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Sexual Harassment of Women at Workplace in India: A Study of the POSH Act, 2013

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Abstract: ***Sexual harassment at the workplace is not only a legal issue but also a serious social problem that affects the dignity, safety, and confidence of working women. Many women face uncomfortable, hostile, and unsafe working environments, which can impact their mental health, job performance, and career growth. To address this issue, the Government of India enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. This Act provides a legal framework to prevent harassment, protect women employees, and offer a clear system for complaint and redressal.***

This studies the background of the Act, its main provisions, and the role of employers in ensuring a safe workplace. It also discusses the importance of Internal Complaints Committees and the challenges faced in proper implementation of the law. Although the Act is a strong step towards gender equality and justice, many women still hesitate to report incidents due to fear, stigma, or lack of awareness. The paper states that while the POSH Act, 2013 is an important legal protection for women, effective implementation, awareness, and supportive workplace culture are necessary to make workplaces truly safe and respectful.

Keywords: Workplace sexual harrassment, women's dignity, gender equality, prohibition and redressal act ,2013, workplace safety, internal complaints committee (ICC)

I. INTRODUCTION

Sexual harassment against women is a serious offence that has been prevalent in the society for a very long time it affects the physical and mental well being of the victim and it also has a negative impact on their career. In India, the "Prevention of Sexual Harassment" of "Women at Workplace Act" was introduced in 2013 to address this issue and create a safer and more conducive work environment for womenThe POSH Act is a significant step in ensuring that women are not subject to SH in the workplace.The act makes it mandatory for all employers to form an Internal Complaints Committee (ICC) that will investigate and address issues of SH and ensure that appropriate action is initiated against the offenderThe committee should have at least one external member who is knowledgeable and experienced in handling SH cases.The POSH Act is applicable to all workplaces, whether public or private, and all women, including temporary and contractual women and even interns

The POSH Act is not just about providing a platform for women to complain of SH in the workplace. It is also about creating awareness and sensitizing employees about SH and its impact on womenThe POSH Act makes it mandatory for all employers to conduct awareness and training sessions for employees on this issue and create a gender sensitive work culture.This Act also requires all employers to display the details of the ICC at prominent place in the workplace making it easy for the women who wants to lodge a complaint.

II. LITERATURE REVIEW

Sexual harassment at the workplace has been widely discussed in legal, sociological, and gender studies literature. Scholars have consistently recognised workplace harassment as a violation of women's fundamental rights to equality, dignity, and safe working conditions. Early discussions in India began after the landmark judgment in the Vishaka v. State of Rajasthan case, where the Supreme Court laid down guidelines to prevent sexual harassment at workplaces. These guidelines formed the foundation for the later enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Several researchers have analysed the importance of the POSH Act, 2013 in providing a structured mechanism for prevention and redressal. Studies highlight that the Act clearly defines sexual harassment, expands protection to all women (including domestic workers and interns), and mandates the formation of Internal Complaints Committees (ICCs) in organizations. Legal scholars argue that this framework strengthened accountability among employers and formalised complaint procedures.

However, literature also points out major implementation challenges. Empirical studies reveal that many organisations either fail to properly constitute ICCs or lack adequate training and awareness programs.

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Research further indicates that women often hesitate to file complaints due to fear of retaliation, workplace stigma, career damage, or social pressure. Sociological analyses connect this hesitation to patriarchal norms, power imbalance, and victim-blaming attitudes that still exist in many workplaces. Comparative studies between urban and rural sectors show uneven awareness levels about the Act. While corporate sectors may have formal policies in place, informal sectors often lack effective enforcement mechanisms. Some scholars also question whether internal complaint mechanisms can remain unbiased when employers themselves appoint committee members. Recent literature emphasizes the need for stronger monitoring, regular sensitization programs, and cultural change within organizations. Researchers conclude that while the POSH Act, 2013 is a progressive and comprehensive law, its true effectiveness depends on proper implementation, awareness, and a supportive work environment that encourages women to report harassment without fear.

III. CASE STUDY

The case of Vishaka v. State of Rajasthan stands as one of the most significant rulings in Indian constitutional law because it established rules which protect women from workplace sexual harassment. The case directly resulted in the establishment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

A. Vishaka vs State of Rajasthan (1997)

The Supreme Court of India issued its ruling on Vishaka v. State of Rajasthan on 13 August 1997.The case examined sexual harassment of women at the workplace as a violation of fundamental rights under the Constitution of India.Before this case, \India had no specific law dealing with workplace sexual harassment. The Supreme Court established the Vishaka Guidelines as a legal framework which protects women employees from workplace sexual harassment.

B. Background of the Case

The case originated from the gang rape of a social worker named Bhanwari Devi in*1992in Rajasthan.

- Bhanwari Devi worked under the *Women Development Project of the Rajasthan Government*.
- Her duty was to *prevent child marriage in villages*.
- She tried to stop the child marriage of a one-year-old girl in her village.
- Because of this, some villagers became angry.
- Later, five men gang-raped her as revenge.

The woman who reported her assault experienced:

- The police response was slow.
- Medical examination was delayed.
- The trial court acquitted the accused.

The incident demonstrated how the legal system failed to safeguard women against workplace violence.

C. Filing of the Public Interest Litigation

In light of the injustice meted out to Bhanwari Devi, several women's organizations filed Public Interest Litigation (PIL) at the Supreme Court of India.

The petition was filed by an NGO called Vishaka accompanied by several women's organizations.

The arguments put forth by the women's organizations were:

- Sexual harassment at the workplace violates the fundamental rights of women.
- It is the responsibility of the government to create laws and protective mechanisms.

The Supreme Court was called to decide the following legal issues:

- Whether the fundamental rights of women are violated by way of sexual harassment at the workplace.
- Whether the government has the responsibility to protect the women employees.
- Whether the court has the authority to frame guidelines even if there are no laws. Constitutional provisions involved with the crime of sexual harassment in India.

The court has determined that sexual harassment is a violation of the following provisions of the constitution of India:

- Article 14, the right to equal protection before the law.
- Article 15, prohibition of discrimination based on sex.
- Article 19(1)(g), the right to practice any occupation or profession.

- Article 21, the right to life and liberty, including the right to live with dignity. Therefore, sexual harassment is a violation of an individual's fundamental rights.

International law also played a role in the court's decision.The court referenced the International Convention on the Elimination of All Forms of Discrimination Against Women. Since India is a signatory to that convention, the court said that the Indian government will have to implement the principles set forth in the convention to ensure that the rights of women are protected within India's borders.

D. Vishaka Guidelines

Since there was no such law to prevent sexual harassment in the workplace, the Supreme Court came up with the Vishaka Guidelines to prevent sexual harassment in the workplace.

E. Judgment of the Court

The Supreme Court of India held that:

- "Sexual harassment is a violation of fundamental rights."
- "Employers and institutions have a responsibility to prevent such acts of harassment."
- "The Vishaka guidelines will have the force of law until Parliament enacts a law."

F. Impact of the Judgment

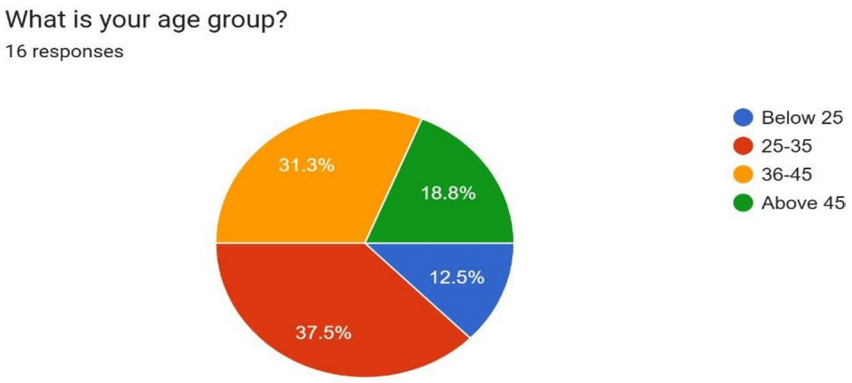
1) Recognition of Workplace Sexual Harassment: The court recognized the issue of sexual harassment at workplaces as a violation of human rights.
2) Legal Protection for Women: Women gained a legal mechanismto file their complaints against the harassment at workplaces.
3) Creation of New Law: The guidelines were eventually used to create a new law, the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013.
4) Responsibility of Employers: The employers were held legally liable for the safe working environment.

IV. DEFINITION OF SEXUAL HARASSMENT:

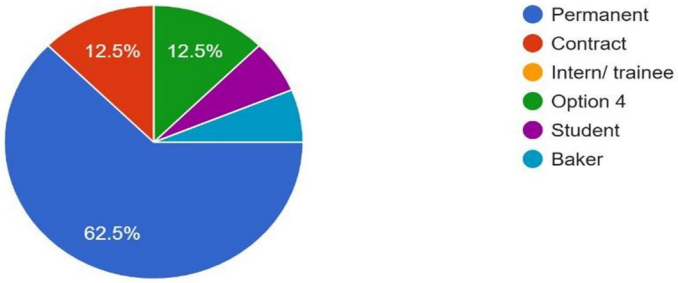
Sexual harassment is:

- Physical contact and/or advances
- Demand for sexual favors
- Showing pornographic material
- Sexually colored remarks
- Any other unwanted sexual behavior
- Complaints Committee must be formed in every workplace with: A *female chairperson*
- At least 50%*women members
- An *NGO member* or an *external member*

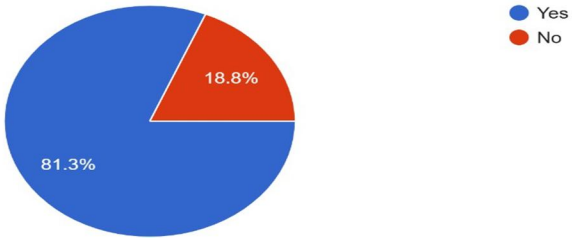
V. DATA ANAYLSIS AND INTERPRETATION



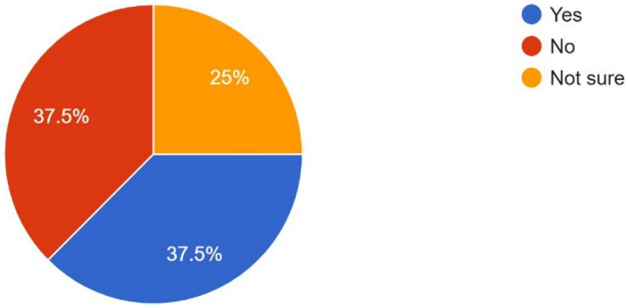
What is your employment status?
16 responses



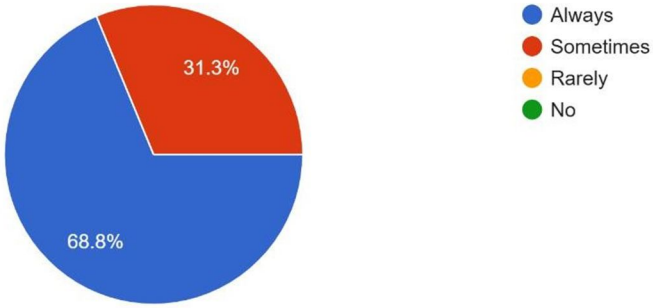
Are you aware of the law addressing sexual harassment at workplace (POSH ACT)?
16 responses



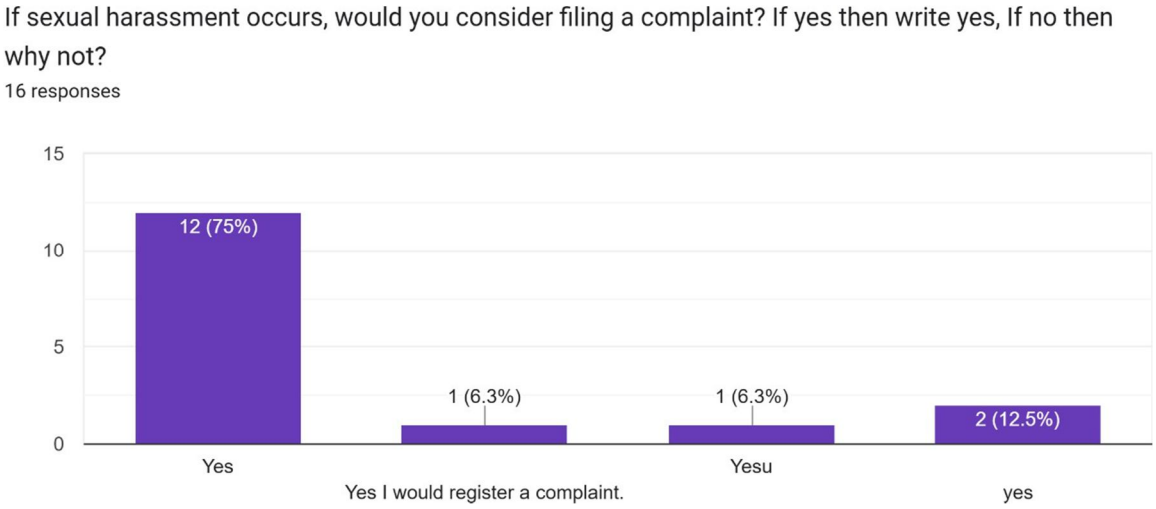
Does your have an Internal Complaints Committee (ICC)?
16 responses

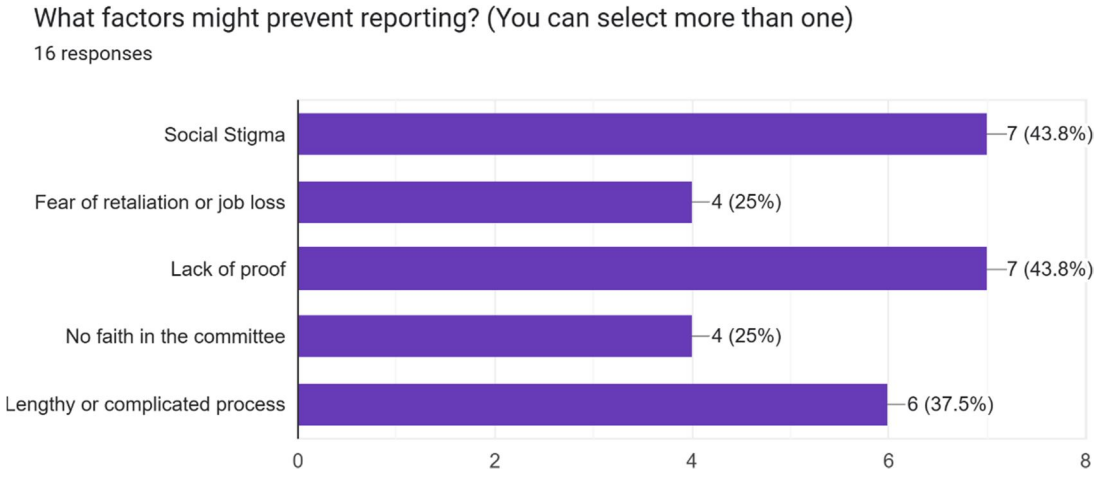


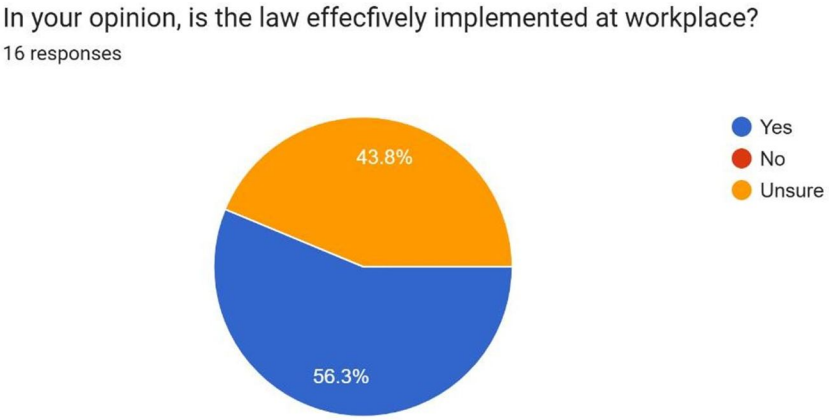
Do you feel safe in your workplace?
16 responses



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VI. SUGGESTIONS

1) Develop strong and well-defined anti-harassment policies: Organizations should create clear policies that explain what sexual harassment includes, describe the complaint procedure, and reinforce a strict zero- tolerance stance.
2) Conduct continuous training and awareness initiatives: Employers must organize regular training sessions to inform employees about sexual harassment, its consequences, and preventive measures, while encouraging a respectful and informed workplace environment.

3) Set up a secure and confidential complaint system: A safe reporting mechanism, such as anonymous helplines or dedicated communication channels, should be provided so individuals can report incidents without fear, ensuring fair and timely investigations.
4) Promote active bystander participation:Employees should be motivated to step in or report when they notice inappropriate behavior, creating a workplace where everyone plays a role in preventing harassment.
5) Build an inclusive and respectful work culture: Companies should encourage diversity, equality, and mutual respect, with leadership setting the standard and ensuring accountability for any misconduct.

VII. INTERNAL COMPLAINTS COMMITTEE

The ICC includes a female presiding officer, majority women members, and an external expert. It investigates complaints and ensures justice and confidentiality

VIII. CONCLUSION

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is an important step taken to protect the dignity, safety, and rights of women in their workplaces. Workplaces should be environments where every individual feels respected, valued, and safe. However, sexual harassment has long been a serious issue that affects many women across different sectors. Such behavior not only harms a woman's dignity but also affects her confidence, mental health, and ability to work comfortably. The introduction of this Act has helped create a legal framework that recognizes these problems and provides proper mechanisms to address them. The POSH Act clearly states that sexual harassment in any form is unacceptable. It includes behaviors such as unwelcome physical contact, inappropriate comments, requests for sexual favors, showing offensive content, or any verbal or non-verbal act that creates an uncomfortable or hostile working environment for women. By clearly defining these actions, the law helps people understand what kind of behavior is inappropriate and punishable. This clarity is important because in the past many cases of harassment were ignored or not taken seriously due to the absence of proper guidelines.

Another important feature of this Act is that it encourages organizations to take responsibility for maintaining a safe workplace. Employers are required to form an

*Internal Complaints Committee (ICC) that deals with complaints related to sexual harassment. This committee ensures that women have a safe and confidential platform to report incidents without fear or hesitation. The Act also emphasizes that complaints must be handled carefully and fairly so that the victim receives justice while maintaining privacy and dignity.

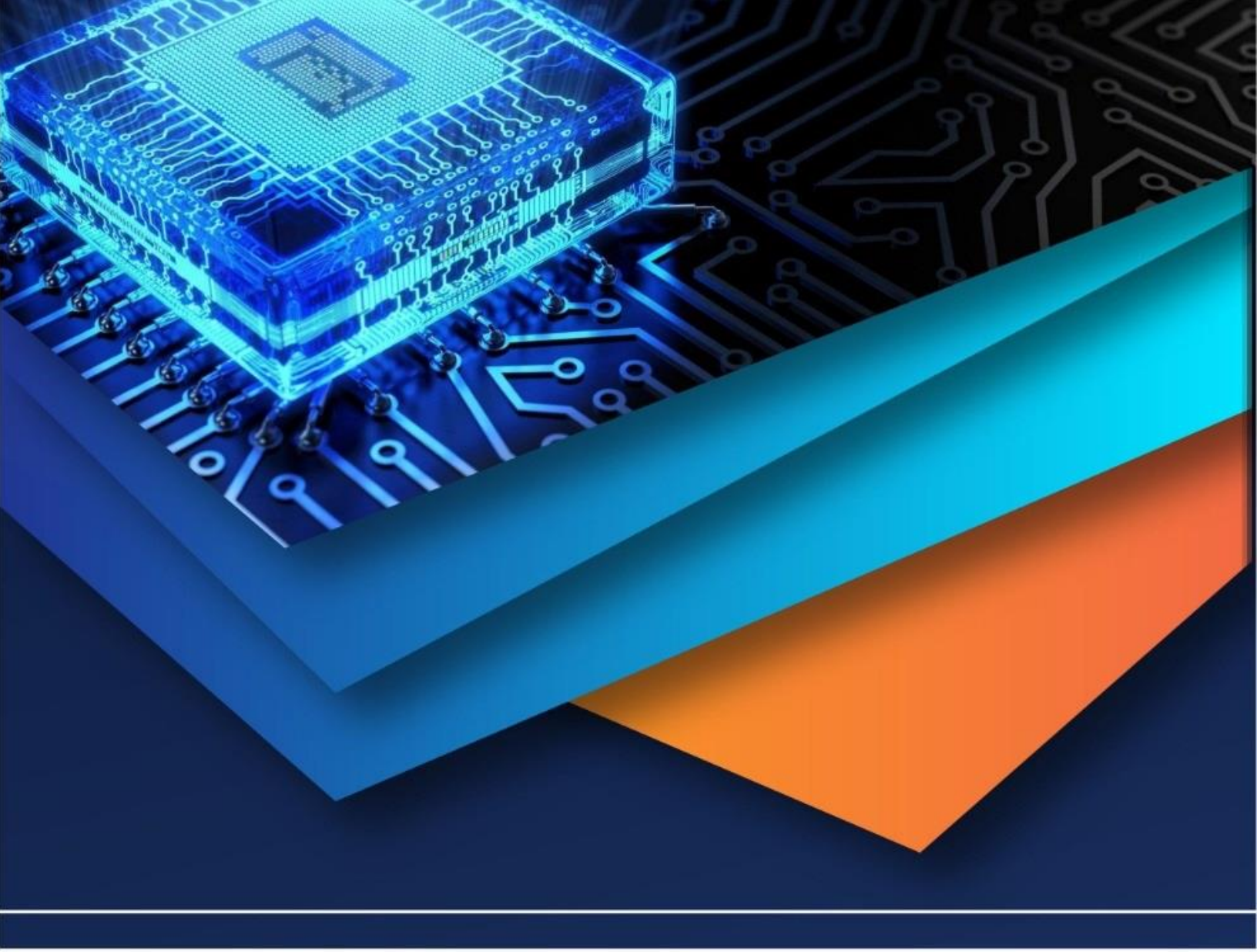
The law also highlights the importance of awareness and prevention. Organizations are encouraged to conduct workshops, training sessions, and awareness programs to educate employees about workplace behavior and gender sensitivity. When employees understand what constitutes harassment and the consequences associated with it, they are more likely to behave responsibly and respectfully. Such awareness programs also help in creating a culture where people support each other and stand against inappropriate behavior. Another significant aspect of the POSH Act is that it does not only protect women working in large organizations or corporate sectors. It also covers women working in smaller workplaces, the informal sector, and even domestic workers. This wide coverage shows that every woman, regardless of her profession or workplace environment, has the right to safety and dignity while performing her job. The Act recognizes that harassment can happen anywhere and therefore protection should be available to all women. Even though the Act provides strong legal protection, its effectiveness depends on proper implementation. In some places, women still hesitate to report harassment because they fear losing their jobs, facing social judgment, or not being taken seriously. At times, organizations may fail to establish proper complaint mechanisms or may not conduct fair investigations. Therefore, it is important that both employers and employees understand their responsibilities and work together to ensure that the law is followed sincerely. Creating a safe workplace is not only about following legal rules; it is also about developing a culture of respect and equality. Every employee should treat others with dignity and understand the importance of maintaining professional boundaries. When organizations actively promote respect, transparency, and fairness, it helps build trust among employees and encourages women to participate confidently in the workforce.

Lastly, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 plays a crucial role in protecting women and ensuring a safe working environment. It not only provides legal support to victims but also promotes awareness and preventive measures within organizations. When implemented properly, the Act helps create workplaces where women can work without fear, express themselves freely, and contribute fully to society. Ensuring dignity and equality at work is essential for the progress of both individuals and the nation as a whole.

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