

7/16/2013



**SUMMER
INTERNSHIP
REPORT**

'WOMEN'S SAFETY IN PUBLIC SPACES: KEY ISSUES AND CHALLENGES IN BIHAR': NATURE, INCIDENCE, EXTENT & IMPACT OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE IN PATNA- THE STATE CAPITAL OF BIHAR (WITH A SPECIAL FOCUS ON VISHAKA JUDGEMENT AND SEXUAL HARASSMENT BILL).

**SEXUAL
HARASSMENT**

SUMMER INTERNSHIP REPORT

M.A. in DEVELOPMENT

AZIM PREMJI UNIVERSITY, BANGALORE

ACADEMIC SESSION

2012 – 2013

Submitted by:

Manish Maskara

MAD 12034

M.A. Development (2nd year)



EQUITY FOUNDATION

PATNA

Executive Director

Ms.Nina Srivastava
Equity Foundation

Supervisor

Mr. Rahul Kumar
Equity Foundation

University Mentor

Ms. Kalyani Subbaiah
Azim Premji University

PREFACE

The primary aim of the study is to look at the key issues and challenges when it comes to women's safety at workplaces in Patna specifically focussing on sexual harassment of women at workplaces in Patna. The study would identify the nature, incidence, extent & impact of sexual harassment of women at workplace in Patna with a special focus on Vishaka Judgement and Sexual Harassment of Women (Prevention, Prohibition and Re-dressal) Act 2013. The methodology adopted to conduct the study was basically through informal talks with the respondents in the domains of government, media, academia, judiciary, police, medicine and NGOs.

DECLARATION

I hereby declare that the study was done during my internship from 24/05/2013 to 06/07/2013 at the Equity Foundation under the guidance of Ms.Nina Srivastava, Director, Equity Foundation and the supervision of Mr Rahul Kumar, Equity Foundation as per the curriculum requirement of M.A. in Development (1st year) course conducted by the Azim Premji University, Bangalore.

(Manish Maskara)

Dated: 28th July 2013

Bangalore

ACKNOWLEDGEMENTS

I am first of all indebted to Equity Foundation for allowing me to undertake the internship in the organization.

I am very much grateful to Ms. Nina Srivastava, Director, Equity Foundation and Mr. Rahul Kumar, my Supervisor at Equity Foundation for giving me the opportunity to undertake my internship and guiding me wholeheartedly throughout the field work during the course of the study, without whose help and guidance this study would not have been completed.

I wish to take this opportunity to extend my sincere thanks to all employees and volunteers of Equity Foundation who have provided me their invaluable time and guidance in collection of data and information relevant for the preparation of this internship report.

I also owe sincere thanks to all the stakeholders and the respondents of my study for extending their co-operation so as to complete my study.

I am especially indebted to Ms Kalyani Subbaih, faculty member at Azim Premji University, Bangalore for her valuable guidance in carrying out the study as part of the internship for the M.A Development course.

Manish Maskara

TABLE OF CONTENTS

Preface.....	2
Declaration.....	2
Acknowledgements.....	3
Introduction to the Problem.....	5
Objectives of the Study.....	6
Background and Rationale of the study.....	6
Scope of the Study.....	6
Research Methodology.....	6
Findings	7
Government Sector.....	7
Academic Institutions.....	14
Police Department.....	16
Media Sector.....	19
Medicine Sector.....	26
NGOs.....	27
Judiciary.....	34
Analysis.....	35
Conclusion.....	45
Appendix.....	46

LIST OF TABLES / GRAPHS

Table 1.....	Total Sample Distribution.....	8
Table 2.....	Stakeholders and respondents vis-à-vis sector.....	40
Graph 1.....	Gendered Distribution of participants.....	40
Figure 1.....	Sexual Harassment Act 2013 snapshot.....	43

Executive Summary

Equity Foundation is a non-governmental organization in Patna founded in 2003, with the primary objective of empowering women and creating new pathways for overcoming the obstacles to women and child development through a synergy of "Knowledge", "Voice" and "Action. Currently the organization is working in three districts of Bihar for the cause of women and child development.

In 2003, Equity Foundation had conducted a survey-based study on the nature, incidence, extent and impact of Sexual Harassment of Women at workplaces in Patna (with a special focus on Vishakha Judgment by the Supreme Court-1997) across the six organized sectors viz. academic institutions, media, government department, medicine, judiciary and NGO sector.

After a period of 16 years, Vishaka judgment got translated into the Sexual Harassment of Women at Workplaces (Prevention, Prohibition and Re-dressal) Act 2013 (w.e.f. 22nd April 2013), a study was conducted in the city by a student intern from Azim Premji University (Bangalore) over a period of two months (May-June 2013) across seven sectors viz. academic institutions, media, government department, medicine, NGO sector, police department and judiciary. The study aimed at identifying answers to the following questions through informal interviews with 100 respondents spread across the six sectors-

- What is the perception of employees/employers in the selected organized sector about the nature of 'Sexual Harassment of women' occurring at workplace?
- What have been their experiences about sexual harassment at workplace?
- What are the responses of employers (their liability as stakeholders) about sexual harassment at workplace with regards to its prevention, prohibition and re-dressal?

The **findings of the study** have been tabulated below:-

One of the strong arguments from the study was that some women face problems by becoming victims of sexual harassment while others instigate problems as they become too ambitious to climb up the ladder of success.

Government Department

A tone of complaint about male employees was received from the women working in the Secretariat. They also voiced their concern about the bad attitude of male employees towards the opposite sex. In addition to this they shared the problem of non-availability of separate rest rooms for female employees.

Academic Department

The compelling argument was of the transformation of the prevailing patriarchy guided school of thought into the culture of universities. In continuation it was argued that as honor is connected to a woman's body hence 'silence' prevails on the issues of sexual harassment. It was reported that ex-students of an esteemed university of Patna had been victims of sexual harassment working at a couple of media houses in the city.

Police Department

A majority of respondents' were using sexual harassment and sexual discrimination interchangeably indicating the misunderstanding or pre-conceived notions of people in the society. The problems pertaining to issues concerning women arise due to hardly any senior officers, no conveyance to lady officers, lack of residential quarters, lack of separate rest rooms, women being put for night duty and asked to walk during patrolling, issues of timings, disparity among women who are clerks and constables.

Media Sector

The respondents here contrasted their opinion about Patna with cities like Mumbai and New Delhi where cases of sexual harassment are usually rampant. They shared an understanding about women working in private sector being more involved in sexual harassment. The respondents were ignorant about Anti-Sexual Harassment policy. Among the respondents those who had experienced sexual harassment disbelieved in punishments like life sentence, death sentence and chemical castration for the culprits.

Medicine Sector

“There are around 600 nurses here still on contract despite having worked for 5-6 years. So they also have faced and are still facing harassment and ill-treatment. We also have issues with regards to our timings at workplace,” replied Neelima (name changed). The nurses were highly critical about the access of laws by women in this patriarchal society who eventually have to pay a lip service to the issue.

NGO Sector

Even though it is argued that any kind of unwelcome gesture to a woman by physical, verbal or mental means would be termed as sexual harassment still how does one evaluate its “unwelcome” nature is a pertinent question. It was perceived that both the case of sexual harassment and the subsequent judgment with regards to it impact the personal and professional life of a woman badly. It was also perceived that any charges of sexual harassment on the culprit must be properly verified. The respondents knew about the Anti-Sexual Harassment Committee of the organization. They also argued that though most of the cases happen to women but men too have been victims of sexual harassment. Hierarchy in an organization has got no role to play in distinguishing between the culprit and the victim of sexual harassment.

Judiciary

The respondent lawyer argued that the law against sexual harassment should not be gender neutral. She shared a couple of cases concerning sexual harassment of women, one from IGIMS, Patna and the other about an NGO of Patna. She was of the opinion that on one hand law protects women and on the other hand the society happens to be highly male driven. It is the negligence of the police who do not register FIRs concerning cases of sexual harassment or sometimes even rape cases. This adds to the cases going unreported due to women not coming forward to lodge complaints. It was believed by her that the women themselves should be reserved and able to deal with such sensitive issues of sexual harassment on an individual level or else try reporting to their seniors at workplaces.

The way ahead

On the basis of the above findings in the city it becomes necessary to sensitize both male and female employees at the workplace in the light of the Sexual Harassment of Women Act 2013.

The role of employers hence becomes very prominent in preventing, prohibiting and re-dressal of cases of sexual harassment at workplace. The Act also envisages the same. Use of CCTV cameras, anonymous complaints through phone could be some of the preventive measures. The police also need to play a co-operative role. Mutual reconciliation apart from using the law could also work as a mechanism of re-dressal of cases of sexual harassment of women at workplaces.

INTRODUCTION TO THE PROBLEM

Background and rationale of the study:-

National Crime Records Bureau (NCRB) data signifies that crime against the women of Bihar have increased from 8471 cases in 2010¹ to 11,229 cases in 2012². Of the various forms of crime against women viz. rape, kidnapping, torture, molestation, eve teasing etcetera, initially sexual harassment had been listed under Section 509 of IPC³. Now, on account of the recent insertion of Section 354 A in the Indian Penal Code (through Criminal Law Amendment Act 2013 with effect from 2nd April 2013) it has led to identifying Sexual Harassment as criminal offence. Articles 14 and 15 under the Right to Equality, Article 19 (1) (g) and Article 21 under the Right to Freedom of the Indian Constitution⁴ guarantee certain fundamental rights to the citizens (both men and women) of India which are violated on account of sexual harassment of women at workplaces. Post-liberalization, there has been a tremendous increase in women workforce⁵ in the organized sector especially the private sector. Thus, sexual harassment of women can have economic consequences to the nation too apart from downplaying the notion of promoting gender equality at workplaces. Internationally too, equality and empowerment of women is one of the millennium development goals⁶. In addition to these, in a rights-based approach to development it is necessary to ask the above questions. The Supreme Court through the 1997 Vishaka judgment⁷ had framed guidelines against sexual harassment of women at workplaces that has finally after 16 years took shape in the form of a law- Sexual Harassment of Women at Workplaces Act 2013 (Prevention, Prohibition and Redressal)⁸.

¹ <http://ncrb.nic.in/cii2010/cii-2010/Chapter%205.pdf> Available [6th June 2013] pp80

² <http://ncrb.gov.in/> Available [26th July 2013] pp385

³ <http://ncrb.nic.in/cii2011/cii-2011/Chapter%205.pdf> Available [6th June 2013] pp79

⁴ <http://lawmin.nic.in/coi/coiason29july08.pdf> pp 6-11

⁵ <http://statistics.puducherry.gov.in/new%20update/women%20and%20men%202010-11/VI-11.pdf>

⁶ <http://www.undp.org/content/india/en/home/mdgoverview/> Available [6th June 2013]

⁷ <http://www.prsindia.org/uploads/media/Sexual%20Harassment/Vishaka.pdf> Available [6th June 2013]

⁸ http://egazette.nic.in/WriteReadData/2013/E_18_2013_214.pdf Available [6th June 2013] pp3

Scope of the study:-

The study would create awareness about the issue and the concerned law passed in order to check the issue of sexual harassment of Women at Workplaces. The study could also look onto further issues and challenges concerning women at workplaces.

OBJECTIVE OF THE STUDY

The primary aim of the study is to look at the key issues and challenges when it comes to women's safety at workplaces in Patna specifically focussing on sexual harassment of women at workplaces in Patna. The study through the following three broad questions would identify the nature, incidence, extent & impact of sexual harassment of women at workplace in Patna with a special focus on Vishaka Judgement and Sexual Harassment of Women (Prevention, Prohibition and Redressal) Act 2013. The three broad questions are:-

- What is the perception of employees/employers in the selected organized sector about the nature of 'Sexual Harassment of women' occurring at workplace?
- What have been their experiences of sexual harassment at workplace?
- What are the responses of employees/employers about sexual harassment at workplace in addition to its prevention, prohibition and redressal, locating it within the purview of Sexual Harassment of Women at Workplaces (Prevention, Prohibition and Redressal) Act 2013?

RESEARCH METHODOLOGY

The field site was located at Patna across 7 domains in the organized sector - medicine, judiciary, government, media, police, academics and NGOs. The research study adopted different instruments of data collection. Semi-structured self-administered questionnaire was designed for the study. The questionnaire contained both open-ended and closed-ended questions to achieve the desired set of objectives. Informal conversations and focus group discussions were conducted wherein the questionnaire became a limitation to communicate with respondents. Also it was found that people preferred to talk on such sensitive issues rather than filling questionnaires.

Convenient sampling was used due to time constraints and the need to explore different sectors under the organized domain as a part of the study. The total sample size across the 7 domains was 102 respondents as elaborated in the table below. Most of the source of data were female respondents, married and of age more than 25 years.

Total Sample Distribution:-

Type	Government M+F	Police M+F	Academic Institutions M+F	Media M+F	Medicine M+F	NGOs M+F	Judiciary M+F	
S	0+3 = 3	1+2 = 3	0+3 = 3	2+5 = 7	0+2 = 2	4+8	0+1	
R	1+20 = 21	2+10 = 12	0+8 = 8	0+16 = 16	0+14 = 14			
Total	24	15	11	23	16	12	1	102

Table 1 (Total Sample distribution)

The study was limited due to the language constraints of the questionnaire and the role of key informants. The findings of the study cannot be generalized at all. The study was not an investigation per se on sexual harassment cases across different workplaces falling under the organized sector at Patna. The design of the study was not to conduct a comparison on the issue of sexual harassment across the 7 domains rather to identify the multiple perceptions of the respondents towards the issue of sexual harassment of women at workplaces. Thus, epistemologically, the study was an inductive one and ontologically followed the constructivist approach. The study was hence an exploratory one with no hypothesis.

FINDINGS

Government Department

(Field sites A, B and C)

The total sample in this sector consisted of 3 female stakeholders, 1 male respondent and 20 female respondents.

1. At the field site A, a meeting of all women employees of the Finance Department had been called by the Chairperson (a female and one of the stakeholders of the study) of the Prevention of Sexual Harassment Committee of the department. Due to some reasons best known to the employees, 17 women out of the total 25 employees (as estimated by the Chairperson) could attend the meeting. None of the male members of the Committee were present at the meeting. 25% of the women who attended the meeting were unmarried. The education level of the women couldn't be identified. The researcher was an observant to the discussions in the meet. The following shouldn't by any means be interpreted as Minutes of Meeting (MoM) rather it accounts for the interesting observations through the eyes of the researcher.

A stark difference was noticeable in the meeting as far as voicing one's opinions were concerned. Only few women spoke in the meeting on bringing out their problems at the workplaces related to sexual harassment. Most of the married women as against unmarried ones had concerns pertaining to sexual harassment.

Talking about the attendance of the women employees in the meeting, the Chairperson argues, "*Male employees will by default fear the female ones if we start having regular meetings of the POSH committee. I too wanted all the women working in the Finance Dept to attend the meeting, circulars for which had been sent still the reasons for not turning up at the meeting could only be best known to them.*"

Talking about the nature of sexual harassment, one of the female employees told humorously, "*It is the time that a male employee spends on staring a female one which decides his 'intent' of staring and can then only be considered as sexual harassment*".

Sharing their experiences of sexual harassment, the tone of complaint about male employees was very much visible in the responses of women at the meeting. The female employees argued about the bad attitude of male employees towards the opposite sex in addition to the bad work attitude of the male employees. Simultaneously they were questioning the absence of the male members of the committee. One section of the female employees perceived that there would be no sexual harassment if both women and men are amiable at the workplaces but within limits. Another section of those attending the meeting argued about not getting amiable with men-folk at all so as to stop sexual harassment. Some argued that the inherent disempowered feeling of women at workplace is bad and women should stop feeling so else it would give an 'opportunity' to men. Likewise it was opined that some women due to their deeds themselves fall into the trap of sexual harassment.

One woman made an interesting remark, *“If we women keep on telling we are women, we are women, we are weak then we better sit at home and not come to work. We should fight rather than accept things easily.”*

A woman present at the meeting discussed about the disparity from the department's end in allocating dresses to female janitorial staff on some occasions. Some argued about the termination of female employees from job without any prior intimation in addition to the difference maintained between temporary and permanent female employees. From their responses, it was found that ladies washrooms were being used by the male employees due to lack of sanitation facilities. It was also told that chairs of female employees were being used by their male counterparts. The women also raised their concern over discrimination between male and female employees in a government job wherein both get same salaries. As far as do's and don't's at the workplace are concerned women argued that men shouldn't use unconstitutional language while communicating with women. Men should be polite and courteous in their interaction with women. Also, female employees shouldn't ask the males to drop them to their residences. At the same time, female employees shouldn't by themselves fall into any trap.

On being asked about the formation of Anti-Sexual Harassment Committee, the Chairperson replies, *“POSH Committee has been formed at the Department of Finance (one of the 44 departments in the Government of Bihar) on 3rd May 2013 only after*

receiving an intimation letter from Women Development Corporation (Social Welfare Dept, Bihar). The committee at present comprises of 4 members (2 male and 2 female)”.

One woman made an interesting remark, *“The soul is neither male nor female. Why don’t we women and men understand this?”*

2. The field site B had 3 female employees (the respondents) only as against 20 male employees which clearly show male dominance. All the 3 current female employees are married of age 50, 44 and 35 respectively. The department doesn’t have any committee against sexual harassment of women.

Regarding the perception of sexual harassment of women at workplaces it was argued the Indian society is highly patriarchal wherein women have always been the victims of sexual harassment. But now it is not only women who are harassed but also men. It was also seen that though men are also harassed but very rare cases have ever come up. Psychologically, males have always been very harsh towards females. But at the same time, it’s also true that only after the support of husbands women are able to come out of their family and work in offices even late till 10pm. The respondents had an understanding that, in times contemporary due to an increase in level of education, women have become aware about such sensitive issues like sexual harassment at workplaces. Also due to an increase in the percentage of women workforce they feel quite empowered enough to talk about such issues.

One of the respondents argued, “Most of the women who are victims of sexual harassment end up being seen as the culprits themselves. It’s only women who can understand the pain and trauma of incidences of sexual harassment.”

From the point of experiences of sexual harassment at workplace none of the women had any incidences to share. But at the same time they were of the opinion that “intent” of male member towards the female cannot be identified easily.

Respondent A argued, “In my 17 years of government service I have never come across any incidence of sexual harassment. I find government institutions to be much safer than private workplaces. Though I have to deal with 90% of male employees in this office still I find myself pretty comfortable.”

The respondents were also asked about the liability of employers towards safety of employees at workplaces. They shared a belief that at workplaces people have an inherent “fear” that bars them from indulging into sexual harassment. It was highly felt among the respondents that sexual harassment of women is a crime. But the problem being either most of the cases are not reported by police or women themselves do not report their incidences. The respondents felt that for women to narrate their experiences it becomes a question of their dignity. The next set of arguments criticized the bad and delayed delivery of justice even if such cases are reported. Such an inefficient system of justice tests the patience of the victims who then ultimately leave everything to the Almighty. Barring all this, the respondents were aware about the Sexual Harassment of Women at Workplaces Act 2013 superficially. In addition to the presence of legal measures to deal with the issue of sexual harassment the respondents felt that the public in general need to take the Act positively.

It was argued that, “the attitude of the male workforce needs to change towards the female who are generally treated as downtrodden. Along with this, women need not condemn themselves altogether. There is also a need for moral education at higher levels of education too.”

On the whole, it was a perception of the respondents that workplaces are much safer and comfortable as compared to public places. On a general basis the state of Bihar, as per the respondents, happens to be a much safer place to live in as compared to places like New Delhi.

In the context of sexual harassment of women at workplace in the city of Patna, it was perceived even by the male respondent that, “Patna is more socially integrated than other places like New Delhi and other big cities. Such kinds of problems of sexual harassment occur more or rather the most at private workplaces”

3. The field site C employs 4 female and 3 male employees. Interviews happened with 3 of the 4 female employees. Respondent A, who happens to be a stakeholder, has been working with the organization since 9 years. Respondent B and C have been working since 7 years. The age of the respondents falls in the age group 40-50 years.

Commenting on the nature of sexual harassment of women, respondent A mentions about the use of unwelcome vulgar comments, unexpected touch, dual meaning talks apart from sexual desires

and pornographic visuals at workplaces. In addition to this it was argued that sometimes sharing of thoughts between a male and a female could give the male an opportunity to get a soft entry into the mind of the female thereby leading to some kind of harassment. Respondents B and C, on being asked about sexual harassment of women, were of the opinion that such harassment could happen through verbal, non-verbal and physical means. Also B and C opined that the definition of sexual harassment should not cover same-sex sexual harassment and only under repeated incidents should sexual harassment be deemed to have occurred.

Respondent A argues, *“A woman never goes by her will to indulge in sexual harassment. It is due to the space a man desires to indulge in sexual harassment.”*

Respondents B and C think that women are harassed at workplaces because they have always been considered to be weak. According to them it is the older age men who harass women particularly middle class women in the age group 20-30 years.

The respondent A shared a few cases of sexual harassment of women in Bihar in which the victim had lodged complaint against her employer. The first case involved an unmarried school teacher and the Principal of the school in which the school teacher was given undue preference and privilege in her job. The second case was between a woman (associate professor) and the Director of a medical college on account of sexual exploitation of the woman for over 2 years by the Director. The third case as discussed was between a woman bank employee and the management of the bank. The woman was projected as if she had herself wanted to be harassed due to her ambitious attitude. Apart from all these, the respondent shared her colleagues' experiences of sexual harassment when the organization was on a tour accompanied by other male persons. In addition to these, an incidence of unwanted visit by a male to the organization was also shared with the researcher which ultimately caught the attention of the employees. It was also argued by the respondent that nowadays our culture has changed so much that 70% of the chain-snatching incidents that happen in the city are due to the trend of gifting ornaments to girlfriends. As per the statistics that was shared it was found that monthly cases of sexual harassment of women were on the rise in the year 2012. Respondents B and C had never experienced any kind of sexual harassment but had come across the few cases of sexual harassment as told by A. B and C do not deny the fact that sexual harassment of women affects them psychologically, ruins their career and leads to health issues. It was also believed by them

that only 80% of the sexual harassment cases are found to be true and the rest are just false charges.

Respondent A argues, *“If males think that women are ambitious then let me remind you that by birth each and every individual is ambitious. If it is said that woman being ambitious leads to the consequences of being harassed then what about job criterion, promotion criterion, demotion criterion etcetera? Why don’t the organizations have such criterion? And if they have it, why don’t they follow it instead of getting swayed away by a woman and in turn blaming a woman only for any misdeeds.”*

The respondent in general talked about the discrimination based on sex by giving examples like the absence of a female judge from the Verma Committee, women being asked to be dressed in a certain way thereby curtailing their freedom, biasness towards the male in case of any arguments involving a male and female, women being treated as delicate, introvert, shy, tender, *chhuimui* etc.

Respondent A argues that, *“One can’t prohibit prostitutes from choosing their customers and so it is the right of every woman to dress up the way she wants.”*

In the context of taking measures to check sexual harassment it was argued by A,B and C that as women workforce is increasing across the country so Sexual Harassment Prevention Committee needs to be formed in line with the Sexual Harassment of Women at Workplaces Act 2013. The respondents believed that owing to the handful of employees working with the organization there was no need for any committee. As per the respondent A, even if colleagues come to know about sexual harassment they should come forward and complain. It was also said that schools need to have strict discipline as the culture of boyfriend-girlfriend starts form there only. As per the respondent, very few boys indulge in sexual harassment of girls as most of the boys are good. Also it is for the girls to see that they do not get emotionally attached with boys so as to avoid falling prey to harassment. Likewise, women should have an attitude that can keep men on their toes instead of behaving as *chhuimui*. Parents need to be watchdogs for their children. The respondent preferred to have women employees in her office and female media-persons only. On being asked about the presence of 2 male employees the respondent humorously replied that they too have turned feminine in their thinking.

The respondent A says, *“Shouting for justice through candle march doesn’t help in times contemporary. If one wants justice, either she should make use of the law to the extent that the culprit is punished or else deal with the issue on an individual level. The women of today are highly empowered to solve issues on their own, they just need a bit of courage. Power begets power.”*

Academic Institutions

All the three female stakeholders who were the interviewees have been working in the academic fields for more than 15 years were married and of the age group of 50-60years. The 8 female students who were the respondents were of the age group 18-23 years.

Talking about the perception of sexual harassment of women at workplaces, respondent A shared her views on the prevailing patriarchy guided school of thought in the society. Such a school of thought perceives that women have a space in their home only due to which girls are sent less for education. Even if girls are sent for education it is seen that they get into vocational education not by interest but to increase their demand in the marriage market. Such mental attitude of the society then translates into the university. In addition to this it was perceived by the respondent that honour is connected with a woman’s body and thus on issues (like sexual harassment) related to the body “silence” prevails.

Respondent A argued, *“the university is an extension of the society and not an island or oasis. Hence what happens in the society is bound to happen here too.”*

Respondent B argues, *“sexual harassment is a part of life which the women have to face in this society.”*

Respondent C argues, *“The cultured boys of the city have migrated to places elsewhere in the country and those who remain in the city are these village boys (near Patna) who come to study at this university and create nuisance in and around the campus.”*

On sharing the experiences about sexual harassment of women, respondent A noticed such incidents of harassment to be common on campus but not of a very massive scale. Respondent B shared her experiences of harassment with colleagues at the college in a different department. She vehemently argued that sometimes her extra hours of working at the college led to receiving

tantrums from her colleagues. In addition to this she was of the view that her ex-students were victims of sexual harassment having been working at media companies in the city. Respondent C shared two cases of eve-teasing and verbal remarks that had happened in college some years back but were eventually reconciled with the help of the discipline committee at college.

When it comes to tackling the issue of sexual harassment of women at college level, respondent A was of the opinion of sensitizing the male and female students on the issue of sexual harassment through workshops. All the respondents shared their understanding about the Gender Sensitization Cell comprising of 10 female members at Patna University campus and separate committees at colleges affiliated to Patna University. Respondent C was of the opinion that the police should have an active role in tackling such issues of harassment by patrolling around the campus.

Respondent C believes that, *“it is the individual who is better equipped on her part to handle issues of sexual harassment and neither the law nor the college level committee can do wonders to curb such problems. A girl should understand her limits in this society. I find the girls to be the culprits themselves who give boys an indication to give rise to problems like harassment.”*

The female students perceived that sexual harassment can happen through verbal, non-verbal and physical means. According to one of the respondents, *“The main root of sexual harassment lies in the family and the society which is then replicated across different spaces.”* They believed that sexual harassment occurs to both men and women but cases of women as victims usually come to the forefront. It was felt among the respondents that women are generally considered to be weak, downtrodden, not-so-good identity and hence they are harassed easily by men at workplaces. The respondents commented that women also harass women in a very bad manner. Women are also harassed easily by their relatives because relatives are considered to be “trusted ones.” All kinds of women no matter of whatever caste, class, physique, profession are harassed. A striking comment was made by a respondent, *“Men do not filter their desires when it comes to harassment and can go down to any level to fulfill their desires. They find women as commodities that are utilized for the same function.”*

It was noted that all the student respondents had experienced sexual harassment in some or the other way. Unwelcome touch, stares, sharing of sexist materials, offensive jokes and sexual

remarks, desire for dates and dinner, unwanted sexual attention were some of the means as shared by the respondents through which they had been harassed. They find that sexual harassment impacts the victim badly- mentally, socially, economically, physically and psychologically. Also there is no family support for such victims as then they are perceived to be culprits and not victims. Sexual harassment also leads to dismissal from job or job transfers.

All the female students had heard about the recently passed law against sexual harassment but did not know in detail. They also mentioned that their institution had an Anti-Sexual Harassment Committee. They were of the opinion that the culprits of harassment need to be punished as per the law but it can only happen when law doesn't only remain in the books. They regarded that the onus of maintaining a decent environment at workplaces lies with the head of the organization. They also shared the importance of awareness amongst both men and women about sexual harassment in addition to the role of counselling for the victims and culprits. It was felt by the respondents that incidences of sexual harassment should be shared amongst peers so that future incidences do not occur. They emphasized on the need for a suggestion box at academic institutions and other workplaces.

Overall the respondents argued about the sex-based discrimination prevalent in the society due to which girls become an easy prey to unpredictable environment at organizations. Girls have been given less opportunity and freedom in this patriarchal society in addition to their feeling insecure and always on their toes. It was perceived by them that girls have only defined "social spaces" that cannot be encroached or crossed. Ultimately they find that it is the involvement of both men and women that can tackle the issue of sexual harassment and acknowledge the dignity and respect accorded to the women folk of the society.

Police Department

Out of the entire sample of 15, 1 male employee (respondent A) of age group 40-50 years and two female employees (respondent B and C respectively) of age group 35-45 years were the stakeholders. The remaining 10 female employees and 2 male employees were of different ages ranging from 30 years to 55 years. One focus group discussion comprised of 4 female employees and 2 male employees. Informal brief talks happened with the rest of the 6 female employees.

Respondent A on the issue and experiences of sexual harassment argues that, *“This was always there. Everywhere women are being harassed be it public places, private spaces or workplaces, it isn’t anything new. Women fear men and men, since they happen to be in the majority so they pass comments, remarks etcetera against women. The IPC has brought in amendments to Section 354 viz. 354 A, B, C and D in which sexual harassment has been highlighted. The direction of change is to have more number of working women in the workforce despite the usual talks of rights etc. Despite all protective measures for women, why do women run away from the job after 5pm? Why do they work only and not sit at home if they cannot sustain the work environment?”*

According to the respondent A, Bihar has always been a feudalistic society in which a woman is judged through different yardsticks. Also though women are getting educated but still the real power lies with the men as women are economically weak and do not own property. Since women happen to be only on subsistence so they are the tools of exploitation. So the problem is an economic one and not a cultural or a social one. For women there is no realization of any kind of problem as women happen to be *“class in itself but not class for themselves”*. There are a lot of contradictions among the women themselves and hence are not able to coordinate better to realize the gravity of any problem.

Talking about the ways in which the problem of sexual harassment can be tackled respondent A fully believed that only the ruling elite women can make use of Acts and any legal machinery. He also argued about the liability that an employer has in ensuring the best work environment for the employees- male or female.

Respondent B talked about sexual harassment of women at workplace an addition to the already existing cases of domestic violence against women. She humorously remarked about the issue of safety of women even at workplaces in addition to public places and private spaces. As per records her police station has handled hardly 1-2% cases of sexual harassment of women at workplace. She also shared her understanding about the Sexual Harassment of Women at Workplaces Act 2013 and the Amendment to the Indian Penal Code.

Talking about the perception of sexual harassment of women, Respondent C was of the opinion that today women use *“sexual harassment”* as a tool to defame character of men. Women have become so ambitious that they leave no stone unturned in achieving what they want no matter

through whatever means. At most of the times people happen to confuse sexual harassment with sex-based discrimination. She also talked about the verbal and physical means of sexual harassment of women.

When asked about the experiences of sexual harassment the respondent C denied any incidences in her department as people “fear” the police and moreover there is so much of hierarchy that personal level of interaction is very limited. *“Sexual harassment is out of question in the police department. Also on a personal level I haven’t ever experienced any kind of harassment”*, quotes the respondent. She also added the fact that now there is a women battalion consisting of 700-800 women but no cases of sexual harassment have happened. The respondent acknowledges the fact that sexual harassment of women leads to psychological and health issues.

On sharing views about tackling the problem of sexual harassment the respondent C argued that awareness campaigns and the fear of law can bring about the necessary change. Today women only happen to be the culprits who indulge in sexual harassment. The Indian legal system has become too much women-favoured that it is a pity on the men in the society. The Amendment to Section 354 of IPC is a perfect example for this. The recently passed Act to check sexual harassment also favours women and disregards harassment done to men so men are by default assumed to be the culprits. Respondent C strongly believed that there needs to be Anti-Sexual Harassment laws for men too.

In the focus group discussion of 4 female employees and 2 male employees interesting insights came out about their individual perception on sexual harassment of women. It was found that the respondents confused sexual harassment with sexual discrimination. One of the respondents argued that some women face problems by becoming victims of sexual harassment while others instigate problems as they are too ambitious to climb up the ladder. It was strongly argued by her that it ultimately depends on the officer at the superior level be it male or female as to how they treat their juniors. Sometimes even lady officer at the superior level pass wrong rules.

On being asked about the experiences of sexual harassment what was told could not be interpreted as harassment per se rather sex-based discrimination. With regard to this, the female respondents talked about some problems faced by them working as employees of the police department. They complained about the lack of ladies washrooms, less number of female employees at police department and hence hardly any lady officers at senior most level, no

conveyance to ladies officers, lack of residential quarters, women being put for night duty and asked to walk during patrolling, issues of timings that sometimes goes beyond 5pm. Basically the insight that came out was an observed difference between male and female officers and an opinion about gender not being taken into account while allotting job in the police department. An opinion about physique being a parameter in determining job was sensed through the discussion. One of the respondents told about the tantrums passed by clerk lady officers to lady police constables. It was argued that due to the field work involved in the role of a constable the women working at clerical level in the police department used to look at the constables with total disrespect. It is still believed that such experiences are on a very individual level.

Discussing about the ways to tackle the problems of sexual harassment it was strongly felt among the female respondents that women themselves should be reserve and not too outright in their behaviour. On the other hand the respondents had a common belief that though most of the problems were addressed by their immediate officer at the superior level yet some were still not paid attention to. They do felt that women should be able to deal with such sensitive issues of sexual harassment on an individual level or else try reporting to their seniors.

The male respondents who shared their perspective on sexual harassment of women criticized the changing dressing sense in this westernizing world that leads to harassment at public places. As per the male respondents when it comes to the sexual harassment of women at workplaces it is strongly felt by them that “trust” and “patience” play a very important role among junior and senior employees. They also were of the opinion that it depends on the senior officers as to what kind of work environment is created by them which is conducive for a healthy relationship among employees.

Media

Out of the sample of 23 respondents, the 2 male employees (A,B) and 5 female employees (C,D, E and F) who happen to be the stakeholders, were married and had been working in the media sector for more than 10 years. But remaining 16 female respondents (which include the 9 female interns) who were all unmarried had been working in the media for a time span ranging from 8 months to 3 years. The 9 female interns who were of the age 19 and 20 had just a month's

experience of being at any workplace and preferred to fill in questionnaires rather than talking about sexual harassment.

Respondent A summed up his perception about sexual harassment of women in these lines, *“the issue of sexual harassment is very individual-centric, if a woman wants to get harassed she indulges into it. The work environment is not conducive to such unethical practices. As far as sexual harassment of men is concerned, it can only happen when there is a female boss and not a male one. Our organization has an Anti-Sexual Harassment Policy which might not be known to all the staff here, still such things if come up to the light of the management is first tried to be solved through counseling else strict action is taken.”*

Respondent B when asked about the perception of sexual harassment of women emphasized on an individual-centric behaviour. At the same time the respondent was vocal about the “fear factor” present at his workplace due to which such issues are not observed. Talking about experiences of sexual harassment the respondent shared about one of the cases that had happened at a medical college in the city wherein a lady associate Professor had put charges against the male Director of the institution. In addition to this the respondent did not deny occurrences of sexual harassment in the city be it public or private sector. “Porn” according to him has become something very common at offices but some offices do keep track of online activity through centralized servers. The respondent accorded high liability on an employer to curb such issues of sexual harassment. He acknowledged the presence of rules and regulations, DOs and DONTs at the workplace that as per the recruitment contract bars an individual to get involved in any such activities. In addition to this he was proud of the high degree of morality present at his workplace. In general it was believed by the respondent that neither the law nor employer can effectively tackle such sensitive issues, it is more to be handled by the individual herself. He was also glad about the increase in the education level of women that has given them the courage to retaliate if they are harassed but at the same time ruled out education as a tool to solve the issue.

Respondent C perceived that it has got more to do with the woman herself as only if she gives a “wrong signal” she is bound to face problems. In addition to this she believed that it is an individual-centric behaviour that usually occurs in the private sector. When it came to talking about the experiences of sexual harassment she denied any kind of harassment faced by her even if she has to stay in office till 9.30pm. Even in their company trips to New Delhi no such case of harassment came up. On ways of tackling such issues the respondent laid emphasis on reporting such kind of ill treatment to the seniors at the workplace and that too at the first stage of harassment itself. Likewise, she gave importance to the responsibility of the employer to maintain a certain discipline at the workplace and also focused on a decent behavior by a female employee.

Respondent D, before she could start a conversation with the researcher made a powerful remark about the existing male patriarchy in the society. She quotes, *“Today it is perceived that women do jobs not out of their interest but because of financial constraints. The menfolk think they can earn as much as they can “maintain” their wives as if wives act as burdens of maintenance rather than life partners.”* This powerful remark spoke volumes about her perception on sex-based discrimination. As far as experiences were concerned the respondent had never been a victim of any form of harassment nor had she heard about any such cases from her workplace. But she mentioned about different forms of harassment of women working in the other media houses of the city in addition to narrating some bitter experiences of some of her friends in other media houses. She talked about women reporters getting extensive field work as assignment if the employer has a motive to harass them. In addition to this, articles of women journalists being covered on page 1 or page 2 of the newspaper acted as an incentive to demand sexual favor. As a part of harassment, female crime reporters could get “soft beats” to be reported as news. The respondent talked about cases in which sometimes the employer becomes over-sympathetic and open-minded for particular female employees. To the contrary at times the female reporters too get close to their boss for want of early promotions. If a female reporter is given undue liberty by her employer yet resists sexual favours from the boss then she is ought to be transferred or humiliated badly. The respondent strongly felt that sexual harassment has an avid impact on the victim both psychologically and in term of her health. She recalled one of the remarks made by a male employee at some workplace to her female counterpart.

The male employee said, “*Why are you always so much dressed-up while coming to the office?*” The respondent argues that such remarks are derogatory in nature and play with the dignity of a woman as an employee of the same office. The respondent, when it comes to tackling such issues of sexual harassment of women at workplaces, argues that it depends on the woman as to how does she deal with the issue. Laws do help but it’s the woman ultimately who has to bear the burden of the same so it’s better to deal it in a way without taking recourse to the law.

Respondent E humorously commented on the perception of sexual harassment of women that now-a-days it is the men who feel oppressed and the women harass the men. She perceived that sexual harassment of women is a two-way mechanism in which women too make false allegations against men. Sharing some experiences of sexual harassment she talked about cases that happen in some of the elite organizations in India. She pointed out that Bihar too is not safe from the point of working women. Responding to the researcher’s question about ways to tackle the issue of sexual harassment, the respondent gave importance to the responsibility of the boss to create conducive environment at workplace by maintaining protocol among employees. She also talked about creating bonhomie at workplaces and at the same time was vocal about a change in attitude of men. In addition to the laws the respondent felt the need for massive awareness among the workforce so as to integrate both men and women better at workplaces. The respondent felt that an increase in the level of education cannot by any means tackle the issue of sexual harassment because even the highly educated IAS officers are involved in sexual harassment cases. She ended the conversation by commenting on the “duality” of discrimination versus empowerment as far as the women in contemporary India are concerned. She argued about the fact that on one hand the society is deeply concerned with empowerment of women and on the other hand the male attitude towards women is more of a discriminatory nature.

Respondent F perceived that the word “sexual” should be dropped off and only Harassment at Workplaces should be talked about. Her understanding came from the fact that employees could be harassed in multiple ways at workplaces. Also she had an opinion that the word “sexual” itself bars women to speak up on sensitive issues of sexual harassment. Moreover such issues have “social stigma” attached to it which further leads to hesitation from the women’s side. Both men and women can be victims of harassment. But she said, “Male employees feel female ones are available freely.”

The respondent shared her personal experience of harassment at her previous workplace in the media sector for which she had to approach the National Women's Commission. She had been terminated from her contract job without any prior notice. Due to her consistent efforts and patience to seek justice she was finally reinstated at her original workplace. Apart from this the identity of the male harasser was made known to all at the workplace to avoid future occurrences of harassment. This was a success story which she felt should be brought in public so that women get confident in speaking up and hence will act as a preventive measure to sexual harassment. She happily remarked that she had had no experiences of sexual harassment at her current workplace.

Regarding measures to tackle the issue of sexual harassment she commented that the resolution of such cases depends on the decision maker and the manner in which the case is being put up before any committee. Hence as such the formation of a committee per se cannot become the remedy. Also the victim needs to have patience to fight for justice and shouldn't indulge in negotiations and compromise. She focused on finding the root cause of any case due to which things turned up in a manner it shouldn't have. The respondent also commented on the aspect of prevention, prohibition and redressal of the Sexual Harassment of Women at Workplaces Act 2013. According to her, the notice of the Supreme Court should be pasted on the walls of every organization be it at the entry points, exit points or in the elevators so that it instills "fear" among the people at workplace. Campaigns and sensitization workshops at school, college and other institutions should take place to make people aware of sexual harassment. A movement should be launched against sexual harassment. The media should bring into light the success stories so that women do not hesitate to speak up. At the same time she mentioned that a female victim can sometimes be also seen as the culprit and hence awarded punishment. At the workplace, the culprit needs to be immediately terminated from the job then only will women feel safe and contribute best to the organization. She remarks, *"If the law is not taken recourse to then it is better not to pass any further laws for protecting women or else it will only remain in the books."*

Majority of the respondents who had a work experience ranging from 8 months to 3 years found the work environment very comfortable and remarked that Patna was safe as far as working women were concerned. Despite being a male populated workforce at their workplace they denied ill-treatment of the female workforce. They contrasted their opinion about Patna with cities like Mumbai and New Delhi where cases of sexual harassment are usually rampant and

usually on the rise. Also they added that the women working in private sector are more involved in sexual harassment. It was also argued by the respondents that even if they need to stay back in the office beyond 6pm there have been no issues as such. Also they held the employer responsible for creating an environment at the workplace such that cases of sexual harassment do not come up. It was striking to note that none of them knew about the Anti-Sexual Harassment policy that their organizations had. It was remarked that since they haven't been involved in any harassment so they need not know about such policies. The respondents were praiseworthy of the grievance re-dressal procedure of their organizations be it any kind of issue. They did have an understanding about different modes in which women are sexually harassed at organizations elsewhere. At the same time they upheld the importance of victims reporting cases of sexual harassment to their employers as then a lot of "hidden" issues come out and hence help in creating a better working environment.

One of the female respondents had experienced vulgar remarks being thrown at her in her previous job apart from an "unwelcome" gaze by her male colleagues. She was highly complaining of her last work environment. In general she commented on the male-female dichotomy at the workplaces that she had experienced previously. She perceived that men find women to be incapable of doing all kinds of tasks that ultimately creates differences and thus leads to discrimination of women against men. She iterated the fact that such discrimination occurred in spite of the recruitment procedure being the same for both the sexes. She also remarked that when it comes to sexual harassment men too are the victims who are harassed by female workforce. She was highly critical of the procedure of imparting justice in the country which usually takes years. In her opinion, people should be made aware about the laws on such sensitive issues which can at times play with the security and safety of women. Also she argued that women need to come upfront at an individual or associational level to revolt against such undignified acts that happen to them else cases of harassment would be on the rise. Not only that the culprit needs to be punished within the stipulated time so that "patience" of victims is not tested too much.

All the interns had a perception that sexual harassment happens to both men and women. One of the interns made a striking comment that, "*The mind of the culprit doesn't see whether it is male or female. Some "desires" do not distinguish between the genders.*" At the same time the respondents mentioned that usually cases of harassment are heard about women only. It was also

believed by the respondents that there are various modes through which sexual harassment occur viz. verbal, non-verbal or physical. According to them, staring and touching are the usual modes of unwelcome behaviour. They were of the opinion that workplaces are very safe spaces for the culprits to identify their victims. Most of the respondents were of the opinion that sexual harassment happens to women of all kinds and all age groups no matter they are from the elite or middle-class families. One of the respondents remarked that, "*Sexual harassment happens to two categories of women, those being extra-bold and others being shy. It happens by men who are higher in hierarchy at the workplace or else by the boss, colleagues or other staff members of the organization.*" Women are thought to be weak, fragile, easy scapegoats, less secure that become the reasons for their harassment. Also it was opined that men who lack moral values find it very easy to disrespect women.

When it came to experiences of sexual harassment one-third of the interns had shared incidences of sexual harassment before joining as interns. Touching, staring, attempts to discuss sexual matters, unwanted attempts to have sex and threats for sexual relations were some of the modes through which the respondents had experienced sexual harassment. They commented on the aftereffects of such kind of harassment on women which could be depression, mental disturbance, low self-esteem, self-accusations and indelible marks on personal and family life. They believed that incidences of sexual harassment are a disgrace for the workplace as they spoil the work environment.

It was interesting to find that all the responding interns were aware of the "Sexual Harassment of Women at Workplaces Act 2013" but unaware of any committee related to anti-sexual harassment at their workplace. Even those who had experienced sexual harassment disbelieved in punishments like life sentence, death sentence and chemical castration for the culprits. They accorded importance to the responsibility of employers in maintaining a healthy work environment at workplaces in addition to awareness and training programs for employees. Moreover, they felt that use of CCTV cameras and complaint through phone could work as effective tools to address issues of sexual harassment apart from explicit rules of conduct at workplace. As far as anti-sexual harassment policies were concerned they were of the opinion that even the male workforce should come under the ambit of the policy as cases of sexual harassment against men do occur at workplaces. Those cases happen where females outnumber males. They remarked that men should be taught moral values so that discrimination against

women is avoided which can ultimately check the issue of sexual harassment. As per the respondents, laws are necessary to protect the rights of women as they too are a part of the same society.

Medicine

The total sample consisted of 14 respondents and 2 stakeholders comprising of 5 PG students, 8 nurses and 3 doctors. Barring the PG students all the nurses and doctors were of age more than 30 years. The PG students were of the age group more than 27 years. 90% of the respondents were married. All the nurses had been working in the hospital for around 5-6 years on an average.

On asking the nurses about their perception and experiences on sexual harassment what came out were conversations around discrimination within the same sex. One form of harassment as perceived by them was the timings at the workplace. The other form of harassment as perceived by them was their contract based job continuing for 6 years while at the same time some nurses being kept on permanent basis. This leads to the permanent nurses looking at the ad-hoc or contract ones with no dignity and respect. This was the major problem being faced by the nurses. One of the nurses remarkably made a statement that, *“There are around 600 nurses here still on contract despite having worked for 5-6 years. So they also have faced and are still facing harassment and ill-treatment.”* The statement aptly describes the workplace issues of the women working there. The respondents argued about the absence of experiences about sexual harassment per se. When it came to ask them about the mandatory committee at the workplace for Anti-Sexual Harassment, they were absolutely ignorant. In some sense they were highly critical about on one hand laws being passed to protect women and on the other hand women not able to make use of the law out of time constraints, shyness, treating silence to be the best panacea for all evils.

One of the nurses replied, *“Should I do my work or co-operate with you in your research study to break my head over sharing with you my problems. What effective would happen if I share my problems at the workplace with you? Is it going to change anything?”*

The PG students perceived that sexual harassment hasn't got only to do with remarks related to a woman's body. There are multiple ways through which women could be sexually harassed.

Sometimes it is the women who invite harassment from the opposite sex due to the incentive of getting a better salary or promotions in the job. Most of these respondents had experienced some or the other form of sexual remarks being passed on them. In addition to this they had shared their experiences with some of their male colleagues who used to text unnecessarily within the hospital premises. One of the respondents remarked, *“I find such kind of experiences happen due to a taken-for-granted situation considered by the male counterpart. Also women harass women at the workplace. Not only this, men too experience harassment which doesn’t come to the forefront.”* Talking about the measures to tackle the issue of sexual harassment, the respondents argued about both legal and social instruments. The government does pass laws to check any issue but it still depends on the society to come forward and make use of the law. Still “silence” is thought to be the best remedial measure as harassment becomes a question of dignity and self-respect. All the respondents were unaware of anti-sexual harassment policy at their workplace.

The doctors shared their perspective on sexual harassment by commenting on the problem of sexual harassment posing a threat to a woman’s dignity and right to work safely at a workplace. Sexual harassment in their thinking was an offshoot of sex-based discrimination or rather a different form of discrimination. One of the respondents said, *“Women have always been victims of sexual harassment but in these days men too are becoming victims of the same. Some women are too ambitious and hence want to get themselves’ involved in harassment for personal benefits. One can’t say sexual harassment has become very general because it is still limited to an individual level and not inherent at a particular workplace.”* None of the doctors had personal level experiences of sexual harassment but they do had observed or heard cases of harassment from their friends working at different workplaces. They believed that women shouldn’t remain silent on such issue. At the same time they were submissive of the fact that it is the women ultimately who has to suffer despite the presence of laws in the Indian system of delayed justice.

NGO

(Field sites A, B, C, D and E)

The total sample in this sector consisted of 12 interviewees (stakeholders and respondents).

1. The sample at field site A consisted of 2 females and 2 males. All have an average of 2 years of experience working at the organization.

The females perceived that sexual harassment at the first place should take into account both men and women as men also at times couldn't get the space to discuss such things with their colleagues at the workplace. As per the respondents sexual harassment could happen by mental, physical or verbal means. They do understand that if and only if the gestures are unwelcome then only could they be considered as harassment. At the same time, they said, "*Can you stop anyone from hearing comments or rather sexual remarks? How do you evaluate its "unwelcome" nature after a person has heard the comment?*" The respondents felt that women of the Indian society still pay lip service to sexual harassment and do not come upfront to share their experiences which they should rather do so. Even if women share those experiences with their close friends but they should speak up where they need to. The respondents shared some of the cases of sexual harassment that had happened with a company providing security services but there were no personal experiences of the respondents as such. They also shared cases of sexual harassment within the organization which though were not of a criminal nature yet the culprit was sacked from the job. They were of the opinion that both the case and the subsequent judgment with regards to sexual harassment impact the woman badly be it her personal or professional life. Talking about the methods to tackle the problem of sexual harassment, the respondents informed the researcher about the Anti-Sexual Harassment Committee of the organization at the regional level which meets once in a month and is headed by any member of the organization at the regional level. The respondents felt the need for trainings, workshops and sensitization within the organization including all male and female members through dramas and other activities. Both the female respondents felt that resolution of issues concerning harassment depends on the victim. It could happen through mutual reconciliation too apart from making use of the law.

Both the male respondents shared the nuances inherent in calling any conduct "unwelcome". In unison they argued, "*How do we come to know about the unwelcome nature of any gesture?*" According to the respondents majority of the cases happen to women but it happens to men also. They felt that hierarchy has got no role to play when it comes to harassment based on sex. Today the better educated are indulging more into sexual harassment. As such the respondents had no prior experiences of harassment but they do mention that sexual harassment isn't anything new in today's society. Talking about the measures to resolve cases of sexual harassment, the respondents felt that such cases should be investigated well before applying charges on the culprit as it may happen that the victim herself had personal benefits in indulging into

harassment. They also appreciated the presence of Anti-Sexual Harassment Committees at their organization and other workplaces in general which would in turn ease the job of the police and the judiciary.

2. The sample at field site B consisted of 2 female employees who have been working with their organization for around 6-7 years.

Respondent A shared the various ways in which women face sexual harassment which could be uncomfortable gestures, intentional looks at the physique, derogatory remarks having an inherent intent for something evil, speaking physically very close to a woman, creepy and out-of-context talks and engaging in unwelcome sexual gossips. She believed that sexual harassment happens to both men and women and sometimes it is the woman herself who initiates or gets engaged into harassment.

The respondent shared her personal experience of sexual harassment at her previous workplace. She also shared an incidence in which a new male employee had tried to harass the female HR of the company but still the HR was “silent” on the issue. She shared another incidence in which a woman at an organization was asked to stay back after her usual timings for no reason. In general, the respondent talked about the evening meetings of the organization after which there should be conveyance for a female employee of the organization. She also shared her understanding that flirting can also lead to sexual harassment and hence become detrimental to the individual and the organizational ethics too. The respondent commented on today’s immense usage of chats and messages to harass women and that too after office hours. She also quoted an instance in which the female head of an organization had harassed a female employee at the organization for no good reason. She also talked about occurrences of sexual harassment during field work in the development sector.

When it came to talking about measures to check the problem of sexual harassment she talked about prevention, prohibition and redressal concerning sexual harassment. As per the respondent, prohibition of sexual harassment could be done by passing laws to protect women at workplace. As far as prevention is concerned, there needs to be workshop on gender equity and diversity at workplaces but still when it comes to “business in organizations”, issues of sexual harassment may go for a toss or taken in light vein. Also it depends on the individual as to how does she prevent any “advances” by the opposite sex. Regarding redressal, she talked about committees at

organizational level for registering complaints. According to her, such committees can only be worthwhile when they give space for the victims to share their experiences. Despite given the space if women feel “silence” is the best way out then it becomes very difficult to address her issue. Locating this context to her organization she felt that in consortiums employees take everything for a ride as there is no common committee to look into issues of sexual harassment.

Respondent B who also belongs to the above organization perceived that sexual harassment of women at workplace can be defined or experienced in multiple ways. Verbal abuses, physical touch, trying to enter into a woman’s space at workplace, throwing bad gestures, prying eyes on some woman’s work etcetera could be some of the means through which women are sexually harassed at workplaces. It was also perceived by her that both men and women have equal share in initiating such problems. She argues, *“On one hand men take women for granted and on the other hand women find it very easy to let them loose and initiate events which further become an advantage for men. Then men try to play around with their female counterparts. Moreover when it comes to doing business in an organization the dignity of a woman might be paid less attention to.”*

Talking about experiences of sexual harassment she had a notion that the support staff are much more gender sensitive than the highly educated ones who hold white-collar jobs. She has been an observant to few cases on sexual harassment at her workplace in which women had to literally go through “hell”. She powerfully remarked that at organizations like “this” where there is no liability on the part of employer or the outsourced agents women have been taken on a ride.

Commenting on the means to tackle the problem of sexual harassment the respondent focused on the liability of the management of any organization for ensuring a “safe space” for its employees and support staff. According to her, anti-sexual harassment committees are not the only answer. What is required is a change in mindset, timely review of anti-sexual harassment policies and strict implementation of the law with a high conviction rate. She argued that still 98 out of 100 women do not speak up on such issues hence there has been no change as such.

3. The sample at field site C consisted of 1 female employee (respondent A) and 2 male employees (respondents B and C) who have been working with their organization for around 6-7 years.

Respondent A opined that women are considered to be under a glass-ceiling at workplaces. As per the respondent, domestic violence is restricted to private spaces whereas the issue of sexual harassment at workplaces is not paid due consideration owing to negative effects on business transactions at workplaces. She criticized the gender insensitive environment that usually prevails in civil society organizations due to male power, dominance and authority and commodification of women. In addition to this the respondent argued that at their organizations women's rights are taken for a free ride.

Sharing her views on various experiences of sexual harassment of women at workplaces, the respondent questioned the absence of women at organizations working on women issues in the city. She also shared an instance where a women working at an NGO who in spite of being an activist had to keep silent when it came to sexual harassment. The incident left indelible marks on her personal and professional life thereby questioning her own dignity. The respondent believed that at times women who are actually the victims of sexual harassment at workplaces end up being seen as the culprits themselves. She argued the fact that at NGOs, 'single' women work who are different from the traditional women. She narrated the incidences of sexual harassment that take place during field work that involves both men and women. According to her most of the men who happen to be on the field assume that their female counterparts would be comfortable under any circumstances without even bothering to ask them. The respondent was of the opinion that workplaces timings for women often become a cause for their harassment.

Talking about addressing the problem of sexual harassment of women at workplaces, the respondent argued about the uselessness of the law since women often remain silent on such issues. She also raised questions on the dysfunctional nature of any anti-sexual harassment committee (owing to no meetings of the committee) present at workplaces. In addition to this she questioned the existence of the committee itself at workplaces when the employers themselves are the culprits of sexual harassment of women. In that case it becomes necessary for the presence of an outsider member in the committee for which the workplace 'politics' does not allow. Apart from this, the respondent argues that it is the decision maker in the committee who wields power. The respondent argues that the decision-maker politicizes issues of sexual harassment painting them as service-related and not the ones concerning the identity of women at workplaces. She supports those women who dare to voice their 'concern' before the committee

instead of keeping silent on such matters. The respondent talked about putting up posters at workplaces to sensitize both male and female on the issue of sexual harassment, creating space for dialogue between the male and female employees at workplaces and spreading awareness about sexual harassment of women at workplaces through various other means. Apart from that she argued that it is women who need to deny any kind of sexual advances made from their male colleagues that can act as a deterrent to the behaviour of men at workplaces.

The male respondents B and C had a perception that sexual harassment of women at workplaces was a socio-cultural aspect in the contemporary society. Though sexual harassment happens to both men and women at workplaces but 98-99% of the victims are women. As per the respondents, women are seen as commodities even at workplaces' continuing the trend of patriarchy, power and male dominance which is against the dignity and respect of women in a working environment. When it comes to sexual harassment of women at workplaces it totally depends on the 'intent' of the person indulging into sexual harassment. Uncomfortable touches, verbal and oral forms of sexual harassment of women are usually encountered at workplaces. The respondents shared an opinion that most of the cases of sexual harassment of women at workplaces go unreported. Men are harassed at feminist organizations. Apart from the organized sector women are also harassed in the unorganized sector like in NREGA where female laborers are managed by male supervisors. According to the respondents, the recent law on sexual harassment is a welcome step towards the protection of rights of women. The law needs to be complemented by the 'voice' of women on such issues that hamper their respect and dignity.

4. The sample at field site D consisted of 1 female employee of the age 21 years having around 5-6 months of experience.

The respondent had a clear understanding about the various forms of sexual harassment of women at workplaces as identified by the Vishaka guidelines. She had a perception that any unwelcome or unacceptable gesture towards both male and female employees at the workplaces could constitute sexual harassment. She supported the fact that sexual harassment could happen to both men and women at workplaces. She had an understanding that the issue of sexual harassment of women at workplaces has its seeds in the patriarchal system embedded into our society and it starts from the level of a family. The respondent vehemently criticized the gender insensitive society even if it comes to working at organizations.

Talking about the experiences of sexual harassment she argued about the prevalence of sexual harassment of women in both the organized and unorganized sector in India. The respondent shared her understanding that often women at workplaces who happen to be the victims of sexual harassment end up being projected as the culprits themselves. She argued that there seems to be a clear cut violation of the Vishaka guidelines in which the burden of proof lies on the accused and not on the victim. The respondent accepted the fact that power, dominance and hierarchy pose a problem in proper identification of the cases of sexual harassment in addition to even diluting the cases that are somehow reported by some women. What in turn happens is that women become helpless and have to submit to their organizational policy in the fear of losing their jobs or getting defamed.

The respondent discussed some aspects about the prevention, prohibition and redressal of cases of sexual harassment of women at workplaces. She criticized the non-implementation of law which mandates the formation of Anti-sexual harassment committees/ Sexual Harassment Complaint Committees at every workplace. As far as the redressal mechanism was concerned she criticized the insensitive judicial system when it comes to dealing with issues concerning women. Also she voiced her concern about the politicization of issues concerning the dignity of women at workplaces. The respondent argued that the recent law was a welcome step towards change but only when people are made aware about the same.

5. The sample at field site E consisted of 2 female employees (respondents A and B) of the age 25 years and 28 years having work experience of 5 months and 4 years respectively.

The respondents had a perception that sexual harassment happens to both men and women at the workplace. They believed that it is the women who adhere to the sexual favours from men. According to them, sexual harassment of women begins at the level of the family and then translates into the society and hence the concern of sexual harassment is a cultural one.

The respondents shared experiences of a woman having undergone sexual harassment at her organization and finally ended up opening up an NGO to work for women issues. The respondents had an understanding that at NGOs too women have to face sexual harassment which is not visible in the organization as such issues are least talked about in an organization.

A few questions that arose in the minds of the respondents were, “*How does a woman perceive any incidence of sexual harassment that has happened to her? What is the role of an observer in cases of sexual harassment who happens to be neither a victim nor a culprit? How does (or how should) a woman retaliate to incidence of sexual harassment and make the culprit realize his crime? Is ‘silence’ in such cases a worthy step towards checking the issue of sexual harassment? Does candle-march really change anything or for that matter sensitize the public in general too?*” The respondents criticized compensation awarded to women in cases of sexual harassment. Likewise, they criticized the corrupt police and judicial system in approaching the issue of sexual harassment and solving it. They regarded counseling at family level as a major step towards addressing the issue of sexual harassment. In their opinion, the problem of sexual harassment needs to be approached at an individual level. In addition to this, they argued about building the capacity of “males” and not only females per se when it comes to the creation of healthy working environment at workplaces. The respondents argued that just having an anti-sexual harassment committee at workplaces cannot make a difference until and unless proper meetings and reviews of the committee take place. They finally added that both men and women at workplaces need to have a dialogue on such sensitive issues.

Judiciary

The female lawyer had a perception that the law against sexual harassment should not be gender neutral. She shared a couple of cases concerning sexual harassment that follows this paragraph. The respondent felt that though it was good to see that women were protected from sexual harassment in the recent law yet the law wasn’t complete. She argued that the law at one hand protects women and at the other hand the society happens to be highly male driven. “*Let the woman fight for her rights she will herself get tired,*” quoted the respondent. According to her the society has this kind of perception about women. She added that the inefficient and irresponsible police do not register FIRs concerning cases of sexual harassment or sometimes even rape cases.

Case A:-

As reported by the lawyer this happens to be the first case of sexual harassment against a woman working in the organized sector (medicine) at Patna that has come up in the High Court of Patna. The case had been registered during 2012-13. The Director of Indira Gandhi Institute of Medical

Science (IGIMS), Patna has been charged for putting forward an indecent proposal to one of the female Associate Professors of the institute. The victim filed a case of sexual harassment against the Director. The Director has terminated the duties of the victim on false grounds of not qualifying for the job. Also the Board of Governors did not issue any show cause notice to the victim. The victim has challenged the institute's termination order. The Director perceiving that the victim had intentions to defame him filed a case against the victim under the Criminal Defamation Act. The victim happens to be a Bengali unmarried woman settled at Patna. Though the mother and sister of the victim support her yet sadly there is no strong evidence to prove the charges against the Director. To add to it, the maternal brother of the Director happens to be the DGP of Bihar.

Case B:-

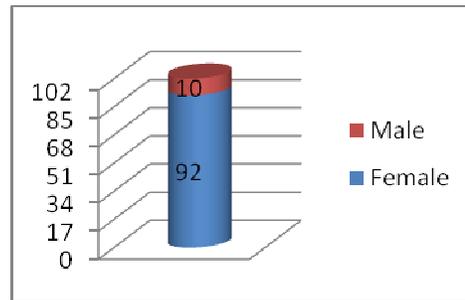
In this case of sexual harassment which has happened in one of the NGOs of Patna, a physically handicapped male employee has physically harassed her female colleague and continued stalking her. As a consequence, the culprit has been sacked by the NGO on the victim's complaint but still stalking continues.

ANALYSIS

The findings of the study conducted across the seven sectors viz. government, academic institutions, police department, media sector, medicine sector, NGOs and judiciary reveal few dominant themes and notions of sexual harassment of women among the respondents. Such themes and notions about sexual harassment emerging out of the study show various similarities and dissimilarities amongst the total sample of respondents owing to the kind of sector the respondents belonged to. The respondents who had faced, heard or observed sexual harassment at their or other workplaces shared their experiences with the researcher. When it came to sharing their opinion about addressing the issue of sexual harassment of women, there were differences in the views about the prospective measures to be taken apart from making use of the current law- Sexual Harassment of Women (Prevention, Prohibition and Re-dressal) Act 2013.

The age, sex, marital status and work experience were some of the prominent variables taken into account during the course of the interviews with the participants of the research, including both stakeholders and respondents.

The following graph shows the gendered distribution of the total sample of 102 respondents and stakeholders across the seven sectors.



Graph 1- Gendered distribution of participants (102)

Majority of the respondents across the seven sectors were married and were of age bracket 25-50 years but there were variations in the total duration of work experience possessed by them from 6-7 months to 12 years. In addition to these variations, the kind of profession varied from being contract level jobs, job as intern and permanent jobs.

The following table shows the distribution of stakeholders (S) and respondents (R) across the seven sectors.

Type	Government Sector	Police Department	Academic Institutions	Media Sector	Medicine Sector	NGOs	Judiciary Sector	Total Sample
S	3	3	3	7	2	12	1	102
R	21	12	8	16	14			
Total	24	15	11	23	16	12	1	

Table 2- Distribution of stakeholders and respondents vis-a-vis sectors

Perception of Sexual Harassment

As far as the perception of sexual harassment was concerned, what came out dominantly across the seven sectors was the unclear understanding about the term sexual harassment. This was because majority of the respondents were using the term sex-based discrimination interchangeably with sexual harassment. Others had an understanding that sexual harassment can happen through verbal, physical or non-verbal means which is unwelcome or unacceptable on the part of the woman. For instance, derogatory remarks about the body of women or certain out-of-context talks form a part of sexual harassment. The term sexual harassment was also used in terms of the discrimination faced by women owing to the non-availability of certain basic facilities at workplaces like toilets, separate seating arrangements etc. Owing to the kind of sector the respondent or stakeholder belonged to, there were different opinions about the term sexual harassment. It was also perceived that the usage of the term “sexual” as a prefix itself creates silence on the issue of sexual harassment.

The notion of male patriarchy in the Indian society was the prominent perception running across all the sectors. From the findings it could be identified that the society has a whole set of Dos and Don'ts for women. It was considered that women who have always been ill-treated in public and private spaces hence become the victims of sexual harassment. The whole concept of a male being a breadwinner in the family is no longer persistent in the society. The trend of women coming out of their domestic spaces to work so as to earn a living further perpetuates different atrocities on them. Such an embeddedness of male patriarchy in the society has led to certain spaces of safety and danger for the women of the society. Not only this, workplaces have a lot of “single” woman working across different sectors who become easy victims of sexual harassment. Sexual harassment of women as articulated by male respondents is a socio-cultural question for the society wherein still women are treated as objects of commodification.

The female respondents could not be considered a homogenous entity as there were differences amongst them too. The respondents having a feminist standpoint were critical of the fact that sexual harassment could happen to both men and women while other female respondents believed that sexual harassment should concern both men and women. In that case the recent law doesn't take into account the sexual harassment caused to male employees at workplaces. Surprisingly, majority of the female respondents criticized women for their provocative behavior

at workplaces that ultimately leads to sexual harassment. In times contemporary women have become career oriented and ambitious for which they can't leave any stone unturned so as to climb up the ladder of success. Hence the working woman of today can easily use the law against sexual harassment to defame the character of the male counterpart. Differences in the attitude between women and men at the same workplace are also visible when it comes to identifying reasons behind the occurrence of sexual harassment. The male respondents could not identify if certain kinds of behavior towards women are unacceptable or not. The identification of intent of the male individual at the workplace towards the female and the manner in which the intent is received at the other end creates a lot of tension and ambiguity in locating sexual harassment.

Closing in on the perception of sexual harassment at workplace it is found that at workplaces the rights of women are weighed against business in organizations. Power, dominance and hierarchy have got a lot to do when it comes to talking about the rights of the assumed weaker sex of the society. Women are always thought to be under the glass- ceiling at various organizations. The freedom to talk about issues of sexual harassment is very limited and it ultimately depends on how empowered a woman is in bringing such issues to the forefront. Those who speak have a fear as to how will they be perceived within the workplace that leads to "silence" being the last resort. The duality of discrimination against women and empowerment of women pull and push each other when it comes to talking about sensitive issues like sexual harassment.

Narrating experiences of sexual harassment

A majority of the respondents out of the 92 females had experienced sexual harassment at their workplace. When it comes to sharing experiences of sexual harassment there is a distinction between the ways respondents feel about the presence of the issue of sexual harassment per se at workplaces. The government department (public sector) feels that it is the private sector wherein cases of sexual harassment are observed. Amongst the private sector too differences of the intensity of the issue of sexual harassment exists. Sexual harassment also varies across the organized and unorganized sector. Within the organized sector itself, a feminist organization has a different standpoint of sharing the cases of sexual harassment as compared to a non-feminist one. As far as the NGOs are concerned sexual harassment is evident during the course of field work. In the media sector "soft beats" are given to the female reporters as a consequence to not adhering to the requests of the employer. Some organizations hold their meetings in the evenings

that make female employees mandatory to remain at their workplace apart from their usual timings. In addition to these, work conditions for the female, facilities of conveyance, nature of job being temporary or permanent and number of women employees at the office etcetera perpetuates sexual harassment. Apart from these differences, the responses of the interviewees from the city of Patna clearly implies about the severity of the issue of sexual harassment in metropolitan cities like New Delhi, Mumbai, Pune and not in cities like Patna which happens to be safer as compared to other cities.

As far as the cases of sexual harassment of women at workplaces are concerned cases that are reported only those come into picture which requires great capacity on the part of the individual woman to narrate her experiences. In matters of silence, such cases go unreported and gives the culprit undue advantage. As argued, majority of the cases of sexual harassment happen to women only. Even if a male is harassed it becomes a matter of shame for the male to narrate his experiences of harassment. The male respondents had an argument about the formulation and authenticity of any case of sexual harassment as it may have been intentional on the part of any woman to defame her male colleague at the workplace. The female respondents themselves perceive that women harass women at workplaces out of jealousy and ego factor. When it comes to the kind of women being harassed at workplace there is no weightage accorded to the class of woman or her boldness or shyness.

As per the findings the hierarchy within an organization has almost no role to play when it comes to the relationship between the culprit and victim. Cases have happened in which a newly recruited male employee had harassed female HR of an organization. In most of the cases of sexual harassment as argued by the respondents the dichotomy of victim- culprit was highly evident. Even if a woman who happens to be the victim in any case of sexual harassment ends up becoming the culprit due to the male chauvinistic attitude and the inherent fear to narrate their experiences. Honor and dignity apart from self-esteem of a woman are crucial variables that hinder a woman from narrating her experiences of sexual harassment as it comes with social consequences for the woman. A woman either if she narrates her experiences or not sexual harassment affects her physically, mentally and psychologically. Also when it comes to their profession, sexual harassment ruins her career..

A few cases of Sexual Harassment from India

- Mumbai's high-profile case of two young men (Keenan Santos and Reuben Fernandez) who were stabbed to death when they protested the harassment of their female friends by a group of men outside a restaurant in October 2012 is a textbook example⁹.
- An appeal to the Supreme Court was made by the Tamil Nadu government against the acquittal of an inebriated policeman accused of harassing a woman in a public place. The state government had enacted the Tamil Nadu Prohibition of Eve Teasing Ordinance in 1998 (later converted into an Act) following the death of a young woman student in Chennai after she was harassed by a group of young men on motorcycles¹⁰.
- Some state governments have evolved strategies to deal with the problem. For example, Assam has recently deployed the first batch of trained and armed women commandos, "Virangana" in Guwahati to prevent such harassment. The Uttar Pradesh government has started a dedicated helpline, the Madhya Pradesh government has said that harassers will not be given passports or driving licences and the Patna (Bihar) police have set up a Romeo Mobile patrol¹¹

Responses to Sexual Harassment - Prevention, Prohibition & Re-dressal (Sexual Harassment Act 2013 - an outcome of Vishaka Judgment 1997)

Looking into the varied perceptions of the respondents across the various sectors on the issue of sexual harassment of women at workplaces, it is true that there have been differences in the ways people have looked at the problem, conceived it and then tried to come up with ways to address the issue. Undoubtedly, 90% of the respondents feel that in India law remains in the books and it is not implemented properly. Even if a law exists only the ruling elite are "capable" enough to make use of the law. As far as the Sexual Harassment of Women Act 2013 is concerned which protects the rights of the women, women in themselves are not a homogenous entity politically. Time and money both are the costs involved in fighting a case against sexual harassment that has economic bearing on the victim of sexual harassment. On one hand, a woman trying to bring up her experience of sexual harassment becomes a cultural question and on the other hand silence prevails on such sensitive issues. In addition to this, a law intrinsically is not sufficient to address

⁹ An Insidious Crime, Editorials, Economic & Political Weekly EPW, December 15, 2012 vol xlvi no 50

¹⁰ ibid

¹¹ ibid

the myriad perceptions of the diverse people within the society. Collating all these arguments it becomes very complex for a legal recourse to be effective in such a multi-perspective scenario.

Numerous laws have been passed in India for the protection of women. It has so happened that the law is now being used as a tool by the ambitious women of the contemporary times to disempower the male counterpart in the professional space. It's not only about the law but the support system provided by the police too which is also in a sorry state of affairs.

The following timeline brings to the limelight the various developments that took place finally leading to the legislation of the Sexual Harassment of Women (Prevention, Prohibition and Redressal) Act 2013. As argued by the respondents that sexual harassment occurs to both men and women yet the law is meant for the female sex only. Nevertheless, Criminal Amendment Act 2013 by default assumes "men" to be the culprits of any kind of sexual harassment to women.

Timeline- Sexual Harassment of Women (Prevention, Prohibition and Redressal) Act 2013:-

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979 recognizing universal human right of a woman to work with dignity ratified by India in June 1993
- Vishaka vs State of Rajasthan- Judgment AIR1997 SC 3011: (1977) 6 SCC 341

The backdrop to this judgment was the gang rape of a community worker of the Rajasthan State Government's Women Development Department, Bhanwari Devi (saathin), in 1992, who was employed in its women's development programme to prevent child marriages. A group of women's organizations came forward to file Public Interest Litigation (PIL) in the Supreme Court, asking for directions and guidelines to ensure the constitutional rights of women to work in a violence-free work environment. The landmark judgment was significant in recognizing sexual harassment at the work place as a violation of the constitutional rights of women and outlining guidelines for the prevention, deterrence and redress of sexual

harassment¹². The Supreme Court relied on the Article 11 and general recommendations - 22, 23 and 24¹³ of CEDAW.

- Apparel Export Promotion Council vs A K Chopra (1999) 7 SCC 759 (further explained the definition of sexual harassment as a form of sex discrimination)
- Sexual Harassment of Women at the Workplace (Prevention) Bill, 2000
- Prevention of Sexual Abuse of Women at Workplace Bill, 2001
- Prevention of Sexual Abuse & Harassment of Women and Girls at Workplaces Bill 2002
- Sexual Harassment at the Workplace (Prevention) Bill 2003
- Protection of Women against Sexual Harassment at Workplace Bill, 2007 (drafted by NCW-defined Sexual harassment)
- The Prohibition of Sexual Harassment at Workplaces Bill 2010 (revised version of 2007, NCW, New Delhi)
- Protection of Women against Sexual Harassment at Workplace Bill, 2010 (Ministry of Law and Justice, Parliament)
- Sexual Harassment of Women at Workplaces (Prevention, Prohibition & Redressal) Bill 2012- LS (3rd Sep'12), RS (26th Feb 2013)
- Criminal Law (Amendment) Bill 2013 was passed by Lok Sabha on 19th March 2013 and by Rajya Sabha on 21st March and henceforth converted into the Criminal Law (Amendment) Act 2013. It provides for amendment of Indian Penal Code, Indian

¹² Prakash et.al., State of the Urban Youth ,India 2012, Iris Knowledge Foundation, pp 99-100

¹³ CEDAW, Article 11 reads: "1. States/Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on the basis of equality of men and women, the same rights, particular:

(a) The right to work as an inalienable right of all human beings;...(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction. Article 24 reads: "States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realisation of the rights recognised in the present Convention." Committee on the Elimination of Discrimination against Women General Recommendations, No 22 reads: "Violence and equality in employment: Equality in employment can be seriously impaired when women are subjected to gender specific violence, such as sexual harassment in the workplace.

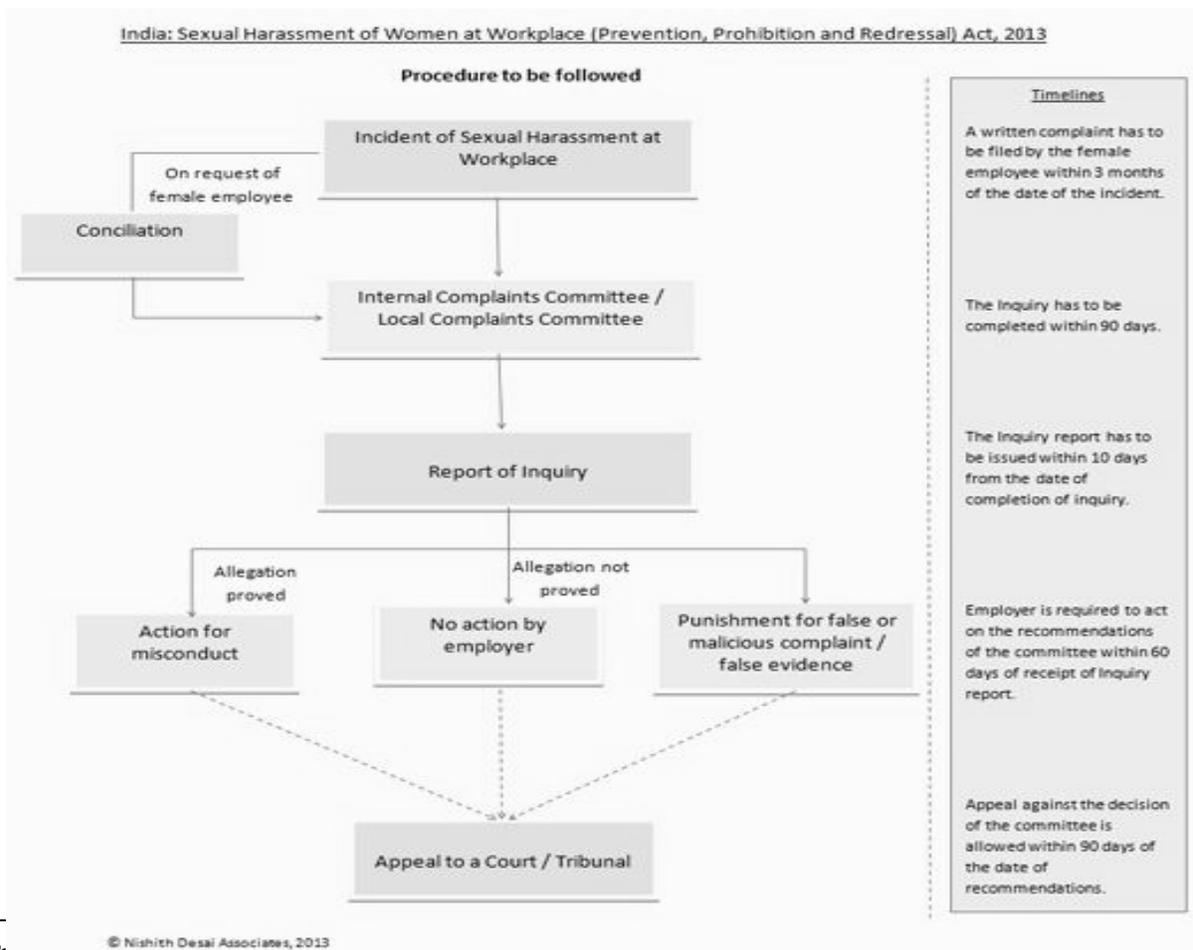
General Recommendations, No 23 reads: Sexual harassment includes such unwelcome sexually determined behaviour as physical contacts and advance, sexually coloured remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that the objection would disadvantage her in connection with her employment, including recruiting or promotion, or when it creates a hostile working environment. Effective complaints procedures and remedies, including compensation, should be provided.

General Recommendations, No 24 reads: States should include in their reports information about sexual harassment, and on measures to protect women from sexual harassment and other forms of violence of coercion in the workplace.

Evidence Act, and Code of Criminal Procedure, 1973 on laws related to sexual offences. It makes sexual harassment (Section 354 A), stalking, voyeurism, acid attacks and forcibly disrobing a woman explicit crimes for the first time, provides capital punishment for rapes leading to death and raises to 20 years from 10 the minimum sentence for gang rape and rapes committed by a police officer. Certain changes has been introduced in the Code of Criminal Procedure and Evidence Act, like the recording of statement of the victim, more friendly and easy, provision of interpreters etc¹⁴. IPC sections 354 and 509 deal with intentions to outrage and insult the modesty of a woman, which include the use of gestures and sounds and exhibition of objects.

- Sexual Harassment of Women at Workplaces (Prevention, Prohibition and Redressal) Act 2013 (w.e.f. 22nd April 2013)

The following snapshot outlines the sexual harassment of Women at Workplaces (Prevention, Prohibition and Redressal) Act 2013.



¹⁴ P

As sexual harassment of women is an issue pertaining to the workplace setting so it calls for the role of the organization in promoting a healthy atmosphere for its female employees rather both male and female. Though the Act mandates the organization to constitute a committee against sexual harassment of women but it is worthwhile to judge the effectiveness of the committee when it comes to doing business in the organization. Also, in case an employer herself is involved in initiating sexual harassment then it becomes a question of who guards the guardian. There are other inherent problems in the composition of the committee which does not have space for any outsider to become a part of the committee. Though majority of the sectors in the study knew about the Committee against sexual harassment yet it was a dysfunctional committee. No regular meetings were held and the concerned law is seen to be openly flouted at the organizational level. Can the reward of compensation to the victims of sexual harassment become a means to address the issue of sexual harassment or is it just compensation towards the economic loss borne by the victim? The law has mandated the formation of committees both at organizational level and district level. It seems that though it has lessened the work of the judicial system to address issues but to the contrary it has made things difficult for the employees.

Why can't an organization by itself create a policy that is duly signed by the employees, non-compliance to which may lead to adverse consequences? As argued in the findings that a woman's ambition could also initiate or invite sexual harassment then why can't the organization itself come up with stricter policies on promotion in the organization? The organization also needs the participation of its employees be it male or female to create dialogue on such issues so as to enable a safe work environment. It is the role of the organization not to trivialize the cases concerning sexual harassment because then only can the female workforce voice their concern over such sensitive issues. At an infrastructural level, the use of close circuit cameras, centralized computer servers, display of posters, suggestion box and complaint on phone could also work out to be some of the measures to address the issue of sexual harassment. Jawaharlal Nehru University was the first among all to form the GSCASH (Gender Sensitization Committee against Sexual Harassment) on the lines of Vishaka guidelines.

For addressing the issue of sexual harassment of women at workplaces it is the role of the media, academia and NGOs to work together in a collaborative environment so as to create coverage,

intellectual dialogue and research and intervene as and when required in the community settings. This framework would help reach out the law to the larger audience and foster awareness and sensitization amongst the public in general. Simultaneously “silence” needs to be broken on such issues which take courage on the part of the individual woman as it would in turn help curtailing future incidences of sexual harassment.

CONCLUSION

From the perspective of human development and Sen’s idea of capabilities, it becomes necessary to point out that basic human rights are always essential as means for any individual in this society to achieve the desired ends of her life. It’s not only about the basic rights but the support of the institutions like the police, judicial system etcetera that enable an individual to achieve her ends. Likewise, the issue of sexual harassment of women at workplaces inhibits a female’s capabilities to move in the desired direction of human development and in the long run could lead to disruption of the social fabric. The mixed perceptions of the individuals in the society on the issue of sexual harassment itself exemplify the fact that law and society have always been at loggerheads with each other. Social rules and legal rules cannot come together to answer a socio-cultural question.

A phenomenon that is so deeply entangled within our society’s cultural and social expectations of women’s behavior and the accompanying attitude of seeing the woman not as the victim but as the cause of the crime against her cannot be tackled just by another law. Societal attitudes that dictate what is “appropriate” for women and social conditioning that makes women avoid confrontation rather than fighting for their right to move without fear or hindrance in public need to be changed. So long as Indian society refuses to grant women the right to access and use the public space as equals to men, they will continue to be at the receiving end of harassment and violence. A society that finds it acceptable to treat women in public spaces as the objects of sexual desire can have little to say for itself¹⁵.

¹⁵ An Insidious Crime, Editorials, Economic & Political Weekly EPW, December 15, 2012 vol xlvi no 50




 दूरभाष सं० : 0612 6540157

महिलाओं के विरुद्ध हिंसा एक सर्वविदित तथ्य है, किन्तु बहुत ही कम लोग इस विषय पर खुलकर बात करना चाहते हैं और उससे भी कम लोग इसके बारे में कुछ ठोस कदम उठाना चाहते हैं। फिर भी इन सारी कठिनाइयों के बावजूद कल्याण विभाग, बिकार, सरकार ने थ्रीनसेफ के सहयोग से महिलाओं के प्रति हिंसा के विरुद्ध आवाज उठाने की पहल की है और हेल्प लाइन की स्थापना की है।

'हेल्प लाइन' कल्याण विभाग, बिकार सरकार एवं थ्रीनसेफ का एक संयुक्त प्रयास है, उन महिलाओं तक पहुंचने का जो पीड़ित हैं, शोषित हैं और हिंसा की शिकार हैं। महिला के विरुद्ध हिंसा से बचने का यह एक विशिष्ट पहल है। 'हेल्पलाइन' सरकारी तंत्र के अन्तर्गत एक संघटन है, जो हिंसा की शिकार विवादायक महिलाओं को थपसंभव सहायता देने के उद्देश्य से गठित की गई है।





EQUITY FOUNDATION SUMMER INTERNSHIP PROGRAMME (SIP)

THEME OF THE STUDY:

WOMEN SAFETY IN WORKPLACE: KEY ISSUES & CHALLENGES

A RESEARCH STUDY ON THE NATURE, INCIDENCE, EXTENT AND IMPACT OF SEXUAL HARASSMENT OF WOMEN AT WORK PLACE IN PATNA: THE STATE CAPITAL OF BIHAR (WITH A SPECIAL FOCUS ON VISHAKA JUDGMENT & SEXUAL HARASSMENT BILL)

STUDY CONDUCTED BY:

MANISH MASKARA

First Year (2nd Semester) student pursuing Masters (M.A) in Development

Azim Premji University, Bangalore

Signature of the Researcher:

Date:

Venue:

SECTION 1: RESPONDENT DETAILS**1.1 Details of person in organisation responsible for completing the questionnaire:**

Name:	
Title:	
Gender:	
Educational level:	
Age:	
Marital Status:	
Profession:	
Telephone No:	
Contact E-mail Address:	

SECTION 2: LEGISLATIVE PROVISIONS

2.1 (i) does your workplace/Institution has a Sexual Harassment Committee? Please tick ✓

Yes

No

2.2 What types of punishments do you think is fair or unfair for those who violate the sexual harassment policy?

- 1.
- 2.
- 3.
- 4.

SECTION 3: Definition of sexual harassment

3.1 Does the definition of sexual harassment include the following? **Please tick ✓**

a. Verbal

Type	Yes	No
Sex Jokes	<input type="checkbox"/>	<input type="checkbox"/>
Remarks about physical appearance	<input type="checkbox"/>	<input type="checkbox"/>
Remarks about sexual behaviour	<input type="checkbox"/>	<input type="checkbox"/>
Intrusive personal questioning	<input type="checkbox"/>	<input type="checkbox"/>
Unwelcome requests of a sexual nature	<input type="checkbox"/>	<input type="checkbox"/>
Other: If Yes , please specify here:	<input type="checkbox"/>	<input type="checkbox"/>

b. Non Verbal

Type	Yes	No
Whistling	<input type="checkbox"/>	<input type="checkbox"/>
Pinups	<input type="checkbox"/>	<input type="checkbox"/>
Suggestive gestures	<input type="checkbox"/>	<input type="checkbox"/>
Written materials (e-mails, texts, faxes etc.)	<input type="checkbox"/>	<input type="checkbox"/>
Other: If Yes , please specify here:	<input type="checkbox"/>	<input type="checkbox"/>
Other: If Yes , please specify here:	<input type="checkbox"/>	<input type="checkbox"/>

c. Physical

Type	Yes	No
Unwelcome physical contact	<input type="checkbox"/>	<input type="checkbox"/>
Touching intimate body parts	<input type="checkbox"/>	<input type="checkbox"/>
Forced kisses/hugs	<input type="checkbox"/>	<input type="checkbox"/>
Sexual assault	<input type="checkbox"/>	<input type="checkbox"/>
Rape	<input type="checkbox"/>	<input type="checkbox"/>
Other: If Yes , please specify here:	<input type="checkbox"/>	<input type="checkbox"/>

3.2 Does the definition cover same-sex **Sexual Harassment**? Please tick ✓ Yes No

3.3 Does the definition cover sex-based conduct, i.e. denigration or insults which are gender related but not of a sexual nature? Please tick ✓ Yes No

3.4 As per the definition, how many incidents are necessary to deem Sexual Harassment / Harassment Based on Sex to have occurred? Please tick

Single Incident

Repeated Incident Please specify number of incidents:

None specified

SECTION 4. Frequency of Sexual Harassment

4.1 Did you experience any type of sexual harassment? How many times?

Sexual harassment experience	Never	Once/more
Gender Harassment		
Offensive jokes Offensive sexual remarks Remarks about your body or sexual activities Staring, leering and ogling Display or distribute sexist materials Sexist remarks		
Unwanted sexual attention		
Attempt to discuss sexual matters Unwanted sexual attention Attempt to establish a romantic/sexual relationship Continue to ask for dates, drinks, dinner Touching Attempt to stroke or fondle you Unwanted attempts to have sex		
Sexual coercion		
Bribed to engage in sex Threatened for sexual relations Treated better for sexual cooperation Had to respond positively to sexual invitation to be well-treated Made to feel afraid of bad treatment for refusal to cooperate Treated badly for refusal		

4.2 Profile of the Victim

Variable	Please tick ✓ YES	Please tick ✓ NO
Profile of the Victim	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>
Gender of the victim	<input type="checkbox"/>	<input type="checkbox"/>
Occupation of the Victim	<input type="checkbox"/>	<input type="checkbox"/>

4.3 Profile of the Harasser

Variable	Please tick ✓ YES	Please tick ✓ NO
Profile of the Harasser	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>
Gender of the harasser	<input type="checkbox"/>	<input type="checkbox"/>
Occupation of the harasser	<input type="checkbox"/>	<input type="checkbox"/>

4.4 Profile of the Organisation

Variable	Please tick ✓ YES	Please tick ✓ NO
Profile of the organisation in which the incident occurred	<input type="checkbox"/>	<input type="checkbox"/>
Size (No. of people employed)	<input type="checkbox"/>	<input type="checkbox"/>
Length of establishment	<input type="checkbox"/>	<input type="checkbox"/>
Sector	<input type="checkbox"/>	<input type="checkbox"/>
Union status	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 5: EMPLOYER LIABILITY (For the stakeholder)

5.1 (i) Can an **Employer** be liable for **Sexual Harassment / Harassment Based on Sex** perpetrated by an employee? **Please tick** ✓ Yes No

5.2 (ii) Are **Employers** under any legal obligation to prevent **Sexual Harassment / Harassment Based on Sex** in the workplace? **Please tick** ✓ Yes No

(ii) If **Yes**, please indicate what types of **preventative action** employers are obligated to undertake:

Type of Preventative Action	Yes (Please tick ✓)	No (Please tick ✓)
Awareness Raising	<input type="checkbox"/>	<input type="checkbox"/>
Establishing explicit rules about conduct	<input type="checkbox"/>	<input type="checkbox"/>
Establishing Training for Employees	<input type="checkbox"/>	<input type="checkbox"/>
Establishing Complaint procedures	<input type="checkbox"/>	<input type="checkbox"/>
Establishing Anti-Sexual Harassment and Harassment Policies	<input type="checkbox"/>	<input type="checkbox"/>
Imposing sanctions for Sexual Harassment	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

5.3 (i) Are **Employers** under any legal obligation to address the issue of **Sexual Harassment /Harassment Based on Sex** when it occurs? **Please tick** ✓

Yes

No

(ii) What is the number of male and female employees in the organization? Males.....Females.....

(iii) Does this organization have any policy (code of conduct) against sexual harassment of women?

- Yes
- No
- Remarks.....

(iv) Can you rate the work environment of your organization (on a scale of 1 to 5)?
...../Remarks...../N.A

SECTION 6: Information related to sexual harassment of women

(i) Have you seen any kind of harassment of women in general at public places?

- Yes
- No

(ii) Do you think women are harassed in offices too apart from public places?

- Yes
- No

(iii) On basis of which of the following are the women harassed in workplaces?

- Caste
- Region
- Class
- Religion
- Gender

(iii) Do you think sexual harassment of women is a problem to their rights, dignity and self-respect?

- Yes
- No

(iv) Do you think sexual harassment of women at workplaces is a crime?

- Yes
- No

(v) How do you think should the problem of sexual harassment of women in workplaces be tackled?

(vi) What are the ways in which women are sexually harassed at workplaces and by whom?

(vii) Why do you think women are sexually harassed at workplaces?

(viii) Do you think sexual harassment of women at workplaces creates a bad working environment?

- Yes
- No

(ix) Do you think sexual harassment of women at workplaces leads to psychological & health issues?

- Yes
- No

(x) How does sexual harassment of women at workplaces affect her and others' professional career?

(xi) Do you think men and women need to be treated equally with respect and dignity in this society?

- Agree
- Disagree

(xii) Are you aware about Vishaka Judgment (1997) /Sexual Harassment of Women at Workplace Bill 2012?

- Yes
- No

Researcher's Feedback