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## **A CRITICAL ANALYSIS OF INTEGRATING THE POSH ACT INTO THE VISION FOR INCLUSIVE DEVELOPMENT**

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### **ABSTRACT:**

The assurance of a safe and dignified workplace is essential not only for individual well-being but also for promoting inclusive economic growth and social advancement. This paper situates workplace harassment within the broader developmental discourse, arguing that effective legal safeguards, such as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act)<sup>1</sup>, are indispensable for achieving equal labour participation, especially for women and other marginalised communities.

Despite being a progressive legislation, there exists a visible gap in implementing the POSH Act, which is of utmost importance considering its objective of being a beneficial legislation. This research paper evaluates how these gaps undermine both access to justice and the larger goal of gender-equitable economic development. Further, this paper asserts that addressing gender-based violence in the workplace is not only a legal or ethical responsibility but a fundamental requirement for long-term national development. It explores how legal reform and workplace progress can combine to build a safer and more inclusive professional environment. It acknowledges the importance of expanding protections to cover diverse gender identities and strengthening preventive efforts at all levels.

The paper concludes that ensuring freedom from workplace harassment is vital to India's developmental vision and must be central to both legal reforms and economic policy planning.

***Keywords: POSH Act, Workplace safety, Gender justice, Inclusive development, Labour law***

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<sup>1</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, INDIA CODE (2013).

## **INTRODUCTION:**

The right to a safe and dignified workplace is an essential aspect of the right to life and personal liberty under Article 21 of the Constitution of India. Patriarchal structures and deep-rooted social barriers have historically limited women's ability to participate freely in public life. Even today, many women face hurdles in accessing education, employment, and other opportunities outside the home because of cultural restrictions, discriminatory practices, and fear of safety. In such a climate, the threat of sexual harassment and assault becomes a very real and pressing concern. These risks not only undermine women's dignity but also act as a deterrent to their full and equal participation in society.

Sexual harassment at the workplace is a form of gender-based discrimination that impairs the ability of women and other marginalised persons to participate in the workforce equally. The Supreme Court of India recognised this as a constitutional concern in the landmark case of *Vishaka v. State of Rajasthan*<sup>2</sup>, where it held that sexual harassment violates fundamental rights under Articles 14, 15, and 21 of the Constitution of India. Without the meaningful participation of women, who constitute nearly half the population, no nation can achieve true progress. Excluding them from the workforce not only perpetuates inequality but also halves the potential for sustainable development.

The *Vishaka* judgment was a direct response to legislative inaction. In the absence of statutory law at the time, the Court laid down binding guidelines to address sexual harassment in workplaces across the country.<sup>3</sup> These guidelines were intended to fill the legal vacuum and were treated as law under Article 141 until Parliament enacted legislation.<sup>4</sup> The culmination of these efforts resulted in the passage of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("POSH Act").<sup>5</sup>

The constitutional foundation of the POSH Act rests on several key provisions. Article 14 guarantees equality before the law and equal protection of the laws.<sup>6</sup> Article 15 prohibits any

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<sup>2</sup> *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

<sup>3</sup> *Id.* at ¶10–16.

<sup>4</sup> *India Const.* art. 141; *Vishaka*, supra note 1.

<sup>5</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, INDIA CODE (2013).

<sup>6</sup> *India Const.* art. 14.

kind of discrimination on grounds of sex.<sup>7</sup> Article 19(1)(g) ensures the right to practise any profession or to carry on any occupation, trade or business.<sup>8</sup> However, a woman's ability to enjoy this freedom meaningfully is undermined when she is subjected to a hostile or unsafe work environment. It is in this background that legislations such as the Prevention of Sexual Harassment (POSH) Act acquire great significance.

Directive Principles of State Policy reinforce the constitutional mandate to ensure gender justice in workplaces. Article 39(a) calls for securing adequate means of livelihood for men and women equally, and Article 42 mandates provisions for just and humane conditions of work.<sup>9</sup> These principles, though not enforceable in courts, guide the interpretation of fundamental rights and the framing of laws like the POSH Act<sup>10</sup>.

The Supreme Court has reiterated the importance of these protections in *Medha Kotwal Lele v. Union of India*<sup>11</sup>, where it emphasized that the failure of institutions to implement the *Vishaka* guidelines amounted to a violation of fundamental rights. Subsequent cases like *Apparel Export Promotion Council v. A.K. Chopra*<sup>12</sup> further underlined that sexual harassment impairs the right to equality and dignity at the workplace.

In this constitutional framework, the POSH Act is not merely a welfare legislation but a statute that actualises the fundamental rights of women and gender minorities. It seeks to translate constitutional guarantees into workplace practices through preventive, prohibitory, and remedial measures.<sup>13</sup>

By grounding the POSH Act in the language of constitutional rights and duties, the legislature has given it a normative strength beyond ordinary statutory obligations. The Act serves as a crucial link between labour law, gender justice, and the constitutional vision of an equal society.

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<sup>7</sup> *India Const.* art. 15.

<sup>8</sup> *India Const.* art. 19(1)(g).

<sup>9</sup> *India Const.* arts. 39(a), 42.

<sup>10</sup> *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625.

<sup>11</sup> *Medha Kotwal Lele v. Union of India*, (2013) 1 SCC 297.

<sup>12</sup> *Apparel Export Promotion Council v. A.K. Chopra*, (1999) 1 SCC 759

<sup>13</sup> See *K. Nagraj v. State of A.P.*, (1985) 1 SCC 523 (on the doctrine of transformative constitutionalism); POSH Act, supra note 4.

Economic development in a society cannot be sustained without inclusivity. When workplaces guarantee dignity, equality, and safety, they enable greater female participation in the labour force. This not only enhances individual empowerment but also contributes directly to economic productivity.

Inclusive growth ensures that opportunities are extended to all sections of society, particularly women, who form nearly half of the workforce potential. By addressing systemic barriers such as gender-based harassment, the POSH Act becomes a tool of economic development. A workplace that is inclusive, diverse, and gender-just leads to innovation, higher efficiency, and improved corporate governance. Ultimately, without inclusivity, growth remains skewed and exclusionary; but with it, economic development becomes broad-based and sustainable.

### **Vishaka Guidelines and Their Legal Legacy:**

The Court, recognising the absence of domestic legislation to address sexual harassment at the workplace, exercised its power under Article 32 of the Constitution to frame guidelines that would have the force of law until suitable legislation was enacted.<sup>14</sup> The guidelines defined “sexual harassment” broadly, imposing duties on employers to prevent and redress such misconduct.<sup>15</sup> They also mandated the creation of a complaints committee headed by a woman, with at least half of its members being women and an external member from an NGO or other body familiar with sexual harassment issues.<sup>16</sup>

The *Vishaka Guidelines* were later reaffirmed, and the Court emphasised that non-compliance with the Vishaka Guidelines would amount to a violation of constitutional rights. These judicially created standards continued to operate for over a decade and directly informed the drafting of the POSH Act, with several provisions of the Act reflecting the wording and structure of the guidelines.<sup>17</sup> The guidelines remain a vital part of India’s legal history as they demonstrate the judiciary’s proactive role in filling legislative gaps, particularly in advancing gender justice.

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<sup>14</sup> INDIA CONST. art. 32; *Vishaka*, supra note 17, at ¶16.

<sup>15</sup> Id. at ¶17.

<sup>16</sup> Id. at ¶17(7).

<sup>17</sup> Statement of Objects and Reasons, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill, 2010.

### **LEGAL EVOLUTION AND SCOPE OF THE POSH ACT:**

The POSH Act was enacted as a response to persistent judicial and civil society pressure to fill the legislative vacuum regarding workplace harassment. The Act defines sexual harassment broadly in Section 2(n) to include physical contact, advances, sexually coloured remarks, showing pornography, and any other unwelcome conduct of a sexual nature.<sup>18</sup> It aligns with the definition adopted in *Vishaka*, as well as international standards like Article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>19</sup>, to which India is a party. The Supreme Court had previously recognised CEDAW as enforceable in domestic law in the absence of inconsistent legislation.<sup>20</sup>

The Act applies to both the organised and unorganised sectors and covers all women, whether employed directly, through an agent, or otherwise.<sup>21</sup> Importantly, Section 3 of the Act recognises the right of every woman to a safe working environment, extending to all workplaces, including in domestic households.<sup>22</sup> It also applies to students, clients, and patients in educational institutions and hospitals.<sup>23</sup>

To ensure redress, the Act mandates the constitution of an Internal Complaints Committee (ICC) in every organisation with more than 10 employees, and a Local Complaints Committee (LCC) at the district level for workplaces with fewer than 10 workers or where the employer is the alleged harasser.<sup>24</sup> The formation of ICC, which is one of the revolutionary aspects of the act mentioned under Section 4 of the POSH Act<sup>25</sup> ensures neutrality, accessibility, and accountability in handling complaints. In terms of inclusive development, this section strengthens women's participation in the workforce by guaranteeing safe and dignified workplaces. By breaking barriers of fear and discrimination, it promotes gender equality and contributes to sustainable and equitable national growth. The ICC is empowered under Section 11 to conduct inquiries in accordance with the principles of natural justice, mirroring the

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<sup>18</sup> Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, § 2(n), INDIA CODE (2013).

<sup>19</sup> Convention on the Elimination of All Forms of Discrimination Against Women, art. 11, Dec. 18, 1979, 1249 U.N.T.S. 13.

<sup>20</sup> *Vishaka*, supra note 1, at ¶7; *People's Union for Civil Liberties v. Union of India*, (2005) 2 SCC 436.

<sup>21</sup> POSH Act § 2(f), 2(o).

<sup>22</sup> Id. § 3(1).

<sup>23</sup> Id. § 2(o), read with Rule 2(c), Sexual Harassment of Women at Workplace Rules, 2013.

<sup>24</sup> Id. §§ 4, 6.

<sup>25</sup> POSH Act § 4

procedures of a civil court.<sup>26</sup>

Section 19 of the POSH Act<sup>27</sup> lays down explicit duties for employers, including conducting awareness programmes, displaying penal consequences of sexual harassment, assisting employees in filing criminal complaints, and ensuring a fair and time-bound inquiry process. These duties go beyond mere compliance—they create a safe and enabling workplace environment where employees, especially women, can participate in the workforce without fear of harassment.

By creating an environment of trust, accountability, and gender sensitivity, these provisions promote inclusive growth. When women and other vulnerable groups feel secure at work, their participation in economic activities increases, leading to enhanced productivity and equitable opportunities. This inclusivity strengthens human capital, reduces attrition, and contributes directly to sustainable economic development and national progress.

The scope of the Act was further expanded through the continuous judicial interpretations and court decisions.. In *Dr. Punita K. Sodhi v. Union of India*<sup>28</sup>, the Delhi High Court underscored the need for transparency and procedural fairness in internal inquiries. In *Union of India v. Mudrika Singh*<sup>29</sup>, the Central Administrative Tribunal upheld that non-compliance with POSH provisions will amount to misconduct by the employer.

Although the Act is a significant step forward, its implementation remains uneven. Studies by *the Ministry of Women and Child Development* and independent audits have shown poor compliance, particularly in unorganised sectors and smaller establishments. There is also ambiguity regarding the applicability of the Act to men, gender minorities, and same-sex harassment, which remains outside its formal scope.

Nevertheless, the POSH Act marks an important milestone in Indian labour and constitutional law by recognising the need for a gender-sensitive and safe work environment. It is both a preventive and remedial framework aimed at ensuring equality in access to work and protection

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<sup>26</sup> Id. § 11(3); *Krishna K. v. State of Kerala*, 2019 SCC OnLine Ker 2767.

<sup>27</sup> POSH Act § 19

<sup>28</sup> *Dr. Punita K. Sodhi v. Union of India*, 2010 SCC OnLine Del 2428.

<sup>29</sup> *Union of India v. Mudrika Singh*, 2020 SCC OnLine CAT 58.

from abuse.

## **CHALLENGES IN IMPLEMENTATION AND ACCESS TO JUSTICE:**

### **1. Functioning of Internal and Local Committees:**

The POSH Act provides for the establishment of Internal Committees (ICs) at organisations employing more than ten workers and Local Committees (LCs) at the district level. However, despite the legislative mandate, it has always been argued that there remains a practical challenge to constitute such a committee. Further, even the constituted ICs exist only as a formality, without trained members, periodic meetings, or adequate sensitivity training.<sup>30</sup> LCs, which were envisioned to safeguard women in unorganised sectors, are often non-functional due to a lack of funding, poor staffing, and low awareness among workers.<sup>31</sup> This demonstrates a persistent gap between the statutory framework and its real-world implementation.

### **2. Gaps in Compliance across Sectors, Especially Informal and Gig Workspaces**

While compliance with the provisions of the POSH Act in the organised corporate sector has improved due to regulatory pressure, the informal sector, which employs a significant share of women, continues to be excluded from meaningful protection.<sup>32</sup> Workers in sectors like domestic work, construction, and agriculture remain vulnerable because of the absence of formal structures and the lack of functioning LCs. The platform-based gig economy presents a further challenge. Food delivery workers, app-based drivers, and digital freelancers often fall outside the traditional definition of “employees.” Their ambiguous legal status as “independent contractors” has allowed platforms to evade responsibility for harassment claims.<sup>33</sup> This legal vacuum places gig workers—especially women and queer persons—in a precarious position without clear avenues for redress.

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<sup>30</sup> Sharmistha Chaudhuri, *Sexual Harassment at the Workplace: Reviewing the Implementation of the Law*, 52(4) Econ. & Pol. Wkly. 23 (2017).

<sup>31</sup> Priyanka Chakraborty, *Workplace Harassment and the Limits of Law: An Analysis of the POSH Act*, 28(2) Indian J. Gender Stud. 245 (2021).

<sup>32</sup> Nitya Rao, *Sexual Harassment in India’s Informal Sector: Understanding Gaps in Protection*, 14(1) J. S. Asian Dev. 1 (2019).

<sup>33</sup> Uma Rani & Markus Furrer, *On-Demand Platforms and Employment: Issues and Perspectives*, 160(1) Int’l Lab. Rev. 1 (2021).

### 3. Barriers Faced by Women, LGBTQIA+ Individuals, and Other Marginalised Groups

Even when legal remedies exist through the provisions of the POSH Act, the socio-economic hierarchies determine access to such remedies for the vulnerable section of society. Women in low-paying jobs often hesitate to complain due to fear of retaliation, job loss, or social stigma.<sup>34</sup> Dalit women, Adivasi women, and migrant workers face compounded disadvantages due to caste and class-based marginalisation intersecting with gender oppression.

The challenges are heightened for LGBTQIA+ persons. The POSH Act is drafted primarily with a binary and heteronormative lens, positioning “woman” as complainant and “man” as perpetrator. As a result, queer persons frequently find themselves excluded from protection. Although the Supreme Court in *NALSA v. Union of India*<sup>35</sup> recognised transgender persons as a third gender, workplace redressal mechanisms remain cis-normative and often dismiss complaints from LGBTQIA+ individuals.<sup>36</sup>

### 4. Intersectional Analysis and Need for Inclusive Reform

An intersectional approach, as developed by Crenshaw,<sup>37</sup> reveals that multiple identities such as gender, caste, class, disability, and sexuality overlap to create hurdles to justice. For example, a Dalit woman construction worker may not only face sexual harassment but also caste-based humiliation, silencing her from approaching authorities. Similarly, a transgender delivery worker may be doubly marginalised due to exclusion from both labour protections and social acceptance.

To address these systemic gaps, inclusive reforms must be pursued. Some of the suggested measures which could be examined and taken into consideration are extracted below (not exhaustive):

- Expanding the scope of the POSH Act to include LGBTQIA+ persons explicitly.
- Strengthening LCs with sufficient funding, trained personnel, and outreach strategies for informal and gig sector workers.

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<sup>34</sup> Sharit Bhowmik & Debdulal Saha, *Informal Workers in India: Studies on Labour Conditions and Policy Issues* (Oxford Univ. Press 2018).

<sup>35</sup> *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438.

<sup>36</sup> Ratna Kapur, Gender, Sexuality and the Limits of Law: Revisiting NALSA and Navtej, 11(2) J. Indian L. & Soc’y 45 (2020).

<sup>37</sup> Kimberlé Crenshaw, Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, 1989 U. Chi. Legal F. 139 (1989).

- Mandatory intersectional sensitivity training for IC members to handle cases involving marginalised groups fairly.
- Stricter compliance monitoring through labour inspectors and district-level audits.

These measures would ensure that the right to dignity and safe workplaces is not confined to privileged groups but extended to every individual, regardless of their gender, caste, class, or employment status.

### **POSH AND ECONOMIC DEVELOPMENT: A LEGAL ANALYSIS:**

Workplace safety is a precondition for women's participation in the labour market. The International Labour Organisation has consistently emphasised that ensuring dignity at work is central to expanding women's economic opportunities.<sup>38</sup> In India, low female labour force participation, hovering around 25%, is partially attributable to unsafe work environments and the lack of effective mechanisms to address harassment.<sup>39</sup>

The POSH Act, 2013 provides a framework to address this concern by institutionalising the grievance redressal systems. A safe workplace reduces attrition rates, encourages continuity of employment, and facilitates the entry of women into professions traditionally dominated by men.<sup>40</sup> Thus, workplace safety directly contributes to the utilisation of human resources that might otherwise remain untapped due to fear and vulnerability.

One must also notice that Human capital development is not limited to skill acquisition alone, but also depends upon the enabling conditions of work. The POSH Act plays a critical role in making the workplace an environment where women and other marginalised groups can contribute productively without discrimination or fear.<sup>41</sup> By addressing sexual harassment, the law indirectly addresses gender equality in access to economic opportunities, which is essential for inclusive growth.

The World Bank and UN Women have underlined that closing gender gaps in labour markets

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<sup>38</sup> Int'l Lab. Org., *Violence and Harassment Convention (No. 190)* (2019).

<sup>39</sup> World Bank, *Women, Business and the Law 2021* (2021).

<sup>40</sup> Kalpana Kotagal, *Gender Equity and the Workplace: Legal Pathways to Inclusion*, 22 *Geo. J. Gender & L.* 75 (2020).

<sup>41</sup> Naina Kapur, *Workplace Harassment in India: The Struggle for Women's Human Rights*, 39 *Colum. Hum. Rts. L. Rev.* 229 (2008).

can significantly enhance GDP growth in developing economies.<sup>42</sup> By protecting workers from harassment and ensuring retention, POSH functions as an instrument of social justice and economic efficiency.

### **Role of POSH Act in Enhancing Productivity, Corporate Governance, and SDGs:**

Compliance with the POSH Act is not merely a legal obligation but a corporate governance imperative. Effective internal redressal mechanisms reflect a company's commitment to ethical practices, accountability, and inclusivity, which in turn enhances investor confidence and brand reputation.<sup>43</sup>

Safe workplaces also boost employee morale, productivity, and innovation, as workers can focus on performance rather than survival in hostile environments.<sup>44</sup> From a developmental lens, POSH aligns with the Sustainable Development Goals (SDGs)—particularly SDG 5 (Gender Equality), SDG 8 (Decent Work and Economic Growth), and SDG 10 (Reduced Inequalities).<sup>45</sup> Hence, it transforms workplace safety into a driver of broader socio-economic progress.

*Judicial and Policy Perspectives on Economic Impact: The judiciary has recognised the link between dignity at work and economic empowerment. By linking workplace dignity with the freedom to pursue economic activity, the Court implicitly recognised that harassment is not merely a personal violation but also an economic barrier. This judicial stance underscored that unless women are ensured safety and respect at work, their effective participation in the labour force and by extension the nation's economic growth remains restricted.*

## **RECOMMENDATIONS AND WAY FORWARD:**

### **A. Legal Reforms for Inclusive, Enforceable Protections**

The POSH Act has undoubtedly been a landmark step in recognising the right of every woman to work in an environment of dignity. However, the Act continues to suffer from conceptual and practical limitations. At present, the law recognises only *women* as complainants. This has

<sup>42</sup> U.N. Women, *Progress of the World's Women 2019–2020* (2019).

<sup>43</sup> Centre for Corporate Governance, Nat'l Found. Indian Enterprise, *Corporate Governance and Gender Diversity* (2018).

<sup>44</sup> Mita Dixit, POSH Compliance and Its Role in Business Sustainability, 53 *Econ. & Pol. Wkly.* 15 (2018).

<sup>45</sup> U.N. Sustainable Dev. Goals, <https://sdgs.un.org/goals> (last visited Aug. 21, 2025).

created a legal vacuum because harassment can also be faced by transgender persons and persons of diverse sexual orientations.<sup>46</sup> In fact, the Supreme Court in *NALSA v. Union of India*<sup>47</sup> affirmed the right of transgender persons to be treated with equality and dignity. Yet, workplace safety legislation continues to operate within a binary framework. A necessary reform is to expand the definition of “aggrieved person” to include all genders so that no survivor is left unprotected.

Another reform concerns the enforceability of the law. The Act leaves compliance largely in the hands of employers. In many companies, Internal Committees exist only on paper, and women often do not trust these committees because they are dominated by management representatives.<sup>48</sup> To ensure enforceability, the law should provide independent monitoring mechanisms through labour departments, women’s commissions, or district magistrates. Regular compliance audits and stricter penalties on employers who fail to set up committees can transform the law from a symbolic guarantee to an enforceable right.

Finally, the law is still unclear on its application to gig workers and informal sector workers. For instance, food delivery women riders or app-based drivers technically work as “partners” and not employees, which allows platforms to deny responsibility for workplace safety.<sup>49</sup> Amending the law to specifically include informal and digital workers would extend protection to millions of people currently left out of the system.

**Institutional Strengthening, Monitoring, and Training:** The effective functioning of Internal Committees (ICs) and Local Committees (LCs) is central to the success of POSH. In reality, many ICs are created only to avoid penalties and lack proper orientation. LCs at the district level, which are intended to cater to small businesses and informal workers, often suffer from poor budgets, staff shortages, and a lack of visibility.<sup>50</sup>

**Mainstreaming POSH in Labour Law and Development Policy:** Another important way

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<sup>46</sup> Ratna Kapur, *Gender, Sexuality and the Limits of Law: Revisiting NALSA and Navtej*, 11(2) J. Indian L. & Soc’y 45 (2020).

<sup>47</sup> *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438.

<sup>48</sup> Sharmistha Chaudhuri, *Sexual Harassment at the Workplace: Reviewing the Implementation of the Law*, 52(4) Econ. & Pol. Wkly. 23 (2017).

<sup>49</sup> Uma Rani & Markus Furrer, *On-Demand Platforms and Employment: Issues and Perspectives*, 160(1) Int’l Lab. Rev. 1 (2021).

<sup>50</sup> Priyanka Chakraborty, *Workplace Harassment and the Limits of Law: An Analysis of the POSH Act*, 28(2) Indian J. Gender Stud. 245 (2021).

forward is to integrate the POSH Act into the larger framework of labour rights and economic policy. At present, POSH is often seen as a “women’s issue” or a standalone compliance requirement. This approach weakens its impact. Workplace safety and dignity must instead be treated as a core element of labour welfare.

India has recently consolidated its labour laws into four new labour codes. However, these codes make very little reference to workplace harassment.<sup>51</sup> If POSH principles were built into these Codes, then the gender-sensitive workplaces would become an integral part of labour law rather than an isolated area of compliance.

From a policy perspective, POSH should also be linked to economic development initiatives. Programs such as *Skill India*, *Make in India*, and *Startup India* should incorporate guidelines for gender-safe workplaces. This would not only protect workers but also improve India’s global competitiveness. Moreover, as a member of the CEDAW and a signatory to the ILO Convention on Violence and Harassment (C190), India has an international obligation to mainstream gender justice in its labour and development agenda.<sup>52</sup>

### **CONCLUSION:**

The journey of the POSH Act demonstrates that gender justice is not peripheral but central to national progress. A harassment-free workplace is more than a constitutional mandate and it is an economic imperative. By enabling women and other marginalised groups to participate in the workforce without fear, the Act directly contributes to higher labour force participation, enhanced productivity, and the fuller utilisation of human capital. Countries with safer and more inclusive workplaces invariably show stronger indicators of economic development, underscoring the link between equality and growth.

Yet, legislation alone cannot achieve this transformation. The POSH Act provides a framework, but its effectiveness depends on the seriousness of implementation by institutions and the broader acceptance of its principles within society. This calls for a cultural shift in workplace mindsets, where dignity, equality, and inclusivity are internalised as non-negotiable

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<sup>51</sup> K. D. Raju, *Labour Codes and Gender Justice in India: A Missed Opportunity?*, 55(32) *Econ. & Pol. Wkly.* 45 (2020)

<sup>52</sup> Int’l Lab. Org., *Violence and Harassment Convention (No. 190)* (2019); *Convention on the Elimination of All Forms of Discrimination against Women*, Dec. 18, 1979, 1249 U.N.T.S. 13

values. Compliance must move beyond a tick-box exercise and evolve into a commitment to gender-sensitive governance.

In this light, bridging gender justice and economic development is not optional, it is a national necessity. For India to sustain inclusive growth, POSH must be made enforceable in practice, monitored rigorously, and integrated with labour policies and development agendas. A safe workplace is not a privilege for a few sectors or classes but a fundamental right for all workers, irrespective of gender or background. By mainstreaming POSH into the larger development narrative, India can move closer to a future where workplace dignity becomes a cornerstone of both social justice and economic progress.

