VIOLENCE AGAINST WOMEN IN WORKING PLACE IN INDIA

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Abstract:
Violence against women in workplace is a serious matter as now days many women are facing sexual harassment from the colleagues or the bosses and they hesitate to file a complaint as by the fear of either loosing the job or denial of promotion in the firm. Violence in workplace generally means when a person threatens the other person by sexual harassment at work place. But violence against women is prevailing in our society from a long ago and this practice is still continuing in our society because of dominance of male in society. Each women or men must be given equal status and rights in the society then only the country will develop.
This document tell about the meaning and a wider approach to the violence of women at places where they work and about the historical background on the status of women that how it has changed from these decades and about the legal framework and the provisions related to the violence of women at the workplace in the Constitution of India and the Indian Penal Code and at last a brief conclusion and some suggestions to improve the status of women.

Keywords: Women, Violence, workplace, India, Society

Introduction:
Women makes up of half of the humanity and men and women do compliments each other and they both should be given equal rights and there must be no discrimination between them and they must have equal status.
The women are suppressed in our society from a long history and women have been a victim to discrimination and humiliation much more than the men in our society. Every where the women are more subjected to discrimination and are much prone to torture, rape, sexual exploitation and much more. As the cost of living in our country is getting higher so women also took art in doing jobs to support their family financially. As the women sometimes get discrimination in the homes by other gender so the same is happening with them in the working sector as the other employs have a disregarding or a discriminating attitude as the women does not get equal opportunities or equal pays and sometimes, they are also discriminated while promotions. Many a times the women at workplace are also subjected to eve teasing or molestation and there are done more to the women who are coming from a lower society.
The workplace violence can be defined as the act when a person threaten another person from harassment or does a behavior by which the other person is threated at the workplace either by colleagues or the boss.
Equality has been defined and obtained by every constitution of the world as a fundamental right such as in the Constitution of India article 14 and 15 talks about the equality and sections 509, 294 and 354 of Indian Penal Code gives provision related to eve teasing and sexual harassment. Most of the women who are working in the workplaces has came across the violence it would come through either the boss or employers. The most prone working place which has the most violence against women at workplace is the coal mines as there the contractors do sexual harassment and sometimes the women working in the factory are also subjected to the violence related to sex by the owner of the factory and the women who are employed in the service or IT sector are harassed by their bosses and other colleagues and they are harassed even in educational institutes either by the colleagues or even by the student.¹
Afterall harassment or violence at workplace I done from a long time and there is no one to help women other than some small organizations and women are left to deal with the harassment on their own but there is a little progress towards the women in the workplace in present time. There are not proper strict laws relating to the problem of violence in workplace against the women.

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¹Handbook on the law of Sexual Harassment at Workplace, 179 (2015)

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The footprints of sexual violence offence can be seen after the concept of the gender bias. The goal of every educated society must be to safeguard the interest and dignity of each member of the society. If there is no equal status and dignity of every individual then there will be violence by the status individual.

Women are not at all safe in India as every day a crime is done against the women. Even any women who is working in a good firm might has faced violence by the colleagues of opposite gender. No society can achieve success by degrading one gender in the society and every women has right to feel safe in her workplace.

There are several laws which governs the improvement of status of women and many national and international declaration on human rights provides provisions related to the upliftment of status of women in the society. Most of the women says that there is no exploitation in their workplace but the truth is that there is no women who hasn’t faced it. The victims of harassment at workplace doesn’t apply for complaint as they think that this might be restriction or will not help them in promotions in the firm they are working. There is not a strict provision which could deal with this problem. The problem of sexual harassment is not a common problem as it effects the self esteem and dignity of the person and also decreases the productivity of the person in the work place.

All the workers whether men or women has right to work in a safe environment and are not subjected to discrimination and when in a firm the offence of sexual harassment is done so it give a deep impact on the mental and physical wellbeing of the person. Sexual harassment does not impacts only the victim it affects all the members of the origination.

**Historical Background**

In the early years of history of India such as in Vedic period the situation and position of women was equal to the man as she enjoys all the rights which were enjoyed by the men of Vedic period and also have equal independence such as of men they were having full rights to participate in social functions held in the society and were also allowed to do academics qualification and they were free to choose their marriage partners by a social function known as Svayamvar. During the Rig Veda period there were no limitations on the women and women does not have any social limitation on her but by the time of Atharva Veda the status and role of women started to decrease as there were some restrictions imposed on the women such as they were not allowed to attend the funeral of father and there marriage was conducted without her consent and some times the prayers also started to avoid daughters. The time when the Mughals invaded in India and there was end to Hindu Raj and there were Turks and the Afghans in India so in this era of history the position of women was drastically changed as it was getting worse as the girls were not allowed to take education and they were also ignored and the society became male dominated and they were restricted from many social gatherings and also they were not allowed to speak as they could only express something by signs and the Muslims were always ready to capture the wives of Hindus and the wives of Muslims were also suffering as there was a concept of polygamy and the birth of son was considered as an occasion whereas the birth of girl was considered unlucky. As there was a dominance of male in society so there were unequal family laws which were made by the males which suppresses the interest of the women. Only the male members were allowed to inherit the property.

The time when the British people entered
in India in the 17th century they bought some changes in the position of women in the society as when the British people come in India they saw that women were not allowed education and there was an evil practice of child marriage and purdah and sati which were connected to the Hindu women. There certain movements were started in India and they bought reforms in some evil practices such as burning of widow was stopped. There were some originations also like the BangaMahilaSamaj which were started to function at local level which could come u with modern ideas related to women. The organization main aim was to promote education for women and to eradicate some evil like Burdah and child marriage and equality of rights. During the era of Britishers there were also having full rights to participate in social functions held in the society and were also allowed to do academics qualification and they were free to choose their marriage partners by a social function known as Swayamvar. During the Rig Veda period there were no limitations on the women and women does not have any social limitation on her but by the time of Atharva Veda the status and role of women started to decrease as there were some restrictions imposed on the women such as they were not allowed to attend the funeral of father and there marriage was conducted without her consent and some times the prayers also started to avoid daughters. The time when the Mugas invaded in India and there was end to Hindu Raj and there were Turks and the Afghans in India so in this era of history the position of women was drastically changed as it was getting worse as the girls were not allowed to take education and they were also ignored and the society became male dominated and they were restricted from many social gatherings and also they were not allowed to speak as they could only express something by signs and the Muslims were always ready to capture the wives of Hindus and the wifes of Muslims were also suffering as there was a concept of polygamy and the birth of son was considered as an occasion whereas the birth of girl was considered unlucky. As there was a dominance of male in society so there were unequal family laws which were made by the males which suppresses the interest of the women. Only the male members were allowed to inherit the property. The time when the British people entered in India in the 17th century they bought some changes in the position of women in the society as when the British people come in India they saw that women were not allowed education and there was an evil practice of child marriage and purdah and sati which were connected to the Hindu women. There certain movements were started in India and they bought reforms in some evil practices such as burning of widow was stopped. There were some originations also like the BangaMahilaSamaj which were started to function at local level which could come u with modern ideas related to women. The organization main aim was to promote education for women and to eradicate some evil like Burdah and child marriage and equality of rights. During
the era of Britishers there were also some acts made for protecting the interest of women at that
time such as The Hindu Law of Inheritance Act of 1929 and The Hindu Women’s Right to
Property Act of 1937.4 The status of women has changed very much during the time of Gandhi
era and after the independence of India. As the position of women has really changed which
become possible by providing several provisions related to inequality in the Constitution of
India and there are also several legislations which provide upliftment of status of women after
the independence the status of women has changed and are not granted equal rights and also has
right to education and there are several origination also which safeguards the interest of the
people. After some time the concept of working women came into existence as women now
stated to work and coming out of the domestic area and began becoming professions in the
society and the prejudice role of homemaker has evolved to working women. But it was both a
boon and curse to women as at home they were subjected to violence from their husband or
family members so now in the professional world they were prone to violence in workplace by
the employers or the colleagues or sometimes their bosses which was sexual harassment and
they feared to discuss about it in the fear of loosing the job. In the era of industrialization and
globalization also the women were victims.

Legal Framework For Domestic Violence At Workplace:
There are several provisions related to domestic violence in the Constitution of India and there
are acts established so that the interest of the women is guarded and the women can feel safe and
can know her rights when she is becoming the victim of domestic violence either at work place
or at home some provisions in Constitution of India are:

- **Article 14: Equality Before The Law** 5
  Article 14 of the Constitution of India is a fundamental right granted to every
citizen states that every person is equal before the law and the state can not
deny that and also the state provide equal protection of law within the
boundaries of India and there will be no discrimination on the grounds of
gender, faith, caste or place of birth. It provides women equal status in society.
The phrase that equality before the law means that there is no special provision
for any individual and equal protection of law means that every person will be
treated equal in same type of circumstances.6

- **Article 15(3):** This article of Constitution states that the state has the power to
make special provisions related to women and children so that their interest is
safeguard and they can be uplifted. This article comprises if protective

4[www.yourarticle.com](http://www.yourarticle.com)

5Legalserivceindia.com/legal

6ibid
discrimination that a certain class of society can be uplifted and get a wider exposure

- **Article 16**: this article states that there shall be equality of opportunity for all citizen regarding the job opportunity in any job under the state and there will be no discrimination on basis of sex in public employment and as violence at work place related to gender is prohibited.

- **Article 19(1)**: the article 19(1) sates the different rights which a person has such as right to speech or right to make association and so on and this article also states a right which is clause (g) which gives a person right to practice and profession or can carry on any business. The right to carry on any occupation has provision that the workplace must be safe and if the workplace is not safe then the right is violated.

- **Article 39(e)**: this article states that there must be no exploitation of workers whether male or female on the basis of health and no citizen must be forced to enter in any occupation which is injurious to health.

- **Section 509 Of IPC**: This section states about if any one tries to insult or degrade the status or modesty of the women either if a person says any word or makes any sound or wants that the sound is heard by women or want that the gesture is seen by the women or breaches the privacy of the women shall be punished with imprisonment of one year.

- **Section 354 Of IPC**: This section talks about that if a person degrades the status or modesty of any women by the assault or by doing any criminal act towards the women will get a punishment of one year which can be extended to five years.

**Conclusion:**

Violence against a women is not a new concept it is in our county from decades and it is a problem which is global and is spread at large. No doubt the violence against women is a social problem which is not easy to eradicate from the society but from the last few decades it has changed very much. As the concept of industrialization and urbanization are emerging as a boon to society so as the violence also is spreading all over the world. The violence has achieved a new shape and is largely practiced and even lethal attack attempts are getting more common. As the society is male dominated so women are more prone to the violence. Women are humans too they should also get rights and respect in the society which are given to men and they
should not be tortured as they are the one who have given birth to us we should not behave with them with cruelty. Violence against women is a problem which is all around the world and it has affected women of every group and class and of different nations. It is a problem which threatens the women for the whole life and is a really serious matter for the society as well. The Indian Constitution has made several provisions related to the protection of interest of the women and there are several provisions which discriminate positively towards women but in spite of these the problem is still unsolved and justice is not given. The government must take some serious steps towards the protection of rights of women and they must not get victim of the violence and there is requirement of some strict laws related to the offender of the crime and some organization should also be made which can safeguard the interest of women. The awareness must also be spread in the society related to the violence and there must be humanistic approach with the victim and also the judicial system must be changed as women courts must be made which would concern with the problems with the women and the police should also change their behavior against the victim. The women should also not hesitate to share or file the complaint against the offence. The women are victim of this offence in the corporate world as the women are sexually harassed by the colleagues or the bosses or the owner of the company at the workplace and the victim women does not share it as the victim thinks this might lose the job or might be roved as denial in the promotion in the company and there must be some serious laws regarding this violence in the workplace. Most women who are subjected to this crime are from a poor socio economic background and the women working in the coal mines are most prone to sexual harassment by the contractors as they are poor and helpless. The government should work bit more serious about this emerging crime and should make strict laws and there must be cells in every company which could safeguard the interest of the women working in the company.