

A REPORT ON THREE DAYS WORKSHOP FOR INDIAN FOREST SERVICE OFFICERS

Centre for Excellence in Environment and Forest Laws of The ICFAI Law School, Hyderabad has organized three days' workshop for the **Indian Forest Service Officers** on the topic **“Gender Equality and Work Place Safety: Policies and Legal Frame works Under POSH Act”** during 24th to 26th November, 2025 at Jaipur, Rajasthan.

Training programme was presided over by the Chief Guest Prof. Vijayalakshmi Sharma, Professor of Law, Director Teacher Empowerment Centre, Manipal University Jaipur and a certified POSH Trainer and welcome address was given by Dr. Md. Akbar Khan, Professor, ICFAI Law School, IFHE, Hyderabad and vote of thanks by Mr. D. V. N. Murty, Assistant Professor, ICFAI Law School, Hyderabad.

The training programme had six technical sessions and one panel discussion.

24th November, 2025- TECHNICAL SESSIONS

1. Notions of sexual harassment at workplaces

Speaker: Prof. Vijayalakshmi Sharma, Professor of Law, Director Teacher Empowerment Centre, Manipal University Jaipur

The speaker for the day has highlighted that, India which is a signatory the SDGs, one such SDG i.e. SDG 5 focuses on achieving gender equality and empowering all women and girls and includes ending all forms of discrimination against woman and girls everywhere. Touching upon the gender the speaker appraises that gender refers to the learnt roles, norms and expectations on the basis of one's sex. It is a socio-cultural definition of a boy and a girl, of a man and a woman. Further the speaker is of the opinion that Not only their responsibilities are set by the society but also norms/values, dress codes, attitudes, opportunities, rights, mobility, freedom of expression, priorities and even dreams are determined by the society. People are born female or male, but they learn to be girls and boys who grow into women and men. They are taught what the appropriate behaviour and attitudes, roles and activities are for them, and how they should relate to other people. This learned behaviour is what makes up gender identity, and determines gender roles. The speaker clarified the difference between 'sex' and 'gender', where the speaker says that "sex" refers to the biological differences between males and females, such as the genitalia and genetic differences. The differences are hence, anatomical and physiological. Sex is biologically determined. Innate, unchangeable (unless changed with Intense surgical intervention) and universal whereas Gender is a social construct, learnt, dynamic and changeable and differs within and between cultures. Speaking about the third gender she defined "transgender person" means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or

not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as kinner, hijra, aravani and jogta.

The speaker vented the dissatisfaction that society has set the gender roles making it stereotypical in a sense that men will be breadwinners, decision makers, physically strong and emotionally stoic whereas women are caregivers, homemakers, nurturers and emotionally expressive, but with the advancement of society the stereotypical gender roles are changing and women have proved to be equally responsible like men in the roles mentioned herein above. Even then the gender bias still prevails at work places between men and women. Such a gender bias can be of two types namely;

1. Performance support bias;
2. Performance review bias

While the former occurs when employers, managers, and colleagues provide more resources and opportunities to one gender (typically men) over another. For example, women may be assigned inferior accounts even though they produce equivalent results, the later kind of bias happens when evaluations differ based on gender, even when merit-based. Research shows that evaluations remain inherently biased, even with efforts to remove bias. The speaker has touched upon the gender equality and gender sensitization which can be possible at every level by creating responsive functionaries and changing mindsets irrespective gender and carving a responsible partnership in socio-economic development.

2. International Legal Framework-

Speaker: Mr. Hitesh Manglani, Assistant Professor, ICFAI University, Jaipur.

Gender-based violence is a pandemic that is often intractable, and it knows no boundaries. The United Nations Declaration on the Elimination of Violence Against Women states that “violence against women is a manifestation of historically unequal power relations between men and women” and that it is “one of the most crucial social mechanisms by which women are forced into a subordinate position compared with men.

Sexual Harassment in the Workplace is a universal and widespread phenomenon that affects millions of women of all social strata worldwide. It is an endemic issue that has gained increased visibility and attention since the beginning of the “#MeToo” movement. Sexual harassment in the workplace is one of the most critical challenges facing the global community. Women constitute half the world population, and the benefits of including women in the workforce are countless. They are, without a doubt, an important asset to supporting the growth of every household, every community, and every country. Women’s active participation in the economy, therefore, helps reduce poverty and promote

higher GDP levels. As women join the labor force, the importance of ensuring a safe work environment cannot be emphasized enough. Unsafe workplaces affect women's labor market outcomes, and as importantly, the cost of sexual harassment is perceived by the victims as well as by businesses. The international community has been driven to legislate international instruments addressing the issue of sexual harassment at workplace in order to help countries elevate above and beyond this menace. There have been several United Nations Conventions that have been created like Universal Declaration on Human Rights, Convention on the Elimination of All Forms of Discrimination Against Woman (CEDAW), International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, The Indigenous and Tribal Peoples Convention, Occupational Safety and Health Convention, Occupational Health Service Convention. In all these conventions members States have been given the responsibility to ensure the safety of woman from sexual harassment at workplaces either directly or indirectly. Concluding, the speaker said increasing awareness and compliance with international standards is a reminder that we must not lose sight of the goal. Over the years, the international community has developed benchmarks that provide guidance on what the laws around workplace sexual harassment should look like in practice. The key benchmarks are listed below:

1. Recognition that workplace sexual harassment is a form of human rights violation.
2. specific violence.
3. Equality, dignity and worth of a human person must be emphasized.
4. Gender-based violence includes sexual harassment and impairs the enjoyment by women of several basic human rights and fundamental freedoms.ⁱⁱⁱ Some of these rights include:
 - a. The right to life, the right to liberty and security of the person.
 - b. The right to equal protection under the law.
 - c. The right to the highest standard attainable of physical and mental health.
 - d. The right to just and favourable conditions of work.
5. Eliminating violence against women and advancing women's equality includes the right to be free from workplace sexual harassment.
6. Such legislation should also recognize sexual harassment as a form of discrimination and a violation of women's rights with health and safety consequences.
7. The International Labour Organization (ILO) has also drawn specific attention to domestic rights and violence.”

In terms of practice, international law and policy frameworks have an important role to play in encouraging the adoption of an understanding of sexual harassment as a fundamental human right and equality issue, and not just a problem for labour/employment law to solve. Converting these concepts into practice involves constant monitoring and adapting to changing circumstances. As a start, six simple steps to keep in mind and practice in any workplace should involve the following:

1. Make sure there is a policy that has been “effectively” communicated to all workers, irrespective of whether they are paid or volunteers.
2. Display details of both informal and formal ways available to a worker to address/complain about workplace sexual harassment.
3. Undertake orientation on workplace sexual harassment for all workers in respective organizations, establishments or institutions.
4. A Complaints Committee which is trained in terms of skill and capacity is critical for building
5. Encourage senior persons/leaders/supervisors or any person who can influence employment related
6. Men and women should be included in building a culture which no longer tolerates workplace sexual harassment.

Legally, in India workplace sexual harassment can no longer be dismissed as some moral transgression. The Vishaka Guidelines raised that bar, when for the first time it recognized “each incident of sexual harassment” as a violation of the fundamental right to equality. That notion has found its way into the Act, which promotes the right of women as citizens to a workplace free of sexual harassment. Complaints Committees at all workplaces are now charged with the role to ensure that the right remains intact, through a fair, informed, user-friendly process of redress. Prioritising prevention and establishing a redress mechanism, which comprises of 50 per cent women, a woman chair and an external third party expert, is India’s innovative model in responding to working women’s experience of sexual harassment. Assuming adequate changes follow, in both law and practice to meet global benchmarks, that model can evolve into an exemplary best practice. To get there, workplaces in India today, must rise to the requirement of promoting gender equality.

3. National Legal Framework

Speaker: Mr. Vivek Sharma, Advocate, Jaipur

Sexual harassment at the workplace is a widely known as a prevalent evil, faced by working women all over the world. The development of our country has also resulted in women

stepping out of their protected house environment to face challenges of managing a career, which has in turn resulted in an increase in the proportion of working women in all spheres of life. However, this also means that there are newer challenges women now have to deal with at their workplace. The current economic environment and workplace set up witnesses an increasing level of interaction among all genders, thereby requiring setting up of norms and rules to safeguard the women at large. Though on a wide scale, women do not report on it, out of fear of facing social ostracism, loss of jobs, etc., there are a number of women who have faced incidents of Sexual harassment, which therefore warranted a strong law to curb Acts of sexual harassment. Sexual harassment is a human right violation affecting Article 14, 19 (1) (g) and 21 of Constitution of India. In other words, sexual harassment at workplace can in other words be termed as extended act of violence in working life causing discrimination, exploitation and violating right to life and livelihood of women. The “Me too” Movement highlighted this issue of sexual harassment. In India, Sexual harassment is dealt with by various enactments:

1. Constitution of India: Article 14, 16, 19 & 21 provide for non-discrimination, equality, work/profession rights and life of dignity.
2. Indian Penal Code: Section 354 (Now A,B,C, & D), 376 (Now A, B, C, & D) & 509 provide for penalties on outrage of modesty of woman and rape. The amended sections now engulf larger incidents and also protect women in custody, care and control of various persons.
3. The POCSO Act was legislated with a view to protect minor victims.
4. Indecent Representation of Women’s Act.
5. Prevention of Sexual Harassment of Woman at Workplace Act, 2013

The Bhanwari Devi gang rape case that occurred in 1992 can be called the juncture from which the demand for legislation on workplace harassment began. Bhanwari Devi was working under the Haryana government in the Women and Child Development Department as a social worker. She was engaged in preventing child marriage when she was gang-raped by people from the dominant and affluent Gurjar community. Thereafter, the occurrence received extensive coverage by the media when the accused were acquitted by the lower court. In response to this episode, in 1997, certain Non-Governmental organisations filed a writ petition in the Supreme Court to protect the fundamental rights of women under Articles 14, 19, and 21. This petition specifically addressed the issue of sexual harassment of women in the workplace. The Supreme Court, noticing the absence of domestic law on this matter,

issued the Vishakha guidelines to fill the vacuum until legislation on the subject was enacted. It took 16 years for the legislature to pass the POSH Act since the Vishakha guidelines were issued.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) is landmark legislation that provides a comprehensive framework for addressing sexual harassment at the workplace. The Act defines sexual harassment as any unwelcome act or behaviour of a sexual nature, whether verbal, physical, or visual, that is:

- A demand or request for sexual favours;
- A promise of preferential treatment in exchange for sexual favours;
- A threat of reprisal for refusing to submit to sexual advances; or
- Any other conduct of a sexual nature that is unwelcome.

The Act also sets out a process for reporting and investigating sexual harassment complaints. Complaints can be filed by the victim or by any person on her behalf. The complaint must be filed with the Internal Complaints Committee (ICC) or the Local Complaints Committee (LCC), depending on the size of the workplace.

The ICC, or LCC, is responsible for investigating the complaint and taking appropriate action. The action that can be taken includes:

- Reprimanding the accused;
- Transferring the accused to a different position;
- Suspending the accused;
- Termination of the accused's employment;
- Filing a criminal complaint against the accused.

The POSH Act also provides for a number of safeguards for the victim, including:

- Confidentiality of the complaint;
- Protection from retaliation;
- Access to legal aid.

The POSH Act is a significant step forward in the fight against sexual harassment in the workplace. It provides a clear and comprehensive framework for addressing sexual harassment, and it offers a number of safeguards for victims. The Act is a valuable tool for creating workplaces that are free from sexual harassment. This kind of regulation is effective

in reducing the workload of the judiciary and in providing speedy justice to aggrieved women, which will eventually give female employees confidence that they are protected and will discourage more such acts of harassment. The speaker appraised the audience that other than the POSH Act, 2013 there are other legislations where the sexual harassment at workplaces has been indirectly dealt with such as Indian Penal Code, 1860, Indecent Representation of Act, 1987, Information Technology Act, 2000 and Cable Television Networks (Registration) Act, 1995, including Advertisement Code of Cable Television Network Rules, 1994. In all these legislations, a woman, if she is touched inappropriately or if any sexual advances are made towards a woman or commented or stalked or represented indecently either verbally or in picturesque manner anywhere which includes at workplaces too will be subject to severe penalty and punishment.

25th November, 2025- TECHNICAL SESSIONS

4. Key concepts under the POSH Act 2013

Speaker: Dr. Md. Akbar Khan, Professor, ICFAI Law School, IFHE, Hyderabad.

The speaker for the session briefed the audience about different nuance of protections available to the woman. The speaker appraised the officers about the risks associated with the use of technology and data provided online and protection against such risk of data being provided online. Dealing with the topic for the day, speaker shared that that the workplace environment refers to space in which employees perform their job in an organization. It denotes the conditions, atmosphere, and culture of an organization reflecting employee attitudes, behaviors, and performance. The workplace environment is a critical aspect of any successful organization. The excellence of workplace environment has a significant impact on physical and psychological wellbeing. A positive workplace promotes productivity, creativity, effective teamwork and employee satisfaction which leads to higher employees' performance and organization output. A positive workplace environment promotes employee safety, growth, goal attainment and boost productivity and retention while minimizing absenteeism and stress. Safety and equity are the paramount components of workplace environment and non-compliance of them makes the workplace environment dysfunctional and needs risk assessment. Organizations whether big or small is immune from the risks of sexual harassment. It is for the organisations, to understand how to identify and address risks of sexual harassment that are specific to their workplace. The risk assessment process for sexual harassment looks specifically at identifying, assessing, controlling and reviewing sexual harassment risks at workplace. Risk assessment is based on the likelihood and consequence of sexual harassment in the workplace. When assessing risks of sexual harassment at the workplace the aspects that need to be ascertained - the nature and intensity, duration, frequency of occurrence, severity, prevalence, impact, feasible, realistic

and effective solutions based on root causes and control measures. The means to assess the risk of sexual harassment at workplace are –

- Proactive risk assessment by assessing trends/patterns of sexual harassment.
- The Sexual Experiences Questionnaire-Workplace is designed to assess the frequency of sexual harassment that women experience while at work.
- The Inventory of Workplace Sexual Harassment will provide a comprehensive and validated measurement of workplace sexual harassment.
- Online Sexual Harassment Scale

Customarily we hear a news or publication about a company or an influential figure getting caught in an allegation of sexual harassment. This adversely impacts the reputation of the organization. Every organization has the duty to reshape this reality by creating and maintaining a harassment-free workplace. Risk reduction of sexual harassment at workplace rests on the employer. The employers are required by law to take steps to reduce risk of sexual harassment in the workplace. If the employer fails to take all reasonable steps to prevent and deal with sexual harassment in the workplace, the employer may be liable. The speaker highlighted that there are some initiatives for risk reduction of sexual harassment at workplaces which are as follows:

- Create a safe culture work environment
- Observe workplace interactions or behaviours
- Develop an effective anti- sexual harassment policy
- Creation a policy will not serve any purpose if women do not feel empowered to approach the grievance cell
- Assess and mitigate risks in the workplace
- Provide effective sexual harassment prevention training
- Monitor your workplace
- Estimate duration, frequency and severity
- Take all complaints seriously
- Respond quickly
- Encourage reporting and maintain effective reporting mechanism
- Avoid systems of work that increase the risks
- Avoid Legality
- Review periodically

Zero tolerance to sexual harassment means that any form of sexual harassment is considered unacceptable and will not be tolerated under any circumstances.

Zero tolerance approach to sexual harassment in the workplace means proactive in eradicating the inappropriate behaviour in all its forms.

Zero-tolerance sexual harassment at workplace provides protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and matters related to it. Zero tolerance ensure that an organization meets enacted law and regulation concerning workplace harassment. Employers are legally required to ensure a work environment that is free of sexual harassment, both from internal and external sources. Although sexual harassment may not be committed by a member of their organization or company, employers are still responsible for protecting their employees from third party sexual harassment.

- Notify the workplace policies and procedures to the external parties.
- Develop comprehensive policies and procedures to prohibit third party sexual harassment.
- Operation of policies and procedures should outline reporting mechanisms, investigation procedures, and consequences for offenders.
- Immediate and appropriate corrective action depends on the situation. Appropriate action includes – changing an employee's assignment by shifting their job roles, additional personnel along with victim, send the customer out of the store or take out a restraining order against the harasser.
- Confidential reporting mechanism for employees to report incidents of third party sexual harassment. Ensure that all reporting are taken seriously, promptly investigated, and appropriate actions are taken to address the situation.
- Enlist the protective measures for victims in case of third party sexual harassment.
- Emphasis on zero tolerance towards sexual harassment
- Employers have a legal duty to take immediate and appropriate action to investigate the harassment allegations if they fail they can be held liable for sexual harassment.
- On reporting by the employee of third party sexual harassment the employer need to
 - i. Issuing a warning letter to the offender.
 - ii. Forbidding the offender from entering the workplace.
 - iii. Any other appropriate action
- Establish relationships with law enforcement agencies or legal counsel, to seek guidance and support in handling third party sexual harassment cases when necessary.

5. Investigation of Sexual Harassment Cases

Speaker: Ms. Bhavika Training Manager at EHCC Hospital Jaipur.

A POSH investigation is a crucial aspect of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013. The Act establishes a legal framework for addressing and preventing workplace sexual harassment. The redressal body conducts the investigation process that every employer is obligated to establish in their organization. The body is called an Internal Committee (IC) and receives and handles all the complaints of workplace sexual

harassment filed by women employees. Therefore, the investigation plays a vital role in ensuring a fair and safe working environment for all employees.

The speaker appraised the officers that the process of investigating the POSH Act is quite complex. It includes several steps such as receiving the complaint, constituting the quorum of IC members, communicating with the parties involved, gathering and studying the evidence, documenting the investigation and inquiry, analyzing and making the decision, preparing the final report, and more.

A complaint under POSH can be filed by an “aggrieved woman” as defined under Section 2(a) of the Act;

“A woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent and includes contractual, temporary or visitors”

A complaint can also be filed by a person other than an aggrieved woman, where the aggrieved woman is unable to make the complaint on account of her physical incapacity or mental incapacity. Such other persons are:

- i. Her relative or friend;
- ii. Her co-worker
- iii. An officer of the National Commission for Women or State Women’s Commission
- iv. Any person who has a knowledge of the incident, with the written consent of the aggrieved woman
- v. A special educator
- vi. A qualified psychiatrist or psychologist
- vii. The guardian or authority under whose care she is receiving treatment or care
- viii. Any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care she is receiving treatment or care.
- ix. Where the aggrieved woman is dead then with the complaint can be filed by a person who has knowledge of the incident with the consent of the legal heir.

To effectively address workplace sexual harassment complaints, a Complaints Committees must first be aware of their key responsibilities, some of which are highlighted below:

1. Be thoroughly prepared
2. Know the Act, Policy and/or relevant Service Rules
3. Gather and record all relevant information
4. Determine the main issues in the complaint
5. Prepare relevant interview questions
6. Conduct necessary interviews
7. Ensure parties are made aware of the process and their rights/responsibilities within it.
8. Analyse information gathered
9. Prepare the report with findings/recommendations

The speaker also discussed some cases related to the sexual harassment at workplaces.

26th November, 2025- TECHNICAL SESSIONS

6. Workplace Safety Measures

Speaker: Ms. Shilpa Thakur, Advocate, POSH certified Trainer

The PoSH Act applies to all workplaces, including government offices, private companies, and non-profit organizations, and covers all women, regardless of their employment status. The Act defines sexual harassment as any unwelcome physical, verbal, or non-verbal conduct of a sexual nature that creates a hostile or intimidating work environment for the victim.

Judiciary plays an important role in the creating and shaping the workplace sexual harassment laws both before and after the enactment leading to the amendments in the criminal laws as well.

The speaker has appraised the audience about the various safety measures in different forms such as over all work environment, dark and secluded places of the workplace, technology usage etc and told what measures required in such circumstances.

The speaker has touched upon different cases starting from Mathura rape case in 1979 till the recent #Metoo cases and said that this law is like a double edged sword which can be used by the victims and also by the pseudo victims to satisfy their grudge or personal enmity and thereby destroying the lives of people.

7. Panel Discussion on Reporting and Redressal Mechanism.

Panelists

- 1. Dr. Md. Akbar Khan, Professor, ICFAI Law School, IFHE, Hyderabad**
- 2. Dr. M. Geetha Priyadarsani, Assistant Professor, ICFAI Law School, IFHE, Hyderabad.**
- 3. Mr. D. V. N. Murty, ICFAI Law School, IFHE, Hyderabad**

A panel discussion on “**Reporting and Redressal Mechanism & Victim Support under the POSH Act**” was held with an aim to deepen understanding of the statutory framework governing workplace sexual harassment and to equip participants with practical insights into complaint handling, inquiry procedures, and victim-centric redressal models. The session brought together experts from ICFAI Law School, IFHE, Hyderabad, offering both legal and procedural perspectives essential for compliant and sensitive implementation of the POSH Act, 2013.

The discussion began by emphasizing the POSH Act’s central objective—**creating safe, respectful, and gender-inclusive workplaces**. The panel outlined the significance of robust

reporting mechanisms, trauma-informed approaches, and the role of the Internal Committee (IC) in ensuring timely and impartial justice.

1. Reporting and Acknowledgement of Complaint

The panel highlighted that the redressal mechanism begins the moment a complaint is submitted. Key points included:

- **Mandatory Acknowledgement:** The Internal Committee must acknowledge complaints promptly, ensuring the complainant feels heard and supported.
- **Introductory/Preliminary Call:**
Both the complainant and respondent must receive an introductory communication to:
 - Explain the POSH procedure
 - Clarify rights and obligations
 - Establish transparency
 - Offer psychological comfort to the complainant

Mr. Murty stressed the importance of **empathetic communication** during this early stage to reduce anxiety and prevent secondary trauma.

2. Internal Committee Composition and Quorum

The panel explained statutory requirements regarding:

- Proper constitution of the Internal Committee
- Gender balance and inclusion of an external member
- **Quorum rules** during meetings and inquiry sessions
- Ensuring neutrality and avoiding conflicts of interest

Dr. Akbar Khan emphasized that the **legitimacy of the entire redressal process depends on a validly constituted IC**, failing which the inquiry can become legally unsustainable.

3. Choice of Redressal Options

Complainants must be informed of the available mechanisms:

a. Pre-Inquiry Options

- **Conciliation** (voluntary, without monetary settlements)
- **Assistance measures** (transfer, leave, or other reliefs)

b. Formal Inquiry

Triggered when conciliation is not opted for or fails.

The panel detailed:

- Timelines
- Written statements
- Notice requirements
- Rights of both parties

c. Post-Inquiry Processes

- Drafting and finalizing the inquiry report
- Recommendations such as action, penalties, or closure
- Submission to the employer and communication to both parties

Dr. Geetha Priyadarsani highlighted that **procedural fairness** forms the backbone of inquiry integrity and that IC members must be trained to avoid biases.

4. Cross-Examination and Evidence Handling

A sensitive yet crucial portion of inquiries, the discussion covered:

- Permissible scope of cross-examination
- Avoiding intimidation or character assassination
- Conducting cross-examination through the IC rather than directly between parties
- Maintaining confidentiality of evidence
- Admissibility of digital evidence

The panel reiterated that inquiries under POSH must be **employee-friendly** rather than adversarial.

5. Victim Support and Well-Being

The discussion reinforced that POSH mechanisms are not merely procedural but **victim-centric**. Support measures include:

- Emotional and psychological support
- Protection from retaliation
- Temporary workplace adjustments
- Ensuring dignity throughout the process

Dr. Priyadarsani emphasized that organizational culture must encourage reporting without fear.

The panel concluded with an appeal for organizations to:

- Conduct regular POSH training
- Build capacity of IC members
- Ensure transparency and accountability
- Maintain a trauma-informed, gender-sensitive approach at all stages

The session provided participants with a holistic understanding of the statutory, practical, and ethical dimensions of POSH redressal mechanisms. Through the combined expertise of the panelists, attendees gained clarity on complaint handling, inquiry conduct, and the critical role of sensitivity in ensuring justice.

Three days training programme ended with the valedictory session and feedback from the participants.