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SEXUAL HARASSMENT OF WOMEN AT WORK

PLACE-A SOCIO LEGAL CONCERN

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Introduction

Woman is a beautiful creation of God where a combination of beauty, hard work, creativity, strength and patience is worshiped as incarnation of SHAKTI. It constitutes half of humanity. This Gender is bestowed with certain particular feature and hence complementary to each other. The physical and temperamental qualities form a complete race and by reason of it both men and women should share equal status. Both male and female are equal in terms of development and progress of the society, where they should be given equal importance and opportunities and must be treated with equal treatment. There must have a balance between both these genders as in case of loss of balance it is detrimental to society. Equality of sex has been recognized as a basic human right in all civilized nations. However, the social structure and legal framework of the society always given an inferior position to women. Women are not born but created by God with all its dedication and significant hard work. When a girl takes control and in-charge of her life instead of simply craving control and being a victim of circumstances , a woman come into existence.¹ The past hundred years have witnessed a revolutionary evolution of Indian women from participating in nationalist movements to being pushed into domestic household space, to their resurgence as the super women, women who work as well as raise their kids, women who are active in politics, women who make policies, women who have gone to the space and made significant presence felt in every space of public life.

Sexual harassment is a heinous crime and is a scar on the face of civilization and humanity. Women constitute the half of the population, perform nearly two thirds of work hours, receive one third of world's income and own less than one hundredth percent of world's property. Half of the Indian population is women, who suffered and are suffering discrimination in silence. Self-sacrifice and self-denial are the nobility and fortitude and yet they have been subjected to all inequalities,

¹Dr. Nuzhat Parveen khan, women and the Law, Delhi, universal Law publishing.

indignities, inequality and discrimination.² Though, the nature gave women work power, the law gives them too little. All laws which prevent from occupying such a position in the society as her conscience shall dictate, or which places her in a position inferior to that of man, are certainly to the great percept of nature and therefore of no force or authority. Women in all societies are the transmitters of history, customs and traditions for their people. From womb to tomb, women are made to pay dearly for their womanhood, and unless some steps are taken to make people appreciate human rights issues related to women's sexual and reproductive causes related to cruelty mental and physical torture, pregnancy, child birth, unsafe abortion, HIV etc. empowerment of women is an impossible task and remain a "paper slogan". These women face inhospitable environment at workplace. Equality of opportunity and treatment between men and women in the world of work thus remains an important problem. Indeed sexual harassment apart from being dehumanizing act is an unlawful intrusion on the right of privacy and sanctity of a female. It is serious blow to her supreme honor and offends her self-esteem and dignity. It degrades and humiliates the victim particularly where the victim is a helpless innocent. The issue of sexual harassment is sensitive and difficult to address. When it occurs at the workplace it is not so much a product of the working environment as it is a reflection of traditional social behavior between the sexes and of social attitudes towards women. Sexual harassment is not confined to the world of work but women workers are specifically vulnerable because their families are at stake. It is extremely difficult for victims to complain about it without making their situation worse or for fear of losing their jobs. This is because sexual harassment at the work place is treated as personal problem between those involved rather than social issue.

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 under the custody of her son in old age or as widows. In no circumstances she should be allowed to assert herself independently."³

²Elizabeth cady Stanton, History of Woman Suffrage, 1881

³C.N SHANKAR RAO Indian social Problems a sociological perspective, S. Chand publications

Meaning And Definition Of Sexual Harassment

The Development of the nation solely depends on the social status of women and women constitute half of the globe's population. Women are the victims of exploitation of male dominated society and continued to be exploited which now required to be eradicated with empowerment of women and men must be oriented about their obligations towards women. The position is same all around the world whether developed, developing or under developing nations. Women play major roles during various stages of life and in spite of her contribution to human being she still belongs to a backward class on account to various social, political, economic and psychological barriers and impediments. On one side women is worshipped as goddess and on the other side she is oppressed, suppressed, depressed, exploited and victimized by male dominated society.

Sexual harassment has a steady rise in Indian society. The 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. Gender is a term with reference to social definition of roles and behavior 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 women. It is a man-made concept where men as always treated as superior to women. Gender inequality is defined as discrimination against women based on their sex. Women are considered by the society as weaker sex. She has been accorded with a subordinate position to men, even today a woman is disrespected, disregarded, violated and discriminated both in internal and external sphere. Woman has 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.⁴ Ultimately the goal is to achieve gender equality. It is time to recognize that women are an important and integral part of our workforce. Women bring in balance and diversity and more necessarily emotional intelligence which is an important element for corporate success. It is therefore important for every organization to be sensitive, watchful and inclusive. Sexual harassment is defined as Unwelcome sexual advances requests for sexual favor and other verbal or physical conduct of a sexual nature when either of the following is satisfied:

1) The conduct is made as a term or condition of an individual's employment, education, living environment or participation in a university community.

⁴ Ibid.

2) The acceptance or refusal of such conduct is used as the basis or a factor in decisions affecting an individual's employment, education or participation in university community.

3) The conduct unreasonably impacts an individual's employment or academic performance or creates an intimidating hostile or offensive environment for that individual's employment, educating or participating in a university community.⁵

The sex Discrimination Act, 1984 defines the nature and circumstances in which sexual harassment is unlawful. It is also unlawful for a person to be victimized for making or proposing to make, a complaint of sexual harassment to the Human Rights and Equal opportunity Commission. Sexually Harassing behavior include:

- 1) Unwelcome touching
- 2) Staring and leering
- 3) Suggestive comments and jokes
- 4) Sexually explicit pictures and posters
- 5) Unwanted invitations to go out
- 6) Requests for physical closeness
- 7) Intrusive questions about a person's private life or body
- 8) Insult based on sex
- 9) Sexually explicit physical contact
- 10) Sexually explicit emails or text messages

A working environment or workplace culture that is sexually permeated or hostile will also amount to unlawful sexual harassment. The sex Discrimination Act makes sexual harassment unlawful in many areas of public life including in employment situations, educational institutions, the provisions of goods and services and accommodation and the administration of commonwealth laws and programme.

Sexual Harassment is bullying or coercion of a sexual nature, or the unwelcome or inappropriate promise of rewards in exchange for sexual favors. In legal context sexual Harassment is illegal. **According to Merriam-Webster**, sexual harassment is an uninvited and unwelcome verbal or physical behavior of a sexual nature especially by a person in authority towards a subordinate. It can be defined as behavior with a sexual connotation that is abusive, injurious and unwelcome. It places the victim in an environment of intimidation, humiliation or hostility.

⁵Shyamkartik Mishra, Women status and empowerment in India, new century publications

Reasons Of Increase In Sexual Harassment

The reason for a steady increase in sexual harassment instances are due to many factors that degrade the condition of work culture as well as attach a mental illness to female gender.

*patriarchal structure: The basic reason behind almost all types of harassment against women lies in our society's patriarchal structure whereby a male always thinks himself to be superior than a woman. This feeling of superiority complex manifests itself in various kinds of discriminatory practices against women in general as well as against working women.

*sexual perversion: sexual perversion of mind is also one of the reasons of sexual harassment of women at workplace. While more and more females are being recruited in public and private sectors, such men have got an easy access to indulge in such sexually perverted behaviors.

*jealousy at workplace: jealousy at workplace is one of the reasons of crimes against women employees. A male employee doesn't want to see his female colleague to get success, promotion or incentives by the employer. In jealousy that very employee starts harassing the female colleague by sexually perverted behavior.

*Feeling of contempt and Disrespect: A general feeling of contempt and disrespect for women among male species is also a prominent reason whereby women are considered only as an object of fulfilling sexual desire of a man. Respect for women at home is always there but other women in the society are not treated as such.

*Male superiority: There can be several reasons for sexual harassment of women at workplace but the essential elements of all such reasons is the deep rooted feeling of male superiority among men in general. The social conditioning of man in a patriarchal system reinforces such feeling generations which creates the base for crimes like sexual harassment at workplace

Sexual harassment is uncivilized, unethical, immoral and a fundamental legal wrong, which has been in existence in our society and globally since long. Most working women in India, regard sexual harassment as an occupational hazard and society in general perspective it is a normal behavior of man. Perhaps, it is because of this dismissive attitude, the problem of sexual harassment is untraced. The deliberate silence at the behest of our social structures and organizational might is often confused with absence till today.

Constitutional Provisions For Women In India

The Constitution of India accepts the principle of equality of gender. The following provisions provide rights to women:-

1) The Preamble of the constitution of India speaks of equality of status and opportunity and of social, economic, and political justice. Article 14 of the constitution assures equality before law and equal protection of laws as a fundamental right. The Constitution of India guarantees to all Indian Citizens basic and necessary rights. Fundamental Rights include the right to equality and non-discrimination based on gender, the right to work and the right to live with dignity. Certain fundamental rights have been extended to all persons, irrespective of Indian citizenship. Such constitutionally guaranteed rights go a long way in ensuring that women in India are protected from the problem of sexual harassment at the workplace.⁶

2) Articles 15 and 16 of the constitution prohibit any type of discrimination on the ground of gender. Article 15 also prohibits that the state may make special provisions for women and that such provisions may not be treated as violation of right to equality. The constitution imposes a fundamental duty on every citizen through Article 51(A)(e) to renounce all practices that are derogatory to the dignity of women.⁷

Sexual harassment at the workplace violates the Freedom to work under Article 19- Individual acts of sexual harassment at the workplace violate the victim's freedom to work. Sexual harassment at the workplace also creates a hostile and uncomfortable working environment. This violates the freedom to work of both the victim and female employees. Victims and Employees are affected adversely due to the fact that their freedoms are curtailed, including their freedoms:

- a) To practice any profession, or to carry on any occupation, trade or business;
- b) Of speech and expression
- c) Of movement;
- d) To form association and unions

3) No person shall be deprived of life or personal liberty as per Article 21.all citizen including women have the right to freedom of speech and expression, to assemble peacefully and without arms, to form association or units, to move freely throughout the territory of India.

⁶ Indira Jaisingh , Sexual Harassment at the workplace, Allahabad Law agency, edition 2004

⁷ Prof. Narendra kumar, Constitutional Law of India; Allahabad Law Agency

4) The Directive principles refer to women at three places:

a) Article 39 (e) seeks the state to see that the health and strength of men and women workers are not abused.

(b) Article 39(d) asks the state to direct its policy to see that there is equal pay for equal work for both men and women.

(c) Article 42 requires the state to provide for maternity relief and make provision for just and human conditions.

The state should provide other facilities under Directive Principles to women along men along men such as secure a social order for the promotion of welfare of the people under article 38 ; equal justice and free legal aid under Article 39-A , right to work ; living wages etc.

(5) Political powers were given to women in local bodies as per Article 243(D)(3) of the constitution , out of total number of seats reserved under clause (1) of Article 243-D, not less than 1/3 seats shall be reserved for women belonging to SC'S and ST's.

(6) Fundamental duties : According to Article 51A (e), it shall be the duty of every citizen of India to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities , to renounce practice derogatory to the dignity of women.

7) Working women and sexual harassment- the power of Supreme Court under Article 32 of the constitution for enforcement of the fundamental rights and the executive power of the union have to meet the challenge to protect the working women from sexual harassment and to make their fundamental rights meaningful. Governance of the society by the rule of law mandates this requirement as a logical concomitant of the constitutional scheme. The exercise performed by the court in this matter is with this common perception shared with for the valuable assistance in the performance of such difficult task in public interest.

8) Discrimination amounting to sexual harassment: The discriminations amounting to sexual harassment at the workplace may be:

- 1) Disallowing woman to come up above a particular grade;
- 2) Failing to provide rest rooms, ladies toilets and day care centers;
- 3) Addressing certain issues to men and certain to women
- 4) Giving extra work simply because the employee is women.
- 5) Trying to unnecessarily find fault with work.
- 6) Not a friendly work environment for women

- 7) Giving more attractive assignments to men.
- 8) Commenting on women's attributes rather than her work;
- 9) Treating a women like an ornament
- 10) Refusing to take complaints seriously;
- 11) Condoning acts of sexual harassment at the workplace by actively encouraging or passively not taking affirmative steps to prevent them.
- 12) Gender stereotyping
- 13) Discriminating on the basis of sexual orientation.⁸

8) Human Rights and Sexual harassment at the workplace: In cases involving violation of human rights the court should be alive to the international convention and apply the same in deciding cases, particularly those relating to violation of right to gender equality and right to life and liberty including sexual abuse and harassment of female at the workplace. In cases where the employer is found guilty of molesting and have tried to physically assault a female subordinate employee against moral sanctions and decency must be restricted with strict hands, as Gender equality and protection from sexual harassment and right to work with dignity is universally recognized basic human rights.

9) Writ petitions and a sexual harassment: A victim of sexual harassment may file a writ petition under Article 32 in the Supreme Court and under Article 226 in the High Court in the following circumstances:

(a) Against the employer, if there was an unlawful termination of her services upon refusal to comply with sexual favors;

(b) Against the employer, for conduction of an enquiry against the harasser, if sexual harassment was committed.

(c) Against the employer, for failure or refusal to take action, if sexual harassment was committed;

(d) When the sexual harassment at the workplace committee has passed an order in violation of principles of natural justice, it can be set aside.

10) Use of public Interest Litigation in sexual harassment cases: Public Interest Litigation (PIL) may be used effectively in cases of sexual harassment at workplace. They allow classes of employees to challenge the large scale prevalence of sexual harassment at the workplaces. The state may be directed through a PIL to ensure safe workplace for its employees as per guidelines and mechanisms provided for implementation of law.

⁸ R.P Kataria, S.K.A Naqvi ,Laws relating to sexual offences, Orient publishing company

Sources Of International Law Related To Sexual Harassment

The United Nations and regional treaty systems have recognized sexual harassment as a form of discrimination and violence against women. International statements of law and principle provide an important starting in drafting legislation that prohibits sexual harassment of women.

1) Universal Declaration Of Human Rights (UDHR)

The Universal Declaration of Human Rights elaborates the prescription of the Charter's equal rights and is suffused with the notion of equality. The preamble recognizes the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world and reaffirms faith in the equal rights of men and women. Ten of the thirty Articles of the International Bill of Human Rights in one way or another explicitly concerned with equality, and other implicitly so. The Universal Declaration of Human Rights mentions that all human beings are born free and equal in dignity and rights and everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind such as race, colour, sex etc. Also mentions that all are equal before the law and are entitled without any discrimination to equal protection of the law.

2) Covenant On Civil And Political Rights

The Covenant on Civil and Political Rights provides that all persons are equal before law and are entitled without any discrimination to the equal protection of law. Thus the legally binding provision also incorporates the principle of equality and nondiscrimination in order to improve the lot of women.

3) The Covenant On Economic, Social And Cultural Rights:

It also prohibits discrimination on the basis of sex and in order to improve the economic conditions of women provides that fair and equal remuneration for work is assured and in particular women are guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work.

Although various provisions have been incorporated under the Charter of the United Nations, the

Universal Declaration of Human Rights, the International Covenants on Human Rights and other instruments of the United Nations and the specialized agencies, and the progress made in the matter of equality of rights, there continues to exist considerable discrimination against women. Because these provisions can come into effect only when State parties ratify and in furtherance of that also adopt national laws to pursue those objectives. But the same is not followed at the national level of men.

4)The Convention On The Elimination Of All Forms Of Discrimination Against Women(Cedaw) 1979:

It directs states parties to take appropriate measures to eliminate discrimination against women in all fields, specially including equality under law, in governance and politics, the work place ,education healthcare and in other areas of public and social life .

5)Beijing Platform For Action 1995:

It recognizes sexual harassment as a form of violence against women as a form of violence against women and as a form of discrimination and calls on multiple actors including government, employers, unions and civil society to ensure that governments enact and enforce laws on sexual harassment and that employers develop anti-harassment policies and prevention strategies.

Judicial Pronouncement On Sexual Harassment

In India the judiciary has always been portrayed as a symbol of justice assuring the oppressed and the under privileged in society of equality before law. But experience shows that this is not always true and that at times judges do discriminate between men and women which consciously and unconsciously reflect traditional and rigid attitudes towards them as they themselves are raised in male superior tradition. Equally understood and defined in terms of women's experience is absent in all thinking, including judicial adjudication. The conservative nature of judicial decision making in India uses customs and traditions constantly as an argument and more so in the case of a woman even when those same traditions and customs are violating legally defined rights of a woman.

In cases of sexual assault relating to women, judgments reveal a deep rooted gender bias in the judiciary which has found expressions in many ways, with judges making harsh, disparaging and unwarranted remarks against women, believing the accused while disbelieving the victim and at times being more sympathetic to the accused than the victim. Therefore, gender sensitive judge can play a more proactive role in providing justice to the women by appreciating the evidence

keeping in view the prevalent gender prejudices and stereotypes on the one hand and sensitivity of the victim on the other hand.⁹

The judicial attitude concerning women has not developed spontaneously but is a result of constant endeavor of the socially sensitized judges in giving remedy to the injustices meted out to the women in the society. Initially the judiciary applied the statutory provisions concerning the plight of the women i.e. outraging or insulting the modesty of women, rape, obscenity etc. However, as extremely miniscule number of cases relating to sexual harassment of women at workplace have reached to the Supreme Court, inference can be drawn that this can be attributed to the lack of reporting at the initial level due to the ambiguities regarding the definition of sexual harassment and lack of societal awareness to perceive sexual harassment as grave violation of women's human rights. An analysis of following decisions of the courts depicts the obstacles in the conceptualization, formulation and recognition of the 'sexual assault' as the 'sexual harassment' and subsequent evolution of the concept of sexual harassment being not only an offence against the woman body but a systematized discrimination on the basis of sex.¹⁰ In Light of above following judicial decisions have been discussed where the Supreme Court of India deals with the cases of Sexual Harassment of women.

In *Vishaka v. State of Rajasthan*¹¹, the writ petition was filed as a class action by certain social activists and NGOs for the enforcement of the fundamental rights of working women under Articles 14, 19 and 21 of the Constitution of India in view of the prevailing climate in which the violation of these rights is not uncommon. With the increasing awareness and emphasis on gender justice, there is increase in the effort to guard against such violations; and the resentment towards incidents of sexual harassment is also necessary. The present petition was filed with the aim of focusing attention towards this societal aberration and assisting in finding suitable methods for realization of the true concept of gender equality, and to prevent sexual harassment of working women in all workplaces through judicial process, to fill the vacuum in existing legislation. In the absence of legislative measures, the need is to find an effective alternative mechanism to fulfill this felt and urgent social need. J.S. Verma CJI, for the Supreme Court held, each such incident results in violation of the fundamental rights of 'gender equality' and the 'right to life and liberty' it is as a clear violation of the rights under Articles 14, 15 and 21 of the Constitution. One of the logical consequences of such an incident is also the violation of the victim's fundamental right under Article 19 (1) (g) to practice any profession or to carry on any occupation, trade or business.

⁹K N Chandrasekharan Pillai, "Women and Criminal Procedure"

¹⁰Ved Kumari, "Gender analysis of the Indian Penal Code", p. 155 (1999) Eastern Book Company, Lughnow

¹¹ AIR 1997 SC 3011

Such violations, therefore, attract the remedy under Article 32 for the enforcement of these fundamental rights of woman. The fundamental right to carry on any occupation, trade or profession depends on the availability of a 'safe' working environment. Right to life means life with dignity. The primary responsibility for ensuring such safety and dignity through suitable legislation, and the creation of a mechanism for its enforcement, is of the legislature and the executive. When, however, instances of sexual harassment resulting in violation of fundamental rights of women workers under Articles 14, 19 and 21 an effective redressal requires that some guidelines should be laid down for the protection of these rights to fill the legislative vacuum. In the absence of domestic law occupying the field, to formulate effective measures to check the evil of sexual harassment of working women at all workplaces, the contents of international Convention and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work with human dignity in Articles 14, 15, 19 (1) (g) and 21 of the Constitution and the safeguards against sexual harassment implicit therein. Any International Convention not inconsistent with the fundamental rights and in harmony with its spirit must be read into these provisions to enlarge the meaning and content thereof, to promote the object of the constitutional guarantee. This is implicit from Article 51(c) of the Constitution and the enabling power of the Parliament to enact laws for implementing the International Conventions and norms by virtue of Article 253 read with entry 14 of the Union list in Seventh Schedule of the Constitution. Thus the Supreme Court expressed that the meaning and content of the fundamental rights guaranteed in the Constitution of India are of sufficient amplitude to encompass all the facets of gender equality including prevention of sexual harassment or abuse. Independence of Judiciary forms a part of our Constitutional scheme. The international Conventions and norms are to be read into them in the absence of enacted domestic law occupying the field when there is no inconsistency between them. It is now an accepted rule of judicial construction that regard must be had to international Conventions and norms for construing domestic law when there is no inconsistency between them and there is a void in the domestic laws. Thus the Supreme Court put reliance on the Beijing Conference of 1995 and the Convention on the Elimination of All Forms of Discrimination against Women and definition of human rights in the Protection of Human Rights Act. The Supreme Court held that taking note of the fact that the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in workplaces and that enactment

of such legislation will take considerable time, it is necessary and expedient for employers in workplaces as well as other responsible persons or institutions to observe certain guidelines issued by the Supreme Court in exercise of the power under Article 32 of the Constitution to ensure the prevention of sexual harassment of women. The guidelines and norms prescribed herein are as under¹²:

1. Duty of the Employer or other responsible persons in workplaces and other institutions: It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement, or prosecution of acts of sexual harassment by taking all steps required.

2. Definition: For this purpose, sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as;

a) Physical contact and advances;

b) A demand or request for sexual favors;

c) Sexually colored remarks;

d) Showing pornography;

e) Any other unwelcome physical, verbal or non verbal conduct of sexual nature. Where any of these acts is committed in circumstances where under the victim of such conduct has a reasonable apprehension that in relation to the victims employment or work whether she is drawing salary, or honorarium or voluntary, whether in 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 woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

3. Preventive steps: All employers or persons in charge of work place whether in the public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:

a. Express prohibition of sexual harassment as defined above at the workplace should be notified, published, and circulated in appropriate ways.

b. The Rules/Regulations of government and public sector bodies relating to conduct and

¹²Landmark Judgments, 11th edition, Universal Law Publishing, Delhi.

discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.

c. As regards private employers' steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing orders) Act, 1946.

d. Appropriate work conditions should be provided in respect of work, leisure, health, and hygiene to further ensure that there is no hostile environment towards women at workplaces and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

4. Criminal proceedings: Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

5. Disciplinary Action: Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

6. Complaint Mechanism: Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

7. Complaints Committee: The complaint mechanism, should be adequate to provide, where necessary, a complaints committee, a special counselor or other support service including the maintenance of confidentiality. The complaints committee should be headed by a woman and not less than half of its members should be women. Further to prevent the possibility of any undue pressure or influence from senior levels, such complaints committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment. The complaints committee must make an annual report to the government department concerned of the complaints and action taken by them. The employers and persons in charge will also report on the compliance with the aforesaid guidelines including on the reports of the complaints committee to the government department.

8. Workers Initiative: Employees should be allowed to raise issues of sexual harassment at workers meeting and in other appropriate forum and it should be affirmatively discussed in Employer- Employee meetings.

9. Awareness: Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislations when enacted on the subject) in a suitable manner.

10. Third Party Harassment: Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in steps necessary and reasonable to assist the affected person in terms of support and preventive action.

11. The Central /State Governments are requested to consider adopting suitable measures including legislation to ensure that the guidelines laid down by this order are also observed by the employers in private sector.

12. These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993. Accordingly, the Supreme Court directed that the above guidelines and norms would be strictly observed in all workplaces for the preservation and enforcement of the right to gender equality of the working women. These directions would be binding and treated as the law declared by this court under Article 141 of the Constitution until suitable legislation is enacted to occupy the field. The Supreme Court of India for the first time recognized that gender equality includes protection from sexual harassment and right to work with dignity, which is a universally recognized basic human right. The common requirement of this right has received global acceptance

Conclusion

It can be said that though we have a specific law to prohibit sexual Harassment at workplace apart from already existing landmark guidelines of the supreme court of India but menace cannot be controlled until and unless the mentality of males in general would not change. Till the basic human dignity of women is not recognized and respected by men, no law will be effective, it is important that constitutionally guaranteed principles of equality among men and women do not remain only empty words and should be upheld in practice. Besides physical, psychological and social consequences of sexual harassment at work place, the disruption of economic activities and the damage to the environment of work are other sufferings of women. Sexual harassment violates a women's right to job security and equal opportunity. It can create working conditions that are hazardous to the physical and psychological well-being of workers. It also creates a poisoned work atmosphere that can disempowered and demoralize women workers. Thus certain general principles remedies and sanctions should ensure that sexual misconduct should be stopped and the victims must get proper financial compensation and emotional injury should be mitigated. It should also act as a deterrent to the harasser and the encouraging one for the employers to introduce preventive measures.