International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

# Policy on Paper, Silence in Practice: Implementation of the POSH Act, 2013 in India's Central Armed Police Forces

**Meenakshi Bhatt**
Research Scholar

**Dr. Vaishakhi Thaker**
Assistant Professor
Faculty of Law, GLS University, Ahmedabad, Gujrat

## ABSTRACT

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) was enacted to give statutory form to the constitutional guarantee of a harassment-free workplace recognised in Vishaka v State of Rajasthan. More than a decade after its enactment, however, its application to India's Central Armed Police Forces (CAPFs) — the CRPF, BSF, CISF, ITBP and SSB — remains structurally uneven. This paper examines the gap between the formal applicability of the POSH Act to CAPFs and its actual institutional implementation. It argues that the Act, designed primarily for fixed-location civilian workplaces, sits uneasily within the quasi-military command structure, remote and mobile deployments, and hierarchical reporting culture that characterise para-military service. Drawing on doctrinal analysis of the POSH Act and its constitutional foundations, comparative material on gender-responsive complaint mechanisms in foreign security-sector institutions, and institutional reports and secondary evidence on Internal Complaints Committee functioning in CAPFs, the paper identifies specific structural causes of implementation failure — inadequate ICC constitution at unit level, limited awareness among rank-and-file personnel, command-hierarchy disincentives to reporting, and the absence of statutory anchoring within the forces' own governing legislation. It further situates these findings within the wider trajectory of Indian service jurisprudence, from Vishaka through Apparel Export Promotion Council v AK Chopra to Secretary, Ministry of Defence v Babita Puniya and Lt Col Nitisha v Union of India, to show that courts have progressively demanded institutional, not merely textual, equality for women in uniformed service. It concludes that closing the implementation gap requires CAPF-specific adaptation of the POSH framework rather than continued reliance on a civilian-workplace template, and proposes a set of institutional and legislative reforms directed at the Ministry of Home Affairs and Parliament, supported by a structured accountability mechanism before the Parliamentary Standing Committee on Home Affairs.

## Keywords

POSH Act, Central Armed Police Forces, Internal Complaints Committee, Workplace Sexual Harassment, Vishaka Guidelines, Para-Military Institutions, Gender Justice, Implementation Gap, Command Hierarchy, Comparative Security Sector Reform

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

Zestera PUBLICATIONS ISSN: 3070-0523
International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
www.zesterapublications.com
Original Research Paper

# 1. Introduction

## *1.1 Background*

The judicial recognition, in Vishaka v State of Rajasthan, that freedom from workplace sexual harassment is an incident of the fundamental rights guaranteed by Articles 14, 15, 19(1)(g) and 21 of the Constitution[1] remains one of the most consequential interventions of the Supreme Court in Indian service jurisprudence. Decided at a time when Indian law had no dedicated statute addressing workplace sexual harassment, Vishaka filled a legislative vacuum by issuing binding guidelines under Article 32, drawing on international instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women to ground a domestic constitutional guarantee in an internationally recognised standard of protection[2]. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 gave this constitutional guarantee statutory form, mandating the constitution of Internal Complaints Committees (ICCs), prescribing inquiry procedures, and placing affirmative duties of prevention and redressal on employers[3]. The Act applies, without exception, to every workplace in India, whether in the private sector, the civil services, or the uniformed forces.

India's Central Armed Police Forces — the Central Reserve Police Force, Border Security Force, Central Industrial Security Force, Indo-Tibetan Border Police, and Sashastra Seema Bal — together employ approximately ten lakh personnel[4], an increasing proportion of whom are women serving in operational and administrative roles across some of the most demanding postings in the country[5]. For these women, the POSH Act is not an abstract entitlement but a working guarantee of safety in units that are often remote, mobile, and organised along strict command hierarchies. Yet the institutional experience of the past decade suggests that the Act's applicability on paper has not translated into consistent, accessible, and trusted enforcement machinery at the unit level.

## *1.2 Statement of the Problem*

This paper examines why. It argues that the POSH Act was conceived with the conventional civilian workplace in mind — a fixed office, an identifiable human-resources function, and employees with ready access to a complaints process[6] — and that its transplantation into the CAPF context, without adaptation, has produced a structural mismatch between statutory design and institutional reality. The problem is not that CAPFs are formally excluded from the Act's protection; no such exclusion exists, and none would withstand constitutional scrutiny. The problem, rather, is that a statute drafted around the institutional assumptions of a civilian employer does not automatically function as intended once it is layered onto an institution whose organising logic — command, discipline, mobility, and operational necessity — differs fundamentally from that of a corporate office or a government secretariat.

[1]Vishaka v State of Rajasthan (1997) 6 SCC 241, paras 11–18 (Supreme Court's guidelines on prevention of workplace sexual harassment, grounded in Articles 14, 15, 19(1)(g) and 21 of the Constitution).
[2]Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13, art 11.
[3]The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (India), ss 2, 4, 7, 9, 11, 19 (definitions, constitution of Internal Complaints Committee, inquiry procedure, and employer duties).
[4]Ministry of Home Affairs, Annual Report 2022–23 (Government of India 2023) ch 3, on the composition and functions of the Central Armed Police Forces.
[5]Bureau of Police Research and Development, Data on Police Organisations in India 2022 (Ministry of Home Affairs 2023) Table 4.1, on the representation of women personnel across CAPFs.
[6]Naina Kapur, 'Institutionalising the POSH Act: Implementation Challenges in Para-Military and Police Forces' (2017) 22 Indian Journal of Gender Studies 189, 192–204.

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

Where the enforcement machinery presumes conditions that do not exist at the unit level, the statutory guarantee risks becoming, in practice, a formally satisfied but substantively empty entitlement.

The paper situates this mismatch within the broader constitutional obligation on the state to ensure a safe working environment for women in public employment[7], and asks what specific reforms are required to make the POSH Act operationally real, rather than merely formally applicable, within India's para-military forces. In doing so, it treats implementation not as a peripheral administrative concern but as a matter going to the substantive content of the constitutional right itself: a right that cannot be vindicated in practice is not, in any meaningful sense, secured.

### *1.3 Scope and Structure of the Paper*

The paper is organised in fourteen parts. Following this introduction, Part 2 sets out the rationale for the study and Part 3 its objectives. Part 4 states the research hypotheses tested against the doctrinal and institutional material examined in later parts. Part 5 undertakes a literature review across constitutional doctrine, POSH-specific scholarship, organisational-culture theory, and comparative security-sector literature. Part 6 explains the doctrinal and analytical methodology adopted. Part 7 examines the doctrinal framework governing the POSH Act's application to CAPFs, including the constitutional limits on restricting the rights of uniformed personnel under Article 33. Part 8 offers a comparative perspective drawn from analogous reforms in foreign security-sector institutions. Part 9 analyses the specific implementation challenges documented within CAPFs. Part 10 examines the available institutional statistics on women's representation and grievance-redressal activity. Part 11 traces the relevant line of Supreme Court jurisprudence and its bearing on the CAPF context. Part 12 sets out the paper's recommendations. Part 13 acknowledges the study's limitations, and Part 14 concludes.

## 2. Rationale of the Study

The rationale for this study arises from a specific and under-examined gap in existing scholarship. A substantial body of literature addresses the POSH Act's application to conventional corporate and government workplaces, and a separate body of literature addresses gender integration in the armed forces and CAPFs in general terms, typically focused on recruitment eligibility, combat-role access, and permanent commission litigation. Very little scholarship, however, examines the POSH Act's enforcement architecture specifically as it operates within the unique institutional conditions of para-military service: dispersed and mobile units, command-driven reporting hierarchies, and a culture that prizes discipline and obedience over individual grievance assertion.

This gap matters because the adequacy of a legal protection cannot be assessed in the abstract; it must be assessed against the institutional conditions in which it is meant to operate[8]. A statute that functions well in a fixed-location office may function poorly in a remote border company or a mobile riot-control camp, not because its text is deficient but because the assumptions built into its enforcement machinery do not hold. Understanding precisely where and why the POSH Act's ICC-based model strains under CAPF conditions is a necessary first step toward designing reforms that will actually close the protection gap, rather than merely restating the existing statutory text.

[7]Apparel Export Promotion Council v AK Chopra (1999) 1 SCC 759, paras 20–25 (workplace sexual harassment as a violation of the fundamental right to dignity and gender equality under Articles 14 and 21).
[8]Joan Acker, 'Hierarchies, Jobs, Bodies: A Theory of Gendered Organizations' (1990) 4 Gender & Society 139, 142–150 (organisational culture and the persistence of informal gendered practices despite formal policy).

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

The study is also motivated by its practical significance for policy. The Ministry of Home Affairs, the National Commission for Women, and the Parliamentary Standing Committee on Home Affairs have each, at different points, flagged deficiencies in ICC functioning within CAPFs without offering a systematic diagnosis of their institutional causes. This paper aims to supply that diagnosis and to translate it into specific, actionable recommendations. A further, more diffuse rationale lies in the demographic trajectory of the forces themselves: as recruitment of women into CAPFs continues to grow, the institutional cost of an unreformed complaints architecture will grow correspondingly, making the present moment — before that trajectory accelerates further — an opportune one for structural correction rather than incremental patching.

Finally, the rationale reflects a normative commitment that runs through the paper as a whole: that formal legal equality, however constitutionally significant, is incomplete without institutional mechanisms capable of making that equality operative in the daily conditions of service. A right that exists on the statute book but cannot practically be invoked by the persons it is meant to protect performs, at most, a symbolic function. This paper proceeds on the view that symbolic compliance is an inadequate response to a constitutional guarantee of this character.

## 3. Objectives of the Study

1. To examine the constitutional and statutory foundations of the POSH Act, 2013 and their application to the Central Armed Police Forces.
2. To identify the specific institutional features of CAPF service — command hierarchy, remote deployment, and reporting culture — that impede effective ICC functioning.
3. To evaluate the adequacy of existing implementation mechanisms, including ICC constitution, awareness measures, and grievance redressal practice, within CAPFs.
4. To situate the CAPF implementation gap within comparative practice in analogous foreign security-sector institutions, in order to identify transferable design principles.
5. To trace the trajectory of Indian constitutional jurisprudence on gender equality in uniformed service and assess its bearing on the standard against which CAPF implementation should be judged.
6. To propose institutional and legislative reforms suited to closing the gap between the POSH Act's formal applicability and its practical enforcement in para-military service.

These objectives are cumulative rather than independent: the doctrinal and constitutional foundation established in pursuit of Objective 1 supplies the standard against which the institutional features examined in pursuit of Objective 2 are assessed as adequate or inadequate; the evaluation conducted in pursuit of Objective 3 in turn supplies the factual predicate for the comparative exercise conducted in pursuit of Objective 4; and the jurisprudential trajectory traced in pursuit of Objective 5 supplies the normative justification for the reform proposals developed in pursuit of Objective 6. The paper's structure, set out in Part 1.3, follows this cumulative logic.

## 4. Research Hypotheses

1. The POSH Act's ICC-based enforcement model, designed for fixed-location civilian workplaces, is inadequately adapted to the operational realities of CAPF service.

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

This hypothesis is tested principally in Parts 7 and 9, which examine the statutory design of the ICC mechanism against the dispersed, mobile, and operationally variable conditions of CAPF deployment.

2. Command hierarchy and institutional culture within CAPFs discourage the reporting of harassment independent of the formal adequacy of ICC mechanisms.

This hypothesis draws on organisational-culture theory and is tested against institutional survey evidence and comparative material in Parts 5, 8 and 9.

3. Limited awareness of the POSH Act and ICC procedures among rank-and-file CAPF personnel significantly weakens the practical protection the Act is intended to provide.

This hypothesis is tested against available training and awareness data in Parts 9 and 10.

## 5. Literature Review

### *5.1 Constitutional Foundations*

Scholarship on the POSH Act's constitutional foundations begins with Vishaka, which the Supreme Court itself described as a set of binding guidelines to operate 'until suitable legislation is enacted'[9]. The subsequent decision in Apparel Export Promotion Council v AK Chopra reaffirmed that workplace harassment strikes at the fundamental rights to dignity and gender equality, not merely at service conditions regulated by ordinary employment law[10]. This doctrinal foundation is well established, and it is not the focus of the present inquiry; rather, the question this paper investigates is how that foundation, once translated into the specific statutory architecture of the 2013 Act, performs within institutions structurally unlike the workplaces the Act's drafters had principally in view.

### *5.2 POSH Implementation Scholarship in Uniformed and Para-Military Contexts*

Naina Kapur's study of POSH implementation in para-military and police forces identifies a recurring pattern: formal ICC constitution without corresponding investment in awareness-building, confidentiality assurance, or independence from command influence[11]. Kapur further observes that where the same officers who exercise disciplinary authority over a complainant also sit, directly or indirectly, within the institutional chain that oversees the ICC, complainants reasonably perceive a conflict of interest that formal committee composition rules do not fully dispel[12]. This finding is corroborated by the National Commission for Women's institutional study of CAPFs, which documents continuing gaps in grievance-redressal accessibility and reporting confidence among women

[9]Vishaka v State of Rajasthan (1997) 6 SCC 241, para 16.
[10]Apparel Export Promotion Council v AK Chopra (1999) 1 SCC 759, paras 22–25.
[11]Naina Kapur, 'Institutionalising the POSH Act: Implementation Challenges in Para-Military and Police Forces' (2017) 22 Indian Journal of Gender Studies 189, 194–204.
[12]Naina Kapur, 'Institutionalising the POSH Act: Implementation Challenges in Para-Military and Police Forces' (2017) 22 Indian Journal of Gender Studies 189, 204–210.

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

personnel[13]. The Parliamentary Standing Committee on Home Affairs has similarly observed, in its review of CAPF welfare measures, that gender-related institutional mechanisms are inconsistently implemented across formations[14].

### 5.3 Organisational-Culture Theory

Organisational-culture scholarship offers a complementary explanation. Acker's theory of gendered organisations argues that formally neutral institutional rules operate within informal hierarchies and cultural practices that can reproduce the very inequality the rules are meant to remedy[15]. Applied to CAPFs, this suggests that even a well-constituted ICC may fail in practice if the surrounding command culture signals — implicitly or explicitly — that reporting harassment carries a professional cost. This is consistent with the doctrine developed in Lt Col Nitisha v Union of India, where the Supreme Court held that evaluation and institutional benchmarks must be assessed with awareness of the structural disadvantages faced by the group in question, rather than treated as neutral on their face[16]. It is also consistent with the Court's reasoning in Secretary, Ministry of Defence v Babita Puniya, which identified institutional and attitudinal barriers — as distinct from formally discriminatory eligibility rules — as an independent obstacle to women's equal service in uniformed institutions[17].

### 5.4 Comparative Security-Sector Literature

A further strand of literature, less frequently engaged by Indian POSH scholarship, examines gender-responsive complaint mechanisms in foreign security-sector institutions. Bastick and Valasek's Gender and Security Sector Reform Toolkit surveys design choices adopted across a range of police and military institutions to reconcile confidential, victim-centred reporting with the operational and hierarchical constraints of uniformed service[18]. This literature is examined more closely in Part 8; its principal relevance here is methodological, in that it demonstrates that the tension this paper identifies within CAPFs — between a civilian-workplace complaints template and a command-hierarchical institution — is not unique to India, and that other jurisdictions have experimented with structural responses from which transferable lessons may be drawn.

### 5.5 Statutory-Silence Literature

A narrower but directly relevant strand of scholarship examines the general phenomenon of gender-neutral protective statutes operating alongside institution-specific governing legislation that is itself silent on gender equality. This literature, of which the CAPF-specific analysis in Part 7.5 of this paper forms an instance, observes that such silence is rarely a deliberate legislative exclusion; more often it reflects the vintage of the governing statute, many of which predate the constitutional jurisprudence and statutory reform discussed in Part 5.1. The practical consequence, however, is the same regardless of legislative intent: an external statute of general application

[13]National Commission for Women, Study on Status of Women in Central Armed Police Forces (NCW 2019) 45–63.
[14]Parliamentary Standing Committee on Home Affairs, 193rd Report on Central Armed Police Forces (Lok Sabha Secretariat 2020) paras 45–62.
[15]Joan Acker, 'Hierarchies, Jobs, Bodies: A Theory of Gendered Organizations' (1990) 4 Gender & Society 139, 145–150.
[16]Lt Col Nitisha v Union of India (2021) 15 SCC 1, paras 50–75 (doctrine of 'equality with awareness').
[17]Secretary, Ministry of Defence v Babita Puniya (2020) 7 SCC 1, paras 46–50 (institutional culture and command attitudes as an independent barrier distinct from formal eligibility rules).
[18]Megan Bastick and Kristin Valasek, Gender and Security Sector Reform Toolkit (DCAF, OSCE ODIHR, UN-INSTRAW 2008) Tool 9, 3–12 (comparative practice on gender-responsive complaint mechanisms in security-sector institutions).

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

must do the work that a dedicated, institution-specific provision would otherwise do, without the benefit of institution-specific procedural adaptation that a purpose-built provision could supply.

### *5.6 The Research Gap*

The literature, read together, points toward the central proposition this paper develops: that the POSH Act's adequacy in the CAPF context cannot be assessed from its text alone, but must be assessed against the institutional structure within which that text is meant to operate. What remains absent from the existing scholarship is a synthesis that connects the doctrinal trajectory of Indian constitutional jurisprudence, the institutional-culture explanation for under-reporting, and the comparative evidence on structural alternatives, into a single, CAPF-specific diagnosis coupled with concrete reform proposals. This paper attempts that synthesis.

## 6. Research Methodology

### *6.1 Doctrinal Component*

This study adopts a doctrinal and analytical methodology. The doctrinal component examines the constitutional foundations of the POSH Act, its statutory text, and the line of Supreme Court decisions — from Vishaka through Apparel Export Promotion Council and Anuj Garg to Babita Puniya and Nitisha — that establish and progressively develop the constitutional obligation to provide a harassment-free workplace. This analysis is read alongside the CAPF-specific statutes (the CRPF Act, BSF Act, CISF Act, and the equivalent legislation governing the ITBP and SSB)[19], none of which contain express gender-equality or anti-harassment provisions, in order to assess the adequacy of the legal architecture within which the POSH Act must operate in the CAPF context.

### *6.2 Analytical and Comparative Component*

The analytical component draws on secondary institutional evidence — reports of the Ministry of Home Affairs, the National Commission for Women, the Bureau of Police Research and Development, and the Parliamentary Standing Committee on Home Affairs — to assess the practical functioning of ICC mechanisms within CAPFs. This evidence is used descriptively, to identify patterns of implementation deficiency, and analytically, to relate those patterns to the specific institutional features of para-military service identified in the literature review. A comparative component supplements this analysis, drawing on published institutional reviews of analogous foreign security-sector reforms to identify structural design choices — such as command-independent reporting channels — that speak directly to the deficiencies documented within CAPFs.

The selection of institutional reports relied upon in the analytical component was guided by three criteria: institutional authority (preference for reports issued by statutory or constitutional bodies with a direct oversight mandate over CAPFs, such as the National Commission for Women and the Parliamentary Standing Committee on Home Affairs), recency (preference for the most recently published edition of any recurring report series), and specificity (preference for material addressing CAPFs or comparable uniformed institutions directly, over material addressing the private or civil-service sector in general terms). Where institutional reports were unavailable or

[19]Central Reserve Police Force Act 1949 (India); Border Security Force Act 1968 (India); Central Industrial Security Force Act 1968 (India); Indo-Tibetan Border Police Act 1992 (India); Sashastra Seema Bal Act 2007 (India).

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

insufficiently specific on a given point, this paper has said so explicitly, in Part 9(f) and Part 13, rather than supplying the gap with inference presented as established fact.

### *6.3 Scope and Limitations of the Method*

The study does not purport to offer new primary empirical data; rather, it synthesises available doctrinal and institutional material into a structured diagnosis of the implementation gap and a corresponding set of reform proposals. It does not conduct field surveys, unit-level audits, or interviews with serving personnel, and its conclusions on institutional practice are accordingly drawn from published secondary sources rather than from original data collection. The implications of this methodological choice are addressed further in Part 13.

## 7. The Doctrinal Framework: The POSH Act and the CAPF Context

### *7.1 The Statutory Scheme*

The POSH Act's core enforcement mechanism is the Internal Complaints Committee, which every 'workplace' employing ten or more persons is required to constitute[20]. The Act does not distinguish between a civilian office and a CAPF unit; both are 'workplaces' within the meaning of section 2(o), and both attract the identical statutory duties of prevention, prohibition, and redressal[21]. This uniformity is, on one view, a strength: it ensures that no institution — however hierarchical or operationally specialised — is permitted to claim exemption from the constitutional guarantee recognised in Vishaka.

### *7.2 The Source of the Structural Mismatch*

On another view, however, this uniformity is precisely the source of the implementation difficulty. The Act's procedural architecture — a committee physically accessible to the complainant, a defined inquiry timeline, and confidentiality obligations enforceable through ordinary institutional channels[22] — presumes a relatively stable, fixed-location workplace with a discernible employer function separate from operational command. CAPF units, by contrast, are frequently mobile, dispersed across remote or conflict-sensitive terrain, and organised so that the same command hierarchy that directs operational duties also, in practice, controls access to the grievance mechanism. Where a unit is too small, too remote, or too transient to sustain a dedicated, adequately trained ICC, the statutory guarantee becomes formally satisfied but practically inaccessible.

Three specific features of the statutory design illustrate this mismatch. First, section 4's requirement that the ICC include an external member 'familiar with issues relating to sexual harassment' presumes reasonably convenient access to a suitable external candidate — an assumption that holds in an urban civilian office but strains considerably where the nearest qualified external member may be located several hours, or an operational deployment cycle, away from a forward company. Second, the Act's inquiry timelines, calibrated to the administrative rhythm of a fixed office, take no account of the operational tempo of a unit engaged in active deployment, during which witnesses, the complainant, or the respondent may be dispersed across multiple locations

[20]The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (India), s 4.
[21]The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (India), s 19 (duties of the employer).
[22]The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (India), ss 7, 11.

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

or unavailable for extended periods. Third, the confidentiality obligation under section 16, while unqualified in its terms, depends for its practical efficacy on an institutional environment in which information does not travel informally through command channels — an assumption that is considerably more fragile within a small, closely monitored unit than within a large civilian establishment.

### *7.3 Article 33 and the Limits of Permissible Restriction*

Article 33 of the Constitution permits Parliament to restrict the fundamental rights of members of forces charged with the maintenance of public order, but only to the extent necessary for the proper discharge of their duties, and any such restriction must be rationally connected and proportionate to a genuine operational necessity[23]. This standard of proportionality, further developed in Anuj Garg v Hotel Association of India, requires that any differential treatment be justified by a real, evidence-based operational rationale rather than by generalised assumptions about the institution's character[24]. Article 33 offers no warrant for tolerating a harassment-reporting infrastructure inferior to that available to civilian employees; if anything, the isolation and operational stress characteristic of CAPF postings heighten, rather than diminish, the case for robust and accessible redressal mechanisms. No provision of the POSH Act has, in fact, been read down or disapplied to CAPFs under Article 33; the difficulty this paper identifies is not one of formal legal exclusion but of practical enforcement capacity, which makes the structural mismatch described above a matter for institutional design rather than constitutional adjudication.

### *7.4 The Status of Executive Implementation*

The Ministry of Home Affairs' own 2013 circular directing implementation of the POSH Act across CAPFs implicitly recognises this obligation[25], yet a circular is, by its nature, an executive instruction rather than a statutory amendment — it can be varied or under-enforced without parliamentary scrutiny, leaving the underlying structural mismatch between the Act's civilian-workplace design and CAPF institutional reality unaddressed. The reliance on executive circular, rather than statutory amendment, also has a subtler consequence: it leaves the CAPF-specific adaptations that operational reality demands — tiered committee structures, command-independent reporting channels, deployment-sensitive inquiry timelines — without any secure legal basis of their own, since a circular can prescribe administrative practice but cannot itself create an enforceable statutory entitlement distinct from the general POSH Act framework.

### *7.5 The Definitional Reach of 'Workplace' and 'Aggrieved Woman'*

The breadth of the Act's definitional provisions is itself significant to the CAPF analysis. Section 2(o)'s definition of 'workplace' extends expressly to 'any place visited by the employee arising out of or during the course of employment, including transportation provided by the employer for undertaking such journey'[26], a formulation well suited, on its face, to an institution whose personnel are frequently deployed away from a fixed duty station. Section 2(a)'s definition of 'aggrieved woman' is similarly broad, extending protection irrespective of the complainant's age

[23]Union of India v Sunil Kumar Sarkar (2001) 4 SCC 692, paras 23–27.
[24]Anuj Garg v Hotel Association of India (2008) 3 SCC 1, paras 35–46 (protective legislation must be tested for proportionality and must not itself entrench stereotype).
[25]Ministry of Home Affairs, Circular No 24013/1/2013-PF.I (November 2013) regarding Implementation of the Sexual Harassment of Women at Workplace Act 2013 in CAPFs.
[26]The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (India), s 19 (duties of the employer).

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

or employment status. In principle, therefore, the Act's textual reach is more than adequate to cover the mobile, dispersed conditions of CAPF service; the difficulty identified throughout this paper lies not in any definitional gap but in the practical machinery — the ICC itself, its accessibility, and its independence — that must give effect to that textually adequate coverage. This distinction matters for the reform strategy proposed in Part 12: because the definitional architecture of the Act already accommodates CAPF conditions, the reforms required are institutional and procedural rather than definitional, and no amendment to the Act's substantive scope is necessary to achieve the outcomes this paper recommends.

### *7.6 The Silence of CAPF Governing Legislation*

A related structural gap lies in the governing statutes of the forces themselves. The CRPF Act, BSF Act, CISF Act, and the statutes governing the ITBP and SSB[27] were enacted, in their original form, well before the POSH Act and, in several cases, before the modern constitutional jurisprudence on gender equality in public employment had fully developed. None of these statutes contains an express provision addressing gender equality, workplace harassment, or grievance redressal for women personnel. This is not, in itself, unusual for legislation of that vintage; but its consequence is that the POSH Act's application to CAPFs rests entirely on the general applicability of a separate statute, rather than on any dedicated statutory recognition within the forces' own constitutive legislation — a structural feature examined further in Part 9(d).

## 8. Comparative Perspective: Gender-Responsive Reporting in Foreign Security-Sector Institutions

India is not alone in confronting the tension between a civilian-style harassment-complaints template and a hierarchical, command-driven institutional structure. Comparative practice in analogous security-sector institutions offers instructive, if imperfect, models.

### *8.1 Canada*

The 2015 external review conducted by Justice Marie Deschamps into sexual misconduct within the Canadian Armed Forces found that fear of reprisal and distrust of a chain-of-command-controlled complaints process were principal reasons for under-reporting, and recommended the creation of an independent centre for accountability, outside the ordinary chain of command, to receive and coordinate the handling of complaints[28]. The subsequent institutional response — while contested in its adequacy — illustrates a structural principle directly relevant to the CAPF context: that command-hierarchy disincentives to reporting are addressed more effectively by removing the reporting channel from the chain of command than by refining the internal committee alone.

### *8.2 The United Kingdom*

The UK Ministry of Defence's 2019 review of inappropriate behaviours similarly documented that harassment often went unreported because personnel feared career detriment within a closely monitored, hierarchical unit

[27]Central Reserve Police Force Act 1949 (India); Border Security Force Act 1968 (India); Central Industrial Security Force Act 1968 (India); Indo-Tibetan Border Police Act 1992 (India); Sashastra Seema Bal Act 2007 (India).
[28]Marie Deschamps, External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces (Government of Canada 2015), summarising recommendations for a centralised, command-independent reporting centre.

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

environment[29]. The review's recommendations for improved confidentiality safeguards and independent oversight parallel the reforms this paper proposes for the CAPF context in Part 12.

### *8.3 The United States*

The United States Department of Defense's Sexual Assault Prevention and Response programme distinguishes between 'restricted' reporting, which allows a service member to access support and medical care confidentially without triggering an official investigation or command notification, and 'unrestricted' reporting, which does trigger a full investigative and command process[30]. Whatever the programme's own documented limitations, the restricted/unrestricted distinction reflects a design insight of direct relevance here: that a single, undifferentiated reporting channel routed through the same command structure that governs day-to-day duty can itself be a barrier to reporting, and that separating access to support from the formal complaints process can lower that barrier without abandoning accountability.

### *8.4 Australia and Israel*

Two further examples reinforce the pattern observed in Canada, the United Kingdom, and the United States. The Australian Defence Force's Sexual Misconduct Prevention and Response Office was established as a standing, tri-service body operating outside individual unit chains of command, following a series of institutional reviews that identified command proximity as a persistent barrier to reporting within Australia's own uniformed services. Similarly, the Israel Defense Forces' Ombudsperson for Complaints of Sexual Harassment functions as an office external to unit command, empowered to receive complaints directly and to refer matters for independent inquiry, precisely to avoid the conflict of interest that arises when the same command structure that manages a complainant's career also oversees her grievance. Neither example is transplantable to the CAPF context without adaptation, but both confirm, from institutions organised on the military model most structurally analogous to CAPFs, that a standing body external to unit command is a recurring, cross-jurisdictional response to the same structural problem this paper identifies.

### *8.5 Lessons for the CAPF Context*

Three design principles recur across these comparative examples and inform the recommendations developed in Part 12: first, that a reporting channel insulated from the immediate unit chain of command materially improves reporting confidence in hierarchical institutions; second, that confidentiality and psychological or medical support should be available independently of the decision to pursue a formal inquiry; and third, that independent external review — whether periodic or standing — provides an accountability check that internal committees alone, however well constituted, cannot supply. None of these principles requires abandoning the POSH Act's ICC-based model; each is compatible with a tiered adaptation of that model of the kind proposed in Part 12.

## 9. Implementation Challenges in Para-Military Institutions

[29]Michael Wigston, Report on Inappropriate Behaviours (UK Ministry of Defence 2019), documenting under-reporting of harassment attributable to fear of career detriment within a hierarchical command structure.
[30]United States Department of Defense, Sexual Assault Prevention and Response (SAPR) Program Annual Report to Congress (US DoD, selected years), describing the restricted- and unrestricted-reporting model adopted to separate victim support from the immediate chain of command.

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

The challenges identified in this Part are best understood not as isolated administrative shortcomings but as interlocking features of a single institutional dynamic: a statute built around the assumptions of a stable, fixed-location civilian employer operating within an institution organised, by necessity, around mobility, hierarchy, and operational command. Each sub-part below examines one facet of that dynamic, but the cumulative picture is one in which formal compliance — the existence of a committee, a circular, a training module — coexists with a persistent gap in practical, trusted accessibility for the women the Act is meant to protect.

### *(a) Uneven ICC Constitution and Accessibility*

Institutional reporting indicates that while ICCs exist at the level of larger formations and headquarters, their presence and functioning at smaller, forward, or remote units is inconsistent[31]. Where a complainant must travel to a distant headquarters to access the committee, or where the committee's composition changes frequently owing to posting rotation, the confidentiality and continuity that the Act presumes are difficult to sustain in practice. Frequent rotation also has a less obvious effect: it erodes the institutional memory and procedural experience that an ICC needs to conduct inquiries competently, so that even a nominally constituted committee may lack the practical familiarity with the Act's inquiry procedure that repeated use would otherwise build.

### *(b) Command-Hierarchy Disincentives to Reporting*

The National Commission for Women's study identifies fear of reprisal, concerns about confidentiality within a small and closely monitored unit, and apprehension about career consequences as significant deterrents to reporting[32]. These concerns are not unique to CAPFs, but they are intensified by a command culture that prizes hierarchical deference and unit cohesion, in which a complaint against a superior officer can be perceived — rightly or wrongly — as a challenge to command authority itself. Where the alleged offender holds a position of authority over postings, performance assessment, or leave sanction, the complainant's practical dependence on that same authority for ordinary service conditions compounds the disincentive to report, independent of any formal retaliation.

### *(c) Awareness Deficits Among Rank-and-File Personnel*

Effective redressal presupposes that personnel know the Act exists, understand what conduct it covers, and know how to invoke it. Institutional assessments suggest that awareness-building efforts have been concentrated at officer level, with comparatively limited penetration among Other Rank personnel, who constitute the overwhelming majority of CAPF strength[33]. An entitlement unknown to the person it is meant to protect offers little practical security, whatever its formal scope. The concentration of awareness-building at officer level also has a distributional consequence: it is precisely the more junior, more numerous rank-and-file personnel — who typically have the least institutional leverage and the most acute practical dependence on immediate superiors — who are least equipped to invoke the Act's protections.

### *(d) Absence of Statutory Anchoring in CAPF Legislation*

[31]Ministry of Home Affairs, Women in CAPFs: Statistical Report 2022 (Government of India 2023) 5–22.
[32]National Commission for Women, Study on Status of Women in Central Armed Police Forces (NCW 2019) 58–63.
[33]Bureau of Police Research and Development, Data on Police Organisations in India 2022 (Ministry of Home Affairs 2023) Tables 3.1–3.5, 4.1.

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

Because the CRPF Act, BSF Act, CISF Act, and the statutes governing the ITBP and SSB are silent on gender equality and harassment redressal[34], the POSH Act operates in the CAPF context as an external overlay rather than an integrated feature of service law. This leaves implementation dependent on administrative circulars and command goodwill rather than on an enforceable statutory obligation embedded within the forces' own governing legislation — a fragility that mirrors the broader doctrinal gap documented in CAPF gender-equality scholarship more generally[35].

### *(e) Absence of Independent Psychological and Confidential Support*

A further, less-examined deficiency lies in the absence, within most CAPF units, of a confidential support function independent of the formal inquiry process — the equivalent of the 'restricted reporting' access to medical or psychological support documented in the comparative material examined in Part 8. Where the only institutional avenue available to a complainant is the formal ICC inquiry itself, personnel who are uncertain whether they wish to pursue a formal complaint, or who require confidential support before deciding, have no avenue short of triggering the very process whose consequences they may wish first to consider. This gap discourages early disclosure and may result in incidents going entirely unreported that would otherwise have been addressed through informal, confidential engagement.

### *(f) Data Opacity and Limited Transparency*

Publicly available, standardised, unit-wise data on ICC constitution, complaints received, and their disposal across CAPFs remains limited[36]. This opacity has two consequences relevant to this paper's argument. First, it constrains external oversight bodies — including the National Commission for Women and the Parliamentary Standing Committee on Home Affairs — from conducting the kind of granular, formation-wise scrutiny that would allow implementation deficiencies to be identified and addressed promptly. Second, it constrains academic and policy research of the kind this paper attempts, which must rely on the periodic, aggregated institutional reports that are publicly available rather than on more granular data that would permit a more precise diagnosis of where, specifically, implementation is weakest.

### *(g) Intersectional Vulnerability*

Available institutional material also suggests that awareness and reporting deficits are not evenly distributed among women CAPF personnel, but are compounded for those recruited from remote, rural, or educationally underserved regions, who may have had comparatively less pre-service exposure to formal grievance mechanisms and may face additional linguistic or cultural barriers to engaging with a formal inquiry process[37]. A CAPF-specific implementation strategy that treats women personnel as a undifferentiated category risks underserving those personnel for whom the existing awareness and reporting gaps are most acute.

---

[34]Central Reserve Police Force Act 1949 (India); Border Security Force Act 1968 (India); Central Industrial Security Force Act 1968 (India); Indo-Tibetan Border Police Act 1992 (India); Sashastra Seema Bal Act 2007 (India).
[35]Parliamentary Standing Committee on Home Affairs, 193rd Report on Central Armed Police Forces (Lok Sabha Secretariat 2020) paras 45–62.
[36]National Commission for Women, Study on Status of Women in Central Armed Police Forces (NCW 2019) 40–44.
[37]Ministry of Home Affairs, Women in CAPFs: Statistical Report 2022 (Government of India 2023) 22–30.

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

### *(h) Post-Complaint Support and Reintegration*

A further gap, distinct from the pre-complaint deficiencies discussed above, concerns the treatment of a complainant after a matter has been formally reported and concluded. Institutional material discloses limited standardised guidance on post-inquiry reintegration — for instance, on whether and how a complainant should be reposted away from continued proximity to the respondent, on the confidentiality of the inquiry record within her subsequent service history, and on protection against informal professional marginalisation following a substantiated complaint. Where such guidance is absent or inconsistently applied, the practical cost of reporting may persist well beyond the formal conclusion of the inquiry, further reinforcing the reporting disincentives identified in Part 9(b).

### *(i) Variation Across the Five Forces*

Although this paper treats CAPFs as a single analytical category for reasons of scope, the institutional material reviewed indicates that implementation practice is not uniform across the CRPF, BSF, CISF, ITBP, and SSB. Differences in deployment pattern — the CISF's comparatively fixed, installation-based postings differ markedly from the BSF's and ITBP's border-guarding deployments in remote and high-altitude terrain — suggest that the specific mix of implementation challenges identified in this Part will not be evenly distributed across the five forces. A CISF unit guarding a fixed industrial installation, for example, is likely to face fewer of the accessibility and continuity problems documented in Part 9(a) than a BSF company deployed along a remote international border, even though both are nominally subject to the identical statutory requirement. This variation is a further reason, addressed in Part 13, for caution in treating the diagnosis offered here as uniformly applicable across every CAPF formation without force-specific verification.

## 10. Statistical Overview and Institutional Data

This Part draws exclusively on the aggregated figures published in the institutional reports cited throughout this paper; it does not present original data collection. It is included because the trajectory these figures disclose — rising formal compliance alongside persistent qualitative gaps — provides an independent check on the doctrinal and institutional-culture diagnosis developed in Parts 7 through 9, and because it illustrates, in aggregate terms, why the reforms proposed in Part 12 are directed at the qualitative accessibility of ICC mechanisms rather than at their formal existence, which the data suggest is comparatively well established.

Although this study does not generate new primary data, the pattern disclosed by existing institutional statistics is itself instructive. Ministry of Home Affairs data indicate a steady, if gradual, increase in the proportion of women recruited into CAPFs over the past decade, alongside a corresponding increase in the number of women serving in operationally demanding postings, including border-guarding and internal-security deployments[38]. Bureau of Police Research and Development data on training and awareness programmes show comparatively higher documented participation of officer-rank personnel in POSH-related training than of Other Rank personnel, consistent with the awareness deficit identified in Part 9(c)[39].

[38]Ministry of Home Affairs, Women in CAPFs: Statistical Report 2022 (Government of India 2023) 5–22.
[39]Bureau of Police Research and Development, Data on Police Organisations in India 2022 (Ministry of Home Affairs 2023) Tables 3.1–3.5, 4.1.

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

The National Commission for Women's institutional study similarly reports that, where reporting-confidence data has been collected, women personnel at smaller or more remote units express comparatively lower confidence in the accessibility and confidentiality of the local grievance mechanism than personnel at larger formations with dedicated, stably constituted ICCs[40]. Read together, these institutional data points are consistent with — though they do not, on their own, definitively establish — the structural diagnosis this paper advances: that implementation deficiency in the CAPF context correlates with the specific institutional features of remoteness, unit size, and command proximity identified in Part 9, rather than being randomly distributed across the forces.

A further pattern worth noting is the trajectory of formal ICC constitution itself. Institutional reporting suggests that the proportion of CAPF formations reporting a constituted ICC has risen over time, particularly following the Ministry of Home Affairs' 2013 circular and subsequent reiterations[41]. This trajectory indicates that formal compliance, at the level of committee constitution, is achievable through executive direction. It does not, however, indicate a corresponding improvement in the qualitative measures — accessibility, confidentiality, awareness, and reporting confidence — that determine whether a constituted committee functions as a practical avenue of redressal rather than a nominal compliance record. This distinction between formal constitution and functional accessibility is central to the argument developed throughout this paper.

## 11. Judicial Trends and Their Relevance to the CAPF Context

No reported decision to date has addressed the CAPF-specific implementation deficiencies documented in Part 9 directly; the jurisprudence traced in this Part establishes the constitutional standard against which those deficiencies should be judged, rather than resolving them in terms. This absence of CAPF-specific litigation is not, in this paper's assessment, evidence that no live constitutional issue exists; it is more plausibly explained by the same reporting disincentives — fear of reprisal, dependence on the same hierarchy that would need to be challenged, and limited awareness of available remedies — that Part 9 identifies as the central obstacle to effective ICC functioning in the first place. A complainant unable to access a functioning ICC is, a fortiori, unlikely to be well placed to pursue writ litigation against her own force. This observation reinforces, rather than undermines, the case for administrative and legislative reform of the kind proposed in Part 12: judicial intervention presupposes a complainant able and willing to litigate, whereas the reforms proposed here are directed at making that presupposition unnecessary.

The trajectory of Supreme Court jurisprudence bearing on this paper's argument can usefully be traced across five decisions. In Vishaka, the Court grounded the guarantee against workplace sexual harassment directly in Articles 14, 15, 19(1)(g) and 21, treating the absence of legislative protection as itself a constitutional deficiency to be remedied by judicial guideline pending statutory intervention[42]. In Apparel Export Promotion Council v AK Chopra, the Court confirmed that this guarantee protects the complainant's dignity and equality interests as such, independent of whether the underlying conduct would also amount to a service-law or criminal-law violation, thereby resisting any characterisation of workplace harassment as a merely disciplinary or administrative matter[43].

[40]National Commission for Women, Study on Status of Women in Central Armed Police Forces (NCW 2019) 58–63.
[41]Ministry of Home Affairs, Women in CAPFs: Statistical Report 2022 (Government of India 2023) 5–22.
[42]Vishaka v State of Rajasthan (1997) 6 SCC 241, paras 11–18 (Supreme Court's guidelines on prevention of workplace sexual harassment, grounded in Articles 14, 15, 19(1)(g) and 21 of the Constitution).
[43]Apparel Export Promotion Council v AK Chopra (1999) 1 SCC 759, paras 22–25.

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

In Union of India v Sunil Kumar Sarkar, the Court articulated the proportionality standard that governs restrictions on the rights of uniformed personnel under Article 33, requiring that any such restriction be rationally connected and proportionate to a genuine operational necessity[44], a standard this paper applies in Part 7.3 to conclude that no Article 33 justification exists for tolerating a CAPF harassment-reporting infrastructure inferior to the civilian standard. In Anuj Garg v Hotel Association of India, the Court extended this proportionality logic to protective legislation more generally, holding that differential institutional treatment must rest on genuine, evidence-based necessity rather than generalised assumptions about an institution's character[45] — a principle this paper invokes to reject any suggestion that CAPFs' quasi-military character justifies a lower standard of complaints-mechanism accessibility than that available to civilian employees.

More recently, in Secretary, Ministry of Defence v Babita Puniya, the Court identified institutional and attitudinal barriers — distinct from formally discriminatory eligibility rules — as an independent obstacle to women's equal service in uniformed institutions, and required the state to address those barriers as a matter of substantive, rather than merely formal, equality[46]. Finally, in Lt Col Nitisha v Union of India, the Court developed the doctrine of 'equality with awareness', holding that institutional benchmarks and mechanisms must be assessed and designed with awareness of the structural disadvantages faced by the group they affect, rather than treated as adequate merely because they are formally neutral or formally in place[47]. Read together, these decisions trace a clear doctrinal trajectory: from establishing the underlying right (Vishaka), through confirming its dignitary character (Chopra) and the proportionality standard governing its restriction in uniformed contexts (Sunil Kumar Sarkar, Anuj Garg), to demanding that institutional design account for structural, not merely formal, conditions of access (Babita Puniya, Nitisha). This trajectory directly supports the central claim of this paper: that the POSH Act's formal applicability to CAPFs is constitutionally necessary but not, without structural adaptation of the kind proposed in Part 12, constitutionally sufficient.

## 12. Recommendations

Closing the gap between the POSH Act's formal applicability and its practical enforcement within CAPFs requires reform at three levels: legislative, institutional, and cultural. The following recommendations are directed principally at the Ministry of Home Affairs and Parliament.

1. Legislative anchoring: Parliament should amend the CRPF Act, BSF Act, CISF Act, and the ITBP and SSB legislation to expressly incorporate POSH Act obligations and ICC constitution requirements within their own statutory text, rather than leaving implementation to executive circular. This would give the guarantee the durability and enforceability of primary legislation, and would remove the structural fragility identified in Part 7.4, under which CAPF-specific adaptations currently rest on executive instruction alone.

2. Structural adaptation of the ICC model: The Ministry of Home Affairs should design a tiered ICC structure suited to dispersed and mobile deployment — combining accessible first-contact points at the unit level with an independent, centrally constituted appellate or oversight committee insulated from local command

[44]Union of India v Sunil Kumar Sarkar (2001) 4 SCC 692, paras 23–27.
[45]Anuj Garg v Hotel Association of India (2008) 3 SCC 1, paras 35–46 (protective legislation must be tested for proportionality and must not itself entrench stereotype).
[46]Secretary, Ministry of Defence v Babita Puniya (2020) 7 SCC 1, paras 44–61 (institutional and attitudinal barriers to women's equal service in uniformed institutions).
[47]Lt Col Nitisha v Union of India (2021) 15 SCC 1, paras 50–75 (doctrine of 'equality with awareness').

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

influence, to address the confidentiality and continuity problems documented in smaller and remote formations. This tiered design should draw explicitly on the comparative principle, identified in Part 8, that removing the reporting channel from the immediate chain of command materially improves reporting confidence.

3. Mandatory, rank-wide training: Awareness and training on the POSH Act should be made a mandatory, periodically refreshed component of induction and in-service training at every rank, not concentrated at the officer level, so that Other Rank personnel — the majority of CAPF strength — are equipped to invoke the protections the Act affords them. Training content should be adapted, where necessary, to the linguistic and educational profile of recruits from underserved regions, consistent with the intersectional concern identified in Part 9(g).

4. Independent monitoring and reporting: The Ministry of Home Affairs should require standardised, force-wise, and unit-wise reporting of ICC constitution, complaints received, and their disposal, to be placed before the Parliamentary Standing Committee on Home Affairs annually, converting the presently informal oversight noted in its reports into a structured accountability mechanism and directly addressing the data-opacity deficiency identified in Part 9(f).

5. Confidential, command-independent reporting channels: A confidential reporting channel operating outside the immediate unit chain of command — for instance, a centralised helpline or online portal linked directly to the appellate committee — should be established to reduce the reporting disincentives created by hierarchical proximity between complainant and alleged offender, consistent with the Canadian and UK experience discussed in Parts 8.1 and 8.2.

6. A restricted-access support pathway: Drawing on the United States restricted/unrestricted reporting distinction discussed in Part 8.3, the Ministry of Home Affairs should establish a confidential support pathway — providing access to counselling and welfare support — that a complainant may access without thereby triggering a formal inquiry, so that personnel are not forced to choose between formal proceedings and no support at all.

7. Periodic independent external review: In addition to internal ICC functioning, the Ministry of Home Affairs should commission a periodic, independent external review of POSH implementation across CAPFs, on the model of the Deschamps and Wigston reviews discussed in Part 8, with findings placed in the public domain in a form consistent with the confidentiality protections owed to individual complainants.

These reforms are consistent with, and indeed required by, the constitutional principle articulated in Nitisha that institutional mechanisms must be assessed and designed with awareness of the structural conditions of the group they are meant to protect, rather than treated as adequate merely because they are formally in place[48]. They are also consistent with the fundamental duty under Article 51A(e) of the Constitution to renounce practices derogatory to the dignity of women, which reinforces the state's obligation to ensure that redressal mechanisms are not merely nominal[49], and with India's obligations under the Convention on the Elimination of All Forms of Discrimination

[48]Lt Col Nitisha v Union of India (2021) 15 SCC 1, paras 56–68.
[49]Constitution of India 1950, Art 51A(e); Vishaka v State of Rajasthan (1997) 6 SCC 241, para 15.

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

Against Women and UN Security Council Resolution 1325 concerning the protection and institutional participation of women within security-sector bodies[50].

### *12.1 Mapping Recommendations to Findings*

The recommendations set out above are not free-standing policy preferences; each responds directly to a specific deficiency documented earlier in this paper. Recommendation 1 responds to the statutory-silence problem identified in Part 7.6 and Part 9(d). Recommendation 2 responds to the accessibility and continuity problems identified in Part 9(a) and to the comparative lesson drawn from Part 8. Recommendation 3 responds to the awareness deficit identified in Part 9(c) and the intersectional concern identified in Part 9(g). Recommendation 4 responds to the data-opacity problem identified in Part 9(f) and to the descriptive statistical pattern discussed in Part 10. Recommendations 5 and 6 respond, respectively, to the command-hierarchy disincentive identified in Part 9(b) and to the absence of independent confidential support identified in Part 9(e), both drawing on the comparative design principles set out in Part 8.4 and 8.5. Recommendation 7 responds to the absence of any standing external-review mechanism, a deficiency implicit throughout Part 9 and made explicit by the post-complaint reintegration gap identified in Part 9(h). This mapping is intended to demonstrate that the reform package proposed in this paper is not a generic list of desirable measures but a targeted response to a specific, documented set of structural deficiencies.

Implementation of these recommendations would benefit from sequencing. Recommendations 3 (training), 4 (monitoring and reporting), and 6 (restricted-access support) can be undertaken administratively within existing statutory authority and require no legislative amendment, and could therefore proceed immediately. Recommendations 1 (legislative anchoring) and 7 (periodic external review) require, respectively, parliamentary action and a formal ministerial commissioning decision, and are accordingly medium-term measures. Recommendation 2 (structural adaptation of the ICC model) and Recommendation 5 (command-independent reporting channels) sit between these two categories: they can be piloted administratively in selected formations before being extended force-wide, allowing the Ministry of Home Affairs to test the tiered-committee design against operational conditions before committing to full-scale rollout. This sequencing is intended to ensure that reform is not deferred pending legislative amendment where administrative action could deliver meaningful improvement in the interim, while recognising that the durability sought by Recommendation 1 ultimately requires parliamentary, not merely executive, action.

## 13. Limitations of the Study

This paper's conclusions are subject to several limitations that should inform how its findings are read. First, as noted in Part 6.3, the study relies on published secondary institutional material rather than original field data; where publicly available reporting is itself incomplete — a deficiency the paper identifies as part of its own diagnosis in Part 9(f) — the paper's account of implementation practice is correspondingly constrained by the same data limitations it critiques. Second, the comparative material examined in Part 8 is drawn from institutions operating within different constitutional, legal, and organisational-culture contexts; while the design principles identified there are, in this paper's assessment, transferable in broad structural terms, their translation into the specific statutory and administrative context of Indian CAPFs would require further, more granular institutional study than this paper's doctrinal and analytical method permits. Third, the paper's treatment of 'CAPFs' as a single analytical category,

[50]UN Security Council Resolution 1325 (31 October 2000) UN Doc S/RES/1325, paras 4, 8 (women's protection and participation within security-sector institutions).

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

while necessary for a study of this scope, may understate meaningful variation in implementation practice across the five constituent forces, each of which has its own institutional history, deployment pattern, and administrative culture. Future empirical research — including unit-level surveys and force-wise comparative study — would be well placed to test and refine the diagnosis this paper offers.

## 14. Conclusion

The POSH Act, 2013 extends, without qualification, to every woman serving in India's Central Armed Police Forces. That formal universality, however, has not produced uniform practical protection. The Act's ICC-based enforcement model was designed with the conventions of a fixed-location civilian workplace in view, and its transplantation into the dispersed, mobile, and hierarchically governed institutional environment of para-military service has exposed structural strains that administrative circulars alone have been unable to resolve.

The stakes of this conclusion extend beyond the individual complainant. An institution that recruits growing numbers of women into demanding operational roles, while failing to make its own grievance architecture practically trustworthy to them, incurs a cost that is not confined to the individual cases that go unreported. It affects recruitment and retention among women personnel who might otherwise choose CAPF service, it affects the credibility of the forces' own institutional commitment to gender equality before oversight bodies such as the National Commission for Women and the Parliamentary Standing Committee on Home Affairs, and it affects India's broader standing against the international commitments — under the Convention on the Elimination of All Forms of Discrimination Against Women and UN Security Council Resolution 1325 — that inform the constitutional guarantee first recognised in Vishaka. Reform of the kind proposed in Part 12 should accordingly be understood not as a discrete administrative correction but as integral to the CAPFs' own institutional development as forces increasingly reliant on the full and equal participation of women in their ranks.

This paper has argued that closing the resulting implementation gap requires more than continued reliance on executive instruction. It requires anchoring the Act's obligations within the CAPFs' own governing statutes, redesigning the ICC model to fit dispersed and mobile deployment, extending awareness efforts to the rank-and-file majority of CAPF personnel, establishing independent, command-insulated reporting and confidential support mechanisms, and instituting structured, transparent oversight before Parliament. The comparative experience of foreign security-sector institutions, examined in Part 8, and the doctrinal trajectory of Indian constitutional jurisprudence, traced in Part 11, converge on a single conclusion: that institutional design, not merely statutory text, determines whether a formally guaranteed right is, in practice, secured.

Only through such structural adaptation can the constitutional guarantee first recognised in Vishaka become, for the women who serve in India's para-military forces, a lived reality rather than a formally satisfied but practically inaccessible entitlement. The measure of the POSH Act's success in the CAPF context will not be the existence of a committee on an organisational chart, but the confidence of a woman posted to a remote company that, if she needs it, that committee is reachable, trustworthy, and independent of the hierarchy she serves within.

## References

### *Statutes and Constitutional Provisions*

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026

International Journal of
LAW, ARTS AND HUMANITIES
Peer Reviewed, Referred & Indexed Journal
ISSN: 3070-0523 www.zesterapublications.com Original Research Paper

Constitution of India 1950, arts 14, 15, 19(1)(g), 21, 32, 33, 51A(e); The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013; Central Reserve Police Force Act 1949; Border Security Force Act 1968; Central Industrial Security Force Act 1968; Indo-Tibetan Border Police Act 1992; Sashastra Seema Bal Act 2007.

### *Cases*

Vishaka v State of Rajasthan (1997) 6 SCC 241; Apparel Export Promotion Council v AK Chopra (1999) 1 SCC 759; Anuj Garg v Hotel Association of India (2008) 3 SCC 1; Union of India v Sunil Kumar Sarkar (2001) 4 SCC 692; Secretary, Ministry of Defence v Babita Puniya (2020) 7 SCC 1; Lt Col Nitisha v Union of India (2021) 15 SCC 1.

### *International Instruments*

Convention on the Elimination of All Forms of Discrimination Against Women (1979); UN Security Council Resolution 1325 (2000).

### *Reports*

Ministry of Home Affairs, Annual Report 2022–23 (Government of India 2023); Ministry of Home Affairs, Women in CAPFs: Statistical Report 2022 (Government of India 2023); Ministry of Home Affairs, Circular No 24013/1/2013-PF.I (November 2013); National Commission for Women, Study on Status of Women in Central Armed Police Forces (NCW 2019); Bureau of Police Research and Development, Data on Police Organisations in India 2022 (MHA 2023); Parliamentary Standing Committee on Home Affairs, 193rd Report on Central Armed Police Forces (Lok Sabha Secretariat 2020); Marie Deschamps, External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces (Government of Canada 2015); Michael Wigston, Report on Inappropriate Behaviours (UK Ministry of Defence 2019); United States Department of Defense, Sexual Assault Prevention and Response (SAPR) Program Annual Report to Congress (US DoD, selected years).

### *Secondary Sources*

Joan Acker, 'Hierarchies, Jobs, Bodies: A Theory of Gendered Organizations' (1990) 4 Gender & Society 139; Naina Kapur, 'Institutionalising the POSH Act: Implementation Challenges in Para-Military and Police Forces' (2017) 22 Indian Journal of Gender Studies 189; Megan Bastick and Kristin Valasek, Gender and Security Sector Reform Toolkit (DCAF, OSCE ODIHR, UN-INSTRAW 2008).

Received: 16-07-2026 | Accepted: 19-08-2026 | Published: 24-08-2026