

Effectiveness of Indian Laws in Addressing Sexual Harassment Against Women

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Abstract:

Constitutional protections, legislative changes, judicial interventions, and changing understandings of gender justice have all contributed to a dramatic improvement in women's rights and legal protections in India. The legal environment has grown increasingly intricate due to recent reforms in areas like as labour protection, digital regulation, marriage rules, and legislation tackling violence against women. This book delves into the current legal landscape of women's rights in India, specifically looking at topics like new types of sexual harassment and assault, cybercrime, discrimination in the workplace, marital conflicts, reproductive rights, inheritance and property rights, and access to justice. To comprehend the efficacy of Indian law in addressing the evolving social, technical, and economic realities encountered by women, it examines crucial statute provisions, seminal court rulings, constitutional principles, and current legal advancements. Issues of reporting, investigation, institutional responsibility, legal knowledge, and access to remedies are highlighted in particular as part of the implementation gap between legal rights and their practical enforcement. The book delves further into the topic, discussing how various institutions such as workplaces, digital platforms, courts, and law enforcement should work together to ensure women's safety and equality. The book aims to offer a thorough grasp of the advancements, obstacles, and future paths of gender equality and women's rights in India by merging doctrinal legal analysis with modern socio-legal viewpoints.

Keywords: Gender Justice, Indian Law, Constitutional Rights, Sexual Harassment, Violence, Cybercrime, Harassment.

I. INTRODUCTION

Harassment of any kind, including sexual harassment, is an enormous problem that women face everywhere, including the workplace. This remains a major issue in modern society, despite attempts to resolve it. The International Labour Organization found that one-third of women have been the target of sexual harassment on the job. This disturbing number emphasises the importance of paying more attention to this problem, especially now that the #MeToo movement and other recent happenings have thrust sexual harassment into the spotlight. Leering or staring, inappropriate touching, and sexually suggestive statements or jokes are all examples of sexual harassment. It can have serious detrimental effects on women's physical and mental health, and their capacity to be productive and successful in the workplace. Sexual harassment is associated with an increased risk of mental health problems for victims, including anxiety, sadness, and post-traumatic stress disorder (PTSD). Headaches, gastrointestinal issues, and

disturbed sleep patterns are among the physical symptoms that they could encounter. Furthermore, sexual harassment can cause a decline in morale, output, and even termination from employment. When these things happen to women, it can affect their lives and professions for a long time. Many harassed women still don't feel comfortable coming forward, even though it's a severe problem. Reasons for this could include not wanting to face consequences, not having somebody to talk to at work, or just thinking that nobody will care enough to do anything about the problem. This leads to a significant underreporting of sexual harassment incidents and an absence of punishment for those responsible.

The recent high-profile sexual assault cases in India have shed light on the weaknesses of the current legal framework, spurred important social reflection and legislative change, and changed public opinion and practice around sexual violence. The 2012 Delhi gang rape, also known as the Nirbhaya case, is a watershed moment in Indian legal history. The brutal rape and subsequent murder of a young woman on a bus sparked demonstrations across the country, caused a ruckus in parliament, and led to substantial changes to the Indian Penal Code and the Criminal Procedure Code through the Criminal Law (Amendment) Act, 2013. These changes included stricter punishments, a broader definition of rape, and the addition of the crimes of acid attacks and stalking. The Bombay High Court subsequently commuted the sentences to life imprisonment, revealing ongoing judicial discomfort regarding proportionality and policy on sentences. This followed the Shakti Mills gang rape case in Mumbai, which had the first-ever death penalty for repeat offenders imposed under Section 376E of the IPC. Furthermore, other landmark cases like the rape and murder of an eight-year-old girl in Kathua, the rape of a legislator in Unnao, and the gang rape of a nun in Ranaghat have shed light on systemic failures like police collusions and political interference, as well as the suffering of vulnerable sections. As a result, the judiciary and legislature are under pressure to investigate questions of victim protection, witness intimidation, and the need for special courts under the Protection of Children from Sexual Offences (POCSO) Act. In addition, precedent-setting court decisions—like the most recent Supreme Court ruling in support of a visually impaired rape survivor—have brought attention to the importance of disabled women's testimonies and the pressing need for changes to existing procedures. This is a positive step toward victim-friendly justice and a more inclusive judiciary. Taken as a whole, the cases show how past incidents have generated new laws, pushed judges to choose tougher punishments and stronger victim rights, and raised public awareness of systemic gender biases and gaps in responding to sexual abuse.

II. REVIEW OF EXISTING STUDIES

Varnekar, Sunil. (2026). Indian law prohibits, among other things, the abuse, exploitation, and discrimination of women. The Indian legislature has passed several laws protecting women from various types of abuse, including those that occur in the home and on the job. These laws include the dowry prohibition Act of 1961, the protection against domestic violence Act of 2005, and the sexual harassment of women at workplace Act of 2013. The constitution also promises women equality and purity. Additionally, other sections of the Indian Penal Code (IPC) have been amended or introduced to establish criminal penalties for offences such as rape, cruelty to a wife or child, sexual harassment, and acid attacks; these sections are based on sections 498A, 376, 354, and others. Nevertheless, the substantial implementation of these progressive laws is still a challenge. An absence of broad education of women's legal rights is likely the most significant barrier to the effective enforcement of the laws. Not only do women not have the privilege of receiving accurate information about the protection they are granted, but those from rural areas and economically underprivileged backgrounds face it much more acutely. The

victims are uncared for, the criminals are able to evade punishment, and the crime rates are high because of this. Cultural taboos, patriarchal family structures, fear of reprisal, and illiteracy are further obstacles to women's legal literacy. Even if educated women do live in cities, they often lack the practical knowledge necessary to access legal institutions or make effective use of existing remedies. The effectiveness of laws aimed at empowering women has been severely hindered by the disconnection between legal knowledge and actual legal practice. Hence, the purpose of this article is to shed light on the connection between women's legal literacy and the enforcement of gender equality legislation in India. Using empirical data on women's knowledge levels and discussions of the doctrinal features of these laws, this study will attempt to illustrate the value of implementing legal literacy programs and institutional changes that could be utilised to erase this significant gap.

Juneja, Shashi. (2025). As a widespread violation of human dignity and equality, sexual harassment in the workplace is a major problem. Making workplaces safe for employees is essential for women's economic empowerment and social advancement in India, a country where their number in the official sector has been historically low. A landmark in India's dedication to workplace dignity and gender equality, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, or the POSH Act, came into being as a legislative reaction to this pressing issue.

Roselin.V.N, & Rao, B.. (2024). The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (PoSH Act) enacted in India has not eliminated the problem of sexual harassment in the workplace. The prevalence of sexual harassment in Indian workplaces, the efficacy of current legislation in protecting women, and the way in which these laws are essentially useless due to a lack of enforcement are all examined in detail in this article. Despite the fact that the PoSH Act requires the establishment of ICs to address workplace sexual harassment complaints, women are often discouraged from reporting instances because to a lack of knowledge, fear of reprisal, and the pervasive stigma associated with the issue. On top of that, a lot of groups don't care about following the rules, thus it's hard to catch them. But responsibility for harassment is born out of both rules and company culture. Organisations must prioritise preventive measures, provide training on gender sensitisation, establish policies against harassment, and establish avenues for anonymous reporting. Establishing a welcoming and safe work environment requires strong leadership. It goes on to detail the seminal judgements and precedents that shaped India's approach to workplace harassment laws. A call for new policies, the discrepancy between legal expectations and actual enforcement, and the need to bring companies to account. India can move toward more equitable and safe workplaces if it addresses these challenges and promotes a non-tolerance attitude.

Reshi, Mohammad. (2018). Any woman—a bride, a mother, a grandma, or just a girl—could hold the key to her family's future. A girl is essential for a fulfilled life. The rule of law is the codification of norms for social conduct. Crimes against women, including as rape, eve teasing, feminine infanticide, dowry, domestic violence, child marriage, and acid throwing, have persisted since the beginning of human history. The number of reported incidents of sexual harassment in the workplace is rising rapidly in India, even though the country has passed numerous laws meant to prevent it. Without a doubt, it undermines the basic and constitutional rights of women to equality, fairness, and dignity. Starting with how the concept of sexual harassment came to be, the article delves into the many facets connected to the present terrible problem. Furthermore, the article discusses the current state of sexual harassment in the Indian setting and how organisations can help protect the dignity of their female employees, while also mentioning the problems with the current methods. Sexual harassment in the workplace is at a critical point, according to

the report, and organisations and the government must act quickly to address the issue. In order to better protect women from human rights breaches, the human rights framework has evolved and changed to include gender specific aspects. This is due in large part to the efforts of activists, human rights mechanisms, and states. Additionally, there are not many suggestions to address the issue of sexual harassment against women in Indian companies.

Sharma, Prachi et al., (2014). The Verma Report, which outlined strategies to alter criminal laws pertaining to sexual violence, professionalise forensic and medical assessment of victims, and sensitise the public, elected officials, and educational institutions, was largely influenced by the brutal rape that occurred in Delhi on December 16, 2012. The Indian Home Ministry still hasn't done a good job implementing recommendations, and they're still underusing their allocated funds, even after a year. The issue of sexual violence in India is discussed in this article, along with potential solutions and areas where governance mechanisms are lacking.

III. THE CHANGING JUDICIAL LANDSCAPE OF SEXUAL HARASSMENT

Case laws that have contributed to a more complex understanding of sexual harassment charges are the topic of this chapter. In order to better comprehend the evolution of anti-sexual-harassment legislation, this chapter will split the case laws into two distinct time periods. These include -

1. The time before Vishakha Before 1997, there were a number of significant cases that the article will cover.

(i) One of these was the case of Mrs. Rupan Deol Bajaj & Anr vs. Kanwar Pal Singh Gill & Anr, in which a high-ranking police officer was found guilty of engaging in inappropriate behaviour with a woman.

(ii) In Miss Radha Bai vs The Union Territory of Pondicherry, the court compared the testimony of a sexual assault victim to that of a wounded witness, whose account, in the absence of malice, should be accepted in its entirety, provided that the victim in question is an adult and mature individual. The court drew on two prior cases to reach this conclusion.

The Vishakha judgement was preceded by these rulings. These rulings do not establish a new threshold since they are more punitive than reformatory; as a result, they cannot be characterised as groundbreaking.

2. The period following Vishakha In this section, we will go over the most influential case in Indian sexual harassment law, Vishakha V. State of Rajasthan (1997) 6 SCC 241.

(i) This landmark case employed reconstructionist reasoning and drew on international conventions and standards to establish sweeping regulations, or the "Vishakha guidelines," that all organisations, public and private, were required to follow in order to safeguard female employees from harassment claims.

(ii) In the case of Medha Kotwal Lele & Ors versus U.O.I. & Ors, the aggrieved parties could go to the High Courts in their own states if the Supreme Court's recommendations and orders following the Vishakha judgement were not followed. The verdict effectively restated the enforceable nature of the Vishakha judgment's rules and mandated that all institutions, whether public or private, effectively adhere to those guidelines. The significance of the Vishakha ruling was further highlighted by this ruling.

(iii) No investigation into the breach of inherent principles of fairness would be entertained (Prof. Bidyug Chakraborty v. Delhi University & Ors.). Without hearing the defence of the accused, the court would not move on in its pursuit of justice. This demonstrates that in criminal procedures, the rights of the suspect must not be disregarded.

(iv) In the case of A.V. Ramana vs State of Gujarat & others, which took place on August 21, 2013, it was established that Section 306 of the Indian Penal Code can only be invoked in cases where the prosecution

can establish a causal relationship between the defendant's acts and the victim's suicide, specifically through evidence of instigation, incitement, or a deliberate effort to assist and lead the victim to suicide.

IV. KEY LEGAL FRAMEWORK GOVERNING SEXUAL OFFENCES AGAINST WOMEN

1. Constitutional Provisions:

Intersecting assurances of equality, dignity, and state accountability offer a strong framework for tackling sexual offences against women in the Indian Constitution. By forbidding governmental acts that sustain discriminatory practices, Article 14, which enshrines the right to equality and non-arbitrariness, creates a fundamental obligation for gender-sensitive law. *Vishakha v. State of Rajasthan* (1997) is an example of how the judiciary has broadened its authority to reject policies and regulations that facilitate systematic inequality. In that case, the Supreme Court established a relationship between sexual harassment in the workplace and violations of Article 14, Article 15, and Article 21. Affirmative action can address women's historical disadvantages under Article 15(3), an essential enabling element that allows the state to pass gender-specific provisions like the Criminal Law (Amendment) Act, 2013. But critics say the courts are perpetuating stereotypes instead of working toward real equality because they utilise paternalistic ideas of "vulnerability" to interpret this clause. Gender justice, as outlined in Article 39 of the Directive Principles, requires the state to guarantee equal opportunities for livelihood, safe working conditions, and protections from exploitation. Although not legally binding, its concepts have informed legislative initiatives, such as revisions to the Sexual Harassment of Women at Workplace Act, 2013, and court orders requiring gender-sensitive enforcement of laws. Article 14 establishes formal equality; Article 15(3) affirmative action; Article 21 safeguards dignity; and Article 39 empowers socioeconomic status; however, paradoxes like these persist when trying to reconcile protective laws with the goals of transformative equality.

2. Indian Penal Code (IPC), 1860 (Now referred as Bharatiya Nyaya Sanhita (BNS), 2023)

Under Section 375 of the current Indian Penal Code (IPC), which is superseded by the Bharatiya Nyaya Sanhita (BNS), 2023, a thorough legal framework is laid out to criminalise and punish sexual violence against women. This framework includes non-consensual sexual intercourse involving penetration of the vagina, mouth, urethra, or anus through the penis, objects, or any part of the body, or manipulation of any part of the body to enable penetration, especially when committed under duress, fraud, misrepresentation, or against individuals under the age of 18. Offenders in positions of power, such as police officers, public servants, or guardians, or during communal violence, pregnancy, or instances causing grievous bodily harm are subject to aggravated punishments under Section 376, which prescribes harsh punishments such as a minimum of 10 years rigorous imprisonment (extendable to life) for rape and enhanced penalties of 20 years to life imprisonment for offences against minors under the age of 16.

3. Protection of Children from Sexual Offences Act (POCSO), 2012

An important legislative framework in India, the Protection of Children against Sexual Offences Act (POCSO) of 2012 addresses and punishes sexual crimes perpetrated against minors up to the age of eighteen. This legislation fills a significant gap in the previous legal framework, which dealt with sexual crimes mainly against women under the Indian Penal Code of 1860 and its revisions. Although this research paper primarily focuses on sexual crimes against women, it is important to consider POCSO within the larger framework of gender violence. This is because a large number of victims who are under the age of 18 are women, and the Act's provisions often overlap with those that protect women under the

IPC and other local and special laws. In 2012, POCSO outlined a justice system that prioritises children, outlining harsh punishments for various types of sexual abuse (including both penetrative and non-penetrative assault, sexual harassment, and the exploitation of children for pornographic purposes). The report also recommended victim service programs, special inquiry processes, and trials to help lessen the impact of trauma on children.

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

As guaranteed in Articles 14, 15, and 21 of the Constitution of India, the POSH Act, also known as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, seeks to protect women from sexual harassment in the workplace and to fulfill the constitutional mandate to provide equality and dignity. 'Sexual harassment' is defined broadly under Section 2(n) as any unwanted physical, verbal, or non-verbal sexual behaviour, including but not limited to: requests or demands for sexual favours, sexually coloured comments, showing pornography, and any other such behaviour. The Act is applicable all over India and to organised and unorganised sectors, including government, private, and non-governmental organisations, as well as educational and commercial institutions. Section 3(2) of the Act also specifies what constitutes sexual harassment, including but not limited to the following: threats of undesirable consequences, interference with work, the establishment of a physically or emotionally abusive work environment, or humiliation that endangers health or safety. To create a unified system for receiving, investigating, and resolving complaints, the legislative model mandates that businesses with 10 or more employees form an Internal Complaints Committee (ICC), while smaller businesses or those in the unorganised sector are allowed to form Local Complaints Committees (LCC). Along with collecting evidence and making disciplinary action recommendations (such as reprimand, suspension, termination, or even criminal prosecution) the ICC and LCC also have quasi-judicial powers comparable to civil courts.

V. LEGAL FRAMEWORKS AND CHALLENGES ON SEXUAL HARASSMENT AGAINST WOMEN UNDER BHARTIYA NYAYA SANHITA

The Bhartiya Nyaya Sanhita (BNS) is the principal law on criminal crimes in India. It replaced the Indian Penal Code (IPC) of 1860 on December 25, 2023, with the goal of streamlining the sections pertaining to offences and penalties. Major reforms to the penal code have been ushered in by the BNS. One of the penalties for minor infractions is to serve community service for the first time. There has been a precedence for crimes perpetrated against women and children, as well as murder and state-sponsored terrorism. Additionally, the penalties and fines for certain infractions have been appropriately increased. In addition to considering making current laws relevant to the present, the government also considered providing fast justice to the common man. Gender neutrality is one of the new offences that has been created. The protection of children and women against sexual assault and other forms of sexual exploitation is now addressed in BNS's newly added chapter V. The twenty chapters that make up the BNS center on sexual crimes perpetrated against minors and women. As a culture, we take seriously the problem of sexual assaults on children and women. Every day, more and more examples of harassment and rape crop up in our nation. Based on the findings of this study, it is clear that Bharatiya Nyaya Sanhita (BNS) is an important legal framework for dealing with sexual offences, particularly those that violate women. The best way to prevent sexual assault and exploitation of children and women. Additional portions are

included under a BNS. Consolidating offences and lowering the number of sections from 511 to 358 has now simplified the criminal justice system.

To begin, it is common knowledge that acts of violence against women rank among the lowest forms of human depravity. There is a long history of violence against women. In our country, girls and women are born into a social and cultural structure that prioritises males over females, where girls and women are given an undue amount of attention and opportunity. Crimes perpetrated against women are extremely problematic in India for numerous reasons. Reason number one is:

- The ancient mindset's restriction on members of certain families obtaining advanced degrees.
- Inequitable child care and practices in our culture.
- A gender biased education system that prevents girls from getting the education they deserve.
- A system to gather data on criminal surveillance is lacking.
- When it came to family and relationships, men held all the cards.
- Especially between the sexes in different industries.
- When it comes to speaking out about sexual harassment and rape, family pressure is a major factor.
- Violence and the most attractive societies that promote it.
- Working-class and low-income females face unique challenges.
- The marriage of a girl at a young age, whether with or without her permission, is illegal.
- The issue of female genital mutilation, which can cause severe physical pain and even death.
- For a variety of reasons, including but not limited to sexual interactions between partners before marriage, women and girls are killed to protect their families' honour. Cases such as the recent murder of Shraddha Walkar Aaftaab Poonawala, which received a great deal of media attention in Delhi.
- As shown in the recent Vismaya Case in Kerala, the dowry system is still accepted in Indian marriages, which can lead to women being exploited for unwanted sexual relations. Request for sexual favour, verbal harassment Intimidating or Threats. Workplace safety is an issue for women as well. RG KAR Hospital recently handled a rape case in Kolkata.

Offences Against women relating to marriages

One major issue in our society is the practice of dowry death. Twenty women in India die every day as a result of dowry-related violence, which can take many forms, including murder and forced suicide. This trend is particularly troubling in light of recent news reports about the issue.

The crime of "dowry death" occurs when the bride's dissatisfaction with the dowry demands made by the groom and his family members leads to their murder or suicide. The majority of dowry killings involve young women or girls who end their own lives as a result of the sexual abuse, harassment, and torment they endure at the hands of their cash-hungry husbands.

Cultural practices around dowry payments contribute to gender inequality and the high prevalence of dowry violence in India, according to rights groups. Offenders who subject women to life-threatening conditions are now severely punished according to Bhartiya Nyaya Sanhita.

According to Section 80, a woman is considered to have died of "dowry death" if she suffered from burns or other physical harm, or if her death occurs under unusual circumstances within seven years of her marriage, and just before she passed away, she was cruelly or harassed by her husband or his relatives over dowry demands.

Punishment for Dowry Death under BNS: The punishment for dowry murder is life in prison without the possibility of parole, with a minimum sentence of seven years.

VI. CONCLUSION

There must be a solution to the grave problem of sexual harassment of women. We must ensure that everyone is treated with dignity and respect by establishing a safe environment. Disappointingly, discrimination and harassment against women persist. Their emotional and psychological well-being, as well as their productivity on the work, may suffer as a result. In order to make things better, we need to get the word out about this problem and figure out how to stop it from happening again.

To summarise, the pervasiveness of sexual offences against women in India indicates a deep-seated social ill that cannot be remedied just through legal means. Despite significant changes to the Indian Penal Code and victim-centered laws like the POCSO Act and the POSH Act, which were enacted in response to landmark incidents like the 2012 Nirbhaya incident, not all victims have received justice as a result. While there has been a noticeable shift in judicial attitudes toward victim sensitivity and interpretive activism, several problems like as underreporting, delays in procedures, patriarchal biases, and a lack of intersectionality remain. Consistent implementation and systemic changes are behind the progressive rulings of the judiciary, which include Vishaka, Bodhisattwa Gautam, and Independent Thought. Furthermore, stigmatising and victim-blaming social attitudes persist in preventing survivors from gaining access to justice and rehabilitation. Even though it has considerable influence over public opinion, the media is still divided between spreading positive information and sensationalising stories. While the Indian legal system is robust in several respects, comparative studies reveal that it lags behind global standards in others, particularly when it comes to safeguarding survivors, providing adequate institutional support, and defining consent. Legal reforms must be supplemented with gender-sensitized policing, judicial accountability, foolproof victim support, and revolutionary education of society in order to combat sexual violence in India. The only way for India to achieve its goals of a more fair society for women—the dismantling of entrenched patriarchal structures, the enforcement of constitutional pledges of equality and dignity, and so on—is to adopt a strategy that is inclusive, holistic, and rights-oriented.

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