

ISSN: 2582 - 2942



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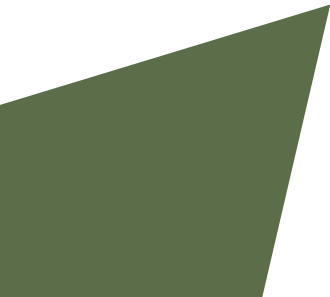
LEGAL JOURNAL

VOL- I ISSUE- V

JUNE 2020

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COVID-19 and Sexual Harassment of Women

Radhika Kheria

ABSTRACT

Sexual harassment at the work may be a manifestation of constituted social organization prevailing within the larger society encouraging power-based discriminatory practices and successively making hostile work environments wherever girls staff are susceptible to expertise harassment and abuse. Economic dependence on the work for his or her sustenance, social perception of obeying the superiors, job insecurity, and spilled over patriarchal biases into the work atmosphere create the ladies' garment staff additional susceptible to become victims of harassment. there's an absence of empirical studies that live the operating conditions and the way it's associated with the thought of harassment and brick behaviors of the victims within the work in the Republic of India. This extends the study into developing the coaching manually to empower girls to be assertive once two-faced with harassment, demand for a secure work through following their factories to ascertain work policies regarding harassment and establish internal complaints committees wherever harassment is often rumored and also the victims are sceptered to approach the interior complaints committee and obtain redressal.

INTRODUCTION

Sexual harassment creates a gross encroachment of women's right to equality and dignity. One of these is workplace sexual harassment, which varies from such harassment, as harmless and trivial. A myth always prevailed that male behaviour "harmful flirting and abusing by males" is what women enjoy. Nevertheless, sexual harassment at the workplace has simulated serious dimensions; women do not report the matter to the concerned authorities in most cases fearing retaliation from the harasser, losing livelihood, being stigmatized, or losing professional standing and reputation. In a society where violence against women, both explicit and exquisite, is borne out of the paternal values, women are forced to attune to conventional gender roles. Workplace sexual harassment, involves serious health, a human, economic and social cost, which signify them in the global development indicator of a nation.

More on, where the country is busy fighting against the pandemic COVID-19 and our doctors are busy finding out the solution for the same and serving the patients by risking their lives and staying away from their families in that scenario instead of thanking these people, some of the psychoneurotic is misbehaving with them roaming with their clothes off in the hospital premises, abusing the doctors, spitting on them (instead of knowing the fact that it can be passed on through physical contact and the droplets of saliva) and misbehaving with female doctors and nurses in any possible way. On one side we are applauding for the doctors, police officials, and every individual who is helping us to fight against pandemic and thanking them and motivating them. On the other hand, psychopaths instead of doing the same they are misbehaving with them and are also violating the laws, rules, and regulations made under **NATIONAL SECURITY ACT, 1980** and moreover also for infringing their basic human rights as mentioned in our **CONSTITUTION OF INDIA,1950** and is punishable under **INDIAN PENAL CODE,1860**.

The people performing this kind of activity did not just ran out of humanity but lost their human ethics, and committing heinous crimes as harassing the women. If our doctors and other dignitaries won't feel safe and this kind of behaviour keeps continuing it is not possible for them to treat the needy patients. Hence, they should be punished under a certain act as per the crimes committed by them.

WHAT IS COVID 19 PANDEMIC?

The disease causes a respiratory illness with manifestations such as cough, fever, and in more serious cases, difficulty in breathing. Coronavirus disease spreads mainly when you come in contact with an infected individual while they cough or sneeze. It even spreads when an individual touch a surface or objects that have the virus on it. As per 06.05.2020 there are 52,468¹ cases in India.

LEGAL ISSUES

As consecrated within the Preamble to the Constitution of India, “equality of standing and opportunity” should be insured for all its citizens; equality of each individual beneath the law is warranted by Article fourteen of the Constitution. a secure geographic point is, therefore, a woman’s right. the basic rights guarantee associate degree individual’s right to equal protection beneath the law, to measure a life free from dogmatism on any ground, and to the protection of life and private liberty. this is often more increased by the global organization Convention on the Elimination of all varieties of Discrimination against girls (CEDAW), this was adopted by the global organization General Assembly in 1979 and is supported by India. Moreover, it's construed as a global bill of rights for ladies, it says for the equality of girls and men in terms of human rights and elementary freedom rights within the political, economic, social, cultural, and civil spheres. It accentuates that injustice and attacks on women’s dignity violate the principle of equality of rights. The harassment of girls at geographic point (Prevention, Prohibition and Redressal) Act, 2013 was enacted to form certain for ladies to feel safe in their space and to setup permissive work environments that acknowledge the women’s right to equality of standing and chance. For sure, the sense of being safe at the geographic point can improve women’s participation in work, leading to their economic authorization and inclusive growth.

CONSTITUTIONAL PRESPECTIVE:

The rights of women have the emanating source in the constitution of India, all Indian laws are emerged from, and clothed with sanctity by constitution. The India constitution guarantees equality of status and opportunity to men and women. The fundamental rights are enshrined in the constitution of India. It must be borne in the mind that when the fundamental rights are infringed, the natural basic human rights, inherent in human beings, are violated.

¹ <https://www.thehindu.com/news/national/>

The relevant Articles of the constitution of India, which bestow legal rights upon women, are:

1. **Article 14:** Confers the equality before law or the equal protection of the law to every person.
2. **Article 15(1):** Prohibits any discrimination on grounds of religion, race, sex, or place of birth.
3. **Article 15(3):** Empowers the state to make any special provision for women and children.
4. **Article 16:** Guarantees equality of opportunity for the citizens in matters which are related to employment or opportunity to any office under the state and forbids the discrimination on the grounds only of inter alia sex.
5. **Article 19: Guarantees the two important freedoms:**
 - i) **Article 19 (1)(a):** Freedom of speech and expression
 - ii) **Article 19(1)(g):** Freedom to practice any profession or to carry out any occupation, trade or business.
6. **Article 21:** Ensures; 'no person shall be deprived of his life or personal liberty except according to procedure established by law'. Women have a right to live a dignified, honourable and peaceful life with liberty.

INDIAN PENAL COURT

The infected individual not following the rules imposed and is outraging the modesty of a woman shall be penalized under the provisions of Indian Penal Code, 1860.

Section 269: Negligent act likely to spread infection of disease dangerous to life, and

Section 270: Malignant act likely to spread infection of disease dangerous to life

These sections says that if an individual neglects or intentionally or malignantly does an act which he knows that is dangerous or may be a reason to increase the infection of the disease then he will be punished with the imprisonment which may extend to 6 months or with fine or may be both.

Section 271: Disobedience to quarantine rule.

Whereas, this section says about not obeying the quarantine rule. Therefore, it says that anyone who intentionally disobeys any of the rules rule made with the aim of quarantining places where an infectious disease prevails from other places, then the individual will be guilty under the provision and will be punished with imprisonment which can be extended to 6 months or with fine or may be both.

Section 294: Obscene acts and songs.

Now taking back to women harassed by these individuals they can be punished under the section 294. The section says that anyone who annoys an individual by signing obscene songs or utters

ballad words or says anything against the dignity of the individual where public free access is allowed will be punished with imprisonment which may extend to 3 months or with fine or may be both.

Section 354: Assault or criminal force to woman with intent to outrage her modesty.

The section directly talks about outraging the modesty of a woman. Therefore, the sections says, that any individual having the intention of assaulting a woman or to outrage her modesty will be punished with imprisonment of which may not be more than one year but can be extended to five years, and can be liable for the fine too.

NATIONAL SECURITY ACT, 1980

Under the National Security Act, an individual can be apprehended without a charge for up to 12 months; the state government needs to be intimated that a person has been detained under the NSA.

An individual apprehended under the National Security Act can be held for 10 days without being told the charges against them. The apprehended individual can appeal before a high court advisory board but they are not allowed a lawyer during the trial. This is an act which is been imposed on the individual when he doesn't obey the national emergency and doesn't follow the rule and risk the security of the nation in any of the matter.

CONCLUSION

It is mandatory for us during this pandemic to stay safe, healthy and be at homes and follow the rules and guidelines made by the government and also show some respect towards the authorities who are serving the nation and the victims of the disease to recover fast. Moreover, we should also not hurt anyone's modesty whether it's a male or female. The people who are still performing these kinds of activities and hurting the modesty of individuals and authorities should punished under certain provisions of particular acts. It's not just the duty of Government to make the state / country free from this pandemic but it is also a duty of citizens of the country to help each other and help the government and the humanity to get rid of this serious health issue of pandemic.