CHAPTER 7

FINDINGS, CONCLUSIONS AND SUGGESTIONS

7.1 FINDINGS OF THE STUDY

The study brings into light the following facts;

7.1.1 Problem

Sexual harassment is uncivilized, unethical, immoral and a fundamental legal wrong, has been in existence in our society (Globally) since long. Most working women in India, regard sexual harassment as an occupational hazard and society in general thinks it is a normal behaviour of man. Perhaps, it is because of this dismissive attitude, the problem of sexual harassment is untraced. The deliberate silencing at the behest of our social structures and organisational might is oft confused with absence till recently.

The concept of sexual harassment in India and other countries has been influenced by developments in US sexual harassment law. The concept of sexual harassment has been stirred up and created by feminists and women's groups to gain publicity and acknowledge the seriousness of this issue and finally recognised by the Judiciary.
7.1.2 Causes

The patriarchal canopy designed by social and cultural factors denied the women’s autonomy and freedom. This indeclinable gender bias has disfigured the very face of humanity and has made women shroud everything in silence. Interpretations of religious norms and personal laws of various religions established anti-women role. Though the Government is secular continued to sacrifice the rights of the women in the name of religion. These religious interpretations greatly influenced the individual views and subjected the women to subordination and economic dependency. Such biased attitude cause to face sexual harassment by women. Major women work force sector is an unorganised sector, majority of women work as labourers, domestic workers etc. They are illiterate and unaware of their rights.

The indecent projection of women in films and TV; vulgarity and violence of commercial films reinforces negative stereotypes. The twenty first century is now faced with the challenge of combating the crimes which are being facilitated by latest scientific developments and technologies. The pervasiveness and likelihood of expansion of the problem of sexual harassment has come about because of technological progress and the information super highway.

The above findings of the study clearly refer to the hypothesis, “patriarchal conditions, socio-cultural attitudes, economic dependence of women and obscene projection of women in media are the main causes of sexual harassment at work
place”. Further refers that, there are also other causes like unawareness of rights, silence of women about sexual harassment incidents, legal obstacles, technological progress etc.,

7.1.3 Consequences

Sexual harassment is a multidimensional problem ranging from social, economic to psychological. Sexual harassment can have the effect of degrading the social status of women ‘in’ and ‘out’ of work place. The deep sense of shame may lead to personality disorders and mental trauma. It threatens the psychological well being of the victim. Sexual harassment can have adverse economic consequences such as dismissal from jobs or denial of raise in salaries or promotion opportunities. Many a time women who are the victims of sexual harassment, out of anxiety and distress solve the problem by quitting their jobs, which results in the deprivation of economic security and well being of individuals. Thus the sexual harassment at work place hampers the entry of women into work force or institutions and retards the productivity and growth of organisations, which in turn affects economic development of the nation.

The work force participation rate of women in rural and urban areas and other sectors compared to their male counter parts is less\(^1\). The female literacy rate in India, compared to male literacy rate is also less\(^2\).

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\(^1\) See table 2.1:2.2:2.3
\(^2\) See table 2.4
The level of women employment is always the index of the kind of socio-economic progress that a community pursues. Therefore, the problem of the low rate of women entry into educational institutions or low rate of work force participation of women always viewed in the context of the overall problems of socio-economic progress and also a problem of social equity between men and women.

The above findings reveal that the hypothesis, “persistent inequality between men and women constrains society’s productivity and slows its rate of economic growth” and it is proved in toto.

7.1.4 Frame Work of Law

After the recognition of the problem also however there is still a good deal of discussion about the kind of law that can regulate sexual harassment. Specifically sexual harassment at workplace attracts many areas of the law Discrimination Law / Civil Law, Labour Law, Tort Law, Cyber Law and Criminal Law.

i) Tort Model

Some argue that sexual harassment could be treated under tort law rather than discrimination law, using either existing torts, such as invasion of the right to
privacy, intentional assault and battery or intentional infliction of emotional
distress or creating a new tort specifically for sexual harassment.

Tort law concerns personal injuries, harms done by one person to another.
Its purpose is to compensate the injured party for the harm done to her. Tort
liability exists primarily to compensate the injured person by compelling the wrong
doer to pay for the damage he has done. In tort perspective, the injury of sexual
harassment would be seen as an injury to individual person, to personal sexual
integrity, with damages extending to the job³.

ii) Sexual Violence Model

This model proposes individual responsibility and the punishment of the
wrong doer. Punishment includes, prison, fine, small compensatory damages etc.
The values evoke in this model are physical safety and personal integrity.

Whenever an offence has been committed at work place under the IPC,
need to report to the police. Sexual violence must be proven beyond a reasonable
doubt and more over prosecution relies on police, who are often insensitive to
complaints of sexual violence towards women. For instance, in Bajaj v. K.P.S.
Gill ⁴ sexual violence complaint made by victim and FIR are quashed by high
court. Another instance, MS.Srilakshmi, MCA student of Sharada college,
Vijayawada was killed in the classroom irrespective of a complaint being given to

³ Anna dark,” women’s silence Men’s violence” 1987.
⁴ AIR1996 SC 309
the police commissioner of Vijayawada, about sexual harassment by her classmate Manohar.5

iii) Discrimination Model

Discrimination model ensures equal opportunity regardless of sex, race, national origin, religion, age and disability and applies particularly to work place. As such it would be sensitive to power dynamics that operate in obstructing equality of opportunity.

The United Nations Human Development Report for the year 2000, expressly observes that human rights and human development “Share a common vision and a common purpose to secure freedom, well being and dignity of all people every where”. And it goes on to assert that the first and foremost freedom must be “freedom from discrimination” for without this the other freedoms essential to human development freedom from want, freedom to develop and realize one’s potential, freedom from fear of threats to personal safety, freedom from injustice and violations of the rule for law, freedom of thought and speech, freedom to secure decent work without exploitation will all remain elusive. Thus sexual harassment at workplace, which violates the equality rights and fundamental freedoms of women under the Constitution and Human Rights is a clear discrimination based on gender.

5 Enadu, 22 June 2004.
The existing cultural, social, economic and legal differences between men and women lead to male domination. It is the domination that is central to the commission of sexual harassment against women by men. Women sexuality in society is structured into an objectification of the male gaze rather than a consequence of natural or true form. Male domination places severe handicaps on women in understanding the ‘truth’ of their own lives and throws them to second class status.

The above findings clearly refer the hypothesis that, “Discrimination against women violates the principles of equality of rights and respect for human dignity, which results in sexual harassment of women at workplace” and it is proved.

7.1.5 Law Relating to Sexual Harassment at Workplace

While a vast body of law exists under which the claim of sexual harassment at workplace may be made, until recently, sexual harassment at workplace was not a concept recognised by Indian courts. After the celebrated verdict of Bajaj, there has been a sea change in the attitude of the approach of courts towards this sensitive issue of sexual harassment.

In 1997, in response to the rising number of sexual harassment cases at workplaces, the Supreme Court in Vishaka case took a long awaited step of judicial
activism and formulated a binding and enforceable set of guidelines to prevent sexual harassment at workplace.

The Vishaka case sought the enforcement of fundamental rights of working women under articles 14, 15, 19 and 21 of the constitution. The apex court held that each incident of sexual harassment of women at workplace resulted in the violation of the fundamental rights to gender equality and the rights to life and liberty, including the right to work with dignity.

Human rights of women promise, “Right to work and right to fair conditions of work”. Article 11 of CEDAW states, “the right to work as an inalienable right of all human beings and the right to protection of health and safety at working conditions.” The ILO mission statement of “Decent work”, current goal has essentially been formulated keeping in mind the view that it is becoming increasingly important to view economic growth vis-à-vis fundamental rights at work. “The right to property is one of the human rights and when that falls, all else falls with it. The abolition of property rights means dictatorship”.

Sexual harassment at work place checks the free entry of women into work force and it is a gross violation of fundamental and human rights of working women.

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7 Dwight D. Eisenhower.
The above findings refer to the hypothesis that “Sexual harassment is a hurdle for women’s right to work”. It also refers that sexual harassment is a hurdle for gender equality, liberty and right to live with human dignity.

7.1.6 Supreme Court Guidelines

In the absence of an enacted law to provide for effective enforcement of the basic human right of gender equality and guarantee against sexual harassment, the supreme court has laid down the guidelines and norms in the Vishaka judgment for compliance at all work places / institutions. Under Article 141 of the constitution, these guidelines and norms of the Supreme Court are required to be treated as “The law of the land”.

The guidelines of Supreme Court are significant; created awareness of the rights of working women, amended service rules and standing orders to include the prohibition of sexual harassment, initiation of criminal action, disciplinary action, setting up of complaints committee and employer’s liability.

The Vishaka guidelines are not complete. Procedures have to be put in place to deal with situation of sexual harassment in different categories of work places. The important questions to be considered here are: so far how many work places have established complaints committees? How many work places were tried for the charges of contempt of court for non-implementation of Vishaka guidelines? How many working women are aware of their rights and redressal procedures?
The surveys conducted by women's organisations and commissions reveals that, majority of working women are unaware of Supreme Court guidelines on sexual harassment at work place. The guidelines are not of much use to unorganised sector which comprises of 94%.

7.1.7 Complaints Committee Reports Deemed to be Enquiry Report

Article 311 of the constitution of India says that, it is the employer or the disciplinary authority, which has to decide on the guilt or innocence of the delinquent employer and on the nature of the punishment to be imposed.

But in Medha Kotwal Lele case, the Supreme Court held that, the enquiry into sexual harassment complaint has to be made by the complaints committee alone and the reports of the committee shall be deemed to be an enquiry report under the Central Civil Services (Conduct) Rules.

The important issues to be consider here are: when the complaints committee is not properly constituted as per guidelines; when one of the member of the committee is subordinate to the offender; when the committee has not followed rules against bias properly: The fate of the complainant depends entirely on the constitution of committee and its procedure.

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8 As in NALCO case
Rate of commission of electronic sexual harassment in India is increasing with the spread of hi-tech mobile phones, computer and net work popularity. The biggest problem of law enforcement agencies is that neither “The Indecent Representation of Women (prohibition) Act 1986 nor the Information Technology Act” 2000, can prohibit electronic sexual harassment at workplace. Most of the laws are outdated and not upgraded or fine-tuned with the change in latest technology. Hence there is an urgent need of a legislative policy to provide comprehensive redress to women facing sexual harassment at workplace.

7.1.8 The Nightmares of Nightshifts

The Union Cabinet recently in April 2005, decided to lift the ban on women working in night shifts between 7 p.m. and 6 a.m. In the absence of specific legislation to deal with sexual harassment, how would it be possible to provide safety to the women during night times?

The above findings (7.1.6: 7.1.7 and 7.1.8) determine that the hypothesis, “The right against sexual harassment at workplace recognised by Supreme Court without stringent legislative policy does not provide redressal for working women in all sectors” and it is proved in toto.

7.1.9 Role of Voluntary Organisations and Commissions

The eminent jurist justice V.R. Krishna Iyer, called for a radical, humanist and revolutionary movement for securing social, political and economic justice for Indian women. The slow actions of police and judiciary which have their own
limitations, silent sufferings of some victim ladies instead of local protest, failure of prosecutions, at times leniency of judiciary and above all, the present judicial and law enforcing systems, act as a blessing for the criminals. Besides legal action, the developments of protective services are essential.

The voluntary organisations that are referred as the eyes and ears of the people providing essential community services in curbing sexual harassment at workplace. It is only due to the efforts of women's groups and NCW, the Supreme Court has recognised the menace of sexual harassment at workplace and formulated a set of guidelines to prevent sexual harassment at workplace.

The responsibility of NGO's is to change the mindset of the people, especially of deeply ingrained values and beliefs to trigger a process of social change. The menace of sexual harassment can be prevented only when public revise its attitude towards the help less victims. People must sympathise rather than despise them. Because of this irrational attitude of society, many cases of sexual harassment go unreported. If the society adopts a protective attitude towards helpless victims against social defamation, more women would report offences.

The above findings determine that the hypothesis, "Laws by themselves are important to a certain degree, social attitude and the environment are also important to prevent sexual harassment" and it is proved.
The change in societal outlook for women can prevent the sexual harassment to a large extent. Women either themselves or with the support of voluntary organisations should exhibit their courage to take revolutionary steps against the existing evil at workplace. In this context, Violet Alva has observed that, "we need a revolution within us, for an evolution in society and unless that revolution comes about within, social legislation will not achieve the desired results".

There are Voluntary Organisations like Women's Organisations, NGO's: there are statutory bodies like the National Commission for Women (NCW), National Human Rights Commission (NHRC), Law Commission etc., many social activists like Sheela Barse, Madhu Kishwar etc., who keep a constant watch over complaints of human rights violations against women. But incidents of sexual harassment and atrocities against women are still on the rise. Perhaps such remedial measures would not suffice.

7.2 CONCLUSIONS AND SUGGESTIONS

In view of the above findings, the study forwards the following conclusions and suggestions for the consideration for prevention and redressal of sexual harassment of women at workplace.

In India, women are entering the work force in unprecedented numbers in the recent time. In the light of this development, there is a pressing need for the
rights of women to be respected, protected and fulfilled, particularly in the workplace. The "right to work" encompasses the right to work, free from sexual harassment.

Sexual harassment at work place is a multidimensional problem. The issue of sexual harassment at work place extends far beyond individual woman and her happiness to, work force productivity, economic development, social and family relations and much more. The problem needs the multidimensional solution too.

In spite of Supreme Court guidelines, voluntary organisations reports, statutory commission's reports and commissions advice, the legislature has not done much to curb the sexual harassment at work place and to protect women against sexual harassment at workplace.

"It is impossible to think about the welfare of the society unless the condition of women is improved. It is impossible for a bird to fly on only one wing". Since law is an effective weapon for bringing about justice and the constitution has been devised so as to achieve this objective, Parliament can enact a comprehensive law to prevent sexual harassment of women at work place incorporating the Supreme Court guidelines.

Law alone is not enough to root out this social evil. A holistic approach and social movement are also necessary to solve this problem. Society has to change its attitude so women can come out and participate in public life without
feeling threatened. What needs to be inculcated is a sense of mutual respect between men and women.

The task of the protection of women against sexual harassment and promotion of safe work place are complex and requires the co-operation of all sections of the society, legislature, judiciary, lawyers, NGOs, Public Servants, organisations, teachers, police, media persons and others.

A. NEED FOR A COMPREHENSIVE LEGISLATION

i. No direct legislative law

Of course there is an existing law, that can be used to deal with sexual harassment at workplace, but the issue of sexual harassment attracts many areas of the law - Constitutional Law, Labour Law, Service Law, Civil Law / Discrimination Law and Criminal Law. Hence, there is a need for specific legislation to prevent sexual harassment at work place.

ii. Inadequacy of Cyber Laws

The Indecent Representation of Women (prohibition) Act, 1986 and Information Technology Act are inadequate to curb the hi-tech electronic sexual harassment at workplace. In the changing scenario, with the progress of society and development of science and technology, criminals are equipped with modern weapons and knowledge. But it is unfortunate that, the protecting agencies of our
country are not properly organised or well equipped to prevent and control sexual harassment.

It becomes a crime under sections 67 and 72 of IT Act, if the pornographic material is published. It is not clear whether a person can be charged for snooping under the Act, if the material is not transmitted. In the absence of precedents in this regard, there is a little light thrown on the subject.

iii. Supreme Court Guidelines not a Complete Code

Growing recognition has been given to sexual harassment at workplace in recent times. More and more sexual harassment cases are visible and tackled by the courts. But, the problem is unrecognised by the Indian legislature except the Supreme Court verdict in Vishaka case. However, the Supreme Court guidelines are useful only to the organised sector, which comprises just 6 percent of the women in India. The preventive guidelines are not much useful and applicable to the unorganised sector and certain other professional agencies. Therefore it is difficult for the working women in the unorganized sector to get redressal, unless a comprehensive law is enacted to prevent sexual harassment at workplace.

iv. No Prescription of Punishment

The Supreme Court guidelines did not specify any punishment for the offenders. In the absence of specific legislation, the courts depend on three
sections of IPC: sections 294, 354 and 509. These sections of IPC protect the women in general from certain categories of misconduct but these are not enough to safeguard the interests of working women. These sections are applicable only where the intention of the harasser is to outrage or insult the modesty of a woman and not applicable where the intention is to gain sexual access through the promise of reward of the job related benefits or through the threat of job related punishment.

v. Burden of proof

Further, it is a judicial system and legal requirement that the offences under sections 294, 354 and 509 of IPC must be proved beyond reasonable doubt. Most of the sexual offences including sexual harassment invariably takes place in lonely places or some times by fear of job loss the witnesses refuse to give evidence against the boss.

Hence, there is a need of specific sexual harassment legislation, stressing the illegality of sexual harassment and delineates a clear and appropriate complaint process, ensuring confidentiality of the victim and speedy justice. The new legislation must incorporate provisions to protect their jobs when complaints are made. A termination or resignation after a complaint should also be considered as sexual harassment. Procedural law must be based on recommendations of Malimath Committee.¹

¹ Justice Malimath Report on criminal reforms
B. Need of a Code to Eliminate Gender Discrimination

Law is an instrument of economic and social change in all-democratic societies. Economic and social legislation is particularly meant for the betterment of the deprived. Further, international instruments such as CEDAW, ILO and the Beijing Declaration cast an obligation on the Indian state to gender-sensitize the law and to take appropriate measures to prevent all forms of discrimination against women. But the lack of implementation merely reduces them to paper tags. Hence the following provisions need the attention to prevent gender discrimination and second class status of women.

1. Daughters disinheritance in the rightful share of parents property.
2. Declaring husband’s or father’s name by women while opening a bank account or applying for loan etc.,
3. Carrying of surname by the sons and not by daughters. (Instead of surname both daughter and son can carry initial letters of mother and father).
4. Uniform civil code.
5. Inadequate institutional mechanisms for the advancement of women
6. Gender biased social customs and norms
C. Lack of Autonomy / Authority for NCW and NHRC

Working of the NCW is hampered by the lack of autonomy and a clear status. The commission has to be freed from bureaucratic control. A “toothless”, commission could not be very effective. The “closed door” method of appointing the chairperson and members of the commission needed to be changed to a more open and transparent one.

Lack of sufficient autonomy pushes away NCW and NHRC to take decisions or suggest recommendations that may appear contrary to state interests.

D. Need of a Systematic Study by NGOs

Inspite of the efforts made by several organisations the sexual harassment at work place is not controlled. Therefore, the organisations must focus on the trickle down effect of their interventions and further extend their area of operations for effective results.

A systematic study of NGOs from the political, social and legal points of view still needs to be carried out. Unity is lacking among the various groups of NGOs in India. NGOs also suffer due to non-cooperation from consumers. They undergo a very tough time in convincing the people that their attitude is good and they will certainly help them.
Creating a change in the mindset of the people, especially of deeply ingrained values and beliefs is extremely difficult. Indeed it is a tall order for voluntary sector and mass media. However if the effort is dovetailed, it may be possible to trigger a process of change.

The following charts illustrate the need for interventions by women’s organisations and NGO’s at different levels in combating sexual harassment at work place.

a) Specific interventions

1. Identification of the causal factors for sexual harassment
2. Field visits and extension activities for the identification of the victims.
3. Educate the women on human rights and women’s rights.
4. Dissemination of knowledge on sexual harassment.
5. Provision for legal aid, medical aid, and police support for the victims.
6. Act as a liaison between people and state
7. Mobilise the masses for agitation and movements to fight against
8. Counseling to minimise the impact. Moral and material support for the victims.
9. Collective and co-ordinating efforts of all groups
b) **General interventions**

- 10. Gender sensitisation for policy makers, legislators, law enforcing agencies etc.
- 9. Media involvement for wide publicity to curb sexual harassment
- 7. Strengthening and setting up of special police cells and police stations (Women)
- 6. Simplify the judiciary enforcement and need for women judges
- 5. Change in value system
- 4. Promotion of supportive services at work place.
- 3. Formulation of policies to create safe and welcoming environment of workplace.
- 2. Strengthening documentation and research on sexual harassment
- 1. Promotion of literacy and education among girl children and women.

**Intervention of voluntary organisations / women's organisations / NGO's**

E. **Need of National Media Policy**

Mass media like TV and films that do not simply reflect but subtly and indirectly help in shaping social reality. The indecent representation of women in the media is a social evil, which corrupts the young minds and encourages violence against women. Hence, the media should prevent the commodification of women and should also prevent the promotion of consumerist values. There is a need of national media policy for the control of vulgar depiction and maintenance of
gender justice. Fashion channels, 24-hour channels and Smut channels, which spoils the minds of people should be stopped immediately.

Instead the media should exert a powerful influence, which can be utilised for the advancement of the society.

Media must highlight the ideas and thoughts relating to human values which develop a social change.

In rural areas, women can discuss sexual harassment problems only with the women journalists more comprehensively. The women journalists should actively seek out such opportunities.

The media should give more coverage to sexual harassment issues and should follow up the cases and the public can be informed about the successful conviction of the perpetrators. So that, more women can come out to report sexual harassment incidents.

Developing mass media material that portrays women in a positive and constructive manner and in a wide variety of roles.

The adoption of non-sexist guidelines by advertisers, broad casters, film makers, journalists and publishers.

The voluntary sector and the media have to develop effective linkages and have to work in close cooperation so that women’s power and media power together as a formidable weapon can facilitate social change in the country.
F. Regulation of Pornographic Material

Cyber morality crisis is going on. Latest technology is piercing the privacy right, especially of women. Hence there is an urgent need to regulate it.

i. Software Packages

A number of software companies have arisen to the challenges of creating programs that block access to sites carrying sexually expects or other offensive contents. Net Nanny, Surf Watch, Cyber Angels, Cyber Patrol, Web-filter and Cyber Sitter are filtering software of PICS compatible selection software that will enable children to access educational material while shielding them from offensive and harmful material. Protection of, children from pornographic material and rights of all people lie in vigilant parenting and software development. Parents should install software packages in which pornographic sites can’t be opened.

ii. Pre Censor

Government should make a law regarding the pre-censorship of online contents through VSNL.

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11 In India Internet is officially regulated by "Videsh Sanchar Nigam Limited".
iii. Ban on SPY Cams

There is no clear legislation regarding use of SPY cams or MMS camera phones. Measures to be taken to ban SPY cams or mobile phones in schools, colleges, institutions etc.,

iv. Cinematograph Act

The Cinematograph Act and Immoral Traffic Prevention Act are aimed in large part at preventing the exploitation of women. They are intended to nab the wider apparatus that places a woman at the center of a lascivious gaze. In tune with these acts, censor board should take proper steps in regulating pornographic material in films and serials.

v. Freedom of the Press

The fundamental right of the freedom of the press is implicit in the freedom of speech and expression under art 19(1)(a). But the publisher's must utilise this freedom subject to the Article 19(2). The grounds of reasonable restrictions of “Decency or morality” contained in Art 19(2) must be followed strictly.

G. Support to Unorganised Sector

In India, women constitute a sizeable section of rural work force. The realisation of women's full potential is crucial to the overall socio-economic development and growth of a society. However, this realisation will require a real
revolution in people's attitudes and behaviour. It will be a revolution that will place gender at the heart of policy making and planning in all areas of development and that will generate the full awareness among the people.

Lack of education and poverty makes the rural women bear the sexual harassment in silence. Their plight can be improved;

i) Right to education is a fundamental right. Hence, the government should take steps to provide education to all.

ii) Educating the women on the rules of Law and extent of their legal rights.

iii) Free legal services should be made available to women at their doorstep to ensure protection of their rights.

iv) Rural working women should organise into unions.

v) Strengthening the economic status of rural women by special programs.

H. Government Programme to Combat Sexual Harassment

i. Deterrent and Stringent legislative policy

Framing of a deterrent and stringent legislative policy is of urgent need to curb sexual harassment at workplace in the absence of direct legislation.
i) Setting up of monitoring bodies in every district

District level bodies for the review and monitoring of complaints of sexual harassment at work place should be set up immediately. The reviewing / monitoring body should be strengthened with more powers, appropriate status and financial and staff support.

ii) Support to voluntary organisations

It is an established fact that in most regions in India, it is the voluntary organisations that have pioneered and sustained the campaign to combat sexual harassment at work place and violence against women. Recognising the strength and capabilities of voluntary organisations for generating public response to sexual harassment and social mobilisation, much greater support should be provided to the voluntary sector by the Central and State Governments.

A special scheme is to be introduced by the Central Government to provide financial support to NGO’s especially for dealing with cases of sexual harassment and violence against women. Many voluntary organisations are functioning with commercial motive for the benefit of the organisation. These organisations misutilise government aid and such organisations are in no way helpful to victim women. Government should give special attention for reorganisation.
iii) Women’s cells / police stations

In several metropolitan areas and cities in the country, women cells (under different names such as “crimes against women cell” in Delhi) or All-women police stations have been set up as a special mechanism to cope with violence against women. There is an urgent need to set up such cells / police stations in all the urban areas to curb sexual harassment violence. The number of cells / police stations should be increased and should be given adequate powers, funds and staff.

iv) Reforms in the police department

Often, the police are unaware of the police safeguards for women and the amendments to laws relating to such safeguards. Thus reforms in the police department for quick action, immediate disposal of the case, non-consideration of influence and helping hand to the women victim must be made available.

v) Gender Sensitization

Even today, the police, the prosecutors, medico-legal fraternity and even judiciary usually treat violence against women as a marginal issue. Sensitization of judicial officers police officers and other stakeholders on following issues is important to prevent sexual harassment.
• The humanistic approach: It is necessary to develop a humanistic approach to the women who are victims of crime. These may include rethinking of organisational procedures of police, courts, rescue homes etc.,

• Change in criminal justice system: There should be a change in attitudes and values of judicial officials, the establishment of family courts and a change in police attitude. Re-orientation of magistrates is necessary. Instead of raising technical points and acquitting the accused, the circumstantial evidence should be given importance.

• Role of Police: The role of the police is to uncover law violations and to bring to book those who threaten social order. A police officer should give proper hearing to the complainant and seek his co-operation and confidence rather than ill-treating her. The role of police is very important as far as the cases concerning cruelties on women are concerned.

• Gender training institutions: Gender training institutions should be increased to strive for peaceful and equitable society in which gender justice is realized. Gender sensitization training shall be given periodically to medical, police, judicial and corporate personnel’s etc. Institutions should build capacities of women and
men for restructuring relationships towards achieving gender equality through, training, consultation, research and information.

I. Organizational measures to stop sexual harassment

i) Zero tolerance

It should emphasize that the company has “Zero tolerance” for all forms of sexual harassment. Develop a strong company policy that specifies in writing outlawed behaviors and penalties for their demonstration.

ii) Anti-harassment policy

Employees and new hires should be asked to acknowledge in writing that they have received the anti-harassment policy.

iii) Training

Training should be part of each employer’s program to avoid sexual harassment. The training should include the following;

- Recognition of sexual harassment.
- Response to complaints.
- Reporting of sexual harassment.
• And reaffirming the policy, including reminding supervisors of the consequences for violating the policy.

This training should be held periodically.

V. SPY Cam Tabs

Employer can use SPY cams to keep tabs.

VI. Feed Back

Employer could take affirmative steps to identify potential problem areas before they develop. Company can use evaluation procedure by collecting feedback from subordinates.

VII. Corrective Action

Above all, if sexual harassment takes place the company should be prepared to take prompt corrective action by establishing grievance procedures for reporting, processing and resolving complaints.

J. Individual Measures to Stop Sexual Harassment

Some of the individual ways to stop sexual harassment are as follows.
i) Say no clearly

Every affected Women should Confront the harasser that his behaviour is offensive and unacceptable.

ii) Document the harassment

Write down each incident with date, time and place. Note the details of the incident and responses and keep the records of prescriptions, if medical treatment is taken for harassment related stress.

iii) Document of work

Must keep all the records related with alleged sexual harassment such as duties changed evaluation reports / benefits delayed or denied etc.,

iv) Look for witnesses

As and when any reliable witnesses are available keep notes of conversation with them for future purposes.

v) Explore company channels

The matter is to be reported to the higher authority and use any grievance procedure or channels detailed in employee handbook.
vi) **File a complaint**

If the harassment is continued, follow up the procedure provided based on specific evidence.

K. **Work Place Etiquette**

i) **To be professional**

Professional behaviour and friendliness at work is fine and can make the work place a better place to work. In a caring co-operative work place, human dignity is respected, professional satisfaction is promoted and positive relationships are modelled.

ii) **To be careful**

Socializing at work, at schools or off-site may be perfectly appropriate. Employees should establish and maintain relationships of respect, trust and co-operation with co-workers and managers.

iii) **To be courteous**

Employees should be courteous and should not use derogatory language at work place and should exhibit decency.
iv) Safe and supportive work conditions

Employer should promote policies and working conditions that foster mutual respect, positive self esteem and safe and supportive working conditions.

L. Moral and Human Rights Literacy and Awareness

The modern youth are challenged to cope with the competitive marketing of their potential for money and cyber comfort. They are not challenged to contribute to the quality of life. Ethical considerations, cultural affinities and involvement in national life stand low among their priorities.

Students, teachers and women's organisation should raise a movement for promoting ethics and morality in the society. The Government should take steps to include moral and human rights education in the Primary School curriculum. So that, the young minds could relatively uncluttered by gender bias. Rule of Law can only work in a democracy having a strong ethical foundation and no society can progress without securing moral ends\textsuperscript{12}.

M. Dress code

In the realm of pseudo westernised fashion world, many organisations have no dress code at work place. Every organisation should take proper measures to

\textsuperscript{12} Dr. Justice A.S. Anand, chairperson, NHRC, addressing students and teachers, Lucknow University, 25 Nov. 2004.
implement “dress code” at work place. It is the duty of every employee to follow
the dress code. Not only the rights, duties too are equally important and there
should be a balance between rights and duties in the social life.

N. Responsibility of Citizen

The constitution, 42nd Amendment Act, 1976 inserted Article 51-A. One
of the fundamental duty of every citizen of India under this article is to renounce
the practices derogatory to the dignity of women (51-A(e)).

For the proper enforcement of this duty, “it is necessary that it should be
known to all”. This can be done by a systematic intensive education of the people,
that is by publicity or by making it a part of the syllabi and curriculum of
education. Most of the people of this country are illiterate and not conscious of
what they owe to society and country. Homes, universities, offices and the places
of work should all be made centers for imparting the enforcement of this
obligation.

Men and women must work together to stop discrimination and sexual
harassment against women. No fundamental change in favour of women is
possible without a massive change in male attitude.