

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 8 | Issue 6

2025

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POSH Act 2013: A Pillar for Human Rights at the Workplace - A Critical Analysis

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ABSTRACT

The POSH Act, also known as the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, was implemented in India with the goals of preventing sexual harassment at work and creating efficient grievance procedures. This legislation is important because it is the first specific legal framework in India designed to protect women from this sort of misconduct, and it is notable worldwide for emphasizing the rights of female employees. An important piece of law designed to fight sexual harassment in India is the Prevention of Sexual Harassment Act, 2013. This analysis highlights issues and weaknesses in the current framework while examining how well the Act protects human rights in workplaces and higher education institutions. Studies show that although the POSH legislation's impact-based approach disregards the General Principles of Criminal Law, the court rulings that support the reasonable person, quid pro quo, modesty, and decency tests aim to promote confidence in decision-making even in the face of exemption. Even with this gender-biased legislation, we are able to achieve balance because to the progressive interpretation of the statute. Using a doctrinal perspective, the study examines current Act-related laws, rules, and regulations. The results highlight the necessity of tackling sexual harassment holistically, which includes modifying policies, altering cultural norms, and providing more assistance to victims. The research offers suggestions for improving the Act's implementation, encouraging an atmosphere of safety and inclusivity for everyone in higher education institutions, and cultivating a culture of respect and accountability.

Keywords: Human rights, POSH Act, Sexual Harassment, Impact, Judicial Interpretations

I. INTRODUCTION

An important piece of legislation designed to address sexual harassment in India was the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013. The tragic case of Bhanwari Devi served as the impetus for years of agitation by women's rights organizations, which culminated in the passing of the Act. This law recognized the need for a comprehensive framework to prevent, prohibit, and address this widespread issue, marking a

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dramatic shift in India's attitude to sexual harassment. The Honourable Supreme Court believed that specific laws were required to control workplace sexual harassment of women. The 1993 ratification of the Convention on the Elimination of All Forms of Discrimination Against Women by India was also noted by the Honourable Supreme Court. In addition to finding the accused guilty, the Hon'ble SC imposed rules that all institutions must abide by till a particular law is passed. It was those rules, which are commonly referred to as the Vishaka rules. In addition to serving as a foundation for the POSH Act's passage, the Vishaka v. State of Rajasthan ruling is notable for its support of judicial activism. The Aureliano Fernandes v. State of Goa of 2023 highlights the necessity of significant revisions to the POSH laws. Until POSH was passed, the rules that the court issued using its authority under Article 142 were legally binding. The POSH Act was not enacted by the government for a long time. Nearly ten years after the lawsuit was resolved, in 2013, the POSH Act was passed into law. The Act's implementation in workplaces and higher education institutions continues to be a worry despite its significance. This research looks at how well the Act protects human rights in these institutions, pointing out issues and the necessity of a thorough strategy to deal with sexual harassment. This paper examines how the University Grants Commission's (UGC) Regulations, 2015, give institutions a framework for putting in place procedures for stopping and dealing with sexual harassment. Understanding the value of human rights in education, this study investigates how the POSH Act supports these rights in workplaces and higher education institutions.

II. THE INTERNATIONAL FRAMEWORK TO PREVENT SEXUAL HARASSMENT

The UN is essential to the global advancement of human rights, particularly the prevention of sexual harassment. With an emphasis on gender equality, the 1945 UN Charter promotes international respect for human rights and highlights the significance of equal rights for men and women. Adopting a number of international treaties has helped advance human rights and combat prejudice. These include:-

Universal Declaration of Human Rights (UDHR): Adopted in 1948, the UDHR enshrines essential rights and freedoms for all individuals, including equal treatment and non-discrimination based on sex.

-International Covenant on Civil and Political Rights (ICCPR): Adopted in 1966, the ICCPR safeguards individuals' rights and freedoms, including protection against sexual harassment.

-International Covenant on Economic, Social and Cultural Rights (ICESCR): Adopted in 1966, the ICESCR promotes gender equality and combats sex discrimination by ensuring equal rights

to employment, fair compensation, and safe working conditions.

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): Adopted in 1979, CEDAW aims to eliminate all forms of discrimination against women, including sexual harassment.²

These global mechanisms offer a foundation for advancing human rights and preventing prejudice everywhere. National laws and policies have been impacted by them, including the Sexual Harassment of Women at Workplace Act of 2013 and India's Visakha recommendations.

A society's path from quiet to awareness and legal action is reflected in the historical development of sexual harassment laws. These laws' origins can be found in the middle of the 20th century, when feminist and social movements gained traction and conversations about discrimination and gender inequity began. Many legal systems mainly ignored or rejected sexual harassment charges before explicit statutes addressing the issue emerged. The 1960s and 1970s marked an enormous transition as significant incidents and scholarly discussions illuminated the negative effects of workplace harassment. Sexual harassment was acknowledged as a violation of Title VII of the Civil Rights Act of 1964³ by U.S. legal precedents, including the *Meritor Savings Bank v. Vinson*⁴ case from 1976. This was a turning point that paved the way for sexual harassment to be recognized by employment laws as a separate type of discrimination. Recognizing and combating gender-based discrimination, including sexual harassment, was made possible in large part by the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Many nations were prompted by the convention to create or change laws that reflected its founding principles. In the decades that followed, awareness of sexual harassment spread outside of the workplace to other social settings, such as public places and educational institutions. Recognizing the negative impact sexual harassment has on victims and the community at large, nations all over the world have started passing specialized laws to handle its complex nature. The development of sexual harassment laws is a reflection of both developing social views regarding gender dynamics and evolving legal environments. Even if there is no denying that progress has been made, there are still issues with maintaining uniform enforcement and modifying legislation to reflect the changing nature of harassment in the digital age. Understanding the current status of sexual harassment laws is based on this historical trajectory, which also highlights the

² Dr. S.K. Kapoor, "International Law and Human Rights (Nutshell)" pp-59-62 (Central Law Agency, 2003)

³ 477 U.S. 57 (1986)

⁴ Civil Rights Act of 1964, Acts of US Parliament, 1964(USA).

continuous work required to establish safer, more egalitarian conditions around the world.⁵

The comparative analysis of sexual harassment legal frameworks across different countries reveals a patchwork of definitions, methodologies and enforcement mechanisms. Although there is increasing international agreement that sexual harassment must be addressed, different legal frameworks reflect various historical, social, and cultural settings. Sexual harassment laws in the United States have been greatly influenced by Title VII of the Civil Rights Act of 1964⁶. The law forbids sex-based discrimination in the workplace, and courts have recognized claims of hostile work environments as a type of sexual harassment throughout time. Individual rights are emphasized by the U.S. legal system, which also offers a foundation for pursuing legal action against individual harassers as well as employers. Legal responses to sexual harassment in European nations are sometimes derived from more general anti-discrimination legislation. Member states are required by EU directives, including Directive 2002/73/EC, to handle workplace sexual harassment. However, there are differences in how these directions are implemented, and some nations have created more thorough and clear laws to address sexual harassment. The legal environment differs greatly in Asia. Specific laws, such as the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013⁷, have been introduced in some nations, such as India. Other Asian countries, on the other hand, might use civil codes or general labour rules to combat sexual harassment, with differing degrees of success. The legal responses of African nations are also diverse. While other countries might not have specific legal protections, depending instead on general labour rules or constitutional guarantees, South Africa, for instance, has strong anti-discrimination statutes that cover sexual harassment. Due to cultural and legal disparities, the Middle East poses particular difficulties. While some nations in the region may rely on more general legal principles, others have passed labour legislation that target workplace harassment.

One of the commonalities among these frameworks is that they acknowledge sexual harassment as a human rights violation and frequently stress the significance of prevention, investigation, and redressal methods. Nonetheless, there are still disagreements around the definition of harassment, the standard of proof, and the victim's remedies. This comparative analysis emphasizes how crucial it is to comprehend the legal and cultural frameworks that influence sexual harassment regulations around the world. Although international initiatives, like the

⁵ Beverley H. Earle & Gerald A. Madek, *An International Perspective on Sexual Harassment Law*, 12(1) *LAW & INEQ.* 43 (1994).

⁶ Civil Rights Act of 1964, Acts of US Parliament, 1964(USA).

⁷ Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 No. 2, Acts of Parliament, 2013 (India).

Convention on Violence and Harassment in the World of Work of the International Labour Organization (ILO), seek to offer a framework for tackling this problem, each nation's adaptation and implementation of these measures will determine how effective they are. Legal frameworks intended to prevent sexual harassment must also change with society in order to be fair, responsive, and supportive of safer settings everywhere.⁸

III. SEXUAL HARASSMENT: UNDERSTANDING THE POSH ACT AND ITS PROVISIONS

Sexual harassment is a pervasive issue that affects individuals in various settings, including workplaces and educational institutions. It is a violation of fundamental human rights, attacking a person's privacy, dignity, and emotional well-being. Sexual harassment can take various forms, including verbal, physical, and non-verbal conduct. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, commonly known as the POSH Act, defines sexual harassment as any unwelcome act or behaviour, including physical contact, verbal comments, and non-verbal conduct. The POSH Act recognizes two primary forms of sexual harassment: Quid Pro Quo and Hostile Work Environment. Quid Pro Quo involves demanding sexual favours in exchange for employment benefits, while Hostile Work Environment refers to unwelcome conduct that creates an intimidating, hostile, or offensive work environment.

Understanding the POSH legislation's broader definition of sexual harassment requires comparing it to the definitions found in the POCSO Act of 2012 and Bharatva Nyaya Sanhita 2023.

- Sexual harassment definition under section 2(n) of the POSH Act provides: "sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely physical contact and advances, or a demand or request for sexual favours; or making sexually coloured remarks, or showing pornography, or any other unwelcome physical, verbal or non verbal conduct of sexual nature.⁹
- Sexual harassment definition under section 75 of the BNS Act provides: A man committing any of the following acts such as the physical contact and advances involving unwelcome and explicit sexual overtures; or a demand or request for sexual

⁸ Beverley H. Earle & Gerald A. Madek, An International Perspective on Sexual Harassment Law, 12(1) LAW & INEQ. 43 (1994).

⁹ Prevention of Sexual Harassment of Women at Workplace Act, 2013, Sec. 2(n), No.14, Acts of Parliament, 2013 (India)

favours, or showing pornography against the will of a woman, or making sexually coloured remarks, shall be guilty of the offence of sexual harassment.¹⁰

After contrasting the two definitions, it is clear that:

Under BNS, such physical contact must include explicit sexual overtures, whereas under POSH, simple physical advances and contact are sufficient to constitute sexual harassment. While displaying pornography against a woman's will only qualifies as sexual harassment under BNS, displaying pornography itself is considered sexual harassment under POSH. While the POCSO definition of sexual harassment starts with the statement, "An act is said to be sexual harassment when done with sexual intent," the definition of sexual harassment is silent regarding the perpetrator's motive.¹¹

The POSH Act's definition of sexual harassment is expanded since it disregards the offender's motive. The POSH's definition of sexual harassment is entirely dependent on the woman's perspective. The definition emphasizes how an act affects a woman. A woman can file a complaint with the Internal Complaints Committee (ICC) if she believes that any action taken against her is inhospitable. According to the findings of the committee on criminal law amendments led by Justice J.S. Verma, the definition also takes the complainant's subjective opinion into consideration¹². According to the Ministry of Women and Child Development's guidance on sexual harassment of women at work, sexual harassment is a subjective experience; what matters is the impact rather than the intention.¹³

Key Provisions of the POSH Act

Applicability and Scope:

Applicable Jurisdiction: The POSH Act extends to the 'whole of India'¹⁴.

Aggrieved Woman: As per the POSH Act, an 'aggrieved woman' in relation to a workplace, is a woman of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment¹⁵. Given that the definition does not necessitate the woman to be an employee, even a customer or client who may be sexually harassed at a workplace can claim protection under the POSH Act.

The POSH Act further stipulates that a woman shall not be subjected to sexual harassment at

¹⁰ Bharatiya Nyaya Sanhita, 2023, Sec 75, No.45, Acts of Parliament, 2023 (India)

¹¹ Protection of Children from Sexual Offences Act, 2012, Sec. 11. No.32, Acts of Parliament, 2012, (India)]

¹² Report of the Committee on Amendments to Criminal Law, January 23, 2013.

¹³ Handbook on Sexual Harassment of Women at Workplace, November, 2015.

¹⁴ Section 1 of the POSH Act.

¹⁵ Section 2(a) of the Prevention of Workplace Sexual Harassment Act

her workplace¹⁶. Accordingly, it may be noted that in order for a woman to claim protection under the POSH Act, the incident of sexual harassment should have taken place at the 'workplace'.

The POSH Act is not a gender-neutral legislation and protects only women. Therefore, the safeguards under the POSH Act are not applicable to 'men' victims although employers may choose to extend the protection through their policy.

Covered Bodies: The POSH Act applies to both the organized and unorganized sectors¹⁷ in India. It inter alia, applies to government bodies, private and public sector organizations, non-governmental organizations, organizations carrying out commercial, vocational, educational, entertainment, industrial, financial activities, hospitals and nursing homes, educational institutes, sports institutions and stadiums used for training individuals and also applies to a dwelling place or a house¹⁸.

The Act covers both public and private establishments, regardless of the number of employees, and it applies to both the organized and unorganized sectors. Through training sessions, educational and sensitization programs, and the extensive distribution of their anti-harassment policy through emails, banners, posters, and other internal communication channels, it requires employers to proactively raise awareness.

Establishing an Internal Complaints Committee (ICC) in each office or branch with more than 10 workers is a crucial requirement under the Act¹⁹. Receiving, looking into, and addressing sexual harassment allegations is the responsibility of this Committee. Section 5 of the Act requires the creation of a Local Complaints Committee (LCC) at the district level for workplaces with less than ten employees or when the complaint is directed at the employer or a third party not directly connected to the organization²⁰. The LCC is essential, especially when it comes to handling grievances from unorganized labourers or domestic workers. The LC is particularly important when it comes to sexual harassment of domestic workers, whether the accusation is directed at the employer or a non-employee third party.

The IC or LC must receive six copies of the written complaint, supporting documentation, and the names and addresses of the witnesses from the aggrieved woman who intends on filing a complaint within three months of the incident date, or three months after the last incident date

¹⁶ Section 3 of the Prevention of Workplace Sexual Harassment Act.

¹⁷ Having less than 10 workers.

¹⁸ Section 2(o) of the Prevention of Workplace Sexual Harassment Act.

¹⁹ Section 4 of the Prevention of Workplace Sexual Harassment Act.

²⁰ Section 5 of the Prevention of Workplace Sexual Harassment Act.

if there were multiple incidents. Probably just as crucial as the authorities' prompt response to a complaint is the timely reporting of sexual harassment. Indeed, the sooner the complaint is filed, the more genuine it will be handled. The IC/LC has the authority to extend the complaint filing deadline if the complainant can provide adequate justification for the delay, with reasons documented in writing. The law also allows friends, family, coworkers, psychologists, psychiatrists, and others to file a complaint on behalf of the aggrieved lady in cases when she is unable to do so due to physical or mental incapacity or death.²¹

Before taking any action on a complaint, the IC may, at the request of the aggrieved woman, attempt to mediate a peaceful resolution between the parties through conciliation. Before a complaint becomes a full-fledged formal investigation, it might be resolved informally through conciliation. Therefore, following the filing of a sexual harassment complaint, the woman who feels wronged may ask the IC to mediate the issue by working out a settlement between the parties prior to the start of the investigation process. However, a financial settlement should not be the foundation for this process.²²

The POSH Act prescribes the following punishments that may be imposed by an employer on an employee for indulging in an act of sexual harassment:

- i. punishment prescribed under the service rules of the organization;
- ii. if the organization does not have service rules, disciplinary action including written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service, undergoing a counselling session, or carrying out community service; and
- iii. deduction of compensation payable to the aggrieved woman from the wages of the respondent.²³

The POSH Act provides for compensating the woman who has been wronged.

- i. The aggrieved employee's mental trauma, pain, suffering, and emotional distress;
- ii. the loss of a career opportunity as a result of the sexual harassment incident;
- iii. the victim's medical costs for physical and psychiatric treatment;
- iv. the accused perpetrator's income and status; and

²¹ Section 6 of the Prevention of Workplace Sexual Harassment Act.

²² Section 10 of the Prevention of Workplace Sexual Harassment Act.

²³ Section 13 of the Prevention of Workplace Sexual Harassment Act

- v. the viability of such payment in one lump sum or in installments will all be taken into consideration when determining the amount of compensation that must be paid.

If the respondent doesn't pay the amount due, IC may send the concerned District Officer an order for the recovery of the amount as a land revenue arrear.²⁴

The POSH Act has measures for action against "false or malicious" complainants in order to prevent the abuse of the protections intended by the law. According to the POSH Act, disciplinary action in line with the organization's service rules may be taken against a complainant if the IC/LC determines that the allegation is malicious or false, that the complaint was made knowing it was false or fabricated, or that false information was provided during the investigation.

The statute states that disciplinary action, including written apology, warning, reprimand, censure, withholding of promotion, withholding of pay increase or increments, terminating the respondent from service, attending counselling, or performing community service, may be taken in cases where the organization lacks service rules. The POSH Act also makes it clear that a complaint need not be malicious or false just because it cannot be supported by sufficient evidence.²⁵

Certain tests are used to evaluate which sexual harassment situations fall under POSH. The assessment of the seriousness of the offense is aided by tests like the reasonable person test, the quid pro quo test, and the test of decency and modesty.

Reasonable Person Test:

The Reasonable Person Test is used to determine whether a reasonable person would find the behaviour to be as offensive or harassing as the victim did. By citing the *Joseph Oncale v. Sundowner Offshore Services* case, which stated, "We believe that in evaluating the severity and pervasiveness of sexual harassment, we should focus on the perspective of the victim," the Reasonable Person Test was upheld in the case of *U.S. Verma, Principal, D.P.S. vs. National Commission For Women & Ors.* Courts ought to take the victim's viewpoint into account rather than preconceived ideas about what constitutes appropriate behavior. Many women may be offended by actions that many men view as acceptable. Some types of sexual harassment are typically perceived by men as "harmless social interactions to which only overly sensitive women would object." The stereotypically male perspective portrays sexual harassment as

²⁴ Section 15 of the Prevention of Workplace Sexual Harassment Act.

²⁵ Section 14 of the Prevention of Workplace Sexual Harassment Act

relatively harmless entertainment.²⁶

Quid pro Quo Test:

Using an illogical penalty or a job benefit, this test determines whether the harasser was directly or indirectly responsible for the victim's harassment. In *Ruchika Kedia vs. The Internal Complaints, Goa Institute of Management and Ors*, the court ruled that everyone should be aware of the quid pro quo test in order to prevent the potential for sexual harassment resulting from such a quid pro quo sexual favour.²⁷

Test of Modesty and Decency:

In the case of *Tarkeshwar Sahu v. State of Bihar*, the Hon'ble SC ruled that the best way to determine whether a woman's modesty has been violated, attacked, or insulted is for the perpetrator's actions to be interpreted as having the potential to shock a woman's sense of decency.²⁸ In the *State of Punjab v. Major Singh* case, the same was maintained.²⁹

It should be highlighted, nonetheless, that the POSH definition of sexual harassment is only taken into account when it includes consequences under the institution's service rules. The BNS definition of sexual harassment requires the complaint to establish mens rea whenever criminal culpability is encouraged. The recent ruling in the case of *HCL Technologies Ltd. v. X* by the Madras High Court further clarified this.³⁰

IV. JUDICIAL INTERPRETATIONS

Vishaka v. State of Rajasthan³¹ was a landmark case that rocked the nation's conscience and marked the beginning of India's legal journey to acknowledge and combat workplace sexual harassment. In one instance, five men from the upper caste viciously gang-raped Bhanwari Devi, a Dalit woman who worked for the Rajasthan government's Rural Development Program. She attempted to stop a child marriage in her village, which was her "crime." This horrible conduct highlighted the lack of a legislative framework in India to combat workplace sexual harassment in addition to exposing the vulnerability of working women, especially in rural and unregulated industries.

Women's rights advocates and attorneys filed a Public Interest Litigation under the moniker "Vishaka" after the occurrence. The Supreme Court ruled that workplace sexual harassment

²⁶ U.S. Verma, Principal, *D.P.S v. National Commission for Women & Ors.*, W.P. (C) No. 1733/2001

²⁷ *Ruchika Kedia vs. The Integral Complaints, Goa Institute of Management and Ors.*, W.P. No. 690 of 2019

²⁸ *Tarkeshwar Sahu v. State of Bihar*, (2006) 8 SCC 560

²⁹ *State of Punjab v. Major Singh*, AIR 1967 SC 63

³⁰ *HCL Technologies Ltd. V. X*, W.P. No. 5643 of 2020

³¹ *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011

violated women's basic rights under Articles 14, 15, 19, and 21 of the Constitution, acknowledging the glaring legislative vacuum. The Vishaka Guidelines are a set of rules established by the Court under Article 32 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which India has ratified. These rules were supposed to be legally enforceable on all workplaces, public and private, until special legislation was passed. In order to uphold women's right to work with dignity, the Court mandated that all employers set up procedures for handling complaints and guaranteeing a harassment-free workplace.

Indian jurisprudence against sexual harassment in the workplace experienced many significant expansions after Vishaka:

Apparel Export Promotion Council v. A.K. Chopra³² (1999): The Supreme Court upheld the dismissal of a senior officer for sexually harassing a junior female employee. Importantly, the Court clarified that physical contact was not a necessary condition to constitute sexual harassment. It broadened the scope to include unwelcome sexual advances, verbal or otherwise, that create a hostile work environment or affect the victim's employment status. The ruling reinforced that sexual harassment is a form of sex discrimination under constitutional and international human rights law.

Medha Kotwal Lele & Ors v. Union of India³³ (2013): The Supreme Court took suo motu attention of the ineffective implementation of the Vishaka Guidelines after receiving a letter from well-known campaigner Dr. Medha Kotwal. The Court monitored compliance across States, treating the letter as a writ petition and emphasizing that implementation must be in spirit and substance as well as form. It warned of legal repercussions for non-compliance and instructed all State governments to submit thorough affidavits detailing the actions taken.

Anita Suresh v. Union of India³⁴ (2019): In this contentious decision, the Delhi High Court fined the petitioner ₹50,000 for submitting a fake complaint in violation of the POSH Act. The Court underlined that although the Act is crucial for protecting women, it must not be abused and that unfounded allegations damage the confidence of actual victims. This case emphasizes the necessity of implementing gender justice procedures in a balanced manner and sets a warning precedent.

Malabika Bhattacharjee v. Vivekananda College³⁵ (2021): According to the Calcutta High

³² Apparel Export Promotion Council v. A.K. Chopra, AIR 1999 SC 625

³³ Medha Kotwal Lele & Ors v. Union of India, AIR 2012 SC 632

³⁴ Anita Suresh v. Union of India, AIR 2019 DEL 1065

³⁵ Malabika Bhattacharjee v. Vivekananda College, 2021 Cal

Court's progressive reading of the POSH Act, it is possible to file a sexual harassment complaint against someone of the same gender. The Court determined that the respondent's gender is irrelevant and that sexual harassment stems from power relations and a violation of dignity rather than sexual orientation, citing Section 2(m) of the POSH Act, which defines the respondent as "a person."

Mrs. Durgesh Kuwar v. Punjab and Sind Bank³⁶ (2023): A lady who had reported harassment and revealed corruption had her transfer revoked by the court. According to the Court, her transfer violated her fundamental rights under Articles 14, 15, 19(1)(g), and 21 because it was retaliatory. It denounced the employer's actions, pointing out that this kind of reprisal is part of a "carrot-and-stick policy" intended to silence women's voices and undermine their dignity.

Kerala High Court Regarding the POSH Act's Scope (2024): The Kerala High Court made it clear that the POSH Act is a piece of specific legislation designed to address workplace sexual harassment and shouldn't be applied as a general grievance resolution process. The Court stressed that Internal Committees are required to evaluate the initial nature of complaints and have the authority to forego further investigation if the claims are not within the purview of the Act.

Instructions from the Supreme Court on the Implementation of the POSH Act (October 2024): The Supreme Court issued extensive guidelines to guarantee the POSH Act's successful implementation nationwide after recognizing chronic non-compliance. The Court ordered all government agencies and public sector projects to establish Internal Complaints Committees (ICCs). Additionally, it mandated the establishment of "SheBox" complaint portals and designated district officers to supervise the establishment of Local Complaints Committees (LCCs) by January 3, 2025. A nationwide survey was mandated to find companies without ICCs, and March 31, 2025, was specified as the compliance deadline.

The Supreme Court's Action after the August 2024 Kolkata Hospital Incident: The Supreme Court formed a National Task Force to suggest ways to improve worker safety in medical facilities in reaction to the rape and killing of a trainee physician in Kolkata. The Court ordered the installation of CCTV cameras, better lighting, the deployment of paramilitary forces for protection, and separate restrooms for female employees. It emphasized that denying women equality is equivalent to denying them a safe workplace.

The legal and administrative environment around sexual harassment in the workplace in India

³⁶ Punjab and Sind Bank v. Mrs. Durgesh Kuwar, 2023

has been significantly shaped by this developing body of jurisprudence. The courts have continuously prioritized substantive compliance, broadened the area of protection, and recognized the intersectionality of gender, caste, and power from recognition to regulation.

V. ADDRESSING SEXUAL HARASSMENT: DIFFICULTIES AND REPERCUSSIONS

A number of issues still exist in spite of the current legal system and regulations. These include a lack of knowledge and training programs, societal stigma and victim-blaming, bureaucratic obstacles and protracted resolution procedures, underreporting and fear of reprisals, and insufficient institutional responses. A multifaceted strategy is needed to address these issues, including adjustments to policies, changes in culture, and greater assistance for victims.

There are serious and far-reaching repercussions for breaking the UGC Regulations, 2015. Higher education institutions (HEIs) that disregard the rules risk fines, legal action, and harm to their reputation. Additionally, HEIs that violate the rules risk having their grants and financing revoked, their affiliations suspended or cancelled, and other disciplinary measures taken against them. These repercussions highlight how crucial it is to follow the rules and uphold a zero-tolerance policy against sexual harassment since they not only damage the institution's reputation but also jeopardize the security and welfare of both staff and students.

VI. SUGGESTIONS

Institutions must take a strong and uncompromising stand against sexual harassment by putting in place a clear zero-tolerance policy, ensuring that everyone—students as well as staff—understands the rules and the consequences of violating them. To strengthen this, regular awareness and sensitization programs should be conducted, helping students, employees, and Internal Committee members recognize what constitutes harassment and why it is important to report it. At the same time, victims must be assured of a safe, confidential, and supportive process where their complaints are handled fairly and without delay. The policy should not remain static; its impact needs to be reviewed regularly, with improvements made whenever required. Using technology such as anonymous online reporting platforms can further make the complaint process easier and less intimidating. Ultimately, institutions should focus on nurturing a culture of mutual respect and responsibility, where everyone feels encouraged to speak up against misconduct and stand by those who experience it, thereby ensuring a safer and more inclusive environment.

A safe, secure, and welcoming atmosphere free from sexual harassment can be established for all staff members and students by putting these suggestions into practice.

VII. CONCLUSION

An important piece of legislation in India's struggle for workplace gender equality is the POSH Act. Its expansive definition of sexual harassment, the creation of ICCs, and the inclusion of redressal procedures provide vital resources for establishing a more secure and fair workplace for women.

Promoting equality, dignity, and freedom at work requires acknowledging that protection from sexual harassment in the workplace is a fundamental human right. Even while the POSH Act established a vital framework, more work needs to be done to fill in its deficiencies and improve its effectiveness. It is essential to educate employers and workers on the types of sexual harassment that occur in the workplace, the various channels for redress, and the value of a respectful work environment. More stringent enforcement of required, clearly defined, and recurring sensitization sessions is necessary, under the supervision of regulatory agencies.

Adopting gender-inclusive laws that shield everyone from harassment at work, irrespective of gender identity or expression, is very necessary. By doing this, the law would be in line with constitutional principles and represent a more true understanding of the variety of harassing experiences.

Women should feel empowered in the job; if they are insecure there, it will affect their personal and professional lives. Women's dignity would be disregarded if they were denied sovereignty over their bodies and lives, as the Honourable Supreme Court correctly recognized.

To maximize the Act's impact, it is still imperative to overcome obstacles including underreporting, a lack of knowledge, and internal mechanism restrictions. India can go closer to fulfilling the POSH Act's full potential in creating a harassment-free and genuinely egalitarian workplace for all women by tackling these issues through focused interventions, awareness efforts, and ongoing ICC development.
