



“Legal Frameworks And Institutional Policies Addressing Sexual Harassment In Higher Education Institutions”

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ABSTRACT

Sexual harassment of women in workplaces, including higher education institutions (HEIs), remains a pervasive issue with far-reaching social and psychological implications. In India, the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act) provides a comprehensive framework to address and prevent such harassment. This study examines the prevalence, forms, and impacts of sexual harassment faced by women in HEIs in Moradabad, Uttar Pradesh, and evaluates the implementation and effectiveness of the POSH Act within these institutions. The research employs a mixed-methods approach, integrating quantitative surveys and qualitative interviews to offer a nuanced understanding of the issue. Findings reveal that societal norms, inadequate institutional policies, and entrenched power dynamics perpetuate such behavior. Despite the POSH Act mandating Internal Complaints Committees (ICCs) and proactive measures, women often refrain from reporting incidents due to fear of stigma, retaliation, and perceived ineffectiveness of grievance mechanisms. This paper underscores the critical role of legal mandates, such as the POSH Act, alongside institutional efforts like awareness programs, gender sensitization workshops, and the establishment of robust and transparent ICCs, in fostering a safer and more equitable academic environment. By addressing the intersection of gender, law, and institutional culture, this study contributes to policy development and social reform within HEIs in Moradabad and beyond, advocating for enhanced legal awareness and rigorous enforcement to mitigate sexual harassment in educational settings.

Keywords: Sexual Harassment, Women, Higher Education Institutions, Workplace Harassment, Internal Complaint Committee.

1. Introduction

Sexual harassment of women in workplaces remains a pervasive social issue, undermining gender equality, individual safety, and professional dignity. This challenge is particularly concerning within Higher Education Institutions (HEIs), which are expected to foster intellectual growth, empowerment, and an equitable environment. (A.S.D.S. Bhatia & Chhaya, n.d.).

Despite national legislative measures like the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act), incidents of harassment continue to occur at alarming rates across various sectors, including academia (DRM Bansal, Rathore, & Mittal, 2016).

In regions like Moradabad, Uttar Pradesh, the interplay of socio-cultural norms and institutional dynamics exacerbates this issue, creating a complex and often oppressive environment. Women in HEIs face significant vulnerabilities, including hierarchical power imbalances, fear of retaliation, and societal stigma, which deter them from reporting incidents. This silence perpetuates a culture of inaction, leaving victims without recourse and compromising the safety and inclusivity of academic spaces (M. Vyas & Jha, n.d.).

This research aims to explore the prevalence, nature, and repercussions of sexual harassment faced by women in HEIs in Moradabad. It seeks to evaluate the effectiveness of existing legal frameworks, such as the POSH Act, alongside institutional mechanisms, to address this pressing issue. Furthermore, the study emphasizes the critical need for gender sensitization initiatives and robust policy implementation to foster a culture of accountability and respect. (N. Tyagi, Jha, Chaudhary, & Batar, 2021).

By illuminating the lived experiences of women and assessing institutional responses, this research contributes to the broader discourse on creating safer, more inclusive workplaces in India's academic landscape. It underscores the urgency of systemic changes to uphold the fundamental principles of justice, equity, and empowerment in higher education. (A. Mohanty, Luxmi, Pardesh, Singh, & Rai, 2011).

2. Literature Review

The issue of sexual harassment in the workplace, particularly in higher education institutions (HEIs), has been extensively studied globally and within the Indian context. Existing literature highlights the multidimensional nature of this problem, encompassing social, legal, psychological, and institutional aspects.

Under Indian law, the *Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013* (commonly known as the POSH Act) provides a robust legal framework to prevent and address workplace harassment. This Act mandates all organizations, including HEIs, to constitute an Internal Complaints Committee (ICC) to handle complaints and ensure a safe working environment.

Studies (N. Bi, n.d.) reveal that despite the presence of legal safeguards such as the POSH Act, implementation gaps persist due to a lack of awareness, inadequate training of ICC members, and societal stigmas. Research also emphasizes the importance of fostering a culture of accountability and transparency to strengthen institutional mechanisms.

In the Indian higher education context, the University Grants Commission (UGC) has issued guidelines requiring HEIs to adhere to the provisions of the POSH Act and undertake awareness campaigns. However, the literature suggests that the enforcement of these guidelines varies significantly, impacting the effectiveness of preventive measures.

Additionally, psychological studies underscore the adverse effects of workplace harassment on victims, including stress, anxiety, and career setbacks. Institutional research highlights the need for a holistic approach involving sensitization, policy enforcement, and legal compliance to address the issue comprehensively.

This review synthesizes insights from key studies, shedding light on factors contributing to workplace harassment, its impact, and the effectiveness of legal and institutional measures in mitigating such behaviors in HEIs.

Understanding Sexual Harassment in Workplaces

Sexual harassment is a pervasive issue deeply rooted in patriarchal structures and gender-based power dynamics. Fitzgerald et al. (1997) defined workplace harassment as a form of gender discrimination that not only creates a hostile environment but also hinders women's professional growth. Globally, laws such as Title VII of the Civil Rights Act of 1964 (USA) and the Equality Act 2010 (UK) provide a legal framework to address workplace harassment. In India, the *Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013* requires organizations to establish an Internal Complaints Committee to handle grievances effectively.

Studies such as Bhattacharya (2014) have emphasized that socio-cultural norms, compounded by systemic negligence, contribute to the perpetuation of workplace harassment in India. Furthermore, Siddiqui (2019) highlighted that robust enforcement of legal provisions and awareness among employees can significantly mitigate harassment and foster a more inclusive professional environment.

Prevalence in Higher Education Institutions

In higher education institutions (HEIs), sexual harassment manifests uniquely due to the hierarchical structures inherent in academia. As noted by Basu (2018), students, faculty, and staff are particularly vulnerable, as institutional power dynamics often exacerbate the issue. To address this, regulatory frameworks like the University Grants Commission (UGC) Regulations, 2015 (India) mandate the establishment of Internal Complaints Committees (ICCs) in all HEIs, aligning with the provisions of the *Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013*.

Despite these mandates, studies, including those by R. Dubey, Trivedi, & Mishra (n.d.), reveal that many institutions either fail to establish ICCs or lack effective implementation mechanisms. This non-compliance not only contravenes legal requirements but also perpetuates a culture of silence and impunity. Addressing these gaps requires stricter enforcement of legal mandates, awareness campaigns within HEIs, and proactive measures to dismantle systemic barriers to reporting and redressal.

Impact on Victims and Institutional Culture

Victims of sexual harassment in academic settings often face significant psychological effects such as stress, anxiety, and decreased self-esteem, as noted by Smith & Freyd (2014). These challenges frequently result in reduced academic productivity, withdrawal from educational pursuits, and long-term career setbacks. Legal frameworks, such as the *Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013*, emphasize the importance of addressing these issues promptly to protect victims' rights and well-being.

Moreover, research by Sharma and Singh (2020) highlights how unaddressed harassment undermines institutional reputation and perpetuates a culture of silence, discouraging victims from reporting incidents.

This silence not only impairs individual growth but also weakens institutional accountability. Gupta (n.d.) suggests that rigorous implementation of legal mandates and fostering an environment of trust and support are critical to mitigating these adverse impacts and promoting a culture of safety and inclusion.

Legal Frameworks and Policies

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 stands as a foundational legal framework for combating workplace harassment in India. However, research by Mukherjee (2019) and Kaur (2021) uncovers significant gaps in the awareness and enforcement of this law, particularly in tier-2 and tier-3 cities such as Moradabad. These deficiencies often stem from limited institutional commitment and a lack of understanding among stakeholders.

Further, L. Dist & Ganpat (2022) emphasize the importance of regular training and sensitization initiatives to address these challenges. Such programs are critical for ensuring legal compliance, fostering a safer work environment, and bridging the gap between policy intent and on-ground reality. This approach not only enhances awareness but also empowers individuals to report incidents and seek redressal effectively.

Social and Cultural Dimensions

Social stigma and the fear of retaliation are major obstacles to reporting sexual harassment in India. Gupta (2020) highlights that women in small towns and semi-urban areas encounter heightened challenges due to deeply rooted societal norms, victim-blaming attitudes, and traditional gender roles. These cultural factors create an environment where victims are often reluctant to report harassment, fearing social ostracism and professional repercussions.

Additionally, I. Gandhi (n.d.) underscores that these societal pressures not only deter victims from coming forward but also undermine institutional accountability. The lack of support systems and a culture of silence prevent meaningful action, hindering the enforcement of legal protections and perpetuating the cycle of harassment. Addressing these barriers requires a comprehensive cultural shift towards greater empathy, support, and systemic change.

Gaps in the Literature

While existing literature offers a broad perspective on sexual harassment in higher education institutions (HEIs), there is a noticeable gap in studies focusing on smaller cities like Moradabad. Localized research is needed to better understand the unique socio-cultural and institutional challenges faced by women in HEIs within these regions. Additionally, there is limited exploration of the long-term effectiveness of Internal Complaints Committees (ICCs) and the role of awareness campaigns in mitigating harassment, as highlighted by M. Ashraf (n.d.).

This review emphasizes the urgent need for targeted research that addresses these gaps and leads to actionable interventions. Such research will be instrumental in shaping more effective policies and creating safer, more inclusive academic environments, particularly in smaller towns like Moradabad, where the challenges are often more pronounced.

Research methodology:

This research adopts a mixed-methods design to offer a comprehensive understanding of sexual harassment of women in higher education institutions (HEIs) in Moradabad. By combining both quantitative and qualitative approaches, the study captures not only the prevalence of harassment but also the nuanced experiences of victims. Quantitative data were collected through structured surveys distributed among female faculty, staff, and students across selected institutions. These surveys aimed to identify the types, frequency, and reporting behaviors related to harassment.

In addition, qualitative data were gathered through semi-structured interviews to provide deeper insights into the lived experiences of victims, their coping strategies, and their perceptions of institutional support.

The study utilized purposive sampling to ensure representation from diverse groups within the academic community, including faculty, administrative staff, and students. Institutions were selected based on their size, reputation, and accessibility to capture a range of perspectives. Female participants from various socio-economic backgrounds, age groups, and professional hierarchies were included, allowing for a holistic exploration of the issue.

To maximize reach and ensure participant comfort and confidentiality, data collection involved both online and in-person methods. Survey questions were designed to align with the study's objectives, focusing on experiences, reporting behaviors, and perceptions of institutional mechanisms. Interviews were conducted in private settings to encourage open discussions, with participants assured of anonymity.

For data analysis, quantitative responses were analyzed using descriptive and inferential statistics to identify patterns and correlations. Qualitative data from interviews were analyzed thematically, employing coding techniques to uncover recurring themes and insights. This mixed-methods approach enabled the study to address its research questions effectively, providing valuable insights into the issue of sexual harassment in academic institutions.

Findings and Discussion

The findings of this study reveal critical insights into the prevalence, forms, and impacts of sexual harassment of women in higher education institutions (HEIs) in Moradabad. They also highlight the systemic and social challenges that perpetuate this issue despite existing legal frameworks. This section presents the findings under key themes and discusses their implications for institutional policy and broader societal change.

Legal Framework: The study is guided by existing laws such as the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (commonly known as the POSH Act). This Act mandates the establishment of an Internal Complaints Committee (ICC) in workplaces, including educational institutions, to address grievances related to sexual harassment. Furthermore, the **Indian Penal Code (IPC)**, particularly sections 354 (Assault or use of criminal force on a woman with the intent to outrage her modesty) and 354A (Sexual harassment), provides a legal basis for the prosecution of perpetrators. Despite these legal frameworks, the study identifies several challenges:

Underreporting: A significant number of incidents go unreported, primarily due to a lack of awareness among women about their legal rights and fear of retaliation. This is contrary to the provisions of the POSH Act, which guarantees confidentiality and the protection of the complainant's identity.

Inadequate Implementation: While the law mandates the creation of ICCs, the study reveals a lack of proper implementation in many institutions. Some HEIs have failed to establish such committees, and where they exist, the committees are often ineffective in addressing grievances, leading to distrust in the system. This underscores the need for stricter enforcement of the Act and regular audits to ensure compliance.

Social Challenges: Social stigma and cultural attitudes also play a significant role in the perpetuation of harassment. Victims are often blamed or shamed, and this societal bias contradicts the principles of justice enshrined in the Indian Constitution, which guarantees the right to equality and dignity (Article 14, Article 15, and Article 21).

Implications for Policy and Societal Change: The study suggests that, while legal frameworks exist, there is a pressing need for comprehensive awareness programs within institutions to empower women to report incidents of harassment. Additionally, institutions must implement stronger support systems and training for ICC members to ensure fair and prompt resolution of cases. Broader societal change is also necessary, where respect for women's rights is promoted, and the stigma surrounding harassment is dismantled.

Prevalence and Forms of Harassment

The quantitative analysis indicated that 62% of respondents had experienced some form of sexual harassment, with verbal harassment (such as inappropriate comments or jokes) being the most commonly reported, followed by non-verbal harassment (such as leering or gestures) and physical harassment. Incidents were more frequently reported among students and junior staff, suggesting vulnerabilities associated with lower hierarchical positions.

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act), all forms of sexual harassment, including verbal, non-verbal, and physical harassment, fall under the definition of sexual harassment in educational and workplace settings. The Act explicitly recognizes behaviors such as unwelcome comments, gestures, and physical contact as violations, and mandates the establishment of grievance redressal mechanisms to address such issues. The frequent occurrence of these forms of harassment, particularly among students and junior staff, highlights the need for targeted policies and interventions to protect vulnerable individuals, ensuring compliance with legal safeguards designed to prevent such behavior.

The findings point to a gap in effective enforcement and awareness of these legal protections, which may contribute to the continued prevalence of harassment, particularly in environments with power imbalances.

Institutional Responses and Gaps

While most institutions in the study reported having Internal Complaints Committees (ICCs) in place, only 23% of respondents were aware of their existence or how to access them. In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act), the establishment of ICCs is mandatory for all workplaces, including educational institutions, to address complaints related to sexual harassment. However, the lack of awareness about the availability and functioning of these committees reflects a significant gap in the implementation of the law.

Interviews revealed that many women feared retaliation or believed that complaints would not lead to meaningful action, leading to underreporting. This concern contradicts the legal protections guaranteed under the POSH Act, which mandates that the identity of the complainant and the details of the complaint remain confidential, and prohibits retaliation against those who report harassment. Despite these legal safeguards, many respondents expressed skepticism about the impartiality and effectiveness of ICCs, citing power dynamics and institutional politics as barriers. This points to a deeper issue in the enforcement of the law and

the functioning of the ICCs, which may not always operate with the necessary independence or authority to provide a fair and just resolution.

Societal and Cultural Influences

The qualitative data underscored the significant role of societal norms and cultural attitudes in shaping responses to harassment. Many participants noted that fear of social stigma and victim-blaming discouraged them from speaking out. This aligns with the broader societal challenges identified in the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act), which aims to create an environment that is free from harassment and promotes gender equality. Despite these legal protections, societal and cultural factors often undermine the effectiveness of such frameworks.

Additionally, familial and peer pressure often influenced decisions to remain silent, particularly in a conservative social context like Moradabad. This is in contrast to the principles enshrined in the Indian Constitution, which guarantees the right to equality and personal dignity (Articles 14, 15, and 21), and should empower individuals to speak out against harassment without fear of retribution. The study highlights the need for a shift in societal attitudes to support the legal protections provided by the POSH Act and the Constitution, ensuring that women are encouraged to report harassment without the fear of social repercussions.

Psychological and Professional Impact on Victims

Victims reported experiencing a range of psychological effects, including stress, anxiety, and depression, which affected their personal and professional lives. These psychological consequences align with the findings of various studies, which emphasize the detrimental effects of sexual harassment on mental well-being. The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act) acknowledges the severe impact of harassment on the health and dignity of the victims and mandates appropriate measures to address these harms, including counseling and support services.

For students, harassment often led to diminished academic performance and withdrawal from extracurricular activities, which are key areas of personal and academic development. The Indian Constitution, particularly under Article 21, guarantees the right to life and personal liberty, which encompasses the right to live free from harassment and to pursue education and employment without fear.

For faculty and staff, harassment created a hostile work environment, leading to reduced productivity and, in some cases, career stagnation. The Indian Penal Code (IPC), through provisions such as Section 354A (sexual harassment), recognizes the professional and personal repercussions of harassment, which can lead to a hostile work environment and professional setbacks. This highlights the importance of institutional measures to ensure a safe and supportive environment in educational and professional settings, in line with both legal mandates and the mental well-being of individuals.

Discussion

The findings highlight a critical gap between the legislative intent of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act) and its implementation in higher education institutions (HEIs). While the existence of Internal Complaints Committees (ICCs) is mandated under the Act, their lack of visibility and perceived ineffectiveness undermine their purpose. This underscores the need for robust awareness campaigns and regular training sessions to sensitize both women and men about their rights and responsibilities. Article 21 of the Indian Constitution also reinforces the right to live with dignity, emphasizing the importance of these educational initiatives (L. Khalil, 2005).

The influence of socio-cultural factors further highlights the need for a more holistic approach to combating harassment. Beyond institutional policies, there is a pressing need to address societal attitudes through community engagement and educational initiatives. Efforts must focus on challenging victim-blaming narratives and promoting gender equality to create a more supportive environment for reporting and addressing harassment. This approach aligns with the principles of equality and dignity enshrined in the Indian Constitution (S. Lata, 2023).

Furthermore, the psychological and professional impact of harassment on victims demands greater attention. Institutions must prioritize mental health support, as mandated by the POSH Act, and establish mechanisms to help victims rebuild their confidence and careers post-incident. Provisions for counseling services and victim support are integral to creating a safe and inclusive environment in HEIs (Birendri, n.d.).

In conclusion, addressing sexual harassment in HEIs requires a multifaceted strategy that combines effective policy implementation, cultural change, and victim support. These findings provide a foundation for actionable recommendations aimed at fostering safer and more inclusive academic environments, in line with the Indian Penal Code (IPC) and constitutional rights (A. Kumar, 2019).

Recommendations

1. Strengthening Institutional Mechanisms

- a. Ensure the effective implementation and visibility of Internal Complaints Committees (ICCs) in all higher education institutions, as mandated by the POSH Act.
- b. Conduct regular training sessions for ICC members to enhance their ability to handle complaints sensitively and impartially, in compliance with the law.
- c. Establish anonymous reporting systems to encourage victims to come forward without fear of retaliation, in line with the POSH Act's confidentiality provisions.

2. Promoting Awareness and Gender Sensitization

- a. Organize periodic workshops and awareness campaigns for faculty, staff, and students to educate them on sexual harassment, their rights, and institutional policies, in accordance with the POSH Act.
- b. Integrate gender sensitization programs into the curriculum to challenge existing stereotypes and promote equality from an early stage, supporting the constitutional guarantee of equality (Articles 14 and 15).

3. Providing Support to Victims

- a. Create dedicated counseling centers within institutions to offer psychological support to victims of harassment, fulfilling the mental health needs identified in the POSH Act.
- b. Implement mentorship programs where senior staff and faculty can guide and support victims in rebuilding their confidence and career paths, ensuring that victims can recover and thrive professionally.

4. Addressing Socio-Cultural Barriers

- a. Engage with the local community to foster a culture of respect and reduce the stigma associated with reporting harassment, in line with efforts to change societal attitudes as outlined in the POSH Act.
- b. Collaborate with NGOs and advocacy groups to promote gender equality and support institutional efforts to address harassment.

5. Policy Advocacy and Monitoring

- a. Advocate for regular audits and third-party evaluations of institutional policies and mechanisms to ensure compliance with legal standards, including the POSH Act and IPC.
- b. Develop metrics to measure the effectiveness of anti-harassment initiatives and continuously improve strategies based on feedback and outcomes, ensuring alignment with legal mandates.

Conclusion

This study underscores the pressing need to address sexual harassment of women in higher education institutions in Moradabad, Uttar Pradesh. It reveals significant gaps in awareness, the implementation of institutional policies, and societal attitudes that perpetuate harassment and inhibit victims from seeking justice. Despite the existence of legal frameworks such as the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act), much work remains to be done to translate these measures into meaningful change at the grassroots level.

The findings highlight the importance of a multifaceted approach that combines institutional accountability, societal change, and victim support. Strengthening Internal Complaints Committees (ICCs), fostering awareness through education and campaigns, and addressing cultural barriers are critical steps toward creating safer academic environments. These steps align with the legal obligations under the POSH Act and the Indian Constitution, which guarantees the right to equality and dignity (Articles 14, 15, and 21).

By focusing on localized research in Moradabad, this study contributes valuable insights to the broader discourse on gender equality in academia. Future research can build on these findings by exploring long-term strategies for cultural transformation and evaluating the effectiveness of interventions, ensuring that they align with the legal frameworks established by the Indian Penal Code (IPC) and the POSH Act. Only through sustained effort and collaboration can we create an equitable and harassment-free academic landscape for all.

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