



# Sexual Harassment

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## I. INTRODUCTION:

Sexual harassment means intimidating, bullying, frightening, assaulting, or teasing a person, especially a female sexually in an inappropriate way without their consent in exchange for sexual favour and pleasure. In most legal circumstances this is criminalized. Sexual harassment does not have to be only sexual or pleasure this even includes unsolicited and offensive comments about a person's gender. Sexual harassment does not imply any specific gender, the victim can be anyone male, female, transgender, etc., "Sexual harassment" is defined as "unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature" that interferes with one's employment or work performance or creates a "hostile or offensive work environment".

### WHAT DOES SEXUAL HARASSMENT INCLUDE?

Sexual harassment includes many aspects such as touching, grabbing, snatching, or making another physical contact without the victim's consent, passing or making unethical comments on the victim with sexual meaning, asking for sexual favour or pleasure, making cheap sexual gestures towards the victim which makes them scared and uncomfortable, cracking sexual jokes and asking about their personal sex life and many more things these are few aspects which are included in sexual harassment and are part of it.

### PROBLEMS CAUSED BY SEXUAL HARASSMENT:

The victim can go through a lot of problems just because of the sexual harassment which includes Emotional Well-being, Physical Health, Financial Challenges, and Global Consequences. In broader terms, it means Sexual harassment threatens the victim's mental and emotional state to a large extent which can lead to loss of self-esteem, dignity, and confidence. Sexual Harassment in the workplace may cause severe stress and anxiety due to regular harassment. Physical health and emotional health correlate. It may lead to many physical issues such as loss of appetite, headaches, weight fluctuations, and sleep disturbances. Sleep disturbances can, in turn, cause other serious health problems, like hormonal imbalance, an increased risk of high vital signs, and a weakened system. In addition to causing health problems, it often leads to even financial challenges by facing broader career repercussions, such as the loss of jobs because of workplace harassment. The victim decided to leave their post or authority due to the harassment and to avoid a hostile work environment.

### WHAT CAN A VICTIM DO?

No one justifies, deserves, or asks to be sexually harassed. Each and everyone in the world has the right to speak, stand for themselves, and have the right to work and live in a place that is free from toxicity, Sexual harassment, bullying, and violence.

Here are a few things we can do in this situation:

1. The victim can themselves solve and sort out this situation quickly by explaining to the person who is harassing them that their behaviour or gesture is not acceptable and it is making them uncomfortable and unwanted so kindly with due respect put a stop to it.

2. If the harassment has taken place in school, university, or workplace the victim should be aware of the terms, policies, and procedures which are been drafted for preventing such acts and take a stand against it.
3. Set down and draft everything you are facing starting from when it occurred, where, and who did it, the name of the person who saw that happening as proof, and what you have done to resolve it.
4. Keep evidence against that person which includes sexual emails, comments, pictures of their sexual gestures, text messages, social media comments, etc. This will help the victim to file a complaint against the offender if needed.
5. The survivor should talk to someone about the situation they are facing it can be shared with the HR manager if it is workplace harassment or a trusted friend family member or even a colleague. This will help the person to normalize their emotional and mental state.

IF THE HARASSMENT CONTINUES EVEN AFTER THIS THEN A FORMAL COMPLAINT BECOMES NECESSARY.

#### CASE ANALYSIS

(Sexual Harassment Landmark Case)

Bench Of Judges: CJI, Sujata V. Manohar, B. N. Kirpal

#### FACTS:

This case is of a woman named Bhanwari Devi who works as a social worker/activist. Bhanwari Devi aspired to stop the marriage of the Ramkaran Gujjar (Thakur) daughter, who was just an infant. She stopped the marriage from taking place and asked to boycott or accept social punishment. In September 1992 she was been gang-raped by Ramkaran Gujjar and his four friends in front of her husband. The High Court in its judgment propounded that it was a case of gang rape that was conducted out of the revengeful situation. This statement and judgment, aroused women and NGOs to file a petition (PIL) in the Supreme Court of India.

#### JUDGEMENT

The judgment of Vishakha's case was conveyed by Judge J.S Verma as a representative of Justice Sujata Manohar and Justice B.N Kripal. After this case, the Supreme Court made the term harassment well defined, accordingly, any physical touch or conduct, showing of pornography, any unpleasant taunt or misbehaviour, or any concupiscence towards women, or sexual favour will come under the ambit of harassment.

#### SECTIONS THAT DEAL WITH SEXUAL HARASSMENT:

##### SECTION 326A (Voluntarily causing grievous hurt by use of acid, etc.)

This section means that whoever causes permanent or partial injury, damage, or deformity by hurting the victim through burning or disfiguring any part or parts of the victim's body with the intentions and knowledge that the person will get severe injury and harm shall be punished with the imprisonment which is not less than 10 years and may extend to imprisonment for life with fine.

##### SECTION 296 (Obscene Acts and Songs)

This section means that whoever does any indecent act, gestures sings, recites filthy songs, or passes vulgar comments to anyone in a public place shall be punished with imprisonment of at least 3 months or with a fine and can be both together.

##### SECTION 354 (Assault or Criminal Force to Woman with Intent to Outrage Her Modesty)

This section means whoever assaults or uses criminal force on any woman, meaning to outrage her modesty, shall be punished with imprisonment of either a term which shall not be less than one year but which may extend to five years with a fine or can be with both.

##### SECTION 354A (Sexual Harassment and punishment for sexual harassment)

This section means that

(1) A man committing any of the subsequent acts-

(i) Physical contact and unsolicited gestures or overtures;

- (ii) a requirement or request for sexual favours;
  - (iii) Showing pornography against the consent of a woman;
  - (iv) Make sexually coloured remarks, shall be guilty of the offense of harassment
- (2) Any man who commits the offense specified in clause (i) clause (ii) or clause (iii) of sub-section (I) shall be punished with rigorous imprisonment for a term which can reach three years with a fine, or with both.
- (3) Any man who commits the offense laid out in clause (iv) of sub-section (I) shall be punished with imprisonment of either term which can reach one year with a fine, or with both.

**SECTION 354B (Assault or use of criminal force to woman with intent to disrobe)**

This section means that any man who assaults or uses unwanted force or pressure on any woman with the intention of engrossing her to be naked shall be imprisoned for a term which is not less than 3 years but can be extended to 7 years with a fine.

**SECTION 354C (Voyeurism)**

This section means any person who peeps or captures images of a woman engaging in a private act with the expectations that no one can watch her or observe her shall be punished on a first conviction for imprisonment of not less than 1 year but can extend to 3 years and shall also be liable of fine and second or subsequent conviction with imprisonment of not less than 3 years but can extend to 7 years with liable fine.

**SECTION 354D (Stalking)**

This section means that if a man follows a woman and attempts to contact her even after clear indications of her disinterest and discomfort or if a person keeps on texting, commenting, and emailing commits the offense of stalking and shall be punished with imprisonment of 3 years and can even extend to 5 years with liable fine.

**II. CONCLUSION:**

Sexual harassment is considered to be a very serious matter in today's era and it is the most important issue that might negatively and deeply affect an organizational environment. It is considered that most of the harassment takes place in working areas mostly because of the offender's power and place and their dominating post. Sexual Harassment causes major effects on the survivor in many aspects which include mental, physical, financial, and emotional too. The survivor should know and be aware of all the policies drafted and the ways to come out of this individually and with the help of some trustworthy people. There are many more paths to come out of this and speak up. Legal laws are also there for this act.