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THE COMPLIANCE–CULTURE DIVIDE: GENDER SENSITIZATION AFTER THE POSH ACT IN DELHI NCR

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Abstract

India's commitment to promoting dignity and equality in professional settings reached a critical milestone with the implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) legislation, 2013. This legislation was passed in 2013. Through the establishment of Internal Complaints Committees (ICCs) and required sensitisation responsibilities, the legislation institutionalised preventative and redressal processes. These mechanisms emerged as a result of constitutional mandates and judicial interventions, including the landmark judgement in Vishaka v. State of Rajasthan (1997). However, despite the fact that it has been in effect for more than a decade, an important issue still remains: has compliance successfully translated into cultural transformation? The "compliance–culture divide" is investigated in this article with regard to gender sensitisation procedures that are carried out by organisations in the public and private sectors in the Delhi National Capital Region (NCR). The paper contends that although there has been an improvement in the formal adherence to legislative standards, such as the construction of ICCs, yearly reporting, and awareness seminars, the substantive gender-sensitive culture in the workplace continues to be inconsistent and sometimes shallow. The research demonstrates how compliance is typically used as a risk management strategy rather than an ethical commitment to equality. It does this by drawing on doctrinal analysis, judicial trends, organisational governance frameworks, and industry comparisons. The essay delves deeper into the structural distinctions that exist between bureaucratic governmental institutions and corporate entities. It demonstrates that private organisations frequently have a higher level of procedural compliance, but they may also reproduce informal power systems that discourage reporting. On the other hand, institutions that are part of the public sector may have bureaucratic inertia and restricted oversight, which can hinder the accomplishment of successful implementation. In the conclusion, the essay argues that real gender sensitisation necessitates going beyond the concept of check-box compliance and instead incorporating equality into the organisational culture, leadership responsibility, and employee engagement frameworks. Not only is it

necessary to bridge this division in order to achieve legal compliance, but it is also necessary in order to fulfil the transformational constitutional promise of dignity in the workplace.

Keywords: Internal Complaints Committees, POSH, preventative and redressal processes, Compliance, Culture and Organisational governance

Introduction to the topic

Respect for dignity in the workplace is not only a need for employment; rather, it is a fundamental entitlement. The path that the Indian legal system has taken to protect women from sexual harassment in the workplace is an example of a progressive junction of constitutional morality, judicial activism, and legislative codification.¹ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hence referred to as the "POSH Act") was enacted with the intention of not only providing avenues for redressal, but also fostering preventative gender sensitisation throughout institutions.²

A decade and a half later, organisations all around the Delhi National Capital Region (NCR) mostly exhibit evident compliance: ICCs, which stand for internal complaints committees, are established, yearly reports are submitted, and awareness seminars are held on a regular basis. In spite of this, there is a serious problem that lurks underlying these formal structures: To what extent has legislative compliance actually translated into cultural transformation? The compliance–culture split is investigated in this essay, with a specific focus on organisations in the public and commercial sectors located in Delhi National Capital Region. It contends that even while compliance measures appear to be good on paper, the atmosphere of a gender-sensitive workplace frequently continues to be fragmented, theatrical, or hierarchical.

Foundations based on Constitutional Provisions

The legal structure of the POSH framework³ is not a singular statutory invention; rather, it is the conclusion of constitutional protections, international obligations, and the creative contributions of the judiciary.

¹ Nigam, S. (2020). *Women and Domestic Violence Law in India: A Quest for Justice*. Routledge India.

² Bhuvneshwar Singh & P. Singh. (2025). *Commentary on Sexual Harassment of Women at Workplace Act, 2013 (with Rules)*. New Delhi.

³ Kumar, H. L. (2025). *Sexual Harassment of Women at Workplace: Commentary and Digested Judgments* (5th ed.). New Delhi: Law & Justice.

On a fundamental level, sexual harassment in the workplace constitutes a breach of constitutional rights. When it comes to the interpretation of Articles 14, 15, 19(1)(g), and 21, the Supreme Court has consistently construed them as ensuring not just formal equality but also substantive equality.

While Article 14 requires that all people be treated equally before the law, Article 15 makes it illegal to discriminate on the basis of gender. Specifically, the freedom to practise any profession is safeguarded by Article 19(1)(g), and Article 21 has been construed in a broad sense to encompass the concepts of dignity, privacy, and safe working conditions also.⁴

Every one of these four protections is concurrently undermined by sexual harassment:⁵

- A. It is a denial of participatory equality.
- B. It establishes restrictions that are discriminatory.
- C. It limits the independence afforded to professionals.

Both dignity and bodily autonomy are undermined as a result. Because of this, harassment in the workplace is not a private complaint but rather a harm to the constitution.

There are few International legislation and provisions that are important to be discussed here:

A considerable amount of court reasoning was inspired by India's commitments under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). There have been other instances in which the Supreme Court has relied on international treaties in areas where local legislation was lacking.⁶

For the purpose of formulating guidelines in the absence of statute legislation, the Supreme Court of India, in the case *Vishaka v. State of Rajasthan*,⁷ specifically relied on the principles of CEDAW. This was a paradigm-shifting event in the development of constitutional law in India, since it was the moment when international standards were brought into harmony with basic rights.

⁴ Constitution of India. (1950). Articles 14, 15, 19(1)(g), & 21.

⁵ Barelaw. (2024, September 17). *Understanding POSH*. Retrieved from <https://www.barelaw.in/understanding-posh/>

⁶ United Nations. (1979). *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*. United Nations.

⁷ *Vishakha & Ors. v. State of Rajasthan*, AIR 1997 SC 3011 (India).

The Vishaka Guidelines required the following:

- a. Precautionary measures
- b. Complaint filing procedures
- c. The programs of awareness
- d. Accountability of the employer

Prior to the implementation of these rules by the legislative body in 2013,⁸ they served as legally enforceable policies.⁹

The paperwork required for compliance is often very thorough in Delhi National Capital Region, particularly among major private enterprises. Within the parameters of ESG (environmental, social, and governance), POSH reporting is incorporated by a significant number of multinational corporations. Organisations that are part of the public sector and government agencies are likewise considered to be ICCs; however, the level of procedural rigour and documentation varies.¹⁰

Compliance, on the other hand, is frequently understood to also include risk reduction. One of the goals of organisations is to avoid incurring financial fines, lawsuits, or harm to their reputation. Because of this risk-averse framing, gender sensitisation may be reduced to a checklist exercise, which is not the intended result.

Conceptualizing Workplace Culture

The informal norms, leadership attitudes, power structures, and employee perceptions of safety are all items that are reflected in the culture of an organization. Gender sensitisation cannot be limited to yearly training; rather, it demands ongoing participation from all parties involved.

Reporting systems are present in many organisations, particularly hierarchical institutions; nevertheless, psychological safety is not yet present in these settings. Retaliation, career stagnation, or subtle exclusion are all things that employees can be afraid about. In spite of official equality, bias may be perpetuated through informal networks, which are frequently controlled by men.

⁸ Government of India. (2013). *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. New Delhi: Government of India.

⁹ Government of India. (2013). *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013*. New Delhi: Government of India.

¹⁰ *Apparel Export Promotion Council v. A.K. Chopra*, (1999) 1 SCC 759 (India).

Consequently, the compliance–culture split manifests itself when:

- a. It is believed that ICCs are managed by management, despite their existence.
- b. However, the workshops are performed in a frivolous manner.
- c. Displaying policies does not mean that they are internalised.

In order to achieve genuine cultural transformation, it is not enough to just construct processes; attitudes must also be altered.

The analysis of Delhi NCR

One of the most diversified job ecosystems in India is found in the Delhi National Capital Region (NCR), which includes the cities of Delhi, Gurugram, Noida, Faridabad, and Ghaziabad. There are multinational enterprises, start-ups, public sector undertakings, educational institutions, and unofficial employment clusters that are included in this category. Because of its wealth of diversity, it is an excellent location for comparative analysis.¹¹

Compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is routinely included into larger corporate governance frameworks in the private sector, notably inside corporate centers such as Gurugram and Noida. This is especially the case in the private sector. POSH compliance is aligned with environmental, social, and governance (ESG) measures, internal audit systems, and board-level reporting frameworks in many big firms. The establishment of separate Human Resources departments and legal teams makes it possible to record the formation of the Internal Complaints Committee (ICC), as well as training modules and inquiry deadlines, in a more systematic manner. Therefore, on paper, it seems that there is a high level of procedural compliance.¹² That being said, the management of reputation, the expectations of investors, and the reduction of litigation risk are frequently the driving forces behind this compliance. There is a possibility that complaints may be seen as organisational burdens rather than indicators of systemic inequity. When there are circumstances like these, gender sensitisation runs the risk of becoming a tool for risk management rather than an ethical commitment to equality.

When compared to corporate governance models, public sector organisations and government

¹¹ Bhatt & Joshi Associates. (n.d.). *Sexual Harassment at Workplace: Legal Framework and Judicial Interpretation in India*. Retrieved from <https://bhattandjoshiassociates.com/delhi-hc-on-sexual-harassment-at-workplace/>

¹² Bansal, R. (2023). *Understanding the POSH Act and Corporate India's Response*. *National Law Review*, 14, 66–79.

agencies function inside bureaucratic hierarchies that are structurally distinct from those of corporations. Administrative culture may have an effect on the operation of international criminal courts (ICCs), despite the fact that ICCs are normally established in compliance with legislative standards. The continuity of committees and their perceived independence can be negatively impacted by a number of factors, including the transfer of officials, strict seniority systems, and procedural formality. Despite the fact that the legislation requires preventative measures, the process of sensitisation in public institutions is frequently dependent on the initiative of individual departments rather than on institutionalised monitoring.¹³ The fact that public agencies are not subject to investor scrutiny or pressures generated by brands, in contrast to private firms, might lead to a reduction in the amount of external incentives that are available for strong compliance. At the same time, public institutions could reap the benefits of increased job security for those who file complaints, which might reduce the likelihood of certain types of retaliatory activity. The end consequence is not uniform inefficiency but rather variety, which occurs when there is regulatory compliance but cultural involvement is still different in different places.

A particularly striking example of the gap between compliance and culture is provided by the operation of internal complaints committees. ICCs are procedurally well-constituted in many private organisations, and they may include external members who come from backgrounds in the legal or non-governmental organization fields. A careful attention is paid to the documentation, and enquiries are frequently resolved within the timeframes stipulated by the statute. Nevertheless, the legitimacy of such committees is not just dependent on their formal makeup; rather, it is also dependent on their perceived independence. Employees may be hesitant to contact the mechanism in situations where top management figures have an indirect effect on the outcomes or if informal pressures urge "internal resolution." The protection of complainants, on the one hand, and the concealment of institutional accountability, on the other, are instances in which confidentiality, although being legally compelled, can occasionally work in an unclear manner.¹⁴

When it comes to public institutions, ICCs could encounter a variety of obstacles. As a result of the fact that committee members frequently serve in addition to their usual administrative

¹³ Choudhry, K., & Ranjan, R. (2022). *Workplace Harassment Laws in India: Challenges and Future*. *Indian Journal of Gender Law & Policy*, 5, 44–65.

¹⁴ Roselin, V. N., & Rao, B. S. (2024). *Laws, Challenges, Solutions Related to Workplace Sexual Harassment in India*. *ShodhKosh Journal of Visual and Performing Arts*, 5(1).

obligations, specialisation and training opportunities are restricted. There is a possibility that sensitivity will be overshadowed by procedural rigidity, and that lower-level workers may have little knowledge. In addition, the culture of bureaucracy sometimes places a higher value on the reputation of the organization than on the remedy they provide to individuals, which implicitly discourages formal complaints. On the other hand, in contrast to high-performance corporate environments, career advancement in public service may not be directly linked to management discretion. This might, in some circumstances, lessen the likelihood of overt retribution.¹⁵

Psychological safety is the most major obstacle to cultural transition across both sectors, and it is the one that is most relevant outside institutional design. Although there are methods for filing complaints, this does not always mean that they will be used. Unreported incidents continue to be widespread. It's possible that employees are concerned about damages to their reputation, professional isolation, or subtle kinds of exclusion. Within the context of business environments, complaints may be stifled due to worries over performance evaluations and career development. A comparable deterrent effect may be produced by apprehensions regarding administrative transfers or social stigma in institutions that are classified as public sector entities. Consequently, in spite of the fact that compliance structures are readily apparent, the culture of the workplace may continue to generate informal hierarchies that prevent reporting.

It is common for gender sensitisation programs to show the symbolic character of compliance without any more explanation. Annual workshops, online courses, and leadership briefings are all activities that are frequently carried out in a great number of private organisations. On the other hand, well-established prejudices are seldom dismantled by standardised presentations that are offered once a year. The process of sensitisation in public institutions may be event-driven, meaning that it is organised around particular dates or administrative circulars, but it does not involve persistent participation. When it comes to both industries, training that becomes ritualistic is not successful in reshaping the culture of the firm.¹⁶

This research is made much more complicated by the backdrop of Delhi and the National

¹⁵ Negi, B. D., & Chauhan, R. (2025). *Evaluating the Impact of the POSH Act on Workplace Culture: A Case Study of Corporate Organizations in India*. *Indian Journal of Legal Review*, 5(3), 39–44.

¹⁶ Singh, S., & Verma, P. (2025). *The Prevention of Sexual Harassment (POSH) Law in India: An Overview*. *International Journal of Law and Legal Research*.

Capital Region. It is impossible to separate the culture of an organization from the views of the larger society in this region, which is characterised by the emergence of global corporations amid firmly ingrained patriarchal social standards. The intersection of gender hierarchies that are influenced by caste, class, and regional identities with power systems in the workplace occurred. As a consequence of this, just complying with legislative demands does not necessarily result in substantive equality. In order to successfully alter a culture, it is necessary to have a long-term commitment from the leadership, transparent disciplinary action, protection against retribution, and the incorporation of gender sensitivity into the practise of everyday management.

Therefore, the compliance–culture split is not just a distinction between the public and private sectors; rather, it is a structural conflict between the law as a mandate and culture as an experience that is lived. It is not possible for legislative compliance to bring about normative change on its own, despite the fact that it does build the essential institutional framework. The National Capital Region (NCR) of Delhi indicates that some organisations are able to successfully operationalise formal requirements while at the same time striving to foster settings that are trustworthy, respectful, and truly equitable for women. In order to bridge this difference, it is necessary to go beyond merely adhering to predetermined procedures and instead include equality into the very essence of the business.

Judicial Oversight and Enforcement Challenges

The POSH Act (2013) creates a thorough legal framework for the prevention and resolution of workplace sexual harassment, while court participation has been essential in elucidating, enhancing, and enforcing its provisions. Judicial bodies persist in defining the extent of rights under the Act and the procedural responsibilities of employers, so underscoring ongoing enforcement difficulties that expose the underlying complexities of the compliance–culture dichotomy.

The Supreme Court has offered essential clarity about the jurisdictional extent of Internal Complaints Committees (ICCs). In *Sohail Malik v. Union of India*,¹⁷ the Court determined that an Internal Complaints Committee established in the workplace of the aggrieved lady had the authority to investigate a complaint, even if the respondent is engaged in a separate workplace

¹⁷ *Sohail Malik v. Union of India*, (2025) (India Supreme Court decision on ICC jurisdiction).

or department. The Court underscored that the broad definitions of “workplace,” “employer,” and “employee” under Sections 2(g), 2(f), and 2(o) of the Act aim to eliminate jurisdictional gaps and guarantee that complaints are considered comprehensively rather than restrictively. This interpretation strengthens the remedial intent of the Act and safeguards against technological constraints obstructing access to justice under POSH.

Similarly, in order to increase enforcement, the jurisprudence of the Delhi High Court has placed an emphasis on a purposive interpretation of the act. According to a Division Bench's ruling in *Nothing in PoSH Act Limits Scope Only to Cases Where Woman Employee Is Sexually Harassed by Another Employee of Same Office*, the Act's reach extends beyond situations where the harasser is employed by the same office or department. The constitutional requirement for discrimination-free workplaces is reflected in the fact that the Act continues to include harassment that transcends organisational or departmental borders. The awareness by the Supreme Court and the High Court that the statute's protective aim might be undermined by bureaucratic or technical interpretations is emphasised by this line of argument.

Procedural protections and the honesty of investigation procedures are another important part of judicial oversight. The Delhi High Court has ruled time and time again that the proceedings should not be nullified simply because an ICC does not finish its investigation within the legally mandated 90 days. The need of dealing with workplace harassment seriously was highlighted in the case of *Delhi High Court v. Internal Complaints Committee Inquiry Case*, where the Court emphasised that complaints should be investigated thoroughly with a focus on outcomes rather than being dismissed due to procedural time constraints alone.

Concerns regarding enforcement can arise in situations in which institutional authorities delay or avoid complying with regulations. The Delhi High Court took action in the case of *WP(C) 4063/2023*, in which a petitioner claimed that her employer had failed to establish an ICC despite the fact that the petitioner had filed a formal complaint and received a prior directive from the Court to take action. In addition to reiterating that the enforcement of statutory rights cannot be subjected to administrative indifference, the Court instructed the District Magistrate to ensure that the Committee be constituted without any further delay.¹⁸

¹⁸ *Shanta Kumar v. Council of Scientific and Industrial Research & Ors.*, W.P.(C) 7591/2014 (Delhi High Court, 2017).

In addition to providing clarity on legal procedures, particular instances from decisions made by the Delhi High Court highlight how the court is bridging gaps in enforcement mechanisms. The High Court affirmed a disciplinary penalty that was issued based on an International Criminal Court's decision that a university professor participated in sexual harassment via digital communication. The case was titled "High Court Upholds DU Prof's Removal After Findings in Assault Case." In the judgement, it was emphasised that the workplace encompasses not only physical offices but also virtual spaces, which are nonetheless places where professional authority and power imbalances continue to exist. This served to reinforce the expansive protective scope of the Act.¹⁹

The participation of the judiciary has not been restricted to the interpretation of technical matters; rather, it has also addressed institutional opposition to compliance and brought attention to the cultural aspects of enforcement. Disciplinary authorities may have alternative avenues for appeal or review under service rules, as indicated in Full Court as Disciplinary Authority Not Bound by ICC Report. For instance, courts have emphasised the principle that ICC reports are guiding instruments rather than final adjudicative mandates. This is especially true in situations where disciplinary authorities may have those alternative avenues. In this way, strict assumptions that a procedural conclusion under the POSH framework inherently dictates all subsequent employment repercussions are prevented, but at the same time the fundamental right to an impartial investigation is preserved.

These comments from the judiciary are reflective of bigger reality. There is a constant need for judicial monitoring, which demonstrates that legislative compliance, such as the establishment of an International Criminal judicial (ICC) or the holding of trainings, does not necessarily result in substantive and timely justice for those who have filed complaints. Therefore, courts act as corrective mechanisms in situations when institutional indifference, procedural infirmities, or restrictive legal interpretations have the potential to water down the meaning of the Act. However, judicial interventions themselves also highlight the compliance–culture split. Although legal duties may be obvious, cultural opposition inside organisations, bureaucratic slowness, and administrative reluctance frequently necessitate the involvement of the judiciary in order to achieve meaningful enforcement.

¹⁹ *HC Upholds DU Prof's Removal After Sexual Harassment Findings*, Delhi High Court (2025).

Indeed, the law as it is written and the law as it is practiced are fundamentally different in a variety of ways.²⁰ The interpretative boundaries and enforcement requirements of the POSH Act have been gradually sharpened as a result of court scrutiny; yet, these judicial efforts have also shown persisting gaps between compliance on paper and actual gender-sensitive culture in workplaces. For any full evaluation of the statute's impact in the context of Delhi National Capital Region (NCR), it is vital to have a solid understanding of this dynamic. This evaluation should not be viewed as solely an exercise in theory, but rather as an engagement with the reality of the workplace.

Conclusion and Way Forward

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, which was passed into law in 2013, was a significant shift in India's commitment to ensuring that women are treated with decency and equality in professional settings. The act, which had its origins in constitutional protections and was developed by judicial vision, most notably in the case of *Vishaka v. State of Rajasthan*, aimed to not only give redressal but also to institutionalise prevention through gender sensitisation and structural responsibility. In spite of this, the experience of organisations located around the Delhi National Capital Region suggests a complicated and unequal trajectory more than a decade after it was enacted. Despite the fact that formal compliance has improved, as demonstrated by the establishment of Internal Complaints Committees, yearly reporting, and organised awareness programs, the more profound goal of cultural reform has not yet been fully realised.

A fundamental contradiction exists between law as a mandate and equality as an experience that is lived. This tension is reflected in the compliance–culture split. Statutory obligations have the ability to push organisations to adopt processes; yet, these mechanisms cannot, on their own, transform entrenched hierarchies, informal power networks, or gendered preconceptions that are inherent into workplace structures.²¹ When it comes to organisations in both the public and commercial sectors, compliance is frequently used as a protective barrier against liability or reputational risk rather than as an explicit ethical commitment to gender equity. As a consequence of this, the availability of policies does not necessarily equate to psychological safety, and the provision of complaint channels does not necessarily guarantee that they will be utilised.

²⁰ Jain, A. (2016). *Own It: Leadership Lessons from Women Who Do*. HarperCollins.

²¹ Nigam, S. (2020). *Women and Domestic Violence Law in India: A Quest for Justice*. Routledge India.

To bridge this difference, it is necessary to move beyond the concept of procedural minimalism and rather focus on genuine institutional transformation. When it comes to gender sensitisation, the first step is to rethink it as an ongoing organisational activity rather than a periodic compliance effort. It is vital to provide training that is both context-specific and ongoing, and that includes leadership in addition to employees, in order to normalise accountability at all levels of the hierarchy. Second, in order to guarantee the integrity of the procedures, it is necessary to increase the independence and credibility of the Internal Complaints Committees by providing members with standardised training, adopting transparent appointment procedures, and conducting frequent external audits. Third, organisations should use gender climate surveys and anonymous feedback mechanisms in order to evaluate cultural views of safety. This will allow them to supplement official compliance metrics with data gathered from actual experiences.²²

In addition, responsibility should be extended to top management and governing boards, and performance evaluation systems should incorporate gender equity indicators. It is possible that implementation might be strengthened in the public sector through the deployment of clearer monitoring procedures by District Officers and greater inter-departmental oversight. When it comes to the private sector, the incorporation of POSH compliance into ESG and corporate governance reporting must to be complemented by true openness rather than symbolic disclosure. Importantly, rights against retribution need to be strictly maintained in order to promote reporting without the risk of being hurt professionally.²³

At the end of the day, the revolutionary potential of the POSH framework is not only in the prevention of misbehaviour; rather, it is in the proactive nurturing of dignified and inclusive workplaces. Following the provision of the framework by the legislation, it is now the responsibility of the institutions to bring it to life with sincerity. Although the transition from compliance to culture is not simple nor instantaneous, it is absolutely necessary in order to bring the constitutional goal of equality in the workplace into material existence. In order to really bridge the gap between compliance and culture, it is necessary for gender sensitisation to become ingrained within the identity of the company, rather than being attached as a legislative duty.

²² Mondal, J. (2025). *Sexual Harassment at the Workplace: Analysing the Implementation of the POSH Act, 2013*. *WISDOM Journal*, 1(1), 32–37.

²³ Government of India. (2013). *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. New Delhi: Government of India.