

**SEXUAL HARASSMENT OF WOMEN AT WORKPLACE: A SOCIETAL ISSUE IN
INDIA**

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Abstract

Sexual harassment is defined as any unwanted, unwelcome, or uninvited sexual behaviour that has the potential to offend, degrade, or intimidate. It is a fundamental right for men and women to be treated equally, according to Articles 14, 15(1), and 16(2) of the Constitution, and it is unlawful to violate this right. The Indian Constitution guarantees certain fundamental and basic rights to all people. These essential freedoms include the rights to equality, a dignified existence, personal freedom, and employment. All citizens must have access to the values enshrined in the Constitution's Preamble. Women who meet the citizenship requirements are considered Indian citizens in the same way that everyone else is. As a result, individuals are entitled to all of the Constitution's rights, responsibilities, obligations, and guarantees. As a result, the Preamble, an important part of the Constitution, ensures equality of opportunity and status for men and women.

The Indian Parliament has made numerous efforts to protect the interests of Indian women. The framers of the Indian Constitution included comprehensive provisions in the Indian Constitution to clarify women's rights. Once upon a time, Indian women did housework and lived within the confines of their own home. As time passed, India gained independence and drafted its constitution. The Indian Constitution guaranteed equality of opportunity as well as a life of dignity and prestige. This dignity and prestige extends to women's dignity and prestige. In terms of equality of opportunity, there is no gender discrimination. Women have been given equal opportunities as well. The Indian Constitution also established the principle of equal pay for equal work. When women arrived at work after leaving the house, they were subjected to sexual harassment. It could be said that after the Supreme Court issued the Vishakha rules,

research on sexual harassment at work in India really took off (1997). These studies help to understand the problem from various perspectives, such as the societal perspective of workplace sexual harassment of women.

Keywords: Sexual harassment, Constitution, Fundamental right, Equality, Right to live.

Introduction

Women have also made significant contributions to the educational, economic, social, and administrative systems. Many women joined men in the labour force. Women today are not inferior to men in any way. Although there are as many male workers as female workers, women continue to bear the brunt of a male-dominated society. Being a victim of the male-dominated society's mentality. As a result, sexual harassment of female employees at work by men is an example of such mentality. Saravanan, S. (2000)

Expressing its concern about sexual harassment of women at work, the Supreme Court has issued guidelines from time to time so that, in the absence of legislation, sexual harassment at work can be effectively controlled. The Supreme Court has clarified that the guidelines will have the force of law, in accordance with Article 32 and Article 141. They are presumed to be in force until a reasonable law is enacted. As in cases of sexual harassment, these guidelines will be strictly followed. Chauhan, S. (1997)

In India, media coverage of sexual harassment issues has grown significantly in recent years. Businesses must take proactive steps to establish zero-tolerance policies for sexual harassment in their workplaces, as well as ensure that complaints are reviewed quickly and confidentially, to ensure that every woman feels safe and secure at work. Bhattacharyya, R. (2014)

Scope of the Study

This research study investigates all aspects of sexual harassment at work in India. In order to achieve inclusive observation, an effort is made to examine the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, and determine how it relates to Indian society now. This research will look at all aspects of legislative and judicial interpretation of workplace sexual harassment laws and provisions.

Objective of the Study

- Research the procedures and policies that organisations use to deal with reported cases of sexual harassment.
- To look into how people perceive sexual harassment at work.
- To make recommendations on the most effective ways to prevent and address workplace sexual harassment.

Sexual Harassment of Women at Workplace

Sexual assault is a type of behaviour. It is considered a sexually inappropriate act. Sexual harassment in the workplace is a problem that affects almost every country, whether it is developed, developing, or underdeveloped. It is a problem that affects both men and women. It is more common, especially among women. Singh, T. (2016)

The term "sexual harassment" refers to unwanted sexual advances, requests for sexual favours, and other forms of sexual verbal or physical harassment. Sexual harassment is defined as unwanted sexual behaviour that causes a person to feel insulted, humiliated, or insecure. It can be done verbally, physically, or in writing. Pathak, A. (2015).

In *Vishakha v State of Rajasthan*, an NGO working for gender equality attempted to implement the rights guaranteed by Articles 14, 19, and 21 of the Constitution through public interest litigation. While deciding this case, the Supreme Court relied on the subject of international conventions ensuring gender equality and clarified that fundamentally, the right to act with dignity while being elected and ensuring the availability of gender equality is an inherent responsibility, as is the responsibility to ensure protection against sexual harassment. Mishra, E. (2013).

Sexual Harassment of Women at Workplace as a Problem

Sexual harassment is one of the most pressing issues that our women face today in a variety of settings. These types of incidents, which should be called "social problems," are rarely forgotten for more than a week.

It is a developing issue, and everyone is working hard to address it through new policies and initiatives. Each individual and each country define sexual harassment differently. In plain

English, sexual harassment is defined as any unwanted or inappropriate sexual attention. Physical contact, glances, remarks, or gestures are all examples. Akhtar, S. (2016).

It has also been reported that several cases of sexual harassment occur at work, but the victims are afraid to report the incidents to superiors or other appropriate authorities. They are afraid to report such people who commit such heinous crimes. The fear stems from a variety of factors, including a fear of their boss, a fear of potential social guilt, a fear of losing their job or being demoted, and a fear that it will harm their career by leaving a stain on their resume and making them unhireable. Some women are unaware of the specific criteria for sexual harassment and thus fail to report it.

Sexual harassment is a serious problem in schools, colleges, and other institutions, and it is becoming more common by the day. According to surveys conducted on college campuses, between 40% and 70% of respondents have experienced sexual harassment. Professors demanding sex in exchange for a good grade account for only 2% of all campus harassment incidents. Male and female students are typically involved. Chaudhuri, P. (2006).

Policies on Sexual Harassment at workplace

No woman shall be the target of sexual harassment at work, according to the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act of 2013. This necessitates that the company adopt and implement aggressive anti-sexual harassment measures. The most common type of intervention is prevention, which is typically interpreted as raising awareness through initiatives that businesses can use to discourage sexual harassment among their employees.

Section 13(a) of the Act's Rules requires the development and dissemination of an internal policy against sexual harassment with the goal of promoting safe spaces for women by addressing the root causes of a hostile work environment. In this case, it is critical that all businesses follow the procedures outlined in the aforementioned statute in order to prevent and resolve sexual harassment of women. According to this definition, a good policy is one that not only complies with the law but also addresses any areas where the law is silent and clearly states that the organisation has zero tolerance for sexual harassment in the workplace. Chadha, K., Steiner, L., & Guha, P. (2017).

Position of Women in India

There have been highs and lows in the advancement of women's status in India. Women have been revered in our society as goddesses of power, prosperity, and knowledge from the time of the Vedic civilization. Yet things were a little different in practice during the Epic period. When women were first married off, they had no concept of what a nuptial was. To educate them, they were not amused. It was unwanted for a female to be born into a family.

Throughout the age of civilization, sons were valued more than daughters since they were seen as a burden. Early in life, she was married off. The practice of sati, or forcing widows to pass away during their husband's cremation, involved this. It was believed that this sati ritual would elevate a woman to heaven.

But in India, the Middle Ages are viewed as a dismal time for women. According to legend, she had no will because at the time women were regarded as property. Another factor in the decline of women's freedom was invasions from foreign countries. As foreigners invaded India and attacked it, they carried their culture with them. For instance, the Muslim conquerors brought with them the polygamous practice, in which a Muslim man was permitted to have up to four wives at once. This practice has drawn a lot of criticism. In accordance with the 'purdah' tradition, women were also required to cover their entire bodies from head to toe. The freedom and mobility of a woman were affected by all of this. They were seen as a burden by their family who needed further protection. Throughout the Middle Ages, female mass suicide, or jauhar, was also practiced. Kapila, P. (2017).

Several social reforms that took place in modern India were good for the advancement of women as well. Begum of Bhopal ended the use of the Purdah system. The social reformer also stopped people from practicing sati. Mohommaden Anglo-Oriental College, now Aligarh Muslim University, was founded by Sir Syed Ahmed Khan to promote education within the Muslim community. Widows were also permitted to remarry. Sarpotdar, A. (2013).

Protection of Women under Constitution of India

Gender equality is explicitly stated in the Indian Constitution's Preamble, Fundamental Rights, Fundamental Duties, and Directive Principles. In addition to ensuring women's equality, the Constitution empowers the state to enact measures that positively discriminate in favour of

women. Our laws, development strategies, plans, and programmes have all been developed within the framework of a democratic polity with the goal of advancing women in a wide range of fields. Furthermore, by ratifying a number of international treaties and human rights instruments, India has committed to ensuring equal rights for women. Srivastava, S. C. (2004).

The preamble to the Indian Constitution seeks to ensure equality of position and opportunity for all citizens, including women, as well as social, economic, and political justice. It also promotes Indian fraternity and ensures the dignity of each individual, among other things. The Indian Constitution not only guarantees women's equality, but also empowers the state to take positive discriminatory measures in their favour to compensate for the accumulated socioeconomic, educational, and political disadvantages that women face. In addition to ensuring equality before the law and equal protection under the law, fundamental rights prohibit discrimination against any citizen on the basis of religion, race, caste, gender, or place of birth, and ensure that all citizens have equal employment opportunities. Bothra, N. (2014).

The Indian government has taken a number of steps to empower women. Sexual harassment flagrantly violates a woman's fundamental rights to equality under Articles 14 and 15, to life under Article 21, and to engage in any profession or conduct any business, including the right to a safe and harassment-free environment. Bhat, R. A., & Deshpande, A. (2017).

Impact on society

There are primarily two responses to harassment: one is often fear and rebellion, and the other is often depression and emotion suppression. The victims' anguish is widespread in both consequences. It depends on the individual handling it. In fact, in every case, the victim suffers because women are constantly taught to cover their faces and keep their voices down, especially in rural regions, and because the harsh reality of poverty forces them to remain in uncomfortable situations in order to appease society. Men are typically viewed as being tough and hardy, therefore when they raise their voices in this situation, it calls into question their manliness. Society disregards transgender people's needs and frequently injures their dignity. Pryor, J. B. (1995).

Since women are more susceptible to sexual harassment at work, it is miserable for them and challenging for the female who is worried to deal with the issue. Here, a person's mind

becomes clouded for a variety of reasons, including family, society, society, family, career, job, money, financial freedom, etc. Also, once a woman receives a mark, society tends to treat her as if she did something wrong. In numerous situations, women are asked to perform sexual favors in exchange for promotions or are even threatened with losing their jobs. The individual may experience such severe trauma that she even begins to exhibit physical and mental malfunction, which makes her perform superbly at work. But our culture does contain some fighters. Some females do resist. After experiencing repeated instances of sexual harassment, the fear of social judgment lessens; instead, these behaviours in-still hostility and courage to retaliate and teach the accuser a lesson. After a certain amount of tolerance, one feels as though they have nothing left to lose, but in actuality, this mentality regrettably makes women powerful and brave. Jennings, G., & Patiar, A. (2015).

The Me Too Movement

Women have been calling for equality for a very long time, but they continue to face prejudice in many areas and in all parts of society. But this applies to everyone; it is not just limited to women. Many demonstrations have already been held to call for justice for the women who have experienced discrimination, harassment, assault, and other forms of violence. Yet, things have generally not worked out for a variety of reasons, most notably a lack of strong evidence. In India, the influence of customs and traditions has created an environment where girls are tolerant in most situations for the good of society. As a result, in cases of sexual harassment, these women are denied justice because society appears to be oblivious to their plight and the mental suffering they are experiencing. Also, our law, which emphasizes proofs and evidence, is insensitive to the predicament of these victims because most harassment instances, particularly verbal and visual ones, are acclimated to the lack of materialistic proofs needed to substantiate the circumstances with codified laws. Yadav, M. (2007).

Provisions and laws

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and others have been passed into law to address this issue. These measures are also known as the Vishaka Guidelines. Yet, adjustments must be made to favor men and transgender people as well. The Transgender Bill NALSA guidelines—was passed in favor of laws

protecting transgender people, but it also introduced loopholes that violated their rights and left them without any protection from the law or means to resist injustice. Concern was expressed over the possibility that people may acquire gender certificates from the district magistrate designating them as transgender. The transgender community protested to this because of the humiliation they would endure during this process to receive the certificate. The punishment for crimes against people, which include forced or bonded labor, the misuse of public spaces, the removal of homes and entire villages, as well as physical, sexual, verbal, emotional, and financial abuse, is just six months to two years in prison. Because it is obvious in one act alone that the term of the punishment is so shorter, here is where the dignity of persons is violated and they are clearly treated unfairly in contrast to men and women. Senger, A. S. (2016).

Conclusion

Study concludes that women are currently entering the workforce in record numbers in India. In light of this trend, women's rights must be urgently respected, safeguarded, and upheld, particularly at work. The phrase "right to work" refers to the freedom from workplace sexual harassment. When sexual harassment occurs at work, it is a complicated issue. The consequences of sexual harassment at work extend far beyond the individual woman's satisfaction and include economic growth, social and family interactions, work force productivity, and a variety of other factors. Sexual harassment in the workplace is a serious problem that has received a lot of negative attention. However, India is a latecomer in making sexual harassment at work a criminal offence punishable by imprisonment and fines. Under-reporting of sexual harassment cases at work is a greater concern than people abusing the law, according to the grim reality. With the passage of the current legislation, there has been a paradigm shift in how employers are held accountable for their employees' violations of the law. Prior to the passage of this statute, there was no vicarious liability for sexual harassment in the workplace. The Indian government has monitored the implementation of the 2013 Act in government offices, but there is no system in place to ensure that it is carried out in the private sector. The harm caused by state indifference is unforgivable and irreversible. Sexual harassment is a common occurrence for women, particularly in the workplace. The vast majority of sexual harassment incidents are considered crimes.

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