

Sexual Harassment Against Women in India

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Abstract: *Women in India are not only victims of sexual harassment but it is a deep-seated patriarchy, inertia in the society, and the precarious condition of the gender justice. In spite of such legislative milestones as the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, and the constant legislative amendments of the criminal law, women still have to wade through a landscape of intimidation, coercion, and oppression in latent ways. This paper explores the stratified realities of harassment, its various forms in the places of work, in school and in the streets, where fear, stigma, and blame on the victims tend to deny the victim a voice. Investigating the case studies, surveys, media discourses, and official accounts thoroughly, the study can obtain the complex interaction of the cultural norms, male-dominated mentality, and the inefficiencies of the institutions that help preserve vulnerability. It does not just focus on the not so subtle aspects of physical and verbal aggression, but also the more nuanced aspect of harassment, which undermines dignity and agency. This research also anticipates policy frameworks, civil society, and advocacy networks initiatives, which have advocated that awareness, education, and societal change is crucial in the end of systemic inequalities. Placing sexual harassment in the context of other discussions of human rights, gender equality and moral responsibility, this study demands a radical social re-evaluation--an evaluation that goes beyond reprimand and encourages a culture in which women are able to traverse all spaces freely, safely and with undisputed dignity.*

Keywords: Sexual Harassment, work place, online, gender, victim

I. INTRODUCTION

Sexual harassment is unwanted sexual advances, solicitation of sexual favors or other forms of verbal, non-verbal or physical sexual behavior that involves any person and brings about a sense of dignity to a person; thus, constitutes hostile or intimidating environment, especially in the work place. It has been acknowledged to be a kind of gender-based discrimination that compromises the level of equal opportunity and safety at work.

The term came up in the early 1970s in the United States. It was first utilized in 1973 when Mary Rowe was conducting research on discrimination at the Massachusetts Institute of Technology in her report Saturn's Rings. Similar situations were noted a few years later by Lin Farley and her colleagues at Cornell University who emphasized the loss of jobs or even forced resignation by women who did not accept sexual advances. Between 1975 and 1976, grassroots activism such as Speak Out events and testifying before the New York City Human Rights Commission served to make sexual harassment a systematic workplace problem. The book *Sexual Shakedown* by Farley (1978) and *Sexual Harassment of Working Women* by Catharine MacKinnon (1979) offered legal and academic backgrounds, which defined harassment as sex discrimination under Title VII of the U.S. Civil Rights Act. This was formalized by the EEOC in 1980 and the publicity grew around the world in 1991 when Clarence Thomas was being heard in the Senate and Anita Hill testified of being harassed.

The *Vishaka v. the State of Rajasthan* was a landmark case in India. In 1997 judgment formally defined sexual harassment at the workplace and gave binding guidelines, the *Vishaka Guidelines*, which acknowledged that it amounted to the violation of constitutional rights. This was the basis of the POSH Act, 2013 that institutionalized redressal through Internal Complaints Committees (ICCs) in workplaces employing ten or more workers and Local



Complaints Committees (LCCs) at the district level in smaller workplace or complaints against employers. The Act requires anti-harassment policies, the awareness program, the support of inquiry and non-retaliation. Within three months, complaints may be made, and redressal may be realized to either side, in warnings, transfers, termination, or compensation. Social networks such as She Box increase accessibility.

The development of activism and scholarship to legislation and digital redressing is the acknowledgment that sexual harassment is a structural workplace problem that needs to be continually monitored, enforced by the institutions, and held socially.

DEFINITION OF SEXUAL HARASSMENT

1. According to United Nations (CEDAW)

The United Nations Committee on the Elimination of Discrimination against Women (CEDAW Committee) has affirmed that sexual harassment constitutes a form of discrimination against women and a violation of women's human rights under the Convention.

Although the original 1979 Convention text does not explicitly define "sexual harassment," it is clearly defined in CEDAW General Recommendation No. 19 (1992) and further elaborated in General Recommendation No. 35 (2017) by the CEDAW Committee.

"Sexual harassment includes such unwelcome sexually determined behavior as physical contact and advances, sexually colored remarks, showing pornography and sexual demand, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment."

2. According to International Labor Organization (ILO)

The International Labor Organization (ILO) defines sexual harassment in the workplace as a form of gender-based violence and discrimination, encompassing any unwelcome sexual behavior—verbal, non-verbal, or physical—that is intimidating, hostile, or humiliating. This includes sexual advances, requests for sexual favors, or other conduct of a sexual nature that affects the dignity, safety, or working conditions of employees.

3. IN UK

Harassment, including sexual harassment

4A. (1) For the purposes of this Act, a person subjects a woman to harassment if—

(a) on the ground of her sex, he engages in unwanted conduct that has the purpose or effect—

(i) of violating her dignity, or

(ii) of creating an intimidating, hostile, degrading, humiliating or offensive environment for her,

(b) he engages in any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect—

(i) of violating her dignity, or

(ii) of creating an intimidating, hostile, degrading, humiliating or offensive environment for her, or

(c) on the ground of her rejection of or submission to unwanted conduct of a kind mentioned in paragraph (a) or (b), he treats her less favorably than he would treat her had she not rejected, or submitted to, the conduct.

4. IN USA'

The EEOC has defined sexual harassment in its guidelines as:

- The unwelcome sexual advances, demand of sexual favors or other verbal or physical acts of a sexual character when:



- The acquiescence to such behavior is either express or implicitly a condition or requirement of the employment of a person, or
- Acceptance or denial of such conduct by any individual serves as a factor in making employment-related decisions in relation to such individual, or
- This kind of behavior is intended to, or likely to interfere with the work performance of an individual in an unreasonable manner or establish an intimidating, hostile or offensive workplace atmosphere.
- The following are unnecessary and depending on the situation, may qualify as sexual harassment in and of themselves or may add to the definition of a hostile work environment:
 - Sexual jests, or recurring sexual teasing, jokes or innuendos, either in person or through e-mail;
 - Sexual verbal abuse;
 - Grabbing or touching with sexual intentions;
 - Recurrently coming too near or knocking against an individual;
 - Asking someone to socialize repeatedly on off-duty days when the individual had already said no or had already stated that he or she is not interested (supervisors in general should exercise caution not to force their employees on the issue of socializing);
 - Bringing gifts, or leaving other objects that are sexually suggestive;
 - Making vulva gestures over and over again;
 - Sending or publishing pictures, cartoons, or other materials that are sexually degrading or offensive in the work place;
- Unwelcome sexual conduct off duty and results in an unfavorable working environment.

5. IN INDIA

Sexual harassment is defined as- under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013(POSH Act).

Sexual harassment: This involves a single or a combination of the following unwelcome acts or behavior (whether directed or otherwise) namely:

- (i) physical contact and advances; or
- (ii) a demand or request of sexual favours; or
- (iii) uttering sexually coloured statements; or
- (iv) showing pornography; or
- (v) any other undesirable physical, verbal or non-verbal conduct of sexual character;

Sexual harassment is defined in Bharatiya Nyaya Sanhita (BNS), 2023, under Section 75 as -.

Sexual harassment. -- (1) An act by a man, in doing either of the following acts:

- (i) in the case of physical contact and advances of unwanted and explicit sexual advances; or (ii) request or demand of sexual favour.
- (iii) exhibiting pornography in violation of the wish of a woman; or
- (iv) uttering sexually coloured remarks, will be guilty of the offence of sexual harassment.

TYPES OF SEXUAL HARASSMENT

1) Verbal Sexual Harassment

Sexual harassment through verbal communication includes the use of oral or written sexual words to someone who did not receive them well. It can consist of overt sexual statements, allusion statements, or frequent overtures that upset the receiver. Verbal harassment is manifested in words, unlike sexual assault, which implies physical contact, although it can be no less painful and harmful.

- a. Addressing an adult as a girl, hunk, doll, babe, or honey.



- b. Cat calling, whistling at the person.
- c. Sexual remarks on the body of an individual.
- d. Passing sexual remarks or innuendos.
- e. Changing employment-related conversation into sexual matters.
- f. Sexual jokes or narrations.
- g. Questions of sexual fantasy, preferences, or history.
- h. Personal questions regarding social or sexual life.
- i. Kissing, howling, and lips smacking.
- j. Sexual remarks to a person regarding what they wear, the anatomy or appearance.
- k. Asking another out repeatedly, when she is not interested.
- l. Lying or gossiping on the personal sex life of a person.

2) Sexual Harassment by Non-Verbal (Including Visual)

Non-verbal sexual harassment is an unwanted sexual conduct that is not in the form of verbal communication but carries sexual implications or messages. This harassment can be done in either gestures, actions, written communication, or in digital media. It involves sending sexually explicit emails, messages, or images and actions like exposing oneself, making lewd gestures, winking or blowing kisses suggestively, showing pornographic content, blocking another persons path in an aggressive way, continuous staring, stalking or following.

- a. Checking someone up and down (Elevator eyes)
- b. Staring at someone
- c. Blocking a person's path
- d. Following the person
- e. Giving personal gifts
- f. The presentation of sexually suggestive images.
- g. Sexual gestures using the hands or by body movements.
- h. Facial expression, e.g. winking, throwing kisses or licking lips.

3) Physical Sexual Harassment

Physical sexual harassment is unwanted sexual physical contact. It covers such minor behaviors as those that are unwelcome shoulder-rubbing to the severe behaviors like groping, forced hugging, kissing, rubbing, grabbing, or pinching. In extreme scenarios, it can overlap or, even, be constituted by sexual assault, especially when consent is not provided.

- a. Massaging in the neck or shoulders.
- b. Holding the clothing, hair or body of the person.
- c. Hugging, kissing, patting or stroking.
- d. Having sex with someone by rubbing or touching oneself.
- e. Being close to someone or bumping into them.

Nature of Sexual harassments Gendered.

The gendered sexual harassment shows that that is not only the outcome of a single wrongdoing but a symptom of the social structures and norms under which it can be considered acceptable, even desirable, that some attitudes and behaviors associated with a particular gender should be so. Particularly, the public sexual harassment is an expression of such systemic inequalities, and this falls within a spectrum of sexual violence, which also includes unwanted advances, up to the extreme types of sexual violence, such as sexual assault and rape. Laws acknowledge this wider picture: the sexual harassment at the work place in India is considered in the POSH Act (2013), where it is not only the unwelcome physical, verbal, or non-verbal behavior of sexual orientation, but again structural responsibility in the form



of obligatory Internal Complaints Committee. Equally, sexual harassment is considered as unwelcome sexual behavior in the United States Title VII of the Civil Rights Act of 1964 which stipulates that sexual harassment constitutes a hostile working environment or conditions employment benefits on submission which is an appreciation of sexual harassment as a type of sex-based discrimination. At the international level, sexual harassment is one of the forms of gender based violence and inequalities in the work places and the international labour organization (ILO) emphasizes the role of employers and governments in preventing and remedying sexual harassment. Collectively, these views highlight the fact that sexual harassment is not only gendered but also structural and demands interventions that touch on cultural norms, structural inequalities and institutional accountability other than personal conduct.

LEGAL FRAMEWORK IN INDIA

A. Constitutional Provisions

The Indian constitution is a significant basis on which to tackle the issue of sexual harassment at the workplace using the provisions of equality, non-discrimination, liberty and dignity. The appropriate provisions of the Constitution are as follows:

Article 14 - Equality before Law: The article 14 of the constitution of India provides equality before the law and equal protection under the law. The legal reaction to sexual harassment in the workplace is based on this principle in order to make sure that none of the people is discriminated by gender. Any form of harassment at workplaces is a breach of this constitutional provision since it discriminates on women against their male colleagues.

Article 15(3) and Article 15(2) Non-Discrimination and Special Provisions: Article 15 outlaws discrimination based on such factors as sex, thus, gender-based violence, including sexual harassment, will be unconstitutional. Under Article 15(3), the State has the power to make the special provisions on women and children and this is a constitutional justification of such protection laws as the Prevention, Prohibition and Redressal Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. (POSH Act).

Article 19(1) (g)- Right to Practice Profession: The article ensures the right to practice any profession or occupation. A hostile or unsafe working environment violates this right and essentially deprives women of the right to work their career without inhibition and insecurity.

Article 21 - Right to Life with Dignity: Article 21 provides the right to a life and individual freedom. This has been extended by judicial interpretation to the right to live with dignity, bodily integrity and safe work environment.

B. Statutory Laws

- **Vishaka Guidelines (1997)**

The Vishaka v. The Vishaka Guidelines to prevent sexual harassment at the place of work were established through a state of Rajasthan judgment (1997) of the Supreme Court of India. These principles became a legal mandate until the signing of the Sexual Harassment of Women at Workplace Act.

The following are the guidelines:

The Court clarified that sexual harassment was any form of unwanted physical contact, advances, demand or request to have sexual favors, sexually colored remarks, pornography display or any other unwanted physical, verbal or non-verbal acts of sexual nature.

It is the responsibility of the employer to ensure that the working conditions are safe as well as to prevent and discourage the commission of sexual harassment acts.

Wherever they work, there should be a clear declaration against sexual harassment in their workplaces with these being spelt out in the service rules and regulations.

The employers should ensure that they put the right preventive measures such as awareness programs and sensitization to the employees on the subject of sexual harassment.



Any organization should have a Complaints Committee that will deal with sexual harassment cases. The Committee needs to be co-led by a woman, half of the members should be women and have a third-party member like an NGO representative, otherwise they would be likely to exert undue pressure.

The Complaints Committee has to provide a fair, confidential, and time-limited investigation into complaints and give proper disciplinary action to the guilty party.

Protecting the victim against victimization or retaliation in the course of the inquiry should be provided and the victim may demand transfer or any other appropriate relief.

The Government must take appropriate actions to make sure that such guidelines are followed in the government and the private sectors.

These rules were still valid in the law until they were superseded by the Sexual Harassment of Women at Workplace Act (POSH Act, 2013).

- **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (also referred to as the POSH Act, 2013) is an Indian Act that is enacted to protect women against sexual harassment in the workplace as well as to give an effective redressal to complaints. The key provisions of this Act are:

1. The Act gives sexual harassment the meaning of any unwelcome physical contact and advances, requiring or requesting sexual favors, making sexual colored comments, pornography and any other unwelcome sexual physical, verbal or non-verbal conduct (Section 2(n) and Section 3).
2. The Act extends to all the work places such as government and non-government organizations, nongovernmental organizations, schools, hospitals, sports institutes, and home work places (Section 2(o)).
3. All women are covered by the Act regardless of whether they work on a regular, temporary, ad hoc or contractual basis, including the interns and domestic workers (Section 2(a) and Section 2(f)).
4. All employers who have a workforce of ten or above workers must form an Internal Complaints Committee (ICC) in each office or branch (Section 4(1)).
5. Internal Complaints Committee should be chaired by a senior woman employee and should also have at least two employees who are dedicated to women cause and one person who is an NGO or an association that would be aware of issues related to sexual harassment (Section 4(2)).
6. Where there are less than ten employees in an organization, or when the complaint is against the employer, then a Local Complaints Committee (LCC) should be constituted by the District Officer (Section 6).
7. A woman should submit a complaint within three months after the incident though the Committee can allow an extension of the time to another three months if he demonstrates adequate reasons (Section 9).
8. A fair and confidential inquiry will have to be undertaken by the Committee and should be completed within a period of ninety days (Section 11), and it must be confidential (Section 16).
9. In the period of the inquiry, the aggrieved woman can seek interim relief like transfer, leave up to three months, or some other adequate steps (Section 12).
10. When the respondent has been convicted, the employer should impose disciplinary measures under the service rules and can choose to withhold the compensation on the salary of the respondent (Section 13 and Section 15).
11. In case an employer does not adhere to the requirements of the Act, the amount of penalty is up to 50,000, and recurrent breaches can result in the rescission of business licenses (Section 26).
12. The Act obligates employers to arrange awareness, offer safe working environment, facilitate investigation process, and post penalties of sexual harassment in the workplace (Section 19).

This Act came after the principles which were established in the Vishaka v. In Judgment of the Supreme Court of India of state of Rajasthan and provides legal support to the safety of women at workplaces.



• **BHARATIYA NYAYA SANHITA, 2023**

The provisions of the sections, 354A-354D of the Indian Penal Code that dealt with the sexual harassment against women are renumbered and provided in the form of the following statements according to the Bharatiya Nyaya Sanhita: Section 75 (Sexual Harassment) states that a man who reveals unwanted physical contacts and advances and requests or demands sexual favors, makes sexually colored remarks, shows pornography or any other undesired behavior of sexual nature commits the crime of sexual harassment and is liable to imprisonment and/or pay a fine as stipulated.

Section 76 (Assault or Use of Criminal Force to Woman with Intent to Disrobe) says that whoever assaults or commits criminal force against a woman with the intention of disrobing the woman or compelling her to be naked shall be subject to imprisonment of not less than three years, which may reach seven years as well as fine.

Section 77 (Voyeurism) states that any individual who views, records or shares the image of a woman in a private act without her consent is culpable of the offence of voyeurism and he is imprisoned with fine, with a harsher penalty in the event of a second conviction.

Section 78 (Stalking) indicates that a man who stalks a woman, calls or tries to call a woman and/or watches her electronic communications are guilty of an offence of stalking punishable by imprisonment and a fine with maximum punishment on repeat offenders.

C. Role of the Judiciary

The Indian courts have been instrumental in the change of perspective regarding sexual harassment at the workplace, especially when there were no lawful protections against the same. Courts have adopted landmark judgment interpretations of sexual harassment as a breach of fundamental rights as defined under Articles 14, 15, 19, and 21 of the Constitution of India, which developed a statutory reform and enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act).

Vishaka and Ors v. was a watershed case. The first attempt to establish the definition of sexual harassment at the workplace and the framework of Vishaka Guidelines was made in the state of Rajasthan and was defined by the Supreme Court. These binding norms in the absence of specific legislation required preventive actions as well as complaint procedure and employer responsibility as the governing law until the POSH Act.

In Apparel Export Promotion Council v. A.K. Chopra, the Court made it clear that physical contact is not required to amount to harassment, even the attempts or sexually suggestive behavior were included under the misconduct. Medha Kotwal Lele & Ors v. Union of India and Ors established greater institutional responsibility and insisted on strict adherence to the Vishaka Guidelines and gave victims the right to go to High Courts and seek enforcement of the guidelines.

Judiciary has remained in enforcement of the POSH Act. In Aureliano Fernandes v. In State of Goa, the Supreme Court reiterated that Internal Complaints Committees (ICCs). should operate letter and spirit, where employers should create awareness, train and redress timely. The Internal Complaints Committee of Tata Consultancy Services vs. Tanuja Priya Bhat and ICICI Bank vs. Vinod Kumar also supported the idea of corporate responsibility by giving employers the duty of ensuring safe working environments, and prohibiting the avoidance of liability on this basis based on the involvement of third parties.

Their relevance to governmental agencies was established in Poornima Advani vs. Union of India and Anjali Bhardwaj vs. Union of India and ICCs were ordered in every department. The evidentiary requirements have been determined by courts: Sanchayani Sharma vs. National Insurance Company Ltd established that verbal or non-verbal behavior was considered harassment and Madhu vs. State of Kerala undertook to find that allegations could be established on the preponderance of probabilities.

In another effort to strengthen the role of the employer, Kamaljeet Kaur vs. Punjab and Sind Bank and Vinita Srivastava vs. Sahara India Real Estate Corporation Ltd reiterated the need to ensure a good ICC constitution, zero-tolerance policies and preventive action.



These judicial statements in combination are indicative of the judiciary taking an active part in the development of the workplace harassments policy within India. Through the broad interpretation of the rights in the constitution and the strict adherence to the rights, the courts have made sure that the dignity, equality and safety in the workplace are not a dream but a legal right that can be enforced.

IMPLEMENTATION MECHANISMS

1. Internal Complaints Committees (ICCs)

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 requires organizations of ten or more employees to have the Internal Complaints Committee (ICC) as the primary redressal mechanism of sexual harassment allegations in the workplace. It should have a senior woman Presiding Officer, at least two members of the employees (and one outside member) with legal or other women rights background, and no less than 50% women. The ICC undertakes investigations to the principles of natural justice and provides report within 90 days suggesting interim relief where necessary. With the instructions of Supreme Court of India, compliance has increased, but there are still structural and procedure gaps.

2. Local Complaints committees (LCCs).

Complaints are handled by the Local Complaints Committee (LCC), formed by the District Officer under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and referring to complaints at places of employment with less than ten employees or against employers. It guarantees redressing to women in the unorganized and informal sectors such as domestic workers and daily wage earners. It operates in much the same manner as an ICC and carries out investigations and proposes a course of action. Even though LCCs are present in most districts, the awareness and accessibility, particularly in the rural areas is low. To enhance redressal mechanisms at grassroots the Supreme Court of India has emphasized on proper constitution, transparency, and functional efficiency.

3. Part of the role of employers and institutions.

One of the major roles of implementing the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is done by employers. They are required to be an ICC, adopt and publish anti-harassment policies, awareness programs, inquiries, retaliation prevention, and provide and publish details of complaints annually. Failure to do so attracts fines and even termination of the license. As organizations are well-structured in terms of compliance, in smaller facilities, awareness is not very strong and that is why many are underreported and have inadequate procedures.

4. Reporting policies and redressal policies.

The role of the employers is very significant in the enforcement of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. They should establish an Internal Complaints Committee (ICC), adopt and make public anti-sexual harassment policies, hold regular awareness workshops, assist inquiry process, prohibit retaliation, and reveal the disclosure of the complaints in annual reports. Failure to comply could lead to imposition of financial fines and even rescission of business licenses. Although in large organizations the compliance systems are usually organized, small establishments usually have no knowledge of them and thus underreporting and lack of procedures become common.

In the present case study, online complaint filing has been made easy through digital means like the SHE-Box portal launched by the ministry of women and child development that has enabled women who work in central government organizations to file complaints online. Although institutional structures are well



ingrained within the law, their actual enforcement remains a matter of awareness, sensitivity of the members of the committee and strict enforcement by the law enforcers. All in all, the POSH Act has helped to enforce greater safety standards at the workplace in India, but follow-up, training, and responsibility are still the key factors of realizing the desired goals.

SOCIO CULTURAL FACTORS

Next come socio-cultural factors that drive sexual harassment in India, demonstrating the influence of strong social norms on the prevalence of such events as well as their reporting:

- **Traditional Gender Norms and Patriarchy.**

The problem of sexual harassment in India is conditioned by strong patriarchy and strict gender conventions that support unequal power balance and male dominance both in the workplace and household. These institutions limit the independence of women and legitimize the right of men. According to data provided by the National Crime Records Bureau, the number of crimes against women is on the increase, and it indicates the continuation of violence and more reporting. The surveys conducted at workplace indicate that women experience a greater level of harassment, which emphasizes the fact that attitudes of patriarchy help to condone misconduct and stop complaints.

- **Victim-Blaming and Honor Culture.**

The idea of family honor and victim-blaming discourages sexual harassment reporting in most societies. Women have been viewed as carriers of a family name and therefore an act of abuse is perceived as shame and not a violation of the rights. The statistics on the National Family Health Survey indicate that a large number of survivors do not seek assistance or report incidences. The fears of retaliation and marriage issues put the blame on women and this continues to foster silence and impunity.

- **Influence of caste, class and urban rural divide.**

Women belonging to the marginalized groups are at risk of sexual harassment due to the presence of the hierarchy. The members of the Scheduled Castes and Scheduled Tribes experience a combined gender and caste discrimination. The findings of the National Crime Records Bureau have indicated disparate violence towards Dalit and tribal women, and harassment and assault have been a means of social domination and control which has been manifested in structures that limit access to justice, support and effective reporting.

- **Normalization of Harassment in Physical and Virtual Space.**

Normalization of harassment within communal and online areas is also a measure of socio-cultural conditioning. The most common types of harassment such as unwanted remarks, staring, groping in transit and the online abuse are often brushed off as a simple tease or even known as eve-teasing. City surveys have established that most of the women have at one time or the other experienced some type of harassment in a public place. Moreover, NCRB statistics indicate the steep increase in the number of cybercrimes against women such as online stalking, blackmail, and sharing of intimate images. The fast growing access to smartphones and the internet, together with the ongoing gender stereotypes, has brought harassment to a new sphere. Such normalization minimizes the social accountability and makes it a culture where women have to change the way they behave instead of requiring a change in the system.

- **Economic Reliance and Inequality of Power in the Workplace.**

Working relationships and imbalances in the economy make women more susceptible to harassment. The participation of the labor force by women in India is low and those that are working in the informal sectors have no legal protections to them. Inequalities in power usually deter reporting. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has obliged Internal Complaints Committee, and more cases are reported, but this does not eliminate gaps in the implementation of the act in small and informal workplaces. Women could be financially reliant and therefore accept harassment in order to secure their jobs.



- **Barriers of Reporting and Institutional Challenges: Institutional Underreporting, Fear of Retaliation, and Silence.**

The socio-cultural silence of sexual harassment is reinforced by institutional mistrust and a long legal procedure. Though there are legal reforms, particularly following the 2012 Delhi gang rape incident, criminal laws were tightened, but even then the rate of conviction of sexual crimes is relatively low in comparison to the number of cases reported. The survivors are also afraid of insensitive treatment by the law enforcers, social backlash, and long court proceedings. Consequently, the real extent of sexual harassment is probably less than the official figures. Therefore, the socio-cultural conditions, including patriarchy, honor rules, caste inequalities, the conditioning of misbehavior, financial dependence, and lack of institutional trust, combine, forming the situation in which sexual harassment remains possible even after the legal changes and the growth of the enlightenment.

SEXUAL HARASSMENT IN VARIOUS CONTEXT

A. Workplace

Sexual harassment at the workplace can be defined as any unwelcome sexual conduct that contravenes the dignity of a person or causes intimidation, hostility, and an offensive working condition. It takes two known forms, which include quid pro quo and hostile work environment harassment. In quid pro quo, benefits of employment like promotions, salary increases, or even retaining job are conditional on acceptance of sexual advances or favors, and the victim is in a position of coercion. The hostile work environment harassment occurs when unwelcome verbal, physical, or non-verbal conduct repeated, forms the part of the hostile, offending, or oppressive working environment, notwithstanding the absence of the explicit threats. They may be like inappropriate remarks, gestures, emails or showing sexual material. The Sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 provides that internal complaints committees (ICCs) should be constituted to enquire into complaints and recommend corrective steps, and non-retaliation. Informal sectors especially, fear, stigmatization and workplace hierarchies culminate in underreporting although the law provides otherwise.

B. Educational Institutions

Research has shown that women in learning institutions usually respond to sexual harassment by being careful to avoid teachers who make advancements to them. But as this behaviour continues to happen, it becomes a slow destruction of their academic confidence and develops mistrust of the male members of the faculty. This issue is aggravated by the student-teacher power disparity because the teachers have power over grades, reviews, promotions, and recommendations. Any intimidation or suggestion of intimidation that stubbornness or dissent will adversely impact on the performance in examination, career advancement, or termination is discriminatory. Despite the fact that protections were established in the ground breaking case of Vishaka v. Many institutions do not provide effective redressal mechanisms, and some of them do not have formal policy against harassment as stipulated in the State of Rajasthan and subsequently codified in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Those who are affected are often reluctant to report maltreatment because they are afraid of social stigmatization, backlash, reputation loss and loss of academic/career opportunities. In other instances, college leadership does not encourage complaints to safeguard the image of the institution. The result is dramatic anxiety, depression, insomnia, social withdrawal, loss of self esteem, poor relationship with peers, absenteeism, career loss, and even the dropping of courses or even the suicidal tendencies as a result of the deep psychological and professional effects of harassment.



C. Public Spaces

Eve teasing is an acute gender-based harassment that is committed in the open areas like the streets and workplaces. It encompasses such behaviors as making obscene remarks, whistling, making suggestive gestures or unwanted physical contacts. It is usually trifled off as a harmless source of fun but it is an emblem of ingrained misogyny and objectification of women. The popular media, such as films created within the Hindi film industry (so-called Bollywood), has occasionally glorified such conduct, by characterizing relentless harassment as courtship. Such an image promotes the emulation of this behavior by some of the young men who are commonly referred to as roadside Romeos in reality.

Eve teasing is a cognizable crime under the Indian law and police have the power to file FIR and arrest the accused without a warrant. Other provisions that are relevant in the Indian Penal Code are 294 (obscene acts), 354 and 354A-D (assault, sexual harassment, stalking, voyeurism), and 509 (insulting the modesty of a woman). Under Sections 200 and 156(3) of the CrPC, victims can directly go to the Magistrate in case the police are not willing to act.

D. Digital Spaces Online Sexual Harassment.

Online or digital sexual harassment has become a common type of gender-based violence, which especially impacts women in low- and middle-income countries (LMICs). It involves getting unwanted sexually explicit materials, messages, emails, videos or links, being contacted repeatedly, unwanted, by social media or phone, posting offensive or sexualized remarks publicly and providing personal information on the Internet to create a misleading impression of a woman as sexually available. Studies have shown that women who act against the patriarchal society or criticize the objectification of the female form via media tend to be harassed online as a way of exacting revenge. Such abuse is popular on common platforms such as Facebook, WhatsApp, Instagram, and Twitter, among other communication technologies, mostly in the form of social media abuse, cyberstalking, and online abuse.

One out of every four to five women across the world cite having been victims of technology-facilitated violence. Indian cases Landmark cases in India State of Tamil Nadu v. Suhas Katti (2004) , who was persuaded of the Information Technology Act, 2000, and Manish Kathuria v. Ritu Kohli (2001), emphasizes on the early appreciation of cyberstalking and harassment online.

CHALLENGES AND GAPS

Although the legal systems and the increased societal awareness exist, there are still several structural and socio-cultural gaps in the United States of India that prevent providing effective prevention and redress of sexual harassment.

- **The lack of knowledge on legal rights.**

A high percentage of women especially in the informal sector and the rural areas are not aware of their legal protection and complaint channels. Although the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act requires that Internal Complaints Committees (ICCs) be established and that there be reporting procedures, most employees are unaware of how to file a complaint and where to get a support system. There is limited legal literacy, which alongside a socio-cultural stigma prevents seeking institutional solutions on the part of the survivors. The level of awareness is even lower with marginalized communities in which access to information and legal assistance is limited.

- **Weak enforcement of laws.**

In spite of the fact that laws that govern sexual harassment and other crimes are reinforced especially following amendments on the Criminal Law (Amendment) Act, enforcement is still haphazard. Lots of organizations do not form functional ICCs and compliance monitoring is not always enough. Delays in the investigation and trial system in the criminal justice system have led to low convictions rates in comparison to the number of cases registered in the National Crime Records Bureau. Lax regulations



lower deterrence and affirm the belief that offenders will not get punished.

- **Insensitivity to gender training.**

Many institutional reactions are usually compromised by lack of gender sensitivity training among the law enforcement agents, judicial officers and the workplace authority. The attitudes of blaming the victim, devaluing the complaints, and insensible investigative questioning discourages the survivors. In the absence of systematic training systems, the patriarchal biases may affect the evidence interpretation and the treatment of complainants, which once more undermine the institutional credibility.

- **Poor data and reporting system.**

There is still limited reliable and exhaustive data on sexual harassment. Crime statistics represent only those cases that are registered and surveys indicate that there is high level of underreporting because of stigmatization, fear of being targeted as well as social pressure. The lack of a cohesive reporting system both at workplaces and in educational institutions and in cybercrime platforms leads to inconsistency in documentation and analysis. Also, disaggregated data by caste, class, disability and region is limited, and therefore limits evidence-based policymaking and targeted interventions.

RECOMMENDATIONS

The concern of sexual harassment in India needs multi-layered solutions (interventions), which involve more robust enforcement, cultural reform, and institutional responsibility. The measures, which are necessary, include:

- **Ensuring the reinforcement of enforcement mechanisms.**

Despite the legal protection, like the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, implementation loopholes are still very much prevalent, especially in the informal sector and in small businesses. Accountability can be enhanced by stronger monitoring of Internal Complaints Committees (ICCs), compulsory compliance audits, time-limited investigations and penalties against non-compliance. Also, specialized training of police and judicial officers should be done in order to make the cases survivor-oriented. By enhancing the conviction rates and shortening the time taken, this would increase the confidence that the justice system is doing its job and discourage the potential offenders.

- **Awareness and education programs.**

The long-term change requires the transformation of the social attitudes. Extensive awareness on the issue at school, college, workplace and community should assist people to understand what should be considered as sexual harassment and have a knowledge of legal rights and reporting channels. Stereotypes can be broken through integrating gender equality education in school curricula at an early age before the stereotype takes root. Media and digital campaigns should also be used to encourage a society that has zero tolerance of harassment and intervene by the bystander.

- **Gender-sensitization initiatives.**

The programs of gender-sensitization should be focused not only on students and employees but also on the law enforcement agencies, judicial members, medical practitioners, and community leaders. Unconscious bias, victim-blaming attitude, and hate-filled gender norms based on patriarchy are the aspects that structured training workshops can help to address. It is also crucial to encourage male participation in gender-equity programs in order to change cultural discourses and create a sense of collective responsibility towards avoiding harassment.

- **Policy Interventions and legal reforms.**

The laws should be reviewed and reinforced continuously in order to deal with new forms of harassment, particularly on the internet. More precise definitions of online sexual harassment, the effective cybercriminal investigatory services, and the availability of reporting systems can contribute to the improvement of the security in the virtual world. The policy measures should also be concentrated on the



support of the survivors with the help of the legal assistance, psychological counseling, and protecting mechanisms of witnesses. Increasing female labor rights on informal and gig industries would mean that women have access to at least some workplace protection outside the company environment.

II. CONCLUSION

The issue of sexual harassment of women is not purely a legal issue, but a socio-cultural one that portrays the inequalities, the system of patriarchy, and the gender biases in India. However, even with the progressive laws, including the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and enhanced criminal statutes on criminal law (Amendment) Act, the reality of rampant harassment in workplaces and even in the public places and, more recently, on the internet all reveal an enormous gap between what the law says should happen and what actually occurs. According to reports by the National Crime Records Bureau, the figures are very alarming and research and surveys point to the fact that many of them are not reported because of stigma, fear of social reprisal, and due to lack of belief in institutional mechanisms.

The origin of this problem lies deep in culture. The system of patriarchy, strict gender roles, mindset of victim-blaming, inequity based on caste, and the culture of accepting harassment as a natural part of life jointly contribute to the fact that the independence and integrity of women are constantly diminished. Although the consciousness of rights and protection has increased, the attitudes of society tend to silence victims and protect offenders. The change of workplaces, urbanization and greater digital connection has introduced some new challenges but the social attitude often falls behind the changes and this leads to repetitive patterns of harassment.

The issue of sexual harassment in India thus needs a multidimensional approach. The law has to be reinforced by the strict application of the law and the institutions need to develop sensitivity, responsiveness and accountability. There should be extensive awareness campaigns, gender-sensitization, and education programs to break the negative stereotypes and promote a culture that respects others. Women have to be economically empowered and socially supported and men and communities have to be actively involved so that there is change in the social fabric that supports harassment. The bottom line is that only a long-term change can help make the world a place where women can navigate their lives, work and move at their will, without fearing any violence because that is what the laws are designed to do, and that is what the culture is simply made to do, not to mention the equality and the fact that they must have trust in the systems that are supposed to ensure that all the fundamental rights and dignity of women are met.

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