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A Critical Assessment of Labour and Criminal Law Protections for Women Workers in India's Service Industry

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ABSTRACT

With increase in women working in India's service sector particularly in hospitality, wellness, aviation, and entertainment there is a subsequent increase in workplace harassments. The current labour and criminal laws often fail to address these workplace vulnerabilities with efficiency. India has strong legal frameworks to deal with this like the IPC provisions, POSH Act (2013) and Labour Codes (2019–2020). But implementing these is a challenge and enforcement mechanisms are inadequate specially in semi-formal and unorganised setups. The aim of the study undertaken is to analyse these laws and to assess if they provide meaningful protection to women in service industry. The study has used a qualitative doctrinal approach with semi-structured interviews of women workers, HR professionals, and legal experts. The research explores systemic issues like absence of Internal Complaints Committees (ICCs) or wage disparities and legal illiteracy. The paper focuses on significant gaps in sector-specific protections as well as proposes policy reforms, practical interventions, and the need for inclusive research. The findings want to bring to notice the need of urgent reforms to ensure safety and dignity at work and are accessible to all working women.

Keywords: *Women workers, service sector, workplace harassment, Labour Codes, gender sensitivity, legal protection, Internal Complaints Committee, India, unorganised employment, wage discrimination, intersectionality, POSH Act, policy reform, gender justice*

I. INTRODUCTION

There is a rapid exponential growth in India's service industry over the past two decades. It has contributed to the fast-paced growth by becoming a key pillar of the national economy. There is a rapid rise in urbanization and globalization. Also, with the rise of consumer culture sectors such as hospitality, tourism, aviation, wellness, entertainment, and customer services have developed rapidly. This surge in demand has, in turn, opened up vast employment

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opportunities for women. In today's world more women as compared to the previous years are employed as flight attendants or as hotel staff, receptionists, spa therapists, art performers, customer care executives in this sector. There are many entrepreneurs as well within these domains. It appears to be a trend progressive social change. Women appear as asserting their economic independence and moving beyond traditionally gendered roles.

But the real picture hits different. Beneath the picture of progress there is a more problematic and distressful reality. Women working in these customer facing industries are often placed in vulnerable positions due to the nature of their work. This sector demands late working hours most frequently, close physical proximity to strangers and informal work environments. There are cases of workplace harassment both verbal and physical continue to be reported frequently. Many women face discrimination at work because of gender biasness to male counterparts. There is lack of job security and absence of structured complaint mechanisms as well as minimal understanding of their rights. These problems are peak in organisations that are either unregistered or are understaffed. They also peak at organisations such as bars, dance clubs, small wellness centres, and informal tour agencies. While India has enacted multiple labour and criminal laws intended to protect working women, questions remain regarding their scope, enforcement, and relevance to the contemporary service industry.

This study focuses on the gap between the offered legal protection and the real experiences of women in these sectors. There are laws such as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act), the Indian Penal Code (IPC), and the new Labour Codes enacted in 2020 outline protections for women worker. However these legal safeguards are often either not implemented properly or are structurally inadequate for the distinctive risks faced by women in the service sector. Many establishments do not have Internal Complaints Committees (ICCs) despite are mandatory by the legal mandate. Many functions without formal employment contracts which makes it difficult for women to assert their rights. In industries like hospitality and entertainment there is a thin line between professional space and personal boundaries. It often becomes blurred, and many times leaves women open to exploitation.

The purpose of this study is to assess if the existing legal frameworks both under labour and criminal law are adequate to protect women working in India's diverse and rapidly evolving service industries. It aims to identify the gaps in legislation and force enforcement as well as institutional mechanisms. It aims to suggest ways through legal reform, policy innovation, and greater accountability.

To guide this investigation, the study is structured around the following research questions:

1. What labour and criminal laws currently apply to women working in India's service industry?
2. Are these laws effective in ensuring safety, dignity, and equity for women workers in the service sector?
3. What are the visible gaps in the existing legal and regulatory systems, and how can they be addressed?

This study aims not only to critique the present state of legal protections but to foresee a more inclusive and safer and just working environment for women across India's growing service economy. The study undertaken on the belief that legal reform should help support social transformation. Its emphasis is on a work culture which is rights based and is worker-centric for real progress.

II. LITERATURE REVIEW

After independence India came a long way in recognizing women's labour rights. It has covered a complex legal and social arena by incremental legislation and ongoing implementation challenges. Early ground work was laid by the basic fundamental laws like the Minimum Wages Act (1948), Equal Remuneration Act (1976) and the Maternity Benefit Act (1961) while spreading it further through the Unorganised Workers' Social Security Act (2008). It extended welfare protections into the informal workforce. These legislative strides overlapped with movements like SEWA which was established 1972. It highlighted the struggles and emphasised on empowerment of women in the unorganised sector. Still there is resistance from society to formal protections emphasising the importance of examining contemporary statutes and their outcomes through empirical and doctrinal lenses.

The actions taken as per the Sexual Harassment of Women at Workplace (POSH) Act in 2013 depicted crisis in organising protections for women. Originated from the *Vishaka* (1997) Supreme Court directives to redress harassment complaints, the POSH Act mandated internal (ICCs) and local committees (LCs) extend its reach across both formal and informal employment settings. It also includes domestic work. Still there are relevant studies revealing a persistent showing a gap between legislation and practice.

A landmark 2020 Human Rights Watch report emphasised that only 29 percent of the 655 districts surveyed had constituted local committees. It highlighted that many of those lacked basic functionality and public awareness measures. It helps to effectively run POSH in rural,

semi-formal, or unorganised sectors. It leaves many women though like ASHA workers and anganwadi 'sevikas' who are vulnerable and are often unaware of their rights. Their voices are silenced by stigma and fear. There is a strong indication highlighted by the Supreme Court itself for serious lapses in implementation. There are lapses with several national sports federations and other institutions lacking even properly constituted ICCs. No change attitude of the Institutions and lack of awareness and training as well as inadequate accountability have combined to transform transformative statutes into toothless mandates.

The 2020 Labour Codes related to the Occupational Safety, Health & Working Conditions Code, and the Code on Social Security claimed of a new beginning by including gig and informal workers like those in customer-facing roles.

As per the revised Occupational Safety Code there are safer work environments, sanitation, crèches, and regulated night shifts. It further intends to bring establishments under its umbrella with fewer than 10 employees. In the same manner the Social Security Code expands benefits such as maternity leave, provident funds and health insurance to earlier excluded set of workers. Still the implementation mechanisms is consistently weak. The digital self-certification portals like Shram Suvidha lack independent audits and has rare inspections. Unions or worker groups are marginalized in enforcement design. Feminist activists also issued warning that gender-neutral policy framing will risk obscuring women's unique vulnerabilities like the flexibility afforded to employers for night work may end up. They might be coerced into unsafe shifts rather than empowering them. The resurrection of protective measures like minimum wages and equal remuneration into labour codes has been critiqued as superficial, with key gender provisions either watered down or inadequately integrated.

Though there is limited research still it has shed light on how these structural and procedural shortcomings play out in real contexts. Vijayalakshmi carried out a mixed-methods study in 2022 of domestic and gig women workers where she found that the majority relied on self-help strategies due to distrust of formal redressal mechanisms. This is prominent in migrant women who are least likely to report incidents due to precarious job statuses. Another study by Sarpotdar carried out in 2024 established POSH's framing as a universal tool ignoring workplace specific dynamics. It emphasised its lack of focus on smaller organisations or sectors like hospitality, entertainment, and nightlife. These customer-facing industries like bar staff, flight crews, spa therapists, gig chauffeurs work at irregular hours. They rely on customer satisfaction and informal or episodic employment patterns. Thus typical corporate-style compliance structures are ill-equipped to address such vulnerabilities.

Same is the scenario in the formal services sector where compliance remains partial. A survey conducted by Udaiti Foundation 2023–24 highlighted that of the 700 NSE-listed companies over 59 percent lacked an ICC. While complaint volumes rose, resolution rates declined and raised a worrying pattern of increasing awareness but lagging redressal. CEDA's study of POSH filings in 2022-23 emphasised the geographic and sectoral disparities which are over 70 percent of complaints clubbed together in a small number of companies. It suggests uneven reporting cultures and gap in enforcement across organisations. Studies show only 42 percent of women workers comprehend their rights under POSH and nearly half of HR professionals report deficient understanding of the Act. While local committees lack standardised training and orientation frameworks. Legal consultants and Supreme Court guidelines stress the need for systemic reform from decentralised enforcement to certified training and resource allocation. Still the implementation of policy remains scattered.

The significant gap which arose from these studies highlights that more research need to be done about unstructured sectors specially for women. Most of the work has been carried out on factories, offices, healthcare, or domestic workers, while sectors where female staff interact regularly with strangers are not thoroughly researched. These areas are like hospitality, tourism, entertainment and gig-based mobility. Workplace norms in these industries are followed around the expectations of service, emotional labour and personal boundary management. These are often blurring professional roles with informal exchanges however the legal discourse remains in static employer–employee relationships. With recent work trends, women employees face complex vulnerabilities like irregular shifts, absence of contractual clarity, employer dependency on ratings, and unchecked customer behavior which are all intensified by inadequate law enforcement.

With time India's legal architecture has significantly evolved through various labour reforms and global-standard frameworks still there remains a striking gap between statutory promises and actual realities. Most of the times the compliance of the law remains on paper. With digital reporting replacing on-ground inspections and women's safety treated as a HR checkbox rather than a structural imperative. Equally concerning is the absence of research into how these laws apply to service-sector women who are often visible but voiceless. Women who are caught between customer expectations and legal neglect need to get support. Bridging this gap requires a critical evaluation of the applicability, enforcement, and resonance of laws in fragmented service workplaces. By focusing on hospitality, tourism, entertainment, and gig-based interactions, future research can illuminate the unexamined frontier of women's workplace rights—and propose reforms that reflect India's evolving

economy and its diverse female workforce.

III. METHODOLOGY

A. Approach

The study undertaken with a doctrinal legal analysis at its core, adopts a qualitative research methodology. It investigates the labor and criminal laws applicable to women employees in India's service sector. Alongside this legal exploration, semi-structured interviews with women workers and important informants were carried out to obtain insights about the law's functioning or lack thereof in their everyday lives.

B. Sources of data

The doctrinal attribute was based on the primary legal documents including the Indian Penal Code, Sexual Harassment of Women at Workplace Act (2013), and the Labour Codes of 2020. Landmark case laws along with government policy documents were critically examined to understand how these laws have been interpreted and executed.

Data for this study was collected through interviews with nearly 10-15 women working in urban services including hotels, spas, bars, and aviation. Participants were selected to represent different levels of employment as well as varying social classes. For better comprehension and understanding of compliance gaps from organizational viewpoints, interviews were conducted with labour lawyers, human resource experts, legal scholars, and other personnel specializing in organizational compliance structure.

Comparative analysis done of cross-jurisdictional protections for women in client-facing roles, relevant ILO conventions alongside UK and EU labour laws were studied. These permitted a valuable scope for comparison regarding international standards that govern protective frameworks outside the target jurisdiction.

C. Limitations

This study is focused on women from urban areas of India in semi-formal and formal service sectors dominated by women. This focus excludes the rural informal sector where many women are similarly vulnerable. Also, while carried out in detail, the qualitative sample is not representative from a statistical standpoint; therefore, findings must be regarded as suggestive rather than definitive. This mixed-method approach ensures a well-rounded understanding of legal protections and lived experiences in India's evolving service economy.

IV. LEGAL FRAMEWORK GOVERNING WOMEN'S PROTECTION IN INDIA'S SERVICE INDUSTRY

India's legal structure provides sound protections for women in the workplace. However it is seen that their effectiveness often depends on where and how women are employed. In the service sector with vulnerable culture like hotels, spas, aviation, salons, and entertainment, it can be seen that very crucial and need to be concrete in practice. The following key labour and criminal laws form the legal backbone intended to safeguard the dignity, health, and safety of women workers in such settings.

A. Labour Laws

1. Occupational Safety, Health and Working Conditions Code (2020)

This aforementioned code is one of the recent labour law consolidations. Keeping several previous statutes it seeks to create uniformity in safety standards across all the industries. It permits women to work night shifts ensuring that the safety protocols are met. It includes transport, lighting, and consent taken from women. However, the challenge lies in enforcement. In smaller or informal establishments, employers frequently bypass these safeguards which often leaves women vulnerable.

2. Code on Wages (2019)

The above code is to set a standard minimum wage and eliminate gender-based wage discrimination. While the law states equal pay for equal work still in many customer facing service roles, women are often underpaid or pushed into tips-based income with little job security. Many women here are working without contracts and they may be unaware of the wage standards they are entitled to, or reluctant to protest due to fear of job loss.

3. Maternity Benefit Act, 1961

In unorganised sectors dominated by informal employment like in small restaurants or salons, the maternity provisions are rarely implemented. However, by law, Maternity Benefit Act, 1961 provides maternity leave, protection against dismissal, and nursing breaks for women. But. Women have to quit when pregnant or conceal their condition, fearing they might be replaced or unpaid. Employers, especially in unregistered setups, often see maternity leave as a cost they are unwilling to bear.

4. POSH Act, 2013 (Sexual Harassment of Women at Workplace Act)

Born from the Vishaka Guidelines, this landmark legislation mandates Internal Complaints Committees (ICCs), clear complaint procedures, and periodic awareness drives. It applies

across all workplaces, formal and informal. However, implementation remains a hurdle. Many service-sector employers either don't know the law or ignore it. For instance, many small hotels or salons lack ICCs altogether, and women workers often feel unsafe or unsupported when dealing with harassment, especially from customers.

B. Criminal law coverage

1. IPC provisions:

Women facing workplace harassment may also seek justice under the Indian Penal Code:

- Section 354: Assault or criminal force to outrage modesty.
- Section 509: Words, gestures, or acts intended to insult modesty.
- Section 375: Rape

The above provisions are aimed to provide remedy in crisis. However when crisis hit, women hesitate to report such crimes particularly when the perpetrator is a customer or supervisor. The process is intimidating for them, the stigma is real and there is ambiguity about the outcome. Law enforcement isn't always sensitised about such issues. Many women worry that filing a complaint will lead to victim blaming or job loss.

2. Legal interpretations:

The Supreme Court ruled in the Vishaka case (1997) that sexual harassment at the workplace violates Articles 14, 15, and 21 of the Constitution. This led to the formulation of the POSH Act. In *Puttaswamy v. Union of India* (2017), the right to privacy was advocated as a fundamental right. This has repercussions for women's bodily autonomy and dignity in workplaces by empowering them with their right to say no, set boundaries, and expect protection.

3. Judicial precedents

the Supreme Court's judgment in *Indian Hotels and Restaurants Association v. State of Maharashtra* (2019) was one of the most critical precedents in the service industry. It struck down many restrictions imposed on women working in dance bars under the Maharashtra Dance Bar Act. The law had claimed to protect women however in actuality it severely curtailed their right to work. The Court ruled that women should be able to earn a living with dignity and that the state cannot impose moralistic bans that effectively bar women from employment.

These laws and rulings reveal that India's legal framework is well-intentioned. However, the gap between rights and reality remains wide for women working in the fast-paced, high-

pressure, and often informal service industry. Laws need not just to exist—they must be visible, accessible, and enforced. Only then can women feel safe, valued, and truly protected at work.

V. GROUND REALITIES AND ANALYSIS

In India's service industry many women quietly face unsafe, unequal, and unsupported workplaces. A woman working in such sectors or services like spa or in a popular salon chain or in hotel recounts how clients cross the line but she is told to ignore it and stay professional. Similar stories echo across sectors from waitresses who endure unwanted advances to flight attendants discouraged from reporting harassment due to fear of professional backlash.

Wage inequality also remains a persistent issue. A bar women worker who works the same hours as her male counterparts, shared how she earns significantly less. This is justified by management as client preference for male bartenders. Despite laws promising equal pay and protection, many women feel the law doesn't reach them. There's a clear disconnect between legislation and enforcement.

One major legal blind spot is the ambiguous definition of core employment. Many women in hospitality, wellness, and entertainment are hired through contractors, placing them outside the direct protection of employers. The lack of sector-specific provisions for service industries like at bars or aviation make their unique challenges go largely unaddressed. Laws are often drafted with factories and offices in mind, not frontline service roles.

Compared to countries like the UK and EU, where workplace harassment policies are often sector-specific and complaints are processed through independent watchdogs, India's system relies heavily on internal mechanisms that often don't exist or fail to function. Thus while India has strong laws but the actual experience of women in the service sector such rights remain largely symbolic and on paper.

VI. DISCUSSION

India's legal framework appears to be progressive for protecting women at the workplace. But there is a big difference in reality. For many women in the service sector these protections feel obscure. Women often face harassment in sectors like hospitality, aviation, or beauty services. There are challenges like pay disparity, low wages and job insecurity. There is lack of confidence in them that formal mechanisms will protect them and are of any use.

Women facing intersectional vulnerabilities undergo such challenges more than other women. Women of marginalised castes, having migrant backgrounds or limited education are often

employed informally or on contracts offering no legal safeguards. They are less likely to speak up when harassed. These women are more likely to accept unequal pay and are at greater risk of being silenced if they try to complain.

Systemic barriers intensify these problems. Many women are unaware of their rights and of laws like the POSH Act or the Labour Codes. It is also seen that though if they are aware there is fear of retaliation like losing their job or being blacklisted or being blamed. This stigma keeps them from reporting incidents. Adding to it, legal processes remain slow and often are intimidating.

The role of employers and civil society plays a vital role here. Businesses must support with actual compliance and create real systems of support. They need to establish functioning ICCs, conducting regular awareness training and building a culture of respect for all. At the same time, NGOs and advocacy groups play a critical role in educating women. They need to offer legal aid and pushing for systemic reforms. The law is a foundation which needs to be made concrete by voices, action, and accountability taken.

VII. RECOMMENDATIONS

There are unique challenges faced by women in India's service sector. There is a need to keep track of high customer interaction, night shifts, and informal employment. A sector-specific legal framework must be developed to address these challenges. Internal Complaints Committees (ICCs) should be mandatory in all establishments. It should act regardless of size or registration while ensuring every woman has a safe reporting mechanism. Law enforcement and judiciary officials must undergo gender-sensitivity training to handle workplace complaints with more empathy and being just.

There needs to be mobile legal aid units available that can reach women in spas, salons, and hospitality venues to provide direct legal support whenever needed without delay. Anonymous digital complaint platforms can empower those hesitant to speak up publicly. There needs to be collaborations between government and industry associations should regularly monitor legal compliance and workplace safety standards.

Future research must expand to rural areas and tier-2 cities, and include LGBTQ+ and third-gender individuals, whose workplace struggles remain largely undocumented and unaddressed.

VIII. CONCLUSION

This study reveals a truth which is humbling for a country like India. While India's labour and

criminal laws for workplace protection are strong on paper, they often fail to address the specific realities of women in the service sector. There are issues such as harassment by customers, unavailability of complaint structures, wage discrimination and unsafe work conditions which are unattained. The absence of sector-specific laws, weak enforcement, and poor legal awareness leaves many women unsupported in their daily struggles. On top of this, the intersectional vulnerabilities like caste, class, and migrant status only deepen these challenges.

As India strides toward becoming a very strong economy, the importance of inclusive and safe work environments cannot be overstated. True growth must ensure that every woman of all caste and creed regardless of where she works must be protected, heard, and respected. Legal protection is a right of all and not just a privilege. It must be a right for every worker from a flight attendant to a front-desk operationist. It is time for meaningful change in society.

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