

Impact of Sexual Harassment on Women's Health and Constitutional Remedies in India: A Sociological Study Maruthi N.M.

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DOI: <https://doi.org/10.5281/zenodo.22876335>

ABSTRACT:

Women and women-related issues are major subject matters to study in India in order to explore solutions and discover answers for their problems. Sexual harassment is one of the major problems among them and creates a deep impact on women's health. It is also a psychological and physical shock for women, while violating fundamental constitutional guarantees under the Indian law system. Equal employment opportunities are seriously impaired when women employees undergo specific gender violence, such as sexual harassment in the workplace. This type of harassment creates hostile work conditions for women in which the victim cannot feel safe and secure. The survey conducted by Amy Blackstone, who is a sociologist at the University of Maine, reveals that 70% of women and 45% of men employees experienced sexual harassment problems in their workplace.

In the Indian context, sexual harassment is unwelcome. According to the Constitution of India, sexual harassment infringes the fundamental right of a woman to gender equality under Article 14. Article 21 of the Indian Constitution gives the fundamental right to life and living with dignity to all its citizens. Although it is observed that there is no specific law framed to tackle sexual harassment at the workplace in India, persons who suffer from sexual harassment not only hold strained relationships in the workplace but are also at risk for numerous health problems such as depression, sleep problems, blood pressure, suicide, etc.

KEYWORDS:

Women, Constitution, Sexual Harassment, Health, Employment, Workplace.

Introduction:

The right to health and health care is a human right. It is true that we have included the right to health and health care under Article 21 of the Indian Constitution, which provides the fundamental right to life. Women, who constitute half of the population of the country, are excluded from any statutory recognition of the right to health. Eve-teasing is a euphemism used for sexual harassment or molestation of women by men. This phenomenon has resulted in various assaults against women. Nearly half of the total number of crimes against women reported during 2022–2025 related to molestation and harassment at the workplace. Many activists blame the rising incidents of sexual harassment against women on the influence of “Western culture”.

Equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace. According to Amy Blackstone, who is a sociologist at the University of Maine, 70% of women and 45% of men experienced sexual harassment in the workplace. This type of harassment creates a hostile work condition in which the victim can't be comfortable.

As observed by Justice Saghir Ahmad, “Unfortunately a woman in our country belongs to a class or group of society who are in a disadvantaged position on account of several social barriers and impediments and have therefore, been victims of tyranny at the hands of men with whom they, unfortunately, under the Constitution enjoy equal status”. Persons who suffer from sexual harassment not only hold strained relationships in the workplace, but are also at risk for numerous health problems such as depression, sleep problems, blood pressure, suicide, etc.

Although there is no specific law against sexual harassment

at the workplace in India, many provisions in other legislations protect women against sexual harassment at the workplace, such as Section 354, BNS, which deals with “assault or criminal force to a woman with the intent to outrage her modesty”, and Section 509, BNS, which deals with “word, gesture or act intended to insult the modesty of a woman”.

In India, sexual harassment is unwelcome. The Supreme Court of India in its order dated 13-08-1997 has passed an order laying down the norms and guidelines to be followed by employers for tackling the incidents of sexual harassment of women at the workplace and other institutions. According to India’s Constitution, sexual harassment infringes the fundamental right of a woman to gender equality under Article 14 of the Constitution of India and her right to life and living with dignity under Article 21 of the Constitution.

Objectives of the Paper:

- To know what sexual harassment is.
- To find what kind of health problems arise due to sexual harassment as far as women’s health is concerned.
- To examine what kind of constitutional measures have been taken against sexual harassment.
- To create constitutional and health-related awareness among women to tackle it.

Methodology:

The present article is based on secondary data. The information depicted in this article is derived from various books, articles, theses, journals, surveys, newspapers, reports of various authorities, and internet sources.

Sexual Harassment Means:

Sexual harassment includes such unwelcome sexually determined behavior as physical contacts and advances, sexually coloured remarks, showing pornography, and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruiting or promotion, or when it creates a hostile working environment. Effective complaints procedures and remedies, including compensation, should be provided.

Definition:

For the below-listed reasons and purposes, sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:

- A. Physical contact and advances
- B. A demand or request for sexual favours
- C. Sexually coloured remarks
- D. Showing pornography
- E. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

Gender Inequality:

Gender inequality, which is the devaluation of women and social domination of men, still continues to prevail in India. One of the main concerns is the declining sex ratio, which was brought to attention in 2001, when the sex ratio hit as low as 927 to 1000 men. Other issues can include abuse of women's human rights and unequal opportunities given in education, employment, or the rights

to be born. As these problems can severely cripple India's future development, they should not be dismissed easily.

Violence Against Women:

The Thomas Reuters Foundation survey says that India is the fourth most dangerous place in the world for women to live in, as women belonging to any class, caste or creed, and religion can be victims of this cruel form of violence and disfigurement, a premeditated crime intended to kill or maim her permanently and act as a lesson to put her in her place.

Domestic violence against women in India is a big problem. For example, a paper published in the Inter-national Journal of Criminology and Sociological Theory shows that in 2007 there were 20,737 reported cases of rape, 8,093 cases of death due to dowry, 10,950 cases of sexual harassment with a total crime of 185,312. A U.N. Population Fund report claimed that up to 70 percent of married women aged 15–49 in India are victims of beatings or coerced sex.

The historical data reveals the conviction rate of sexual harassment cases in India:

- In 2003, 12,325 cases registered and 62.9% cases have been convicted.
- In 2004, 10,001 cases registered and 60.5% cases have been convicted.
- In 2005, 9,984 cases registered and 53.5% cases have been convicted.
- The conviction rate of sexual harassment cases declined to 25.32% during 2019–2025.

Probable Health Problems of Women Due to Sexual Harassment

Observed in India:

Victims of sexual harassment can experience stressed relationships in the workplace, but are also at risk for numerous health problems. Degeneration of women's health has to be understood from a broader perspective of the direct and indirect impacts of sexual harassment. There is a direct relation between sexual harassment and stress. Here are some health effects of sexual harassment:

Depression: Causes, Incidence, and Risk Factors

Depression may be described as feeling sad, blue, unhappy, miserable, or down in the dumps. Most of us feel this way at one time or another for short periods. True clinical depression is a mood disorder in which feelings of sadness, loss, anger, or frustration interfere with everyday life for weeks or longer.

The exact cause of depression is not known. Many researchers believe it is caused by chemical changes in the brain. This may be due to a problem with your genes, or triggered by certain stressful events. More likely, it's a combination of both.

The following may play a role in depression:

- Alcohol or drug abuse
- Certain medical conditions, including underactive thyroid, cancer, or long-term pain
- Certain medications such as steroids
- Sleeping problems
- Stressful life events, such as:
 - » Breaking up with a boyfriend or girlfriend
 - » Failing a class

- » Death or illness of someone close to you
- » Divorce
- » Childhood abuse or neglect
- » Job loss
- » Social isolation (common in the elderly)

Victims of sexual harassment can experience long-term depression, according to Blackstone. In a recent study of 1,000 youths, Blackstone found that people sexually harassed in their teens and early 20s can experience depressive symptoms into their 30s.

Many people who experience sexual harassment have feelings of self-doubt, Blackstone said. “For some people, that self-doubt turned into self-blame,” she said, and victims can feel responsible for what happened. Such self-blame may have a negative effect on mental health, including promoting feelings of depression.

Post-Traumatic Stress Disorder: Causes, Incidence, and Risk Factors

Post-traumatic stress disorder (PTSD) is a severe anxiety disorder that can develop after exposure to any event that results in psychological trauma. This event may involve the threat of death to oneself or to someone else, or to one’s own or someone else’s physical, sexual, or psychological integrity, overwhelming the individual’s ability to cope.

Many studies have found a link between experiences of sexual harassment and symptoms of post-traumatic stress disorder (PTSD), which includes re-experiencing the trauma, and avoiding people or things that may remind the victim of the harassment.

In fact, women in the military who are sexually harassed are

up to four times as likely to develop PTSD as women exposed to a traumatic event in combat, according to a 2009 study in the journal *Law and Human Behavior*. Those researchers found that experiences of sexual harassment were significantly correlated with PTSD symptoms in 450 women who were interviewed. The link held even after the researchers took into account previous psychological distress and trauma.

Blood Pressure:

A low socio-economic status seems to be correlated with hypertension. Worsening of the quality of life has been associated with a higher incidence of hypertension through lesser office visits, worse primary prevention, poor dietary habits, smoking, and alcohol. Low social support is related to higher stress and increased cardiovascular risk. Job difficulties are associated with chronic stress. The “job strain model” defines the stressful condition in which the worker employs a high mental strain with poor results. Its prevalence increases with age and it is higher in women and blacks.

Sexual harassment boosts blood pressure, according to a 2008 study. The study included about 1,200 union workers from Boston who were surveyed about workplace abuse in the past year and given a health exam. About 23 percent of the workers reported at least one incident of sexual harassment.

The researchers found a significant correlation between sexual harassment and elevated blood pressure in women. Sexual harassment may trigger the same type of physiological reactions as stress, which is thought to raise the risk of cardiovascular disease.

Sleep Problems:

Sexual harassment has been linked to sleep disturbances, said

Debra Borys, a psy-chologist with a private practice in Westwood Village, Calif. This may be because the stress and anxiety of the event affects sleep habits. For instance, sufferers may lie awake at night ruminating about the event, or the event may be the source of nightmares, Borys said.

Suicide:

A 1997 study of more than 1,000 Canadian high school students suggested sexual harassment may lead to suicidal behaviors. The study found that 23 percent of students had experienced at least one incident of unwanted sexual touching, sexual threats or remarks, or indecent exposure in the past six months.

Of women who had experienced frequent, unwanted sexual touching, 15 percent said they had made suicidal attempts “often” in the past six months, compared with 2 percent of students who had not experienced sexual harassment.

Neck Pain:

Sexual harassment leads to physical aches and pains, according to a Canadian study that involved nearly 4,000 women. In the study, women with neck pain were 1.6 times more likely to report having experienced unwanted sexual attention. If confirmed by future research, the findings suggest that interventions to prevent harassment in the workplace may decrease bone- and muscle-related problems for employees, the researchers said.

Sexual Harassment and Fundamental Rights:

Violation of the fundamental rights of ‘Gender Equality’ and the ‘Right to Life and Liberty’ is a clear violation of the rights under Articles 14, 15, and 21 of the Constitution. The fundamental right to carry on any occupation, trade, or profession depends on the availability of a “safe” working environment. However, instances

of sexual harassment resulting in the violation of fundamental rights of women workers under Articles 14, 19, and 21 are brought before us for redress under Article 32. An effective redress requires that some guidelines should be laid down for the protection of these rights to fill the legislative vacuum.

Right to Health and Health Care Under the Constitution of India:

The Indian Constitution provides a framework for a welfare/socialist pattern of development. While civil and political rights are enshrined as Fundamental Rights that are justifiable, social and economic rights like health, education, livelihoods, etc., are provided for as Directive Principles for the State and hence not justifiable. The latter comes under the domain of planned development, which the State steers through the Five Year Plans and other development policies initiated. Besides all the constitutional steps, women's protection has not been covered adequately.

Health Care System:

The health policy and planning framework has been provided by the central government. The States have acquiesced due to the central government's accompanying funding. These programmes are implemented uniformly across the length and breadth of the country. For the country as a whole, presently there are an estimated 22,000 hospitals (30 percent rural), 23,000 dispensaries (50 percent rural), and about 1.5 million beds (21 percent rural). The rural areas in addition have 23,500 PHCs and 140,000 sub-centres. However, when this data is represented proportionately to its population, we see that urban areas have 4.48 hospitals, 6.16 dispensaries, and 308 beds per 100,000 urban population in sharp contrast to rural areas which have 0.77 hospitals, 1.37 dispensaries, 3.2 PHCs, and 44 beds per 100,000 rural population. But no one

step has been followed to provide special attention for those who have sexually suffered or have been harassed.

Causal Factors for Sexual Harassment:

Sexual or bodily integrity is accompanied by women's low socio-economic and political status. Sexual violence is a tool utilized by gender-dominant ones.

- The frequent causal factor for these kinds of acts is directly linked with gender inequality.
- Women lagging behind in knowledge regarding civil, constitutional, and human rights.
- The low economic status of women plays an important role in sexual exploitation itself; economic resources such as land, or other economic resources/capital such as wages, payment for services, etc., affect women both physically and mentally at the workplace.
- Finally, women cannot easily seek justice and protection of the law against violence in a traditional and male-dominated society like India.

Conclusion:

Women are facing a number of mental and physical health challenges due to sexual harassment. The Supreme Court of India, in its order dated 13-08-1997, passed an order laying down the norms and guidelines to be followed by employers for tackling the incidents of sexual harassment of women at the workplace and other institutions. It is the major responsibility of civil society to change its attitude towards women and respect them with social dignity and honor. However, the Forum must be foolproof so that aggressive women do not misuse it in order to fulfill their vested interests and victimize their male colleagues unnecessarily.

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Funding:

This study was not funded by any grant.

Conflict of interest:

The Authors have no conflict of interest to declare that they are relevant to the content of this article.

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