Combating Sexual Harassment: Design of Laws in India

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Abstract - Various treaties and conventions of United Nations, and Indian membership in various organizations are the sources of sexual harassment laws in India. They have provided an important initiation in drafting national legislations to prohibit sexual harassment. The different interrelated studies in India have revealed that there is lack of knowledge and perception of laws amongst women. The awareness and understanding of rights and alertness to seek remedies to fight the evil of sexual harassment is absent. The various provisions of the related laws have been simplified by the author for better understanding of the incidents. This will help women to build confidence in them by knowing about rights available to them and the remedies they can avail against sexual harassment.

Key words - sexual harassment, international conventions, national legislations, judicial decisions, compensation

I. INTRODUCTION

From ancient times, the women's right to equality and dignity are violated through sexual harassment. Due to construct and perception of society, superiority of men over women, or violence of some kind is acceptable against women, or such violence is considered to be harmless and trivial, or justified as reasonable natural male behaviour or harmless infiltration which women enjoy, this problem has reached grave level of nuisance in present times. Earlier, no term was given by people for experiencing such harassment; the name sexual harassment was given in earlier sixties. Today, the global #MeToo Movement has forced concern with sexual harassment. Alarming statistics reveal that woman is subjected to sexual harassment irrespective of caste, society, religion, community, country or geography like uncontrolled disease. They do not speak out about it, because of lack of knowledge of law or the indifferent attitude towards the rights conferred on them to battle against sexual harassment and so on. This paper deliberates upon the different relevant provisions in international and national laws to combat the problems of sexual harassment in India.

II. INTERNATIONAL INSTRUMENTS AND CONVENTIONS

The impetus to recognition of rights of women against sexual harassment in India is provided by some International instruments and conventions including Universal Declaration of Human Rights, 1948. The rights are further reinforced by the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), 1979; International Conference on Women in Beijing in 1995; Domestic Workers Convention, 2011; and 6th Conference of the Chief Justices of Asia and the Pacific, 1995.

2.1 Universal Declaration of Human Rights, 1948

This Declaration is the first document which inalienably entitles all human beings, equal freedoms and rights. It is a yardstick to determine right and wrong. It is a authoritative tool to battle against coercion and impunity to human dignity. Its provisions do not directly prevent sexual harassment but plays an important role while interpreting and pressing for rights. It sets forth that every human beings have equal dignity and rights since birth. They are gifted with reason and conscience and should have a spirit of brotherhood for one another. With such reason, conscience and respect for others rights, there should not be continuance of sexual harassment, the result of which is discrimination. It prohibits all kinds of dissimilarities based on colour, language, race, sex, political or religion. It discourages all discriminating opinions related to birth, nation, property, society or status. Further, it depresses any distinction based on political or international or jurisdictional status of territory of a person; or independence, trust ship or non-governance or other sovereignty limitations of country. Conferring such superior rights, it does not allow sexual harassment as it results in inequality and curtails freedoms of women. Further, it says aloud that human beings have the right to life, security and personal liberty. Where there is sexual harassment, these rights are definitely infringed and negated.

2. Ibid., Article 2.
3. Ibid., Article 3.
Members of United Nations are directed not to subject anyone to torture, ruthless or humiliating treatment or punishment4. Sexual harassment is treated as an inhuman and demeaning activity against women by men and hence condemns this activity. Right to recognition is the other right guaranteed by this provision. Right to recognition is not possible, if women are not given congenial conditions to work or perform according to their capabilities and abilities5. Sexual harassment discourages women to work with men, no matter that all are equal before the law and is protected without any discrimination to equal protection of the law6. It provides that effective national tribunals shall be established to protect fundamental rights provided by laws or constitution of that country7. The law which provides remedy, should be women oriented so that it is perceived at the behest of women. Also, this Declaration recognises Right to privacy. It prohibits the capricious interference in private matters, family matters or any other related matters which attacks upon honour and repute of a person. Sexual harassment is invasion with the privacy of women8. This conduct is mostly done to cause harm to honour or reputation of women or her family. It commits to everyone the right to work, right to choose freely any employment; right to just and favourable work conditions and protection against unemployment9. The workplaces where sexual harassment is prevalent cannot allow women to work with dignity and is denial of just and favourable conditions of work. Instead it creates unfriendly environment and social insecurity for women and she has no other option than to leave employment.

2.2. Convention on the Elimination of all forms of Discrimination against Women, 1979-
One of the aim of United Nations is to promote the respect, without difference as to sex, for the fundamental freedoms and human rights. To achieve this aim, General Assembly resolved to pass document, known as Convention on the Elimination of all forms of Discrimination against Women (CEDAW). It gives a call for equality in stipulations of human rights and fundamental freedoms assigned to men and women, in the social, political, cultural economic, and civil fields. It has made it clear that discrimination attacks on women's dignity and violates the principles of equal rights. It imposes obligation on State Parties to take appropriate and adequate measures to do away with discrimination with women, to ensure, the same rights in the employment, in particular: (a) the right to work as an undeniable right; (b) the right to health and safety in work places10. Sexual harassment of women at workplace, or other violence which is gender specific, seriously impairs equality in employment11. According to it, sexually determined annoying behaviour, or physical contact and advances, or sexually tinted remarks, or screening pornography, and demanding sexual favours, are some of the conducts which lead to sexual harassment. Such humiliating conduct may create problem to health and safety of women. In recruitment or employment or promotion, where woman has belief that any objection by her to such acts, may become disadvantageous in her employment, or may generate inhospitable working conditions, result in discrimination. It directs signatories to provide effective complaints procedures and remedies, including compensation12. Also, State Parties are directed to prepare their reports related to information about and measures taken by them for the shielding of women from sexual harassment in the workplace.

2.3. Fourth World Conference on Women, 1995-
In 1995, the fourth conference on women was held in Beijing. On global agenda, it is as important defining moment in gender equality for advancement of women. In its strategic objectives and actions, it defines the "violence against women" as any harm caused to a woman which may be psychological, physical or sexual in nature; or any coercion, threat or arbitrary denial of liberty in private or public life which is result of gender based violent behaviour13. The reason expressed for violence against women is, an age old trend of inequality of powers in society which confers lesser powers on women than on men. Such inequality in powers have resulted in domination as well as discrimination of women by men in society. In whole life cycle of women, the major reason for violence caused to her, is the extreme violent acts linked to tradition, culture, or custom of particular region, based on race, language,

4. Supra note 1, Article 5.
5. Ibid., Article 6.
6. Ibid., Article 7.
7. Ibid., Article 8.
8. Ibid., Article 12.
9. Ibid., Article 23(1).
11. Ibid., General Recommendation No. 19, para17.
12. Ibid., para18.
sex or religion. Social pressures like shame of disparaging or other perpetuations against women, has worsened the condition of women and strengthened sexual harassment. Unawareness of women about their legal rights, aid or protection provided to them; deficient and ineffective laws to forbid violence against women; no efforts to update existing laws; failure of public authorities to advance awareness of available laws and rights; failure to implement existing laws; and the absence of educational and other means to deal with the existing problems of violence are aggravating factors for sexual harassment. The factors responsible for continuous prevalence of violence against women are: depiction of images by media linked to rape, molestation, sexual slavery or utilisation of women, child or girls like porn objects. Such acts of media are badly influencing society at large, especially vulnerable groups of children, young people and bad elements of society.

Strategic objective directs the State Parties to take included and effective measures to prevent prohibit and do away with violence against women. It emphasises to take actions by the governments to slam violent acts against women. It suggests states to desist from making use of any customary, traditional or religious thought to keep away from their obligations to eradicate it; and avoid engaging in any kind of violent acts against women. Further, it directs to employ due diligence to prohibit, prevent or investigate violent acts according to national laws; assure punishment for violent acts against women; enact or revise related civil, administrative, criminal, labour laws or other domestic legislation providing punishment or remedy against the wrongs done to those to whom violence is committed. Also, the employers alongside governments, trade unions, society, youth organisations, and non-governmental organisations are directed to take actions appropriate to eradicate all forms of violence against women including sexual harassment. It emphasised to educate and increase awareness of violent acts against women; to develop counselling programmes and curative support programmes for the harmed persons whether the harm is caused because of abusive relationships in homes or prevailing conditions in institutions. It specifies to make special efforts to eradicate violence against women, living in vulnerable situations, such as refugee, displaced women, disabled women and migrant women labour. Such efforts can be made by developing new laws, improving existing laws or enforcing existing laws in collaboration with concerned countries.

2.4. 6th Conference of the Chief Justices of Asia and the Pacific, 1995-
A conference was held in 1995 in Beijing to adopt the Statement of Principles on the Independence of the Judiciary. This Statement stated the objectives of the judiciary as: to establish Rule of Law to guarantee all persons secured life; to uphold the recognition of human rights within the reasonable limits of the judicial function; and to govern impartially the law amongst people and between person and the State. It imposes the obligation on Judiciary for the protection of fundamental rights if there is no domestic legislation, to guard and defend the iniquity of sexual harassment of women and maintain independence of judiciary.

2.5. Domestic Workers Convention, 2011-
International Labour Organisation set forth new international standards for domestic workers relating to decent work which were adopted in International Labour Conference, 2011. It appreciated significant contribution in global economy by domestic workers. It showed concern to the undervalued and imperceptible work of domestic workers which is carried out mainly by vulnerable section of society consisting of women and girls. This section is highly discriminated regarding unfriendly employment and work conditions and persistent abuse of human rights. The main concern of this conference was that domestic workers constitute a significant proportion of the national workforce and remain amongst the most marginalised in society. Special work conditions of domestic workers make it eniable to supplement the specific standards for facilitating them to relish the rights fully. It stated to all members to take adequate measures for making certain that domestic workers enjoy valuable protection aligned with all kinds of abuses, harassments and violence. All domestic workers have the right to a safe, secure and healthy conditions and environment of work. All members to this organisation are directed to take effective and efficient measures, according to prevailing practices, regulations and national legislations, showing concern to specific conditions and characteristics of work of domestic workers, ensuring their safety, security and health peculiar to this occupation.

14. Supra note 13, Paragraph 118.
15. Ibid., Paragraph 124.
16. Ibid., Paragraph 126.
18. Domestic Workers Convention, 2011, Article 5.
20. Ibid., Article 15.
Having determined to provide effective protection to domestic workers, against abusive and offensive practices, each Member is suggested to make certain that appropriate machinery and procedures exist for probing into the complaints, allegation of abuses and deceitful practices relating the activities of private employing agencies employing domestic workers. Recommendation suggests that members should establish effective mechanism for entertaining complaint or reporting cases of abusing, harassing and violent acts against domestic workers. They shall ensure proper investigation and also prosecution of such complaints and establish programmes for the relocation, rehabilitation or temporary accommodation and health care of such abused or harassed domestic workers.

III. NATIONAL LAWS

There are different forms and contexts of Sexual harassment. Accordingly, there is a wide range of national legislations to resolve quandary on sexual harassment. Diverse provisions to prevent sexual harassment are found in Constitution of India, Indian Penal Code, other welfare legislations, labor codes, Information Technology Act, conduct rules in services, Supreme Court verdicts and so on.

3.1. Constitution of India, 1950-
The first legal force behind the deterrence of sexual harassment is the various provisions of Constitution of India which provide fundamental rights to the citizens of India and impose duties on State to protect theses rights. Preamble to the Constitution promises to assure to its citizens, social justice, economic justice and political justice. It guarantees equal status and equal opportunities to all its citizens. It is the mandate to the State that, it shall treat all persons equally before law and provide equal protection according to laws with in the territory of India. State is under duty to provide gender equality, make laws for providing safety and security to women. State is directed not to differentiate between citizens on grounds of religion, caste, race, sex, language or place of birth. Further, the State has been authorized to make special provisions for the protection of women. The Constitution has guaranteed to all its citizens, the right to follow any profession or freedom to carry on any trade, occupation or business. This right embraces within it, the right to a safe and protected work atmosphere which is free from sexual harassment. State shall make sure that no person shall be deprived of life or personal liberty except according to procedure established by law. The right to life includes right of a women to live and work with dignity at workplaces. It provides that State shall, in particular direct its policy towards securing that the citizens men and women equally, have the right to an adequate means to livelihood. Further, it states that State shall direct its policy to protect the health and strength of workers, men and women so that they are not abused. Adequate means of livelihood includes avocation where women is free from psychological pressure of sexual harassment. Health of workers includes the psychological health, free from sexual harassment. Directives are given to the State to make provisions for securing just and humane conditions of work. Just and humane conditions include human rights of women not to be disgraced by any person. It specifies that State shall endeavour to foster respect for international law and treaty obligations in the dealings of organised peoples with one another. This provision has been relied upon by judiciary to give landmark decisions. Finally, fundamental duties impose obligation on every citizen of India to renounce practices derogatory to the dignity of women. Thus this duty implies right in every woman not to be subjected to such practices which puts her dignity at stake. The Constitutional provisions confer power and also impose obligation on High Court and Supreme Court to protect fundamental rights of person. Also, the role of judiciary has been visualised in various international conferences. These provisions provide not only the right to a person to move High Court or Supreme Court directly, but also confer power on these Courts to give directions or pass orders or issue writs for the enforcement of fundamental rights. Being extraordinary remedies, orders or directrs can be passed or issued wherever there is urgent necessity, immediate demand and decisive interposition.

23. Ibid., Article 15.
24. Ibid., Article 19(1)(g).
25. Ibid; Article 21.
26. Ibid., Article 39(a).
27. Ibid., Article 39(e).
28. Ibid., Article 42.
29. Ibid., Article 51(c).
30. Ibid., Article 51-A.
31. Ibid., Article 32, 226.
3.2. Indian Penal Code, 1860

Earlier sexual harassment of women was not categorised separately in Indian criminal law as it was not viewed as serious crime. For the first time in 1994, 'Crimes in India' Report, categorised section 509 as sexual harassment. Sections 294, 300, 354, 354A-D, 499, 509 of IPC are some of the provisions which may be stretched to deal with sexual harassment as a separate category of crime and they do not coincide with rape under sections 375 and 376. An act can be expressed as an ‘act of obscenity’ resulting in sexual harassment of woman, if it is committed in any public place, can be considered as obscene and causes annoyance of others. It includes any obscene song or recitation or utterance or ballad or words, in or near any public place. The punishment prescribed for such acts of obscenity is imprisonment for a term up to three months, or with fine, or with both.

‘Indecent assault’ leads to sexual harassment if such assaults or criminal force is used against woman, with the intention to outrage her modesty or knowing that it be likely thereby outrage her modesty. The offender may be punished with imprisonment of not less than one year but extendable to five years, and also fine may be imposed. Sexual harassment has not been defined directly. It has been mentioned in relation to the acts which may be termed as sexual harassment. Such acts are: any unwelcome physical advances; clear sexual overtures; or a demand for sexual favours; or presenting pornography against the will of a woman; or making sexually coloured comments. Any person doing any of abovementioned acts is guilty of the offence of sexual harassment. Any person who is responsible for doing such acts may be punished with rigorous imprisonment up to three years or with fine, or with both. The punishment prescribed for making sexually coloured comments is the imprisonment up to one year, or fine, or both.

Wide ranges of acts which amount to sexual harassment have been covered by this provision including verbal or non-verbal physical advances. The protection provided under this section is not limited by location at which the sexual harassment takes place. It criminalises any kind of assault or employing any of criminal force to against woman, with the intention of removing her clothes, or compelling her to be nude. It also criminalises the act of aiding such a heinous crime prescribing same punishment. This may have the resonance of similarity to outraging modesty of woman, but it is not so. This provision considers it an offence whether or not the man intended to offend the modesty of the woman.

Watching or capturing images of a woman while she engages herself in any private act, is an offence of voyeurism. Circumstances those amount to such an offence should be such that the woman has expectation of not being observed by any person or does not apprehend the propagation of such images. On first conviction, the punishment for the act of voyeurism is imprisonment not less than a period of one year which is extendable to three years and liability to fine. On second or subsequent conviction, the punishment is imprisonment for a period of not less than three years which is extendable to seven years and liability to fine. The offence of stalking is also mentioned in this law. Following a woman by a man and making efforts to contact her, to advance repeatedly personal interaction with her, in spite of indicating clearly her lack of concern: or to keep watch on the use of internet by a woman, her email or other forms of electronic communication, leads to the offence of stalking. There are three exceptions where the act does not amount to the offence of stalking. Firstly, if the man who follows the woman proves that she was followed for the reason to prevent or detect an offence and has been assigned with the duty by to prevent or detect an offence. Secondly, he was chasing woman under any law or to meet the terms or requirement compelled by any person and justified in law. Thirdly, in those specific circumstances, the act is fair, reasonable and warranted by law. On first conviction, the person is punished with imprisonment up to three years and fine may also be imposed. On second or subsequent conviction, the punishment is imprisonment up to five years and reasonable fine.

Another provision which empowers women against sexual harassment is regarding defamation. Making any accusation by speaking words, or writing words, or secret language, or visible depiction is an offence of defamation under this law. Similarly, publishing any accusation related to woman, with the intention to harm, or knowing or believing with reasons that such accusation will harm, the reputation of woman, it leads to commission of an offence of defamation.

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32. Indian Penal Code, 1860, Section 294.
33. Ibid., Section 354.
34. Ibid., Section 354 A(2).
35. Ibid., Section 354 A(3).
36. Ibid., Section 354B.
37. Ibid., Section 354C.
38. Ibid., Section 354D(1).
39. Ibid., Section 354D(2).
40. Ibid., Section 499.
If in the opinion of others, the content of accusation directly or indirectly, has the effect of lowering the moral or logical make up of that woman, or effects the character of that woman in respect of her caste, family or of her vocation, or lowers the praise of that woman, or effects it to be believed that the woman is in a nasty state or in a state generally treated as shameful, it is defamation. Some of the acts which do not confirm to concept of defamation are also mentioned in this law. They are: true facts related to a woman, disclosure of which is for the public good; expressing in good faith any opinion relating the behaviour of a public servant while performing her public functions; publication of considerably true report of the Court proceedings; opinion expressed in good faith, relating the virtues of any performance, which a woman has acquiesced to the judgement of the public. The punishment prescribed in this law for the acts of defamation is imprisonment up to two years, or fine, or both. Punishment for printing or engraving any matter, or having reasons to suppose a matter to be defamatory against a person, is imprisonment up to two years, or fine, or both. Similarly, the prescribed punishment to a person responsible for selling or offering for sale any printed or engraved substance which includes defamatory matter, believing that it includes such matter, is simple imprisonment up to two years, or fine, or both.

Criminal intimidation is another offence to which women is subjected. Threatening a woman to cause any injury to her body, repute or property is an offence of criminal intimidation. If instead of woman the threat is directed to any person or repute of any other person who is related to her directly or indirectly, coupled with the intention to direct the harm to that woman is also an act of criminal intimidation. Similarly, by making such threat, if any person forces her to do anything, which she is not bound to do under any law, or forces her not to do any act which she is bound to do under any law, commits criminal intimidation. This provision includes those acts or behaviour of sexual harassment, where the perpetrator is interested in getting sexual favours, and in protest of not getting so, threatens to cause injury to woman. This law mentions three types for punishments for the offence of criminal intimidation. Firstly, any person who commits the offence of criminal intimidation may be punished with imprisonment up to two years, or fine, or both. Secondly, if any person makes threat to cause death or to cause grievous hurt or to destroy any property by fire or to cause any similar offence where the punishment prescribed for such act is death or imprisonment for life; he may be punished with the enhanced imprisonment up to seven years. Thirdly, if any person threatens to ascribe unchastely to a woman, he may be punished with the imprisonment extendable to seven years, or with fine, or with both. Further, this law prescribes the punishment of imprisonment up to two years, to those who commit the offence of criminal intimidation by anonymous communication, or takes precaution to hide the name or address of the person making such threat.

If a man speaks any word, creates any sound or shows any gesture, or displays any object, with the intention to offend the modesty of any woman, coupled with the intention to make such word or sound to be heard, or show gesture or display such object to be seen, by offended woman, or encroaches upon the privacy of such woman, he may be held responsible for the act of outraging the modesty of woman. In this offence, the requirement is not only the intention to cause insult to modesty of woman but also that the insult must be caused. The person responsible for outraging the modesty of woman may be punished with simple imprisonment extendable up to three years, and also with fine.

3.3. Indecent Representation of Women (Prohibition) Act, 1986

This Act was enacted with specific objective to prohibit representation of woman in indecent manner. The existing problem was that woman was being characterized indecently in various advertisements, paintings, publications, writings, figures etc. This law prohibits indications that are disparaging to the self respect of women. It directs everyone not to publish or assist in publishing, directly or indirectly such matter which exhibits or presents filthy representation of women in any form. It also prohibits production or assisting production, selling, giving on hire, distributing, sending or circulating any material like book, paper, film, drawing photograph, pamphlet, slide, writing, painting, representation or figure containing lewd depiction of women in any form.

41. Supra note 32, Exceptions to Section 499.
42. Ibid., Section 500.
43. Ibid., Section 501.
44. Ibid., Section 502.
45. Ibid., Section 300.
46. Ibid., Section 506.
47. Ibid., Section 507.
48. Ibid., Section 509.
49. Indecent Representation of Women (Prohibition) Act, 1986, Section 3.
50. Ibid., Section 4.
If abovementioned acts or publications are justifiable on the ground that it is for public good and such activities have significance in science, art, literature, learning, or other objects of general importance. They may also be validated for reasons that they are kept or used genuinely for religious purpose. Any representation made in any olden monument, temple; or any use of vehicle for the transportation of idols; or kept for any religious rationale; or any film permitted by law, do not invite the stipulation of this Act.

On contravening the provisions of this Act, at the first instance, the punishment is imprisonment extendable to two years and fine up to two thousand rupees. For contravention of provisions for the subsequent instances, the punishment is enhanced to imprisonment between six months to five years and fine which may extend between ten thousand rupees to one lakh rupees.51

The present provisions under this act to prevent sexual harassment of women are not considered sufficient.

Therefore, The Indecent Representation of Women (Prohibition) Amendment Bill, 2012 was introduced in the Rajya Sabha which has not yet been passed. It aims at regulating the depiction of women to widen its jurisdiction and bring within its realm all other forms of media and publication introduced with the technological revolution.

3.4. Protection of Human Rights Act, 1993-
To protect Human Rights and ancillary matters which are connected with Human Rights, provisions are made in this Act, for the constitution of National Human Rights Commission at National level, State Human Rights Commission in States and Human Rights Courts. Under this law "Human Rights" has been defined as the rights which are related to life, liberty, equality and dignity of the individuals and are guaranteed to them by the Constitution, and includes such rights engraved in the those International Covenants which are insisted on by courts of law in India.52 Sexual harassment against women is violation of Human Rights of women. Such harassment violates right to life, liberty, equality and dignity of women.

3.5. Information Technology Act, 2000-
Sending offensive messages to any person through any means of communication is an offence under this law. The different acts of sending messages through any communication device or computer resource or electronic mail which can be termed as an offence may be any offensive information or any false information made for causing annoyance, trouble, threat, obstacle, abuse, damage, criminal intimidation, hostility, hatred, or antagonism, etc. with the intention to cause displeasure or trouble or to mislead others as to the origin of offensive messages. The punishment for such acts is imprisonment up to three years and fine may also be imposed.

The word ‘transmit’ has been used for sending a visual image electronically to make other person view it. The word ‘publishes’ has been used for duplication of a material in printed or electronic form so that it is available to be viewed by public. It also prohibits and punishes the circulation of lascivious material, in the electronic form. Publication of such material which is objectionable and which corrupts the minds of those whose minds are prone to such things, is punishable with imprisonment extendable to three years and fine up to five lakhs may be imposed on first conviction. In the event of a second or subsequent conviction, the punishment is enhanced imprisonment which may extend up to five years and also fine which may extend to ten lakh rupees.55 It further prohibits more grave offences. It prohibits the publication and transmission of sexually explicit act or conduct in electronic form. Two kinds of punishments are mentioned for this offence. For first conviction the punishment of imprisonment is five years with fine which may extend to ten lakh rupees and for subsequent conviction it is seven years with fine which may extend to ten lakh rupees.56
These offences do not extend to those publications which are justifiable for public good. Similarly, those publications which are meant to promote science, art, literature, learning or some religious purpose do not constitute an offence. It also provides security and remedy against those people who by virtue of legal authority have access to information in electronic record and uses information without the consent of the person. Any person who has legal authority under any law to secure access to such information which is available in electronic record or other material without the consent of person to whom such information belongs or relates,

51. Ibid, Section 6.
53. Information Technology Act, 2000, Section 66A.
54. Ibid., Section 66E.
55. Ibid., Section 67.
56. Ibid., Section 67A.
and discloses such information to other person, is liable for online stalking. The punishment for online stalking is imprisonment up to two years and fine up to one lakh or both. This Act was amended in 2008. It does not provide anything clearly for online stalking. Most of the cases related to online cases are dealt with in this Section. It fixes the liability and punishment of the intermediaries in transmission, who while providing services legally, get personal information, but uses that information intentionally to cause wrongful harm, loss or gain to concerned person. The punishment to such person is imprisonment up to three years, or fine up to five lakh rupees, or with both.

3.6. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

This Act has been specifically legislated for prevention of sexual harassment of women at workplace. The driving force to legislate it is the abovementioned international and national laws. It directs not to subject any woman to sexual harassment at any workplace. Under this law, the three important elements to comprise sexual harassment is Aggrieved Woman, Workplace and Sexual Harassment. Woman who is subjected to sexual harassment is known as aggrieved woman. The Act includes three categories of women: working woman, woman visiting a place and student. Working woman further includes domestic worker and woman employee. Domestic worker includes any woman who works in any household. She may be employed for the remuneration, irrespective of mode of payment, whether in cash or kind. It makes no difference whether she is employed either directly or through any agency. She may be regular or temporary or part time or full time employee. It does not include any women who is member of the family of the employer and works in household.

Woman employee includes woman employed at workplace to do any work whether on regular, temporary, ad hoc or daily wage basis. It is irrelevant whether she is employed for remuneration or not, or working voluntarily or otherwise. She may be employed directly by the employer or through any agent or contractor. Such employment may or may not be in the knowledge of principal employer. There may be express or implied terms of employment. It includes a co-worker, a contract worker, probationer, trainee, and apprentice or called by any other such name. This Act expressly recognises the right of every woman to a safe and protected working place atmosphere without discrimination as to her age, or employment or status. The appreciable part is that the same safety and security is extended to woman visiting workplace and the student. It describes the acts or behaviour or circumstances which may be said to be sexual harassment.

Unwelcome acts or behaviour: This Act mentioned certain unwelcome acts or behaviour which directly or by inference or allusion leads to sexual harassment. They are:

(i) Physical contact and advances: It covers any sexual advances which are unwelcome and made with or without favours or threats, express or implied; touching, pinching, kissing, caressing or rubbing, brushing against will; getting too close without reason etc.

(ii) A demand or request for sexual favours: It includes any intimidation, or blackmail or retaliation for sexual favours against an employee who is subjected to sexual harassment. It embraces any abuse of authority or power to threaten a person's job or undermine her performance, demanding dates, false accusations for sexual favours or threatening to penalise if refused to conform to sexual advances (reprisal).

(iii) Making sexually coloured remarks: Any sexually indicative remarks, offensive comments, hints about member of specific gender or innuendos such as teasing related to appearance of a person, physical characteristics or mannerism; offensive jokes including passing around written sexual jokes; inappropriate questions, suggestions or remarks about person's sex life; treating someone badly because they do not conform with sex-role stereotypes leads to sexual harassment.

(iv) Showing pornography: Displaying sexually explicit and offensive pictures, posters, cartoons, messages, or e-mails are some of the acts of sexual harassment.

(v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature: Some unwelcome social invitations with sexual hints, flirting, stalking, persistent invitation despite being turned down, controlling a person's reputation by spreading rumours about her private life, character assassination etc.

57. Ibid., Section 72.
58. Ibid., Section 72A.
59. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Section 3(1).
60. Ibid., Section 2(a).
61. Ibid., Section 2(n).
62. Ibid; Section 3(2).
Circumstances related or connected with any act or behaviour of Sexual Harassment: There are certain circumstances which are not independently acts or behaviour of sexual harassment. To constitute sexual harassment, these circumstances must be coupled with some act of sexual nature. Some of such acts or behaviour are:

(i) Implied or explicit promise of preferential treatment in her employment: Sometimes inappropriately giving too much or undue to a woman without any cause or reason, may lead to sexual harassment if it is connected to any act of sexual nature or sexual favours.

(ii) Implied or explicit threat of detrimental treatment in her employment: Similarly, inappropriately giving too little to a woman which is less than due to her; taking disciplinary action against her arbitrarily; isolating or excluding socially or otherwise a woman; humiliating in front of colleagues; blaming her for no reasons; allocating her disgracing jobs not part of her regular duties; withholding resources (time, budget, autonomy and training) necessary to succeed in employment together with acts of sexual nature may become sexual harassment.

(iii) Interference with her work or creating an intimidating or offensive or hostile work environment for her: If areas of responsibility are removed without reasonable cause; authority is disobeyed constantly without just cause; everything done is monitored constantly; there is systematic interference with normal work or working conditions, it may become a ground of sexual harassment if such acts are done with sexually coloured acts.

(iv) Humiliating treatment likely to affect her health and safety: Any public act of criticism, blame, insult, reprimand or condemning or ridiculing work; making statements with the intention to damage reputation or career are some of the instances which may lead to sexual harassment.

The Act, has included the following six main categories of the workplaces to which the provisions are applicable:

(i) Government and local authorities: This Act is applicable to a workplace which is established, owned, controlled by Central or State Government. It includes the workplaces which get funds directly or indirectly by Central government or State government. It includes enterprise, office or similar establishments, established by the local authority or a Government company or a corporation or a co-operative society etc.

(ii) Private sector organisation: The Act includes private sector organisations, enterprise or other establishments which are providing any kind of service like education, health services or financial activities. It embraces the services like production, supply, sale or distribution. (iii) Hospitals or nursing homes: This Act is applicable to all public or private hospitals or nursing homes providing any or all facilities to the patient including medical tests etc.

(iv) Any sports institute/facilities: The Act has relevance to any sports institute, stadium, complex or venue, which may be residential or non residential or used for sports related activities.

(v) Places visited: The places which are visited by the employee to undertake such employment or by virtue of employment or travels or takes journey or transportation to employment venue is included in the definition of workplace.

(vi) Dwelling place or house: The Act has in its ambit the dwelling house or a place where there is no service provided to any person but woman is employed to work at home or place such as domestic help or otherwise.

It can be inferred that workplace includes both organised and unorganised sector. In unorganised sector it applies to workplaces owned by self-employed workers who are engaged in providing goods or services of whatever kind employing workers less than 10 in number. There are two types of "Complaints Committee" mentioned under this Act. It is mandatory for the employer to constitute "Internal Complaints Committee" to deal with complaints of sexual harassment. The committee consists of a Presiding officer (woman) and other members. There shall be at least two members representing employees and one neutral member from either NGO or other similar associated organisation. Not less than half should be women. Another "Complaints Committee" is constituted by the District officer, appointed by the appropriate government at Block level to receive the complaints against employer or such workplace where the number of workers is less than 1065. The complaints committee is empowered to make recommendations to the employer to take action against respondent as per service rules; or transfer aggrieved woman or respondent; or deduct salary or wages; or direct respondent to pay due compensation for such harassment.

Employer is imposed with the duty to provide a safe and secure working environment at workplace; display penal provisions at conspicuous places; conduct awareness activities; provide assistance to aggrieved woman and consider sexual harassment as a misconduct.

63. Supra note 59, Section 2(o).
64. Ibid., Section 4.
65. Ibid., Section 5.6.
66. Ibid., Section 13(3).
The Act provides for imposition of fine up to Rs. 50,000 along with other punishments on first conviction and punishment is doubled for the subsequent convictions of employer for not complying with the provisions of the Act.

IV. RULES/REGULATIONS
After the decision of Supreme Court in Vishaka Case, the directions were given by the Court to make changes in service rules according to the guidelines laid by it in this case. Hence, the appropriate governments made changes to the following rules. Also, new regulations were framed by government to handle complaints in Higher Educational Institutions (HEI).

4.1. Industrial Employment (Standing Orders) Central Rules, 1946-
To comply with the directions of the Hon'ble Supreme Court, Paragraph 14 of the Schedule 1 and Paragraph 17 of Schedule 1(A) of the Industrial Disputes (Standing Orders) Rules, 1946 are amended to include "Sexual Harassment" as misconduct. Schedule 1 has been amended to impose fine up to two percent on the wages of workman in a month for any of the misconduct with the previous approval of the government or under Section 8 of the Payment of Wages Act, 1936. He may be suspended for a period up to four days at a time. He may also be dismissed without any notice, if he is found guilty of misconduct. Misconduct includes unwelcome sexually determined behavior whether physical contact or request for sexual favors or unwelcome remarks or showing pornography.

It provides for constitution of Complaints Committee consisting of: (a) Chairperson (to be a woman); (b) two members either from Non-Government Organization (NGO) or any other body which is accustomed with the sexual harassment issues or nominees of National or State Human Rights Commission or Commission for Women who are acquainted with the issue of sexual harassment. They are to be nominated by the employer. One of the two members of the Complaints Committee shall be a woman. The Complaints Committee is under obligation to make and submit every year an annual report of complaints, to the appropriate government, and the action taken thereof in lieu of those complaints. Also, the employers or their agents shall report, to the appropriate government, on the compliance of the guidelines issued by the Central Government mentioning the directions of the Supreme Court in Vishaka Case, including the reports of Complaints Committee.

Another provision provides model standing orders for industrial establishments in coal mines. It has the similar provisions and procedures to deal with cases of Sexual harassment. Order of punishment is to be made after informing the concerned workman in writing about the alleged misconduct. It is necessary to give him an opportunity to explain the allegations made against him. Before dealing with the charges against workman, a departmental enquiry is to be conducted to confirm allegations. There is a provision to suspend workman during the period of enquiry. Right is given to the workman to take the assistance or help of a co-worker during the process of enquiry.

The authority has to keep the records of the departmental in writing. Before imposing the punishment of dismissal, it is necessary to take the approval of the owner or a person representing employer. On the request of the workman, a copy of enquiry proceedings is to be supplied to the workman on the conclusion of the enquiry. While awarding punishment, it is duty of the authority to take into account the gravity of the misconduct, the antecedents of the workman and any other existing mitigating circumstances.

68. Ibid., Section 26.
70. Industrial Employment (Standing Orders) Central Rules, 1946, Schedule 1, Para 14(1).
71. Ibid., Para 14(2).
72. Ibid., Para 14(3).
73. Ibid., Para 14(3B).
74. Ibid., Para 14(3C).
75. Ibid., Para 14(3D).
76. Ibid., Schedule 1A.
77. Ibid., Para 17.
78. Ibid., Para 17(i).
79. Ibid., Para 17(iv).
and guidelines of Supreme Court were implemented to prevent sexual harassment of women at workplaces. It dictates government servant not to indulge in any act of sexual harassment of any women at her workplace. It imposes duty on every government servant who is in-charge of workplace to make efforts and take steps to prevent sexual harassment at such workplace. Under these rules the definition and contents of "Sexual Harassment" includes all unwelcome acts and are the same as in Vishaka case guidelines. The rules provide for constitution of Committee for redressal of the complaints by the victims of sexual harassment. The Committee consists of an officer sufficiently higher in rank who will head the investigation. The findings of Complaints Committee are binding on the disciplinary authority. It has to initiate disciplinary proceedings against employee and such report is a preliminary report under the provisions of the CCS(CCA) Rules, 1965. Another provision was added to implement decision of Medha Kotwal Lele. In this case Supreme Court has directed to treat the report of the Complaints Committee to be an inquiry report and not a preliminary report under the CCS Rules 85. Further, the changes were made regarding the constitution of a Complaints Committee to enquire into complaints of sexual harassment made against officers of the level of Secretary and Additional Secretary to the Government of India. It has provided guidelines for the creation of an appropriate complaints mechanism preferably including women officers so as to ensure time-bound treatment and disposal of complaints of sexual harassment. It stipulates that a woman should head the Complaints Committee and at least half of its member should be women. This Committee should also involve a third party familiar with the issues of sexual harassment. This is done with the intention to prevent the possibility of any undue pressure from senior levels and lend credibility to the investigations. In addition to redressal mechanism it also provides guidelines regarding prevention of sexual harassment of working women at workplace. It is necessary to have in place at all times an effective and adequate Complaints Mechanism for dealing with cases of sexual harassment of working women and to create awareness in this regard, amongst women working there. Complaints mechanism includes a special counselor or other support service to maintain confidentiality. It is obligation on the Complaints Committee to prepare an annual report and action taken by them on the complaints and submit it to the concerned Government department. The employers and person in charge are also under duty to report the compliance with the aforesaid guidelines to the concerned Government department. The employers are directed to ensure that the Complaints Committee shall at all times be in existence. Any changes in its composition should be made promptly and it should be adequately publicized. Such changes should also be posted on the websites of the concerned Ministries/Departments/Offices. The Committee shall meet at least once a quarter, even if there is no live case. It shall review its preparedness to fulfill all requirements of the Vishaka judgment. The Complaints Committee shall follow prescribed procedure and if procedure has not been prescribed for holding inquiry, it shall be conducted in accordance with the procedure laid down in the Central Services (Classification, Control and Appeal) Rules, 1965.

4.3. Central Civil Services (Classification, Control and Appeal) Rules, 1965

These rules are read along with the CCS Rules, 1964 for conducting inquiry or taking disciplinary action against government servant in cases of Sexual Harassment. Under these rules, the disciplinary authority may itself inquire into the truth of any allegations of misbehaviour or misconduct against a Government servant, if in its opinion such grounds exist. It may also appoint an authority to inquire into the truth thereof, under the provisions of the Public Servants (Inquiries) Act, 1850. The Complaints Committee has to follow the prescribed procedure and it is deemed to be the inquiring authority for the purpose of these rules. Any compensation awarded on the recommendation of the Complaints Committee, does not amount to a penalty.

80. Supra note 69.
82. Ibid., Sub-rule 25(A).
83. Ibid., Sub-rule 25(B).
84. Medha Kotwal Lele and others vs Union of India (2012).
85. Supra note 81, Sub-rule 25(C).
86. Ibid., Sub-rule 25(D).
87. Ibid., Sub-rule 25(E).
88. Ibid., Sub-rule 25(D).
89. Ibid., Sub-rule 25(F).
90. Ibid., Sub-rule 25(G).
91. Central Civil Services (Classification, Control and Appeal) Rules, 1965, Rule 14(2).
92. Ibid., Rule 11, item (ix).
4.4. Central Civil Services (Classification, Control and Appeal) Third Amendment Rules, 2014-
After coming into force of the ‘Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013’ [SHWW (PPR) Act], many changes were made in these rules. Definitions of sexual harassment and workplace have been amended to make it similar to and in consonance with this Act. Hence, all provisions related to the procedure to be followed by complaints committee; action to be taken; duties of employer etc. are to be read in service rules as it is mentioned in this Act in addition to the abovementioned The CCS (Conduct) Rules, 1964 and The CCS (CCA) Rules, 1965. All provisions of this Act are mentioned below under [SHWW (PPR) Act], 2013.

4.5. The Central Civil Services (Leave) Rules, 1972-
These rules provide for the grant of leave up to a period of 90 days on the recommendation of the Internal Committee or the Local Committee, to an aggrieved female Government Servant, during the pendency of inquiry under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Such leave under these rules which is granted to the aggrieved female Government Servant is other than the leave ordinarily provided to her and it is not debited against her leave account93.

4.6. University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015-
These are first gender-neutral Regulations to prevent Sexual harassment in higher educational institutions. It imposes responsibility on HEI to publicly notify provisions against sexual harassment, disseminate them, organise training programmes to sensitise them, act decisively against gender based violence, publicly commit to zero tolerance to sexual harassment, display contact details of Internal Complaints Committee, proactively move to curb all forms of sexual harassment, treat it misconduct, monitor the timely submission of reports and prepare an annual status report94. Duty is imposed on every executive authority to constitute Internal Complaints Committee which is to be presided over by woman working at senior level, two faculty members, two non-teaching employees, three students (if matter involves students), and one member from NGO. One half of the members are mandatorily to be women95. If any student is found guilty of sexual harassment, the authority is authorized to withhold privileges of students, suspend or restrict their entry to the campus, expel or strike off name from rolls, or may award any reformatory punishments. Compensation may also be awarded to the aggrieved person according to the gravity of offence96. In respect of any institution that will contravene, or repeatedly fails to comply with obligations and duties, after providing due notice, Commission may remove the name of the institution from the list, or withhold grants, declare it ineligible, recommend withdrawal of affiliation etc97.

V. JUDICIAL DECISIONS (VISHAKA VS. STATE)
It can be inferred from the abovementioned legislations that there was no proper definition of 'Sexual harassment'. In a landmark case of Vishaka98, the Hon'ble Supreme Court has endeavoured to define 'sexual harassment' to prevent sexual harassment of women at workplace. The guidelines laid down by Supreme Court in this case opened the door to amend abovementioned laws, rules and regulations to prevent sexual harassment of women at workplaces. Facts of the Case were that in 1992 one lady named Bhanwari Devi was engaged as sathin (social worker) to prevent the practice of child marriages. In one instance she was successful in preventing child marriage, but she faced heavy resentment and harassment from men of that community. She made complaint against the men to the concerned authorities but no action was taken against them. The men did not stop here and gang raped Bhanwari in revenge to the prevention of child marriage and complaint.

It is only one incident which has come to light at large scale. It was condemned and everyone felt that if no action is taken, the situation will escalate the crimes against women at workplaces. Hence, PIL was filed as class action by Vishakha and other women groups against State of Rajasthan and Union of India, before Supreme Court of India. The aim of the litigation was to direct attention towards such societal deviations. The main grounds of challenge were:

94. University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015, Regulation 3.
95. Ibid., Regulation 4.
96. Ibid., Regulation 10.
97. Ibid., Regulation 12.
98. Supra note 69.
i) sexual harassment be recognised as a violation of women's fundamental right to equality (Article 14, 15)99, the right to life and personal liberty (Article 21)100 and right to practice any profession or to carry out any occupation, trade or business (Article 19(1)(g)101,

ii) all workplaces/establishments/institutions be made accountable and responsible to uphold these rights at workplaces.

While giving due consideration to International Conventions, Protection of Human Rights Act, 1993 and other civil and penal laws in India, Court made note of the fact that there are no adequate provisions for protection of women specifically from sexual harassment at workplaces and enactment of such legislation to protect women from sexual harassment will take considerable time. Hence, finding necessity and expediency, the following guidelines were laid to prevent sexual harassment at workplaces and to be observed by various institutions till new legislation is enacted:

1. Duty of employer: At workplaces, it is duty of the employer or other responsible persons in all institutions to prevent or discourage the sexual harassment activities. Employer shall provide the process for the redressal or prosecution of such acts by taking appropriate steps.

2. Definition of Sexual Harassment: ‘Sexual harassment’ has been defined to include direct or indirect unwelcome sexually determined behaviour which may be physical contact or advances or verbal or non-verbal conduct of sexual nature; insisting for sexual favours; sexually tinted remarks; showing pornography or other acts of similar nature. If such acts are committed at workplaces and victim has a logical apprehension that in her employment such acts are humiliating, they may cause health and safety problems or impose frightening work environment. She may apprehend that if she does not give consent to the objectionable acts, she might face adverse consequences. Such workplaces may be government, public or private institutions and it is irrelevant whether she draws salary or honorarium or works voluntarily. Prejudice may be caused to her if she has reasonable grounds to apprehend that her objection would cause disadvantage in her employment or work.

3. Preventive Steps to be taken: Court has directed employers or persons in charge of work place in every public or private sector to take adequate steps to prevent sexual harassment. They are directed to notify, publish or circulate reasonably, the rules/regulations prohibiting sexual harassment, conduct and discipline rules and mention appropriate penalties in case of violation of such rules. Such rules shall also be mentioned for private employers and include the prohibitions in the standing orders under Industrial Employment (Standing Orders) Act, 1946. It is duty of employer to provide suitable work conditions so that there is no disadvantage to the women in her employment.

4. Criminal proceedings: In addition to the disciplinary proceeding against the offender, complaint can be lodged against him or other criminal proceedings can be initiated against him by the employer under other laws including Indian Penal Code to take appropriate action. During such proceeding, the employer has to ensure that the woman who is victim or the related witnesses shall not be victimised or discriminated for making or supporting such complaint. If needed, the perpetrator or victim can be transferred on the request of the victim.

5. Disciplinary Action: It is mandatory to initiate disciplinary proceeding in accordance with rules against perpetrator if misconduct by him is proved.

6. Complaint Mechanism: It is duty of the employer to develop a proper complaint mechanism to redress the grievances of the women who is victim of sexual harassment. The mechanism should be such that it ensures timely treatment and disposal of complaints. This duty is irrespective of the fact that such conduct of the perpetrator may or may not be an offence under other laws.

7. Complaints Committee: Employer shall form a Complaints Committee to treat complaints effectively. It should consist of at least half of the women members and head of the committee should also be women. A third person like NGO or any other body who deals with the sexual harassment instances should be involved to preclude any apprehension of unjustified influence from senior levels. Special counselor or other support services are to be provided if needed. In all circumstances, confidentiality shall be maintained. It is duty of the Complaints Committee and employers or authorized person, to prepare an annual report of the received, pending and disposed of complaints and action taken by them and submit it to the appropriate government department.

8. Workers Initiative: Employees are given right to raise and discuss the issues of sexual harassment in appropriate forums whenever the meeting of the workers and employers are held.

9. Awareness: Especially female employees are to be made aware of their rights against sexual harassment through various activities and by notifying specific guidelines.

10. Sexual Harassment by outsider: Sexual harassment by third person or outsider shall be prevented at workplaces. It is duty of employer to takes appropriate and reasonable steps to prevent such sexual harassment and provide support to the victim.

100. Supra note 25.
101. Supra note 24.
11. Duty of Governments: Court has imposed duty on Central/State Governments to make and adopt suitable measures to ensure implementation of this order by the employers in private sector as well public sector. It has suggested the Governments to make an effective legislation to curb this menace.

VI. COMPENSATION SCHEME FOR WOMEN VICTIMS
Section 13(3)(ii) of SHWW(PPR) Act, 2013 provides for compensation to victims of sexual harassment at workplace. Other than this, Supreme Court has endeavoured to opine a scheme which provides for compensating women victims/survivors of sexual assault.

6.1. Compensation Scheme for Women Victims/ Survivors of Sexual Assault/ other Crimes – 2018-
Hon,ble Supreme Court of India in Nipun Saxena102 opined this Scheme to compensate “Sexual Assault Victims”. It has directed all the State Governments/UT Administrations to implement this Scheme in their respective territories to benefit victims of sexual harassment. This scheme covers those “Sexual Assault Victims” who are females and who has suffered mental or physical injury or both as a result of sexual offence. It includes the offences under Sections 376 (A) to (E), Sections 354 (A) to (D), and Section 509 of IPC103. A woman victim or her dependent(s) are eligible for grant of compensation under this scheme104. The State Legal Services Authority/District Legal Services Authority are directed to take into consideration the various factors associated to the loss or injury suffered by the victim; gravity of offence; related past or future expenditure incurred on the medical treatment; loss of educational opportunity; loss of employment; etc. while deciding a matter and granting compensation under this Scheme 105.

The victims of sexual harassment are sufficiently covered under this scheme as the definition of "sexual assault victims” includes females who have suffered either mental or physical injury. The consequences of sexual harassment may be so harsh that it not only cause physical or mental injury but may even cause death of the victim. Such consequences definitely affect those who are related to or dependent on victim.

VII. CONCLUSION
The problem of sexual harassment is prevalent throughout world. India has a covered a long journey to legislate on this matter. There are various international treaties and conventions to which it has shown respect and followed the laid guidelines and directions to legislate national laws. Various provisions are present in national legislations but they are not proving sufficient to cope this problem. Supreme Court has endeavoured to help people by filling the gap of unavailability of laws by laying guidelines till new legislation. It laid guidelines to prevent sexual harassment at workplaces, which formed the basis for amendments in conduct rules for government servants, and passing of the Act of 2013 on sexual harassment at workplace. It has also opined schemes to provide compensation to sexual harassment victims. The latest law of 2013 is proving effective tool to deal with problems of sexual harassment at workplaces. On the same lines gender neutral law has been passed to deal with this problem in HEI. It can be concluded that India has designed different laws to combat sexual harassment of different nature, but the problem of non-reporting of instances of sexual harassment continues. This may be due to lack of knowledge of laws and unawareness of rights amongst women and girls.

103. Compensation Scheme for Women Victims/ Survivors of Sexual Assault/ other Crimes - 2018, Section 2(a).
104. Ibid., Section 4.
105. Ibid., Section 8.

VIII. REFERENCES:


INDIAN CASES