

Sexual Harassment in the Indian Bureaucracy

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Violation of Human Rights

By

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Dedicated to all the Underdogs

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PREFACE

More and more Indian women are entering the workforce in the 21st century. Many of them have been successful in their education and in competing for a good job. However, even after attaining good positions in their professions, they do have some problems. Sexual harassment in the workplace is one of them. Power inequality facilitates sexual harassment, and sexual harassment reinforces power inequality. Victims often question themselves on several fronts, like: what they have done wrong; what part of the problem might be their responsibility; what they have done to contribute to sexual harassment; what they have wrongly observed; and to what they may have silently given consent. Sexual harassment often occurs where, from the perspective of male colleagues, the woman's sexual role overshadows her role as an employee. It is against this backdrop of women's history that sexual harassment has not been reported for years and continues to pose a problem. Harassment is caused by people who hold, or are perceived as holding, powerful positions. MacKinnon relates the problem of sexual harassment to the inferior status women have held, in the workforce, in general. She explains that these power dynamics, in which women have been dependent on male authority in the workplace in terms of hiring, promoting and receiving raises, etc., has made women vulnerable to sexual harassment.

A patriarchal culture prevails in the Indian workplace. Instead of punishing the harasser, the harassed is stigmatised. Culture has a huge impact on an individual's personality because not only are individuals born into the human community, they grow up and learn the culture, customs and values that are accepted among their people. There are different forms of socialisation that exist, which have a spillover effect in the workplace. In many cases, complaints by the victims in the workplace are either laughed over or make the victim responsible for arousing the harasser. The victim of harassment is stigmatised, resulting in a double dilemma. Even the families of the victims rarely support them. Many of the victims leave the organisation and seek for employment elsewhere, or they have to remain within the organisation and face whatever consequences may arise. Due to the economic recession, nowadays most of the victims of harassment tend to stay in their organisations, but this has a lot of implications for them psychologically, emotionally and on their

level of productivity at large. There has been shrinkage of alternatives in the job market, due to the recession. Uncertainty or confusion has risen in the minds of women workers regarding which company will retain them during the recession period. Transfer could also be a threat for the female employee. This is very harmful not only to the victim but also to the organisation.

Harassment comes not exclusively because of sex but is a matter of power and is done mostly by a person who has an advantage over the other. Trivialisation of sexual harassment has been a major means through which its invisibility has been enforced. Humour regarding sexual harassment can reflect unconscious hostility.

International bodies and the Government of India are taking steps to prevent sexual harassment, as it is a crime. Recently, a new law, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, has been an important landmark after the Vishaka Guidelines by the Supreme Court.

The present study provides a picture of the level of sexual harassment in the bureaucracy. A comparison has been made among the three cities of Kolkata, Delhi and Bengaluru, regarding sexual harassment in the workplace. An attempt has been made to study the socio-economic background of the respondents and whether there is any relationship between socio-economic background and sexual harassment in the workplace.

I am deeply indebted to my supervisor, Professor (Dr) Sonali Chakravarti Banerjee. She has inspired me throughout the course of my research, by providing valuable inputs and guidance. This work is the outcome of part of my doctoral research which was pursued in the University of Calcutta. I take this opportunity to show my gratitude to all the teachers in the Department of Political Science, University of Calcutta.

I am thankful to all the respondents, Government agencies and non-governmental organisations, for sharing information with me. Without their support, it would have been impossible for me to carry on the work.

I am equally thankful to the Librarian and other support staff of the library of West Bengal State Women's Commission and Women's Studies, University of Calcutta.

I am also thankful to the principal of my college, Dr Minakshi Roy, who has supported me in my academic endeavours.

I am also grateful to my parents, Mrs Lily Bhattacharya and Mr Amitabha Bhattacharyya, who have been the two most important people in my life. They have always been my support base, through thick and thin. I

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CHAPTER ONE

INTRODUCTION

Statement of the Problem

Men and women have unequal control over public spaces, organisations 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 achieved their intended results, most probably as they have not been holistic in their approach. Gender equality 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 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 an 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.²

The position of India in terms of the Gender Inequality Index in 2013 was 132 out of 185 countries. This is the case even though the Indian Constitution guarantees “equality before the law” and “equality of employment opportunities”. The framework reminds us of the concept of equality in a liberal-democratic order. But, it still has to grapple with two major issues – the lower representation of women at all levels of government, and gender inequalities within the bureaucracy. It is

¹ B. S. Baswan, Foreword to *Women in Civil Services: A Report*, ed. Sundeep K. Nayak (Mussoorie: Lal Bahadur Shastri National Academy of Administration, 1998), ii.

² “*Gendering Human Development Indices: Recasting the Gender Development Index and Gender Empowerment Measure for India- A Summary Report* (New Delhi: Ministry of Women and Child Development, Government of India, supported by the United Nations Development Programme, 2009), 3.

important to take notice of the fact that the incidence of representation of women in the governments of even more developed countries, especially at senior levels, has been quite low.

The progress of women is the main lever for the progress 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 social, cultural, economic and political dimensions, they still remain subjects of inequality and oppression.³ *Towards Equality* (1974) was the wake-up call in India. The report provided a real picture of the condition of women in the country. The authors questioned how a country that called itself democratic could continue to live with worsening conditions for half its population.⁴ 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.⁵

According to the United Nations Secretary General's campaign, UNITE, to end violence against women, violence against women is not confined to any 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 realised. So, in a country like India, capacity building may take care of all forms of discriminations prevalent in society and the 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

³ Sarojini Ganju Thakur, *Increasing Awareness for Change: A Survey of Gender and the Civil Service* (Mussoorie: Lal Bahadur Shastri National Academy of Administration, 2004), 1-2.

⁴ Suneera Kapoor, "Status of Women in Indian society: Empowering Women Through Legislation", In *Gender Discrimination: Politics of Women Empowerment*, ed. Prem R. Bharadwaj. (Delhi: Anamika, 2005), 145.

⁵ Geraldine Forbes, *Women in Modern India* (New Delhi: Foundation, 1998), 253.

Women, 1967, re-emphasised 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 and it hampers the growth and prosperity of society. CEDAW's General Recommendation No. 12, of 1989, recognised sexual harassment as a form of violence against women. In 1992, through General Recommendation No. 19 on violence against women, the Committee characterised gender-based violence as a type of sex discrimination and therefore a breach of CEDAW. The Recommendation notes that "equality 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.⁶

The 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.⁷ At the 1993 United Nations World Conference on Human Rights, gender violence was defined as violence which jeopardises 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 analyse the causes and results of violence inflicted on women at a global level.⁸

The Discrimination (Employment and Occupation) Convention, 1958 (No. 111), addresses discrimination in employment on a number of grounds, including sex, and requires International Labour Organisation (ILO) member states declare and pursue a national policy designed to promote equality of opportunity and treatment, with a view to eliminating discrimination. Like 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,

⁶ UN Declaration on Violence against Women, 1993, Article 2.

⁷ Declaration on the Elimination of Violence against Women, General Assembly Resolution 48/104 of 20 December 1993, 85th Plenary Meeting.

⁸ Manjari Gupta and Ratnabali Chattopadhyay, "Law and Violence against Women," in *The Changing Status of Women in West Bengal, 1997-2000: The Challenge Ahead*, ed. Jasodhara Bagchi (Sage: New Delhi, 2005), 115.

which undermines equality, damages working relationships and impairs productivity.⁹

The Committee defined sexual harassment as:

Any 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, caressing, pinching or assault.¹⁰

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 commensurate with their abilities.¹¹ According to the ILO, sexual harassment exists in workplaces in almost all societies around the globe as a subtle but disturbing form of aggression. ILO News, the mouthpiece of the ILO, states that in the European Union, between 40 and 50 per cent of women experience unwanted sexual advances, verbal suggestions or other forms of sexual harassment in the workplace. 30 to 40 per cent of women face sexual harassment in the 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 has inspired greater focus on gender equality and the identity of women. Women have started playing an important role in political, social and economic spheres of society. They have succeeded in politicising what was previously private and domestic. Moreover, the United Nations and many countries, through their constitutional framework and laws, have begun to emphasise the equality of individuals irrespective of their gender. The attention to sexual harassment of women has resulted from humanistic and economic considerations. It has been realised that if women are not equally

⁹ International Labour Organization: *Equality in Employment And Occupation: Special Survey On Equality In Employment And Occupation In Respect of Convention No. 111* (Geneva, 1996).

¹⁰ 1996 Special Survey on Convention No. 111, Paragraph 39.

¹¹ 1996 Special Survey on Convention No. 111, Paragraph 161.

integrated into the workforce and if the workplace is not free of hostile work environments, absenteeism and stress-related healthcare problems may result. This may further result in increased costs of businesses and loss of production.¹² So, measures against sexual harassment have not been 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.¹³ Discrimination against women is systemic in India, embedded in socio-cultural norms and laws that structure the family, community, workplace and state policies.¹⁴ There is a wide gap between the traditional Indian view of women and modern ideas about their status and rights.¹⁵ Violence against women in many forms is not even recognised as such, due to cultural constraints.¹⁶

¹² D. K. Srivastava, "Progress Of Sexual Harassment Law In India, China And Hong Kong: Prognosis For Further Reform", *Harvard International Law Journal* 51(2010): 173-174.

¹³ Nazhat Shameem, "Sexual Harassment in the Workplace – A discussion of legal issues for Fiji" (paper presented at the Fiji Attorney-General's Conference December 2002).

¹⁴ *Human Rights in India: Status Report 2012*, (New Delhi: Working Group on Human Rights in India and the UN, 2012), 96.

¹⁵ Maitreya Dixit, *Women and Achievement: Dynamics of Participation and Partnership* (New Delhi: Kanishka, 1998), 243.

¹⁶ Chitra Ghosh, Soma Ray, Chandni Chande, *Opening the Closed Doors*, (Kolkata: Progressive, 2002), 124.

Table 1-1: Incidence and Rate of Some Cognisable Crimes (IPC) Under Different Crime Heads and Percentage Changes During 2012

| | Crime Head | Years | | | | | |
|---|---|----------------|----------------|----------------|----------------|----------------|----------------|
| | | 2002 | 2007 | 2008 | 2009 | 2010 | 2011 |
| 1 | Murder (Sec 302 IPC) | 35290 (3.4) | 32318 (2.8) | 32766 (2.8) | 32369 (2.8) | 33335 (2.8) | 34305 (1.8) |
| 2 | Rape (Sec 376 IPC) | 16373 (1.6) | 20737 (1.8) | 21467 (1.9) | 21397 (1.8) | 22172 (1.9) | 24206 (2.0) |
| 3 | Dowry Deaths (Sec 304B IPC) | 6822 (0.6) | 8093 (0.7) | 8172 (0.7) | 8383 (0.7) | 8391 (0.7) | 8618 (0.7) |
| 4 | Assault On Women With Intent To Outrage Her Modesty (Sec. 354 IPC) | 33943 (3.2) | 38734 (3.4) | 40413 (3.5) | 38711 (3.3) | 40613 (3.4) | 42968 (3.6) |
| 5 | Insult To The Modesty Of Women (Sec.509 IPC) | 10155 (1.0) | 10950 (1.0) | 12214 (1.1) | 11009 (0.9) | 9961 (0.8) | 8570 (0.7) |
| 6 | Cruelty By Husband Or His Relatives (Sec. 498A IPC) | 49237 (4.7) | 75930 (6.7) | 81344 (7.1) | 89546 (7.7) | 94041 (7.9) | 99135 (8.2) |
| 7 | Importation Of Girls (Sec.366B IPC) | 76 (0.0) | 61 (0.0) | 67 (0.0) | 48 (0.0) | 36 (0.0) | 80 (0.0) |

Source: National Crime Record Bureau, 2012

Table 1-2: Crimes Committed Against Women-2012

| (1) | (2) | Incidence Of Crimes Committed Against Women During 2012 Sl. No. | | State/UT | | Female Population* (in lakhs) | | (8) | (9) | (10) | (11) | (12) | (13) | (14) | Cruelty By Husband or his Relatives (Sec.498A IPC) |
|-----|-------------------|---|------|----------|-------|-------------------------------|-------|------|------|------|-------|-------|-------|-------|--|
| | | (3) | (4) | (5) | (6) | (7) | (8) | | | | | | | | |
| | State | | | | | | | | | | | | | | |
| 1 | ANDHRA PRADESH | 426.49 | 1341 | 3.14 | 5.38 | 1403 | 3.29 | 3.67 | 504 | 1.18 | 6.12 | 13389 | 31.39 | 12.57 | |
| 2 | ARUNACHAL PRADESH | 5.97 | 46 | 7.71 | 0.18 | 58 | 9.72 | 0.15 | 1 | 0.17 | 0.01 | 26 | 4.36 | 0.02 | |
| 3 | ASSAM | 151.26 | 1716 | 11.34 | 6.89 | 3360 | 22.21 | 8.78 | 140 | 0.93 | 1.70 | 6407 | 42.36 | 6.01 | |
| 4 | BIHAR | 479.59 | 927 | 1.93 | 3.72 | 3789 | 7.90 | 9.90 | 1275 | 2.66 | 15.49 | 3686 | 7.69 | 3.46 | |
| 5 | CHHATTISGARH | 122.99 | 1034 | 8.41 | 4.15 | 350 | 2.85 | 0.91 | 81 | 0.66 | 0.98 | 980 | 7.97 | 0.92 | |
| 6 | GOA | 8.69 | 55 | 6.33 | 0.22 | 16 | 1.84 | 0.04 | 0 | 0.00 | 0.00 | 24 | 2.76 | 0.02 | |
| 7 | GUJARAT | 284.75 | 473 | 1.66 | 1.90 | 1527 | 5.36 | 3.99 | 21 | 0.07 | 0.26 | 6658 | 23.38 | 6.25 | |
| 8 | HARYANA | 119.3 | 668 | 5.60 | 2.68 | 900 | 7.54 | 2.35 | 258 | 2.16 | 3.13 | 3137 | 26.30 | 2.94 | |
| 9 | HIMACHAL PRADESH | 33.61 | 183 | 5.44 | 0.73 | 152 | 4.52 | 0.40 | 2 | 0.06 | 0.02 | 251 | 7.47 | 0.24 | |
| 10 | JAMMU & KASHMIR | 56.79 | 303 | 5.34 | 1.22 | 1041 | 18.33 | 2.72 | 8 | 0.14 | 0.10 | 301 | 5.30 | 0.28 | |
| 11 | JHARKHAND | 155.58 | 812 | 5.22 | 3.26 | 786 | 5.05 | 2.05 | 302 | 1.94 | 3.67 | 1261 | 8.11 | 1.18 | |
| 12 | KARNATAKA | 296.86 | 621 | 2.09 | 2.49 | 1070 | 3.60 | 2.80 | 218 | 0.73 | 2.65 | 3684 | 12.41 | 3.46 | |
| 13 | KERALA | 178.57 | 1019 | 5.71 | 4.09 | 214 | 1.20 | 0.56 | 32 | 0.18 | 0.39 | 5216 | 29.21 | 4.90 | |
| 14 | MADHYA PRADESH | 352.52 | 3425 | 9.72 | 13.74 | 1127 | 3.20 | 2.95 | 743 | 2.11 | 9.02 | 3988 | 11.31 | 3.74 | |
| 15 | MAHARASHTRA | 547.55 | 1839 | 3.36 | 7.38 | 1140 | 2.08 | 2.98 | 329 | 0.60 | 4.00 | 7415 | 13.54 | 6.96 | |
| 16 | MANIPUR | 12.34 | 63 | 5.11 | 0.25 | 133 | 10.78 | 0.35 | 0 | 0.00 | 0.00 | 43 | 3.48 | 0.04 | |
| 17 | MEGHALAYA | 13.16 | 164 | 12.46 | 0.66 | 24 | 1.82 | 0.06 | 1 | 0.08 | 0.01 | 16 | 1.22 | 0.02 | |
| 18 | MIZORAM | 4.95 | 103 | 20.81 | 0.41 | 3 | 0.61 | 0.01 | 0 | 0.00 | 0.00 | 8 | 1.62 | 0.01 | |
| 19 | NAGALAND | 10.86 | 21 | 1.93 | 0.08 | 10 | 0.92 | 0.03 | 0 | 0.00 | 0.00 | 0 | 0.00 | 0.00 | |

| (1) | (2) | | State/UT | | Female Population* (in lakhs) | | Rape (Sec. 376 IPC) | | Kidnapping & Abduction (Sec.363-369,371- 373 IPC) | | Dowry Deaths (Sec.304B IPC) | | Cruelty By Husband or his Relatives (Sec.498A IPC) | |
|-----|-----------------------|----------------|--------------|-------------|----------------------------------|--------------|---------------------------|--------------|--|-------------|--------------------------------------|---------------|---|--------------|
| | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | |
| | State | | | | | | | | | | | | | |
| 20 | ODISHA | 1458 | 7.15 | 5.85 | 1364 | 6.69 | 3.56 | 525 | 2.57 | 6.38 | 2638 | 12.94 | 2.48 | |
| 21 | PUNJAB | 680 | 5.25 | 2.73 | 689 | 5.32 | 1.80 | 118 | 0.91 | 1.43 | 1293 | 9.97 | 1.21 | |
| 22 | RAJASTHAN | 331.07 | 2049 | 6.19 | 8.22 | 2697 | 8.15 | 7.05 | 478 | 1.44 | 5.81 | 13312 | 40.21 | |
| 23 | SIKKIM | 2.92 | 34 | 11.64 | 0.14 | 10 | 3.42 | 0.03 | 1 | 0.34 | 0.01 | 4 | 0.00 | |
| 24 | TAMIL NADU | 338.81 | 737 | 2.18 | 2.96 | 1693 | 5.00 | 4.42 | 110 | 0.32 | 1.34 | 1965 | 5.80 | |
| 25 | TRIPURA | 17.93 | 229 | 12.77 | 0.92 | 114 | 6.36 | 0.30 | 37 | 2.06 | 0.45 | 858 | 47.85 | |
| 26 | UTTAR PRADESH | 971.76 | 1963 | 2.02 | 7.88 | 7910 | 8.14 | 20.67 | 2244 | 2.31 | 27.26 | 7661 | 7.88 | |
| 27 | UTTARAKHAND | 49.62 | 148 | 2.98 | 0.59 | 256 | 5.16 | 0.67 | 71 | 1.43 | 0.86 | 368 | 7.42 | |
| 28 | WEST BENGAL | 440.15 | 2046 | 4.65 | 8.21 | 4168 | 9.47 | 10.89 | 593 | 1.35 | 7.20 | 19865 | 45.13 | |
| | TOTAL (STATES) | 5747.64 | 24157 | 4.20 | 96.93 | 36004 | 6.26 | 94.10 | 8092 | 1.41 | 98.29 | 104454 | 18.17 | 98.05 |

Table-1-2 (contd.)

| (1) | Incidence Of Crimes Committed Against Women During 2012 Sl. No. | | State/UT | | Female Population* (in lakhs) | | Rape (Sec. 376 IPC) | | Kidnapping & Abduction (Sec.363-369,371-373 IPC) | | Dowry Deaths (Sec.304B IPC) | | Cruelty By Husband or his Relatives (Sec.498A IPC) | |
|-----|---|----------------|--------------|-------------|-------------------------------|--------------|---------------------|---------------|--|-------------|-----------------------------|---------------|--|---------------|
| | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | |
| | UNION TERRITORIES: | | | | | | | | | | | | | |
| 29 | 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 |
| 30 | CHANDIGARH | 6.41 | 27 | 4.21 | 0.11 | 66 | 10.30 | 0.17 | 5 | 0.78 | 0.06 | 73 | 11.39 | 0.07 |
| 31 | 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 |
| 32 | DAMAN & DIU | 0.98 | 5 | 5.10 | 0.02 | 0 | 0.00 | 0.00 | 0 | 0.00 | 0.00 | 3 | 3.06 | 0.00 |
| 33 | DELHI | 85.43 | 706 | 8.26 | 2.83 | 2160 | 25.28 | 5.65 | 134 | 1.57 | 1.63 | 1985 | 23.24 | 1.86 |
| 34 | LAKSHADWEEP | 0.39 | 0 | 0.00 | 0.00 | 0 | 0.00 | 0.00 | 0 | 0.00 | 0.00 | 1 | 2.56 | 0.00 |
| 35 | 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 are nevertheless 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 the hardship of working life and compete with men.¹⁷ Working women have no special immunity from this ethos of generalised male hostility.¹⁸

Sexual harassment is a hazard encountered in workplaces across the world that reduces the quality of working life, jeopardises the well-being of women and men, undermines gender equality and imposes costs on firms and organisations. For the International Labour Organisation, workplace sexual harassment is a barrier towards its primary goal of promoting decent working conditions for all workers.¹⁹

Sexual Harassment in the 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" assumes worldview proportions, in which women are not flattered by sexual attention, but are extremely tortured by it.²⁰ Sexual harassment is a form of violence against women, used to keep women 'in their place'.²¹ 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 into the workforce, sexual harassment in the workplace has been acknowledged as a serious misconduct.²²

The International Labour Organisation 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 different industries.

¹⁷ Uma Shankar Jha and Premlata Pujari, (eds) *Indian Women Today: Tradition, Modernity and Challenge*, (New Delhi: Kanishka, 1998), 84.

¹⁸ Bhandare, Namita. "Make it Work for Working Women". *Hindustan Times*, November 12, 2010.

¹⁹ Deirdre McCann, *Sexual Harassment at Work: National and International Responses, Conditions of Work and Employment Series No.2*, (Geneva: International Labour Organization, 2005), viii.

²⁰ A.C. Saguy, *What is Sexual Harassment? From Capitol Hill to the Sorbonne*, (Berkeley: University of California Press), 3.

²¹ H. L. Kaila, *Women, Work and Family*, (New Delhi: Rawat, 2005), 212.

²² NG, Cecilia and Jamilah Othman, "Unwanted and Unwelcome: Sexual Harassment in the Malaysian Workforce", *Gender, Technology and Development*, 6(2002): 389-405.

Sexual harassment at the workplace is a form of systemised violence against women. Sexual harassment is a serious problem for female workers.²³ 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.²⁴ Sexual harassment permeates all strata, ranging from the unorganised sector to the corporate.²⁵ Sexual harassment has been considered a 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 sensitisation with a national workshop held in New Delhi, with the cadre controlling authorities of various civil services as participants.²⁶

Most working women at some time or another may face this kind of violence from their colleagues, bosses or subordinates. Sexual harassment is any unwanted attention imposed upon a woman. By categorising 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 on 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, a delay in promotion, or even loss of their job. Such implications have discouraged many women from taking action. Moreover, the victim has to suffer emotionally, psychologically and socially. Sexual harassment has a positive relationship to sleep disorder, depression and alcohol usage, and is negatively associated with job satisfaction.²⁷

²³ Mala Ramanathan, P Sankara Sarma, R Sukanya, and Sarthia P Viswan, S.P., "Sexual Harassment in the Workplace: Lessons from a Web-Based Survey", *Indian Journal of Medical Ethics* 2(2004): 1-4.

²⁴ *Research Report Sexual Harassment At The Workplace In Vietnam: An Overview Of The Legal Framework*, (Ha Noi: International Labour Organization, 2013), 22.

²⁵ K.K. Geetha, "Bill on Sexual Harassment: Against Women's Rights," *Economic and Political Weekly* xlvi (2012):18.

²⁶ Sundeep K. Nayak, ed. *Women in Civil Services- A Report* (Mussoorie: Lal Bahadur Shastri National Academy of Administration, 1998), 2.

²⁷ C.S. Piotrkowski, "Gender Harassment, Job Satisfaction And Distress Among Employed White And Minority Women", *Journal of Occupational Health Psychology* 3(1998):33-42.

Examples of Sexual Harassment

The following behaviours can be examples of sexual harassment at the workplace, according to a handbook.²⁸

- 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, known as 'roving' eyes
- TEASING by using words such as 'sweetheart', 'darling', 'honey', etc.
- UNNECESSARY/ obscene/ threatening phone calls
- TAKING pictures using a mobile phone or camera surreptitiously and without seeking express permission
- COMMENTING on a woman's sexuality, fertility, pregnancy
- STALKING, UNZIPPING, loosening of belts/buttons in front of women colleagues
- SUMMONING 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 organising out of station tours, site-visits, etc. in such a way as to ensure physical company of a particular female colleague
- SENDING inappropriate e-mails or messages
- WATCHING soft-porn, pornography, lingerie-advertisements, etc. on an office computer or television, especially in corridors, recreation rooms, common areas accessible to all
- READING aloud news concerning rape of women or other news items in a sensational manner and using it to ridicule and gossip about women's sexuality
- LINKING up with bosses – especially female private secretaries
- CHARACTER assassination of a female employee by spreading gossip and discussing her private life
- SEXIST and misogynist humour, and much more.

²⁸ Soma Sengupta and Anindya Hazra, *Prevention of Sexual Harassment at Workplace: A Handbook*, (Calcutta: Sanhita, 2007), 19.