

The Role of Legal Frameworks in Safeguarding Women Youth from Workplace Harassment

Mrs. Shubhi Gupta¹, Dr. Anshuma Upadhyay²

¹Research Scholar, Faculty of Law,
RKDF University, Bhopal, Madhya Pradesh

²Professor, Faculty of Law,
RKDF University, Bhopal, Madhya Pradesh

Abstract

Gender equality and workplace safety are fundamental to ensuring young women's participation in the workforce, as they represent the drivers of future economic and social development. Despite constitutional guarantees and statutory protections, women youth in India continue to encounter workplace harassment ranging from subtle discrimination to severe forms of sexual misconduct. This paper examines the role of legal frameworks—particularly the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, along with relevant provisions of the Indian Penal Code and labour legislations—in safeguarding young women in professional spaces. Adopting a doctrinal and analytical approach, supported by case law, government reports, and secondary data, the study evaluates the effectiveness of these laws in addressing harassment and ensuring safe work environments. The paper highlights critical gaps in implementation, especially in unorganized and informal sectors where young women are most vulnerable, and identifies barriers such as lack of awareness, social stigma, and institutional apathy. It argues that legal protections must be reinforced with awareness initiatives, gender-sensitive workplace policies, and stronger enforcement mechanisms to achieve genuine empowerment. The conclusion emphasizes that effective legal frameworks, combined with social transformation, are essential to bridging the gender gap and enabling women youth to thrive in the workplace.

Keywords: Women Youth, Workplace Harassment, Gender Equality, Legal Frameworks, POSH Act 2013, Empowerment.

1. Introduction

The participation of young women in the workforce is a critical driver of social and economic development. With the expansion of education, globalization, and technological advancement, increasing numbers of women youth are entering diverse professional spaces in India. However, workplace safety and dignity remain serious concerns. Harassment—whether in the form of discrimination, inappropriate comments, hostile work environments, or sexual misconduct—undermines not only the individual's right to equality and dignity but also hampers organizational productivity and national growth.

The Indian Constitution guarantees equality before the law (Article 14), prohibits discrimination on the grounds of sex (Article 15), ensures equality of opportunity in employment (Article 16), and upholds

the right to life and dignity (Article 21). Despite these constitutional assurances, young women often face barriers in exercising their rights due to systemic, cultural, and institutional shortcomings. The issue of workplace harassment gained legal recognition in India with the landmark *Vishaka v. State of Rajasthan* (1997) judgment, which laid the foundation for the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereafter, POSH Act). This Act, along with provisions under the *Bhartiya Nyay Samhita* (BNS), 2023, and labour legislations, forms the backbone of the legal framework designed to protect women employees.

Despite these safeguards, challenges persist. Women youth—defined as those in the early stages of their careers—are particularly vulnerable. Their limited work experience, lack of awareness of legal rights, dependence on employment for financial independence, and fear of retaliation often silence them. This makes the study of legal frameworks not only relevant but urgent, as it has direct implications for gender equality, empowerment, and sustainable development.

Objectives of the Study

1. To examine the scope and effectiveness of legal frameworks addressing workplace harassment in India.
2. To evaluate how these laws specifically impact women youth in professional spaces.
3. To identify challenges and gaps in implementation.
4. To propose measures for strengthening legal protections and workplace practices.

Research Questions

1. How effective are existing legal frameworks in safeguarding women youth from workplace harassment?
2. What gaps persist in their implementation, particularly in informal and unorganized sectors?
3. What reforms and supplementary measures are necessary to ensure harassment-free workplaces?

Methodology

The study adopts a doctrinal and analytical approach, relying on constitutional provisions, statutory laws, judicial precedents, government reports, and secondary literature. Case laws such as *Vishaka v. State of Rajasthan* and *Medha Kotwal Lele v. Union of India* will be examined to understand the judicial evolution of workplace harassment jurisprudence. Comparative insights from international conventions, including the ILO Convention No. 190 and CEDAW, will also inform the analysis.

2. Conceptual Framework (Expanded with Legal Research & Case Law)

2.1 Understanding Workplace Harassment

Workplace harassment is legally recognized in India as an unwelcome act or conduct that violates the dignity of a woman at her place of employment. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereafter POSH Act) defines sexual harassment to include physical contact, demands or requests for sexual favours, sexually coloured remarks, showing pornography, and other unwelcome verbal, non-verbal, or physical conduct.

The Supreme Court of India, in *Vishaka v. State of Rajasthan* (1997) [(1997) 6 SCC 241], acknowledged workplace sexual harassment as a violation of the fundamental rights to equality (Articles 14 & 15),

right to practice any profession (Article 19(1)(g)), and right to life with dignity (Article 21). The Court laid down binding guidelines (known as the Vishaka Guidelines) in the absence of statutory law, recognizing harassment as an affront to women's constitutional rights.

The recognition that harassment extends beyond physical assault was reiterated in *Apparel Export Promotion Council v. A.K. Chopra* [(1999) 1 SCC 759], where the Court upheld the dismissal of a superior officer for sexually harassing a subordinate, emphasizing that physical contact is not necessary for conduct to constitute sexual harassment.

2.2 Women Youth in the Workplace

The vulnerability of women youth (typically aged 18–30) stems from their early-career dependence, lack of awareness, and power imbalances. The National Crime Records Bureau (NCRB) 2023 Report indicates that cases under workplace harassment provisions remain underreported, particularly among women in their first jobs or in the unorganized sector.

The Delhi High Court in *Shanta Kumar v. Council of Scientific and Industrial Research* [2018 SCC OnLine Del 9985] clarified that harassment includes verbal and non-physical behaviour that undermines dignity, reflecting the realities faced by younger employees who may be subjected to subtle yet damaging forms of misconduct.

2.3 Consequences of Workplace Harassment

The legal system recognizes the profound consequences of harassment:

- **Psychological Impact:** In *Medha Kotwal Lele v. Union of India* [(2013) 1 SCC 297], the Court acknowledged the trauma and mental distress caused to women, stressing that organizations must proactively implement the Vishaka Guidelines.
- **Economic Impact:** Women often withdraw from the workforce due to hostile environments, which directly impacts the constitutional promise of equality of opportunity (Art. 16).
- **Organizational Impact:** The POSH Act, 2013 makes employers vicariously liable for failing to constitute Internal Complaints Committees (ICCs), acknowledging that harassment damages institutional integrity.

2.4 Harassment as a Violation of Rights

Judicial interpretation has firmly established workplace harassment as a constitutional and human rights violation:

- **Equality before Law (Article 14):** Denied when women are forced to endure harassment.
- **Non-discrimination (Article 15):** Harassment constitutes sex-based discrimination.
- **Freedom of Profession (Article 19(1)(g)):** A hostile work environment curtails women's ability to pursue employment freely.
- **Right to Life with Dignity (Article 21):** Expanded in *Vishaka* and reaffirmed in *A.K. Chopra*, harassment violates the fundamental right to dignity.

Internationally, the Indian judiciary has drawn from CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women), which India ratified in 1993. In *Vishaka*, the Court explicitly relied on CEDAW to interpret constitutional guarantees in the absence of statutory law, highlighting the harmonization of domestic and international obligations.

3. International Legal Perspective

3.1 Global Recognition of Workplace Harassment as a Human Rights Issue

Workplace harassment has increasingly been recognized at the international level as a violation of human rights, labour rights, and gender equality principles. International legal instruments place obligations on states to create safe and dignified working environments, particularly for women and youth, who are disproportionately vulnerable.

The Universal Declaration of Human Rights (UDHR), 1948 affirms the right to equality (Article 1), the right to work in just and favourable conditions (Article 23), and the right to dignity (Article 1). Similarly, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) guarantee protection against discrimination and exploitation in the workplace.

3.2 The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979

- CEDAW, often described as the Bill of Rights for Women, obligates state parties to eliminate discrimination in all spheres of life, including employment.
- Article 11 specifically requires states to take measures to eliminate discrimination against women in the field of employment and ensure safe working conditions.

The CEDAW Committee's General Recommendation No. 19 (1992) clarified that gender-based violence, including workplace harassment, is a form of discrimination.

India ratified CEDAW in 1993 with certain reservations but is bound by its core obligations. Importantly, the Supreme Court in *Vishaka v. State of Rajasthan* (1997) explicitly relied on CEDAW to fill the legislative vacuum, holding that international conventions can be read into constitutional guarantees when there is no conflicting domestic law. This case marks one of the earliest and strongest incorporations of international law into Indian constitutional jurisprudence.

3.3 International Labour Organization (ILO) Standards

The ILO Convention No. 111 (1958) on Discrimination (Employment and Occupation) prohibits discrimination on the basis of sex, among other grounds, in employment. Building on this, the ILO Convention No. 190 (Violence and Harassment Convention, 2019) became the first international treaty to address workplace harassment in comprehensive terms.

- It defines harassment broadly to include physical, psychological, sexual, and economic harm.
- It obligates member states to adopt legislation, enforcement mechanisms, and preventive measures.

Although India has not yet ratified ILO Convention 190, its principles resonate with the POSH Act, 2013, and labour protections. Ratification could further strengthen India's commitment to safeguarding women youth at work.

3.4 Comparative Jurisprudence

Other jurisdictions provide valuable insights into tackling workplace harassment:

- United States: Title VII of the Civil Rights Act, 1964 prohibits employment discrimination based on sex. In *Meritor Savings Bank v. Vinson* (1986), the U.S. Supreme Court recognized sexual

harassment as a form of sex discrimination under Title VII, affirming that a hostile work environment constitutes unlawful harassment.

- United Kingdom: The Equality Act, 2010 consolidates protections against discrimination and harassment. The UK Employment Tribunal, in cases like *Dhatt v. McDonald's Restaurants Ltd.* (1991), has recognized the employer's liability for failing to prevent harassment in the workplace.
- Canada: The Canadian Human Rights Act prohibits harassment in federally regulated workplaces, and courts have stressed the employer's proactive duty to provide a harassment-free workplace.

3.5 Influences on Indian Jurisprudence

Indian courts have consistently drawn from these international and comparative standards. The Vishaka judgment set the precedent by reading CEDAW into constitutional guarantees, and subsequent decisions such as *Medha Kotwal Lele v. Union of India* (2013) reinforced that compliance with international human rights norms is essential. The POSH Act, 2013 itself reflects India's response to these global developments, codifying the Vishaka Guidelines and aligning with global trends.

4. Effectiveness of the POSH Act in Safeguarding Women Youth

4.1 Introduction

The enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) marked a watershed moment in India's legal landscape. It translated the Vishaka Guidelines into statutory law, aiming to provide women with a safe, secure, and dignified working environment. For young women entering the workforce, the Act theoretically provides a strong safety net. However, its effectiveness is dependent not only on its text but also on enforcement, awareness, and institutional support.

4.2 Key Features of the POSH Act Relevant to Women Youth

1. Broad Definition of Workplace – Includes offices, educational institutions, hospitals, sports complexes, dwelling places, and virtual workplaces (emails, online platforms).
2. Internal Committees (ICs) – Mandated in every organization with more than 10 employees to handle complaints.
3. Local Committees (LCs) – For workplaces with fewer than 10 employees, particularly relevant for women in unorganized sectors.
4. Confidentiality Clause – Ensures victim protection by prohibiting public disclosure of complaints.
5. Time-Bound Mechanism – Complaints must be resolved within 90 days.
6. Employer's Liability – Employers must create awareness, conduct training, and ensure a zero-tolerance policy.

These provisions are particularly significant for young women who may lack bargaining power or familiarity with legal processes.

4.3 Judicial and Practical Implementation

While the judiciary has supported the spirit of the Act, practical hurdles remain:

Compliance Gaps:

The Ministry of Women and Child Development (MWCD) has reported that a significant percentage of companies have either failed to establish Internal Committees or have set up committees without adequate training

- Example: In *Medha Kotwal Lele v. Union of India* (2013), the Supreme Court lamented the poor implementation of complaint committees even after *Vishaka*.

Awareness Deficit Among Women Youth:

Surveys indicate that many young women employees are unaware of the complaint procedures or even the existence of ICs in their organizations.

Case Example: In *Global Health Pvt. Ltd. v. Local Complaints Committee* (2019, Delhi HC), the court upheld the authority of LCs in cases where ICs were absent, strengthening the Act's scope but also exposing institutional non-compliance.

4.4 Effectiveness in Organized vs. Unorganized Sectors

Organized Sector:

Multinational companies, IT firms, and educational institutions have largely complied with the POSH Act, often creating gender-sensitive policies.

- Young women in these spaces benefit from structured mechanisms, though underreporting remains an issue due to fear of career repercussions.

Unorganized/Informal Sector:

More than 80% of women workers in India are in the informal sector, such as domestic work, agriculture, small businesses, or contract jobs. Here, the Act's impact is minimal.

- LCs are either non-functional or unknown to workers.
- Women youth in these sectors face compounded vulnerabilities of poverty, illiteracy, and lack of access to legal remedies.

4.5 Challenges Hindering Effectiveness

1. Social Stigma and Retaliation – Young women fear being labeled as “troublemakers,” leading to silence.
2. Lack of Gender Sensitization – Many ICs are formed mechanically without training, reducing their effectiveness
3. Judicial Delays – Appeals and litigation arising from POSH complaints often drag on, discouraging victims.
4. Digital Workspaces – Online harassment through emails, social media, and virtual platforms is inadequately addressed despite the Act's broad definition of workplace.

5. Barriers to Implementation and Enforcement

5.1 Introduction

While the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) provides a robust legal framework, its practical success depends on how effectively it is implemented. In reality, young women continue to encounter systemic, institutional, and socio-cultural

barriers that weaken the Act's objectives. This chapter critically examines the challenges that impede enforcement and limit the law's ability to safeguard women youth.

5.2 Underreporting of Harassment

The most significant barrier is the low reporting rate of workplace harassment.

- **Fear of Retaliation:** Women youth often fear losing their jobs, facing poor appraisals, or being socially stigmatized.
- **Cultural Conditioning:** Many young women are taught to “adjust” or remain silent rather than assert their rights.
- **Case Example:** In *Dr. Punita K. Sodhi v. Union of India* (Delhi HC, 2010), the petitioner alleged sexual harassment in a medical institution but faced professional retaliation, highlighting the risks whistleblowers face.

5.3 Weak Institutional Mechanisms

- **Non-Compliance with ICs:** Despite statutory mandates, many organizations either do not constitute Internal Committees (ICs) or constitute them merely on paper.
- **Local Committees (LCs) Inaccessibility:** In rural and semi-urban areas, LCs are under-functioning or non-existent, leaving women in the informal sector without redressal mechanisms.
- **Example:** A 2018 MWCD survey revealed that over 60% of Indian companies had not complied with the POSH Act's requirement to disclose IC constitution.

5.4 Lack of Awareness and Training

- **Young Entrants to Workforce:** Many women youth entering jobs are unaware of their rights under the POSH Act.
- **Token Sensitization:** Organizations conduct superficial workshops without real behavioral change.
- **Judicial Concern:** In *Medha Kotwal Lele v. Union of India* (2013), the Supreme Court emphasized that awareness and training are as important as statutory compliance.

5.5 Social and Cultural Barriers

- **Victim-Blaming:** Women youth often face questions about dress, conduct, or intentions, discouraging them from filing complaints.
- **Patriarchal Norms:** Societal stereotypes trivialize harassment as “casual flirting” or “misunderstanding.”
- **Marriage and Family Pressure:** Families may discourage daughters from pursuing complaints to protect family reputation.

5.6 Procedural and Legal Barriers

- **Confidentiality Issues:** Though the Act mandates confidentiality, leaks and gossip often deter women from proceeding.
- **Complex Complaint Process:** The 90-day filing limit can be restrictive for traumatized victims.
- **Judicial Delays:** Even when cases escalate to courts, prolonged litigation deters women youth from seeking justice.

5.7 Case Law Insights on Barriers

- *Shanta Kumar v. CSIR (2018)* – Courts clarified limits of what constitutes harassment, but sometimes judicial interpretations appear restrictive.
- *Vishaka v. State of Rajasthan (1997)* – Guidelines stressed institutional responsibility, yet decades later, lapses in enforcement persist.
- *Global Health Pvt. Ltd. v. LCC (2019, Delhi HC)* – Highlighted that absence of IC does not invalidate complaints, exposing systemic gaps.

6. Challenges in Implementation

6.1 Introduction

While the POSH Act, 2013 was envisioned as a comprehensive safeguard for women against workplace harassment, its journey from law to lived reality has been uneven. The challenges in implementation stem from a combination of weak institutional frameworks, inadequate monitoring, and the persistence of patriarchal norms that continue to undermine women's autonomy. For young women entering the workforce, these challenges become particularly acute, as their limited bargaining power and professional inexperience make them more vulnerable. This chapter explores the practical, institutional, and cultural challenges that have hindered the effective implementation of the Act across India.

6.2 Inconsistent Compliance by Organizations

A key challenge lies in the inconsistent compliance with the mandate to establish Internal Committees (ICs) in organizations with more than ten employees. While many large corporations and public institutions have constituted committees, studies by the Ministry of Women and Child Development (MWCD) and civil society organizations reveal that a substantial number of medium and small enterprises either ignore the requirement or create committees only on paper. Even where committees exist, they are often staffed without gender sensitivity or legal expertise, reducing them to symbolic compliance. This renders the law ineffective for the very purpose it was intended to serve.

6.3 Weak Monitoring and Enforcement Mechanisms

The POSH Act does not establish a robust system of monitoring organizational compliance. Unlike labor laws, where inspectors or labor commissioners monitor enforcement, the responsibility here rests largely with employers themselves. State governments are expected to oversee Local Committees, but reports indicate significant gaps in coordination, data collection, and accountability. In *Medha Kotwal Lele v. Union of India (2013)*, the Supreme Court underlined the necessity of strict monitoring of complaint mechanisms, yet ground-level enforcement remains patchy. Without external accountability, many employers treat compliance as optional, thereby undermining the Act's mandate.

6.4 Challenges in the Informal Sector

India's workforce is overwhelmingly informal, with nearly 80 percent of women employed in agriculture, domestic work, construction, or small-scale industries. The Act envisaged Local Committees (LCs) to address harassment complaints in these sectors, but their functioning remains sporadic and largely ineffective. Women in the informal sector are often unaware of their rights or lack the resources to access committees that may be located far from their workplaces. For young women in rural areas or working in precarious jobs, this challenge becomes insurmountable, effectively excluding them from the law's protection.

6.5 Social and Cultural Obstacles

Perhaps the most persistent challenge is the weight of social and cultural attitudes. Women who report harassment are frequently subjected to victim-blaming, professional isolation, and family pressure to withdraw complaints. The stigma associated with workplace harassment complaints is particularly severe for unmarried young women, whose families may fear reputational damage or reduced marriage prospects. Such cultural dynamics reinforce silence and normalize harassment, diluting the effectiveness of the law.

6.6 Procedural and Legal Complexities

The procedural design of the Act, though progressive in intent, also presents certain challenges. The requirement to file complaints within 90 days often proves restrictive for victims who need time to process trauma or overcome fear. Confidentiality, while legally mandated, is often breached in practice, leading to informal gossip or retaliatory behavior at workplaces. When cases escalate to courts, lengthy litigation discourages complainants from pursuing justice. Moreover, judicial interpretations in some cases have tended to narrowly define harassment, as seen in *Shanta Kumar v. CSIR* (2018), where the Delhi High Court held that mere friendship or casual conduct does not constitute harassment. While doctrinally sound, such interpretations can discourage young women from reporting borderline cases.

7. Analysis, Conclusion, and Suggestions

7.1 Analytical Reflections

The doctrinal and analytical study of India's legal framework demonstrates both achievements and shortcomings. On the one hand, the POSH Act, 2013, has institutionalized protections that were earlier only available through judicial directions under *Vishaka v. State of Rajasthan* (1997). Its scope—covering both organized and unorganized workplaces—reflects a progressive step toward substantive equality. Similarly, provisions under the IPC, such as Sections 354A and 509, criminalize acts of harassment, thereby complementing the POSH Act's civil remedies.

However, the effectiveness of these frameworks is undermined by several systemic factors:

- Gap between law and practice: Many organizations, especially in semi-urban and rural areas, do not constitute Internal Committees at all, directly violating statutory mandates.
- Judicial delay: While courts like in *Medha Kotwal Lele v. Union of India* (2013) have reiterated the binding nature of Vishaka Guidelines, in practice, complaints often remain pending for years, diluting justice.
- Youth-specific vulnerability: Young women, especially at entry-level jobs or internships, often lack awareness of their rights and hesitate to report due to fear of jeopardizing career prospects.
- Intersectional neglect: Women youth from marginalized communities (Dalit, Adivasi, informal sector workers) face compounded barriers of discrimination and harassment, which the law inadequately addresses.

Thus, while the legal framework appears comprehensive on paper, its implementation deficit and socio-cultural resistance undermine its protective potential.

7.2 Conclusion

Workplace harassment is not only a violation of dignity and equality but also an obstacle to economic growth and gender justice. The legal journey from *Vishaka* to the POSH Act reflects India's evolving

jurisprudence in recognizing harassment as a constitutional violation. Yet, the persistence of harassment incidents proves that law alone cannot guarantee safety without societal change. The research confirms that young women remain particularly exposed due to lack of awareness, weak grievance mechanisms, and deep-rooted patriarchal attitudes.

7.3 Suggestions

To bridge the gap between legal promise and lived reality, the following measures are recommended:

- Strengthening compliance: Mandatory audits of POSH Act compliance by labor inspectors and penalties for non-constitution of Internal Committees.
- Awareness drives: Government and universities must jointly run campaigns targeting women youth, especially fresh graduates entering the workforce.
- Gender-sensitization: Regular training for employers, IC members, and employees to shift workplace culture from tolerance of harassment to zero tolerance.
- Youth-friendly reporting mechanisms: Introduction of mobile-based anonymous reporting tools to reduce fear of stigma and retaliation.
- Judicial reforms: Establishing fast-track tribunals or designated benches for sexual harassment cases to ensure time-bound resolution.
- Intersectional approach: Tailored protections for women youth in informal sectors, apprenticeships, and marginalized groups.

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