

CHAPTER II

HISTORICAL PERSPECTIVE AND DIMENSION OF SEXUAL HARASSMENT AT WORKPLACE

“Respect, kind treatment and everything else that is agreeable should be all given into the maiden whose hand is taken in the marriage..... women should always be worshipped and treated with affection”. - Bhisma ¹

Women, as the most elegant and beautiful creation of God are always crowned with various biological descriptions and sociological perceptions. The history bears the testimony that women are considered as divine force with strong mind, sharp heart and soulful beauty inside it. Many civilizations have witnessed the uplift of women's position and social and cultural status.

“Within the Indian sub-continent, there have been infinite variations on the status of women diverging according to cultural malice's, family structure, class, caste property right and morals” – Romilla Thapek.²

It has been observed and revealed by the historical perceptions that inability and reluctance to give effort to understand female psychology has developed the notion that women were biologically blighted. They use to be the victims of their own reproductive biology. This biological blessing has now become the differences of women and gradually took over to justify the discriminations against them.

Biases against women have manifested themselves in language and usage as the term women has originated from wifman (Meaning wife of man or wife man).

Violence against women has existed invariably with time and place in all socio-economic and educational classes in different forms. It cuts across cultural and

¹ Ganguli Kishore Lal, *The Mahabharat Anusara Parva*, Section XLVI.

² Tripathi S C & Arora Vibha, *Law relating to women and children*, Central Law Publications, Allahabad, 3rd edition, 2008

religious barriers, impeding the rights of women to participate fully in society. However, types and trends of crimes kept in changing with change in mindset and techniques. Unfortunately, women were not only accorded a lower status in the society, but they also came to be used as objects of gratification culminating in their regular exploitation and victimization.

Women have entered the workplace much late compared to men, challenging the prevailing notion of patriarchal division of labor. Generations of habit that has considered workplace as a male domain confronted the emerging new workforces of women resulting in major shifts. The women were always given a sympathetic allowance to work in such workplaces as the outlook of male control and authority still exists. Such an approach compels women to receive lot of hostility mainly professional and often gets expressed through disparaging attitudes based on gender.

Transgressing the women's rights, violence exploitation and humiliation of this gender is a global phenomenon since the beginning of human history till today with diversity in forms. The only thing that changes is color and nature of violence. Sexual Harassment perceives its existence with the patriarchal domination, suppressive mentality, social virtues and non-acceptability of women as an equal gender. Women folk right from historical arena to present day across various age group and class face this menace.

2.1 BRIEF HIGHLIGHTS ON ELITE STATUS GIVEN TO WOMEN IN PRE-VEDIC AND POST-VEDIC PERIOD:

The history has witnessed that even in the olden days a woman was meant to be protected from violation, although some learned sages, during Vedic period do contain some thoughts and believes that strives into controversy in modern times. Considering the pre historic culture and mysticism, spiritualism, myths, legends, the Indian society have gained many peculiar features. The values and norms that now affects the women at large has got its background in past. It has deep rooted impacts on the society. The Vedas, epics Puranas and other literature works are the repositories

of these values and norms, under which society derived its strength and stamina. The image and individuality portrayed in women are embedded and laid down in the core of traditional belief and mythology.

The Hindu scriptures have considered women as reason for creation, energy, power as well as the reason of universe. The femaleness is the prime power that resolves the earth. A woman is considered as mother of universe. The ancient mythology reveals that women are Shristi, a woman is Prakriti and women as Ardhanareshwara_ which means women is the creator, nature or mother earth and equality of man and woman, giving it a unique blend. The qualities of fame, prosperity, speech, memory, intelligence, fortitude and forgiveness are the highest honor gifted to a woman by its creator. The ancient texts have clearly enshrined the role of women in every aspect of life in family & society.

Vedic period

The status of women in India has been subjected to many changes over the past few millennia. It has been evident that Vedic society was a patriarchal one and a woman occupies equal status to men. Reference to complete gender equality is found in all parts of Vedic literature. Women have reached high standard of learning, culture and made all over progress. Rig Veda was the prime literary work of that period which reveals the status of women.

As per Rig Vedic norms equality of both the genders were maintained in the matter of education, religion, and freedom of movement. Women were given the freedom regarding their choice for husband as marriage is considered as divine. There were references to marriages which were of Gandharva form. During this period both man and woman completes each other and shall have to perform all socio-religious duty with his wife.

During this period woman possess absolute control over their gifts and property received at the time of marriage. Women are considered as an important part of both family and society. Women has made strong literally and valuable

considerations as well. There were many female sages who have been acknowledged for their intellectual and literary abilities. During Vedic period female children has equal opportunities of education as the male. It was a matter of pleasure and delight if a girl child was born in family. It has referees for women with great admiration in domestic affairs, social organizations, warfare, religious debates etc. Panini, a Sanskrit scholar refers about female students considering their brilliance in spiritual illumination, and intellectual superiority. During this period women observe high standard of morality. ‘Sati’ and ‘Divorce’ were not permitted in this era.

During this period women were all cared for and provided with all possible luxuries according to the means of husband. This period has witnessed prompt, strong, honorable and exalted position of women.

Post-Vedic Period

The reference of post-Vedic period can be found in Manu Samhita, Smritis and epics (Ramayana and Mahabharata and vivid Puranas). The history depicts the declined status of women during this period. Women were denied the right to individual freedom, consigning the women to the protection of father, husband and son. During this period traditional society is of formative structure where Manu’s Manu smriti tends as an authoritative source, coming down to posterity under special designation of Samhita. Manu smriti has divided society into four Varna’s-

1. Brahmins – Privileged class
2. Kshatriyas – Warrior class
3. Vyasyas – Business class
4. Sudra – Inferior class.

He thus laid down a theoretical basis for the social and legal subordination of women. It has a reference of eight type of marriage considering that a girl should marry as soon as she attains her puberty. Manu, then permits remarriage but opposes divorce. In Manu smriti, sage Manu gives the most important and popular code of

conduct for women. He prescribed the code of conduct for women at all stages of her life. The laws of Manu states that-

- No women deserve freedom
- From childhood to old age, she should be under control of father, husband and son.
- A virtuous wife should never do anything displeasing to her husband.
- A wife is considered disgraced if she violates her duties towards her husband.³

The woman who controls her thoughts, words and deeds, never slights her lord is called a virtuous wife. As regards to social status of women in the post-Vedic period, the position of women in the society is low. They were not allowed to move freely. As per Manu's law, except nuptial ceremony there is no religious life for women. There was no reference made regarding education of a girl child.

The property rights of women were never considered in a positive manner during epic period and Manu Smriti period. They have given limited Rights like, girls Right over marriage expenses; wife's rights over Streedhan etc. were enumerated.

The Puranic period has rather lowered the period of Smritis and epics. During this era widow remarriage was prohibited, education was denied, husbands were made as God for women. Pre-puberty marriages were prevalent. Women were denied property rights, forbidden to take pilgrimages, and widows were asked to practice penance and even not allowed to offer prayers.

Thus, the movement and Freedom given during Vedic period was systematically suppressed during post Vedic period and here the strong dictum was preceded by Manu smriti. The role of women in society was streamlined and cemented by Manu and even today with lot more technology and science this social structure of traditional society has hardly renovated or rejuvenated.

³ Sen P K, *Indian Society*, Pearson, ISBN 9788131773529

2.2 WOMEN IN VARIOUS RELIGIOUS DIMENSIONS TRADITIONAL VALUES AND CUSTOMARY PRACTICES:

Women and Medieval Period

The medieval period has witnessed decline in the society with rigid caste system, growth of Brahmins and putting undue restrictions on freedom of women. The various invasions of the history have deteriorated the position of woman to a large extent.

This period has introduced Purdah System, female infanticide and child marriages. Marriages were no longer based on choice but have become a socio-economic contract. Women were considered as a species of sexual pleasure and leading towards early marriages.

After Muslim Invasion, social position of women deteriorated as equality of men and women has become mere harsh reality. They were completely dependent on their fidelity. In order to ensure safety honor and chastity practices like “sati” and “Johar” came into picture. The seclusion was more deterrent due to general insecurity & lawlessness. The education of women was not acceptable and property rights only to Streedhana was prevalent, however, the inheritance of property was introduced for women which too an extent benefited woman. The society and practices during this period were rigid and strict.

Women and Bhakti Movement-

With the uprising of fifteenth century and with the initiative of Bhakti movement new trends in social and religious life of women was started. Though prevailing attitude of women's status still perceived, yet religious freedom to women was given which marked in improving their social position. Religious education was encouraged giving a new dignified life to women. Though the economic structure demined the same but the field of administration, literature and religion has experienced strong marks of women.

Women and Hindu civilization-

The history of Hindu civilization marked with Patriarchal Society considers birth of girl's child as an unwelcome event. Value of a son was regarded higher as he will be economic asset of the family in comparison to a girl child.

This civilization has witnessed a deteriorated position of women as child marriage, inter-caste marriages were regarded as main scene of this period. Widow remarriage was prohibited with which hope of new life for a girl child was ruined for ages in the name of civilization. However, this civilization has experienced high quality literature, participation from women in all family, socio-economic and cultural matters with strong thoughts and spiritual mind. Women considers man as equal in the later historic period has served the purpose of dealing social attitudes, patriarchal domination, gender violence and improper behavior in a positive way to bring change towards society & structure.

2.3 WOMEN IN PRE-INDEPENDENCE AND POST-INDEPENDENCE ERA:

The Pre-Independence era is marked with British rule where conditions of woman were not much comfortable. The degraded position and status of women stabled its emancipation only with the starting of British Period. The 200 years rule of British has got certain landmark changes in progress and prosperity of women gender enshrining the concept of liberalism that deep rooted the concepts of liberty, equality; respect for individuals, application of values etc.

The British rule with two major movements of Social Reform Movement and Nationalist movement highlighted the position, role and status of women. The aspects of these movements are-

- 1) **Industrialization**: Though the British Rule was not penetrated with the interest of wellbeing for this nation yet the economic changes marked rapid industrialization in the State. Mobility of people, growth of transport and

communication, new work opportunities have led to many changes in the social values and behavioral patterns of people in the society.

- 2) **Social Movement**: The formation of new India has started with the social Reform movement. This was an intellectual process of raising consciousness and sensitivity of people towards injustice has successfully eradicated the evils of child marriage, ban on widow remarriage, ill treatment to women, denial of property rights and education to women. It was realized that unless the women folk was educated and uplifted no progress can be sustained in the society.

The initiatives of Raja Ram Mohan Rai, Rabindranath Tagore, Ishwar Chandra Vidya Sagar, Swami Dayananda Saraswathi etc. was remarkable and appreciable. There were persistent efforts made towards removal of polygamy, female infanticide and child marriages with education and legal measures. The evils were treated to destruction by many disciplined efforts of social reformers as well as British government.

Though with these reforms, the social and political rights of a Hindu women got protected yet not much relief was experienced by Muslim Women considering purdah system and status of women. They have opposed to English literal ideas and English education system.

With emergence of Nationalist movement under the guidance of Mahatma Gandhi worked tremendously for women's emancipation. He linked this movement to break the social rigidity and offered opportunity of economic rehabilitation and participation of women in social structure. The mass participation in nationalist movement developed the sense of equality for both men and women. He worked for women education, destroying social evils, restricting Purdah System and many more.

The success of social movements lies with the fact that they have aroused the social consciousness for literacy and equal rights for women.

Women's Organization and Movements:

The reformers have given efforts towards bringing social change and economic transformation, giving strength to women regarding Socio-economic deprivation. This social awakening caused formation of various women's organization functioning at various levels to abolish social evils like Purdah and sati, to introduce Hindu law reforms, moral and material progress of women and equality of rights and opportunities.

The fact that has intensified the struggle were-

- 1) Effect of western education on the concept of complementary sex rules,
- 2) Leadership provided by education to elite women.
- 3) Interest of male social reforms
- 4) Changing religious and social attitudes.

The whole of women's movement worked for two goals-

- 1) Uplift of women
- 2) Equality of men and women.

Though, these movements were successful to a large extent yet the situations of inferiority, dependence and exploitation yet still exist in the traditional Indian Society.

Women and Post-Independence Period

The effort to establish woman power as capable of uplifting herself and society at large was quite visible in Independent India. The main illnesses like illiteracy, economic dependence, religious prohibitions, caste restriction and female leadership yet needed eradication by female force. Both daughters and wives were given right to property and controlled inheritance allowing equality of men and women. Widow remarriage have boosted new energy among widows where they were started to be treated as unmarried girl. Many legislative measures were taken and adopted with a keen interest to improve the life and condition of women. They were started to be regarded as source of love and compassion which has always subjected to exploitation.

After attaining Independence, the traditional social dimensions and attitudes were changed towards woman upliftment and progress with equality, liberty and liberal thoughts of every human being.

2.4 WOMEN AND CONTEMPORARY PERIOD:

It has been witnessed that even in the olden days a woman was meant to be protected from violations, although some learned sages, during the post Vedic period had certain thoughts and believes that strikes controversies in the modern times. Nevertheless, in the Vedic era, undoubtedly the position of women was glorious on account of freedom and equality. During this period, the women participated in every walk of life. Women studied in Gurukuls and enjoyed liberty in every sphere. The women sages were efficient in art, music and even warfare. They were regarded as a true companion of husband on the basis Upanishads. The wife has been regarded as the root of prosperity, enjoyment and Dharma in Mahabharata. However, ages later, with the Independence of India, our Indian constitution has ensured that women are raised to that kind of status which was in history.

According to a report of the United Nations published in 1980 – “Women constitute half of the world’s population, perform nearly two third of work hours, receive one third of world’s income and own less than one percent of world’s property.”⁴ In India, the female gender is the one targeted for denial and sufferer of discrimination. This self-sacrifice and tolerance in silence has become their destiny causing them to face all inequalities, indignities and deprivation.

The Constitution of India is the fundamental legal as well as social document. It is a comprehensive longest written constitution of any sovereign country in the world has. This document hence served aspirations of different sections of society, their conflicting interests and demand of justice. The constitution is an exquisite piece of social engineering. It lays down the framework defining fundamental political

⁴ Gupta Ritu, *Sexual Harassment at workplace*, Lexis Nexis, 1st edition, Haryana, 2014

principles, establishes the structure, procedures, powers and the duties of the government institutions and set out Fundamental Rights, Directive principles and the duties of the citizens.

The preamble of Indian constitution resolves “to secure to all its citizens all social, economic and political justice, liberty of thought, expression, belief, faith and worship; equality of status and opportunities, dignity of the individual and unity of the nation.”⁵

The provisions of the Constitution are applicable in equal measures to men and women and therefore these can be invoked by women for the assertion of their rights. As the Indian constitution is viewed as a social document it seeks to ameliorate the sufferings of the weak, the oppressed and suppressed classes or groups of persons to fulfil the philosophy of the constitution.

The objectives before the constituent Assembly were to constitute India into a sovereign, democratic, republic with securing equality and liberty as enshrined in the constitution. Along with that constitution empowers the state to ensure all positive measures restricting discrimination in favor of women. The laws, enactments, development policies and democratic programs are always enduring towards women’s advancement in all spheres. India has also ratified various international conventions and human rights instruments committed to secure equal rights of women. Key among them is the ratification of the Convention CEDAW⁶ in 1993. The object behind the inclusion of the chapter of fundamental Rights in the Indian constitution is to establish the “Rule of Law” and to provide certain standards of conduct, justice and fair play along with security and equality of the people of the country. Fundamental Rights are inviolable in the sense that no law, ordinance, custom, usage and administrative order can abridge or take away these rights.

For the development of women, different plans and programs were formulated and implemented, yet a gap of reality and dream exist in condition of women equality,

⁵ The Constitution of India, 1950

⁶ Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), 1993

liberty and freedom. A social stigma of non-acceptability is always attached with Indian women even when she reaches the highest possible aim.

2.5: CREATION AND EVOLUTION OF CONCEPT OF SEXUAL HARASSMENT AT WORK PLACE:

The term sexual harassment at work place is a form of gender violence that disturbs the esteem, self-confidence, respect and dignity of a woman along with her basic human and constitutional Rights. This term is not a new phenomenon but the fast-growing workplace equations have revealed this evil of underground reality. This evil has become ubiquitous in every part of the world with a due silence of tolerance, and domination of men leading to dissatisfaction and harassment to other gender. Women have entered this workplace scenario much later to men, challenging the existing notion of patriarchal division of labor. Generations of habit of considering work places as a male domain confront the emergence of new women workforce resulting in major shifts. Though constitutional commitments of the nation towards women were reshaped in planning and policies yet no human development indicates or reflects the sign of achievement. Under such circumstances the malice of sexual harassment rears an ugly head.

“The right to be protected from sexual harassment and sexual assault is one of the pillars on which the very construct of gender justice stands”.⁷

Women have stepped in rising revolution seeking gender equality with the confidence of their capabilities. However, the augmentation of human resources cannot be made possible without empowerment of women. The term sexual harassment has wide import that combat a long existing approach. The Inability and reluctance towards understanding the women physiology has considered women as biologically blighted. This gender has suffered biasness manifested in all possible ways. Female sexuality has made them the victim of many social myths, stigmas and

⁷ Report of Justice Verma Committee, 2013, New Delhi

mentality. The existing system, poor community-based protection mechanism seems to be the foremost obstacles in the path of women empowerment.

Sexuality has always been present at work, although it is practically invisible earlier; the thought of sexual harassment at work was at an odd with acceptable rational organizational behavior. The study reveals that sexual harassment has metamorphosed into a social malice from being a mere social issue. It has multiple devastating effects that have become visible in the social fabric in bold impressions, both as a cause and effect. Though the behavior of sexual harassment has century old existence yet it is relatively of recent origin.

The term has emerged in mid-1970 in North America and was subsequently in the United Kingdom in the early 1980's.⁸

A popular misconception about sexual harassment is that every kind of sexual violation should involve a visible Proof. "The conduct constituting sexual harassment encompasses both physical as well as psychological behavior. It may be subtle and include verbal innuendos and affectionate gestures that are inappropriate in the circumstances. It is remarkable to observe that public bodies as well as various institutions began to look at the matter of sexual harassment as a serious cause for concern and as a result started formulating specific codes of practice and grievance procedure to deal with the topic."⁹

Speaking generally, sexual harassment is a behavior with the presence of sexual elements that are disturbing, injurious, unhealthy and unwelcome. Such activities treat the victim with an atmosphere of intimidation, humiliation, exploitation or hostility. It may be constituted by many or a single act while the intention of the harasser has no relevance. Following behavior¹⁰ or any of these may be perceived as sexual harassment.

⁸ Sanjay Parikh and Singh Manoj, *Sexual Harassment: A wrong beyond discrimination*, Journal of the Indian Law Institute Vol 41, 1999

⁹ Gupta Ritu, *Sexual Harassment at work place*, lexis Nexis, 1st edition, Haryana, 2014

¹⁰ Ibid.

- i) A sexual comment or sexually determined behavior,
- ii) Luring at another's body and/or sexually suggestive gesturing.
- iii) Displaying sexually visual material such as pin ups, cartoons, graffiti, computer programs and catalogues of a sexual nature,
- iv) Telling a woman employee about the ways she dresses up,
- v) Calling her up late at night with a request to have dinner with her repeatedly with which she is not comfortable,
- vi) Making sweeping statements while delivering lecture on advertising, for e.g., Women are best models to sell a product; that body of the car should be sleek and sexy like a woman; soap has been soft to touch and so on,
- vii) Any other verbal or non-verbal conduct sexual in nature.¹¹

Indian perspective of Sexual Harassment

Sexual Harassment includes such unwelcome sexually determined behavior, whether directly or by implication as:¹²

- Physical contact and advances.
- A demand or request for sexual favor,
- Sexually colored remarks.
- Showing pornography, any other unwelcome physical, verbal or non-verbal conduct of sexual nature¹³

Over the last decade, the pervasiveness and the cost of sexual harassment and a manifestation of sex-based discrimination has become a growing concern at the national and international level. The definition of International Labor Organization speaks sexual harassment as a Sex based behavior that is unwelcome and offensive to its recipient. In order to come within the ambit of sexual harassment the committed

¹¹ Supra note, no 9

¹² Vishaka and others V. State of Rajasthan & others, (1997) 6 SCC 241

¹³ Ibid.

behavior must be unwelcome. The conduct is not sexual harassment if it is welcomed, and thus to determine the conduct, the court should naturally look to the complainant's reaction and assess whether the complainant expressly or by her behavior demonstrated that the conduct was unwelcome. For this cause, it is important to communicate to the harasser that the conduct makes the complainant uncomfortable and it must be stopped.

In India, the Supreme Court has defined sexual harassment in *Vishaka V. State of Rajasthan*.¹⁴ Under this case, the court has included variety of behavior which is designated as sexual harassment in different manner and capacity. In 1993, International Labor Organization, in a seminar held at Manila has recognized it as a form of "Gender discrimination", against women. These behaviors are most egregious behavior prohibited under all criminal law dimensions like rape, sexual assault etc.

Sexual harassment has diverse and manifold forms not only limited to demands for sexual favors made under the threat of adverse job consequences where possibility on the part of the recipient is clear to refuse to deal with such demands.¹⁵ The Victims of Sexual Harassment instances must establish that they were not wired, but were denied a promotion or were dismissed from service as a result of their refusal to participate in sexual activity.¹⁶

A study examining the frequency and nature of sexual harassment against women in traditional male occupations in North-America defined it as: any action occurring within the workplace whereby women are treated as objects of the male sexual prerogative.

The Supreme Court of India has held that – "Sexual Harassment is a form of sex discrimination that occurs in the workplace. By requiring an employee, male or female to contend with unwelcome sexual action or explicit sexual demands in the workplace attacks the dignity and self-respect of the victim both as an employee and

¹⁴ AIR 1977 SC 3011.

¹⁵ Alok Bhasin, *Law relating to sexual harassment at work*, Easter Book co., Lucknow, 2nd edition, Lucknow, 2015

¹⁶ Ibid.

as a human being. Sexual harassment constituted sex discrimination as it affects in limiting the conditions of employment of, or the employment opportunities available to employees on the basis of characteristics related to gender.”¹⁷

2.6 FEATURES, DIMENSIONS, AND TYPES OF SEXUAL HARASSMENT:

Women folk across various age groups and class face this tragedy. Younger and newer entrants into the profession in both public and private sector are equally vulnerable. Even widows who get jobs on compassionate grounds or divorced women are not spared. The crux of the matter is that a major chunk of the population has to endure such sexual gestures and comments without any fault of theirs.

Though it cannot be assumed or admit that not all men are potential rapists, batterers molesters and torturers of women, all women are not even potential victims yet all professions, social strata and level of income people suffers this evil of sexual harassment. For every woman who raises an outcry there are still many suffers in silence. It is not only violation of one's freedom and personal dignity but also takes a serious psychological toll on women by creation of intimidating, hostile and humiliating work environment.

However, it is a social malady that most women sometimes fail to realize the seriousness of the problem and try to treat it as normal or dismiss it as routine and others over the years, developed a internal coping mechanisms to deal with the menace. Women with little education do not accept the fact that such sexual harassment is unacceptable behavior and those who are educated and aware, lack in recognition about comfort zones and bodily boundaries.

¹⁷ Alok Bhasin, *Law relating to sexual harassment at work*, Easter Book co., Lucknow, 2nd edition, 2015

Characteristic features of Sexual Harassment

Violence against women in India is an issue rooted in social norms and economic dependence. Sexual harassment in the workplace has until recently been ignored as a major issue, but now gradually getting wider publicity and it is obvious that its dimensions are greater than are recorded. Sexual harassment is actually a form of power or it can be said as an attempt to assert power over another.

Sexual harassment speaks more to power relationships and victimization than it does to sex itself.¹⁸ It is improper use of power to extort sexual gratification and consists of misperception or misunderstanding of a person's intentions.¹⁹

It results from misuse of power- not from sexual attraction.²⁰ It reflects a disparity in power between the perpetrator and the victim, which more often mirrors the power differentials between men and women in society.²¹

The social thinkers revealed the analysis that instant conduct with sexual element is objectionable as it interferes both with the personal life of the victim and also it throws even a fall on capability, dignity and worth of the victim. As all the historical manifestations of violence depicts sexual harassment is also embedded in the socio-economic and political context of power strategies, shaping it as a power play and sexual politics.

Some have argued that sexual harassment is a result of men's increasing insecurity with the rise of women in employment. Those men use sexual aggression as a weapon to undermine the worth of women's work and self-esteem but in reality, the fear is completely baseless. Here the researcher has included the workforce participation of both male and female gender in the workplaces of Assam and in India

¹⁸ International Women's Right Action Watch (IWRAP) Asia pacific, Sexual harassment in the work place: opportunities and challenges, 2005.

¹⁹ Sikri Rehana, *Women and Sexual exploitation Harassment at work*, Kanishka Publishers, 1999, PP. 130, 131

²⁰ Petroelli William and Repa Barbara Kate, *Sexual harassment on the job*, NOIO press, 1992, P-19

²¹ ILO, Technical Report for Discussion, International Women's Right Action Watch (IWRAP) Asia Pacific 2005, P.2.

so as to evaluate the true cause of insecurity faced by male counterparts in case of participation of women at different level of engagement.

Workforce Participation Rate in Assam, 2001

In thousand persons

State Country	Total			Rural			Urban		
	Person	Male	Female	Person	Male	Female	Person	Male	Female
Assam	359	499	205	364	498	223	320	510	103
India	393	519	257	420	524	310	322	508	115

Source: Govt. of Assam, Assam Human Development Report 2003

In order to understand the problem of sexual harassment and the various risk factors, it is essential to understand its causes and how it occurs. Historically, research centered on how sexual harassment has tended to focus on the person being harassed and the perpetrators behavior, including the psychological profile of the harasser. However, a more holistic approach towards sexual harassment needs to be taken. There is now increasing understanding that harassment will and does, take various forms depending on different cultural and organizational contents. If individuals believe that sexual harassment has not been tackled and that this form of behavior is condoned and tolerated, it may lead to a culture of sexual harassment. Taking a consultative approach, the establishment and implementation of policies is a positive step as it is ensuring that there must be a common view of harassment so that employers can know what is and what is not acceptable in work place.

Sexual harassment can be interpreted as sex-based discrimination because the expression of sexuality at work place is prejudicial to the dignity of women. It emphasizes the sexuality of victims over their role as workers and thereby imposes less favorable working condition upon them. The victim is targeted because of her sex.

It is a part of the whole syndrome of discrimination and exploitation that upholds unequal economic and social structures thriving in an atmosphere of threat, terror and reprisal.²²

The following acts may amount to such discrimination:²³

- Finding faults unnecessarily with the female employees work or treating her as ornament or giving extra work to her.
- Creating stereotypes about woman.
- Condoning acts of sexual harassment either actively or passively by not taking preventing steps.²⁴

In jobs or occupations where there is an unequal sex ratio, especially in occupations that are male dominated, sexual Harassment appears to be more prevalent. Gender composition of the occupation is important in relation to the respondent's own gender. Where men are in managerial roles and women predominantly in lower status positions, sexual harassment become more and more probe into such areas.

Sexual harassment is a systematic effort to convince it as an attempt to institutionalize the existing subordination of women at all standards of life and also at the workplace in comparison to men. The perception of considering women as sexual being where their privacy and integrity can be trespassed at any time as per will still exist in India. It aims at establishing the fact that they exist for man's stimulation, gratification and pleasure making them vulnerable at work towards the will and expectations of male employers being in a position to punish or reward such subordinate women employees economically.²⁵ Thus, by reason of her relatively weak position in the work place, the female employee often makes rational choice that the

²² Rajshri Das Gupta; *The politics of silence sexual harassment at workplace*, Sanhita, Kolkata, 2001

²³ Gupta Ritu, *Sexual harassment at workplace*, Lexis Nexis, New Delhi, 2014, ISBN: 978-93-5143-053-7, Page No. 6

²⁴ Ibid.

²⁵ Ibid., P.7

alternatives to sexual harassment would be more harmful than the physical and psychological consequences of such harassment.²⁶

2.7 CAUSES, CONSEQUENCES AND EFFECTS OF SEXUAL HARASSMENT:

The fear that the whole issue would be blown out of proportion is what induces most women to endure their tormentors in silence or give in their demands.²⁷ The women gender who with all possible hard work and determination reach the high-profile position and suffers the evil of sexual harassment hardly retaliate or has the courage of complaining such incidents. However, analysis makes it clear that the existing mindset is the only reason for such sufferings and exploitation irrespective of qualifications, reasonable awareness, and security and safety concerns.

Moreover, most of the cases of sexual abuse go unreported because of the traumatic trial procedure and social stigmatization which is involved with sexual matters.²⁸

The reality check of sexual harassment instances shows that many a times the reason for sexually harassing the victim may not only be instigated by sexual pleasure and lust but also to prove supremacy, power and dominance over the victim. Such behavior replicates the stereotypical mindset prevalent in the society. Thus, generally the male perpetrators indulge in sexual misconduct believing the fact that they can show the real status to women as the victim or to realize her that she is good only for gratifying their sexual desires.²⁹

²⁶ Gupta Ritu, *Sexual harassment at workplace*, Lexis Nexis, New Delhi, 2014, ISBN: 978-93-5143-053-7 Page No. 6

²⁷ Rajshree Das Gupta, *The politics of silence - Sexual harassment at Workplace*, Sanhita, Kolkata, 2001

²⁸ Gupta Ritu, *Sexual Harassment at Workplace*, Lexis-Nexis, New Delhi, 2014, p no-9

²⁹ Bhasin Alok, *Law relating to Sexual Harassment At work*, Eastern Book Company, Lucknow, 2nd edition, 2015.

Sexual harassment is any sexually oriented conduct that may endanger the victim's job, negatively affect the victim's job performance or undermine the victims' personal dignity.³⁰ It can be manifested physically or mentally. In simple occurrence, it may include improper affection and gesture, verbal insults, or propositions for dates and sexual favors. However, ugly head it apprehends the forms like leering, physical grabbing, sexual assault or molestation and many more.

The **dimensions of sexual harassment** must be shaped in a way to assimilate both sexual conduct and sex-based behavior. The International aspirants have addressed this as both an aspect of gender discrimination as well as a form of sexual violence against woman. The most acceptable definition that can be adopted should base on whether the conduct committed against the victim is unreasonable and unwelcome to her.

In USA, Equal Employment Opportunity Commission has produced for the first time some guidelines taking position that Sexual Harassment was violation of civil rights. Later these guidelines were referred by US Supreme Court while deciding such cases. It defines sexual harassment³¹ as "Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature made explicitly or implicitly as a term of employment, submission or rejection of such behavior can be used to affect such individual or such conduct is done with the purpose of interfering unreasonable in the work performance by creating intimidating, hostile or offensive working environment."³²

Such alleged conduct shall be examined by the commission to determine its nature and whether the consideration of nature is sexual harassment and its context will be observed.

The courts of UK have also prohibited the behavior of sexual nature under Sex Discrimination Act, 1975 which was designed to fight against the instances of sex

³⁰ Gupta Ritu, *Sexual harassment at workplace*, Lexis Nexis, New Delhi, 2014, ISBN: 978-93-5143-053-7.

³¹ Ibid.

³² Ibid.

discrimination that includes any discrimination made on the basis of sexuality and gender roles. Under this Act, in any circumstances relevant for the purpose of any provision where on the ground of sex a man treats a woman less favorable than it may amount to direct or indirect discrimination against woman.

The most progressive outlook in the field of combating sexual harassment at work has been initiated by ILO. They have found out a definition of sexual harassment with a motive of perspective protection of victim's dignity.

"Sexual harassment means unwanted conduct of sexual nature, or other conduct based on sex affecting dignity of women and men at work. This can include unwelcome physical, verbal or non-verbal conduct."³³

The Canada Labor code defines "Sexual harassment as any conduct, comment, gesture or contact of a sexual nature"³⁴

*That is likely to cause offence or humiliation to any employee, or

*That might, on reasonable grounds be perceived by that employee as placing a condition of a sexual nature on employment or any opportunity for training or promotion.³⁵

In India, Supreme Court has defined the term sexual harassment relying on the international conventions and norms. Such as recommendation 19, of CEDAW as in case of 'Vishaka V. State of Rajasthan'³⁶ as –

Sexual harassment includes such unwelcome sexually determine behavior whether directly or by implication as³⁷-

³³ The European community's commission's "code of practice on measures to combat sexual harassment", Nov, 1991. The European Union's revised equal treatment directive 2002/73/EC defines "Sexual Harassment" as any form of unwanted, verbal, non-verbal or physical conduct of a sexual nature", having "the purpose or effect of violating the dignity of person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment" official Journal of the European communities, L269/15, dt. 05/10/2002, Art. 2

³⁴ Ibid.

³⁵ Canada Labor Code, Part III, standard hours, wages, vacations and holidays division XV: 1985. Chapter 9

³⁶ 1997, 6 SEC 241

³⁷ Bhasin Alok, *Law relating to sexual harassment at work*, Eastern Book Company, Lucknow, 2nd edition, 2015

- a) Physical contact and advances.
- b) A demand or request for sexual favors,
- c) Sexually colored remarks
- d) Showing pornography
- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

According to Section 2(n) of Sexual harassment of women at work place (prevention, prohibition and Redressal) Act, 2013³⁸

Sexual harassment includes any one or more of the following unwelcome acts or behavior whether directly or by implication any

- i) Physical contact or advances,
- ii) Demand or request for sexual favor
- iii) Making sexually colored remarks,
- iv) Showing pornography,
- v) Any other unwelcome, physical, verbal or non-verbal conduct of sexual nature.

Section 3 (1) Mandates that no woman shall be subjected to sexual harassment and Section 3 (2) provides prevention of sexual harassment. Section 3(2) includes the following circumstances which if present will amount of sexual harassment³⁹:

- 1) Implied or explicit promise of preferential treatment in her employment;
- 2) Implied or explicit threat of detrimental treatment in her employment,
- 3) Implied or implicit threat about her present or future employment status,
- 4) Interference with her work or creating on intimidating or abusive or hostile work environment for her
- 5) Humiliating treatment likely to affect her health or safety ⁴⁰

Causes or Reasons of Sexual Harassment

³⁸ Gupta Ritu, *Sexual harassment at workplace*, Lexis Nexis, New Delhi, 2014, ISBN: 978-93-5143-053-7.

³⁹ Sexual Harassment of women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

⁴⁰ Ibid.

The Indian society is against the notion of giving birth to a daughter. The birth of daughter's causes great disappointment in the family. Our society is a patriarchal one and the general mindset that Indian people are having is moksha can be achieved only through son not through girl child and thereby a girl child is treated as a curse in the family. Most of such worthless human being still has the thought that nourishing a girl child is nothing more than nurturing someone else's property. Such inhumane and discriminative thought is responsible for causation of crime against women. But a new ray of hope can be seen as massive participation has been started on the part of women in the work and in the system of decision making. However, the attitude of men towards women at workplace is still not satisfactory rather it is disappointing. Everyday a working woman come across many forms of discrimination when they come out of their home to work, one of such kind is humiliation by their counterpart is called as Sexual Harassment'. The reasons behind the vast spread of such sexual discrimination can be reasoned as-

Social and Cultural Factors:

The biggest contributing factor leading to sexual harassment in our society is our social norms. The subordinating position of women in society is both determined and maintained by constricting set of values and customs, which work against their emancipation. The reality of Indian society lies on the fact that women are considered as sex objects and inferior to men. It has patriarchal structure and here in this structure man think that woman is not equal to them and they treat her in a disintegrating manner as an object. Our cultural system, our social values, customs and institutional arrangements directly affects women with her respect, position, her existence and reputation. There is gender-bias and beliefs like men are stronger and wiser in comparison to female and they are treated pieces of face value only. There is dominance of male over female. A woman is less privileged with physical construction and thereby subjected to sexual abuse by male counterpart is the new reality in the equilibrium society apparent in the face of it.

Women are seeking employment in the traditional male dominated sphere of work that as a result, both have to learn new ways relating to one another, as equal co-workers. The process of change creates tension that sometimes takes the form of sexual harassment, creating uncomfortable situation with their new roles. Both men and women can slip back into old forms of behaviour that deny women the respect and dignity that they deserve. Sexual harassment is not an expression of sexuality; rather is an assertion of power in a situation of unequal power relations. Whether it takes the form of physical molestation, verbal comments or jokes of a sexual nature, mental disrespect for a woman working ability, or systematic discrimination, the result is the same; it undermines women's professionalism and their right to a respectful working environment. It has been conceived that woman are worth dealing with household management, nourishing her children and family which in contrary if they come out to restore their human values by succeeding in their carrier, earning for their family it demolishes the reputation and good will of the family. There is a strong need for altering such social behaviour in favour of women expecting it to lead the change in social attitude and existing stereotypes.

Economic Inequality:

A contributing factor in crime against women is economic inequality between men and women as in Indian society, majority of women are dependent on men for financial support. The reality stands as there is economic inequality between men and women, and in case the female member of the family goes out for work they suffer disadvantages of biological construction or of physical appearance or may be harassed by their superiors.

Low Literacy and Poverty:

The lower status attributed to women in the society at large is mainly affected by low literacy rate and existing below the standard lifestyle among women. These perceptions make them more vulnerable to all kinds of abuse, discrimination and exploitation. In a democratic society like India, all citizens have the responsibility to perform their civil and social obligations, resort to best available solutions to combat

the differences which may lead to variations in the standard of intellectual development. Low education has a major role in Sexual Harassment of poor female workers. In rural areas and weaker sections of the society, the rate of female illiteracy is alarmingly high. In these areas, the girls are withdrawn from school in early age for doing household work. Rural working women get fewer wages, because they are ignorant of the basic law.

Legal Obstacles and Lack of Awareness:

The Indian legal system is not adequate to give protection to the suppressed women. Our existing legal system has a tilt towards patriarchal system despite equality among every citizen that has been cherished in our constitution. Some respondent was not aware of the Supreme Court guidelines and the law relating to sexual harassment at workplace due to lack of awareness spread or related activity and several women argue that a complaint committee that needs to be impartial would merely work as a formality. The complaints made against influential person or man with position, ends in pressure, created to dismiss such charges of harassment. In short, a range of obstacles inhibits women from lodging a formal complaint. Many of these obstacles reflect the society's tendency to blame women for provoking sexual harassment, but far more reflect an acknowledgement of their relatively powerless position with the workplace.

Impact of Media or Role of Media:

In the battle of equal status and fair treatment of women an important role is generally attributed to the mass media and in particular television has become a main part of life in a developed and developing countries. But today, the presentation of women on television is contradictory to reality. It is the most popular medium of communication these days and here women are treated and projected as sex commodities. Provocative projection of women by media is a contributing factor in increasing crimes against women. Televisions, computer pornography/internet are affecting the women status in negative way to a great extent.

Victim's Silence and non-reporting of instances of sexual harassment :

The victim's silence is a reason for increasing trend of sexual harassment not only in home, in society but also at workplace. Women have been conditioned to believe that they should prepare mentally to face such type of incidents and not to make a big deal of it. Sexual harassment at workplace has been faced by women, due to workplace hierarchy, reluctance on the part of the women to come out openly and complain against sexual harassment for a number of reasons. The social behaviour of society is designed as women are hand maiden of males and they are to feel that they are responsible for what has happened to them. The following perhaps explain the reasons behind silence and inaction on the part of the harassed women;

Fear of Stigma of women that is a major obstacle in lodging complaints. Generally, when a woman does not respond to man passes, they spread rumours that they were having an affair, making woman to feel depressed and humiliated which further prevents her from complaining. Complain against sexual harassment, is considered as compromise to the respect and dignity of women and their family. She always has a fear of non-acceptance by the society after making complaint. Respect, dignity and fear of non-acceptance by the society prevent a woman from reporting such type of incidents.

Fear of Reprisal may make a woman to suffer the fear of job security, promotion or the adverse effect on her career for reporting of sexual harassment cases. Very often, it is said that when a woman lodges a complaint of sexual harassment with the management, the worker instead of looking into her problem, retaliates by maligning her as an inefficient and incompetent worker.

Lack of Support from Colleagues can be major reason of non-reporting such instances. The sense of solidarity in the workplaces seems very poor when it relates to sexual harassment of women colleagues. The management often intimidates colleagues, who wish to support harassed women. The social behaviour, fear of losing job, lack of awareness, lack of official support, fear of stress and strain, fear of media, difficulties in proving the crime and social pressure are main reasons for non-reporting

of the offences of Sexual Harassment. The silence or no reporting of victims do not decrease rather will increase the instances of sexual harassment.

Other Factors:

The sexual harassment instances are increasing at a gradual manner. Many reasons have contributed towards increasing incidents of sexual harassment at workplace which are: No stringent penal provision for such offences, Social and family pressure, lack of respect for women and women's integrity, increasing number of working women, more talks on feminism and masculinise than on humanism etc.

Types of sexual harassment:

Sexual harassment can be classified into two forms. The first type is the 'quid pro quo' and second type is the "hostile work environment".

Quid pro quo harassment can be characterized by the denial of an economic benefit to punish the victim for rejecting a sexual overture or demand.⁴¹ Quid pro quo harassment typically means "this for that". This type of harassment generally involves a supervisor who makes it conditional that the employee participates in some typical sexual activity for promotion, job, benefit, a pay rise, for continuing employment etc. Harassment occurs when the demand or request is refused by the women employee and then her refusal to comply with the request or demand can be met with retaliatory action such as poor work record, demotion, difficult work atmosphere and even dismissal.

Adverse work consequences, may be of two types:⁴²

- i) **Tangible:** This type of consequences are hiring, firing, failing to promote, reassignment with significantly different responsibilities, a decision to cause a significant change in benefits, a demotion evidenced by a decrease in wage or salary, a less distinguished in wage or salary, a less distinguished title, a

⁴¹ Bhasin Alok, *Law relating to sexual harassment at work*, Eastern Book Company, Lucknow, 2nd Edition, 2015

⁴² Bhasin Alok, *Law relating to sexual harassment at work*, Eastern Book Company, Lucknow, 2nd Edition, 2015

material loss of benefits and significantly diminished material responsibilities.⁴³

- ii) **Intangible:** In this type of adverse employment action, a complainant needs not to demonstrate any so called tangible adverse employment action over & above a hostile environment.⁴⁴

The hostile working environment means any conduct that creates an unwelcome and offensive working atmosphere for the victim encompassing the behavior that includes sexual black mail, sex-based comments, disparaging remarks about the sex of the target, innuendos, the display of sexually suggestive or explicit material etc.⁴⁵

It is more subtle and insidious yet more pervasive form of sexual harassment.⁴⁶ Hostile environment occurs when such unwelcome sexual conduct interferes with an individual's job performance or creates an intimidating, hostile or offensive work environment, not directly linked to any tangible job benefit or harm.⁴⁷

Illustration:

Quid Pro Quo Harassment	Hostile work Harassment
A supervisor request sexual favors from a junior in return for a promotion or other job benefits.	Displaying pornography and other sexually explicit material in the work place.
Ask a woman to spend the night in return for a promotion	Touching or grabbing
Ask a woman to have sex or perform sexual acts with promises of out of turn or underserved favors like a foreign trip, business tour, outing etc.	Making sexually explicit or suggestive jokes.

⁴³ Gupta Ritu, *Sexual harassment Workplace*, Lexis Nexis, New Delhi, 1st edition, 2014, Page 20, 21,

⁴⁴ Bhasin Alok, *Law relating to sexual harassment at work*, Eastern Book Company, Lucknow, 2nd edition, 2015, Page 20, 21

⁴⁵ Ibid.

⁴⁶ Gupta Ritu, *Sexual harassment Workplace*, 1st edition, Lexis Nexis, New Delhi, 2014

⁴⁷ Ibid.

A worker is threatened with dismissal if she refuses to perform a sexual act.	Making it difficult for a woman to come to work
A boss makes interfering inquiries into the private lives of women employees or persistently asks them out on dates.	Making personal comments about a women's appearance matrimonial or love life, pregnancy
	Singing obscene songs
	Making sexist remarks
	Discussing a woman's sexuality in Public

Effects and cost of sexual harassment:

A popular misconception about sexual Harassment is that it inevitably includes physical sexual contact at any time, place and in any context. There are many forms of sexual harassment not limiting itself under threat of miserable job consequences. The worst instances of sexual harassment end not in hiring, denial of promotion or dismissal from services due to failure on the part of the employees to correspond in sexual activities. However, it costs economic deprivation and sufferings on the part of the victim.

Sexual harassment also encompasses situations where sexual favours are foisted upon unwilling employees or in which employees must endure sexual groping, propositions, and in appropriate comments but where no tangible economic rewards are attached to involvement in the behavior.⁴⁸

The effect and cost of sexual harassment of women at work place are of twofold:

On those who are harassed:

Experiencing Sexual Harassment has been shown to affect people's psychological and physical well-being, as well as their employment situation. Such harassing behaviors may range from irritation, nervousness, anger, powerlessness and may end in humiliation. It can make working lives miserable amounting to endless sufferings.

⁴⁸ Janzen V. Play enterprises Ltd. (1989) 1 SCR 1252: 1989 Canlii 97 (SCC) 1989)59 DLR (4th) 352: (1989) 10 CHRR 6205, Supreme Court of Canada, Per Dickson, C.J.

In such cases, illness suffered by the victim may cause mental stigma on the victim. Where sexual instances involve sexual coercion for a long period of time it may trigger a large number of ailments, including stress related illness, high blood pressure, inability to sleep, loss of appetite, nausea etc. It has the drawbacks of causing serious mental health problems as depression and post-traumatic stress disorder.

The social and human costs of sexual harassment can be very high. In worst cases women have committed the wrong of suicide. Women who are subjected to harassment may fear dismissal or lose promotion prospects or have to resign. It may lead to apparent lack of commitment, poor performance, absenteeism etc. Ultimately the victims of sexual harassment may miss out on career opportunities or may leave their jobs by resigning. Women may suffer feelings of self-blame, loss of self-confidence and decreased job satisfaction, decreased morale damage to interpersonal relations at work and various economic losses. Many women have to face this evil as she happens to be the sole bread earner of the family and she needs to tolerate it as a silent victim for the sake of their family. In any of the cases such women are bound to suffer.

On the organization:

Sexual harassment can affect the individuals as well as the organization involved hence it also affects the employers. When such harassed workers concentration is hampered, it interferes with their judgment, it causes failure to motivate or intentions to be late or absent results in significant loss of the employer.

Consequences here may lead to loss of the productivity; jeopardized team work and work place accident risk got tremendously high. Employers in such circumstances may lose valuable workers and some may show no interest in applying for vacant posts. It can damage performance, damage the company's public image through adverse publicity. Employees who witness sexual harassment may conclude that the organization does not care about workforce ultimately leading to negative assumptions regarding organizational norms and behaviors specially relating to fairness and Justice.

The result can be a loss of confidence in management, a loss of loyalty to the organization and therefore lower productivity.

The impact of Sexual Harassment can be seen in treating it as healthy and safety issue for all organizations. Health and safety regulation provide a practical framework for assessing risks and taking action to address those identified. Therefore, awareness of the rights of the female employees in this regard should be created by significantly influencing them with rights, privileges and proper guidelines on the subject.

THE COST OF SEXUAL HARASSMENT

Victims	Employers	SOCIETY
Mental suffering including humiliation, less motivation, loss of self-esteem and confidence;	Decreased enterprise productivity due to impaired judgment	Long term rehabilitation on costs for the reintegration of the victims,
Behavioral change including isolation, deterioration of relationships	Compromised, teamwork	Unemployment welfare benefits and retraining
Stress related physical and mental illness including drugs and alcohol abuse.	De-motivation	Invalidity costs for those with impaired working capacities. Legal & criminal justice expenses
Victims foregoing career opportunities leaving employment or committing suicide	Absenteeism	Women undimmed access the high status a well paid jobs, traditionally, male dominated.
	No applicants to fill up the vacancies at work place with fear of sexual harassment.	
	Progress and innovation within the enterprise is hindered when the environment is deficient in trust and team spirit	

Women at all level and group faces this menace as this harassment speaks more to power relationships and victimization. It is the improper use of power to extort sexual gratification and consists of misperception or misunderstanding of a person's intentions. It reflects a power relationship, male over female that is exploitative.⁴⁹

Many or most of the women will answer in positive in a question of experiencing sexual harassment or being aware of any such incident happened nearly. In Industrialized countries 42-50% of women are sexually harassed.⁵⁰ In the European Union, 40-50% of women and in Asia-Pacific countries between 30-40% of women workers reported some form of harassment with a varying degree of security. At some stages every single woman had suffered sexual harassment.⁵¹

Discussion:

In this chapter, the Researcher has discussed about historical perspectives and dimensions of Sexual Harassment at workplace. History bears the testimony of human development through different stages and a systematic approach to know the various prospects of women's rights, their development, growth and trends of social attitude towards female fraternity is attempted by the researcher in this chapter. In India, both man and woman gender is given equal status considering the fact that both these elements are essential to run the society. However, the female fraternity has struggled with all possible effort to justify their existence at different stages of historical development.

The biological construction bestows a negative impact on women's existence nullifying her ability, passion and strength. They suffer unprecedented biasness and discrimination causing them to feel less confident and socio-culturally less privileged. Their participation is questioned and their rights got stuck in stereotypical myths. The researcher has studied the status of women given in pre-Vedic and post- Vedic period. The great Indian epics have always considered woman as a creator, possessor of

⁴⁹ Sikri Rehana, *Women and Sexual Exploitation: Harassment at work*, Kanishka publishers, New Delhi, 1999 PP- 130, 131

⁵⁰ Figures quoted in Arosha Adikaram, an exploratory study on Sexual Harassment.

⁵¹ Report of UN Secretary General on All Forms of violence against Women, 2006

energy and strength. Mother earth is always depicted as a soul of a woman where she bears all pain and still gives love and affection. Women are gifted creation of God which was totally agreed by sages in Vedic period. Complete equality between men and women, status of learning and cultural equality were few advantages enjoyed by women in Vedic period as per rig Vedic Philosophy. This period has approved, applauded and achieved the dignity, prosperity, power, respect and honor for its female inhabitant. Education and learning were allowed to women as well as a birth of a girl child was considered as fortune for the family. In religious practices, marriage rituals and intellectual existence the women were treated as equal to man.

However, the post-Vedic period has witnessed a total demolition of women's existence. They were not allowed to move freely, not privileged to get education, not worthy to take own decisions of marriage and other religious activity. The woman in this era of epics and puranas were dedicated by virtues of Manu smriti considering Manu as the law giver. He denied all rights of woman making her a property of her father, husband and son. Manu Smriti talks about virtuous wife by restricting her rights, her privileges as well as dominating her mind and persona. No woman in this period was allowed to study. Pre-puberty marriages were encouraged and divorce was rejected by Manu. It shows that existing traditional outlook of male domination is well derived from post-Vedic period where status and dignity of women was pathetically low. Author P.K Son in his contribution "Indian Society" has rightfully described the lowering status of women during this era of epics, puranas and Manu Smriti. The medieval period made total declination in women's status. This period rejected education for women, neglected her freedom of movement, restricted her equality with men and her safety and honor became a mockery to the civilization. The Muslim invasions invariably encouraged the practices of sati and introduction of purdah system. However, the inheritance rights came as a benefit to women in this period. The rigidity, restrictions and negativity mark this era as less- respectful towards women.

The era of Bhakti Movement marked the presence of woman with religious independence as well as participation in literature and administration. The Hindu civilization however, did not appreciate the existence of women. They are regarded as

misfortune to the family, their remarriage was prohibited and their participation is restricted. A positive outlook emerged with women's active role in socio-economic and cultural affairs.

The status of woman in British rule i.e., in the pre-independence era was marked with emergence of liberalism where concept relating to liberty, equality, respect and dignity were seen. Major changes have taken place in women's rights, their education and social existence. Many social activists took the initiatives to educate and improve the status of women. These efforts have to a large extent had developed the socio-political conditions of women. Many women organizations and women's movements took place in order to uplift the women section of the society, to extinguish existing drawbacks, to develop leadership, to change the social attitudes of the other gender and to avail the opportunities towards progress and growth.

The contemporary period i.e., post- independence period, the promises towards this section has increased to infinity but execution is still in doubt. The denial of rights, rejection of education, rigidity in equality, restriction on liberty and violation of dignity has become new normal to modern, educated and developed society. Constitutional provisions, legislative measures and international agendas have failed drastically in this regard. The Constitution of India by virtue of Articles 14, 15, 16, 19 and 21 has encouraged the equality and dignity of woman. It has ratified the CEDAW Convention which has been adopted by world community to improve the existing conditions of female sections in the society. Fundamental Rights existed in the Constitutional preview is a smart attempt in this regard. Many administrative plans and policies have been introduced for this cause. The shift from non-acceptability to equality and dignity is a tough turn, yet not impossible. These efforts will generate respects for both these gender of male and female considering as human being. In this chapter, the evolution of the concept of sexual harassment is also studied by the researcher. The participation of woman at work is a late occurrence which however, has changed the existing social norms. Men dominion over working sector got new participants which created a sense of dissatisfaction among them. In this time the raise in gender issues started. The evil of sexual harassment reared as an ugly face

restricting women to be empowered. It has become an easy prey in the hands of men to exploit and harass women to control them. The study shows that sexual harassment has many characteristics which eventually do not include all types of sexual violence. It can be understood as a kind of behavior which is sexually determined, humiliating or unwelcome one. The discussion on causes and consequences of such harassment on women has also been included under this chapter. Many factors like cultural, economic, and educational and legal contributes in the occurrence of the crime. Its effects are discussed in two senses i.e., one who are harassed and another on the organization involved as both employer and employee suffers the effects of sexual harassment. The employer loss his employee, harms the reputation, suffer financial loss, involved with legal burdens and on the other hand, the employee suffers the crime, witness physical and psychological disturbances along with other manifold effects. Thus, the cost of sexual harassment is high and impactful for all concerned that must be dealt with proper sense and care to avoid miscarriage of justice.