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Crime against Women with reference to Sexual Harassment at Workplace

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ABSTRACT

Crime against women is major obstacle on progress on achieving development targets. Without addressing it, anybody have little chance of meeting millennium development goals. In India, domestic violence is emerging as a major social problem. However, until recently, the documentation on the prevalence and correlates of domestic violence against women has remained scant. The recognition of violence against women as a form of discrimination and, thus, a human rights violation, provides an entry point for understanding the broad context from which such violence emerges and related risk factors. In order to prevent violence against women, the underlying root causes of such violence and the effects of the intersection of the subordination of women and other forms of social, cultural, economic and political subordination, need to be identified and addressed. There are certain kinds of Crime against women like rape, dowry death, domestic violence, kidnapping, molestation, torture, sexual harassment is experienced by women in India. Crimes have physical and psychological impact on women which preventing the ladies from leading a standard life. Male dominated Indian society is one in all the most causes of crimes against women.

Keyword: *Crime against Women, Violence, Sexual Harassment.*

I. INTRODUCTION

Crimes against women are growing worryingly at local, regional, national and worldwide levels. Violence against women is the manifestation of a historically unequal power relationship between men and women. It is a conditioned response and is not natural or born of biological determinism. In the olden days, violence against women was a result of the prevalent atmosphere of ignorance and feudalism. Today violence against women is an uncontrollable phenomenon, which is a direct result of the rapid urbanization, industrialization and structural adjustment programmes which are changing the socio-economic scenario of our country. In this land where non-violence has been preached as a way of life for thousands of years and where women have been worshipped in the image of Durga, Saraswati and Lakshmi, it is shocked to observe the brutal reality of women's existence. Regardless of current crime

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shadowing machineries and access to information and networking, assuring the safety and security of women has become a stern challenge for all. On one side, India is taking steps to bring all women into the mainstream of social and political life but on the other, its women are subjected to inhuman treatment and the threat of violence thus marring the progress of both women and the country.

Sexual harassment of women is a widespread problem prevalent both in developed as well as in developing countries and makes serious impact on quality of human life and broader development. Cutting across religion, culture, race, caste, class and geographical boundaries it has spread like virus in the society. It, being offensive to human dignity, human rights and gender equality, has emerged as a fundamental crisis the world over. It is a complex issue involving women, their perceptions and behaviour, and the social norms of the society which emerges from gender discriminatory attitudes and is a complex interplay of gender, power and sexuality. In India, a woman is sexually harassed every minutes. Due to industrialisation, globalisation, development in various fields, role of women is changing rapidly in India.

(A) Meaning and Definition of Violence against Women

United Nations General Assembly Resolution 48/104² on the Declaration on the Elimination of Violence Against Women defines violence against women to include sexual harassment, which is prohibited at work, in educational institutions, and elsewhere, and encourages development of penal, civil or other administrative sanctions, as well as preventative approaches to eliminate violence against women

The Convention on the Elimination of all Forms of Discrimination against Women³(CEDAW) directs States Parties to take appropriate measures to eliminate discrimination against women in all fields, specifically including equality under law, in governance and politics, the workplace, education, healthcare, and in other areas of public and social life.

The Protection of Women from Domestic Violence Act (PWDVA), 2005 defines the expression “domestic violence” to include actual abuse or threat of abuse-physical, sexual verbal, emotional or economic violence.

(B) Historical Background of Women

The status of women in India has been subject to many great changes over the past few

² United Nations General Assembly Resolution 48/104 also see <http://www.un.org/documents/ga/res/48/a48r104.htm> (Last visited on March 20th 2022)

³ <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm> (last visited on 03.04.2022)

millennia. From a largely unknown status in ancient times through the low points of the medieval period, to the promotion of equal rights by many reforms, the history of women in India has been eventful. The current status of women cannot be properly understood without reference to the predecessor form of womanhood from which it evolved and the process by which it grew. So, the status of women has been traced by dividing into historical phase's ancient society, Medieval society, and Modern society.⁴

In ancient India, the women enjoyed equal status with men in all fields of life. Later 500 B.C, the status of women began to decline with the Smritis and with the Islamic invasion of Babur and the Mughal empire and later Christianity curtailing women's freedom and rights. The women enjoyed freedom, Status and prestige in the society but did not last long and women finally settled down to an indoor life. The Indian woman's position in the medieval society further deteriorated during the medieval period when sati among some communities, child marriages and a ban on widow remarriages became part of social life among some communities in India. In some parts of India, the Devadasi or the temple women were sexually exploited. Polygamy was widely practiced especially among Hindu Kshatriya rulers. The women lost their entity in the 18th century and till the beginning of the 19th century women were totally and forcefully sublimated male superiority, physically and intellectually.

Women's participation in the modern society workforce as well as in other activities increased during the 19th and from the early period of 20th century due to the upliftment of women started by the influence of social reforms. As far as India is concerned, the social structure, cultural norms and value systems are important determinants of women's role and their position in society India has one of the most impressive sets of laws for women. The state to practice protective discrimination in favour of women.⁵

(C) Types and Forms of Violence against Women in India

1. Domestic Violence:

The incidents of domestic violence are higher among the lower socio- economic classes. There are various instances of an inebriated husband beating up the wife often leading to severe injuries. Domestic violence is also seen in the form of physical abuse. Domestic violence includes, harassment, maltreatment, brutality or cruelty and even the threat of assault-intimidation. It includes physical injury, as well as "wilfully or knowingly placing or

⁴ Violence and Protective Measures for Women Development and Empowerment by Aruna Goel, New Delhi, *Deep & Deep Publications*, 2004, pp. 3-4

⁵ *Ibid*

attempting to place a spouse in fear of injury and compelling the spouse by force or threat to engage in any conduct or act, sexual or otherwise, from which the spouse has a right to abstain". Confining or detaining the spouse against one's will or damaging property are also considered as acts of violence.⁶

2. Sexual Harassment:

Half of the total number of crimes against women reported in 1990 related to molestation and harassment at the workplace. Eve teasing is a euphemism used for sexual harassment or molestation of women by men many activists blame the rising incidents of sexual harassment against women on the influence of "Western culture".

3. Dowry:

In 1961, the government of India passed the Dowry prohibition Act, making the dowry demands in wedding arrangements illegal. However, many cases of dowry –related domestic violence, suicides and murders have been reported. The term for this is "bride burning" and it's criticized within India itself.⁷

4. Child Marriage:

Child marriage has been traditionally prevalent in India and continues to this day. Historically, young girls would live with their parents till they reached puberty. In the past, the child widows were condemned to a life of great agony, shaving heads, living in isolation, and shunned by the society. Although child marriage was outlawed in 1860, it is still a common practice.⁸

5. Female Infanticides and Sex Selective Abortions:

India has a highly masculine sex ratio, the chief reason being that many women die before reaching adulthood. It is therefore suggested by many experts, that the highly masculine sex ratio in India can be attributed to female infanticides and sex-selective abortions. The abuse of the dowry tradition has been one of the main reasons for sex-selective abortions and female infanticides in India.⁹

(D) Meaning of Sexual Harassment

The term sexual harassment can be identified as a behaviour or conduct of a human being. Generally, it can be defined as an unacceptable behaviour of sexual nature. Atrocities and

⁶ Ms. R. Kalaiyarasi "Violence against Women in India" *IOSR Journal of Humanities and Social Science (IOSR-JHSS)* Volume 20, Issue 2, Ver. III (Feb. 2015)

⁷ *Ibid*

⁸ Shobha Saxena, *Crimes Against Women and Protective Laws*, (Deep & Deep Publications Pvt. Ltd, New Delhi, 2004.)

⁹ *Ibid*

brutality against women are a common thing everywhere. It is a huge problem as it gives negative impact to both men and women. Most of the time, it is seen to be happening more with female gender as they are considered to be unprotected and weaker than other genders. It is a widespread problem in the world which is very difficult to control. Sexual harassment is a severe and a pervasive problem. It is very difficult to understand this concept and define it as it involves a range of behaviours. Even in this situation, sometimes victims find it difficult from what they experienced because it is a sensitive issue in our society. The term “Harassment” includes unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of sexual nature. It is an unaccepted sexual behaviour which could be expected to make a person feel humiliated and offended. The nature of this harassment can be verbal, physical or written. Sexual Harassment is both a legal, sociological and psychological phenomenon. There is no simple or universally accepted definition of sexual harassment. Different attempts have been made to discuss the concept of sexual harassment from a different perspective. The term sexual harassment was coined in the 1970’s by feminist activists, and their conception of sexual harassment was socio-cultural.

According to Lin Farley, —Sexual harassment means unsolicited nonreciprocal male behaviour that asserts a woman’s sex role over her function as a worker. It can be any or all of the following: staring at, commenting on, or touching a woman ‘s body, requests for acquiescence in sexual behaviour; repeated non reciprocated propositions for dates, demands for sexual intercourse and rape. These forms of male behaviour frequently rely on superior male status in the culture, sheer numbers, or the threat of higher rank at work to exact compliance or levy penalties for refusal.¹⁰

The United State Equal Employment Opportunity Commission, defines sexual harassment as, unwelcome sexual advances, requests for sexual favours and other verbal, non-verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual or such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating a hostile, intimidating or offensive work environment.¹¹

¹⁰ Lin Farley, *Sexual shakedown: The Sexual Harassment of Women on the Job*, 14-15(New York: McGraw Hill, 1978).

¹¹ US Equal Employment Opportunity Commission (EEOC), Guidelines on Discrimination Because of Sex, 29 CFR1604, 11 (1985)

The sexual harassment is categorized into 5 types –

1. **Verbal harassment-** It means when a person insults, criticize verbally in front of general public.
2. **Non-verbal harassment-** It is one of the most general types of harassment at work place. It is in the form of violence. In its acute condition known as assault. The person may be abused by pushing, punching or slapping in public.
3. **Visual harassment-** When any person is shown pornographic pictures, sexual objects, or any pictures which intended to cause sexual excitement. Then it will be considered as Visual Harassment.
4. **Psychological harassment-** Sometimes harassment can be of psychological nature and can have a negative impact on the victim. When a victim listens any condescending remarks that can affect him/her on personal as well as professional level then it is said to be psychological harassment.
5. **Physical harassment-** Sexual harassment is when the wrongdoer behaves in a sexual way towards the victim who is clearly uncomfortable then it is called physical harassment. This is also called Quid Pro Quo sexual harassment. In this case the superior makes sexual favour from the victim and if victim doesn't take up then a threat or negative impact will be happened.¹²

II. SEXUAL HARASSMENT OF WOMEN AT WORKPLACE AS A PROBLEM

Sexual Harassment is one of the biggest problems our women are facing today in different sectors of life. We rarely pass through a week without a reminder of these kinds of incidents which should be termed as “social problems”. It is a growing problem and all are trying their best to combat this problem by adopting new policies and measures. The definition of sexual harassment varies from person to person and from jurisdiction to jurisdiction. The definition of Sexual Harassment in simple words is “any unwanted or inappropriate sexual attention. It includes touching, looks, comments, or gestures”. A key part of Sexual Harassment is that it is one sided and unwanted. There is a great difference between Sexual Harassment and Romance and Friendship, since those are mutual feelings of two people. Often Sexual Harassment makes the victim feel guilty, but it is important for the victim to remember that it is not her fault; the fault lies totally on the person who is a harasser. Sexual Harassment affects all women in some form or the other. Lewd remarks, touching, wolf whistles, looks are part of any women's life, so much so that it is dismissed as normal. Working women are no exception. In fact, working

¹² www.thebalancecareers.com/types-of-harassment-in-the-workplace-2060886 (last visited on Marchb 20th, 2022)

women most commonly face the backlash to women taking new roles, which belong to male domains within patriarchy. Sexual Harassment at work is an extension of violence in everyday life and is discriminatory, exploitative, thriving in the atmosphere of threat, terror and reprisal.¹³

Many times fear is involved in Sexual Harassment because it isn't physical attraction, it's about power. In fact, many Sexual Harassment incidents take place when one person is in a position of power over the other; or when a woman has an untraditional job such as police officer, factory worker, business executive, or any other traditionally male job.

It has also been observed that there are lots of sexual harassment incidents taking place in the workplace, but the victims fear to report the same to the higher officials or the concerned authorities. They fear to file a complaint against such offenders who does such heinous acts. The fear is due to the fear of boss, fear of guilt in the society that they might have to face, fear of being thrown out of the job or being demoted, fear that it will jeopardize their career as in it will put a blot on their resume and would render them un-hirable.

Some women have lack of knowledge- they do not know what exactly qualifies a sexual harassment and fail to report the same. Every country is facing this problem daily. No female worker is safe and the sense of security is lacking in them. There are certain developments in laws of many countries to protect women workers from Sexual Harassment. Sexual Harassment is major problem in school, college's universities and institutions, and its percentage is increasing day by day. Surveys on college campus show the number of respondents reporting have been sexually harassed ranging from 40-70 percent. Only two percent of campus harassment involve a professor demanding sex in return for good grade. Most cases involve male and female students.¹⁴

III. FORMS OF SEXUAL HARASSMENT AT THE WORKPLACE

1. **Quid pro quo** – sexual favours as a pre-condition to employment / increment / promotion. This means that a woman would get benefits of being employed or promoted or get an increment or a raise in grade or academic acknowledgement or recommendation, only if she conceded to the harassment. In other words, the consent to the sexual acts was not freely given by the woman; she consented under pressure that she could lose the rightful benefits if she did not concede to the same.¹⁵

¹³ Nikunj Keyal “*Sexual Harassment of Women at Workplace*” ISBN No: 978-81-928510-1-3

¹⁴ *Ibid*

¹⁵ <https://egyankosh.ac.in/bitstream/123456789/61297/1/Unit12.pdf> (last visited on March 21, 2022)

2. **Retaliatory** – refusal to provide sexual favours results in a backlash against the employee. This could be in the form of giving low marks / failing the student in an academic institution, or denying increment / promotion / professional opportunities to the woman in a working environment.
3. **Hostile working environment** – workplace environment becomes sexualized to an extent that the employee's ability to work is affected. This is where the perpetrator may not directly harass the woman, but he may put up a gender insensitive poster, insist on gender insensitive computer screens, display pornography, say lewd jokes loudly and so on, which make it extremely uncomfortable for women to work in that environment.¹⁶

(A) Reasons of Sexual Harassment

Our society is against daughters. A daughter's birth is causes for great sadness and disappointment. Our society is patriarchal society. Indian people feel that they will achieve Moksha, through their sons only. They think that 'Bringing up a girl like as watering a neighbour's plant, show the feeling of wasted expenditure on raising a daughter. This discriminative thought is responsible for crime against women. But today women come out of their homes and faced many problems during this period i.e., at their workplace. The attitude of men towards women at workplace is not good. When the women went out of their home to work, they felt a new kind of humiliation by their counterpart called sexual Harassment. If there are problems, there must be some causes. Because everything that spreads have some base on which it grows. The reasons for growing of the problems are:

1. Social and Cultural Factors

The most important contributing factor that leads to sexual harassment is our social norms. The subordinating position of women in society is both determined and maintained by constricting set of values and customs, which work against their emancipation. In India women are considered as sex objects and inferior to men. Our Indian society has patriarchal structure. In this structure men think that woman is not their equal and they treat her in a denigrating manner as an object. In our cultural system, our social values, customs and institutional arrangements directly affect women. There is also gender-bias and beliefs like men are stronger and wiser. Women are treated pieces of face value only. There is dominance of male over female. A woman is weak in physical force, always subjected to physical and sexual assault of man. This evolving social reality is nowhere more apparent than in the workplace. In increasing numbers,

¹⁶ *Ibid*

women are seeking employment in the traditional male sphere of work. As a result, men and women have to learn new ways to relating to one another, as equal co-workers. This process of change creates tension that can take the form of sexual harassment.¹⁷

2. Religious Inequality

Every religion believes that everything is the creation of God. Every religion preaches love, kindness and mercy for every living being. Notwithstanding this fact, religious books and scriptures of every religion contain some elements, which are degrading and discriminatory in nature. People follow these norms in the name of religion. In our society position of women changes time to time. In Vedic period the position of women was glorious. They enjoyed freedom and equality. The man was not competent to perform religious duties without his wife. But in post Vedic period the position of women had changed. The great Hindu law giver Manu says a lot about women and her status availability of a safe working environment and the right to life with dignity, the hazards posed by sexual harassment need to be removed for these rights to have a meaning.¹⁸

In medieval period position of women position of women underwent enormous negative changes. Islam also gave equal status to man and woman. But it too adopted discriminatory attitude towards her by disallowing her from being appointed as Imam or Kazi. Indian people are greatly influenced by the norms, customs in the name of religion. Such bias attitude of religion itself becomes a cause to beget and sustain gender bias and violence against women.

3. Economic Inequality

A contributing factor to crime against women is economic inequality between men and women. In Indian society, majority of women are dependent on men for financial support. Before marriage they depend their father and after marriage they depend on their husband for financial assistance. Women will do their household work only for this they are not paid. They are poorly paid in private sector. But, in reality, there is no economic inequality between men and women at Global level, like public and private sector. But there is economic inequality in villages. Women are harassed by their superior at their workplace. There is reason behind that there is majority of men at workplace and they thought they are superior to women.¹⁹

¹⁷ Truida Prekel "SEXUAL HARASSMENT: CAUSES, CONSEQUENCES AND CURES" August 2001

¹⁸ Causes of sexual Harassment also available <http://hrlibrary.umn.edu/svaw/harassment/explore/3causes.htm> (last visited 20 Feb 2022)

¹⁹ *Ibid*

4. Low Literacy and Poverty

The major reasons, which are responsible for the low status of women in our society, are low literacy and poverty among women. Illiteracy and poverty among women make them vulnerable to all sorts of discrimination and exploitation. "In democratic society where all citizens have to discharge their civil and social obligations, differences which may lead to variations in the standard of intellectual development achieved by boys and girls cannot be envisaged." Low education has a major role in Sexual Harassment of poor female workers. In rural areas and weaker sections of the society, the rate of female illiteracy is alarmingly high. In these areas, the girls are withdrawn from school in early age for doing household work. Rural working women are paid fewer wages, because they are ignorant of the basic law.²⁰

5. Lack of Awareness

The Indian law is not adequate to give protection to the suppressed women. Our preamble of the Indian constitution talks about Secularism, but in reality, we are not secular. The personal laws of Hindus, Muslim, and Christians etc. directly affect women's status. Thus, we can say that our existing legal system has a tilt towards patriarchal system despite equality among every citizen in our constitution. Today, a particular law has been passed for working women but there is also violence against women at workplace. Some respondents were not aware of the Supreme Court guidelines and the law relating to sexual harassment at workplace. And several women argued that a complaints committee was unlikely to be impartial, that it would merely as a formality, that it was likely to contain individuals who would dismiss charges of harassment if the perpetrator was an influential person and that committee proceeding would discriminate against the complainant.²¹

6. Role of Media

In the battle of equal status and fair treatment of women an important role is generally attributed to the mass media and in particular television has become a main part of life, in a developed and developing countries. But today, the presentation of women on television is contradictory in reality. Television is the most popular medium of communication these days. Women are treated as sex commodities. There is also an increasing trend of watching third class movies and music. The films songs like, "Tu cheeze badi h mast-mast" and 'kya cheeze ho tum tumko abhi malum nahi hai" shows the women as a cheeze i.e., object Lack of Support from

²⁰ TRAINING MODULE ON PREVENTIO OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE <https://vvgnli.gov.in/sites/default/files/TRANING%20MODULE%20ON%20SEXUAL%20HARASSMENT%20OF%20WOMEN%20AT%20WORKPLACE.pdf> (last visited 12 March 2022)

²¹ *Ibid*

Colleagues The sense of solidarity in the workplaces seems very poor when it relates to sexual harassment of women colleagues. The management often intimidates colleagues, who wish to support harassed women. The threats can range from transfer to delay in sanctioning of loans or clearance of retirement benefits and so on.²²

At last, we can say that social behaviour, fear of losing job, lack of awareness, lack of official support, fear of stress and strain, fear of media, difficulties in proving the crime and social pressure are main reason for non-reporting of the offences. Women can save themselves by reporting such type of sexual harassment/assault. Thus, the silence/nonreporting of victims cause again incidents of sexual harassment at workplace.

7. Other Factors

The cases of sexual harassment of woman at workplace are increasing day by day. Beside the above-mentioned factors, several other factors are also responsible for increasing sexual harassment at workplace which are:

- i. No heavy punishment for such offences.
- ii. Political and family pressure.
- iii. Lack of respect for women and women's integrity.
- iv. Increasing number of working women.
- v. Poor and polluted family atmosphere.
- vi. More talks on feminism and masculinise than on humanism.²³

IV. CONSTITUTIONAL SAFEGUARDS AGAINST SEXUAL HARASSMENT

The preamble of the Constitution of India contemplates that it will secure to all its citizens "Equality of status and opportunity." Sexual harassment vitiates this basic motive of the framers of the constitution. The Constitution of India ensures and guarantees every individual the right "to practice any profession, or to carry on any occupation, trade or business" as enshrined under Article 19(1) (g). Every woman has a constitutional right to participate in public employment and this right is denied in the process of sexual harassment, which compels her to keep away from such employment. Sexual harassment of woman at the place of work exposes her to a big risk and hazard which places her at an inequitable position vis-à-vis other employees and this adversely affects her ability to realize her constitutionally guaranteed right

²² *Id*

²³ Hunny Matiyani, *Sexual Harassment at Workplaces: A Menace In The Society*, The Indian Journal of Criminology & Criminalistic, volume no. XXVII, issue no. 3, Sep. to Dec. 2006, p.45.

under Article 19(1) (g).²⁴

The concept of gender equality embodied in our Constitution would be an exercise in ineffectiveness if a woman's right to privacy is not regarded as her right to protection of life and liberty guaranteed by Article 21 of the Constitution of India. In view of the fact that sexual harassment of women at the workplace violates their sense of dignity and the right to earn a living with dignity, it is absolutely against their fundamental rights and their basic human rights. Sexual harassment of women at workplace is also a violation of the right to life and personal liberty as mentioned in Article 21 that no person shall be deprived of his life or personal liberty. Right to livelihood is an integral facet of the right to life.²⁵ Sexual harassment is the violation of the right to livelihood. For the meaningful enjoyment of life under Article 21 of the Constitution of India, every woman is entitled to the elimination of obstacles and of discrimination based on gender. Since the 'Right to Work' depends on the

There are certain other laws to protect women against crimes

- The Indian Penal Code, 1860
- The Dowry Prohibition Act, 1961
- The Commission of Sati Prevention Act, 1961
- The Indecent Representation of Women (Prohibition) Act, 1986
- The Immoral Traffic Prevention Act, 1956
- Protection Of Women from Domestic Violence Act, 2005

V. THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION, AND REDRESSAL) ACT, 2013

This act²⁶ will ensure that the women are protected against sexual harassment at all the workplace be it in public or private. This will contribute to realisation of their right to gender equality, life and liberty and equality in working conditions everywhere. The sense of security at the workplace will improve women's participation in work, resulting in their economic laid down by the Supreme court of India in *Vishaka V. State of Rajasthan*²⁷. Article 19(1) g of the Indian Constitution affirms the right of all the citizens to be employed in any profession of their choosing or to practice their own trade or business. *Vishaka V. State of Rajasthan* established that actions resulting in a violation of one's right to "gender equality" and Life and Liberty is

²⁴ Surinder Mediratta, *Handbook of Law, Women and Employment* (1st ed, 2009).

²⁵ *Narendra Kumar v. State of Haryana*, JT, (1994) 2 SCC 94

²⁶ The sexual Harassment of Women at workplace (Prevention, Prohibition, and redressal) Act, 2013

²⁷ AIR 1997 SC 384

in fact of violation of the victim's fundamental right under article 19 (1)g. The case ruling establishes that sexual harassment violates a women's rights in the workplace and is thus not just a matter of personal injury.

Main features of the act

- The definition of “aggrieved women” who will get protection under the Act is extremely wide to cover all women, irrespective of her age or employment status, whether in the organised or unorganised sectors, public or private and cover clients, customers and domestic workers as well.
- While the workplace in the Vishaka guidelines is confined to the traditional office setup where there is a clear employer-employee relationship, The act goes much further to include organisation, department, office, branch unit etc, in the public and the private sector organized unorganized, hospitals nursing homes, sports, stadiums, and any other place visited by the employee during the course of employment including transportation.
- The committee is required to complete the inquiry within the period of 90 days. On completion of the inquiry, the report will be sent to the employer or the district officer as the case maybe they are mandated to take action on the report within 60 days.
- Every employer is required to constitute an internal complaints Committee at each office or branch with 10 or more employees. The District officer is required to constitute a local complaints committee at each district and if required at the block level.
- The complaints committee have the power of civil courts for gathering evidence.
- The complaint committee requires to provide for conciliation before initiating an inquiry if requested by the complainant.
- Penalties have been prescribed for employers. Non-compliance with the provisions of the Act shall be punishable with a fine of Rs. 50000. Repeated violations may lead to higher penalties and cancellation of license or registration to conduct business.

VI. INTERNATIONAL MILESTONES ADDRESSING VIOLENCE AGAINST WOMEN

- **The Universal Declaration of Human Rights (1948):** This is the cornerstone on which international human rights norms and standards have developed. Violence against women violates Article 3 (under which everyone has the right to life, liberty and security of the person) and Article 5 (under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment).¹²

- **UN Convention on the Elimination of All Forms of Racial Discrimination (1945):** This convention obligates state parties to prohibit and eliminate racial discrimination in all its forms, and to guarantee the enjoyment of the right to security of the person and protection by the state against violence or bodily harm, whether inflicted by government officials or by any individual group or institution (Article 5).¹³
- **UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979):** This is the international bill of rights for women and it articulates the principles of equality for and non – discrimination against women. In 1992, the Committee on the Elimination of All Forms of Discrimination Against Women formally included gender - based violence in General Recommendation No. 19 which deals exclusively with violence against women and the measures which should be taken to eliminate it. All SAARC countries are signatories to the convention yet conflict over certain sections still exists. For example, twenty-four nations have lodged formal reservations against Article 16, a core provision that guarantees equality between men and women in marriage family life.
- **Declaration on the Elimination of Violence against Women (1993):** The first international human rights instrument to deal specifically with violence against women, defining the phenomenon and recommending measures to combat it. Three distinguishing features of the Declaration are that it situates VAW squarely within the discourse on human rights; it enlarges the concept of VAW to reflect the real conditions of women’s lives; and, it points to the gender-based roots of violence.
- **World Conference on Human Rights, Vienna (1993):** The Vienna Programme of Action, emanating from this conference, clearly articulates that gender-based violence and sexual harassment and exploitation, including those behaviours resulting from cultural prejudices and practices, controvert international human rights norms of dignity and worth of the human person, and cannot be tolerated. It states that legal measures and national action, and international cooperation in all areas, can help eradicate violence against women.

VII. CONCLUSION

The growing menace of physical and sexual abuse against women needs urgent attention. The society and the Government should make the necessary efforts in bringing in and enforcing specific laws targeting the issues relating to sexual abuse. The Police authorities and media can also play an important role in sensitizing the women about their rights and the remedies

available to them. The state shall regulate the working of police officials in dealing with offences relating to women. Thought the state and state authorities have been making sincere efforts to implement measures to provide a safe environment to the women in society, but the evil practice still persists and corrupts the social harmony.

The enactment of The Criminal Law (Amendment) Act, 2013 is a major achievement of the Indian Legislature as it has incorporated various necessary provisions and has also made the punishments stricter and graver. However, the instances of such crimes are still being reported. This shows that the existing framework is not sufficient to deal with the problem of violence against women. Thus, a lot is yet to be done to make the society a safe place for women.
