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Role of educational institutions regarding safety of female teachers against sexual harassment.

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Abstract:

Day by day as women are receiving education and moving out from the protected zone of four walls of their home, and as they are looking forward for pursuing a career or a job, cases of their sexual harassment is also increasing. As per the guidelines by the Supreme Court, every workplace must have certain guidelines and protective measures to protect their women employees from being sexually harassed at their workplace i.e. the educational institution. So, keeping the current scenario of sexual harassment of women at educational institution, the researcher carried out a research on where the central theme was to study the role and awareness among the educational institutions regarding the safety of their women employees on the basis of Vishaka guidelines. The researcher carried out the research on the educational institution from primary to university of Rajkot city.

Key words: educational, institutions, sexual, harassment

Introduction:

Women have made great strides in the workplace, but they are still plagued by inequality and discrimination. Gender inequality thrives in most offices, with women being consistently denied employment if employed then the promotions they deserve, or equal wages for the same kind of work as men, and other job opportunities. Sexual harassment in the workplace is a barrier to women's full participation and has particularly negative consequences for women workers in low-wage jobs. Although sexual harassment in the workplace has only recently been recognized as a major challenge, however, its origin can be traced back to the industrial revolution, when due to economic necessity women left the protection of the four walls of their home and joined the workplace.

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The Genesis:

Sexual harassment at the workplace had been one of the central concerns of the women's movement in India in the 1980s, but they were not 'taken seriously' due to the mindset which portrayed women as "sex objects" and not as seriously as "workers" and also many people still thought that a woman's place was in the 'kitchen'. Women were made to feel guilty for something that was not their fault. During the 1980s, militant action by the Forum Against Oppression of Women (Mumbai) (FAOW) against the sexual harassment of nurses in public and private hospitals by patients and their male relatives, ward-boys and other hospital staff; of air-hostesses by their colleagues and passengers; of teachers by their colleagues, principals, and management representatives; of Ph.D. students by their guides and so on; received a lukewarm response from the trade unions and adverse publicity in the media (FAOW,1999). But this trivialization did not deter the woman's rights activists. More and more working women started taking systematic action against sexual harassment in the workplace.

Bhanwari Devi Rape Case:

Bhanwari Devi, a kumhar about 40 years old was selected and trained as a 'Sathin' (means a friend) in 1985 under the Women Development Programme (WDP) of the government of Rajasthan. In 1992, the state government of Rajasthan had decided to observe the fortnight preceding 'Akha Teej' as an anti-child marriage fortnight. Bhanwari Devi tried to stop child marriage during Akha Teej, as a result thereof, she was gang-raped by five men.

Bhanwari Devi case revealed the ever-present sexual harm to which millions of working women are exposed across the country, everywhere and every day irrespective of their location. It also shows the extent to which that harm can escalate if nothing is done to check sexually offensive behaviour in the workplace.

Objective:

To study the role of educational institutions regarding safety of female teachers against sexual harassment at educational institutions.

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Review of Literature:

- According to **the judgment of SC of India (1997)**, the fundamental right to carry on any occupation, trade, or profession depends on the availability of a "safe" working environment. Right to life means with dignity. The primary responsibility for ensuring such safety and dignity through suitable legislation, and the creation of a mechanism for its enforcement, is of the legislature and the executive when, however, instances of fundamental rights of women workers under Articles 14, 19, and 21 are brought before us for redress under Article 32, an effective redressal requires that some guidelines should be laid down for the protection of these rights to fill the legislative vacuum.

Given the above, and the absence of enacted law to provide from the effective enforcement of the basic human right of gender equality and guarantee against Sexual Harassment (SH) and abuse, more particularly against The Sexual Harassment of Women at Workplace Act (Prevention, Prohibition & Redressal), -2013 (SHWWP), we lay down the guidelines and norms specified herein matter for due observance at all workplaces or other institutions, until legislation is enacted for the purpose.....

The guidelines and norms prescribed herein are as under: -

- Having regard to the definition of "human rights" in section 2(d) of the protection of the Human Rights Act, 1993.
- Taking note of the fact that the present Civil and Penal laws in India do not adequately provide for specific protection of women from SHWWPs and that enactment of such legislation will take considerable time.
- It is necessary and expedient for employers in workplaces as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women.
- According to **The Sexual Harassment of Women at Workplace Act (Prevention, Prohibition & Redressal), -2013** to provide protection against SHWWP and for the prevention and redressal of complaints of SH and for matters connected therewith or incidental thereto.

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Whereas SH results in a violation of the fundamental rights of a woman to equality under articles 14 & 15 of the Constitution of India and her right to life and to live with dignity under Article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from SH.

- According to the **Ministry of Women and Child Development (MWCD) (2013)** The SHWPP(PPR) Rules-2013, subject to the provisions of section 19, every employer shall-
 - Formulate and widely disseminate an internal policy or chapter or resolution or declaration for prohibition, prevention, and redressal of SH at the workplace intended to promote gender-sensitive safe space and remove underlying factors that contribute towards a hostile work environment against women;
 - Carry out orientation programs and seminars for the members of the Internal Complain Committee (ICC);
 - Carry out employee's awareness programs and create a forum for dialogues which may involve Panchayati Raj Institutions, Gram Sabha, Women's groups, Mother's Committee, Adolescent Group, urban local bodies, and any other bodies as may be considered necessary;
 - Conduct capacity building and skill-building programs for the members of the ICC;
 - Declare the names and contact details of all the members of the ICC;
 - Use modules developed by the State Government to conduct workshops and awareness programs for sensitizing the employees with the provisions of the Act.
- According to **the Ministry of Law and Justice (2013)**, the protection against SH and the right to work with dignity are universally recognized human rights by international conventions and instruments such as the Convention on the Elimination of all Forms of Discrimination against Women, which has been rectified on the June 25, 1993, by the Government of India. And whereas it is expedient to make provisions for giving effect to the said convention for protection of women against SHWP.
- According to **the Press Information Bureau of the Government of India (2014)**, the Act ensures the protection of women against sexual harassment at their workplaces, may it be in public or private. Thus, a sense of security at their workplaces will improve their

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participation in work which will result in their economic empowerment and inclusive growth. The Act uses a definition of sexual harassment which was laid down by the Supreme Court of India in Vishaka vs. State of Rajasthan. Under the Act, which also covers students in schools and colleges as well as patients in hospitals, employers and local authorities will have to set up grievance committees to investigate all complaints. Employers which will fail to comply will be punished with a fine of up to 50,000 rupees.

→ **Main High points of Vishaka Judgment**

- Gender parity includes safety from sexual pestering and the right to work with dignity as per our constitution.
- The Extra hazard for a working woman compared to her male colleague is a clear infringement of the fundamental rights of Gender parity & the Right to Life and Liberty.
- A safe working environment is a fundamental right of working women.
- In no way working women may be discriminated at workplace against male employees. (If a woman is, then it must be documented in company policies, for example, limitation of women in police and armed forces).
- Working with full dignity is the fundamental right of working women.
- The right to work is an absolute right of all working women.
- The right to security of health and safety in working conditions, including the safeguarding of the function of reproduction (pregnancy, maternity & nursing etc) is a fundamental right of working women.
- According to **the Ministry of Human Resource Development(MHRD) (2016)** 'Campus' or education institutions means the location of the land on which a Higher Educational Institution(HEI) and its related institutional facilities like libraries, laboratories, lecture halls, residences halls, toilet, student centers, hostels, dining halls, stadiums, parking areas, park-like settings and other amenities like health centers, canteens, Bank counters, etc. are situated and also includes extended campus and covers within its scope places visited as a student (also female staff) of the HEI including transportation provided to commute to and from the institution, the locations outside the institution on field trips, internships, study tour, excursions, short-term placements, places used for camps, cultural festivals, sports meets and

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such other activities where a person is participating in the capacity of an employee or a student of the HEI.

Research Methodology:

Total 600 samples should be collected via questionnaire method from primary school to university. To cover all the areas of Rajkot city for the research work, the researcher took various educational institutions in such a way that all the educational institutions of Rajkot got covered for the research work. And data analysis of the research was carried out using MS Excel.

- **Areas of Rajkot city**

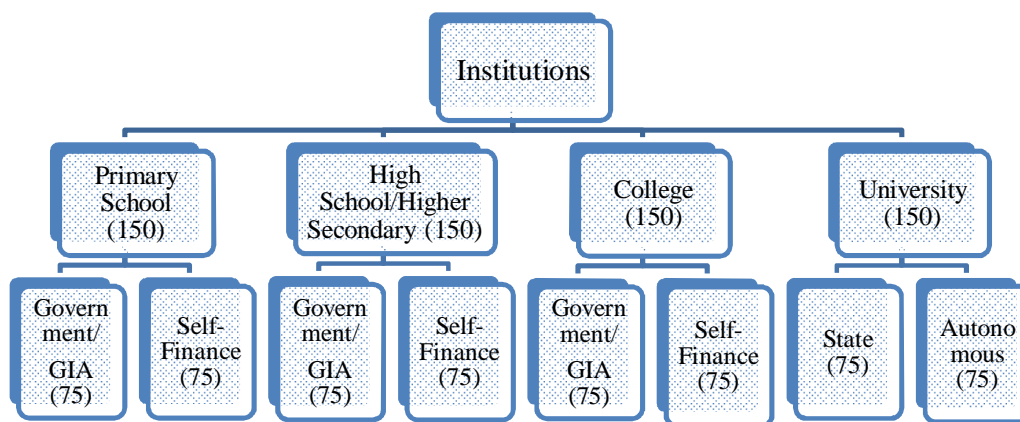


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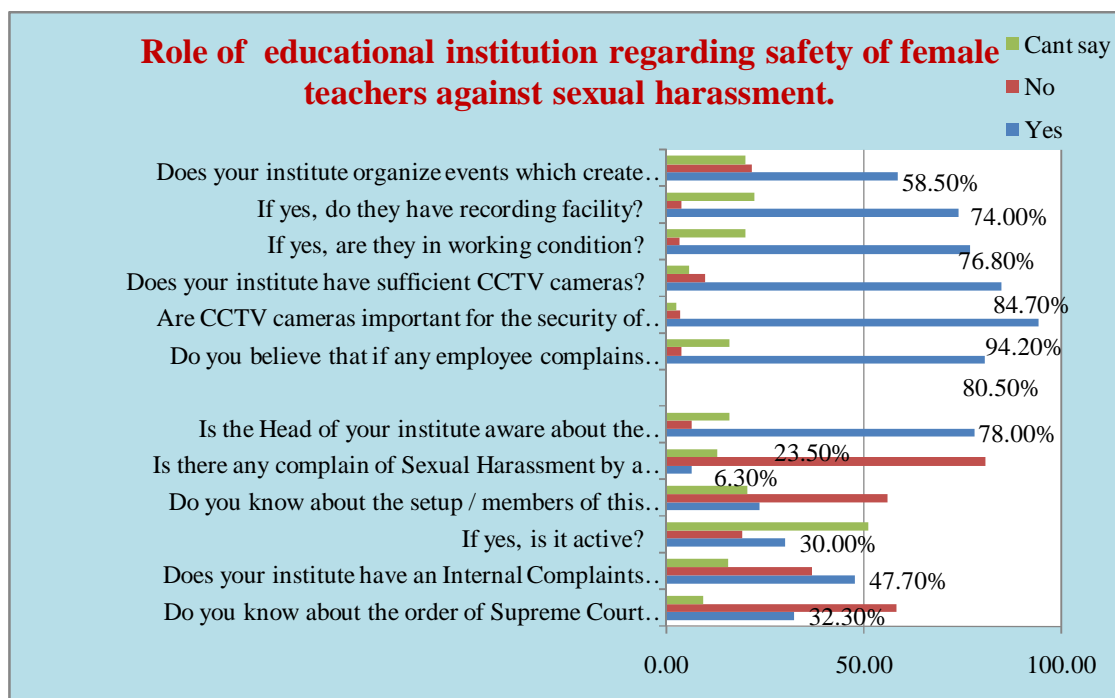
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- Selection of institutions:



Result and Discussion:

In this section researcher asked total 12 questions to female teachers regarding their safety against sexual harassment at educational institutions about the role played by their educational institution in reference to steps and measures.



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***% indicated option 'yes'**

This section discusses a role of respective educational institution. This section contains a total of 12 questions. Role of Internal Complaint Committee (ICC) was found below average. Also, the presence of ICC in institutions was below average and the activeness of ICC was even less than that. There were 6.30% of teachers who mentioned that there were incidents of sexual harassment at their institution during 2014 to 2019. Role and support of head of the institution was found in more than 80%. Availability of CCTV and their other services were also found around 75% to 80%. Arranging awareness programs, seminars were found more than 50%. Apart from this, the role of educational institutions was found more for the protection and safety of their teachers.

Conclusion:

Thus, at the end of the research, the researcher concluded that the overall knowledge and safety measures taken by the educational institution for working against sexual harassment of their women employees was satisfactory. But the availability and activeness of ICC in the educational institutions was not satisfactory.

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