
SEXUAL HARASSMENT OF WOMEN AT WORKPLACES- GENESIS AND EVOLUTION

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ABSTRACT

Violence against women remains a widespread violation of human rights across all regions and continues to be a major barrier to achieving gender equality. Throughout history, such violence has often been accepted, condoned, and even legitimized by law. Women have long been exploited, abused, and victimized in every society, regardless of advancements in science, technology, and other fields. Over the past century, the world has witnessed profound transformations through urbanization, industrialization, technological progress, and modernization. These changes have altered social values and prompted many women to step beyond the confines of the home, contributing to their family's income. Women's empowerment has now become an established reality in modern society. However, with these shifts, women entering the workforce have encountered new forms of mistreatment, from employers, supervisors, and colleagues, the most important being, sexual harassment ranging from inappropriate remarks and unwanted advances to outright sexual violence. Today, sexual harassment in the workplace is recognized globally as a form of gender discrimination, a type of violence against women, and a violation of human rights, as affirmed by numerous international bodies and conventions.

Despite its long history, the term "sexual harassment" only began to appear in public discourse in the mid-1970s, even though women have faced such abuse for as long as they have been part of the workforce. In the Indian context the concept of sexual harassment gained attention in the late 20th century. It was the case of *KPS Gill V. Rupan Deol Bajaj* in which a need was felt to reform the law so as to cater to cases of sexual harassment specifically. But, India's innovative history in tackling workplace sexual harassment actually began in 1997 with the Vishaka Guidelines given by the Supreme Court in *Vishaka V. Rajasthan* and afterwards the subsequent legislation on it has given critical visibility to the issue. The present paper will analyze the genesis and developments in the evolution of sexual harassment at the global level and in particular in India.

Keywords: Sexual Harassment, Working Women, Workplaces, Vishaka

Among all the divine creations, women stand apart for their beauty, grace, attraction, and charm. However, unfortunately, what is often perceived as a blessing has, in various ways, led to unforeseen vulnerabilities and become a curse for her. Historical narratives provide evidence that several violent conflicts for women led to the emergence and collapse of civilizations. The position of women has not changed, despite a number of socio-political and legal reforms. They continue to be widely exploited in one way or another, and crimes against them are still maintaining an upward trend¹. They are at a disadvantaged position due to gender differences and bias. Men often take advantage of their powerful physical abilities, leading to women being subjected to unreasonable customs and restrictions, leaving them in a position where their rights and dignity are contingent upon the will of men. In every region of the world, violence against women continues to be a pervasive violation of human rights and a significant impediment to achieving “gender equality”. It has taken both subtle and overt forms, with farreaching consequences on development. Historically, violence against women has often been accepted, condoned, and even authorized by law.² For instance, under Roman law, men were permitted to chastise their wives, even to the extent of causing death. Similarly, a legal doctrine, rooted in 18th century English Common law, allowed a man to discipline his wife with a stick no wider than his thumb. This rule for punishing wives continued to prevail in both England and America until the late nineteenth century.³ It was in 1868, the Supreme Court of North

Carolina in **State V. Rhodes**⁴ held, *“that the laws of this state do not recognize the right of the husband to whip his wife, but our courts will not interfere to punish a husband for moderate correction of his wife even if there had been no provocation for it.”* The husband in this case was allowed to go free by the trial court as he had used a small flexible rod thinner than his thumb to beat his wife.⁵

Throughout history, women have faced injustice at nearly every stage of life. They are subjected to every kind of abuse, torture, servitude, and rejection. Crimes against women are as old as human civilization and their subjugation by males has been throughout a matter of history. They have remained underprivileged due to systemic inequality and gender roles assigned to them by the patriarchal society. According to some historians, the history of

¹ Prabhat Chandra Tripathy, “Crimes Against Working Women”, 2000, p.241.

² Mary Dickson, “No Safe Place: Violence Against Women (script)”, PBS documentary, Ireland, Patricia, 1996.

³ Ibid.

⁴ State v. Rhodes, 61 N.C. 453 (N.C. 1868).

⁵ Ibid.

violence against women is closely linked to the idea that women are property and have a gender role requiring them to be subservient to males. Explanations often cite patriarchy and a global system or status quo in which gender inequality sustains and is reinforced to account for the extent, prevalence, and history of such violence.⁶ At present, it is widely acknowledged that violence against women occurs everywhere, and no nation, region, or culture in the world has fully ensured women's freedom from violence.⁷ They face discrimination from the moment they are born, or even before, and it lasts until their death.⁸ Owing to the inferior position accorded to women by the society, gender-based violence is normalized and legitimized by social sanction. Women have long been subjected to exploitation under patriarchal systems.⁹

A historical analysis of women in India shows that their status has undergone distinct phases of rise and decline. During the ancient Vedic age, women held a position of considerable respect and prominence. They had the right to education and access to property, but they still depended on men. The Vedic period marked a time when the status of women was relatively better compared to the periods that followed.¹⁰ The later Vedic era saw a deterioration in the status of women. Manus also said, "A woman is not entitled to independence, for the father protects her in childhood, the husband in her youth and the son in her old age." They were denied the right to inherit and own property. The medieval period witnessed further degradation in the status of women. Practices like female infanticide, child marriage and sati emerged as major social evils that adversely impacted their position in society.¹¹ They were treated as objects and secondary to men and violence against them in every possible form was prevalent.

In independent India, the status of women is regarded as highly significant, and continuous efforts are being undertaken to affirm the essential role they can play in uplifting themselves, their families, and society. The initial step was taken by the framers of the Indian Constitution by guaranteeing gender equality in matters of social, economic, and political spheres as a fundamental right to Indian women. The Constitution of India enunciated equality of status and opportunity, equal protection of laws and non-discrimination as fundamental rights. Ample legislations, coupled with the mandate of the Indian Constitution, provide an adequate

⁶ UN General Assembly, "In-depth study on all forms of violence against women, Report of the Secretary General." United Nations.

⁷ Ibid.

⁸ Shobha Saxena, "Crimes Against Women and Protection Laws", (Deep and Deep publications Pvt Ltd, New Delhi, 2008).

⁹ Dr. Subhash Chandra Singh, "Violence against Women: A Case against Patriarchy", CrLJ 2001.

¹⁰ D.N. Majumdar, "Races and Culture of India", Kalyani Publishers, 1999, p.251.

¹¹ Mishra, R. C. "Women in India: Towards Gender Equality", Authors Press, New Delhi, 2006.

framework for delivering gender specific justice. The Indian Parliament has also enacted numerous legislations to eradicate discrimination against women. Yet, the harsh reality is that countless women still endure various forms of atrocities such as sexual harassment, dowryrelated violence, rape, and oppression.

The traditional patriarchal culture, in which men are regarded as the superior gender and primary providers for the family, while women are marginalised as the primary caregivers of the home, continues to exist in many societies, including Indian society. Women have not only been relegated to subordinate positions, but have also been objectified for pleasure and male gratification. Regardless of their advancements in science, technology, and other fields, they have consistently been exposed to exploitation, abuse and victimization at the hands of all societies.

A study from **2002** estimated that, “At least one in five women in the world had been physically or sexually abused by a man sometime in their lifetime, and that gender-based violence accounts for as much death and ill-health in women aged 15–44 years as cancer, and is a greater cause of ill-health than malaria and traffic accidents combined.”¹² A **WHO** study done in **2021** shows that, “Violence against women remains devastatingly pervasive and starts alarmingly young. Across their lifetime, 1 in 3 women, around 736 million globally are subjected to physical or sexual violence by an intimate partner or sexual violence from a non-partner, a number that has remained largely unchanged over the past decade.”¹³ **National Crime Records Bureau** in its annual report of **2022** revealed a 4% increase in cases of crimes against women in 2022 as compared to 2021 with nearly 4,45,256 cases and 51 FIR’s every hour. A significant proportion of crimes against women involved cruelty by husband or his relatives (31.4%), followed by incidents of kidnapping and abduction (19.2%), assault intended to outrage modesty (18.7%), and rape (7.1%).¹⁴

However, it cannot be denied that the outlook of the societies around the globe has undergone a definite change, and women’s empowerment in various spheres of life is now an accepted reality in the contemporary world order. As a consequence of this changed outlook, women

¹² Venis, Sarah; Horton, Richard (April 2002). "Violence Against Women: A Global Burden". The Lancet 359 (9313):1172. doi:10.1016/S0140-6736(02)08251-X.

¹³ Devastatingly pervasive: 1 in 3 women globally experience sexual violence, WHO Joint News Release, 9 March 2021, Geneva, New York, Available at <https://www.who.int/news/item/09-03-2021-devastatinglypervasive-1-in-3-women-globally-experience-violence>.

¹⁴ Crime in India 2022, Volume 1, National Crime Records Bureau (Ministry of Home Affairs), Government of India.

have started stepping out of their doors and looking for suitable jobs to gain economic independence. Moreover, during the last hundred years or so, the world has undergone drastic changes in different fields of life, including urbanization, industrialization, technological revolution, modernization, etc. This has resulted in bringing tremendous changes in the outlook of the people towards maintaining high standards of life, irrespective of the means and sources of income. The values of life have changed, and this has necessitated the female partners in the familial setup to move out of the four walls of the home and supplement the income of the family with their earnings. The result is that women have to work with men in different areas, which has brought more suffering for them. Thus, with the changing social dynamics and influence of market forces, women are emerging in a new role of working class women and with this stepping out of their homes, they encountered a new type of harassment, violence and victimization by employers, superiors, and colleagues and the most important being what came to be known as sexual harassment, encompassing everything from sexual remarks, non-violent sexual behaviour to violent sexual acts.

Sexual harassment generally is described as, “Unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature when: 1) submission to such conduct is made a term or condition of employment or participating in educational programs or 2) submission to or rejection of such conduct is used as a basis for employment or academic decisions affecting the individual or 3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or student's academic performance creating an intimidating, hostile, or offensive working environment.”¹⁵ It is an unwanted, inappropriate, harmful, and abusive behaviour with a sexual overtone. It has adverse effects on women, organizations, and society at large.

At the global level, the term ‘Sexual Harassment’ was coined in middle of 1970’s when “**Working Women United Institute**”, a women’s rights organization used the term for the first time in connection with one of the first reported cases of **Carmita Wood**, working as secretary of a department in Cornell University, who sought unemployment compensation after leaving a job due to sexual advances of her superior, a prominent professor. In order to give publicity to Wood’s case, Working Women United organized a “*Speak Out*” to let other women share

¹⁵ Retrieved from <http://fhdafiles.fhda.edu/downloads/diversity/Def.ofSexualHar.pdf>, accessed on 09 June 2022.

their experiences of sexual harassment at the workplace.¹⁶ At a hearing, Cornell instructor, **Lin Farley**, one of the key organizers of Working Women United, used the term "sexual harassment". The New York Times reported the hearing, which helped introduce sexual harassment into the national terminology.¹⁷ Though, as rightly said by **Goodman (1981)**, sexual harassment of women has existed since the time they have worked outside the home. It can be traced back to the time when women first started trading their labour in the marketplace. For example, as early as 1908, **Harper's Bazaar**, an American fashion magazine published stories highlighting the widespread and extensive harassment of women who had migrated to cities in search of work.¹⁸ Goodman further points out that in many of the early cases of sexual harassment, the plaintiffs were dismissed from their positions (*Tomkins v. PSE & G Co. 1977*; *Williams v. Saxbe 1981*; *Miller v. Bank of America 1979*).¹⁹

The issue of sexual harassment was brought to public attention through the work of two prominent authors, **Lin Farley** and **Catharine MacKinnon**. Farley's book, titled "**Sexual Shakedown: The Sexual Harassment of Women on the Job**",²⁰ aimed at raising public awareness of sexual harassment for the first time. Using testimonies from the 1975 speak-out, newspaper articles, court documents, surveys, and in-person interviews, Farley documented women's experiences of sexual harassment in both conventional and unconventional occupations. She talked about the prevalence of sexual harassment and its financial effects while specifically quoting women who were sexually harassed. Farley also discussed alternative strategies and legal remedies to curb sexual harassment, consistently highlighting her belief that sexual harassment is primarily rooted in patriarchal structures.²¹ Shortly thereafter, in 1979, Catharine MacKinnon's book titled "**Sexual Harassment of Working**

Women; A case of sex discrimination"²² proposed a legal framework for addressing sexual harassment and compensating the victims. MacKinnon argued that sexual harassment

¹⁶ ILR School Extension Division Metropolitan District Office (New York, N.Y.), Working Women United Institute Records #/4354/003. Kheel Center for Labor-Management Documentation and Archives, Cornell University Library.

¹⁷ The depressingly long history of sexual harassment". The Week, 27 November 2017.

¹⁸ Louise f. Fitzgerald et.al, "The Incidence and Dimensions of Sexual Harassment in Academia and the Workplace", Journal of Vocational Behaviour 32, 152-175 (1988).

¹⁹ Ibid.

²⁰ Lin Farley, 'Sexual Shakedown: The Sexual Harassment of Women on the Job' (New York: Warner Books, 1980).

²¹ Ibid.

²² Catharine A. MacKinnon, Sexual Harassment of Working Women, A case of sex discrimination (New Haven, Conn.: Yale University Press, 1979).

predominantly affects women, occurs rarely in case of men, and therefore should be recognized as a form of sex discrimination. This would extend to victims the same legal protection already granted to victims of sexual discrimination.²³ MacKinnon, a lawyer and legal scholar, is widely known as the '*pioneer of sexual harassment activism*' in the United States. She has been called the "*prime architect of sexual harassment jurisprudence*" and is credited with bringing forward and popularizing the notion that sexual harassment is a form of sex discrimination and therefore violates Title VII of the U.S. Civil Rights Act, 1964, which prohibits discrimination on basis of race, color, sex etc.²⁴ As noted by a scholar, "*rarely has an author been as closely identified with a new cause of action as Catharine MacKinnon has been with sexual harassment.*"²⁵ Soon after this, **Equal Employment Opportunity Commission (EEOC)**, the agency in charge of enforcing the Civil Rights Act established guidelines in 1980 consistent with Mackinnon's position declaring that sex-based intimidation at work or fostering a hostile work environment is unlawful under Title VII of the Act and numerous cases started reaching the courts of United States.²⁶ This was the time sexual harassment of women at workplaces started getting recognition as a distinct type of offence and discrimination against women at the regional and as well as international level.

In the Indian context, it was during the 1990s the concept of sexual harassment of women started coming into the public domain. Prior to 1997, there was no provision or law directly dealing with sexual harassment. Women who faced sexual harassment at the workplace had to file complaints under **Section 354** of the Indian Penal Code (IPC)²⁷, which relates to assault on a woman with the intent to outrage her modesty and **Section 509** IPC, which penalizes a person for words, gestures or acts meant to insult the modesty of a woman. However, these sections left the interpretation of 'outraging a woman's modesty' to the discretion of the investigating police officers. The victims of sexual harassment were left helpless, dependent on the regular litigation process that is full of loopholes, undue delays and high expenses, in addition to

²³ Ibid.

²⁴ Baker, Carrie N., "The Emergence of Organized Feminist Resistance to Sexual Harassment in the United States in the 1970s" (2007). Study of Women and Gender: Faculty Publications, Smith College, Northampton, MA.

²⁵ Ibid.

²⁶ Document 34: EEOC Guidelines on Sexual Harassment, 45 Federal Register 74676 (10 November 1980), codified in 29 C.F.R. §1604.11, by U.S. Equal Employment Opportunity Commission, Washington, DC. Included in How Did Diverse Activists in the Second Wave of the Women's Movement Shape Emerging Public Policy on Sexual Harassment?, by Carrie N. Baker. (Binghamton, NY: State University of New York at Binghamton, 2005).

²⁷ Indian Penal Code, No. 45 of 1860 (repealed 2023), replaced by the Bharatiya Nyaya Sanhita, No. 45 of 2023, Gazette of India, Extraordinary, pt. II sec. 1 (Aug. 11, 2023).

humiliation. It was in the high-profile case of **Rupan Deol Bajaj V. Kanwar Pal Singh Gill**²⁸, also known as “*Butt-slapping case*”, involving sexual harassment of an IAS officer by a retired DGP, that recourse to Sections 354 and 509 IPC was taken, and the gap in law became apparent, showing the need for reforms in law to include sexual harassment. This resort to the above provisions of the IPC was found insufficient to hold the accused guilty of sexual harassment. After a long and arduous struggle, the final decision was passed in 2005, and the accused was held guilty under Sections 509 and 354 of IPC, reacting to which Mrs. Bajaj said, *‘How I wish the Guidelines against sexual harassment issued by the Supreme Court in the Vishakha judgment in 1997 had been available in 1988. A lifetime goes by when one has to fight singlehandedly against a system and societal mindset on gender-based issues, deeply ingrained in the minds of not only the Executive but also the Judiciary, who all suffer from age-old attitudes adopted by society towards women. It took me 17 years to get justice.’*²⁹

Following this incident, campaigns against particular instances of student sexual harassment were started by Delhi-based organizations as well as by a number of colleges and universities, calling for a policy on sexual harassment of women at the workplaces.³⁰ Around the same time, the rape of a social worker Bhanwari Devi who tried to stop a child marriage as part of her duties gained public attention and the landmark public interest litigation **Vishaka & Ors V. State of Rajasthan**³¹ was filed. This case revealed the harm to which millions of working women are exposed. It also demonstrated how grave the consequences could be if nothing is done to prevent sexually offensive behaviour at work. It was in this case that sexual harassment was first time recognized and defined as a separate category of crime. Besides, detailed guidelines were formulated for the prevention and redress of sexual harassment of women at workplaces.³²

Post Vishaka, in subsequent years, many cases of sexual harassment at work came to light, still no law was passed on the issue. Then, in 2012, in the wake of the brutal assault, gangrape and murder of a physiotherapy intern in Delhi, popularly known as the **Nirbhaya Rape Case**³³ and owing to the media outcry that followed, the long- pending bill on sexual harassment of women

²⁸ Rupan Deol Bajaj & Anr V. Kanwar Pal Singh Gill, 1995 SCC (6) 194.

²⁹ Rupan Deol Bajaj, It took me more than 17 years to get justice?, Hindustan Times, July 30, 2006.

³⁰ Shobha Saxena, Sexual Harassment of Women and Protective laws, Deep and Deep publications Pvt Ltd, New Delhi, 2008) p.225.

³¹ Vishaka & Ors V. State of Rajasthan, AIR 1997 SC 3011.

³² Ibid.

³³ Mukesh & Anr. V. State for NCT of Delhi & Ors. AIR 2017 SC 2161.

at workplaces was passed. Criminal law was also amended to cater to cases of sexual harassment, but the harsh reality is that almost 28 years after India got its first guidelines to prevent sexual harassment in the workplace and 11 years after the government enacted a law for it, women in both formal and informal sectors continue to face sexual harassment.

Indian society is undergoing a rapid social transition, with women entering the workforce even in fields that were previously thought to be exclusively men's domain. Stresses among the genders are to be expected in a patriarchal society to which most of our population belongs. Although the Indian Constitution contains provisions for raising the status of women, giving them equality, freedom, and dignity, and has been in effect for more than 75 years, Indian women still wear a pathetic look, and rising crime rates against them raise questions about whether or not women's status has improved. As per the **Women, Peace and Security Index 2023** released by **Georgetown Institute for Women, Peace and Security**, India ranks 128 out of 177 countries in terms of women's inclusion, justice, and security.³⁴

According to **National Crime Records Bureau** report, complaints registered with National Commission on Women under the category sexual harassment of women including that at workplaces in the year **2016** is **539** in **2017** it is **570** and in **2018** it has risen to **965**.³⁵ In **2019**, **National Commission on Women (NCW)** maintained separate category of complaints of sexual harassment of women at workplace where 29 cases were registered in just a month.³⁶ On the online complaint portal (**SHe-Box**)³⁷ developed by the Ministry of Women and Child Development, a total of **708** complaints of sexual harassment at workplaces have been registered, out of which **330** have been disposed of till December 2021. The data shows that there are eight complaints from **Jammu and Kashmir** also.³⁸ As per the NCRB reports, the victim count for workplace sexual harassment against women has increased from **402** in **2018**

³⁴ Georgetown Institute for Women, Peace and Security and Peace Research Institute Oslo. 2023. Women, Peace, and Security Index 2023/24: Tracking sustainable peace through inclusion, justice, and security for women. Washington, DC: GIWPS and PRIO.

³⁵ Press Information Bureau, Government of India, Ministry of Women and Child Development Report (retrieved from <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1563588>).

³⁶ Ibid.

³⁷ The Sexual Harassment electronic Box (SHe-Box) is an effort of GoI to provide a single window access to every woman, irrespective of her work status, whether working in organised or unorganised, private or public sector, to facilitate the registration of complaint related to sexual harassment. Any woman facing sexual harassment at workplace can register their complaint through this portal. Once a complaint is submitted to the 'SHe-Box', it will be directly sent to the concerned authority having jurisdiction to take action into the matter.

³⁸ Complaints under She-box, Ministry of Child and Women Development, PIB Delhi, December 2021, Available at <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1782644>, accessed on 30 July 2022.

to 422 in 2022.³⁹ This is cause for concern because it is well-established that women underreport crimes against them due to fear of repercussions, inadequate awareness, victim-blaming, and societal biases.

A survey done in ⁴⁰2022 by the **Women's Indian Chamber of Commerce and Industry's (WICCI) Council of Ethics** in which 1101 females participated found that 50 percent and 55 percent of respondents respectively stated that they experienced "*physical contact or advances*" or "*inappropriate touching*" involving at least one instance of pinching, patting, rubbing, or intentionally brushing up against someone at work. Of those who experienced such incidents, 55.2% chose not to complaint.⁴⁰

It is a sad state of affairs that, all over India, there have been cases of sexual harassment involving ministers, CEO's, judges, and even the chief justices. The gravity of the offence can be gauged by the event of 2019 where a junior assistant alleged sexual harassment at the hands of the Chief Justice of India.⁴¹ Another significant incident that emerged a few years ago was the case of the former Minister of State for External Affairs, **M.J. Akbar**, who was accused by a journalist of sexually harassing her during a job interview. This case attracted a huge audience, since the minister was alleged to have caused and was accused with sexual abuse of at least 10 senior news correspondents.⁴²

The case of IAS Rani Nagar's resignation in 2020, citing personal safety as the reason for resigning, also exemplifies how women are still oppressed in our society, even while holding a high-ranking position. Earlier, she had accused her senior of sexually harassing her.⁴³ Similarly, the stepping down of an Additional District and Sessions Judge in Gwalior to protect her honour came as a shock to many. According to reports, in her complaint to the then Chief Justice of India, R.M. Lodha, and Chief Justice of the Madhya Pradesh High Court, she alleged that an administrative judge from the Gwalior bench of the Madhya Pradesh High Court wanted her

³⁹ Crime in India 2022, Volume 1, National Crime Records Bureau (Ministry of Home Affairs, Government of India).

⁴⁰ 55% women did not file complaint against sexual harassment: WICCI Council of Ethics Survey, May 12, 2022. Available at <https://www.businessmanager.in/55-women-did-not-file-complaint-against-sexualharassment-wicci-council-of-ethics-survey/>.

⁴¹ Former Supreme Court Employee Alleges Sexual Harassment by Chief Justice Gogoi, The Wire, 22 April, 2019 <https://thewire.in/women/former-supreme-court-employee-alleges-sexual-harassment-by-chiefjustice-gogoi>

⁴² MeToo: Here's what 11 women journalists have accused MJ Akbar of, India Today, Oct 14, 2018.

⁴³ Haryana cadre IAS officer resigns, cites personal safety on govt. duty' as reason, The Indian Express, May 4, 2020.

to visit his bungalow alone. The judge reportedly had even sent her a message through the district registrar to dance to an item song at a party at his house. Though incidents of sexual harassment in the legal field rarely garner media attention, this doesn't reflect the ground reality. Women judges and lawyers, who are otherwise deemed to be in charge of safeguarding the rights of common people, are equally vulnerable and unsafe at their workplaces as their counterparts in other professions.⁴⁴ The plight can be ascertained by the case of a female judge of the Uttar Pradesh High Court, who has reportedly not been able to save herself and effectively combat her harassment at the hands of the district judge and some other colleagues of the same court. On **14th of December, 2023**, in a letter to the Chief Justice of India, the judge sought permission to take her own life.⁴⁵

The infamous **Nirbhaya rape case** of 2012⁴⁶ stood out as a defining moment in India, igniting massive public outrage and bringing the safety of women to the forefront of national attention. Since the sexual harassment of women was raising its ugly head and assumed dangerous proportions, the Parliament of India gave assent to the long pending Bill regarding sexual harassment and enacted a legislation based on the judgement given by the Supreme Court in

Vishaka & Ors. v. State of Rajasthan⁴⁷, known as '**The Sexual Harassment of Women at Workplace (Prevention Prohibition And Redressal) Act, 2013**' to curb, control, and prevent this phenomenon which has embedded deep into the fabric of the society and to provide a secure environment to women at workplaces. Owing to the serious implications of the growing menace of sexual harassment, the Indian criminal law was also amended in 2013 to address evolving societal challenges and ensure the safety of women.

Despite having a legal framework for curbing this menace, the government appears to have failed to implement the same, as the evil is on the increase and women are being abused with alarming regularity. The most recent example being the heinous, brutal, and heart-wrenching rape and murder of a PG doctor intern at RG Kar Medical College on 9th August, 2024. This reflects yet another instance of a woman being brutalized, in what appears to have become a disturbing norm in India. While the crime occurred at a workplace, making it a workplace safety issue, it fundamentally is a horrific case of sexual violence at the workplace. Following

⁴⁴ Ms. X v. Registrar General, High Court Of Madhya Pradesh, 2022 SCC OnLine SC 17.

⁴⁵ Utkarsh Anand, CJI Chandrachud seeks report on allegations of sexual harassment by UP judge after she seeks permission to end life, Hindustan Times, December 15, 2023.

⁴⁶ Mukesh & Anr. v. State for NCT of Delhi & Ors., (2017) 6 SCC 1.

⁴⁷ Vishaka & Ors. v. State of Rajasthan (1997)6SCC 241.

this incident, there has been a demand for a separate law for the safety of healthcare workers, which is not the solution. This is not to suggest that it is ever acceptable to tolerate violence against healthcare professionals. However, advocating for a separate law to protect healthcare workers risks overlooking and diverting attention from the inadequate implementation of existing legal frameworks and undermines the push for institutional accountability.⁴⁸

There have been some encouraging changes in recent years that have enabled and empowered women to speak up about their issues and end their silent suffering. There is no doubt that sexual harassment can not be curbed easily as it is an age-old phenomenon having deep roots in patriarchy and male dominance. It will take time, provided strenuous, continuous and rigorous efforts are put in. Although it can not be denied that the empowerment measures designed for women have provided respite to a large number of women and also resulted in a mindset change to some extent, a lot more needs to be done, as on one side, if reporting is increasing, the cases too are on an increase. It is imperative to address the issue holistically. To bring about further change, there should be conferences, seminars, and training on addressing sexual harassment in the workplace. It should be talked about more and more, so that women feel comfortable speaking about it, as it is an established fact that social stigma is the most prominent cause of non-reporting. Typically, seminars or awareness programmes on sexual harassment are conducted in formal, high-profile academic or administrative settings. As a result, lower-tier employees, such as support staff, contractual workers, and non-teaching personnel, as well as illiterate or semi-literate working women, are often excluded from participation. This creates a significant gap in awareness and accessibility, defeating the purpose of inclusive sensitization efforts. Moreover, extensive studies also play a significant role in generating awareness, not only through findings but also during the process of fieldwork.

The loopholes in the act need to be minimised if not eradicated wholly. More studies should be conducted, and innovative ideas like the She-box and Saksham need to be thought of. We cannot simply sit back and wait to see what existing laws and reforms can accomplish.

Sexual Harassment is a hazard encountered in workplaces worldwide that reduces the standard

⁴⁸ Anima Anjuri, Harshda Bargal, Vivek Divan, R G Kar case is not about violence against a healthcare worker, it is violence against a woman, *The Indian Express*, Express Opinion, Aug 31, 2024.

of work life, undermines gender equality, and jeopardizes the well-being of women.⁴⁹ Workplace sexual harassment is considered a barrier towards the goal of ensuring decent working conditions for workers.⁵⁰ It is a serious threat to safety of women workers and compromises their right to work with dignity in professional environments.⁵¹ This offence is a clear manifestation of gender inequality, violation of human rights, and injustice. It is incompatible with the principles of dignity, gender equity and respect for women.

⁴⁹ Dattopant Thengadi, 'Sexual Harassment at Workplace', National Board for Workers Education & Development, Ministry of Labour & Employment, Govt. of India.

⁵⁰ Sexual Harassment at Work (National and International Response), Dierdre Mc Cann, International Labour Office, Geneva, 2005.

⁵¹ Alok Bhasin, Sexual Harassment At Workplace, Lucknow, EBC, 2015.