

INTERNATIONAL JOURNAL OF LAW  
MANAGEMENT & HUMANITIES  
[ISSN 2581-5369]

---

Volume 8 | Issue 3  
2025

---

© 2025 International Journal of Law Management & Humanities

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

---

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of any suggestions or complaints, kindly contact [support@vidhiaagaz.com](mailto:support@vidhiaagaz.com).

---

To submit your Manuscript for Publication in the International Journal of Law Management & Humanities, kindly email your Manuscript to [submission@ijlmh.com](mailto:submission@ijlmh.com).

---

# From Genesis to Justice: The Legislative Evolution of POCSO and Posh Act

---

RAHUL CHATWAL<sup>1</sup> AND KALYANI ABHYANKAR<sup>2</sup>

## ABSTRACT

*Particularly in child protection and workplace safety, the path toward safeguarding sensitive populations in India has seen notable legal benchmarks. This research article, "From Genesis to Justice: The Legislative Evolution of POCSO and POSH Act" offers a thorough analysis of two historic laws that have transformed India's legal system for handling sexual violence and harassment: the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH) and the Protection of Children from Sexual Offences Act, 2012 (POCSO).*

*Starting with the historical background that required these legislative actions, the study follows the concerning increase in occurrences of child abuse, workplace exploitation, and the related social movements raising public demand for thorough laws. The report emphasizes essential court rulings, notably the Vishaka v. State of Rajasthan case., which significantly influenced workplace harassment rules and the sad events that underlined the need for strong child protection legislation.*

*Examining their progressive elements meant to offer victim-centric remedies, the study explores the fundamental clauses of the POCSO. and POSH Act. The POCSO Act highlights India's dedication to protecting young people by emphasizing age-appropriate surgeries, child-friendly policies, and obligatory reporting. Similarly, the POSH The act defines harassment precisely and requires the creation of Internal Complaints Committees (ICCs), now Internal Committee, and offers procedural rules to guarantee equitable investigations and redressal.*

*Although these legislative systems show significant advancement, their execution offers excellent difficulties. Important concerns, including inadequate awareness among stakeholders, underreporting resulting from societal stigma, and procedural delays impeding the implementation of justice, are examined in this research. The study also points out areas of infrastructural deficiency, the need for capacity-building programs for law enforcement personnel, and the need to develop safer workplaces and educational institutions.*

*Finally, this research underlines the importance of continuous revisions to improve the efficacy of both Acts. To guarantee quick and efficient justice, it suggests remedies*

---

<sup>1</sup> Author is a Student at Christ University, Lavasa, Pune, India.

<sup>2</sup> Author is an Assistant Professor at CHRIST University, Lavasa, Pune, India.

*including thorough awareness campaigns, better victim support systems, specialized training for legal and medical professionals, and enhanced responsibility measures. India may go closer to realizing a society that values the safety and dignity of its most underprivileged people by tackling these difficulties and supporting constructive actions. This thorough investigation seeks to provide insightful analysis for legislators, attorneys, social activists, and academics striving to strengthen the protective systems preserving justice and equality in Indian society.*

**Keywords:** *Legislative evolution; Sexual harassment; Child sexual abuse; Gender equality; Workplace safety; Victim protection.*

## I. INTRODUCTION

India's changing legal scene has revolved mainly on the protection of vulnerable groups—especially *women and children*. India has seen increasing acceptance of the need for strong regulatory frameworks to handle the increase in sexual abuse, exploitation, and harassment over the years. Two key legal initiatives that have greatly helped to protect these sensitive groups are *the Protection of Children from Sexual Offences Act, 2012 (POCSO)*<sup>3</sup> and *the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH)*<sup>4</sup>. Public outrage, court activity, and growing knowledge of the systematic injustices victims of sexual offenses and workplace harassment endured led to these laws developing.

Many events that revealed the pressing need for organized legal systems defined the path from societal neglect to legislative change. The terrible reality of widespread child sexual abuse, sometimes hidden inside homes, businesses, and organizations, brought attention to the lack of specific legislation to handle such crimes. Cases involving child sexual abuse were handled under general provisions in the *Indian Penal Code (IPC)*<sup>5</sup>, now the *Bharatiya Nyaya Sanhita (BNS)*, which lacked child-specific considerations, including age-appropriate procedures, victim support systems, and sensitive trial processes, until *POCSO*<sup>6</sup> was passed. The lack of thorough legal protections left young people open for exploitation; survivors sometimes suffer re-trauma in the court system. Understanding these inadequacies, *the Indian Parliament passed the POCSO Act in 2012*<sup>7</sup> *to offer a disciplined, child-centric legal framework meant to prevent, punish, and resolve sexual offenses against minors.*

---

<sup>3</sup> The Protection of Children from Sexual Offences Act, 2012.

<sup>4</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>5</sup> The Indian Penal Code, 1860.

<sup>6</sup> The Protection of Children from Sexual Offences Act, 2012.

<sup>7</sup> The Protection of Children from Sexual Offences Act, 2012.

Likewise, following the historic *Vishaka v. State of Rajasthan* ruling in 1997<sup>8</sup>, the requirement of occupational safety and protection against sexual harassment acquired prominence. This case revealed the absence of official legal clauses shielding women from workplace harassment, which led the Supreme Court to produce the *Vishaka Guidelines*.<sup>9</sup>, which prescribed preventative actions and grievance redressal systems in professional environments. Even with these temporary rules, workplace harassment stayed underappreciated, and many organizations neglected to implement good practices. *Enacted in 2013, the POSH Act*<sup>10</sup> *codified these rules guaranteeing precise definitions of workplace harassment, thorough complaint handling policies, and required creation of an Internal Committee (IC)*<sup>11</sup> *In companies.*

In India's legislative path towards creating safer surroundings for women and children, the *POCSO*<sup>12</sup> and *POSH Act*<sup>13</sup> Mark significant turning points. Though these laws offer thorough legal foundations, their practical application remains hampered, limiting their full potential. Many times, victims of issues like lack of understanding, procedural delays, and cultural stigma are discouraged from pursuing justice.

This paper *investigates the development of these critical laws by examining their historical background, legislative milestones, and primary features. It looks at the difficulties in their execution and offers doable suggestions to improve their potency.* By following the path "from genesis to justice," this study aims to give a whole picture of how these historic Acts have shaped India's socio-legal system, *advancing the cause of justice for some of the most disadvantaged groups of the nation.*

## II. THE GENESIS OF THE POCSO ACT

Designed to address the mounting issues of *child sexual abuse in India*, the *Protection of Children from Sexual Offences Act, 2012 (POCSO)*<sup>14</sup> Offers a historical legal framework. This Act's inception is firmly anchored in the concerning increase in occurrences of sexual assault against minors, the lack of a thorough legal framework, and the necessity of a child-centric approach in the justice system. The *POCSO Act*<sup>15</sup> Passage represented a significant first in guaranteeing children's safety, protection, and well-being in India.

---

<sup>8</sup> Supra note 5.

<sup>9</sup> Supra note 5.

<sup>10</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>11</sup> As per Repealing and Amending Act, 2016, the nomenclature of Internal Complaints Committee was changed to Internal Committee.

<sup>12</sup> The Protection of Children from Sexual Offences Act, 2012.

<sup>13</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>14</sup> The Protection of Children from Sexual Offences Act, 2012.

<sup>15</sup> The Protection of Children from Sexual Offences Act, 2012.

### A. Legal Framework and Limitations of Pre-POCSO

India's legal system lacked a single provision that mainly addressed sexual offenses against children before the *POCSO Act*.<sup>16</sup> Passage. Under broad terms of the *Indian Penal Code (IPC)*<sup>17</sup>, now the *Bharatiya Nyaya Sanhita (BNS)*<sup>18</sup> Cases involving child sexual abuse were primarily handled under:

*Section 375 IPC*<sup>19</sup> (*Rape*) now, *Section 63 BNS*<sup>20</sup> Limited in scope but criminalized sexual assault; it did not cover other kinds of sexual abuse, including molestation, harassment, or non-penetrative sexual assault. *Section 354 IPC*<sup>21</sup> (*Outraging the Modesty of a Woman*) now, *Section 74 BNS*<sup>22</sup> It lacked gender-neutral terminology and neglected to primarily address offenses against male youngsters, even though it included some kinds of sexual harassment.

These clauses lacked a victim-centric attitude and were scattered and weak. Moreover, they neglected to acknowledge child-specific needs, including psychosocial assistance, child-friendly investigation techniques, and unique reporting systems. Clear legal definitions and procedural protections often led to delays in justice, victim re-trauma, and regular underreporting of abuse.

### B. Catalysts for Change: The Need for Comprehensive Legislation

Several social, legal, and international events combined to create the great desire for a specific child protection law:

***Rising Incidents of Child Sexual Abuse:*** Growing numbers of public and private sector reports of child exploitation underlined kids' susceptibility to several kinds of sexual abuse. Media coverage and campaigning campaigns enhanced the necessity of more robust legal systems.

***Judicial Activism:*** The flaws in the current legal system have been exposed in many Indian courts. Prominent rulings underlined the necessity of thorough regulations to guard against mistreatment of minors.

India signed the *United Nations Convention on the Rights of the Child (UNCRC)* in 1992<sup>23</sup>, therefore committing the nation to enact laws protecting children against violence,

---

<sup>16</sup> The Protection of Children from Sexual Offenses Act, 2012.

<sup>17</sup> Supra note 13.

<sup>18</sup> Supra note 14.

<sup>19</sup> The Indian Penal Code, 1860, §375.

<sup>20</sup> The Bharatiya Nyaya Sanhita, 2023, §63.

<sup>21</sup> The Indian Penal Code, 1860, §354.

<sup>22</sup> The Bharatiya Nyaya Sanhita, 2023, §74.

<sup>23</sup> United Nations Convention on the Rights of the Child (UNCRC)

exploitation, and abuse. It was considered a breach of these international commitments when specific legislation covering child sexual assault was lacking.

Several *non-governmental organizations (NGOs)*, child rights advocates, and media campaigns underlined the immediate necessity of strong protective legislation. Notable incidences of child sexual abuse—including ones involving care facilities and schools—further stoked public pressure for legislative action.

### C. Enactment of the POCSO Act, 2012

Responding to these mounting issues, *Parliament passed the Protection of Children from Sexual Offences Act in 2012*<sup>24</sup>. Designed as a thorough, gender-neutral law especially addressing the unique vulnerability of children, the *POCSO Act*<sup>25</sup> It covered a broad spectrum of sexual offenses against minors, including pornography, sexual harassment, and both penetration and non-penetrative sexual assault. Including special courts, in-camera trials, and required reporting requirements, the Act included child-friendly systems to guarantee a sensitive and supportive judicial process.

Establishing explicit procedural rules to lessen the trauma suffered by child victims during inquiry and trial, the *POCSO Act*<sup>26</sup> Was a progressive change from the earlier fractured legal system. The Act sought to create safer surroundings for children throughout India by including strict punishments, age-appropriate policies, and victim support networks.

The *POCSO Act*<sup>27</sup> originated from India's will to improve child protection legislation and solve the serious problem of sexual violence directed against minors—legal flaws, growing public awareness, and international responsibilities combined to propel the Act's introduction. Consequently, the *POCSO Act*<sup>28</sup> Is an essential legal achievement that guarantees children in India justice, protection, and dignity. Its stated goals depend on its efficient implementation. Hence, constant efforts to increase awareness, equip law enforcement authorities, and establish safe childhood areas are essential.

## III. THE GENESIS OF THE POSH ACT

Known by most as the *POSH Act*<sup>29</sup>, *the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* is a historic law meant to protect women

---

<sup>24</sup> The Protection of Children from Sexual Offences Act, 2012.

<sup>25</sup> The Protection of Children from Sexual Offences Act, 2012.

<sup>26</sup> The Protection of Children from Sexual Offences Act, 2012.

<sup>27</sup> The Protection of Children from Sexual Offences Act, 2012.

<sup>28</sup> The Protection of Children from Sexual Offences Act, 2012.

<sup>29</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

from sexual harassment in the workplace. Social movements, court rulings, and the rising consciousness of gender equality in the workplace helped to pave the path toward this necessary legislative change. Knowing the development of the *POSH Act*<sup>30</sup> Calls for an analysis of significant events, judicial rulings, and international pledges taken together to help shape the Act.

#### **A. Socio-Cultural Context and the Need for Legal Intervention**

Before the *POSH Act*<sup>31</sup> When passed, Indian companies lacked a legally enforceable system to handle sexual harassment. Often left vulnerable to harassment, traditional social conventions mixed with poor knowledge of job rights left women exposed. Women found great difficulty reporting misbehavior, particularly in agriculture, housework, and unofficial employment.

Though the *Indian Constitution guarantees female equality, until the late 20th century*, workplace harassment was mainly ignored in Indian law. After a slew of well-publicized events, most famously the *Smt. Bhanwari Devi vs The State of Rajasthan*<sup>32</sup>, this gap became shockingly clear.

#### **B. The Vishaka Case and Guidelines: The Catalyst for Change**

The sad tragedy of Rajasthan social worker *Bhanwari Devi*<sup>33</sup> marked the turning point that prepared the ground for legislative change. Influential families in *Bhanwari Devi's*<sup>34</sup> Area strongly objected to her participation in a government campaign against child marriage. She suffered horrific gang rape in 1992 in reprisals.

When *Bhanwari Devi*<sup>35</sup> Sought justice, her case exposed an apparent flaw in the legal system: no legislation to deal with workplace sexual harassment. This gap spurred a group of women's rights activists known as *Vishaka*.<sup>36</sup> To launch a *Public Interest Litigation (PIL) before the Indian Supreme Court*.

The *Supreme Court* acknowledged in its historic decision in *Vishaka v. State of Rajasthan (1997)*<sup>37</sup> sexual harassment at the workplace as violating *Article 14 (Right to Equality)*<sup>38</sup>*Article 15 (Prohibition of Discrimination)*<sup>39</sup>, *Article 19 (Right to Practice Any*

---

<sup>30</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>31</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>32</sup> 1997(1)WLC42 (1997) (India).

<sup>33</sup> Supra note 42.

<sup>34</sup> Supra note 42.

<sup>35</sup> Supra note 42.

<sup>36</sup> Supra note 5.

<sup>37</sup> Supra note 5.

<sup>38</sup> India Const. art. 14.

<sup>39</sup> India Const. art. 15, cl. 1.

Profession)<sup>40</sup>, and Article 21 (Right to Life and Dignity)<sup>41</sup> Of the Constitution. The Court developed the Vishaka<sup>42</sup> Guidelines set obligatory rules for stopping and handling sexual harassment in companies, as no official law tackled this problem then.

### C. The Vishaka Guidelines: A Temporary yet Powerful Framework

Designed as a temporary framework to cover the legislative void until Parliament could pass thorough legislation, the *Vishaka Guidelines*<sup>43</sup> These rules defined sexual harassment generally, including not only physical contact but also verbal and nonverbal behavior that produced an unpleasant or hostile workplace.

#### *The key directives included:*

1. Establishment of Internal Complaints Committee (ICC)<sup>44</sup> In companies employing fifty or more people.
2. Guaranteeing company accountability in building a safe workplace.
3. Execution of awareness campaigns to inform staff members about sexual harassment.
4. Offering channels for redressal that respected anonymity and kept the victim free from reprisals.

These rules lacked statutory enforcement even though they represented a significant turning point in workplace safety changes. Compliance, therefore, stayed uneven throughout sectors, especially in the unorganized sector.

### D. Influence of International Obligations

The *POSH Act*<sup>45</sup> It was much shaped by India's dedication to *international conventions as well. Approved in 1993, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*<sup>46</sup> Mandates member states to enact laws against discrimination against women. Reiterating India's need to provide legal rights for women in professional environments, the *Vishaka ruling highlighted CEDAW*.<sup>47</sup> As a guiding framework.

---

<sup>40</sup> India Const. art. 19, cl. 1(g).

<sup>41</sup> India Const. art. 21.

<sup>42</sup> Supra note 5.

<sup>43</sup> Supra note 5.

<sup>44</sup> As per guidelines given in Vishaka v. State of Rajasthan AIR 1997 SC 3011 (1997) (India).

<sup>45</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>46</sup> The Convention on the Elimination of All Forms of Discrimination against Women.

<sup>47</sup> Supra note 56.



The emphasis of *CEDAW*<sup>48</sup> Guaranteeing equal opportunity for women, together with protection from violence and harassment, generated more demand for India to enact thorough laws against workplace harassment.

### E. Impact and Challenges in Implementation

Driven by awareness efforts and required training programs in companies, the *POSH Act*<sup>49</sup> Has fundamentally changed workplace culture in India since its passage. Still, obstacles exist. Many victims hesitate to report issues out of concern for societal stigma or reprisals. Lack of Awareness: Employers and staff in smaller businesses and unofficial industries could not know their legal responsibilities and rights under the *POSH Act*<sup>50</sup>. Although more prominent companies usually have well-defined *POSH*<sup>51</sup> *Strategies, compliance is poorer in sectors with little control.*

A key legislative tool in India's continuous fight against sexual harassment and advance of gender equality in workplace settings is the *POSH Act*.<sup>52</sup> Its roots in the *Vishaka Guidelines*<sup>53</sup> and the sad story of *Bhanwari Devi*<sup>54</sup> Point to a will to solve structural problems using legal action. Although the *POSH Act*<sup>55</sup> Improved workplace safety standards, ongoing awareness campaigns, effective enforcement, and cultural change are vital to guarantee a harassment-free environment for every woman. From origin to justice, the path shows India's changing will to empower women in professional environments and defend their fundamental rights.

## IV. COMPARATIVE ANALYSIS AND IMPACT

Two key laws in India meant to protect people from sexual harassment and abuse are the *POCSO Act, 2012*<sup>56</sup> and the *POSH Act, 2013*<sup>57</sup>. Although both laws are meant to safeguard weaker groups and provide justice, their scope, goals, and application systems differ significantly. Evaluating their success in creating a safer and fairer environment requires an awareness of their commonalities, variances, and social influence.

---

<sup>48</sup> Supra note 56.

<sup>49</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>50</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>51</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>52</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>53</sup> Supra note 5.

<sup>54</sup> Supra note 42.

<sup>55</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>56</sup> The Protection of Children from Sexual Offences Act, 2012.

<sup>57</sup> Supra note 42.

## A. Overview of POSH and POCSO Act

### Sexual Harassment of Women at Workplace Act, 2013 or POSH Act

The *POSH Act*<sup>58</sup> Seeks to stop, forbid, and remedy workplace sexual harassment of women. Coverage includes employees, trainees, and interns in organized and unorganized sectors. *Establishes internal committees (ICs) at companies and local complaint committees (LCCs) at the district level for handling.*

### Protected Children from Sexual Offenses Act, POCSO Act, 2012

The *POCSO Act*<sup>59</sup> Seeks to shield youngsters from pornography, sexual harassment, and assault.

**Scope:** It guarantees thorough protection for minors by applying to every person under eighteen, regardless of gender. Establishes special courts for quick trials and offers a child-friendly mechanism for collecting evidence, reporting, and conducting inquiries—the Act guards against sexual assaults all-around—male, female, and transgender youngsters as well.

## B. Impact of the POSH and POCSO Act

### Social and Cultural Impact

The *POSH Act*<sup>60</sup> Has changed working settings by raising knowledge of gender sensitivity and arming women to disclose harassment without regard to shame or reprisals. Companies are becoming more aggressive in setting complaint boards and providing staff training.<sup>61</sup>

**POCSO Act**<sup>62</sup>: Vulnerable children have been much protected thanks in significant part to the POCSO Act<sup>63</sup>. The Act has raised knowledge among parents, businesses, and law enforcement on child protection rights using a child-centric approach.

### Legal and Judicial Influence

The *POSH Act*<sup>64</sup> Mandates employers to enforce compliance or face fines, introducing institutional responsibility for businesses. Small-scale businesses and the unofficial sectors still show implementation flaws, however.

**POCSO Act**<sup>65</sup>: The Act created a thorough legal framework to manage situations of child

---

<sup>58</sup> Supra note 42.

<sup>59</sup> The Protection of Children from Sexual Offenses Act, 2012.

<sup>60</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>61</sup> Shivangi Prasad and Attreyi Mukherjee, Handbook on the law of Sexual Harassment at Workplace 179 (2015).

<sup>62</sup> The Protection of Children from Sexual Offenses Act, 2012.

<sup>63</sup> The Protection of Children from Sexual Offenses Act, 2012.

<sup>64</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>65</sup> The Protection of Children from Sexual Offenses Act, 2012.

sexual abuse. Special courts' establishment has sped up case hearings, guaranteeing victims faster justice.

### **Obstacles in Application**

While more prominent corporations have embraced compliance measures, many smaller businesses and unofficial workplaces either lack awareness of or fail to follow *POSH*.<sup>66</sup> Rules successfully. Because of concern about professional consequences, victims might hesitate to report harassment.

***POCSO Act*<sup>67</sup>:** Social stigma, familial pressure, and fear of reprisals cause child sexual abuse instances to stay under-recorded even with their strong legal clauses. Furthermore, the impeding swift justice still delays the court process.

### **Awareness and Training**

Many companies run training courses to teach staff members their rights and obligations under the *POSH Act*.<sup>68</sup> Still, awareness in the informal and rural sectors is somewhat poor. Schools and other institutions have progressively implemented child safety education under the *POCSO Act*.<sup>69</sup>, therefore encouraging age-appropriate learning about bodily safety, trusted adults, and safe limits. Although both Acts have enhanced legal systems to protect women and children, more actions are needed to increase their influence:

1. Targeted awareness programs should be carried out to guarantee that underprivileged groups, unofficial workers, and rural areas grasp their rights.
2. Regular training for workers, companies, and students helps close knowledge gaps and create safer surroundings.
3. Employers and educational institutions should be under constant observation for adherence to *POSH*<sup>70</sup> and *POCSO*<sup>71</sup> Policies.
4. Improved counseling programs, helplines, and support groups assist victims in disclosing abuse or harassment without regard to fear.
5. Faster Judicial Processes: Special Courts set up under the *POCSO Act*<sup>72</sup> Should be ready to handle matters more effectively to lower delays.

---

<sup>66</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>67</sup> The Protection of Children from Sexual Offenses Act, 2012.

<sup>68</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>69</sup> The Protection of Children from Sexual Offenses Act, 2012.

<sup>70</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>71</sup> The Protection of Children from Sexual Offenses Act, 2012.

<sup>72</sup> The Protection of Children from Sexual Offenses Act, 2012.

An essential legal tool addressing sexual harassment and abuse in different but related spheres is the *POSH Act*.<sup>73</sup> and the *POCSO Act*.<sup>74</sup> While the *POCSO Act* aims to protect children from exploitation and abuse, the *POSH Act*<sup>75</sup> Targets workplace harassment to secure women's professional safety.

Though their focus differs, both Acts aim to advance dignity, guarantee justice, and empower victims. Critical first steps in increasing the potency of these laws are raising awareness, strengthening enforcement systems, and encouraging zero tolerance toward abuse and harassment culture. India will expand its dedication to human rights and social justice by doing this and getting closer to providing safer surroundings for women and children.

## V. SUGGESTIONS AND RECOMMENDATION

Protecting children from sexual abuse and tackling sexual harassment in workplaces have benefited much from the *POCSO Act of 2012*<sup>76</sup> and the *POSH Act, 2013*<sup>77</sup>. Although these rules create a strong legal framework, implementation, awareness, and enforcement nevertheless show flaws. These suggestions seek to maximize these laws' influence, guaranteeing justice for all by assuring accessibility and efficacy.

### A. Suggestions for Improving the POSH Act

#### Improved Awareness and Training Initiatives

To raise awareness among staff members at all organizational levels, companies must regularly provide thorough training on POSH rules.<sup>78</sup> Education of workers in informal industries, where POSH<sup>79</sup> Compliance is still lacking and should get particular attention.

#### Required POSH Compliance

Audits Periodic audits to evaluate employee adherence to *POSH*<sup>80</sup> Policies will help to guarantee improved implementation. Government departments should set up awareness campaigns and a monitoring system to see whether companies have Internal committees (IC) functioning.

---

<sup>73</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>74</sup> The Protection of Children from Sexual Offences Act, 2012.

<sup>75</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>76</sup> The Protection of Children from Sexual Offences Act, 2012.

<sup>77</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>78</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>79</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>80</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

### Expanding the Reach of POSH

The present *POSH Act*<sup>81</sup> It is aimed at working women. Covering all sexes would guarantee more general protection and conform to changing ideas of gender equality. Including *LGBTQ+ people's rights in working environments should help to build inclusive companies.*

### Enhanced IC functionality

Through required certification or specialized training for IC members, strengthening the Internal committee guarantees impartial investigations. Giving complainants legal and psychological support will help to reduce their fear of reprisal and occupational stigma.

### Enhanced Penalties for Non-compliance

Organizations neglect to create IC or fail *to follow POSH policies.*<sup>82</sup> Should pay heavy financial fines or license suspension in extreme circumstances. More corporate responsibility will improve adherence to standards for occupational safety.

## B. Suggestions for Improving the POCSO Act

### Improving Rural Area Awareness Campaigns

Though POCSO<sup>83</sup> It covers a large area, rural towns, and underprivileged groups that sometimes lack knowledge about child protection rights. School-based seminars involving Anganwadi workers and teacher and caregiver training help to increase knowledge about child abuse prevention and reporting.

### Improved Support Networks for Victims

Dedicated counseling centers established in police stations, colleges, and community venues can offer child victims emotional and psychological help. More money for *Child Welfare Committees (CWC) guarantees impacted families receive timely intervention and assistance.*

### Fast-Track Courts Handling POCSO Cases

Special Courts established under the *POCSO Act*<sup>84</sup> We were meant to speed up cases, but delays still cause ongoing issues. By establishing Fast-Track POCSO<sup>85</sup> In courts with committed judges and skilled personnel, one can guarantee faster resolutions and minimize

---

<sup>81</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>82</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>83</sup> The Protection of Children from Sexual Offences Act, 2012.

<sup>84</sup> The Protection of Children from Sexual Offences Act, 2012.

<sup>85</sup> The Protection of Children from Sexual Offences Act, 2012.

the anguish suffered by child victims throughout protracted procedures.

### **Training Judges and Law Enforcement**

Mandatory sensitivity training for police, prosecutors, and courts will help them manage POCSO cases efficiently and clearly. Ensuring child-friendly policies are followed during the trial and inquiry procedures helps lower intimidation and increase victim involvement.

### **Online Safety and Digital Awareness**

The *POCSO*<sup>86</sup> The structure should grow to handle cyber threats, grooming strategies, and online-based offenses since the development of digital platforms raises the possibility of online child exploitation. Educational institutions and schools should implement digital literacy initiatives to teach youngsters responsible online behavior.

## **VI. CONCLUSION**

The *POCSO Act, 2012*<sup>87</sup> and the *POSH Act, 2013*<sup>88</sup> Mark evidence of India's evolving legal system meant to handle sexual harassment and abuse. There is a growing need to provide safer environments for vulnerable groups—especially women and children, who have traditionally suffered systematic discrimination and exploitation—emerged these historic laws. From their founding to their current shape, the path shows India's changing dedication to guaranteeing justice, dignity, and protection for these underprivileged populations.

By elevating the problems of child sexual abuse and workplace harassment to the center of public debate, both the *POCSO*<sup>89</sup> and *POSH Act*<sup>90</sup> Have dramatically changed India's legal environment. By implementing a thorough, gender-neutral statute meant to guard minors against many kinds of sexual assaults, the *POCSO Act*<sup>91</sup> Closed a vital legislative void. It defined sexual assault, sexual harassment, and pornographic exploitation precisely so that all types of abuse—physical, psychological, or nonverbal—were acknowledged legally. Furthermore, the Act transformed how trials and investigations are carried out by including child-friendly practices, prioritizing the kid's emotional well-being and comfort during legal processes.

Comparably, the *POSH Act*<sup>92</sup> Formalized workplace safety by establishing an *Internal Committee (IC)* in professional environments, encouraging responsibility, and guaranteeing

---

<sup>86</sup> The Protection of Children from Sexual Offenses Act, 2012.

<sup>87</sup> The Protection of Children from Sexual Offenses Act, 2012.

<sup>88</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>89</sup> The Protection of Children from Sexual Offenses Act, 2012.

<sup>90</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>91</sup> The Protection of Children from Sexual Offenses Act, 2012.

<sup>92</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

victims have organized means to document events free from fear of refraction. The Act's emphasis on employer accountability has raised awareness inside companies, motivating proactive initiatives, including awareness campaigns, training programs, and zero-tolerance rules against harassment.

By creating explicit reporting and redressal policies, executing both Acts has given survivors easier access to justice. The *POCSO Act*<sup>93</sup> Provision for Special Courts has enhanced the court system by guaranteeing that trials involving child sexual abuse be accelerated, therefore reducing delays that sometimes re-trauma victims experience. These specialist courts use child-sensitive strategies, including in-camera proceedings, to stop the suffering of young survivors. The establishment of *Local Complaints Committees (LCC)* by the *POSH Act*<sup>94</sup> Has widened redressal systems to include unorganized sector companies, guaranteeing that workers outside of corporate settings have recourse to justice. These Acts have created safer surroundings and given victims ordered support systems by requiring timetables for investigations, arming committees to suggest disciplinary punishment, and guaranteeing anonymity for victims. The *POCSO*<sup>95</sup> and *POSH Act*<sup>96</sup> Nevertheless, they suffer significant obstacles that limit their full potential, notwithstanding their innovative approaches.

From "*Genesis to Justice*," the road shows a legislative trip and *a society's will to create surroundings where children are raised safely and businesses support dignity, respect, and equality. India can create a safer and more inclusive future whereby justice is not just promised but also really delivered by encouraging a culture of zero tolerance toward harassment and abuse.*

\*\*\*\*\*

---

<sup>93</sup> The Protection of Children from Sexual Offences Act, 2012.

<sup>94</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>95</sup> The Protection of Children from Sexual Offences Act, 2012.

<sup>96</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

**VII. REFERENCE**

1. Gandhi A. and Thakur R., Reasons for Low Posh Compliance.2023; Available at <https://ssrana.in/articles/reasons-low-posh-compliance-india/>
2. Sharan, S., Sexual Harassment Laws in India: Gender Neutrality and Other Limitations. 2023; Issue 2 Indian JL and Legal Resch., 5, 1.
3. Karra, A. S. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal)-A Detailed Analysis of POSH Act, 2013. 2022; Jus Corpus LJ, 3, 622.
4. Dhingra, D.S. Corporate governance: Direct impact of organization functioning on internal complaints' committees. International Journal of Law, Justice, and Jurisprudence. 2022;
5. Gupta, M. A Gendered and Non-Inclusive Statute-Protection of Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013. 2022; Nyaayshastra L. Rev., 3, 1.
6. Barath K..Susheel, Mahalakshmi V., January 2016, Legal Implications of POCSO Act, 2012 – An Analysis, International Journal of Multidisciplinary Research Review. Pp. 155-162
7. Belur Jyoti, Singh Brijesh Bahadur, December 2015, Child Sexual Abuse and Law in India, Crime Science – An Interdisciplinary Journal.
8. Child Sexual Abuse: Issues and Concerns, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4557243/>

\*\*\*\*\*