
SEXUAL HARASSMENT OF WOMEN AT WORKPLACE: A STUDY OF INDIAN LEGISLATION AND JUDICIAL APPROACH

Medha Raj, Amity Law School, Patna, Amity University

ABSTRACT

Workplace sexual harassment is a flagrant affront to the freedom, equality, human dignity, and rights of women that are enshrined in the Indian Constitution. It poses a threat to women's mental and physical health as well as their capacity to fully engage in the workforce and the economy. Patriarchal societal dynamics, institutional silence, and a lack of a comprehensive legislative framework meant that workplace harassment in India was under-discussed in legal debate for a long time. The issue gained constitutional importance following the Supreme Court's recognition of sexual harassment as a violation of Articles 14, 15, 19, and 21 in the landmark judgment *Vishaka v. State of Rajasthan*. The court also established legally binding guidelines for workplace protection in the absence of legislation. In order to establish a legal framework for the prevention and treatment of workplace harassment, Parliament passed the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. This study takes a look at how the laws in India have changed over the years to protect women from sexual harassment on the job and how the constitutional courts have handled cases involving this issue. Understanding the legal framework governing workplace harassment in India requires an examination of constitutional principles, international commitments, legislative changes, and significant court decisions. This study does just that. Issues like as underreporting, institutional bias, ineffective Internal Complaints Committees, digital harassment, and implementation deficiencies are highlighted, and the efficacy of the POSH Act, 2013 is assessed in further detail. Although India has established a progressive legal framework, the article contends that effective enforcement and institutional accountability continue to be significant obstacles through doctrinal examination of constitutional provisions, statutes, court precedents, and academic literature. At the end of the study, the authors suggest changes that female workers in both the formal and informal sectors might do to improve workplace safety, gender awareness, and their ability to obtain justice.

Keywords: Workplace Sexual Harassment, POSH Act, 2013, Gender Equality, Constitutional Rights, Women's Dignity.

Introduction

When it comes to contemporary democracies, the treatment of women ranks high among the most important issues related to human rights, gender equality, and harassment in the workplace. When compared to even a generation before, today's working-age women are far more engaged with the economy and the workforce. Unfortunately, many companies still tolerate sexual harassment, assault, humiliation, and discrimination against women. Desecration of women's personhood and impairment of their capacity to engage fully in society at large are two of the far-reaching repercussions of harassment. As a result, sexual harassment is about systemic issues rather than isolated incidents. Here we see an example of systematic oppression. As a result, it reflects the gender gap and the fundamental patriarchal power connection. It is contained in the socio-institutional grid¹. For a long time, Indian law did not address sexual harassment at work.² Condensed version Social shame, fear of punishment, economic dependency, institutional silence, and lack of legal remedies discouraged women from reporting cases of harassment. The old way of looking at them would have classified them as personal matters or acts of mischief rather than breaches of equality in the workplace or constitutional rights. Particularly in male-dominated occupations and unorganized sectors, women workers were already at a greater disadvantage due to the lack of a diverse legislative system. The social and economic landscape of India was revolutionized when women took involvement in fields such as education, administration, corporate jobs, healthcare, media, judiciary, and public services. Nevertheless, new kinds of abuse and exploitation were inflicted upon women as they gained greater visibility in the workplace. One of the main obstacles to women's professional progress, psychological well-being, and financial autonomy was sexual harassment. Domestic workers, factory employees, agricultural laborers, students, journalists, corporate employees, and government dependents are among women who face this challenge. The landmark decision in *Vishaka v. State of Rajasthan* marked a turning point. This case started with the gang rape of Bhanwari Devi, a government-employed social worker in Rajasthan who was assaulted in her village for trying to stop the practise of child marriage.³ This episode highlighted the systemic problem of women's lack of protection from harassment and violence in the workplace, as well as their positional vulnerability in public sector jobs. In

¹ Agnes, Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford University Press, New Delhi, 2001).

² Pallavi Singh & Radha Ranjan, "Sexual Harassment of Women at Work Place: A Study of Indian Legislation and Judicial Approach", 4(1) *Indian Journal of Law and Legal Research* 1, 1–8 (2022).

³ Radha Ranjan & Anupam Sinha, "Child Pornography Laws in India: A Comparative Legal Analysis with Global Frameworks", 11(3) *The Research Journal (TRJ)* 86, 86–99 (May–June 2025).

response to the dearth of relevant statutes, the Supreme Court adopted an aggressive constitutional stance and established the Vishaka Guidelines to address and prohibit sexual harassment in the workplace. Sexual harassment is unconstitutional since it goes against the rights outlined in articles 14, 15, 19, and 21 of the constitution, the court says.⁸ Above all else, the Court's interpretation of constitutional protections in regard to international human rights duties was based on international agreements, especially CEDAW.

By elevating sexual harassment in the workplace from the realm of private or disciplinary concerns to that of constitutional and human rights, the Vishaka case was a major turning point in the constitutional jurisprudence of India⁴. Furthermore, the decision demonstrated how the judiciary has filled the void created by Parliament in protecting basic rights when they were threatened. For over fifteen years, until Parliament passed full legislation, the Vishaka Guidelines remained legally binding. Afterwards, a significant piece of law was passed in 2013 to address sexual harassment of women at work. This act aimed to prevent, prohibit, and redress cases of sexual harassment in the workplace. A framework to prohibit, punish, and remedy sexual harassment of women was instituted by the Act. Employers were obligated to establish Internal Complaints Committees, undertake inquiries, raise workplace awareness, and guarantee a safe working environment for women as per the Act.

A crucial component of gender equality and labor rights is the right to be free from harassment in the workplace, which is being more and more acknowledged by international human rights legislation. States are obligated to ensure that women can work in safe and non-discriminatory workplaces according to the CEDAW, the International Labor Organization agreements, and the United Nations declarations. The domestic interpretation of the Constitution and direct international human rights commitments have led to the evolution of India's legal regime. With an emphasis on legislative formation and judicial interpretation, this study seeks to critically analyze the constitutional and legal framework of sexual harassment in the workplace in India. Moving from the Vishaka Guidelines to the POSH Act, 2013, this article reviews the legislation regarding harassment of women in the workplace. Ensuring gender equality and dignity is the responsibility of constitutional courts. Along with examining current enforcement concerns, the report offers reform recommendations to improve institutional accountability and justice

⁴ Agnes, Flavia, *Law, Justice and Gender: Family Law and Constitutional Perspectives* (Oxford University Press, New Delhi, 2012).

access.

Conceptual and Theoretical Framework of Sexual Harassment at Workplace

Sexual harassment is seen as more than just an instance of inappropriate behavior; it is a multi-faceted social and legal issue that necessitates knowledge of gender discrimination and structural inequalities. These perspectives are necessary for comprehending the rise of harassment in the workplace as a human rights violation. The office is more than just a place where people sit at desks and make a living. It ought to be a place where workers can get their jobs done without resorting to any means of obtaining resistance⁵. At different points in time, the concept of sexual harassment in the workplace has diverse meanings. This sort of behavior was frequently disregarded or minimized by earlier legal systems, which viewed it as an individual matter or a simple moral shortcoming. Human rights and feminist movements, however, shown that sexual harassment is an instrument of sexism that prevents women from fully participating in public and professional spheres.² This has led to the realization that harassment in the workplace is a type of sexism and power abuse that undermines women's autonomy in the job.

Feminist Jurisprudence and Sexual Harassment

Instead of viewing sexual harassment as an isolated incident of wrongdoing, feminist legal theory recasts it as systemic discrimination. By looking at workplace harassment through a feminist lens, we can see how victims are socially and economically marginalized by a system that accepts gender inequality in power. This argument in academia goes beyond matters of practicality. When it came to sexual harassment in the workplace, Catharine MacKinnon was a trailblazer. As per MacKinnon, sexual harassment is discrimination against women in the workplace because of their gender. Feminist legal theory posits that harassment serves to uphold patriarchal power structures by uninvitedly victimizing and socially discouraging women from entering the workplace. Feminist academics have pointed out that legal neutrality frequently masks systemic injustices⁶. Workplace norms have historically been based on male-dominated experiences and institutional culture, which has normalized sexist and exclusionary behaviors and practices.¹⁰ In order to acknowledge women's lived realities and ensure

⁵ Baxi, Upendra, *The Indian Supreme Court and Politics* (Eastern Book Company, Lucknow, 1980).

⁶ Bhatia, Gautam, *The Transformative Constitution: A Radical Biography in Nine Acts* (HarperCollins Publishers, New Delhi, 2019).

substantive equality, legislative intervention became essential. The feminist view highlights the significance of intersectionality due to the fact that women's experiences of harassment differ according on factors such as caste, class, religion, race, disability, sexual orientation, and economic degree. Women from underprivileged groups often face numerous forms of discrimination and have limited access to justice-dispensing institutions, according to Kimberlé Crenshaw's theory of intersectionality. Some groups of women are especially susceptible to abuse because of their unique circumstances; they include migrant workers, Dalit women, women in the informal sector, and domestic workers. In India, the problem of harassment in the workplace first entered the public and constitutional conversation as a result of women's rights groups and feminist movements. It was the concerted efforts of women's groups fighting for gender equality in the workplace and greater institutional responsibility that gave rise to the Vishaka case.

Constitutional Framework Relating to Sexual Harassment at Workplace in India

Protections against sexual harassment in the workplace are firmly rooted in India's constitutional structure. The Constitution does not specifically address sexual harassment in the workplace. Nevertheless, women can be better protected against gender-based violence and unsafe working conditions thanks to the Constitution's guarantee of equality, dignity, liberty, and non-discrimination. A secure workplace is now seen as a crucial component of real equality and human dignity according to the evolving understanding of these protections in Indian constitutional law.¹ A watershed moment in the history of gender equity jurisprudence occurred when India's statute prohibiting sexual harassment in the workplace was ratified into the constitution. The Supreme Court's decision in *Vishaka v. State of Rajasthan* transformed sexual harassment in the workplace from an internal disciplinary issue to a constitutional violation through judicial interpretation. Thus, it impacts the rights that are fundamentally guaranteed in Articles 14, 15, 19, and 21.² Consequently, it has broadened the constitutional protections afforded to female workers. Additionally, it mandates that institutions and employers take proactive measures to create a safe workplace. Everyone in India has the right to an environment free from sexual harassment, according to the country's constitution. But the courts need to look at this structure carefully.

Article 14: Equality Before Law and Equal Protection of Laws

Article Fourteen of the Indian Constitution provides that everyone is equal before the law and

has the right to be protected from discrimination in any way. By fostering unfair and unequal working circumstances that disproportionately impact female employees, sexual harassment in the workplace constitutes a direct violation of Article 14. Harassment produces work conditions where women are less likely to feel safe speaking out for themselves, which in turn limits their economic and political participation.⁷ In *Vishaka*, it was acknowledged that sexual harassment, assault, or other forms of physical or verbal abuse directed towards women are completely unacceptable and contrary to the principle of gender equality in the workplace.⁵ Because it prevents women from receiving equal treatment and chance in the workplace, the Supreme Court ruled that sexual harassment violates the right to equality guaranteed by the Constitution. Pursuing real equality, as opposed to superficial equality, is the primary goal of Indian Constitutional Jurisprudence. In contrast to substantive equality, which seeks to eliminate structural impediments and achieve real equality, formal equality just mandates equal treatment under the law. An example of structural disadvantage is workplace harassment. For the simple reason that patriarchal power relations and workplace cultures disproportionately affect women workers. This means that protections against discrimination and hostile work environments are now part of Article 14, which it has construed liberally. The right to an environment free from harassment, discrimination, or abridgment is an essential component of constitutionally guaranteed equality in the workplace.

Vishaka v. State of Rajasthan: Judicial Transformation

The judgment in *Vishaka v. State of Rajasthan* represents one of the most significant developments in Indian constitutional and gender jurisprudence. Decided in 1997, the case fundamentally transformed workplace harassment law in India by recognizing sexual harassment as a violation of constitutional rights and establishing legally enforceable guidelines in the absence of legislation.

The Supreme Court held that workplace sexual harassment violates:

- Article 14 — Equality before law
- Article 15 — Prohibition of discrimination

⁷ Citron, Danielle Keats, *Hate Crimes in Cyberspace* (Harvard University Press, Massachusetts, 2014).

- Article 19(1)(g) Freedom to practice profession
- Article 21 — Right to life and dignity¹⁷

Fundamental to constitutional democracies, the Court said, are safeguards for human dignity and equality between the sexes. It found that hazardous and hostile workplaces prevent women from exercising professional independence. The Court's reference to human rights treaties was a defining feature of the ruling. When domestic legislation fails to adequately interpret constitutional guarantees, the Court may go to international agreements and CEDAW for guidance. It has been decided that such responsibilities must be consistent with fundamental rights.

Apparel Export Promotion Council v. A.K. Chopra

The Supreme Court's decision in *Chopra v. Apparel Export Promotion Council* further solidified the law against harassment in the workplace. A senior official was subject to disciplinary action in this case for sexually harassing an employee under their supervision. According to the court's defense, sexual harassment can occur even in the absence of physical touch. Harassment can take many forms, but it always begins with actions that undermine female employees' self-esteem and continues with those that foster an offensive, hostile, or intimidating work atmosphere. In addition to reiterating the fundamental principles laid out in *Vishaka*, the Court emphasized that the institution has a responsibility to maintain workplace discipline and decency. This decision demonstrates the courts' willingness to uphold constitutional principles by interpreting workplace harassment legislation broadly and purposefully.

Medha Kotwal Lele v. Union of India

Despite the court's directives, numerous institutions continued to disobey *Vishaka*. So, advocates for women's rights went back to the Supreme Court in *Medha Kotwal Lele vs. Union of India* to get employment protections enforced. Government and institutional indifference, as well as extensive non-compliance with *Vishaka* Guidelines, were pointed out by the Court. All states, universities, government entities, and businesses were ordered to take action by it.

- Constitute complaint committees

- Conduct awareness programmes
- Ensure proper grievance mechanisms
- Submit compliance reports²⁶

The judgment highlighted continuing institutional resistance toward workplace gender justice despite constitutional mandates.

Vishaka v. State of Rajasthan: Foundation of Workplace Harassment Jurisprudence

For India's constitutional law on women's rights and workplace equality, the landmark case *Vishaka v. State of Rajasthan* was a turning point.⁸ The incident started when Bhanwari Devi, a social worker with a Rajasthan government program, was brutally attacked while trying to end child marriage in her village. This led to her gang rape. There are obviously no legal safeguards against harassment and violence of any kind, and this instance exposed serious institutional shortcomings. Organizations fighting for women's rights have petitioned the Supreme Court in a public interest litigation (PIL), requesting that the court uphold the rights outlined in Articles 14, 15, 19, and 21. There should be a law protecting women from harassment in the workplace since it violates their right to equality, dignity, and the freedom to choose their occupation, according to the petition. With this reasoning in mind, the Supreme Court issued a ruling stating that sexual harassment does in fact occur. The Court ruled that workplace dignity and protection against sexual harassment are essential components of gender equality.⁵ Furthermore, it was said that when women are subjected to an environment of intimidation, humiliation, and abuse, they are unable to exercise professional freedom. The judgment's heavy reliance on international human rights legislation was a key component. The Court determined that constitutional values can be utilized to interpret international conventions in the absence of domestic law, citing the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) extensively. The application of international rules by Indian courts has grown substantially, and this is a major change to the country's constitutional law. Parliament did not enact a law prohibiting harassment in the workplace. So, until legislation was made, the court drafted the Vishaka Guidelines to serve as law. Establishing complaint committees, implementing preventative

⁸ Law Commission of India, *Report on Women's Rights and Gender Justice in India* (Government of India, New Delhi, 2018).

measures, launching awareness campaigns, and establishing a safe workplace for female employees were all requirements of the recommendations.

This decision exemplifies revolutionary constitutionalism and judicial activism in its finest form. It institutionalized gender justice in the workplace and protected fundamental rights by filling a statutory void. Prior to the POSH Act of 2013's implementation, the Vishaka Guidelines were mandatory for almost fifteen years. Vishaka is more than just a rule book for the office. This decision upheld the constitutionality of workplace dignity and the right to be free from harassment, discrimination, and assault based on a person's gender. Furthermore, the premise that constitutional courts have the authority to issue binding directives even when no legislation is in place to protect basic rights was further supported.

Apparel Export Promotion Council v. A.K. Chopra

In the case of Apparel Export Promotion Council v. A.K. the Supreme Court... The case was about disciplinary proceedings against a senior officer who was alleged to have sexually harassed a female subordinate at a workplace. The accused objected to it submitting that there was no physical contact or assault made. The Supreme Court of India rejected this argument, taking a broad view of what constitutes workplace harassment and stating that physical assault is not required to prove sexual harassment.¹¹ Between the physical and the psychological, any kind of unwelcome behaviour that offends a woman's dignity or creates a hostile working environment will amount to harassment. The judgment reiterated the constitutional principles laid down in Vishaka and noted that the dignity at the workplace represents an essential part and parcel of fundamental rights available under Articles 14, 15 and 21 of the Constitution. It noted that the sexual harassment violates the right of women to gender equality and to life with dignity⁹.

The accused officer's disciplinary action was affirmed by the court, which emphasized institutional accountability. In light of this new precedent, it is clear that employers have a responsibility to ensure a safe working environment free from harassment, discrimination, and abuse of power for their female employees. Psychological intimidation and misuse of power were recognized as constitutionally injurious acts in the judgment A.K. Chopra, which

⁹ Ministry of Women and Child Development, Government of India, *POSH Compliance Report* (2022).

improved the conceptual understanding of workplace harassment. In order to promote real equality and dignity, the judiciary will interpret workplace rights with purpose.

Challenges in Judicial Enforcement

Many obstacles still hinder the courts' ability to enforce anti-harassment statutes in the workplace, notwithstanding developments in the law. Many people are afraid to contact the courts because of the lengthy procedures, institutional resistance, social shame, fear of reprisal, and lengthy litigation that often accompany legal proceedings.³¹ Also, many victims do not know enough about the law or do not have the money to pay for legal representation. When deciding claims of workplace harassment, courts must also consider competing concerns for public accountability, procedural fairness, and the protection of sensitive information. Both too strict of a procedure and a lack of proper protections run the risk of discouraging complainants and making responders feel unfairly treated. The difficulty of institutions and businesses carrying out court orders is another obstacle. Without strong administrative oversight and organizational buy-in, judicial rulings cannot guarantee workplace reform on their own.

Contemporary Challenges in Addressing Sexual Harassment at Workplace

Following multiple amendments to the Constitution, the POSH Act of 2013 was passed, involving judicial intervention in a statutory reformation. However, sexual harassment in the workplace is an issue in India. Despite legislation meant to protect women in the workplace, neither true equality nor sufficient protection have materialized. In a workplace where structural inequities remain, institutional cultures are patriarchal, there are process hurdles, the implementation mechanism is weak, and workplace interactions are constantly changing, legal safeguards will not help. These days, when people talk about sexual harassment on the job, they appear to mean more than just one instance. More entrenched gender inequality and barriers to women's participation in public and professional spheres are rooted in larger socioeconomic and institutional power systems, which in turn give rise to harassment. Legality, ethics, institutional capacity, cultural attitudes, access to justice, and social transformation have all failed to adequately address the problems of today. Developments in technology, rise of digital communication, globalization of working from home, and informal growth have all contributed to a sea change in the modern workplace. In addition to revealing holes in the

current institutional and legal structures, these changes also introduce new vulnerabilities.¹⁰

Findings, Suggestions and Conclusion

One of the biggest obstacles to gender equality, constitutional government, and fair workplaces in India today is the issue of sexual harassment. A great deal of progress in the country's legal and judicial systems has occurred within the past 30 years. Regardless, harassment is still an issue in many types of workplaces, including formal and informal schools, businesses, and even online gigs. Recognizing a woman's right to dignity, equality, and a safe working environment, workplace harassment laws in India have evolved. Nevertheless, systemic disparities and persistent gaps in implementation continue to limit these constitutional obligations.

This study examines sexual harassment in the workplace in India from a constitutional and legal perspective, looking at past cases as well as current challenges and the structure in place to address them. Based on the results, workplace harassment is more than just the actions of a few bad apples; it is a sign of systemic, institutional, and social inequality that stems from patriarchal power dynamics.² In order for substantive equality to be effectively realized, the law must do more than just provide remedies; it must also hold institutions accountable, reform culture, and establish policies and practices.

Major Findings of the Study

The research found that women in India are safe from sexual harassment on the job thanks to the country's constitutional system, which has high normative value. Articles 14, 15, 19, and 21 of the Constitution ensure non-discrimination, equality, dignity, and liberty, as well as a safe workplace and gender justice. Judicial interpretation, which acknowledges harassment in the workplace as a breach of fundamental rights, significantly enlarged the constitutional protections.

One of the most significant conclusions drawn from this research is the increasing role of the courts in determining harassment laws in the workplace. It took the Supreme Court's order to prohibit sexual harassment of female employees in *Vishaka v. State of Rajasthan* for lawmakers

¹⁰ R. Ranjan, "Navigating the Digital Frontier: The Intersection of Technology and Criminal Liability in Modern Jurisprudence" in Abhijit B. & Sajal Sharma (eds.), *Disruptive Technologies and the Law: Navigating Legal Challenges in an Era of Innovation* 41, 41–48 (Iterative International Publishers (IIP), 2024).

to pass a law specifically shielding women from such treatment on the job.⁴ In addition to constitutionalizing dignity in the workplace, the decision made it clear that safe working conditions are a component of substantive equality and the right to labor. According to the research, judicial activism has had a significant role in strengthening accountability inside institutions. This is the case of *A.K. v. Apparel Export Promotion Council*. The scope of workplace protection was expanded in the instances of *Chopra, Medha Kotwal Lele v. Union of India* and *Aureliano Fernandes v. State of Goa* to emphasize that employers are responsible for providing safe and dignified workplaces.⁵ Indian constitutional law as it relates to international human rights standards is another noteworthy discovery. Choudhary and Gupta state that when interpreting the constitutional provisions in the *Vishaka* case, the Supreme Court placed heavy emphasis on the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This demonstrates the growing willingness of the judiciary to connect constitutional requirements with human rights accords. An major piece of legislation, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, established Internal Complaints Committees and Local Complaints Committees to deal with workplace sexual harassment. The Act defined "workplace" more broadly and specifically, and it identified abusive bosses and hostile work environments as types of harassment. Despite progressive legislation, the research shows that workplace protection systems have major implementation issues that affect their effectiveness. Compliance with POSH is still seen by many businesses as only a formality, rather than a constitutional responsibility. Inadequacies in independence, training, institutional bias, and procedure abound on complaint committees.

Research shows that among the most pervasive underreported forms of harassment is that which occurs in the workplace. Women are less likely to use complaint channels due to economic instability, social stigma, professional persecution, and fear of retaliation. The power imbalance between accusers and complainants in hierarchical companies makes it even more difficult for victims to get justice. Despite being explicitly included in the POSH Act, the research shows that workers in the informal sector are still not effectively protected from sexual harassment. Women in the informal economy, who work in agriculture, housework, construction, and other manual labor occupations, are economically very susceptible and frequently do not know how to submit a complaint. The rise of cyberbullying and other forms of online misconduct in the workplace is another discovery. Institutional policies and legal interpretations have failed to adequately address new types of workplace harassment brought

about by the proliferation of remote labor and digital communication tools.¹¹ Workplace harassment is more prevalent among women from disadvantaged backgrounds, according to the report. This includes Dalit women, migrant workers, domestic workers, and other low-income workers. Vulnerability on the job and lack of access to institutional solutions are both exacerbated by intersecting inequalities.

Critical Evaluation of Existing Legal Framework

When it comes to laws against sexual harassment on the job, India has accomplished a great deal, both constitutionally and legislatively. But there are still a lot of procedural and structural barriers that make it hard to get justice and make enforcement difficult. Although the POSH Act is forward-thinking, it is fundamentally limited in its gender-specific nature since the protection is exclusively extended to female complainants. Given the current state of affairs in the workplace, it is of the utmost need to establish inclusive frameworks that can combat the unacceptable harassment of all marginalized groups.¹³ Internal Complaints Committees' effectiveness varies depending on the institution. Psychological sensitivity, training in proper procedures, and legal knowledge are areas where many organizations' ICCs fall short. In instances involving grievances against senior officials or influential employees, the committee's independence is particularly vulnerable to institutional influence and administrative pressure. Complainants frequently experience emotional and professional strains during the inquiry process. Many victims are discouraged from pursuing their complaints all the way to their conclusion due to issues such as lengthy hearing delays, excessive questioning, violation of confidentiality, and workplace reprisal.¹⁵ as Poor implementation of Local Complaints Committees, which are meant for workers in the informal sector, occurs in many districts as a result of administrative indifference, limited resources, and a lack of knowledge. Consequently, women from low-income households frequently may not have access to legal protections. Important gaps in regulation of the digital workplace are also highlighted by the report. Cyber harassment, improper online behavior, monitoring of online interaction, and involvement in remote workspaces are issues that most existing institutional regulations fail to sufficiently address. The virtual workplace has unique risks, and regulations

¹¹ Radha Ranjan et al., "Policies Against Fraud and Cybercrime: Strategic, Legal, and Technological Approaches" in *Policies Against Fraud and Cybercrime: Strategic, Legal, and Technological Approaches* 217, 217–263 (IGI Global Scientific Publishing, 2026).

should reflect this. More and more occupations are being done via electronic communication technologies.

Suggestions and Recommendations

In order to make workplace harassment legislation in India more effective, increase institutional responsibility, and make workplaces safer overall, the report suggests a number of measures. Research has shown that the POSH Act needs more robust procedures for implementation and monitoring, which is a big recommendation. The government should develop a system to track firms' compliance and mandate that they report on a regular basis:

- Constitution of ICCs
- Awareness programmes conducted
- Number of complaints received
- Status of inquiry proceedings
- Compliance measures implemented

Stricter fines and administrative accountability should be imposed for non-compliance with statutory responsibilities. Additionally, employers, schools, and government agencies must immediately launch nationwide gender awareness initiatives. Institutional culture must change in order for legal compliance to eradicate harassment in the workplace. Awareness programs should thus focus on:

- Gender stereotypes
- Workplace ethics
- Consent and professional boundaries
- Equality and dignity principles
- Psychological impact of harassment

Training of ICC members should be made mandatory and standardized. Complaint committee

members require expertise concerning:

- POSH law and procedure
- Principles of natural justice
- Trauma-sensitive inquiry methods
- Confidentiality obligations
- Digital evidence assessment²⁰

In order to maintain objectivity and minimize institutional bias throughout investigation processes, it is necessary to enhance independent external monitoring procedures. The report goes on to say that the informal economy needs more legal education and that local complaints committees should be bolstered. Outreach programs teaching women workers about potential remedies and complaint processes should be conducted by government agencies, labor departments, NGOs, and local administrative bodies.²¹ Those most at risk, such as migratory laborers, women with impairments, and members of oppressed castes, should have unique protections put in place. When it comes to dealing with various types of prejudice and vulnerability in the workplace, an intersectional approach is key. There is an immediate need to update policies regarding digital workplaces. Companies need to establish explicit policies regarding:

- Online professional conduct
- Virtual meeting protocols
- Workplace messaging systems
- Cyber harassment prevention¹²
- Protection of digital privacy¹³

¹² Radha Ranjan, Bheem Singh Meena & Shyam Kumar Anand, “Virtual Meetings Under Attack: Assessing the Legal and Security Risks of Zoom Bombing in the Digital Era”, 4(2) *ShodhKosh: Journal of Visual and Performing Arts* 1256, 1256–1263 (2023).

¹³ Radha Ranjan, “Evolution of the Doctrine of Proportionality: Assessing its Scope and Ambit in Relation to the

The judiciary should continue exercising supervisory jurisdiction concerning implementation of workplace harassment laws. Periodic judicial monitoring and institutional review may strengthen accountability and ensure meaningful enforcement of constitutional protections. The impartiality and reduction of institutional bias during inquiry processes can be achieved by strengthening independent external supervision systems. Increasing legal awareness in the informal sector and fortifying Local Complaints Committees are two further recommendations from the report. Women in the workforce should be educated about their rights and the channels for redress through outreach programs run by government agencies, labor departments, NGOs, and municipal administrative bodies.²¹ Members of oppressed caste communities, women with disabilities, migrant workers, and domestic workers are among the most vulnerable workers in society and should be the focus of specific policies and programs. Various types of discrimination and vulnerability in the workplace must be addressed using an intersectional approach. Policies regarding digital workplaces must be updated immediately. It is important for organizations to establish explicit regulations regarding:

Conclusion

Legal changes in India regarding sexual harassment in the workplace are among the most significant in modern constitutional law and discussions of gender equality. Ensuring workplace dignity and women's constitutional rights under the POSH Act has undergone a remarkable transition in India, going from total legal invisibility before to the Vishaka judgement to the creation of a complete legislative framework. Judicial interpretations of constitutional protections have played a significant role throughout history, particularly in determining that harassment in the workplace is a violation of liberty, dignity, and equality. An important turning point in Indian constitutional law came with the Vishaka verdict, which, in the absence of legislation, established practical workplace standards and fortified the connection between constitutional rights and international human rights norms. Methods to prevent and address sexual harassment were codified in the POSH Act. But actual enforcement, dedication from institutions, and societal shifts will determine the extent to which the law protects. Legal reform will not eliminate structural gender disparity as long as issues like as underreporting, institutional bias, retaliation, poor compliance, exclusion from the informal sector, and harassment in the digital workplace persist. The persistence of patriarchal power relations in society and institutions is shown by the persistence of workplace harassment.

Right to Privacy in India”, 10(1) *Indian Journal of Law and Human Behavior* 31, 31–38 (2024).

Therefore, a secure and dignified workplace as envisioned by the constitution necessitates ongoing attention from the judiciary, strong action from the executive branch, a culture inside institutions that is attentive to gender dynamics, and a societal resolve to achieve real equality. Respect for one's dignity on the job is a fundamental constitutional principle for the protection of human rights and democratic participation, not only a legal entitlement. Ultimately, the fight against sexual harassment in the workplace is about more than just following the law; it is also about achieving social justice, autonomy, equality, and dignity for all people. For India's anti-harassment legislation to be effective in the future, it will need the concerted efforts of institutions, businesses, the judicial system, lawmakers, and the general public to transform constitutional principles into concrete realities for women in the workplace.

REFERENCE

Agnes, Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford University Press, New Delhi, 2001).

Agnes, Flavia, *Law, Justice and Gender: Family Law and Constitutional Perspectives* (Oxford University Press, New Delhi, 2012).

Baxi, Upendra, *The Indian Supreme Court and Politics* (Eastern Book Company, Lucknow, 1980).

Bhatia, Gautam, *The Transformative Constitution: A Radical Biography in Nine Acts* (HarperCollins, New Delhi, 2019).

Citron, Danielle Keats, *Hate Crimes in Cyberspace* (Harvard University Press, Massachusetts, 2014).

Crenshaw, Kimberlé, *Critical Race Theory and Intersectionality* (New Press, New York, 1995).

Fredman, Sandra, *Discrimination Law* 2nd edn. (Oxford University Press, Oxford, 2011).

Jain, M.P., *Indian Constitutional Law* 8th edn. (LexisNexis, Gurgaon, 2018).

Kannabiran, Kalpana, *Tools of Justice: Non-Discrimination and the Indian Constitution* (Rawat Publications, Jaipur, 2012).

MacKinnon, Catharine A., *Sexual Harassment of Working Women: A Case of Sex Discrimination* (Yale University Press, New Haven, 1979).

Menon, Nivedita, *Seeing Like a Feminist* (Zubaan Publications, New Delhi, 2012).

Seervai, H.M., *Constitutional Law of India*, Vol. III, 4th edn. (Universal Law Publishing, New Delhi, 1996).

Crenshaw, Kimberlé, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," (1991) 43 *Stanford Law Review* 1241.

Fitzgerald, Louise et al., “Why Didn’t She Just Report Him? The Psychological and Legal Implications of Women’s Responses to Sexual Harassment,” (1995) 51 *Journal of Social Issues* 117.

Klare, Karl, “Legal Culture and Transformative Constitutionalism,” (1998) 14 *South African Journal on Human Rights* 146.

MacKinnon, Catharine A., “Reflections on Sex Equality under Law,” (1991) 100 *Yale Law Journal* 1281.

Ministry of Women and Child Development, Government of India, *Handbook on Sexual Harassment of Women at Workplace* (2015).

Ministry of Women and Child Development, Government of India, *POSH Compliance Report* (2022).

Ministry of Women and Child Development, Government of India, *POSH Compliance and Institutional Accountability Report* (2023).

National Commission for Women, *Assessment of Implementation of POSH Act* (2020).

Law Commission of India, *Report on Women’s Rights and Gender Justice in India* (2018).

International Labour Organization, *Domestic Workers Across the World* (2013).

International Labour Organization, *Women and Men in the Informal Economy* (2018).

International Labour Organization, *Violence and Harassment Convention Report* (2019).

International Labour Organization, *Ending Violence and Harassment in the World of Work* (2021).

International Labour Organization, *Safe and Healthy Working Environments Free from Violence and Harassment* (2022).

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

Constitution of India.

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Indian Penal Code, 1860.

Information Technology Act, 2000.

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

Aureliano Fernandes v. State of Goa, 2023 SCC OnLine SC 621.

Medha Kotwal Lele v. Union of India, (2013) 1 SCC 297.

Punjab & Sind Bank v. Durgesh Kuwar, 2020 SCC OnLine Del 1418.

Vishaka v. State of Rajasthan, (1997) 6 SCC 241.