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## THE VISHAKHA CASE AND AFTERMATH



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### ABSTRACT

The problem of sexual harassment of women at the work place is becoming serious day by day. Writ petition was filed for the enforcement of fundamental rights of working women under articles 14, 19 and 21 of the constitution of India in view of prevailing climate in which the violation of these rights is not uncommon. [Vishaka case, state of Rajasthan]. The government guidelines insist upon the formation of committee for prevention of sexual harassment. The article pointed out that the apex court in 1977 had issued a series of guidelines in the 'Vishakha case' on how to deal with the problem of sexual harassment at workplace.

**KEYWORDS :** *Vishakha Case and Aftermath , problem of sexual harassment .*

### INTRODUCTION :

The problem of sexual harassment of women at the work place is becoming serious day by day. The Supreme Court directed the centre and the state to enforce twelve guidelines to protect women from sexual harassment at work place. Writ petition was filed for the enforcement of fundamental rights of working women under articles 14, 19 and 21 of the constitution of India in view of prevailing climate in which the violation of these rights is not uncommon. [Vishaka case, state of Rajasthan]. As a result of this writ petition, directives were issued by the supreme court. According to these directives, it shall be the duty of the employer or other responsible persons in workplaces to prevent the commission of acts of sexual harassment and provide procedures for resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

Sexual harassment in workplaces, according to the Supreme Court includes [1997]

- physical contact and advances.
- a demand or request for sexual favours .
- sexually coloured remarks.
- sharing pornography to women employees and
- any verbal or non verbal conduct of sexual nature.

As per the directives, a committee for prevention of sexual harassment must be constituted at all offices and organisations. All the issues are to be dealt with as per the detailed guidelines issued. Providing protection against sexual harassment may be possible through these directives in the organised sector, both in private and government offices, but what about women in unorganised sectors and in rural areas? In fact, the number of such working women is on the higher side than in organised sectors. These are the directives of the Supreme court to provide protection against the sexual harassment, but a law is still to be enacted for this.

### REVIEW OF LITERATURE

#### India's working women speakout against harassment

Swati Chakravarti Bhatkal in her article India's working women speakout against harassment gave details about India's working women and their harassment by mentioning the various cases of sexual harassment and how they are treated. She has also stated the measures and the remedies that need to be taken into account for such cases, as a opinion of working women in different sections. Some of the major observations are stated as –

India's 90 million working women find the rights guaranteed to them by the country's constitution meaningless as vast numbers of them face sexual harassment of varying degrees of intensity at the work place.

One recent survey conducted by a women's group found that 60% of its respondents who were working women had faced sexual harassment at the workplace while 55% of female students said they faced such harassment at school or college.

What are the legal options before a sexually harassed women? One is a police complaint for criminal action that would be almost impossible to prove, not to mention an extremely difficult and sordid struggle.

To prove the above point, the article discussed at length the case of Shehnaz Mudbhatkal who was working as ground staff with a foreign gulf- based airline. As she suffered sexual harassment from the station manager, she went to the top management who tried to shut the case and dismissed her; when she went to court, the case was prolonged for 11 long years delaying the justice and in that process she lost her job, her peace, her marriage. When she won at the lower court the company went to the higher court and stayed her reinstatement. Such are the dire consequences on approaching the court!

Presently there are guidelines to deal with the issue of sexual harassment at the workplace. This covers women in government, public sector and private sectors undertakings which comes as a ray of hope.

The guidelines are good but what about the implementation? is precisely the question that troubles dozens of air hostesses who fly with a leading public sector airline.

'There will be no help for us, unless we help ourselves' is what these women feel emphatically.

#### Sexual harassment at the workplace; emerging problems and debates

The article written by Sheba Tejvani in Economic and Political Weekly throws light on the various aspects of sexual harassment. The article gave an insight of how sexual harassment is rooted in cultural practices and is exacerbated by power relations at the workplace. It also cited cases of sexual harassment and how they were treated. The main thrust of the article was on the treatment of the cases, problems with the grievance mechanism and the course of action that is required for future improvement. The article stated that it is seven years since the supreme court in the absence of

appropriate civil or penal laws laid down the Vishaka guidelines to deal with sexual harassment at the workplace. It further stated that it was a landmark event as sexual harassment was legally recognised as such for the first time and employers and institutions were required to take specific steps for prevention and redressed. The writer also made a note that the guidelines for most part, continue to languish on paper. It emphatically stated that apart from public sector bodies and large private companies, Vishaka has been a non –starter. While discussing the reasons for the same it stated that, entrenched patriarchal attitudes prevent sexual harassment from being seen as serious offence, worse, they invert the stigma of harassment on women themselves.

Along with these reasons, the article has also tried to focus at length the problems with the grievance mechanism with the help of various cases . It also discussed at length the debates around the draft bill and concluded that unless there is enough emphasis on sensitisation at the workplace, legal changes are hardly likely to be successful . Workplaces needs to frame their own comprehensive policies on how they will deal with sexual harassment. Much more clarity and specificity is needed to avoid the certain of a law that might need another extended campaign of reform.

### Sexual harassment at workplace states told to set up panels.

The legal correspondent of the Hindu through this article, gave a report of the judgement of supreme court, asking the states to set up panels to ensure the setting up of the required committees.

Expressing concern over non- implementation of its judgement relating to sexual harassment at workplaces, the supreme court has directed the chief secretaries of all the states to inform within eight weeks whether they have set up committees in all departments and institutions having over 50 staff members to deal with such complaints, stated the article. Passing the interim orders the bench said, “Now it appears that the directions issued were not properly implemented by the various states.” It also noted that directions were not fully complied with . The bench there fore directed the labour commissioner of each state to take steps. It asked the labour commissioner to act as nodal agency and collect details regarding the complaints and ensure that the required committees were established in such institutions . The article pointed out that the apex court in 1977 had issued a series of guidelines in the ‘Vishakha case’ on how to deal with the problem of sexual harassment at workplace.

**Table No. 1: Formation of committee for prevention of sexual harassment**

Sr. No.	Organisations	No. of Respondents	
		Yes	No
<b>A.</b>	<b>Central Govt.</b>		
1	Railways	--	8
2	Post and Tele.	--	4
3	Income Tax	--	-
4	Excise	--	1
<b>B.</b>	<b>Public Corporations</b>		
1	BSNL	4	--
2	MSEB	--	4
3	MSRTC	--	5
4	LIC	--	4

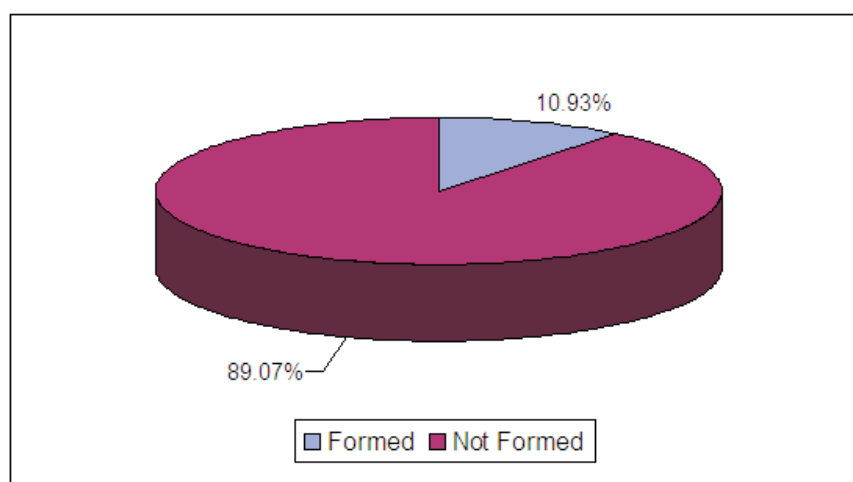
<b>C.</b>	<b>Quasi Govt.</b>		
1	Nationalised Banks	--	11
<b>D.</b>	<b>State Govt.</b>	8	103
<b>E.</b>	<b>Local Govt. Bodies</b>	--	--
1	Zilla parishad	64	366
2	Mum. corporation	1	94
3	Nagar Parishad	--	28
	Total	77(10.93%)	628(89.07%)
	Grand Total	705(100%)	

Source: Field Work

The government guidelines insist upon the formation of committee for prevention of sexual harassment. For safeguarding the interest of working women formation of such committee in all PSUs is essential. Through this table it is found out whether such committee is formed or not.

The data above indicates that in all the departments of central government that is railways, posts, income tax and excise, the committee is not formed. In case of public corporations it is only at BSNL, that the committee is formed while at MSEB, LIC, and MSRTC, such committee is not yet formed. In quasi government also such committee is not formed. In case of state government employees, the responses of working women differ, where women from some departments said that such committee is in existence (8 respondents) while 103 respondents stated that they have not heard of any such committee. In local government bodies also the responses are not uniform. In Zilla Parishad 366 respondents stated that such committee does not exist while 64 respondents said that the committee is formed. Respondents from municipal corporations said that no such committee is formed with the exception of only 01 respondent. Respondents from Nagar Parishad recorded that such committee does not exist. Hence the total number of respondents who said the committee is formed are 77 (10.93%) while 628 (89.07%) respondents never heard about such committee being formed. Looking at the figures it is interpreted that in majority of the organisations the committee is not formed while in those organisations where it is formed, the required awareness is not developed.

**Graph No. 1: Formation of Committee for Prevention of Sexual Harassment**



**Table No. 2: Working of the committee for prevention of sexual harassment**

Sr. No.	Nature of working	Organisationwise number of respondents.					Total	% to Total
		Central	Corporation	Quasi	State	Local govt. bodies.		
1	Active	--	3	--	3	33	39	5.53
2	Not Active	--	1	--	5	32	38	5.40
3	There is No Committee	13	13	11	103	488	628	89.07
	Total	13	17	11	111	553	705	100

Source : Field Work

In those organisations where for prevention of sexual harassment is formed, knowing the way in which the committee is functioning was felt essential.

Out of the 10.93% respondents who said that the committee is formed, [refer table No. 1] 5.53% stated that the committee is active while the remaining 5.40% respondents stated that the committee is not actively functioning. 89.07% respondents did not give any opinion regarding the functioning as in their organisation such a committee is yet to be formed.

Hence, it is interpreted that, in 50% of the organisations where the committee is formed, it is working actively while in remaining 50% of the respondents even though the committee is formed, it has remained only on paper as it is not working actively.

**Table No. 3: Freedom while discussing problems with the committee**

Sr. No.	Organisation	Feel free to discuss	Do not feel free to discuss	No answer as Committee is not in existence
<b>A</b>	<b>Central Govt.</b>			
1	Railways	--	--	8
2	Post and Tele.	--	--	4
3	Income Tax	--	--	--
4	Excise	--	--	1
<b>B</b>	<b>Public corporations</b>			
1	BSNL	2	2	
2	MSEB	--	--	4
3	MSRTC	--	--	5
4	LIC	--	--	4
<b>C</b>	<b>Quasi Govt.</b>			
1	Nationalised Banks	--	--	11
<b>D</b>	<b>State Govt.</b>	8	--	103
<b>E</b>	<b>Local govt. bodies</b>			
1	Zilla Parishad	34	30	366
2	Municipal Corporation	1	--	94
3	Nagar Parishad	--	--	28
	Total	<b>45</b> <b>(6.39%)</b>	<b>32</b> <b>(4.54%)</b>	<b>628 (89.07%)</b>
	Grand Total	<b>705</b> <b>(100%)</b>		

Source : Field Work



In those organisations where the committee for prevention of sexual harassment is formed, the committee is expected to play the role of counselling and is also expected to develop confidence among the employees who approach it. Further maintaining utmost secrecy is also expected which results in freedom while discussing the problems with committee members. Finding out whether these expectations are fulfilled is the intention behind recording the responses of working women in this regard.

For 89.07% respondents the question was not applicable as they had already stated that such a committee is not formed in their organisation. Out of the remaining 10.93% respondents, 6.39% stated that they feel free to discuss their problems with the committee, while 4.54% stated that they do not feel free to discuss their problems with the committee. The figures further indicate that the expected trust and confidence level is not developed by the committee among the working women.

The reasons for not feeling free to discuss the problems may be due the working of the committee or may also be due to the inhibitions of the working women themselves. Inhibitions in the form of fear of getting targeted in the office and society, fear of disturbance in the family are very common.

**Table No. 4: Awareness about judicial procedure regarding sexual harassment at work place**

Sr. No.	extent of awareness	Organisationwise number of respondents					Total	% to Total
		Central	Corporation	Quasi	State	Local govt. bodies.		
1	Fully aware	7	13	9	84	161	274	38.86
2	Partially aware	--	--	--	12	361	373	52.91
3	Completely ignorant	6	4	2	15	31	58	8.23
	Total	13	17	11	111	553	705	100

Source : Field Work.

Committee for prevention of sexual harassment is formed for safeguarding the interest of the working women at work place. It is important to know how much aware the working women are about the working of the committee as well as about the judicial procedure that can be undertaken regarding sexual harassment at work place. Without such awareness among working women the purpose of forming such committee is defeated. It is precisely for this reason that the researcher has recorded the responses of working women that indicate their awareness about the judicial procedure.

38.86% respondents stated that they are completely aware about the judicial procedure and the remedies against sexual harassment at work place, 52.91% respondents stated that they are partially aware about the same, while 8.23% respondents are completely ignorant. From these figures it is interpreted that, majority of the working women are aware about the remedies and judicial procedure against sexual harassment at work place. While the percentage of working women who are completely ignorant about the same is meagre. Such an awareness is a positive sign directed towards understanding their rights which will prove beneficial for the working women in the years to come.

## REFERENCES

1. www. India government org./ policy/ children/ women employment
2. www.askjeeves. com
3. Hemalata, the voice of the working women, March 2003, p. 18.
4. www.Askjeeves.com



5. Mr. Ajit K.Ghose, Economic and political weekly, Nov. 27, 2004, p. 27.
6. Mridul Eapen, productivity vol.44, April-June, 2003.
7. Mr. Ramu Banerjee, Times of India, 16th December, 2005.
8. Ujwala Rajyadhyaksha, Swati, Smita, economic and political weekly, April 24, 2004, p. 18.
9. Manjusha Nair, Economic and Political weekly, March 6, 2004, p.30.
10. Mr. P.P. Parikh and S.P. Sukhatme, Economic and Political Weekly, January 10, 2004, p. 38.
11. The Voice of the Working Women – Oct. 2003, p. 25.
12. The Voice of Working Women, Dec. 2004, p. 27.
13. Sudha Vasan, Economic and Political Weekly, May 20 2004, p 2197
14. WWW.NCTE.IN.ORG/PUB
16. Sunita Kishor and Kamla Gupta, Economic and Political Weekly, Feb 14, 2004, p 694 to 712
17. The Hindu, 22/11/2005, p 8
18. Special Reporter, The Hindu, 28/11/2005
19. Mr. Kamlesh Pandya, TOI, 9/3/2006, p2
20. Suresh Nambath, The Hindu, 29/11/2005, p 10
21. Sunder Chand Thakur, TOI, 7/11/2005; editorial
22. Special Correspondent, The Hindu, 9/3/2006
23. Special Correspondent, The Hindu, 8/3/2006
24. The Hindu, March 2, 2006, editorial
25. Times of India, June 7, 2004 editorial
26. Special Correspondent, The Times of India, December 19, 2005. p.14
27. Swati Chakravarti-Bhatkal, World wide web
28. Sheba Tejvani, economic and political weekly, October 9, 2004. p 4491
29. Legal Correspondent, The Hindu, 23rd January, 2006
30. Staff Reporter, The Hindu, Nov.4, 2003, p. 10
31. Kalpana Sharma, The Hindu, December 25, 2005
32. Special Correspondent, The Hindu, March 9, 2006
33. Reporter, The Hindu, March 8th 2006
34. Vineeta Bal, economic and political weekly, August 4, 2004, p. 20.
35. Special Reporter, Sunday Times, April 16, 2006.p.10
36. Ann Morrison, www.askjeeves.com.women's issues
37. www.financialexpress.com
38. Rohini Hersman, Economic and Political Weekly, 6/3/2004, p. 1030
39. D. N. Dhangare, Sociological Bulletin, March 2003
40. Prof. Nalini Taneja, The voice of working women, May 2003, p 4660
41. Staff Reporter, The Hindu, Nov.25, 2003
42. Brinda Karat, people's democracy, August 6, 2000, Abridged
43. Ms. Kalpana Dasgupta IFLA Women's Issues, Public Libraries and Information Science Journals Sections, 31st July, 2003]
44. Padma S, HOD-Department of corporate Scretaryship Anna Adarsh College for women, Chennai
45. Gurushri Swami, Economic and Political Weekly, November 6, 2004, p. 4885

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