

SEXUAL HARASSMENT AT WORK PLACE



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Constitutional and Legal protection to women



- Personal Liberty (Art.21)
- Equality and Equal opportunity (Art.14)
- Special provisions for women (Art.15 (3))
- Right to Freedom of Movement (Art.19 (1) (d))
- Right to Freedom of Profession (Art.19 (1) (g))
- State's duty to protect the health and strength (39)
- Citizen's duty to honour the dignity (Art.51-A (2))

Traditional Role of Women




- Procreator.
- Recreator.
- Entertainer.
- House Keeper.
- Domestic Worker.
- Agriculture worker.

Modern Role



- Bread winner.
- Policy maker.
- Producer.
- Manufacturer.
- Service provider.
- Industrial worker.

Jharkhand Human Rights Report 2001-2010



➤ Rape victims	7,563
➤ Dowry Death	2,707
➤ Outraging the modesty	3,384
➤ Sexual harassment	230
➤ Girl trafficking	136
➤ Prostitution	75

Total number of rape cases in India 1,90,008.

Oxfam India



➤ Number of respondents interviewed	400
➤ Incidents of sexual harassment	121
➤ Non physical harassment	102
➤ Physical harassment	19
➤ No. of women known about the act	90%

Top 3 places of unsafe for women



- Women labourers
(organized and unorganized sector) 29%
- Domestic help 23%
- Small scale manufacturing 16%

Common forms of harassment



- **Physical harassment**

- Kissing

- Patting

- Pinching

- Touching (sexual intent)

- **Verbal harassment**

- Unwelcome comments

- Private life jokes

- Sexually explicit conversation etc.,

- **Gestural harassment**

- Gestures with hands

- Finger

- Winks and blinks etc.,

Common forms of harassment



- **Written or graphic harassment**
 - pornographic pictures,
 - putting pin-ups
 - Addressing unwanted love letters

- **Emotional harassment**
 - Discrimination on the basis of sex
 - Exclusion on the grounds of sex

- **Hi-tech harassment**
 - e-mails
 - Sms
 - Face book
 - Morphing

IPC



SECTION 354 :

whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which extend to two years, or with fine, or with both.

354-A was inserted by Criminal Law Amendment Act 2013 (Nirbhaya Act)

VISAKHA V. STATE OF RAJASTHAN



- **Public Interest Litigation.**
- **For want of law on sexual harassment at work place.**
- **The Court passed number of guidelines.**
- **CEDAW definition was considered.**

Land mark instances



- Apparel Export promotion Council v. A.K. Chopra (1999).
- In Rupan Deol Bajaj v. Kanwar Pal singh Gill (1996).
- Gopal Kanda's case (2012).
- D.S Grewal v. Vimmi Joshi (1995).

CEDAW



- **Physical contact and advances**
- **A demand or request for sexual favours**
- **Sexually coloured remarks**
- **Showing pornography**
- **Any other unwelcome physical, verbal**
- **And non- verbal conduct of sexual nature.**

Causative Factors



- **Wrong doctrines.**
- **Uncontrolled media.**
- **Obscenity.**
- **Working hours.**
- **Social perception.**
- **Non implementation of law.**
- **Modern dressing.**
- **Passive position of women.**

Remedial Measures



- **Change the social perception.**
- **Effective implementation of law.**
- **Sensitization of people.**
- **Strict monitoring.**



Thank you