

# **CHAPTER I**

## **INTRODUCTION**

### **1.1 GENERAL:**

“Anybody who knows anything of History knows that great social changes are impossible without the feminine ferment.”

Karl Marx, Philosopher, economist and sociologist.

The best way to understand the spirit of a civilization and to appreciate its excellences and realize its limitation is to study the status and position of women in society and to take part in public life shows the nature of administration and makes the truth clear that women too have a great contribution towards its development and progress.<sup>1</sup>

It has been rightly noted by Manu, “यत्र तु नार्यः पूज्यन्ते तत्र देवताः रमन्ते, which means that where women are worshipped, the Gods rejoice. By cherishing women, one cherishes the Goddess of prosperity herself and by afflicting her, it is said to afflict the prosperity. Moreover, the large portion of human kind comprises of women with peculiar physical and sensitive characteristics. Despite being invested with certain highlights of physical and volatile nature, both men and women are integral to one another. Their different formation and quality structures the race together. The male and female are equivalently accomplices in the creation, in the improvement and in the advancement of a Nation together.

The combination of Adipurush and Prakriti depicts the clear picture of equality and a unique assignment of creation, making male and female personality inseparable from one another. As said by Swami Vivekananda, “Country and Nation that do not respect women have never become great nor will ever be in future.”<sup>2</sup> Equal rights and

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<sup>1</sup> Altekar A.S, *The status of women in Hindu civilization*, The Culture publication House, Delhi

<sup>2</sup> Ibid.,

opportunities for every creation in the earth perfectly create a peaceful society and over whelming love and affection for one another. In India, one of the strongest phenomena in history of mankind is the equal rights and opportunities for women considering and honoring women as incarnation of Shakti. It constitutes half of the population of the globe but at work places, they suffer disadvantages due to gender difference and biasness. Till today, the issues concerning women are not given priority in society. In traditional patriarchal society, women have always been considered as weaker sex. The cry for equalities, demand for recognition as fellow human beings and enjoyment of rights should be received as a need to be incorporated in order to make positive change in society.<sup>3</sup>

Women being the soft and elegant gender need care as well as protection from all disadvantages of gender differences and discriminations. Violence against women is a technical term used to refer the violent as well as degrading acts primarily and exclusively committed against women. The patriarchal mind set reveals that violence against women is considered as traditional drawback causing generations of women to suffer from social, physical, mental & psychological agony. Sexual Harassment as one form of gender-based discrimination constitutes a heinous crime which is legally as well as culturally not permissive.

In the modern legal society, where men and women are subjected to equality in the eyes of law, the act of sexual pestering is treated in itself as a crime. No gender, whether male or female should be subjected to either in capacity of an employer or employee, to sexual harassment in any atmosphere, but in reality, issues concerning women are not given priority and even with the traditional design of society, women are always considered as weaker sex.

Human rights issues have real applications and relevance for every citizen and are vital to the peace and prosperity of every society. It has become increasingly apparent that the human rights issues which affect women in particular, play a critical part in the quest to achieve a just and fair society. Women's place in every community

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<sup>3</sup> Sharma Advaita, *Talks with Swami Vivekananda*, Calcutta, 2005, P. 332

is vital to the well-being of that society. Without their work both in the formal sector and in the family, most communities would not survive.

Gender forms the basis in every social structure organized with living necessities for division of labor and social allocations of rights and responsibilities. The form of gender inequalities throughout the world are among the most prevalent subtle forms of inequality, which pervade every aspect of social life and affect women's chances for survival and security.

“Violation of women's human rights are often linked to their sexuality and reproductive role. Women are treated and considered as property, they are sold into marriage, into trafficking, into sexual slavery. Violence against women frequently takes the form of sexual violence. Victims of such violence are often accused of promiscuity and held responsible for their fate, while infertile women are rejected by their husbands”.<sup>4</sup>

Women are considered as physically weak by nature as well as by biological construction of their, which has resulted in discrimination and crime against their body, mind and integrity considering them as a soft and tender gender. The crime on female gender has no acceptance in the world of spiritual belief, but the real world has still not accepted the truth of women being a creator and destructor. In physical world woman had been treated with contempt and disrespect to a great extent.

The population of women constitutes important part of humankind and despite being invested with certain curious highlights of both physical and volatile; they are integral part of one another. The different physical and sensitive characteristics together designed the human race. This civilized human kind can be balanced with equality and respect of both the genders. The idea of using female as object of sensory delight is an old age phenomenon. The historical back drop reveals the concealment of women's rights and wellbeing of 2<sup>nd</sup> gender terming of which has division role in this regard subjecting women towards injustice, disparity, outrage, imbalance and separation.

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<sup>4</sup> Vishaka V. State of Rajasthan, 1997 6SCC

Gender is a cultural division or formal expression of sexual difference directing in biological appearance that socially contrast the outlines of roles, behaviors, activities and attributes. Gender is a culturally formed expression of sexual difference, where men behave in masculine way and female behaves in feminine way. This role assignment and adoption of trait give birth to gender inequalities. Gender biasness throughout the world formed a masculine style of refining the differences. Some particular way of or pattern of gender difference are significantly present in all over the world. Human Rights issues have an effect on female gender and thereby play a great role in maintaining peace and prosperity in welfare society and it is still indisputable fact that women represent a terrible kernel of the human society, around those social amendments should take place.

Gender is a term with reference to social definition of roles and behaviour assigned to both male and female in a given society. It is well described by the word SEX which biologically and physiologically defines man and woman. It is a man-made concept where men are always treated as superior to women. Gender inequality is defined as discrimination against women based on their sex. She has been accorded with a subordinate position to men, even today a woman is disrespected, de-regarded, violated and discriminated both in internal and external sphere. Women have to face a peculiar situation everywhere in regard to her respect and survival. Gender Inequality is a perception or unequal treatment based on their gender<sup>5</sup>. The patriarchal society has dominated the mentality of equality and developed a system of social structure and practices in which men dominate, oppress, and exploit women. Women exploitation is an age-old cultural phenomenon of Indian society, where system of patriarchy defines the validity and sanction of our religious beliefs.

According to MANU, “women are supposed to be in the custody of her father when they are children; they must be in the custody of their husband when married and

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<sup>5</sup> Rao Shankar C.N, *Indian social Problems a sociological perspective*, Chand Publications, New Delhi

under the custody of her son in old age or as widows. In no circumstances she should be allowed to assert herself independently.”<sup>6</sup>

Gender sensitivity essentially refers to making women’s as well as men’s concerns and experiences an integral dimension of all policies and programme in an organization so that both the gender can be benefited equally and inequality can be eliminated. Sexual harassment is defined as unwanted conduct of a sexual nature against an employee by an employer or another employee in the workplace or in connection with the performance of or recruitment of work. It is also an act which is threatened or imposed as a condition of employment on the employee or which creates a hostile working environment. Sexual harassment purposely violates the dignity of a women employee or it is intimidating, disregarding, humiliating or offending the employee.<sup>7</sup>

Any form of discrimination may make a human being to suffer from disempowerment as it denies the human capacity to lead a dignified life. The second gender of women shoulders 2/3 of world’s work yet they earn only 1/10<sup>th</sup> of total income that reveals, an existing prejudice and injustice suffered by them. They not only suffer discrimination but also are subjected to crimes like torture, mockery, sexual violence, sexual assault, workplace harassment only for the reason of being a woman. Such sufferings not only break her self-esteem but threaten her existence and dignity as well.

Sexual harassment has a steady rise under Indian society where ability of an organization to identify and handle gender inequality and gender discrimination underpins its success in creating a gender sensitive and inclusive work culture. Ultimately the aim of a stable society is to achieve gender equality. It is time to recognize that women are an important and integral part of our workforce who bring balance and diversity as well as emotional intelligence which is an important element

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<sup>6</sup> Myneni S.R Dr. *Rural, urban & Tribal Sociology in India*, Allahabad Law Agency, Haryana

<sup>7</sup> Ibid.

for corporate success. It is therefore important for every organization to be sensitive, watchful, inclusive and respectful towards women.

Gender is a sensitive term having a socio–legal reference. In socio-cultural aspect gender is a relationship between men and women where one has considered it as superior to another. Gender Inequality has a close standing with defining it as a discrimination against women based on their SEX. The patriarchal system of our social structure has the norm of dominating, oppressing, exploiting the opposite gender. The natural differences of biological chromosomes have made the socio legal scenario access with sexually harassing the weaker gender in all the aspects of life. Sexual Harassment is a concept of importance gradually emerged as recognized phenomenon in the world. It means violation of fundamental rights by uninvited sexual attention which explicitly or implicitly leads to harm the dignity of individual. Sexual harassment is termed as unsolicited non-reciprocal behaviour that ascertains harm to other gender. Though these harassments are practiced from early time but very recently attempts are initiated to name such incidence. Practice has been started to condemn such inequality with the help of judicial interference and legislative guidance.

Sexual assault or sexual harassment indicates some unhealthy relationship where sexual disadvantages are targeted towards women where men behave as a perpetrator. It is subtle form of violence against women. This issue is a complex one involving men and women, their perception, behavior and the social norms of the society.

Sexual harassment at workplace is not a new affair and is not a rare one but such instances mostly go unreported or not been discussed much. Most working women face this evil of sexual harassment at work place in some form or the other and yet never acknowledged. However, this silence around Sexual Harassment only helps to accentuate the problem. This is the worst drawback faced by working women employees that not only disturbs human dignity and honor but also violates social

security and right to equality of women gender. On the continuation of this practice, exploiters become culturally violent, having opted violence as a way of life.

## **1.2 CONCEPT, MEANING AND DEFINITION OF SEXUAL HARASSMENT AT WORK PLACE:**

Violence against women is a global occurrence since the beginning of human history till today in various forms in every society. The color and the nature are changing in due course of time. Sexual harassment of women in the workplace is a recent problem which has arisen with the increase of participation of women in the outer world for their employments. Almost all the working women at one time of their working life come across the harassment in any form. Right to employment is a fundamental right, as well as right to live with human dignity is an inherent right of every individual. Right to life not only means animal existence, it means life with dignity. But this is nullified by the phenomenon of sexual harassment.

The woman is a mother earth who as a mother is “Supreme Being and Guru.” She plays the role of mother, sister and daughter. We start our human and social life from her. The women are mistress of half of the country. They are life partners and co-travelers of men in the creation of life and progress of the society. They represent half of the population of the mankind. They are part of society, development and nation. A family is not happy and strong until the role of mother, daughter and sister is performed dedicatedly. They bring love, peace and affection in the family. God dwells there where woman is respected. They are capable of bringing change in the society for protection, welfare, happiness and goodwill of human being, country and society as a whole. The importance of human role in the development process and need of intensified action in regard to women’s status is recognized in international world with three objectives of quality, peace and development.<sup>8</sup>

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<sup>8</sup> Misra Preeti Dr., *Violence against women and human rights: A critical evaluation*, Deep & Deep Publications, New Delhi, 2007

The Report Published by ILO States that the women workers group plays vital role and advocated awareness campaigns that has resumed positive changes in the life of women and also changed the discriminatory policies enacted in the legal dimensions to ensure protection of women.<sup>9</sup>

The internal pressure of women group itself plays an important role towards their subordination. Mother teach daughter to please man, providing instructions which prepared the new generation to assume the role of house wife. It is women who had been most ardent traditionalists, masterminded all rituals as they are mainly responsible for showing favor to male children in preference to females. Inability as well as reluctance to understand female physiology resulted in the notion that women were biologically blighted. Women became victims of their own reproductive biology. Biological differences, some actual and some supposed in women were held against them as their deficiencies. These differences were enlisted to practice and justify discrimination against them.<sup>10</sup>

Besides, there also developed situational and institutional violence against women along with the new demands of the time where they have to step out of the confinements of their homes to earn a living. Thus, crime against women is an outcome of their long negligence and deprivation of their socio-economic rights. Violence that has geared up against women is an outcome of unequal power structure ending up in domination and deprivation against women. It has manifold kinds not limiting itself into any threat of adverse job consequences. Such behavior includes sexual elements that can be injurious, unhealthy and unwelcome. It encompasses both physical and psychological conduct. As observed by ILO, the problem of sexual harassment relates more to gender and social roles which are attributed to both men and women in accordance to the job performed by them in their social and economic

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<sup>9</sup> Report of International Labor Organization, *Action against sexual harassment at work in Asia and the Pacific*, 2001

<sup>10</sup> Bhasin Alok, *Law Relating to sexual Harassment at work*, Eastern Book Company, 2<sup>nd</sup> edition, 2015, Lucknow



perceptions of life and also on the diverse form of sexuality attached to it. Such crime has no relevance on biological disparity.<sup>11</sup>

Gender based violence and all forms of sexual harassment of women and exploitation including those resulting from cultural prejudice is incompatible with dignity and worth of human person and must be eliminated. This can be achieved by taking legal measures and through national and international co-operation in the field of economic development, social development, education, safe and healthy work environment. Harassment must find a place of its own or to treat as self-evident to the fact that the law should be capable of dealing with apparently significant social problem of harassment of women. Till the parliament creates a new legal forum in which sexual harassment can be entertained, a women complainant must review and select from the various legal venues open to her for redressal. Throughout the world the rights of women got recognized as human rights after a long battle fought and won by many women activists. Traditional declarations of the rights have focused upon civil and political rights, like the right to life, right to freedom of expression, right to bodily integrity and right to fair trial rather than social and economic rights, such as right to housing, right adequate food and right to a safe and healthy work environment. Social and economic rights often implicate the private sphere and, therefore, they may have more resonance with women's concern of dignity and security.

According to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), "the discrimination against women can be any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of rights by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the Political, Economic, Social, Cultural, Civil or any other field."<sup>12</sup>

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<sup>11</sup> ILO, *Action against Harassment at work in Asia and the Pacific* (2001)

<sup>12</sup> Ramaswamy B, *Women and Law*, Isha Books; 1st edition, 2013, New Delhi

The contemporary rejuvenation shows the evidence that the voice of women is being heard in the streets, in the courts, in parliament having evidence to that still women issues are not prioritized in the society. Laws and practices governing women's status, their legal capacity and role in the family as well as in the society-continue to deny women's rights and legal status considering them as the second-class citizens. While the type of discrimination varied from place to place, women throughout the world found that their relationship to a male relative determine their rights. In traditional patriarchal society women has always been considered as the weaker sex, the inferior sex, or as the second sex.<sup>13</sup> While men are associated with reason, intellect and culture, women are associated with the body and emotions, more specifically the natural body function of reproduction which is considered to be of less importance. This has been the ground of discrimination which continues till today.

The language of rights has become increasingly visible in the lexicon of development. Human rights have been described as the 'common language of Humanity'<sup>14</sup>. The last five decades of the twentieth century witnessed the emergence of human rights discourse in its multi-vocal complexities and practice. The human rights discourse was in many ways a corollary moral and political tool.<sup>15</sup>

In the era of the so-called end of ideology, human rights emerged as universal ideology enabling both the legitimization of power and the praxis of emancipator politics.<sup>16</sup> The concept of human rights talks about the attempts made to define basic human dignity and worth of human being which is his or her most fundamental entitlement. The denial of human rights and fundamental freedoms not only in an individual creates personal tragedy but also creates social and political unrest. British feminist Mary Wollstonecraft challenged the attitudes of liberal and conservative thinkers in their denigration of women's capabilities.<sup>17</sup> The first attempt on behalf of women at the international level was not to liberate women, but to protect them in the

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<sup>13</sup> Beauvoir Simone De, *The second sex*, Vintage publications, 2011

<sup>14</sup> Ghali Boutros, *The common language of Humanity*, Inaugural address at the United Nations world Conference on Human Right. The Vienna Declaration and Programme Action

<sup>15</sup> Baxi Upendra, *The future of Human Rights*, Oxford University Press, 2002

<sup>16</sup> Scruton, R, *A Dictionary of Political thought*, Pan Books, London, 1983

<sup>17</sup> Wellstone Craft Mary, *Vindication of Rights of Women*, Penguin, 2004

emerging industrial world outside from sexual harassment that might devalue the family. The United Nations in 1979 adopted the Convention on Elimination of All Forms of Discrimination against Women. The convention is the central and the most comprehensive document in bringing half the humanity in to the focus of human rights concern and one of the major contributions of the CEDAW is in drawing attention to the role of culture in restricting women. The evil of sexual harassment indicates those relations which are not healthy rather it is a violation of rights that threatens right to life and peaceful existence of an individual.

The necessity on the part of a women to take up her duties in the present day today scenario of maintaining social status, to arrange high price of basic items etc. is increasing whereas employers' attitude of separating mentality towards women, not respecting her well-being, equal opportunities, advancements, equivalent wages lead her to face molestation, eve-teasing and many such terrible situations. Sexual harassment is a systemised violence which every working woman sooner or later had to face and the most relative root of the offence can be found with the underlying existence of gender bias. The aim of civilised society must concentrate in the area of providing security to its individuals irrespective of gender and to treat her with dignity. The women's existence will not be dignified if they lack opportunity, equality, status and interest towards her intelligence, sacrifice and participation. The democratic values cannot be cherished when equal opportunities to grow and govern are being denied to a particular section of society<sup>18</sup>.

Sexual harassment in general can be defined as sexual misconduct by a supervisor i.e., superior officer or a colleague irrespective of the employee's knowledge of any loss or adverse effects for refusing superior's unwelcome advances. Where any sexual act is committed under the circumstances that can be reasonably apprehend that it is related to employment of the sufferer from where she is earning her bread, livelihood or it may be a voluntary service, may be a private or a government workplace that depicts such behaviour as humiliating, derogatory and may constitute health and security concerns amounting to incidence of sexual harassment. It can be realised as more derogatory where she may suffer the fear that her objection

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<sup>18</sup> Keyal Nikunj, *Sexual Harassment at Workplace*, Hari Singh Gaur Vishwavidyalaya, M.P.

would be more disadvantageous relating to her work and employment, in her carrier uplift and promotions etc. It is seen that due to rapid industrialisation, opening of markets and influx of multinationals in the country, a large no. of women has entered into job market that made them visible in economic scenario which can be regarded as a positive achievement.

However, women have long been exposed to harassment at workplace attributed to her due to her physical construction involving behaviour of a sexual pleasure and lust. Actually, it is the extension of the patriarchal violence, at home and in society. In 1993, the international seminar organised by International Labour Organisation recognised that, “Sexual harassment of women at workplace is a form of gender discrimination against women that range from some of the most energetic behaviour prohibited by the criminal law like rape, sexual assault which can in certain circumstances innocuous part of day-to-day interaction.”<sup>19</sup>

Sexual harassment can be understood as an action occurring within the workplace whereby women are treated as objects of the male sexual prerogative. The behavioural forms of it may include-

#### **BEHAVIOUR AMOUNTING TO SEXUAL HARASSMENT**

Visual (leering)
Unwanted pressures for sexual favours or dates
Unwanted pressures for sexual favours with implied threats of job-related consequences for non-co-operation
Physical assault
Verbal (Sexual Teasing, Jokes, Comments, Questions)
Unwanted touching or pinching
Sexual assault and rape

**Source:** Handbook on sexual harassment of women at workplace by Ministry of Women and Child Welfare, Government of India, November 2015

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<sup>19</sup> Report by International Labor Organization Relating to Asia and Pacific, 2001.

The Britannica Dictionary defines sexual Harassment as, “Sexual Harassment, unsolicited verbal or physical behaviour of a sexual nature that may embrace any sexually motivated behaviour considered offensive by the recipient. Legal recourse is available in cases that occur in the workplace, though it is very difficult to obtain convictions.”<sup>20</sup> In 1994, the Supreme Court of the United States ruled that behaviour can be considered as Sexual harassment and an abridgment of an individual’s civil rights if it creates a hostile and abusive working environment.

The behavioural manifestation may be a single event or a continuous series of events. The problem at hand is an extension of violence against women in everyday life. At the workplace, the women are considered as intruders and sexual persecution is a reminder to working women that they cannot be themselves, that in a sense, they are there for men. The whole issue, therefore, acquires the phenomenon of being part of a systematic control of women rather than man’s behaviour. Although constituting more than half of the global population women are still regard as a vulnerable group. Recent efforts to document the real situation of women worldwide have shown some alarming statistics on the economic and social gaps between men and women. While causes and consequences may vary from country to country, discrimination against women is still the same.

The **United Nations attempted** to define sexual harassment as “Such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem, it is discriminatory when the women have reasonable ground to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment”.<sup>21</sup>

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<sup>20</sup> Bhasin Alok, *Law Relating to Sexual Harassment at work*, Eastern Book company, 2<sup>nd</sup> edition, Lucknow 2015

<sup>21</sup> Ibid.

Studies of sexual harassment have shown that those women who are sexually harassed at work tend to be –

- Young (20-40 years)
- Single or divorce
- With low level of education
- On a short-term contract, the individual may have fewer employment rights than the other employees
- Those individuals who are at lower positions of employment
- Those earning lesser incomes.

**The European Commission** of the EU defines sexual harassment as – “unwanted conduct of sexual nature, or other conduct based on sex affecting the dignity of women and men at work. This includes unwelcome physical, verbal or non-verbal conduct”<sup>22</sup>

In the state of **United Kingdom**, “the conduct of sexual harassment is prohibited by sex Discrimination Act, 1975 which is essentially designed to deal with the discrimination committed on the ground of sex i.e., gender specific discrimination. Section 1(I)(a) of this Act says about direct and indirect discrimination against women as – In any circumstances relevant for the purposes of any provision of this Act, a person discriminates against a woman if on the ground of sex, he treats her less favourably than he treats or would treat a man.”<sup>23</sup>

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<sup>22</sup> The European communities’ commissions” *code of practice on measures to combat sexual harassment*” November, 1991

<sup>23</sup> Dsouza V. Automobile Assam, 1986 ICR 514

**The Equal Employment Opportunity Commission** produced one of the first set of guidelines dealing with sexual harassment.<sup>24</sup> It defines Sexual harassment as follows:

- a) “Harassment on the basis of sex is a violation of Section 703 of Title VII. Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature constitute sexual harassment when -----
  - (1) Submission to such conduct is made either explicitly or implicitly a term or conditions of an individual’s employment,
  - (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual,
  - (3) Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.
- b) In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case-by-case basis.”<sup>25</sup>

The **California Administrative Code** defines the term “harassment” as: -

- 1. Harassment includes but is not limited to:
  - A. Verbal harassment, for example, epithets, derogatory comments, or slurs ...
  - B. Physical harassment, e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual....

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<sup>24</sup> Equal employment opportunity Commission, “*Guidelines on Discrimination because of sex*”, 29 CFR/604.II(a) 1985

<sup>25</sup> Federal Righter 74, 677 (10-11-1980), codified in 29 Code of Federal Regulations (CFR), S. 1604.II

- C. Visual forms of harassment, for e.g., derogatory posters, cartoons or drawings...
- D. Sexual favour, for e.g., unwanted sexual advances which condition an employment benefit upon an exchange of sexual favours....
- E. In applying this sub-section, the rights of free speech and association shall be accommodated consistently with the intention of this sub-section.<sup>26</sup>

**The Canada Labour Code defines** “Sexual harassment as follows:

“Sexual Harassment” means any conduct, comment, gesture or contact of a sexual nature –

- a) That is likely to cause offence or humiliation to any employee; or
- b) That might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.<sup>27</sup>

The **Convention on Elimination of Discrimination against Women** (CEDAW) has defined the term sexual harassment as: “Sexual Harassment includes such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demand, whether by words or actions. Such conduct can be humiliating and constitute a health and safety problem; it is discriminatory when the women have reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.”<sup>28</sup>

Sexual harassment can be recognised as one of the severe forms of violence around the globe. The pioneering case where Apex court of India has also recognised the crime of SHAWP is Vishaka V. State of Rajasthan (1997) ratified it as a human

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<sup>26</sup> Combating sexual harassment at work, Vol II, conditions of work Digest-I/1992, ILO) ILO.

<sup>27</sup> Canada Labour Code, Part-III, 1985

<sup>28</sup> United Nations Committee on Elimination of Discrimination against Women; General Recommendation No. 19: Violence against women, 1992



rights violation. This judgment was the base for providing guidelines and marked its way towards a definite law and detailed procedure to deal with the subject. The laws with discriminatory practices are underlined by favouring men. Inadequate policy framing as well as judicial practices deny proper protection and Justice to female victims. The participation of female in public life is increasing and legislative measures are also amended and implemented yet it has to go a long way to make Indian women as equal citizen in the country. No statutory definition of the term sexual harassment was interpreted by the judiciary before the case of Vishaka V. State of Rajasthan<sup>29</sup> came into the picture.

The Supreme Court then defined the term Sexual Harassment with the help of CEDAW, constituted under United Nations that reads as: “Sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

- a) Physical contact and advance;
- b) A demand or request for sexual favours;
- c) Sexually coloured remarks;
- d) Showing pornography;
- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.”<sup>30</sup>

“Where any of these acts are committed in circumstances where the victim of such conduct has a reasonable apprehension that in relation to the victim’s employment or work whether she is drawing salary or honorarium or voluntary, whether the government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the women have reasonable grounds to believe that her objection would disadvantage

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<sup>29</sup> 1997, 6 SCC 241

<sup>30</sup> Bhasin Alok, *Law Relating to Sexual harassment at work*, Eastern Book company, Lucknow, 2<sup>nd</sup> edition, 2015

her in connection with her employment or work including recruitment or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim doesn't consent to the conduct in question or raising objection thereto.”<sup>31</sup>

After this landmark case attracted the lime light, the enactment named the Sexual Harassment of women at workplace (Prevention, Prohibition and Redressal) Act, 2013 came into existence on 22<sup>nd</sup> April, 2013 with the consent of the president.

This Act defines the term sexual harassment under Section. 2(n) as<sup>32</sup> –

“It includes any one or more of the following unwelcome acts or behaviour (whether directly or implication) namely –

- i. Physical contact and advances, or
- ii. A demand or request for sexual favours, or
- iii. Making sexually coloured remarks; or
- iv. Showing pornography, or
- v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;”<sup>33</sup>

The Supreme Court of India has observed in *Madhu Krishnan V. State of Bihar*<sup>34</sup> that “Women form the half of the Indian Population. Women have always been discriminated against men and have suffered denial and are suffering discrimination in silence. Self-sacrifice and self-denial are their nobility and fortitude and yet they have been subjected to all kinds of inequities, indignities, incongruities and discrimination.”<sup>35</sup>

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<sup>31</sup> Bhasin Alok, *Law Relating to Sexual harassment at work*, Eastern Book company, Lucknow, 2<sup>nd</sup> edition, 2015

<sup>32</sup> Sexual Harassment of women at workplace (Prevention, Prohibition and Redressal) Act, 2013

<sup>33</sup> Ibid.

<sup>34</sup> 1956, 5SCC 148.

<sup>35</sup> *Madhu Krishnan V. State of Bihar*, (1956) 5SCC 148

### 1.3 REVIEW OF LITERATURE:

The review of literature is an essential part of the planning of a research study. The literature review is an overview of what has been published on a topic by accredited scholars and researchers. By resorting to review of literature of the related studies, the researcher can modify research question based on the experiences and go through the process and perspectives of investigation. It helps in understanding the related areas, suggestions and recommendations to accumulate new scope of study. It submits the curiosity and give ideas of new generation. The researcher has highlighted the findings of some of the intelligent and excellent studies related to the topic which helps to undertake the present study in an organised and systematic manner.

The present research deals with the various aspect of workplace sexual harassment. This is one of the major crimes done towards both body and mind of an individual. This hampers productivity, creativeness, soulfulness and intensity of dedication in work as well as violates constitutional and statutory norms. This topic has age-old origin but no detail inclusion on legislative periphery has been done till the coming of Sexual Harassment (Prevention, Prohibition and Redressal) Act, 2013.

However, to have a detail study on the subject the researcher has opted for various literary sources created by many strong and creative minds. They are the best sources of knowledge, data and literature. They can be discussed as:

#### **Women and Sexual Exploitation, Harassment at work, by Rehana Sikri<sup>36</sup>**

This book covers the various dimensions of social and sexual interaction that has been sought from present work profile of women in India. This book reveals that the women at their occupational profile is followed by social mores and family values that determines behaviour patterns at workplace and as such it has raised disturbing dimensions to work place politics. In this book workplace has been viewed as new combat zone in running battle of sexes as search for identity that ultimately leads to

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<sup>36</sup> Sikri Rehana, *women and sexual exploitation (Harassment at work)*, Kanishka Publishers, New Delhi

sexual and gender exploitation by finding out various components of sexual harassment and Male-Female Relationship which has alarming dimensions of gender confrontation.

**Crime against Women and Protective Laws, by Sobha Saxena<sup>37</sup>**

This book intended to find out the gestures that insult her modesty by intruding upon her privacy. It exhibits different dimensions of sexual harassment which are myriads of manifestations obnoxious to one another. The impact of various submission and rejection that explicitly or implicitly effects the individual's employment and unreasonably interferes with the work performance and creates hostile and offensive work atmosphere are the concerned area of this book. The researcher has got relevant data as how these crimes are treated as low priority crimes. This phenomenon was not considered as subject worthy of much attention or as much serious debate as other issues concerning women. This book signifies that till today the complaints of sexual harassments are usually trivialized by the society which proves that the fight against male chauvinism is usually fruitless. This book entertains most of the significant parts related to the topic in a sensible way that attracts the remedial legislative measures. Approaches and perspectives of all human rights issues are inserted in detail. The rights of women and children, the legal and constitutional framework, challenges and struggles in this area are well discussed in the book. The researcher has utilised this book to generate knowledge on struggle in recognizing sexual harassment as an evil towards the society to ensure the existence of proper remedies against inequalities, oppression and injustice.

**Human Rights by Adil-Ul-Yasin & Archana Upadhyaya<sup>38</sup>**

This Book gives emphasis on Human Rights and Basic Rights of human being dealing with both the gender of male and female. The language of the book is simple and clear with an analytical approach. The author has dealt with a systematic study to

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<sup>37</sup> Saxena Sobha, *Crime against Women and Protective Laws*, Deep and Deep Publications, New Delhi, 2000.

<sup>38</sup> Yasin Adil-Ul-& Upadhyaya Archana, *Human Rights*, Akansha publications House, New Delhi, 2006

the topic and dealt exhaustively with the light of legislations and case laws. This book has well versed content starting with evolution of concept of human rights. Most of the international and national documents are included here as an attempt to promote, protect and preserve human rights in this book.

**Legal Status and Remedies for Women in India by Roma Mukherjee<sup>39</sup>**

This book is the absolute study on the legal status of women in India. It fills the gap as one of the exhaustive and critical commentary on the legal status of women in India and entailing references to other related laws was considered a great desiderate. Here the legal measures adopted by legislature are included and discussed extensively that helps to understand the real picture of legislative and administrative intentions in this regard.

**Women and Law in India by Flavia Agnes<sup>40</sup>:**

This book brings together three significant works on gender equality by giving comprehensive analyses to the key issues including women's right, social justice and empowerment. This book includes the changes made in women's rights which are negotiated, rewritten and coded.

**Sexual Harassment in the workplace by Juliana Lightle & Elizabeth H. Doucet<sup>41</sup>**

Sexual harassment is an evil that has emerged with a due shift in attitude and for which no labelled behaviour is prescribed. This book has created a new understanding to the concept by prescribing easy way in depicting things in the right way.

**Human Rights in a developing society by Shankar Sen<sup>42</sup>**

It deals with the various concepts of Human Rights its problems and various efforts made in both national and international level to assure these rights to every

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<sup>39</sup> Mukherjee Roma, *Legal Status and Remedies for Women in India*, Deep and Deep Publications, New Delhi, 2002

<sup>40</sup> Agnes Flavia, *women and law in India*, Oxford university press, 2016

<sup>41</sup> Lightle Juliana & Doucet Elizabeth H, *Sexual Harassment in the workplace*, Viva Books, New Delhi

<sup>42</sup> Sen Shankar, *Human Rights in a developing society*, A. P. H publishing Corporation, New Delhi

individual. The author has made a significant study to the subject and made a complimentary work which is helpful for guidance and reference.

**Reaching Women hood by Tarala D Nandekar & Medha S Rajadyaksha<sup>43</sup>**

Every woman is entitled to certain basic rights to enjoy women hood with fundamental freedoms. Women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture. This book gives utmost importance to women and all her issues so that she can walk in the same dignity and honour in the society.

**Women and Law by B. Ramaswamy<sup>44</sup>**

This book covers most of the legal instruments dealing with women in India. Special focus on legal aspects of women's Rights and history of legal rights of women is illustrated in simple way making it worthy of reference for all.

**The Human Rights Conventions and Indian Law by U.N Gupta<sup>45</sup>**

This present book is an in-depth- systemized study of recent developments and international concern for promotion and protection of basic human rights within and beyond national boundaries. These developments are in favour of human rights proceeds with the enlightenment on the ramifications of the subject through detailed discussion in the book.

**Sexual Harassment at Workplace by Ritu Gupta<sup>46</sup>**

This is a comprehensive and well researched book on this sensitive issue. This book has relevance and detailed chapters giving definition and extent of the problem, national as well as international scenario, important judgment and policy Formulation issues. The simple, easy and lucid language binds the reader and helps them to go through the contents quickly. This book is a combination of balanced yet straight forward approach to the concerned topic along with both way utilisation of layman and

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<sup>43</sup> Nandekar D Tarala & Rajadyaksha Medha S, *Reaching Women hood*, National Book Trust, India

<sup>44</sup> Ramaswamy B, *Women and Law*, Isha Books; 1st Edition, Delhi, 2013

<sup>45</sup> Gupta U N, *The Human Rights Conventions and Indian Law*, Atlantic Publishers and Distributors, New Delhi, 2004

<sup>46</sup> Gupta Ritu, *Sexual Harassment at workplace*, Lexis Nexis, 1<sup>st</sup> edition, New Delhi, 2014

lawman. The Sexual Harassment of Women at Workplace (Prevention, Protection and Redressal) Act, 2013 has been minutely and critically explained under this book which help the researcher to highlight the intricacies if any related to it.

**Law relating to women and children by Dr. S C Tripathi & Vibha Arora<sup>47</sup>**

This book is an extensive study of law relating to women and children. Here the legal agendas adopted by Constitution of India and other procedural law have been included. Here every aspect of women oppression, their struggle to achieve equality and dignity is discussed in simple and affluent language which is helpful for the researcher to draw an idea in this regard.

**Discrimination against Women in India- A Gender Study by Justice Raj Kumar Manisana Singh<sup>48</sup>**

The Book has an inclusion of men's oppression towards women that starts right from her presence in mother's womb till her death. This discrimination is a continuous process that ends only with the death of the woman. In this book the author has included the judicial responses and illustrated it in favouring woman. Even after numerous plethora of laws the status and position of female class has not changed and the author has clearly mentioned here the necessity of enforcing existing laws, contribution of individuals and community efforts are essential to make the life of a woman worth leaving. This book expresses the inability on the part of women to exercise the allotted rights in certain circumstances of violence and exploitation. It discusses the international efforts and various world conferences held to ensure empowerment of women and also the hurdles that come across this attempt. Overall, this book is helpful in all prospects to the researcher.

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<sup>47</sup> Dr. Tripathi S. C & Arora Vibha, *Law relating to women and children*, Central Law Publications, 1<sup>st</sup> edition, Allahabad, 2004,

<sup>48</sup> Singh Raj Kumar Manisana Justice, *Discrimination against Women in India- A Gender Study*, Akansha Publications, New Delhi, 2008

**Law relating to Sexual Harassment at work By Alok Bhasin:<sup>49</sup>**

This is one of the comprehensive books updated and revised with directives of Supreme Court given in Vishaka case in 1997 along with all available law developed to deal with this subject in the later period. This book is divided into four parts with detail discussion on upraising of sexual harassment and the possible efforts made to control it. It has included all required details of preventive and procedural action needs to be taken by employers, role assigned to the employees, participation and involvement of Trade Unions. This book is a treasure for researchers as it contains most of the updated data along with all possible explanations and case laws. The book examines the Sexual Harassment of women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 with its applicability and utility in restricting the commission of this offense. It is well-researched products of the author with meaning, scope, need to combat sexual harassment and responsibility to keep a reality check on the implementation of the legal provisions. Here the author has discussed the real sufferings of women engaging in work with relevance to consequences both for employees and employers. It has best utility for the researcher as it is a combination of criticism and suggestion on legislative phenomena along with a beneficial piece of document.

**Women and Law by Manjula Batra<sup>50</sup>**

This book is a systematic effort on the part of the Author to include basic laws and concepts relating to women. It has been organised in chapters with comprehensive inclusion of best possible information relating to the topic. Various legislative efforts are included here in details to evaluate and examine thoroughly. The concepts like Status of women in society, protection of women and their development, gender justice and National Commission of Women are mentioned in detail under this book to be utilised in this context.

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<sup>49</sup> Bhasin Alok, *Law relating to Sexual Harassment at Work*, Eastern Book Company, Lucknow, 2<sup>nd</sup> edition, 2015

<sup>50</sup> Batra Manjula, *Women and Law*, Allahabad Law Agency, Faridabad, 2017



#### **1.4 OBJECTIVE OF THE STUDY:**

The study has been initiated with the following objectives: -

- To evaluate various circumstances those are responsible for increasing trend of sexual harassment.
- To evaluate the working environment of women in the generic sense.
- To enlighten the contribution of India and various regional efforts undertaken for curbing the evil of sexual harassment.
- Critically analyse the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- To evaluate the awareness of working women with respect to their constitutional and legal rights in present scenario.
- To suggest remedial measures considering various socio-legal factors to curb workplace harassment.

#### **1.5- 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.

#### **1.6 SIGNIFICANCE OF THE PRESENT STUDY:**

Today the whole world is busy talking about human rights, dignity and equality of all genders, yet there is no recognition of women's entity. The rights of women are recognised only in pen and paper but the reality requires the promotion of interest of

women by giving them a congenial environment and proper facility along with opportunity of self-determination in regard to basic human rights, participation in all phases of decision making, liberty of choice in opportunity, work or any other relevant sphere. Legal environment that fights for governing sexual harassment at workplace making it obligatory to every government or non-government institution to examine all possible legislative frames to this extent to curb sexual harassment. Several enactments, laws and statutes are articulated to improve the status and independence of all kinds of (social, political, economic and professional) ensuring their participation and growth. Such sexual harassment violates or infringes the fundamental right of a woman given under Constitution of India to enjoy gender equality but also deprive her from ensuring right to life and personal guaranteed by article 21.

India being a follower of welfare State considers various welfare schemes to raise the status of women. It has ratified the Right to Protection from the sexual harassment and the Right to work with dignity as prescribed as universal human rights by International Conventions and Instruments like CEDAW.<sup>51</sup> Though, there was no such rigorous punishments provided for the crime of sexual harassment, yet many legislative approaches are made to protect women at workplace. Considerable number of evidences shows increase in workplace harassment and decline in legitimacy ascribed in the system of fair and free social Justice.

Every single woman dreaming of success faces sexual harassment at some point of their career as it appears to be ubiquitous, that it is increasing and also assuming alarming proportion every day. Though the employees disagree on existence of Sexual Harassment at their premises but the reality check establishes a different note. However, Sexual Harassment in any form or in any circumstances is unacceptable and cannot be tolerated. This demean & degrade the existence of women that now calls for an extensive study of Sexual Harassment in view of socio-economic & cultural spectrum that target women for victimization.

The researcher feels the need to study the topic in depth in the present content, to have an advance study on the topic will give a thorough analysis of the conditions

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<sup>51</sup> Convention on the Elimination of All Forms of Discrimination Against Women, 1979

of women at work. The researcher has developed a keen interest in signifying the reasons behind such occurrence and wanted to throw some light on legislative propaganda adopted in this subject. After a thoughtful observation, the researcher wants to accomplish this common threat faced by modern working women. The reasons, causes, affects, laws to prevent it, loopholes in the laws, the possible solutions, suggestions etc. are the area that the researcher will target and will try to influence the outlook towards the evil, for both legislators and framers of laws as well as the followers of laws. Considering the reality and importance of the subject the researcher has chosen the topic “Legal Rights of Women with Special Reference to Sexual Harassment at workplace under Kamrup Metropolitan District”.

## 1.7 RESEARCH METHODOLOGY:

Research is an enquiry for the verification of a fresh theory or for supplementing prevailing theories by new technology. According to Webster's International Dictionary 'Research' means a careful, critical enquiry or explanation in seeking facts of principles, diligent investigation in order to ascertain something". It is an extensive study of the subject that is clothed in an enhanced presentation with co-operation to the chosen topic.

Methodology is a pre-requisite in any scientific inquiry. Different methods towards systematic investigation are applied by the researcher to gain new knowledge about the problem in question. In its wider sense, methodology includes the philosophy and practice of the whole research process by following the standards for intriguing data and to derive a conclusion.<sup>52</sup>

In the words of Redman and Mary – “Research is a systematized effort to gain knowledge.<sup>53</sup> Research is the manipulation of things, concepts or symbols for generalizing to extend or verify knowledge that helps in construction of theory.<sup>54</sup> The methodology of legal studies involves their own rules, interpretations and the criterion

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<sup>52</sup> Myneni S.R, *Legal Research Methodology*, Allahabad Law Agency, Haryana, 2009

<sup>53</sup> Redman L.V and Mory A. V.H; *Thy Romance of Research*, 1923

<sup>54</sup> Vol. IX, Mac. 1930

for admissible explanation as well as research design, data collecting techniques and data process routine. The significance of research may base on Justice, equity and good conscience that helps to pursue economic and social policies.<sup>55</sup>

The present study of the Researcher is based on both doctrinal and non-doctrinal methods where by applying doctrinal research the analysis of case law, arranging, ordering and systematizing legal propositions and study of legal institutions is attempted by the researcher. Doctrinal study always required an in-depth study of various Text Books, study materials and reported cases detailing the situation signifying the subject and also delivers a judicious analysis of the available data with required clarity and precision.

With Doctrinal Research the researcher has gone in detail the various International and national documents that defines sexual harassment, provides guidelines and implementation of judicial pronouncements. For collecting secondary Data, I have visited K.K. Handique Library, Library of NERIM, Guwahati, Library of Administrative Staff College, Guwahati, Library of P.G. Department of Law, Gauhati University, Library of Assam Police Head Quarters, Guwahati, Library of NIPCCD, Guwahati. The Researcher has collected required secondary data from various books, journals, magazines, reports and newspapers. Resort is taken from various internet sources to gain Data and material related to the topic.

However, by utilizing non-doctrinal methods, the researcher has prepared a questionnaire with 20 questions distributed among working class of women in the different sector containing government employee, education sector, Health sector etc. The questionnaire was prepared to find out the awareness of working women regarding Rights privileges and guidelines available for them to get protection and to have a dignified working life. In this session, the sample size was taken as per the ratio of population growth and no of female employees engaged in public sector. However, the sample size was fixed with concentrating in the education and health sector female employees. Sample was collected basically from working women for reason to generate accuracy and best gender specific details. Moreover, the researcher has

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<sup>55</sup> Tewari H N, *Legal Research Methodology*, Allahabad Law Agency, Haryana

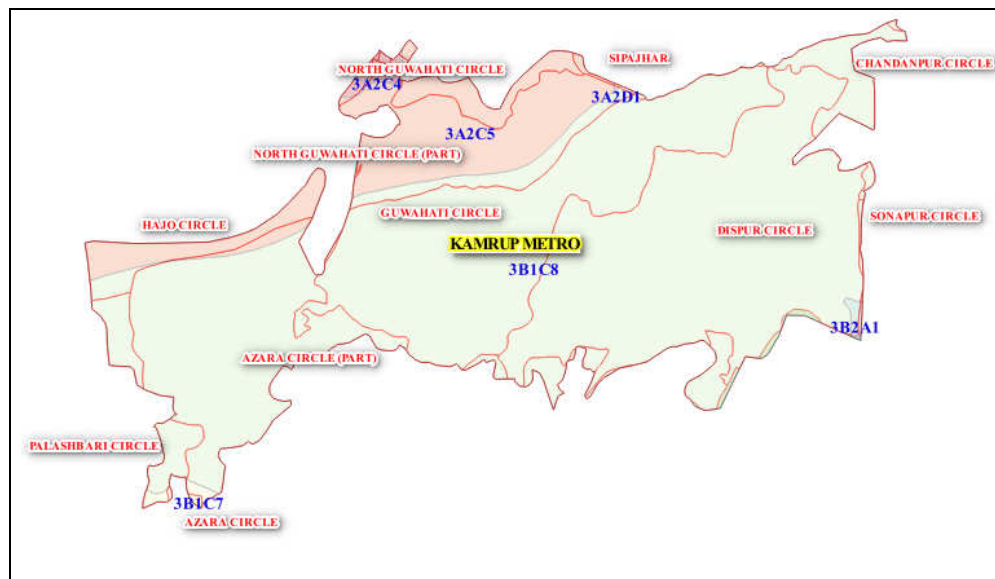
conducted unstructured/informal interview in six police stations of Guwahati City where the researcher has attempted to find out the extent of filing complaint on sexual harassment by working women. These police stations are selected randomly within the city.

The Researcher has also visited and conducted unstructured interview in the office of State Human Rights Commission, office of State Women's Commission, Office of Assam legal services Authority, office of Directorate of Social Welfare, office of Labour Commissioner, Assam to get necessary assistance regarding information of State Action Plan, legal action & assistance and taking forward litigating proceedings as per the issue.

### **1.8 SCOPE AND LIMITATION OF THE STUDY:**

The researcher with best considered efforts and resources has confined the study within the district of Kamrup (M). The district has an area of 1527.84 sq. kilometre with a huge population concentrated in the capital city of Guwahati. With all advanced opportunities Guwahati is the major source of information. It is the modern and industrially equipped city that raises multiple opportunities and dreams for all individual concerned with their carrier and growth. This Guwahati City is the hub of business, gateway of North East giving opportunities and raising resources to survive with choices. The increasing population of the city proves that migration of people from surrounding states occurs here which has impact in its day to-day city life. The researcher has collected the primary data within the district of kamrup (m). Guwahati is the heart city of Assam or can be said as capital city of the state that comes under kamrup(m). The map of the Guwahati city is included here

### Map of Kamrup metropolitan District



**Source:** [www.mapsofindia.com](http://www.mapsofindia.com)

Heavy industrialisation as well as urbanization has made women to participate in earning livelihood and thereby to face the threat of sexual harassment, gender discrimination or any other form of human Rights violation and disadvantageous existence in the society. This typical scenario has drawn the interest of the researcher to take Guwahati City under Kamrup (M) District as a sample of the study.

The limitations of time, money, manpower, difficulty in gathering Data are always faced by the researcher throughout the journey. But involvement of researcher is very much energized by the fact of raising cases of sexual abuse against women with ambition and dreams. The researcher however, has faced difficulties in gathering data from Police Stations and various NGO's dealing with the matter as they do not feel free to share their information and reveal the data. To a great extent this topic is sensitive and the researcher had tough time in collecting responses from working women as they feel hesitate to open up or may feel dominated and restricted in this matter. But, with all imitations the researcher has applied best possible effort to give relevant, resourceful and up-to-date data on the study.

## **1.9 FRAMEWORK OF THE STUDY:**

The whole research work has been divided into Eight (08) chapters. These are mentioned below-

### **CHAPTER-I**

#### **INTRODUCTION**

In this chapter the researcher has discussed the problem of sexual harassment as gender discrimination. It has highlighted the meaning, content, hypothesis, objective, research methodology as well as the limitation of the study.

- 1.1 General
- 1.2 Meaning, Definition and concept of Sexual Harassment
- 1.3 Literature Review
- 1.4 Objective of the Study
- 1.5 Hypothesis
- 1.6 Significance of the study
- 1.7 Research Methodology
- 1.8 Scope and Limitations
- 1.9 Framework of the study

### **CHAPTER-II**

#### **HISTORICAL PERSPECTIVE AND DIMENSION OF SEXUAL HARASSMENT AT WORK PLACE**

In this chapter the researcher has discussed the position and role of women throughout the Vedic period, post Vedic period, pre independence period, post independent period and contemporary period and also highlighted the evolution of concept of sexual harassment.

- 2.1 Brief Highlights on the elite status given to women in pre-Vedic period & post Vedic Period
- 2.2 Women in various Religious Dimensions, Traditional Values And customary practices

- 2.3 Women In pre independence and Post-independence Era
- 2.4 Women in Contemporary period
- 2.5 Creation and Evolution of Concept of Sexual harassment at workplace
- 2.6 Features, Dimensions and Types of sexual Harassment.
- 2.7 Causes, Consequences and Effect of Sexual Harassment
- 2.8 Discussion

### CHAPTER- III

#### INTERNATIONAL EFFORT ON PROTECTION OF RIGHTS OF WOMEN CONNECTED TO SEXUAL HARASSMENT

In this chapter the researcher has given her submission on various international efforts taken by global authority to find out the best possible and executable way to deal with the subject.

- 3.1 United Nations Charter
- 3.2 Universal Declaration on Human Rights, 1948
- 3.3 Convention on Civil and Political Rights, 1966
- 3.4 Convention on Economic, social and political Rights, 1966
- 3.5 Convention on the Elimination of All Forms of Discrimination against Women, 1979
- 3.6 Declaration on the Elimination of Violence Against Women, 1993
- 3.7 Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999
- 3.8 The Beijing Declaration and Beijing Platform for Action
- 3.9 International Labour Organisation
- 3.10 Discussion



## CHAPTER-IV

### NATIONAL SCENERIO ON RIGHTS OF WOMEN WITH REFERENCE TO SEXUAL HARASSMENT AT WORKPLACE

The regional efforts, constitutional commitments and other legal framework that restricts sexual harassment and provides for prescriptions of rights and privileges are discussed in this chapter.

- 4.1 Conceptualization of Sexual Harassment on Constitutional perspective
- 4.2 Analysis of Criminal Law and Civil Law Framework on Sexual Harassment
- 4.3 Recourse through Labor Law Framework
- 4.4 Recourse through Cyber Law Framework
- 4.5 The Indecent Representation of Women (prohibition) Act, 1986
- 4.6 Discussion

## CHAPTER- V

### LEGAL PROVISIONS FOR PREVENTION AND PROHIBITION OF SEXUAL HARASSMENT AT WORKPLACES

This chapter deals with the Sexual Harassment at workplace (prevention prohibition and Redressal) Act, 2013 along with Criminal law aspects and role played by National Commission Act, 1990.

- 5.1 Initiation of the Act
- 5.2 Redefining Sexual Harassment
- 5.3 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- 5.4 The Criminal Law Amendment Act, 2013
- 5.5 National Women's Commission Act, 1990
- 5.6 Discussion

## CHAPTER- VI

### FUNCTIONING OF NATIONAL WOMENS COMMISSION, NGOS AND POLICE ADMINISTRATION WITH REFERENCE TO KAMRUP (M) DISTRICT

In this chapter the sexual Harassment at workplace, its various dimensions, forms, role of statutory organizations and police role has been discussed in detail.

- 6.1      Contours of Sexual Harassment Dimensions and forms of Sexual Harassment in the City.
- 6.2      Contribution of Various NGO's towards curbing Sexual Harassment
- 6.3      working of National Women's Commission on Sexual Harassment
- 6.4      Role of National Human Rights Commission on Sexual Harassment
- 6.5      Recommendations of Law Commission of India
- 6.6      Role of police Administration in curbing the evil
- 6.7      Discussion

## CHAPTER –VII

### JUDICIAL FINDINGS ON THE CASES OF SEXUAL HARASSMENT OF WORKING WOMEN

In this chapter the study of remarkable judicial pronouncements is done along with detailed submission of vishaka case as well as its implementation is discussed.

- 7.1      Remarkable Judgment – Pre Vishaka-Scenario
- 7.2      The Landmark Judgment of Vishaka v Union of India
- 7.3      Implementation of Vishaka case
- 7.3.1    Guidelines and norms prescribed in Vishaka Case
- 7.4      The scenario of post Vishaka Judgment
- 7.5      Cases studied in the area of Research
- 7.6      Discussion.

## CHAPTER VIII

### CONCLUDING OBSERVATIONS AND SUGGESTIONS

In this chapter the researcher has included major findings, myths that have existed in the society against woman and important suggestions related to the problem as observed by the Researcher.

- 8.1 Analysis of Collected Data
- 8.2 Findings of the study
- 8.3 Hypothesis Testing
- 8.4 Suggestions
- 8.5 Conclusion