
WORKPLACE SEXUAL HARASSMENT AND INFORMAL SECTOR WOMEN WORKERS IN INDIA: LIMITATIONS OF THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

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ABSTRACT

Sexual harassment in the workplace negatively affects gender equality, labour dignity and safe employment. To prevent and redeem the harassment in the workplace a statutory machinery aptly called Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has been established in India. But the effectiveness of the legislation has been debated in regard to the informal sector women workers. Women involved in domestic work, agriculture, home-based work, sanitation and community work, and platform-based work often work outside of institutional settings and are unable to access complaints handling and/or legal protection mechanisms.

The paper discusses the shortcomings of the POSH Act, 2013 in providing protection to the informal sector women workers in India. The study examines the international, constitutional and judicial frameworks supporting the concept of sexual harassment in the workplace, and considers the problems that arise in relation to the accessibility, implementation and institutional accountability of statutory regimes within the POSH framework. The paper suggests that the Liabilities of complains files/weaknesses of the complaint process are one of the reasons that dilute the informal women worker activeness of Local Committee due to some procedural barriers/limitation. Towards the end, the paper proposes to enhance institutional compliance, awareness creation and work-specific implementation methods.

Keywords: Workplace Sexual Harassment; Informal Sector Women Workers; POSH Act, 2013; Local Committee; Labour Rights; Gender Justice.

1. INTRODUCTION

1.1 Workplace Sexual Harassment and Informal Sector Employment of India

Sexual harassment in the workplace is known to be a violation of equality, dignity and a workplace of safer work. The law opened up a constitutional interpretation jurisprudence and in the post-constitutional phase, workplace harassment was given institutional recognition in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.¹ The legislation broadened the concept of workplace harassment and introduced institutional mechanisms for prevention and redressal.²

The situation becomes more prevalent in the informal sector of Indian economy. Women in informal sector jobs can include occupations that are not in organized establishments, such as domestic work, agricultural labour, home-based production, sanitation work and more.³ These types of workplaces are not necessarily well defined and may not have a clear employer, a mechanisms for complaints, nor regulatory oversight.

There is a legal question as to the connection between work harassment and informal labour. Work harassment and informal labour, has a legal relevance. Whilst the definition of workplace and employee in the POSH Act is quite broad it is essential for protection to be achieved through access to complaint mechanisms and good accessibility of the establishment. From the point of view of informal women workers, these are continuing issues raised by the ongoing concerns of implementation, institutional effectiveness and operational problems under the POSH framework.⁴

1.2 Research Problem

The main research problem of this study is whether the POSH Act 2013 is sufficient enough to protect the informal sector women workers or not. The statutory framework is mainly

¹ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241; *Apparel Export Promotion Council v. A.K. Chopra*, (1999) 1 SCC 759.

² The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

³ A.E. Aronsson, "Informal Employment as a Social Determinant of Health: A Conceptual Framework and Research Agenda Accounting for Context" *Social Science & Medicine* (2025).

⁴ Rachan Saren & Surabhi Dhingra, "The POSH Act in India: Progress, Shortcomings, and the Path Forward" 12(2) *International Journal of Advances in Social Sciences* 47 (2024); Md. Imran Wahab, "The POSH Act: A Critical Analysis of Its Limitations and Implementation Challenges" 6(6) *International Journal for Multidisciplinary Research* (2024).

complaint structure and employer based. But these arrangements of work are often not institutionalized. It raises legal issues about the accessibility of the complaint procedure, how the Local Committees work, the obligations of the employer and the actualization of the rights at work.⁵

1.3 Objectives of the Study

The present study aims at attaining the following objectives:

- 1) To investigate the legal framework, related to workplace sexual harassment in India.
- 2) To analysis the limitations of the POSH Act, 2013 in the context of employees of the informal sector particularly women employees.
- 3) To review mechanisms at the statutory level such as Local Committees and Internal Committees.
- 4) To recommend legal and policy options to enhance protection of informal women workers.

1.4 Research Methodology

The study adopts a doctrinal and analytical research methodology. The primary sources are the Constitution of India, POSH Act, 2013, POSH Rules along with International legal instruments and judicial decisions. Secondary materials comprise scholarly books and more recently journal publications in the field of sexual harassment in the workplace and labour rights and informal employment. The study is based on application of statutory interpretation, judicial analyses and critical reviews of the various contemporary legal literature.

2. REVIEW OF LITERATURE

2.1 Literature on Workplace Sexual Harassment and POSH Act, 2013

Legal scholarship on the implementation of the POSH framework, as well as accounts of institutional accountability and the effectiveness of procedure abounds these days. Along the

⁵ Aadhya Agrawal, "Seeing the ICC: Critical Perspectives on the Limitations of the POSH Act, 2013" 9(11) *International Journal of Social Science and Economic Research* 5207-5214 (2024).

same lines Rachan Sareen and Surabhi Dhingra examine the evolution of the POSH regime and question whether inadequacies at the operational level have been addressed in the law.⁶ Aadhya Agrawal critically analyses the internal committees and highlights potential shortcomings in regard to procedural effectiveness and institutional restrictions.⁷

Md. Imran Wahab evaluates the application framework of the POSH Act and highlights concerns relating to enforcement, institutional consistency and practical compliance.⁸ Roselin V.N. and B. Someswara Rao likewise identify continuing legal and administrative challenges affecting workplace harassment regulation.⁹ This literature suggests that statutory recognition alone does not guarantee effective protection.

2.2 Literature relating to Informal Sector Women Workers and Labour Vulnerability

Much of the literature around informal labour focuses on structural insecurity of women who work outside of formally supervised institutions. In the context of informal employment, A.E. Aronsson draws on the framework of unequal access to institutional safeguards and regulatory protection.¹⁰ This is the aspect that is of critical importance in the context of harassment in the work place, where accessibility of the statutory complaints is often dependent on the organization of employment.

Scholarship on the subject of domestic work and female workforce's vulnerability also plays a role in comprehending the legal obstacles in the path of extending the protection of working conditions to decentralized working arrangements.¹¹ This kind of literature sustains the idea that the typical conditions of informal work raise unique issues for the regulation of harassment in the workplace.

2.3 Literature on Intersectionality, Social Exclusion and Emerging Challenges

Workplace harassment is increasingly subjected to intersectionality lens as seen in work of contemporary researchers. Ali Saha talks about the link between caste-based exclusion, gender

⁶ Rachan Sareen & Surabhi Dhingra, *supra* note 4.

⁷ Aadhya Agrawal, *supra* note 5.

⁸ Md. Imran Wahab, *supra* note 4.

⁹ Roselin V.N. & B. Someswara Rao, "Laws, Challenges, Solutions Related to Workplace Sexual Harassment in India" 5(1) *ShodhKosh* (2024).

¹⁰ A.E. Aronsson, *supra* note 3.

¹¹ Shalu Nigam, *Women and Domestic Violence Law in India: A Quest for Justice* (Routledge India, 2020).

silence and access to justice.¹² In today's contexts of non-traditional and community-based work arrangements, the invitation to representation of workplace vulnerability is likewise raised.¹³

Recent scholarship further drive inclusion beyond traditional legacy institutional structures, looking for example, to new types of workplace relations and altered forms of employment.¹⁴ Through this literature, the paper hopes to shed light on the scope of the traditional regulatory paradigms for informal work settings.

2.4 Research Gap

Many reports dealing with the issue of situation of women at work, implementation issues and labour vulnerability in this matter. Yet, there has been comparatively less focus when examining how the informal sector works and at the same time, the institutional barriers of the POSH Act, 2013. There is much of the literature that discusses workplace harassment in the abstract or informal labour separately. The present study aims to close this gap and analyze critically the effectiveness of the POSH framework using the lens of the informal sector women workers.

3. LEGAL FRAMEWORK PERTAINING TO WORKPLACE SEXUAL HARASSMENT IN INDIA

3.1 International and Constitutional framework

Indian framework for sexual harassment at workplaces is a result of constitutional provisions and international legal obligations. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), requires States to take steps to eliminate discrimination against women and promote equality in employment and public life.¹⁵ Likewise, the International Labour Organization's Violence and Harassment Convention, 2019 (No. 190)

¹² Ali Saha, "Caste-ed out of #MeToo: Dalit Women's Silence and Resistance in Indian Digital Feminism" 116 *Women's Studies International Forum* 103293 (2026).

¹³ Baldeep K. Dhaliwal, Shalini Singh & Anita Shet, "Hidden in Plain Sight: Sexual Violence Against Community Health Workers in India" 6 *SSM—Health Systems* 100199 (2026).

¹⁴ Marilla G. Hayman, Shane W. Reid, Jessica F. Kirk & Devalina Nag, "Exploring the Impact of Sexual Harassment in Entrepreneurial Contexts: A Call to Action and Research Roadmap" 24 *Journal of Business Venturing Insights* e00565 (2025).

¹⁵ Convention on the Elimination of All Forms of Discrimination Against Women, 1979.

gives workers the right to a workplace free from violence and harassment.¹⁶

In the Indian frame, workplace sexual harassment is covered by Article 14, 15, 19 and 21 of the Indian Constitution of India. Workplace protection is secured through a constitutional framework of equality before law, prohibition of sex-based discrimination, occupational freedom and right to dignity.¹⁷

3.2 Judicial Development of Workplace Sexual Harassment Law

Vishaka v. State of Rajasthan is the landmark case in the judicial evolution of the law of sexual harassment in the workplace in India. The Vishaka Guidelines marked the formulation of the issue of sexual harassment in the workplace in the context of Constitution rights and the Supreme Court's approach to gender in the absence of a specific legislation.¹⁸ The Court referred to the ideas of the Constitution and India's duties under CEDAW.

Workplace dignity was consolidated in *Apparel Export Promotion Council v A.K Chopra* (1999) as the Supreme Court extended the definition of harassment beyond physical limits.¹⁹

Next, the courts turned their eyes to compliance and implementation. The Supreme Court highlighted the concept of institutional responsibility and effective implementation of protection mechanisms in the workplace in *Medha Kotwal Lele v. Union of India*.²⁰ The same dynamism with regards to institutional accountability and statutory compliance is demonstrated in *Dr. Punita K. Sodhi v. Union of India* and *Aureliano Fernandes v. State of Goa*.²¹

3.3 The POSH Act, 2013: Structure and Scope

India's primary legal provisions pertaining to sexual harassment in the workplace are provided in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.²² The definitions of “workplace”, “employee” and “aggrieved woman” adopted in the legislation are relatively broad, attempting to take beyond the scope of traditional

¹⁶ International Labour Organization, Violence and Harassment Convention, 2019 (No. 190).

¹⁷ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

¹⁸ Id.

¹⁹ *Apparel Export Promotion Council v. A.K. Chopra*, (1999) 1 SCC 759.

²⁰ *Medha Kotwal Lele v. Union of India*, (2013) 1 SCC 297.

²¹ *Dr. Punita K. Sodhi v. Union of India*, 2010 SCC OnLine Del 3340; *Aureliano Fernandes v. State of Goa*, 2023 SCC OnLine SC 621.

²² The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

workplaces beyond conventional employment structures.²³

There are two types of complainant systems provided by legislation: without institutional systems, a Local Committee, and with institutional systems, Internal Committees.²⁴ The framework also specifies procedure for complaints, employer obligations, confidentiality and punishment for failure to comply with the statutory requirements.²⁵

While the language of the statute is apparently wide, there are ongoing concerns about how the framework will be practically implementable, as well as effective and efficient in operation in the informal sector, when applied to women workers.

4. CRITICAL ANALYSIS OF THE POSH ACT, 2013 WITH RESPECT TO THE INFORMAL SECTOR WOMEN WORKERS

4.1 Definitions, Scope and Institutional Mechanisms

The broadness of the definitions in the POSH Act are more comparative to expand the law's protections. "Employee" and "Workplace" are broader than just term office workers, the term "aggrieved woman" is not confined to those who are employed and the definition of Workplace extends beyond concerns which arise from office work around the clock.²⁶ In formulating legislation, it seems as if the inclusiveness of covering informal women workers is being achieved.

But the meaningful accessibility is not the same as the definitional accessibility given by the statute. The structure of the Act is almost entirely reliant on institutions and authorities which can be identified and authorities and complaint procedures that are structured. Often, it is the case of informal employment contract, which works around these presumptions. Thus, there is a gap between legislatively mandated and effective enforcement.

The main components of the institutional design of the Act comes from Internal Committees (IC) and Local Committees (LCs). Internal Committees are established in organized organizations and hence presuppose formal employers and administrative bodies as well. This institutional mechanism has use for only women who work at the decentralized or informal

²³ POSH Act, 2013, ss. 2(a), 2(f), 2(o).

²⁴ POSH Act, 2013, Chapters II & III.

²⁵ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

²⁶ POSH Act, 2013, ss. 2(a), 2(f), 2(o).

workplaces.²⁷

To cope with this limitation, Local Committee mechanism was introduced to enable a person to file a complaint without going to any of the organized institutions. However, some contemporary legal commentators doubt its feasibility of functioning and its reach.²⁸ Local Committees informal workers' dependency on them is thus at the core of the POSH framework.

4.2 Procedural and Enforcement Challenges

The structure of the POSH Act is the structure of the complaint filing that includes the provisions of appointment of inquiries, conciliation, employer responsibilities, etc.²⁹ These procedures are extensive but are made to be accessible by the institution which may not be the case of non-institutionalized markets.

Under the Act there are requirements on the employer set out such as awareness programmes, policy, and support to complainants.³⁰ The obligations in this can be easily operationalized within the formal sector compared to those in fragmented labour sectors with less than regular employment relationships.

The discussion around the implementation of the POSH framework is increasingly channeled towards the content of procedures, compliance to operations and institutional accountability. Recent literature in law further reveals on-going issues concerning complaint procedures, practice on enforcement, and the actuality of the statutory measures.³¹ Such issues are especially relevant when considering the case of informal female workers who are likely to have less access to institutional remedies in the first place.

4.3 Local Committee Mechanism and Informal Sector Limitations

A lack of access to Internal Committees, by far the main statutory forum available for women, is addressed by the Local Committee. It is therefore very significant in formal sector women workers and informal sector women workers.³²

²⁷ POSH Act, 2013, Chapter II.

²⁸ Aadhya Agrawal, *supra* note 5; Md. Imran Wahab, *supra* note 4.

²⁹ POSH Act, 2013, Chapters IV–V.

³⁰ POSH Act, 2013, s. 19.

³¹ Rachan Sareen & Surabhi Dhingra, *supra* note 4; Roselin V.N. & B. Someswara Rao, *supra* note 9.

³² POSH Act, 2013, Chapter III.

This is important in the legislative process but there are a number of drawbacks apparent. The key elements of the Local Committee framework depends upon district-level constitution, administration and "functional accessibility". This tends to exacerbate in culturally dispersed workplaces where one's identity can be confused and responsibilities and jurisdictions hard to establish. This can result in formally available, but de facto denied, procedural protections under the Act.

Table 1: Internal Committee and Local Committee under the POSH Framework

Criteria	Internal Committee (IC)	Local Committee (LC)
Basis of Constitution	Employer / Establishment	District Authority
Coverage	Organized Workplace	Unorganized / Informal Workplace
Institutional Location	Within Organization	District Level
Primary Beneficiaries	Formal Employees	Informal / Non-institutional Workers
Key Concern	Employer Dependence	Accessibility & Implementation

Source: Prepared by the author the Sexual Harassment of women at workplace (Prevention, Prohibition and Redressal) Act, 2013, Chapter II and III; Md. Imran Wahab, “The POSH Act: A Critical Analysis of Its Limitations and Implementation Challenges” 6(6) International Journal for Multidisciplinary Research (2024).

The limitations associated with Local Committees indicate that broader statutory language alone is insufficient without effective institutional functioning.

5. CONTEMPORARY CHALLENGES AND EMERGING ISSUES

5.1 Domestic Workers, Agricultural Labour and Home Based Workers

There are many regulatory issues linked to the informal sector which have many differences to conventional institutional workplaces. Domestic workers, agricultural labourers and workers in home-based work often work in unregulated and inaccessible self-employed or 'hidden' work settings.

This highlights on-going concerns about the efficacy of a statutory protection to women who

work in an informal labour regime, which is also tightly linked with the visibility and operation of complaint bodies in institutions.³³

5.2 Gig Economy, Informality and Intersectional Vulnerabilities

Reducing the number of workers in their positions brings new challenges to workplace harassment regimes. Conventional notions of employer identities and workplace locations are disrupted by platforms of labor, non-traditional relationships with labor and forms of decentralized service delivery.

The issue also is connected to larger issues of gender, caste and socio-economic disparities. New research has focused on the importance of a broader framework for defining social vulnerability to thorough understanding workplace-oriented and legal approaches to the problem of workplace harassment.³⁴

5.3 Data Analysis: Implementation Gaps and Reporting Barriers

Table 2: Structural Issues Affecting Informal Women Workers under the POSH Act

Issue	Organized Sector	Informal Sector
Employer Identification	Usually Clear	Frequently Uncertain
Complaint Access	Internal Committee Available	Dependence on Local Committee
Institutional Compliance	Comparatively Structured	Uneven / Limited
Awareness Mechanisms	More Available	Frequently Inadequate
Procedural Accessibility	Relatively Higher	Comparatively Restricted

Source: Prepared by the author the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; Rachan Sareen and Surabhi Dhingra, “The POSH Act in India: Progress, Shortcomings, and the Path Forward” 12(2) International Journal of Advances in Social Sciences, 12(2) 47 (2024); Roselin V.N. and B. Someswara Rao, “Laws, Challenges,

³³ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

³⁴ Ali Saha, supra note 12; Nivedita Menon, *Seeing Like a Feminist* (Updated edn., Penguin Random House India, 2021).

Solutions Related to Workplace Sexual Harassment in India” 5(1) ShodhKosh (2024).

The comparison illustrates that even though the legislation has a broad application, the access to and implementation of institutions is well varied across sectors of employment.

6. FINDINGS AND SUGGESTIONS

6.1 Major Findings

The study findings shows that the Acts of Harassment in the Workplace (POSH Act, 2013) is certainly an important piece of legislation under harassment from the workplace but the implementation of the Act with respect to the informal sector women workers is still in its infancy. However, the statute's usage of fairly wide definitions of "workplace" and "employee" and "aggrieved woman" requires the accessibility of complaints and the existence of functioning institutions for implementation.³⁵

A key finding of this study is that the state framework is still clearly geared to constituted workplace suppositions. The Internal Committee mechanisms assume employers and formal establishments which may not be found in the informal labour sectors. For this reason, there is a predominance of informality among women workers, who rely cannot continue to rely on Local Committees.

Furthermore, the Local Committee process may be considered as a legal process but does present certain shortfalls in terms of access, efficiency and adoption, the study also concludes. The limitations particularly take a toll on women in decentralized work setting.

A second important result has to do with the linkages between workplace harassment and more pervasive trends of labour vulnerability. Informal employment dimensions make institutional protection difficult not least if access to complaints, awareness of and accountability systems for procedures are generally less developed in informal work compared with the formal.

6.2 Legal & Policy Solutions Recommendations

To enhance the protection of informal sector women workers, institutional change is also needed in the norms. Local Committees functions need to be enhanced, including by

³⁵ POSH Act, 2013, ss. 2(a), 2(f), 2(o).

establishing better administrative accountability, holding complaints procedures open to the public and increased public visibility.³⁶

Secondly, the requirements on awareness for the POSH framework should not be restricted to organized establishments only. There is a need to fill gaps in informal labour sectors by disseminating through local awareness mechanisms as well as local levels, extension services etc., regulatory strategies.

Third, clearer guidance on the application of the workplace harassment law may be produced in the decentralized labour market's context such as domestic work, home-based work and platform-mediated labour market structures.

Table 3: Suggested Reform Measures under the POSH Framework

Area	Existing Limitation	Suggested Measure
Local Committees	Accessibility concerns	Stronger district-level implementation
Awareness	Limited outreach	Expanded awareness obligations
Informal Labour Coverage	Structural ambiguity	Clearer operational guidelines
Institutional Compliance	Uneven functioning	Enhanced monitoring mechanisms

Source: Prepared by the author from Aadhya Agrawal “Seeing the ICC: Critical Perspectives on the Limitations of the POSH Act, 2013” 9(11) International Journal of Social Science and Economic Research 5207-5214 (2024); Rachan sareen and Surabhi Dhingra, “The POSH Act in India: Progress, Shortcomings, and the Path Forward” 12(2) International Journal of Advances in Social Sciences 47 (2024); Aureliano Fernandes v. State of Goa, 2023 SCC OnLine SC 621.

6.3 Strengthening Informal Sector Women Workers

There is a need for a labour sensitive understanding of the harassment at work law in protecting informal sector women workers. Protection can't solely be based on formal institutional

³⁶ Rachan Sareen & Surabhi Dhingra, supra note 4; Aadhya Agrawal, supra note 5.

structures, where large portions of women's work takes place outside the formal institutions.

Therefore the implementation of the model should be more inclusive and take into account the facts around informal employment, whilst at the same time being faithful to constitutional obligations of equality, dignity, and the securing of good working conditions. Judicial decisions emerging from *Vishaka*, *Medha Kotwal Lele* and *Aureliano Fernandes* cases have continued to highlight that institutional life, not just formal legal, needs to be shown.³⁷

7. CONCLUSION

The problem of sexual harassment is still a challenge in working environment that affects equality in the constitution and the dignity of labour, especially women's participation at work. The Introduction of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' was a ground-breaking move to bring an end to judicial instructions and bring in a new dimension of regulation. The scope of this paper is however to show that the Act presents significant drawbacks when looked at from the vantage point of women engaged in the informal sector in work.

The law uses general language of protection, but highly relies on assumptions that are based on organization in the workplace. The lack of independence of informal women workers on Local Committees and their anxiety on accessibility and implementation limits the framework's applicability.

The general concept of attitude and dignity in the workplace and the concept of gender equality has also been sustained through the various international obligations, the constitution and changes in judicial perspectives. Such principles must be better institutionalized, complaints processes made more accessible and rectitude to the realities of informal employment is needed for their effective implementation. Improving a POSH system like this is key for making sure that India can have a good system in place to protect against sexual harassment in the workplace.

³⁷ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241; *Medha Kotwal Lele v. Union of India*, (2013) 1 SCC 297; *Aureliano Fernandes v. State of Goa*, 2023 SCC OnLine SC 621.

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