CHAPTER I

INTRODUCTION

STATEMENT OF THE PROBLEM

Men and women have unequal control over public spaces, organizations and social institutions. Interventions have been implemented through legislation, carving out exclusive spaces, such as departments, cells, projects or nodal points and allocation of funds. But, these have not really reached their intended results, most probably, as they have not been holistic in their approach. Gender equity may be still an elusive concept.\(^1\) Gender relations are the key to understanding the inequalities between men and women. These inequalities are expressed in many ways – explicit and implicit. The explicit measures are well known and are revealed in statistics, depicting differences in the sex ratio, child infanticide, literacy rates, health and nutrition indicators, wage differentials and ownership of land and property. The implicit measures are embedded in power and culture. These intra-household inequalities result in unequal distribution of power, unequal control over resources and decision-making; dependence rather than self-reliance; and unfair, unequal distribution of work, drudgery, and even food.\(^ii\)

The position of India in terms of the Gender Inequality Index, 2013 is 132 out of 185 countries. This is the actual status even when the Indian Constitution promises guarantee of “equality before the law” and “equality of employment opportunities”. The framework reminded us of the concept of equality in a liberal-democratic order. But, it had still to grapple with two major issues- the lower representation of women at all levels of government and gender inequalities within the bureaucracy. It is important to take notice of the fact that the incidence of representation of women, in the governments of even more developed countries, specially, at senior levels, has been quite low.

The progress of women is the main lever for the progress of that of society as a whole. Women’s place in every community is vital to the well-being of that society. In spite of the fact that women form an integral part of development in its social, cultural, economic and political dimensions, they still remain subjects of inequality...
Towards Equality (1974) was the wake-up call in India. The Report provided a real picture of the condition of women in India. The authors questioned how a country, that called itself democratic, could continue to live with worsening conditions for half its population. This was the first government report prior to the first World Conference of Women in 1975, to examine thoroughly the multiple roles and needs of women and the varied nature of their contribution to the economy.

The National Perspective Plan for Women (1988-2000) has highlighted the importance of greater representation and participation of women, at all levels of decision-making. The National Policy for the Empowerment of Women (1996) promised that all measures will be taken to guarantee women equal access to and full participation in all decision-making bodies at every level, in the private and public sectors.

According to United Nations Secretary General’s Campaign, UNITE; to End Violence against Women, violence against women is not confined to a specific culture, region or country, or to particular groups of women within a society. The roots of violence against women lie in persistent discrimination against women. The key word here is elimination. The word signifies that there is a world of disparity between the genders. Thus, unless the disparities or disabilities are eliminated, the rights enshrined in the Constitution, laws and other International Declarations on Rights cannot be fully realized. So, in a country like India, capacity building may take care of all forms of discriminations prevalent in the society and polity. The Convention on the Elimination of All Forms of Discrimination Against Women, (CEDAW), 1979; which followed the United Nations Declaration on Elimination of Discrimination Against Women, 1967, re-emphasized that discrimination against women violates the principles of equality of rights and respect for human dignity. It is an obstacle to the participation of women on equal terms with men in the political, social, economic and cultural life of their countries hampers the growth of prosperity of society. CEDAW’s General Recommendation No. 12 of 1989 recognized sexual harassment as a form of violence against women. In 1992, through the General Recommendation No. 19 on violence against women, the Committee characterized gender-based violence as a type of sex discrimination and therefore a breach of CEDAW. The Recommendation notes that “[e]quality in employment can be seriously impaired when women are subjected to gender-specific violence, such as
sexual harassment in the workplace”. Violence against women shall be understood to encompass, but is not limited to ... physical, sexual and psychological violence ... including ... sexual harassment and intimidation at work. vi

General Assembly Declaration on the Elimination of Violence Against Women, affirms that this form of violence constitutes a violation of women’s rights and fundamental freedoms. vii At the 1993 United Nations World Conference on Human Rights, gender violence was defined as violence which jeopardizes fundamental rights, individual freedom and women’s physical integrity. A UN Special Rapporteur on ‘Violence against Women, its Causes and Consequences’, was appointed in 1994 to document and analyze the causes and results of violence inflicted on women at a global level. viii

The Discrimination (Employment and Occupation) Convention, 1958 (No. 111), addresses discrimination in employment on a number of grounds, including sex, and requires International Labour Organization (ILO) member States declare and pursue a national policy, designed to promote equality of opportunity and treatment, with a view to eliminating discrimination. Like the CEDAW, it predates widespread awareness of the issue of sexual harassment. As a consequence, it has been necessary for the Committee of Experts on the Application of Conventions and Recommendations to take the lead. In its 1996 Special Survey on Convention No. 111, the Committee confirmed that it views sexual harassment as a form of sex discrimination against women in employment, which undermines equality, damages working relationships and impairs productivity. ix

The Committee defined sexual harassment as:

[A]ny insult or inappropriate remark, joke, insinuation and comment on a person’s dress, physique, age, family situation, etc; a condescending or paternalistic attitude with sexual implications undermining dignity; any unwelcome invitation or request, implicit or explicit, whether or not accompanied by threats; any lascivious look or other gesture associated with sexuality; and any unnecessary physical contact such as touching, caresses, pinching or assault. x

The Platform for Action adopted by United Nations Fourth World Conference on Women, held in Beijing in 1995, stated that the experience of sexual harassment is an affront to a worker’s dignity and prevents women from making a contribution
According to the ILO, sexual harassment exists in workplaces in almost all societies across the globe, as a subtle, but disturbing form of aggression. The ILO News, the mouthpiece of ILO, states that in the European Union, between 40 and 50 percent of women experience unwanted sexual advances, verbal suggestions or other forms of sexual harassment in the workplace. 30 to 40 percent of women face sexual harassment in workplace, in the Asia-Pacific countries. In Australia, according to the country's Human Rights Commission, 25 per cent of women have been sexually harassed in the workplace.

Several factors have contributed to the specific and explicit recognition of sexual harassment internationally as wrongdoing in the workplace. The emphasis on gender equality and the identity of women found in documents like the Preamble to the Charter of the United Nations and the Universal Declaration of Human Rights inspired greater focus on gender equality and identity of women. Women have started playing an important role in political, social and economic spheres of society. They have succeeded in politicizing what was private and domestic, earlier. Moreover, the United Nations and many countries through their constitutional framework and laws began to emphasize on the equality of individuals irrespective of their gender. The attention to sexual harassment of women, resulted from humanistic and economic considerations. It was realized that if women are not equally integrated into the workforce and if the workplace is not free from hostile work environment, it may result in absenteeism and stress-related healthcare problems. This may further result in increased cost of businesses and loss of production. So, measures against sexual harassment are not motivated just by ‘humane’ considerations, but also by considerations of economic productivity.

Fundamental to the concept of sexual harassment, is that it is unwelcome to the victim. It is any type of non-consensual communication at the workplace. It is sexual in that it is motivated by the sex or sexual orientation of the victim. It is based on unequal roles, is an abuse of power, and is either accompanied by a threat or promise or creates a hostile work environment. Lastly, it has a direct effect on work output and efficiency. Discrimination against women is systemic in India, embedded in socio-cultural norms and laws that structure the family, community, workplace and the State policies. There is a wide gap between the traditional Indian
view on women and the modern ideas about their status and rights. Violence against women in many forms are not even recognized as such, due to cultural constraints.

TABLE 1.1

Incidence and Rate of Some Cognizable Crimes (IPC) Under Different Crime Heads and Percentage Changes During 2012

<table>
<thead>
<tr>
<th>CRIME HEAD</th>
<th>YEARS</th>
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<td></td>
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<td>2002</td>
<td>2007</td>
<td>2008</td>
<td>2009</td>
<td>2010</td>
</tr>
<tr>
<td>1 Murder (Sec 302 IPC)</td>
<td></td>
<td>35290 (3.4)</td>
<td>32318 (2.8)</td>
<td>32766 (2.8)</td>
<td>32369 (2.8)</td>
<td>33335 (2.8)</td>
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<tr>
<td>2 Rape (Sec 376 IPC)</td>
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<td>16373 (1.6)</td>
<td>20737 (1.8)</td>
<td>21467 (1.9)</td>
<td>21397 (1.8)</td>
<td>22172 (1.9)</td>
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<td>3 Dowry Deaths (Sec 304B IPC)</td>
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<td>6822 (0.6)</td>
<td>8093 (0.7)</td>
<td>8172 (0.7)</td>
<td>8383 (0.7)</td>
<td>8391 (0.7)</td>
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<tr>
<td>4 Assault On Women With Intent To Outrage Her Modesty (Sec. 354 IPC)</td>
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<td>33943 (3.2)</td>
<td>38734 (3.4)</td>
<td>40413 (3.5)</td>
<td>38711 (3.3)</td>
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<td>5 Insult To The Modesty Of Women (Sec.509 IPC)</td>
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<td>10155 (1.0)</td>
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<td>12214 (1.1)</td>
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<td>9961 (0.8)</td>
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<td>6 Cruelty By Husband Or His Relatives (Sec. 498A IPC)</td>
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<td>49237 (4.7)</td>
<td>75930 (6.7)</td>
<td>81344 (7.1)</td>
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<td>7 Importation Of Girls (Sec.366B IPC)</td>
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<td>67 (0.0)</td>
<td>48 (0.0)</td>
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Source: National Crime Record Bureau, 2012
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<tr>
<th>State/UT</th>
<th>State/UT</th>
<th>Female Population* (in lakhs)</th>
<th>Rape (Sec. 376 IPC)</th>
<th>Kidnapping &amp; Abduction (Sec.363-369,371-373 IPC)</th>
<th>Dowry Deaths (Sec.304B IPC)</th>
<th>Cruelty By Husband or his Relatives (Sec.498A IPC)</th>
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**TABLE-1.2: Crimes Committed Against Women-2012**
### Incidence Of Crimes Committed Against Women During 2012 Sl.

<table>
<thead>
<tr>
<th>State/UT</th>
<th>Female Population* (in lakhs)</th>
<th>Rape (Sec. 376 IPC)</th>
<th>Kidnapping &amp; Abduction (Sec.363-369,371-373 IPC)</th>
<th>Dowry Deaths (Sec.304B IPC)</th>
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<tr>
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<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
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<td>(5)</td>
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<tr>
<td>UTTAR PRADESH</td>
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<td>1963</td>
<td>2.02</td>
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<tr>
<td>UTTARAKHAND</td>
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<td>WEST BENGAL</td>
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<td>2046</td>
<td>4.65</td>
<td>4168</td>
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<tr>
<td>TOTAL (STATES)</td>
<td>5747.64</td>
<td>24157</td>
<td>4.20</td>
<td>36004</td>
<td>6.26</td>
</tr>
</tbody>
</table>

| UNION TERRITORIES:        |                               |                     |                                               |                             |                                               |                                               |                                               |                                               |                                               |                                               |                                               |                                               |                                               |                                               |
| A & N ISLANDS             | 2.44                          | 12                  | 4.92                                          | 0.05                        | 7                                              | 2.87                                          | 0.02                                         | 2                                             | 0.82                                          | 0.02                                          | 5                                             | 2.05                                          | 0.00                                          |                                               |
| CHANDIGARH                | 6.41                          | 27                  | 4.21                                          | 0.11                        | 66                                             | 10.30                                         | 0.17                                         | 5                                             | 0.78                                          | 0.06                                          | 73                                            | 11.39                                         | 0.07                                          |                                               |
| D & N HAVELI              | 1.72                          | 3                   | 1.74                                          | 0.01                        | 9                                              | 5.23                                          | 0.02                                         | 0                                             | 0.00                                          | 0.00                                          | 0                                             | 0.00                                          | 0.00                                          |                                               |
| DAMAN & DIU               | 0.98                          | 5                   | 5.10                                          | 0.02                        | 0                                              | 0.00                                          | 0.00                                         | 0                                             | 0.00                                          | 0.00                                          | 3                                             | 3.06                                          | 0.00                                          |                                               |
| DELHI                     | 85.43                         | 706                 | 8.26                                          | 2.83                        | 2160                                           | 25.28                                         | 5.65                                         | 134                                           | 1.57                                          | 1.63                                          | 1985                                          | 23.24                                         | 1.86                                          |                                               |
| LAKSHADWEEP               | 0.39                          | 0                   | 0.00                                          | 0.00                        | 0                                              | 0.00                                          | 0.00                                         | 0                                             | 0.00                                          | 0.00                                          | 1                                             | 2.56                                          | 0.00                                          |                                               |
| PUDUCHERRY                | 6.88                          | 13                  | 1.89                                          | 0.05                        | 16                                             | 2.33                                          | 0.04                                         | 0                                             | 0.00                                          | 0.00                                          | 6                                             | 0.87                                          | 0.01                                          |                                               |
| TOTAL (UTs)               | 104.25                        | 766                 | 7.35                                          | 3.07                        | 2258                                           | 21.66                                         | 5.90                                         | 141                                           | 1.35                                          | 1.71                                          | 2073                                          | 19.88                                         | 1.95                                          |                                               |
| TOTAL (ALL-INDIA)         | 5851.89                       | 24923               | 4.26                                          | 100.00                      | 38262                                          | 6.54                                          | 100.00                                      | 8233                                          | 1.41                                          | 100.00                                       | 106527                                        | 18.20                                         | 100.00                                        |                                               |

Source: National Crime Record Bureau, 2012
Working women may encounter challenges which are not perceptible or identifiable, but inherent. Quite often male superiors or peers or subordinates consciously or subconsciously, are not ready to accept that women who are much inferior in physical strength and mentally deprived of necessary experience, could have the capacity to withstand hardship of working life and compete with men.\textsuperscript{xvii} Working women have no special immunity from this ethos of generalized male hostility.\textsuperscript{1}

Sexual harassment is a hazard, encountered in workplaces across the world that reduces the quality of working life, jeopardizes the well-being of women and men, undermines gender equality and imposes costs on firms and organizations. For the International Labour Organization, workplace sexual harassment is a barrier towards its primary goal of promoting decent working conditions for all workers.\textsuperscript{xviii}

Sexual Harassment at Workplace is a violation of human rights or fundamental rights. It is a form of violence that is physically, psychologically, and/or morally harmful and violates the victim’s right to equal opportunities. The concept of “sexual harassment” assumed worldview proportions, in which women were not flattered by sexual attention, but were extremely tortured by it.\textsuperscript{xix} Sexual harassment is a form of violence against women, used to keep women ‘in their place’.\textsuperscript{xx} Studies have showed that sexual harassment is likely to be perpetrated by more powerful actors against lower status targets. With the increasing induction of women in workforce, sexual harassment in the workplace has been acknowledged, as a serious misconduct.\textsuperscript{xxi}

The International Labour Organization has condemned sexual harassment as a form of gender discrimination, and as a violation of basic human rights. Workplace sexual harassment has been emerging as a critical challenge for female employees working across industries. Sexual harassment at the workplace is a form of systemized violence against women. Sexual harassment is a serious problem for women workers.\textsuperscript{xxii} Sexual harassment is not consensual sexual behaviour between two people, who are attracted to each other. It also has nothing to do with mutual attraction or friendship.\textsuperscript{xxiii} Sexual harassment permeates all strata, ranging from the unorganized sector to the corporate.\textsuperscript{xxiv} Sexual harassment has been considered a

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hindrance by the United Nations Development Programme and the Department of Personnel and Training, Government of India, as revealed by a host of workshops on gender sensitization with a National Workshop held in New Delhi, with the cadre controlling authorities of various civil services as participants.\textsuperscript{xxv}

Most working women at some time or the other may face this kind of violence from their colleagues, bosses or subordinates. Sexual harassment is any unwanted attention imposed upon a woman. By categorizing this intrusive and objectionable behaviour as ‘light flirtation’ or ‘harmless jokes’, the seriousness of the offence is masked. The fact that sexual harassment at the workplace can leave a deep and adverse impact on the psyche is totally overlooked. A woman’s sense of security is shaken by such humiliating acts. Any woman objecting to sexual harassment is looked upon as ‘hypersensitive,’ a spoilsport and lacking in a sense of humour. Raising objections against such behaviour often results in a hostile work environment for the woman, delay in promotion, or even loss of the job. Such implications have discouraged many women from taking action. Moreover, the victim has to suffer emotionally, psychologically and socially. Sexual harassment has positive relationship to sleep disorder, depression, alcohol usage, and negatively associated with job satisfaction. \textsuperscript{xxvi}

**EXAMPLES OF SEXUAL HARASSMENT**

The following behaviours can be examples of sexual harassment at the workplace, according to a handbook: \textsuperscript{xxvii}

COMMENTING on personal appearance

MAKING comments with sexual overtones and suggestive remarks bearing double meanings

UNNECESSARY touches-placing hand on shoulders, brushing against body

STARING intently at a woman’s body, specially known as ‘roving’ eyes

TEASING by using words such as ‘sweetheart’, ‘darling’, ‘honey’ etc

UNNECESSARY/ obscene/ threatening phone calls

TAKING pictures using mobile phone, cameras surreptitiously and without seeking express permission.
COMMENTING on a woman’s sexuality, fertility, pregnancy

STALKING UNZIPPING, loosening of belts/button in front of women colleagues

SUMMONNING to the cabin on pretext of work LOCKING the cabin while discussing work, with lone woman employee

PERSUADING a woman employee to accept a car/ bike lift

PURPOSELY organizing out of station, tours, site-visits etc in such a way to ensure physical company of a particular woman colleague

SENDING inappropriate e-mails or messages

WATCHING soft-porn, pornography, lingerie-advertisements etc on office computer or television, especially in corridors, recreation rooms, common areas accessible to all

READING aloud news, concerning rape of women or other news item, in a sensational manner and using it to ridicule and gossip about women’s sexuality

LINKING up with bosses- especially women private secretaries

CHARACTER assassination of a woman employee, by spreading gossip and discussing her private life

SEXIST and misogynist humour, and much more.

CONCEPT OF SEXUAL HARASSMENT

The term "sexual harassment" first came into use in the late 1970s in the United States. The term's origins are generally traced to a course on women and work taught by Lin Farley at the Cornell University. In 1979, Catherine MacKinnon, a legal scholar from the United States, made the first plea that sexual harassment is a form of sex discrimination, prohibited by the Constitution and Civil Rights laws of the United States. Since then many International bodies, National Legislatures and Courts have prohibited sexual harassment, but have not agreed on a universal definition of the term.

The United Nations General Recommendation 19 to the Convention on the Elimination of all Forms of Discrimination Against Women, reaffirms these elements by defining sexual harassment to include "such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be
humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment”.

“Sexual harassment” is defined as “where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.” xxviii

Sexual harassment is about power. Many a person in power holds that woman is inferior to him and sexual harassment is part of the job. xxix Men learned to institute dominance and hierarchy over other people, by their earlier practice of dominance over the women of their own group. xxx Family discrimination in food, health etc in favour of the male child starts right from birth. Later, it is extended beyond. Sexual harassment is used as a tool to perpetuate the subordination of women. It can be a means by which men assert power over women, through the threat of or act of violence. According to a 1992 International Labour Organization Study: “Sexual harassment is inextricably linked with power and takes place in societies which often treat women as sex objects and second class citizens.” xxxi

Catherine MacKinnon explained sexual harassment as the unwanted imposition of sexual requirements in a relationship of unequal power. MacKinnon added on that a woman struggling to establish credibility in a workplace setting “can be swept off balance by a reminder that she can be raped, fondled, or subjected to repeated sexual demands.” Her resulting anxiety, fear or vulnerability prevents a woman from “feeling, or being viewed as, the equals of their male counterparts in the workplace.” xxxii

The Equal Employment Opportunity Commission (EEOC) of the United States broadly defined sexual harassment, providing a statutory framework for analyzing behaviour in the workplace. Sexual harassment in workplace is-

Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an
individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

The EEOC stated further in the Final Guidelines that it would consider facts alleging sexual harassment on "a case by case basis," looking "at the record as a whole and at the totality of the circumstances," paying particular attention to the context and nature of the harassment.xxxiii

Sexual harassment is, above all, a manifestation of power relations - women are much more likely to be victims of sexual harassment precisely because they lack power, are in more vulnerable and insecure positions, lack self-confidence, or have been socialized to suffer in silence. Women are also subject to such conduct when they are seen to be competing for power.xxxiv

Sexual harassment is nothing, but a game of power.² Sexual harassment of women in workplace is all about expression of male power over women that sustains patriarchy and reminds women of their vulnerability and subjugated status. Sexual harassment leaves a deep and adverse impact on the psyche. A woman’s sense of security is shaken by such humiliating acts. Any woman objecting to sexual harassment is bantered and spoken ill of. Raising objections against such behaviour can create problems for the woman. It may lead to even loss of the job. Such implications have discouraged many women from taking action. They find no outlet or expression for their anger and humiliation, and at times, find it difficult to be creative and productive at work. This, again, hampers their chances at promotions and other career opportunities. Sexual harassment faced at the workplace, can lead to several physical and mental ailments. It can also lead to headaches, nausea and other psychological symptoms.xxxv

Sexual harassment is one way to put down a woman, to keep her in her place and to increase the feeling of power by the harasser. If the woman becomes frustrated enough, she may begin to make mistakes, get sick, be absent from work, or fail to carry out the job, leaving the harasser with the satisfaction of knowing that, women just cannot make it in a man’s world.xxxvi Sexual harassment at workplace is a form of

violence. Violence accompanies power. It is an instrument of coercion utilized to maintain power. Feminists have argued that sexual harassment consists of the use of male sexuality to exercise and reinforce men’s power and control over women. Sexual harassment is not about sex, but about power, in that it reflects the unequal gender power relations in society. Sexual harassment is part of the larger patriarchal system, in which men define the cultural norms by which women should perceive themselves. Another perspective looks at harassment through the prism of perpetuation of gender stereotypes. Harassers use it to police or maintain traditional gender roles and to promote gender conformity. Women are not properly recognized as credible co-workers. She is reminded that she is an object of sexual derision through different forms of sexual jokes, remarks etc. Sexual harassment often stems from economic motivations. In many situations, sexual harassment may be used by men to maintain their competitive advantage in the workplace, by reserving the most highly-rewarded work for men and branding women workers in these spheres as incompetent or unsuitable for the job.

Sexual harassment is an insult to dignity in the workplace. In some of the Western European countries, the focus has been shifted from prohibiting sexual harassment as a form of sex discrimination, towards prohibiting all harassing behaviour in the workplace, addressing issues of broader question of rights for all workers. This is a more inclusive approach. The European Union Directive on sexual harassment merges the concerns about subordination of women with concerns about preserving dignity in the workplace. L. Farley defined sexual harassment as unsolicited, non-reciprocal male behaviour asserting a woman’s sex role over her function as a worker. L.F. Fitzgerald defined sexual harassment as an unwanted sex-related behaviour at work that is appraised by the recipient as offensive, and threatening her well-being. P.A. Barr stated that sexual harassment is unwelcome or unsolicited, is sexual in nature and is deliberate or repeated. M. Bularzik defined sexual harassment in workplace, as a licence to harass women workers, which many men feel, they have. This stems from notions that there is a ‘woman’s place,’ at home, which women in the labour force have left, thus exposing them to sexual harassment at the workplace. According to her, the patriarchal norms are responsible for the sexual harassment in workplace. She added that sexual harassing behaviour was widely perceived as an individual problem, one that did not happen to decent women,
or one that women needed to overcome or ignore in order to keep their jobs. Bularzik explains sexual harassment or the threat of it also as a “mechanism of social control” that “functions on two levels: the group control of women by men, and personal control of individual workers by bosses and co-workers.”

In the United States, sexual harassment is considered a form of sex discrimination in violation of Title VII of the Civil Rights Act of 1964, which states that discrimination on the basis of race, sex, religion, and national origin, infringes upon the civil rights of citizens. Following the definitions established in the U.S. Equal Employment Opportunity Commission (EEOC) guidelines (1980), scholars distinguish between quid pro quo and hostile work environment sexual harassment. Quid pro quo harassment occurs when employers make employment decisions on the basis of sexual demands, whereas hostile work environment harassment occurs when unwelcome sexual conduct, unreasonably interferes with job performance or work conditions. The U.S. Supreme Court first recognized hostile work environment sexual harassment in the 1986 case Meritor v. Vinson. However, the academic, legal and popular groups discourses used the term “sexual harassment” since the end of 70s. Although legal definitions of sexual harassment differ by country, the development of United States’ sexual harassment law and policy have been extensively reviewed elsewhere.

An ILO study in 1992 showed sexual harassment of women, was acquiring a menacing dimension the world over, compelling many to quit jobs or suffer humiliation. Twenty three countries were surveyed, including the United States, Canada, United Kingdom, New Zealand, Spain, France and Japan. The study showed 15 to 30 percent working women, has been subjected to sexual harassment, which varied from explicit demands for sexual intercourse to offensive remarks. One out of twelve women surveyed, had to quit her job. Some were fired.

According to a 2004 report issued in Italy, 55.4% of women in the 14-59 age group reported having been victims of sexual harassment. One out of three female workers is subjected to sexual intimidations for career advancement with 65% being blackmailed weekly by the same harasser, usually a co-worker or supervisor. Furthermore, 55.6% of women subjected to sexual intimidation, had resigned from the job. According to a survey carried out by the Australian Equal Opportunity Commission in 2004, 18% of interviewees aged between 18 and 64 years said, that
they had experienced sexual harassment in the workplace. Of those who experienced sexual harassment, 62% were physically harassed and less than 37% were likely to report the abuse. A study in India by the National Labour Institute recorded 5671 reported cases of sexual harassment at the workplace in 1996, which grew to 10,950 in 2007, a growth of 93 percent. However, this is only a tip of the iceberg, as thousands of cases go unreported, say experts. In another survey by the joint Reuters/Ipsos global poll, in 2010, held that sexual harassment, is at dangerous levels in the workplace. According to this finding, 1 in 10 workers have been pestered for sex by a senior employer. The surveys of about 12,000 people in 24 countries found workers in India were the most likely to report sexual harassment with a report rate of 26 per cent. They were followed by workers in China with 18 per cent, Mexico 13 per cent, and South Africa 10 per cent. In Italy, 9 per cent of workers reported being sexually harassed at work, while in Brazil, Russia, South Korea and the United States, a total of 8 per cent of workers reported being pushed for sex by a senior. The Survey comes as experts warn that sexual harassment seems to be on the rise in the several high profile cases recently. The workers, who were least likely to have felt sexually harassed in the workplace, were from Sweden and France. There were only 3 per cent of employees who reported such incidents. Only 4 per cent of workers in Britain and Australia reported sexual harassment, 5 per cent in Poland, Germany and Belgium and 6 per cent in Spain, Japan, Canada and Argentina. The survey found workers aged less than 35, most likely to report feeling sexually harassed. Sexual harassment is a universal phenomenon today.

A Study has found nine in ten women, have suffered some form of sexual discrimination in the workplace. A vast majority of women workers have experienced ‘gender harassment’, which includes offensive sexist remarks or being told that they could not do their job properly, due to their sex. Experts suggest that low-level sexist behaviour was just as damaging and distressing as overt advances. The researchers at the University of Michigan found that 10 per cent of the women surveyed, had experienced the most severe form of harassment, in which they were promised promotion or better treatment if they were ‘sexually cooperative’. The study questioned women in two male-dominated environments – the US military and the

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legal professions. The questions included offensive remarks about being female, their appearance, body or sexual activities. The researchers argued that this ‘leads to negative personal and professional outcomes and as such is a serious form of sex discrimination’. Gender harassment ‘creates a hostile environment that disadvantages women’. The after-effects of harassment included health problems of the victim and poor performance at work. A CNN survey in New Delhi pointed to the fact that 50% of all working women claimed that they were sexually harassed in the workplace. In Pakistan, the Alliance Against Sexual Harassment in the Workplace claimed that 93% of women working in the public and private sectors had experienced some form of harassment in the workplace.\textsuperscript{xlv}

**INDIA**

Sexual harassment has been a problem-area within India’s workplaces. A study released, stated that out of 600 female employees working in IT and BPO industries, 88% of women were subject to sexual harassment in their workplace, with Supervisors often - in over 70% of cases – being to blame. In an International Survey of over 12,000 people in 24 countries, India was found to have the highest rate of reports of workers being sexually harassed by colleagues or supervisors, 25% also reported being assaulted at their place of work. These figures represent real suffering for the millions of women across the country that are harassed – close to 50 per cent of women had been subjected to abusive language, physical contact or been sought sexual favours from. In some cases such abuse becomes too much – there has been at least one case of a female employee of a major electronics company, committing suicide after being sexually harassed by a superior. Research indicates that many such severe cases go unreported. Up to 90% of victims of harassment do not report inappropriate or abusive behaviour, for fear of being victimized. In a study it was found that seventeen per cent of working women in India claim that they have experienced sexual harassment at workplace.\textsuperscript{5} This high incidence of sexual harassment, both in the organised and the unorganised sectors, was revealed in an opinion poll titled ‘Sexual Harassment at Workplaces in India 2011-2012,” released by Oxfam India. The survey for which women were interviewed in Delhi, Mumbai, Bangalore, Chennai, Kolkata, Ahmadabad, Lucknow and Durgapur, was jointly conducted by Oxfam India and the Social and Rural Research Institute. Most women

claimed to have faced incidents that were non-physical, according to the survey. “Sixty-six of the 400 respondents reported to have faced a cumulative of 121 incidents of sexual harassment, 102 of 121 incidents reported to be non-physical, whereas the remaining 19 incidents were physical in nature,” indicated the survey. In India, sexual harassment has been disguised, made to appear harmless. xlvi

The Maharashtra State Human Rights Commission (MSHRC) has undertaken a sample survey of all governmental establishments, colleges and universities in three districts, to take stock of complaints about sexual harassment at the workplace. The research wing of MSHRC has chosen Nanded in Marathwada, Yawatmaal in Vidarbha and the State capital, Mumbai. It was found that a significantly large proportion of working women were being harassed at the workplace, but most of them do not know what to do in such a situation. Many victims were in fear of openly speaking about such harassment or lodge complaints, because of fear of humiliation, and the complaints of those who have dared to raise their voice, have not been taken seriously. There were two incidents in Nanded district and several in Mumbai, in which no action has been taken. In Nanded, a staff nurse who complained of sexual harassment was merely transferred away from the culprit, who went scot-free. In another case, the victim, a lady constable, ended her life in a police station.

A non-governmental organization in Ahmedabad, the Ahmedabad Women’s Action Group (AWAG) stated that sexual harassment in workplace is quite prevalent in several fields, like the government, private sectors, medicine or lawyers. Yet, the victims refrain from lodging complaints due to fear of social disgrace and loss of work. AWAG had conducted a survey which revealed that 48 percent of women had faced sexual harassment at workplace, ranging from verbal, psychological to physical harassment. Perpetrators were usually seniors or co-workers. It has been stated by the AWAG head that when women get into jobs, men often feel that their domain is being attacked. In return, they strive to regain control by power-poaching through sexual harassment. 6 The negative effect of sexual harassment at workplace is so entrenched that, it alone is capable of undoing the little that women have achieved and also hampering their forward march. xlvii

National Association of Software and Services Companies (NASSCOM) Chairman K.K. Natarajan has stopped short of admitting how rampant the problem of sexual harassment at workplace could be in India. In 2010, a survey of 600 women employees in the IT and outsourcing industry across Indian cities, conducted by the Centre for Transforming India, found that 88% had faced some sort of sexual harassment at work, in most cases from a Superior. In Bengaluru, the Karnataka Labour Department received 700 complaints in 2012—all anonymous and therefore, unactionable.

III. OBJECTIVES OF THE STUDY

The objectives of my study are:

i. To examine if there is sexual harassment in the State bureaucracy and the Information Technology sectors and if categories of power and identity (such as caste, class, religion and rural or urban background) structure the incidence of harassment.

ii. To examine the laws supporting the victims.

iii. To ascertain whether the employers are supporting the victims.

iv. To find out the role of the family and the peer group.

v. To examine the differences and links between the public and the private sectors in terms of gendered hierarchies of power, and the impact of this on the problem of sexual harassment.

IV. REVIEW OF LITERATURE

A few studies have been conducted regarding sexual harassment in the workplace. But none of them have studied this issue in the way I have undertaken the study.

Abigail C. Saguy’s book is a work in cultural sociology, which examines the differences between the sexual harassment scenario of the American and French workplaces. Both the United States and France are industrialized countries with strong commitments to civil rights, but have adopted different definitions of sexual harassment. The common law system provided American feminists a valuable entry
into the law-making process, that their French counterparts did not enjoy. The French feminists faced different structural opportunities and constraints. Due to the French legal structure, the avenue for legal reform lay in the Parliament and not in the Courts. The French feminists accepted political compromise to get sufficient support for their Bill. So the scope of sexual harassment Bill was narrowed down. The liability of the employer is not accepted in France. She observes that the issue is taken more seriously in America than France. She analyzed the role of the feminists, legal experts and journalists. The role of the human resource managers have been enabled and constrained by the three institutional settings, namely, law, mass media and corporations. This is an innovative book in terms of methodology and theory. This is an empirical study which tries to prove that the definition of sexual harassment will depend on the socio-cultural environment of a country. This book is an important contribution to the literature on sexual harassment.

Sexual harassment scholarship began in the late 1970s; sexual harassment in the workplace has been studied from the legal, socio-psychological and lay perspectives. Emerging developments and debates about definitions of sexual harassment have been studied. Nature, nurture, power perspective, social identity perspectives have been utilized to study sexual harassment in the workplace. Outcome and future of sexual harassment research have been dealt with. No longer seen as exclusively a 'women's issue,' sexual harassment is now recognized as illegal and immoral behaviour that harms the socially oppressed groups and individuals. Cortina and Berdahl have provided an overview of the research on sexual harassment along this line.xli

Cecilia NG and Jamilah Othman’s¹ paper studied the existence of sexual harassment in six pioneer Companies, which had adopted the Sexual Harassment Code of Practice, launched in 1999 by the Ministry of Human Resources, Malaysia. Four of the Companies were from the manufacturing sector and two were from the service sector. The in-depth interviews conducted revealed the range of perceptions behind the causes of sexual harassment. These ranged from blaming harassment on deviant behaviour, on power relationships, on blaming the victim and on arguing that the harasser was stressed. The socio-psychological and the power angles have been well analyzed. However, this study did not include the bureaucracy and most
Importantly, it is a study of Malaysia. My work will focus on bureaucracy and IT in Delhi, Bengaluru and Kolkata only.

Indira Jaisingh in her edited book explores the laws in India, which can be utilized for sexual harassment cases. Jaising, being a lawyer, has emphasized on the legal aspects. The book has not properly focused on the socio-political-psychological aspects, which are very important to understand and solve the problem of sexual harassment at the workplace. My work will try to provide a holistic study of the problem of sexual harassment, happening in the bureaucracy and the IT in Kolkata, Delhi and Bengaluru.

Rohan Collier focuses on the United Kingdom. It provides a theoretical framework, looks at the impact of sexual harassment through women’s perceptions and outlines what sexual harassment are really about, and what harassers are attempting to achieve by such behaviour. Collier emphasizes that women, who are being sexually harassed, feel they are powerless, they feel that something is happening which is beyond their control. They are made to feel small and threatened. The sense of confusion women feel in sexual harassment is accompanied by loss of privacy and loss of identity. All this is part of the power game, which keeps women in their place. Collier states that sexual harassment as power game, results in women’s vulnerability and inferiority. It is linked to a wider picture of how women are treated generally in the society. The author’s study is a general one, without focusing on any specific institution, like bureaucracy. The power dynamics mentioned are universally applicable. Moreover, the practical advices to the employers, employees, institutions etc are of great utility. However, as it is mainly a book on the United Kingdom, the legal-socio-economic-psychological environment is different. My study will focus on the uniqueness of the nature and extent of sexual harassment in different sectors in Indian system, i.e., bureaucracy and IT. The factors of caste, religion, rural-urban divide etc, which are unique to India, will be critically interrogated.

Mary L. Boland has provided an overview of the problem of sexual harassment in the workplace in the United States. She mentioned that earlier, the law treated sexual harassment as a personal problem in the workplace. But, sexual harassment is a very serious form of employment discrimination, suffered mostly by women. A factor that is present in a high percentage of sexual harassment cases is a workplace that encourages traditional attitudes towards women. Stereotypical views
of women pose serious risks for women in a workplace. High levels of sexual harassment exist, when there are a low number of women in the workplace. It is also mentioned that sexual harassment of women occurs in all workplaces. The book provides practical, preventive and responsive strategies to deal with sexually harassing situations.

John Markert suggests that in solving sexual harassment in the workplace, the Supreme Court of the United States has indicated that a reliance on Weberian or Human Relations Approach over the other is insufficient. A synergy between the two approaches is necessary. A one-sided approach is doomed to fail. On the one hand, strong sexual harassment policy must be formulated and spelled-out in clear details. However, this initiative will not be sufficient enough to garner allegiance. On the other hand, Supervisors must motivate employees to abide by the corporate policy as it is socially correct.

In her article, Katherine M. Franke has defined sexual harassment in the workplace, as both a manner of accomplishing sexist goals, and a specialized instance of a sexist ideology. Sexual harassment is a technology of sexism. It is a disciplinary practice that inscribes, enforces, and polices the identities of both harasser and victim, according to a system of gender norms that envisions women as feminine, heterosexual objects, and men as masculine, heterosexual subjects. This dynamics is both performative and reflexive in nature. This paper traces the history of sexual harassment theory and jurisprudence in the United States. It states that in the late 1970s and early 1980s, feminist theorists and litigators began to depict sexual harassment, as an instrument of sexual subordination. Rejecting the notion that sexual harassment was a private, interpersonal kind of sexual mischief, feminists began to regard it as a species of sex discrimination, committed because of sex, and therefore vulnerable to legal attack. It was welcome that the courts adopted this view of sexual harassment, which was a tremendous victory for women. It also studies the work of theorists who have advanced an understanding of sexual harassment, as a kind of sexual subordination, and improvement, upon that work in light of the theoretical advances in gender and sexuality studies undertaken, since the concept of sexual harassment was introduced to the law.

In the paper by Fiedler and Blanco, sexual harassment in workplace, is seen clearly as an example of the challenges faced by the Human Resource function in the
new global market. It is the one that varies the most from culture to culture, in terms of intensity and recognition. The definition of what constitutes sexual harassment varies between different countries and cultures. Fiedler and Blanco commented that many countries outside of the United States, have claimed that they have little sexual harassment compared to the United States. However, this assumption is often based on the number of filings within that country. This can give a much distorted picture, because the citizens of these foreign countries may not file charges due to differences in the laws and differences in the cultures, including accepted differences in the power structures between men and women in the workplace. The authors develop a model based on various factors such as culture, laws, and gender that may impact perceptions of what constitutes sexual harassment. When trying to understand sexual harassment in the international business environment, understanding the legal constraints may not be enough. It may be more important to understand the interpretation of the law based on the cultural environment of the society in which the law is being enforced.

The study by McLaughlin, Uggen and Blackstone provide the gendered effects of workplace authority on sexual harassment, and its implications for feminist theories of gendered power. Power is at the core of feminist theories of sexual harassment in workplace. In particular, we find that women Supervisors are more, rather than less, likely to be sexually harassed, at work. Other research has suggested that gender may combine with workplace power, to produce this counter-intuitive result, but this represents the first longitudinal study to clearly reveal this pattern. When they view women’s power as illegitimate or easily undermined; male coworkers, clients, and supervisors may employ harassment as an "equalizer" against women supervisors, consistent with research showing that sexual harassment is less about sexual desire than about control and domination. Sexual harassment is well-explained within a feminist framework of gendered power.

Vicki Schultz in the article describes the sexual desire-dominance paradigm for conceptualizing hostile work environment harassment. In this paper, harassment is not driven by a need for sexual domination, but by some men’s desire to retain favoured lines of work for themselves. Hostile work environment harassment serves a gender-guarding, competence-undermining function.
The article by Lawton is about the individual model of workplace sexual harassment, why the individual model does not accomplish its stated goal of deterrence. It critically examines how the individual model displaces responsibility for eliminating workplace sexual harassment onto the victims of harassment. The prevailing paradigm understands harassment as an expression of men's sexual desire for, or domination of, women. In this account, harassment is not driven by a need for sexual domination, but by some men's desire to retain favoured lines of work for themselves. Hostile work environment harassment serves a gender-guarding, competence-undermining function. By marking women as incompetent to perform the most highly rewarded forms of work, harassment protects its idealized masculine image. The problem, however, is that few victims report harassment. Moreover, the lack of judicial oversight allows employers to redefine workplace discrimination issues as interpersonal problems, to be corrected by the application of appropriate management techniques. This reframing, in turn, reinforces a conception of harassment as a non-gendered, personal conflict that simply happens to occur at work. It stems from deeply held, but controversial, beliefs about merit and the ability of the market to correct problems of workplace discrimination. Until these unexamined assumptions are subject to more critical scrutiny, it is unlikely that meaningful change in sexual harassment legal doctrine will occur.

The paper by K.R. Browne illuminates on the psychological analysis of the interrelation of sex, power and dominance. Women’s participation in the labour force has increased considerably. The reality is that women now work side-by-side with men and compete for status with men in the same hierarchies. Sexual harassment, and women’s responses to it, can be understood as reflections of the different evolved sexual psychologies of the sexes. Among the issues discussed are whether the abusiveness of work environments should be viewed from the perspective of the ‘reasonable person’ or the ‘reasonable woman,’ whether sexual harassment is really ‘about power’ rather than about sex, and whether harassment that takes a sexual form is necessarily ‘because of’ the sex of the victim’. Sexual harassment training might more productively focus on, educating men and women about sex differences in perspectives to avoid miscommunication, rather than simply heightening female employees’ inclinations to be offended.
In the paper Corr and Jackson\textsuperscript{ix} reported about two studies, concerned with male and female respondents' perceptions of sexually harassing male behaviours. The first study was conducted in a student population, and the second study extended this investigation to a workplace setting. The findings contribute to the debate concerning gender biases in perceptions of acceptable and unacceptable male behaviours at work. According to the attribution bias model, sexually-oriented behaviour between males and females in non-work relationships is more acceptable than in work relationships. So, in a way, unwanted sexual attention by bosses who are disliked may be perceived as being inappropriate, and thus perceived to be more serious. It can be possible that differences in the perception of the seriousness of sexually harassing behaviours result from differences in the target's relationship to the harasser. The results of these two studies can make only a small contribution to this literature; but they show that perceptions, and associated attributional processes, determine, to some extent, which male behaviours are classified as harassing.

Research Study On Workplace Sexual Harassment\textsuperscript{xii} has studied the problem of sexual harassment in a country like Singapore, which is more industrially developed than India. However, the attitudes towards sexual harassment vary from discomfort, fear, insecurity, to disbelief. The subject is a taboo. Advocates against sexual harassment suggest that in the more traditional and conservative societies of Asia, victims may be reluctant to come forward with complaints or confront their harassers because they may be shy or ashamed, fearful of retaliation, or may not know what to do about it. The victim prefers to suffer in silence, than confront their harasser or report it to higher authority. Many are reluctant or uncomfortable about recognizing what has happened to them or confused or guilt-ridden. Often victims also may not even know that what is happening to them is sexual harassment, considering it just part and parcel of working life. The research observes that sexual harassment is a complex challenge, one that is often controversial and contentious. The study consists of four main sections: Public Opinion Survey, Company Policies and Practices, Legal Position in Singapore and Recommendations. 500 respondents and 92 Companies were studied. Employees are being subjected to unsafe work environments that can affect their emotional and physical health. This study is very interesting. A gender-neutral approach was followed in the study. The study was on the private sector. The study on bureaucracy could have made it more comprehensive.
The research by the ILO provides a summary of the issue of sexual harassment at the workplace in Vietnam, an overview of international and national laws, policies and practical workplace measures and recommendations, pertaining to sexual harassment in the workplace. In Vietnam, statistics and official figures on sexual harassment at the workplace are not readily available. The aims of the research are to provide a general overview of the sexual harassment in the workplace in Vietnam; to provide an overview of international and national laws, policies and practical workplace measures addressing sexual harassment in the workplace, the country’s lack of enforceable legislation on sexual harassment in the workplace, including the lack of legal definitions, and legal and financial responsibilities of enterprises and employers, redress processes, payment of damages and fines, does not encourage victims to report their cases or lodge their complaints. It remains common that most sexual harassment at work is unaccounted for and not thoroughly or exhaustively processed.

Daphne Barak-Erez and Jayna Kothari make a comparative study of sexual harassment in India and Israel. This article tries to study the similarities and differences between the two countries. Both the countries had introduced reforms in sexual harassment in the late 1990s. This article follows the processes that shaped the reforms and uncovers significant differences between Indian and Israeli sexual harassment law. In general, Israeli law is more robust in both its substantive scope and its enforcement. The sexual harassment laws, the level of implementation of these laws and the public attitude in India and Israel, have been studied in depth in the article.

A study by the European Commission Directorate-General for Employment, Industrial Relations and Social Affairs, 1998, has tried to examine the problem of sexual harassment in different countries of Europe. This is the second expert report on sexual harassment in the workplace commissioned by the European Commission (1996-2000). The first report on the problem was initiated by the Commission in 1987. The difference in the Northern and Southern countries of European Union, regarding the importance given to sexual harassment in the workplace, is also focused on. Many researchers assume that power imbalances related to a gendered division of labour, are inherent to sexual harassment. Most experiences with sexual harassment were reported in workplaces where the balance of power has changed, not to equality
but towards a somewhat less uneven balance. An element stressed by the study is that it is still usually the harassed employee, rather than the harasser, whose career is negatively affected. Major views of sexual harassment in the workplace have been considered from the individual power perspectives, organizational power perspectives, misperception theory and token theory. This study has provided a starting point for many researches, thereafter and will provide the broad framework for my study. The present research work has tried to bring in the analysis of sexual harassment in workplace, in bureaucracy and the IT, in the context of Indian realities.

Jennifer L. Berdahl in her paper stated that the most common form of sexual harassment is gender harassment. It is a form of hostile environment harassment that appears to be motivated by hostility towards individuals, who violate gender norms. Berdahl conducted three studies to test the prediction that women who violate feminine ideals, are most likely to be sexually harassed in ways, traditionally identified as harassing to women. In the first study, Berdahl examined how young adults’ experiences of sexual harassment, across a variety of life domains, relate to their sex and personality gender (masculinity and femininity). In the second study, Berdahl tested whether women with masculine personalities are more likely than others, to negatively evaluate potentially harassing experiences. In the other study, Berdahl examined how employees’ experiences of sexual harassment in five organizations relate to their sex, occupational gender (male-dominated or female-dominated) and personality gender. This set of studies helps to establish whether sexual harassment in general, is targeted more at women who meet gender ideals or at those who violate them. This research also represents the first to study systematically, how women’s experiences of sexual harassment, relate to their gender role conformity in their real lives and places of employment. This highlights the role of sexual harassment as a form of sex discrimination that keeps the sexes separate and unequal at work. Women may behave in “feminine” ways and avoid behaving in “masculine” ones, because they face negative repercussions when they do not. By implication, this suggests that sexual harassment is driven not out of desire for women, who meet feminine ideals, but out of a desire to punish those who violate them.
Bautista \textsuperscript{lxvii} discusses the origins of sexual harassment as a concept and as a prohibited act. The paper discusses the definition of sexual harassment and attempts to clarify it. It identifies where sexual harassment takes place and explains the two kinds of sexual harassment: \textit{Quid pro quo} harassment and hostile work environment harassment. It suggests paradigm shifts, and, in the process, overturns presumptions on the subject matter. The paper concludes that the problem of sexual harassment in workplace is deep rooted. It has been emphasized that stress must be given not only to the environment wherein the harassment took place, but also the context of the relationship between harasser and victim. The solution to the problem of sexual harassment lies in the hands of the government, employers, heads of educational institutions and employees and students. Although the law, as now framed, is gender-neutral, this is not enough. Chrysilla states that Philippines is a grossly gender-biased society and to solve the problem, judges should resist reflecting this bias.

Leskinen \textit{et al} \textsuperscript{lxviii} in their study, challenge the common legal and organizational practice of privileging sexual advance as forms of sex-based harassment, while neglecting broader definitions of gender harassment. Survey data has been taken from women working in two male-dominated contexts: the military and the legal profession. Their analyses revealed five typical profiles of harassment: low victimization (sexist behaviour); gender harassment (sexist and crude harassment); gender harassment with unwanted sexual attention; moderate victimization (moderate levels of all types of harassment); high victimization (frequent harassment). The large majority (90 percent) of harassment victims fell into one of the first two groups, which describe virtually no unwanted sexual advances, yet are the most common manifestations of sex-based harassment. Social scientists and legal theorists often struggle to converse, but considerable efforts have been made to bridge the disciplinary gap when it comes to this topic of sexual harassment. Gender harassment can create a hostile environment that disadvantages women. Their findings were compelling: the most common type of harassment experienced by women in the military and in federal legal practice was, in fact, gender harassment without sexual coercion or attention. They have suggested that researchers of the future on the topic can focus on how “just gender harassment” operates in gender-balanced and female-dominated industries. They speculated that the behaviour might
be less common in more female-integrated contexts, where women are not perceived as encroaching on “men’s territory.”

D. K. Srivastava\textsuperscript{lxix} has provided a picture of the sexual harassment laws and policies in India, China and Hong Kong, all countries of Asia. According to him, despite the magnitude of the problem, Asian countries have not adopted a holistic approach in dealing with the problem of sexual harassment. Srivastava has mentioned that it is not easy to change the ingrained attitude of perpetrators of the wrong of sexual harassment. But, some suggestions have been put forth, in the article, like complaints committees, complaints tribunals, equal opportunity commissions, grievance federations, human rights commissions and courts, dealing with sexual harassment cases, should have adequate representation of women; since there are inherent difficulties with proving a case of sexual harassment, once the complainant has established a prima facie case, the burden of proof should shift to wrongdoer to prove his innocence; to control sexual harassment at the workplace, employment contracts must contain a clause that if an employee is found guilty of sexual harassment, it would lead to termination of the employee’s job after due procedure etc.

Surinder Mediratta,\textsuperscript{lxx} has examined the gender-friendly provisions of the Indian Constitution and all the major legislations relating to women’s employment in India and abroad. He contends that the existing legal measures are either not implemented or are inadequate to meet the challenges posed by the changing economic environment. He deals with issues which have a critical bearing on employment for women. Sexual harassment has been one of the major factors, hindering women’s mobility and choice of profession. He has pointed out that whether it is actual harassment or the veiled threat of harassment or the vulnerability to exploitation, families are reluctant to allow free participation of women in all forms of employment. He has dealt with sexual harassment at workplace, in details.

Reena Chaudhary\textsuperscript{lxxi} in her book studied the problem of sexual harassment in workplace in the Union Territory of Chandigarh in India. The field survey was conducted on 200 women working in the private sector, which included doctors, journalists, actresses, nurses, clerks, receptionists, sweepers, working in hospitals, hotels, construction workers, factory workers, waitresses in hotels and restaurants etc. Moreover, 10 case studies of women who have been victims of sexual harassment,
were taken. They were working in different occupations, both government and private. She concluded that problem of sexual harassment at workplace, is quite rampant in the private sector. Women are aware of sexual harassment rules. They are in agreement with the definition of sexual harassment, provided by the Supreme Court in Vishaka Guidelines. The study notes the influence of workplace power and gender relations, for the existence and perpetuation of sexual harassment in workplace.

Mahoo Lyimo\textsuperscript{lxiii} in ‘Sexual Harassment: An Insight into the Indian Garment Industry’ has studied the problem of sexual harassment, among the garment workers in India. Lyimo observes that this is the most common, yet pervasive experience of the women workers. This can take place in many forms, but, ultimately, it violates the personal freedom and dignity, in which she has a right to work. Lyimo has studied the problem from the legal-sociological angles, where women remain silent and suffers a lot. The study has provided an overview of the condition of the garment workers facing sexual harassment in the workplace. But, the study is narrow in approach as it did not support a comparative analysis with other countries or with other industries.

Paramita Chaudhuri\textsuperscript{lxxiii} observed that to develop an understanding about the functioning of complaints committees dealing with sexual harassment in workplace, an exploratory study was undertaken. This included a study of State, Central and public sector undertakings in West Bengal. This piece of work is very important, as it shows the effectiveness of the Complaints Committees, which were formed after the Supreme Court ruling in Vishaka Guidelines. The report is based on the interviews with chairpersons of 25 Complaints Committees and 10 Committees did not respond to requests for interviews. The finding is that the Committees remain mostly non-functional. It is still perceived that sexual harassment occurs in “other” places. The survey points out that sexual harassment occurred in almost all the organizations. The power factor has been important in dealing with the cases. This study is narrow in scope. It deals with only the functioning of the Complaint Committees and the challenges faced in the process of implementation. My study has tried to deal with the problem in a holistic manner, with focusing on the nature of the power imbalances in the hierarchical structure, the origin of the problem, means of tackling it etc.

R. Dasgupta\textsuperscript{lxxiv} has mooted a very vivid analysis of the problem of sexual harassment, which was rarely brought into the open in India. The tendency of women workers is to complain only when the behaviour becomes extreme in nature. It is a
revolutionary work on sexual harassment in India, but it does not focus on the condition of West Bengal, specifically.

Paramita Dey\textsuperscript{lixxv} had chosen Guwahati, the capital of the State of Assam as the field of study. Both public sector and private sector offices were within her purview of study. She found that in none of the offices, Internal Complaints Committees were working effectively. In order to understand and analyze the extent of sexual harassment at workplace and the effect of Vishaka Guidelines in Assam, 100 working women have been interviewed. No male respondents were interviewed. The respondents were chosen on random basis. This study is really unique, as all the women respondents stated that they did not face any sexual harassment at their workplace. None of them discussed about sexual harassment in the workplace. Dey felt that it should be considered seriously as she felt that may be women employees lack awareness regarding the aspect of sexual harassment. They are not properly aware of sexual harassment in workplace.

A survey\textsuperscript{lxxvi} was conducted by the West Bengal Commission for Women and the Sanhita, with the aid of the Action Aid India. The study focused on the implementation of the Supreme Court Guidelines on Sexual Harassment at Workplace in West Bengal Governments’ Departments, Directorates and Institutions. The Survey was conducted between September 2002 and January 2003. It analyzed the perception of employees about the Supreme Court Guidelines and the issue of sexual harassment, environment at the workplace, relevance of the formation of Complaints Committees, challenges faced by the investigators etc. On a comparative analysis, the Departments had better information than the Directorates and most of the institutions. It has been stated that employees hesitated to discuss sexual harassment and in some cases, employees felt shaky in taking the responsibility of disclosing information individually.

Paramita Chaudhuri\textsuperscript{lxxvi} in another study, on ‘Sexual Harassment in the Workplace: Experiences of Women in Health Sector’, explores the context of sexual harassment of women in the health sector in Kolkata, West Bengal. Specifically, it explores women’s perceptions of the occurrence of sexual harassment in hospital settings, and probes women’s own experiences of sexual harassment and incidents of sexual harassment in the hospital environment, about which women are aware. The study also investigates the nature of action taken to seek redress, and the extent to
which working women are aware of the complaint mechanism, outlined by the Supreme Court. The study emphasized the fact that sexual harassment is an issue of power dynamics and it is those who wield least power, are most vulnerable to all forms of harassment. The harassment faced by the lady doctors, nurses and other female employees, happen not only by male doctors or high officials. Male employees, who are at lower hierarchical levels, also harass women, who possess higher authority. Chaudhuri’s study is very relevant as she has worked in West Bengal and has provided a picture of the situation of sexual harassment in the health sector, where she has studied both the public and private hospitals. She mentions that the condition is quite bad. This study has opened new windows for critically understanding the problem of sexual harassment in the health sector in the city of Kolkata. However, she has focused only on the health sector, which is quite limited in approach.

Rajoura et al have attempted to provide the effects of sexual harassment like depression, anxiety and/or panic attacks nightmares, shame and guilt, difficulty in concentrating, headaches, fatigue or loss of motivation, stomach problems, eating disorders (weight loss or gain), alcoholism, feeling betrayed and/or violated, feeling angry or violent towards the perpetrator, feeling powerless or out of control, increased blood pressure, loss of confidence and self esteem, withdrawal and isolation, overall loss of trust in people, traumatic stress, post-traumatic stress disorder (PTSD), suicidal thoughts or attempts to commit suicide.

Unnikrishnan et al have made a cross-sectional study, which was carried out within the Municipal Corporation limits of Mangalore, a coastal city in Karnataka State. The study participants comprised women working in educational institutions, banks, hospitals, and shops as these are the establishments where considerable number of women work. It was concluded that the younger respondents faced more harassment, compared to the older respondents. The majority of the respondents who faced harassment were from lower-middle and upper-middle socio-economic status, which was found to be statistically significant. The type of harassment was mostly verbal (67.4%) followed by physical (23.9%) in nature. This study provides an insight into the picture of sexual harassment in the Indian workplace.
The studies mentioned above represent only a part of the increasing body of literature on sexual harassment in the workplace and are illustrative, rather than exhaustive, in nature. However, since the studies are placed in different parts of the world, including India and West Bengal, they bring out the importance given to the problem. Since the 1970s, sexual harassment in the workplace has acquired due recognition as a domain of scholarly enquiry in the academic scenario. The central finding of these studies is that there is a complex interplay of several socio-political-psychological-economic factors, which are making the study of sexual harassment relevant today.

V. RESEARCH GAPS

A brief survey of the existing literature reveals that the above-mentioned studies undertaken by the scholars have enriched the understanding of the problem of sexual harassment in the workplace. However, there are certain major research gaps in this field. The earlier studies did not focus on sexual harassment in the bureaucracy and the Information Technology sectors taking these public and private sector domains of governmentality into an integrated perspective. My approach is innovative in this regard, making conceptual and analytical studies of the differentiated nature of articulations of power in the governmental sector and in private enterprises. Moreover, my study will also focus on the socio-cultural differences in the responses to the sexual harassment cases between the bureaucrats and IT employees in the three metropolitan cities, Kolkata, Bengaluru and Delhi. Age, religion, gender, marital status, place of birth, level of education of parents, occupation of parents, annual income of the family and present pay, have been studied, in correlation with sexual harassment, in the workplace. None of the Studies in this field has taken a comprehensive account of all these different kinds of variables and in the process; the complex linkages between these different bases of the societal background, have seldom been fully explored. In this Study, comparison has been tried in the level of sexual harassment in the bureaucracy and the Information Technology sectors in the three metropolitan cities of Kolkata, Delhi and Bengaluru. Most importantly, the Study reinforces the fact that an act of sexual harassment is due to the existing power balance in the workplace. The harassers think themselves superior to the victims, either, due to age, gender, rank, pay, or socio-economic parameters.
VI. THEORETICAL FRAMEWORK

Sexual harassment at workplace has been studied through several theoretical perspectives.

a. Natural or Biological Theory- This theory assumes that men and women are naturally attracted to each other. So, in the workplace also, they relate to each other in sexually-oriented behaviours. This position supports that sexual harassment is harmless behaviour and it is not a problem at all. This theoretical approach trivializes sexual harassment. It regards sexual harassment as a natural behaviour of individuals with strong sex drives. This perspective has been debunked academically. However, even today, this is a popular belief among many in the society.

b. Psycho Analytical Approach- Freudian and non-Freudian theories have analyzed that why certain men use violence against women, such as sexual harassment in workplace. This may be due to intra-psychic conflict, personality disorders, denial mechanisms, traumatic childhood etc. This theory supports that the cause of any type of violence lies in the minds of the perpetrator.

c. Organizational Theory- Individuals with formal organizational power, such as managers, may use their position to harass subordinates, according to Benson and Thomson, MacKinnon and others. This theory suggests that sexual harassment in the workplace results from the opportunity presented by power and authority relationships, derived from hierarchical structure of organizations. It defines the problem as an abuse of power, based on-

i. Differential power positions within the organization,

ii. Numerical ratios of males to females within the organization,

iii. Norms and social climate of organizational life,

iv. The unavailability of effective formal and informal grievance and resolution procedures.

Wilson and Thompson argue that it is primarily about men exercising power over women, and that harassment is linked with women's disadvantaged status at
work and subordinate position in society. They believe that sexual harassment is too complex to be explained using simple theories of power and use Lukes' three dimensional models to offer an analysis:

- The one-dimensional view - The organizational hierarchy creates the power, which is used within the organization. In these structures men are typically in positions of power and women are not.

- The two dimensional view - Power is exercised over others by controlling the agenda and deciding which issues are important and which will be marginalized. The organization will ultimately dictate what is seen as normal behaviour and as sexual harassment is bound up within the culture of an organization, it becomes normalized.

- The three-dimensional view – This view supports that power may operate to shape and modify desires and beliefs in a manner contrary to people’s interests. This goes into the “hidden faces of power or deep structures” within an organization whereby sexual harassment may not even be apparent and the processes for dealing with it are nonexistent, because it is not seen as an issue.\textsuperscript{1xxx}

d. Socio-Cultural Theory- The socio-cultural perspective focuses on unequal distribution of power and status between men and women. Sexual harassment is seen as a manifestation of the patriarchal system, in which men are the dominant group in the society. Women will be more victimized in a workplace where, men are in the majority. Using data from Merit System Protection Board Study, Tangri et al supported stronger empirical support for organizational and socio-cultural models, which view sexual harassment, arising from power and status inequality. This model proposes that sexual harassment is a product of culturally legitimated power and status differences between men and women. Farley and MacKinnon support this perspective. Sexual harassment does not exist in a vacuum. Rather, it reinforces society’s norms, values and mores of patriarchy.\textsuperscript{1xxxi}

e. Sex Role Theory- According to Collier and Williams, in the society, men are often stereotyped as being receptive to and welcoming sexual
advances of women. On the other hand, women stereotypically are not as receptive to and welcoming of the sexual advances of men. For this reason, male-to-female sexual harassment is viewed more negatively than female-to-male sexual harassment, as the perceived degree of unwelcomeness of the behaviour is greater in the former situation than the latter.

f. Sex Role Spill-over Theory-As propounded by Gutek, this theory denotes the carryover of gender-based expectations into the workplace. According to this theory, women employed in male-dominated or female-dominated work, often find their sex role is a salient aspect of their position. For example, a woman’s gender singles her out in the male-dominated workplace, where she is perceived as a female, rather than a worker. In the female-dominated workplace, sex-role and work-role overlap. This model also recognizes the socio-cultural power structures based on gender, where men have more power than women.

Sexual harassment is a multi-dimensional issue. Only one perspective cannot provide the full analysis of the situation. For the present study, the combination of organizational power theory, socio-cultural theory, and sex-role spill-over theory will be utilized to understand the malaise of sexual harassment in workplace. Patriarchy and oppression have been the underlying basis for most of the models. Patriarchy can make oppression look normal, as part of everyday reality. Patriarchy supports hegemonic masculinity. This has destructive consequences for both men and women. It is destructive for men as it defines men as aggressive, dominant, violent etc. Patriarchal socialization creates a society which easily is comfortable with aggression against women.

VII. RESEARCH HYPOTHESES

i. Women in the public services and the corporate world have reached a position in their workplace through their merit and hard work. While moving up the ladder and becoming successful, they face several hurdles, which may include sexual harassment. Sexual harassment may be the result of different groups of people coming together in the workplace.
(namely, people of different class, religious, and rural-urban backgrounds), where some feelings of superiority and ego may be at play.

ii. With the passage of time, women are becoming more aware of their rights and status. Laws are there, but the implementation machinery may not be perfect.

iii. The roles of the family and peer group are sometimes supportive in helping women to fight against the outside world.

iv. The State is taking some preliminary steps to create a harassment-free environment for the workplace.

VIII. CHAPTERIZATION SCHEME

The Introduction examines the problem of sexual harassment in workplace and its identification as a problem in United States of America in the 1970s and in other countries. Several theoretical perspectives to the study of sexual harassment have been analyzed.

In Chapter II, the legal aspect of sexual harassment in other countries and India has been examined. The legal support by the Constitution of India, Indian Penal Code, 1860, Industrial Disputes Act, 1947 – Rule 5, Schedule 5, Civil Suit, Indecent Representation Of Women (Prohibition) Act, 1986 Vishaka Vs State Of Rajasthan, 1997 in fighting against the malaise have been discussed. It was the Vishaka Guidelines by the Supreme Court that proved to be a landmark in the Indian legal system. The definition of sexual harassment according to Vishaka Guidelines of the Supreme Court will be analyzed. It was only in 1997, that the Supreme Court of India took an active role in identifying sexual harassment as a problem. The Court provided a clear definition of sexual harassment, which included such unwelcome sexually determined behaviour (whether directly or by implication) as:

a) Physical contact and advances;

b) A demand or request for sexual favours;

c) Sexually coloured remarks;

d) Showing pornography;
e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Some of the other important judicial cases, like Rupan Deol Bajaj Case, Nalini Netto Case, Apparel Export Promotion Council Case will also be looked into. Moreover, the present legal support through the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Justice Verma Committee recommendations have been analyzed.

In Chapter III, field survey of 300 bureaucrats (100 each from) Kolkata, Delhi and Bengaluru have been undertaken. The socio-economic background of the bureaucracy in Kolkata, Delhi and Bengaluru has been examined. Then, attempt has been made to study the impact of socio-economic parameters on the occurrence of sexual harassment in workplace. The parameters of the study are:

i. Age- The aim was to find out whether age is an important factor impacting the level of sexual harassment. In Indian society, usually, as one grows older, with seniority, he/she attains higher rank and power. The younger age group faces more sexual harassment than the older group. People in the older age group stated that some of them did face some form of harassment, when they were young.

ii. Religion –India is a multi-religious country. In the workplace, there can be different forms of sexual harassment. It may involve action, words or images, intended to cause a person to feel threatened. The religious background has been studied and an attempt has been made to find whether there is any connection between the religious identity and the extent of sexual harassment of the incumbent.

iii. Gender-Gender is an important determinant of individual and social behaviour. The kind of socialization in the family and society depends on the gender. The study has tried to examine the nature of correlation between the gender and sexual harassment in the bureaucracy. Women are the victims. Even women in the higher corporate rank, complained that character assassination is a common means, to create a hurdle in the career. Colleagues, subordinates and clients also have sexually harassed women in the Information Technology sector. However, in bureaucracy,
most women bureaucrats who were victims of harassment, were harassed by both seniors and peers.

iv. Marital status- Unwanted sexual attention is an essential component of sexual harassment. In the workplace, sexual harassment occurs when a superior, colleague or subordinate harasses another employee. This study has delved into the relationship between incidents of sexual harassment and the marital status of the person. Particular attention has been given to studying whether single unmarried people are harassed more than married ones. Single women, whether unmarried or divorced, are the ones who are most harassed. Moreover, in the Information Technology sector, even married women were sexually harassed.

v. Place of Birth- It has been focussed to understand that whether higher incidents of sexual harassment occurs with those with rural or mufussil background, or with those who are urban-bred.

vi. Level of education of Parents- Education is an important index of modernization and is an agent of social change. Educational background is an indicator of class background, in many cases. Educational background of both the parents has been studied and attempt has been made to analyze the correlation between the sexual harassment and the level of education of the parents.

vii. Occupation of Parents- Occupational background of parents can represent an important aspect of social background of the incumbent. Attempt has been made to study the extent of relation of occupational background of parents and the sexual harassment of the individual.

viii. Annual Income of the Family-While occupation of the parents is an indicator of the class background of the victim of sexual harassment, the income of the parents provides a better perspective of the way of life. In this section, further analysis of sexual harassment in the bureaucracy and its relation to the income level of the parents are indicated.

ix. Medium of Education- India is a multi-lingual State. The medium of education in schools and colleges varies from English, Hindi or other regional languages. The study has tried to find out whether individuals
who were educated in regional languages face higher levels of sexual harassment in the workplace or not.

x. Present Pay- Monthly Income of an individual is an indicator of the rank and status of an individual. Under this sub-heading, attempt has been made to find a relationship between the extent of sexual harassment and the monthly income of the victim. Probationers are the ones who are sexually harassed, the most.

Chapter IV deals with the field survey in the IT sector, 300 respondents from the Information Technology sector have been surveyed, 100 each from Kolkata, Delhi (National Capital Region) and Bengaluru. Kolkata is situated in the eastern state of West Bengal, Delhi (National Capital Region, including Gurgaon and Noida) is situated in the northern part of the country and Bengaluru, the capital of Karnataka is popularly known as the Information Technology capital of India. This chapter includes the socio-economic background of the Information Technology respondents in Kolkata, Delhi (National Capital Region) and Bengaluru and an attempt has been made to explore the relationship of the socio-economic factors and incidents of sexual harassment in the Information Technology in the different cities of India. Age, religion, gender, marital status, rural-urban background, level of education of parents, occupation of parents, annual income of the family, medium of education, present pay, are the variables.

Chapter V of this study proceeds to examine the differences between the bureaucracy and the Information Technology sectors regarding the occurrence of sexual harassment in the workplace in the bureaucracy and the Information Technology sector. A comparative representation has been done, not only between bureaucracy and the IT sector, but also among the level of sexual harassment among the three cities in the bureaucracy, as well as the IT sector. Comparison has also been done regarding the forms of sexual harassment, i.e., whether the sexual harassment was verbal, non-verbal or physical; the hierarchical position of the perpetrators; and the level of formal complaint filed by the harassed etc. This Chapter provides an overall picture and analysis of the field survey undertaken.
The concluding chapter summarizes the research findings and evaluates the results of the examination of the extent of correlation between the social and economic factors and the level of sexual harassment in the bureaucracy and the Information Technology Sector in Kolkata, Delhi and Bengaluru. The initial hypotheses of the study are tested in this chapter in the light of the findings. The study has found that the level of sexual harassment in the bureaucracy is more subtle and much less than that in the Information Technology sector, in all the areas of study. Women are the ones who are sexually harassed. There is a strong gender bias against women. In the bureaucracy and the Information Technology sectors, the field survey revealed that sexual harassment is highest in Delhi and lowest in Kolkata. Most of the victims of sexual harassment are from the younger age group. Women bureaucrats face most harassment when they are in the probationary period. Family and spouse, generally, do not support the victim to complain, according to the respondents.

IX. UNIVERSE OF THE STUDY

The study has been conducted in Kolkata, Delhi and Bengaluru. These are three metropolitan cities situated in the eastern, northern and southern part of the country. The sample size is 600. In the study, 100 representatives have been selected each in Delhi, Kolkata and Bengaluru bureaucracy and 100 representatives, each in Delhi, Kolkata and Bengaluru Information Technology Sectors. Surveys among the male and female respondents, have helped in understanding the perception of both the genders. The bureaucrats in the three metropolitan cities of Kolkata, Delhi and Bengaluru in India have been studied. In Kolkata, both the Indian Administrative Service (IAS) and West Bengal Civil Service (WBCS) officers were studied. In Delhi, the Indian Administrative Service (IAS) officers and Delhi, Andaman Nicobar Island Civil Services (DANICS) officers were studied. In Bengaluru, both the Indian Administrative Service (IAS) and Karnataka Administrative Service (KAS) officers were studied. Executives from the Information Technology sector have been interviewed in Kolkata, National Capital Territory of Delhi and Bengaluru.

X. METHODS

The present study uses both primary and secondary source materials. Published and unpublished materials lying at the field level offices have been collected, correlated and analyzed. The Study has examined the current conceptual
background and thinking on the issue of sexual harassment. After thorough literature survey and consulting books, journals, and newspaper articles relevant to this topic, the study has formulated the theoretical aspect of the problem.

Primary data has been collected in Kolkata, Delhi and Bengaluru cities in India. Finalization of research design, review of secondary data and finalization of the questionnaire in the initial phase of the research work. Empirical study on the basis of random sampling method has been undertaken through field survey undertaken from January 2007 to December 2012. In this period, interviews of bureaucrats and IT professionals at all levels in Kolkata, Delhi and Bengaluru, have been taken through structured questionnaires and these structured interviews have been supplemented by informal interactions with the respondents. Simultaneous library work was done and newspapers were followed. Simultaneously, time was utilized for data processing and data analysis and the final phase has been utilized for scrutiny, editing and finalization of the thesis and preparation of the report. Microsoft Excel has been used. The data processing consists of office editing, data entry and computer programming. In the ultimate analysis, this study depends on both quantified data and qualitative observation for arriving at the different conclusions on ‘Sexual Harassment in the Workplace: A Comparative Analysis of State Bureaucracy and the IT Sector’.
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