



Effectiveness of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 with Special Reference to the Banking Sector in Delhi NCR

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ABSTRACT

Sexual harassment in the workplace remains a persistent and underreported challenge, particularly in the private sector such as banking. This paper examines the effectiveness of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (PoSH Act) in safeguarding women employees within banks in the Delhi NCR region. Drawing from doctrinal legal research, judicial precedents, empirical data, and theoretical frameworks including learned helplessness and reactance theory, the study reveals gaps in awareness, enforcement, and institutional mechanisms. The research concludes that while significant strides have been made, more robust policy implementation, sensitization, and legal literacy are required to create truly safe workplaces.

Keywords: Sexual harassment, POSH Act 2013, banking sector, workplace safety, gender rights, India, legal enforcement

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INTRODUCTION

Sexual harassment in professional environments is a critical issue that undermines workplace integrity, employee morale, and gender equality. The PoSH Act, enacted in 2013, was a legislative response to the landmark Vishaka Guidelines laid down by the Supreme Court in 1997. Despite this legal mandate, the banking sector, especially in metropolitan hubs like Delhi NCR, continues to grapple with underreporting, cultural silence, and implementation failures. This paper investigates the actual impact and effectiveness of the PoSH Act in Indian banking institutions, analyzing compliance trends, reported cases, and institutional frameworks.

OBJECTIVES OF THE STUDY

The research paper aims to:

- Explore the causes and consequences of sexual harassment in banking institutions.
- Assess the implementation and effectiveness of the PoSH Act in the private banking sector in Delhi NCR.
- Evaluate the judicial and administrative responses to workplace harassment.
- Propose policy and institutional reforms for better enforcement of the Act.

RESEARCH METHODOLOGY

This study is doctrinal in nature, supported by analytical and evaluative methods. Primary sources include the Indian Constitution, the PoSH Act, Indian Penal Code, judicial decisions, and international conventions like CEDAW. Secondary sources include research articles, reports by NGOs, NCRB data, and institutional reports from banks. Empirical insights are drawn from a sample survey of 250 women employees from various banks in Delhi NCR using stratified random sampling.

OVERVIEW OF THE POSH ACT, 2013

The Act mandates every employer to constitute an Internal Complaints Committee (ICC) to handle complaints related to sexual harassment. It defines sexual harassment broadly to include unwelcome physical contact, sexual advances, requests for sexual favors, and verbal or non-verbal conduct of a sexual nature. The Act is applicable across all sectors and is binding on both private and public institutions.

Key Features:

- Mandatory ICC formation in every workplace
- Time-bound grievance redressal
- Employer liability and penalties
- Protection of identity and confidentiality
- Provision for conciliation and appeal

LEGAL AND JUDICIAL FRAMEWORK

The judiciary in India has played a significant role in shaping the discourse on workplace harassment. The Vishaka v. State of Rajasthan (1997) judgment laid the foundation for employer accountability in sexual harassment cases. Subsequent rulings such as Apparel Export Promotion Council v. A.K. Chopra (1999) and Medha Kotwal Lele v. Union of India (2012) reinforced the need for strict institutional mechanisms.

THE COURTS HAVE EMPHASIZED:

- Gender justice as an extension of Article 14, 15, and 21 of the Constitution
- Employer duty to provide a safe environment
- The validity of internal policies aligned with statutory provisions

IMPLEMENTATION IN THE BANKING SECTOR: DELHI NCR FOCUS

A detailed review of sexual harassment data from major banks like ICICI, Axis, HDFC, and public sector banks reveals mixed compliance:

- ICICI Bank had the highest number of reported cases, but a 100% resolution rate.
- Axis and HDFC showed fewer reported cases but lacked transparency in internal committee reports.
- Public sector banks reported fewer cases, potentially due to cultural and institutional silence.
- Despite the existence of zero-tolerance policies, ground-level enforcement remains inconsistent. Awareness programs such as Yes Bank's G.R.A.C.E. initiative are promising but limited in reach.

CHALLENGES TO EFFECTIVENESS**1. Awareness Deficit**

Many employees, especially in lower and mid-level positions, are unaware of their rights and the procedures under the PoSH Act.

2. Non-compliance with ICC Norms

Several banks either delay ICC formation or lack proper training for committee members.

3. Underreporting Due to Fear

Fear of retaliation, loss of reputation, and career stagnation deter many women from filing complaints.

4. Institutional Bias

In cases involving senior management, complainants face additional hurdles due to internal hierarchies and power dynamics.

5. Inadequate Penalties and Monitoring

The Act lacks a robust external enforcement mechanism to ensure real-time monitoring of compliance and penal action.

THEORETICAL FRAMEWORK

This study applies two psychological theories:

Learned Helplessness Theory (Seligman, 1967):

Women in repeated hostile environments may internalize helplessness, leading to silence and resignation rather than confrontation.

Reactance Theory (Brehm, 1966):

When freedom to assert professional identity is threatened by sexual coercion, victims may respond with resistance-but institutional culture often dampens that response.

These frameworks explain the silence, withdrawal, or distress observed among female employees subjected to harassment.

FINDINGS

- 68% of respondents in Delhi NCR banks experienced at least one form of sexual harassment.
- 79% admitted they did not report due to fear of retaliation or damaging their career.
- 43% were unaware of the PoSH Act and their institutional grievance mechanism.
- Only 23% were aware of the composition and role of the Internal Complaints Committee.
- ICICI and Yes Bank were identified as relatively more compliant compared to others.

RECOMMENDATIONS

Mandatory Reporting to Regulatory Bodies: Annual reports on harassment cases should be submitted to regulatory bodies and made publicly accessible.

Widespread Awareness Programs: Quarterly sensitization workshops must be institutionalized across all banking tiers.

Third-Party Audits of ICCs: To avoid internal bias, annual independent audits of ICC functioning must be mandated.

Gender-Sensitive HR Policies: Recruitment, promotion, and grievance redressal should reflect gender equity principles.

Whistleblower Protection: Laws must be strengthened to protect complainants from retaliation.

CONCLUSION

The PoSH Act, while transformative in spirit, faces implementation challenges in the banking sector, especially in urban financial hubs like Delhi NCR. Institutional silence, cultural taboos, and lack of enforcement continue to restrict its effectiveness. For genuine workplace safety, there must be a collective will across institutions, legal systems, and social structures to uphold the dignity of women in the workplace.

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