

Understanding & Fighting Sexual Harassment: A Practical Way

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Abstract: *This article is about the major problem of sexual harassment, sexual abuse and molestation, which nearly every woman has faced in her life. While rape is a serious offence, in this article the focus is on the crimes a couple levels below it, but which still make women feel uncomfortable. The author talks about harassment and suggests case-by-case scenarios on how a woman should fight it in a practical way. This article has also focused on the very recent movement that is viral and taken a challenging form i.e. MeToo movement. It is important to note that parents play an effective role in educating and teaching their children but society also has a responsibility to understand this serious issue and how they should help and co-operate the victims of such incidents. To conclude with the article, the legal and constitutional provisions for punishing the harassers and molesters are discussed. The author has also given real life examples of hers and other women too. The steps that can be taken by victims to overcome such fearful situations have been suggested.*

Keywords: *Sexual Harassment, Molestation, MeToo, Shameful act, Victim, Assaulter, Law and Society, Social issues, Women Rights, Constitution, Sexual Harassment Act, 2013.*

1. INTRODUCTION: My First Incident

“Come on, let’s play a game,” he said.

“Yeah sure... tell me what it is?” I curiously asked.

“It’s about body parts. One by one, we will name our body parts and their functions. It’s a learning game for kids. You’ll like it,” the guy replied enthusiastically.

“Ok. Ready. I’ll go first.”

And so we started... from eyes to ears and so on...

My innocence must have been shining through my responses. But a kid is supposed to be innocent. I was a **7 year old kid** when this little game happened. Initially, I was confused regarding the point of the game. And when we arrived at the private parts, I felt very uncomfortable. He insisted that we continue and started naming it. When he didn’t stop and pulled it out of his pants, I immediately got up and told my parents about the game our servant has been playing with me. My father beat and kicked him out of the house. So this is **a story about how I was molested by our teenage servant** in my early childhood.

I am lucky that **my parents were responsible people**. They believed me immediately; didn’t shame me in any way; didn’t accuse me of tempting the molester; they gave me all the love and care a child should be given. I’m also blessed to **have the courage to call out the molester immediately**. My parents have had a significant role in empowering me to not be shy and speak up against injustices. They taught me to never let myself feel helpless in such situations.

2. Who are these assaulters?

The kind of people, who are the perpetrators of this kind of crime, **is not restricted to a particular class, profession, education, age, or income level**. They could be teachers, servants, low-wage labourers, drivers, bosses, colleagues, politicians or uncles. All they need is a feeling that they could get away with it, **a feeling of power**, and a desire to make the other person feel powerless.

3. Sexual Harassment is present everywhere:

Sexual Harassment is very common. Throughout their lives, most women experience sexual harassment or molestation. **NPR.org**, a very well-known news establishment, says **about 81% of all women have experienced sexual harassment at least once in their lives**. For most women, **mild but frequent molestation is the norm**. It happens when they’re working... their peers or bosses being the culprits. It happens when they travel... in public transport by creepy uncles and old men. It happens when they are relaxing... during social events, in parks and even temples. It even happens at their homes... by their family members or relatives.

Despite the omnipresence of this criminal phenomenon, **we, as a society, are reluctant to talk about it**. There is no acceptance that this actually happens, which leads to a feeling of invalidation among the victims. Men who are told about this, are either shocked or not so eager to believe such claims, and often the victim is even ridiculed. We

don't talk about this with our brothers and fathers. They still have this misconception that 'our women' are safe... that nothing has happened to the women of their house.

4. The #MeToo Movement, its benefits and limitations:

The recent **Me Too** campaign has changed this lack of dialogue and brought to light the atrocities faced by women on a daily basis. It has given a voice to not just women but men too who have ever, in their life, been molested or sexually assaulted and empowered them to publicly name their assaulters. Twitter, Facebook and other social media have become the platforms for this campaign.

The **seeds of this movement** were sown twelve years ago in USA and finally it has reached India in full force in 2018. **Tarana Burk**, an American social activist, was the first person to use the term 'Me Too' in 2006 where she narrated her story of being sexually abused and molested in her life. Gradually, numerous other prominent women celebrities joined in and shared their own stories. In India, actress **Tanushree Dutta** resumed this campaign by publicly calling out actor **Nana Patekar** for sexually harassing her at workplace.

According to **Pew Research Centre**, #MeToo has been used about 1.9 crore times on twitter by the end of September 2018. That means approximately 55,319 tweets are about 'Me Too Movement' every single day.

Many female journalists, actresses and other celebrities have reported about this and taken names of their assaulters / harassers openly on social media. Some of the famous names in the allegations include former journalist and present Minister of State for External Affairs: MJ Akbar; filmmakers: Sajid Khan and Vikas Bahl; actors: Nana Patekar and Alok Nath. Around 12-15 women have reported about the harassment they faced from the hands of MJ Akbar and Alok Nath.

#MeToo has obviously forced women to revisit their own sexual assaults / harassments in the past. The **biggest positives of this movement are** that:

1. It has given courage to the women of our country to raise their voices against injustices,
2. It has publicly shamed many powerful men and
3. It has started a very important dialogue within the society to start acknowledging the difficulties women face.

Every movement has its **limitations and drawbacks**. 'Me Too' isn't an exception either:

1. This movement doesn't empower women living in rural areas whatsoever.
2. Telling about a traumatising experience on social media platforms is not easy for the victims, and
3. Even when they do, unless they're willing to file a police report, no action is taken against culprits.
4. On the other hand, victims are even subjected to defamation suits in retaliation.
5. Slow judicial system doesn't help either.
6. Also, there have been a few instances of false accusations of sexual harassment with the sole purpose of defamation or blackmail.

This is why I believe we, as women and human beings, shouldn't only depend on 'Me Too'. This movement is a tool to fight against injustice. **Women shouldn't only have a single tool... they should have an arsenal to defend themselves.**

5. Practical Tools to fight harassment:

At the start, I talked about the first time I was molested. I have been at the receiving end of similar or worse molestations **more than 10 times in my 25 years of life**. I'm listing out a few here:

1. When I was visiting home during college years, a man in his 50s sitting next to me in a bus started watching **adult videos (pornography)** on his mobile phone. When I ignored him, he even shamelessly nudged me to grab my attention.
2. During one of my evening walks, a middle-aged labourer **showed me his penis** and **commented lewdly** while passing by me on his bicycle. And then he came back! This has happened about 2-3 times when the **streets have been emptier** than usual.
3. While on a vacation at a well-known hill station, a river rafting guy **groped me** while helping me wear the life jacket.
4. During a religious gathering at a temple in my locality, a middle-aged man was continuously **staring and winking** at me, and ended up **touching me inappropriately**.

As a non-celebrity urban woman, I can't really use 'Me Too' against all these type of people who have molested me or tried to. **It's just not practical** and it gets old really fast. But I still can do a few things. And I did. My reactions were different in all the above situations but one common thing was that **I chose to react immediately**. I did not ignore or let the molester get away with it.

So, what should a girl / woman do when faced with possible sexual harassment / molestation? According to her **age and circumstance**, she could take stand for herself. Some might be:

1. **If it's a child** who doesn't even know what is happening to her, she should *tell and share everything to her parents*. For this, every parent must teach their children about the good touches and the bad ones. Also they must give an assurance to them that if anything like this happens, they should immediately share it with the elders without feeling shy about it.
2. **If she is at a hostile or a non-public place**, best way is *to remove herself* from the vicinity of the assaulter. She shouldn't sit in the culprit's vehicle or go anywhere with him. The primary focus should be towards *walking or running away to a more public place*, or to a police station. She could shout 'Fire! Fire!' as people are more likely to help in those cases rather than assault cases.
3. **If at a public place**, she should *scold him, shout at him, take video and audio proof* and should seek for public help. In cases of workplace harassment, she should *never get in a vehicle* or a room alone with the assaulter.

She should do anything she can to teach him a lesson. The biggest mistake we women do is to ignore them which encourages them and sometimes little girls become victim to rape. The ignoring should only be done when at a non-public place and there is no one to save her if the assaulter chooses to physically attack her.

6. Role of Parents, Family and Friends:

What could a girl's family and friends do to help the victim?

Firstly, believe her. Don't shame her in any way. Don't accuse her of tempting the molester. Give her all the love and care she should be given. Empower her to not be shy and speak up against injustices, even if the molester might be some close relative. Don't make her feel helpless. Assure her that you're there for her. Supporting and believing go a long way in enabling victims to fight for themselves.

7. The Law's Hand:

Our Constitution provides for Right to life and Personal Liberty under Article 21. When a woman is being harassed or abused in any way she cannot live a life with dignity; she will feel unsafe which violates the basic and major fundamental right. Any violation of Article 21 attracts the provisions of Article 14 of the Constitution which enshrines right to equality and equal protection of law.

Indian Penal Code: Various provisions related to sexual harassments have been laid down in IPC and are punishable offences.

1. **Section 294:** It provides arrest etc. for obscene acts in public, including obscene singing.
2. **Section 354:** It provides severe fine and imprisonment for assaulting or using criminal force on woman with intent to outrage her modesty.
3. **Section 354A:** It provides up to 3 years imprisonment and fine against sexual harassment, which includes any of the following acts— making unwelcome and explicit sexual overtures towards a woman like physical contact and advances, making sexually coloured remarks, or a demand or request for sexual favours, or showing pornography against her will. The key point to note is that anything sexual becomes harassment when it's unwelcome or against the will of the woman.
4. **Section 354B:** It provides 3-7 years of imprisonment and fine for any man who assaults or uses force on any woman with the intention of disrobing or compelling her to be naked. These are very strong laws and they punish even those who help (abetment) the culprit.
5. **Section 354C:** It provides 1-7 years of imprisonment and fine for unwelcome voyeurism.
6. **Section 354D:** It provides 1-5 years of imprisonment and fine for unwelcome attempts at contacting a woman or Stalking.
7. **Section 499:** It provides 1-5 years of imprisonment and fine for morphing pictures of a woman and sharing them.

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013: The Act uses a definition of sexual harassment which was laid down by the Supreme Court of India in Vishaka vs State of Rajasthan (1997). A senior colleague demanding sexual favours in exchange for work benefits, promotion or salary hike is an act of sexual harassment as per the Act.

It's evident that legislation has already enacted so many laws in favour of women but loopholes still exist while executing those laws and cases go on and on. We have the laws in place... the issue is the execution.

8. CONCLUSION:

A woman's dignity cannot be compromised at any cost. She should be treated equally and without any suppression. It takes a lot of courage to speak about harassment, so next time when you listen to any such story don't start judging that woman, don't start criticizing her clothes, her overly-friendly behaviour, her education, or her decision to have a boyfriend. Instead, support her and appreciate her for being able to speak out because she too is a human being and has a right to be heard, appreciate the courage she took to come up with such incident. Even when Tanushree Dutta

reported about her incident 10 years ago when it happened to her, to CINTAA, her voice was suppressed and now when she speaks about it again, people are trolling her about why she is speaking so late. So, no time is really good enough for women to come up with this. Also, when we talk about manners and moral values we should just not expect it from females only but males too. A son should also be taught how to behave with a girl within the home and outside and that it is his responsibility to respect and help a girl if ever he encounters such a situation.

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