

## SEXUAL HARASSMENT OF WOMEN AT WORK PLACE

SIMRAN SHARMA\*



### ABSTRACT

This article covers a wider scope and discussion on “*Sexual Harassment of women at work place*”. It basically focuses on POSH Act and its provision regarding punishment, the responsibilities of employers at the workplace and the role of ICC (Internal Complaints Committee). It gives formal information about how the board for ICC (Internal Complaints Committee) will be constituted and presumes its work. It also includes suggestions about what can be changed for the betterment and safety of women at workplace.

### INTRODUCTION

Our world is on its verge of development and achieves a new milestone daily. Humans have the supreme power of Brain. He can change everything from his surrounding but one thing which can't be removed is his filthy intention full of Violation and torture against those which are fearful to raise their voice. This is known as Harassment by violating other's Right to live freely and damaging them mentally, sexually or sometimes verbally. One of the Most commonly seen and influctuary harassment all around the world is Sexual Harassment. Women are always presumed as easy prey to catch by their Male Counterparts to show their

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\* Student of BA.LLB.,4th year, FIMT-School of Law, GGSIPU, New Delhi contacted through [13simransharma@gmail.com](mailto:13simransharma@gmail.com)

anger and power over them. It is a very unwelcome Act which results in sexual abuse. In India, where there are a lot of Atrocities and customary regulations on women and society which supports the Male outcome society, it becomes quite disruptive for women to prove any allegations against Male and suppose for Legal Action.

According to a report by NCLAT, major cases of Sexual Harassment emerges from a new sector which presumes a 33% share of Women in its development i.e. Offices and Various Workplaces. This involuntary activity is very common to all and easily visible. But, the fear of losing their well- earned dignity and livelihood make certain cases away from the court rooms. But it is totally a discriminatory act by one gender over another. This Oppression attains to such position which increases suicide and even rape cases. The Constitution awarded each and every citizens of our country with some of the Sacrosanct Rights called Fundamental Rights and their violation leads to Contempt of Court. Violating someone`s personal liberty, freedom and dignity is the violation of her Fundamental Rights. There are also various presumptions and mythology regarding Sexual Harassment that It can only be performed against women only. But it is completely false. Sometimes Women taking advantage of her superiority takes advantages of her junior male counterpart and it also results in giving life threats. Daily newspaper headlines are filled with these sorts of heinous crimes. The blame Game in the corporate sector is a fact which can`t remain hidden from the world. The employers are responsible for creating a safe work environment by using various means<sup>1</sup> which may include setting up ICC in the organization, awaking the employees about the provisions of different laws.<sup>2</sup>

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### **WHAT COMES UNDER THE TERM “SEXUAL HARASSMENT”?**

There are certain implications and guidelines provided by the Supreme Court of India to decide any act as Sexual Harassment at Workplace. These are: -

1. Physical Contract & advances
2. A demand or request for sexual favour
3. Sexually coloured remarks
4. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
5. Showing Pornography

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<sup>1</sup>Sandeep Khurana v. Delhi Transco Ltd. And Ors, 135 (2006) DLT 346.

<sup>2</sup>Vishakha and Others v. State of Rajasthan, AIR 1997 SCC 3011.

## **POSH ACT, 2013 (PREVENTION OF SEXUAL HARASSMENT)**

Sexual Harassment of women at work place came into light in the year of 2013 after the popularity of Vishakha case through Media. It includes prevention, prohibition as well as redressal for the women employees.<sup>3</sup> The Indian government successfully attempted to provide a safer and welcoming work atmosphere for women employees.

In this act if the woman is not able to make a complaint due to her physical or mental capacity then someone else can also complain from her side. Such as national commission for women, state women commissions, relatives, family, guardian, co - worker etc. this section is crucial as many women do not complain due to many reasons and so this will help the matter to come in light.<sup>4</sup>



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The best part of this act is it talks about false complaints as well which balances the situation here, as false complaint can also be filed against the male employee due to personal grudges which can lead to many serious troubles for the innocent male employees. Section 10<sup>5</sup> of POSH act states that:

*“Where the Internal Committee or the Local Committee, as the case may be, arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the*

<sup>3</sup> Apparel Export Promotion Council v. A.K. Chopra, [1999] 2 CHRLD 202.

<sup>4</sup> Medha KotwaLele v. Union of India, Civil Appeal No. – 5009-5010 of 2006; decided on October 19, 2012.

<sup>5</sup> Section 10 of Protection of Sexual Harassment Act.

*aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer or the District Officer, as the case may be, to take action against the woman or the person who has made the complaint<sup>6</sup>”.*

### **WHERE IS POSH APPLICABLE?**

POSH is applicable in every enterprise, organization; firm and every other workplace where there are more than 10 people working. It includes schools, factories, small and medium enterprises, government bodies including private and public sectors. Infact, it is also applicable in workplaces where only male employees are working. Also, there are huge penalties for organizations which violate the POSH law. If these guidelines are avoided and ignored, it leads to the complete Annulment of license for future endeavors. The employers should follow the provisions of POSH law not only because of fear of penalties but also because comfortable work environment for women employee with strict laws against sexual harassment would help in greater growth of business and it will also bring good will to the organization.

### **RESPONSIBILITY OF EMPLOYER AT WORKPLACE**

There is a very crucial role for the employer to keep the women employ safe at workplace. The first duty of employer is to establish an internal complaint committee so that the women employees can complaint about any unjust behavior against her and get justice. Also, it aims towards the prevention of sexual harassment at work place. The POSH act talks about some of the responsibilities of the employer which includes:

1. Ensuring secured and safe atmosphere at the place of work.
2. Ensuring safety from the person inside or outside who comes in contact with any of the women employees.
3. Every employee should know the laws for protection of women and its convictions so that they think before doing such acts.
4. Workshops and seminars should be conducted not only for women but also for men at regular intervals so that they know the updated law and its provisions.

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<sup>6</sup> *SapanaKorde Nee Ketaki A. Ghodinde v. The State Of Maharashtra And Anr*, CRIMINAL APPEAL NO. 965 OF 2017.



### **WHAT IS THE ROLE OF ICC?**

ICC stands for *Internal Complaints Committee*. This initiative has made compulsory to place such a Committee at a workplace which resolves such complaints of sexual harassment without any pressure and biasness. Such committee may either include those members which are seniors' officers and have familiar nature with all the employees. The Number of members must not be less than 4 in counting and have been appointed for 3 years.

One of the employees at the workplace should be at a senior position as a presiding officer.

- 2 members from the workplace (internal member). These 2 members must have previous experience of social working with appropriate legal knowledge.
- 1 external member should be there who is either connected with an NGO or who has worked on sexual harassment cases.

### **CONCLUSION**

From this article we can infer that we have strict policy for harassment of women at work place. From above we can also conclude that the POSH act is very effective for women and at the same time it is not biased towards women as there are provisions for false punishment so that no innocent men have to suffer due to this act. Even though the rules are sufficient but these rules are to be implemented strictly so that every woman can feel safe.

### **SUGGESTIONS**

- The training which is provided to the employees should be in regional language so that they clearly understand everything.
- Some of the real cases should be told to the employees as an example so as to tell them that the organization or the firm is strict about sexual harassment cases.
- Women should be given training physical as well as mental to fight off the battle relating to sexual harassment if comes their way.
- The ICC (Internal Complaints Committee) members should be thought to deal with cases without biases even if the accused person is a close friend.

### **REFERENCES**

#### ➤ **BARE ACT**

- Prevention of Sexual Harassment Act, 2013.

#### ➤ **WEBSITE**

- HelplineLaw.com.
- Indiankanoon.org.

