
SEXUAL HARASSMENT OF WOMEN AT WORKPLACE WITH SPECIAL REFERENCE TO WOMEN POLICE

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ABSTRACT

All across the world, women are routinely subjected to sexual violence. You can use it everywhere and in any industry. It is the police force's duty to protect citizens from criminals and keep the peace in order for society to function smoothly. The general populace sees police officers as authoritative figures. But, police officers in the actual world endure a number of hardships on the job. Women's safety is an issue in today's society, despite widespread calls for increased representation of women in leadership roles. This is true even in the workplace, where individuals contribute to a larger whole in pursuit of a common objective. The paper discusses the subject of sexual assaults on female law enforcement officers as one example of a larger problem. The reason for this is that, especially for female law enforcement personnel, sexual victimisation can have devastating effects on the victim's quality of life, work performance, and attachment to the force. As a result, the purpose of this study is to learn more about the repercussions of sexual harassment on female law enforcement officers. In this regard, the author offers some recommendations as well.

Keywords: Sexual harassment, women police, police department, Impact

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Introduction

A woman's right to bodily integrity and freedom of movement may be violated when she is subjected to sexual harassment, which amounts to an attack on her person on both the mental and physical levels. Harassment of a sexual nature happens often in all spheres of society, including on the street, in public transit, in educational institutions, and in places of employment. The United Nations Declaration on the Elimination of Violence Against Women, which was adopted in 1993, labels sexual harassment as one of the most egregious forms of violence against women.¹ According to this declaration, sexual harassment not only infringes on a woman's rights to life, liberty, and equality, but it also completely nullifies a woman's right to have equal opportunities in terms of employment, which has severe negative repercussions for a woman's economic independence and her ability to participate in the economic In a broad sense, sexual harassment refers to any behaviour having a sexual connotation that is hostile, harmful, or unwanted by the target of the behaviour. It puts the victim in a position where they are subjected to an atmosphere of hatred, humiliation, or intimidation. The purpose of the harasser is irrelevant to the definition of what constitutes harassment, which can be a single act or multiple acts.²

Many have a tendency to think that sexual harassment encompasses any kind of physical sexual contact, regardless of the setting or time, but this is not the case with all forms of sexual violation. Another common mistake regarding sexual harassment is that it is illegal. The court noted in the case of *L. Nagaraju v. Syndicate Bank*³ that sexual harassment can also consist of verbal innuendos and affectionate gestures that are improper given the circumstances. This was one of the examples given by the court. The Supreme Court of India ruled in the case of *D.S. Grewal v. Vimmi Joshi*⁴ that sending unwanted and unsolicited love notes to a woman constitutes sexual harassment. This decision was made in the context of the case. The topic of sexual harassment is one that is both highly sensitive and quite important. It is possible for it to happen in any social or economic class, ethnic group, location of employment, or other aspect of society. The individual who is subjected to sexually harassing behaviour may suffer from a variety of psychological and physiological aftereffects, including anxiety, depression,

¹ Kavya Gupta and Elen P Kurian, "POSH act not being Gender neutral" 2 *Jus Corpus Law Journal* 997 (2021).

² Aakarsh Saluja, Mudit Gosain and Pranav Mahajan, "Prevention of Sexual Harassment of women ay workplace (Posh Act 2013)" 21 *Supremo Amicus* 769 (2020).

³ *L. Nagaraju v. Syndicate Bank*, 2014 (2) ALD 758 (HC, Andhra Pradesh).

⁴ *D.S. Grewal v. Vimmi Joshi*, (2009) 2 SCC 210.

social isolation, low self-esteem, stress disorder, loss of confidence and morale, and so on. The inappropriate behaviour of sexual harassment can impede a woman's capacity to earn a living, feel secure, and enjoy her working life, as well as their full involvement in the workplace and in society in general.

The Vishaka Judgment

In the case *Vishaka v. State of Rajasthan*,⁵ which took place in India, the problem of sexual harassment of working women was brought to widespread public attention for the first time. The horrific state that a woman has to go through even after being victim to a heinous crime of rape was brought to light by the entire occurrence that transpired before us. The ineffective operation of the system and the indirect involvement of power politics in the handling of the matter were brought to light. As a result of this indecent behaviour and the improper handling of such a heinous offence, the judiciary has finally taken steps forward in maintaining the trust among the people. The Supreme Court of India has issued some guidelines that have been referred to as the "Vishaka guidelines," and they must be adhered to until a new piece of legislation has been passed by the parliament. This forward-thinking action taken by our court system instills fresh optimism in the hearts of working women and shines a ray of sunshine on the more gloomy aspects of their workplace administration. It was also a wise move on the part of the Supreme Court to give instructions because it took another 15 years until the legislation was finally passed on April 23, 2013, and even then, it was only because of public outcry following the gang rape that occurred in Delhi in December 2012.

The verdict was handed down by the Supreme Court of India on August 13, 1997 in response to the public interest litigation that had been filed. In the judgement, the court outlined legally binding principles for employers to follow in order to prevent and address sexual harassment in the workplace. The Vishakha Guidelines are the name given to these specific recommendations. In its decision, the highest court in the land acknowledged the presence of sexual harassment in the workplace, the violation of the fundamental rights of sexual harassment that are provided by the constitution, and the necessity of seeking legal remedy for sexual harassment. The court's decision to acknowledge the structural and systematic character of sexual harassment in the workplace was perhaps the most significant component of the

⁵ *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.

ruling.

According to the Vishakha judgement, sexual harassment is described as unwanted behaviour with sexual overtones that is imposed on women, and is understood to be that which is determined by or relates to sexuality (directly or indirectly). It was obvious that the victims, not the harassers, had the last say on what constituted sexual harassment. The responsibility for preventing sexual harassment in the workplace fell on business owners and managers. It was made abundantly plain that it was the responsibility of the employer to take all necessary measures to prevent and deter sexual harassment in the workplace and to create procedures to resolve, settle, or prosecute the breach if sexual harassment did in fact occur. The fact that Vishakha placed the onus of preventing sexual harassment on employers is evidence of her emphasis on the need of a preventative approach to resolving sexual harassment issues in the workplace. By insisting on a harassment-free workplace and raising awareness about the problem of sexual harassment, Vishakha aimed to prevent sexual misconduct from occurring in the first place, rather than simply prosecuting those who had already done it.

The Supreme Court highlighted India's legal responsibility to safeguard women's rights in light of its ratification of CEDAW, the public commitments it made during the UN Beijing Conference, and the constitutional requirements requiring the State to implement the treaties it has signed. CEDAW was the most important. CEDAW was adopted by the UN General Assembly in 1979. It defines discrimination against women as any distinction, exclusion, or restriction based on sex and establishes a plan of action for member states to end such discrimination through a series of measures, including the enactment of laws prohibiting all forms of discrimination against women. General Recommendation 19 of CEDAW defines sexual harassment and explicitly discusses sexual harassment in the workplace, stating that equality in employment can be gravely compromised when women are subjected to gender-based violence in the form of sexual harassment in the workplace.⁶

Sexual Harassment of Women Police Officers

The police force, like many other American organisations, has a severe lack of female representation. As of the year 2020, women make up just 8.98% of India's police force, per data from the Bureau of Police Research and Development. The Home Ministry set the goal of

⁶ S Timmerman and Hoing M, "Sexual harassment and health among male and female police officers" 14 *Journal of Occupational Health Psychology* 390 (2009).

33 percent female involvement in 2009, therefore this falls short. As may be expected, the majority of these women work as lower-level positions such as constables, with only 1% holding managerial roles. Even those who make it to the force typically perform administrative duties like filing and data entry rather than frontline duties like patrolling and maintaining law and order. In 2018, India ranked a dismal 102nd on the World Bank's Women's Workplace Equality Index. By 2020, the index had dropped to a new low of 117.

Not only do these dismal numbers represent the state of gender equality, they also have serious consequences for the effectiveness of law enforcement in the country. According to UN Women's 2011 study "Progress of the World's Women: In Search of Justice," it is sometimes extremely challenging, if not impossible, for women to approach male police personnel.

A female police officer must be present to perform certain duties. In accordance with Article 51 of the Criminal Process Code, for instance, a female suspect may be questioned and searched only by another female. There may be fewer cases of excessive force by police if there are more women in law enforcement.

According to research published in the *Journal of Criminal Justice*, suspects who were apprehended by female police officers experienced fewer physical injuries. According to the data, there must be a sizable number of women serving in law enforcement for it to work well.⁷

Because of sexual harassment, women are less likely to apply for police posts, which affects the country's criminal justice system. This piece discusses the police department's lax enforcement of the statute against sexual harassment and offers suggestions for reform.⁸

Instead of making the police force a more welcoming place for women to work, the department has failed its current female officers. There appears to be a widespread problem with sexism and sexual harassment in police departments across the United States. At least 150 police officers in Delhi are being questioned about serious allegations of wrongdoing, including rape, stalking, workplace sexual harassment, and molestation.

In January of 2020, a female UP police officer posted a video to social media in which she detailed her experiences with sexual harassment at the hands of her superiors and her inability

⁷ Kimberly Lonsway, Rebecca Paynich and Jennifer, "Sexual Harassment in Law Enforcement: Incidence, Impact and Perception" 16 *Sage Publications* (2013).

⁸ Mangai Natarajan, "Police Culture and the Integration of Women Officers in India" 16 *Sage Journals* (2014).

to file a formal complaint. After being denied justice herself, she wonders in the video how she can possibly protect other women. In the absence of effective gender sensitization campaigns, situations like this have grown typical.

Lack of awareness on the part of the police is also a contributing cause to the epidemic of sexual harassment. It's possible that women in constabulary positions within the police force are completely unaware of the legal definition of sexual harassment as it pertains to the POSH Act. The Study (above) found that women police officers in higher ranks were more likely to report discrimination and harassment based on their gender. Thus, the Act mandates that all businesses provide their staff with appropriate education and training to raise awareness. As an added precaution, a banner outlining police personnel' legal protections and ethical responsibilities must be displayed in every police station. Unfortunately, none of this ever happens. Because of this disheartening situation, WCD Minister Maneka Gandhi wrote to the Home Minister in 2018 pleading with him to issue directives to establish ICCs in all police stations. No evidence, however, suggests that this has actually been done.

R Sreelekha, a retired member of the Indian Police Service, spoke about the sexual harassment of a female inspector by a senior officer in a recent interview. R Sreelekha, the first female IPS officer in Kerala, will retire in December 2020, and she recently spoke out against sexual harassment in the police force in an interview with Manorama News. She related an incident in which a female Sub Inspector (SI) approached her for help after being harassed by a male Deputy Inspector General (DIG). During the course of the interview, Sreelekha mentioned that she would phone the DIG to provide an explanation as to why the female SI would be unable to meet with him on that particular day.⁹

There has been a rise in reports of sexual assault against female Indian police officers committed by their superiors or other officers. There are two stages to this event. One, sexual misconduct occurs at work, often with senior staff members who are able to abuse their power in inappropriate ways. The other is when policewomen are out in public and subject to harassment or assault from antisocial people.

A minimum of three female sub-inspectors and ten female police constables were advocated

⁹ Kaushik Kannan, "Women cops most vulnerable to workplace harassment: HC" (16 December 2021) Available at: <https://timesofindia.indiatimes.com/city/madurai/women-cops-most-vulnerable-to-workplace-harassment-hc/articleshow/88306512.cms> (last visited on 18 March 2023).

for by the Union government in 2013 at each police station to ensure that women's aid desks are staffed at all times. But, the findings suggest that states, not the Union's home ministry, have final say over law enforcement. Unusually, police reform is a platform commitment made by both the BJP and the Congress. The Congress platform expresses a commitment to 'guarantee' that the 33 percent objective for the number of female police constables and officers is met, while the BJP's manifesto makes no such commitment.¹⁰

Data collected by the United Nations in 39 different nations show that the presence of women police officers is favourably correlated with the reporting of sexual assault. Women's participation in law enforcement is highlighted, and not simply in the area of dealing with violence against women. For example, it shows that female police officers tend to employ a more diplomatic approach to policing, one that makes less use of force and more use of diplomacy to diffuse potentially dangerous situations.

Keeping women in law enforcement is crucial as well. Statistics from the BPRD show that female police officers are leaving the force at an alarming pace because of discrimination and sexual harassment. Clearly, it is difficult to keep female police officers on the force unless state governments make institutions more welcoming to women and build facilities that recognise and respect women's unique contributions and responsibilities. Creches, policies against sexual harassment in the workplace, and gender-specific restrooms all fall under this category. Even something as fundamental as separate restrooms is lacking in many police academies.

Conclusion and Suggestions

Women police officers are disproportionately targeted by sexual harassment in the workplace. The establishment of all-female police stations is a positive development in making the legal system more accessible to victims of sexual harassment, but it does little to better the lot of women police officers already working in departments where men predominate. More stringent enforcement of the Vishakha Guidelines is urgently needed. The police department's degree of compliance with the POSH Act can be monitored with the help of effective enforcement

¹⁰ R Kalaiyarasi, "Violence against Women in India" 20(2) *IOSR Journal Of Humanities And Social Science (IOSR-JHSS)* 52 (2015).

methods.¹¹

If there is a default, the DGPs of each state should be held responsible. It's important to hold gender awareness campaigns at the local level, targeting officers of all ranks. Women police officers should feel safe coming forward to report harassment, even if it comes from a superior.

About seven years have passed since the POSH Act became law. In spite of this, the country's principal law enforcement body is not following it. Hence, the male-to-female ratio in the police force improves as a result of this huge disincentive for women to pursue employment in police services. To make police stations more welcoming places for women to work, the Ministry of Home Affairs should coordinate with the Ministry of Women and Child Development.

Some suggestions are as follows:

- In spite of the existence of mechanisms like the Internal Complaints Committee (ICC), a covert, anonymous, watchful committee must be established to actively supervise all forms of harassment in the workplace and among law enforcement personnel. Police officers, both male and female, who are committed to the cause should form the committee's membership.
- A women's cell should discuss all workplace safety issues. Maintain victim confidentiality and take action if harassment continues.
- The National Crime Records Bureau's report on "Crime in India" may include data on sexual harassment of women in CJS under a column of offences against police. Other nations will follow this reporting system.
- To reduce sexual harassment of women police, criminologists and other social scientists must do scientific studies. Yet, criminologists and social scientists should have access to primary and secondary data from government agencies on police, prison, and victims to study the situations and raise awareness of harassment for society's welfare. The

¹¹ Sheena Verma, "Poor POSH Compliance Has Left Women Police Officers Vulnerable To Sexual Harassment" (29 January 2021) Available at: <https://www.ungender.in/indian-policewomen-vulnerable-to-sexual-harassment-posh-compliance-needed/> (last visited on 18 March 2023).

research also requires police chiefs' cooperation to protect participants' privacy and confidentiality.

- All police should get gender sensitization workshops.
- Women in police should be encouraged to speak out against sexual victimisation in and out of work.
- Police should swiftly and rigorously prosecute sexual harassment of women police in addition to legal consequences.