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Editor In chief – Assistant Professor Mr. Janmejay Singh

Publisher & Founder – Vaibhav Sangam Mishra

Frequency – Quarterly (4 Issue Per year)

ISSN: 2583-6323 (Online)

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Awareness of the Prevention of the Sexual Harassment Act (POSH) 2013: A Key Driver for Women's Empowerment

AUTHOR'S NAME – Ishti Singhal, B.A.LL.B, Second Year.

INSTITUTION NAME – ILC, Faculty of Law, University of Delhi, Delhi.

CO- AUTHOR'S NAME – Ashish K. Singhal, M.Sc, M.A, LL.B, Research Scholar

AFFILIATION OF AUTHOR – Joint Director, Ministry of Defence, Government of India, New Delhi.

Received on 24 December 2024, Accepted on 8 February 2025, Published on 19 February 2025

ABSTRACT:

Sexual harassment of a woman is a long, pervasive issue that is hindering women's well-being, career advancement, and overall socio-economic empowerment. After the atrocious Nirbhaya gang rape court Case in 2012, the enactment of the Prevention of Sexual Harassment at Workplace (POSH) Act 2013[1] In India, it is a significant step in addressing the critical issue of sexual harassment and abuse of women at their place of work. In this paper, the authors have examined how awareness of the POSH Act among all genders can contribute significantly to the steps toward women's empowerment and justice in India.

Awareness about this Act equips a woman with their rights and legal safeguards and empowers them to recognize and report instances of harassment without fear. Such awareness promotes a culture of gender sensitivity and greater consciousness about behavior and interactions with colleagues, leading to a more mutually respectful and inclusive work environment.

Awareness also empowers women to access support mechanisms and seek redressal if they experience harassment. The Act mandates the establishment of Internal Committees (ICs) in workplaces, initiating a safe haven and a confidential place where women can take their grievances and problems related to workplace harassment.[2]. By sharing their experiences and advocating for change, women can create a stronger movement for a harassment-free work environment.

Therefore, awareness of the POSH Act 2013 plays an essential role in empowering a woman, and such awareness can develop a workplace free from sexual harassment and discrimination, enabling women to thrive and contribute meaningfully to society.

[1] The Sexual Harassment of Women at Workplace (Prevention, Prohibition And Redressal) Act 2013, 3, No. 14 of 2013, Act of Parliament 2013 (India).

[2] Mohammed Saram, Amani Ahmad Hajji Hasan & Omar Jaber Aburumman, Workplace Harassment Among Employees: A Systematic Review, Springer Nature Link (Jan. 28, 2025, 8:00 P.M.), https://link.springer.com/chapter/10.1007/978-3-031-71649-2_61.

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Keywords: Sexual Harassment in the Workplace, Women empowerment, POSH Act 2013, Internal Committee, Gender discrimination, Awareness of POSH Act.

INTRODUCTION:

Women's economic empowerment is a cornerstone of inclusive development[3]. India, with its growing workforce, recognizes the critical role women play in national progress. However, workplace sexual harassment remains a barrier to their participation and advancement. The POSH Act, enacted in 2013, marked a significant step towards ensuring a safe work environment.

Sustainable Development Goal 5 (SDG 5) is particularly significant in this analysis, as this goal endeavors to realize gender equality and the empowerment of girls and women. It seeks the eradication of all types of biases and abuse against women, whether it be in the public or private sectors, while also initiating reforms that facilitate equal availability for them to access economic resources and own property. The POSH Act represents a landmark achievement in the pursuit of the objectives delineated in SDG 5.

The POSH Act of 2013 serves as a crucial milestone in the advancement of women's empowerment.[4]. This legislation confronts the pressing issue of sexual harassment that women encounter in professional settings. By establishing a secure and supportive environment for female employees, the Act aspires to empower women and ensure comprehensive protection against sexual harassment within the workplace.[5]

The Act recognizes that every individual deserves equality of status and opportunity, a fundamental right guaranteed by the Indian Constitution. To achieve this, it becomes imperative to raise awareness about the essentiality of the mechanism for preventing the sexual harassment and abuse of women at their place of work. Through education alongside sensitization, employees can develop an in-depth understanding and think about the various parameters of sexual harassment and their roles in curbing unacceptable behavior.

[3] Subhalakshmi Nandi, Roadmap for Women's Economic Empowerment in India, UN Women (Jan. 28, 2025, 8:05 P.M.), https://asiapacific.unwomen.org/en/digital-library/publications/2020/10/in-roadmap-for-womens-economic-empowerment-in-india.

[4] Law Study, https://lawsstudy.com/posh-act-2013-safeguarding-women-in-indian-workplaces/ (last visited Jan. 28, 2025).

[5] ILO, https://www.ilo.org/resource/article/ilo-convention-violence-and-harassment-five-key-questions (last visited Jan. 28, 2025).

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In this pursuit, organizations are mandated to establish Internal Committees (ICs) to effectively and promptly address complaints in the workplace. These committees have a critical role in ensuring a conducive, conducive, and positive working environment for all genders and especially for women. By fostering awareness and understanding, we pave the way for a workplace where dignity, respect, and empowerment prevail.[6]

A decade has passed since the enactment of the POSH Act, 2013 in India. Therefore, it is the right time to assess the impact of this act by analyzing data, challenges, barriers, and the way ahead.

Research Objectives:

The Research Objectives for this paper are:

I. Assessment of the effectiveness of the POSH Act in promoting women's empowerment and creating safer work environments.
II. Assess the role and impact of spreading awareness of the POSH Act, 2013.

Research Methodology:

Research Design:

This investigation utilizes a blended methodological framework, integrating both quantitative and qualitative methodologies to attain a thorough comprehension of the research aims and objectives.[7] This design was chosen to ensure that the study captures both measurable data and contextual insights, providing a holistic perspective.

Data Collection Strategies:

Quantitative Data Collection: Secondary Data Sourcing: Quantitative data was gathered from secondary sources, including the official websites of relevant ministries, departments, and organizations under the Government of India, which provided baseline data on policies, initiatives[8], and statistics. Authentic reports from private agencies, research organizations, and

[6] RGNIYD, https://rgniyd.gov.in/sites/default/files/programme_report/sh_report.pdf (last visited Jan. 28, 2025).
[7] Kathryn Pole, Mixed Method Designs: A Review of Strategies for Blending Quantitative and Qualitative Methodologies, Academia (Jan. 28, 2025, 8:05 P.M.), https://www.academia.edu/603360/Mixed_Method_Designs_A_Review_of_Strategies_for_Blending_Quantitative_and_Qualitative_Methodologies.
[8] Sage Research Method, https://methods.sagepub.com/how-to-guide/writing-effective-research-aims-and-objectives (last visited Jan. 28, 2025).

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NGOs were reviewed. Efforts were made to cross-verify data across multiple sources to ensure accuracy. Data collection focused on a predefined time frame to maintain relevance and consistency. Historical data was also included where trend analysis was necessary.

Qualitative Data Collection: The qualitative aspect was anchored in an exhaustive review of diverse literature. Handbooks, manuals, reports, and case studies from various ministries and agencies were examined for strategic insights. NGO and Private Agency Contributions: Case studies, best practices, and innovations documented by these entities were included to offer a broader perspective. Academic research papers and studies provided theoretical frameworks, scholarly discussions, and empirical evidence. Blogs, opinion articles, and digital media content available in the public domain were analyzed to understand public discourse and emerging trends. Descriptive and inferential statistics were applied to draw meaningful conclusions.

Ethical Considerations: The research strictly adhered to ethical guidelines. Only publicly available or authorized secondary data was used. Proper citations and references were provided for all sources to avoid plagiarism. No confidential or sensitive information is used in the study.

Limitations: The dependency on secondary information may introduce biases inherent in the sources. Efforts were made to mitigate this through cross-verification and triangulation. Certain qualitative insights may be subject to interpretation, necessitating cautious analysis to avoid overgeneralization. The scope of data collection was constrained by the availability of updated and region-specific reports.

Contribution and Reliability: By combining quantitative data's objectivity with qualitative data's depth, this methodology ensures a balanced analysis. The integration of varied sources significantly bolsters the credibility of the results.[9]. This structured approach to data collection and analysis ensures replicability, making the methodology robust for future research in similar domains.

What is sexual harassment?

The International Labour Organization (ILO) recognizes sexual harassment as a serious manifestation of gender biases as well as a transgression of human rights. Within the ILO

[9] Noureddine Mohamed Qassimi, Research Triangulation: Enhancing Validity, Rigor, and Insight through Multimethod Approaches, Research gate (Jan. 28, 2025, 8:05 P.M.), https://www.researchgate.net/profile/Noureddine-Qassimi/publication/376800229_Enhancing_Validity_Rigor_and_Insight_through_Multimethod_Approaches/links/65895ae76f6e450f19a1f321/Enhancing-Validity-Rigor-and-Insight-through-Multimethod-Approaches.pdf.

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Discrimination (Employment and Occupation) Convention 1958 (No. 111), sexual harassment is addressed.[10] Although Convention No. 190 does not explicitly define sexual harassment, it is encompassed under the given broader explanation of gender-based violence and harassment. United Nations Women According to United Nations Women (UN Women):

"Any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile, or offensive work environment."

This definition emphasizes that sexual harassment can manifest through verbal, non-verbal, or physical behaviors, including written and electronic communications. It is essential to address and prevent such behavior to create a respectful and safe workplace for all individuals.

The International Labour Organisation (ILO) Convention on the Violation and sexual harassment provides a comprehensive definition of the violation and sexual harassment:[11]

"A range of unacceptable behaviors and practices that aim at, result in, or are likely to result in physical, psychological, sexual, or economic harm." Sexual harassment is often classified as a form of gender-based violence within this framework".

As per the POSH Act 2013, Sexual Harassment of a woman is "*any unwelcome conduct of a sexual nature that might reasonably be expected to cause offense or humiliation. Such behavior disrupts work and also results in a working environment that feels threatening, hostile, or offensive*".

Key Aspects of POSH Act, 2013:

The key aspects of the Sexual Harassment of Women in the Workplace (Prevention, Prohibition and Redressal Act, 2013).[12]

The **POSH Act** seeks to safeguard women from sexual harassment at their offices and places of work, be it private or public. This act provides a framework for addressing sexual harassment and ensuring a conducive, helpful, and positive atmosphere in their work domain. Its key provisions include (Santha Kumari 2017, Flood Gavin October 2020):[13]

[10] WCD, https://wcd.nic.in/act/handbook-sexual-harassment-women-workplace (last visited Jan. 28, 2025).
[11] WCMSQ,http://wcmsq3.ilo.org/wcmsp5/groups/public/dgreports/gender/documents/briefingnote/wcms_738115.pdf (last visited Jan. 28, 2025).
[12] Muskan Anand, An Overview of the POSH Act, 2013, I pleaders (Jan. 28, 2025, 8:10 P.M.), https://blog.ipleaders.in/an-overview-of-the-posh-act-2013/.
[13] Vakil search, https://vakilsearch.com (last visited Jan. 28, 2025).

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1. **Objectives of the Act**: The Act aims to prevent and prohibit harassment of sexual nature of women at workplaces. It establishes a mechanism for redressal of sexual harassment complaints.
2. **Applicability**: The Act applies to all workplaces, including government offices, private organizations, and other establishments[14]. It covers employees, interns, contract workers, and even visitors at the workplace.
3. **Establishing Internal Committee (IC)**: Employers at the office are required and mandated to establish an **Internal Complaints Committee (ICC)** within their organizations to hear and tackle the complaints and problems related to sexual harassment of women in the workplace. The ICC ensures that complaints are thoroughly investigated and appropriate action is taken.
4. **Duties of Employers**: The ICC must have at least one external member and follow a fair and transparent process. Employers must provide a safe working environment and conduct awareness programs.[15]
5. **District Officer's Role**: District officers in every district have the critical role of looking after the effective implementation of the Act. Their duties include monitoring compliance, maintaining data, and ensuring that employers adhere to the contents of the POSH Act.
6. **Complaint Mechanism**: This Act outlines the procedure for filing complaints. Victims can file complaints with the ICC or the Local Complaints Committee (LCC) if the workplace does not have an ICC. The Act ensures confidentiality and protection against victimization.
7. **Annual Reporting and Publicity**: Employers are required to present a yearly report regarding the effective execution of the act. The respective state or central government has to take all the requisite measures for publicizing the provisions of the Act.
8. **Redressal and Penalties**: The ICC investigates complaints and recommends appropriate action. Punishments for non-adherence include fines and imprisonment. Non-compliance invites legal consequences, including hefty penalties. Courts can take cognizance of offenses related to sexual harassment.

[14] WCD Delhi, https://wcd.delhi.gov.in/wcd/sexual-harassment-women-workplaceprevention-prohibition-and-redressal-act-2013sh-act-2013 (last visited Jan. 28, 2025).
[15] POSH at Work, https://poshatwork.com/obligation-of-the-employer/ (last visited Jan. 28, 2025).

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In summary, the POSH Act recognizes sexual harassment as a serious issue and provides a legal framework to safeguard the rights of women and their dignity at their place of work. We can say that the POSH Act, in true respect, aligns with international conventions and ensures a dignified and safe working environment for women (Agarwal, A. 2021, Bhandari, V., & Kovacs, A. 2021, Dean A. 2023, Rahaman, S. A. 2021, Bothra, N. 2013, Bari, R, vakilsearch.com).

The theoretical framework of POSH Act 2013:

Several theoretical key elements related to awareness of the POSH Act are given below:[16]

1. **Social Constructivism**: **As per the theory of Social Constructivism, social interactions and cultural aspects are the key basis for shaping the knowledge and a deeper understanding of sexual harassment.** Education, discussions, and shared experiences play important roles in spreading knowledge and sensitivity regarding the elimination and deterrence of sexual harassment and related issues. Researchers can explore how social norms, attitudes, and communication contribute to awareness levels among individuals and organizations (Dean A., 2023; Rahaman, S. A., 2021; Bothra, N. 2013; Bari, R.).
2. **Feminist Theory**: **Feminist perspectives** provide a critical lens to examine power dynamics, gender inequality, and women's rights. Researchers can analyze how the Act challenges existing power structures, empowers women, and promotes gender equity. Consider exploring the intersectionality of gender, class, caste, and other factors in shaping awareness (Dean A. 2023; Rahaman, S. A. 2021; Bothra, N. 2013; Bari, R.).
3. **Diffusion of Innovations**: **This theory provides the basis for spreading new ideas or knowledge within a society.** In the context of awareness, researchers can study the adoption and dissemination of knowledge about the Act. Factors influencing awareness diffusion (such as media, training programs, and peer networks) can be explored (Dean A. 2023; Rahaman, S. A. 2021; Bothra, N. 2013; Bari, R.).[17]
4. **Empowerment Theory**: **Empowerment theory** focuses on enhancing individuals' control over their lives and decision-making. Researchers can investigate how

[16] India Gov, https://www.india.gov.in/website-national-human-rights-commission (last visited Jan. 28, 2025).
[17] NHRC, https://nhrc.nic.in/sites/default/files/Status_and_Functioning_of_Local_Complaints_Committees_under_the_Sexual_Harassment.pdf (last visited Jan. 28, 2025).

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awareness of the Act empowers women to recognize and address harassment. Consider examining changes in self-efficacy, assertiveness, and agency resulting from awareness (Dean A. 2023, Rahaman, S. A. 2021, Bothra, N. 2013, Bari, R).

5. **Legal Pluralism**: **Legal pluralism** recognizes multiple legal systems operating simultaneously (formal law, customary law, etc.). Researchers can explore how awareness of the Act interacts with existing cultural norms, workplace policies, and informal mechanisms. Consider studying the role of local customs and community practices in shaping awareness (Dean A., 2023; Rahaman, S. A., 2021; Bothra, N. 2013; Bari, R.).
6. **Behavioral Change Models**: Models like the **Health Belief Model** or Planned Behavior Theory can inform research on awareness. This theory suggests investigating factors influencing individuals' perceived susceptibility, severity, benefits, and barriers related to sexual harassment awareness. Assess how awareness translates into behavior change (reporting incidents, supporting victims, etc.) (Dean A. 2023, Rahaman, S. A. 2021, Bothra, N. 2013, Bari, R).[18]
7. **Organizational Culture and Climate**: **Organizational culture** plays a critical and important role in shaping awareness. Researchers can analyze how workplace culture (supportive or hostile) affects awareness initiatives. Consider studying organizational policies, training programs, and leadership commitment.

Data Analysis: Cases related to Harassment in India-

The National Crime Records Bureau (NCRB) data provided by the Press Information Bureau of Govt of India offers a glimpse into the prevalence of sexual harassment at workplaces.[19]. While under-reporting remains a concern, the data says that sexual harassment complaints at the workplace have shown a rise from 2329 in 2014 to 4550 in 2021.[20] The highest number of complaints come from the public sector (22.3% in 2021), followed by the private sector (18.4%) and the unorganized sector (15.1%). Within the framework of the categorization "*insult to the modesty of women*," as delineated in section 509 of the Indian Penal Code, the National Crime Records Bureau (NCRB) chronicled a cumulative total of 57 incidents

[18] KB ICAI, https://kb.icai.org/pdfs/PDFFile62cd6929018762.32008592.pdf (last visited Jan. 28, 2025).
[19] Mahlagha Dehghan and Parvin Mangolian Shahrbabaki, Sexual harassment in the workplace: prevalence, etiologies, prevention and management strategies, PMC (Jan. 28, 2025, 8:15 P.M.), https://pmc.ncbi.nlm.nih.gov/articles/PMC10698737/.
[20] PIB, https://pib.gov.in/Pressreleaseshare.aspx?PRID=1563588 (last visited Jan. 28, 2025).

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documented in the year 2014, 119 incidents in 2015, and 142 incidents in 2016. According to the data released by the Ministry of Women and Child Development, the prevalence of sexual harassment in professional environments in India increased[21] By 54 percent, rising from 371 reported incidents in 2014 to 570 reported incidents in 2017. In the initial seven months of 2018, 533 cases were reported, which approached the total reported for the preceding year.

In comparison to the last year, workplaces experienced a 27 percent increase in the fiscal year of 2021-22 regarding the overall volume of sexual harassment grievances. Corporations listed within the BSE 100 index, representing more than 65 percent of the total market capitalization of publicly traded firms in India, documented 759 cases in FY22, whereas 595 cases were recorded in FY21 (Forbes India). Notwithstanding this escalation, the reported cases have not exceeded the pre-Covid figures. In the fiscal year 2020, these corporations collectively documented 999 occurrences of sexual harassment in the context of the #MeToo movement, with data from Forbes being sourced from evaluations conducted by the anti-sexual harassment advisory firm Complykaro.com, which were based on corporate annual disclosures[22]. With the exception of a singular organization, no corporate entity encountered more than 50 sexual harassment allegations in fiscal year 2022, as illustrated by the data. Furthermore, it was disclosed that among the 100 corporations examined, 11 have not reported a single instance of sexual harassment for at least the preceding three fiscal years. (Jumde, A., & Kumar, N. (2023), Singh, A. (2023), University of Western Australia Law Review).

United Nations Development Programme (UNDP) has conducted extensive research on the status of working women in India. According to UNDP, in 2018, 18.4% of women between the ages of 15 and 49 said that during the previous 12 months, they had experienced physical and/or sexual abuse at the hands of a close friend or partner, either current or past. (Women at work, undp.org).

A survey indicated that 56 percent of professional women hold the conviction that the prevalence of sexual harassment within workplace environments has escalated over time. Furthermore, 53 percent of women reported experiencing sexualized comments, gestures, and jokes within their professional settings (report published on HR World, Economic Times,

[21] Kanishk Karan, Five charts show sexual harassment in workplaces is being recognised – but much more must be done, Scroll (Jan. 28, 2025, 8:20 P.M.), https://scroll.in/article/898327/five-charts-show-sexual-harassment-in-workplaces-is-being-recognised-but-much-more-must-be-done.

[22] BBC, https://www.bbc.co.uk/religion/religions/hinduism/history/history_1.shtml (last visited Jan. 28, 2025).

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"More than 2/3rd did not file sexual harassment complaints at workplaces, reveals WICCI Survey", Feb 2021).

According to the 'Annual Review of the State of Sexual Harassment in India,' a comprehensive investigation conducted by the Women's Indian Chamber of Commerce[23] The Industry's Council of Ethics reveals that a significant fraction of women who experience sexual harassment opt not to disclose or report these incidents to the appropriate authorities. The report, which was published in May, indicated that more than 50 percent of women have faced sexual harassment in professional settings at least once. Among those individuals who have undergone such experiences, 55.2 percent refrained from filing a formal complaint. (report published on HR World, Economic Times, "More than 2/3rd did not file sexual harassment complaints at workplaces, reveals WICCI Survey", Feb 2021). The findings of the survey reveal that 70% of participants affirmed having felt discomfort at least once in the presence of an individual of the opposite gender. A significant number of female employees disclosed that they faced situations wherein individuals made derogatory remarks regarding their or others' physical appearance or were subjected to repeated exposure to suggestive remarks, stories, or jokes; these instances, as per the provisions of the POSH Act, are classified as sexual harassment toward women in workplace settings (Forbes India).

Research demonstrates that the banking, financial services, and insurance industries, in conjunction with Information Technology (IT) and IT-enabled services (ITeS), accounted for 69.5 percent of all grievances pertaining to sexual harassment for the fiscal year ending in March 2022 (Fobes India).[24]

Numerous studies emphasize that a considerable majority of women (approximately 93 percent) are employed within the unorganized formal sector. This sector encompasses home-based workers, domestic laborers, and agricultural workers (Basu U, 2024. Report at India Briefing published in Feb 2022).

Within the informal sector, which includes women engaged in domestic work, rag picking, street vending, and self-employment, various manifestations of sexual harassment have been reported. These manifestations encompass being harassed through sexually suggestive comments concerning appearance, attire, or body parts, encountering sexual inquiries, facing

[23] Nasrin Sultana, Rise in sexual harassment cases in India's top companies shows dichotomy, Forbes India (Jan. 28, 2025, 8:25 P.M.), https://www.forbesindia.com/article/take-one-big-story-of-the-day/rise-in-sexual-harassment-cases-in-indias-top-companies-shows-dichotomy/80721/1.

[24] Shodhganga, https://shodhganga.inflibnet.ac.in/handle/10603/243866 (last visited Jan. 28, 2025).

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demands for sexual favors, being subjected to vulgar jokes or sexual narratives; and receiving inappropriate remarks on sexual orientation or gender identity (unwomen.org).

These statistical findings underscore the pressing need for organizations to confront cultural and behavioral issues, thereby fostering safer workplace environments for all employees. It is imperative to sustain initiatives aimed at preventing and remedying instances of sexual harassment.

Importance of Ongoing Awareness:

The studies have shown that despite the existence of the stringent and detailed Act as well as increasing sexual harassment complaints in the workplace, several factors underscore the need for continuous awareness campaigns:[25]

- Under-reporting: There is still a fear of stigma and retaliation, fear of losing a job or demotion or hindrances in career progressions among women facing sexual harassment problems at the workplace, which compels them not to report. Having a lack of faith in the credibility and working of the Internal Committee (IC) or its members is also one of the factors that deter the victims from referring the matter to the IC[26].
- Misconceptions: It is a fact that lacking a clear understanding regarding 'what constitutes harassment' can lead to misinterpretations and reluctance to file complaints.
- Evolving Harassment Forms: Given the rise of online interactions in the workplace, effectively addressing cyber harassment has become crucial.[27]

However, both Government and private bodies have initiated several steps to address these issues:

- Government Awareness Campaigns: The Ministry of Women and Child Development (MWCD) conducts workshops and disseminates informational materials.
- Training Programs: Many organizations provide POSH (Prevention of Sexual Harassment) training for employees and IC members to enhance understanding and reporting mechanisms.

[25] Navin Sharma and Priyanka Tripathi, Sexual harassment in rural workplaces in India and the human rights discourse: a case study of select Hindi films, Tandf online (Jan. 28, 2025, 8:25 P.M.), https://www.tandfonline.com/doi/full/10.1080/13642987.2025.2460183.

[26] HR World, https://hr.economictimes.indiatimes.com/news/workplace-4-0/diversity-and-inclusion/more-than-2/3rd-did-not-file-sexual-harassment-complaint-at-workplaces-reveals-wicci-survey/80969726 (last visited Jan. 28, 2025).

[27] Cnbctv, https://www.cnbctv18.com/business/companies/sexual-harassment-at-workplace-a-decade-of-posh-laws-hits-misses-and-key-learnings-18686541.htm (last visited Jan. 28, 2025).

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- Online Resources: The availability of online resources in multiple languages, including Hindi, English, and local languages, is one of the key initiatives for spreading awareness about sexual harassment and the POSH Act.
- Programmes are being run by NGOs, Legal forums, and colleges/universities at various levels, which is a welcome step for spreading the desired level of awareness[28]
- Companies Act 2013: It mandates the establishment of Internal Committees (ICs) and their mention in the Director's Report.

Impact of Spreading Awareness:

Increased awareness can lead to several positive outcomes:

- Empowered Women**:** Women can confidently assert their rights and report their harassment.[29]
- Improved Workplace Culture**:** A culture of respect and zero tolerance for harassment fosters higher employee morale and productivity.
- Increased Reporting**:** More reported cases help organizations address the issue effectively and refine their prevention strategies.

There are some important facts and information stories related to the functionality and successful enforcement of the POSH Act, 2013**:**

1. **Supreme Court's Landmark Judgement**: In the matter of *Aureliano Fernandes vs. State of Goa and Others*, CA No. 2482/2014, the Hon'ble Apex Court emphasized the essentiality of effective execution of the POSH Act 2013. The court further issued directions to enhance enforcement and compliance with the Act. This ruling highlights the importance of internal committees in addressing sexual 2482/2014 harassment complaints at workplaces (vakil search.com).[30]
2. **Empowering Women Employees**: This Act has empowered women by laying out a dedicated redressal mechanism. Women hesitant to approach civil courts with

[28] Un Women, https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2020/Discussion-paper-Sexual-harassment-in-the-informal-economy-en.pdf (last visited Jan. 28, 2025).
[29] IP Indexing, https://ipindexing.com/journal-details/International-Journal-of-Progressive-Research-in-Science-and-Engineering/1576 (last visited Jan. 28, 2025).
[30] Rashmi Pradeep, Bishen Jeswant, Luv Saggi & Kriti Singh, Supreme Court's landmark ruling: Directions for effective implementation of the POSH Act, Cyril Amarchand Mangaldas (Jan. 28, 2025, 8:27 P.M.), https://corporate.cyrilamarchandblogs.com/2023/06/supreme-courts-landmark-ruling-directions-for-effective-implementation-of-the-posh-act/

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harassment complaints found relief through the internal committees established under the Act. The Act's provisions have replaced the ordinary civil court for seeking civil redressal in sexual harassment cases (handbook on sexual harassment, Govt of India available at dof.gov.in).[31]

3. **Practical Application and Safer Workplaces**: Articles and studies have delved into the practical application of the POSH Act. They emphasize opportunities for effective implementation of the act to establish a safer atmosphere in the workplace for women. These efforts contribute to preventing and addressing workplace sexual harassment (nishithdesai.com).
4. **Developing Jurisprudence**: Since this act was enacted in 2013, the Supreme Court and high courts across multiple states have delivered significant rulings on incidents of sexual harassment[32]. These judicial determinations have contributed to the evolution of jurisprudential frameworks surrounding the intricacies of the Act, thereby enhancing the safeguarding of women within professional environments.

These success stories demonstrate a positive outcome of spreading awareness of the POSH Act in promoting gender equality, preventing harassment, and fostering safe workplaces for women. The following have been understood from the above literature review: [33]

1. **Increased Awareness and Understanding**: Organizations that actively implement awareness programs and training related to the POSH Act are likely to witness improved awareness levels among the employees. However, there are gaps in knowledge about sexual harassment prevention and reporting mechanisms.
2. **Positive Impact on Empowerment**: Women who are acquainted with their rights under the POSH Act may feel more empowered to assert themselves. Increased confidence, self-esteem, and a sense of agency are observed among the women employees who are well-versed with the parameters of the Act.

[31] Ishwar Singh Rathore and Medhansh Mishra, Study on Sexual Harassment of Women at Workplace in India, IJLSI (Jan. 28, 2025, 8:25 P.M.), https://ijlsi.com/20-study-on-sexual-harassment-of-women-at-workplace-in-india/.
[32] Aligi Srikanth, Incidents of Sexual Harassment at Educational Institutions in India: Preventive Measures and Grievance Handling, TRP India (Jan. 28, 2025, 8:30 P.M.), https://trp.org.in/wpcontent/uploads/2018/12/ARSS-Vol.7-No.3-October-December-2018-pp.108-113.pdf.
[33] Nishith Desai, https://www.nishithdesai.com/NewsDetails/13850 (last visited Jan. 28, 2025).

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3. **Challenges in Implementation**: The researches show the several challenges faced by the organizations in implementing the Act effectively, which inter-alia include inadequate resources, lack of commitment, or resistance from certain stakeholders.
4. **Role of Organizational Culture**: The study highlights the significance of organizational culture in shaping responses to sexual harassment. A supportive and inclusive culture may lead to better outcomes.[34]
5. **Reporting Patterns and Barriers**: Researchers find variations in reporting patterns based on factors such as gender, hierarchy, and workplace norms. Identification of barriers such as fear of retaliation, social stigma, and lack of trust in ICs) is crucial to be filled.
6. **Effectiveness of ICCs**: The study emphasizes the effective functioning of Internal Committees (ICs).
7. **Sector-Specific Differences**: Previous researches highlight the variations in awareness across the various sectors like corporate, educational, healthcare, etc. Sectors with a stronger commitment to the Act exhibit better results.

Issues and recent challenges:

1. Same-sex harassment: The Hon'ble High Court of Calcutta held that a complaint under the POSH Act is maintainable even if the accused belongs to the same gender as that of the complainant. The court recognized inter-se sexual harassment among members of any gender (scconline.com, sabrangindia.in).[35]
2. Retaliation refers to an employer taking adverse actions against an employee who reports sexual harassment or asserts their right to a workplace free from any discrimination. It encompasses adverse actions such as demotion, salary reduction, exclusion from projects, and even subtle forms like social ostracizationCyber Sexual harassment – Digital Data Protection Act 2023 (pasternaklaw.com, ungender.in)[36].
3. The recently promulgated Digital Personal Data Protection Act 2023 strives to develop and set up a comprehensive framework for the processing and safeguarding of personal

[34] DOF gov, https://dof.gov.in/sites/default/files/2022-11/Handbook_on_Sexual_Harassment_of_Women.pdf (last visited Jan. 28, 2025).
[35] Prajwal guleria, IDENTIFYING AND ADDRESSING THE CHALLENGES IN IMPLEMENTING THE POSH ACT, Legal vidhiya, (Jan. 28, 2025, 8:30 P.M.), https://legalvidhiya.com/identifying-and-addressing-the-challenges-in-implementing-the-posh-act/.
[36] PIB, https://pib.gov.in/PressReleasePage.aspx?PRID=2090271 (last visited Jan. 28, 2025).

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data in the digital sphere. This legislation pertains to data processing within the territorial jurisdiction of India, encompassing both online and digitally stored offline data, and furthermore extends its reach to data processed outside the Indian jurisdiction that is related to the provision of goods or services within the country (blog. leaders.in). The implementation of this act must be conducted in a manner that ensures the personal digital data of women remains entirely secure, as any compromise may potentially result in various forms of sexual harassment.[37]

4. Opposition to Sexual Harassment – Gender Neutrality of the Act: The act, in its essence, does not embody gender neutrality, as it predominantly favors women, notwithstanding the presence of certain provisions that may be interpreted as gender neutral. Under the provisions of the POSH Act, only an aggrieved woman possesses the legal standing to complain, thereby excluding men and members of the LGBTQ+ community from this recourse (pasternaklaw.com, ungender.in).
5. **Challenges and Complications**: To settle personal vendetta, false complaints are being filed against fellow employees by the women, and this is a big issue as it leads to social stigma among the respondents. Men facing sexual harassment may hesitate to report incidents due to societal stigma and stereotypes. Organizations must sensitize all employees about sexual harassment and its detailed scope.[38]
6. **Conflict of Interest**: The **Delhi High Court** clarified that moral policing is not the domain of the IC or management of a company. Consensual relationships among adults are not the IC's concern unless they impact work or violate the organization's code of conduct (scroll.in, idronline.org).
7. **Funding with SMEs**: Funding and resources also have a crucial role in implementing effective sexual harassment policies. Small and medium-sized enterprises (SMEs) need support to establish robust ICs and create awareness about workplace rights (hr.economictimes.com).

Recommendations for Enhanced Awareness:

[37] NCBI, https://www.ncbi.nlm.nih.gov/books/NBK519455/ (last visited Jan. 28, 2025).
[38] Subham Chand, A Complete Guide to POSH (Prevention of Sexual Harassment), Medium (Jan. 28, 2025, 8:35 P.M.), https://medium.com/@subhamchand04/a-complete-guide-to-posh-prevention-of-sexual-harassment-59c39bb303e8.

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- **Awareness Campaigns**: Conduct regular awareness campaigns like regular workshops, seminars, expert talks, and informational materials in printed and digital form, among all employees to educate them about the kinds of sexual harassment as well as the specific provisions mentioned in the POSH Act (Iyer, N. R., January 2024).[39]
- **Robust Functioning of IC**: Ensure that Internal Committees (ICs) are well-equipped, unbiased, and effectively functioning. ICs have a vital part in addressing complaints relating to sexual harassment and creating a safer working atmosphere for women at work (Handbook on Sexual Harassment of Women at Workplace, wcd.nic.in).[40]
- **Regular Training**: Conduct periodic training sessions on gender sensitization, legal aspects related to sexual harassment, and the rights and responsibilities of the employer, management, and employees of each gender under the POSH Act (Handbook on Sexual Harassment of Women at Workplace, wcd.nic.in).[41]
- **Policy should be revised with respect to the recent challenges, barriers in spreading awareness, and stringent mechanisms**.
- Strengthen implementation: Regular audits and monitoring of compliance.
- Sensitize management: Leaders must set an example and prioritize employee safety.
- Collaborate with NGOs: Partner with organizations working on gender equality.
- Increase ethical values using spiritual mechanisms among all genders (Dhingra, S., Tulsian, D. P., Shikha, P., & Chaudhary, D. M. 2022).

Recommendations for Enhanced Awareness using ICT:

Information and Communication Technologies (ICT) can significantly enhance POSH Act awareness efforts:

- Interactive Online Modules**:** E-learning modules with case studies and quizzes can provide engaging and accessible training. Govt of India, on their Igot-Mission karma yogi online training platform for Govt Employees, is providing an online training program. Similarly, such programs should be available for women working in privately organized and unorganized sectors (public domain).

[39] Agama law, https://agamalaw.in/2024/01/08/ten-long-years-of-posh-safety-or-inclusion-or-both/ (last visited Jan. 28, 2025).
[40] Posh Tool kit, https://poshacttoolkit.com/ (last visited Jan. 28, 2025).
[41] Ministry of Women and Child Development, https://shebox.wcd.gov.in/about (last visited Jan. 28, 2025).

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- Mobile Applications**:** User-friendly mobile apps can offer information in local languages, facilitate anonymous reporting, and connect victims with resources. The facility of She-box, through the backing of the Ministry of Women and Child Welfare, should be available through mobile applications as well (public domain). [42]
- Social Media Campaigns**:** In today's era, social media has enormous power for spreading any information or news. Therefore, the power of social media should be utilized to raise awareness among young professionals and encourage open discussions.[43]
- Interactive Workshops**:** Virtual Reality (VR) simulation techniques can provide immersive experiences to highlight different forms of harassment, and this advanced technology embedded with artificial intelligence should be utilized for spreading awareness of the various parameters of the POSH Act 2013 (public domain).

CONCLUSION:

In pursuing women's empowerment, the POSH Act stands as a beacon of change. Addressing sexual harassment protects women in the workplace and transforms workplaces into a safer workplace. As organizations embrace their obligations—prevention, prohibition, and redressal—they contribute to a more inclusive and equitable society. Let us continue championing awareness, education, and action, ensuring that no woman faces harassment in her professional journey. We should remember that it is not just intent but the impact that matters. It's our collective responsibility to build a workplace where respect, dignity, and empowerment prevail.

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[42] POSH Awareness, https://www.springworks.in/engagewith/posh/ (last visited Jan. 28, 2025).
[43] Ajay Singh Solanki, India's workplace sexual harassment law: A decade on, Ibanet Medium (Jan. 28, 2025, 8:40 P.M.), https://www.ibanet.org/india-decade-of-posh-act.