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Women in Corporate Workplace: POSH Act, ICC Mechanism and Harassment Prevention

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Since the conception of human life, women's lives have been marked by deeply entrenched patriarchal attitudes that dictate their life choices, limit their opportunities, and force them to struggle for equality with their male counterparts. Worst of all, many women live in a constant fear for their safety.

But safety from whom?

Not from natural disasters.

Not from wild beasts.

Not from life's challenges.

But from another human being.

In today's world, headlines report yet another woman being raped, another child facing mental or sexual harassment. These incidents do not occur only in dark, isolated corners but in broad daylight, even during office hours. The place meant for professionalism has turned into yet another ground for exploitation.

And do you know what the biggest human tragedy is?

The normalisation of such heinous news.

We read these headlines as if they are just another part of daily life. The empathy, shock, and public anger that once arose from such crimes have silently faded.

This article is written with the intention of spreading awareness about workplace safety laws for women, specifically focusing on the legal frameworks that have evolved to protect dignity in professional spheres.

Background: The Struggle for Legal Recognition

In 1992, Bhanwari Devi, a Dalit social worker employed under the Rural Development Programme of the Government of Rajasthan, was brutally gang-raped by men from her village in retaliation for her attempt to stop a child marriage. Despite her relentless efforts for justice,

the entire system turned against her. Unfortunately the accused were released from the trial court due to their powerful political connections. The system may have forgotten her, but the citizens of the country did not. The incident shook the nation, and voices demanding justice, protection, and structural reform rose from different corners.

VISHAKA - a women's rights organisation - filed a Public Interest Litigation (PIL) in the Supreme Court. Recognising the gravity of the case and the urgent need for a safe working environment for women, the Supreme Court laid down the 'Vishaka Guidelines' in the landmark *Vishaka v. State of Rajasthan* judgment (1997).¹

These guidelines later became the foundation for the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, commonly known as the POSH Act, implemented by the Ministry of Women and Child Development.

What Constitutes Harassment?

According to Section 2(n) of the POSH Act, "sexual harassment" includes unwelcome acts or behaviour, whether directly or by implication, such as:

- Physical contact and advances
- Demand or request for sexual favours
- Sexually coloured remarks
- Showing pornography
- Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature²

The definition recognises that harassment can cause both mental and physical discomfort, affecting a woman's productivity and sense of dignity during and beyond working hours.

However today harassment is not limited to physical touch or street-level voyeurism — it often follows a woman into her personal spaces through digital devices.

An unwanted email containing explicit content, inappropriate messages, or repeated late-night calls becomes a dark shadow affecting her mental health deeply.

With the advancement and misuse of technology, the scope of harassment has expanded into the digital arena. The law acknowledges this to ensure the protection of a woman's dignity in all spaces connected to her work, including transportation provided by the employer, business trips and digital communication platforms.

¹ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241 (India).

² The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, § 2(n), India.

Despite the POSH Act and the POSH Rules, many women still hesitate to file complaints due to the fear of losing their job, being socially excluded, facing retaliation or threats, being judged or blamed and having their experience dismissed.

These fears silence countless voices and allow the abuse to continue unchecked.

Internal Complaints Committee (ICC) and Local Complaints Committee (LCC):

To make the complaint process accessible, the Act mandates the formation of an Internal Complaints Committee (ICC) in every organisation with ten or more employees. The ICC must be headed by a senior woman employee as the Presiding Officer. Along with this presence of a member from an NGO or an association committed to the cause of women is mandatory to ensure neutrality.

In organisations with fewer than ten employees, complaints are handled by a Local Complaints Committee (LCC) under the District Officer.

The ICC ensures that complaints are heard promptly and that workplaces remain gender-sensitive. However, the true effectiveness of ICCs depends on genuine commitment, impartiality, and proper understanding of the law — areas where many committees fall short.

Challenges in Implementation:

Despite good intentions, ICCs often face criticism due to:

- Lack of committed or trained members
- Bias or preconceived notions
- Victim blaming
- Breaches in confidentiality
- Procedural delays
- Committees existing only on paper.

These issues dilute the purpose of the Act and discourage women from seeking justice.

Conclusion

The need of the hour is proper training, strict implementation of rules, absence of corruption, and collective effort to create safe working environments for women.

A workplace should empower women — not hold them back.

A healthy, gender-sensitive workplace is not a privilege but a fundamental need and a constitutional right, enabling both genders to contribute meaningfully to nation-building.

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