

A study on law protecting women's rights in workplace

¹S.Gokula Krishnan, ²MS.Roja .k

¹Student, BA.LLB (HONS), Saveetha school of law, Saveetha University , Saveetha institute of medical and technical sciences, Chennai, Tamilnadu, India

²Saveetha school of law, Saveetha University , Saveetha institute of medical and technical sciences, Chennai, Tamilnadu, India

¹gokulyellow259@gmail.com, ²Rojak.ssl@saveetha.com

Abstract:

Indian working women have treaded troublesome ways to make their very own position in their work environments. Today, there are ladies achievers in each field. The social reformers of the past had assumed a vital part in spreading training to enable ladies. The Constitution of India has given positive separations to ladies. The Indian State has passed a few laws and actualized arrangements to enhance their condition. Even however, Indian ladies today confront obvious and imperceptible segregations in their way. Working ladies even today have issues in regards to insufficient and unclean toilets, inappropriate behavior in the working environment, hazardous streets, and so forth. This paper tries to paint a photo about the means taken to enhance the state of ladies in the pre-autonomy period, worldwide circumstance, part of the Indian State and the legal and the suggestions which may facilitate a portion of the issues looked by working ladies. Agreed measures have endeavored to limit the hole between the two sexual orientations in the work environment, yet much should be finished. The paper depends on auxiliary sources. India is the biggest popular government on the planet which has confidence in the rule of social equity. It is a welfare State, which tries to give the best administrations to the greatest populace. India is a nation of Catch 22. From one perspective, in India, loving of goddesses is normal; then again, wrongdoing against ladies has spiralled up. The lower status of ladies is clear both in people in general and private spaces. Indian ladies can be known as the biggest subaltern in the Indian culture. They are the biggest minority in the general public. Notwithstanding couple of special cases, Indian ladies opposite Indian men are victimized in the work environment or in the homes. Dissimilarity in the private space is reflected in people in general space moreover. Populace of Indian ladies, as per the 2011 enumeration is 586.5 million. The sex proportion is 940 females to 1000 guys, which involves concern.

Keywords: women, rights, violation, workplace.

INTRODUCTION:

Customarily, in India, women have been related to the private space and the general population space was the chasing ground of men. In extraordinary circumstances, customary Indian ladies treaded into the general population space. The general population/private space has dependably been impacted by male centric socialisation and mastery. (Chari 2009) Though Indian history gives incalculable circumstances, where ladies have assumed critical part in turning the wheels of history, in any case, still, Indian ladies needed to demonstrate on numerous occasions their own particular backbone. They have been pushed to being peasants even in their homes, with respect to accessibility of nourishment, access to instruction, basic leadership rights and so on Situation has gradually enhanced in India with the rising level of training and expanding mindfulness about the need a fair society. Ladies are better set today, in the working environment contrasted with their situation in the prior hundreds of years. Be that as it may, even today, the syndication of positions in government and private areas are kept an eye on by men. There might be some excellent ladies in the best levels, however they are still special cases today. Albeit more ladies are working, they are frequently still more regrettable paid than men, in low maintenance occupations or in the enormous casual business segment with little assurance and few rights. The circumstance isn't entirely different from the worldwide situation, where, even Sheryl Sandberg of Facebook needed to remark that ladies are not making it to the highest point of any calling on the planet. Ladies who are in capable positions frequently discover they confront an every day blast of sexist conduct from men.

The women have been segregated in the nation from time obscure. They have been dealt with in an exceptionally uncalled for way. It is dismal particularly since there are innumerable numerous goddesses revered in this nation. The nation has been endeavoring as far back as the freedom to shield the women from discrimination. The Merriam-Webster Dictionary characterised discrimination as "the act of unjustifiably treating a man or gathering of individuals uniquely in contrast to other individuals or gatherings of individuals." Discrimination strikes at the very heart of being human. It is treating somebody diversely just on account of their identity or what they accept. We as a whole have the privilege to be treat-ed similarly, paying little mind to our race, ethnicity, nationality, class, standing, religion, conviction, sex, dialect, sexual introduction, gender personality, age, health or different status. However very regularly we hear disastrous stories of individuals who languish pitilessness just over having a place with an "alternate" gathering from people with great influence.

Objective:

- 1.To study about the laws and rights implemented to women
- 2.To study about the Violation of women's rights in workplace

Hypothesis:

1. implementation of the acts for Violation of Women's rights is not effective.
2. implementation of the acts for Violation of Women's rights is effective.

Materials and methods:

The method used in this study is doctrinal approach. The data used in this study are secondary collected through journals and articles. There is no primary data used in this research.

Constitutional PROVISIONS

The Constitution of India assumes a pioneer part in shielding the ladies from separation and guaranteeing sexual orientation equity in the present circumstances. One might say that the Constitution being incomparable tradition that must be adhered to fundamentally addresses the inquiries identified with lady and furthermore reacts to the difficulties. The entire lawful framework is to be confined by the arrangements of the Constitution of India. In any case, law alone can't change the general public in a night, yet it will unquestionably bring positive changes and furthermore guarantee that the separated can't be managed in any way at all.

Article 14 of the Act peruses as takes after:

Uniformity under the steady gaze of law-

The State should not deny to any individual uniformity under the steady gaze of the law or the equivalent assurance of the laws inside the domain of In-dia Prohibition of separation on grounds of religion, race, position, sex or place of birth.

Article 14, in this way, not just gives the British idea of balance under the watchful eye of law yet additionally gives rise to insurance of law which is an American idea. The arrangements have wide con-documentations and extremely shield the ladies shape segregation from their partners.

Article 15 peruses as takes after:

Denial of separation on grounds of religion, race, standing, sex or place of birth-

1. The State might not pressurise any national on grounds just of religion, race, standing, sex, place of birth or any of them.
2. No resident might, on grounds just of religion, race, rank, sex, place of birth or any of them, be liable to any disa-bility, risk, confinement or condition as to
3. -access to shops, open eateries, lodgings and castles of open excitement; or
4. -the utilization of wells, tanks, showering ghats, streets and places of open resort kept up completely or incompletely out of State finances or devoted to the utilization of the overall population
5. 3. Nothing in this article might keep the State from making any unique arrangement for ladies and youngsters
6. 4. Nothing in this article or in condition (2) of Article 29 might keep the State from making any exceptional arrangement for the headway of any socially and instructively in reverse classes of nationals or for the Scheduled Castes and the Scheduled Tribes
7. Thus Article 15(1) particularly precludes any sort of discrimination against ladies based on sex, station and so forth and article 15(3) makes extraordinary arrangement for the ladies favouring laws with a specific end goal to shield the ladies and elevate them from such dis-crimination.

THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is an administrative demonstration India that looks to shield ladies from inappropriate behavior at their work environment. It was passed by the Lok Sabha (the low-er place of the Indian Parliament) on 3 September 2012. It was passed by the Rajya Sabha (the upper place of the Indian Parliament) on 26 February 2013. The Bill got the consent of the President on 23 April 2013.. It was accounted for by the Inter-national Labor Organization that not very many Indian bosses were agreeable to this statute. Most Indian boss' have not executed the law notwithstanding the lawful prerequisite that any work environment with in excess of 10 representatives need to implement it. The administration has undermined to make stern move against bosses who neglect to consent to this law.¹⁴

Goals of the Act:

To give security against lewd behavior of ladies at working environment and for the counteractive action and redressal of grumblings of inappropriate behavior and for issues associated therewith or coincidental thereto.

It addresses:

1. Lewd behavior brings about infringement of the crucial privileges of a lady to fairness under articles 14 and 15 of the Constitution of India and her entitlement to life and to live with poise under article 21 of the Constitution and ideal to rehearse any calling or to bear on any occupation, exchange or business which incorporates a privilege to a safe environ-ment free from inappropriate behavior;
2. The assurance against lewd behavior and the privilege to work with nobility are generally perceived human rights by global traditions and instruments, for example, Convention on the Elimination of all Forms of Discrimination against Women, which has been approved on the 25th June, 1993 by the Government of India;
3. To make arrangements for offering impact to the said Convention for insurance of ladies against inappropriate behavior at work environment.

The Maternity Benefit Amendment Act, 2017

Before this, the past Maternity Benefit Act was passed in 1961. Just as of late a year ago did this new Amendment to this demonstration came into put. The change has extended the term of the leave as well as rather has moreover provoked the introduction of various new arrangements. A segment of the key game plans in the changed Maternity advantage act are:

The maternity leave after the amendment has been raised from the present 12 weeks to 26 weeks. Pre-natal leave has similarly been expanded from a month and a half to 2 months. Be that as it may, a woman with successfully no less than two children is met all requirements for 12 weeks' maternity clear out. The pre-birth leave, for this circumstance, remains a month and a half.

The adjustment has in like manner widened the benefit of the old speak to strong mothers. A leave time of 12 weeks will be permitted to a woman who has received a kid more youthful than three months. An

approving mother is moreover fit the bill for a 12-week leave from the date the adolescent is offered over to her. An approving mother is described as an "Organic mother who uses her egg to make an embryo installed in some other woman" (the woman who delivers the adolescent is called host or surrogate mother).

The Act has now made it important for organizations to teach a female representative of her rights under the Act at the season of arrangement. The information must be given in composed and in electronic shape (email).

Female government workers are fit the bill for maternity leave for a period of 180 days for their underlying two live imagined kids.

The new demonstration has furthermore displayed the decision of working from home/telecommute for new mothers. Women could hone this game plan after the culmination of the 26 weeks leave period. Dependent upon work, women agents may have the ability to benefit this favorable position on terms that are regularly agreed with the business.

Crèche office has been rolled out required under the improvement for every establishment using no less than 50 delegates. Women specialists would be permitted to visit the crèche 4 times in the midst of the day.

The old Maternity Act, in spite of its reality, was not ready to give adequate leave for new mothers. Women expected to fight to get from the most recent applicable purpose of enthusiasm, with various leaving their employments. Execution issues are one of the various issues that women face when they join work too soon. Along these lines, it was about time women were given the points of interest they required. The new demonstration won't simply emphatically influence working women, it will in like manner provoke a more profitable and peppy work culture.

The Sexual Harassment of Women at Workplace act, 2013

Inappropriate behavior at work isn't exceptional and we go over different cases managing provocation in the work environment. India at long last instituted its law on counteractive action of inappropriate behavior against female representatives at the work environment in 2013. The statute was authorized just about 16 years after the milestone judgment of the Supreme Court of India, in the matter of Vishaka and

others v. Province of Rajasthan ("Vishaka Judgment"). The Vishaka Judgment set down rules making it compulsory for each business to give an instrument to review grievances relating to lewd behavior at work and authorize the privilege to sexual orientation uniformity of working ladies ("Guidelines"). Till the establishment of the Sexual Harassment Act, associations were required to take after the Guidelines, yet in many cases, they missed the mark. The authorization of the lewd behavior act has conveyed the truly necessary help to the ladies workforce.

The meaning of inappropriate behavior in the Sexual Harassment Act is in accordance with the Supreme Court's definition in the Vishaka Judgment and incorporates any unwelcome sexually decided conduct (regardless of whether straightforwardly or by suggestion, for example,

- physical contact and advances,
- request or demand for sexual favors,
- sexually shaded comments,
- indicating obscenity,
- or on the other hand some other unwelcome physical, verbal or non-verbal direct of sexual nature.

Aside from managing inappropriate behavior protestations, a business has extra commitments in the idea of: giving a protected workplace, show obviously at the work environment, the corrective results of enjoying acts that may constitute inappropriate behavior and the arrangement of the Internal Complaints Committee (ICC),

sort out workshops and mindfulness programs at standard interims for sharpening representatives on the issues and ramifications of lewd behavior in the working environment and arranging introduction programs for individuals from the ICC,

regard inappropriate behavior as a wrongdoing under the administration principles and start activity for unfortunate behavior.

. The Factories Act, 1948 ("Factories Act")

The Factories Act is an enactment to secure to the laborers utilized in an industrial facility, wellbeing, security, welfare, appropriate working hours, leave and different advantages. The Factories Act goes for shielding laborers utilized in industrial facilities from out of line misuse by their bosses. The Factories Act additionally has select arrangements for ladies specialists.

Working hours for women.

The Factories Act stipulates the working hours for every single grown-up laborer. It likewise accommodates additional time pay to laborers who work past the recommended hours of work.

It likewise contains arrangements relating to interims or rest period amid a working day, week by week off, yearly leaves, and so forth.

By and large, in processing plants, it is watched that work occurs on a move premise, and there are necessities for specialists to work night shifts. In any case, night shifts are required to be on a rotational premise. Further, move timings and hours of work is required to be settled in advance by the administration and showed on the notice leading body of the industrial facility.

No lady laborer might be permitted to work in a processing plant aside from between 6 a.m. also, 7 p.m. The State Governments may by notice fluctuate the cutoff points as set out in this point, however in no condition will ladies representatives be permitted to work between 10 p.m. furthermore, 5 a.m.

The move timing of a lady laborer can't be changed aside from after a week after week occasion or some other occasion. Henceforth, ladies workers are qualified for get no less than a 24-hour see for their day of work timing change.

There are denials for ladies laborers to work in a dangerous occupation, in squeezing cotton where a cotton-opener is grinding away, and breaking points to the most extreme allowable load.

The Factories Act likewise stipulates the businesses utilizing at least 30 ladies laborers to accommodate cheches for offspring of the ladies specialists, matured 6 years and underneath.

The Factories Act in like manner stipulates the organizations using no less than 30 women masters to suit cheches for posterity of the women workers, developed 6 years and underneath.

There are different offices which are required to be given to laborers in a manufacturing plant, for example, washing and showering offices for ladies, toilets (lavatory and urinals isolate for ladies), bathrooms and bottles.

State Governments every once in a while issue notices for altering arrangements of the Factories Act, which would be relevant to specialists in manufacturing plants in that specific State.

Equal Remuneration Act, 1976

The Equal Remuneration Act, 1976 (Act no. 25 of 1976) comprises of three sections. The Act was ordered with the question accommodate measure up to compensation to Men and Women laborers for anticipation of sex victimization ladies in issues of work. The Act was proposed to order by Parliament on twenty seventh year of Republic of India. Article 39 of the Indian Constitution expects State to coordinate its arrangement for securing break even with pay for measure up to work for people. Leader of India proclaimed an Ordinance in such manner on 26th September, 1975. The Act reaches out to entire of India.

Segment 2 accommodates meanings of a few terms including fitting government, manager, laborer, and so forth. Also, Section 3 of the Act accommodates impact of the Act over different laws for the present in drive. To put it plainly, if the some other laws or controls appear to be conflicting with the arrangements of this Act, the arrangements of this Act should just survive.

Section II of the Act is particularly critical so far as it identifies with Equal compensation to people specialist and applicable issues. Area 4 of the Act bits for obligation of Employer not to pay any compensation to any specialist not as much as those which are paid to the laborer of inverse sex for comparable nature of work performed by him. Area 5 of the Act precludes separation in enlisting people specialist for the comparative idea of work. Notwithstanding, such separation must be made when there is forbiddance or limitation under any law as to work of ladies on any work.

Area 6 of the Act makes arrangements as to advancement of ladies by giving them expanding work openings. Segment bits for constitution of Advisory Committees to educate Government with respect to broaden concerning number of ladies laborers in foundations. Area 7 of the Act engages Government as to arrangement of Authorities for managing cases and objections. Additionally sub segments managed powers, methods, and so forth of such Authorities in managing such dissension or cases.

Presently, Chapter III of the Act managed various arrangements. Moreover Section 8 of the Act managed obligation of Employers to keep up registers or different reports identifying with specialists utilized under them. Segment 9 of the Act engages Government as to arrangement of Inspectors for examining consistence of arrangements of this Act and Rules if any by managers.

Segment 10 of the Act makes corrective arrangements, where any business is in default in accomplishing something required under the Act, ought to be obligated under the Act for correctional activities against him. Such activities incorporate detainment and fine. Further, Section 11 of the Act depicts offenses by organizations and people at risk thereto.

The Act was altered by Act of 1987 and Section 12 was substituted as to Cognizance and trail of offenses submitted under this Act. Area indicates that, such awareness or moves could be made by the Courts, just when any grievance is made by fitting government or individual bothered by offense. Further, Section 13 of the Act engages Central Government to make Rules applicable to the reasons for this Act and all the more especially the Section accommodates a rundown of issues where Central Government required to make Rules. Besides, Central Government is additionally enabled under Section 14 of the Act to coordinate State Government on pertinent issues with the end goal of this Act.

Area 16 of the Act engages Government to make affirmation as to any distinctions being carried on in installment of compensations to the people in any foundation in light of factor other than sex or sexual orientation. In addition, in such cases Employer ought not be considered capable under this Act.

The Central Government executed this Act identifying with work being carried on under its circle or expert like, work in Postal Department of India, Railway, and so forth. The Central Government executed this Act at State circle where livelihoods are carried on by State Governments like Traveling, Electricity offices, and so forth where requirement of this Act is finished by authorities of the State Labour Departments.

The Equal Remuneration Rules, 1976 were confined by Central Government on eleventh March, 1976 under the arrangements of this Act. The Rules additionally accommodates dissensions and claims under the Act and furthermore accommodates distinctive structures as example of such grumblings or cases

Constitutional Rights to Women:

The rights and shields cherished in the constitution for ladies in India are recorded underneath:

1. The state shouldn't discriminate against any citizen of India on the ground of sex article 15(1)
2. The state is empowered to make any special provision for women. As it were, this arrangement empowers the state to make positive segregation for ladies [Article 15(3)].No citizen shall be discriminated against or be ineligible for any employment or office under the state on the ground of sex Article 16(2)
3. Traffic in human beings and forced labour are prohibited [Article 23(1)].
4. The state to secure for men and women equally the right to an adequate means of livelihood this comes under the Article 39(a)
5. The state to secure equal pay for equal work for both Indian men and women [Article 39(d)].
6. The state is required to guarantee that the wellbeing and quality of women labourers are not manhandled and that they are not constrained by monetary need to enter side interests unsuited to their quality [Article 39(e)].
7. It shall be the duty of every citizen of India to renounce practices in low expressive opinion to the dignity of women [Article 51-A(e)].
9. One-third of the aggregate number of workplaces of chairpersons in the Panchayats at each level might be held for women [Article 243-D(4)].
10. One-third of the total number of seats to be filled by direct election in every Municipality shall be reserved for women [Article 243-T(3)].
11. The workplaces of chairpersons in the Municipalities should be saved for women in such way as the State Legislature may give Article 243-T(4)

Legal Rights to Women:

These are some of the rights and safeguards for women:

1. Protection of women from domestic violence act (2005) is a comprehensive legislation to protect women in India from all forms of domestic violence.
2. Immoral traffic (prevention)act 1956 prevents trafficking in women and girls for the purpose of prostitution as an organised means of living.
3. Commission of sati (prevention)act 1987 provides for the more effective prevention of the commission of sati and its glorification on women.
4. Dowry prohibition act 1961 prohibits the giving or taking of dowry at or before or any time after the marriage from women.
5. Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (1994) prohibits sex selection before or after conception and prevents the misuse of pre-natal diagnostic techniques for sex determination leading to female foeticide.

6. Equal Remuneration Act (1976) provides for payment of equal remuneration to both men and women workers for same work or work of a similar nature. It prevents discrimination on the basis of sex, against women in recruitment and service conditions.

7. Dissolution of Muslim Marriages Act (1939) grants a Muslim wife the right to seek the dissolution of her marriage.

SUGGESTIONS:

The ACLU attempts to guarantee that all ladies—particularly those confronting meeting types of separation—have break even with access to business free from sexual orientation segregation, including separation in view of sex generalizations, pregnancy, and child rearing; separation as boundaries to working in fields from which ladies have customarily been prohibited; and the fundamental underestimating of work customarily performed by ladies.

Despite the fact that pregnancy separation has for some time been unlawful, specialists who are pregnant or breastfeeding are regularly terminated or pushed out of the working environment. This training is established in the generalization that ladies ought to be moms, not laborers, and it is strengthened by working environment approaches

Conclusion:

The idea of human rights has expected significance comprehensively amid the previous couple of decades. As far back as the decree of the general statement of human rights, the term human right has picked up money. Human rights have been said to be those base rights, which each individual must have against the state or other open specialist by prudence of his being an 'individual from human family', regardless of some other thought. These human rights have been abused by treacherous demonstration of individual as well as by crooked national and global structures. We are seeing such infringement day by day. These infringement are created particularly against ladies, poor, minorities and different powerless classes in the general public. Ladies thought to be the weaker segment of the general public, are more defenseless against such infringement. Most social orders presently have laws against separation, yet women's activists and ladies all in all have discovered that having laws against segregation does not wipe out the concealment of human rights looked by ladies. It completes tend to make it imperceptible or if nothing else secret. In a world racked by viciousness, lady confront assault, sex related premature births, share manhandle, fault for not bearing youngster, spouse battering and remorselessness against wife, infidelity, prostitution, eve-prodding. Different types of torment as abusive behavior at home and outside the space of house and murder of lady by her significant other or her in laws from one perspective inside

the four dividers of the home and by the police or official expert and different people then again either at working environment or generally however outside the home. Bangles, which are synonymous with ladies, have been frequently utilized as a representation for shackles in women's activist writing, as well as something else. Sex disparity has been a common condition in all societies outperforming every single other separation. Male closed-mindedness as a perspective is so very much disseminated that sex generalizations and sexism exist even in urban subcultures similarly as it does, all the more in this way, obviously in rustic, simple societies. Sex progression have to a great extent been developed by straightforward polarities between the genders and its related items and practices. From ancestral to agrarian to mechanical social orders to composed states the division of work has fundamentally originated from physiological contrasts between the genders, prompting the power resting with the men, bringing about the set up sexual orientation pecking orders. We have been talented with a background marked by separation, oppression and concealment. In India, it is trusted that ladies delighted in an equivalent status as men in the Vedic Period. The training of ladies held impressive importance, particularly from works of katayana and patanjali, The Upanishadas and the Vedas have referred to ladies sages and soothsayers. Be that as it may, the condition declined extensively a short time later. Chronicled practices, for example, Sati, Jauhar, Purdah and Devdasis, tyke marriage, are a couple of conventions intelligent of the sexual orientation awkwardness in Indian culture. Despite the fact that these practices are to a great extent dead now, because of legitimate change, the embodiment of the broken sex value still is wild and showed today through aggressive behavior at home, trafficking, settlement passings, female child murder, female feticide, sexual externalization and viciousness and lewd behavior at work put. Man and lady are a balance of mankind having meet nobility and social and religious status. Savagery against ladies is an issue far and wide. It influences ladies of all races, ethnic gatherings, classes and nationalities. It is a perilous issue for singular ladies and a difficult issue for social orders. In numerous nations, ladies succumb to conventional practices that damage their human rights. Savagery influences the lives of a great many ladies worldwide in all financial and instructive classes. It cuts crosswise over social and religious boundaries, obstructing the privilege of ladies to partake completely in the public arena. Brutality against ladies takes a disheartening assortment of structures, from household manhandle to assault, to kid relational unions and to female circumcision. All are infringement of the most basic human rights. For the liberation of ladies in each field, financial freedom is of fundamental Importance. Alongside financial freedom, meet accentuation should likewise be laid on the aggregate advancement of ladies making mindfulness among them about their rights and obligations - the acknowledgment of their imperative part and the work they do at home. On the off chance that essential, another social framework must be developed. The general public must react and change its state of mind. Significant medical procedure is required and not just corrective changes. Once there is accentuation on add up to

advancement of ladies in all regards, strengthening would naturally take after. Arousing of the aggregate cognizance is the need of the day. Change of heart and state of mind is what is required.

"The obvious the truth is that the fate of advancement of society lies later on of ladies similarly with men. Never has it been more obvious that ladies' issue can not be compartmentalized and separated as auxiliary issues being developed".

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