

# International Multidisciplinary Research Journal

## *Golden Research Thoughts*

Chief Editor  
Dr.Tukaram Narayan Shinde

Publisher  
Mrs.Laxmi Ashok Yakkaldevi

Associate Editor  
Dr.Rajani Dalvi

Honorary  
Mr.Ashok Yakkaldevi

Golden Research Thoughts Journal is a multidisciplinary research journal, published monthly in English, Hindi & Marathi Language. All research papers submitted to the journal will be double - blind peer reviewed referred by members of the editorial board. Readers will include investigator in universities, research institutes government and industry with research interest in the general subjects.

### Regional Editor

Dr. T. Manichander

### International Advisory Board

Kamani Perera  
Regional Center For Strategic Studies, Sri Lanka

Mohammad Hailat  
Dept. of Mathematical Sciences,  
University of South Carolina Aiken

Hasan Baktir  
English Language and Literature  
Department, Kayseri

Janaki Sinnasamy  
Librarian, University of Malaya

Abdullah Sabbagh  
Engineering Studies, Sydney

Ghayoor Abbas Chotana  
Dept of Chemistry, Lahore University of  
Management Sciences[PK]

Romona Mihaila  
Spiru Haret University, Romania

Ecaterina Patrascu  
Spiru Haret University, Bucharest

Anna Maria Constantinovici  
AL. I. Cuza University, Romania

Delia Serbescu  
Spiru Haret University, Bucharest,  
Romania

Loredana Bosca  
Spiru Haret University, Romania

Ilie Pinteau,  
Spiru Haret University, Romania

Anurag Misra  
DBS College, Kanpur

Fabricio Moraes de Almeida  
Federal University of Rondonia, Brazil

Xiaohua Yang  
PhD, USA

Titus PopPhD, Partium Christian  
University, Oradea, Romania

George - Calin SERITAN  
Faculty of Philosophy and Socio-Political  
Sciences Al. I. Cuza University, Iasi

.....More

### Editorial Board

Pratap Vyamktrao Naikwade  
ASP College Devrukh, Ratnagiri, MS India Ex - VC. Solapur University, Solapur

Iresh Swami

Rajendra Shendge  
Director, B.C.U.D. Solapur University,  
Solapur

R. R. Patil  
Head Geology Department Solapur  
University, Solapur

N.S. Dhaygude  
Ex. Prin. Dayanand College, Solapur

R. R. Yaliker  
Director Management Institute, Solapur

Rama Bhosale  
Prin. and Jt. Director Higher Education,  
Panvel

Narendra Kadu  
Jt. Director Higher Education, Pune

Umesh Rajderkar  
Head Humanities & Social Science  
YCMOU, Nashik

Salve R. N.  
Department of Sociology, Shivaji  
University, Kolhapur

K. M. Bhandarkar  
Praful Patel College of Education, Gondia

S. R. Pandya  
Head Education Dept. Mumbai University,  
Mumbai

Govind P. Shinde  
Bharati Vidyapeeth School of Distance  
Education Center, Navi Mumbai

G. P. Patankar  
S. D. M. Degree College, Honavar, Karnataka

Alka Darshan Shrivastava  
Shaskiya Snatkottar Mahavidyalaya, Dhar

Chakane Sanjay Dnyaneshwar  
Arts, Science & Commerce College,  
Indapur, Pune

Maj. S. Bakhtiar Choudhary  
Director, Hyderabad AP India.

Rahul Shriram Sudke  
Devi Ahilya Vishwavidyalaya, Indore

Awadhesh Kumar Shirotriya  
Secretary, Play India Play, Meerut (U.P.)

S. Parvathi Devi  
Ph.D.-University of Allahabad

S.KANNAN  
Annamalai University, TN

Sonal Singh,  
Vikram University, Ujjain

Satish Kumar Kalhotra  
Maulana Azad National Urdu University



## SEXUAL HARASSMENT AT WORKPLACE

Mohd Ashraf Ganaie<sup>1</sup> and Shafiq Mohiuddin<sup>2</sup>

<sup>1</sup>Research Scholar, Madhya Pradesh Institute of Social Science Research Ujjain.

<sup>2</sup>Department of Political Science Vikram University Ujjain.

### ABSTRACT

*In this research paper an attempt has been made to highlight the menace of sexual harassment at various work places in India. In our male dominated society women are facing the serious evil of sexual harassment in day to day life not only in formal institutions and working places but also in informal places like fields, roads especially women engaging in labour work in construction of buildings and also women working as street vendors. So to tackle this challenge government should implement laws strictly and organize anti-harassment workshops in all working places so that everyone feels the sense of responsibility to fight against the evil by respecting chastity of all women in the country.*

**KEYWORDS:** Sexual harassment, Women Rights, Laws, Workplaces.

### INTRODUCTION:

In 1997, the Humble Supreme Court of India, in Vishaka and Others in opposition to. State of Rajasthan and Others Vishaka decision agreed the significance of sexual harassment of the running women at the workplaces and lay down guiding principle making it compulsory for employer to prevent the commission of acts of

sexual harassment and to provide the actions for the declaration, settlement or action of acts of sexual harassment. The guidelines issued by the Humble Supreme Court were treating as law declared by the Humble Supreme Court under Article 141' of the Constitution of India. It was held by the humble Supreme Court that the guidelines framed by the Supreme Court would be strictly practical in all work places for the obstacle and enforcement of the right to sex equality of the working women. It was experimental by various judges from time to time in the history that the guidelines and norm frame by the

humble ultimate courtyard in Vishaka Judgment have not been follow in workplaces stringently. The increasing work contribution rate of women complete it is very essential for enact a complete legislation focusing on hindrance of sexual harassment as well as providing a redressal device.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 & Rules made therein

In 2013, following a length of 16 years, India finally enact the Sexual Harassment of Women at Workplace (obstacle, ban and Redressal) Act, 2013 hereinafter referred to as the Act for obstacle of sexual harassment alongside women at the workplaces. The fundamental administration vide notification SO 3606 E selected 9 December



2013 as the day on which the necessities of the Act come into power and on the similar day, the Central Government made the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

### DEFINITION

The Act has adopted the definition of 'sexual harassment' from Vishaka Judgment and the term sexual harassment includes any unwelcome acts or behaviour (whether directly or by allegation) such as bodily contact and advance, command or demand for sexual favours, assembly sexually coloured comments, performance pornography or any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

### DOMESTIC COMPLAINT WORKING GROUP

The Act makes it compulsory for each manager to make up a domestic complaint working group which entertains the complaint made by any aggrieved women. The members of the DCWG are to be selected by the manager and DCWG ought to consist of a presiding bureaucrat, not less than two members from amongst workers if possible committed to the cause or women or who have had knowledge in social work or have legal knowledge and one member from amongst non-governmental organizations or relations committed to the cause of women or a person recognizable with the issues connecting to sexual harassment. In order to ensure participation of women workers in the DCWG events, the Act requires that at least one-half of the members of DCWG designated by manager are women.

### LIMITED COMPLAINT GROUP

Provisions are provided under the Act to form limited Complaints group (LCG) for every district for receiving complaints of sexual harassment from establishment where the ICG has not been formed due to having less than 10 workers or if the complaint is against the employer himself.

### COMPLAINT PROCEDURE

The Act stipulates that aggrieved woman can make written complaint of sexual harassment at workplace to the DCWG or to the LCG in case a complaint is against the employer within a period of three months from the date of occasion and in case of a series of incidents, within a period of three months from the date of last occasion. If the aggrieved woman is not capable to make complaint in script, reasonable assistance shall be rendered by the presiding officer or any member of the LCG or in case the aggrieved woman is unable to make complaint in script to the LCG, the reasonable support shall be rendered by the Chairperson or any member of the LCG for making the complaint in script.

As per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Rules, 2013 in case the aggrieved woman is not capable to make a complaint on account of her physical incapability, a complaint may be filed inter alia by her relative or friend or her co-worker or an officer of the National Commission for Women or State Women's Commission or any person who has awareness of the incident, with the written blessing of the aggrieved woman.

### OBJECTIVE OF THE RESEARCH PAPER

To emphasize the threat of sexual harassment at working places in India.

### METHODOLOGY

This study is based on secondary sources like Books, Magazines, News Papers, Government Publications, Media Reports, and Internet etc. This study is exploratory in nature and is based on descriptive method.

### DISCUSSION

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of sexual nature. Sexual harassment is one of the major violations of women's right to equality and dignity. Workplaces include "any place which arises within the course of Employment, thereby including

clients offices, taxis, hotels, etc. in India laws are framed mainly keeping in mind the workplaces like offices, organisation, institutions and enterprises, where complaints are referred to committees. But the problem arises as a majority of Indian women do not work in institutions or enterprises. They work in the informal sector such as fields, on the roads, or as self-employed producers or vendors. Their workplaces are everywhere, and there is no mechanism to prevent the everyday forms of sexual harassment.

A safe workplace is therefore a woman's legal right. The Constitution of India provides equality and personal liberty through the Articles 14, 15 and 21. These articles ensure a person's right to equal protection under the law, to live a life free from discrimination on any ground and to protection of life and personal liberty.

Though sexual harassment at the workplace has assumed serious proportions, women do not report the matter to the concerned authorities in most cases due to fear of revenge from the harasser, losing one's livelihood, or losing professional standing and personal reputation.

Across the globe today, workplace sexual harassment is increasingly understood as violation of women's rights and a form of violence against women. Indeed, the social construct of male privileges in society continues to be used to justify violence against women in the private and public sphere. In essence, sexual harassment is a mirror reflecting male power over women that sustains patriarchal relations.

Sexual harassment of women in public places in India or elsewhere in South Asia is known as "Eve teasing" - has long been a common occurrence, particularly by groups of young male perpetrators. Sexual Harassment affects all women in some form or the other. Working women are no exception. In fact, working 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 atmosphere of threat, terror and reprisal. Sexual harassment is all about expression of male power over women that sustain patriarchal relations. It is used to remind women of their vulnerability and subjugated status. In a society where violence against women, both subtle and direct, is borne out of the patriarchal values operating in society, These patriarchal values and attitudes of both men and women pose the greatest challenge in resolution and prevention of sexual harassment.

The brutal gang rape of a social worker Bhanwari Devi in Rajasthan in 1992 brought to the attention of the Supreme Court of India, the absence of domestic law occupying the field, to formulate effective measures to check the evil of sexual harassment of working women at all work places. Based on the facts of Bhanwari Devi's case, a Public Interest Litigation (PIL) was filed by Vishaka and other women groups against the State of Rajasthan and Union of India before the Supreme Court of India. It proposed that sexual harassment be recognized as a violation of women's fundamental right to equality and that all workplaces/establishments/institutions be made accountable and responsible to uphold these rights.

In 2013 Government of India notified the Sexual Harassment of Women at Workplace Prevention and Prohibition Act. It is important to note that the Act provides civil remedy to women in addition to other laws that were applied earlier. Therefore, any woman who wishes to report instances of sexual harassment at the workplace has the right to take recourse of both civil and criminal proceedings.

## CONCLUSION

Sexual harassment in various work places in India is an extension of violence in day to day life and it is discriminatory and effects the women's right to life and livelihood. The legislation needs support and commitment of all stakeholders for its successful implementation to prevent the menace of sexual harassment. Moreover in all workplaces formal as well as informal areas where the majority of women are working should be created women grievance cells to report the harassment of intimates to higher authorities immediately and also organize the anti sexual harassment workshops to protect the rights of women and bring them par with men in present patriarchal society.

Definitely, the rule and norms frame by the Humble Supreme Court in Vishaka Judgment are spring of the take action. With the course of time, it was feel that guidelines and norms are not satisfactory to contract with the incident of sexual harassment of women at workplaces and a strong piece of legislation is the require of the hour and for that reason the Act was enact in 2013. The Act go one step ahead and integrated various issues which remain unaddressed in the past such as addition of the meaning of workplace to include almost all types of

establishment as well as private sector association, dwelling places or house, addition of the term family worker and unorganized division in order to address the issue of sexual harassment of women.

**REFERENCE:**

1. Hand book on sexual Harassment of women at work place (Prevention, prohibition, and Redressal) Act 2013 for Employers/Institutions/Organisations/Internal Complaints Committee/Local Complaints Committee, Government of India, Ministry of Women and Child Development, November 2015
2. Laws and Procedures: Sexual Harassment in the workplace vishaka Guidelines against sexual harassment in the workplace.
3. Sexual Harassment, Workplace, Authority, and the Paradox of Power, American Sociological Review, Association 2012, DOI: 10.1177/0003122412451728.
4. Frost Elaine, 71 Women layers journal, No,3 (spring 1985), Sexual Harassment in the workplace.
5. McCann Deirdre, Sexual harassment at work: National and international responses, Conditions of Work and Employment Programme, Durham University.
6. Boland L. Mary, Attorney at law, Sexual Harassment in the work place, Sphinx, Publishing.
7. Stockdale S Margaret, Sexual Harassment in the work place perspective, Frontiers, and Response Strategies, Sage publications. Volume 5.
8. Condrey E, Stephen Handbook of Human Resource Management in Government Second Edition
9. Petersen J Carole Centre for Comparative and Public Law Faculty of Law. The University of Hong Kong Occasional Paper No. 4

**Mohd Ashraf Ganaie****Research Scholar, Madhya Pradesh Institute of Social Science Research Ujjain.**



# Publish Research Article

## International Level Multidisciplinary Research Journal For All Subjects

Dear Sir/Mam,

We invite unpublished Research Paper, Summary of Research Project, Theses, Books and Book Review for publication, you will be pleased to know that our journals are

### Associated and Indexed, India

- ★ International Scientific Journal Consortium
- ★ OPEN J-GATE

### Associated and Indexed, USA

- EBSCO
- Index Copernicus
- Publication Index
- Academic Journal Database
- Contemporary Research Index
- Academic Paper Database
- Digital Journals Database
- Current Index to Scholarly Journals
- Elite Scientific Journal Archive
- Directory Of Academic Resources
- Scholar Journal Index
- Recent Science Index
- Scientific Resources Database
- Directory Of Research Journal Indexing

Golden Research Thoughts  
258/34 Raviwar Peth Solapur-413005, Maharashtra  
Contact-9595359435  
E-Mail-ayisrj@yahoo.in/ayisrj2011@gmail.com  
Website : www.aygrt.isrj.org