



FROM VISHAKA TO #METOO: RETHINKING POSH THROUGH AN INTERSECTIONAL LENS

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INTRODUCTION

Workplace harassment is more of a problem of institutional power relations that are gendered than it is of personal ethics. The Supreme Court's ruling in *Vishaka v. State of Rajasthan* (1997)¹ established sexual harassment as a constitutional offence in India. The case revealed the absence of a suitable legal framework to address sexual misconduct at work. It was started by the violent gang rape of Bhanwari Devi, a grassroots organiser who attempted to prevent child marriage. The Court created the Vishaka Guidelines based on international commitments under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)² and Articles 14, 15, 19(1)(g), and 21 of the Indian Constitution,³ a series of preventive, prohibitory, and redressal mechanisms which formed the bedrock of Indian workplace harassment law.

These recommendations were put into law with the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (also known as the POSH Act).⁴ By establishing employer accountability procedures, local committees for unorganised sectors, and Internal Complaints Committees (ICCs), the Act sought to achieve gender justice. Nevertheless, India has been having trouble with compliance and enforcement despite this robust framework. According to research, a large portion of the workforce is either uninformed of the Act or unable to implement its provisions, especially in the informal economy.⁵

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¹ *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011

² Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979

³ Constitution of India, arts. 14, 15, 19(1)(g), & 21

⁴ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, No. 14, Acts of Parliament, 2013 (India)

⁵ Ministry of Women and Child Development. (2015). *Handbook on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. Government of India.

The #MeToo movement spread through India's online community in 2018, creating a parallel justice platform outside of established institutions. By empowering survivors to speak out in public, #MeToo exposed how inadequate the present judicial system is at giving victims a voice because it often silences and discredits them.⁶ Urban, English-speaking, upper-caste women were allowed to share their stories, but underprivileged labourers were largely ignored, demonstrating the extreme class and caste bias that #MeToo exposed.

The course of workplace harassment laws in India is reexamined in this article from an intersectional viewpoint, which acknowledges how caste, class, religion, and sexuality interact with gender to produce women's experiences of violence and access to justice. Without looking at the social and economic hierarchies present in India's labour market, it contends that while Vishaka and the POSH Act established an essential legal framework, real equality remains elusive. This study examines how intersectional feminist scholarship and the lessons of #MeToo might contribute to the development of a more responsive and inclusive legal system for India's informal and digital workspaces through doctrinal and analytical studies.⁷

HISTORICAL FRAMEWORK

The Vishaka Guidelines: A Landmark in Women's Rights: An extremely sad incident that exposed significant gaps in Indian law led to the creation of the Vishaka Guidelines. In 1992, upper-caste males from her village gang-raped social worker Bhanwari Devi, who was employed under a rural development program in Rajasthan, as payback for her efforts to stop a child marriage.⁸ Her attackers attempted to punish her for breaking social norms and established hierarchies. When Bhanwari Devi sought justice, she found that there was no specific way to report sexual harassment at work under Indian law at the time. The 1997 case of Vishaka v. State of Rajasthan⁹ was the outcome of several women's rights organisations turning to the Supreme Court because of this legal gap and the gravity of the offence.

The Supreme Court's ruling was revolutionary because it recognised for the first time that sexual harassment at work is a fundamental violation of women's constitutional rights. The

⁶ Pande, S. (2018). *#MeToo and the Indian Workplace: Gender, Caste and Class in Online Justice Movements*. *Economic and Political Weekly*, 53(50)

⁷ Crenshaw, K. (1989). *Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics*. *University of Chicago Legal Forum*, 1989(1), 139–167

⁸ Sharma, K. (1997). *Recasting Women's Lives: The Case of Bhanwari Devi*. *Economic and Political Weekly*, 32(6), 273–275

⁹ *Id* pg1

Court came to the conclusion that the harassment violates the Indian Constitution's right to equality under Articles 14 and 15, the freedom to follow any career or activity under Article 19(1)(g), and the right to life and dignity under Article 21.¹⁰ Notably, the Court based its ruling on international agreements, particularly the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW),¹¹ which India ratified in 1993. This was a significant instance of the judiciary bridging domestic legal gaps by applying international human rights standards.

In order to address sexual harassment at work, the Vishaka Guidelines include comprehensive preventive, prohibitive, and remedial methods. The Court mandated that all employers, whether in the public or private sector, establish complaints committees to investigate allegations of sexual harassment. These guidelines imposed a wide range of penalties, including direct or indirect punishment for unwanted sexually determined behaviour. The Vishaka Guidelines governed sexual harassment in the workplace in India until the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act was passed in 2013.¹² This decision was a landmark moment in Indian law, illustrating the Court's readiness to invoke judicial activism as a means of safeguarding women's rights where legislative intervention was lacking.¹³

The POSH Act, 2013: Codifying Workplace Protections: The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, often known as the POSH Act, was passed by the Indian Parliament sixteen years after the Vishaka ruling. The legislative attempt resulted from the understanding that, despite their strength, guidelines lacked statutory law's enforcement capabilities and binding impact. With the passage of the POSH Act on December 9, 2013, India's approach to workplace gender justice underwent a significant change. The Act notably encompassed domestic workers, agricultural workers, and women in informal employment groups whose status had previously been unregulated by law.¹⁴ It also expanded the scope of the Vishaka Guidelines to include both organised and unorganised

¹⁰ *Id* pg1

¹¹ *Id* pg1

¹² The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, No. 14, Acts of Parliament, 2013 (India)

¹³ Basu, S. (2016). *Judicial Activism and Gender Justice in India: The Vishaka Case and Its Legacy*. *Indian Journal of Gender Studies*, 23(2), 179–197

¹⁴ Ministry of Law and Justice. (2013). *The Gazette of India: Extraordinary, Part II—Section 1 (No. 14 of 2013)*. Government of India

sectors. This expanded scope recognised the fact that sexual harassment exists in all workplaces, not just official corporate environments.¹⁵

To prevent and address sexual harassment, the POSH Act established comprehensive institutional and procedural frameworks. Section 2(n) defines sexual harassment broadly to encompass unwanted bodily contact, sexual advances, requests for sexual favours, sexually charged comments, display of pornography, and any other unwanted bodily, verbal, or non-verbal behaviour of a sexual nature. Employers are subject to specific requirements under Section 4 of the Act, including providing a safe workplace, displaying notices about the Act's provisions, holding awareness campaigns, and assisting complainants in filing complaints with law enforcement when necessary.

At the heart of the enforcement mechanism of the Act are the compulsory formation of Internal Complaints Committees (ICCs) in all workplaces employing ten or more persons, as prescribed under Sections 4, 5, and 6.¹⁶ The committees must be headed by a presiding officer who is a woman holding a senior position, two employees devoted to women's rights, and, importantly, an external member from an NGO or association dealing with women's issues, providing independent oversight.

The redressal processes outlined in Sections 9 to 12 provide for a time-bound inquiry process that must be completed within ninety days, conciliation at the complainant's request, and protection against interim relief while the investigations are pending. Since well-functioning legal frameworks depend on strong enforcement, Section 26 prescribes penalties for violation, including a fine of up to fifty thousand rupees for employers who do not constitute ICCs or do not follow the provisions of the Act. Notwithstanding its broad coverage, the POSH Act has been confronted with considerable difficulties in implementation.¹⁷ Ones cited include a lack of awareness of the Act, especially among smaller organisations and non-formalised sectors; insufficient training of ICC members; reluctance on the part of employers to establish committees or give complaints credence; and the continued stigma inhibiting women from reporting complaints. Also to be worried about is the practical extension of the Act into deeply

¹⁵ Sharma, S. (2014). *Workplace Harassment and Gender Justice in India: An Overview of the POSH Act*. *Journal of Indian Law and Society*, 5(2), 65–78

¹⁶ Ministry of Women and Child Development. (2015). *Handbook on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. Government of India.

¹⁷ National Commission for Women. (2018). *Study on Implementation of the POSH Act, 2013 in India*. NCW Publications

informal and unorganised areas, where employer-employee relations can be weakly defined and law enforcement mechanisms fragile.¹⁸ Still, the POSH Act is an important legislative achievement towards India's continued endeavour to promote safer, more equitable workplaces for women.

EARLY IMPLEMENTATION CHALLENGES: THE GAP BETWEEN LAW AND PRACTICE

Despite the POSH Act's progressive goals, its execution has been hampered by serious institutional and structural issues that have reduced its efficacy. One of the main issues has been the general lack of Internal Complaints Committees or, when they do exist, their inadequate performance.¹⁹ Many organisations, especially smaller businesses and those in semi-formal industries, have either disregarded the requirement to set up ICCs or established them only for paper compliance without offering sufficient resources or training. ICC members frequently lack knowledge of the Act's terms, the subtleties of sexual harassment, or the tact needed to handle accusations, which results in insufficient investigations and re-traumatisation of complainants.²⁰

Furthermore, the pervasive lack of awareness among both employees and employers about the POSH Act's existence, scope, and mechanisms has meant that potential complainants remain unaware of their rights while employers fail to recognise their obligations. This ignorance is more severe in rural areas, small enterprises, and informal sectors where patriarchal views are more deeply ingrained, and knowledge dissemination is restricted.²¹

Judicial interventions, which have also attempted to enhance enforcement practices, have often exposed these implementation issues. The Supreme Court voiced grave concerns about the widespread non-compliance and ineffective execution of the Vishaka Guidelines and the recently passed POSH Act in *Medha Kotwal Lele v. Union of India* (2013),²² a case brought by women's rights activists to oversee their implementation. The Court stressed that mere

¹⁸ Sinha, A. (2020). *Barriers to Implementation of Workplace Harassment Laws in Informal Sectors in India*. *Indian Journal of Gender Studies*, 27(3), 321–340

¹⁹ Ministry of Women and Child Development. (2015). *Handbook on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. Government of India.

²⁰ National Commission for Women. (2018). *Study on Implementation of the POSH Act, 2013 in India*. NCW Publications

²¹ Sharma, S. (2019). *Patriarchy and Workplace Harassment in India: The Implementation Gap of POSH Act*. *Indian Journal of Gender Studies*, 26(2), 245–263

²² *Medha Kotwal Lele v. Union of India*, (2013) 1 SCC 297

legislative enactment was insufficient without effective enforcement measures, ordered central and state governments to set up monitoring committees to oversee the establishment and operation of ICCs, and required periodical reporting on implementation status.

This case demonstrated the judiciary's understanding that, in the absence of strict oversight and accountability procedures, the POSH Act ran the risk of turning into a token gesture.²³ Before the Vishaka Guidelines, the Supreme Court ruled in *Apparel Export Promotion Council v. A.K. Chopra* (1999)²⁴ that sexual harassment is a significant misbehaviour that calls for disciplinary action, including termination. The Court upheld the dismissal of a senior employee who had sexually harassed a subordinate, highlighting the fact that such behaviour degrades women's dignity and disturbs workplace peace. This reinforces the obligation of employers to maintain workplaces free from harassment.

But case law has also exposed gaps in interpretation that make enforcement more difficult. Judicial clarity has been needed on issues pertaining to the definition of "workplace," the Act's applicability to various employment relationships, and the limits of employer accountability.²⁵ Alarming compliance gaps are regularly shown by statistics and reports from civil society organisations, especially in the unorganised and informal sectors where the majority of India's female workforce is employed. Research shows that a significant percentage of companies either have non-functional committees that just exist on paper or completely lack ICCs. The POSH Act's provisions are still mainly inapplicable to domestic workers, agricultural labourers, home-based workers, and women in casual employment, the groups most susceptible to harassment.²⁶

Women are further deterred from reporting sexual harassment by cultural shame, fear of reprisals, financial reliance on employers, and a lack of other work opportunities. These implementation issues show that while legislative reform is important, it is insufficient to truly

²³ Basu, S. (2016). *Judicial Activism and Gender Justice in India: The Vishaka Case and Its Legacy*. *Indian Journal of Gender Studies*, 23(2), 179–197

²⁴ *Apparel Export Promotion Council v. A.K. Chopra*, AIR 1999 SC 625

²⁵ Gupta, R. (2020). *Judicial Interpretation and the Challenges of Workplace Harassment Law in India*. *NUJS Law Review*, 13(1), 33–55

²⁶ Sinha, A. (2020). *Barriers to Implementation of Workplace Harassment Laws in Informal Sectors in India*. *Indian Journal of Gender Studies*, 27(3), 321–340

establish safer workplaces for women across all economic sectors without ongoing efforts at awareness-generation, capacity-building, enforcement, and cultural transformation.²⁷

IMPLEMENTATION CHALLENGES AND GAPS: PERSISTENT BARRIERS TO JUSTICE

The POSH Act's practical efficacy is nevertheless seriously hampered by complex implementation issues that go beyond simple institutional shortcomings. The widespread lack of knowledge and training on the Act's provisions, scope, and procedures continues to be a major barrier. Large portions of the workforce, especially in small and medium-sized businesses, rural areas, and the informal sector, are consistently shown by surveys and field research to be completely ignorant of the existence of legal protections against workplace sexual harassment.²⁸ Even when there is awareness, it is frequently surface-level, with workers not knowing what sexual harassment is, how to report it, or what rights they have both during and after the investigation.

Employers, particularly those in smaller businesses, often see POSH compliance as a bureaucratic burden rather than a moral and legal requirement, leading to a superficial implementation that puts paperwork ahead of real protection.²⁹ Those in charge of processing delicate complaints frequently lack the legal expertise, investigation abilities, and trauma-informed approaches required for just and efficient redress because ICC members are not required to participate in systematic training programs.³⁰

These awareness gaps are exacerbated by structural constraints, especially in India's large informal and unorganised sectors, where the bulk of working women are employed. In situations where formal employer-employee relationships are unclear, organisational structures are lacking, and the idea of an internal complaints committee is impractical, domestic workers, agricultural labourers, construction workers, street vendors, home-based workers, and those in casual or contractual employment frequently work. The Act's framework, which was primarily

²⁷ Singh, H. (2022). *From Compliance to Culture: Reimagining Enforcement of Workplace Harassment Laws in India*. *Socio-Legal Review*, 18(1), 101–124

²⁸ Bhatia, K. (2023). *Challenges in the implementation of the POSH Act: Structural and institutional gaps in workplace protection*. *Indian Journal of Gender Studies*, 30(1), 55–78.
<https://doi.org/10.1177/09715215231122349>

²⁹ National Commission for Women (NCW). (2022). *Status of implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. New Delhi: Government of India.

³⁰ Kumar, R., & Sharma, P. (2021). *Informal sector and the limits of workplace protection under POSH Act, 2013*. *Economic and Political Weekly*, 56(47), 42–49

created with formal workplaces in mind, provides these workers with little actual protection. The need for an external member from an NGO or women's group frequently goes unmet because of a lack of knowledge about available resources or a reluctance to include outsiders, while smaller establishments, even in organised sectors, struggle to form ICCs due to a lack of staff.

Furthermore, one of the biggest obstacles to reporting sexual harassment is still the fear of reprisal. Workplace hostility, professional marginalisation, punitive transfers, job termination, character assassination, and social exclusion are common outcomes for women who submit complaints. When the alleged harasser holds a position of authority or when company culture places a higher priority on reputation management than justice, this is very severe. The expense of pursuing justice frequently surpasses any possible advantages due to a lack of strong witness protection procedures and insufficient enforcement of laws against retaliation, which results in persistent underreporting.

The POSH Act's implementation and enforcement are made more difficult by legal issues. Despite being more expensive than conventional office facilities, Section 2(o)'s definition of "workplace" has necessitated constant judicial interpretation to accommodate changing work arrangements.³¹ There are also unanswered questions regarding whether the Act covers harassment that takes place in residential settings when workers work from home, at client sites, during informal business gatherings, or during work-related travel. The definition of "sexual harassment" as stated in Section 2(n) can also be interpreted differently, especially when it comes to what is considered "unwelcome" behaviour, the cutoff point for "sexually colored remarks," or the difference between inappropriate behaviour and actionable harassment. The way complaints are assessed and handled by various ICCs and organisations varies as a result of these ambiguities.

The POSH Act, which was drafted during a time when workplaces were primarily physical, does not adequately handle the new difficulties brought about by the convergence of digital and growing workspaces. The COVID-19 epidemic significantly changed the character of workplace contacts by hastening the transition to remote work, virtual meetings, and digital communication platforms. Inappropriate messages on professional communication platforms, sexually explicit content shared via email or chat, unwanted advances during video calls, non-

³¹ Menon, N. (2020). *Fear, stigma, and silence: Barriers to reporting sexual harassment at work*. *Sociological Bulletin*, 69(2), 189–211. <https://doi.org/10.1177/0038022920907743>

consensual recording or sharing of images from virtual meetings, and online stalking or cyberbullying of coworkers are just a few examples of how sexual harassment has spread into these digital spaces.³²

Although it is still unclear, the question of whether such instances qualify as sexual harassment "at the workplace" under the POSH Act has grown more pressing. Does the Act apply when an employee who works from home receives sexually harassing messages on a professional platform? Which ICC has jurisdiction if harassment takes place during remote team meetings? In the context of remote and hybrid work arrangements, the traditional idea of the workplace as a physical location becomes unworkable, but the Act offers little direction for modifying its provisions to reflect these realities. Furthermore, there are particular evidential and procedural difficulties associated with digital harassment; screenshots can be altered, digital communication might be misunderstood in the absence of context, and the distinction between personal and professional internet contacts is becoming hazier.

Legislative changes or authoritative judicial interpretations that clearly identify digital and virtual spaces as workplaces under the POSH Act, guide on jurisdictional issues in remote work contexts, and establish clear procedures for handling online harassment are desperately needed.³³ Without this modification, the Act runs the risk of becoming increasingly irrelevant to the real harassment situations that modern workers encounter, especially as younger generations join workplaces where digital communication is the norm and in-person presence is optional.

INTERSECTIONALITY AND MARGINALISED EXPERIENCES

Concept of Intersectionality: When, in 1989, legal scholar Kimberlé Crenshaw coined the term "intersectionality" to address significant shortcomings in feminist theory and antidiscrimination law, it became an essential theoretical framework.³⁴ Crenshaw demonstrated that existing legal models operated using a single-axis model, considering gender and race as mutually exclusive categories of discrimination, based on her analysis of cases of job

³² Saha, D. (2022). *The changing workplace and the POSH Act: Issues in the digital age*. *Journal of Law and Technology*, 14(2), 233–256

³³ Rao, S. (2024). *From cubicles to cyberspace: Revisiting workplace definitions under the POSH Act*. *Contemporary Legal Review*, 12(1), 17–39

³⁴ Crenshaw, K. (1989). *Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory, and antiracist politics*. *University of Chicago Legal Forum*, 1989(1), 139–167

discrimination against Black women. Those who were subjected to persecution at the intersection of multiple marginalised identities were made invisible by this paradigm, which required individuals to choose between aspects of their identities. Since Black women's experience varied qualitatively from that of white women or Black men, her significant work proved that Black women had different kinds of discrimination that could not be understood while examining sexism or racism separately.

The dismissal of additive understandings of oppression is what lends intersectionality its theoretical power. Crenshaw argued that several systems of oppression—gender, colour, class, caste, religion, and sexual orientation—coalesce to create specific social positions and experiences instead of viewing discrimination as the simple sum of isolated prejudices.³⁵ Such intersecting identities form entirely new dynamics of marginalisation that can't be forecast by looking at any one axis of identity in isolation, but instead multiply disadvantage. A black female worker, for instance, experiences a specific matrix of domination created by the specific interaction of different systems and not merely the discrimination against women, plus the discrimination against people of colour, plus class-based oppression.

Both dominant feminism, which was usually concerned with the experiences of middle-class white women, and antiracist movements, which often prioritised the experiences of men of colour, were called into question by Crenshaw's method.³⁶ Intersectionality revealed systemic obstacles to achieving real equality by demonstrating how institutions—legal systems, healthcare, education, and employment—tackle prejudice by means of segregated categories. This institutional failure was illustrated by courts that asked plaintiffs to prove discrimination based on either gender or race, but not concurrently. This theoretical intervention made intersectionality a critical analytical tool for researching social justice in a range of global contexts, fundamentally transforming the way that scholars, activists, and policymakers understand identity, privilege, and systemic inequality.³⁷

Intersectionality is particularly relevant in India due to the complexity of the social structure, with gender combining with caste, religion, class, and regional identities to generate a range of

³⁵ Crenshaw, K. (1991). *Mapping the margins: Intersectionality, identity politics, and violence against women of color*. Stanford Law Review, 43(6), 1241–1299

³⁶ Collins, P. H. (2000). *Black feminist thought: Knowledge, consciousness, and the politics of empowerment*. Routledge

³⁷ Hancock, A.-M. (2007). When multiplication doesn't equal quick addition: Examining intersectionality as a research paradigm. *Perspectives on Politics*, 5(1), 63–79

vulnerabilities.³⁸ The Indian context requires sensitivity towards caste as a primordial axis of oppression, unlike in Western contexts, where intersectionality emerged out of race-gender studies. Muslim women experience both religious and gender marginalisation; Adivasi women are displaced by resource extraction and patriarchal norms; and Dalit women experience sexual abuse as a strategy of caste domination.³⁹ This triple burden—economic subordination, casteist or communal domination by dominant groups, and patriarchy in communities—results in barriers to justice that cannot be explained by single-axis models.

Widening gaps in protection have occurred because Indian law has not incorporated intersectional strategies.⁴⁰ Queer and transgender individuals are excluded, besides social stigma, by legal terminology. This is exemplified by the POSH Act, which restricts protection to "women," rendering harassment faced by non-binary and transgender individuals invisible. Class hierarchies also limit access; while domestic workers and unorganised sector workers are nominally covered by the Act, working women are typically unable to avail themselves of these provisions because of practical barriers such as illiteracy, fear of retaliation, and the absence of organised workplaces.⁴¹ Intersectionality is rarely employed as a tool for analysis within Indian legislative and judicial systems, which approach prejudice from compartmentalised viewpoints that fail to account for compounded marginalisation.

CRITIQUE OF THE POSH ACT THROUGH AN INTERSECTIONAL LENS

Although progressive, the POSH Act has presumptions which, when analysed in an intersectional manner, reveal its shortcomings. The Act deliberately leaves out street vendors, gig economy workers, domestic workers, and farm workers, who comprise the majority of Indian working women.⁴² Instead, it makes presumptions of a formalised, organised workplace, typically in corporate environments with clear hierarchies and HR departments.⁴³ Millions do not have recourse within institutions because Internal Complaints Committees are mandated only in businesses with ten or more workers. The Act is concerned with the lives of middle-class, educated, cisgender women in formal employment, without regard for how harassment

³⁸ Rege, S. (1998). Dalit women talk differently: A critique of 'difference' and towards a Dalit feminist standpoint. *Economic and Political Weekly*, 33(44), WS39–WS46

³⁹ Gopal, P. (2019). *Insurgent empire: Anticolonial resistance and British dissent*. Verso Books

⁴⁰ Narrain, A. (2015). *Law like love: Queer perspectives on law*. Yoda Press

⁴¹ Menon, N. (2012). *Seeing like a feminist*. Zubaan

⁴² John, M. (2020). *Rethinking the workplace: Gender, informal labor, and the law*. *Indian Journal of Gender Studies*, 27(1), 7–29

⁴³ Ministry of Women and Child Development. (2015). *Handbook on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. Government of India

is lived differently according to intersecting identities. For instance, harassment is filled with communal stereotypes for a Muslim woman, whereas for a Dalit sweeper, harassment is laced with caste humiliation.⁴⁴

Aside from its limited target, the POSH Act demonstrates ignorance of the structural injustices that allow harassment to thrive. Casual employment makes complaints dangerous, and threats of dismissal grant harassers *de facto* immunity, placing women in contract or temporary employment—disproportionately from marginalised groups—more at risk. The procedural prerequisites of the Act assume social capital, literacy, and bureaucratic confidence—something not distributed equally across caste and class.⁴⁵ An intersectional reading demonstrates the ways in which the Act's focus on individual complaints ignores structural elements: harassment flourishes in conditions brought about by salary differences, occupational segregation, and varying work conditions along caste, class, and religion.⁴⁶ India's law on workplace harassment protects some women but exposes the most marginalised to greater marginalisation without adequate remedy if intersectionality is not integrated into its scope and procedures.

THE INVISIBLE WORKERS

Marginalised Voices and Data Gap: More than 90% of Indian women, that is, the vast majority, work in informal employment where POSH schemes do not exist at all, says the National Sample Survey Office (NSSO) and Periodic Labour Force Survey (PLFS) 2023.⁴⁷ Such workers do not have written contracts, human resource set-ups, or Internal Complaints Committees, making them invisible to the legal shields that formal sector staff can theoretically draw upon.⁴⁸ This lack of data itself represents intersectional marginalisation: statistical invisibility corresponds to social and legal invisibility, as the situations of informal workers go unrecorded and unmentioned in policy rhetoric.

⁴⁴ Rege, S. (1998). Dalit women talk differently: A critique of 'difference' and towards a Dalit feminist standpoint. *Economic and Political Weekly*, 33(44), WS39–WS46

⁴⁵ Ghosh, J. (2021). Gendered precarity and the informal economy in India. *Development and Change*, 52(5), 1035–1053

⁴⁶ Narrain, A. (2015). *Law like love: Queer perspectives on law*. Yoda Press

⁴⁷ National Sample Survey Office (NSSO). (2023). *Periodic Labour Force Survey (PLFS), Annual Report 2022–23*. Ministry of Statistics and Programme Implementation, Government of India

⁴⁸ International Labour Organization (ILO). (2023). *Women and men in the informal economy: A statistical picture (3rd ed.)*. ILO

Case Studies and Reports: Ground realities indicate how specific vulnerabilities are generated by intersecting identities. There are no complaint forums in rural regions, and Dalit women who are engaged in agricultural labour face sexual harassment and exploitation based on caste from upper-caste employers. Adivasi domestic servants move to cities where they are sexually harassed by employers with complete impunity and minimal legal recourse, facing the intersection of class, geographical marginalisation, and tribal identity. Muslim women employed in small manufacturing and retail businesses confront gender-based exclusion as well as religious discrimination. They also regularly encounter societal preconceptions that increase workplace exploitation. Left out under the Act's binary conditions, queer and transgender individuals are frequently pushed into informal work because formal work discriminates against them, exposing them to a higher risk of harassment while also leaving them without legal safeguards.

NGO and Civil Society Observations: Systemic failures in the extension of POSH protections to marginalised groups have been discovered by civil society organisations. Internal Complaints Committees, where they exist, hardly have members from minority caste or religious groups, as held by the Self-Employed Women's Association (SEWA) and Jagori.⁴⁹ This presents social and cultural obstacles to filing. Human Rights Watch and Oxfam India studies indicate that marginalised women possess a very low level of knowledge on POSH processes and are typically averse to accessing official redressal systems due to past institutional bias.⁵⁰ As the Sakhi Women's Resource Centre in Kerala reports, Muslim and Dalit women who report abuse sometimes face tough reprisal from employers or communities and sometimes dismissal by authorities, thus punishing them for speaking out.

Structural Barriers: POSH protection is out of reach for vulnerable women due to various institutional reasons. Upper-caste officials regard accusations by Dalit women as "exaggerated" or suspect, based on caste stigma. Adivasi and immigrant women cannot follow legal proceedings that are conducted in languages that are not spoken fluently by them because of language barriers. Most individuals do not possess legal literacy, which implies that they do not know their rights and how to exercise them. Above all, vulnerable workers rightly think that making a complaint of harassment would result in dismissal without punishment for

⁴⁹ Self-Employed Women's Association (SEWA) & Jagori. (2022). *Barriers to justice: A study on the implementation of the POSH Act among marginalized women workers*. New Delhi: SEWA

⁵⁰ Human Rights Watch. (2020). "No #MeToo for women like us": Poor enforcement of India's sexual harassment law. Human Rights Watch; Oxfam India. (2022). *India Discrimination Report 2022*. Oxfam India.

perpetrators, which dissuades them from complaining as they fear losing their means of survival, which is often the sole means of survival for families. The #MeToo movement, which resonated so effectively with the educated, upper-middle-class women in media and corporate circles but scarcely touched on the lives of grassroots workers whose concerns are still not seen and heard, revealed the urban elitism within workplace feminism.

THE INFORMAL AND GIG WORKFORCE

Enlarging Definition of "Workplace": Evolution in labour markets has rendered the POSH Act definition of "workplace" obsolete. Delivery personnel for Swiggy and Zomato, Uber and Ola drivers, and digital freelancers are some gig and platform-based workers who fall entirely outside the formal workplace paradigm that the Act conceives of. Street vendors work in public spaces, home-based workers work in private homes, and home-based workers produce goods in their own homes. All these scenarios fall under jurisdictional gaps in which an Internal Complaints Committee cannot be formed due to a lack of recognised employers. There is no official system by which to address the tens of millions of employees who are sexually harassed at work.

The POSH Act definition of "workplace" is no longer applicable because labour markets have changed. Some examples of gig and platform workers who are entirely outside the traditional employment model that the Act has in mind are Swiggy and Zomato delivery workers, Uber and Ola drivers, and digital freelancers. Domestic workers work in domestic homes, street vendors sell in public areas, and home-based workers manufacture in their own residences. Because of the absence of a formal employer, all these situations exist in jurisdictional voids that bar the forming of an Internal Complaints Committee. An estimated ten million workers experience sexual harassment in the workplace, and there is no formal mechanism in place to tackle this phenomenon.

Policy Gaps and Recommendations: Diluting POSH definitions to include transgender, non-binary, and gender non-conforming individuals and all sexual orientations and genders is an imperative adjustment. The definition of "workplace" needs to encompass virtual workspaces, homework, platform work, and the informal sector. Local Complaints Committees at the district level should be more than a bureaucratic nicety; they need real enforcement powers, adequate funds, and under-represented group representation. Above all, the integration of intersectional feminist jurisprudence into labour law reforms means that recognising the

structural injustices—like caste, class, religion, and contract labour—that enable harassment cannot be separated from protecting against harassment. Without such comprehensive reform, India's legal framework would go on to serve a privileged minority while exposing the vast majority of working women to harassment.

INSTITUTIONAL AND POLICY ANALYSIS

Internal Complaints Committees (ICCs) and Local Committees (LCs): Structure, Powers, and Performance: The mechanism for enforcement of the Act is a system of accountability, and is the ICC under the Sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Pursuant to Section 4, all companies that have 10 or more employees must establish an ICC,⁵¹ which will have the mandate to hear and decide complaints of sexual harassment within a time-bound manner. There is a gendered bias in the ICC itself, in terms of (1) institutional accountability and (2) external control: The committee should be chaired by one senior worker personnel of the company, to have at least two members who are internal workers committed to welfare of women and one member who will be an external worker being an NGO or Women's Association having experience in the field of women rights/social work.

To the institutions having less than ten employees/establishments or to the unorganised sector, Section 6 of the Act provides that in every district, a Local Committee (LC) shall be constituted at the district level, and this is presided over by the District Officer. These committees are constituted to ensure that the redressal mechanisms are made available to those women who would not be under a formal institution for whom to file their grievances.

In theory, ICCs and LCs were intended to function as quasi-courts with the same investigative and referral powers as civil courts. They can search documents, call witnesses, conduct investigations, and suggest disciplinary actions or fines based on the findings. However, evidence and audit reports show that these committees' actual performance has been poor and largely symbolic. Studies by the National Commission of Women (NCW, 2020) and the Ministry of Women and Child Development (MWCD, 2021) show that non-compliance is a common occurrence; nearly 70% of private sector businesses and 90% of informal

⁵¹ Ministry of Law and Justice. (2013). *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. Government of India.

establishments either did not form ICCs or did so on paper without holding regular meetings or providing training.⁵²

A lot of government departments, universities and other government sector undertakings have been discovered not to be well documented or even to have awareness programs as required in Section 19.

ICC operations are further hampered by issues with neutrality, confidentiality, and procedural competence. Hierarchical interdependence in smaller firms can result in biased investigations if complainants fear retaliation from their superiors, who may be committee members. Secondary victimisation has been caused by inconsistent training programs for ICC members and trauma-informed inquiry techniques.

However, because of tokenism or the lack of qualified experts in smaller areas, the external member option, which tries to guarantee independence, has not been spared. Local committees, which are intended to meet the needs of workers in the unorganised sector, are even more constrained; they are often understaffed, their members lack knowledge of proper processes, and they have little interaction with domestic or home-based workers. Consequently, even in cases when the ICC/LC structure is legally sound, its institutional flaws and uneven implementation only serve to highlight India's larger challenge of translating formal legal requirements into operational rights in decentralised governance settings.⁵³

The compliance data supports this discrepancy as well. Less than 20% of listed businesses used to submit annual compliance reports as required, and only a small percentage of them posted awareness materials in the workplace, according to the MWCD's 2022 report on POSH compliance.⁵⁴ Small enterprises, start-ups, and informal organisations—where the majority of Indian women work—do not confront any meaningful implementation, while large corporations and IT firms have institutionalised compliance due to reputational concerns and worldwide HR requirements. This guarantees that the ICC/LC mechanism is not completely realised as a preventive, participatory, and accessible institution for women workers, which

⁵² Ministry of Women and Child Development (MWCD). (2021). *Annual Report on Implementation of the POSH Act, 2011*. Government of India; National Commission for Women (NCW). (2020). *Compliance review of the POSH Act across sectors*. NCW

⁵³ International Labour Organization (ILO). (2022). *Gender equality at the workplace: The case of India*. ILO South Asia Office.

⁵⁴ Ministry of Women and Child Development (MWCD). (2022). *Report on POSH Compliance: Status of Implementation in India*. Government of India

explains why the request for systemic monitoring of this system and its digital integration should be taken into account in the next revisions.

LANDMARK JUDICIAL DEVELOPMENTS: EXPANDING AND INTERPRETING POSH

The establishment and expansion of India's workplace harassment statutes have been greatly aided by judicial interpretation. In the 2013 case of *Medha Kotwal Lele v. Union of India*, the Supreme Court changed an activist's plea into a continuous mandate to keep an eye on the state's compliance with the Vishaka Guidelines (and later the POSH Act). The Court reprimanded the government officials for the phoney execution and mandated the establishment of state-level monitoring committees, annual compliance reports, and propaganda campaigns.⁵⁵ The principle that formal legislative enactment has no purpose in institutions without accountability or a reliable judicial check was affirmed by the case.

The Court has expanded the concept of sexual harassment in *Apparel Export Promotion Council v. A.K. Chopra* (1999), concluding that attempted molestation or sexually suggestive behaviour that does not involve actual assault qualifies as sexual harassment.⁵⁶ As stated in Article 21, the Court emphasised that such behaviour deprives women of their right to a safe workplace. Due to this liberal perspective, there has been a significant shift away from a criminal law-centred understanding of sexual misconduct and toward a rights-based one that is founded on equality and dignity.

Mallick, Saurabh Kumar v. The Comptroller and Auditor General of India (2008) made a further contribution to the growth of discussions around gender neutrality in the legislation pertaining to workplace harassment. The Delhi High Court pointed out that although the Vishaka rules and the ensuing statutory framework were primarily designed to protect women, the problem of harassment of men should be given full consideration under the principles of natural justice⁵⁷ principles of non-discriminatory rules. This case has sparked a continuing legal and scholarly debate over inclusivity and gender neutrality in harassment law, even if the POSH Act still provides gender-specific protection. This is especially true as old gender hierarchies are fading in the digital workplace. When combined, these judicial innovations demonstrate how the Indian judiciary catalyses both conceptual horizon expansion and surveillance. It has

⁵⁵ *Medha Kotwal Lele v. Union of India*, (2013) 1 SCC 297

⁵⁶ *Apparel Export Promotion Council v. A.K. Chopra*, (1999) 1 SCC 759.

⁵⁷ *Mallick, S. K. v. Comptroller and Auditor General of India*, 151 (2008) DLT 37 (Del).

been reaffirmed that sexual harassment is a structural violation of the constitutional guarantees of equality, liberty, and dignity rather than a personal transgression. The judiciary does, however, also rely on case-by-case interventions, which indicates a lack of robust administrative enforcement. The statutory regime's institutional fragility is indicated by an over-reliance on judicial remedies.⁵⁸

Therefore, regulating the digital age requires rethinking the concept of the workplace in labour law. It calls for changes in legislation or interpretive principles to directly apply the POSH framework to digital and enterprise operations and bring it into line with the Information Technology Act 2000 and data protection standards.⁵⁹ Transparency, record-keeping, and accountability can be improved by digitising your organisation. Centralised POSH compliance portal, electronic complaint submission, and standardised ICC training modules. Nevertheless, while this reform must not ignore the effectiveness of technology in protecting privacy, digitalisation must complement rather than ignore the human empathy and intersectional awareness that are at the heart of workplace justice.⁶⁰

REFORM, INNOVATION AND THE WAY FORWARD

Intersectional Policy Reforms: Although the POSH Act remains a source of gender justice in Indian labour law, its provisions tend to assume a homogeneous experience of women, ignoring multiple axes of vulnerability based on caste, class, disability, religion, and sexuality.⁶¹ In this case, cross-cutting policy reforms need to focus on substantive inclusion rather than formal equality, as structural discrimination increases the threat of harassment against marginalised women and sexual minorities. One major change is the requirement for diverse representation on the Internal Complaints Committee (ICC). Current law states that women's rights organisations must include members from outside, rather than members of marginalised communities.⁶² To make the ICC more sensitive and further expand its ability to understand persecution beyond heteronormative and upper-caste perspectives, it would be worthwhile to

⁵⁸ Agnes, F. (2014). Judicial response to workplace harassment: Reading *Vishaka* and beyond. *Economic and Political Weekly*, 49(44), 62–69.

⁵⁹ Ministry of Electronics and Information Technology. (2000). *The Information Technology Act, 2000*. Government of India.

⁶⁰ International Labour Organization. (2022). *Digitalization and gender equality in the workplace: Global trends and Indian context*. ILO Publishing.

⁶¹ Sen, S., & Dhawan, N. (2020). *Feminist politics and intersectionality in India: Challenges of inclusion*. Routledge India

⁶² Ministry of Women and Child Development. (2013). *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. Government of India.

revisit Section 4 and ensure that its membership includes members who are aware of caste, disability and homosexual issues.

Accessibility and the language of the POSH framework are equally important. Most information resources and training programs are written in English or Hindi, making them inaccessible to most of India's informal and local workforce.⁶³ This gap can be filled through multilingual and culturally based outreach models, where materials are translated into local languages and sociocultural contexts. Public-private partnerships can be used to provide funding to non-governmental organisations and unions to provide regular training at the local level.

Statistical comprehensiveness is also necessary for cross-cutting reforms. Current data on POSH complaints provided by the Ministry of Women and Child Development (MWCD) is compiled, but does not provide much information on trends as it exists by caste, sector and region.⁶⁴ The annual publication of CCI reports and the collection of disaggregated data allow policymakers to identify areas of weakness, observe trends within the system, and focus on effective resource allocation. The transversal approach, therefore, redefines compliance not only as a formal requirement but also as a thought process that is sensitive to India's social diversity.

Integration of Law and Social Movements: The MeToo movement has demonstrated one of the most important facts: laws alone are not enough to overthrow patriarchal systems. Legal decisions involve rigidly structured institutions, and social movements harness the moral power and voices of many people. The gap between these two areas helps make workplace justice both attainable and understandable.⁶⁵

The #MeToo movement in India (2018) served as an example of how digital solidarity can be highly effective. This is because, at the expense of survivors not coming forward with their experiences through formal complaints, government agencies are forced to address previously invisible harassment. But it also showed the class and caste limitations of the movement. Not

⁶³ agori. (2021). *Making POSH accessible: Multilingual awareness and inclusion in informal workplaces*. New Delhi: Jagori.

⁶⁴ Ministry of Women and Child Development (MWCD). (2022). *Annual Report on Implementation of the POSH Act, 2022*. Government of India

⁶⁵ Roy, S. (2019). *The Indian #MeToo movement and feminist politics of accountability*. *Economic and Political Weekly*, 54(52), 15–18.

all rural, Dalit, gay, and working-class voices were represented.⁶⁶ The need to incorporate the lessons of #MeToo into official policy means that grievance resolution is not only a legal process, but also a social process. This integration can take various forms.

Common awareness campaigns by government agencies, feminist organisations, and trade unions have trivialised debates about gender and power. Community mediation systems, particularly in the informal sector, operate under the direction of the LG but are dependent on local social realities.

Incorporate feminist jurisprudence and intersectionality into judicial and bureaucratic staff training to help decision-makers recognise persecution as a structural inequality rather than an individual wrongdoing. The synergy of laws and activists can transform POSH compliance into a social reform project rather than a compliance mechanism based on empathy, responsibility, and collective conscience.⁶⁷

BROADENING THE WORKPLACE DEFINITION

The concept of the workplace as a physical entity has been greatly destabilised by digital technology, remote work, and the gig economy, making the workplace obsolete as these factors inherently undermine the concept of a physical workplace.⁶⁸ Although Section 2(o) of the POSH Act explains the meaning of workplace in a very broad sense, there is still a fixed and presumed relationship between employer and employee.⁶⁹ As India's job market increasingly moves towards platform, home-based and hybrid work models, laws also need to change.

One of the first actions is to clearly define what the workplace is by including digital and virtual environments such as email, video conferencing, collaboration tools, and professional social media.⁷⁰ Such a review should remove ambiguity in interpretation and make remote harassment legally enforceable.

⁶⁶ Kapur, R. (2020). *Gender, caste, and the limits of digital feminism: A reflection on India's #MeToo movement*. *Feminist Review*, 125(1), 45–61.

⁶⁷ Agnes, F. (2014). *Feminist jurisprudence and the Indian judiciary: Reading Vishaka and beyond*. *Economic and Political Weekly*, 49(44), 62–69.

⁶⁸ Duggal, N. (2022). *Digital labour and gendered workspaces in India's gig economy*. *Indian Journal of Labour Economics*, 65(2), 451–470.

⁶⁹ Ministry of Women and Child Development. (2013). *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. Government of India

⁷⁰ Kaur, R., & Sinha, M. (2021). *Redefining "workplace" in the digital era: Challenges under the POSH framework*. *Journal of Indian Law and Society*, 12(1), 75–92.

Second, platforms and platform workers, who make up a large portion of India's modern workforce, should be covered by the POSH Act, which is currently not the case. Under the Social Security Act 2020, which defines part-time workers in terms of social security eligibility, POSH compliance requirements must apply to online platforms that employ a certain number of female employees or service providers.⁷¹ Future platforms may need to ensure a digital harassment redress representative and implement an online complaint system within the app that is available in local languages. Due to the effects of working from home, awareness at the household level is also necessary.⁷² Domestic workers, caregivers, and casual workers are more likely to report abuse when they stay within the household but do not have access to community committees. Local governments and state women's commissions should organise door-to-door awareness programs to make the LC more accessible through toll-free calls and mobile reporting services. This legislation will ultimately reflect the realities of 21st-century labour relations by redefining the term "workplace" as a physical or digital place where professional interactions take place.⁷³

RECOMMENDATIONS: BUILDING A PARTICIPATORY AND DIGITAL-AGE POSH FRAMEWORK

Improving enforcement and compliance in the digital economy requires moving reforms from prescriptive checklists to institutional innovation.⁷⁴ This migration can be implemented in the following ways:

Centralised Digital POSH Compliance Portal: The Ministry of Women and Child Development should establish a national electronic website where organisations can create CCIs, submit annual reports, and obtain a list of verified external members.⁷⁵ An open digital ledger tracks and ensures social responsibility. Frequent Compliance Inspections and Fines:

Similar to financial audits, gender compliance audits must be conducted by organisations every two years under the supervision of a certified auditor certified by MWCD or NCW. Failure to

⁷¹ ILO. (2021). *The role of digital labour platforms in transforming work in India*. International Labour Organization.

⁷² Nair, G. (2020). *Invisible at home: Domestic workers and the gaps in workplace harassment laws*. *Economic and Political Weekly*, 55(32), 24–28.

⁷³ Sharma, V. (2023). *Virtual work and legal imagination: Towards a post-physical definition of the workplace*. *Indian Journal of Gender Studies*, 30(1), 101–120.

⁷⁴ Menon, N. (2023). *Gender governance in the digital age: Rethinking compliance and innovation*. *Indian Journal of Public Policy*, 14(2), 115–132.

⁷⁵ Ministry of Women and Child Development. (2022). *POSH compliance guidelines and reporting mechanisms*. Government of India.

comply with these rules should be subject to progressive sanctions, including suspension of operating licenses and cancellation of government tenders.

Competency Development and Standardised Training: ICC and LC members will be required to complete mandatory certification through e-Samarth or the proposed National Gender Sensitivity Academy.⁷⁶ Standardised training programs may include modules on trauma-informed interviewing, intersectional bias, digital harassment, and privacy guidelines. Cooperation with data protection and cybersecurity laws:

POSH needs to be harmonized with the Digital Personal Data Protection Act, 2023 and the Information Technology Act, 2000, to ensure privacy concerns in digital queries. POSH complaint data must be stored securely and anonymised and must not be misused.

Gender-Inclusive Labour Practices Award: Governments may also offer tax incentives and ESG (environmental, social, and governance) ratings to companies that demonstrate excellence in compliance, gender-responsive HR practices, and inclusive leadership courses.⁷⁷ Voluntary best practice can be encouraged by recognition through the national Safe Workplace Awards. Public information and awareness:

Any legal system is only effective if there is cultural change. Government and business partnerships will result in online advertising in regional languages, public messaging and training courses in schools and universities that standardise respectful behaviour in the workplace.⁷⁸

To a Digital and Inclusive Future: The next phase of the evolution of labour law in India requires viewing digitisation not only as an administrative task but also as an opportunity to redefine compliance as a way of working as a team. Digital application ecosystems have the potential to reduce bureaucratic transparency and give workers more action and awareness.⁷⁹ But these technological changes need to be guided by feminist jurisprudence that prioritises lived experience, emotional safety, and equitable contribution.

⁷⁶ National Commission for Women. (2022). *Annual Compliance and Enforcement Audit Report*. Government of India

⁷⁷ Organisation for Economic Co-operation and Development. (2022). *Tax incentives for gender equality and ESG alignment*. OECD Publishing.

⁷⁸ Ministry of Women and Child Development. (2023). *National Safe Workplace Awards: Guidelines and evaluation criteria*. Government of India.

⁷⁹ Singh, A. (2024). *Administrative innovation and gender accountability in India's digital economy*. *Indian Law Review*, 10(1), 142–166. *Id.* (identical to citation 5 above).

The ultimate goal is to create a workplace, physical or virtual, where dignity and respect are the norm, not the exception. Rereading the POSH Act from the perspective of intersectionality and digital inclusion can move it beyond a compliance law and become a more proactive tool for social change, ensuring that the constitutional principles of equality and fairness are aligned with the realities of the modern Indian gig economy.⁸⁰

CONCLUSION

Vishakha's journey towards gender power in the workplace goes back from Rajasthan (1997) to the high-profile #MeToo movement of 2018. Sexual harassment was the first constitutional violation described in the Vishakha judgment as a violation of the right to equality, dignity and life in Articles 14, 15, 19(1)(g) and 21. The formalisation of these ideals in the form of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) was a milestone in the world of work. jurisprudence. But the 20-year gap between law and practical experience is a stark reminder that adoption and enforcement are respectively reform and implementation.

Empirically, underreporting has historically been a phenomenon secondary to systemic non-compliance and general lack of awareness about the POSH regime, especially in India's large informal and unorganised sectors. Internal and local committees, which are supposed to be participatory judicial mechanisms, are mostly desk-based or incompetent. Intervention in the judicial system in the cases of Medha Kotwal Lele (2013) and A.K. Chopra (1999) reiterated the constitutional obligation to create a harassment-free workplace, but without administrative oversight, the results will be uneven. Cyber and gig workspaces also increase legal complexity, exposing gaps in the legal definition of what constitutes a workplace, while creating new sources of cyber harassment and information security risks.

The Indian economy is becoming digital, making enforcement and compliance a multifaceted issue. But it may also offer a unique opportunity to reimagine gender justice through technology, data transparency, and inclusive policies. Reporting can become an accountable public process, with a centralised digital POSH compliance system, regular audits, and standardised ICC training modules, where reporting can be a bureaucratic process. However, as caste, class, sexuality, and disability mediate the presence of harassment and how it is

⁸⁰ International Labour Organization. (2023). *Women and men in the informal economy: A statistical picture (3rd ed.)*. ILO

addressed, technology must work within an ethical framework based on intersectional awareness.

At a more fundamental level, legal reform must be grounded in social movements and feminist jurisprudence. The #MeToo moment has shown that group voices and solidarity online can make truths hidden by formal institutions and institutions more visible. Moral and procedural gaps in existing law enforcement paradigms can be addressed by integrating such a participatory spirit into legislative mechanisms, including through representation, transparency, and education. Gender equality can only become a reality when the force of the law is combined with the conscience of society.

Overall, India's Vishakha and #MeToo movements have both positive and negative aspects. Protection systems are in place, but unless we move towards digital modernisation and social diversity, our promises will not be kept. The future of workplace justice depends on the development of inclusive, technology-enabled, and participatory institutions that reflect the constitutional ideal of equality in all professions. True compliance is never determined by convening a committee or submitting a report. In real life, it depends on allowing everyone, regardless of gender or occupation, to work without fear, with dignity and a voice.