

**LEGAL RIGHTS OF WOMEN WITH SPECIAL
REFERENCE TO SEXUAL HARASSMENT
AT WORKPLACE UNDER KAMRUP
(METROPOLITAN) DISTRICT**

**Submitted in Partial fulfillment of the requirements for the
award of the Degree of Doctor of Philosophy in Law**



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CHAPTER VIII

SUMMARY AND CONCLUSION

Sexual Harassment bears a sense of insecurity and disrespect irrespective of geographical locations, position or hierarchy in job or socio-cultural background. This subject must be handled with care and caution as reputation of both victims as well as of the accused are at stake. The most relevant aim here is to safeguard the victim and find out the truth behind the alleged Sexual Harassment at workplace by following proper institutional mechanism, procedure and litigation. Though, India has detailed legislative enactment to deal with the incidence of Sexual violence yet mere law or legal norms, relying upon Internal Committee, believing the disciplinary actions are not enough to prevent the same. Employer's liability is one of the main essence or pillars of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 upon which it rests. With change in social values, family system, technology and scientific development, the involvement of female counter parts in various job roles has increased. As soon as, the participation has increased, the responsibility of protecting the dignity of the female employees by the respective employers has increased manifolds. Sexual Harassment is a physical or verbal form of discrimination that is resulted out of a perverted mind. It exists in people's mind set and, in that notion; women are being tortured due to her femininity and tenderness. The Act clearly states that it is always a responsibility of the employer to provide conscious safeguard to the female employees and also to allow women workers to work in safe and standard environment.

The Act mandated the employer to display penal consequences of Sexual Harassment, organise awareness programmes, facilitates Internal Committee, assist in Justice Delivery, safeguarding the victim and to provide strong mental as well as physical reassurance to the victim. There must have an inclusive, supportive and respectful environment in the office premises to construct a congenial working atmosphere. Sexual harassment is a complex social problem having wide dimensions.

The speedy urbanization and growth of working culture as well as due to rapid industrialization this evil is heading up uglier creating more no's of victims disrespecting the constitutional norms of gender equality. Sexual harassment that occurs frequently can be categorized into broad division as homosexual and heterosexual out of which the more prominent one is the heterosexual one as the research and data reveals. The women gender has made themselves easily available prey as being the oppressed one towards this crime. The patriarchal structure of Indian society undermines the status of women proving their dominance through economic dependence, systematized prejudices, submissive rules and regulations, violence and discrimination. All these factors has contributed in its own way in recreating this evil with new forms which cannot be restricted until and unless a strong shield of law can be created.

There comes the necessity to bridge the gap between the promises made under Constitution of India towards equality, liberty, justice and life and in reality, the picture of deprivation, humiliation and gender base discrimination.

The responsibility to punish the culprit also carries a duty to protect and sensitise the victim. There must have a careful handling of the victim as it must be ensured that she does not get victimised due to lack of proper safeguard & sensitivity. It is seen that complainants are often branded as 'trouble-maker'; 'rabble rousers'; mentally unstable etc.¹ Every organisation must come forward to help the victim to overcome the negative effects of Sexual violence by way of arranging proper complaint mechanism, providing assistance to fight with mental agony, to deal with social and cultural perceptions of character assassination.

The greater access to public spaces, entry into the professional space and engagement in different sectors of labour forces are the diverse forms of opportunities related to urbanisation and modernisation which supposed to be provided to each and every individual including women. However, it seems to have rooted gender discrimination by putting them in vulnerable position by generating women centric

¹ Sengupta Rajshree, *Sanhita; Politics of silence: Sexual Harassment at Workplace* (2001)

workplace violence i.e., Sexual Harassment at workplace.² Demand for Sexual favours, unwanted physical contact, explicit Sexual overtures, sexually coloured remarks are disturbing reality of women at workplace of Assam.

The state of Assam exceptionally holds a good share in regard to crime against women especially in workplace Harassment, but, unfortunately, even after having strong complaint mechanism only 2.7% complaints are lodged against such crime where rest of the sufferings are faced in dark. The following is the tabular representation of the crime committed in the state of Assam in recent past.

Incidence of Crimes Committed Against Women and Children in Assam

Sl. No.	Heads	2017	2018
A.	Crime against women		
1.	Rape	21603	27064
2.	Kidnapping and Abduction	1708	1909
3.	Dowry Death	5186	6269
4.	Cruelty by Husband	150	166
5.	Molestation	10580	11999
6.	Sexual Harassment	3595	4143
7.	Indecent Representation of Women	79	70
8.	Others		2508

Source: - Statistical Hand Book of Assam, 2018

As per the report on workplace safety and dignity for women in Assam, it has been seen that all Sorts of Sexual Harassment verbal, physical and mental as reported by respondent, 69% of it is physical in nature. In the fear or stigma related to loosing of job, most of the victims do not complain about the Harassment by face.³

² Viqualine Polly, Sexual Harassment of women at workplace in Assam: The present scenario, space and culture, India Vol. 7 No. 3, 2019 ISSN 2052-8396 (online)

³ Hindustan times.com

In the case of *Vishaka Vs State of Rajasthan*⁴ the Supreme Court has given comprehensive guidelines to tackle the instances of workplace Harassment that imposes responsibility on the employer to ensure that women worker did not face hostile environment and prohibited intimidation or victimization of those with an inquiry including the affected complainant as well as witnesses.⁵

Despite there is a strong mechanism and a totally dedicated legislation prevails more than 90% of workplaces didn't display information about Sexual Harassment and 71.6% didn't conduct meetings/trainings and workshops on the issue among the employees.⁶

After the famous judgement of *Vishaka* was declared by Supreme Court of India, nearly 15 years later, the parliament has passed the Sexual Harassment of women at workplace (Prevention, Prohibition and Redressal) Act, 2013. It defines Sexual Harassment with all possible aspect yet clarity regarding what constitutes Sexual Harassment, what are the obligations to be taken by the employers to prevent it and the remedies and safeguards available to victim etc. are yet to be lighted for better utilization.⁷

The employer's while taking any decision related to workplace Harassment must ensure that the true sense of the Sexual Harassment Act can be adhered and the paramount consideration of victim's interest and security can be secured. The Bombay High Court in its judgment on *Vidya Akhave V. Union of India and Ors.*⁸ ruled that "Court would not interfere with an order of punishment passed by internal complain committee in relation to a Sexual Harassment complaint unless the order is shockingly disproportionate." This pronouncement has signified the role and power of complaint committee formed under the Sexual Harassment Act, 2013. The guiding principle laid down in *Vishaka* Judgments as well as the Act to redress the crime of Sexual Harassment, have opened up the forum of discussion to conclude the deal with gender

⁴ (1997)6 SCC 241

⁵ Baishya Himashri, *Sexual Harassment of women At Workplace*, The Law and reality

⁶ Hindustan times/E paper

⁷ Baishya Himashri, *Sexual Harassment of women At Workplace: The Law and reality*

⁸ writ Petition No. 796 Of 2015, 04-10-2016 *Vidya Akhave v. Union of India & Others*

stereotyping and pestering in the work atmosphere and to let the women gender realise that there is proper resolution mechanism available to build the confidence among them. Every such complaint must be treated as first information and must be dealt with impartiality and confidentiality.

The analysis of collected data reveals that there is lack of recognition on the part of the employer regarding serious implementation of guidelines and available law. It has been seen that perpetuation of Sexual Harassment is committed by the powerful against the vulnerable. There exists power disparity. The lack of proper sensitization of male and female employees leads to imbalance execution of complaint as well as of the redress. It is a high time to realize the necessity of both male and female gender and their role in the society as both these elements are complimentary to each other at all level. No society is possible without cooperation and understanding of both the genders. Every woman plays a vital role right from her childhood to her old contributing equally towards society, economy, growth, prosperity and development and thus the rights and liberty of a woman should be protected to the extent of making it worth living for her with dignity, equality and happiness.

The problem of sexual harassment is not new and in fact, generations of women have suffered unwanted sexual attention by male counterparts at different level and in different way. But it is only in the last 20 years that effort has been established to recognise this conduct and to give it a name. This is a gender-based sex discrimination issue as a person is targeted for harassment because of her sex. Many popular myth states that any act related to any kind of sexual violence should involve visible proof and thus it has been neglected. Sexuality at the workplace is an unseen evil, considering that sexuality has probably always been present at work, although it has been practically invisible. In the past, people thought such activities were relatively infrequent and, when they occur it had only minor or less repercussions both for individuals involved and for the organisation where they worked. The very presence of a woman elicits the expression of sexuality. The issue of sexuality in the

workplace became visible and was brought to public attention in the form of sexual harassment.⁹

Sexual harassment at the workplace is a severe and pervasive problem that takes an enormous toll on the physical and mental well-being of victims with significant sufferings at her end. Such harassment not only has a direct effect on the working conditions and emotional health of the victim, but it also undermines the work performance of the victim. The conduct that constitutes sexual harassment may create a health and safety problem.

Sexual harassment can be termed as an unwanted conduct of a sexual nature which can take form of either quid pro quo harassment (something for something or something in return) or hostile working environment.¹⁰ In quid pro quo harassment, a job-related condition like promotion, transfer, confirmation etc is made conditional on the assent of the concerned women for fulfilment of a sexual favour by the culprit.¹¹ While quid Pro Quo is more of a direct harassment the other one i.e., creating a hostile working environment is more destructive and prevent form of sexual harassment. Here the victim was not requested for direct sexual favours rather environment is created by relevant acts to create a uncomfortable and unpleasant work scenario that may include display of obscene graffiti, making sexual innuendoes, unpleasant or sexually oriented physical touches, unworthy jokes etc.

Even it may be denied, but reality shows that sexual harassment does prevail in the workplace. The researcher with the present work has attempted to check the reality, extent as well as the magnitude of the subject in Kamrup metropolitan district and also studied the Legislative and Judicial stand on this issue. The changing social and economic environment, made women to be more independent and as a result they are increasingly exposed to non-traditional tasks. The crime Sexual harassment is a

⁹ Sikri Rehana, *Women and Sexual Exploitation Harassment at Workplace* Kanishka Publishers, New Delhi, p. 126, 127

¹⁰ Ibid.,

¹¹ Sikri Rehana, *Women and Sexual Exploitation Harassment at Workplace* Kanishka Publishers, New Delhi

genuine problem in the Indian society and thus Indian women have undoubtedly been quite vulnerable to the same.

The awareness related to the subject and the law pertaining to it, is very minimal and such ignorance is no longer bliss. The social reality can be perceived as women are blatantly exploited and discriminated by the society and there was definitely a need of having a strong legislative measure to curb this evil. The adoption of the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 is a much awaited as well as a welcoming step. The legislature shall have to strike a proper balance between the compelling need of having a strong law with a vigilant eye upon women safety, liberty, integrity and dignity in the society.

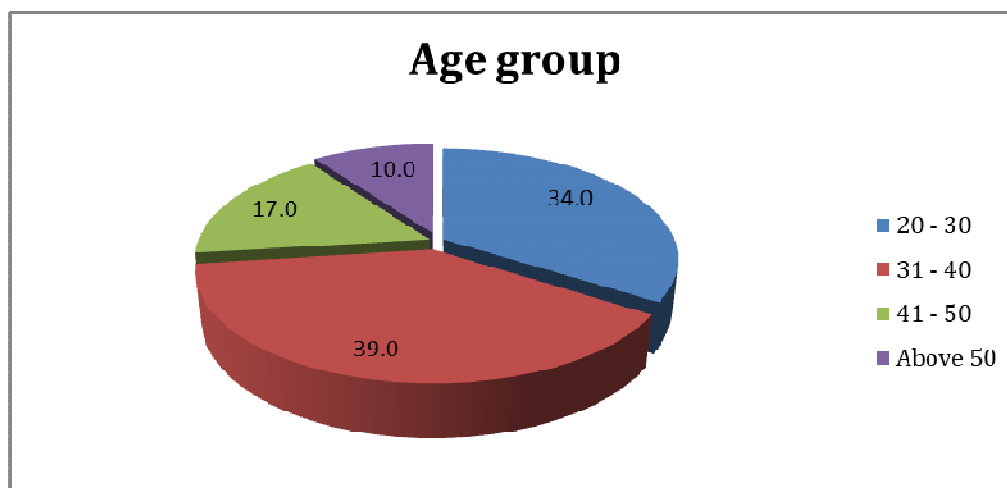
This chapter deals with conclusions and related suggestions that the researcher has arrived as a result of discussions done throughout the chapters and through study of the subject in the study area. Here, an appraisal of whole study is designed to understand the reality in better way.

8.1 ANALYSIS OF PRIMARY DATA

Here the Researcher has presented and analysed the primary Data collected from the literate working women employed in public sector throughout the District of Kamrup (metropolitan) by way of questionnaire method. The no of sample taken is 100 (hundred).

Table No: 1**Age Group of samples surveyed (total no=100)**

Age group	Frequency	Percent
20 – 30	34	34.0
31 – 40	39	39.0
41 – 50	17	17.0
Above 50	10	10.0
Total	100	100.0

**Figure: 8.1**

This table depicts the sample surveyed on the basis of age. Here, the Researcher has categorized the age of the samples in four categories i.e., 20 to 30 years of age, 31 to 40 years of age, 41 to 50 years of age and above 40 categories. It is found by the Researcher here that, working women from 31-40 ages are 39% of the sample, and 20-30 ages are of 34% of the sample, 10% are from the age group of above 50 of age and 17% is of 41-50 of age.

Here the researcher surveyed mostly with the age group of 31-40 considering it as the significant age group to find out the realities behind Sexual harassment of woman at workplace.

Table No: 2

Education of Sample surveyed

Education Qualification	Frequency	Percent
HSLC	3	3.0
HS	2	2.0
BA / B.Com	29	29.0
BA LLB	6	6.0
BE	4	4.0
LLM Ph.D.	6	6.0
MA / M.Sc. / M.Com. / MBA / MBBS	44	44.0
MA, Ph.D./MA, LLB/ MA, MBA	6	6.0
Total	100	100.0

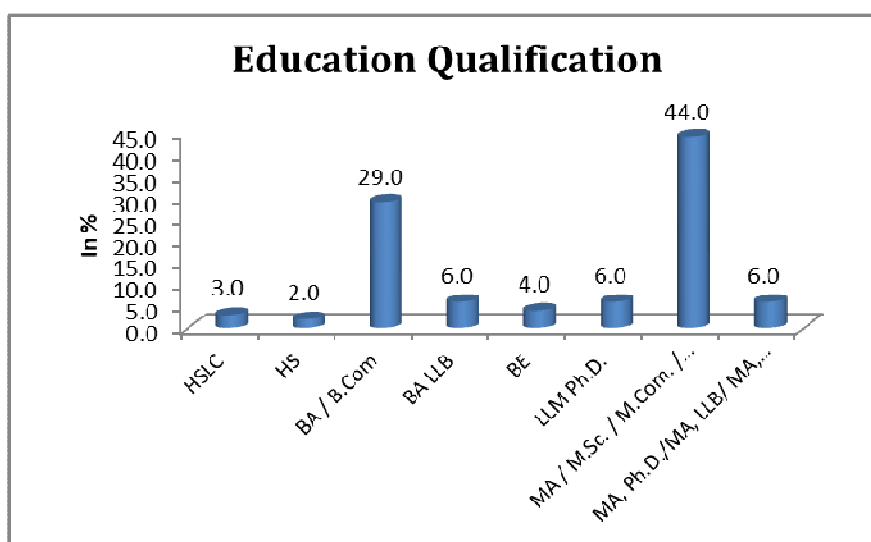


Figure:8.2

This table shows the categories of sample surveyed on the basis of education. Out of 100 samples of working women, 44% is highly qualified with Master Degree in different stream, 29% are graduates, 6% each in BALLB, LLM PhD and MA, LLB, PhD, MBA, 4% is with BE and 3% and 2% are from HSLC and HS category respectively.

This shows that most of the sample surveyed are highly educated working women serving in different sectors of public organizations.

Table No: 3

Work Experience of sample surveyed

Work Experience	Frequency	Percent
1 - 10 yrs	78	78.0
11 - 20 yrs	12	12.0
Above 20 yrs	10	10.0
Total	100	100.0

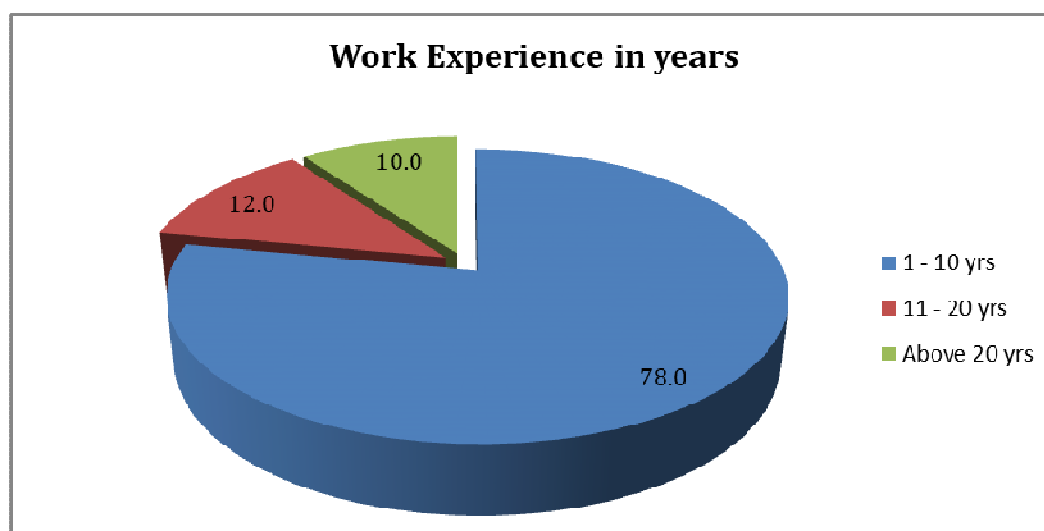


Figure: 8.3

This table depicts the sample surveyed on the basis of work experience. Among 100 samples, 78% of the samples are working with 1-10 years of experience, where 12% are of 11-20 years of experience and 10% are of above 20 years of experience in their respective organizations. Here, the most of the sample surveyed have 1-10 years of experience in their job.

Table No: 4

Contribution of Dress and Action of the Victim towards commission of the crime

Mode of Response	Frequency	Percent
Yes	37	37.0
No	39	39.0
No comments	24	24.0
Total	100	100.0

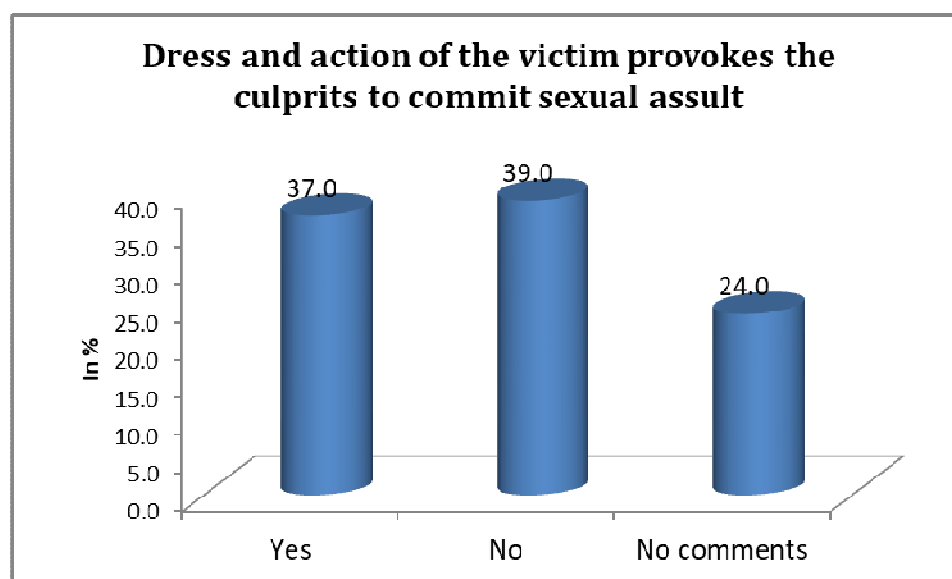


Figure: 8.4

Table no 4 shows that dress and action of the Victim may cause or provoke the culprit to commit the evil of sexual harassment. Here 37% of literate employed women have given positive response considering dress and action of the victim as important element while 39% of samples have responded negatively stating that dress or action of the victim cannot be a reason of sexual assault.

Thus, it shows that dress and action on the part of the victim do not have any implication on occurrence of the crime of sexual harassment.

Table No: 5

Sensitivity of raising complaint of Sexual Harassment

Mode of Response	Frequency	Percent
Yes	56	56.0
No	34	34.0
No comments	10	10.0
Total	100	100.0

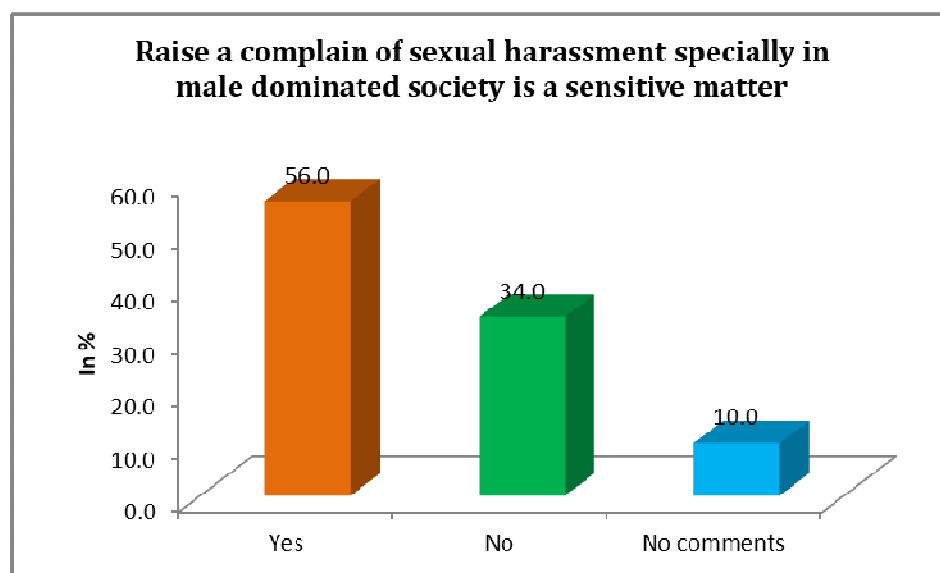


Figure: 8.5

Here the sample was surveyed on the basis of sensitivity on raising complaints against the culprit in a male dominated society to which 56% of the sample have considered it as a sensitive matter to report instances of sexual nature while 34% of sample has discarded to consider it as sensitive matter.

This can be seen as a reason of under reporting of sexual harassment cases. Most of the literate female still believe it as a sensitive matter to report it or hesitant to talk about such instances in public that is somewhere boosting the morals of the culprits to repeat such evil time and again.

Table No: 6

Awareness of Female employees on constitutional Rights

Mode of Response	Frequency	Percent
Yes	79	79.0
No	7	7.0
No comments	14	14.0
Total	100	100.0

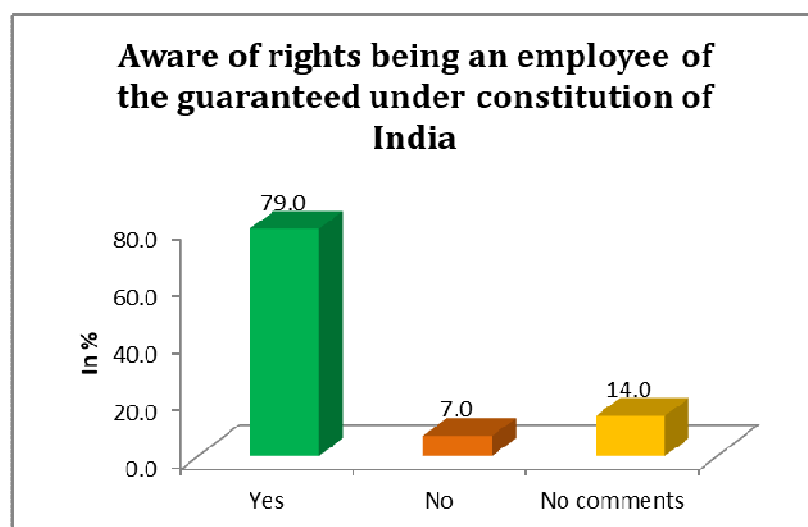


Figure: 8.6

This table shows the awareness of female employees on the matter of various Constitutional Rights guaranteed to them by the Constitution of India to which 79% of the sample has responded yes showing that awareness in regard to Rights under Constitution is much higher than expected. However, only 7% have responded that they are not much aware in that field.

This means that literate female workers do know their rights that need to be utilized as an employee of that organization.

Table No: 7

Social attitude and perceptions as a reason of sexual harassment

	Frequency	Percent
Yes	70	70.0
No	16	16.0
No comments	14	14.0
Total	100	100.0

This table no 7 reveals that 70% of literate working women believe that there are implications of social attitude and existing perceptions in commission of this crime. Only 16% of the samples have responded negatively and discarded that social attitude can be a prime reason for occurrence of the evil of sexual harassment.

This shows that male dominated patriarchal society and the existing stereotypical notions related to birth of girl child, their restrictive upbringing and reasonable submission to male members in the family contributes towards boosting the mentality of the criminals to commit such assault of sexual nature.

Table No: 8

The resistance power of the victim determines the occurrence of Sexual Harassment

Mode of Response	Frequency	Percent
Agree	44	44.0
Disagree	27	27.0
No comments	29	29.0
Total	100	100.0

Here the Sample is studied on the basis of responses regarding Resistance power of the victim to tolerate the sexual behaviour, which is a determining factor of commission of sexual harassment. Here, 29% of the sample disagreed to the fact that resistance power can determine the commission of the crime, yet 44% of the sample agreed that the power to tolerate and resists contributes in occurrence of the crime because a touch may be resistible and comfortable to a particular worker, but may not subsequently be a comfortable one for different set of female employees. It is totally a personal preference and sensitive matter that varies person to person.

Table No: 9

Experienced a threat of Physical Sexual Harassment

Mode of response	Frequency	Percent
Yes	16	16.0
No	77	77.0
No comments	7	7.0

Mode of response	Frequency	Percent
Yes	16	16.0
No	77	77.0
No comments	7	7.0
Total	100	100.0

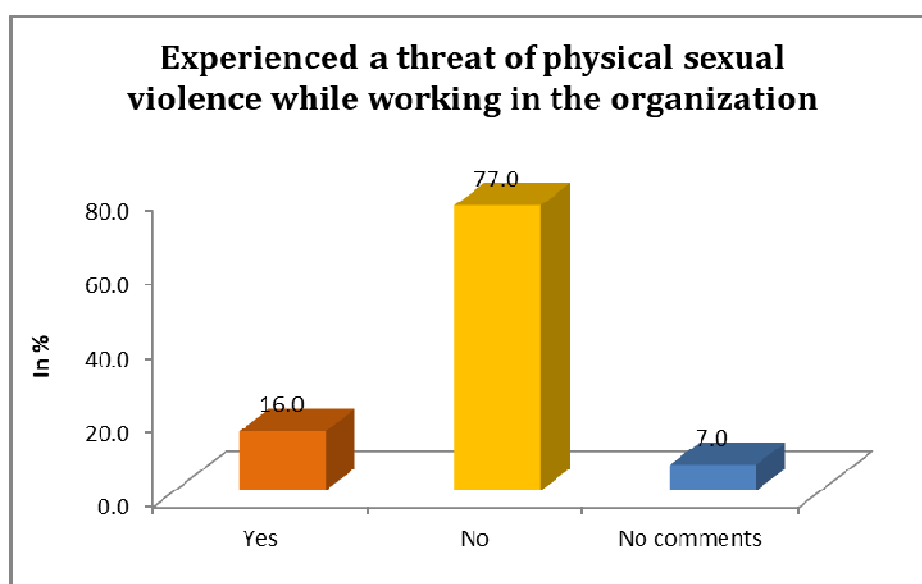


Figure: 8.9

In this table, samples are studied on the basis of experiencing physical sexual violence to which 77% of the samples responded negatively stating that they have never faced physical violence amounting to sexual nature. However, responses giving positive remarks are also present that reveals that even the literate female employees face sexual threat in their respective workplaces that is quite derogatory to the principle of Equality and dignity.

Table No: 10**Experience of threat of verbal sexual Harassment**

Mode of Response	Frequency	Percent
Yes	69	69.0
No	24	24.0
No comments	7	7.0
Total	100	100.0

Here, the samples are studied on the basis of experiencing verbal sexual Harassment. Here 69% of female employees have responded that they have experienced verbal sexual harassment during their course of employment. 24% have denied any such experience of verbal sexual abuse.

This shows that most of the female employees who are literate and aware still faces derogatory words relating to physical appearance and biological construction amounting to verbal Sexual harassment.

Table No:11**Taking advantage of Sexual Harassment to get attention or to cover poor work performance**

Mode of response	Frequency	Percent
Agree	27	27.0
Disagree	28	28.0
No comments	45	45.0
Total	100	100.0

Here the responses are derived from the samples regarding misuse or taking advantage of sexual harassment to get some undue privileges or to cover poor work performance. The myth that sexual harassment at many times is used as a weapon of covering the non-performance of duties or to take benefits of unusual nature by the victim is responded positively by 27% of female workers as well as negatively by 28%. However, the responses on No comments can be seen as 45% showing that many of such samples have tried to avoid the question considering it as of sensitive nature or may be with the dilemma.

This shows that there exist few female workers who use to take advantage of sexual violence and try to get unwarranted privileges.

Table No: 12

Repeated act of sexual nature is required to constitute crime of Sexual Harassment

	Frequency	Percent
Yes	26	26.0
No	50	50.0
Never heard of it	24	24.0
Total	100	100.0

In this table responses are acquired regarding the need of repetition of act of sexual harassment to constitute a wrong in the preview of law. Here 50% of literate female employees responded negatively stating that one single act of sexual violence is sufficient to constitute the crime of sexual harassment in the eyes of law. 26% of female employees responded negatively and expressed that there should be repetition of such act to constitute the crime.

This shows that one single act of sexual abuse is sufficient to raise a complaint of sexual harassment, and law will also consider one particular act of sexual violence to bring action against the culprit. Repetition here is not necessary to constitute the crime. Sometimes the victim resist herself from complaining on the matter as she believes that there must be repetitive act required to raise a complaint on the subject. However, responses show awareness on the part of literate working women is present in this regard.

Table No: 13

Awareness on complaint mechanism of sexual Harassment

Mode of response	Frequency	Percent
Yes	71	71.0
No	17	17.0
Never heard of it	12	12.0
Total	100	100.0

Here the samples were surveyed to find out the awareness of literate working women on complaint mechanism of sexual harassment in the workplaces. 71% of female employees have responded positively which depicts a positive picture of awareness among working class. 17% of employees have given negative response showing that they are not aware as to where they need to make a complaint in case, they suffer any act of sexual abuse.

This shows that the female employees with literacy and good spirit take the interest to know about sexual crimes and they show willingness as well to combat this crime with best weapon of fighting it from the front.

Table No:14**Presence of formal procedure of complaint in the organization**

Mode of response	Frequency	Percent
Yes	58	58.0
No	32	32.0
No comments	10	10.0
Total	100	100.0

In this table, samples are surveyed on the basis of presence of institutional redress mechanism relating to sexual harassment. 58% of female employees have responded stating that their work premises do have active complaint mechanism and 32% of female employees have given negative response on existence of any such formal redressal mechanism.

This shows a positive side of implementation of Vishaka guidelines in public sector organizations regarding constitution of formal Institutional Mechanism for Redressal of complaints of Sexual Harassment. However, failure on the part of compliances by some of public sector organizations in respect to implementation of Guidelines given by Apex Court of the country raises concern in this regard.

Table No:15**Existence of ACTIVE INTERNAL COMMITTEE**

Mode of response	Frequency	Percent
Yes	49	49.0
No	32	32.0
No comments	19	19.0
Total	100	100.0

Here in this table responses are taken from sample to find out the existence of Active Internal Committee to deal with the crime of sexual harassment. 49% of female employees have responded that the redressal mechanism at their working premises is active in nature and try to resolve the complaints related to sexual harassment and 32% of female employees have responded that their organizations are not having any such active internal committee.

However, this complaint mechanism does not serve specifically as an internal committee dealing with complaint related to sexual violence and abuse as required under Sexual Harassment Act, 2013 but it is a common disciplinary committee that look after overall working of the organization with respect to various other related mischief.

Table No: 16

Proper Investigation and reporting of cases will reduce sexual harassment

	Frequency	Percent
Yes	80	80.0
No	10	10.0
No comments	10	10.0
Total	100	100.0

In table 16, samples are studied on the basis of finding solution to the problem of sexual harassment. Here the responses are taken from the samples to find out whether proper investigation and proper complaint making will help in resolving the incidence of sexual harassment. 80% of literate working women have responded positively stating that in order to curb this evil every working woman must come out of their shell to raise her voice against sexual harassment with making of complaint. She should be fearless and confident to raise her voice against such immoral and illegal work. 10% of female still not believe that this could be the way to bring end to this problem.

Table No. 17**Women should become bold and brave to combat sexual harassment**

Mode of Response	Frequency	Percent
Yes	80	80.0
No	9	9.0
No comments	11	11.0
Total	100	100.0

Here, the study is done regarding Bold and Brave action on the part of women employees to combat the crime of sexual harassment. 80% of the samples have given positive response yet 9% have said no to it.

This means that the awareness and retaliatory complaints of women employees responding to occurrence of the crime will help to combat this wrong thereby imposing responsibility on the victim to raise her voice as soon as she receives any physical or verbal sexual threat from any of her male colleague irrespective of position and responsibility. Thus, it can be said that this heinous crime can be restricted only when women will make her mind not to tolerate it, ignore it or to avoid it rather make herself strong enough both mentally and physically to give a lesson to the culprits.

This shows that, to a great extent proper complaint and proper investigation will help in resolving the problem.

8.2: The Findings of the Study:*** Existence of complaint mechanism but lack of proper utilisation in reporting**

Primary data studied by the researcher shows that complaint mechanism does exist in the institutions but reporting of incidence is very low. As the sample taken are mostly educated public sector employees, they responded positively regarding existence of Institutional complaint mechanism but showed utter dissatisfaction in

proper reporting system and willingness on the part of the employers to deal with the subject. Appropriate implementation mechanism that recognises the obstacles posed by power imbalances and gender norms and lead a woman to make complaints of any such incident related to Sexual Harassment and receiving appropriate redressal is important to generate proper reporting of the crime. Majority of the employees do not want to go to formal mechanism in their establishment to proceed for complaint. Moreover, in many organisations the committee exist only for name shake and thereby the victims fail to complain.

Low Reporting of Sexual Harassment instances due to failure of Institutional arrangement and dissemination of information about the complaint's procedure creates a serious threat towards workplace discipline and safe environment. Women are dissuaded from seeking redress at their workplace by the fear of stigma, loss of livelihood, retaliation, abuse, not taking it seriously and for the reason of unwanted delay and length of procedure. Those who came forward to lodge complaint are either dismissed or trivialised by the employers. Suspicious outlook can be seen among the Internal Committee members and most tragic happens when woman complainant was measured with suspicion and fault. They are judged for filing malicious complaint, for taking advantage of being a woman, for non-performance, or May termed it as a publicity stunt or centre of attraction. Unfortunately, the IC members also involves in such mischief considering the incidence as exaggerating the situation and taking advantage of legal provision. Due to such factors reporting of Sexual Harassment instances are rare and exceptional.

The women in Indian Society are socialised to be kept silent about these incidences to protect the honour and reputation of the family. Those who show the guts and file a complaint get vilified and subjected to further Harassment in highly masculine work environments. The existing hierarchies both at workplace and Justice System also contribute in non-reporting. There is ample corroboration of prevailing notions of male entitlement at the workplaces which are found along with the impunity that they enjoy.

***No proper Awareness on the Sexual Harassment (Prevention, Prohibition and Redressal) Act, 2013 -**

As the study shows, there is a very little awareness exist on the part of the employees regarding Sexual Harassment Act. They are not aware of the rights and redress available for them under the Umbrella of the legal provision. Though the female employees are aware of the concept of sexual harassment, yet they do not have proper knowledge of complaint mechanism to lodge any issue related to Sexual Harassment. However, Vishaka Judgment and Sexual Harassment Act are necessary to be understood and utilised for restricting the commission of the crime, yet it is not sufficient to reduce Sexual pestering of women at workplace. Proper attitude of employer to aware the employees, irrespective of gender are required to deal with the matter. Women complainant too attributed lack of awareness about guidelines and reluctant attitude towards it.

Law alone is not sufficient to eradicate this problem from the root of this society as this evil is a result of long disregard and disrespect closely connected with traditional outlook associated with the behaviour and attitude of all associated with it. The question is one not of the law but of general workplace relationships; this has to be tackled on a voluntary basis; everybody must co-operate and be engaged in solving the problem. People should own the policy, as it were, and the law should act as a background and a framework.¹²

- **Non-compliance with the guidelines on Sexual Harassment given by Supreme Court**

The recognition of Sexual Harassment by the Indian Legislative System was one of the major steps taken for women empowerment and progress. This Act has given a mandate to the employers to arrange a complaint mechanism and to take pro-active measures to prevent Sexual Harassment occurrences. To establish Internal Committee and to display information about it are the first preventive steps in this

¹² European Standing Committee, House of Commons: Dignity of Women and Men at work, Parliamentary debate of 18th December, 1991 (HMSO, London, 1991).

regard. The employer is responsible to create gender neutral environment to provide a safe and dignified workplace for woman and Internal Committee is responsible for rendering Justice and preventing Sexual Harassment at workplace. However, no such obligation of awareness and of establishing an internal complaint committee is fulfilled by the employer. Many public sector establishments don't form such committee as there is no reporting of Sexual Harassment cases and of them many have established it without following the norms of the Act. The study made by North-East Network (NEN) shows that 71.6% of employers have not adopted any measures to prevent SHWWP.

A trend of employers and employees dismissing SHWWP as a class issue is also a sensitive fact, as they perceived this idea that there cannot occur any such incidence of SHWWP at their premises. Moreover, the SH Act mandates that there must be at least 7 members in an Internal Committee which is mostly neglected by the employer. There is blatant disregard towards the mandatory provisions of the Act on the part of the employers. Vagueness about structure of the committee, no clarity about the members and their role, least regard to guidelines provided under the Act and most importantly non-compliance of the Act makes it more and more derogatory and disruptive.

- **Employer's perceptions and Actions:**

Most of the employers do not take this subject seriously and response in denying the existence of Sexual Harassment in their premises and it is linked to Sexual morality, societal honour and prestige. It has been revealed by the study that majority of employers are over protective about reputation of their establishment and thereby do not put emphasis on complaint, redressal or removal of Sexual Harassment committed against female employees. The moment women resisted Sexual Harassment they were pushed into difficult conciliations by the employer or may be by the Harasser.

However, many of such establishment do not adopt the measures prescribed by Vishaka guidelines, as well as by the Sexual Harassment Act. Regardless to nature of

establishment, no such overwhelming response can be generated from the employer regarding their good will to deal with such instances with strong hands. Formation of internal committees are not regularised, proper awareness policies are not introduced, no workshops and awareness programmes at regular intervals are conducted, and no proper orientation is done. Some of such organisation mentioned that they don't have a formal internal committee as there were no cases reported. However, few have common disciplinary committee who also takes care of these matters but do not have a full-fledged formal internal committee. No sufficient service rules or code of conduct has been prepared by such employers to this extent.

- **Role of the State**

The most important element in preventing and redressing Sexual Harassment is the role of the state. It has a pivotal role to play and to maintain legal as well as social balance between the victim and the culprit. It is the legal responsibility of the District officers (Do) and employers to communicate effectively about the provisions of the Act. There is always an ignorant and lackadaisical attitude exist on the part of government official towards these mandates of the Act. The Nodal Agency for Sexual Harassment Act in the State is social welfare department (SWD) suffers from lack of clarity about its own role as a monitoring mechanism. This department is also mandated to form a local committee [LC'S] at district level but are not fully archived in Assam. The monitoring mechanism in the state is in poor shape; the pendency of an inquiry is checked only when a written complaint is made by the aggrieved women to the Internal or Local Committee. No employer and organisations are aware of the role of Nodal Agency or any Nodal Officer mandated under Sexual Harassment Act and any employers are not even cognizant the term Nodal Agency.¹³ The major loophole in achieving the aim of equality and Justice towards woman is non-performance of institutional mechanism or lack of Institutional mechanism. No gender Justice and

¹³ A Research Report on workplace safety and dignity for women in Assam by Department of women's studies. Gauhati University and North East Network, 2019] Dr. Polly Vauqueline and Anurita P. Hazarika]

Gender-Neutral Society can be established if this institutional mechanism fails to deliver its duties and responsibilities.

- **Act and attitude of the Society at Large**

The study reveals that woman is always considered as a gentle, sensitive and tender gender that needs care and protection from the male members of the society. Thereby incidence of Sexual Harassment was never treated as a problem rather it is perceived as normal in the society. The woman faces this inhuman treatment because she is feminine. However, the woman who dare to complain about sexual Harassment, sometimes met with unexpected attention, character assassination, lack of support of the colleges, stand from family and friends that ends in nullifying the whole system of prevention. sometimes, when the victim complains about it, she has to face retaliatory actions on the part of the employer like may be transfer or may be restrictions on job role, may be refusing of promotions or increments etc. Thus, the employer firstly fails to prevent the commission of the act and then fails to create a support net ensuring safeguard and protection from such an evil. When such instances were faced by any of the victim, it leads to dissatisfaction, on the part of the recipient and also contributed in discouraging and silencing of other woman employees regarding reporting and redressal.

The lack of support from society and family members makes it difficult for the victim to stand on her decision of complaint leading her to either deny it, or to ignore or to distance themselves from the workplace. There is a tendency of tolerance and normalization of Sexual Harassment on the part of the recipient's due to manifold retaliation. The most common response by a woman made for Sexual Harassment was to deny the behaviour, ignore the behaviour, avoid the situation or do nothing at all. However, the worst circumstances may lead to quitting the job taken as an extreme step.

- **Handling the issue by the Internal Complaint Committee**

This unique mechanism of redressal is a mandate given under Sexual Harassment Act after successful accomplishment of Vishaka Guidelines. The

committee consists of minimum of 7 members where most of them hail from the organisation itself. Though the Act urges for an unbiased female member preferably any members of an NGO to take the lead and preside over the reporting yet the common occurrence shows a biased character of internal complaint Committee. They fail to maintain confidentiality and follow proper procedures. Sometimes the members are in good relation with both the complainant and respondent thereby it is difficult for them to believe that any such incident has happened and they use to slip into the mode of giving benefit of doubt to the respondent.

- **Misuse of Sexual Harassment instances**

The researcher has taken a note on misuse of SHWWP instances and found that there are chances of misuse lies here as many women with ambitious nature or having a nature of taking favour may lead to occurrence of SHWWP. Sometimes it is also noticed that woman may invite Sexual acts from men to use it for their gain and benefit. In such situation, it is assumed that men were selfless, feeble and submissive beings falling prey to the evil designs of demonic women. It is generally perceived that woman take the advantage of entertaining a man to receive unexpected favour thereafter. However, generalising of the same may be regarded as erroneous due to the fact that human relationships are complex and in specific context of Sexual Harassment detailed analysis would be required to point finger at women.

Moreover, the chance of revengeful complaint or fake complaint cannot be neglected as instances shows that women files fake complaint to cover poor work performance or to go against the system that wants to make them discipline. In such cases, the employers and Internal Committee members need to explore, analyse and examine thoroughly the relationship of woman who complained against the man, the harasser without referring to popular beliefs and existing stereotypes.

- **Pain and sufferings of the Victim**

One of the most sensitive finding of the study shows that whatever the reasons may lie on the part of the employer to ignore or to nullify the incident, whatsoever, the enquiry of ICC may declare, whatever allegations on character of the woman excels,

the sufferings and pain of the victim cannot be relieved or realised by an ordinary person. The mental agony, physical insensibility, anger, anxiety and sufferings are never ending on the part of the recipient. The employee who dares to complain is also judged for character, cloth, nature and femininity. The existing stereotypes of the society never stands with a woman for her Justice and integrity rather such victims loss her reputation, mental peace, the urge for success, the excitement for living, the colour of life and many more. This stigma or mental disturbance not only disturbs her growth, success & happiness but also exploits her, humiliates her and destroys her from inside. Thus, Researcher feels that women have two-way sufferings, i.e., if they report, they suffer unwanted character assassination and if they do not than it hampers them physically as well as psychologically.

- **Loopholes in the Act need to be amended**

The new legislation has left quite a vacuum and a sense of wanting in terms that it is a comprehensive and cohesive Act. The Act had its fair share of critics and a lot of criticisms meted out towards it.

In India, the issue is not treated equally with gender neutrality as the name itself suggests. The Sexual Harassment of women (Prevention, Prohibition and Redressal Act, 2013, where only women Harassment is taken into consideration raises the concerns of human rights seems that male counterparts also face this evil by females or by other male colleagues. The Act fail to adhere the guideline of Vishaka Judgments as it failed to provide for clear cut formulation of guidelines for the companies and it has drastically failed to talk about the nature of punishment leaving judgment completely open to interpretation.

The Act has left the criteria of imposing fine to the perpetrators depending upon income and Financial Status. It seems unjustified that financial status decides the amount of fine that the culprits need to pay. The ground should be gravity of offence rather than financial status.

The conciliation process under this Act is also questionable as members who constitute the Internal Committee are not trained conciliators and the Judgment

delivered by them may have biasness or partiality as members are also the part of the same organisation. This may lead to improper Justice or may be delayed Justice on the part of the victim.

8.3 HYPOTHESIS TESTING

Before starting the research work on the Topic, the study was based on the following hypothesis:

- The existing patriarchal conditions, socio-cultural attitudes, economic dependence of women folk are the main reasons of sexual harassment of workplace
- The discrimination of sexual harassment violates the basic principle of right to equality and respect towards human dignity and thus awareness on constitutional Rights is a necessity on the part of woman employees.
- Sexual harassment is an obstacle for women's right to work.
- The guidelines given by Supreme Court have been implemented in real sense to safeguard working women.

For the purpose of proving the hypothesis the researcher has collected primary data by way of questionnaire.

Hypothesis 1:

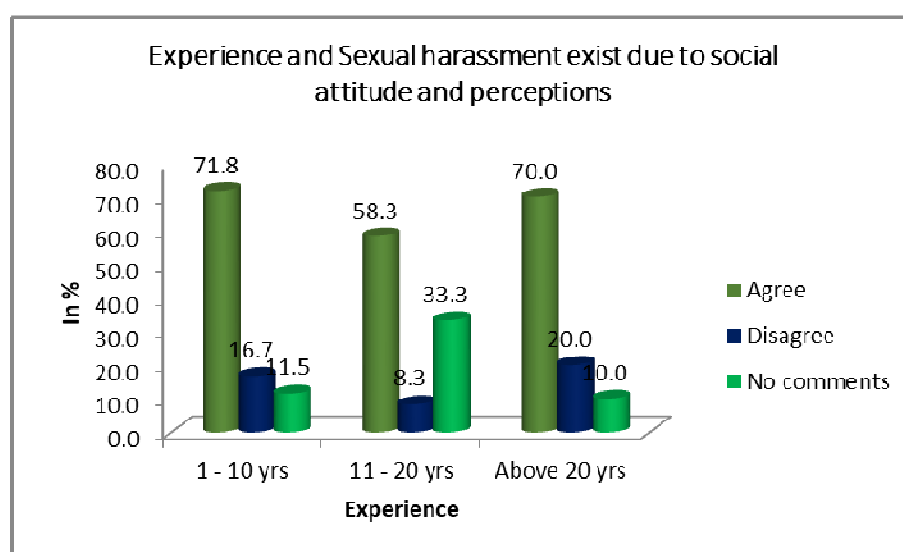
The existing patriarchal conditions, socio-cultural attitudes, economic dependence of women folk are the main reasons of sexual harassment of workplace.

The observed Data are as follows

Table No. 7
Social attitude and perceptions as a reason of sexual harassment

	Frequency	Percent
Yes	70	70.0
No	16	16.0
No comments	14	14.0
Total	100	100.0

	Yes		No		No comments		Total	
Experience	Count	%	Count	%	Count	%	Count	%
1 - 10 yrs	56	71.8	13	16.7	9	11.5	78	100.0
11 - 20 yrs	7	58.3	1	8.3	4	33.3	12	100.0
Above 20 yrs	7	70.0	2	20.0	1	10.0	10	100.0
Total	70	70.0	16	16.0	14	14.0	100	100.0



This table no 7 reveals that 70% of literate working women believe that there are implications of social attitude and existing perceptions in commission of this crime. Only 16% of the samples have responded negatively and discarded that social attitude can be a prime reason for occurrence of the evil of sexual harassment.

This shows that male dominated patriarchal society and the existing stereotypical notions related to birth of girl child, their restrictive upbringing and reasonable submission to male members in the family contributes towards boosting the mentality of the criminals to commit such assault of sexual nature.

Hypothesis 2:

The discrimination of sexual harassment violates the basic principle of right to equality and respect towards human dignity and thus awareness on constitutional Rights is a necessity on the part of woman employees.

Table No. 6
Awareness of female employees on constitutional Rights

	Frequency	Percent
Yes	79	79.0
No	7	7.0
No comments	14	14.0
Total	100	100.0

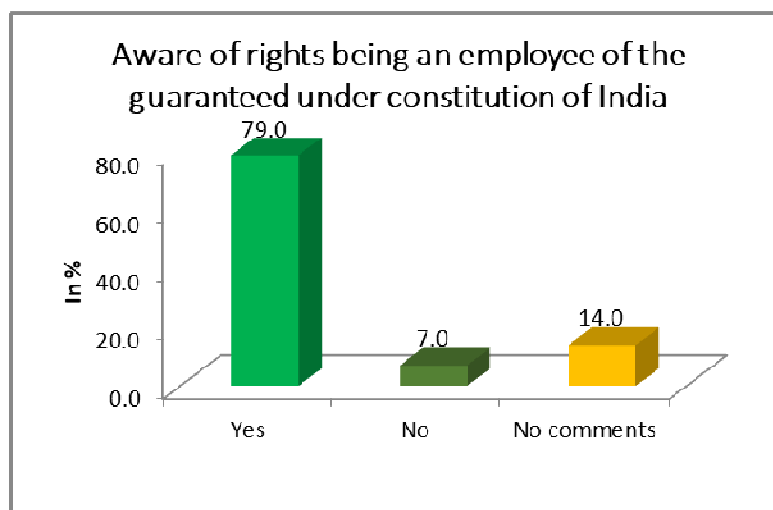


Figure: 8.6

This table shows the awareness of female employees on the matter of various Constitutional Rights guaranteed to them by the Constitution of India to which 79% of the sample has responded yes showing that awareness in regard to Rights under Constitution is much higher than expected. However, only 7% have responded that they are not much aware in that field.

This means that literate female workers do know their rights that need to be utilized as an employee of that organization.

Hypothesis 3

Sexual harassment is an obstacle for women's right to work.

Data observed are:

Table No. 9
Experienced a threat of Physical Sexual Harassment

Mode of response	Frequency	Percent
Yes	16	16.0
No	77	77.0
No comments	7	7.0
Total	100	100.0

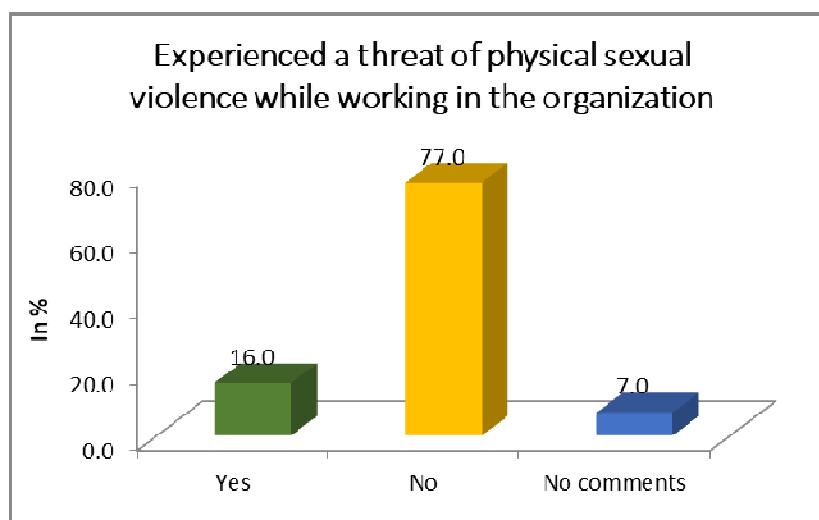


Figure: 8.9

In this table, samples are studied on the basis of experiencing physical sexual violence to which 77% of the samples responded negatively stating that they have never faced physical violence amounting to sexual nature. However, responses giving positive remarks are also present that reveals that even the literate female employees face sexual threat in their respective workplaces that is quite derogatory to the principle of Equality and dignity.

Table No. 10

Experience of threat of verbal sexual Harassment

Mode of Response	Frequency	Percent
Yes	69	69.0
No	24	24.0
No comments	7	7.0
Total	100	100.0

Here, the samples are studied on the basis of experiencing verbal sexual Harassment. Here 69% of female employees have responded that they have experienced verbal sexual harassment during their course of employment. 24% have denied any such experience of verbal sexual abuse.

This shows that most of the female employees who are literate and aware still face derogatory words relating to physical appearance and biological construction amounting to verbal Sexual harassment.

Table No. 18**Women should become bold and brave to combat sexual harassment**

Mode of Response	Frequency	Percent
Yes	80	80.0
No	9	9.0
No comments	11	11.0
Total	100	100.0

Here, the study is done regarding Bold and Brave action on the part of women employees to combat the crime of sexual harassment. 80% of the samples have given positive response yet 9% have said no to it.

This means that the awareness and retaliatory complaints of women employees responding to occurrence of the crime will help to combat this wrong thereby imposing responsibility on the victim to raise her voice as soon as she receives any physical or verbal sexual threat from any of her male colleague irrespective of position and responsibility. Thus, it can be said that this heinous crime can be restricted only when women will make her mind not to tolerate it, ignore it or to avoid it rather make herself strong enough both mentally and physically to give a lesson to the culprits.

Hypothesis 4:

The guidelines given by Supreme Court have been implemented in real sense to safeguard working women.

Data observed are:

Table No. 16

Existence of Active Internal Committee

Mode of response	Frequency	Percent
Yes	49	49.0
No	32	32.0
No comments	19	19.0
Total	100	100.0

Here in this table responses are taken from sample to find out the existence of Active Internal Committee to deal with the crime of sexual harassment. 49% of female employees have responded that the redressal mechanism at their working premises are active in nature and try to resolve the complaints related to sexual harassment and 32% of female employees have responded that their organizations are not having any such active internal committee.

However, this complaint mechanism does not serve specifically as an internal committee dealing with complaint related to sexual violence and abuse as required under Sexual Harassment Act, 2013 but it is a common disciplinary committee that look after overall working of the organization with respect to various other related mischief.

Therefore, from the findings of the study the hypothesis of the study stands as:

- The patriarchal conditions, social attitudes and economic dependence of women are main reasons of sexual harassment at workplace is established.
- The discrimination of sexual harassment violates right to equality and thus awareness on constitutional Rights is necessity on the part of woman employees is established.

- Sexual harassment is a hurdle to right to work is established.
- The guidelines of Supreme Court in this regard have been implemented in right sense is established.

8.4: SUGGESTIONS

→ Zero Tolerance Policy

This issue of Sexual Harassment requires multi-pronged strategy. Law alone cannot serve its best in curbing this problem due to widespread existence of the same. Every body, right from employer to employee must co-operate in solving the incidence of Sexual Harassment. It is necessary for the employers to have a proper documented and well publicized policy with strong message of Zero Tolerance. The Supreme Court has underlined the need for employers to take all required steps to combat this evil as they held that it is the responsibility of the employer as well as any person held liable for it to prevent and restrict the initiation of such instances of Sexual Harassment and to provide for appropriate resolution Procedures.

As per the Directions of Supreme Court, a proper working condition must include work, periodic leisure, proper health concerns and hygiene essentials to ensure that there shall be no hostile working environment exist and no insecurity on the part of woman employees can hamper the advantages bestowed on them. Strong message of zero tolerance to Sexual Harassment should be circulated and conveyed to institutional constitutes.

→ Special awareness Programmes

Despite reforms in our legal system, Sexual Harassment remains pervasive and largely misunderstood. Such crime related to women is a rising problem due to lack of awareness on the part of the female gender. Awareness had to be done by giving instructions to men about behaviour and rules of the organisation at the time of recruitment. Heavy penalties must be imposed on men if found guilty of committing misconduct of Sexual Harassment. Awareness about definition of Sexual Harassment, reporting mechanism, rights of the victim, accountability on the part of the supervisors

would help to spread the message around. The UNDP Report (2010) revealed that India with a strong labour market failed on the issue of Sexual Harassment due to the negligence of trade-unions. The IPSOS -Reuter's Survey (2010) shows that only 26% of such Sexual Harassment cases are likely to be reported in India.

Thus, in the workplace lessons should be organised, annual seminars must be conducted to review, workshops must be mandated, training programmes should be introduced to create a first line preventer and protector of Sexual Harassment. Special policies and programs related to the issue should be framed so that no employer can take help of general code of conduct, or disciplinary policies to deal with the instances of SHWWP. Over protective nature of employer towards its reputation and honour, reluctant attitude to admit such commission and suspicious consideration of the women can be easily destructed with well formulated awareness strategy and its implementation. The research report of North East Network shows that only 14.9% of the employers have adopted certain preventive measures regarding infrastructural facilities and security system at workplace, and only 2.9% of employers have constituted formal Internal Committees to deal with such situations of Sexual Harassment. Rather in many institutes they have only disciplinary committees to deal with all kinds of complaint irrespective of its nature and gravity. However, awareness meetings, Staff Development Programme, Orientation Programmes and training on the same can better serve the prevention and redressal.

→ **Constitution and composition of Internal Committee**

The consideration of sensitivity regarding the subject requires well organised institutional mechanism to deter or restrict its commission. The Sexual Harassment (prevention, prohibition and redressal) Act, 2013 mandated constitution of Internal Complaint Committee (ICC) with at least 7 members to deal with instances of SHWWP. However, in reality such ICC are very less in no's and the few which are constituted do not adhere the norms of the Act. Many organisations don't constitute it as they don't receive any complaint of Sexual Harassment. It is not out of place to mention here that an absence of complaints about Sexual Harassment in any

organisation, by no means, can be criteria to judge that Sexual Harassment do not exist. The members included must not be biased and may not perceive gender biased attitude. Stringent provisions should be made to make such organisations to follow the norms of the Act. Heavy penalties should be invoked to compel them in constitution and composition of internal complaint committee. There should conventional procedure as well as transparency introduced in these institutional mechanisms. Unbiased on the part of the members and non-judgemental attitude will help in this regard.

→ **Reassurance and Restoring confidence of the victim**

This crucial period may lead to sufferings in silence on the part of the victim. She may lose confidence, feel undervalued, suffer stress and may be demotivated, disturbed and devastated. The victim requires emotional support and reassurance. In case of legal actions, she should get support of co-workers, family and friends. Having a clear policy to provide an effective prevention measure is required so that she can complain such incidence and may be encouraged for reporting and enlightening her with confidence that she fought for the justice. There should not be any unnecessary judging or bothering about right or wrong. No character assassination or existing social perceptions should be allowed to take over her. The employer should give the assurance that they are against such discrimination and no such behaviour will be tolerated in the premises. This would encourage them to report instances of Sexual Harassment as well as confidence restoration and reassurance of the victim can be achieved.

→ **Tripartite consultation and co-operation**

Creating a tripartite co-operation procedure in policy formulation and participation of every employed element will create a strong foundation and a better basis where strong edifice can be expected. Such participation will make them aware of fabric of the policy and to have an intimate feel of various provisions prior to its implementation. Once it is implemented proper review and amendment should be

carried out. Such policy formulation should include stress management & problem-solving model to serve in exceptional situations.

→ **Encourage reporting of incidence**

The main suggestion of all lies in the fact that there must be a proper reporting of such incidence. Many women suffer it in silence and many out of the fear of job loss, or any such retaliation activity restrict themselves from reporting such commission which sometimes encourage the culprits and may lead to moral demotivation on the part of the female employees. Thereby reporting should be encouraged and there should be female friendly atmosphere in the organisation. It must envisage that open and friendly spaces will help in open expression by the female employees. Secrete complaint boxes should be kept so that woman can successfully convey their troubles. Large scale dialogues on broader aspects of gender, Sexuality and consent should be hanged for boosting the confidence of the employees. This evil can be dealt with only when these female workers will come in front and speak up strongly. Only their involvement will help in reducing and combating the crime.

→ **Introduction of Yoga and recreational activities**

The inner development of human resources helps in self-motivation and determination. Yoga lessons for a minimum period of time during the office hours and in the office premises should be introduced to encourage inner strength, potentiality and discipline both for the employees and employers. The introduction of recreational activity, yoga and meditation will not only increase work dedication but will also improve the safety and progressive environment in the organisation. Such lessons will strengthen the female workers to fight with any discrimination as and when required with a bold initiative and will also help in arranging a proper work environment where growth, development and success will be the only agenda.

→ **Role of enforcing Agencies**

The enforcing agencies like police, nodal agency, and various statutory and executive organisations must be properly trained to handle the cases of Sexual

Harassment. Proper care to be taken in cases where reputation of the victim is associated and it should not be allowed to be tarnished. More and more female police officials should be recruited and should be given the necessary training to deal with such instances. The conciliation team must be prepared with proper guidance and training so that they can best serve the purpose. The members of NGO's should be included carefully to maintain un-biasness and equality in the justice system.

It is the duty of the employers, and supervisors working under such designation in any organisation to maintain a Harassment free working condition with proper care of respect, dignity and decency of all concerned. All possible steps should be initiated to promote the policies of equality, gender equilibrium and healthy working conditions. They must ensure that the complaints are duly responded and must be mitigated with proper law and procedure to ensure relief of the victim and punishment of the wrongdoer. They must serve the justice without delay by taking due care of confidentiality and avoiding further sufferings on the part of the victim.

→ **Time limitation Prescribed under the Act**

The time frame for filing the allegations of Sexual Harassment is three months from the commission of the incident which may extend to six months. However, taking the consequences into consideration as Sexual Harassment incidence have heavy consequences in the life of the victim, the time limitation should be extended so that the victim can overcome the stigma and file a complaint with restored confidence.

→ **To re-construct the attitude of the society**

In today's world, the police, the prosecutors, medico-legal fraternity and even the judiciary use to deal with the instances of sexual violence against women as a marginal issue. The sensitization of family members, society, friend, judiciary, and all other related administrators on the concerned issue is important to deter the instances of sexual assault at work. Gender sensitization is a primary requirement to deal with this subject with more humanistic concern. It may require reinitiating of organisational structure, redesigning of family, society, judiciary and law implementing agencies in proper sense. In India still daughters are regarded as 2nd gender and their birth is less

celebrated in the family as she is considered as a burden following her marriage, education and even her day-to-day life in the society. The society again possess some kind of 2nd class treatment making her realise that she is physically weak, mentally less privileged and socio- culturally deprived. This attitude however needs a certain change that may be brought with the following efforts

- a. Daughters should be provided with the rightful share of parental property and she should try to build her carrier both academically and professionally to get that equality achieved in her.
- b. Social norms of Carrying of surname of parental house by the sons and not by daughters should be removed in practice so that no girl child can be deprived of her rightful privileges and most importantly irrelevant restrictions on girl child should be removed.
- c. Adequate institutional mechanisms for the advancement of women should be prepared and even the curriculum in school syllabus should promote respect and dignity of girl child, co-education system should be practiced, mandatory girl education should be introduced.
- d. Gender biased social norms and customs should be eradicated as early as possible.

→ **Strong and Effective policy on sexual harassment**

Having a policy in the right direction and in right time will decrease the incidences of sexual harassment at work significantly and at the same time will increase the scope of forwarding the report by the victim on such incidents. Well-functioning of complaints procedure will also mitigate the chances of the organization being dragged into the court by the parties. These Policy statements by themselves will appear to be the most successful weapons of restricting sexual harassment involving behaviour offensive towards women dignity. All such framed policies should contain a policy statement representing the stand and position of the organization on sexual harassment. It must have that policy statement which shows the intent and gives the clear

message that within the premises of the organization such behaviour is not proper and appropriate. The organization/institution should formulate policy statements expressly declaring that particular workplace as Zero Tolerance Zone compelling thereby that sexual harassment shall not be tolerated or condoned under any circumstance by the employer. The language used for that policy statement should be simple, unambiguous and unequivocal so that it can be well versed by every section of employees. Sexual harassment should be defined and explained with illustrations so as to make it clear beyond doubt that what is 'and what is not' amounts to sexual harassment. Such policy statement should expressly declare that any/every act of sexual harassment at workplaces may amount to misconduct for which the delinquent employee would be liable to be punished. Such policy must make it compulsory on the part of the victim of sexual harassment to report such incident/behaviour to their immediate supervisor or boss. An alternative complaint route/procedure should be provided in the policy for the cases where immediate boss/supervisor himself happens to be the harasser and it would not be possible for the victim to report the matter to the perpetrator itself for better execution and implementation of the policy. It should also be categorically declared that the employer and the management are committed to tackle any kind of sexual harassment and the same would be kept confidential and in all earnestness. The equal employment opportunity commission, EEOC, emphasizes that prevention should be made as the best equipment for deleting the crime of sexual harassment which has been clearly stated in the prescriptions provided on behalf of the employer as which could be utilised as the best step to prevent sexual harassment such as affirmative outlook on the subject, strong apprehension on its occurrence, proper sanction policies, awareness on rights and privileges of the employees and developing sensitisation of all concerned.

Such policy statement should place a positive duty on managers, supervisors and on the employers to implement the policy, to take corrective action, to ensure compliance, to ensure that their colleagues are treated with

respect and dignity. It must explain the procedure to the employees who are subjected to sexual harassment at work to get the assistance for redressal. It must specify the persons to whom they should complain and need to mention that any instances of sexual abuse will be treated with serious, sensitive, strong, confidential, and expeditious manner protecting the victim from further victimization or associated retaliation for raising the complaint of sexual harassment. It must ensure and specify the appropriate disciplinary measures that would be taken against delinquent employees.

→ **Encouraging Co-Education policies:**

The realities which come in front of everyone can be well perceived that it exists due to social attitude, and existing perceptions on women. The male members in the family though not willingly yet have to see that their female family members or female friends do suffer some disadvantages or they have to face unwarranted restrictions from family and society. The child that grows up seeing these different treatments given to a girl receive the same mentality of treating women which somewhere or other ends in conflicting views with women and harassing her to prove male superiority and dominance. This however, can be a restricted to a large extent if both male and female child, treated as human being can be adjusted in co-education system. This will raise a mind of equality, protection and equal treatment in the minds of both the genders reflecting a great sense of belongingness with one another.

8.5: CONCLUSION

According to NCRB data, the number of rapes reported in India was 33,707 in 2013. Between October, 2012 and October, 2013, the number of molestation complaints increased by 44%. As per the recent compilation of data by Delhi police, 616 rapes and 1,336 molestation cases were registered between January 1 and April 30, 2014, which is 36% increase compared to the previous year. Considering the latest statistics of the NCRB, 93 women in India are being raped every day.

The reality is that Gender based discriminations are unquestionably widespread in the current society, across the world. Though equal education, work practice and other qualifications of women are practised and highlighted yet women were neither considered equivalent to men, nor given equal opportunities. This is followed by the unrelenting first choice for men in job interviews, payments, trainings and promotions. Those who have a common idea that woman more often give up their careers once they get married and have children; although men carry on their occupation regardless of their age or any kind of personal troubles, in that case the company will not have to bear the loss of recruiting a new staff if the previously appointed staff is a male.

Though there are existing laws that promote equality among men and women in the workplace, the authority of the workplace seldom cares for the female worker's concerns. When women are working equal hours or even more, with patience and compassionate than men, companies who deny a woman employer are unknowingly facing an enormous loss within. Despite the fact that women are coming to the forefront of different services, people still consider her wages as something unimportant, but bonus to the family. The Sexual Harassment Act is a most required well framed development and an important weapon towards granting safe, secure and healthy work atmosphere to all workers irrespective of any gender. In spite of the constitutional guarantees and penal provisions, we have failed to place women at par with their male counterparts in the workplace. In view of this, the role of the judiciary in providing justice to women victims of sexual harassment becomes decisive. Of course, the Indian Judiciary in particular, the Apex level judiciary has played a creative role in this regard and has upheld the basic principle of equality of sexes and tried to maintain the dignity and honour of women.

The Government of India in addition to the Act has provided for "Sexual Harassment Electronic box" (SHE BOX) which is operated as a single window access of registering sexual harassment complaints directly routed to the concerned authorities for further action. It has a positive impact on employees as well as on organisation to create an environment to weed out SHWWP. The detail study of the Act reveals that the Act has enlarged scope of the guidelines provided under Vishaka

judgment as it covers “verbal” sexual discrimination and “external” members who visits the establishment and face any kind of sexual assault under the dimensions of the Act.

In the area of study, the Researcher has realised that harassment of women not only in workplace but in day today life has emerged as an easy prey to relax sexual lust of male members of the society and it is much common now a days. Most of the literate and well-established working women who face such discrimination do not raise voice to protect their reputation and dignity yet they suffer inside, and many are put to silence with manifold threats that comes adjoined to it. This silence was well spoken in the platform of “Mee-too” movement started in social media where thousands of responses were received stating their sufferings related to sexual abuse or harassment or discrimination. Many well-known personalities have participated in this movement utilising it to relax their mental agony that they suffered due to unexpected occurrence of sexual abuse or unwanted silence in the matter.

Thus, I want to conclude my submission with the note that women are precious creation of God made with all his valuable time and effort. Even the God has taken enough time to design this gender. She has elegance, attitude, love, kindness, peace and strength in herself. However, the beauty and biological construction of a woman makes her vulnerable in the society by other gender. The existing mindset of the society to treat her as inferior gender should be eliminated from the root itself. The study done among the literate working class female employees shows that they are aware of sexual harassment or disadvantages faced by them by virtue of being female yet they believed that the fear, stigma, hesitation, shyness or may be the fear of retaliatory action makes them not to complain about such wrong in public Their upbringing do not allow them to do so or maybe they have fear of facing some uncomfortable situations or they may not consider themselves strong enough to fight back and to take a stand in her position. The victim is the one who has to go through both the sexual violence as well as mental agony created post incidence in case she dares to complaint or fight with the situations. Social myths like women takes advantage of her existence and creation or she may use her beauty to hide her poor

performance or she uses her physical construction as an advantage to get extra benefit in job cannot be regarded as genuine and trustworthy as generalisation here is not possible as it is not much common. However, time has come to give a tight answer to this mindset of people, to erase the concept of 2nd gender, inferior class, weaker section and many more disadvantages attached to the concept of femininity and women. Time has come to stand against this odd and to prove the meaning of mother, daughter and wife in true sense.

In the words of Maya Angelou...

Men themselves have wondered
What they see in me.
They try so much
But they can't touch
My inner mystery.
When I try to show them
They say they still can't see.
I say,
It's in the arch of my back,
The sun of my smile,
The ride of my breasts,
The grace of my style.
I'm a woman
Phenomenally.
Phenomenal woman,
That's me.