

CHAPTER VI
**FUNCTIONING OF ASSAM STATE WOMEN'S
COMMISSION, NGO'S, AND POLICE ADMINISTRATION
ON SEXUAL HARASSMENT WITH REFERENCE TO
KAMRUP (METROPOLITAN) DISTRICT**

The state of Assam is unique in its demographical situation as it is one of the prime locations connecting the other north-eastern state to the main stream country. It has mesmerising beauty, richness of cultural identity and heritage, and loaded treasure of natural resources. Socio culturally State of Assam has shared strong bond with every community giving equal respect to every individual and group. The state has recognised the rights of every gender with all respect, dignity and decency in livelihood. The women here enjoy special privileges as it is believed that female has always regarded as important element of society, a gender to be worshipped always and forever. While the rest of the country is fighting against the odd of female infanticide, dowery death etc the women here in north eastern part enjoys equal respect, equal existence and deliberate involvement in the social process. Most of the north eastern state has matriarchal system practised in social dimensions. Every sector of livelihood has witnessed a huge involvement of both the genders in the state of Assam. The women have participated in political decision making, running business, holding dignified post and balancing the family structure and values largely in this state. The following table shows the population growth and literacy rate of both male and female in the society.

Population Growth in the District of Assam from 1951 to 2011

Year	Population Growth		Literacy Rate		Sex ratio (in thousand)
	Male	Female	Male	Female	
1951	4298773	3730083	28.01	7.58	868
1991	11657989	10756333	61.87	43.03	923
2001	13777037	12878491	71.28	54.61	935
2011	15939443	15266133	77.85	66.27	958

Source: Census of India 2011

However, though it has preserved its respect and dignity for women but instances of sexual harassment are not a new agenda here. Since long the state is fighting for curbing this wrong of sexual abuse by implicating various social and legal restrictions and creating some agencies to scrutinize the execution of such legal provisions as well as social impositions. The state has judicial, quasi-judicial and statutory bodies to regulate the crime of sexual harassment and many NGOs with the aim and objective of woman empowerment and social growth is working hard in the region. The women folk here has always shown interest in their development and progressive agenda and hence engaged in both organized and unorganized sector to earn dignity, respect and livelihood. The following are the data related to engagement of both male and female gender of both rural and urban areas of Assam in the workplaces of public and private sector.

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

6.1 CONTOURS OF SEXUAL HARASSMENT DIMENSIONS AND FORMS OF SEXUAL HARASSMENT IN THE CITY:

The status of safety and dignity of working women is a sensitive issue. The incidence of sexual harassment of women at workplace is insidious that is exposed to complex nature and subjected to ground realities. In Assam as well as in North-eastern States position of woman is of superior nature. They are regarded as blessings in the family and hence treated with care, love and sensitivity. The recent trends of urbanisation and Technological advancement have made everyone's life more complicated with increased social involvement and economic urge. No society differs in treating women as an element of bringing income to the house and at the same time they are expected to balance and maintain their family and house also. This problem of sexual harassment thereby is a by-product of social pressure and attitudes of male towards female counterparts. As Guwahati is the largest city of whole North-East States, the market of Guwahati is even increasing. The job opportunity in Guwahati is much higher than any other city in North-East India. The ever-increasing population of this city proves migration from surrounding cities and states, and for this reason the researcher has chosen this part as an area of field study. While conducting the study the researcher has visited several public sector offices where opinion of female workers on workplace harassment and various perspectives on the subjects are forwarded for their view and opinion. The tabular representations are given by the researcher to acknowledge the workforce participation as well as public and private sector engagement of female employees under Guwahati city.

Employment of women in organized sector

In thousand nos.							
Year	Public Sector		Private Sector		Public & Private Sector		Percentage share of Women in organized Sector
	Women	Total	Women	Total	Women	Total	
2006	77.4	528	241.1	551.1	318.5	1079.2	30
2007	77.3	525.1	255.6	572	332.9	1079.2	30

2008	81.5	524.5	268.4	605.2	350	1140	30.7
2009	81.8	519.7	299	599.7	380.7	1119.4	34
2010	84.9	527	310.8	640.5	395.7	1167.5	33.9
2011	85.6	527.3	266.5	554.6	352.1	1081.9	32.5
2012	87.3	531.7	273	571.7	360.3	1103.4	32.7
2013	87	531.1	279.7	583	366.7	1114.1	32.9

Source: Directorate of Employment & Craftsmen Training, Assam

The Researcher has moved to various autonomous organisations activity in acknowledging the occurrence of such crime in the city like NWC, AHRC, social welfare department, Assam etc. and took opinions with unstructured interview with the individuals associated with it. The researcher has distributed questionnaire among working women from prospective public sector offices in order to analyse and understand the extent of sexual harassment at workplace and the effect of Vishaka Guidelines in Assam. The researcher has chosen the respondents on random basis. However, throughout the study the researcher has seen a surprising attitude of female worker as they do not want to participate in such interview or survey claiming that Sexual Harassment is never present in their workplace. This may be due to the respectful position and status enjoyed by women in this side of the country.

The demeaning act of Sexual Harassment affects the women disproportionately due to their gendered positions in the society and the adverse power hierarchies within workplace culture. Survivors of Sexual Harassment face various challenges to their health and carrier. Typically, harassers, create hostile work environments in which sexually harassed person feels intimidated which consequently damages her productivity. Sexually coloured actions and behaviour at the workplace could be direct, indirect, verbal or non-verbal, physical or through various electronic ways and that may cause severe consequences on the victim. This issue has been long shrouded in silence due to 'taboo', lack of channels of recourse, the systematic nature of Sexual Harassment against women at workplaces and crucially, the impunity enjoyed by

perpetrators in such circumstances. It is an extremely difficult issue to tackle as long as deep power structures perpetual gender inequalities exist in the society.¹

The United Nations, the proponent of gender equality and Human Rights scrutinise the physical and mental wellbeing of survivors affected with sexual harassment. In India, although Sexual Harassment has been treated as a legal issue yet the ground reality depicts another picture of carelessness, lack of legal sanction and less reporting of the matter by disrespecting the commitments done in CEDAW and other commitments of Human Rights and Constitution of India. According to United Nations Development Programme (UNDP) Human Development Report, 2011, India ranks 134 in the Human Development Index. India ranks 129 out of 187 countries in the gender inequality index. Gender inequality index is a composite measure reflecting inequality in achievements between women and men in three dimensions:

- * Reproductive Health (Maternal mortality Ratio & Adolescent Fertility Rate),
- * Empowerment (Female & male population with at least secondary education and female and male shares of parliamentary seats) and
- * The labour market (Female & male labour participation rates)²

According to the National Crime Record Bureau's (NCRB) statistics, in 2014, almost 92 women are raped on an average every day in India that goes up to 33,707 in 2013 and 24,923 in 2012.³ In the survey done by the Centre for Transforming India⁴ documented that nearly 88% of women in India working in IT Sector witness or experience some form of Sexual harassment. In 2017, an Article on the Business Standard stated that 70% of working women do not report the occurrence of Sexual Harassment and reveals that even National Crime Report Bureau has shown that in

¹ A Research Report on workplace safety and dignity for women in Assam by Department of Women's studies Gauhati University.

² Jaishankar Indira, *Mapping violence against women*, Allahabad Law Agency, 5th edition, 2004

³ Source: CNN IBN Live News

⁴ New Delhi, 2010

2014-2015 the cases of Sexual Harassment at workplace premises increased to 119 from 57.⁵

Though the myths have been busted as women in North East Region has comparatively better status than elsewhere in India yet the statistics reveals a different story. The Report released by Union Ministry of Human Resources Development, the Status of Indian Women: Report 2001-02, reveals that crime against women in Assam is higher than the All-India average.⁶ The Data released by National Crime Record Bureau, also shows that the State of Assam has recorded the 2nd highest Crime rate against Women in India in 2016.⁷

An unpublished survey by North-East Network done in 2017 found that in organised sectors where 50% of the workplace is constituted by women suffer from multiple layers of discrimination within the exploitative power structures of the industry.⁸ Sexual harassment at the workplace is rampant but no one talks about it, however, 17% of working women in major cities have admitted to it. Most of the women thinks that harassment was not physical as per discussion done in the survey of 'sexual harassment at workplaces in India 2012-2013' done by Oxfam India, revealing the high incidence of sexual harassment in both organised and unorganised sector.

It added that 87% of the general population and 93% of working women reported awareness of sexual harassment at workplace, where majority of the victims did not resort to any formal action against the perpetrators. According to, National Crime Record Bureau (NCRB), 2017, the State of Assam contributes 6.4 percentage of State share to all India share of Crime against women that stands as 143.6. Evidently, it is seen that 44% of women suffers workplace harassment but only 2.7% complaints about it and cases were lodged. The situational existence of the status of the subject of

⁵ Manisha Chachra 'Despite law, 70% working women don't report workplace sexual harassment employers show poor compliance; Business Standard, 4 March, 2017.

⁶ <https://www.ukessays.com/essays/socialology/thestatus-of-women-in-assam-sociology-essay.php>.

⁷ https://ncrb.gov.in/statpublications/CII/CII_2016/Pdfs/NEW_PDFS/Crime%20in%20India%20-%202016%20complete%20PDF%20291117.Pdf

⁸ A Research Report: Workplace safety and dignity for women in Assam by Department of women studies, Gauhati University and North-East Network.

sexual harassment is very much deplorable so far as the dignity and safety of working women is concerned.

6.2 CONTRIBUTION OF NGO

Non-Government organisations, popularly known as NGO are basically development oriented voluntary organisation. The term “voluntary means serving or acting in a specified function of one’s own accord and without compulsion or promise of remuneration arising from natural impulse, acting or done without any legal obligation.”⁹

A voluntary organisation is a social service and developmental institution motivated to meet the needs of the most disadvantaged in society, either through direct services to the people or through facilitative/indirect services to other voluntary organisations or Government, non-profit making and not undertaken be fully funded for its maintenance directly or indirectly by the Government.¹⁰

In general, women in north-east region enjoys a status which is termed as better than that of rest of region considering the fact that the societies in North-East is of egalitarian in nature, thereby the social values and norms are not much orthodox allowing women with scope and space to be visible and mobile. However, vulnerabilities and abuse are still present within and outside the homes in this region also.

The Non-Governmental Organisations (NGO) is an integral part of development and rather they are working on various socio-economic issues. Violence against women is always a huge concern for the state and thereby requires dedicated involvement in the subject. In a patriarchal society the domination and crime against women occur due to attitudes and behavioural dilemma which shall have to be dealt

⁹ Chandra Puran, *NGO's in India*, Akansha Publishing House/New Delhi at P-I

¹⁰ Bhose Joel. SGR (2003) *NGO's and Rural Development, theory and practice*, published and printed by Ashok Kumar Mittal, New Delhi, at P.38

with in its root level only. NGOs are the real root level actors, and they are playing a significant role for improving the situations prevailing in the state to a great extent. In Assam also many such non-governmental organisations are working for betterment of destitute women, women suffering domestic violence and sexual harassment at workplaces or any other form of violence against women. Few of such NGO's are enlisted here.

List of NGO's working for upliftment of women in the state of Assam

NAME OF THE NGO	OFFICE
ASSAM CENTRE FOR RURAL DEVELOPMENT	Assam Centre For Rural Development, 29 P.B Road, Rehabari, Guwahati-781008
ANUBHAVE-THE ACTORS GUILD	H/no 238, Rupnagar Guwahati
BHASWATI	Choonsali, Noon Mati, Guwahati 20
CARE ASSAM	Indrapur Path, Jyotinagar, Guwahati 21
DIA CHARITABLE FOUNDATION	H/no 58, south Sarania near old mosque, Ulubari
MAARGNECHRDE	H/no 06, Apurba Sinha lane, Rajgarh Road, Guwahati-03
GOLD	Chandmari, Guwahati
NORTH EAST NETWORK	J.N 7, Doctor B Barooah Road, digholi pukhuri, uzanBajar

Role of NGO and Vishaka Guidelines

As directed by Supreme Court in Vishaka V. State of Rajasthan¹¹, there must be an establishment of redressal mechanism in the form of the complaint committee believe are mandated to be headed by a women employee, with not less than half of its members being women and also provided for the involvement of a third

¹¹ AIR, 1997, SC 3011

party/person/NGO expert on the issue, to restrict any undue pressure on the complainant.¹²

The local complaint committee within the domain of government of Assam, was formed by the office of the DC Kamrup(m) to discharge functions as per sexual harassment of women at workplace (Prevention, Prohibition and Redressal) Act of 2013. It was constituted on June, 12, 2019 for a period of 3 years, headed by Amrita Pathak Hazarika [State director of North East Network, women's organisation, Assam]. The committee will after the sensitization including understanding of the issues of sexual harassment of women at workplace, role of local committee, complaint procedures, inquiry procedures and duties of employees etc.¹³

North East Network (NEN) is one of the leading non-profitable organisations working with dedication towards uplifting the women residing in NE Region. They have taken the challenge of curbing violence and discrimination against women through public and policy advocacy. As per the National Crime record Bureau, Assam ranks one of the top 10 States in India in case of sexual harassment occurring at a high rate in Assam. North-East Network (NEN) has initiated a survey which has revealed that 74.3% women face sexual harassment in Guwahati City. This organisation is a Women's Rights Organisation linking with rural and urban women and organisations on development and related issues within North East India. NEN recognises the potential and right of every individual irrespective of any other criteria. It also endeavours to reach to every single life to bring about a collective change in society. NEN also connects many civil society organisations on development and Social Justice Issues within North East India. It was set up as a part of preparatory process for the Beijing World conference on women in 1995. In these 20 years of service NEN has emerged as one of the prominent organisations and platform to address women's human rights.

¹² Baishya Himashri, Sexual Harassment of women at workplace-The law and reality

¹³ The Sentinel, E-paper

North East Network has started with the vision to make an equal society where there will be gender Justice and respect for human rights. The following are the goals or reasons behind the establishment of this noble organisation.

- To create a culture of peace both at home and outside.
- To have increased participation on the part of women in Political, Public & Commission process,
- To address discrimination and violence committed against women etc.

North East Network has initiated detailed research on status of workplace safety and dignity for women in Assam where the findings of the study are quite surprising to the extent that 51.8% of employers and 38.1% of employees are aware of the existence of sexual harassment Act, 2013. 90% of their study area don't display any relevant information's regarding awareness of sexual harassment. However, it is revealed that many of the women employees don't utter anything about sexual violence committed against them in order to be in good books of the employer and to get best promotion and privileges on their part. This organisation is serving their best by working as a nodal agency to bring this gender violence in front line. A proper complaint mechanism, confidence on the part of women employees and a real will on the part of the government will serve better in comprehending it.

There should be greater public awareness and people should have greater participatory role in governance system. Regarding sexual harassment, NGOs should play proactive role and demand judicial activism. Actually, patriarchal attitude and values are the biggest challenges in the implementation of any law regarding women in our society. Combating these attitudes of men and women and person involved for the implementation of law and system are most crucial in the prevention of unwanted sexual behaviour. Many women organisation have come out loud regarding gender biased attitude reflected on passing of an ordinance that don't cover all the recommendation given by J.P. Verma committee for a violence free society. It is important to keep in mind that the establishment of a gender friendly society demands long period of persistent effort, as the saying goes on 'Rome was not built in a day.'

Global organisation for life development (GOLD) is a prominent organisation taking the lead towards creating a violence free society where equality and Justice prevails: This organisation has successfully established a good rapport with the communities and all atrocities with conviction.

Kaveri Sharma, the Assistant General Secretary of Global Organisation for life Development, said that the organisation has received two three complaints from such women being sexually harassed at the workplace. To which the organisation has reacted very strong with all possible help. This organisation runs shelter homes for a survivor of human trafficking named “Ujjawala” supported by ministry of women and child development. Their mission is to address every issue that will build a beautiful world for everyone to live without being discriminated and exploited. The President of the Organisation believes in serving the marginalised and underprivileged section considering it as a service to humanity. Hope these organisations with no profit motive can excel in their aim and objective of rendering free and fair service to every human being to promote the term “Nar Sewa Narayan Sewa”.

Role of NGOs in regard to Sexual harassment and its relevance in Vishaka Guidelines

In the countries like India there are numerous gaps to which NGO's try to fulfil. To fill the gap, NGO's access the laws, organise awareness camp, provide legal advice, reaching services at door step of victims of human right, educating human right as a subject and by filing public interest litigation in various High Courts and Supreme Court for rendering justice to people in need.¹⁴

In regard to sexual harassment, many such NGOs are working continuously towards addressing this issue. It helps and works in the following agenda –

- 1) **Awareness programme, seminar, camp:** NGOs are taking initiative in organising awareness programmes, camps and seminar across the country. India, being educationally weak, need more and more public participation to ensure the wide spread knowledge about rights & duties related to sexual

¹⁴ Singha Seema S. & Nath chiman (2011) *NGO in North East India DVS Publishes*, Pan bazar, Guwahati PP 134-135

violence. Ignorance on the subject may call for unwanted incidence and thus these awareness camps and seminars will help in creating consciousness among all the sections of people.

- 2) **Legal Aid:** NGO's make requisite arrangement for providing free legal advice to people who may not have the resources to avail it. It is arranged so that no one is denied with Justice. Legal costs are borne by NGOs for those who strive for Justice.
- 3) **Support to Victims:** These NGOs provides mental, physical as well as social support to the victims to provide necessary help in order to motivate them, counsel them to come out of the trauma. Emotional support, Financial and mental support are rendered on the part of NGO's.
- 4) **Self-defence Training:** These are one of the weapons to deal with the prevention of such incidence of sexual abuse. Physical ability to fight back against those culprits will necessarily help in restricting this crime.
- 5) **Promoting Gender equality:** Many Global NGOs like Oxfam, Action Aid International, women working worldwide (WWW) etc. are working in a common platform to promote gender equality and taken up such policy making which will highlights the issues relating to gender discrimination and sexual abuse.

The Judiciary while dealing with the landmark Judgment of Vishaka has incorporated that a safer and dignified workplace is a right of every female employee and it is the responsibility of the employer to ensure protective and secured environment to all. The employer shall be responsible for preventing commission of sexual harassment and to provide for resolution procedures, settlement and prosecution of the same. It shall have to constitute a redress cell or complaint committee headed by a woman and half of its members need to be women.

It this case, the Supreme Court has laid down that in order to prevent the possibility of any under pressure or influence from company, a third party i.e., preferably any member of NGO should have to be a part of such complaint committee.

Thus, after the guidelines issued by Apex Court under Vishaka guideline the participation of NGO has become mandatory and prominent.

6.3 WORKING OF NATIONAL WOMEN'S COMMISSION ON SEXUAL HARASSMENT:

The National Commission for women is a statutory body established under National Commission for women Act, 1990; it has the responsibility to review constitutional and legal safeguards, to prescribe remedial measures, to arrange redressal mechanism, the policy structures to the government. This commission need to access the assessment of gender empowerment. It may receive complaint and act Suo-moto to deliver justice to the victim. The commission was established by confirming the proposal of Committee on the Status of Women in India (CSWI) for its establishment in order to fulfil surveillance and to arrange grievance mechanism to accelerate socio-economic development of women.

The National Women's Commission (NCW) is entrusted with the following functions: -

- 1) Investigation and examination,
- 2) Presentation of Reports.
- 3) Recommendations,
- 4) Review
- 5) Taking up of cases of violation,
- 6) Women's Right
- 7) Suo-moto Notice
- 8) Policy decisions
- 9) Special studies and Investigation
- 10) Participation in planning
- 11) Inspection etc.

The NCW took the subject of sexual harassment at workplace as one of the focal issues.

- The stand of NWC on the matter of sexual harassment can be evaluated as it has taken consultations with Government Departments, Private institutions as well as NGO's for setting up a complaints mechanism in these organisations to work for redressal of complaints
- It has focused on the matter, and organised a committee that will look after every aspect of Sexual Harassment. On legal profession, followed by a case received by NEWC regarding suicide of female lawyer who had suffered sexual Harassment by senior lawyers. It has ensured that every single private or public sector organisation should ad-here the guidelines given by Apex Court in Vishaka case.
- It has given required guidelines to UGC for Council of India, CBSE; JNU to take proper redressal mechanism related to sexual harassment.
- It has ordered media both press & electronic media not to depict women body in a vulgar manner.

The National Commission for women (NCW) is flaming to bring comprehensive policy against gender discrimination at the workplace and the reason of defining it as gender discrimination is that there exist many forms of harassment which may not be necessarily sexual. This statutory organisation conducts reviewing of prevention of sexual harassment at the workplace Act, 2013. As per the view of Rekha Sharma, the Chair Person "There are faults in the way the law has been implemented. Many companies and organisations have not formed the ICC or these committees do not function the way they need to be."

Considering the low reporting of sexual harassment cases and its outrage in social media by way of Me too movement make the NCW to realise that the present law needs to be amended to tackle the emerging trends of harassment. It was seen that though proper laws are there yet the provisions are not followed to deal with it. Many women are not aware of time limitations as well as other criteria of filing a complaint on such matter. Dependence on police to react on the matter is also an inadequacy

related to working of NWC. However, initiatives are taken on their part to reduce such difficulties and to find out the best possible way to ensure workplace safety of all women.

Assam State Commission for women is also taking a lead towards ensuring equality and dignity of women employees in both private and public workplaces. It has received total 23 cases from 2015 May to 2018 of sexual harassment at workplace where 642 cases on cruelty and violence upon women are registered in this tenure. The ASWC engaged itself in the investigation and examination all the matters relating to safeguard for women as provided by Constitution of India and to work on gender Justice, intervention in cases of denial of opportunity and deprivation of women's rights.

The ASWC is entrusted with the power to investigate and examine all or any matter related to women, to present report to the government, to review existing constitutional provisions, recommend amendments, to look into complaint mechanism and to take Suo-moto notice, to promote gender Justice etc.

However, in an informal interview the recent Chairperson Mrs. Chikimiki Talukdar has enlightened the Researcher regarding complaint mechanism, redressal and Suo-moto notice.

6.4 ROLE OF NATIONAL HUMAN RIGHTS COMMISSION ON SEXUAL HARASSMENT:

This commission was the outcome of keen interest of the country as a whole in establishment of a National Institute in order to promote and protect human rights. In the year 1990 the establishment of a Commission was done to spread awareness on human rights. According to Section 2(d) of Protection of Human Rights Act, 1994¹⁵ the term "human rights" means the rights relating to life, liberty, equality and dignity of individuals guaranteed by the Constitution or embodied in the international covenants and enforceable in the Courts of India. The Act thereby set up a National

¹⁵ The Protection of Human Rights Act, 1994

Human Rights Commission and State Human Rights Commission for respective States.¹⁶

The Commission has entrusted with the following functions prescribed under Human Rights Act –

- It may inquire Suo-moto regarding any complaint of human rights violation.
- It may intervene in any proceeding regarding allegation of human rights violation pending before the court.
- It reviews the safeguards provided by the Constitution.
- It shall work on spreading human rights literacy.

Considering violence against women as a gross discrimination, the commission continued to work on the issues of sexual harassment at the workplace. It has reviewed the implementation of Vishaka guidelines in both private and public sector institutions.

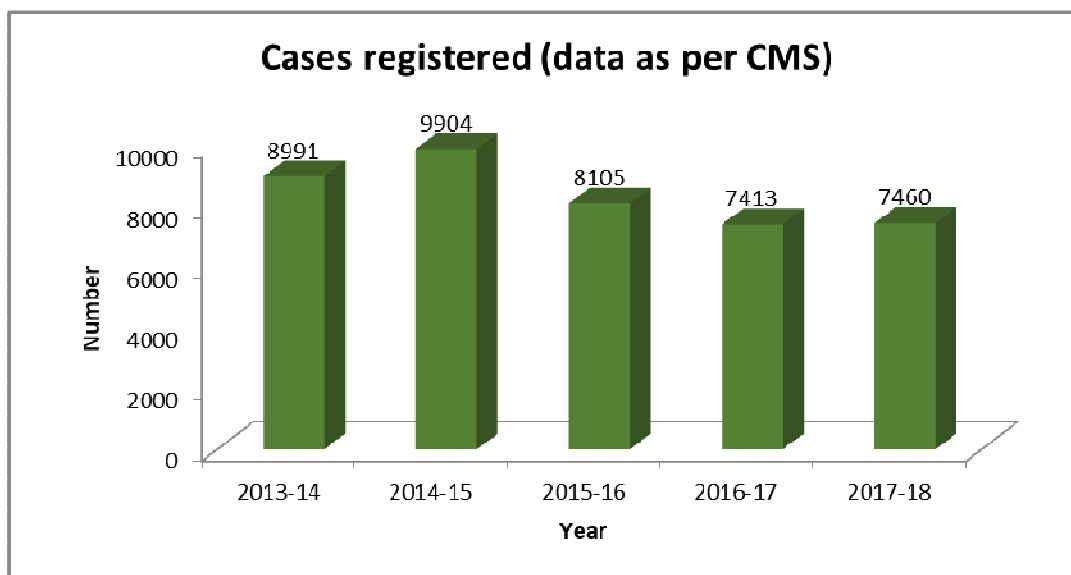
The Annual Report prepared under National Human Rights Commission for the year 2017-2018 shows that near about 7640 cases are registered under the head of Crime against women that covers incidence reported against any matter related to crime committed against women. The tabular representation is given below.

NATIONAL HUMAN RIGHTS COMMISSION: Annual Report 2017-2018

Cases registered (data as per CMS)

Head of case Registration	2013-14	2014-15	2015-16	2016-17	2017-18
Crime related to women	8991	9904	8105	7413	7460

¹⁶Agarwal H O Dr., *Human Rights*, central law publications, Allahabad



Source: Annual Report of National Human Rights Commission, 2017-18

The Assam Human Rights Commission established under protection of Human Rights Act, is also dealing with the instances of sexual harassment at workplace in the state of Assam, Considering it as drastic violation of human rights. The commission has the power to register cases dealing with sexual harassment matter on its own.

The researcher has visited AHRC, collected as well as studied case laws and role of AHRC is settling down the related cases registered under it. Unfortunately, the reporting of such cases is very low and yet to get the response from the woman folk.

6.5 RECOMMENDATIONS GIVEN BY LAW COMMISSION OF INDIA:

Law commission of India is an executive body that specifically deals with legal reforms. It is an advisory body who guides the ministry of law. It is composed of legal experts who need to submit report to the government on various matter of legal nature. However, these suggestions are not binding on the government. The main task allotted to them is to conduct legal research and to review the existing laws to introduce required reforms. It shall have to identify the laws which have no practical importance in the changed scenario of development and progress. It provides recommendations of

such changes. The main moto of Law Commission is to reform the law for maximising Justice in society and to promote good governance under the rule of law. At present the 22nd law commission has been established to serve the nation with its best drafted practical recommendations.

Justice eluded in Vishaka V. State of Rajasthan has shown a public outrage and activism on the part of Judiciary to pave its way to new legal protections against sexual harassment in workplaces. This case has finally led towards dealing with sexual harassment matters more sensitively and to protect and provide procedures for resolution, settlement or prosecution. Gender equality, work with dignity, protection against any act of sexual violence is introduced by POSH Act and shifted the responsibility from individual to institute. Law Commission has constituted Internal Complaint Committee on 12th July, 2019 under the Presiding officer Varsha Chandra, Addt. Law Officer, of the Commission.

Law Commission and sexual harassment:

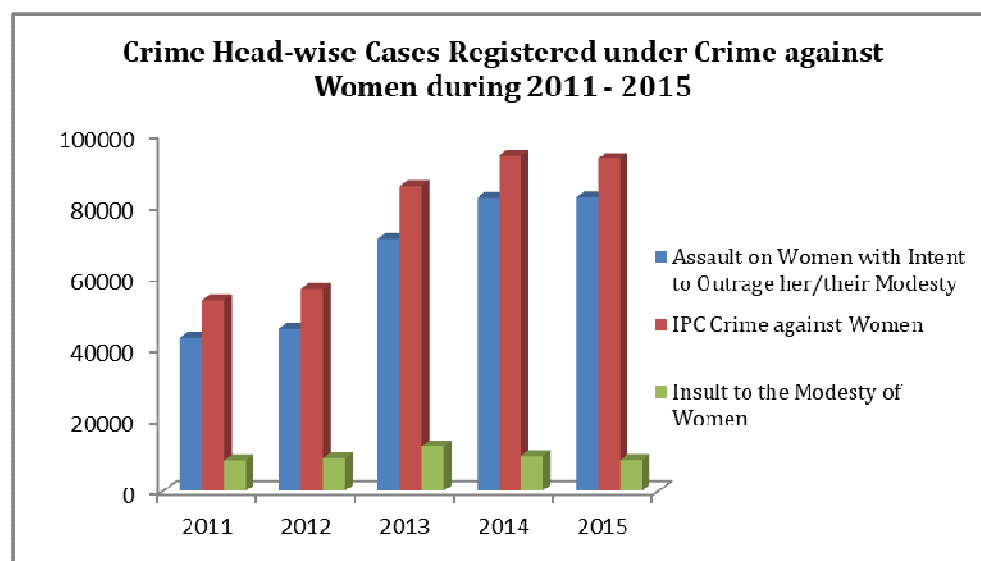
In regard to sexual harassment of working women the Supreme Court on approached by “**Sakshi**” a women’s organisation directed the law commission to indicate its response towards definition of expression “sexual intercourse” contained in Section 375 of IPC.

The Law Commission Reports are important document as they are the first formal recommendations towards the formation of law. With the initiative of various women’s organisation across the country the law commission has forwarded the proposal of Criminal Law Amendment Bill, 2010. In this bill the term “Sexual assault” is used for the first time. The recommendations of Justice Verma committee which has suggested reforms towards sexual harassment laws and regarding gender neutrality of sexual offences are not been incorporated in the criminal law Amendment Act, 2013.

The cases registered for committing crimes against women can be categorised under the following heads as represented below.

CRIME HEAD-WISE CASES REGISTERED UNDER CRIME AGAINST WOMEN DURING 2011 - 2015

Crime head	Year				
	2011	2012	2013	2014	2015
Assault on Women with Intent to Outrage her/their Modesty	42968	45351	70739	82235	82422
Insult to the Modesty of Women	8570	9173	12589	9735	8685
IPC Crime against Women	53549	56536	85341	93984	93122



Crime in India-2015, prepared by National Crime Record Bureau, Ministry of Home Affairs, Page: 83

6.6 ROLE OF POLICE ADMINISTRATION IN CURBING THE EVIL:

The word police are derived from Greek word Politica, its Latin equivalent is Politia. The Politia stands for citizenship or state or Administration of Government. The corresponding French word Polis means city or town. ¹⁷

¹⁷ B.N. Mullik, 1967, *A Philosophy for the Police, Civil defence in Orissa*, at P-22

Every society in every age has experienced the perplexing problem of crime¹⁸. Administration of Justice is the firmest pillar of the government. For the maintenance of legal rights and for the prevention of wrong and in Justice, there must be efficient administration of Justice according to pre declared principles of law.¹⁹

Item 1 and 2 in the state list of 7th schedule of Constitution of India was provided for public order and police i.e., these two subjects are to be dealt by State Government. But there are certain situations when centre can intervene in the law-and-order problems of the State²⁰ under Article 256 and 257 the executive power of states is subordinate to that of the union. Parliament is empowered to transfer any subject from State list to the concurrent list in National Interest.²¹

Responsibilities of Police

- Reporting of sexual harassment cases are very low yet this scope can be enlarged with more involvement on the part of police personals. Proper conduct of investigation and complete detailed report should be recorded on their part.
- Co-ordination between police, prosecutor, medical support services, survivor support groups and advocacy agencies are required to have prompt action. No police officer can refuse to take complaint of such victim even if there is Jurisdictional restriction.
- The victim can approach to rapid response desk and there will be a women police officer to assist her.
- Sexual harassment is a cognizable offence whereby no refusal can be accepted for lodging of complaint. But if anything like that happens Section 156(3) of CrPc allows the victim to approach the District Judicial Magistrate with help of a lawyer.

¹⁸ Elderberries Caffy, Alen & Grace, Richard (1974) principles of law enforcement, John wiley & sons, New York, London P-26-27

¹⁹ Nomita Agarwal, *Jurisprudence (Legal Theory)* Central Law Publication, 2003 Allahabad, at p-63

²⁰ Shukla V N, 2006, *Constitution of India*, Eastern Book Company, Lucknow, at p-955

²¹ Article 353 of COI

According to Edison Research Survey, only 25% of women who experience sexual harassment at work strongly agree that they could report an incident to their employers without fear.

It is a difficult job allotted at a Police personal to record the statement of the victim where she has to relive her ordeal and need to answer questions that can be invasive, insensitive and uncomfortable. However, the statement is the main part to proceed with investigation, to decide the redressal and to ensure punishment of the culprit.

The researcher while conducting the study has visited Gitanagar Police Station, Chandmari Police Station, Pan Bazar Women's Police Station, Basistha Police Station, Maligaon Police Station and Latasil Police Station in order to enquire about the complaint lodging system. However, surprisingly, there is very less reporting of such instances are recorded. In a joint effort by the CID and Project Pahari of Assam Police in association with National Institute of Public co-operation and child development (NIPCID) and with joined hands of Assam State Women Commission has started working on issues of gender discrimination & sexual violence.

The Police Personals seemed to be very much reluctant in opening up on the matter of sexual violations. Though they have responded to Researchers hard work yet it can be seen that their answers do not sound responsible considering it as a sensitive matter. However, they also revealed that there is low reporting of matter of workplace harassment may be due to pressure of employer or may be fear of job loss or may be any such incidence that might be considered as retaliation. This has emerged as significant community policing initiatives, strengthening all efforts at the community involvement in deciding security needs and also reorienting the policing at the cutting-edge levels with command devolution.²²

The real benefit of Vishaka can only be served, if we compel compliance with workplace sexual harassment as an equality issue, make a conscious shift from limiting language of criminal law to the expensive language of equality.

²² official website, Assam Police

6.7 DISCUSSION:

This Chapter contains the Functioning of Assam State Women's Commission, NGOs, and police administration on sexual harassment with reference to kamrup (metropolitan). As Assam is a state of cultural diversity, natural beauty, source of minerals and rich in heritage, it spread love and respect to all without any specific treatment to any community or individual. Most fortunate part here in this area of Indian federation gives equal respect to both the genders without subjecting anyone to discrimination and exploitation. The economic activity also has huge presence of both male and female providing equal opportunity and involvement. The state also has taken maximum available efforts to shape the reputation and dignity of women both in society and in the workplace. Many governments, non-government and other statutory agencies are working in this regard to maximize the involvement of female workers. The study here is made in AHRC, ASWC, NWC, Social Welfare Department as well as to many police station to take accountability of sexual harassment instances.

With detail study done in this area the researcher has come to know that most of female employees show utter disregard to answer any such question related to sexual harassment at workplace. There exists fear of job loss, reputation, status and position of both employer and employee. The United Nations report shows necessary information regarding well-being of victims who suffer any such wrong go through manifold effects of mental and physical health. However, female participation rate at work has a steady rise even after many drawbacks due to social complexities and economic necessities. Most of the working women have survived this evil and many have responded. The National Crime Record Bureau gives the statistics that almost 92 women get raped every day in India and Assam holds 2nd position as highest crime rate against woman.

Here in this regard the role of NGO is vital and important as it serves for society at large voluntarily working for eradicating the wrong from the society. In Assam many NGOs like GOLD, North East Network etc are rendering best of their services in this issue. The Supreme Court of India has also discussed the role of

NGOs, their involvement in omitting this crime in strong words. These organizations address awareness programmes, camps and seminars to ensure development and progress of woman folk. These NGOs give free legal aid, support system to the victims, self-defence training etc. to rebuild the mental and physical support for the victim.

The National Women's commission and Assam Commission for women work in collaborate way to review constitutional and legal safeguards and to facilitate policy framing in order to serve justice to the affected woman. They need to investigate and examine, review, give notice, make policy decisions and inspection considering women's rights as a focal matter. It has to look after the cases relating to sexual harassment evaluated properly and focused duly to erase the same. Proper guide lines must be framed in this subject to avoid miscarriage of justice.

The National Human Rights Commission was an attempt to promote and protect human rights concerns in India which are advocated both at national instruments and international commitments. They may take Suo moto cases of human rights violation, if necessary, may review safeguards and spread literacy on human rights.

The role of police administration is also a considerable matter in this regard. Their main concern is to spread consciousness among female gender regarding reporting of sexual harassment cases. This department as a protector of the society must be prepared with necessary co-ordination, medical support team, survivor support group and rapid response team to deal with the instances of sexual harassment with strong and prompt action.

The researcher has tried to analyse the roles and responsibilities of various departments, organisations and agencies associated with restricting the crime of sexual harassment at different level with different expertise who needs to act dedicatedly to bring it under control and allowing every individual to live a dignified life irrespective of gender concerns.