

An Overview of Sexual Harassment of Women at Workplace in India: An Analytical Study

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ABSTRACT: Sexual Harassment is a topic of interest and an area of concern to the present era. The sexual harassment results in violation of the basic fundamental rights of women especially right to equality under article 14 & 15 of the Indian constitution and her right to life and to live with dignity under article 21 of the constitution. The present study provides an intensive background of sexual harassment of women in India. The origin of the sexual harassment has been taken from Bhanwari Devi case and an account of Vishaka and Ors. v/s Union of India 1997 judgment is also mentioned in the current study. The current research paper tries to highlight the causes that tend to spontaneous increase in sexual harassment cases from different time perspectives. One of the prominent causes which are highlighted in the present research paper include the male dominated organizational setup i.e. much of the harassment which women face at the workplace isn't "sexual" in content or design but the motive behind this is to show the domination of male folk, inferior job position where women usually wield less hierarchical power in an organizations and men have more sexual harassment serves as one method of the powerful asserting control over the powerless, misperceptions about the friendly nature of a women in an organization by men colleagues and who began to harass those women who are quite friendly in nature and women with higher academic profile and lesser job opportunity when they began their journey to find a job in an organization may it be an educational institute or other private or government sector they are harassed and advanced by sexual favours by the person in charges and for that they are assured to be offered a job and consequently all these causes leads to sexual harassment of women. Sexual harassment has shown a steady increase from last decade to the present scenario with 29.20% cases registered in the year 2015 and which resulted in violation of basic immunities of women at workplace. The data for the present study was elicited from both primary and secondary sources, analysis were done by using particular research method and tool. The results from this research however indicate that in India sexual harassment is still prevalent in the workplace despite attempts to eradicate it. Finally the current study recommends that the need of hour is to take a close look over the issue and provide the preventive measures that could better assess the situation.

KEYWORDS: Causes, Genesis, Sexual Harassment, Women, Work place.

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I. INTRODUCTION

The United Nations Convention on the Elimination of all forms of Discrimination against Women (CEDAW), which was adopted by the UN General assembly in 1979 and which is ratified by India often described as an international bill of human rights for women, it advocates for the equality of women and men in terms of human rights and fundamental freedoms in the political, economical, social, cultural and civil spheres. It underlines that discrimination and attack on women's dignity violate the principle of equality of rights.[1] Furthermore no doubt there has been a steady increase in the rate of women employment in organized sector in wide-ranging spheres and in many folds with the advent of rapid industrialization, modernization, economic development and globalization. But it has led to many evil practices such as physical and mental harassment, gender discrimination and more specifically sexual harassment at work place.[2] Sexual harassment is superfluous annoyance of sexual requirements in the context of relationship of unequal power [3] which includes physical contact, demand for sexual favours, showing coloured remarks and pornography even verbal and non verbal conduct of sexual nature.[4] By sexual harassment the women experiences both physical and mental torture. The sexual harassment has taken new shapes while the women have entered in work force. The colleagues and supervisors left no stone unturned to harass the women at workplace on wide range and scale. [5] Sexual harassment is widely considered an emotionally impudent which creates an atmosphere of unhealthy and less productive outcome at the workplace by this sense it has been recognized globally as most frightening form of violence since very long.[6] Sexual harassment in all its configurations is not easy to define. The Equal Employment Opportunity Commission in the United States has developed a useful definition of sexual harassment in the following way, "Unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of sexual nature constitutes sexual harassment when:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- 2) Submission to or reject of such conduct by an individual is used as the basis for employment decisions affecting such individual". [7]

No doubt sexual harassment is such a cruel offence that every women have experienced it at some point of instance ,may be either in office or on their way to work. Every affected woman who has faced this crime is never let to loud the incident in public if they do so they are subject to worst crimes like assault, rape, acid attack etc. And surely these incidents led to the devaluation of women and domination of men. [8]

II. STATMENT OF THE PROBLEM

Women provide an arm and play a significant role in nation's development while considering their efforts in economic support, domestic activities and emotional attributes which greatly enhance the economic fortunes of family, society and nation. Therefore while performing these roles she should be approached to safe and secure environment at workplace. Thus sexual harassment affects the social and psychological behavior of women within and outside the workplace. Subsequently sexual Harassment hinders the job security of women and threatens their earning potential.

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III. OBJECTIVES OF THE STUDY

The objectives of this paper include to:-

- (1) Highlight the causes that tend to sexual harassment of women at workplace.
- (2) Investigate and explore the available data that show the rise and decline in sexual harassment.
- (3) Make some suggestions that address the incidents of sexual harassment of women at workplace.

IV. METHODOLOGY

The current study "An overview of Sexual Harassment of women at workplace in India: An Analytical Study" is based on both primary and secondary data collected from different sources. The primary data was collected from different Govt reports and acts. So far as secondary sources are concerned they were accumulated from number of research papers, articles and books. The research tool used for analyzation of data which amassed from different sources for current study is content analysis and the research method applied to the present study is descriptive research method.

V. BACKGROUND

The women parliamentarians of Indian legislature provided their concern and sensitiveness to the matter of sexual harassment. A bill was moved by Ms. Kamla Sinha in the parliament in May 1994 to provide for the prevention of sexual harassment of women employees at their workplace. In the statement of objects and reason, it was explained by Ms. Sinha that almost in every field of economic activity women form a large part of the workforce. At the workplace women are compelled to work in the worst service conditions. They are harassed sexually at the workplace by their male colleagues, bosses, employers and others. Though offences like physical assault and molestation have been made punishable under the Indian penal code, yet working women feel insecure since all aspects are not covered by that code. Accordingly an urgent need is felt to deal with the situation more stringently. The bill therefore, takes care of the offences related to sexual harassment of women at workplace. [9] Before initiation of this bill Bhanwari Devi, a rural change agent, was engaged as a sathin (friend) by the state of Rajasthan in 1992 to work towards the prevention of the practice of child marriage. During the course of her work she prevented the marriage of one year old girl in the community. Her work was met with indignation and attracted harassment from men of that community. Bhanwari Devi reported this to the local authority but no action was taken. That omission came to a big cost, Bhanwari was subsequently gang raped by those men. Based on the facts of Bhanwari Devi case a PIL was filed by Vishaka and other women groups against the state of Rajasthan and union of India before the supreme court of India. [10] Subsequently the three judge bench of the supreme court of India passed a major judgment in 1997 commonly referred to as the Vishaka judgment to be followed by all foundations while transacting with preventive and redress of sexual harassment. The judgment recognizes and defines sexual harassment of women at workplace for the first time. Before the judgment of 1997, the only recourse women workers experiencing sexual harassment at workplace had was lodging complaint under sections of Indian penal code. Further organizations, foundations, establishments and employees do not approach any accountability towards safety and security of their women colleagues. [11] After this number of commitments and concerns were put forth by many of organizations one

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among them was the National Commission for Women which submitted drafts of a Code of Conduct for the Workplace in 2000, 2003, 2004, 2006 and 2010.

A bill was introduced in 2007 by the then Women and Child Development minister, Krishna Tirath; it reads The Protection of Women against Sexual Harassment at Workplace Bill. The bill was approved in January 2010 by the Union Cabinet and was laid before the Lok Sabha in December 2010. Consequently, the bill was referred to the Parliamentary Standing Committee which published its report in November 2011. And it was in May 2012 the Cabinet made amendments in the bill. The amended Bill was passed by the Lok Sabha in September 2012 and the Rajya Sabha communicates its final decision on the bill in February 2013 and to give bill a final shape it was signed by the President in April 2013 and the bill came into force on December 9, 2013 as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 preserves the essence of the Vishakha Guidelines, and expands on its provisions. It widens the definition of 'aggrieved woman' to include all women, irrespective of age and employment status, and it covers clients, customers and domestic workers. It expands 'workplace' beyond traditional offices to include all kinds of organizations across sectors, even non-traditional workplaces (for example those that involve telecommuting) and places visited by employees for work. It mandates the constitution of the internal complaint committee (ICC) — and utters the action to be taken if an ICC is not formed — and the filing of an audit report of the number of complaints and action taken at the end of the year. It lists the duties of the employer, like organizing regular workshops and awareness programs to educate employees about the Act, and conducting orientation programs for the members of the ICC. If the employer fails to constitute an ICC, or does not abide by any other provision, they must pay a fine of up to ₹ 50,000. If the offender is a repeat offender, the fine gets doubled. If the employer has been previously convicted of an offence under the Act, he shall be convicted for twice the punishment, and the second offence can also lead to cancellation or non-renewal of his license. A Metropolitan Magistrate or a Judicial Magistrate of the first class shall try the offence punishable under the Act. [12] All this has provided women working in an organization either in government or private divisions a sense of security from sexual assault. By providing them a secure working environment they may develop best out of them.

VI. BASIC CAUSES

There is no specific cause for sexual harassment it can happen anywhere, to anyone, at any given time. It leaves victims wondering 'why me'? with no real answer to that question. Here we will analyze some of the prominent causes which are quite perceived in our society:

1. Male Domination

The authoritative men i.e. men in power, making sexual favours towards female subordinates by this one can commonly understand that this kind of male behavior is only about the sex to which we call popular perception. But the real matter isn't sex; it's sexism on the job. The fact is most harassment isn't about satisfying sexual desires but it's about protecting work especially the most favored lines of work. Much of the harassment women face at the workplace isn't "sexual" in content or design but the motive behind this is to show the domination of male folk. And this kind of behavior determines the gender difference and to claim work as a domain of masculine mastery. [13]

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2. Inferior Job Position

Women usually wield less hierarchical power in organizations, and men have more, sexual harassment serves as one method of the powerful asserting control over the powerless. This suggestion is supported by findings that women are more likely to be harassed when they move into higher levels in organizations or into non-traditional areas. The individuals with less power tend to be more attentive to the individuals with more power than the reverse. This clearly shows that the persons with inferior job position in an organization or in institute are more prone to sexual harassment than a person in power. [14]

3. Aggressive Masculine Trait of Male Gender

Different researches reveal that harassers are found in all types of occupations at all organizational levels, inside and outside home and even among the college professors. The sexual harassment is said to be an outcome of extreme competitiveness and concerns with ego or there is always a fear of losing position of power or dominance among men. They do not want to appear weak or less masculine in the eyes of other men. In order to show their dominance they engage in harassing the women colleagues. So this becomes clear here that the masculine aggressiveness causes the sexual harassment of women. [15]

4. Misperception about the Friendly Nature of Women

It is familiar that men in an organization began to harass their women colleagues who are quite friendly in nature. They perceive that these women are sober in nature and if we seek sexual favours from them they will accept. But that was not what women herself indicated her intention to be. And this ultimately leads to the fact that the women are being perceived as of having a sexual interest by being friendly. This friendly nature woman with their men colleagues in an organization or in general social setup becomes the cause of sexual harassment.

5. Higher Academic Profile and Lesser Job Opportunity

In our present day society we are familiar with the fact that there are a large number of women population who are with higher academic degrees rendering for job but the available job position are lesser than these highly educated young women. When these talented and efficient women began their journey to find a job in an organization may it be an educational institute or other private or government sector they are harassed and advanced by sexual favours by the person in charges and for that they are assured to be offered a job. This behavior of male components of an organization who are in higher positions leads to an outcome of 'Quid Pro Quo' (This for That). Latter when these girls are attached to a particular job position in an organization they are often asked for sexual offers for promotion, salary increase and other conditions of employment. No doubt this is surely the case of our present society and this becomes one of the basic causes of sexual harassment of young educated women.

The above give causes clearly shows that women either employed in private sector or in government are conditioned to face such humiliation by their male colleagues besides a number of legal and constitutional provision protects their modesty and honor at the workplace.

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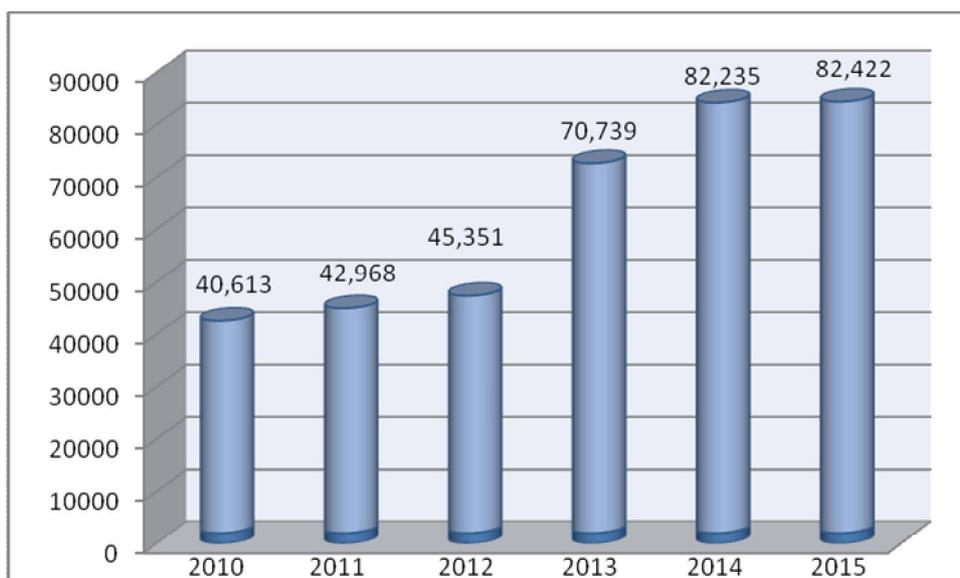
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VII. RESULTS AND DISCUSSION

The below given graph illustrates a drastic increase in the cases of assault on women with an intention to indignation their modesty. Based on the data revealed by National Crime Records Bureau, women are directly and indirectly subjected to sexual harassment in an organizations and institutions due to number of causes, it may be male dominance, inferior job position or higher education and lesser job opportunities which resulted in violation of their basic immunities at workplace. The below given fig.1 shows the cases registered under the particular crime head assault on women with intent to outrage her modesty were 40613 in the year 2010 which has extremely increased during the consecutive years and has touched the mark of 82235 in the year 2014 and with a little increase by 187 cases in the year 2015 when comparing with the previous years. The percentage variation in the year 2015 over 2014 is 0.2 percents. While making an analysis of this half of a decade since 2010-2015 it is revealed that the increase in the cases of assault to the modesty of women is extreme with 82422 cases registered. Maharashtra (11,713 cases) has reported the highest number of such crimes followed by Madhya Pradesh (8,049 cases) and Uttar Pradesh (7,885 cases). Delhi UT has reported the highest crime rate of assault on women with intent to outrage her modesty cases (57.8) compared to the national average of 13.6. Out of 82,422 cases of assault on women with intent to outrage her modesty, 24,041 cases were registered under sexual harassment (sec.354A IPC) [16] during 2015. Maximum such cases were registered in Uttar Pradesh (5,925 cases) followed by Maharashtra (4,751 cases) in 2015.

Fig. 1. Cases registered under Assault on Women with Intent to Outrage her/their Modesty during 2010-2015



Source: National Crime Records Bureau Report 2015, Chapter 5.

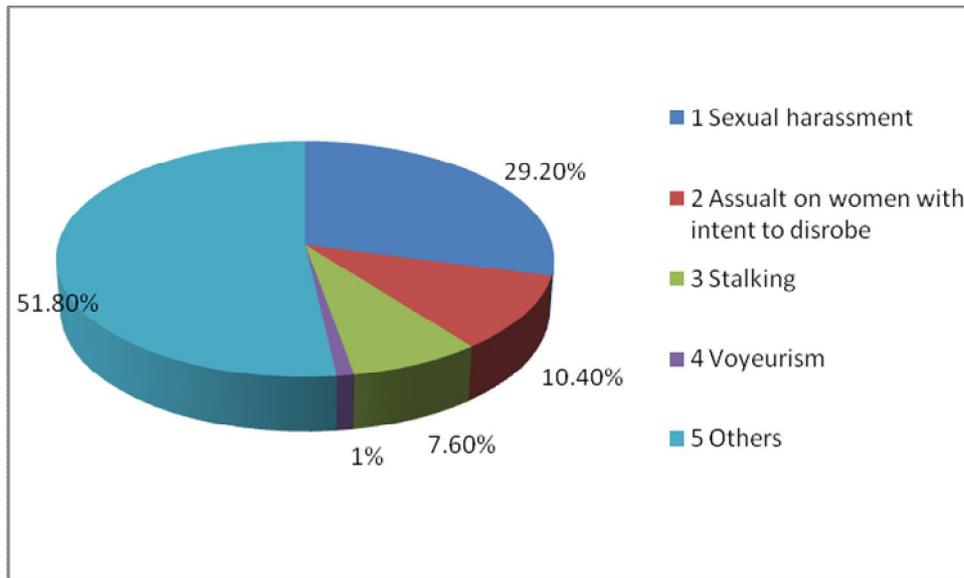
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Fig. 2. Distribution of Sub-Crime Heads of Assault on Women with Intent to Outrage her Modesty during 2015



Source: National Crime Records Bureau Report 2015, Chapter 5.

While making sub-divisions of the crime head assault on women with intent to outrage her modesty we come to analyze that highest number of cases registered are under the category of Sexual Harassment. Besides this the other crimes recorded under this crime head are, out of 82,422, a total of 8,613 cases were registered under assault or use of criminal force to women with intent to disrobe (section 354B IPC) and a total of 838 cases of voyeurism (section 354C IPC) and 6,266 cases of stalking (section 354D IPC) were also reported in the country during the year 2015.

From the statistical records it can be observed that the intensity of sexual harassment is increasing day by day. It clearly shows instead of avoiding the causes which are already discussed above are being implemented without taking into consideration the worst outcomes. Besides the presence of several social, legal and constitutional legislations this social evil is extremely increasing day by day.

VIII. SUGGESTIONS AND RECOMMENDATIONS

Here are some of the suggestions and recommendation which will help in prevention of sexual harassment incidents at workplace:

1. All the organizations should train their employees about sexual harassment and its legal implications where it is suitable.
2. Seminars, workshops and mock drills should be organized by the competent authority about the evil practice of sexual harassment.
3. Maximum job opportunity and promotion slots should be reserved for women which will help them not get emotionally tracked and avoid their future worry.
4. Internal complaints committee and grievance cells should be established in every organizational setup wither it

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is governmental or private, to monitor the cases of sexual harassment.

5. Legal awareness programmes should be arranged and organized by each department under government and private sectors which will familiar the women employees about their rights and privileges.

IX. CONCLUSION

In India Sexual harassment at the workplace is still very much in existence today more than ever. Our study revealed that sexual harassment is a recent emerged social evil which is growing with extreme speed and gives much concern to the authorities about the issue. The present study also lays down the causes that have given spontaneous increase in the sexual harassment cases in India. Dominance of men at workplace should be put under stack by giving women an extra edge for promotions and other privileges and it surely bring down the number of cases reported each year. Besides this the major other cause for sexual harassment is higher educational profile of women who are being betrayed and offered sexual advances by the bosses of an organizations on lieu of job need to be addressed very strictly. The present study also analysis the data of National Crime Records Bureau which was released by the department in 2016 and an extensive survey was done about the cases reported in the report. And in nut shell is observed that the cases of sexual harassment of women at work place in India are increasing day by day. And the need is to provide such a mechanism that could better halt the situation and reduce down the number of cases.

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