

Sexual Harassment of Women: A Study in Higher Educational Institutions of Jammu

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ARTICLE DETAILS

Article History

Published Online: 12 June 2019

Keywords

Labour Market, Educational Institution, Sexual harassment.

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ABSTRACT

The women of 21st century are advance, modern and can very well handle their personal and professional lives. In ancient times, the position and status of women was not good. Women were used to work in their houses only and were treated as service provider without any wages. However, the changing scenario has brought a large number of educated women at the workplace. Now, women are going outside their homes to earn income. In today's world, they are not economically dependent on men. No doubt, women participation in labour market has been a great achievement but simultaneously they are vulnerable to unwanted kinds of attention because they are women in the workplace. We are admitting this fact that not all men are potential rapists, molesters and torturers of women but this is a fact that all women are potential victims of sexual harassment in all professions, social strata and levels of income. It can be easily found in a file filled Government Office and also in private organizations. It means that the curse of Sexual Harassment is present everywhere in our society. This is a very serious problem which we all need to admit and resolve too. In the modern world, women are playing dual responsibility. At home, they are likely to remain responsible for childcare and domestic labour and at workplace; they are likely to do their best possible efforts for promotions. This is possible only and only if they are provided with safer environment of work. Equality of opportunity and treatment between men and women in the world of work thus remains an important issue. It has led to many evils such as gender discrimination, physical and mental harassment and more specifically Sexual Harassment at the Workplace. Sexual Harassment apart from being a dehumanizing act is an unlawful intrusion on the right of privacy and sanctity of a female. It is serious blow to her supreme honor and offends her self-esteem and dignity. The problem of Sexual Harassment is not a personal problem, rather than it is a social issue which needs to be sought out by us jointly. No doubt, the Sexual Harassment Act was passed in 2013. The main aim of the Act is to prevent Sexual Harassment at Workplace. The main problem which is felt in the case where a woman faced sexual harassment at her workplace, it is extremely difficult for her to file a complaint against it without making the situation worse or fear of losing the job. So, it should be a necessary implication on the part of employer that he will render all necessary assistance to the victim so that the victim doesn't hesitate in filing a complaint against the perpetrator. The next problem Sexual Harassment at Workplace arises here is the effective implementation of the provisions of the Act. It is very necessary that committees in the higher educational institution are to be constituted according to the provisions of the Act and maintains the letter and spirit of the Sexual Harassment Act, 2013.

1. Introduction

Sexual harassment at workplace is an extension of violence and exploitation which is being faced by women in everyday life. Sexual harassment of women is global and widespread. Sexual harassment is a reoccur problem around the globe. Harassment and sexual harassment are identified as a form of discrimination on the basis of sex and thus are contrary to the principle of equal treatment between male and female. Women are surrounded by vicious circle of gender stereotypes and they are the object of fury and violence at the hand of the society. Women are considered as chattels and object of sense of gratification. The history of women suppression in India is very long. Women have suffered and are suffering from discrimination with silence. Everywhere women have been subjected to inequities, inequalities and discrimination. (Justice K.Ramaswamy in Madhukeshwar v

State of Bihar ,1996(5)SCC. p.no148) It is not exclusively a new phenomenon because the behaviors it describes are centuries old. Sexual harassment no doubt is a complex social problem but in recent decades, it has achieved new dimensions and has brought within its teeth children, youth and women. The widespread prevalence and tolerance of sexual harassment is a major human rights problem which has been largely ignored or unacknowledged as a human rights issue. Sexual harassment is frequently encountered by women in all walks of life – on the streets, roads, and public transportations, farms, in educational institutions and in the workplaces. Sexual harassment is not an aberration; rather it is a part of whole syndrome of discrimination and exploitation that women are subjected to. As sexual harassment is an expression of oppression, intimidation, discrimination and victimization and based on unequal relationship of power and authority, so study

of this problem in higher educational institutions. This affects women's right to live with human dignity and right to livelihood. As there was no specific law to check this problem so Supreme court of India in the year 1997 in Vishaka v. State of Rajasthan legislation issued detailed guidelines to deal with this kind of menace. (AIR.1997 SC ,p.no 241) In 2013 Parliament of India enacted specific legislation (Section 1 Act No14 of 2013) i.e. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ,which came into force on 9th December 2013. This Act extend to whole of India. The Act specifically defines that sexual harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely – physical contact and advances; or a demand or request for sexual favours; or making sexually coloured remarks; or showing pornography; or any other unwelcome physical, verbal or non-verbal conduct of sexual nature. Both kind's quid pro quo and hostile working environment harassment are prevented under this law. Workplace includes not only govt. or public sector but private sector as well and it also includes educational institutes. Aggrieved woman includes in relation to workplace, a woman of any age whether employed or not who alleges to have been subjected to any act of sexual harassment by the respondent and as per UGC Regulations 2015 which deals with higher educational institutions it includes students as well. Here student means a person duly admitted and pursuing programmes of study either through regular mode or distance mode including short-term training programmes (Sub Section (1) of section 26 UGC Act 1956)The Act and UGC Regulations both provide for grievance redressal mechanism i.e. constitution of Internal complaints committee headed by senior level woman in the institute. Head of the institute is duty bound to create awareness about the legal safeguards available against sexual harassment and make efforts to prevent sexual harassment in the institute. And in case of any incident of sexual harassment, justice is to be provided to the complainant. However it has been observed that despite these legal safeguards, sexual harassment is prevalent in the society and more so in the higher educational institutions as per recent reported cases. Lack of implementation of law is the bigger issue as awareness and grievance redressal mechanism as per legal mandate is not provided. In this, in backdrop the researcher wish to undertake this problem for research study, as in higher educational institutions, in addition to working women, students can also face sexual harassment which may affect their whole carrier . Students may not be aware or hesitant in filing complaint presuming that their carrier may be spoilt by the concerned if they object to their behavior having sexual connotations, they may withdraw from studies or suffer in silence which may ultimately affect them physically, emotionally, psychologically and economically. They may lose self confidence and self worth.

Sexual harassment at workplace takes the more specific form as quid pro quo harassment or by creating hostile working environment. The target of harassment may be one person but it has dehumanizing and demeaning effect on other persons and compelling them to withdraw from the workplace to save themselves from physical, sexual and psychological torture thus having the undercurrents of exclusion of females by discouraging them to join such work places.

Sexual harassment of women at workplace is all about gender stereotypes and power relations and the abuse of power at workplace. It is perpetrated by one person or persons collectively on another to gain control. Sexual harassment manifests itself in a number of forms – few are direct manifestations at its maximum brutality like rape, attempt to rape, sexual slavery etc. whereas few other are indirect form of sexual harassment e.g. molestation, eve - teasing, indecent exposure of person, showing pornography etc. Due to vastness of sexual harassment, it is not possible to deal with all forms of sexual harassment exhaustively in a single project.. Hence, sexual harassment of women at workplace has been selected for detailed analysis. Though sexual harassment is encountered both by men and women and even lesbians and gays are not spared but the sexual harassment against women perpetrated by men constitutes the major chunk of sexual harassment at workplace. That is why this project mainly focuses on and is confined to the sexual harassment committed by male perpetrators against female victims.

2. Operational definition

Sexual harassment:

Sexual harassment is an unsolicited, unwelcome sexual behavior focused towards disgracing the modesty of women directly or indirectly. It includes remarks that are sexual in nature, physical contact and advances, displaying obscene material, demand for sexual gratification and any other forms of unsolicited vocal or nonverbal, physical .

Complaints Committee:

Complaints Committee is a committee constituted in the workplace under the Sexual harassment of women at workplace (prevention, prohibition and redressal) Act, 2013 where a working woman who is a victim of sexual harassment can approach this committee and file for redressal. The presiding officer of the committee should be a woman employed at senior level at workplace from among the employees. Two women workers who are committed to the cause of women or who have experience in social work or have legal knowledge to be included as committee members

3. Research methodology

Research means scientific and systematic re-examination of existing facts or knowledge to ascertain whether the existing conclusion can be varied or not. The research study employs scientific methods, sequential steps, structure, strategy, plan, tools to study the research problem Research methodology refers to the techniques selected by the researcher in order to study the research problem. (C.R Kothari and Gag, Research Methodology method and technique E2015) Research work is not something, which can be completed in one stroke or in one step. It consists of a number of steps which are as under:

4. Statement of the problem

Formulation of problem constitutes the starting phase of the research study. This study is of great importance as the success of research study depends on the proper formulation of the problem and also at this stage the purpose of the research is classified and specified. As such the Problem put forth under the study Sexual Harassment of women at

workplace: A study in Higher Educational Institutions of Jammu.

5. Review of Literature

McLaughlin, Uggen and Black Stone (2009) explored personal characteristics and work conditions as predictors of sexual harassment at workplace. They believed that gender and power played an important role in sexual harassment and hence collected longitudinal data to examine its impact on the frequency and severity of sexual harassment. The data collected through interview revealed that sexual harassment is used as a medium to control and dominate women by male workers occupying higher positions in the organization. They concluded that sexual harassment is being used as an equalizer against women.

Cantisano, Domínguez and Depolo (2008) used meta analysis to test a structural equation model highlighting the causes and effects of sexual harassment at individual level as well as organizational level. They extensively reviewed 42 empirical studies to study the antecedents and consequences of sexual harassment. They collected data from 60 participants. Results of which confirmed the conceptual model of sexual harassment, at the individual level as well as the organizational level. Further, organizational environment was found to be a main predictor of sexual harassment and organizational antecedents was also found to have an impact on the coping behaviour of the victim.

Lim and Cortina (2005) examined the relationships between general incivility and sexual harassment at workplace by collecting data using questionnaire from two groups of women working in public sector firms. Data analysis revealed that general incivility and sexual harassment jointly occurred leading to a decline in victim's organisational, psychological and somatic well being. Incivility and sexual harassment together lead to interpersonal workplace.

Kyu and Kanai (2003) explored female workers experiences of sexual harassment in organisations of Myanmar. The sample included 271 working Myanmarese women belonging to both government and private sectors. The authors used Myanmar version of Sexual Experiences Questionnaire developed originally by Fitzgerald and colleagues (1988, 1995). The antecedent variables (personal vulnerability, organizational context) and three general types of negative outcome variables (psychological outcomes, physical outcomes, and work related outcomes) were identified from victims of sexual harassment. Analysis explored the relationship of these antecedents and negative outcomes of sexual harassment and the victim's coping responses. Findings revealed that experiencing sexual harassment adversely affected victim's physical and psychological health and there was an increase in absenteeism and turnover and a negative attitude towards the organization.

Glomb, Munson, and Hulin (1999) empirically evaluated the longitudinal models of harassment. In this study, 217 women were involved. The respondents filled the computerized questionnaire once in 1994, then once more in 1996. Structural equation model was used to understand if sexual harassment

occurred at the organisational level pertaining to job characteristics and not just an individual deviation. The model included organisational climate, i.e., organisational characteristics controlling for parameters such as gender, tolerance or intolerance of sexual harassment at workplace, gender ratio of work group as antecedents to sexual harassment. From the results it is clearly evident that sexual harassment affected the performance of job, led to negative psychological outcomes, thus linking the antecedents of sexual harassment with adverse outcomes

No systematic study is conducted in educational institutions or higher educational institutions to assess the gravity of this problem and also to find out the implementation of law there. According to a study conducted by the Gender Study Group of Delhi University, almost half of the women respondents had been harassed by someone in authority i.e. either teaching or non teaching staff member, while 92% of women hostellers faced sexual harassment on an almost daily basis. However no such study is conducted in higher educational institutions in the state of J&K, so no data is available. According to the data of Crime in India 2015, the crime of assault on women with intent to outrage her/their modesty has increased over years from 42,968 in 2011 to 82,422 in 2015 and insult to modesty of women from 8,570 in 2011 to 8,685 in 2015 while 12,589 cases were reported under this in 2013. However no data is available in case of sexual harassment of women at workplace under section 354-A of IPC. According to a survey conducted by Institute of Company Secretary of India and Complykaro Services Pvt. Ltd. In 2016, 40% of respondents who stated that they have not implemented the new law were not aware that they need to comply with the law irrespective whether they have women employees or not. Even those who comply with new law, 12.5% did not have woman presiding officer in ICC, 36% did not have external member, 9% had no anti sexual harassment policy, and 16% did not have 50% women members in ICC. Thus as per this study true spirit of legislation is not followed in various organizations even though they have cosmetically implemented this new law. According to a study conducted by International Labour Organization in 2014, 90% of Indian businesses are unable to comply with the new law. The minister for Women and Child Development also admitted in Rajya Sabha in 2016 that 90% of workplaces have not complied with the new legislation. However no systematic study is conducted in educational institutions or higher educational institutions to assess the gravity of this problem and also find out the implementation of law there. According to a study conducted by the Gender Study Group of Delhi University, almost half of the women respondents had been harassed by someone in authority i.e. either teaching or non teaching staff member, while 92% of women hostellers faced sexual harassment on an almost daily basis. However no such study is conducted in higher educational institutions in the state of J&K, so no data is available. Recently a public interest litigation has been filed in the High court of J&K at Jammu regarding implementation of this law in the state. Therefore after the review of available literature in this field, the very next step is to collect primary data from the universe of the research as opted, for carrying out research.

Though the higher educational institutions of whole state should have been selected but due to paucity of time, resources and other constraints, the researcher has selected higher educational institutions of Jammu district only as universe of the study. Jammu district is most appropriate place as different higher educational institutions are located here where employees in university from all over India serve and students come from not only from whole state but also from outside state though their percentage is less. As youth form the majority of population of country, so study will definitely give inputs to the policy planners to fill up the gaps in the implementation of law and also timely interventional strategies to check this problem in society. This would ultimately help in creation of sexual harassment free spaces in higher educational institutions and restoring the dignity of women at workplace. Simple random technique has been applied covering both employees and students in higher educational institutions. For the purpose of present study both interview schedule technique and observation method have been used by the researcher to understand the problem.

6. Objectives of the Study

1. To study the legal provisions available against sexual harassment and the level of awareness of people of the same.
2. To check and verify the provisions of law which are not implemented because of indifferent attitude of the concerned authorities.
3. To understand the challenges in registering complaint and seeking justice in case of sexual harassment in higher educational institutions.

7. Hypotheses

1. Sexual harassment is prevalent in institutions of higher education.
2. Policy against sexual harassment is prevalent in higher educational institutions.
3. People are aware of legislative measures and legal safeguards against this problem.
4. Grievance redressal mechanism i.e. Internal Complaints Committees are constituted in higher educational institutions

8. Research Design

Research designs are plans and the procedures for research that span the decisions from broad assumptions to detailed methods of data collection and analysis. This plan involves several decisions. "A research design is the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure". (Claire Selltitz and others, *Research Methods in Social Sciences*, 1962, p. 5) Therefore, the Descriptive research design has been utilized to describe the nature and frequency of sexual harassment personal and physical strain of the victim of sexual harassment. The research study is to primarily analyze the association between antecedents such as locality of the victim, working /study conditions of the victims, the relation between the frequency of sexual harassment and the frequency of personal strain experienced by the victim.

Both qualitative and quantitative approaches are used to study. The researcher employing standardized tools to collect data and statistical methods have been used to measure the relationship between the variables of the study.

9. Sample Selection

All items in any fields of inquiry constitute a 'Universe' or 'Population'. The selected respondents from the population technically known as 'sample' and the selection process is called 'sampling technique'. It refers to the technique or the procedure the researcher would adopt in selecting items for the sample. (C.R Kothari and Garg, *Research Methodology method and technique* E2015) Researcher choose random sampling for the study, Random sampling refers to that method of sample selection which gives each possible sample combination an equal probability of being picked up and each item in the entire population to have an equal chance of being included in the sample. Data was collected from the women employees and students who were randomly selected from the different colleges from the two localities i.e. urban and rural areas of Jammu District. Data has been collected from a sample of 400 respondents through structured interview method using structured, close ended, standardized interview schedules.

Methods of Data collection: The researcher employed structured interview method to collect data for the main study. The items in the interview schedule were close –ended and each item had multiple response option from which the participants could select the appropriate response. Sexual harassment experiences questionnaire is originally developed by Fitzgerald et al (1988).

10. Results and Findings

In this study, 400 respondents are approached in which the 49% of the respondent is the women employees and the 51 % of the respondent is the students studying in the different institution of urban and rural area. Out of 49% of respondents 30% are positively participate in filling the set of questionnaire, out of 30% ,23.3% revealed that their had never face such behavior and never experienced sexually harassing incidents from their male supervisors, coworkers and subordinates. So they are physical, psychological and mental healthy.6.7% revealed that had experienced such offensive behavior in their working areas from their coworkers, seniors as well juniors. Only 2% of the victim out of 6.7% had filed a complaint to the Internal Complaint Committee and sought relief from the decision of the Internal Complaint Committee in the institution. One of the main reason is not to disclose assertion is social, economic and job insecurity.19% respondents out of 49% are not supported and they left the interview schedule in half because they are not interested to continue the interview. The other part are the students studying in the different institution out of the 400 respondents 51% are the students respondents. 45% take actively participate ,28% revealed that they had never experience such behavior from the class fellows ,seniors ,junior ,teacher supervisors, peons etc.12.6% revealed that they experienced uncomfortable ,unwanted and offensive behavior in the institution but they never filed any complaint and approached to Internal complaint committee some of the students are not aware of the functioning and existing of the

complaint committee in the institutions. For some students sexual behaviors is involving verbal such as calling "gay" or "tomboy". Knowledge of any form of sexual harassment among students is very high. Among them, most students indicate the experiences of "Someone made sexual jokes about you", "Someone talked about sex all the time in your presence", "Someone asked you to talk about sexual topics or to have intimate body contacts with the same/opposite sex", "Someone continuously made suggestions to other in front of them. Sexual harassment, in terms of the forms, involves people of opposite sexes, of same sex and in a group. Among students, who had been sexually harassed, they experienced "A male bothered by asking for dates, though you had answered „no", "A male continuously made suggestions, propositions, or demands to you for sexual favors or sexual relationship", and "A male rubbed or touched against you on purpose". Among students who have Sexual harassment primarily occurs in most of the incidents take place "in the classroom" or "on public trips in institution vehicles. (8.4)% of the respondents are very introvert, they feel shy to filled set of questionnaire and skip the most of the items More students than staffs and senior

employees indicate that they have experience sexual harassment of various forms.

11. Conclusion

From the above discussion and findings, it can be concluded that sexual harassment is prevalent in higher educational Institutions. This is faced not only by students but women employees also. But sometimes people feel shy to speak about the problem. The needs of the hour are the creating gender sensitivity among people and study place free from sexual harassment. More and more awareness, workshop, seminars etc are required to be conducted. Internal complaint committees according to law should be constituted and under publicity regarding these committees should be done by parting are conspicuous places in institution. Matters should be discussed in Employees meeting and student teacher meeting so that victim may not feel hesitant to complain about the incident to complain about the incident and break the culture of silence in these matters.

This is Acknowledge to ICSSR sponsored project.

References

- [1]. Carole J. Shaffield, "Sexual Terrorism", in Women- A Feminist Perspective (ed. by JoFreeman (3rd ed.) 3(1984). Mayfield Publishing Company, California
- [2]. Catherine Mackinnon, " Toward Feminist Jurisprudence" in the Women Question (ed. by Mary Evans, at (1994) 2nd ed., 246(1994) Sage Publications
- [3]. (Justice K.Ramaswamy in Madhukeshwar v State of Bihar ,1996(5)SCC. p.no148)
- [4]. Aruna Kashyap, "What Women Want-Protection Against Sexual Harassment should'nt be linked to outdated notions of modesty" in The Times of India, New Delhi/ Chandigarh, p. 9 29-7-2011.
- [5]. AIR.1997 SC ,p.no 241
- [6]. UGC Act 1956
- [7]. C.R Kothari and Grag, Reasearch Methodology method and technique E2015
- [8]. Sushma Sood, Violence Against Women(1990) Arihant Publishers Jaipur.
- [9]. Kathryan Abrams, " New Jurisprudence of Sexual Harassment", 83(1998) Cornell Law Review.