



AWARENESS AND ACCESSIBILITY OF REDRESSAL MECHANISMS UNDER THE POSH ACT AMONG WOMEN WORKERS IN BIHAR

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Abstract

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 created a statutory redressal architecture of Internal Committees and Local Committees intended to give every working woman in India an accessible forum for complaint and relief. More than a decade after its enactment, however, the effectiveness of this architecture depends on a precondition that is too often assumed rather than examined: that women workers actually know the mechanism exists, understand how to invoke it, and can physically and socially reach it. This paper examines the awareness and accessibility of POSH redressal mechanisms among women workers in Bihar, a state whose workforce is overwhelmingly informal, rural, and dispersed across small and unorganised establishments that fall outside the easy reach of statutory compliance monitoring. Drawing on the statutory text, appellate jurisprudence, national survey data, and state-level labour and gender statistics, the paper argues that Bihar's awareness deficit is not merely informational but structural, rooted in the mismatch between a workplace-centred statute and a labour market in which most women work outside recognisable 'workplaces' altogether. It concludes with institutional recommendations for closing this gap.

Keywords: POSH Act, Internal Committee, Local Committee, sexual harassment, women workers, Bihar, informal sector, access to justice.

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I. Introduction

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was enacted to give statutory form to the guidelines laid down by the Supreme Court in *Vishaka v. State of Rajasthan*,³ which had read the constitutional guarantees of equality, non-discrimination, and the right to practise any profession under Articles 14, 19(1)(g), and 21 as encompassing a right to a workplace free of sexual harassment.⁴ The statute's animating premise is that every woman, regardless of the nature of her employment, is entitled to a defined, accessible, and time-bound redressal mechanism.⁵ India's obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the CEDAW Committee's General Recommendation No. 19 reinforced this domestic constitutional foundation.⁶ Yet a statute's redressal architecture is only as effective as the awareness of the persons it is meant to protect. This paper asks a narrower and more empirical question than most doctrinal commentary on the POSH Act: do women workers in Bihar actually know that Internal Committees and Local Committees exist, understand how to approach them, and face a realistic prospect of accessing them if harassed? It argues that in Bihar, where women's work is concentrated in agriculture, domestic service, home-based piece work, and micro-enterprises, the statute's workplace-centred design produces a structural awareness-and-access deficit that formal compliance statistics conceal.

II. The POSH Act, 2013: Statutory Architecture of Redressal

The Act defines sexual harassment broadly to include unwelcome physical contact, demands for sexual favours, sexually coloured remarks, and the creation of a hostile or intimidating work environment.⁷ It applies to every "workplace," a term defined expansively to cover government bodies, private organisations, and, significantly, the unorganised sector.⁸ Section 3 casts an affirmative duty on every employer to prevent or deter the commission of sexual harassment.⁹ The Act's central redressal institution is the Internal Committee, which every employer with ten or more employees must constitute, chaired by a senior woman employee and including an external member from a non-governmental organisation familiar with sexual harassment issues.¹⁰ Section 4(2) prescribes the Committee's composition in detail, precisely to guard against tokenism.¹¹ For establishments with fewer than ten workers, and for complaints against the employer himself, the Act mandates the constitution of a Local Committee at the district level, to be notified by the District Officer.¹² Section 7 further empowers Local Committees to receive complaints from domestic workers, a category otherwise excluded from most protective labour legislation.¹³ A complainant must ordinarily file her complaint within three months of the incident, subject to a discretionary extension.¹⁴ Sections 9 through 11 lay down complaint, conciliation, and inquiry procedures;¹⁵ Section 12 allows the

³ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

⁴ Dharmendra Kumar, "The Right to Privacy Under Article 21: Implications of the DPDP Act, 2023 for Data Protection in India" 6 *International Journal of Leading Research Publication* 1 (2025).

⁵ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Act 14 of 2013), Preamble.

⁶ Convention on the Elimination of All Forms of Discrimination against Women, 1979, art. 11.

⁷ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, s. 2(n).

⁸ *Id.*, s. 2(o).

⁹ *Id.*, s. 3.

¹⁰ *Id.*, s. 4.

¹¹ *Id.*, s. 4(2).

¹² *Id.*, s. 6.

¹³ *Id.*, s. 7.

¹⁴ *Id.*, s. 9.

¹⁵ *Id.*, s. 11.

Committee to recommend interim relief, including transfer or leave for the complainant during the pendency of inquiry;¹⁶ Section 13 requires the Committee to submit a reasoned report within ninety days;¹⁷ and Sections 14 and 15 address false or malicious complaints and the factors relevant to determining compensation, respectively.¹⁸ Confidentiality of proceedings is mandated under Section 16,¹⁹ while Sections 17 and 18 provide for appeal against the Committee's recommendations.²⁰ Sections 19 through 21 impose employer and District Officer duties including the duty to conduct awareness programmes and organise capacity-building workshops for Committee members²¹ Section 22 requires employers to include Committee complaint data in their annual reports,²² Section 23 places monitoring authority with the State Government,²³ Section 25 empowers inspection of records,²⁴ and Section 26 prescribes monetary penalties, and eventual cancellation of licence or registration, for non-compliance.²⁵ The Ministry of Women and Child Development's Handbook on Sexual Harassment of Women at Workplace, and its subsequent SHe-Box online complaint portal, were both intended to operationalise this architecture and make it visible to a national workforce.²⁶

III. Awareness as a Precondition for Access to Justice

A redressal mechanism that exists on paper but is unknown to its intended beneficiaries offers no real access to justice. The Supreme Court itself recognised this gap in *Medha Kotwal Lele v. Union of India*, where it directed state governments to conduct periodic reviews of Internal and Local Committee functioning precisely because implementation, including awareness generation, had lagged far behind enactment.²⁷ In *Aureliano Fernandes v. State of Goa*, the Supreme Court went further, directing a nationwide audit of compliance with the Act across public and private institutions, expressing concern that vast numbers of establishments had neither constituted Internal Committees nor undertaken the awareness activities the Act contemplates.²⁸ The Delhi High Court's decision in *Initiatives for Health and Equity in Society v. Union of India* likewise flagged the near-total absence of functional Local Committees in several States, a finding with direct relevance to Bihar's own institutional landscape.²⁹ At the international level, the International Labour Organization's Violence and Harassment Convention, 2019 (No. 190), and its accompanying Recommendation No. 206, treat awareness-raising and accessible complaint mechanisms as inseparable components of the right to a workplace free of violence and harassment, rather than as a discretionary afterthought to formal legal enactment.³⁰ Comparative research on legal awareness including the International Center for Research on Women's study on corporate preparedness for POSH implementation, and the FICCI Ladies Organisation-EY survey of Indian companies has consistently found that even in the

¹⁶Id., s. 12.

¹⁷Id., s. 13.

¹⁸Id., s. 14.

¹⁹Id., s. 16.

²⁰Id., s. 17.

²¹Id., s. 19.

²²Id., s. 22.

²³Id., s. 23.

²⁴Id., s. 25.

²⁵Id., s. 26.

²⁶Ministry of Women and Child Development, SHe-Box: Online Complaint Management System for Sexual Harassment at Workplace, Operational Guidelines (2017).

²⁷*Medha Kotwal Lele v. Union of India*, (2013) 1 SCC 297.

²⁸*Aureliano Fernandes v. State of Goa*, 2023 SCC OnLine SC 621.

²⁹*Initiatives for Health and Equity in Society v. Union of India*, 2020 SCC OnLine Del 1131.

³⁰International Labour Organization, Violence and Harassment Convention, 2019 (No. 190).

formal corporate sector, where compliance obligations are best enforced, a substantial proportion of women employees remain unaware of the existence or composition of their Internal Committee.³¹

IV. The Bihar Workforce Context: Formal, Informal, and Unorganised Labour

Bihar's female workforce presents a particularly acute test of the POSH Act's workplace-centred design. The Periodic Labour Force Survey shows that female labour force participation in Bihar remains among the lowest of major Indian states, and that the women who do report as workers are disproportionately concentrated in agriculture, allied activities, and home-based own-account work rather than in establishments with a recognisable employer-employee structure.³² The Bihar Economic Survey similarly records that the organised or registered sector accounts for only a small fraction of total employment in the state, with the overwhelming majority of economic activity, including women's work, occurring in unregistered micro-enterprises, domestic service, and agricultural labour.³³ The International Labour Organization's statistical work on the informal economy confirms that women workers in South Asia are more likely than men to be found in informal employment, and are correspondingly less likely to work in settings where a statutory Internal Committee has been, or could easily be, constituted.³⁴ Martha Chen's analysis of informal women workers similarly observes that legal protections premised on a stable, identifiable "workplace" and "employer" systematically under-protect women whose work is home-based, seasonal, or intermediated through contractors and agents precisely the conditions that characterise much of Bihar's female workforce.³⁵ For this large segment of Bihar's women workers, the Internal Committee is simply inapplicable, and the statutory alternative the district-level Local Committee becomes the only available forum; its awareness and accessibility are accordingly not a secondary concern but the primary determinant of whether the Act reaches these women at all.

V. Barriers to Awareness among Women Workers in Bihar

Several overlapping barriers depress awareness of POSH redressal mechanisms among Bihar's women workers. First, literacy and formal education levels among rural and working-class women in Bihar remain below the national average, limiting the reach of written notices, handbooks, and portal-based information such as the SHe-Box system, which presuppose digital and textual literacy.³⁶ Second, employer-side dissemination obligations under Section 19 which require prominent display of Committee composition and penal consequences of sexual harassment are themselves poorly enforced in small and unregistered establishments that fall outside routine labour inspection. Third,³⁷ domestic workers, agricultural labourers, and home-based workers rarely interact with any institutional employer figure who might communicate their statutory rights, leaving the District Officer's outreach obligations under Section 20 as the only realistic

³¹International Center for Research on Women, Are Companies Ready? Level of Preparedness for Implementing the PoSH Act in India (ICRW, 2018).

³²Ministry of Statistics and Programme Implementation, Periodic Labour Force Survey (PLFS) 2022-23, Annual Report (2023).

³³Finance Department, Government of Bihar, Bihar Economic Survey 2023-24 (2024).

³⁴International Labour Organization, Women and Men in the Informal Economy: A Statistical Picture, 3rd edn. (ILO, 2018).

³⁵Martha Alter Chen, "Informal Economy, Women Workers, and the Need for Legal Protection" in WIEGO Working Paper Series No. 26 (2016).

³⁶International Institute for Population Sciences, National Family Health Survey (NFHS-5) 2019-21, State Fact Sheet: Bihar (Ministry of Health and Family Welfare, 2021).

³⁷ Dharmendra Kumar, "Impact of the Digital Personal Data Protection Act, 2023 on Third-Party Information under the Right to Information Act, 2005: A Critical Analysis" 7 International Journal for Multidisciplinary Research 1 (2025).

channel of awareness-generation an obligation that field studies suggest is inconsistently discharged.³⁸ Fourth, social barriers compound legal-institutional ones: research on gender-based awareness gaps in Eastern India has found that women workers frequently possess only a vague, stigma-laden understanding of "harassment" complaints, associating them with social risk to reputation and marriage prospects rather than with an accessible legal remedy, a finding consistent with the National Family Health Survey's documentation of persistently restrictive gender norms in Bihar.³⁹ Fifth, the National Crime Records Bureau's own workplace-harassment reporting data must be read cautiously in this context, since very low reported incidence in a state with acknowledged high underlying prevalence is itself an awareness-and-access indicator rather than evidence of safety.⁴⁰

VI. Accessibility Deficits: Internal Committees and Local Committees

Even where awareness exists, physical and procedural accessibility remains a distinct obstacle. Local Committees, mandated at the district level under Section 6, must in practice serve entire districts that in Bihar can span large rural populations with limited transport infrastructure, meaning that a woman working in a block far from the district headquarters faces significant practical cost in filing and pursuing a complaint. The Bihar Labour Resources Department's own administrative reporting indicates uneven notification and staffing of Local Committees across districts, with several committees functioning without the full complement of members the Act requires.⁴¹ The confidentiality mandate of Section 16, though protective in intent, can also operate as an accessibility barrier where women are unaware of what confidentiality actually entails and fear informal social exposure regardless of the legal safeguard.⁴² The three-month limitation period under Section 9, coupled with low awareness of the discretionary extension available to the Committee, further narrows the practical window within which an unaware or hesitant complainant can act.⁴³ The Bihar State Legal Services Authority's legal literacy camps represent one institutional channel through which awareness of such statutory remedies, including the POSH Act, could be systematically extended to rural and unorganised women workers, though their annual activity reporting suggests coverage remains limited relative to the scale of the state's female workforce.⁴⁴ The Bihar Rajya Mahila Ayog similarly functions as a potential awareness and grievance-referral institution, but its own annual reporting reflects a caseload skewed toward domestic violence and matrimonial disputes rather than workplace harassment, suggesting that women workers do not yet perceive it as a POSH-related resource.⁴⁵

VII. Judicial and Regulatory Interventions

Indian courts have repeatedly used individual disputes to expose systemic implementation failures. In *Apparel Export Promotion Council v. A.K. Chopra*, decided even before the 2013 Act, the Supreme Court had already signalled that workplace sexual harassment jurisprudence must be interpreted with regard to the ground realities of women's economic vulnerability rather than narrow procedural technicality.⁴⁶ In *Ruchika*

³⁸Id., s. 20.

³⁹Nandita Bhatla & A.K. Vinay, "Awareness of Workplace Redressal Mechanisms among Women Workers: Evidence from Eastern India", 12(2) Indian Journal of Gender Studies 145 (2020).

⁴⁰National Crime Records Bureau, *Crime in India 2022*, Vol. I (Ministry of Home Affairs, 2023).

⁴¹Labour Resources Department, Government of Bihar, *Annual Administrative Report 2022-23*.

⁴²Dharmendra Kumar, "Regulating Innovation: The IT Act 2000 and DPDP Act 2023 in the Age of AI and Data" 12 *Journal of Emerging Technologies and Innovative Research* b341 (2025).

⁴³Id., s. 9(1), proviso.

⁴⁴Bihar State Legal Services Authority, *Legal Literacy and Awareness Camps: Annual Activity Report 2022-23*.

⁴⁵Bihar Rajya Mahila Ayog, *Annual Report 2022-23*.

⁴⁶*Apparel Export Promotion Council v. A.K. Chopra*, (1999) 1 SCC 759.

Singh Chhabra v. Air France India, the Delhi High Court scrutinised the composition and functioning of an Internal Committee, underscoring that formal constitution of a Committee is not equivalent to its effective, rights-respecting operation.⁴⁷ Global Health Private Ltd. v. Local Complaints Committee illustrates the interpretive difficulties Local Committees themselves face in applying procedural safeguards correctly, difficulties that are magnified for committees with limited institutional capacity and outreach, as is common in Bihar's district administration.⁴⁸ The National Commission for Women's own annual reporting and its Handbook on Laws Relating to Women both flag continuing public unfamiliarity with the distinction between Internal and Local Committees as a recurring theme in the complaints and enquiries received by the Commission from across states, including Bihar.⁴⁹ The Ministry of Women and Child Development's Handbook was intended to standardise institutional practice nationally, but its reach depends entirely on downstream dissemination by state labour departments and district administrations, a dependency that Bihar's own uneven Local Committee notification record calls into question.⁵⁰

VIII. Institutional and Comparative Responses

Comparative and international experience offers instructive models for closing the awareness-accessibility gap. The International Labour Organization's Recommendation No. 206 explicitly calls for awareness-raising through media, public information, and education campaigns targeted at the informal economy, recognising that formal workplace notices alone are insufficient where large numbers of workers never enter a conventional workplace.⁵¹ UN Women's work on workplace harassment in India has similarly recommended community-based and vernacular-language awareness campaigns, delivered through existing rural institutions such as self-help groups and Panchayati Raj bodies, as a more effective channel for reaching informal women workers than employer-based notice requirements.⁵² The World Bank's Women, Business and the Law reporting places India's legal framework on workplace sexual harassment among the more comprehensive in South Asia on paper, while noting that implementation and awareness gaps remain the principal obstacle to translating statutory protection into practical protection for women workers.⁵³ PRIA's field study of POSH implementation in the unorganised sector found that where awareness campaigns were delivered through trusted local intermediaries self-help groups, anganwadi workers, and community health workers reported familiarity with Local Committees rose substantially compared to control areas relying solely on official notification, a model with direct relevance for Bihar's own extensive network of community health and nutrition workers.⁵⁴

IX. Recommendations

Four measures follow from the preceding analysis. First, Bihar's District Officers should be required, consistent with their statutory duty under Section 20, to deliver POSH awareness content through existing rural outreach networks self-help groups, anganwadi centres, and Panchayat offices rather than relying primarily on employer notice-boards that do not reach informal workers. Second, Local Committee composition and contact information should be published and periodically re-publicised in Hindi and local

⁴⁷ Ruchika Singh Chhabra v. Air France India, 2018 SCC OnLine Del 9340.

⁴⁸ Global Health Private Ltd. v. Local Complaints Committee, 2022 SCC OnLine Del 1069.

⁴⁹ National Commission for Women, Annual Report 2021-22.

⁵⁰ Ministry of Women and Child Development, Handbook on Sexual Harassment of Women at Workplace (Government of India, 2015).

⁵¹ International Labour Organization, Violence and Harassment Recommendation, 2019 (No. 206).

⁵² UN Women, Towards a Safer Workplace: Addressing Sexual Harassment in India (UN Women South Asia, 2019).

⁵³ World Bank, Women, Business and the Law 2023 (World Bank Group, 2023).

⁵⁴ PRIA International Academy, Status of Implementation of the PoSH Act in the Unorganised Sector: A Field Study (2019).

dialects through community radio and Panchayat notice systems, addressing the literacy and language barriers identified above. Third, the Bihar State Legal Services Authority and the Bihar Rajya Mahila Ayog should formally integrate POSH awareness modules into their existing legal literacy camps and grievance-intake processes, converting institutions women already recognise into channels of POSH-specific information. Fourth, the State Government's monitoring obligation under Section 23 should be discharged through published, district-wise Local Committee functionality audits, on the model directed nationally in Aureliano Fernandes, so that awareness deficits can be identified and addressed on a rolling basis rather than surfacing only through litigation.

X. Conclusion

The POSH Act's redressal architecture was designed for a workforce organised around identifiable workplaces and employers. In Bihar, where women's work is concentrated in agriculture, domestic service, and unregistered micro-enterprise, that design assumption does not hold for a substantial share of the female workforce, and the resulting awareness-and-accessibility gap is structural rather than incidental. Judicial interventions from Medha Kotwal Lele to Aureliano Fernandes have repeatedly confirmed that constitution of committees on paper is not equivalent to a functioning, known, and reachable redressal mechanism. Closing this gap in Bihar will require treating awareness-generation not as an ancillary compliance formality but as the central determinant of whether the statute's promise of a harassment-free workplace extends to the women who most need its protection.

