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LEGAL AID AS A TOOL FOR ENFORCING WORKPLACE SAFETY: A STUDY OF SEXUAL HARASSMENT LAWS IN INDIA

~ *Priya Patel*

CHAPTER 1: INTRODUCTION

Sexual harassment is a serious issue which cannot be overlooked in Indian workplaces where millions of women work and seek to achieve their dreams despite daily challenges. Picture a young worker in an office, factory or small business, someone who is on the receiving end of offensive comments, unwanted advances or threats that make her fear going to work every day. Not only is this wrong, it's also illegal. It falls within the constitutional guarantees in regard to equality, dignity and access to justice that go beyond being mere conditions of employment. Yet, the safety at workplace is often a legal entitlement that goes unmet than an established reality for many Indian women, whether they are working in corporate offices or informal labour areas. The promise of equality and protection of life and personal liberty as guaranteed under Articles 14,15,19(1)(g) and 21 of the Constitution of India¹, notwithstanding, women in many organizations are subjected to hostile work environment which undermines their safety and career advancement. The act of harassment operates in secrecy through power relations, economic dependency and ignorance restraining victims from reporting at the right time.

The Supreme Court's historic ruling in *Vishaka v. State of Rajasthan*², which held that sexual harassment violates the constitutional guarantees of equality, dignity, and the right to work in a safe environment, marked the beginning of the recognition of workplace sexual harassment as a violation of fundamental rights. In order to fill the legislative void until a comprehensive law was passed, the Vishaka guidelines were also framed. Following these recommendations, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was passed, establishing a legal framework for workplace prevention, prohibition, and redressal

¹ INDIA CONST., arts. 14, 15, 19(1)(g) & 21.

² *Vishaka v. State of Rajasthan*, (1997) 6 S.C.C 241.

mechanisms. It is not enough to have laws in place to ensure justice. A lot of women, especially those who work in informal jobs or come from low-income families, have problems like not knowing the law, being afraid of retaliation, not having enough money, and being looked down upon by others. In this situation, legal aid becomes a bridge that changes the way of legal protection and practical enforcement work together. It helps survivors not only understand their rights, but also assert them with confidence.

Therefore, this research paper examines how legal aid functions as a practical and accessible tool for enforcing workplace safety through sexual harassment laws in India. By examining its statutory frameworks, constitutional principles, institutional mechanisms and recent trends in legal aid delivery. The study's goal is to better understand how successful legal aid interventions can increase women's access to justice and create safer workplaces across a variety of industries. The emphasis remains on the Indian legal system and the actual challenges that women workers and legal aid providers face in enforcing workplace safety legislation.

CHAPTER 2: HISTORICAL DEVELOPMENT

Before 1997 India lacked a specific statutory framework to address sexual harassment at the workplace. Women who faced harassment had to resort to sections 354 and 509 of the Indian Penal Code (IPC), which dealt with “outraging the modesty of a woman” and “gestures intended to insult the modesty of a woman.”³ These provisions were criminal in nature and did not address the civil and systematic nature of what place safety, nor did they place any responsibility on the employer to create a safe environment.

The landmark Vishaka case (1997) originated with the 1992 gang rape of Bhanwari Devi, a social worker in Rajasthan who tried to stop a child marriage. When a trial court acquitted the attackers, women’s group (under the banner “Vishaka”) filed the Supreme Court petition alleging violation of women’s fundamental rights. In this PIL (*Vishaka v. State of Rajasthan*), the Court noted a legislative vacuum on workplace. In India, the recognition of sexual harassment at a workplace is a violation of fundamental rights can be traced back to this judgement by the Supreme Court and laid down guidelines to protect women at the workplace. These guidelines popularly known as the Vishaka guidelines emphasised the employer’s responsibility to prevent and redress the harassment at the workplace.

³ Indian Penal Code, 1860, § § 354, 509 (India). Corresponds to § § 74, 79 of the *Bhartiya Nyaya Sanhita*, 2023 (Act no. 45 of 2023).

The judgement also drew heavily from India's international obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979, which India ratified in 1993.⁴

KEY VISHAKA GUIDELINES:

1. **Definition of sexual harassment:** Sexual harassment includes physical contact and advances, demand or request for sexual favours, sexually coloured remarks, showing pornography and any unwelcome physical, verbal or non-verbal conduct of sexual nature.
2. **Duty of the employer:** Every employer or responsible authority in workplaces must take steps to prevent sexual harassment, adequate procedures for resolution, settlement or prosecution must be established.
3. **Preventive steps:** Employers must notify, publish and circulate rules against sexual harassment, ensure appropriate working condition (work, health, hygiene) and provide a safe environment.
4. **Criminal proceedings:** Where harassment amounts to a specific offence under the IPC, the employer must initiate action by filing a complaint with the proper authority.
5. **Disciplinary action:** Where conduct amounts to misconduct under service rules employers must initiate disciplinary action against the wrongdoer.
6. **Complaint mechanism:** An appropriate complaint mechanism must be set up in every workplace for redressal of complaints.
7. **Complaint committee:** A complaint committee should be established, headed by a Woman with at least half its member being women. To prevent bias, the committee should involve a third party such as an NGO or other body familiar with sexual harassment issues.
8. **Worker's initiative:** Employees should be allowed to raise issues of sexual harassment in meetings and discussions.
9. **Awareness:** Employers must create awareness about the rights of female employees and publicise the prohibition of sexual harassment.
10. **Third party harassment:** Employers and persons in charge must take steps to prevent harassment by 3rd parties or outsiders.
11. **Government's Role:** Central and State government were directed to adopt suitable measures to ensure the guidelines are observed in private and public sector workplaces.

⁴ Convention on the Elimination of All forms of discrimination Against Women., Dec. 18, 1979, 1249 U.N.T.S 13 (Ratified by India June 25, 1993).

LEGISLATIVE TIMELINE:

Despite the 1997 judgment, it took the Indian Parliament 16 years to codify these guidelines into a formal act.

- The bill was first introduced by Women and Child Development minister Krishna Tirath in 2007 and was tabled in Lok Sabha in December, 2010.⁵
- In May, 2012 the Union Cabinet approved an amendment to include domestic workers.⁶
- The amended bill was passed by Lok Sabha on 3 September 2012.⁷
- The bill was passed by Rajya Sabha on 26 February, 2013.⁸
- President gave assent, and the Act has been published in the Gazette of India on 23rd April 2013 as Act No. 14 of 2013.⁹

The act was named as The Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013¹⁰ (commonly known as the POSH Act) and this situation changed after the Criminal Law (Amendment) Act, 2013 which was passed in the aftermath of the case of Nirbhaya (2012) bringing explicit provisions on sexual harassment into the IPC (Now BNS, 2023)¹¹.

Also, the Supreme Court in *Medha Kotwal Lele v. Union of India* (2012), highlighting the lack of implementation of the Vishaka Guidelines across various workplaces. The Supreme Court directed the States and Union Territories to ensure effective implementation of these guidelines and submit compliance reports.¹²

CHAPTER 3: LEGAL FRAMEWORK

❖ THE POSH ACT, 2013:

The act had a wide scope to ensure maximum protection.

⁵ <https://prsindia.org/theprsblog/an-overview-of-the-sexual-harassment-bill-passed-by-parliament?page=207&per-page=1>

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, India.

¹¹ Indian Penal Code, 1860, § 354A (as inserted by the Criminal Law (Amendment) Act, 2013 (India).

Corresponds to § 75 of the *Bhartiya Nyaya Sanhita, 2023* (Act no. 45 of 2023).

¹² *Medha Kotwal Lele v. Union of India*, AIR Online (2012) SC 632 (India).

Who is protected: All the Irrespective of age position or type of employment, including permanent temporary contractual delivers in terms apprentices, trainees and domestic workers.¹³

Where it applies: The definition of workplace is very broad, covering offices, factories, shops, educational institutions, hospitals, exports, institutions, dwelling houses and even transportation provided by the employer. This wide coverage ensures that women in both organised and unorganised sector enjoy protection under the act.¹⁴

Definition of sexual harassment: Section 2(n) defines sexual harassment broadly to include:

- Physical contact and unwelcome advances,
- Demand or request for sexual favours,
- Sexually coloured remarks,
- Showing pornography,
- Any other unwelcome conduct of sexual nature, whether verbal, non-verbal or physical.¹⁵

Internal complaint committee: Every employer with 10 or more employees must set up an ICC. The ICC must be headed by a senior woman employee at least half the members must be women, and one member must be an external representative from an NGO or group working for women's issues. This ensures fairness, independence and gender sensitivity in the inquiry process.¹⁶

Local complaint committee: For workplaces with fewer than 10 employees, or when the employer is the respondent, the act provides for an LCC at the district level. The district officer is responsible for constituting the LCC. This provision is particularly important for women in the unorganised sector, or domestic work, who may otherwise have no institutional mechanisms for redressal.¹⁷

Complaint procedure: A woman must file a written complaint within three months of the incident (extendable up to 6 months if justified).¹⁸ The committee may allow conciliation (if the complainant so requests), but monetary settlement cannot be imposed.¹⁹ The inquiry should

¹³ Sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, §2(a).

¹⁴ Id. § 2(o).

¹⁵ Id. § 2(n).

¹⁶ Id. § 3(1).

¹⁷ Id. § 6.

¹⁸ Id. § 9(1).

¹⁹ Id. § 10.

be completed within 90 days, and the report submitted to the employer or district officer within 10 days. The employer must implement the recommendation within 60 days.²⁰

Inquiry and powers of committees: Both ICC and LCC have powers similar to the Civil Court under the Code of Civil Procedure, 1908 such as summoning witnesses and requiring document production. During the inquiry, both the parties must be given an equal chances to be heard, ensuring natural justice.²¹

Duties of the employer: Section 19 lays down proactive duties on employers, including:

- providing a safe working environment,
- displaying penal consequences of sexual harassment prominently,
- conducting awareness and sensitization programmes,
- assisting the women in filing a criminal complaint where required,
- initiating disciplinary action against the guilty as per the service rules.²²

Confidentiality: Section 16 insures strict confidentiality regarding complaints proceedings and recommendations. The identity of the complainant, respondent or witnesses cannot be published, disclosed or made public.²³ Breach of confidentiality attracts penalties under the act.²⁴

Right to appeal: Any party aggrieved by the recommendations of ICC/LCC can file an appeal within 90 days to the appropriate authority or tribunal.²⁵

Protection against false complaints: To prevent misuse Section 14 allows for action against woman who file malicious of false complaints. However, inability to prove allegations does not automatically means that the complaint was false. This ensures balance and discourages frivolous cases.

Role of government: The Act imposes duties on the appropriate government (Central or State) including:

- Monitoring compliance of the Act,
- Conducting inspections,

²⁰ Id. § 11(4).

²¹ Id. § 11(3).

²² Id. § 19.

²³ Id. § 16.

²⁴ Id. § 17.

²⁵ Id. § 18.

- Organising awareness programmes,
- Maintaining data on cases handled by ICCs and LCCs.²⁶

❖ **CONSTITUTIONAL FRAMEWORK:**

The Constitution of India forms the foundational basis for addressing workplace sexual harassment. In *Vishaka v. State of Rajasthan*, the Supreme Court acknowledged that sexual harassment violated the fundamental rights protected by Articles 14, 15, 19, and 21.

Article 14: Equality before Law

Equal protection under the law and equality before it is guaranteed by Article 14. Women are denied equal opportunities and participation in the workforce due to the hostile work environment created by workplace harassment.²⁷

Article 15: Non-discrimination

Discrimination on the basis of sex is prohibited by Article 15. Because it denies women safe working conditions. Sexual harassment is regarded as a type of gender discrimination.²⁸

Article 19(1)(g): Right to profession

This clause safeguards the freedom to pursue any career. Women's freedom and safety at workplace are hampered by an antagonistic work environment.²⁹

Article 21: Right to Life and Dignity

The Supreme Court has construed Article 21 to encompass the right to a dignified and secure existence. Personal liberty, physical autonomy, and mental integrity are all directly impacted by workplace harassment.³⁰

Article 39A: Access to Justice

Article 39A of Directive Principle requires the State to offer free legal aid and equal justice. This clause serves as the constitutional cornerstone for the legal aid system that supports victims of harassment at work.³¹

²⁶ Id. §§ 20-21.

²⁷ INDIA CONST., art. 14.

²⁸ Id. art. 15.

²⁹ Id. art. 19(1)(g).

³⁰ Id. art. 21.

³¹ Id. art. 39A.

❖ LEGAL SERVICE AUTHORITIES ACT, 1987

The enactment of the Legal Service Authorities Act, 1987 marks a significant constitutional step towards ensuring access to justice in India. LSAA fulfils the constitutional promise of equality and dignity into practical remedies for women facing workplace harassment. The Act establishes a nationwide legal aid system aimed at providing free and competent legal services to eligible persons which may be child, women or vulnerable people.

Under section 2(c) of the Act, “legal services” include giving legal advice, representation before courts and tribunals. drafting of a legal document and any other assistance relevant for legal proceedings.³² In cases of sexual harassment at workplace, this provision becomes highly relevant as victims require assistance in drafting complaints before the internal complaints committee, filing writ petitions and to pursue the remedies before the courts.

One of the main section, which is section 12 of the Act, provides that all women are entitled to free legal services irrespective of their income.³³ This section also plays an important role in the cases of workplace sexual harassment, where the women may hesitate to start the proceedings due to economically dependency, lack of legal awareness and the societal pressure. This provision automatically make the women eligible under section 12 to provide justice to the women in both formal and informal sectors.

The Act establishes the three-tier institutional structure:

1. National Legal Service Authority (NALSA)³⁴
2. State Legal Service Authorities (SLSAs)³⁵
3. District Legal Service Authorities (DLSAs).³⁶

The function of NALSA under the Section 3 of the Act, lays down the policies and principles for making legal service of at every possible location in India.³⁷ It also designs that how to conduct the awareness in respect of the legal aid, and arranges the programmes and special schemes for the women and also organised the Lok Adalats for the amicable settlement of disputes, which are either pending or which are yet to be filed by way of compromise.³⁸ At State and District level, SLSAs and DLSAs are functioning for implementing legal aid schemes

³² Legal Services Authorities Act, No. 39 of 1987, § 2(c).

³³ Id. § 12(c).

³⁴ Id. § 3.

³⁵ Id. § 6.

³⁶ Id. § 9.

³⁷ Id. § 3.

³⁸ <https://nalsa.gov.in/legal-aid/>

in the context of sexual harassment at workplace. DLSA plays an important role in assisting the victims in filing of the complaints, providing them a legal representation and encourage them to move towards the courts where necessary. It also conducts the camps where the programme of explaining the provisions of the POSH Act arranged especially in the rural areas and some semi-urban areas where awareness remains unreachable.³⁹

LLSA aa also promotes the concept of Para-Legal Volunteers (PLVs), who act as grassroots legal facilitators. PLVs assist in spreading legal awareness, guiding victim towards the appropriate authorities and helping them approach legal service institutions.⁴⁰ Whereas if we talk about sexual harassment at workplace, the PLVs fill the gap and make the bridge between Victims and formal justice by:

- Referring the cases to the appropriate institutions.
- Assist in drafting the complaints.
- Aware the women about their rights under the POSH Act.
- Encourage them to file a complaint without any societal pressure.
- Coordination with the police where required.

Furthermore, in the informal sector, where domestic workers, daily wage labourers and contract workers often lack institutional complaint mechanism, the LSAA becomes even more critical. Since the POSH Act extends the protection to women in the unorganised sector, Local Complaints Committees are established at every district. Legal aid authorities can support victims in approaching these LCCs and challenge their decisions if required.

CHAPTER 4 – RECENT JUDICIAL PRONOUNCEMENT

CASE 1–The case **Aureliano Fernandes v. State of Goa (12 August, 2025)**, started from the complaint of sexual harassment against Mr. Aureliano Fernandes, a faculty member at Goa University. Allegations were made that ICCs created by university did not follow proper procedure in conducting the inquiry, including giving the reasonable opportunity to the respondent for participating in the inquiry. The Court observed that many institutions, including government departments, public sectors and private employers had failed to constitute ICCs or

³⁹ Legal Services Authorities Act, No. 39 of 1987, §§ 6,9).

⁴⁰ [National Legal Service Authority, Scheme of Para Legal Volunteers](#)

LCCs properly. Supreme Court issued some directives and remedies for providing appropriate legal aid to the victim:⁴¹

1. The Court directed that every State and Union Territory must conduct a physical, district-level survey to verify whether employer have constituted ICCs as asked in the section 4 of the POSH Act. This survey had to be completed within six weeks of the order. The court also reiterated that penalties under section 26 of the POSH Act apply for non-compliance, including fines up to 50,000 and potential cancellation of licences for repeat violations.
2. Labour Commissioner and State authorities were instructed to ensure that ICCs and LCCs were not merely be made for the sake of the name but should actually be functional and follow statutory requirements.
3. Supreme Court clarified that “workplace” under section 2(o) of the Act include not only the office space, but also hospitals, government departments and any location where a person is employed.
4. The Supreme Court also gave the direction for the relaunching of the She-Box, a digital platform maintained by the Ministry of Women and Child Development for the reporting and monitoring of the harassment complaints at the workplace.

CASE 2 – In Dr. Sohail Malik vs Union of India⁴², A complaint of sexual harassment filed by an aggrieved woman under the POSH Act. The person against whom the complaint was made challenged the proceedings with the objections regarding:

- Whether the internal committee had jurisdiction?
- Whether he could be treated as “respondent” under the act?⁴³

The following are the courts observations and findings:

1. The court held that an aggrieved woman is entitled to file her complaint before the Internal Committee of her own workplace, even if the respondent is employed in another organisation or department. According to the Court, a complaint can be maintained under the POSH Act even if the respondent does not work at the same place.⁴⁴

⁴¹ [Internal Committee of the Aggrieved Woman’s Workplace has Jurisdiction: Third Party Sexual Harassment - POSH Law](#)

⁴² Dr Sohail Malik vs Union of India, (2025) INSC (1415) (India).

⁴³ <https://indiankanoon.org/doc/184184467/>

⁴⁴ [Internal Committee of the Aggrieved Woman’s Workplace has Jurisdiction: Third Party Sexual Harassment - POSH Law](#)

2. The court interpreted that Section 11 of the POSH Act lays out the investigation process, it does not mention about jurisdiction. The purpose of the statute would be undermined and reporting discouraged by a restrictive interpretation that requires a complainant to seek the respondent's workplace committee. And as per the scheme of section 11(1), if the respondent is an employee, his service rule shall be applied, and in the absence of service rule, inquiry shall be conducted as prescribed.⁴⁵
3. Court also drew attention upon the section 19 of the POSH Act, which states the duty of the employer to assist and facilitate the initiation of criminal proceedings if the aggrieved woman so desires and also made it clear that although the Internal Committee at the complainant's place of employment may carry out the investigation and document its conclusions.⁴⁶
4. Court emphasized that Section 13 does not mandate that the employer of the aggrieved Woman and the respondent must be one and the same. It is merely a fractural inquiry which is to be conducted by the IC constituted at the workplace of the aggrieved woman, and that it's finding the forwarded to the employer of the respondent for further necessary action that is initiation of disciplinary proceedings as per service rules.⁴⁷
5. The court's conclusion in this case was that the POSH Act actively requires employers to forbid and prevent sexual harassment, rather than only punishing it. It ensures that women in every workplace have unrestricted access to the IC, which is the system for resolving sexual harassment accusations. It seeks to establish accountability and safety in the workplace so that women can follow their careers without worrying about a hostile work environment. Thus, it can be concluded that the POSH Act is a social welfare law.⁴⁸

According to this case, legal aid is necessary for victims of sexual harassment under the POSH Act:

- For guiding women where to file the complaint and how to draft the complaint.
- To help them understand the Section 9 procedure.
- To assist them in the IC inquiry and to ensure that the employer is fulfilling his duty mentioned under section 19.

⁴⁵ Sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, § 11.

⁴⁶ Id. § 19.

⁴⁷ Id. § 13.

⁴⁸ [Internal Committee of the Aggrieved Woman's Workplace has Jurisdiction: Third Party Sexual Harassment - POSH Law](#)

CASE 3 – The case of **HCL Technologies Ltd. v. N. Parthasarathy (January 22, 2025)**⁴⁹, dealt with allegations made by the women employee against the senior official of HCL technologies. She complaint that the respondent repeatedly asked for handshakes, stand unnecessarily close to her, engage in unwanted physical contact and even ask personal questions which were not relevant for work. The internal Committee conducted an inquiry which was later found that the allegations against the respondent were true. Action was taken by the employer. The findings of the internal committee is challenged by the respondent saying that his conduct was not enough to fall under sexual harassment.⁵⁰ The Court rejected arguments and clarified that under section 2(n) of the POSH Act, sexual harassment includes unwelcome physical contact. Court also said that the impact of the conduct on the aggrieved woman is more important than the intention of the respondent, if such conduct made her uncomfortable, will be amount as the sexual harassment. The Court confirmed that the inquiry conducted by the internal committee is a valid disciplinary inquiry, which follows the principles of natural justice and fair procedures.⁵¹

CASE 4 –The case of **Vaneeta Patnaik v. Nirmal Kanti Chakrabarti & Ors.**⁵² (**September 12, 2025**), was about the issue of time period for filing the complaint under the POSH Act. The case started when the complaint of sexual harassment was filed beyond the time period prescribed under the act. The main issue before the court was whether that complaint, which was filed after the expiration of the limitation period will be Investigate by the Internal Committee or not.⁵³

The court referred to Section 9 of the POSH Act which states clearly that complaint must be filed within the three months from the date of the incident and in the case of series of incident, the limitation will be counted from the last incident. The Internal Committee may extend this three months to the another three months, if it is satisfied that their were sufficient reasons for the delay.⁵⁴ Beyond a maximum of six months, a complaint is not maintainable under the law. The Court also issued an unusual and significant direction. It ordered that the allegations of

⁴⁹ HCL Technologies Ltd. V. N. Parthasarthy, (2025) MHC 202 (India).

⁵⁰ [HCL Technologies Ltd. v. N.Parthasarthy. | Madras High Court](#)

⁵¹ https://www.verdictum.in/pdf_upload/hcl-technologies-ltd-v-n-parsarathywatermark-1684332.pdf

⁵² Vaneeta Patnaik v. Nirmal Kanti Chakrabarti & Ors., (2025) LiveLaw (SC) 902 (India).

⁵³ [Supreme Court: Sexual Harassment Complaint Time-Barred](#)

⁵⁴ Sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, § 9.

sexual harassment would remain on record and directed the respondent Vice Chancellor to include a reference to this judgment in his resume.⁵⁵

Two key considerations are highlighted in the ruling for committees and employers. Although the POSH Act's limitation is obligatory and cannot be loosened beyond the statutory cap, the gravity or damage to one's reputation of the accusations is not immediately diminished by its dismissal.⁵⁶

CASE 5 –In the of case **Prof. Ajay Tiwari. Vs University of Delhi and Ors**⁵⁷ (July 26, 2023), a female M.phil student of Delhi University lodged a complaint against Professor Ajay Tiwari and two other faculty members alleging sexual harassment between March and September, 2007. She claimed Unwelcome verbal and physical advances, including request for sexual favours linked to academic progress. The complaint was taken by University Unit Complaints Committee (UUGC), But later referred to the Apex Complaint Committee (ACC) due to conflict of interest. The respondent claimed that it was a consensual relationship alleged conspiracy and demanded cross examination of the complainant. ACC rejected the defence, found allegation proved, recommended penalties (demotion, department from administrative and supervised roles). Universities Executive Council impose a penalty of compulsory retirement.⁵⁸

Single Judge of Delhi High Court, 2019 dismissed professor Tiwari's petition. And the Division Bench, 2023 upheld his compulsory retirement. The Delhi High Court upheld compulsory retirement of Prof. Ajay Tiwari. Court held that consent is immaterial in a teacher-student relationship because it is inherently an unequal power structure. The inquiry followed natural justice principle since the accused was allowed to submit written questions. The penalty was not disproportionate considering the gravity of misconduct and the responsibility of the teacher. The Court distressed that the teacher student bond is "sacred", even if the complainant did not expressly resist such conduct as impermissible.⁵⁹

CHAPTER 5: LEGAL AID AS A BRIDGE BETWEEN WOMEN AND JUSTICE

⁵⁵ [Supreme Court: Sexual Harassment Complaint Time-Barred](#)

⁵⁶ Id.

⁵⁷ Prof Ajay Tiwari. Vs University of Delhi and Ors, (2023) S.C.C Online Del 4785 (India).

⁵⁸ [Delhi HC upholds compulsory retirement on charges of sexual harassment by DU Professor](#) | SCC Blog

⁵⁹ Id.

The law gives protection to women under the POSH Act, so that they can go and file a complaint of sexual harassment before the Internal Committees (IC) and the Local Committees (LC). But having a law alone is not enough. In reality, many women do not go forward to file complaints. This is the real problem, and there are many reasons behind it. Legal aid acts as a bridge between the law and the women. It helps them understand their rights and supports them in getting justice through different methods and support systems.

Difficulties faced by victims in reporting sexual harassment:

1. The procedural complexity, many victims do not know that complaint must be filed within three months under Section 9 of the act and how to draft the complaint which requires all the information about the incident with clarity. Without assistance complaint may be rejected on lack of facts, evidences or technical grounds.
2. Sometimes it also happens that the respondent is a senior officer, employer or a person in authority who has significant power at the workplace because of this work power imbalance women may feel afraid to file a complaint. They may fear losing their job, being terminated or facing professional consequences. There is also a fear of being pressured, threatened or treated unfairly after making a complaint. In some cases, women are even worried that their complaint may not be properly registered or taken seriously.
3. Many percent of women work in the informal sector, where proper complaint committees are often not established, even in some places where such committees exist, they do not function effectively. Because of this, women do not have a safe or reliable platform to report harassment if they face it at work. Especially in an unorganised sector, the lack of proper mechanism and implementation of LCC makes it very difficult for women to assess justice or file complaints.⁶⁰
4. In the informal sector, such as agricultural labourers, daily wage earners, and domestic workers, many women are not educated and do not know about their legal rights. Because of this lack of awareness, they face difficulty in getting justice against sexual harassment.
5. Sexual harassment can sometimes cause deep psychological trauma to women because of this they may feel emotionally disturbed, weak, scared and anxious. It becomes very difficult for them to start legal proceedings. They may live in constant fear and anxiety, which affects their confidence and mental strength.

⁶⁰ National Statistical Office, Periodic Labour Force Survey 2022-23, Ministry of Statistics and Programme Implementation (Noting high female participation in informal employment).

6. Many times, some institutions delay the process of addressing sexual harassment complaints because of these delays victims have to wait for a long time for action to be taken. This long waiting can discourage them and make them feel helpless.
7. Victims of sexual harassment often fear that people will judge them, make personal attacks against them by questioning their character and defame them, even sometimes family also doesn't support. Because of this fear, many women step back and hesitate to report the harassment in the first place.
8. One of the institutional difficulties that women face is weak monitoring by the committee's and lack of trained members in the committees because of this, victim feels discouraged and hesitate to file complaint.

Legal aid is not only about giving legal representations. It also provides counselling, guidance, assistance and emotional support. It helps women understand their rights and give them confidence to come forward and file a complaint.

Legal aid as a preventive tool:

Legal Aid does not only work after the sexual harassment occurs. It also helps in preventing it.

There are many ways in which legal aid can prevent it: -

- ❖ Legal aid can organise awareness programmes, workplace literacy sessions and community level legal education programmes. In these programmes, women are informed about their rights. They are told about the provisions of sexual harassment act and what is included in the definition of sexual harassment. They are also clearly explained when they can file a legal complaint, how they can file it, and within what limit they should report the incident.
- ❖ Legal Aid can also educate employers. Employers are informed about their duties to maintain a safe working environment for their employees. They are told that if they fail to perform their duties, they may face penalties. They are also guided on how to prepare reports, where to send and when to submit them, and strictly to follow the recommendations of the committees.
- ❖ In many cases, women do not initiate the complaint process before formal committees. Instead, they go to NGOs, Community Groups or Unions for help. At the time, Legal Aid works as an intermediary and guide. It helps them understand how to use the proper complaint mechanism. It helps how to write complaint properly, how to keep evidence safe, how to present their facts clearly and from where the legal process will begin.

- ❖ Workplace harassment is not just a disciplinary issue. It affects a women's dignity, freedom, equality and livelihood. The POSH Act was made to ensure that women get a safe working environment and an equal participation at the workplace. Though, women are expected to tolerate misconduct and remain silent upon if something happened with them, but legal aid does not support this. It ensures that no woman has to accept wrong behaviour. It provides independent guidance and reassurance that victims are not alone and will get full support.

In this way, legal aid, strengthens workplace safety, not only through legal procedures, but also through empowerment and confidence building.

CHAPTER 6: EMPIRICAL DATA AND EMERGING TRENDS

Official Crime Data Workplace harassment:

1. According to NCRB, India has consistently recorded over 400 cases of sexual harassment at workplaces annually since 2018 with an average of 445 cases being reported yearly. In 2022 alone, 419 cases of workplace sexual harassment over registered across the country. This translates to roughly 35 cases per month, or at least one reported case nearly every day.⁶¹
2. In 2022, Himachal Pradesh recorded the highest number of workplace sexual harassment cases (97), followed by Kerala (83), Maharashtra (46) and Karnataka (43).⁶²
3. In financial year 2022-23 companies reported 1160 sexual harassment complaints, which was the highest number in the past decade. 202 cases were still pending resolution in that year. NCRB reported an average of 49 sexual harassment cases per day. This shows formal workplaces are seeing more internal complaints, perhaps because of stronger compliance with the POSH framework, but also points to delays in resolution.⁶³
4. Latest official information shared in Parliament about the She-box portal data. In 2025, 254 women use the She-box portal to file complaints of workplace sexual harassment. Since the revamped portal launched in August 2024, a total of 296 complaints have been received with 105 disposed of so far, and the remained pending. The portal now links

⁶¹ <https://news.abplive.com/business/sexual-harassment-cases-workplace-over-400-reported-annually-since-2018-1710362>

⁶² <https://www.business-standard.com/amp/india-news/over-440-sexual-harassment-cases-in-indian-workplaces-a-year-during-2018-22-124081401697>

⁶³ [Over 400 Workplace Sexual Harassment Cases Reported Annually Since 2018: Report](#)

details of 777 districts with local committees registered to facilitate centralised complaint tracking.⁶⁴

5. Govt. linked surveys and secondary sources indicate estimates from independent surveys suggests that over 46% of Indian women have faced workplace sexual harassment at some point. Yet only about 3.54% of women report incidents to the authorities and even fewer around 1.4% report to the police. Many incidents in the informal sector were 90% plus of women work go undocumented because traditional reporting systems are weak.⁶⁵
6. There is a sharp rise in both new complaints and pending cases in FY24 compared to FY22. Sexual harassment complaints filed across all listed companies in India increase 2,777 in FY24 up from 2,026 in FY23 and 1,313 in FY22. The number of pending complaints at all listed companies nearly tripled over the three-year jumping from 174 in FY22 to 455 in FY24. For the NSE 500 companies, the pendency rose from 162 to 428 in the same period.⁶⁶

Emerging trends:

1. #MeToo Movement:

The MeToo movement was a social movement against sexual harassment and sexual assault. It encouraged victims to speak openly about the harassment they faced and to share their experiences publicly. In India, the MeToo movement started in 2018, when actress Tanushree Dutta accused Nana Patekar of sexual harassment. After this, many women from the media, journalism, law, corporate sector, and film industry began sharing their experiences online.⁶⁷

- One prominent case was that of M. J. Akbar, a former Union Minister and journalist, who was accused of sexual harassment by several women journalists. Journalist Priya Ramani and over a dozen other women accused him of sexual harassment during his editorial career. Akbar resigned from his ministerial post after that, he sued Ramani for defamation in October, 2018. In a landmark judgement in February, 2021 the court ruled in Ramani's favour and emphasised that "women cannot be punished for raising her voice against sexual abuse" and upheld her right to speak even after decades.⁶⁸

⁶⁴ [254 women complained of sexual harassment at workplace on govt's 'SHe-Box' portal in 2025](#) | India News - The Times of India

⁶⁵ [Over 46% of Indian women face workplace sexual harassment](#)

⁶⁶ <https://www.forbesindia.com/article/news/rising-backlog-of-sexual-harassm/2987356/1>

⁶⁷ <https://m.economictimes.com/magazines/panache/metoo-in-india/panachespecial/66132889.cms>

⁶⁸ <https://www.bbc.com/news/world-asia-india-56006498>

Why MeToo movement started? The MeToo movement started because many victims felt that when they filed complaints, the process was ineffective. They were afraid of losing their jobs and facing social stigma. In many cases, the accused persons misused their position and power to silence the victims. Since complaints were often handled secretly, victims felt isolated and unsupported, which made it harder for them to get justice. Sexual harassment was often normalized in workplaces, and many people treated it as something ordinary. The MeToo movement was a strong reaction against this mindset. It sent a clear message that sexual harassment should not be normalized. It is a crime, and those who commit it should be punished.

Impact: After the MeToo movement, public awareness increased. Companies were encouraged to strengthen their Internal Committees and take sexual harassment complaints more seriously. There were resignations of people who were accused of sexual harassment. Many organizations also started conducting internal inquiries to properly investigate such complaints and ensure accountability.

2. UGC reinforced mandatory POSH compliance for Universities and Colleges

University Grants Commission issued a nationwide directive for all higher education institution to strengthen compliance with the POSH Act. This step was taken after concerns were raised by the National Commission for women that many Internal committees were not functioning properly and not taking proper initiatives against, sexual harassment. The directive clearly stated that POSH compliance must be continuous and mandatory. It is not a one-time formality. Every institution must compulsorily establish an internal committee. The mechanism should be transparent, responsive and operational and effective so that anyone can confidently report complaints without fear.⁶⁹

3. Digital spaces now covered under POSH Law

The Delhi High Court in 2025 held that definition of sexual harassment is not limited to physical acts, it can also apply to digital communication if there is any relationship between the parties. Any messages sent through social media or other online platform can also be considered sexual harassment. Court made it clear that the principle also applies to virtual workplace. Any inappropriate communication that originates from a professional relationship

⁶⁹ https://www.ugc.gov.in/pdfnews/3030594_Implementation-of-Sexual-Harrassment-Act.pdf

may fall under the sexual harassment, this was held in the case, Dr. Amit Kumar v. University of Delhi.⁷⁰

4. Awareness programme by National Commission for women

The National Commission for Women organized a combined awareness program on the Prevention of Sexual Harassment at Workplace Act and cyber security at Guru Ghasidas University in, 2025. This event was conducted to create awareness among young women students. The program educated students about the laws related to sexual harassment. It encouraged them to file complaints before the Internal Committee or use digital complaint platforms if they face harassment on campus. The main aim was to ensure a safe academic environment. Since digital harassment is increasing, special sessions were held on online abuse, cyber stalking, and the safe use of social media platforms. Students were guided on how to use social media safely and responsibly. The program also helped build confidence and encouraged women to understand that their constitutional rights cannot be violated.⁷¹

Under the National Commission for Women Act, 1990⁷², the National Commission for Women has the power to promote education, research, and awareness regarding women's rights.

5. State-Level Awareness on POSH and POCSO Act

The National Commission for Women organized a state-level awareness program on the Protection of Children from Sexual Offences Act and the Sexual Harassment of Women at Workplace Act. The program was conducted to spread legal awareness among women, youth, and community members. It educated them about their legal rights, how to report incidents, what precautions they can take, and how to file complaints. The main aim was to protect children and women from abuse, exploitation, and harassment. It also encouraged victims to report incidents without fear. Such programs help victims get legal remedies and justice, and they promote a safer and more rights-aware society.⁷³

CHAPTER 7: ROLE OF PARALEGAL VOLUNTEER AND RECOMMENDATIONS

⁷⁰ <https://indiankanoon.org/doc/136130782/>

⁷¹ [Awareness Programme regarding Sexual Harassment at Guru Ghasidas University](#)

⁷² National Commission for Women Act, 1990 (Act No. 20 of 1990)

⁷³ <https://www.ncw.gov.in/state-level-awareness-program-on-protection-of-children-from-sexual-offenses-act-pocso-act-and-prevention-of-sexual-harassment-of-women-at-workplace-act-posh-act>

In my view as a paralegal volunteer, there are certain functions and duties that one has to perform which are as follows:

1. PLVs should support victims who are afraid to file a complaint because of some stigma or lack of knowledge about the procedure. PLVs will contact them, provide proper emotional support and motivate them to file a complaint.
2. PLVs should spread legal awareness in colleges and workplaces. And there, they'll explain what sexual harassment is, what is considered unwelcome conditions, what consent means and how to file a complaint. Also provide them the assistance in drafting complaints, arranging documents and collecting evidences.
3. PLVs will assist victim during hearings and explained the procedures of internal committees and authorities if they do not understand them.
4. PLVs will provide emotional support and suggest counselling if needed. Even though take them to a counsellor and help them as a shelter or other support services.
5. If harassment happens online, PLVs will guide them on digital actions such as filing cyber complaints and safely preserving digital evidences, and also explain the remedies available.
6. PLVs will also monitor the workplaces and campus to see whether internal committees are functioning properly, if there are problems, they will raise awareness and help in organising workshops.
7. PLVs will always maintain confidentiality, will stay neutral, not judge anyone, and act only with a victim's consent. PLVs will explain legal language in simple words and help reduce the victims fear. Also make the complaint system more approachable and supportive.

Recommendations:

1. Legal aid outreach should be strengthened so that more women know about their legal rights and available support.
2. Training of ICC members should be made mandatory so that they are properly trained and can take fair and correct decisions.
3. Awareness programme should be conducted especially in the unorganized sectors, where many women are not educated and do not know about the law.
4. Digital legal aid access should be provided so that women can seek legal help online and request support easily when needed.

5. The monitoring system should be made stronger so that authorities can check where women rights are being violated, and take proper protective actions.
6. Prevention of sexual harassment requires continuous awareness and institutional initiatives, colleges and workplace must regularly organise sensitization and legal literacy programmes to educate students and employees about their rights, reporting mechanisms, and redressal procedures likely awareness programme held in Besant Women's College, Mangaluru in 2024.⁷⁴

CHAPTER 8: CONCLUSION

I would like to conclude by stating that my motive behind selecting this topic was to understand how legal protection against sexual harassment can be made effective in practice. While studying this subject, I learned that many women hesitate to file complaints. Everyone has their own different reasons. To motivate women, to prevent sexual harassment, and to ensure justice when it occurs, it is essential to focus on practical solutions. We must clearly understand what actions should be taken, how they should be implemented, and which legal provisions must be properly applied. This is why I have highlighted the importance of spreading awareness and strengthening legal aid support. I have discussed the key problems women face and suggested ways to address them. I have explained how legal aid mechanisms can actively support victims at the workplace, inform them about their safety rights, and make legal protections meaningful and accessible in real life.

At last, I would like to state that every woman should get a safe workplace. At every workplace, legislative provisions should be properly and effectively implemented. Along with implementation, awareness must continue. New initiatives and new trends should be introduced. Legal assistance and legal help should reach every corner, every workplace, and every woman. Legal aid should be strengthened and promoted so that sexual harassment can be prevented. A workplace demands dignity and equality. Only having a legal requirement is not enough; along with economic progress, there must also be social progress.

BIBLIOGRAPHY:

STATUTES

1. Constitution of India, 1950

⁷⁴ <https://bwc.besant.edu.in/en/news/awareness-programme-on-prevention-of-sexual-harassment-prevention-of-sexual-harassment-cell-posh/>

2. Bharatiya Nyaya Sanhita, 2023
3. The Criminal Law (Amendment) Act, 2013
4. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
5. Legal Service Authorities Act, 1987

JOURNALS AND NEWS REPORTS

1. By Ambika Pandit - *254 women complaint of sexual harassment at workplace under governments She-Box portal in 2025*, Times of India, Feb 14, 2026.
2. By Ashli Varghases- *Over 400 workplace sexual harassment cases reported annually since 2018*, Business standard, Aug 15, 2024.
3. By ABP News Bureau- *Over 400 Workplace Sexual Harassment Cases Reported*, ABP Live, Aug 15, 2024.
4. By Abhery Roy- *2018: The Year when #Metoo Shook India*, Economic Times, 1 June, 2019.
5. Bhaskar English, *Over 46% of Indian Women face Workplace Sexual Harassment, only 3.54% report it.*

ARTICLES/ BLOG

1. *Awareness Programme on Prevention of Sexual Harassment: Prevention of Sexual Harassment Cell (POSH)* by Besant Women's College, September 20, 2024.
2. *MJ Akbar: India ex-minister loses #MeToo defamation case to Priya Ramani*, BBC, February 17, 2021 <https://www.bbc.com/news/world-asia-india-56006498>
3. By Kaushiki- *An overview of the Sexual Harassment Bill passed by Parliament*, PRS Blog, March 6, 2013.
4. By King Stubb & Kasiva- *Supreme Court holds sexual harassment complaint as time-barred*, October 8, 2025.
5. By Samreen Wani- *Rising backlogs of sexual harassment complaint in India Inc*, Forbes India, September 17, 2025.
6. By Anuradha Gandhi and Isha Sharma- *Supreme Court Flags Gaps in POSH Compliance Reiterates Statutory Duty to Ensure Safe Workplaces*, S.S Rana & Co. Advocates, January 20, 2026.

WEB LINKS

1. <https://www.ncw.gov.in/the-sexual-harassment-at-work-place-prevention-prohibition-and-redressal-act-2013/>

2. https://www.ugc.gov.in/pdfnews/3030594_Implementation-of-Sexual-Harrassment-Act.pdf
3. <https://compass.rauias.com/current-affairs/why-women-dont-come-forward-report-sexual-misconduct/>
4. <https://elearnposh.com/sexual-harassment-updates-jan-2026-posh-law-india/amp/>
5. <https://compass.rauias.com/current-affairs/why-women-dont-come-forward-report-sexual-misconduct/>
6. <https://indiankanoon.org/>
7. <https://www.casemine.com/>