

WORKPLACE VIOLENCE AGAINST WOMEN IN WEST BENGAL

Dr. Pankaj Kumar

Assistant Professor

Dept. of Sociology

Asansol Girl's College,

Paschim Burdwan (W.B.)

Email: pankajhlc@gmail.com

Abstract:

The United Nations defines violence against women as “any act of gender-based violence that causes, or likely leads to, physical, sexual, or psychological harm or suffering to women, including threats of such actions, coercion, or arbitrary deprivation of liberty, occurring in either public or private settings.” Violence toward women is firmly rooted in traditional Indian culture, frequently accepted as normal from an early age. Despite heightened awareness and initiatives by the government and NGOs since the Beijing World Conference, this problem continues and even deteriorates, underscoring the necessity for more effective solutions. Violence toward women in India is a major problem that impacts not just the welfare of women but also the nation's economic development. It appears in several ways, such as verbal mistreatment, physical harm, sexual violence, and even homicide, emphasizing the necessity for immediate focus and intervention. Workplace violence includes various actions, such as: a) Physical attacks b) Bullying c) Violent threats d) Disturbing conduct. Such events may take place at the work site and affect employee safety and health. This paper emphasizes the horrific rape and murder at West Bengal's RG Kar Medical College.

Keywords:

Gender Violence, sexual harassment in the working workplace, Investigating agencies, evidence and protest movement.

Reference to this paper
should be made as follows:

Received: 06.02.2025

Approved: 10.06.2025

Dr. Pankaj Kumar

*WORKPLACE VIOLENCE AGAINST
WOMEN IN WEST BENGAL*

*RJPSSs 2025, Vol. LI,
No. 1, pp. 013-024
Article No. 02*

Similarity Check: 8%

Online available at:

*[https://anubooks.com/journal-
volume/rjpss-vol-li-no1-june-
2025-254](https://anubooks.com/journal-volume/rjpss-vol-li-no1-june-2025-254)*

DOI: *[https://doi.org/10.31995/
rjpss.2025v51i01.02](https://doi.org/10.31995/rjpss.2025v51i01.02)*

Introduction

Gender injustice is a pervasive issue that affects women's lives, stemming from societal structures, cultural norms, and unequal power dynamics. Women's status is shaped by factors like tradition, education, and economic development, influencing their autonomy and decision-making opportunities. Iris Marion Young finds gender injustice is primarily located in domination and oppression (Iris, 1990) The status of women in society is directly linked to social and cultural tradition, stages of economic development, educational level, attitude of the society towards women, social and religious taboos women's own awareness and political attainments for women in society. Such factors affect the national and regional character of the status of women. Men and women are not treated equally in Indian society, although they share the equal space. The status of women refers to the position of women in society in relation to men. The status of women has two dimensions (a) the extent of control enjoyed by women over their lives and (b) the extent to which they have access to the decision-making process and are effectively in positions of power and authority (jiho,2010).

Violence against Women

Violence against women is persistent due to deep-rooted discrimination, denying them equal rights and opportunities. To address crime against women, strict enforcement of laws protecting women and promoting equality is crucial. Additionally, changing social attitudes toward women and promoting equality through media can help raise awareness and improve the situation. Women's societal status is influenced by a complex interplay of factors, including cultural norms, economic conditions, education, and societal attitudes, ultimately impacting their autonomy and position relative to men.

To achieve equality, women need a comprehensive approach that includes-

- Large scale education
- Self-employment opportunities
- Support for women's organization

Empowerment requires-

- Distinct ideology and strategies
- Mobilization against violence and oppression
- Equal rights and opportunities
- Control over earning

Feminism represents awareness of oppression and a willingness to challenge subjugation, focusing on equalizing access to resources like education, employment, and healthcare. A holistic and constructive effort is necessary for women's emancipation and empowerment.

A number of strategies have been proposed and implemented by the government of India to address the problems of women. Mere laws and piecemeal approaches to the development of women cannot ensure an equal status for women unless a multipronged and an integrated approach is adopted through which large-scale education, opportunities for self-employment and facilities for consolidating themselves into women's organizations are provided. Women can make a mark in society only when they emerge as a powerful community with distinct ideologies, philosophies and strategies to face the challenges of the life.

Sexual violence

Sexual violence is a serious issue that involves using sex as a means to exert power and control over another person, causing physical and emotional harm. It's a violation of human rights and can have long-lasting effects on the victim. It encompasses physical or psychological harm through sexual means, targeting an individual's sexuality. It's a harsh reality affecting women's lives, violating human dignity and rights. Sexual violence can affect anyone, regardless of sexual orientation. However, women are disproportionately affected due to societal inequalities and power imbalances, making them more vulnerable to such violence. Sexual violence stems from societal power imbalances between men and women, perpetuated by deeply ingrained gender norms and expectations. These norms can contribute to a culture that enables and normalizes violence. Sex refers to biological differences, while gender encompasses social roles and expectations. Traditional gender roles often dictate women perform domestic and caregiving tasks, limiting their opportunities and autonomy. Traditional gender roles often expect women to be submissive, patient, and servile. This patriarchal structure perpetuates discrimination and violence against women, reflecting a broader societal issue of inequality and oppression.

Sexual harassment at work is a growing concern in India. Many women hesitate to report incidents due to fear of repercussions on their job, leading to underreporting and silent suffering. Sexual harassment at work affects many women, with mental and physical harassment and gender discrimination being common forms. This highlights the need for safe and supportive work environments. According to India's constitution, sexual harassment infringes on the fundamental right of a woman to gender equality under Article 14 of the Constitution of India and her right to life and live with dignity under Article 21 of the Constitution.

Quid pro quo sexual harassment

Quid pro quo harassment involves conditioning job benefits on submission to unwelcome sexual advances, such as:

1. Promising rewards for accepting sexual favors
2. Threatening negative consequences for refusing

This type of harassment is unlawful and violates workplace rights. Quid pro quo harassment includes situations where an employee's job evaluation, opportunities, or benefits are contingent upon submitting to unwelcome sexual conduct. This type of harassment is illegal, regardless of whether the victim:

1. Resists and faces consequences
2. Submits to avoid harm

Both scenarios constitute unlawful quid pro quo harassment.

Role of Investigating Agencies

The investigation into the RG Kar Medical College case has raised concerns about the police's role, including:

1. Delayed FIR filing
2. Potential evidence destruction by the college administration
3. Rushed cremation with alleged police pressure
4. Claims of police offering money to the victim's family for a quick cremation

These factors have led to questions about the impartiality and thoroughness of the investigation.

The lawyer's concerns about the post-mortem process include:

1. Timing of the post-mortem
2. Initial refusal by doctors to conduct the process
3. Police's urgency in ordering the post-mortem despite doctors' reluctance

These concerns raise questions about the investigation's handling and potential procedural irregularities (TOI, 2024:6).

As per SOP for Investigation and Prosecution of Rape against Women by the Ministry of Home Affairs(MHA)

Investigation

Investigating Officer

- As far as possible, investigation of crimes against women shall be conducted by a woman officer. Whenever necessary, an investigation team should be formed, consisting of three to four experienced police personnel of whom one should be designated as the Chief I.O.
- There should be, at least, one lady officer in the team. Rape cases should usually be investigated by a senior and experienced police officer as far as possible, it being a grave offense.

Collection of evidence

Scene of crime

- Inspection and collection of valuable clues from the scene of crime plays a vital role in the successful investigation and prosecution of a case and it shall be the foremost duty of the I.O. to safeguard the scene of crime, so that the available clues are not disturbed.
- The scene of the crime should be thoroughly inspected clockwise and every effort made to collect as much evidence from the spot as possible.
- Scientific Teams must be summoned to lift fingers/footprints and other relevant items, including hair, blood, semen, body fluids, ornaments, etc. Found at the spot.

The scene of the crime should be photographed from all angles.

- As the 'Spot Map' of the place of occurrence is an important document, it must be drawn properly, indicating distance between the items found at the spot. The position of witnesses, if any, must be shown.
- Chain of exhibits and its integrity should be given paramount importance.

If teeth and bite marks have been detected, then the accused should be taken to a dental expert for relevant examination.

Electronic evidence

- Electronic evidence is available in many forms such as CCTV footage, phone call details, etc., and it would be useful to collect all available electronic evidence. CCTV footage is especially useful and I.O. must collect all CCTV footage, whenever available.
- Focus should be on collecting primary evidence. Instead of the footage alone, the hard disk and relevant memory disks should also be collected. For reference on primary and secondary evidence, Section 63 of the Indian Evidence Act should be referred to.

Proof of electronic evidence

- Electronic evidence would need to be proven in the manner prescribed under section 65-B of the Indian Evidence Act.

The CBI used advanced 3D technology to reconstruct the crime scene in the seminar hall where the body was found on August 9.

Forensic science plays a significant role in crime scene analysis and other evidence collection (such as clothes, cigarette butts, blood, semen, hair, etc.) to scientifically establish the accused's guilt. In rape and murder cases, DNA tests confirm the victim's identity. It provides certain evidence that is helpful in the speedy

investigation and conclusion of a trial. However, it is not a foolproof science and it has certain limitations.

The Supreme Court inquired about PRB Form No 54 –Vide Rule 282, WB Form No. 5371. This form used by Bengal police is very detailed with 10 separate vertical columns, the last three of which ask the investigating officers to detail the marks of injuries, the cause of death(if it is known till then) and remarks noting which clothes and articles were being sent with the body. This form is missing in the CBI report which is submitted in SC(TOI:11).

Hiding the Identity of Rape Victims

In India, rape victims often face social stigma and negative consequences, including:

1. Social ostracism
2. Victim-blaming
3. Loss of reputation and dignity

Revealing a victim's name can exacerbate these issues, potentially deterring victims from reporting crimes. Anonymity can help protect their identity and dignity(**Tanishka Tiwari**).

In India's patriarchal society, rape victims often face severe social repercussions, including stigma and victim-blaming. The question of whether to disclose a victim's name raises concerns about:

1. Protecting the victim's dignity and privacy
2. Ensuring a fair trial
3. Balancing public interest with potential harm to the victim

Keeping the victim's name confidential can help mitigate these issues.

The law aims to protect rape victims' identities to prevent:

1. Hostile discrimination
2. Social ostracism
3. Harassment

The Supreme Court has emphasized the importance of maintaining confidentiality to safeguard victims' dignity and rights. The Chief Justice of India DY Chandrachud on 20th August 2024 flagged the fact that the identity of the victim of rape and murder at RG Kar Medical College and Hospital had been rampantly shared across the nation. It is to be noted that sharing the details of rape or any sexual assault victims is illegal under the law. Disclosing the identity of a sexual assault victim is a criminal offense. According to Section 72 of Bharatiya Nyaya Sanhita anyone who prints or publishes the name or any information that could

reveal the identity of a victim of offences like rape or sexual assault could be punished with imprisonment for up to two years.

Information Technology Act, 2000

The Information Technology Act 2000 provides a framework to address issues like revealing a victim's identity. Concerns arise when news outlets and social media platforms compromise a victim's privacy. To balance free speech with protection, potential solutions include requiring disclaimers and obtaining consent before sharing sensitive information. Key issues involve:

1. Protecting victim privacy
2. Balancing free speech and protection
3. Regulating social media and news outlets

People's protest movement

The rape and murder of a junior doctor in Kolkata sparked widespread protests and outrage, with women organizing a "Reclaim the Night" march to demand justice and challenge patriarchal attitudes, joining forces with medical professionals, political parties, and citizens across the city. Key Development-

- Arrests and Investigation: A civic volunteer, Sanjoy Roy, was arrested and later convicted for the crime, receiving life imprisonment. The Central Bureau of Investigation (CBI) took over the case, citing lack of confidence in the Kolkata Police's investigation.
- Protests and Demands: Medical professionals across India, including resident doctors, went on strike, demanding improved security measures and justice for the victim. The protests highlighted concerns about women's safety and sparked debates about the patriarchal mindset.
- National Task Force: The Supreme Court constituted a National Task Force to ensure workplace safety for medical professionals, following the incident.

The movement highlights the importance of:

1. Systemic changes
2. Awareness about women's rights
3. Ensuring safety
4. Promoting equality

This sparks a crucial conversation about creating a more just and equitable society. This movement got massive support from all sections of society, people demonstrated of National Flag and without party banners, have defied even the organizer's expectations and were fuelled by a variety of factors, many of them in

use hereby citizen organizers on such a massive scale for the first time. It is spontaneous, peaceful and apolitical which makes it different from other mass movement. Some protester said they needed the safety and protection of their daughters. Social media platforms like WhatsApp, Facebook and Twitter which help people to mobilize in large numbers, they also help organizers to reach out and connect with people. This movement has been able to channel the masses inner anger. One of the reasons for the persistence of this movement is an apolitical, non-violence movement with participation from all walks of life and it also shows broader discontent with the process of institutionalized governance and traditional patriarchal attitude. People demand justice for the victims who were victims of system at RG Kar Medical College. This movement tries to keep pressure on the system so that victims can get justice in due time. People's slogan in the protest movement is "Hang the Rapist" and "We Want Justice". People chanted throughout Bengal "We want justice in all forms". Prof, Biswajit Ghosh Ex –VC, BU said other factors are also responsible for people's anger like

- Disjunctions between promises and performances.
- Mismatch between false official claims and ground reality.
- Development of Underdevelopment.
- Rising Inequality and Social Exclusion.
- Uncontrolled inflation and high cost of living.
- Democratic recession
- Pathologies of development.
- Social Media Amplification.
- Rising unemployment and declining quality of life.
- Rising aspiration amidst limited opportunities.
- Anxiety and insecurity of a 'Risk Society'

The West Bengal unit of the Indian Medical Association (IMA) also expressed disappointment with the Supreme Court's order asking the protesting doctors to resume work. We are totally disheartened by the proceedings of the Court and the CBI. No step was taken for a speedy trial to deliver justice to our colleague", it said in a statement on 9th September 24. We were even more disheartened to learn that the Honorable Supreme Court has asked the Junior Doctors who are the forerunners of the protest movement, to return to work by 5 pm on 10th September 2024. The organization said it would stand by the protesting doctors unconditionally in all their future movements (The Hindu,2024:4).

The protest highlights the urgent need for improved safety for women in workplace, urging the Government to enact strict laws to protect healthcare workers and ensure their safety and security. In the wake of the brutal rape and murder of a 31years doctor in R.G. Kar Medical College and Hospital and the doctors protest movement forced the West Bengal’s legislative assembly on September 2, to pass the Aparajita Women and Child (West Bengal Criminal Laws Amendment)Bill, 2024.

Trinamool Rajya Sabha MP Jawahar Sircar formally handed his resignation to Rajya Sabha chairperson and India’s Vice President Jagdeep Dhankhar. He quit politics as a mark of protest against the rape-murder and the government’s handling of the situation. He urges the Chief Minister of West Bengal to “do something to save the state”.

Amid protests over the rape and murder of a trainee doctor at RG Kar Medical College, Junior doctors in Kolkata wrote to President Droupadi Murmu and PM Narendra Modi seeking intervention. They requested an impartial investigation and a fair trial. The letter highlighted their difficulties and called for transparency. On September 12, doctors reached Nabanna but refused talks with CM Mamata Banerjee, demanding live-streaming of proceedings. West Bengal Junior Doctor’s Forum representative Arnab Mukhopadhyay said “This movement is a public movement and we want people to see the discussion between West Bengal Govt. and junior doctor’s representative.

Existing Law

The Vishaka Judgment (1997) was a landmark case in India that addressed workplace sexual harassment. It stemmed from the gang rape of Bhanwari Devi, a Dalit woman working to prevent child marriages in Rajasthan. The Vishaka Judgment (1997) was a pivotal case that:

1. Addressed workplace sexual harassment
2. Recognized sexual harassment as a human rights violation

The Supreme Court established the Vishaka Guidelines to protect women from workplace harassment until specific legislation was enacted.

The Supreme Court acknowledged the lack of legislation and recognized workplace sexual harassment as a human rights violation. The court framed the Vishaka Guidelines, which defined sexual harassment as:

1. Unwelcome physical contact or advances
2. Demands for sexual favors
3. Sexually colored remarks

4. Showing pornography
5. Other unwelcome physical, verbal, or non-verbal conduct of a sexual nature

These guidelines, based on the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), were made mandatory for organizations until specific legislation was

POSH (Prevention of Sexual Harassment) at the workplace

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, or POSH Act, is a law that protects women from sexual harassment in the workplace.

Key aspects include:

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act aims to protect women from sexual harassment and provide a redressal mechanism for complaints. The Sexual Harassment of Women at Workplace Act protects women from harassment and provides a complaint redressal mechanism. It defines the workplace broadly, covering various settings, and outlines forms of sexual harassment. Key aspects include:

1. Employee: Includes regular, temporary, contract, and voluntary workers.
2. Employer: Covers government, private, and non-governmental organizations.
3. Workplace: Encompasses various settings, including offices, hospitals, sports institutes, and dwelling places.
4. Aggrieved Woman: Any woman who alleges sexual harassment, employed or not.
5. Sexual Harassment: Includes physical contact, demands for sexual favors, sexually colored remarks, and unwelcome conduct.

Key Provisions

1. Internal Complaints Committee (ICC): Mandatory for workplaces to address complaints.
2. Complaint Redressal: Conciliation, investigation, and action against respondents.
3. Action Against Respondents: Includes written apology, warning, reprimand, withholding promotion or pay rise, termination, counseling, or community service.

The Act aims to ensure a safe and respectful work environment, promoting women's participation and empowerment.

Suggestion

To ensure justice for rape victims, several measures are crucial:

1. Timely investigations and trials
2. Specialized fast-track courts for efficient handling
3. Restricting bail and parole for accused to prevent intimidation
4. Swift justice to minimize victim trauma
5. Harsh penalties for perpetrators, especially in heinous cases

These steps can help support victims and hold offenders accountable.

Conclusion

Women in India still face widespread violence, neglect, and exploitation, highlighting the need for greater efforts to ensure their rights to security, dignity, and equality are truly protected and meaningful. To effectively address sexual harassment in India, it's essential to acknowledge societal challenges and promote gender sensitization to create a supportive environment where women feel comfortable reporting incidents.

Laws alone are insufficient to change behavior; societal attitudes, education, and awareness are also crucial for meaningful transformation. Criminals are not born but learn through criminal mindset people and socialization done in particular groups. People's mindsets and attitudes should be changed regarding women, without changing mindsets, simply laws can't eradicate rapists from society. Socialization of males regarding women should be given priority since childhood and teach them to respect womenfolk in their family then only society's attitude towards women can be changed. In some of the cases we have seen rapists kill victims to hide evidence which helps perpetrator to evade the consequences of laws. In these circumstances positive socialization which encourages society to respect women which can stop criminal activities against womenfolk in families and in Indian society. Moral values should be taught to young people. Political parties should socialize their activist, cadres and sympathizers to respect women members and give more space to women in political activities. Lawyers should be sensitized regarding rape victims as they are defending perpetrators in the courtroom. Indian society should dismantle deep-rooted patriarchy.

It is embarrassing to see that rape as a heinous crime did not reduce despite the "Nirbhaya case" verdict. All stakeholders of society should treat women with respect not as a commodity and only justice can be done. Basic rights can be given to women when they can work without fear and exploitation at workplace. Justice delayed is justice denied, in Abhaya's case justice should be given in time time-bound manner. Gender inequality is deeply rooted in India's policies, laws, and

societal institutions, requiring a shift in mindset, attitudes, and perceptions to address the challenges women face, beyond just legal solutions.

References:

1. Aneja, Sonia. 2016. Sexual Violence Against Women with Special Reference to Rape Victimization and Judicial Approach in India. <https://shodhganga.inflibnet.ac.in/handle/10603/78428>
2. Kumar, P. and S. Gupta, 2015. *Relocating Women's Equality*, Rawat Publication, Jaipur. Pg. 2
3. Iris Marion Young 1990. Justice and the Politics of Difference extracted in MDA Freeman, Pg. 614-29.
4. Mishra, Preeti. 2015. 'Sexual Harassment of Women at Workplace', in Kumar, P. and S. Gupta, (Edt.) *Relocating Women's Equality*, Rawat Publication, Jaipur. Pg. 143.
5. Tanishka Tiwari, Punishment for disclosing victim name in Sexual Offence Cases, law insider, https://www.lawinsider.in/columns/punishment-for-disclosing-victim-name-in-sexual-offence-cases#google_vignette
6. https://economictimes.indiatimes.com/news/politics-and-nation/names-identities-of-victims-of-rape-and-sexual-assault-not-Supreme-Court,Dec-11,2018,refer-to-be-disclosed-supreme-court/articleshow/67038594.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst
7. <https://www.livemint.com/news/kolkata-rape-case-victims-parents-ac> accessed on 9th September 2024.
8. Times of India, 2024. 'Missing document with case diary may not answer Supreme Court queries', 11th September, Pg. 2.
9. Times of India, 2024. 'Lawyer of accused questions autopsy', 13th September, Pg. 6.
10. Times of India, 2024. 'Victim's parents welcome CM's visit to protest site', 14 September, Pg. 2.
11. Read more at: <https://english.mathrubhumi.com/news/india/kolkata-rape-murder-case-victims-parents-suspects-list-cbi-1.9819861>
12. The Hindu, 2024. Very Disappointing, says protesting doctors after SC asks to resume work, 10th September, Pg. 4.
13. [https://www.mha.gov.in/sites/default/files/2022-12/SOPBPR Dinvestigation of Rape Cases%5B1%5D.pdf](https://www.mha.gov.in/sites/default/files/2022-12/SOPBPR%20Investigation%20of%20Rape%20Cases%5B1%5D.pdf)
14. Zebo, H. 2010. Globalization and the commodification & Women, *Journal of Gender and Global Studies*, 4 (2)Pg. 45-59