Daily Mains Practice Question 26 -06-2026

GS II - Governance

Discuss the scope of the term "workplace" under the POSH Act, 2013. How have courts expanded its interpretation to include virtual and non-traditional workspaces? **(15 Marks, 250 words)**

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Answer

Introduction:

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) defines "workplace" broadly under Section 2(o) to protect women from sexual harassment beyond traditional offices. Courts have further expanded this definition to include virtual, remote, and other non-traditional workspaces, reflecting evolving employment practices.

Main Body

What is the scope of "Workplace" under the POSH Act?

Section 2(o) provides an inclusive (not exhaustive) definition covering

- **Government Establishments** – Ministries, departments, public sector enterprises, local authorities, corporations and cooperatives.
- **Private Sector Establishments** – Companies, NGOs, trusts, educational institutions, hospitals, sports institutes, etc.
- **Healthcare & Sports Institutions** – Hospitals, nursing homes, stadiums, sports complexes and competition venues.
- **Employment-linked Locations** – Places visited during employment, including client sites, training programmes, conferences and employer-provided transportation.
- **Domestic Workplaces** – Dwelling houses where domestic workers are employed.
- **Unorganised Sector Establishments** – Enterprises with fewer than ten workers.

What about the Judicial Expansion to Virtual and Non-Traditional Workspaces?

Inclusion of Virtual Workspaces – The expanded interpretation now covers

- Work-from-home (WFH) arrangements.
- Video conferencing platforms (Zoom, Microsoft Teams, Google Meet).
- Official WhatsApp groups, emails and messaging applications.
- Social media interactions connected to employment.
- Online meetings, webinars and virtual training sessions.

Thus, sexually explicit messages, offensive emails, inappropriate comments during virtual meetings or online stalking connected with work may amount to workplace sexual harassment.

Judicial Precedents

- **Vishaka v. State of Rajasthan, 1997** – Laid the constitutional foundation for safe workplaces under Articles 14, 15, 19(1)(g) and 21, paving the way for the POSH Act.
- **Saurabh Kumar Mallik, 2008 (Delhi HC)** – Held that "workplace" should not receive a narrow interpretation and extends to unconventional work settings.
- **Jahid Ali, 2017 (Delhi HC)** – Held that harassment through social media platforms connected with employment falls within workplace harassment.
- **Sanjeev Mishra, 2021 (Rajasthan HC)** – Recognized virtual platforms as workplaces, even where participants are physically located in different places.
- **Sanchayani Sharma, 2024 (Delhi HC)** – Clarified that harassment includes verbal, non-verbal and digital conduct, not merely physical acts.

What is the significance of the expanded definition?

- Extends protection beyond traditional office premises.
- Recognizes hybrid and remote work realities.
- Covers work-related travel, training and digital interactions.
- Strengthens employer accountability across diverse work environments.
- Furthers constitutional guarantees of equality, dignity and a safe workplace.

Conclusion

The POSH Act's inclusive definition of "workplace", strengthened by judicial interpretation, extends protection to virtual, digital, and other non-traditional workspaces, ensuring a safe and dignified work environment in line with evolving employment practices.

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