A CRITICAL ANALYSIS OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT OF 2013.

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Abstract:

Sexual harassment is an indecent act of sexually torturing someone either physically or mentally or both. This issue persists in the Indian society from the time of emperors where the Kings used to consider the women as their property, women were subjected to various situations where they were persecuted or traded for a small amount. Though the country evolved with the time but the process of harassment continued. The landmark example is the case of Vishaka v. State of Rajasthan. Before this case, there were no particular guidelines or rules to safeguard the rights of the women against the offence of sexual harassment. In this paper, the author has examined the historical situation, its evaluations, main reasons, opinion of the United Nations and the changes brought in the society after the Vishaka Judgement, 2013 Amendments in Criminal Law and by the release of specific statute which deals with the sexual offences against women at work place. Along with this, the author will suggest the reforms which in his opinion need to be made in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013.

Keywords: Women, Sexual, Harassment, Evolution, Reforms

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Introduction:

Sexual harassment of women refers to the acts or conducts that are of sexual nature and have done with the intent to sexually abuse the women. Sexual harassment is not only restricted to physical abuse but it also includes mental torture, sexually coloured remarks or any other form of a spoken or non-spoken sexual act. It has been seen that gender inequality and the patriarchal society are the main reasons for the sexual harassment of women. They are several national and international instruments which draw attention towards the problem of gender inequality in India. Women from the ancient time were deprived of being equal to men. There are ample instances from the Vedic period which shows how the women were treated at the time. Even in the holy scripture, The Mahabharata, Yudhishter stake his wife while playing the game of chance and as he lost her, his wife became the property of Duryodhana who ordered his brother Dushasan to pull her saree in front of all. This shows that the women used to be considered as the object that can be staked or can be won. the rules that the King can marry any number of times but the queen will marry only ones clearly depicts the mentality of the society and the value of women at that time. From the ancient time to the present time women are facing such brutalities by society. In the case of Vishaka and ors. V. State of Rajasthan and ors¹ it can be framed out how incompetently society treats women. It was the case where a woman who was trying to stop child marriage in Rajasthan was gang-raped by some powerful and influential people. Similarly, the case of Mukesh v. State (NCT of Delhi) which is also known as “Nirbhaya Hatya kand”² had shaken many hearts, twelve men brutally and inhumanly raped her in the running bus around 9:30 pm on December 16, 2012, and threw her naked at the roadside. This shows that from the time of civilisation to the modernization, women in this patriarchal society has to face ill-treatment, discrimination, inferiority and violation. There are several statutes to protect the women from all such atrocities, but the question is whether the laws are providing sufficient protection to women in India. This article will show the historical background of sexual harassment of women, the existing legal provisions and the need for reforms and put forth the reasons why sexual harassment has become a common thing. It will also show how Judiciary and International Convention can help to curb such harassments.

Evolution of the offence of Sexual harassment against women:

From the time immemorial, women have been subjected to violence and harassment in Indian society. It is a famous quote, ‘Behind every successful man there is a woman’ but in India,

¹ Vishaka and ors. V. State of Rajasthan and ors, AIR 1997 SC 3011.
there is a vast disparity between a man and a woman. The historical background of the mankind clearly depicts how the gender inequality has been used as a façade to perpetuate violence against women. Form the Vedic period till the current time, there have been ample of instances where women have faced harassment, violence and ill treatment, for example, harassment of Draupadi in the court of Hastinapur, Prohibition of divorce under Manu Smriti, which is considered as the prime source of Hindu personal laws, practice of sati pratha, Delhi gangrape case and many more.

1. Vedic time scenario:
Indian mythology puts the women at a high pedestal. It tells us that the goddesses of power, wealth and learning are women. Indian philosophical tradition has also made great progress with the help of its women philosophers like Gargi and Maitri, who were the great authors n the Rig Veda and Yajur Veda during the time of Yagnavalkiya. Manu, which is considered as one of the greatest sages in Hindu religion says “where women are honoured, gods feel delighted” on the other hand same Manu in Manu Smrithi shows contempt towards women, disparaging them as a drudge. During that time women were considered to be devoid of intellect and men would deny them education. They had no right to property and they were even debarred from doing several spiritual sacrifices. Manu wrote, “if a man does not pay his father’s debt, in his next life, he is born as a dog, a slave or a woman”. This statement clearly depicts the position of women at that period of time which was considered to be as the golden period under Hindu Mythology. When it was presumed that the saints are true replica of heavenly power and serving them will pave the way to heaven. At that time, women and dogs were kept at the same footing, women were considered as the curse.

2. Historical Evaluation:
“Mankind has been a witness to epoch making revolutions declaring liberty, equality, justice and freedom but none of these revolutions ever focused on the rights of the

3 Ankit Dwivedi, Sexual Harassment At Workplace, 9 CPIJL 256 (2019).
5 Supra note 2.
7 MURLIDHAR C. BHANDRE, STRUGGLE FOR GENDER JUSTICE: JUSTICE SUNANDA BHANDRE MEMORIAL LECTURES 07 (Penguin Books India, New Delhi, 2010).
8 Supra note 6, at 19.
9 Supra note 7, at 08.
women.”  

Similarly, the American declaration of independence also shows the masculine look of equality and liberty. Slaves, women and men without any property were kept aloof from the privileges provided under the American Declaration of Independence. Neither of the biggest historical revolutions addressed the rights of women, they were kept aloof from all these privileges and remained as the most marginalised group of the society. Not only this even when the UN charter was about to be adopted, its draft neither talks about gender equality nor about granting equal rights to men and women. It was the efforts of the women participants who lodged the strong protest against such discrimination and demanded that the draft should talk about providing equal rights to both men and women that the UN Charter specifically talk about women and gender equality and “thus become the first ever international document in the history of mankind to have highlighted equality between men and women.”

During the time period of 1971-1980, a couple of voluntary women’s group were formed, they called themselves as the autonomous bodies since they weren’t linked with any political party. They started addressing certain issues like eve-teasing, harassment, molestation, rape and other types of violence. One such association Forum Against Oppression of Women (FAOW), was set up in Bombay and they used to conduct campaigns in order to deal with the rape and cases related to atrocities against women. In 80s their major focus was on the cases related to Sexual Assault at Work Place, they have taken the actions against the cases like harassment of nurses by male patients and their relatives, female teacher by male teacher, female students by male teachers, female juniors by their superior males and many more. They filed the PIL in 1990, seeking that the definition of rape that’s the penetration of penis in vagina, to be narrowed down to mere penetration. At that time only, the country witnessed the one of the most brutal rapes of a woman who was trying to prevent child marriage, by few efficient people in the state of Rajasthan, which arose the sentiments of the several women development programme workers and they formed a group, named it as Vishaka

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11 Supra note 7, at 156.  
12 Id., at 157.  
13 Supra note 6, at 20.  
14 Supra note 7, at 158.  
and filed the PIL against those people who brutally raped that social worker several times.\textsuperscript{16} Before Vishaka judgement, it was on the mercy of the Police officers whether to register the FIR or not, women can only challenge under two provisions of IPC, 1860 i.e. section 354, which deals with the “assault or criminal force to woman with intent to outrage her modesty” and section 509 which deals with the “words, gesture or act intended to insult the modesty of a woman”. This shows the position of the law and the position of the women before the Vishaka judgement. Vedic and Historical evolution have shown the status of women in an earlier time and how the position changed once the women start raising her voice against such crimes.

Main reasons for the Sexual harassment at Workplace:

There are ample of reasons due to which several cases of sexual harassment can be witnessed at workplace but the main reason is the status of the men and women in the society, the values, culture, moral and ethics that are taught to the society. The way a man grows is far different then a woman in the Indian society and this can also be seen in their behaviour in an organization. Women are vulnerable to harassment due to the manner they are socialized and developed in society. They often lose confidence and generally work at the junior positions.\textsuperscript{17} There can be no. of reasons but there are few of them:

- **Gender Inequality:** India being a patriarchal society has the tradition of being a man as a superior in the family and all the essential decisions have to be made by him or with his consent. Most of the males’ work in any association with the same attitude and try to keep an upper hand on the female members. One of the examples to such situation is the landmark case of Vishaka, where few men just because a woman showed some guts tried to bring a reform in the society, brutally raped her couple of times.

- **Status of Women:** As already explained above, how the women used to be treated in the Indian society from the Vedic period, how they are considered as the secondary to men. Indian women, everyday faces a problem of indignity, her education and development lefts in the hand of the men. In an organization, generally, a woman kept at a lower footing and the influential superiors use sexual harassment as the method of asserting control over the powerless. It can also be seen from the case of Sandeep Khurana v. Delhi Transco Ltd. and Ors.\textsuperscript{18}, where a senior member of the association

\textsuperscript{16} Supra note 1.
\textsuperscript{17} Supra note 3, at 260.
keeps on calling a junior female employee and one day when they had a quarrel accused
caught her from the collar and when she tried to slap, he resisted her hand and in this
scuffle, her shirt button got broken, that amounted to the sexual harassment. The other
case which shows the mentality of man for women is the case of Mrs. Rupan Deol Bajaj
v. KPS Gill and Anr, where the appellant was sexually harassed by the respondent in a
party where a number of bureaucrats were present. The respondent first tried to sit near
the appellant and when she moved from there and went to the place where other ladies
were sitting, the respondent approached and in the commanding voice asked her to
come with him, she refused and when she turned, respondent gave a tap at her posterior.
The respondent was held guilty of the offence of sexual harassment and the facts of the
case clearly depict the status of women in the eye of an IPS (respondent).19

- **Moral values and cultural differences:** Society plays a vital role in the development
of a person. In the Indian society, boys are given more freedom than girls and that has
created the mentality of boys being superior and enjoying more freedom. Due to this,
the moral values, respect and importance of relations aren’t left as their cup of tea. A
mere “NO” from girl’s side provoke them to take revenge. MeToo Movement had
shown the various cases how much does it cost to a girl or a woman for a refusal to
sexual favours.20 In the case of U.S. Verma, principal DPS Faridabad v. National
Commission for Women and others, in this case, the complaint made by the lady
employee against the Principal to the concerned authorities was simply side-lined and
the issue wasn’t raised up, the Supreme Court in this case, held that it is expected from
the authority be it an employer or the recruiter of any private firm, that such issues will
be taken up seriously and the actions should be taken against the accused. The court
further stated that it not just amounts to gender discrimination but also create hostile
working conditions and lower the confidence of the working women. The facts of the
case clearly show the amount of seriousness given to such issues in the general course.21

- **Though talented but still unemployed:** As per the current time scenario, a number of
women having higher academic portfolio is more than the job opportunities, this
situation has led to the situation where the senior members put forth the sexual favours
for the selection or a better position in the company. Even in the film industry, there

20 Rowan Ferguson, Support for women afraid to say no, THE GUARDIAN (October 6, 2020, 6:54 PM),
https://www.theguardian.com/world/2019/jul/21/support-for-women-afraid-to-say-no.
ample of cases, where the actresses have filed the FIR against various directors and male film stars for harassing them sexually, for example, Tanushree Dutta put the allegations of Nana Patekar for the sexual harassment\(^\text{22}\), a colleague of Vikas Bahl director of the movie ‘Queen’ also got alleged of sexual harassment\(^\text{23}\), the actress of “Bhabhi ji Ghar Par Hain” has also alleged Sanjay Kohli, the producer of this serial for assaulting her sexually\(^\text{24}\) and the leading foreign case of Harvey Weinstein who has declared guilty of criminal and sexual assault against various actresses by the US jury on May 29, 2020.\(^\text{25}\) This shows that how the talented actresses get sexually harassed in the film industry and how the talented individuals have to change their way due to this.

A. Role of Judiciary and International Convention in curbing the case of Sexual harassment.

In the past few years, Judiciary has passed certain landmark judgements where they have given the guidelines and explains the offence of sexual harassment. Along with this court has also explained almost all the possible situations of harassment in various cases like that of the hostile work environment, retaliation, Victimization, Indifference of competent authorities etc. International conventions are the other sources which have helped in upbringing the status of women all over the world.

1. Role of Judiciary in curbing the crime of sexual harassment.

The Judiciary has played a vital role in eliminating the offence of sexual harassment, before coming of Sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Criminal Law (Amendment) Act, 2013, guidelines given by the apex court were the only source which provides protection to the women against sexual harassment at workplace. The Hon’ble Supreme Court laid down the guidelines for the very first time in the case of Vishaka and Ors. V. State of Rajasthan and Ors.\(^\text{26}\), the judgement passed by the court becomes one of the most crucial judgements and the

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\(^{24}\) Id.


\(^{26}\) Supra note 1.
guidelines laid down in this case is referred in many cases of such nature. The court laid down five points which amount to sexual harassment and they are

- “Physical contact and advances;
- A demand or request for sexual favours;
- Sexually coloured remarks;
- Showing Pornography;
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.”

Along with this, the hon’ble court has also put forth certain preventive steps that to be taken by the concerned bodies. There are various forms of harassment identified and dealt by the competent court of law and some of them are:

1. **Hostile Working Environment**: Hostile working environment is the one where there is an unfriendly atmosphere for the victim that could be because of unfavourable responses to sexual advances, retaliation or coercion.

One of the leading cases in this form is of Saudi Arabian Airlines v. Shehnaz Mubhhatkal & Another. In this case victim joined the service of the accused, her work was appreciated for four years and she also received awards for her dedicated work. After that accused starting making unwelcome advances towards the victim, forcing her to join for lunch or dinner, followed by several calls. The victim refused for this and then accused started commenting on her work and family planning method. The victim first complained to the accused’s Country Manager (India), who gave assurance to the victim that nothing will happen to her but later, she was sent on the break by accused and not allowed to rejoin. She sent the apology letter to the accused but accused use that letter, fraudulently, to fire her from the job without wages. An issue was raised by the victim under sec 10(1) r/w sec 12(5) of the Industrial Dispute Act, 1947 in the Supreme Court of India, the court dismissed the petition and asked Labour court to deal with the case. The court held that the act

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27 *Id.*
made by the accused amount to sexual harassment. The accused moved to the High Court of Bombay, but the court dismissed the petition and upheld the judgement of the labour court and also termed “the gradual escalation of hostility in the establishment as systematic harassment by the accused as operational scuttle.”  

2. **Victimization**: Victimization referred to the treatment given to a person for doing a protected act i.e. filing a complaint of discrimination. In the case of Smt. V. Bharani v. Commissioner of Labour and another\textsuperscript{30}, the court encountered the same scenario where the victim who was working as the typewriter in the office of the Inspector of Labour got sexually harassed by him. She made the complaint to the Commissioner of Labour then to the Tamil Nadu Government Employees Association then to the Inspector of Labour, Cuddalore and end up losing her job. She said that “he used to come to my cabin and try to molest me and abuse me. My resistance to such like things has resulted in assault by him on my cheek. It is, therefore, my kind request to you that taking in to consideration all that I have stated, a thorough enquiry may be held into my complaint to find out the truth”\textsuperscript{31} The victim even put forth the guidelines made by the Supreme Court in the Vishaka’s case but the inquiry didn’t follow the same. The Madras High Court showed her regret and stated it’s unfortunate that the respondent hasn’t followed the guidelines laid down by the court and hence order to follow them strictly. This case clearly shows how the people who raised their voice against the wrong is treated.

3. **Retaliation**: Retaliation is the form of treatment which a woman received if she complaint against the case of sexual harassment. This completely ruptures the concept of equality and constitute a form of gender discrimination.

There are certain modes of retaliation:

- “By termination of services on concocted charges;
- By distant transfer, suspension and other punitive measures;

\textsuperscript{29} Id.
\textsuperscript{30} Smt. V. Bharani v. Commissioner of Labour and another, CDJ 2010 MHC 3090.
\textsuperscript{31} Id.
• By creation of oppressive working conditions;
• By creation of oppressive working conditions;
• By creation of unequal work opportunities;
• By fraudulent charges;
• By way of general or specific disfavour;
• By abuse of process of law;
• By targeting the supports of complainants;
• By long term patterned harassment;
• By exploitation of personal circumstances.”

There are certain cases where the court has encountered such situation. One of the leading cases of D.S. Grewal v. Vimmi Joshi and others\(^{33}\), also known as the Vimmi Joshi’s case, is the noteworthy example of retaliation by employers/ higher authorities. In this case, the concerned authorities, armed forces, not only retaliated by mitigating the issue but also, they fired out the complainant from the job without following any procedural formalities. They framed the allegation of financial irregularities in the sector governed by her. The case gains popularity because against whom the charges were framed is one of the most disciplined defence forces in the world, as mentioned by the Supreme Court of India.\(^{34}\)

**B. Role of International Convention in curbing the same:**

Women have been subjected to sexual harassment from decades and it has been the topic of concern all over the world. It has been discussed in many UN treaties, agreements and declarations. According to U.N. Resolution 48/104 (1993), sexual harassment against women is in violation of human rights.\(^{35}\) Such violence is defined as “any act that results in, or is likely to result, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”\(^{36}\) In 1993, United Nations held the World Conference in Vienna which was named as

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\(^{32}\) *Supra* note 6.


\(^{34}\) *Id.*


“U.N. World Conference on women in 1993”\textsuperscript{37} and one in Beijing in 1995, where all the member states were requested to curb the issue of sexual harassment against women and considered the women’s rights as the human rights and asked the members to make sure that the women should be get equal representation and fair treatment.\textsuperscript{38}

In 1993, India became the member of the Women’s convention and has accepted the obligations to submit the report to the convention body- the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), where it is supposed to send the report after every four years regarding their efforts to bring the laws, policies and practices in relation to the guidelines passed in the convention.\textsuperscript{39} CEDAW has become the most recognised international human right treaty and the provisions laid down under article 11, 12, 24 of the CEDAW convention are widely accepted and followed by the member state. The Supreme Court of India has also mentioned CEDAW in its landmark judgement of Vishaka and Ors v. State of Rajasthan and Ors.\textsuperscript{40} where the court had used the provisions of the convention in framing the guidelines which are referred in a lot of case related to sexual harassment.

**Laws governing the cases of Sexual harassment at workplace in India:**

It is the duty of the state to protect the individual rights and freedom, hence law and order need to be maintained in the state. Harassing anyone is against the societal peace and hence unlawful. Harassing any women in a sexual manner amounts to sexual harassment and if a woman is an employee or worker in any association then it amounts to sexual harassment at work place. As already mentioned above, prior to Vishaka judgement, there were no specific guidelines or legal provisions to deal with the offence of sexual harassment at workplace, in 1997, the Hon’ble Supreme Court gave the guidelines which were followed till 2013. In 2013, after looking at the increasing number of women going for the job and increased number of sexual harassment cases, the legislature came up with an act specifically dealing with such cases and it’s named as The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The main objective of this act is to deal with the complaints related particularly to the sexual harassment of women at workplace and to provide protection against the same.


\textsuperscript{38} Id.; UN Women, *United Nations Entity for Gender Equality and the Empowerment of Women*, UN (October 9, 2020, 4:10 PM), https://www.un.org/womenwatch/daw/beijing/.


\textsuperscript{40} Supra note 23.
Scope and Ambit of the Act:

The concerned act is applied to the whole of India and to both organised as well as unorganised sectors. It applies equally on government as well as non-government bodies, public as well as the private sector. Under section 2, it has explained all the necessary terms like employer, employee, aggrieved person, chairperson and most essentially, sexual harassment and workplace. As per the act, Sexual harassment includes “any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely: —

(i) physical contact and advances; or

(ii) a demand or request for sexual favours; or

(iii) making sexually coloured remarks; or

(iv) showing pornography; or

(v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;”

and the workplace includes almost all possible working place in it in order to provide better and equal protection to all the working women of India. Along with this section 3 of the act talks about the prevention of sexual harassment and it states:

“(1) No woman shall be subjected to sexual harassment at any workplace.

(2) The following circumstances, among other circumstances, if it occurs, or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment: —

(i) implied or explicit promise of preferential treatment in her employment; or

(ii) implied or explicit threat of detrimental treatment in her employment; or

(iii) implied or explicit threat about her present or future employment status; or

(iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or

(v) humiliating treatment likely to affect her health or safety.”

41 Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 § 2(n).
42 Sexual Harassment of Women at Workplace (Prevention, Prohibition or Redressal) Act 2013 § 2(o).
43 Sexual Harassment of Women at Workplace (Prevention, Prohibition or Redressal) Act 2013 § 3.
Along with this, the Criminal Law (Amendment) Act of 2013, which was made with reference to the suggestions given by the Justice Verma committee. After this amendment, five subsections have been added to section 354 of Indian Penal Code, 1860 which deals with the “offence of assault or criminal force to woman with intent to outrage her modesty”\(^{44}\). Section 354A, B, C, D & E specifically deal with the offence of sexual harassment or any other act of that nature.

Section 354A\(^{45}\) deals with the offence of sexual harassment at work place and the provision is in the accordance of the guidelines stated by the Hon’ble Supreme Court of India in the case of Vishaka v. State of Rajasthan\(^{46}\). Section 354B\(^{47}\) deals with the offence of disrobing a woman. If anyone assaults or uses criminal force to intentionally disrobe a woman or compel her to be naked is booked under this subsection of section 354. Section 354C\(^{48}\) deals with the offence of Voyeurism. Any man who tries to capture the image or try to sneak into the personal space of any woman shall be booked under this subsection. Section 354D\(^{49}\) deals with the offence of Stalking. Any man who tries to follow a woman and contacts or attempt to contact her after clear disinterest or monitor her on social media shall be booked under this subsection. Section 354 E\(^{50}\) deals with the offence of Sextortion. If any male public authority or a man in fiduciary relationship with a woman demands a sexual favour in return of any task which he has the authority to do shall be booked under this subsection.

Along with these provisions, section 509 of IPC which deals with the crime of insulting “the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman”\(^{51}\) also get amended and the punishment for the same has been extended from the imprisonment which may extend to one year or fine or both to three years of imprisonment and fine. These amendments have made the position of women bit stronger in society.

**Reforms:**

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\(^{44}\) [Indian Penal Code 1860 § 354.](#)

\(^{45}\) *Id,* § 354A.

\(^{46}\) *Supra* note 1.

\(^{47}\) *Supra* note 44, at § 354B.

\(^{48}\) *Id,* § 354C.

\(^{49}\) *Id,* § 354D.

\(^{50}\) *Id,* § 354E.

\(^{51}\) *Id,* at § 509.
After waiting for a long time, in the year 2013, India got its first statute which specifically deals with the offence of sexual harassment against women at workplace which worked as the life-saving oxygen to the existing legal system in reference with the laws available for the protection of women in this patriarchal society. This act, undoubtedly, has brought better protection to the women but there are certain areas where the reforms can be made. Here, are the few reforms which the author believes need to be made in the existing statute to make it stronger and peculiar towards the offence against women.

The reforms which the author believes are necessary:

- The term “unwelcome” as mentioned in section 2(n) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition or Redressal) Act, 2013\(^{52}\) (referred as an act) should be explained under section 2 of the act as also recommended by Justice Verma Committee.

- The word “request” should be omitted from section 2(n)(ii) as it creates a loophole and opens up an option that a male can be charged for the act of sexual harassment even if he merely asks/requests someone to meet in the hotel or outside the office. A request means there is no compulsion or force or pressure on an employee to meet him and hence it should not amount to sexual harassment.\(^{53}\)

- The definition of workplace says “any place” in section 2(o)(v), this provides a very large ambit and it’s open to numerous interpretations. It will be almost impossible to prove whether the women get harassed by any member of the company/organization or by any other passerby, hence the definition should be narrowed down to restrict a large number of interpretations.\(^{54}\)

- Section 10(1) of the concerned act, provides for conciliation which may be used wrongly by the accused. by providing the legal provision to settle the punishment between the accused and the victim, it has opened the gate for legal extortion, hence strict punishment should be given to the accused and the option for conciliation should be removed.\(^{55}\)

- Section 12 of the concerned act talks about the action that to be taken while inquiry is going on and provide certain remedies to the victim. This section should be amended

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\(^{52}\) Supra note 41.

\(^{53}\) Id., at §2 cl. (n)(ii).

\(^{54}\) Id., at §2 cl. (o)(v).

\(^{55}\) Id., at §10 cl. (1).
and a clause regarding the safety of witness/witnesses should be inserted so that they can also be protected from any pressure or humiliation.\(^{56}\)

- Section 13(3)(ii) of the concerned act states that employer may pay the compensation to the aggrieved women that should be amended and it should become mandatory for the employer to pay compensation to the aggrieved women.\(^{57}\)
- A provision should be added in the statute which shall deal with the punishment to the respondent in case of a domestic worker.

**Conclusion:**

Sexual Harassment is the violation of the human rights of the women which everyone should have irrespective of his caste, creed, sex. This problem persists in our society mainly because of the opinion that male is superior and the woman is no one to stand in front of him. But the time has changed, now women is at the same footing then men in the field of education, talent and smartness. The time has come where the male sex has to accept this and should start giving equal respect to them. The problem is such that it is not possible to curb it only with the help of legal provisions, the people need to stand with the women facing such problems and the voice needs to be raised up against the same. A lot of women are not even aware that they have strong legal support if anyone does anything of this sort with them and it is the duty of the people to spread awareness about the same. There should be an apprehension in the mind of the person who even thought of harassing someone or to try any such act. A couple of reforms are essentially required in the present statute so that all the loopholes can be filled and the women shall get full justice.

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\(^{56}\) *Id.* at § 12.

\(^{57}\) *Id.* at § 13 cl. (3)(ii).