

ISSN: 2582-6433



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed 6th Edition

VOLUME 2 ISSUE 7

www.ijlra.com

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WOMEN'S RIGHTS AT WORKPLACE

AUTHORED BY- ISHA JAIN

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“A nation could not advance if women are left behind just as a bird cannot fly on just one wing”. India is the world’s largest democratic democracy and a welfare state that values social justice and strives to give the best services to the greatest number of people. India is a country full of contradictions. On one hand worshipping of goddess is common in India and on the other hand the number of crimes against women has risen dramatically both in public and private sector.

Women’s rights were always a priority for the social reformers like Raja Ram Mohan Roy, Ishwar Chand Vidyasagar etc. women were the most vulnerable group in the British India and reform movements began in the early nineteenth century. During the colonial rule, women’s education received support from the social reformers of that time. A well educated woman might be a better role model for her children since she will have a higher degree of the awareness which will benefit the future generations of the society.

Over the last decade, there has been a rise in discussion on women’s rights in the workplace and in the society as a whole, fueled by recent incidents in the business spheres. We live in a society that considers women to be the weaker sex. We can assist every women realize that she can do so much in a work environment if we can help her realize that she can do so much in a workplace despite the obstacles of prejudice and bias.

In today’s world, there are women who have made significant contributions in every field of the society. Women are protected by the Indian Constitution and the Indian government has established various laws and measures are implemented to enhance their situations. However, women continue to confront apparent and invisible discriminations in their fields such as workplace harassment, molestation, dangerous roadways etc.

****HISTORICAL EVOLUTION OF WOMEN'S***

RIGHTS IN INDIA:

a) ANCIENT INDIA-

Women were never seen as having a strong sense of independence. The Manusmriti illustrates how women are subordinate to males. In vedic era, women shared a status with men. They were allowed to read the Vedas and participate in philosophical discourse; certain rigvedic songs were even composed by the women. The post vedic period particularly the dharmarsahtras, demonstrated the degrading state of women's status: the social norms and political base of the time severely undermined their financial, social and political rights.

b) MEDIEVAL INDIA-

Along with the social, religious, economic and political structure of medieval India, the status and rights of women can be divided into four classes: the elevated condition in the mughal courts was enjoyable for the royal women. Some of the ladies from the sovereignty were even given training in political management and combat. The women in their society were fully dependent on the men economically. Despite the fact that they owned a lot of property, they were not eligible for any offer in the property.

c) MODERN INDIA-

There are numerous factors that have contributed to the extremely significant advancement changes in this area since independence in India. The main contributing factor has been social and economic emancipation. Women are no longer seen as a child bearing machine and prostitute in the home instead they have acquired a new social standing and new social structures, demonstrating the genuine progress that has been done throughout the time in terms of the origins of women's status and their role in the society.

****CONSTITUTIONAL MANDATE:-***

Article 14, 15, 19(g) of the Indian Constitution contains the notion of equality which grants the fundamental right to work. Article 21 of the Indian Constitution refers to the right to life and individual liberty includes the choice to live in nobility. For women, this means that they should be

treated with respect, decency and dignity in the workplace. Women are guaranteed equal protection under the law in terms of equality, liberty and dignity. Women have practically all of the fundamental and other constitutional rights according to the constitution.

****STATUTORY PROTECTION:-***

Under the penal laws, not only do the Indian women's criminal laws protect them against rapes, dowry deaths, stalking, sexual harassment, assault and kidnapping etc. but they also create a female friendly environment and also cover provisions for maintenance.

According to labor laws, women are not permitted to work in mines at times that are unsafe for them. It also allows for equal compensation to be paid to both male and female members of laboring community.

[“The right to be protected from sexual harassment and sexual assault is one of the pillar on which the very construct of gender justice stands.” – Justice Verma Committee.]1

****JUDICIAL RESPONSE TO THE RIGHTS OF WOMEN AT
THE WORKPLACE IN INDIA:-***

Since the beginning of time, women have been discriminated in countless ways. Women have experienced several humiliations and harassment. This was more so in case of Indian women as they had by training, temperament and traditions imbibed the quality of tolerance and adjustments. Women required protection from the horrors committed by men since they are physically weaker than men. India's courts, notably the Supreme Court have occasionally rendered significant rulings for the benefits and protection of women. The law established by the courts is like a breath of fresh air giving comfort to the women and in doing so the constitutional courts have not hesitated to go beyond the strict judicial bounds and establish such laws that in the opinion of certain opponents and observers may amount to the legislation. The Indian courts in contrast to those in other nations have always taken a more proactive and constructive approach. Judges of India's High Courts and Supreme Court who are socially conscious have made remarkable observations that have brought attention to the mistreatment of women.

The amazing statement of the judiciary's duty in preventing crime against women is as follows-
[“A socially sensitized judge in our opinion is a better statutory armor in cases of crime against women than long clauses of penal provisions containing complex exceptions and provisos.”]2

SEXUAL HARASSMENT OF WOMEN AT WORKPLACE:

It is brand new offence that has been increasing steadily in India. Two separate and dangerous tendencies are a result of workplace harassment. Firstly, women are forced to experience violence because they are unprepared to handle it. Second, there are several misconceptions and false information about women's abilities to perform well.

As a consequence, the courts too confined that a cumulative understanding based on plain reading of Article 15(1) and Article 15(3) of the Constitution of India provides that state cannot discriminate in favor of men against women rather to put it the other way round the courts permitted discrimination so far as it would be beneficial to women. However, when women were able to get themselves into jobs that were traditionally men's domain, they had to deal with discrimination and harassment.

In *Vishaka vs. state of rajasthan* (1979SCC 260) certain social activists and NGOS brought a writ petition under Article 32 of the Constitution of India by way of PIL before the Supreme Court for the enforcement of the fundamental right of working women under Article 14, 19, 21 of the Constitution of India in view of the prevailing climate in which the violation of rights is no uncommon. In addition to increasing measures to prevent such violations and growing dissatisfaction towards instances of sexual harassment, there is a rise in gender justice awareness and emphasis.

The bench consisted of the Chief Justice J.S. Verma, Mrs. Justice Sujatha V. Manohar and Justice B.N. Kerpal which laid down guidelines and norms for the effective enforcement of the basic human rights of gender equality and guarantee against sexual harassment at workplace.

The Supreme Court of India expresses that enacting such legislation would take a long time and that the current civil and criminal rules do not adequately protect women from sexual harassment at workplace. In order to ensure prevention of sexual harassment of women it is important and expedient for employers in the workplace as well as other responsible people or organizations to respect

principles such as:-

1. It shall be the prime responsibility of the employer or any other responsible person at the workplace to eliminate and discourage the sexual harassment at workplace.
2. To offer relief for the resolution or the prosecution of sexual harassment acts by taking all authoritative and necessary actions against the wrong doer strictly.

Sexual harassment includes such unwanted and undesirable sexually determined behavior such as:-

- a.) Physical contact
- b.) Demand or request for sexual favor
- c.) Sexually colored comments
- d.) Showing pornography
- e.) Any other solicited physical, verbal or non-verbal conduct of sexual nature.

PREVENTIVE STEPS:-

All the organizations or workplaces , whether in the public or private sector who have women employees should take the necessary precautions or measures to prevent sexual harassment such as:-

- a.) It is important to notify, advertise and disseminate the sexual harassment in the appropriate means.
- b.) The prohibition of sexual harassment should be governed by laws and regulations that are strictly followed to and which also includes appropriate sanctions against offenders.
- c.) To the fullest extent possible, women employees should be given suitable working circumstances.
- d.) When such conduct constitutes a specific offence under the Indian Penal Code (IPC) or any other legislation, the employer must take the proper legal action by lodging a grievance with the relevant authority.

CONCLUSION: -

The position and status of women has been a very dynamic concept since ages. Women around the world have experienced all facets of life, from the glory and respect accorded to her during the vedic period to the denial and subordination experienced during the post-vedic period, and finally to the struggle for equality recognition and survival in the modern world. She is the foundation of a family and makes up half of the population of the nation. She is entitled to equal rights, regardless of any form of prejudice. Many constitutional provisions for the empowerment of women were introduced after independence. Following it, a number of legal provisions were enacted for their welfare and the defense of their rights. After that, several government initiatives both at national level and at state level, plans, policies and programs were launched for them. For women's empowerment, a variety of NGOs, social welfare commissions and women's organizations were activated. The Indian government is promoting gender equality and women's empowerment through a number of outlets. For gender equality and justice in India, government organizations, concerned authorities and NGOs all are playing their roles. On the other hand, many honorable social activists quietly make their contributions to the society.

In India, there are also a few instances of groups of women that collaborate to advance women's rights. 'Gulabi Gang' is a community of women who unite tighter to fight for justice for abused and oppressed women.

1. <http://racolblegal.com/sexual-harassment-of-women-at-workplace>
2. <https://www.lawyersclubindia.com/articles/judicial-culture-of-cut-paste-2978.asp>