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Dr. Rinu Saraswat

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M.A, LL.M, Ph.D,

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Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

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Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

REVISITING THE POSH ACT- EFFICACY, CHALLENGES, AND REFORM ROADMAPS IN INDIAN WORKPLACES

AUTHORED BY - DR. DEEPTI SINGLA¹

Abstract

Workplace sexual harassment continues to be a deeply entrenched issue in India, impacting the physical, emotional, and economic well-being of working individuals—particularly women. The enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (commonly known as the POSH Act), marked a critical step toward institutionalizing protections against such misconduct. This paper presents a comprehensive analysis of the POSH Act's legislative framework, its roots in the Vishaka Guidelines laid down by the Supreme Court, and its practical efficacy over the past decade. Drawing on empirical data from public and private sector disclosures, judicial precedents, and national audits, the study uncovers persistent gaps in awareness, compliance, and inclusivity. While reporting rates have improved marginally, underreporting remains significant, especially in unorganized sectors. The paper concludes by offering evidence-based recommendations to strengthen the Act's implementation, broaden its scope to include all genders and sexual identities, and promote a zero-tolerance culture through legal and organizational reform.

Keywords- Workplace Sexual Harassment, Gender Justice, Vishaka Guidelines, Internal Complaints Committee (ICC), Gender-Neutral Legislation, SHe-Box, Legal Reform in India.

1. INTRODUCTION

Workplace sexual harassment undermines women's right to a dignified work environment and significantly affects their mental health, productivity, and career progression. The POSH Act, 2013, was introduced to address these challenges and enforce preventive and remedial mechanisms across organizations with 10 or more employees. This paper analyzes the Act's real-world effectiveness, explores compliance trends, and offers policy recommendations.

¹ Dr. Deepti Singla, Assistant Professor, Amity Law School, Amity University Punjab (Mohali)
([email ID- deeptisingla04@gmail.com](mailto:deeptisingla04@gmail.com))

Workplace harassment, particularly of a sexual nature, is a critical issue that undermines the safety, dignity, and equality of working individuals, especially women. In India, this problem has deep socio-cultural roots and has persisted despite increasing female workforce participation. The POSH Act was enacted in 2013 as a response to this issue and as a fulfilment of the Supreme Court's Vishaka Guidelines of 1997.

This research paper critically analyzes the POSH Act, its implementation, the challenges faced by stakeholders, and the legal, social, and procedural frameworks surrounding workplace harassment. It aims to assess the Act's impact on Indian workplaces, examine compliance data, highlight enforcement gaps, and provide future recommendations.

2. BACKGROUND AND RATIONALE OF THE PAPER

Sexual harassment at the workplace is not merely a personal grievance—it constitutes a grave violation of human rights and is intrinsically linked to the principles of gender equality, dignity, and safe working conditions. In India, the legislative journey to address this issue formally began with the landmark Supreme Court judgment in *Vishaka v. State of Rajasthan* (1997), which laid down the Vishaka Guidelines. These were a response to the absence of specific legislation on workplace harassment and were framed after the brutal gang rape of Bhanwari Devi, a grassroots worker engaged in raising awareness against child marriage. The Court recognized sexual harassment as a violation of the right to equality under Article 14, the right against discrimination under Article 15, and the right to life and dignity under Article 21 of the Indian Constitution.

To give statutory backing to these principles and ensure institutional accountability, the Indian Parliament enacted the POSH Act. This law was enacted to codify mechanisms for prevention and redressal of complaints, define responsibilities for employers, and provide protection to women against sexual harassment at the workplace. It introduced crucial definitions, such as what constitutes a “workplace,” who qualifies as an “aggrieved woman,” and the various forms of sexual harassment—including physical, verbal, and non-verbal misconduct.

The Act mandates the establishment of an Internal Complaints Committee (ICC) in every organization with more than ten employees, as well as a Local Complaints Committee (LCC) at the district level for unorganized sectors or smaller establishments. These committees are empowered to investigate complaints, recommend action, and submit annual reports.

The purpose of this research paper is to critically evaluate the effectiveness of the POSH Act in real-world workplace settings across India. It explores whether the legal framework has translated into meaningful change, identifies gaps in compliance and awareness, and assesses the responsiveness of corporate and public-sector employers. By examining data trends, enforcement practices, and judicial interpretations over the past decade, the paper aims to offer evidence-based policy recommendations to enhance the Act's scope, inclusivity, and enforcement capacity.

In doing so, this section establishes the constitutional and jurisprudential foundation of the POSH Act while outlining the objectives and rationale behind this research study.

3. ANALYSIS OF COMPLAINT TRENDS AND REGULATORY ADHERENCE UNDER THE POSH FRAMEWORK

Since the enactment of the POSH Act in 2013, the number of reported cases of workplace sexual harassment in India has risen significantly. This upward trend in complaints does not necessarily indicate an increase in incidents but may reflect improved awareness, reporting mechanisms, and a marginally increasing trust in internal redressal systems. However, the data also uncovers deep disparities in compliance, sectoral exposure, and corporate accountability, especially between large corporations and smaller enterprises.

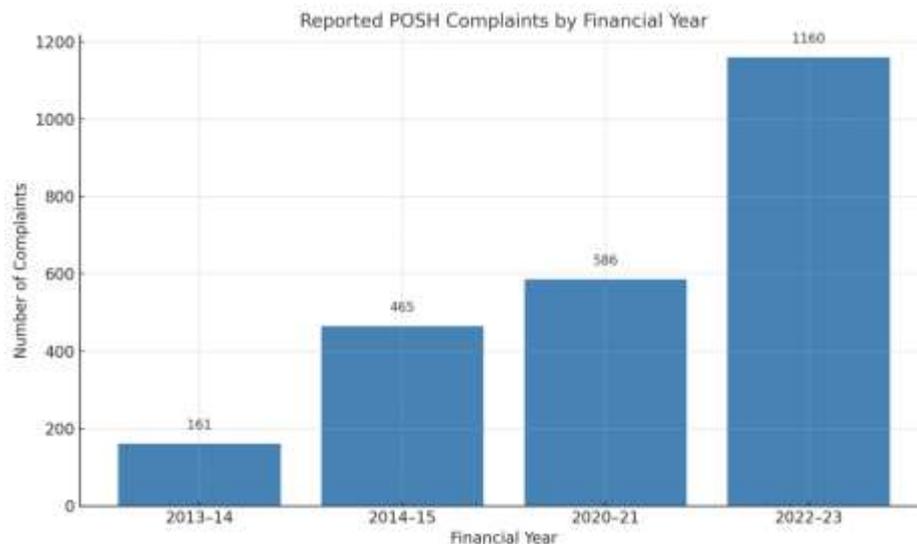
3.1 National Trends in Reporting

Data from the Centre for Economic Data and Analysis (CEDA) at Ashoka University shows a steady year-on-year rise in reported cases of workplace sexual harassment since FY2013–14.

Financial Year	Complaints Reported
2013–14	161
2014–15	465
2020–21	586
2022–23	1,160

Table 1- The reported numbers are as follows-Source- CEDA, 2024²

² CEDA. (2024). *A decade of the POSH Act: What the data tells us*. Ashoka University. <https://ceda.ashoka.edu.in>. A decade-long trend shows a rise in reported workplace sexual harassment cases by Indian firms, with complaint volumes growing faster than resolutions. Notably, reporting is concentrated among top 100 NSE-listed companies, while many mid- and small-cap firms report no cases. This may reflect both underreporting and limited compliance. Consolidated public disclosures could aid early detection and enforcement effectiveness (Centre for Economic Data and Analysis [CEDA], 2023; SEBI Annual Reports, 2022–2024).



Here is the bar chart titled "**Reported POSH Complaints by Financial Year**", based on CEDA data from 2013–14 to 2022–23. It visually illustrates the rising trend in reported workplace harassment complaints, highlighting growing awareness and potential gaps in redressal mechanisms.

Interpretation- This tenfold increase over a decade reflects both heightened awareness due to media coverage and increased regulatory expectations under corporate governance frameworks. Despite this rise in reporting, resolution of complaints lags. In FY2022–23, while 1,160 cases were filed, only 869 were resolved, leaving approximately 291 unresolved—many beyond the prescribed 90-day resolution timeline.³

3.2 Disparities Based on Company Size

An overwhelming majority of POSH complaints are filed in large, listed firms. According to a 2024 *Economic Times* investigation, over **80%** of workplace sexual harassment complaints in FY2022–23 came from just **81 of the 300 NSE-listed companies**.⁴ In contrast, small and mid-sized firms (SMEs), which constitute a significant share of India's employment sector, report **very few or zero cases**, raising serious concerns about underreporting or non-compliance.⁵

For example, **Tata Consultancy Services (TCS)**, one of India's largest employers, reported **110 sexual harassment complaints in FY2023–24**, of which **17 remained unresolved** by the

³ LinkedIn News India. (2024, March). *POSH Act sees rise in reporting but lag in resolution*. <https://linkedin.com>.

⁴ Economic Times. (2024, April 8). *80% of harassment complaints from 81 NSE-listed companies*. <https://m.economictimes.com>

⁵ The Wire. (2023). *SMEs silent on POSH compliance: A policy vacuum*. <https://thewire.in>

end of the financial year.⁶ This illustrates that even well-resourced companies struggle with timely redressal.

3.3 Sectoral Exposure and Risk

The **services, construction, metal, and mining sectors** report the highest complaint rates per 1,000 women employees. These sectors often involve non-office roles such as shop-floor work, field visits, and public engagement—spaces traditionally vulnerable to harassment due to lower oversight and greater power imbalances.⁷

Within the IT and financial services sectors—particularly high-employment fields for women in urban India—the complaint rates are also high. This is likely a combination of higher awareness and relatively better institutional mechanisms. However, high complaint numbers in these sectors still indicate systemic gaps in workplace safety culture.

3.4 Compliance Gaps in Implementation

Despite statutory requirements, **many companies continue to flout basic POSH compliance norms.** Government audits and third-party assessments have found that-

- A significant number of companies have not constituted valid **Internal Complaints Committees (ICCs).**
- Required **annual disclosures** related to POSH are missing or incomplete in many firms' regulatory filings.
- Even where ICCs exist, many lack proper training or gender sensitization, undermining the quality of investigation and redressal.⁸

This highlights the need for stricter regulatory monitoring, mandatory ICC audits, and greater accountability mechanisms for both public and private sector organizations.

4. LACK OF AWARENESS AND UNDERREPORTING- PERSISTENT BARRIERS TO POSH ENFORCEMENT

Despite the statutory framework provided by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act), its implementation remains

⁶ HR Economic Times. (2024). *TCS POSH report reveals 110 complaints in FY24.* <https://hr.economictimes.indiatimes.com>

⁷ Economic Times. (2023). *Metal and mining sectors top POSH complaint rates.* <https://m.economictimes.com>

⁸ Maktoob Media. (2023). *POSH audit reveals widespread non-compliance.* <https://maktoobmedia.com>

severely limited by widespread ignorance of the law among both employees and employers.⁹ This lack of awareness obstructs timely reporting, weakens enforcement mechanisms, and contributes to the persistence of unsafe workplace conditions, especially in informal and unorganized sectors where women are disproportionately represented.

A 2020 study by Ethisphere and the Business Ethics Leadership Alliance (BELA) revealed that **56% of professionals had never heard of the POSH Act**, and only **8%** were aware of it before 2021.¹⁰ This gap is not just a compliance issue; it indicates a deeper institutional failure to sensitize and educate employees—a mandatory requirement under the Act.

Further evidence comes from a 2023 joint study by Stratefix Consulting and the National Human Resource Development Network (NHRD), which surveyed 400+ professionals across different demographics. Key insights include:¹¹

- Only **8%** of respondents had prior awareness of the POSH Act.
- **11%** of respondents said they would rather leave their job than report sexual harassment.
- **37%** reported experiencing some form of sexual harassment.
- **17%** either feared or were unaware of their right to report.

This fear is intensified by lack of anonymity, fear of stigma or retaliation, and distrust in the complaint redressal system. Alarming, **2%** of respondents disclosed instances of sexual assault or rape at the workplace.

As hybrid and virtual workplaces become mainstream, newer challenges are emerging. The same study reported that:

- **950 cases** of virtual harassment were recorded, surpassing **487 cases** of physical harassment.
- **78%** were subjected to personal questions about their social or sexual lives during online meetings.
- **26%** encountered sexually suggestive visuals; **25%** reported explicit screen sharing or inappropriate virtual backgrounds.

⁹ Indian Researcher. (2020). *Awareness and effectiveness of POSH Act: A field study*. Retrieved from <https://indianresearcher.in>

¹⁰ Ethisphere & Business Ethics Leadership Alliance. (2020). *Workplace Ethics Culture Report: Awareness of Anti-Harassment Policies*. <https://ethisphere.com/reports>

¹¹ Stratefix Consulting & NHRD. (2023). *Changed Awareness of PoSH in the Workplace*. <https://www.bwpeople.in/article/only-8-employees-aware-of-the-posh-act-at-workplaces-stratefix-consulting-and-nhrd-report-466564>

- **22%** did not know what constitutes virtual sexual harassment.

Moreover, according to the National Commission for Women (NCW), **cyber harassment complaints surged fivefold during the pandemic**, underscoring the urgent need to address digital forms of sexual misconduct.¹²

These findings illustrate that lack of awareness not only contributes to underreporting but also obstructs the POSH Act's goal of ensuring dignity and safety for all individuals in the workplace.

4.1 Rampant Underreporting

One of the most pressing issues undermining the POSH Act's effectiveness is **the underreporting of sexual harassment cases**.¹³ A 2021 study associated with UN Women indicates that approximately **68% of women who face harassment at the workplace do not report it**.¹⁴ This silence is often enforced by multiple overlapping factors-

- **Fear of retaliation** or professional consequences such as job loss or demotion.
- **Stigma and reputational damage**, particularly in socially conservative settings.
- **Lack of trust** in Internal Complaints Committees (ICCs) or belief that complaints will not be taken seriously.
- **Absence of anonymity** in the complaint process, leading to fear of being exposed or discredited.

4.2 Barriers in the Informal Sector

These challenges are especially acute in India's vast informal sector, where employment is often temporary or undocumented. Workers in these sectors—such as domestic workers, construction laborers, and street vendors—usually **lack access to formal ICC mechanisms** and have little legal recourse. The absence of Local Complaints Committees (LCCs) at the district level further marginalizes these groups from the protections that the Act purports to provide.

The POSH Act mandates training, orientation, and the display of relevant information on rights

¹² National Commission for Women. (2021). *Annual Report: Trends in Cyber Sexual Harassment During the Pandemic*. <https://ncw.nic.in>

¹³ Times of India. (2021, March). *Majority of Indian women do not report sexual harassment at work*. <https://timesofindia.indiatimes.com>

¹⁴ UN Women. (2021). *The silence surrounding sexual harassment in South Asia: Barriers to reporting and policy gaps*. Retrieved from <https://asiapacific.unwomen.org>

and procedures at workplaces. Yet many organizations fail to fulfil these obligations, either due to negligence or inadequate enforcement by authorities.

5. LANDMARK JUDGMENTS AND PROPOSED CHANGES IN POSH ACT

The interpretation and application of the POSH Act have evolved through key judicial pronouncements and on-going legislative discourse. Courts have not only clarified procedural dimensions of the law but have also reinforced the constitutional principles of fairness, equality, and due process in sexual harassment adjudication. Simultaneously, proposed amendments aim to modernize the Act, making it more inclusive and victim-sensitive in a rapidly changing social landscape.

5.1 Landmark Judgments

One of the earliest and most transformative rulings on workplace sexual harassment in India came from the Supreme Court in **Vishaka v. State of Rajasthan (1997)**. This case arose from the brutal gang rape of **Bhanwari Devi**, a social worker in Rajasthan who had been targeted for attempting to prevent a child marriage. In the absence of any specific legislation at the time, the Court laid down binding guidelines, known as the **Vishaka Guidelines**, which recognized sexual harassment as a violation of Articles 14, 15, 19(1)(g) and 21 of the Indian Constitution.¹⁵ These guidelines served as the legal foundation for the eventual passage of the POSH Act in 2013.

Building on this, the case of *Medha Kotwal Lele v. Union of India (2013)* stressed the need for effective enforcement of the Vishaka Guidelines. The Supreme Court directed all states and Union Territories to ensure the establishment of complaints committees in every organization, emphasizing that failure to do so would amount to a violation of women's fundamental rights.¹⁶

In *Apparel Export Promotion Council v. A.K. Chopra (1999)*, the Supreme Court upheld the dismissal of a senior officer who attempted to molest a junior employee. The Court clarified that intent was not a necessary component for an act to be considered sexual harassment; rather, it is the effect on the victim that matters. This case firmly established the precedence of victim

¹⁵ Supreme Court of India. (1997). *Vishaka & Ors v. State of Rajasthan & Ors*, AIR 1997 SC 3011. Retrieved from https://en.wikipedia.org/wiki/Vishaka_v._State_of_Rajasthan

¹⁶ *Medha Kotwal Lele v. Union of India & Ors.*, (2013) 1 SCC 297.

experience over the alleged intent of the harassers.¹⁷

The definition of workplace was also clarified and expanded in *Saurabh Kumar Mallick v. Comptroller and Auditor General of India* (2011), where the Delhi High Court ruled that harassment occurring outside traditional office spaces, such as work-related events, still fell under the jurisdiction of workplace sexual harassment laws. This broadened the legal understanding of “workplace” in POSH-related matters.¹⁸

Further procedural clarity was provided in *Dr. Punita K. Sodhi v. Union of India* (2010), where the Delhi High Court emphasized the importance of a fair and unbiased inquiry process by the Internal Committee. The Court highlighted that both complainant and respondent must be given the opportunity to present their case in adherence to the principles of natural justice, a standard now embedded in POSH investigations.¹⁹

More recently, in ***Kerala State Electricity Board v. Vinukumar* (2023)**, the Supreme Court addressed an important procedural concern- whether an employer could impose penalties beyond what the **Internal Complaints Committee (ICC)** recommended. While upholding the ICC’s findings in favor of the complainant, the Court ruled that any enhancement of penalties must comply with principles of **natural justice and procedural fairness**. The judgment cautioned against unilateral decisions by employers without giving the accused an opportunity to be heard.²⁰ This case underscores the need for balance between administrative discretion and due process.

5.2 Proposed Amendments to the POSH Act- Bridging Gaps in Implementation and Access

Despite its pioneering legal framework, the Sexual Harassment of Women at Workplace Act, 2013 (POSH Act) is increasingly viewed as inadequate in addressing the realities of today’s workplaces—particularly digital and hybrid work environments. Recognizing these gaps, a series of reform proposals have emerged through legal, civil society, and parliamentary discussions. These aim to enhance accessibility, inclusivity, procedural efficiency, and

¹⁷ *Apparel Export Promotion Council v. A.K. Chopra*, (1999) 1 SCC 759.

¹⁸ *Saurabh Kumar Mallick v. Comptroller & Auditor General of India*, 2008 (104) DRJ 550.

¹⁹ *Dr. Punita K. Sodhi v. Union of India & Ors.*, 2010 (172) DLT 409.

²⁰ Supreme Court of India. (2023). *Kerala State Electricity Board v. Vinukumar*, Civil Appeal No. 6598 of 2023. Retrieved from <https://practiceguides.chambers.com>

enforcement.²¹

5.2.1 Key Amendments Under The Posh (Amendment) Bill, 2024

Proposed Change	Current Provision	Proposed Amendment	Rationale
Limitation Period	3 months (extendable to 6 months)	Extended to 12 months with flexible extension	Acknowledges the psychological trauma survivors face and removes rigid timelines that deter reporting.
Conciliation Process	Allowed under Section 10	Repealed entirely	Removes potential for coercion and promotes formal, fair redressal.
Anonymous/Third-Party Complaints	Not permitted	To be enabled through digital tools (e.g., SHE-Box)	Protects whistleblowers, reduces fear of retaliation, and encourages reporting.
Gender-Neutral Scope	Applies only to women	Expanded to include men and LGBTQ+ persons	Ensures inclusivity and protection for all identities.
Training & Certification of ICCs	No uniform standard	Mandatory training and formal certification	Improves complaint handling, legal compliance, and procedural sensitivity.

Table 2- Summary of Proposed Key Changes to the POSH Act²²

These changes collectively aim to strengthen the POSH framework by addressing long-standing issues of **underreporting, lack of awareness, procedural rigidity, and gendered exclusions**. Particularly relevant in informal, gig, and digital workspaces, the amendments emphasize a survivor-centric, fair, and modernized approach to workplace harassment redressal.²³

²¹ On **February 2, 2024**, the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Amendment Bill, 2024* was introduced in Parliament. This legislative initiative aims to address critical gaps identified over the past decade, including issues raised by the **J.S. Verma Committee** in its 2013 report.

²² The Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Amendment Bill, 2024.

²³ The proposals aim to close the gaps in inclusivity, accessibility, and procedural flexibility, especially for marginalized genders and informal workers

6. CRITICAL GAPS IN THE IMPLEMENTATION OF THE POSH ACT

Despite over a decade since its enactment, the POSH Act continues to face significant challenges in both its legal architecture and practical enforcement. These limitations fall broadly into **three categories**- structural, procedural, and sociocultural. Together, these undermine the effectiveness of the law and hinder its stated objective of creating safe and inclusive workplaces.

6.1 Structural Gaps

One of the most glaring implementation failures is **non-compliance with mandatory institutional requirements**. Data from industry assessments and government audits reveal that a **substantial number of organizations, including both domestic and multinational corporations, had not constituted Internal Complaints Committees (ICCs)** as mandated by the Act. By 2015, **36% of domestic firms and 25% of multinational companies** had failed to form ICCs as required by Section 4 of the POSH Act.²⁴

Additionally, **disclosures mandated by the Securities and Exchange Board of India (SEBI)** for listed companies on the **National Stock Exchange (NSE)** are often **incomplete, inconsistent, or absent**. Many companies fail to mention whether complaints were resolved within the statutory 90-day period or whether any follow-up actions were taken.²⁵ This lack of transparency dilutes the public accountability mechanisms envisaged under the Act.

6.2 Procedural and Cultural Challenges

Beyond institutional gaps, there are serious **procedural deficiencies and cultural barriers** that discourage reporting and diminish the quality of redressal-

- **No Anonymity**- The current system does not provide for anonymous or third-party reporting. Complainants must reveal their identity and submit a signed written complaint, which often exposes them to retaliation and social stigma.²⁶
- **Underreporting and Intimidation**- Field surveys suggest that approximately **28.8% of working women experience harassment, and 47.8% of reported incidents occur**

²⁴ Stratefix Consulting. (2020). *POSH Compliance in India: An Assessment of Corporate Practices*. Retrieved from <https://stratefix.com>

²⁵ Economic Times. (2023, August). *Corporate filings reveal POSH compliance inconsistencies*. <https://m.economictimes.com>

²⁶ Indian Researcher. (2020). *Reporting Mechanisms under the POSH Act: A Field-Based Critique*. <https://indianresearcher.in>

within the first year of employment.²⁷ Despite this prevalence, the fear of losing one's job, tarnishing professional reputation, or being labeled a "troublemaker" continues to deter victims from speaking out.

- **Exclusion of Male and LGBTQ+ Victims-** The POSH Act exclusively protects women, leaving **male and LGBTQ+ victims without statutory recourse.** Recent workplace studies indicate that **17% of harassment complaints come from male employees**, while **approximately 40%** involve individuals identifying as LGBTQ+.²⁸ This gender-exclusive framework is increasingly seen as outdated and exclusionary.
- **Inadequate ICC Training and Bias-** Many ICCs are either **improperly constituted or lack essential legal and gender-sensitization training.** There are documented cases of bias, intimidation, and poor investigative standards in ICC proceedings, further eroding trust in the system.²⁹
- **Short Limitation Period-** The current law allows only **three months** from the date of the incident to file a complaint, a timeframe that does not account for the psychological trauma, fear, and internalized stigma victims often face.³⁰

7. RECOMMENDATIONS FOR STRENGTHENING THE POSH ACT

In light of the critical gaps identified in enforcement, compliance, and inclusivity, it is essential to modernize and expand the POSH Act's reach. The following policy and legal reforms aim to create a more inclusive, effective, and survivor-centric workplace safety regime in India.

7.1 Strengthen Reporting Mechanisms and Timeliness

The procedural limitations of the current POSH framework—such as short reporting windows and lack of anonymity—discourage victims from coming forward.

- **Extend the Complaint Filing Window-** Amend Section 9 of the Act to allow complaints to be filed up to **12 months** from the date of the incident, acknowledging the trauma and hesitation victims often experience.³¹

²⁷ See Supra Note 14.

²⁸ Times of India. (2021). *Male and LGBTQ+ workers left out of POSH protection.* <https://timesofindia.indiatimes.com>

²⁹ Maktoob Media. (2023). *Poor training and bias plague workplace harassment panels.* <https://maktoobmedia.com>

³⁰ POSH at Work. (2023). *Time to Expand the POSH Act: Key Legal and Procedural Gaps.* <https://poshatwork.com>

³¹ *Ibid.*

- **Allow Anonymous and Third-Party Reporting-** Enable complainants to **submit cases anonymously or via authorized third parties**. Digital portals like the **SHe-Box** (currently used in the public sector) should be expanded to include private entities.³²
- **Faster Resolution Timelines-** Mandate **resolution of complaints within 45 days**, rather than 90, especially in severe or on-going cases.

7.2 Broaden Coverage and Legal Scope

The current gender-exclusive nature of the Act marginalizes several vulnerable groups.

- **Make the Act Gender-Neutral-** Amend the law to **include men, non-binary, and LGBTQ+ individuals** as potential complainants.³³ A growing number of complaints now emerge from these communities (e.g., 17% male and 40% LGBTQ+ in some surveys).³⁴
- **Include All Organizations, Regardless of Size-** Many micro and small enterprises fall outside the practical implementation of POSH. All firms, regardless of employee count, should be **mandated to constitute ICCs** or align with district-level LCCs.

7.3 Enhance Compliance Infrastructure

Compliance failures often stem from weak oversight and lack of transparency.

- **Unified National Compliance Repository (NCR)-** SEBI, in collaboration with the Ministry of Women and Child Development, should create a **national public database** of POSH compliance disclosures, accessible to both regulators and the public.³⁵
- **Penalties for Non-Compliance-** Firms that fail to constitute ICCs, report cases, or train staff should face graded **financial penalties**, loss of accreditation, or debarment from government contracts.
- **Mandatory Quarterly Training-** Conduct structured, **quarterly training** for all ICC members and managers to ensure legal awareness, procedural fairness, and gender sensitivity.³⁶

7.4 Promote and Digitize Reporting Tools

Digital mechanisms offer privacy, traceability, and scalability.

³² Ministry of Women and Child Development. (2021). *SHe-Box Platform*. Retrieved from <https://shebox.nic.in>

³³ See Supra Note 29.

³⁴ See Supra Note 14.

³⁵ Economic Times. (2023). *SEBI plans to tighten POSH norms for listed firms*. <https://m.economictimes.com>

³⁶ Maktoob Media. (2023). *Corporate India's ICCs under scrutiny for lack of training*. <https://maktoobmedia.com>

- **Expand SHe-Box Coverage-** The central government’s **SHe-Box platform**, currently limited to central ministries and public-sector employees, should be **expanded to private-sector organizations**. Uttar Pradesh’s state-level integration provides a promising model.³⁷
- **Develop Multilingual and Mobile-Friendly Platforms-** To reach informal workers and rural populations, apps and helplines should be **translated into local languages**, with accessibility features for differently-abled users.

7.5 Drive Cultural and Organizational Transformation

Legal reforms are necessary but insufficient without a cultural shift within organizations.

- **Leadership Accountability-** Senior management and HR must lead by example, issuing **zero-tolerance policies** on harassment and backing them with transparent disciplinary outcomes.
- **Safe and Confidential Internal Reporting-** Employers should institute **internal ombuds services**, anonymous suggestion boxes, and trauma-informed handling of sensitive complaints.³⁸
- **Public Awareness Campaigns-** National and state governments should conduct **regular multimedia campaigns** to educate employees, especially in informal sectors, about their rights under POSH.

7.6 Summary of Key Recommendations

Focus Area	Recommendations
Reporting & Timeliness	Extend complaint deadline to 12 months; allow anonymous/third-party reporting
Legal Scope	Gender-neutral coverage; include LGBTQ+ and male victims
Compliance Infrastructure	National repository; SEBI enforcement; training ICCs quarterly
Digital Access	Expand SHe-Box to private sector; develop regional mobile tools
Cultural Change	Promote leadership responsibility; safe spaces; public awareness

Table 3- Summary of Key Recommendations

³⁷ Uttar Pradesh State Women Commission. (2023). *Integration of SHe-Box with Private Sector: A Pilot*. <https://upswc.in>

³⁸ Indian Researcher. (2020). *Awareness and Effectiveness of the POSH Act: Recommendations for Change*. <https://indianresearcher.in>

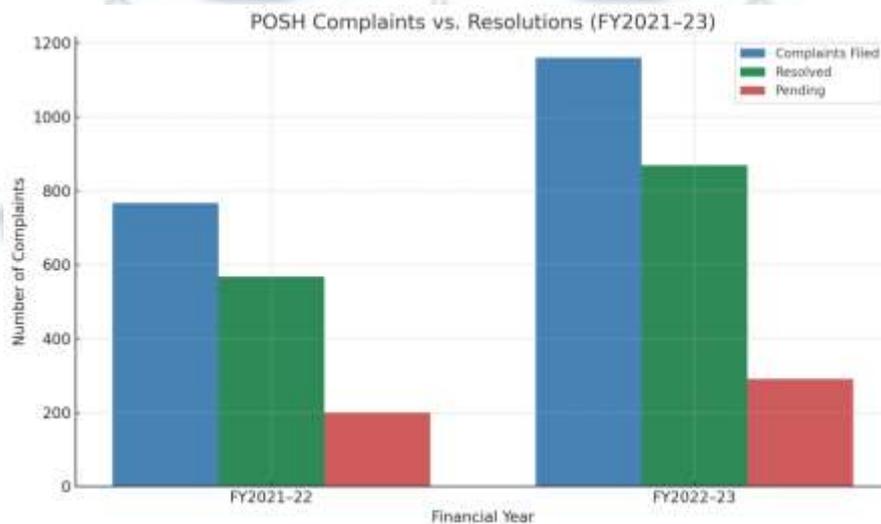
8. SEXUAL HARASSMENT AT WORKPLACES- A STATISTICAL ANALYSIS

Statistics visualization is essential to understanding the trends and gaps in the implementation of the POSH Act. The following tables and bar charts illustrate the growing number of workplace sexual harassment complaints in India and the persistent issue of unresolved cases.

Year	Complaints Filed	Resolved	Pending
FY2021-22	767	567	200
FY2022-23	1,160	869	291

Table 4- POSH Complaints vs. Resolutions (FY2021-23)

Source- Centre for Economic Data and Analysis (CEDA), National Stock Exchange (NSE) Corporate Disclosures, 2023³⁹



Here is the **bar chart comparing POSH complaints filed, resolved, and pending** for FY2021-22 and FY2022-23. It clearly illustrates the growing volume of cases and the persistent backlog, highlighting the need for improved resolution mechanisms and institutional capacity.

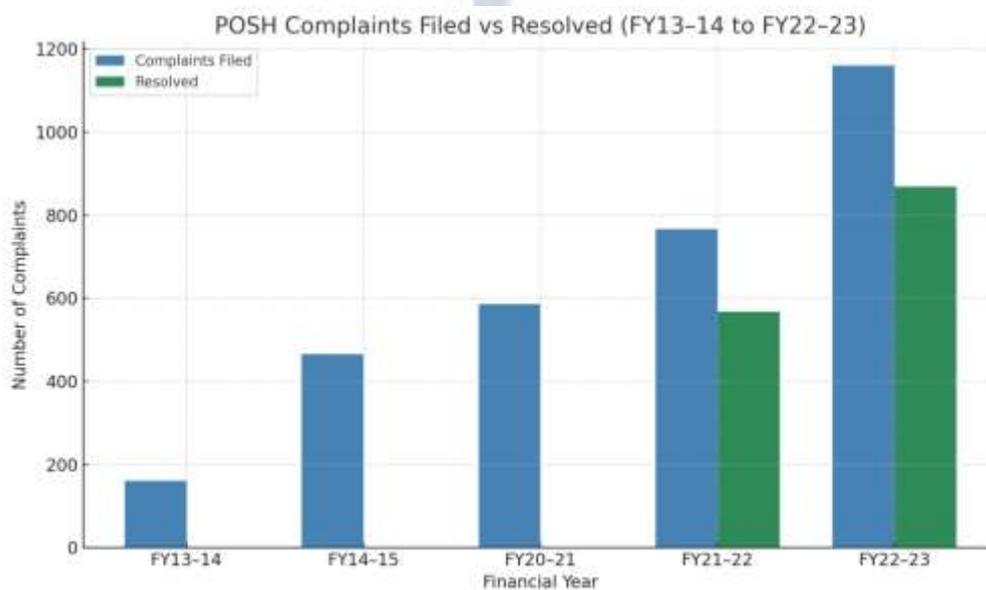
Interpretation- There was a **51% increase in reported cases** between FY21-22 and FY22-23. However, the number of unresolved complaints also rose by 45%, indicating that resolution mechanisms are not scaling in proportion to complaints. This growing backlog raises concerns about the efficiency and timeliness of ICCs across sectors.

³⁹ See Supra Note 2.

Year	Complaints Filed
FY13–14	161
FY14–15	465
FY20–21	586
FY21–22	767
FY22–23	1,160

Table 5- Year-wise Trends in POSH Complaints and Resolutions (FY2014–2023)

Source- Centre for Economic Data and Analysis (CEDA), National Stock Exchange (NSE) Corporate Disclosures, 2023⁴⁰



Interpretation- The number of complaints has shown a **steady and significant upward trend**, which may indicate both increased workplace awareness and a rising willingness to report incidents. However, the consistent presence of unresolved cases implies that **compliance mechanisms like ICCs are not uniformly effective**, especially outside top-tier NSE-listed firms.

9. FINAL THOUGHTS AND RECOMMENDATIONS

The **POSH Act 2013** has marked a significant legislative leap toward recognizing and addressing gender-based violence in professional spaces. The steady rise in the number of reported complaints, particularly among NSE-listed firms, suggests a **gradual increase in awareness and institutional willingness to engage with workplace harassment**. However,

⁴⁰ *Ibid.*

this quantitative growth also highlights the **persisting and unresolved structural deficiencies** that limit the Act's overall efficacy.

The Act's implementation is marred by **critical challenges**- a lack of awareness among both employees and employers, weak compliance especially in small and informal enterprises, insufficient training of Internal Committees (ICCs), and inadequate protection mechanisms for victims. Moreover, the **gender-specific language of the Act excludes male and LGBTQ+ victims**, who also face significant harassment but have little to no institutional recourse under current legislation.

Further compounding these challenges are **procedural limitations** such as restrictive timelines, fear of retaliation, and poor resolution rates. Despite regulatory mandates, many organizations continue to **either underreport or fail to report** complaints altogether. The result is a framework that is progressive in intention but often ineffective in practice.

To truly uphold the **spirit of the Vishaka guidelines** and the POSH Act's foundational goal—ensuring a **safe, inclusive, and dignified workplace for all**—India must adopt a **multi-pronged approach**. This includes-

- Legislative reforms to **expand the scope of protection**, including gender neutrality and an extended complaint window;
- **Mandatory training and reporting** mechanisms to ensure robust compliance;
- **Digital platforms** like SHE-Box made accessible to all sectors;
- And most importantly, **cultural transformation** led by leadership accountability, survivor-centric practices, and public education campaigns.

Only through such **sustained and inclusive reform** can the POSH Act evolve from a compliance checklist into a genuine instrument of workplace justice and equality.