the nation's progress. It has given women the confidence and resolve to come out against sexual harassment in the workplace. This set of rules aids in increasing awareness of women's rights that must be upheld

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<sup>3</sup> Rachit Garg, Case Behind the Development of the POSH Act of 2013, iPleaders (June 25, 2021), <sup>5</sup> Mohandas Poothiyil, Study of Vishakha Case and its Impact on Society, 3 INT'L J. ADVANCES ENG'G & MGMT. 536 (2021).

## **5. LEGAL FRAMEWORK**

### **5.1 Vishaka Guidelines**

In the landmark 1997 case *Vishaka and Others v. State of Rajasthan*, the Supreme Court of India introduced the Vishaka Guidelines, directing that they be followed until specific legislation addressing sexual harassment at the workplace was enacted. These guidelines are mainly divided into three sections

1. Employers' responsibility
2. Criminal Proceedings and Corrective Actions
3. Complaint Mechanism

The Guidelines were issued in line with Section 2(d) of the Protection of Human Rights Act, 1993, which defines "human rights."

They describe "sexual harassment" as any unwelcome act of a sexual nature, whether explicit or implied, including:

- a) Physical contact and advances,
- b) Demands or requests for sexual favors,
- c) Sexually suggestive remarks,
- d) Display of pornography, and
- e) Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature.

Such actions constitute sexual harassment when they occur in situations where the victim reasonably perceives that, in connection with her employment or work (whether paid, honorary, or voluntary, and in government, public, or private settings), the behavior is humiliating or poses a threat to her health and safety. It is considered discriminatory if the woman reasonably believes that opposing such conduct could negatively affect her employment prospects (such as recruitment or promotion) or create a hostile work environment. Adverse consequences may also arise if she refuses to comply or voices her objection<sup>4</sup>.

#### **5.1.1 Duty of Employers Under This Act.**

All employers should take the appropriate steps to stop sexual harassment, regardless of their inclination.

- I) Inform, Broadcast, Circulate: Sexual harassment in the workplace is prohibited.

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<sup>4</sup> Dr. D. Ramakrishnan, Sexual Harassment of Women at Workplaces: Legal Safeguards and Preventive Mechanisms in India, 6 IJRAR 1 (2019),

- II) Government and public body rules and regulations should include provisions for the prevention of sexual harassment and associated sanctions.
- III) For private companies, the Industrial Employment (Standing Orders) Act of 1940 should include provisions for preventing sexual harassment.
- IV) No unpleasant work environment: Offer relaxation, well-being, and cleanliness.
- V) No woman worker should face discrimination in her line of work.
- VI) The company should educate staff members on sexual harassment: Of course, explain the policies.<sup>5</sup>

### **5.1.2 Criminal Proceedings And Creative Actions**

- i) The employer must file a complaint under the IPC or another law in order to start the necessary action.
- ii) When handling the grievance, the employer should ensure the protection of the witnesses and victims.
- iii) The victim should be able to choose between requesting an offender transfer or transferring themselves.
- iv) In accordance with the service regulations, the employer should take appropriate disciplinary measures.

### **5.1.3 Complaint Mechanism**

- i) A complaint procedure for victim reimbursement ought to be established. Time-bound therapies ought to be verified.
- ii) The complaint system should consist of a complaints committee, a designated counselor, or a support organization, with strict adherence to confidentiality.
- iii) The committee should be led by a woman, and at least half of its members must be women.
- iv) To prevent undue influence, the complaints committee should involve an external party, such as an NGO or another organization knowledgeable about sexual harassment issues.
- v) Complainants and witnesses should not be treated differently or labeled as victims.
- vi) The complaints committee is required to submit an annual report to the relevant government department, summarizing the grievances received and the actions

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<sup>5</sup> Id

taken. vii) If the behavior constitutes a criminal offense under the Indian Penal Code or any other law, the employer must take legal action by filing a complaint with the appropriate authority. If the behavior falls under employment-related misconduct, the employer must initiate disciplinary proceedings in accordance with service rules <sup>6</sup>.

The Vishaka judgment brought the issue of workplace sexual harassment into national focus, highlighting a problem that had long been ignored. The first Supreme Court case to apply these principles was *Outfit Export Promotion Council v. A.K. Chopra* in 1999. In this case, the Court upheld the dismissal of a senior officer from the Delhi-based Apparel Export Promotion Council who had sexually harassed a female subordinate. Significantly, the ruling expanded the definition of sexual harassment, clarifying that physical contact is not required for behavior to be considered harassment.

## **5.2 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. (PoSH ACT)**

The Sexual Harassment at Workplace Bill was passed by the Lok Sabha on September 2, 2012. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act was passed in 2013. The primary aim of the Act is to advance gender equality and ensure a safe working environment for all employees. The Act is based on the Vishaka guidelines issued by the Supreme Court in the landmark case, with the purpose of preventing incidents of sexual harassment.

### **5.2.1 Key Features of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013<sup>7</sup>**

- ***Definition of Sexual Harassment (Section 2(n))***

The Act characterizes sexual harassment as any unwelcome sexual behavior, including physical advances or contact, demands for sexual favors, sexually charged remarks, exposure to pornography, or any verbal or non-verbal conduct with sexual undertones.

- ***Internal Complaints Committee (Section 4)***

Under Section 4, every employer is mandated to set up an Internal Complaints Committee (ICC) at each office or branch. In areas like calling and questioning witnesses, the ICC has the same authority as a civil court. A senior female employee

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<sup>6</sup> Id

<sup>7</sup> (ministry of Women & Child Development, 'Handbook on Sexual Harassment of Women at Workplace'.

appointed as the Presiding Officer must lead the committee.

- ***Local Complaints Committee (Section 6)***

Section 6 mandates that the District Officer establish a Local Complaints Committee (LCC). This authority deals with complaints from businesses in the unorganised sector or those with less than ten employees in order to safeguard women in all employment categories.

- ***Filing of Complaints (Section 9)***

Under Section 9, an aggrieved woman can file a written complaint of sexual harassment to the ICC or LCC within three months from the date of the incident. If she is unable to make a written complaint herself, the Presiding Officer or a committee member must assist her in preparing it.

The time limit may be extended under justified circumstances.

- ***Conciliation (Section 10)***

If the complainant desires it, Section 10 permits mediation prior to starting a formal investigation. A mutual resolution between the parties may be facilitated by the committee. However, once a settlement is achieved, no additional investigation is carried out, and financial settlement cannot serve as the foundation for conciliation. Complaint Investigation (Section 11)

As per Section 11, the ICC or LCC shall conduct an inquiry into the complaint if there is a *prima facie* case. Within seven days, the committee must submit the complaint to the police for registration under Section 509 of the Indian Penal Code or any other relevant law. Should the respondent fail to comply with the settlement terms outlined in Section 10, the committee is required to recommence the inquiry.

- ***Penalty for False or Malicious Complaints (Section 14)***

Section 14 provides that if any person files a false or malicious complaint, knowing it to be untrue, the ICC or LCC may recommend that the employer take disciplinary action against such a person.

However, mere inability to substantiate a complaint does not attract action under this section.

- ***Determination of Compensation (Section 15)***

Section 15 outlines the factors to be considered while determining compensation to the aggrieved woman. These include:

1. The emotional distress and mental trauma suffered.
2. The loss of professional opportunities due to harassment.

3. Medical expenses incurred for treatment.
  4. The financial condition of the respondent.
- ***Confidentiality and Prohibition of Publication (Section 16)***

This section strictly prohibits revealing the identity of the complainant, respondent, or witnesses. No information regarding the complaint, proceedings, or outcomes can be published or made public through media or any other means.
  - ***Duties of the Employer (Section 19)***

Section 19 imposes several responsibilities on employers:

    1. To ensure a safe and secure working environment.
    2. To conduct regular workshops and awareness programs about the Act.
    3. To provide all necessary resources to the ICC or LCC for handling cases effectively.
    4. To ensure attendance of the respondent and witnesses during proceedings.
    5. To support the complainant in filing a criminal case under the IPC or other applicable laws.
    6. To treat acts of sexual harassment as misconduct under service rules.
    7. To consider and act upon the findings and recommendations of the ICC.<sup>8</sup>

## **6. CRITICAL ANALYSIS OF THE MECHANISM REGARDING SEXUAL HARASSMENT OF WOMEN AT WORKPLACE IN INDIA**

This section critically examines the institutional procedures in place to handle sexual harassment of women in the workplace in India. The goal is to assess how successfully these processes work in practice, taking into account both organisational compliance and the realworld barriers. This assignment focusses on finding strengths, flaws, and systemic gaps, using research studies, reports, and empirical data. It seeks to highlight both the strong aspects of the current system, such as accountability structures and awareness programs, and the shortcomings and loopholes that impede successful implementation. Women experience when reporting and seeking restitution. As we already know that in India there is PoSH Act in place that is inspired from the Vishahaka guidelines which provide institutional mechanism to deal with the second attachment of women at workplace.

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<sup>8</sup> (Ministry of Women & Child Development, 'Handbook on Sexual Harassment of Women at Workplace

### **6.1 Strength of the mechanism.**

The institutional processes built in India to manage workplace sexual harassment demonstrate various strengths that contribute to women's safety and responsibility through POSH Act, E.g.

1. **Broad and Inclusive Definition of Sexual Harassment**

The Act clearly defines sexual harassment, covering both physical and non-physical behaviors. By recognizing a wide range of inappropriate conduct, it ensures that most forms of harassment in the workplace can be addressed effectively.

2. **Mandatory Internal Complaints Committees (ICCs)**

All workplaces with ten or more employees are required to set up ICCs. These committees act as formal bodies to handle complaints, guaranteeing that grievances are processed fairly and systematically.

3. **Structured Complaint and Redressal Procedures**

The Act specifies step-by-step procedures for reporting complaints, conducting investigations, and maintaining confidentiality. This organized process provides employees with a clear mechanism to raise concerns and seek justice.

4. **Protection from Retaliation**

Complainants and witnesses are safeguarded against retaliation under the Act. This provision encourages victims and observers to report harassment incidents without fear of negative consequences, building trust in the complaint process.

5. **Mandatory Awareness and Training Programs**

Organizations must conduct awareness initiatives and training sessions for employees. These programs educate staff on recognizing harassment, understanding their rights, and following proper reporting procedures, thereby promoting a respectful workplace culture.

6. **Wide Applicability**

The Act protects all women employees, regardless of age or employment sector, including public, private, and unorganized sectors. It also covers clients, customers, and domestic workers, making the legislation broadly inclusive.<sup>9</sup>

7. **Legal Compliance and Organizational Safeguard**

Compliance with the PoSH Act helps organizations avoid legal penalties and reputational damage. By implementing its provisions, companies demonstrate ethical responsibility while reducing the risk of workplace harassment-related litigation.

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<sup>9</sup> Vishal Kedia, Legal Benefits of a Robust PoSH Policy for Your Company, Complykaro (May 12, 2025)

8. Benefits from complying with the PoSH Act

KelpHR's 2018 'Effectiveness of Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013' survey<sup>1</sup> found that "77% "of organisations were fully compliant with the Act. According to the survey, the primary benefits of implementing the PoSH Act were that 10% of respondents believed attrition had decreased, "45%" found their workplaces safer, and " 91%" reported increased understanding of the Act.<sup>10</sup> These figures illustrate the benefits of complying with the PoSH Act.

9. Support from media and social media

The Mandated Act has produced a lot of noise in the business, and we thank the media for raising awareness about it. Employees with access to social media can promptly report or share any event. And this has been taken up by the media and made viral. As a result, a culture of zero tolerance for any sort of sexual harassment in the workplace has been established, which has helped to raise awareness about numerous incidents. The fear of social media/media has helped organisations deal with concerns with utmost sensitivity and seriousness.

10. She-Box

In addition to the Act, the Government of India has established the 'Sexual Harassment Electronic Box' (She-Box), which provides a 'single-window' for any female worker to lodge complaints about sexual harassment. Complaints filed to 'She-Box' are directed to the appropriate authorities for further action. Female workers who have been sexually harassed can use the She-Box to record their complaints. The PoSH Act and the She-Box have had a good influence on employees and the organisation by creating an environment that helps to eliminate sexual harassment of women in the workplace. Despite these benefits, institutional processes confront substantial obstacles and loopholes, limiting their efficacy in practice.<sup>11</sup>

## **6.2 Challenges and Loopholes in the Implementation of the POSH Act, 2013**

1. Limited Applicability in Small Organizations

Workplaces with fewer than ten employees are not required to establish Internal Complaints Committees (ICCs). As a result, employees in such environments often

<sup>10</sup> (ministry of Women & Child Development, 'Handbook on Sexual Harrasment of Women at Workplace

<sup>11</sup> Drishti IAS, She-Box Portal, <https://www.drishtiias.com/daily-updates/daily-news-analysis/she-box-portal> (last visited Oct. 14, 2025).

lack formal mechanisms to report grievances, leaving complaints unaddressed and a culture of impunity to persist.

2. Non-Compliance with Display and Awareness Requirements

Despite Section 19(b) mandating that organizations display ICC details and penalties for harassment, many workplaces fail to comply. Awareness initiatives and training programs about the Act are often infrequent or absent.<sup>12</sup>

3. Confusion in Educational Institutions

The Act's application in educational institutions can sometimes create misunderstandings, particularly when enforced under a gender-neutral policy. Complainants may be unsure about whom to approach within the ICC, as complaints must be submitted to the committee as a whole rather than directly to a specific member.

4. Restrictions on Anonymous Complaints

The prohibition on anonymous complaints under whistleblower policies increases fears of retaliation and social stigma, discouraging victims from reporting incidents.

5. Lack of Designated Oversight Bodies

Many districts do not have a designated officer or a central coordinating agency at the state or national level, creating obstacles in effectively supporting and protecting victims.<sup>15</sup>

6. Unclear Procedures for Administrative Functions

The Act does not clarify whether ICCs can meet for administrative purposes without a formal complaint, nor whether compensation can be provided to external members in such situations.<sup>13</sup>

Akanksha Singh, India's Compliance with International Frameworks on Workplace Sexual Violence: A Global Comparison and Policy Roadmap, IMPRI Impact and Policy Research Institute (Apr. 5, 2025)

7. Weak Enforcement Mechanisms

There is no central authority to monitor compliance or impose penalties consistently. The maximum fine of Rs. 50,000 may not be a strong enough deterrent, reducing organizational accountability.<sup>14</sup>

<sup>12</sup> Akanksha Singh, India's Compliance with International Frameworks on Workplace Sexual Violence: A Global Comparison and Policy Roadmap, IMPRI Impact and Policy Research Institute (Apr. 5, 2025)

<sup>13</sup> Id

<sup>14</sup> THORS Staff Writer, The Challenges in Implementing POSH Policy, THORS (Sept. 2024)

#### 8. Insufficient Training and Legal Awareness

ICC members often receive minimal training, and inconsistent legal interpretations create confusion, especially in small businesses and informal sectors, leaving victims unaware of their rights.

#### 9. Cultural and Social Barriers

Societal norms and workplace culture often downplay harassment, discouraging victims from speaking out and sometimes blaming them for incidents.

#### 10. Neglect of Systemic Issues

The Act focuses primarily on individual cases, often overlooking broader systemic problems like workplace power imbalances and toxic organizational culture.

#### 11. Inconsistent ICC Functioning

Local Committees in smaller workplaces often lack resources and expertise. Internal conflicts may arise when high-profile individuals are involved, and varied procedures across ICCs can lead to inconsistent outcomes.<sup>15</sup>

#### 12. Confidentiality Concerns

Violating confidentiality can put both the complainant and the accused at risk, creating a hostile environment and further discouraging individuals from reporting incidents.

#### 13. Administrative and Procedural Ambiguities

- Employers frequently neglect responsibilities such as setting up ICCs, conducting awareness programs, and submitting compliance reports.
- There is uncertainty about whether a single external member is allowed to serve on multiple committees
- Rule 7 of the POSH Rules, 2013, requires six copies of complaints, which is impractical.
- The Act does not clarify which ICC member records statements or if assistance (stenographer/computer operator) is permissible.
- Deadlines for reports or responses are not flexible, and there are no guidelines for integrating POSH training in police academies.

The Act does not include provisions for resource personnel to provide training to employees, employers, or ICC members.

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<sup>15</sup> Vishal Kedia, Common Challenges in PoSH Inquiries and Solutions for Internal Committee, Complykaro (Apr. 29, 2025),

## 7. INTERNATIONAL PERSPECTIVE

India is among the few countries worldwide that have enacted specific legislation addressing sexual harassment in the workplace, particularly aimed at protecting women employees.

Reports from international bodies like UN Women, the International Labour Organization (ILO), and the World Bank's Women, Business and the Law project indicate that around 140 countries have enacted legislation to prevent workplace harassment. However, around 50 countries either lack dedicated legislation or provide insufficient protection, reflecting a global disparity in safeguarding employees' rights. Despite its significance, the PoSH Act primarily focuses on addressing individual complaints and does not adequately confront broader, systemic discrimination issues within workplaces. In contrast, international frameworks frequently incorporate external oversight bodies tasked with monitoring, evaluation, and enforcement for monitoring compliance and managing appeals, thereby reducing potential conflicts of interest that can arise from entirely internal processes. This highlights a critical limitation of the PoSH Act, as underlying patterns of gender discrimination may persist even when individual complaints are addressed. A comparative examination of global practices further underscores these shortcomings. Countries such as Canada and Sweden have adopted more comprehensive approaches to workplace harassment that go beyond addressing isolated incidents. Canada, through its Occupational Health and Safety Act, addresses sexual harassment alongside broader concerns like gender discrimination and workplace bullying. The Act obligates employers to create a safe working environment through mandatory training, preventive measures, and compliance audits, reinforcing their responsibility for employee safety. Similarly, By mandating that organisations notify outside authorities of harassment incidents, Sweden places a strong emphasis on accountability and prevention. In order to prioritise victims' psychological and emotional well-being and to encourage people to disclose occurrences without fear of reprisal, its framework also includes rehabilitation and counselling for victims. Sweden creates a strong support structure that handles both urgent complaints and the more general systemic issues related to workplace harassment by combining these approaches.<sup>16</sup>

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<sup>16</sup> Hoel, H. And Einarsen, S., 2010. Shortcomings of antibullying regulations: The case of Sweden. *European Journal of Work and Organizational Psychology*, 19(1), pp.30–50.

## 8. SUGGESTION / WAY FORWARD

1. **Inclusion of Informal Sector Workers**  
Extend POSH Act protections to cover informal sector employees, including domestic workers, agricultural laborers, and daily wage earners, ensuring all women have access to safe workplaces.
2. **Strengthening Local Committees (LCs)**  
Enhance the capacity of Local Committees through better training, adequate funding, and regular audits to improve accountability and efficiency in handling harassment cases.
3. **Simplifying Complaint Procedures**  
Make the complaint process more accessible by allowing anonymous reporting and implementing whistleblower mechanisms to reduce fear of retaliation.
4. **Enhanced Awareness and Sensitization Programs**  
Mandate regular awareness campaigns and workshops to educate employees on sexual harassment, rights, and reporting mechanisms within both Internal and Local Committees.
5. **Intersectional Provisions**  
Design comprehensive and evidence-based guidelines to systematically address the structural and social barriers experienced by marginalized populations, including LGBTQ+ individuals and women from minority or caste-oppressed communities, with the objective of promoting equitable and inclusive participation in all professional and organizational settings.
6. **Mandatory Training for ICC Members**  
Provide continuous training emphasizing gender sensitivity, empathy, unbiased investigations, and confidentiality, including the involvement of external experts for objectivity.
7. **Clear Guidelines for Remote Work**  
Update the Act to address harassment in virtual environments, ensuring complaints in remote or work-from-home settings are properly managed.
8. **Stricter Penalties for Non-Compliance**  
Impose stronger sanctions on organizations that fail to establish ICCs, conduct awareness programs, or submit required reports, enhancing accountability.
9. **Support Systems for Victims**  
Establish counseling services, legal aid, and other support mechanisms to assist victims

during the reporting and investigation process.

10. Centralized Monitoring Authority

Create a dedicated central regulatory body to monitor compliance, oversee complaints, and enforce penalties, ensuring uniform implementation across sectors.

11. Address Systemic Gender Discrimination

Incorporate provisions to tackle broader systemic issues in workplaces, fostering a fairer environment beyond addressing individual harassment cases.

12. Standardized Protocols and Technology Integration

Introduce clear timelines, transparent reporting mechanisms, and use technology (e.g., mobile apps, helplines) to educate employees, facilitate complaints, and monitor committee operations.

13. Judiciary Inclusion and Clarifications

Amend the Act to cover higher judiciary employees, clarifying that respondents cannot be part of ICCs or appeal processes to avoid conflicts of interest.

14. Protection and Anonymity Measures

Ensure confidentiality for complainants, prevent retaliation, and penalize employers or individuals who intimidate or victimize complainants during investigations.

## 9. CONCLUSION

The approach to addressing sexual harassment of women at work in India has progressed significantly, starting with the landmark Vishaka Guidelines and leading to the implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act). These measures established a formal system for reporting, investigating, and resolving complaints, thereby protecting women's fundamental rights to equality, dignity, and a secure workplace. The formation of Internal Complaints Committees, Local Complaints Committees, and programs such as She-Box have increased accountability and encouraged reporting of harassment events. However, the practical efficiency of these processes is limited due to problems such as inadequate implementation in small organisations, inconsistent committee member training, procedural ambiguities, and existing social and cultural impediments. The Act primarily targets individual complaints, but systemic concerns such as gender discrimination, workplace power imbalances, and toxic organisational culture continue to exist. Comparative analysis with foreign frameworks, such as those in Canada and Sweden, demonstrates the importance of external oversight, broader

preventive measures, and victim support systems. To close the gap between law and reality, it is critical to improve awareness campaigns, simplify complaint procedures, expand protections for informal sector workers, and establish centralised monitoring authorities. By addressing both individual grievances and systemic workplace injustices, India can make workplaces safer, more inclusive, and equitable for women. Finally, the POSH Act, when paired with aggressive institutional implementation and societal support, has the potential to change workplaces into environments where women can contribute completely and confidently, free of harassment and discrimination.

## **Bibliography**

### **I. Acts, Laws, and Legal Cases**

1. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Government of India.
2. The Constitution of India, Articles 14, 15, 19(1)(g), and 21.
3. The Indian Penal Code, 1860 — Sections 354A, 354B, 354C, and 509
4. Vishaka & Ors. V. State of Rajasthan, AIR 1997 SC 3011.
5. Apparel Export Promotion Council v. A.K. Chopra, AIR 1999 SC 625.
6. Protection of Human Rights Act, 1993. Government of India.
7. Industrial Employment (Standing Orders) Act, 1946. Government of India.
8. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), United Nations, 1979.

### **II. Books and Journals**

1. Thengadi, D. (n.d.). Sexual Harassment at Workplace. National Board for Workers Education & Development, Ministry of Labour & Employment, Government of India.
2. Poothiyil, M. (2021). Study of Vishakha case and its impact on society. International Journal of Advances in Engineering & Management, 3(4), 536–540.
3. Ramakrishnan, D. (2019). Sexual harassment of women at workplaces: Legal safeguards and preventive mechanisms in India. International Journal of Research and Analytical Reviews, 6(1).

4. Hoel, H., & Einarsen, S. (2010). Shortcomings of anti-bullying regulations: The case of Sweden. *European Journal of Work and Organizational Psychology*, 19(1), 30–50. <https://doi.org/10.1080/13594320802651429>
5. Patel, V. (2003, October). A brief history of the battle against sexual harassment at the workplace. ResearchGate. [https://www.researchgate.net/publication/265488467\\_A\\_brief](https://www.researchgate.net/publication/265488467_A_brief)
6. Ministry of Women & Child Development. (n.d.). Handbook on sexual harassment of women at workplace. Government of India.
7. KelpHR. (2018). Effectiveness of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013: Industry Report 2018. KelpHR.

### III. Online Articles and Websites

1. Wahab, M. I. (2025, October 17). The POSH Act: A critical analysis of its limitations and impact. Legal Service India. <https://www.legalserviceindia.com/legal/article-19175-theposh-act-a-critical-analysis-of-its-limitations-and-impact.html>
2. Garg, R. (2021, June 25). Case behind the development of the POSH Act of 2013. iPleaders.
3. Warriar, S. (2024, April 7). One of India's first protests on sexual harassment at the workplace erupted on April 14, 1920, in a Madurai cotton mill. Hindustan Times.
4. Kedia, V. (2025, May 12). Legal benefits of a robust PoSH policy for your company. Complykaro.
5. Kedia, V. (2025, April 29). Common challenges in PoSH inquiries and solutions for internal committees. Complykaro.
6. Singh, A. (2025, April 5). India's compliance with international frameworks on workplace sexual violence: A global comparison and policy roadmap. IMPRI Impact and Policy Research Institute.
7. THORS Staff Writer. (2024, September). The challenges in implementing PoSH policy. THORS.
8. Drishti IAS. (2025, October 14). She-Box portal. <https://www.drishtiias.com/dailyupdates/daily-news-analysis/she-box-portal>

### IV. Government and Institutional Reports

1. Ministry of Women & Child Development, Government of India. (2018). Handbook on Sexual Harassment of Women at Workplace.
2. KelpHR. (2018). Industry Report on Effectiveness of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
3. United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). (2022). Global Report on Workplace Equality.
4. International Labour Organization (ILO). (2021). Guidelines on workplace violence and harassment
5. World Bank. (2023). Women, Business and the Law 2023 Report.