

Sexual Harassment of Women: Violation of Right to Privacy

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Abstract

India is rapidly advancing with developmental goals; more and more women are joining the work force. The sexual harassment at workplace is gradually surfacing and women have begun to experience the intensity of its bite. Today sexual harassment at workplace is a serious problem which is assuming gigantic proportions with increasing participation of women in work¹. Sexual harassment not only hurts the physical body but also rips off the soul of women. Sexual harassment is defined as ‘unwelcomed sexual advances or conduct’. Forms of violence at workplace It includes touching, remarks, looking, attitudes, tones or the use of sexually explicit language, allusions to a person’s private life, references to sexual orientation, innuendos with sexual connotation, or remarks about dress or figure , or the persistent leering at a person or at part of his or her body. For instance, although a single incident can suffice, sexual harassment often consists of repeated, unwelcome, unreciprocated and imposed action which may have a devastating effect on the victim. Every woman has rights which no one can rob of her. Article 14 of the constitution speaks of equality before the law “The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India”. Govt. must not only refrain from violating the Human Rights of all women but also work actively to promote and protect these rights. The role of constitution in ensuring gender justice is being recognized in modern times. It is most appropriate that the supreme law of the land should meaningfully address the woman question and respond to the challenges by stimulating the whole legal system towards a greater concern for, and protection of women.

KEYWORDS: violence, Sexual, Harassment, women, Sexual harassment Act 2013,

Introduction

The fundamental rights and the directive principles are the humanistic principles by which the citizens of India may lead a comfortable life. The purpose of the constitution is to provide political, social and economic justice to the people of India. The part -III of constitution of India provides true justice to the people to maintain equilibrium among the citizens. The judiciary may adopt liberalistic approach in the interpretation of statues with a view to do the maximum justice to the people. Human Rights have been become a established reality since the establishment of the United Nation Organizations on 1945, which has its central concern, reaffirmed its faith in Fundamental Human Rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small².

¹ Yashpal Singh (2011) Revention of domestic violence against women: AN analytical approach, Indian Bar Review, Vol,XXXVIII (4), p.163

² Charter of the UN’s 2nd preamble paragraph

The Constitutionally guaranteed Fundamental Right is equality before the law and non-discrimination on the ground of sex has been used by the Supreme Court of India as well as the High Courts to ensure gender Justice to women³.

India is rapidly advancing with developmental goals; more and more women are joining the work force. In the development countries of the East, like India, with more and more influx of women into professions, which were conventionally and comparatively monopolized by men. The sexual harassment at workplace is gradually surfacing and women have begun to experience the intensity of its bite. The problem has become grave because labour market, as a result, women participation has registered both qualitative and quantitative change.

During the last few years, Sexual Harassment of working women has given an inclination of the horrible behavior patterns prevailing in the Indian society. In the name of progress and development, we are losing out our moral values. It is rather sad that while we celebrate women's right in all spheres, we show no concern for her honor and her dignity. It is a sorry reflection on the attitude of indifference of our society⁴ Justice Krishna Iyer point out⁵: Gender Justice, in the Indian context, whatever the resolutions in the constitution has yet to arm the women with the confidence that in this country she matters as a free partner at home, in public places and offices, in opportunities of economic pursuits and social status, in family rights and participation in state processes. Women have been greatly praised and honored in the literature and religion of our society. They have been called Devi & Shakti. Yet their actual position is made clear at the time they go out of house alone. Until now women have silently endured from sexual harassment at workplace, considering it to be a normal occupational hazard. The facts regarding sexual harassment are coming out in open.⁶ Dr Radhakrishnan says "the position of women in any society is a true index of its cultural and spiritual level" the Indian constitution guarantees equal status to women with that of man. It is unfortunate that most of the Indian women are not even aware of their fundamental right and equality of justice granted to them by the constitution. The following are few important provisions for women⁷:

- I. Article 14-Equal Right and opportunities in political, economic and social spheres.
- II. Article 15-prohibits discrimination on the grounds of sex.
- III. Article 15(3) - Enable affirmative discrimination in favor of women.
- IV. Article 39-Equal means of livelihood and equal pay for equal work.
- V. Article 42- Just and humane conditions of work and maternity relief.
- VI. Article 51(A) (e) - Fundamental duty to renounce practices, derogatory to the dignity of women.

What is sexual harassment?

India is rapidly advancing in its developmental goals and more and more women are joining the workforce. Today sexual harassment at workplace is a serious problem which is assuming gigantic proportions with increasing participation of

³ Shashi Bala(2011) Protection of women from Sexual harassment at work place, Indian Bar Review, Vol. XXXVIII(4) p. 168.

⁴ Dr. A.S. Anand, "Dynamics of Gender Justice" Social Welfare, Vol.47, NO 10 at 4(2001)

⁵ Dr. Manoj Kumar Sexual, Sexual Harassment of women at Workplace: Critique, CriLJ- Mar 2006.

⁶ Ibid.

⁷ The Constitutional Law of India, J.N Pandey, Central law Agency, 47th Edition 2010.

women in work⁸. Sexual harassment not only hurts the physical body but also rips off the soul of women. Sexual harassment is defined as ‘unwelcomed sexual advances or conduct’. Sexual harassment also includes animosity that is gender-based and a sexually charged work environment. In the work place, sexual harassment can come from the owner, supervisor, manager, leading person, foreperson, co-worker and/or customer. Sexual harassment is any kind of sexual behavior that is unwelcome and/or inappropriate for the work place. Sexual harassment can embrace verbal harassment (i.e. derogatory comments or dirty jokes under the right circumstances). Visual harassment (i.e. derogatory or embarrassing posters, cartoons, drawings etc.), physical harassment, and sexual favours (i.e. sexual advances, conformation with sexual demands)

W.H.O. has provided a comprehensive definition of sexual harassment. “Sexual harassment is any unwelcome sexual advance, requests for sexual favours or other verbal or physical conduct of a sexual nature, when it interferes with work, is made a condition of employment, or creates an intimidating, hostile, or offensive work environment. “However, sometimes sexual harassment does not restrict itself to the work place. Sexual harassment can come in many forms. Sexual harassment can also be found in schools.

Facts about sexual harassment:

Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive work environment. Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- ❖ The victim as well as the harasser may be a women or a man.
- ❖ The victim does not have to be of the opposite sex.
- ❖ The harasser can be the victim’s supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a nonemployee.
- ❖ The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- ❖ Unlawful sexual harassment may occur without economic injury or discharge of the victim.
- ❖ The harasser’s conduct must be unwelcome.

It is helpful for the victim to directly inform the harasser that the conduct is unwelcome and must stop. The victim should use any employer complaint mechanism or grievance system available.

Forms of violence at workplace:

It includes touching, remarks, looking, attitudes, tones or the use of sexually explicit language, allusions to a person’s private life, references to sexual orientation, innuendos with sexual connotation, or remarks about dress or figure , or the persistent leering at a person or at part of his or her body. For instance, although a single incident can suffice, sexual harassment often consists of repeated, unwelcome, unreciprocated and imposed action which may have a devastating effect on the victim⁹.

Types of Sexual Harassment:

⁸ Yashpal Singh (2011) Revention of domestic violence against women: AN analytical approach, Indian Bar Review, Vol,XXXVIII (4), p.163

⁹ <http://www.workplacebullyiing.com/>, last visiting 12th January 2014.

In legal terms, sexual harassment is any unwelcome sexual advance or conduct on the job that creates an intimidating, hostile or offensive working environment. Sexually harassing behaviors range from an offender making repeated offensive comments to showing pornography to sexual assault.

There are two types of sexual harassment at the work place. The first is one in which an employer offers a promotion or some type of similar trade in return for sexual favours. This is referred to as “quid pro-quo harassment.” The second type of harassment is one in which a “hostile work environment” is created. Such an environment includes any situation in which an employer, supervisor or co-worker engages in conduct that makes a co-worker feel uncomfortable because of his or her sex. The conduct must be offensive and unwanted by the victim. (These are informal definitions gleaned from informal conversations with lawyers).

Quid Pro-Quo Harassment:

In which sexual compliance is exchanged or proposed to be exchange, for an employment opportunity. In quid pro quo harassment employer offers job benefits such as promotion or salary increase or transfer to a particular place etc.,

The equal employment opportunity commission (EEOC) defines quid pro quo harassment¹⁰ as “unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature”, when

- i. Submission to such conduct is made either explicitly or implicitly on condition of an individual employment or
- ii. Submission to or rejection of such conduct by an individual is used as the basic for employment decisions affecting such individual (under title-VIII of the Civil Rights Act of 1964).

Quid pro-quo harassment is employers conduct that

- i. Conditions tangible job benefits on acquiescence to unwelcome sexual conduct or
- ii. Penalize an individual for refusing to participate in such conduct.

Hostile Work Environment Harassment or Abusive Work Environment Harassment:

In this type of harassment plaintiff is subject to a hostile intimidating or offensive work environment. The Equal employment opportunity commission defines this type of sexual harassment as “unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature”. When such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment; the environment that is hostile or abusive can be determined by looking the circumstances, which may include

- ❖ The frequency of the discriminatory conduct;
- ❖ Its severity;
- ❖ Whether mere offensive utterance;
- ❖ Whether it unreasonably interferes with an employees work performance; and
- ❖ Psychological well being of the employee.

Legal Provisions for women are as under:

¹⁰ Under title VII of the Civil Rights Act of 1964

- i. Factories Act 1948: Under this Act, a woman cannot be forced to work beyond 8 hours and prohibits employment of women except between 6 A.M. and 7 P.M. under no circumstances; she will be authorized to work between 10p.m and 5a.m Separate enclosed accommodation for men and women for toilet and washing (section19). Every factory, employing more than thirty women workers shall provide a crèche for the use of their children below six year of age (Section48 (1)). No woman shall be required to work in a factory for more than 9 hours in a day (Section56).
- ii. Maternity Benefit Act 1961: A Woman is entitled 12 weeks maternity leave with full wages. This act provides the following facilities to women to enable them to meet the challenges of motherhood-12weeks paid maternity leave , if she was worked in establishment for minimum period of 180 days in 12months immediately preceding the date of her expected delivery; out of 12 weeks, six weeks shall precede the delivery and six weeks will be after the delivery; she is also entitled to receive from her employer a medical bonus of 250/- , if prenatal and postnatal care has not been provided by the employer free of charge; in case miscarriage a woman shall be entitled to leave with wages of the rate of maternity benefit for a period of sex weeks immediately following day of her miscarriage, on production of proof of miscarriage; a woman suffering from illness arising out of pregnancy, delivery, premature birth of child, or miscarriage, shall also be entitled to paid leave for maximum period of one month, in additional to maternity leave; every woman, who returns to duty after delivery, shall be allowed two additional breaks for nursing the child unless the child attains the age of 15months; no employer shall willingly employ a woman in any establishment during the sex weeks immediately following the day of her delivery or miscarriage; During one month immediately preceding the period of sex weeks before the date of her delivery or during the period of sex weeks the pregnant woman does not avail of leave, she shall not be required to do any work which is of arduous nature or which involves long hours of standing or which in any way is likely to interfere with her pregnancy or the normal development of the fetus or is likely to cause her miscarriage or otherwise to adversely affect her health.
- iii. The Equal Remuneration Act of 1976: This act provides equal wages for equal work. It provides for the payment of equal wages to both men and women workers for the same work or work of similar nature. It also prohibits discrimination against women in the matter of recruitment.
- iv. Young person's Harmful Publications Act, 1956: section 3 prescribes penalty for sale of harmful publication.
- v. The Indecent Representation of Woman(Prohibition) Act, 1986 this act seeks to prohibit indecent representation of women through advertisements or in publications writings, paintings, figures or in any other manner and for matters connected therewith or incidental
- vi. Amendments to Criminal Law 1983, which provides for a punishment of 7 years in ordinary cases and 10 years for custodial rape cases.
- vii. 73rd and 74th Constitutional Amendment Act reserved 1/3rd seats in Panchayats and Urban Local Bodies for women.
- viii. The Indian Penal Code: section 354 prescribes penalty of imprisonment of either description up to two years or fine or both for assault or use of criminal force to woman with intent to outrage her modesty.
- ix. Section 509 prescribes penalty of simple imprisonment up to one year or five or both for word, gesture or act intended to insult the modesty of a woman
- x. The National Commission for Women Act, 1990: The Commission was set up in January, 1992 to review the Constitutional and legal safeguards for women.

- xi. The Protection of Human Rights Act, 1993.
- xii. Information Technology Act, 2000
- xiii. Section 67 punishes a person who publishes child pornography on the net.
- xiv. Protection of Women against Sexual Harassment at Workplace Bill, 2010: on November 4, 2010, the Government introduced protection of Women against Sexual Harassment at Workplace Bill, 2010, which aims at protecting the women at workplace not only to women employee but also to female clients, customer, students, and research scholars in colleges and universities patients in hospitals. The Bill was passed in Lok Sabha on 3.9.2012.

Amendments to the Indian Penal Code:

As a result of the growing importance of the issues relating to sexual harassment and protection of female employees in India, a new section¹¹ was added to the Indian Penal Code, 1860 through the Criminal Law (Amendment) Act, 2013¹², which enlists the acts which constitute the offence of sexual harassment and further envisages penalty/ punishment for such acts. A man committing an offence under this section is punishable with imprisonment, the term of which may range between 1-3 years or with fine or both. Since the amendment criminalizes all acts of sexual harassment, employers shall be required to report any offences of sexual harassment to the appropriate authorities.

In the absence of specific and comprehensive legislation, the courts in India specifically depend on their sections of the Indian Penal Code, namely, section 509, 294, and 354 for dealing with eve teasing and sexual harassment.

Section 294:

The section punishes doing of obscene acts or singing of obscene songs at public place, provided same causes annoyance to others. The section explains whoever, to the annoyance of others, (a) does any obscene act in any public place, or (b) sings, recites or utters any obscene songs, balled or words in or near any public place shall be punished with fine or with both.

Section 354:

Whoever assaults or uses criminal forces on any women, intending to outrage her modesty or knowing it likely that he will thereby outrage her modesty, shall be Punishable anyone who assaults or uses criminal force to women with the knowledge that the women modesty will be outraged. A woman's modesty has been held to be her sex whoever uses criminal force with intent to outrage it commits an offence under section 354.

For a change under this section, however, proof of intention is essential. The section explains whoever assaults or uses criminal force to any women intending to outrage or knowing it to be likely that he shall there by outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years or with fine, or with both.

Section 509:

The section Provides punishment for insulting the modesty of a woman, Law presumes them to be modest unless proved otherwise. The section reads: whoever, intending to insult the modesty of a woman utters any word, makes any sound or gesture or exhibits any object, intending that such word or sound shall be heard, or that such gesture or objective shall be seen by such woman, or intrudes upon the

¹¹ Section 354A, Indian Penal Code, 1860

¹² Published in the Official Gazette on April 2, 2013

privacy of such woman, shall be punished with simple imprisonment for term which may extend to one year, or with fine, or with both.

The goal of attaining equality and justice for women yet remains a distant dream for India. Apart from the predictable crimes against women, they continue to be exposed to sexual harassments at their respective place of work and irony is that despite the depravity it causes, the menace of sexual harassment goes unnoticed and least redressed. As has already been discussed, the guidelines in Visakha are followed in breach of substance *ad spirit* by state functionaries and all other concerned. As an outcome, women workers are still subjected to harassment through various legal and extra legal methods this impairing their confidence and dignity.

The present civil and criminal codes of the country do not adequately provide for specific protection of working women from sexual harassment. There is no distinctly formulated legislation in India to combat the evil. However, women who are sexually harassed at their work places can seek constitutional protection and such crimes can be dealt to some extent by the criminal law of our country.

Sexual harassment of women at work Act 2013:

Every woman has rights which no one can rob of her. Article 14 of the constitution speaks of equality before the law “The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India”. Every citizen of India in spite of religion, caste, creed and gender has the right to be treated equally in front of law.

The protection against sexual harassment and the right to work with dignity are universally recognized Human Rights by international conventions and instruments such as the Convention on the Elimination of all forms of Discrimination against Women.¹³ The Sexual Harassment of Women at Workplace which was brought in effect on December 9, 2013 was definitely the result of the public outrage against the Nirbhaya Case. The question regarding the safety of women at workplace came to the public with the protests against this case. The redress forum under the sexual harassment of women at work Act 2013 is an Internal Committee which is appointed by the Employer consisting of a Woman Senior employee, two other employees and a social worker; its mandatory that at least half the forum members should be women. Whenever such a committee is not functioning or the complaint is against the employer himself, a forum may be constituted by the District Magistrate, consisting of members from NGO's and Social Workers. When complaint is given by a worker, the forum will enquire into the matter and submit the report to the employer or District Magistrate, who will take the decision according to the report. When the offence is undoubtedly proved the punishment is as per the service rules of the employer and if no such rules exist it is as per the Act. The redress ranges from apology and withholding promotion to termination. But the Act is ineffective in a situation where the employer's service rules contain less stringent provisions.

Human Rights: A Socio- Legal perspective:

Human Rights have become an established reality since the establishment of the United Nation on 1945, which has as its central concern, reaffirmed its faith in Fundamental Human Rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small¹⁴. The expression

¹³ The Convention on the elimination of all forms of discrimination against women has been ratified on the 25th June, 1993 by the Government of India.

¹⁴ Charter of the UN's 2nd preamble paragraph

Human Rights denote all those rights which are inherent in our nature and without which we cannot live as human beings¹⁵.

The Human Rights of women and of the girl-child are the inalienable, integral and indivisible. The full and equal participation of women in political, civil, economic, social and cultural life at the national, regional and international levels and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community”, concluded the World Conference on Human Rights, 1993. In view of the indispensably pivotal role played by women in the spheres of family and society, the Human Rights affecting women in particular call for urgent and foremost attention in the interest of justice, equality and human dignity. In modern times the affirmation, protection and implementation of Human Rights has virtually become a sine-qua-non of a just and fair society, and these issues are neither confined to the area of international law nor are mere platitudes for the purpose of academic debates any more.

Human Rights of Women: Indian Scenario:

The Constitution of India confers a catena of rights upon women. Our revered Constitution-makers were well aware of the subordinate and backward position of women in our society. They therefore, made conscious efforts for improving the entire situation in favour of women. There is thus not only a fundamental right to equality conferred upon all, but also an unequivocal prohibition against discriminating only on the ground of sex.¹⁶ The State is also empowered to make special provisions in favour of women.¹⁷ There are other fundamental rights viz. Right to life, liberty and to constitutional remedies.¹⁸ Resorting to judicial activism, the Supreme Court has expanded the scope of ‘right to life’ to new horizons by reading many more rights into it as integral and essential part thereof. Thus, women also have fundamental right to human (read feminine) dignity,¹⁹ to privacy,²⁰ to health,²¹ to primary education,²² to free legal aid,²³ to speedy-trial²⁴ et al as adjuncts to right to life. The State is directed to provide for maternity relief to female workers under Art. 42 of the Constitution, whereas Art. 51-A declares it a fundamental duty of every Indian citizen to renounce practices derogatory to the dignity of women. Thus, the spirit of gender equality, dignity and justice pervades the entire framework of our Constitution.

The Indian Parliament has enacted the Protection of Human Rights Act 1993; Sec. 2(d) defines ‘‘human rights’’ to mean ‘the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India.’’

Recent Problems and Government Action:

The most serious hazard faced by the working class in the era of globalization is the increasing threat to job security. The informal sector is fast expanding, while the organized sector is shrinking. Contract, casual, temporary, part-time, piece-rated jobs and home based work are increasingly replacing permanent jobs. To circumvent

¹⁵ Teaching Human rights UN , Newyork, 1989.p.5

¹⁶ See, Art. 14, 15(1) Constitution of India.

¹⁷ Arr. 15(3), Constitution of India.

¹⁸ See, Arts.21,19 and 32, Constitution of India.

¹⁹ Francis Coralie v. Union Territory of Delhi (AIR) 1981 SC.746).

²⁰ Peoples Union for Civil Liberties v. Union of India (AIR 1997 SC 568).

²¹ Indian Council for Enviro –legal Action v, Union of India (1996)3 SCC 212.

²² J.P.Unnikrishnan v. State of Andhra Pradesh (AIR 1993 SC.2178)

²³ Kadra Pahadia v. State of Bihar (AIR1981 SC.939).

²⁴ Ibd.

resistance to amendments to labour laws and to give the employers the freedom to hire and fire workers, the governments of the day are resorting to various back door measures. The NDA government had introduced fixed term employment through an administrative order, which continues under the present UPA regime. Special Economic Zones, which are areas deemed to be outside our territory, are being opened in large numbers of throughout the country. While there is no explicit provision that labour laws would not be applied in these zones, in practice, even labour commissioners are not allowed inside these zones and workers are practically at the mercy of the employers. Neither the central nor the state governments intervene to protect the interests of the workers. The workers in the informal sector, a large number of who are women, have no job security. Work is often unskilled or low skilled and low paid. Availability of work is irregular; when work is available, they have to work for long hours. However the concerned governments choose to ignore this open flouting of the labour laws. The Factories Act, the Mines Act, the Dock workers Act ect, some of the laws, which contain provisions for regulating the health of the workers in an establishment.

The Employees State Insurance Act and the workmen's Compensation Act provide health benefits and compensation to the workers in cases of ill-health and injuries etc. But in the unorganized sector where the majority of women workers are concentrated, no safeguards are in place. Even in the organized sector, where these are applicable, safeguards are rarely provided for the workers, either male or female. Usually the safety devises are designed keeping the male workers in view and become unsuitable for women workers. Besides, the social aspects of work are not considered risk factors. As a result, more emphasis is given to work related accidents than to illnesses.

Human Rights and Fundamental Freedoms are the birth rights of all the human beings; their protection and promotion is the first responsibility of the Government. Equal rights of men and women are explicitly mentioned in the preamble to the Charter of the United Nations. All the major international Human Rights instruments include sex as one of the grounds upon which States must not discriminate. Govt. must not only refrain from violating the Human Rights of all women but also work actively to promote and protect these rights. The role of constitution in ensuring gender justice is being recognized in modern times. It is most appropriate that the supreme law of the land should meaningfully address the woman question and respond to the challenges by stimulating the whole legal system towards a greater concern for, and protection of women.

Since law is an effective weapon for bringing about socio-economic justice and Constitution has been so devised archive this objective, Parliament must enact a comprehensive law to prevent sexual harassment of women at workplaces. Law alone is not enough to root out this social evil. Society has to change its attitude so that women can come out and participate in public life without feeling threatened. Law cannot change a society overnight, but it can certainly ensure that the disadvantaged are not given a raw deal. However, the courts can certainly go beyond mere legality insulating women against injustice suffered due to biological and sociological factors. Indian judiciary has been very sensitive to women and women related issues. The apex court took special interest in discharging its legal and constitutional obligations and safeguarding the interests of women in changing situation and societal demands.

Several, laws have been enacted to improve women's social status, economic independence, political participation and professional growth. The Constitution of India, International Covenants including the Universal Declaration of Human Rights

provides most of the rights for empowerment of women. The Indian Penal Code made suitable provisions to deal with various offences relating to women. In Indian Criminal Law, Sexual Harassment of Women has not been enunciated as a judicial category of crime. It was only in 1997 that in the realm of Juridical interpretation the object 'Sexual Harassment of working women' (SHW) was named and defined in Vishakha. v. State of Rajasthan as follows.

Conclusion:

Sexual harassment is a hurdle for women's rights to work. Sexual harassment, where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs with the purpose or effect of violating dignity of the a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. The failure of many governmental policies for the protection of women may be one of the reasons. Lack of awareness within the judicial process and inadequate monitoring of the violation of the Human Rights of all women, coupled with the under representation of women in justice systems, insufficient information on existing rights and persistent attitude and practices perpetuate women's de-facto inequality. Lack of education, legal awareness superstitions among the women communities have yielded more harm than good. Patriarchal conditions, socio-cultural attitudes, economic dependence of women and obscene projection of women in media are the main reasons for sexual harassment of women at work place. Discrimination against women violates the principles of equality of rights and respect for human dignity, which results in sexual harassment of women at work place. The legal provisions made for the protection and development of women and it implementation are quite in adequate to meet the requirements of the women.

It is necessary to develop a humanistic approach to the women who are victims of crime. These may include rethinking of organizational procedures of police, courts, rescue homes etc. However, looking at the rising number of reported complaints of sexual harassment it is evident that the new law has at least served to improve awareness about the obligations of employers and rights of employees in case of workplace sexual harassment, Enhancing the awareness of employer and employees on the existence of different forms of sexual harassment at the workplace, relevant preventive measures and the applicable legal framework for preventing and addressing sexual harassment and enhancing training courses on sexual harassment and providing documentation or guidebooks on the prevention of sexual harassment at the work place.

References:

1. Rehanasikri "Women and Gender Exploration Harassment at Work Place".
2. Margaret.A " Thinking about gender harassment a guide for the perplexed.
3. Lawra.L.O "Gender Violence".
4. Margaret and Stoekdale "Gender harassment in the work place".
5. Pauline.B. Bart and Eileen Geil Moran "Violence against women"
6. P.R.Bashvathi "Violence against women" 2011.
7. Dr.S.R.Myneni ""Women and Law" 2014.
8. J.N.Panley "Constitutional Law of India" 2014.
9. Dr.warnalatha Sharma "Gender Discrimination and Human Rights"2013.
10. Manisha Mishra "Law on protection against Sexual Harassment of women at work places 2013.