

# The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 : A Critical Analysis

Dr. Meenakshi Arora

Asstt. Professor, Punjab School of Law, Punjabi University, Patiala (India)

## 1. Introduction

As enshrined in the preamble of the Indian constitution "Equality of status and opportunity" must be secured to all its citizens. The constitutional doctrine for equality and personal liberty is contained in Article 14, 15 and 21 of Indian constitution. These articles person's right to equal protection under the law, protection of life and personal liberty, to live life from discrimination on any of the ground. The government of India is committed to enable all forms of violence against women that negatively impact the society, hamper gender equality and constricts the social and economic development of the country. Since sexual harassment results in violation of fundamental rights of women to equality as per Articles 14 and 15 and her right to live with dignity under Article 21.

The government of India enacted the "sexual Harassment of the women at workplace Act, 2013". The Act is an extension of "Vishkha guidelines" issued by supreme court in 1997 which acknowledges sexual harassment at workplace as human rights violation. The UN convention on the elimination of all forms of discrimination against women was adopted by UN general assembly in 1979. It is also signed and ratified by India.

## 2. Meaning of Sexual Harassment

Sexual Harassment is behavior. It is unwelcome sexual advances, request for sexual favours and other verbal, written or physical harassment of sexual nature. It is unwelcome sexual behavior which could be expected to meet a person feel offended, humiliated or Intimated.

A man committed any of the following acts:-

- (i) Physical contact and advances involving unwelcome and explicit sexual overtures; or
- (ii) A demand or request for sexual favours; or
- (iii) Showing pornography against the will of a women; or
- (iv) Making sexually coloured remarks, shall be guilty of the offence of sexual harassment.<sup>1</sup>

"Sexual harassment" includes any one or more of the following unwelcome acts or behavior (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

<sup>1</sup> Section 354 A, India Penal Code, 1860.

- v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.<sup>2</sup>

"Workplace" includes:

- (i) Any department, organization, undertaking establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;
- (ii) Any private sector organization or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organization, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;
- (iii) Hospital or nursing homes;
- (iv) Any sports institute, stadium, sports complex or competition or games venue whether residential, or not used for training, sports or other activities relating there etc;
- (v) Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.<sup>3</sup>

### Sexual Harassment at Workplace

Many key phrases are there for understanding legal rights and claims:

"Unwelcome" to be illegal, sexual harassment must be unwelcome. Unwelcome to communicate (verbally, in writing or by actions) to the harasser that the conduct makes her uncomfortable and that she wants it to stop.

"Conduct of a sexual nature" or "based on sex" many different kinds of verbal, physical, non-verbal and visual conduct of a sexual nature may be sexual harassment.

#### (i) Verbal or written

- (a) Commenting about a person's clothing, personal behavior, personal (romantic) relationships or body;

<sup>2</sup> Section 2(n), Sexual Harassment at workplace (prevention, prohibition and redressal), Act, 2013.

<sup>3</sup> Section 2(o), Sexual Harassment at workplace (prevention, prohibition and redressal), Act, 2013.

- (b) Making sexual or sex-based jokes or innuendoes;
- (c) Requesting sexual favours or dates;
- (d) Spreading rumours about a persons personal or sexual life;
- (e) Threatening a person for rejecting or refusing sexual advances or overtures.

#### (ii) Physical

- (a) Impeding or blocking someone's movement;
- (b) Inappropriate touching or a person's body or clothing;
- (c) Kissing, Hugging, patting or storking;
- (d) assaulting (touching someone against her will or without her consent)

#### (iii) Non-Verbal

- (a) Looking up and down or staring at a person's body;
- (b) Making derogatory gestures or facial expressions of a sexual nature;
- (c) Following a person around.

#### (iv) Visual

Displaying or sharing posters, drawings, pictures, screensavers or e-mail of a sexual nature.<sup>4</sup>

Sexual harassment does not have to be sexually suggestive or based on sexual desire. Harassing may affect an individual's employment or unreasonably interferes with individual's work performance. If promotion is refused, demotion is there and given poor performance evaluation, reassigned to a less desirable position, concrete negative employment action taken because of refusal of sexual advance, creating intimidating, hostile or offensive work environment, it is also covered under term 'sexual harassment'.

#### Indian Perspective

Sexual harassment constitutes a gross violation of women rights to equality and dignity. It has its roots in patriarchy and its antecedent perception that men are superior to women and that some forms of violence against women are acceptable. One of those is workplace sexual harassment, which views various forms of such harassment, as harmless and trivial. Often it is excused as 'natural Flirtation' which women enjoy. Contrary to these perceptions, it causes serious, harms and is also a strong manifestation of sex discrimination at workplace.<sup>5</sup>

The problem of sexual harassment of women is not new development, it has been a part in every women's life, an order phenomenon of showing the dominance of men in the society. Sexual harassment is one of those problems which play a bad role by discouraging women in taking active part in economic and social development. It is a demanding and offensive experience one employee can suffer and it is going recognition whether it be at workplace or an institution or at home.<sup>6</sup>

<sup>4</sup> "Sexual Harassment at work" [www.equalrights.org](http://www.equalrights.org) visited on 28 Dec. 2016.

<sup>5</sup> Handbook on Sexual Harassment of women at work palce (prevention, prohibition and Redressal) Act, 2013 <http://nitie.edu/w...> visited on: 21 dec. 2016.

<sup>6</sup> Sexual Harassment of Women At Workplace Nikunj Keyal <http://www.legalservices.com/article/print.php> visited on 24 Dec. 2016.

#### Judicial Approach

1. Senior IAS Officer Rupan Deol Bajaj complained in 1988 that former Punjab director general of police, **KPS Gill**, touched her inappropriately at a party.

Status- Trial court convicted Gill in 1996. The Supreme Court upheld the decision in 2005 but the former top cop didn't serve any jail term.<sup>7</sup>

2. One of India's best known software executives and a rising star at the time, **Phaneesh Murthy** had to resign from Infosys in 2002 after his secretary Reka Maximoviteh accused him of sexual harassment.

Status- Infosys settled for \$ 3 Million outside court. Murthy was also sacked by an American IT firm in 2013 on sexual harassment charges.<sup>8</sup>

3. In 2012, in a suicide note, 23-yr old airhostess Geetika Sharma charged **Gopal Kanda**, a former Haryana Minister, of sexually harassing her and forcing her to take her life.

Status- The case is being tried in the Delhi high court.<sup>9</sup>

4. The Indian born author **David Davidar** was sacked as head of penguin Canada in 2010 following allegations by another firm employee, Lisa Rundle, that Davidar sexually harassed her for three years, assaulted her in 2009 during Frankfurt book fair.

Status- out of court settlement in 2009.<sup>10</sup>

5. **Asok Kumar Ganguly** formed Supreme court judge stepped down as head of the West Bengal Human Rights commission in 2014 after a law intern accused him of sexually harassing her at a hotel room.

Status- A three member Supreme Court Panel indicted him for "unwelcome behavior" and "conduct of sexual nature", resulting his resignation.<sup>11</sup>

6. Former Tehelka Chief **Tarun Tejpal** was accused of sexual assault and rape during a Goa event with a former colleague.

Status- The case being heard by Goa court. Tarun Tejpal was arrested and lodged in Goa's vaso town in Subjail and later released on interim bail.<sup>12</sup>

#### "GUIDELINES AND NORMS LAID DOWN BY THE HON'BLE SUPREME COURT IN VISHAKA AND OTHERS Vs. STATE OF RAJASTHAN AND OTHERS"<sup>13</sup>

##### 1. Preventive Steps

All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:

- (a) Express prohibition of sexual harassment as defined above at the work place should be

<sup>7</sup> Mrs Rupan Deol Bajaj and another vs. Kanwar Pal Singh Gill 1995 Scc (6) 194.

<sup>8</sup> <http://www.infosys.com>document>jg-pressrelease-draftvfinal.pdf> visited on 1 Jan. 2017.

<sup>9</sup> State of NCT of Delhi vs. Gopal Goyal Kanda CrI. M.C. 1766/2014.

<sup>10</sup> [www.theglobeandmail.com>Arts>Books](http://www.theglobeandmail.com>Arts>Books) visited on 3<sup>rd</sup> Jan. 2017.

<sup>11</sup> [www.dnaindia.com>India](http://www.dnaindia.com>India) visited on 3<sup>rd</sup> Jan. 2017.

<sup>12</sup> M. first post.com>India news visited on 3<sup>rd</sup> Jan 2017.

<sup>13</sup> JT 1997 (7) SC 384.

notified, published and circulated in appropriate ways.

- (b) The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.
- (c) As regards private employers, steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.
- (d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

## 2. Criminal Proceedings

Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular, it should ensure that victims, or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

## 3. Disciplinary Action

Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

## 4. Complaint Mechanism

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

The complaint mechanism, referred to in (6) above, should be adequate to provide, where necessary, a Complaints Committee, a special counselor or other support service, including the maintenance of confidentiality.

## 5. Complaints Committee

The Complaints Committee should be headed by a woman and not less than half of its member should be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

## 6. Worker's Initiative

Employees should be allowed to raise issues of sexual harassment at a workers' meeting and in other appropriate forum and it should be affirmatively discussed in Employer-Employee Meetings.

## 7. Awareness

Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

## 8. Third Party harassment

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

## Position Under IPC

"Whoever, to the annoyance of others, (a) does any obscene act in any public place, or

(b) sings, recites and utters any obscene songs, ballads or words, in or near any public space, shall be punished with imprisonment of either description for a term that may extend to three months, or with fine, or with both." This provision is included in Chapter XVI entitled "Of Offences Affecting Public Health, Safety, Convenience and Morals" and is cognisable, bailable and triable by any magistrate.<sup>14</sup>

Whoever assaults or uses criminal force on any woman, intending to outrage her modesty or knowing it likely that he will thereby outrage her modesty, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.<sup>15</sup>

(Word, gesture or act intended to insult the modesty of a woman) This is included in Chapter 22 entitled "Of Criminal Intimidation, Insult and Annoyance", and is cognisable, bailable and triable by any magistrate. It holds: "Whoever, intending to insult the modesty of a 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 is seen by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both."<sup>16</sup>

<sup>14</sup> Section 294, Indian Penal Code, 1860.

<sup>15</sup> Section 354, Ibid.

<sup>16</sup> Section 509, Indian Penal Code, 1860.

Under the **Indecent Representation of Women (Prohibition) Act** (1987) if an individual harasses another with books, photographs, paintings, films, pamphlets, packages, etc. containing the "indecent representation of women", they are liable for a minimum sentence of 2 years. Section 7 (Offenses by Companies) further holds companies where there has been "indecent representation of women" (such as the display of pornography) on the premises, guilty of offenses under this act, with a minimum sentence of 2 years.<sup>17</sup>

#### Civil Remedy

A civil suit can be filed for damages under tort laws. That is, the basis for filing the case would be mental anguish, physical harassment, loss of income and employment caused by the sexual harassment.

### 3. Provisions Under the Sexual Harassment at Workplace Act 2013

#### Grievance Redressal Mechanism

*Internal Complaints Committee and Local Complaints Committee:* The Sexual Harassment Act requires an employer to set up an 'Internal Complaints Committee' ("ICC") at each office or branch, of an organisation employing at least 10 employees, to hear and redress grievances pertaining to sexual harassment. At the district level, the government is required to set up a 'Local Complaints Committees' ("LCC") to investigate complaints regarding sexual harassment from establishments where the ICC has not been constituted on account of the establishment having less than 10 employees or if the complaint is against the employer.

The Sexual Harassment Act prescribes the constitution of the committees, process to be followed for making a complaint and inquiring into the complaint in a time bound manner.

**Complaint:** As per the statute, an aggrieved woman is required to submit six copies of the written "complaint, along with supporting documents and names and addresses of the witnesses to the ICC or LCC, within 3 months from the date of the incident and in case of a series of incidents, within a period of 3 months from the date of the last incident. The law makes provisions for friends, relatives, co-workers, psychologist, psychiatrists, etc. to file the complaint in situations where the aggrieved employee is unable to make the complaint on account of physical incapacity, mental incapacity or death.

*Process for Complaint and Inquiry:* Please refer to the flowchart which provides, in brief, the process to be followed by the aggrieved employee to make the complaint and by the employer to inquire into the complaint. The law allows the aggrieved woman to request for conciliation in order to settle the matter although a monetary settlement should not be made as a basis of conciliation.

**Interim Reliefs:** The Sexual Harassment Act empowers the ICC and the LCC to recommend to the employer, at the request of the aggrieved employee, interim measures such as

- Transfer of the aggrieved woman or the respondent to any other workplace;
- Granting leave to the aggrieved woman up to a period of 3 months in addition to her regular statutory/ contractual leave entitlement; and
- Restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report. Such duties may be transferred to other employees.

**Punishment and Compensation:** The statute prescribes the following punishments that may be imposed on an employee for indulging in an act of sexual harassment:

- Punishment prescribed under the service rules of the organisation;
- If the organisation does not have service rules, disciplinary action including written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service, undergoing a counselling session, or carrying out community service; and
- Deduction of compensation payable to the aggrieved woman from the wages of the respondent.
- The statute also envisages payment of compensation to the aggrieved woman. The compensation payable shall be determined based on:
  - The mental trauma, pain, suffering and emotional distress caused to the aggrieved employee;
  - The loss in the career opportunity due to the incident of sexual harassment;
  - Medical expenses incurred by the victim for physical/psychiatric treatment;
  - The income and status of the alleged perpetrator; and
  - Feasibility of such payment in lump sum or in installments.

*Action against Frivolous Complaints:* So as to ensure that the protections contemplated under the Sexual Harassment Act do not get misused, provisions for action against "false or malicious" complainants have been made. The Sexual Harassment Act provides that if the ICC or the LCC concludes that the allegation made was false, malicious, the complaint was made knowing it to be untrue or forged or misleading information has been provided during the inquiry, disciplinary action in accordance with the service rules of the organisation may be taken against such complainant. Where the organisation does not have service rules, the statute provides that disciplinary action such as written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service, undergoing a counselling session, or carrying out community service may be taken.

<sup>17</sup> Section 7, Indecent Representation of Women (Prohibition) Act, 1987.

**Employer's Duties and Obligations**

In addition to ensuring compliance with the other provisions including setting up the ICC, the Sexual Harassment Act also casts certain obligations upon the employer to, inter alia,

- a. Provide a safe working environment
- b. Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace
- c. Display conspicuously at the workplace, the penal consequences of indulging in acts that may constitute sexual harassment and the composition of the ICC
- d. Declare the names and contact details of all members of the ICC
- e. Organise workshops and awareness programmes at regular intervals for sensitising employees on the issues and implications of workplace sexual harassment and organising orientation programmes for members of the ICC.
- f. Provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry;
- g. Cause to initiate action, under the Indian Penal Code, 1860 ("IPC") or any other law in force, against

the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place

- h. Provide assistance to the aggrieved woman if she so chooses to file a complaint in relation to the offence under the IPC or any other law for the time being in force
- i. Treat sexual harassment as a misconduct under the service rules and initiate action for misconduct;
- j. Prepare an annual report with details on the number of cases filed and their disposal and submit the same to the District Officer;
- k. Monitor the timely submission of reports by the ICC.

**Non-Compliance with the Sexual Harassment Act:** If an employer fails to constitute an ICC or does not comply with the requirements prescribed under the Sexual Harassment Act, a monetary penalty of up to INR 50,000 (approx. US\$1,000) may be imposed. a repetition of the same offence could result in the punishment being doubled and/or de-registration of the entity or revocation of any statutory business licences. It is however unclear as to which business licenses are being referred to in this case.

**Comparison of Vishaka Guidelines with Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**

Area	<i>Vishaka v. State of Rajasthan</i> (JT 1997 (7) SC 384)	Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
<i>What kinds of organizations are covered?</i>	The guidelines expressly cover only government, public sector and private enterprises.  There is no clarity on whether employees working in NGOs, sports complex, stadiums are covered, where there may be no strict employee-employer relationship.	The Act expressly covers almost all types of organizations, including NGOs, hospitals, sports institute, complex or stadiums.
<i>In what occupational positions and roles are women protected?</i>	The <i>Vishaka</i> definition of employee covers any working woman, whether she is drawing a salary or an honorarium or working voluntarily. It was not clear whether trainees and interns were covered.	Definition of 'employee' under the 2013 Act is wider in scope and expressly specifies that temporary or contract employees, interns and trainees are protected and have the right to approach a complaints committee. Similarly, contract labour and unorganized sector employees are also covered.
<i>What is the scope of workplace</i>	The <i>Vishaka</i> judgment did not elaborate on what constitutes 'workplace', except for a general statement that government, public and private enterprises are all covered.	'Workplace' is defined in detail under the 2013 Act – any place visited by the employee in course of employment (including transportation provided by the employer) is also included within its definition. The expanded concept of workplace makes application of the rules tricky in situations where employees collaborate on off-site work, use shared transport or travel out of station.
<i>Obligations of employers</i>	Apart from establishment of a grievance redressal mechanism, organizations did not have significant obligations. Employee training and sensitization obligations were extremely preliminary.	The Act lays down multiple obligations on organizations must comply with and violation of any of them has serious consequences. It also includes the responsibility to sensitize employees, create complaints committees which

		are in compliance with the law, train members of complaints committees, put up notices and file annual reports.
<i>Grievance mechanisms</i>	Organizations had significant flexibility on how they could create mechanisms to address sexual harassment – they could create any grievance mechanism such as an ombudsperson or a committee as per their needs, without complying with any technical requirements.	For grievance redressal, a complaints committee must be constituted as per the Act, which must necessarily have an external member with appropriate skills and requisite number of women members.
<i>Inquiry process</i>	The guidelines did not lay down detailed inquiry process, and merely stated that it must be time-bound. Employers had freedom to determine broad timelines on their own.	The Act prescribes detailed guidelines for conducting the inquiry process – there is an overall timeline for completion of inquiry in 90 days and time limits for each stage of the filing and the investigation.
<i>Remedies for harassment</i>	'Appropriate disciplinary action' was the prescribed punishment against a perpetrator found guilty of sexual harassment. Compensation was not specifically provided for.	Several remedies are provided under the 2013 Act. Disciplinary action, withholding of promotions and salary increases, awarding of compensation is expressly permitted. Complaints committees may provide interim relief such as transfer of the complainant or accused pending their decision on a complaint.
<i>Powers of committees</i>	Complaints Committees were not granted any special powers under the law (apart from disciplinary action).	For the purpose of enforcing attendance of accused and witnesses and collection of documentary evidence, Complaints Committees have the powers of a Civil Court. They can also provide the option of settlement to parties based if certain conditions are fulfilled. This is a technical obligation and difficult to implement without guidance or a tool.
<i>Appeal</i>	There was no process of filing an appeal from the decision of the Complaints Committee.	One can file an appeal as per Service Rules or to the Authority Appointed under the Industrial Employment (Standing Orders) Act – it is in the committee's and organization's interest to ensure that their orders stand basic legal scrutiny at least.
<i>Settlement Mechanism</i>	There is no settlement mechanism under the guideline.	The Act allows settlement of the complaint through conciliation facilitated by the Complaints Committee.
<i>Consequences of non-compliance</i>	No specific punishment or penalty was mentioned under <i>Vishaka</i> guidelines for non-compliance.	The Act imposes a punishment of fine up to INR 50,000 for non-compliance with the law. For any subsequent conviction, the employer may have to pay double the fine amount and also be liable for cancellation of business license.

#### 4. Critical Analysis of the Act

While the law on sexual harassment is a much awaited development in ensuring women a healthy work environment, it is being viewed as a hasty firefighting measure taken by the legislature which is ambiguous, with loopholes and susceptible to abuse. The Sexual Harassment Act only addresses the issue of protection of women employees and is not gender neutral. Male employees, if subjected to sexual harassment, cannot claim protection or relief under the law. The statute nowhere provides any protection against retaliation and victimisation, which is a very common consequence faced by individuals upon making a complaint of sexual harassment.

The law also casts an obligation upon the employer to address the grievances in respect of sexual harassment at workplace in a time bound manner, which in several cases may not be practically possible as the employees or witnesses involved may not easily or readily co-operate. Another interesting inclusion in the statute is the ability of the employer to punish the complainant in case of a false or malicious complaint. This provision, although meant to protect the employer's interests, is likely to deter victims from reporting such incidents and filing complaints, which may defeat the purpose for which the law has been enacted. Whether this law

is successful in protecting women employees and reducing instances of sexual harassment at the workplace is yet to be tested.

Like all other acts, this act is being highly criticized by women right activists and several NGO's. The internal committee formed under this act has the power to decide a monetary fine which must be paid by the perpetrator, depending on their income and financial stability. This is a kind of discriminatory method, it supports and envisages inequality among different sections of the society, for example, a person earning low income would be paying a lower fine compared to a senior who earns more.

Other criticisms are that the Act does not cover the agricultural workers, armed forces (a sector which is heavily dominated by men). Enquiries in armed forces are done within the closed rooms which should be undone, and the armed forces women must be included into the scope and ambit of the Act as no interests or strategic matters are affected by protecting them against Sexual Harassment at Workplace. According to a few, this Act is gender biased and not all the gender neutral, "it is a discriminating Act" which protects only women and not men from Sexual Harassment at Workplace. The reason is that over the last years various recent studies and surveys have shown women's involvement in acts of sexual harassment at workplaces. The research says that most of the cities in India are gender-neutral and women are dominating like men. According to the surveys, researches in practical circumstances and situations are totally different from what the legislators envisaged. Moreover, the Act lacks the mechanism to cope up with situations like men being sexually harassed.

Another disputable area under this Act is the wide scope for false allegations. Many are misusing the Act for their personal benefits, which lead to untrue allegations and unnecessary litigation. If a matter under this comes up before

the complaint committee, it is not only affecting the reputation of the man falsely accused but also his family even though the Act is a great step forward for the protection of women from Sexual Harassment at Workplace.

## 5. Conclusion & Suggestion

### Conclusion:

Critically analyzing the whole scenario it can be concluded that pre and post Vishakha guidelines, sexually harassment at workplace Act 2013, Additional provisions under Indian Penal Code torts are sufficient need is to change mind set of public on low & high levels of work. Sexually harassment can be prevented at different levels, Govt, Organization and individual level by trying to prevent this issue by confronting and not blaming anyone.

### Suggestions:

- Proper implementation on law framed by Govt, Guidelines by Supreme Court is need of the hour.
- Empowerment of the Women through Educational programmers and knowledge which Recognize and realize their basic rights is required.
- Media can play an important role in curbing this curse from the society through Films, News, Advertisements, Debates and Talk Shows etc. Media can play role in changing the mind set of public.
- Social acceptability of suggestions can change the system. Women should not fear to come forward with complaint and their problems.