



Preventing Sexual Harassment against Women in India: A Socio-Legal Analysis

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Abstract

Sexual harassment of women continues to be one of the most widespread acts of gender based barriers to women's participation in community life in India. This socio-legal analysis critically analyzes the preventive mechanisms created by the Indian legislations, including the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, the constitution and criminal laws and the institutional structures. The paper provides analysis of the effectiveness of the Internal Complaints Committee, gender sensitisation programmes, awareness creation programmes and judicial intervention mechanism for the prevention and remedy of sexual harassment. The study examines the disparities between legal provisions and reality, identifies implementation obstacles, including low rates of reporting, institutional hurdles, a victim-blaming culture, and gaps in enforcement, from a doctrinal and empirical perspective. It also evaluates the socio-legal effects of preventative measures on women's safety, dignity and access to the public and professional arena. The paper ends with some action-oriented recommendations for enhancing preventive strategies, accountability and enabling gender-just society in India.

Keywords: Sexual Harassment, Women's Safety, Socio-Legal Analysis, Preventive Measures, Gender Justice, POSH Act

1. Introduction

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Sexual harassment of women in India is a rooted social evil which is indicative of the prevailing patriarchal attitude and imbalanced power relationship, both in public and private domain. Although we have made great strides in laws and laws in relation to the problem of sexual harassment, women are still subject to a number of forms of sexual harassment in the workplace, schools and training institutions, at the polling station, in public spaces, and even in their homes. The NCRB statistics have consistently revealed that such crimes involving women keep on occurring and sexual harassment is a significant factor. The above fact underscores the urgent need to develop an all-embracing socio-legal discussion with regard to preventive measures and their reality on ground.³

The case of a brutal gang rape of a woman, Nirbhaya, in 2012, sparked across protests and brought sexual harassment to the forefront of the country's notice and paved way for major changes within the law. The problem is during the normal time however. Over the years, this violence has been perpetuated through historical and cultural factors, such as rigid gender norms, victim-blaming, and low institutional capacity. Women of value in the modern world of India are exposed especially while working, studying or using public transport. The COVID-19 pandemic worsened this situation, and reports of online harassment and online domestic violence increased during/while under lockdown.

The objective of this study is to critically review the present preventive framework and assess the effectiveness of the same in providing women with meaningful protection from sexual harassment in India with the title: 'Preventing Sexual Harassment against Women – A Socio-Legal Study'. The main goal is to grasp the dynamics of the relationship between law and social application. The research aims to recognize the gap between the law as it reads and law as it is implemented, explore and examine the role played by relevant stakeholders (State, Judiciary, employers and civil society), and make recommendations to reinforce the preventive mechanisms.

The value of study lies in its twofold approach of a socio-legal study. The social dimension looks at cultural barriers, attitudes of the society, and women's lived experiences, while the legal

³ Bankata, P. R. A. K. A. R. S. H. A. N., & Mishra, D. T. (2025). Legal protection of women in India: A critical study in the light of recent developments. *International Journal of Legal Research*.



dimension examines the statutes, judicial decisions and institutional processes. This integrated approach is necessary since there have been instances wherein legal reforms were unsuccessful in providing substantive justice, where it failed to be properly implemented and where people refused to accept them.

So, some important research questions are raised as- What are the effectiveness of existing preventive laws and institutions in reducing sexual harassment? What are the big problems with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013? What is the effect of socio-cultural factors on complaints reporting and complaints redress? How can we learn from best practices internationally?

The method used is mainly doctrinal which includes critical analysis of laws, case laws, and government reports. It is complemented by empirical information that has been collected through secondary data sources such as the surveys of the National Commission for Women, the academic literature and the media.⁴

2. Legal Framework on Sexual Harassment of Women in India

In the past 30 years, the concept of "sexual harassment" of women has changed from judicial activism to legislation in India. The basic building block of this sledgehammer is the Constitution of India's guarantee of the fundamental right to equality (Article 14), not discriminated on basis of sex (Article 15), freedom of speech and expressions with dignity (Article 19) and protection of life and personal liberty (Article 21). The Supreme Court has interpreted the each of these to encompass the right to live "with dignity" and a "safe working environment" that is free of sexual harassment.⁵

The judgment of *Vishaka vs the State of Rajasthan* (1997) was a historic one in the Indian history of law. As no laws existed to date, the Supreme Court provided detailed guidelines (*Vishaka Guidelines*) for employers to prevent and address sexual harassment in the workplace.

⁴ Marimuthu, M. (2026). Gender Equality and Women Empowerment in India with Special Reference to Sustainable Development Goal 5: A Socio-legal Analysis. In *Gender Equality and Sustainable Development: Challenges and Solutions in Developing Countries* (pp. 127-140). Singapore: Springer Nature Singapore.

⁵ Barath, D., & Trivedi, S. (2026). The Structural Transformation of Victimology in India: A Socio-Legal Analysis of Recent Criminal Reforms in Combatting Violence Against Women. *International Journal of Research & Technology*, 14(1), 74-85.



These guidelines clarified what is meant by sexual harassment, along with setting requirements on employers, requiring them to establish Complaints Committees. It has been an exemplary case of judicial legislation under Art. 32 of the Constitution.

In 2013, a specific Act to tackle sexual harassment was enacted known as the Criminal Law (Amendment) Act, 2013 and the IPC was amended with certain provisions relating to sexual harassment. Section 354A is a criminal offence for unwanted physical contact, advances, demands for sexual favours and exhibition of pornography and sexually coloured remarks. Other sections that may be relevant are 354 (assault or criminal force to woman with intent to outrage her modesty), 354B and 354C (voyeurism and stalking). These provisions enhanced the repressive attitude to sexual crime.⁶

The major among the law related changes was the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act). This Act offers a detailed system of prevention and compensation for sexual harassment in the work places. It has a broad definition of sexual harassment, covers job sector both organised and unorganised and requires the establishment of Internal Complaints Committees (ICC) in establishments with 10 or more employees. For smaller establishments and domestic workers the Act also establishes Local Complaints Committees at the district level to handle complaints.

There are several other laws which provide ancillary protection. Harassment in domestic relationships was covered by the Protection of Women from Domestic Violence Act, 2005. Chapter 17, Section 66E and Section 67 of the Information Technology Act, 2000 (as amended in 2008) provide for action with regard to online sexual harassment. Anti-harassment measures for educational institutions are also included in various service rules governing government employees and Commission by-laws governing university grants.

3. Preventive Measures: Policies, Institutions and Practices

⁶ Gaga, J. K., & Paul, F. A. (2026). Redefining Justice: Confronting Sexual Assault and Harassment in India Through a Human Rights Lens. In *The Palgrave Handbook of Global Social Problems* (pp. 1-19). Cham: Springer Nature Switzerland.



Prevention of sexual harassment in India includes several levels of measures ranging from policies to institutions to practices that help to create an environment safe for women. A policy level, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is the cornerstone. It requires the establishment of an Internal Complaints Committee (ICC) with every employer and formulating clear anti-sexual harassment policy.⁷ The Act focuses on preventing through preventing itself, raising awareness, and remedial measures in due course. This has been supplemented by the guidelines of the University Grants Commission (UGC) for higher educational institutions and the guidelines of Ministry of Women and Child Development to activities.

From the institutional point of view, the National Commission for Women (NCW) and State Commissions have an important role in monitoring, providing policy recommendations and addressing important issues. There is also a forum to address grievances from the unorganized sector and domestic workers called Local Complaints Committees (LCC), which has been set up at the district level.⁸ Programmatic efforts have taken place, where many progressive organisations like Gender Resource Centres have been established, regular gender sensitisation workshops have been organised, there is a possibility of installing CCTV surveillance and there is a safe transport policy for women employees that goes beyond the requirements of the law. Confidential reporting applications, third-party audits and zero-tolerance declarations in corporate policies those same practices utilized in public schools increasingly have been adopted in the private sector.

In terms of awareness raising, initiatives such as the '#MeToo' movement, the Government's 'Beti Bachao Beti Padhao' campaign and the 'Safe Cities for Women' projects have been effective in promoting societal change. Schools have started to conduct obligatory induction courses about the importance of gender sensitivity and a few states have launched gender safety applications such as '112 Emergency' and 'Himmat'. New workplace practices involve risk assessments of vulnerable areas, bystander intervention training and leadership accountability

⁷ Sharma, S., & Alam, T. (2025). Mapping Differences in Severity of Cyber Harassment: A Socio-Legal Study of Gendered Experiences in India. *Cyber Threat: Navigating Legal Challenges in the Digital Age*, 2, 19.

⁸ Sirohi, T., & Mehra, P. (2025). An Evolutionary and Comparative Analysis of the Legal Landscape of Sexual Offenses Against Women in India. *Sexual Health & Compulsivity*, 1-28.



measures. Other companies have implemented mentorship or diversity programs to help diminish power imbalances which can result in harassment.

Technology-based solutions, like transport tracking with GPS, panic buttons for public areas, and AI for internet harassment monitoring, are also considered important preventive measures. Community level interventions make use of Self Help Groups (SHGs) and NGOs and involve raising awareness of the community and encouraging the awareness, identification and reporting of inappropriate behaviour among women. Judicial directions have also had a positive influence on preventive duties they place the employer vicariously liable for when they have a failure to take steps to prevent harassment.

But, their efficacy is not consistent throughout urban/rural settings and organized/unorganized sectors. Compliance is more successful in metropolitan cities and in larger corporations, and far poorer in smaller establishments and in rural areas. Minimal efforts in preventive practices are deeply-rooted in presenting compliance documentation with an inadequate focus on change. Some public sector undertakings and multinational business organisations have successfully introduced these best practices continuous leadership support, regular training, and ongoing monitoring, and have shown that it is possible to get much better outcomes.⁹

In Sum, the prevention measures in India seem to be a promising combination of legal requirements, institutional arrangements, and fledgling best practices. However, their full impact can only be realised and they can be a catalyst for change when they are being taken up genuinely and when they are in line with wider social movements and reform programmes to challenge patriarchal norms and encourage gender equality.

4. Implementation, Challenges and Impact Assessment

The legislation and the measures taken to combat sexual harassment in India suggest that there is a large gap between law and deeds. Although the PSOH Act and the other laws and frameworks offer a solid platform, there are many challenges for implementing these laws at the bottom line

⁹ Srinivasan, S., Subudhi, C., Rajavel, N., & Vallipriya, R. (2026). Justice Beyond Law: Understanding Societal and Institutional Barriers to Gender-Based Violence Redressal. In *Policy, Prevention, and Structural Responses to Violence Against Women* (pp. 219-250). IGI Global Scientific Publishing.



level—systemic and societal challenges. While many have set up Internal Complaints Committees, these committees have failed to be adequate in functioning either because they lack proper training levels among the membership or because they are not independent and functional. Low awareness about rights and redressal mechanisms is one of the major challenges and experiences the women face resulting in under reporting of incidents.

Issues range from the stigmatization of victims to fears of retaliation, to lengthy inquiry procedures to inattention to follow-up measures. The occurrence of ICCs being affected by management or gender-biased has raised distrust in the ICC system. Unskilled and low-income rural and informal workers are hit with extra hurdles because of their illiteracy, lack of institutional support and being dependent on their jobs. Inadequate budgetary allocation for gender sensitization programmes, along with political and bureaucratic apathy also constitutes a constraint on implementation.¹⁰ The judiciary has been progressive in its declarations but is bogged down with overloads such that justice is not delivered on time.

Existing preventive measures: Mixed picture in terms of impact assessment. As for positives, we have seen a rise in the visibility of the problem, more reporting in organized sectors of cities and an increased sense of corporate accountability as a result of the #Metoo movement. Inward policies and awareness are enhanced in some studies, where policies are either compliant or non-compliant. NCRB, however, has data and independent surveys that have revealed that the sexual harassment cases overall did not show a significant fall. A large number of women do still suffer from a normalization of inappropriate behaviour and conviction rates in sexual offence cases are still low.

In professional areas in urban settings the socio-legal influence is more conspicuous as the groups have to improve their practices to overcome the pressure of compliance. However, these effects haven't translated to schools and public areas. The preventive framework has succeeded to bring about legal sensitivity and awareness but failed to bring about the change of the

¹⁰ Telang, D. (2026). Women and Healthcare in India: A Socio-Legal Analysis of the Contraceptive Burden on Women. *GLS Law Journal*, 8(1), 28-40.



underlying culture. Economic costs of harassment on dropout rates among students and on losses in the working woman continues to affect society.¹¹

5. Conclusion and Future Prospects

On careful examination, this contributes to an analysis of the weakness. Observing more closely, this leads to an analysis of the weakness: the laws have been broadening the field of rights, but their mechanisms of enforcement are weak. There is a lack of monitoring and evaluation systems, and little empirical evidence to measure long-term behavioural change. There is no central database to monitor the complaints of POSH, which makes the impacts assessment difficult.

The solutions to these challenges include better political will, strengthening institutions and skills through capacity building, transparency through technological integration, and continued social campaigns. Greater accountability, harsher consequences for violations of prevention measures and incorporation of gender education in the school curriculum are needed to maximize the effect of prevention measures. The implementability of India's socio-legal institutions will continue to be significantly undermined until the gaps are reduced.

¹¹ Anamika, D. P. M. (2025). Legal Safeguards and Socio-Economic Empowerment a Study of Women Workers in Haryana.