CHAPTER-I

INTRODUCTION
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In different parts of the globe women are recognized by their ability, virtue and movements. They are said to be in the midst of a great revolution. In the present social setup where females are trying hard to get jobs for becoming financially independent and also are trying to lead a dignified life, a hostile environment at the workplace created by the boss or the fellow colleagues is sufficient to attract the attention of any concerned individual. It violates the concept of equality between men and women and most least of all the violation of Human Rights between them. " In ancient Greek civilization there were also demand of equality in government for women. In ancient Egypt, women entered banking, became moneylenders and heads of the business. Women in the west also fought for over a century to get some of their basic rights and watched out for any case of infringement of the right of equality " 1. Even as the Constitutional obligation of sociologists and women activists find real empowerment in the hands of a select few saying it is a long struggled end. Apart from the gender identity, women also have crisscrossing identities based on all the other Indian social diversities of language, religion, caste, tribe, place of origin and their class. Women often remain misunderstood, unlike the west where the gender remains an important component of their identity. They are equally competing in almost all spheres of work and power and are equally achieving the set goals. Culture, economy may be barriers to women in certain parts of the globe; still women are struggling ahead with great conviction and confidence to keep themselves on par with their counterparts in every affair.

Issues of gender equality are moving to the top of the global agenda but better understanding of women's and men's contribution to the society is essential to speed the shift from agenda to policy to practice. One of the most significant features of the last century is the rise of the women
movements. In the last few decades, awareness about the oppression of women became acute the world over and a universal quest began for ways to end inequality and injustice. Different women's movements have resulted in various women issues becoming mainstream in society. The movement is not homogenous and with varying perspectives, and approaches the working styles within the movements. However they all agree on the reality of the suppressed status of women. The major questions, which were raised in the early days, pertained to women education, religion customs, social beliefs and superstitions. In the first decades of the 20th century, women took the lead in the social reform campaigns. The last decade of the last century has seen a growing recognition of women's rights and as an integral and indivisible part of universal human right. Women, for fair play and injustice in India face a very special obstacle – tradition. Too often women and men live in different worlds, the world that differs in access to education and work opportunities, and in health, personal security and leisure time. This has also witnessed the emergence of a strong movement for women's empowerment all over the world. The second half of the last century have also been momentous ones for India, for not only India got independence but also witnessed the country launching a series of development plans, which include women's development. Despite these, planned physical violence and criminal assault, on women have become so routine that one just reads the reports in papers and dismisses them at any moment. As such the aim of the study is to investigate the incidence of atrocities on women. But since the scope of the topic is very first. I have chosen the sexual harassment in workplaces in India as my aim of the study along with the various dynamics that is involved in it. At the end a few suggestions that have emerged out of this have been given.
1.1. IDENTIFICATION OF PROBLEMS:

Violence against women emerges as a truly universal issue, crossing cultural, geographical, racial, class, religious and ethnic boundaries. Existing laws in many countries offer only limited protection for women ³.

In lay terms, any kind of unwanted verbal or physical, sexual attention on a woman or intimidating or harming her amounts to sexual harassment. This covers the journey from female infanticide and neglecting the girl child, to abuse and rape. Job opportunities for women have generally been confined to certain areas. Majorities of them receive low wages than men for equal work and drop in and out of labor forces because of child bearing and rearing responsibilities. Call it eve teasing, sexual harassment, sexual exploitation, atrocities to women, gender crimes, it has many names. The time has changed but not the crime. The same offences, the same attitude remain, the same refusal to recognize the magnitude of the problem. Even the causes like evil influence of TV, western culture, capitalism, Hindi and English movies and so on and infinitive continue to be the same.

The crimes against women have been more frequently reported since late 1960 and early 1970s ⁴. An analysis of the Crime in India reports reveals that up to 1991 the classification of offences such as murder, homicide, and cheating did not document specific crimes against women apart from rape and kidnapping. The laws related to sexual harassment, sections 354 and 509, were subsumed under the category of other IPC related crimes. Hence the statistics were not produced separately in the absence of such a classificatory grid, thereby indicating that harassment of women was not yet viewed as a serious crime. Tied to this was the allocation of resources in its management, redressal or prevation. In 1992, however, a chapter on Crimes against Women was added to the Crime in India report to cope with the
continuous demand for data on the burning issue of crimes against women' (Crimes in India 1994).

Thus in 1992, the semantic category of Crimes against Women was coined and a new set of classificatory practices operationalised to generate data to cope with the demands thrown up by challenges from the women's status discourses. This shift was significant in that it distinguished general criminality from crimes specifically against women that violate their rights. This new category was now to act as an index of the status of women.

The report listed the following crimes against women as enunciated in the Indian Penal Code 1860, Rape (376 IPC), kidnapping or abduction for different purpose (363 - 369 IPC) homicide for dowry, dowry deaths or their attempts (302/304 - IPC); torture, punishment for subjecting a married women to cruelty (498 A IPC); outraging modesty, molestation (354 IPC), and eve teasing (509 IPC). But the reality is something alarming with regard to atrocities meted to the women in India the crime figures from 1989 – 1995 shows that the rate of violence against women is increasing rapidly. It increased from 67,079 in 1989 to 1,06,471 in 1995 under different crime heads.

According to 1998 National Crime Records Bureau, report noted an increase of 8.3 per cent and 4.8 per cent over the year 1997 and 1996 respectively in crime against women. In absolute number, an increase if 10,073 cases was reported at the all India level in 1998 over in 1997. According to recent report, during the year 2000 up to September 30, 2000, 350 rape cases have been reported only in Delhi.

This is a sad reflection on the attitude of indifference of the society towards the violation of human dignity of the victims of sex crimes. The crime is not only a violation of victim's privacy but also causes serious psychological disorders and physical harm.
As such it becomes an imperative on my part to reflect being a woman to study the atrocities particularly the sexual violence, that too sexual violence in workplaces. This is an emerging concept in the Indian scenario and probably is the least researched one.

**Sexual Violence -**

The Indian Penal Code deals with the various sexual offences against women in section 376 A, B, C, D, and 509. Of these offences, rape is the most brutal, which violates not only the body of women but mind in more than one way. Section 375 defines the statutory offences of rape. Where there is a sexual intercourse with a woman first, against her will. Secondly without her consent, thirdly with her consent obtained by putting her in fear of death or hurt, fourthly with her consent. The explanation to section 376 provides that mere penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape. Section 376 provides for punishment to the offender who commits the rape. It is important to know that this section imposes a minimum and mandatory punishment with imprisonment of not less than 7 years, which may extent to either ten years even life imprisonment depending on certain circumstances. However it is felt that section 376A, deals with rape, by judicially separated husband should be treated as an ordinary rape.

6 The Supreme Court in Delhi Domestic Working Women’ Forum Vs Union of India suggested the formulation of a scheme for awarding compensation to rape victim at the time of convicting a person found guilty of rape. Social activists filed Public Interest petitions in the Supreme Court in 1997 and NGO’s to ensure that women are allowed to work freely and with dignity.

**Kidnapping and Abduction -**

Kidnapping is an offence dealt with by Sections 363-369 of the Indian Penal Code. It is kidnapping from lawful guardianship. Kidnapping means conveying any person without her consent, or of some person legally authorized
to consent on her behalf. Kidnapping from lawful guardianship means taking or enticing out of the keeping of the lawful guardian without consent of the guardian. Section 363 defines abduction as compelling by force or inducing by any deceitful means any person to any place. Force or fraud is essential for the offence of abduction. It is a continuing offence.

Kidnapping (under 363 of I.P.C) is taking away or enticing a minor, a female of less than 18 years and a male of less than 16 years of age, without the consent of the lawful guardian. Abduction (363 I.P.C.) is forcibly, fraudulently or deceitfully taking away a woman with the intent of seducing her to illicit sex or compelling her to marry a person against her will. Thus 'abduction' differs from kidnapping! The latter is committed only in respect of a minor, while the former in respect of any person. In kidnapping, the victim's consent is immaterial but in abduction, the victim's free and voluntary consent condones the crime. A girl or 18 above could only be abducted are not kidnapped, but if she is under 18, she could be kidnapped as well as abducted.

Rape -

Section 376 defines the statutory offence of rape. It denotes sexual intercourse with a woman (a) first against her will, (b) without her consent, (c) with her consent obtained by putting her in fear of allegation of injury, (d) with her consent when a man knows that he is not her husband and (e) if consent is given under her misconception of his identity as her husband, (f) with her consent when at the time of giving such consent she is under the influence of unsoundness of mind or administration of some substance to make her give consent, (g) with or without consent when she is under 16 years of age.

Section 376 provides the punishment of the offender who commits rape. A further improvement in law relating to sexual offences has been made in the provisions of Sections 228(A) Indian Penal Code, Section 327(2) of Criminal Procedure Code and Section 144(A) of the Indian Evidence Act.
Outraging the modesty of women-

This Section says that whoever assaults or uses criminal force on any woman intending to outrage or knowing it to be likely that he will thereby outrage her modesty. An assault or criminal force would be used against any woman, who according to Section 10 of the Indian Penal Code is a female human being of any age. The following are the ingredients Section 354 of the Indian Penal Code: - (a) there must be use of an assault or criminal force, (b) assault or criminal force must be used against any woman. (c) intentions of such assault or criminal force must be intended to outrage modesty of woman. Section 509 of Indian Penal Code is related to modesty of woman.

Section 354 and 509 indicates intentions to insult the modesty of women. The essential ingredients of offences of a man includes intentions intending to outrage the modesty of a woman, exposes his person indecently to her or uses obscene words intended she could hear them or exhibition of obscene drawings to her. He commits these offences - (a) with intentions to insult the modesty of a woman (b) by uttering a word or making any sound or gesture or exhibiting any object intending that such word or sound shall be heard or that the gesture or object might be seen by such a woman, by intruding upon the privacy of such a woman.

Sex determination tests -

India is one of the countries where the female foeticide and infanticide are on the rise. The sex discrimination tests are quite possible to ascertain the sex of the child in the womb even in the early stages of pregnancy. It is one of the many pre – natal diagnostic techniques. These techniques are actually intended to test or analyze the amniotic fluids, blood or any tissue of a pregnant woman for purpose of detecting any metabolic disorders or chromosomal abnormalities or congenital anomalies or sex linked diseases.
The above-mentioned techniques came to be misused for others extraneous purposes by medical practitioners who are prompted by certain sections of the society. In most of the cases, once it is determined the foetus is female it was miscarried deliberately so as to prevent the birth of a female child. The Parliament and the Government of India have realized the grave implications arising out of the misuse of prenatal diagnostic techniques. It also discriminates against the female sex and also affects the dignity and status of women. The Parliament has passed the Prenatal Diagnostic Techniques (Regulations and Preventions) of Misuse Act 1994, which came into force on 01.01.1996.

** Trafficking of Women - **

This profession or trade has existed in all countries since times immemorial. Though it was regulated in some nations by law and regulations. The prostitution and exploitation of women and children for sexual purposes have acquired monstrous proportions throughout the world. The Immoral Trafficking (Prevention) Act 1956 contains 25 sections; the Section 2(F) is the expression “prostitution” defined as the sexual exploitation and abuse of women for commercial purposes. Section 2(A), a brothel includes a house, a room, conveyance or a place or a portion thereof which is used for the purposes of prostitution for the gain of another person or for the mutual gain of two or more prostitutes.

** Dowry-Homicides - **

Dowry homicide is a crime of its own kind where lack of education and economic dependence of women has encouraged greedy perpetrators of the crime. The elimination of daughter – in – law becomes an immediate necessity if she or her parents are no more able to satiate the greed and avarice of her husband and his family members. If such a practice is eliminated the inhuman act of dowry deaths may be extinguished automatically. The
Supreme Court suggests that social reforms and legal jurists should evolve machinery for debarring such a person from remarriage irrespective of the members of the family who commit the crime and in violation penalizes the whole family including those who participate in it. Section 304 punishes a husband or his relatives if the wife dies due to burns or physical injuries under abnormal circumstances within 7 years of her marriage, if it is shown that soon before her death she was subject to cruelty or harassment by her husband or his relatives in connection with any demand for dowry.

Section 498 A of the Indian penal code punishes the husband or his relatives who subject a married woman to cruelty. The section was introduced by the criminal Law (Amendment) Act 1983 to combat the menace of dowry deaths. By the same Act section 113 A has been added to the Indian Evidence Act to the effect that when a married woman commits suicide within a period of seven years from date of her marriage the court may presume that such a suicide is abetted by the husband or his relatives. Thus it raises a presumption regarding abatement of suicide by a married man. The burden of proof is on the husband or his relatives to prove that it was not a dowry death. According to the Dowry Act 1961, dowry is bail able and non-recognizable offence and ceases to be cognizable if demands are made one year after marriage. Though many dowry-homicides go unreported, the number of those that are reported is enough to unnerve our society. The greed for money, the aggressiveness increased by resistance to the demands and the case with which the weaker sex can be exploited, all combine to encourage family members to take the brides life.

**Murder -**

According to Section 300, except the case here-in-after expected, culpable homicide is murder. If the act by which the death is caused is done with the intention of causing death or if it is alone with the intention of causing
physical injury and the offender known to be likely to cause the death of the person to whom the harassment is caused or if it is done with the intention of causing physical injury to any person. If the physical injury is intended to be inflicted, is sufficient in the ordinary course of nature to cause death or if the person committing the act knows that it is imminently dangerous that is, in all probability, cause death, or any such physical injury that is capable of causing death and commit any such act without any such excuse for incurring the risk of causing death as afore said.

Homicide is mainly a masculine crime. The murder of a woman is inspired by many factors, such as illicit relations, petty quarrels, feeling of revenge, the desire to get rid of a person who is to get a share in the property, and so forth. Many murders are disguised as suicides and some are called accidents as if they are natural deaths in some epidemic. In some murders (of women) the victim is believed to be a major contribution to the Criminal Act. In many cases of female homicides, the victims' kin not only fails to get protection from the police but also cannot even turn the law courts for redress. With the rising cases of murders and other crimes against women, the awareness among women's organizations is increasing.

**Wife-Battering/Domestic Violence**

When the husband gives a blow on the chest of wife in course of quarrel, and kicks her on the abdomen and other sensitive parts of the body, pulls the woman's hair it is held as a amount of offence, pelting of stones, bricks etc. on the wife for causing grievous injury. Section 498 (A) of Indian Penal Code defines the given kinds of injuries as grievous: emasculation, permanent privation of the site of either eye/either ear, joint dislocation, or permanent impairing of any of the powers of joint, permanent disfiguration of head and face, fracture or dislocation any injury which endangers or which
causes the sufferers to be in severe physical pain during the course of 20 days. Now it's also a widely discussed matter in parliament.

Violence against women in the context of marriage becomes more significant when a husband who is supposed to look and protect his wife, mentally and physically tortures her. For a woman, being battered by a person whom she trusts most becomes a shattering experience. Assuming that it only one woman in every 100 or 200 or 300 is battered, which may not sound very high, the battered victims and the indignation they face pose a serious problem for society. There is a great need to create awareness for the scientific study of the problem of domestic violence. Torture, molestation, eve teasing, are other parts of atrocities against women.

As such, the term violence is used for more extreme forms of aggressive behavior that are likely to cause significant injuries to the victim. Although violence typically reforms to physical aggression, it can also be applied to psychological stress that causes suffering trauma. Violence must be recognized as a specifically human phenomenon in as much as it consists the freedom of one person to encroach upon the freedom of another. The study has examined six major dimensions of the problem - the violence, the aggressor, the victim, and the consequences for the entire victim and her family, social reaction, particularly of the police and judiciary, the adjustment after the shock. It could be maintained that the problems involved in my research are firstly, to find out those situations which create or increase violence against women, secondly, to gain an insight into the problem of the differential behavior of predisposed persons and of those who are pulled into committing violence by the circumstances or the situation, thirdly, to seek information on the social characteristic of the individuals involved in violent behavior as well as of the individuals who are the victims of these violent activists, and fourthly, to analyze various patterns of violence in each of the five selected categorize of violence.
The analysis of legal processes and the disposition of causes by courts are beyond the scope of my work. However the attitudes of victims, their relatives, of the police, the callousness and harassment in investigating the causes dealing with the victims or the sufferers do fall within the range of this study. Problems dealing with the punitive crusade against offending around the analysis of provisions in the existing law are also outside the scope of the study. An attempt has been made on my behalf to examine in the study some important theories advanced to explain violent activities like rape, wife beating and murder. No theories have been pronounced by myself so far, for crimes like, dowry deaths and abduction or kidnapping. My objective has been to examine whether these theories reflected broad attitudes, or suggest narrow individualistic perspective. Not wanting to invade or usurp the domain to psychology, psychiatry, or psychopathology, no attempt has been made in my study to clinically assess the personalities of victims and offenders.

**Defamation** -

The question whether an imputation or accusation is defamatory or not is a mixed question of law as to whether the said material is enabled to be understood in a defamatory sense. If the court decides the question in the affirmative it will then and then only proceed to determine whether the said material containing a defamatory potential had in fact harmed the reputation of the complainant. The Courts in every case are required to decide whether or not alleged words are reasonably capable of bearing defamatory meanings in the particular circumstances in which they have been published or spoken. Any defamatory or degradatory statements or articles given to a woman/man in public, in print media or electronic media deliberately to dampen the character and the social status of the woman/man. Sometimes the husbands also defame their wives. They are punishable under Section 119 Criminal Procedure Code, Section 95 of Criminal Procedure Code. It is also well settled under Section 340 of Criminal Procedure Code.
**Cruelty -**

Cruelty against women is growing rapidly. The cruelty either by family members, husband or his relatives has been on the increase in recent years. A Bill to eradicate this problem was take up for discussion by the Parliament and ultimately Section 498 (A) has been inserted in the Indian Penal Code by the Criminal Law (Amendment) Act of 1983. This Act came into force from 25th December 1983. Cruelty is an act, which violates the right of a woman, which is also her human right. It is true that the cruelty has not been defined per se but it is in relation to human conduct or human behavior, it is just a course of conduct. Cruelty may be, mental, physical, intentional or unintentional. The term willful conduct is not defined in the Indian Penal Code. Webster’s dictionary defines the “willful”, as one governed by one's own will'. Generally willful has been projected negatively as obstinate, refractory, wayward, intentional and self – willed.

**Suicide -**

If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description of a term extending to 10 years and shall also be liable to fine as per Section 306 of Indian Penal Code. The Section requires that suicide must be committed as a result of abatement. Section 107 of Indian Penal Code says that abatement may be caused by instigation, conspiracy and aiding where a woman was being harassed for some articles or dowry, she was forced to commit suicide by her family. It is also violation of her fundamental right of Indian Constitution and human rights.

**Sati -**

Where a woman is prepared to immolate herself along with the dead body of her husband willingly or unwillingly, consequently she becomes
‘sati’. In this case, accused persons held liable for the guilty of abatement to commit suicide under Section 306 of the Indian Penal Code.

**Unnatural Offence** -

Section 377 of the Indian Penal Code deals with unnatural offence. Whoever voluntarily has carnal intercourse against order of nature with any man, woman or animal, shall be imprisonment for life. This Section says that whoever voluntarily has carnal intercourse will be imprisoned for a term, which may extend to 10 years and shall also be liable to fine.

**Prostitution** -

‘Prostitution’ means ‘the sexual exploitation and abuse of men/women for commercial purposes’. Any person who (a) procures or attempts to procure a female whether with or without her consent for the purpose of prostitution. (b) induces a female to go from any place with the intent that she may for the purpose of prostitution became the inmate of, or frequent, a brothel. (c) takes or attempts to take a person or cause a person to be taken from one place to another with a view to his carrying on or being brought up to carry on prostitution or cause or induces a person to carry on prostitution. According to Section 5 of the Immoral Trafficking (Prevention) Act 1956 in India.

**Indecent Representation of Women** -

Indecency relates to public morals. It is also related with the state of mind. But, to know something indecent it is necessary to know decency. Actually, decency is the way of life. Decency means the state or quality of morality, conformity to the recognized standard of property, good taste, modesty etc. To prohibit indecent representation of women through advertisement or in publications, writings, painting, figures or any other manner, the Parliament enacted the Indecent Representation of Women (Prohibition) Act, 1996.
**Custodial Rape -**

Death or rape in police custody is common in India. According to Amnesty International's information about torture and deaths in custody comes from within India itself. Independent of Civil Liberties Organizations have played a crucial role in monitoring and bringing to public attention cases of human right violations. The Parliament, Legislatives, State Governments also spoke out against torture. The people's union of democratic rights (PUDR) looked in to the custodial cases of violence between November 1989 and February 1994 and submitted its report in April 1994. It pointed out 12 incidents of custodial rape involving 24 policemen. Surprisingly not even one was convicted. Seven cases were closed and in five cases the victims retracted their charge of rape despite, overwhelming medical and circumstantial evidence to the contrary. Of the ten dismissed police men, four were reinstated and the rest were in a case where the victim has already retracted (TheHindustanTimes, May 27, 1994)

**Workplace Harassment -**

In legal terms, sexual harassment is any unwelcome sexual advance or conduct on the job that creates an intimidating, hostile or offensive working environment. In real life, sexually harassing behavior ranges from repeated offensive or belittling jokes to outright sexual assault.

In recent years, the issue of sexual harassment at workplace as an offence has received considerable attention. Harassment, whether by a supervisor or co-worker, creates a barrier to equality by demeaning its victims, interfering with their ability to work effectively and, in some instances, even forcing them to resign or even worse, inducing them to commit suicide. Despite the publicity surrounding this issue. Studies consistently show that employees continue to face harassment in the workplace.
The laws prohibiting sexual harassment on the job protect all workers. Men can and do sexually harass other men. Women can - and do - sexually harass men and sometimes other women.

But in the overwhelming majority of cases of sexual harassment, it's a male co-worker or supervisor who is harassing a female worker. No one is sure why this is so. Socialization probably plays a part: men are more likely than women to find sexual advances flattering, women more likely to be perceived as the gatekeepers of conduct. Economics enter, too. There are simply more women in the workforce than ever before and at least some male workers feel the influx as a threat to their own livelihoods. Finally, sexual harassment is a power ploy, a way to keep some workers in lower-paid, less respected positions or force them out of the workplace altogether.

Hence as it is reviled from the foreiging discussion there does exist varieties of crime against the women who suffer from no apparent personal fault. As it evident to study the dynamics of the atrocities against women, I have chosen one of the rare topic i.e. sexual harassment in work places as my main thesis area along allied crimes.

1.2. CONCEPT AND DEFINITION:

Enlarging the definition of "sexual harassment" the women in Indian society have been victims of ill treatment, humiliation, exploitation and torture for as long as written records of social organization and family life are available. The attitude of indifference and negligence can be attributed to factors like lack of awareness of seriousness of the problem, general acceptance of men's superiority over women because of which violent acts against women have not been viewed as violent or deviant, and the denial of violence by women themselves owing to their religious values and socio-cultural attitudes. As the cases of wife battering, rapes, kidnapping and abductions, intra-familiar
murders, dowry deaths, eve teasing and molestation etc., have been frequently seen in every sphere of the society.

Research in the field of violence/atrocities/crime against women has to be focused on inter-personal relations. The social context in which violence is committed or atrocities are inflicted on women and in which the victim recovers and adjusts has to be examined and assessed under a sociological perspective. The present research presents not only the conceptual perspective with which we understand the problem but also an effort is made how to analyze the socio-cultural and interpersonal determinants of violence, shock and recovery. Western scholars have started taking interest in social problems like gender equality and female exploitation ever since they shifted their perspective in order to consolidate their appreciation of social dynamics. Like wise, criminologists, particularly radical crime scientists, have started taking interest in problems such as criminal violence against women ever since they initiated reappraisal of the old assumptions underlying certain crucial socially problematic behavior. This shift has had profound consequences in research and theory building. It has become increasingly difficult to sustain the notion. However, in India both sociologists and criminologists are yet to develop sustainable interest in the crucial problem of deviant behavior against women. They are yet to realize their academic as well as social responsibility, in fact conveniently avoided the evaluation of social and legal norms and the underlying morality of society that criminalize activities, born out of the contradictions in social values and sub-systems.

Though it is time that the incidence of violence by men towards women is not identical in all groups and communities and that moral and social beliefs and family arrangements differ from group to group, yet instead of examining the group differences and analyzing the cultural and socio ethical beliefs of these groups, one has to concentrate on violence against women as
perceived in general terms. There is no woman who has not suffered at one time or another the harassment, humiliation, exploitation and violence that shadows her sex. A woman’s life lies between pleasure at one end and the danger at the other end. In daily life, women are routinely defined by sex and even if not all men are potential kidnappers, rapists, batters, molesters and tortures of women all women are potential victims. In India, women are way ahead of their counterparts else where in the matter of social legislation. But the implementation of laws granting rights to women have been so slow, lopsided and haphazard and that socially, economically and politically women are kept behind men. They are discriminated against at work and are denied their due in every field. At home, they are often worse off, reduced to slavish drudges and maltreated in a hundred different ways. Constantly bullied, sometimes assaulted and occasionally burnt to death, they remain victims in every role. Indian women, thus have been described as the under dogs of society where, in theory the law of equality exists, and women are considered to be on a par with their male counterparts, but in reality, men remain all powerful and thrive at the expense of women. While western countries, women's problem/issue is mostly one of identity, job equality, and sexual roles; in India the question is simply one of stark survival.

The Constitution of India guarantees equality, freedom, opportunity and protection to women and various social legislation give them several exclusive rights. Yet they enjoy an unequal status. It was only in 1989 that data relating to crimes against women began to be collected. These data related to (a) incidence of crime committed (b) number of person arrested (c) cases disposed in the police / courts and (d) Social background of victims. These are many types violence, which prevails in other parts of India, but partly exists in Orissa. The state laws prohibit sex determination in terms within the first five months of pregnancy. Another form of violence still existing in Sambalpur, Mayurbhanj and Koraput districts in Orissa is the hunting down of witches.
Although there is no official information regarding this barbaric custom, it has been reported that in certain village women are considered witches, and have negative influence are hunting down as witches, beaten and some times burnt to death. In a majority of cases they are women and may present a threat to male dominance. Information according to this custom is very limited as such occurrences are happened. Another customs of “Devadasi” has been banned in India. But this practice still prevails in some parts. The most common factors of mental torture in Orissa have been reported. Verbal abuse, ignoring, nagging, restrictions of women's freedom, eve teasing. These types of violence occur in the home, at the work places, in the public places. In certain instances mental torture can have devastating effects. For example if a man constantly demeans a woman in the presence of others, it may have a profound psychological effect resulting in her having very low self-esteem.

The most common form of physical violence reported within the domestic context are slapping, beating and sexual harassment and outside her house as, assault, kidnapping, abduction, molestation and rape. It has been reported that the number of rape cases of minor girls is increasing alarming rate. A new form of physical violence is stripping of women in public, which is increased now in Orissa. Dowry deaths and dowry tortures are very common in Orissa. In past ten years it has increased in very alarming rate. In all these cases some one known or unknown may carry out abuse. Depending on the case, the preparation could be an official abusing his authority, an employer colleague; an acquaintance a family member and a total stranger. As mentioned above there are cases where women accept, abuse without fighting back because this would make matters worse for them. In such cases it is the fear of what may happen if they respond defensively, which detects their behavior.
Sexual harassment is any unwanted attention of a sexual nature, like remarks about your looks or personal life. Sometimes these comments sound like compliments, but they make you feel uneasy. Sexual harassment can include using degrading words or pictures (like graffiti, photos, or posters), showing porno pictures, physical contact of any kind and sexual demands.

1.2.1. Sexual harassment -

Discrimination in employment based on sex and sexual harassment violates the most basic principle of International Human Rights Law. Of all the forms that violence against the woman can assume sexual harassment is the most ubiquitous and insidious, all the more so because it seems normal behaviour and not an assault on the female entity. It affects women in all settings whether public or private and has psychological, medical, social, political, legal and economic implications. Instances of sexual harassment should not be viewed as an isolated incidence.

1.2.2. Workplace -

A workplace is any place where the work relationship between the employer and the employee exists. A workplace may be an office, a factory, a building, a private home, a school, and a store. A woman may also work outdoors, as a road crew, or in a vehicle. The washroom, cafeteria, or locker room that can be used as a part of workplace. So is any other place where an employer does business. There are hardly any laws and policies are in place to protect her from harassment, no matter where she works.

A woman may work as a homemaker, or a nurse. She may work at a home twice a week to help with housekeeping. She may think that the rules about harassment don't apply in this workplace. In a private home, people are freer to do as they like, but a woman is still protected under the law. Different work environments mean different ways of dealing with harassment.
One may experience harassment while going from place to place. This can also be seen as workplace harassment. An employer can’t graduate that the female employee won’t be harassed on a bus or walking along a street, but safety on the job or on the way to and from the job is their concern and duty.

Sometimes harassment that occurs outside the workplace affects women’s work. Actions like these can cause problems or harm relationship among employees:

- A colleague follows or hangs around the residence of the concerned woman.
- Indecent phone calls and letters are sent to home.

Thus, workplace harassment is when a woman is harassed while working at her workplace or on her way to or from her workplace. A harasser can be anyone who comes in contact of work. That person might be a boss, supervisor, manager, member of the board of directors, coworker, customer, patient, and delivery person, person in the union. Harassment can happen anywhere in the workplace, in the lunchroom, in rest and washroom areas, in staff rooms, on the production line, in an office. A woman might also be harassed outside of her workplace. It can happen at a party, on a business trip or at a meeting at someone’s home. Harassment is not always workplace harassment, it depends on the situation, and the relationship to the harasser. If a boss is at the home of the female employee and demands her to sex with him, it is still workplace harassment. He could make things hard for a woman at work if she says no. If the same thing happens with a co-worker who has no power over her at work, it might not be workplace harassment. However if the coworker harasses her at work later, it would be workplace harassment. The employer would be responsible for stopping it. Thus the employer of the women is responsible for any form of harassment that affects her in the workplace, and
her work. Despite these wide connotation of the problem, women from every
country and culture continue to face sex discrimination and sexual harassment
in the workplace. The international community has recognized both discrimination
based on sex in the terms and conditions of employment and sexual harassment
as violations of the fundamental human right to women.

Sexual harassment to women in workplaces, which has been
recognized as an insidious form of violence against women. Like other forms
of violence. Here also there is a demonstration of power and control and can
cause physical, emotional, economic and professional injuries to those who
experience it. This undermines the inherent dignity of a person and violates the
right of every human being to physical and mental integrity. It violates a women's
right to just and favourable working conditions.

This type of harassment of women is discriminatory when a woman
has reasonable grounds to believe that her objection would result in adverse,
employment action for when it creates a hostile working environment. The
Honourable Supreme Court in its judgments dated 13.8.97 in Vishaka and
other vrs State of Rajasthan and others (1997), taking note of the fact that the
present Civil and Penal laws in India don't adequately provide for specific
protection of women from sexual harassment in work places and that enactment
of such legislation will take considerable time, formulated guidelines to prevent
sexual harassment of women.

As such, it becomes an imperative to study and analyze the concept
of sexual harassment of working women in India and cause and effect of such
a violations of individual right, which have resulted in marginalizing the women
in work places. Hence an ethnographic explorative study is conducted to explore
the possibilities of curbing this menace particularly when a pre-legislative
campaign is on following the Honourable Supreme Court's directives in the
above mentioned case which would be binding and enforceable in law until a suitable legislation is enacted to occupy the field.

Crimes against women are broadly classified under two categories 1) crimes identified under the Indian Penal Code (I.P.C.) and 2) crimes identified under the special laws (SL). The crimes under former category include eight types. i) Rape (section 376 IPC) ii) Kidnapping and abduction (section 363 to 369), iii) dowry homicides (section 302 and 304B) iv) torture-physical and mental (section 498A), v) Molestation (section 354) vi) eve teasing or sexual harassment (section 509) vii) importation of girls (section 366B) and viii) murder (other than dowry homicides) section 302. The crimes under the later category includes four types i) immoral trafficking (1956 Act) ii) demanding dowry (1961 Act) iii) Commission of Sati (1987 Act) and iv) indecent representation of women (1986 Act). Of the total crimes committed in India under the I.P.C. every year, about 6% is crimes against women. In Orissa also, atrocities on women have been rising alarmingly every year since 1991. Rape cases are registered a growth of about 33% every year. There are six major categories of violence, sexual violence, kidnapping and abduction, dowry deaths, murder; wife battering and a few other specific categories of violence like torture (498 (A)), molestation (354), etc.

1.3 SEX DISCRIMINATION AND SEXUAL HARASSMENT IN WORKPLACES:

Of all the forms that violence against women can assume, sexual harassment is the most ubiquitous and insidious; all the more so because it is deemed 'normal' behaviour and not an assault on the female entity. It affects women in all settings whether public or private and has psychological, medical, social, political, legal and economic implications. Instances of sexual harassment should not be viewed as isolated incidents; rather they should be construed as a gendered aggression against rights and dignity of women. The
fact that, its pernicious effects are visible, globally discounts, any effort to view it with less gravity, than it deserves.

It is against this background that landmark judgment of the Indian Supreme Court assumes great importance. In *Vishaka and Others vs. State of Rajasthan and Others*, the Supreme Court has in exercise of powers under Article 32 of the Constitution laid down guidelines and norms with regard to sexual harassment in workplaces, which is treated as 'law declared' under Article 141. The judges of the Supreme Court stated 'In 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, the contents of International Conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work with human dignity in Articles 14, 15, 19(1) g and 21 of the Constitution and the safeguards against sexual harassment implicit therein'. The guidelines draw heavily on the International Convention on Elimination of Discrimination against Women (CEDAW) 1993 signed by UN members. The judgment, its position in the feminist discourses on sexual harassment and its implications are important for the academicians. The study of the Gender Study Group is also discussed which questions the projection of academic institutions as safe havens for women.

The significant aspect of the Court’s attempt to define sexual harassment is that in constituting it, the text of the legislation has recognized (intentionally or otherwise) that sexual harassment is not any one act, that harassment is any form and relation is dispersed through hundreds of different acts that vacillate between the definable and the open ended. The power of harassment lies in its diffused nature and the fact that it is not always overt but also subtle and hidden, making it a form of power that is extremely difficult to pin down precisely because the field interpretation is wide open, for victims
and perpetrators alike. The question of situating harassment and its negotiated nature within the social context.

Part of the silence surrounding sexual harassment lies in the inability to give acts of sexism a specific name; forcing recognition of these acts as sexist is imperative for those who refuse to 'see'. The political resource of framing harassment within a discourse of rights and specifically aligning it, as the judgment does, to have the 'right to work', has a special significance within a workplace like the University of Delhi. Historically, women have not been denied the 'right to work' within the University. In fact, for many women, the University was a sanctuary that permitted them a space to be different, to live a life otherwise incongruent with wider social norms and expectations. In this sense (and possibly only in this sense) the record of the institution as a workplace remains clouded in the eyes of the law. It is therefore quite ironic that when judgment extends the 'right to work' to include the phrase 'with dignity' that the University's record is abysmal.

Although women as workers have traditionally been regarded as dependant adjusts of their husbands, partners or closest male kin, the rapid influx of women into labor markets worldwide over the past three decades has become a key factor in the growing independence of women, economically, socially and legally. Increasingly too their, household work, long taken for granted, is being acknowledged as a central contribution to society's wealth. Equally important, the new founded economic independence of millions of women has inevitably caused dramatic transformation of women's self-image, their growing sense of independence as well as mounting responsibilities and expectations at home and their communities. Many ILO principles and standard were integrated much later into the Convention on the Elimination of All forms by Discrimination Against Women (CEDAW), which was adopted by the UN in 1979. CEDAW clearly spells out the fundamental rights of women in the workplace.

*The right to work as an in alienable human right.
*Equal employment opportunities, including the application of the same criteria for hiring.

*The rights to promotion job security and vocational training and retaining.

*The right to equal pay of equal work, still far from a reality in nearly all countries.

Academic fields are not free from this malaise. The harassers favourite hunt is the office itself, but many women have also had passes made at them at out door locations such as conferences, seminars, meetings, contrary of belief, it is believed that their bosses or business associates harassed them, the most common offenders are colleagues. It began with cracking dirty jokes in her presence. If she responds in kind, he figures he has got away with it. If she ignores it, he takes it as encouragement to continue, and if she complains there is nothing that can actually be pinned against him. On the contrary she is made to feel that she has brought it on herself, which she is over reacting and seeing hypersensitive. The other verbal forms of harassment are letters, phone calls, displaying materials of sexual forms, touching, learning over, caressing and pinching, sexually suggestive looks and gestures etc.

The increase number of workingwomen has brought in a lot of sexual ambiguity into the work place. Sexual harassment has given up in direct proportion to the numbers emerging out of the home into economic and attitude independence. A centuries' old life of entrenched privileges is under threat and nothing has prepared males for the situation. This mindset converts itself into the demanding behaviour we have to put up with, man brought up in orthodox, and conventional homes that tend to be sexually repressed are often not capable of handling proximity with women. For such men, or those who see women as their legitimate victims, a warm smile, a friendly greetings or going up to the men to ask work related questions is practically tantamount to inviting
to bed. Even the best of men have admitted to exercising rigid control on their behaviour when a female co-worker is looking particularly attractive, of course sexual harassment is not always in the black and white and some times distinguish between camaraderie and harassment can be difficult. Flirtation frequently adds a little tingle to an otherwise ordinary day, but they could go out to control, particularly when the woman is working under intense pressure. Interestingly in the work place or at home, as many as the respondents talked to their friends rather than family members or some one in authority. Most of them do not have easy relationships with their spouse or parents and quite a few of them said talking about sex was absolutely taboo. Enlarging the definition of sexual harassment at work places, the Supreme Court has ruled that physical contact was not an essential factor for a female worker to charge a male colleague with molestation.

Each incident of sexual harassment at the work place is a violation of fundamental rights, the court said while up holding the dismissal from service of Appeal Export Promotion Council (A.E.P.C.), Chairman private secretary A.K.Chopra on the charge of sexually harassing a female typist about 10 years ago. There is no saying that each incident of sexual harassment at the place of work results in violation of the fundamental rights to gender equality and the right to life and liberty - the two most precious fundamental rights guaranteed by the Constitution of India. The court explained that sexual harassment was a form of sexual discrimination projected through unwelcome sexual advances, the request of sexual favours and other verbal and physical conduct, with sexual overturns, whether directly or by implication, particularly when submission to or rejection of such a conduct by the female employee was capable of seeing used for affecting the employment of the female employee and unresponsive interfering with her work performances. If the trial takes years together, it robs the criminal justice system of its efficiency. The Supreme Court passes certain guidelines detailing sexual harassment on
September 23, 1997. But along this highest court in the land at least acknowledged that the problem exists. Sexual harassment in the case of Vishakha Vs State of Rajasthan as -

* Unwelcome sexually determined behaving (whether directly or by implications).
* Physical contact and advances.
* Demand or request for sexual forms.
* Sexually coloured remarks.
* Showing pornography.
* Any other unwelcome physical or non-verbal conduct of a sexual nature.

The Supreme Court orders are binding on -

i) The Central and State government.

ii) The Private and Public sector.

1.4. INTERNATIONAL PERSPECTIVE:

There is a widespread misconception regarding the true status of women in an ancient Indian society. From the Vedic age, women are struggling for their true identity. In less than a year after the commencement of the First World War, women from all over the world met in Hague, Netherlands, to establish the first International peace movement. In Madras under the inspiration and leadership of that magnetic personality of Mrs. Anne Besant, and her Home Rule Movement, which was then a dynamic stream giving expressions to the people's restless urge for freedom. The British Indian Government as a result of this agitation interned Mrs. Besant, and that is an inspiration to women. A decade later, the Women's India Association took the
initiative in launching the all India Women's conference the first in sought to concentrate its attention largely on the question of education especially of women. The 1951 convention concerning equal for men and women workers for work of equal value, ratified by all nations. In November 1961 the General Assembly adopted the declaration on the elimination of discrimination against women. And in 1972 the Secretary General of the United Nations asked the Commission on the status of women to request the views of member state regarding the form and content of a possible international instrument on the Human Rights of women. The following year, a working group was appointed by the economic and social council to consider the elaboration of such a convention. In 1974 the commission on the status of women began drafting a convention on the elimination of discrimination against women. The work of the commission was encouraged by the result of the world conference of the International women's year, which was held in 1975. First United Nations Women Conference was held in 1979 on the elimination of all forms of discrimination against women. The convention, which was ratified by over 100 countries, states clearly and equivocally that discrimination against women violates the principles of equality of rights and respect for human dignity. Often described as an International Bill of Rights for women, this convention provides for women's Civil Rights and their legal equality in all fields. It is the only International Human Rights Treaty to affirm the reproductive rights of women and to forget culture and traditions as influential forces shaping gender roles and family relations. It also established an agenda for national action to end discrimination. This multidimensional approach goes in the direction of recognizing the Rights of women in general and prohibits gender-biased discrimination.

In the socialist systems women are relatively less confined to low level jobs, they are still predominant in occupations that are poorly paid and are not provided educational or technical qualifications. In industrialized nations,
with the prevalence of the post war expansion of the service sector where women entered the work place the record is constantly dismal. In developing countries in sectors women are predictably at the lower of the pay scales. In some instances, wage differentials increased further as a result of falling incomes under conditions of economic crisis.

The expanding influence of the women's movement since the first world conference on women in 1975 is especially encouraging. Under UN auspices, the advancement of women has received sustained attention and revised, ensuring that women's issues remain on the international agenda until effective action is taken. Today the enormous diversity of women around the world and even within any given society is better appreciated, a sensitivity that has seen enhanced by the international meetings among women's advocated within the UN, among non-govt. organizations (NGO's) and government. Consensus is growing that (a) over coming discrimination is intrinsically linked with the issue of power (b) women will remain second-class citizens in the absence of access to economic, political and social resources and level of decisions making enjoyed by new (c) women are central to development, particularly in developing regions, the wider objective of human development and peace cannot be achieved without eliminating discrimination against women. Women must be engaged at all levels in efforts to eradicate poverty, promote peace and active sustainable development. As such female perspectives are crucial to understandably the full dimensions of human society and facilitating constructive change.

In 1972 the Secretary General of the United Nations asked the Commission on the status of women, to request the views of member nations regarding the form and contents of a possible international instrument on the Human Rights of Women. The following year, a working group was appointed by the economic and social council to consider the elaboration of such a
convention. In 1974 the commission on the status of women began drafting a convention on the elimination of discrimination against women. The work of the commission was encouraged by the result of the world conference of the International women's year, which was held in 1975.

Majorities of UN members state recognize international agreements, such as the 1975 CEDAW that promotes equality between the sexes and women's rights. Supports of legislation against discrimination continue to increase worldwide. However, there remains a serious gap between dejure and defacto Recognition of women's rights. Women often do not enjoy the rights. Protection and freedom guaranteed to them by law. By the world conference on women in Nairobi in 1985, several UN member states have created national mechanism for women for the first time. The number of instruments at the local regional and national levels increased notably where a strong government mechanism was already in place. The Nairobi conference also established goals called forward-looking strategies to achieve by the year 2000.

1.4.1. Role of UNO -

Prior to the 4th World Conference on Women that took place in 1995, the United Nations had previously organized three conferences on women and women's issues. The first of such conferences took place in Mexico City in 1975, and as a result of the conference, the UN General Assembly had declared the years between 1975 – 1985 the decade for women. In the Second Conference that took place in 1980 in Copenhagen, it was decided to focus on women's education, participation in the workplace and health during the latter half of the decade for women. The Third Conference took place in Nairobi in 1985, where the decade for women was evaluated and the Nairobi forward looking strategies for the year 2000 were accepted unanimously for the advancement of women. Thus, a national, regional and international
framework was thereby established, to enable the empowerment of women and ensure the enjoyment of their human rights. Yet, a relaxation was said to be apparent in the implementation of the Nairobi strategies. Thus the 4th World Conference on Women was organized with the aim of both revitalizing the interests towards women's issues, as well as to take up issues that had made their way into the international agenda such as violation against women, including sexual abuse.

Even though, a significant percentage of the world's population are constantly subjected to crimes such as torture, starvation, humiliation, eve-teasing, molestation, rape, female feticide, infanticide, and prostitution only because they are female. These crimes amount to gross violation of the victim's rights. But the irony is that women's rights are not commonly treated and dealt with as "human rights". Now recognition of women's rights as human rights has resulted in social conflicts and tension, which has further hampered the growth of equitable social and economic development. The gross negligence of women and their oppression constitutes an extreme denial of women's rights to life and liberty on a mass scale throughout the world whether it is wartime or peacetime. The level and form of discrimination against women varies from place to place and country to country. The developed countries and the developing countries have a different outlook towards women. The developed countries are 'developed' because they are recognized the role and rights of women and have gone and sincerely implementing and development schemes meant for women. But, the situation regarding women in most the developing countries is a bit trivial and the policies are ambiguous. If the plethora of laws can be taken as some sort of standard parameter to measure the gender equality in India, then India would rank as one of the progressive states in the world, which is committed to equality and social justice. But the reality is that Indian laws suffer from procedural lacunae and
the investigating and enforcement department more than not adopt lackadaisical approach in tackling the crime or deviant attitude against women.

Women are often unable to exercise their rights due to lack of awareness of International and National laws no commitment by governments, and communities to uphold them. Discrimination still persists in all countries some times blatantly, often in subtle nuances and ingrained attitudes. Yet looking back over time, there has been progress. Amongst both women and men, gender equality is gradually acquiring a legitimacy of its own. Many as the ground swell of a major social revolution have heralded this new sense of awareness. In the context of international human rights, the legal concept of gender equality is enshrined in the Universal Declaration of Human Rights (1948) as well as in the United Nations Convention on the Elimination of all forms of Discrimination Against Women (1979).

Against this backdrop, it is not surprising that despite significant progress in the status of women vis-à-vis the law in recent years, equality continues to elude a vast majority of women. Even though all developed countries have adopted legislation or constitutional provisions to ensure women’s equality under the law, in practice discrimination persists. This metaphor accurately reflects the discrepancy between the equality guaranteed for women by law and their actual status in society. The right to vote, reforms the family law and legislation on equal pay have not always translated into better conditions for women, nor have they necessarily improved the quality of their lives. The underlying reasons for the discrepancy in the status of women are as varied as they are complex. Firstly, discriminatory or unjust laws continue to be passed. Secondly, even where legal reforms exist, Governments often lacks the political and economic commitment to enforce them. In spite of the prejudice is deeply in grained in the social fabric, new laws pertaining women’s issues invariably remain a low priority. Social structures often reinforce biased attitudes.
in applying the law. Legal reforms have often been adopted in a vacuum, without actually invoking that concerned or mobilizing public opinion as a whole.

As a result many women, particularly in the developing world, are not even aware of their rights before the law or else do not understand the legal and administrative process well enough to be able to exercise those rights. However it is not yet clear how women may actually benefit from them, given problems to access and dissemination of information, which are particularly accentuated in rural areas of developing countries. A concerted and systematic worldwide effort is imperative to promote legal literacy and to create the requisite legal infrastructure to forge links between individual women and national mechanisms in each country. It is essential that men learn to recognize and respect women’s equality before the law. This is more than a philosophical point, men control the legal, administrative and financial systems which effectively deny a vast number of women the right of own land inherit property establish credit, enter the profession or risk in Business. The adverse effect of discrimination within marriage and the family are compounded by the economic and political discrimination, which persist in society. In the relation of economics, legislation to facilitate women’s access to the means of production and should ensure that women will control the products of their labor and their income, as well as the benefits from agricultural inputs, research training. Credits and other infrastructure facilities. Equally in the cornerstone of every democratic society which aspires to social injustice and human rights. In virtually all societies and spheres of activity women are subject to inequalities in law and in fact. The situation is both caused the existence of discrimination in the family, in the community and in the work place. While causes and consequences may vary from country to country, discrimination against women is wide spread. It is perpetuated by the survival of stereotype and of traditional, cultural and religious practice and benefit detrimental to women.
The concept of equality means much more than treating all persons in the same way. Equal treatment of persons in unequal situations will operate to perpetuate rather than eradicate injustice. True equality can only emerge from efforts directed towards addressing and correctly these situation imbalances. It is the broader view of equality, which has become the underlying principle and the final goal in the struggle for recognition and acceptance of the human rights of women. In 1979 the General Assembly, UN, adopted the convention on the Elimination of All Informs of Discrimination Against Women. The Convention sets out in legally since from, internationally accepted principles on the right of women, which are applicable to all women in all fields. The basic legal norm of the convention is the prohibition of all forms of discrimination against women. This norm cannot be satisfied merely by the enactment of gender neutral laws. In addition of demanding that women be accorded equal rights with men, the convention goes further by prescribing the measures to be taken to ensure that women everywhere are able to enjoy the right to which they are entitled. The committee on the elimination of discrimination against women is established under Article 17 of the convention.

Equality of rights for women is a basic principle of the United Nations. The preamble to the charter of the United Nations sets as a basic goal for reaffirm faith in fundamental Human Rights of men and women. Furthermore, the International Bill of Human Rights strengthens and extends the emphasis on the equal rights of women. The International bill of Human Rights is a term used to refer collectively to three instructions. The Universal declaration of Human Rights, the International convention on Economic, Social and cultural rights, and the International covenant on civil and political Rights and its two optional protocol. Taken together these instruments from the ethical and legal basis for all of the human rights work of the United Nations and provide the foundation upon which the international system for the protection and promotion of human rights has been developed. The covenants clearly states that the
rights set forth there in are applicable to all persons without distinction of any kind such as race, colour, sex, language, religious, political and other opinion national or social origin, property, birth or other status. Immediately following the adoption of the Universal Declaration work began on expanding open the rights and freedom proclaimed there in the codifying them in binding legal form. From this process emerged the two covenants mentioned above, which were unanimously adopted by the General Assembly in 1966 and entered into force 10 years later. The covenants are International legal instruments, when a state becomes a party or either covenant, it undertakes to guarantee to all individuals in its territory or under jurisdiction, without any discrimination all the rights specified by that covenant, and to provide for effective remedies in case of violence. The International Bill of Human rights lays down a comprehensive set of rights to which all persons, including women are entitled. Where there is necessity to have a separate legal instrument for women additional means for protecting the human rights of women were such as, necessary because the more fact that of their "Humanity" has not been sufficient to guarantee women to protect their rights. The Preamble to the Convention on the elimination of all forms of discrimination against women explains that despite the existence of other instruments, women still do not have equal rights with men. Discrimination against women continues to exist in every society.

It identifies many specific areas where there has been notorious discrimination against women, for example in regard to political rights, marriage and family, and employment. In there and other areas the convention spells out specific goals and measure that are to be taken to facilitate the creation of a global society in which women enjoy full equality with men and thus full realization of their guaranteed human rights. To combat gender biased discrimination the convention requires states parties to recognize the important economic and social contribution of women to the family and to society as a whole. It emphasizes that discrimination will hamper economic growth and prosperity. It also expressly recognizes the need for a change in attitudes,
through education of both men and women to accept equally of rights and responsibilities and to overcome prejudices and practices based on stereotyped roles. Another important features of the convention is its explicit recognition of the goal of actual, in addition to legal, equality and of the need for temporary special measures to achieve the goal. In November 1967, the General Assembly adopted the declaration on the elimination of discrimination against women. In 1972, the Secretary General of the United Nations asked the commission on the status of women to request the views of member states regarding the form and content of a possible international instrument on the human rights of women. The following year, a working group was appointed by the economic and social council to consider the elaboration of such a convention. In 1974, the commission on the status of women began drafting a convention on the eliminating of discrimination against women. The work of the commission was encouraged by the result of the world conference of the International Women's year, which was held in 1975.

A plan of action adopted at that conference called for a "Convention on the elimination of discrimination against women with effective procedures for its implementation. For the next few years, the process of elaborating a convention continued within the commission. In 1977 following submission to it of a draft instrument, the General Assembly appointed a special working group to finalize the draft. The convention entered into force and committee on the elimination of discrimination against women was formally established. The function of the committee is to implementation of the convention by state parties. The issue of gender-bias was not specifically addressed in the convention although it is clearly fundamental to its most basic provisions. In general recommendation the CEDAW took the important step of formally extending the general prohibition on gender-biased discrimination to include gender biased violence. The committee affirmed that violence against a woman constitutes a violation her internationally recognizes human rights regardless
to whether the perpetrator is a public official or a public person. The responsibility of states parties under the convention extends to eliminating gender-biased discrimination by any person, organization or enterprise, state responsibility may these from be invoked not only when a government official is involved in an act of gender-based violence, but also when the state fails to act with due diligence to prevent violations of rights committed by private persons or to investigate and punish such acts of violence, and to provide compensation. In the same general recommendation the committee calls on state parties to take all measures necessary to prevent gender-biased violence. Such majors would include not only legal sanctions, Civil remedies and avenues for compensation, but also preventive measures such as public information and education programs, as well as protective measures, including support services for victims of violence. The work of committee in this area is being reinforced by other international developments. In 1993, the General Assembly adopted the declaration on the elimination of violence against women. The declaration sets out the steps which states and the International Community should take to ensure the elimination of all forms of violence against women, whether occurring in public or in private life.

Article 17 of the Convention of the elimination of all forms of discrimination against women establishes the committee on the elimination of Discrimination against women to oversee the implementation of its provisions. In accordance with the convention, the committee is composed of 23 experts who are elected by secret ballot from a list of persons of high moral standing and competence in the field covered by the convention, nominated by the state parties. The composition of the committee is noticeable different from than of other human rights treaty bodies. In the first place the committee has, since its inception and with one exception been composed entirely of women. Members have been and continue to be drowning from a wide variety of professional backgrounds. Equality is the cornerstone of every democratic
society, which aspires to social justice and human rights. In virtually all societies and spheres of activity women are subject to inequality in law and in fact. This situation is both caused and exacerbates by the existence of discrimination in the family, in the community and in the workplace. While causes and consequences may vary from country to country, discrimination against women is widespread. It is perpetuated by the survival of stereotypes and of traditional cultural and religious practices and beliefs detrimental to women.

The (CEDAW) convention sets out in legally binding form, internationally accepted principles on the rights of women which are applicable to all women in all fields. The basic legal norms of the convention are the prohibition of all forms of discrimination against women. This norm cannot be satisfied merely by the enactment of gender-neutral laws. Advancement of the right of women has been the concern of world community since the end of Second World War. The Preamble to the charter of the United Nations mentions the determination of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of human person, in the equal rights of men and women and to employ International machinery for the promotion of the economic and social advancement of the people, similarly provisions are also incorporated in the charter of the United Nations and other human rights instrument which provide for the protection and advancement of the rights of women. Article 1 of the charter lays down that one of purposes of the United Nations is to achieve International co-operation in solving International problems of an economic, social and cultural, or humanitarian charter, and in promoting and encouraging respects for human rights and fundamental freedom for all without distinction as to race, sex, language or religion. The provision for equality of women with men has been enshrined in Article 8 of the charter which lays down that 'the United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its
principal and subsidiary organs. Thus equality of opportunity has been assured to the women in the matter of participation in the work of the United Nations.

Article 13 of the charter lays emphasis open 'promoting International Co-operation in the economic, social cultural, educational and health files, and assisting in the realization of human rights and fundamental freedom, for all without destinations as to race, sex, language or religion. Again Article 55 of the charter also lays emphasis upon the promotion of universal respect for, and observance of human rights and fundamental freedom for all without distinction as to race, sex language of religion. Thus the principle of equality of men and women in the matter of promotion and observance of human rights and fundamental freedom has been fully established under the charter of the United Nations. This principle of equality has been further emphasized under various major international human rights instruments, prepared and adopted under various major International human rights instruments, prepared and adopted under the auspices of the United Nations. The principles of equal rights of men and women have been incorporated in the universal declarations of Human Rights. Article 2 of the declaration lays down that everyone is entitled to all the rights and freedom set forth in this declaration. Without distinction of any kind including sex, it clearly provides that all the rights and fundamental freedom incorporated in the universal declaration of Human Rights are available equally to both men and women without any distinction. This is the basic principle and as such has been incorporated in both the International convenient i.e. the International Convenient on Economic Social and Cultural Rights (1966) and the International Convention on Civil and Political Rights (1966), in addition, the principle of equal rights of men and women.

The Convention on the Political Rights of women, which was adopted and opened for signature and ratification by the General Assembly, on 20th December 1952. The convention on the nationality of married women-
adopted by the General Assembly in 1957. The convention on consent to marriage, minimum Age for marriage and Registration of marriage, adopted by the General Assembly in 1962. The convention was followed by the recommendation on the same subject adopted by the General Assembly in 1965. The declaration on the elimination of discrimination against women made by the General Assembly in 1967. It was followed by the convention on the elimination of all forms of discrimination against women, adopted and opened for signature, ratification and accession by the General Assembly in 1979. The Commission has served as the preparatory body for the International women’s year 1975 and the United Nations Decade for women (1976-85). The commission has served as the preparatory body for the world conference on women, held in Mexico City (1975) Copenhagen (1980), Nairobi (1985).

1.4.2. Role of NGO -

In bringing the seriousness of the issue to limelight the Non-Government organization have successfully highlighted the issues and acted in favours of eradicating and preventing malady. Women’s Tribunal, a paralleled NGO event at the conference on Human Rights in Vienna (1993) presented evidence and speakers from around the world on Human Rights violations especially violence against women. A recent international development of great importance and interest is the emergence of NGO’s as advocates, arbitrators and activists for the spectrum of issues from Human Rights to the environment from political and economic accountability to media monitoring and consumer protection for the women’s movement. NGO’s are vitally important. Less hampered by the bureaucratic and political constrains of official bodies; they have access to information and local sources unavailable to governments. In the last two decades, the diversity and breadth of women’s NGO’s have increased rapidly. They span a range of interests and fields but their unifying force is the advancement of women and their rights. In developing countries,
working with local communities, these NGO's provide credit and marketing schemes, income-generating activities, health care, family planning and education including training in all fields. NGO's are at the forefront of efforts to advance the status and conditions of women from the women's networking. Cultural and regional misunderstanding hampered deliberations, especially by differences in perception. The greatest accomplishment was opening the channels for communication for establishing an international network of players involved in women's issues, a network including the United Nations, Govts and NGO's that has grown stronger and expanded in the ensuing years. The United Nations Decade for Women (1976-85) whose themes were equality, development highlighted global issues of women's rights and women's role in development and inspired a wide range of activities throughout the world, especially the establishment and reinforcement of women. The decade was instrumental in braving to light the diversified needs of women and in publicizing the role of women in development and the need to promote a perspective in policy making the planning.

The UN held the Second World Conference on women in Copenhagen during 1980. The conference declared that equality entails not only legal recognition and elimination of discrimination, but de facto equality of responsibilities and opportunities for the participation of women in development, both as beneficiaries and as active agents of change. Dialogues were aided by a flood of information gathered during the decade and by heightened, understanding and mutual respect particularly was advocated for the advancement of women that had been fostered in the years between conferences.

The world conference on Human Rights (Vienna 1993) reaffirmed that all human rights are universal, indivisible, interdependent and interrelated and that the human rights of women are inalienable, integral and indivisible
part of universal Human Rights. It also recognized violence against women as a violation of their Human Rights as well as the systematic violation of those rights in situation of war or armed conflict. The conference recommendation to establish a special rapporteur on violence against women and to adopt the declaration on violence against women were subsequently agreed to by the 48th General Assembly later that year.

The international conference on population and Development held in Cairo in 1994\textsuperscript{18} emphasized that the empowerment and autonomy of women are based for development. It reviewed that status of women world wide, especially in light of their access to adequate health, maternal care and family planning facilities. The final conference document reinforced women's rights of choice in child bearing and underlined the critical importance to society as a whole of education for girls and women. The International Conference of Population and Development in Cairo (1994) was a breakthrough. It established a new consensus on two fundamental points empowering women and improving their status essential to realizing the full potential of economic, political, social development.

\textsuperscript{19} The World Summit for Social Development (Copenhagen 1995) called attention to the pivotal role of women in development. It also focused attention on women's social issues and the discriminatory practices that present their full participation in society.

Advancement of right of women to has been the concern of world community since the end of Second World War. \textsuperscript{20} The preamble to the charter of the United Nations mentions the determination of the people of the United Nations to the reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women. As women acquire the same status, opportunities and social, economic and legal rights as men, as they acquire the right to productive health and right to protection
against gender biased violence human well being will be enhanced. The international conference of population and Development held in Cairo in 1994 was a break through.

It established a new consensus on two fundamental points. Empowering women and improving their states are essential to realizing the full potential of economic, political and social development. Empowering women is an important end in itself. And as women acquire the same states, opportunities and social, economic and legal rights as men, as they acquire the right to reproductive health and the right to protection against gender based violence, human well-being will be enhanced. The first world conference on women in Mexico in 1975 recognized the importance of improving status of women. By the time of the world conference in Nairobi 1985 some progress was evident. At the world conference on Human Rights in Vienna in 1993 women right were finally accepted as issues of International Human Rights. It was also the culmination of an action effort by women's groups to lobby international forum for women's issues. 21 The collaboration of the statistical division the United Nations secretariat with the International Research and Training Institute for the Advancement of Women (INSTRAW) began in 1982 on the training programme to promote dialogue and understanding between policy makers and statisticians, laid the ground work for a comprehensive programme of work.

The Beijing declaration of fourth world conference on women held in Beijing China 4-15 September 1995. Hence, the importance of issues related to the improvement of the status of women was stressed. Form each of these global conference emerged a more powerful recognition of the crucial role of women in sustainable development and protection the environment, of the human rights of women as an inalienable, integral and indivisibly part of universal human rights, of violence against women as an intolerable violation of these
rights of health, material care and family planning facilities, and of access to
education and in for nation as essential to the exercise in women of their
fundamental rights. Such violations and obstacles include, cruelty and in human
and degrading treatment or summary and arbitrary detention, all racial
discrimination, xenophobia, denial of economic, social and cultural rights and
religious intolerance. Of late India too has started recognizing the atrocities to
women and a prelegislative debate is with regard to sexual harassment to
working women.

1.5. REVIEW OF RESEARCH:

Atrocities against women in India are not a new concept. The fact
that the opinionatoras, academicians and above all the concerned citizen have
started gradually realizing that sexual harassment to women in workplace is a
serious violation of women fundamental rights as a man and special rights
generated to her under the constitutions.

In India every 51 minutes a woman is reported to be harassed
and every 26 minutes a woman is sexually molested. Of all the forms of
violence against women it is assumed that sexual harassment is the most
ubiquitous and insidious all the more so because it is deemed normal behaviour
and not an assault on the female entity as study revealed in 22 Indian Journal
of Gender Studies 5(1), SNDT, Church gate Bombay (Pg 115 to 125) January
– June 1998. According to a study by International Labour Organization (ILO)
in 1992, in the 23 countries surveyed 15 to 30 per cent of workingwomen have
been subjected to sexual harassment. Instances of sexual harassment should
not be viewed as isolated incidents. Rather they should be construed as a
gendered aggression against the rights and dignity of women. The fact that it,
is pernicious effects are visible globally discount any effort to view it with less
gravity than it deserves. 1 out of 12 women surveyed had to quit her job. Some
of them were dismissed. Also important is the policy guidelines implemented in the IIT, Delhi to deal with the sexual harassment, probably the first major of its kind in the country. The evolution of the guidelines owes a lot to the guidance and support of Prof. Latika Sarkar who has been an active campaigner for recognizing and ameliorating the menace. These texts have thrown upon the magnitude and nature of sexual harassment in the country.

There is hardly any reform in issues covering gender and law with reference to politics and history of India. That the women are not safeguarded and the pre-colonial and the present relation of colonial legal structure is detrimental to the interest of women of India as revealed in Law and Gender Inequality, The politics of Women’s Rights in India, Flavia Agnes. With the promulgation of uniform civil code through long debated in connection with civil terms that may not be a panacea for the resurgence of the invisible victim of society.

Indira Jaising is the senior Advocate of Supreme Court of India. She has been a fellow of the Institute of Advanced Legal Studies, London. She is also the Secretary of “Lawyer’s Collective” which deals with socio – legal issues of public interest. Gender Justice and The Supreme Court by Indira Jaising is supreme but not infallible: Essays in Honour of Supreme Court of India, traces the evolution of gender justice in the Supreme Court. Before taking up judicial decisions concerning issues that involve women’s rights, the author draws attention to the composition of judiciary and its starkly unrepresentative character. Finally, the essay points to emerging issues concerning validity of personal laws, women’s representations etc. Which will engage the courts and its felt that an increasing no. Women in the judiciary will be able to perceive women as autonomous decision makers and active participants in public life.
To situate women in the present context of national development to assess their condition since the changes in their states and study the link between economic progress and the class to which the woman belongs, for studies have indicated that there is a close connection between the two. In order to analyze the case study in 25 "Women in search of Human Equality" by Aangana Chatterji, it first identifies the problems in the path of women’s equality. After an overview of awareness of their situation among various classes of women, the paper ends with a view of the future and the possible solutions.

The article “Gender and Politics in India” Edited by Nivedita Menon 26, presents an overview of feminist theory and politics in India. The introductory chapter provides an outline of the issues involved and the importance in experiencing the politics of gender in India. The essays focus on different aspects of feminism in India and debates in various issues like environment and gender, the impact of technological change on women work force, interpreting constitutional guarantee of (right) to equality with gender perspective, different women movement and the challenges encountered and sexuality and gender.

The article “Where Daughters are Unwanted” by Madhu Kishwar 27, emphasizes the magnitude of the problem of Sex Determination Tests (SDT) in India, which has resulted in sex selective abortion of thousands of female fetuses. The State of Maharashtra passes the Pre – Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act of 1988 to bar SDT. The author describes the fact that women themselves prefer a male child as shown from various studies due to social conditioning.

The work taking cognizance of the increasing number of women in the total workforce of countries of the world and the consequent emerging
patterns of social interaction views the workplace as a new domain of conflict in the running battle of the sexes. It includes women occupational profile as well as social mores and family values that determine behaviour pattern specifically in the workplace. The survey in \textsuperscript{28} "Women and Sexual Exploitation - Harassment at Work" by Rehana Sikri, analysed for further interpretation of the components of sexual harassment and male female relationship in the workplace. Working women search for identity is also addressed in the context of the traditional pattern of gender and sexual exploitation.

Study on more insidious and routine forms of sexual harassment women have to deal with when they step into the world to earn a livelihood or take part in social, political and educational activities revels in \textsuperscript{29} "Sex Harassment And Slander as Weapons of Subjugation" by Madhu Kishwar. Real lives experiences have been recounted which show how men use aggressive sexual encounters to maintain dominance and control and how and why the women are forced to suffer such behaviour. This period is compared to the ancient period the women was reversed in the same way as the goddess earth.

Study of problems of women in the unorganized domestic sectors in the states of Karnataka, Kerala and Tamilnadu mentioned in \textsuperscript{30} "Exploitation of Domestic Women Workers: Case Studies from Karnataka, Kerala and Tamilnadu". The purpose of the study is to portray the exploitation of domestic women workers. It emphasizes that the structure of the family affects exploitation directly as well as indirectly while stay with the employer's results in direct exploitation. It suggests that economic support and skill training of the women of non – familial structure may enable them to be independent and secure.

The struggle of Dalit Women for existence and to protect themselves against hostile social environment mentioned in \textsuperscript{31} "Dalit Women's..."
search for identity” by Dr. Sukia Deb Kanungo. While discussing the hazards the Dalit women are facing, it also comments upon the handicap of Dalit women like lack of education. It expresses the view that the movements dealing with the position of Dalit women need to develop strategies to sustain the process initiated by such movements to ensure that they sustain their positive impact.

Some recent Indian feminist theorizing of violence by activist leaders closely involved in women movements mentioned in 32 “Violence Against Women: New Movement and New Theories in India” by Gail Omvedt. The author, while discussing violence in traditional Marxist and Radical feminist theories delves into the emerging theories of violence in India. The essay reflects the theory of Vandana Shiva, Sharad Joshi and Sharad Patil each of them giving their own unique perspective of the reasons of violence against women. The essay apart from bringing out the complexities involved also provides an insight critique of the theories.

In “WOMEN OF INDIA” 1st edition 33 it is said that the women in India have played an important part in our social life and in our history. In recent years they have made good politically and in other departments of human activity. To those who live in India are therefore, came in contact with Indian woman this book will bring much information which will enlighten their minds and give them more correct information of what our women have done and are doing. To those chiefly abroad, this book will even more useful as representing a picture not only of the past but of the changing present in India.

In “WOMENS RIGHTS “ M.J. Antony 34 clearly mentioned that there is no doubt that India women are in the midst of a great revolution in the history. The evidence is everywhere; the voice of women is increasingly being heard in Parliament, courts and in the streets. In deed while women in the
west had to fight for over a century to get some of their basic rights, like the right to vote, the constitution of India gave women their equal rights with men from the beginning. Unfortunately women in this country are mostly unaware of the rights because of illiteracy and the oppressive tradition. Crimes like rape, kidnapping, eve teasing and indecent exposure can be grouped against women. There are primarily social evils and laws are passed there is a danger, that the police and the local authorities will set more powers and courage to register cases at the police station even at the risk of some publicity are headed to fight these evils.

According to "HUMAN RIGHTS IN INDIA" 35, the updated Amnesty International Report, HUMAN Rights in India, describes patterns of persistence abuse in the administration of justice in India, the torture rape and deaths of prisoners in so custody. Custodial violence is not and issue in India alone. India is an open country with a vigorous press and strong judiciary for enforcing fundamental rights. Yet even there and other Indian institutions with substantive powers to safe guard the rights of Indian citizens have failed to provide effective protection to the hundreds.

In the GROOTS (Grass Roots Organizations Operating Together in Sisterhood 36 (South Asia) News letters November. December 1998 issues says that after when it comes to the question of human Rights, legal solutions are mellowed and softened as justice is denied to many victims by addressing their grievances only marginally. Such actions of justice, instead of offering appropriate legal solutions often install fear in the minds of victims. Yet another example of in humanity against women, in many parts of the family’s resources. The female child is seldom given a fair status in the house hold, being treated as an unwelcome guest in her own home, discriminated right from birth. The evidence is the rampant occurrences of female infanticide in every parts of India. The worst forms of Human Right violations do not come from elsewhere
but are practiced by the vested interests that are within the country. Information provided in the parliament by the Honorable Home Minister in the month of June 1998 is a testimony to gross violation of human rights, especially on women, despite (C.E.D.A.W.) Convention on the Elimination of all forms of Discrimination Against Women, declaration proclaiming women's rights as human rights violence against women is the most disregarding example of treating women as inferior beings. Such violence manifests as rape, dowry deaths and many forms of domestic violence. Most of them are planned atrocities on women too, such atrocities affects women's dignity, keep women in perpetual sub-ordination, wantonly confining her within the four walls of house or make her remain closed to the world. Further such atrocities—when condoned/ignored by the states/society as unimportant domestic incidents, for the in stills only in security the min. of women creating permanent stumbling blocks to their progress.

According to UNIFEMs global campaign for the elimination of Gender - Based violence in the South Asia, in their newsletters and survey it is stated that violence on the job is a global problem cutting across class and occupations. The international Labour office (ILO) recently issued a report entitled "violence at work". Which is the most extensive worldwide survey of violence in the work place, focusing on global trend. The (ILO)'s goal is producing the report is to provide information and analysis that will enable policy-makers in government agencies, employers and workers organizations, health and safety professionals, personnel managers, trainers and workers to promote dialogue, policies and initiatives to repudiate violence and remove it from the work place now. In recent years, new evidence has been emerging of the impact and harm caused by non-physical violence, often referred to a psychological violence. Such psychological violence including bullying, one of the fastest growing complains of work place violence. It constitutes offensive
behaviour through vindictive, cruel malicious. Attempts to undermine an individual or groups of employees through such activities. The new profile of violence at work, which emerges, is one, which gives equal emphasis to physical and psychological behavior, and one, which gives full recognition to the significance of minor acts of violence.

In the book WOMEN AND THE LAW, by G.B. Reddy 37, it is mentioned that, in India almost half of the Indian populations are women. They have always been discriminated against and have suffered and are suffering, discrimination in silence in the civilized as well as the primitive society. Even though self sacrifice and self defense are their nobility and virtue. The constitution of India prohibits any discrimination solely based on the ground of sex in general and in the matter of public employment. This prohibition of gender-based discrimination has been given the status of a fundamental right.

Human Rights are essentially a product of democracy mentioned in "HUMAN RIGHTS AND THE LAW" by Paras Diwan and Peeyushi Diwan 36. With the down of civilization one right have hoped that some respect for human rights would emerge. It is a sad fact of life all over the world that violations of human rights still take place not on an inconsequential scale. It is in this scenario that world movements for human rights have to succeed.

Problem of violence against women is not need women in Indian society have been victims of ill-treatment, humiliation, torture and exploitation for as long as written records of social organization and family life are available nor had any attempt been made to explain why both the public and academicians alike have ignored for so long the hard fact that women have continuously been ruthless exploited in our society says Ram Ahuja in VIOLENCE AGAINST WOMEN 39.

In INDIA 1000 TO 2000 edited by T.J.S. George 40, article titled A HUMAN RIGHTS STRUGGLE written by C.S. Chandrika states, those
women yearning for fair play and justice in India face a very special obstacle - tradition. Religious traditions are bad enough from sati to Talaq. This is particularly evident in the way women are treated in the socio-political system.

In INTERNATIONAL ENCYCLOPAEDIA OF WOMEN 41 it is mentioned that issues of gender equaling are moving to the top of the globe agenda but better understanding of women’s and men’s contributions to society is essential to speed the shift from agenda to policy to practice. Improving women and improving their status are essential to realizing the full potential of economic, political and social development.

SUPREME COURT ON WOMEN’S LAW by U.K.Sarkar 42, states that in India society women folks have paramount place and even in ancient time women were regarded as important instruments of society. However in today’s society crime against women several exclusive enactments have introduced in recent past.

Rise against woman attempt to answer questions regarding the nature and causes for violence against woman, if any theoretical analysis would be offered explaining etiology of violence and the effectiveness of women group in tackling issues of sexual exploitation and harassment of women as mentioned in the 43 “Violence against women”, by Ram Ahuja. These and other issues are critically examined from sociological prospective. It also deals with issue of trauma faced by victim of violence as they seek acceptance in hostile environment. There is also suggestion regarding treatment of such issues through preventive measures, redefining patriarchal norms, developing support within the family and through women’s organization etc, thus providing a balance between practical and theoretical issues.

The offence of rape as per the Section 375 of Indian Penal Code (IPC) its significance and the objective of the law to protect and the underage
wife from premature sexual intercourse by her husband mentioned in the article
"Offence of rape: The marital exception", Indian Social Legal Journal by
Surendra Chahar. It is suggested that the legislature should remove from the
marital exception to rape, as it cannot be said to represent the troop position
of the wife in the marriage.

Attempt made to redefine rape in the article "Rape: A human
versus a patriarchal interpretation” by Indian Journal of Indian Studies, Lathika
Sarkar. Author mentioned here rape is an act of violence, which goes against
the fundamental human rights, led women strategic gender needs and whether
they are traditional associations that consolidates gender inequality or simply
formed to enable women to successful enter into public domain.

1.6. LIMITATION OF STUDY:

This present study proves to be a difficult and challenging one
because of certain inherent limitations. This study on harassment of working-
women at work places is very sensitive subject as many of the working women
very often avoid this matter to be discussed or disclosed in general due to
various reasons. Hence it is very difficult to take the data from primary sources.

This topic has to be examined and referred to a lot of cases and
field studies, which required intensive field tours, which has been very difficult
on my part being a woman with certain inherent constraints.

As study on atrocities on women on is a vast phenomenon the
time consumption is a factor that has to be taken care of. The scheduled
limited time is not enough to take the subject as a whole.

This topic needs much references and field studies, which involves
lot of finance to carry. Hence the study is limited to non-availability of funds.

Moreover, there is hardly any study made in Orissa and hence
this thesis is a rarely researched topic. I have to collect information by visiting
places of information many times like Government offices, Women's Commission, Police headquarters etc. I have found that they are not conversant with my topic because of the fact that there is hardly any documentation on the topic available.

After the landmark judgment of the Supreme Court in the case of Vishakha vrs state of Rajasthan, 1997, there are no sufficient works in this subject available in India.

After the guidance are fixed by the Apex court, it is very difficult to take the opinion of a person who is abused still denying to open up, though the State Govts, Private sectors, institutions, etc have made rules to prevent sexual harassment in work places but still it can not give security to the women in way as it is being redressed.

Moreover, the traditional women's and the middle class morality to which most of the working women of our country or for that matter of Orissa belong are not in a position to articulate with the harassment meted to them, even if for academic purposes. As such confidence building takes a lot of time for collection of information. As such the present study is based mainly on the information collected from different secondary sources.

1.7. METHODOLOGY:

As such it has become imperative to undertake a study involving contemporary problems of the society i.e. Atrocities to women and violation of Human Rights in India. But as the study encompasses a vast area I chose only atrocity i.e. sexual harassment to women in workplaces as my main research work. In a society where females are projected as "frailty thy name is woman" they suffer in the hands of the male counterparts and the male supervisors in the workplaces.
Since the aim of the study is to find out the cause and effect of the sexual harassment against women in workplaces. I have taken up an analytical explorative study aiming primarily at an exploration of what is the existing law. As such a study is to be made at the outset with regards to concept and definition of the two keywords “atrocities to women” and “workplace”. While analytical research deals with the present, the past is also to be explored by going deep into the concept and its operationalization i.e. the existing laws concerning the atrocities to women have to be taken into account as it is said “all that in past is prologue”. This helps in explaining the present most vividly and projecting the future clearly.

The categories of violence and the types of crimes against women are quite diverse but the diversity can also be misleading. In this analysis a number of common issues and variables are focused upon. All crimes against women grow out of dominance of man over women and are the end product of her lower status in family and society. Different forms of violence against women have been analyzed, which explores the commonalities and common etiological factors among these forms. This study examines the common effect of victimization across different forms of crimes. It analyzes the common factors of workplace harassment. It is difficult to collect data’s from the primary sources because of the sentiment and fear of social stigma. The women who suffer from sexual harassment in work places avoid opening up, for fear of losing the job and more harassment. The data collection from police, courts, women’s commission, women’s organizations, offices, associations, is not possible because of hardly any case lodged in police or court. It could be said that the analysis is totally based on secondary data’s for quantitative and qualitative evolution. The various propositions about crimes, their occurrences and causes have been predominantly by these sources of data and our own theoretical orientation. Most of the data in police records is inadequate or in
accessible. Also, most of the data in the police level are found compromise among parties or left lying without any investigation. I used both descriptive and explorative measures for analyzing the quantitative data statistically with the use of proportions, percentages, measures, rates of measures of Central Tendency and dispersion and making comparison between the groups. Numerically, the sexual harassment is a relatively frequent phenomenon, yet it constitutes a serious problem in crime against women. However, low its frequency of occurrence may be, socially it is considered to be the most damaging act because the whole life of the victim and her family is affected. The background of the sexually assaulted victims has been analysed in terms of different variables like marital status, age, residence, social status, education etc.

Self image and self esteem plays an important role in sexually harassed women in workplaces. The question on self image included ill treatment, humiliation and social banishment. Higher the income and job and higher will be her level of self image. There is an inverse moderate association between age and a woman's level of self image. As regard to self esteem it is believed that the female victims develop a negative view of themselves. The problem of females who are victims of crime arise from the functioning of the social structure in which they live, work, support system and stresses due to family interaction.

The primary purpose of this research was to explore the nature and patterns of violence on women and harassment in workplaces. The emphasis in study was not on the psychological dynamics of victims but on their social characteristics and social relationships as well as on the offensive acts themselves on the modus operandi of the crimes and the situation in which the crime occurred. Patterns were sought regarding the planning of the offence, the demographic background of the victims and the offenders, spatial
and temporal patterns, techniques and strategies involved, the degree of resistance and violence and so forth. The study was conducted with a sociological or socio-cultural perspective, it was not guided by a specific theory. The study thus also indicates important policy measures for preventing and reducing violence and for rehabilitating the victim.

The voice of an individual woman perhaps carries no weight. In most cases she is accused of being unduly outspoken if she expresses her radical views on some social issues in order to provide herself an outlet for her frustrations. However, if a number of women with like-minded views join hands, form an organization alone that women can attack out dated social norms and values, which needs to be discarded or overhauled. It is therefore more necessary that more and more women’s organizations be developed to create awareness among women to fight against their oppression as also men who exploit, humiliate and torture them. These organizations can undertake the following activities regarding women’s oppression. It is necessary to develop a humanistic approach to victims of crimes committed against females by males. A change in sex roles is extremely necessary. A woman must liberate herself from the antiquated sex role ideology, become assertive and self-accepting. For protecting the human rights of victims and providing benefits to victims, an evaluation of organizational procedures by outside individuals is necessary from time to time.

One cannot expect people from within an organization to find fault with their own system. Review and planning must be structured into systems both by assigning this duty to a particular position within the organization and giving it specific time to do it. For example, the police may have a rule that victims must give their statements alone, but permitting the representatives of women’s organizations should be present. Four changes in this context may be suggested:
(a) Change in attitude and values of judicial officials.

(b) Establishment of women's courts.

(c) Change in attitude of police.

(d) Change in attitude of media.

Magistrates and judges are human and can make mistakes. The importance is the necessity of changing the rigid and traditional values of magistrates on which their decisions are based. Reorientation courses for magistrates organized by institutes and universities are necessary instead of raising technical points and accusing the accused of committing cruelties against women, particularly in sexual violence. Women's courts have been established in Delhi to try cases of crimes committed on women. Four such courts were set up in 1994. The atmosphere in women's courts is not charged or aggressive as the other where women have to face a volley of questions from the defense counsel. Normally, it takes years to impart justice to a victim in an ordinary court, but in women's court it only takes a few months. The rationale behind setting up these courts is to lend a sympathetic ear to women victims. The important characteristics of women's courts are:

(i) They take up cases of women only.

(ii) The judges are women.

(iii) These courts try cases of family matters, cases of Indian Penal Code (I.P.C.), outraging modesty of woman (Section 359), kidnapping (Section 363), criminal breach of trust pertaining to not returning of stree thaan (Section 406) and cruelty of any sort inflicted by the husband or his relatives (Section 448) and these courts have predominantly all women terms, including women prosecutors.
Besides the above measures, the following preventive and rehabilitative strategies may also be adopted to help victims of violence against women.

While conducting a research it is not possible to do it all over. Instead a small area can be taken up as a sample. This study was also conducted like wise. Again woman work in different organization, like government, private or public enterprise etc. and also in different sectors comprising of organized, semi organised and unorganized sector. This compelled to go ahead with random sampling from different cross section of the society as in India we don't have one status, some belong to higher class, some to upper middle class, some to lower middle class and others to lower class and the study was conducted in every status to find out where the real problem lies the data collected was through. Case study some achieved personally, some form different institutions some form different texts and columns of magazines, newspapers as being a very sensible problem the response is very low thus one has to look into documentary sources. In nutshell the data's collected from secondary sources are analyzed among with primary data, which are few in number.

After the landmark decision of the Supreme Court regarding the problem that had awaken the society, cases of sexual harassment at work places that which were not considered as so but were booked under different sections of IPC and how far the law has helped the victim in the Supreme Court of High Court decisions has been evaluated. Whether there is a necessity of direct legislation and how to cope and implement the existing law in order to fill the vacuum was taken into consideration when conducting the pilot study. An analysis was done in the above issues so that the evil can be prevented, as we know, “Prevention is better than Cure.” After finishing with all this conclusion made against this social evil along with few suggestions so that future research can carry, this in a better way.
1.7.1 Hypothesis -

$H_1$ Workplace sexual harassment generally flows from the top.

Majority of sexual harassment in workplaces is commonly done by the higher authorities and male superiors than the male counterparts because the situation with the former is conducive for the sexual exploitation. Also the position and power plays a vital role for the same. The exploited is usually afraid to take any legal action against the authorities and the bosses. Thus, I have taken my hypothesis as $H_1$.

$H_2$ Verbal forms of aggression amounting to sexual harassment are frequent than physical form.

The sexual harassment in workplaces is a very sensitive issue in the whole world including India. Working among the men as a woman is subjected to crime of sexual harassment by her male colleagues and higher authorities. Her modesty and her status have no meaning in such places. Rather she is treated as a public property. She has also faced sexually coloured remarks, indecent comments from her male colleagues. It is still continuing after intervention by the Supreme Court of India. Thus, I have taken my hypothesis as $H_2$.

$H_3$ Most of the victims never complain for fear of losing dignity and the job.

Reputation is something that comes after life. To live and be respected by the society one ought to have good reputation otherwise she will be humiliated by the society and when a women losses her reputation due to sexual harassment condition she faces the most miserable condition. It also becomes difficult
for her to get a job and a bad reputation in family and friends. So fear of loosing job and dignity working women kept their mouth shut about the harassment they have faced everyday in their workplace. Thus, I have taken my hypothesis as $H_3$.

**$H_3$ Sexual harassment in workplaces as an atrocity against women and is a violation of human rights.**

According to Indian Constitution and Human Right Laws prohibits any type of harassment in workplaces because it violates the Articles 14,15,19 and 21 of the Indian Constitution and Articles 2, 7, 8, 22 and 23 of Universal Declaration of Human Rights. It shows that sexual harassment in workplaces is also violation of Human Rights of woman. Thus, I have taken this hypothesis as $H_4$.

**$H_5$ Lack of proper implementation of relevant laws contribute to the increase of sexual harassment of working women.**

After the landmark judgment of the Supreme Court and by issuing guidelines on sexual harassment at workplaces and other institutions, until necessary legislation is passed the guidelines are legally binding and enforceable. All employers or responsible heads of the institution are to institute certain conduct rules and preventive measures to stop sexual harassment in workplaces. But the irony is despite of several circulars distributed by all sectors now also sexual harassment in workplaces increasing day by day. Till now no law has been framed by the legislature for the prevention of sexual harassment in workplace. Thus, I have taken this hypothesis as $H_5$. 
The present research is primarily a doctrinal one but know the different complex paradigm of the issue an empirical (parametric) study is to be conducted to justify as to whom are the perpetrators of this crime and the causes to this atrocity violating the concept of human right. And this will lead us in this direction of few suggestions that mat eventually help in formulating a policy. For this purpose (5) Hypothesis is framed upon which the study rests.

For the purpose of empirical research I have chosen Bhubaneshwar, the capital city of Orissa as my universe. This is because the city, being the capital, is supposed to have more workingwomen both educated and uneducated in the true sense of the law. Moreover the sample size is small and drawn at random involving respondents from govt. offices, corporate bodies, and public sectors. Being a topic highly emotionally charged and sensitive one to get a large sample within a limited time is difficult. As such a schedule was framed with 45 questions as collections of data through schedules helped me in getting data directly from the respondents face to face.

Touching at the end depending upon the study and the parametric study a conclusion has been drawn with regard to the findings and a suggestion will be given for further reference in this field.

**Merits of schedule:**

1. **Higher percentages of responses** – It can be easily appreciated that the return of the schedule depended exclusively on the goodwill of the respondents. If they had the slightest doubt or suspicion they would not have responded and they could not have been persuaded nor their suspicions removed, since no one is present to allay their doubts. On account of this, it is small wonder that the percentage of responses to schedule is much higher than that of the questionnaire.
2. **Personality factor** – In as much as the research worker is entrusted with the job of getting the schedule filled up, since I was informed and well trained about respondents, habits etc., she is able to approach them in a way that they are influenced by her personality and charm. A person who knows her job well, behaves well and also appears well. This is a common observation.

3. **Personal contact** – In the schedule method there is personal contact between the respondent and the field worker. The behaviour, character and the intelligence of the field worker succeed often in winning the confidence of respondents. This obviously facilitates his task.

4. **Human touch** – Sometimes reading a thing does not impress so much as when as the same is heard or spoken by experts. They are able to lay right emphasis. This greatly helps better response.

5. **Removal of doubts** – In the questionnaire, if the respondents are unsure about the meaning of a question, he either leaves it blank or fills in any imaginary answer. But in the schedule, in case of doubt, the field worker makes the meaning clear. Moreover, if a respondent is afraid that certain information may be used against her, her doubts may be allayed by the worker by telling her that the schedules remain strictly confidential, and if the need be, allow the respondent to remain anonymous. Furthermore, the presence of the field worker acts as a deterrent against giving artificial replies because there is fear of cross-examination and being found out.
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* A woman is beaten every 18 minutes and raped in every 6 minutes in the U.S. More women are injured in domestic violence incidents than in car accidents and muggings put together.
* 3-4 million women are battered each year worldwide.
* Battered women are 12 times more likely to commit suicide than other women.
* 6 in 7 women are victims of rape in industrialized countries.
* Reports from France indicate that 95% of its victims of violence are women.
* 1/5 to 1/2 of women experience some degree of domestic violence during marriage worldwide.
* In Uganda a husband's right to control his wife by beating is customary law often relatives supervise beating so that they do not exceed a reasonable threshold.
* More than a half of all murders of women Bangladesh, Brazil, Kenya, present or formers partners committed Papua New Guinea and Thailand.
* In 1993, 14000 Russian women died of family violence and another 56000 were wounded.
* Under Bolivian law, lesions caused by husband in domestic violence are punished only if they incapacitate the women for
more than 30 days. Bolivia specifically permits the maltreatment of women by all male relatives (husbands, father, brother, brother-in-law, son, etc.) so long as wounds produced are not grave. The maximum sentence for wife abuse in 30 days of community service.

* In Brazil husbands have a customary right of honour, which he may preserve by beating or even killing his wife, if circumstances so warrant. The 'honour' defense has been a successful plea in approximately 80% of wife murder cases.

* In Haiti, Paraguay and Venezuela, criminal law excuses the murder of a woman by her husband if she is caught in a plea of adultery. This does not apply to a husband caught in a similar situation.

* In Bangladesh, India, Sri Lanka in cases of rape, a woman's character and sexual history are pertinent evidence and burden of proof, establishing lack of consent, falls largely on women.

* Testing for genetic defects are used to determine the sex of an unborn child, which may be aborted if it is a girl in several countries.

* In rural China women are still sold to husbands they never met. One in three wives reports being beaten by her husbands at one stage of marriage.


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