CHAPTER EIGHT

THEME THREE

PERCEPTIONS ABOUT SEXUAL HARASSMENT

This theme gives insights into perceptions about various aspects of sexual harassment from the point of view of women who reported sexual harassment, complaints committee members including chairpersons, NGO representatives functioning as external members with complaints committees, lawyers and trade union members. It is clear from the narrations that participant perceptions are based on observations and experiences at respective workplaces.

SUB THEME ONE: LOW REPORTING OF SEXUAL HARASSMENT BY WOMEN

a. Women who Reported Sexual Harassment

Women who reported sexual harassment at workplace said generally women did not complain mainly due to fear of stigma and discrimination. If the man was in a decision making process it could have repercussions on her work. Two of them elaborated as under…

The main reason according to me is stigma. Besides workplace she has to face at the home front. Husband and other male relatives are in there in the family. There are dynamics in the family. This could have repercussions on personal relations. That may be one of the reason that it may not be coming to light.

All the time you are thinking about the committee enquiry. People will be calling you and questioning you. One of the tedious tasks for women is to write a complaint and keep on answering those questions. That is the reason I think women do not invite trouble unnecessarily.
One of the participants narrated her observations at the union office, she saw that women who approached the union for help were repressed plus they were not aware about the complaint mechanism. They needed the job. This was the reason in most offices women did not take initiative to complain about sexual harassment.

Usually the woman first complained to the head of the department. However, the heads were busy and could not discuss with the woman in the presence of other officers. It was needed that subordinate officers paid attention to the matters. However, their hands were tied due to different reasons and they could not give justice in these cases. In such cases women suffered silently.

Some other reasons for women not reporting were that they were looked down upon, considered the weaker sex and blamed for the harassment. Typically, a woman who paid some attention to her appearance was held responsible for tempting men and drawing their attention. In such circumstances, her character was judged and she was considered loose. If women objected to the behaviour of men, they were considered too uptight and rude, and therefore they would not want to complain to maintain harmonious working environment.

One of the participants explained….

Sexual harassment is definitely underreported in this organisation. Strength of the organisation is seventeen thousand at the moment. In the year 1997, it was ten thousand more than the current strength. Women are deployed in the remote areas for work. We have been hearing and we have experienced it too that sexual harassment has been happening rampantly. We have a culture like those of the British rule. The gap between officers and staff has been maintained. It because of this gap there is lack of trust in the organisation.

There are many cases in the organisation where the complainants have been targeted. We have observed many cases where if the person raised their voice, she would be targeted. She would be posted somewhere and victimised at work. It is because of this reason women do not put in complaints. Moreover there is no support system. Support from the women colleagues is not assured. It was difficult to fit these cases into the definition of misconduct at that time. It was sure that there would be no decision in such complaints and women need the job. It was therefore inevitably accepted by women that such harassment will happen in an office.

On a despondent note one of the participants said she felt that women need not complain about sexual harassment because it served no purpose. People did not understand the trouble that women went through when they faced sexual harassment. In addition to the sexual harassment there was harassment of other kind by the management and if she did not get support from home, the woman was almost destroyed.
b. Members of Complaints Committees including Chairpersons of the Committees and Human Resource Managers

One of the reasons for women not complaining about sexual harassment is character maligning. Women talk against women saying that she is of a loose character. Lot of discussion goes on about it. Women do not want to be topic of discussion. Then the family is involved. In certain cases, the husband restrains the woman from going ahead. Why do you want to complain and make an issue? Woman can get threatening calls from the opposite party. All these things are there and let us appreciate the fact that a working woman manages two fronts. She does not want issues. However, when she comes to complain we should understand that she has come to complain because it has gone beyond everything. Nobody comes in front of people and says that look I have been sexually harassed. Women get a feeling that they have committed some crime.

One of the participants said, in big cities like Mumbai and Bangalore, women were pretty open to speak out while in the small cities women were worried about their names getting spoilt and parents getting to know. Sexual harassment being prevalent across sections of society irrespective of education and economic class, no woman would be affront to say that she was sexually harassed. According to the participants modesty did not allow Indian women to speak about sexual harassment. Women complained only when there was some compulsion. Since there was social stigma surrounding the issue of sexual harassment, women felt that after they reported people would talk about them pointing out that she was the one who was harassed and she was the one who complained. Culture of India was such that women felt that it always their fault.

Women did not complain because it exposed them. Women thought that if they complained their character would be tarnished and reputation damaged. This was because cases were known by name of the woman and not the man. The woman was identified every time the case was mentioned. Women did not want reference to their names repeatedly since it made them feel conscious. Women are not empowered to bear the negative publicity which followed a complaint of sexual harassment.

It is for this reason that women followed the old concept of either ignoring sexual harassment or suppressing it within four walls. Women felt that complaining would land them in difficulties and affect their status in society. They needed a back up support at every stage which most likely was not there at the workplace. Moreover they were not sure of the result after they complained because the energy required was enormous. Magnitude of the result coming out of the efforts may not match the energy invested by them. Women were often fraught in this dilemma and eventually they chose to let it go. Sometimes husbands restrained the wife from complaining of sexual harassment and sometimes women were threatened by the man who harassed them. Working women managed two fronts and they did not want issues. The repercussion that it could have on their life made them worried and they choose to keep it buried with a thought that it had to die with them.
Once a woman complained men in the office spread that she was dangerous and she could be damaging to all the men in the office. Such things worried women about their image in the office and attitude of people towards them post complaint.…

Once a case of sexual harassment is handled then the woman is somewhat debarrered. Men have an attitude; wherever they go they tell that this woman is dangerous. Tomorrow something, she may do against us. That is what we have seen so far. May be women do not report because of this reason. Also, women do not complain, as they fear two things, one is that nobody will believe them and that nothing will happen.

Participants said women avoided complaining because they needed to continue working within the same organisation. They were also scared about reaction of their co-workers. They felt that colleagues would laugh at them and tell other colleagues too. This happened because women employees were not united and they did not come together. Women sometimes did not approach the union if they faced sexual harassment if the union consisted of men. Rather they shared it with one-two women in the department. Those women colleagues probably told her to be silent about her complaint otherwise she would be transferred somewhere else. Fear was created in her mind in this manner. Women thus fear two things; one is that nobody would believe them and that no action would be taken on their complaint.

Procedure of the inquiry was additionally cited by a complaints committee member as reason for not reporting of complaints.…

Department inquiry (DE) procedure is a long drawn process. It neither restrains the acts nor does it address the preventive aspect because during that period by the time she makes the complaint, the investigation happens and a statement is taken from her, addressing it to the committee, appointment of the presenting officer lot of time lapses. In this period, the accused may continue harassing the victim / witnesses. In one of the cases, we have understood that the accused is having a signature campaign to save him. In the end we are not, achieving the purpose for the committee is actually supposed to be there.

Vishakha judgement is entirely vitiated in the process because we are not able to give justice to the woman immediately. That is the major fault of the DE procedure. Secondly, the woman has to undergo trauma at least on three occasions. First is when she makes a complaint. Subsequently, when she gives her statement and third, when she does her examination-in-chief and then she is cross-examined. This is one of the main reasons women do not come forward to complain. When the procedure is such a long thing here, who has the time and energy? It is worse than the sexual harassment by the man.
c. External Members - Complaints Committees, Lawyers and Trade Union Members

It is possible that in the general interactions there could be all kinds of suggestive behaviour and certain of kind of interaction may be there. It could go on for a long and the man may not go beyond a certain level. The woman may think that avoidance and ignoring over a period of time will not encourage him, she has not encouraged it and that his uncomfortable attention is not drawn to her. It is an embarrassing situation for her. It leads to lot of discussion. Women decide to complain only when it becomes critically offensive and goes beyond a certain level. Most women therefore end up ignoring and avoiding the harassment. However when it becomes physical, becomes threatening to her employment and seniority also creates problems in her work performance then she comes out with the thing. Till then sort of the woman is managing with it.

Participants said there was zero percent reporting of sexual harassment at workplace till some years back. Recently some women were seen complaining of sexual harassment due to awareness campaigns by NGOs and employers about existence of the complaints committee. Most women did not complain of sexual harassment because they did not know about the guidelines. There was lack of awareness of rights and the fact that voice needed to be raised against sexual harassment. If there was a remark on a woman then it was taken lightly by women and the employers too. It was not seen as sexual harassment. Moreover women did not have confidence that committee would be able to give them justice and therefore they had no hope for justice.

One of the lawyers said, they (women) also say one standard thing that “yeh sab naam ke liye hai”. By looking at the body language of the committee members women were able to say whether they would get justice. They were able to instinctively foresee the danger from the institution that they sensed from the man who harassed them sexually. This is capacity of the women to judge the danger instinctively was undermined by the committee in many situations. Women did not report sexual harassment since they knew that reporting sexual harassment would add one more struggle to their existing struggles and that it would be a void. For some women who were able to make their voices heard slightly and were successful it was a long journey of utter frustration. They said that my life was wasted. Perceptions of employers and complaints committee members were prominent reasons for not reporting sexual harassment….

Whenever a woman says she is sexually harassed they say look she is a liar. Every single woman, I have met who has complained about sexual harassment, first thing is that she is called a liar. The woman will be immediately stamped as a troublemaker. You are really seen as a freak show after that. That is one reason the woman is never going to complain. You do not want to take that on to yourself where already hard life will become ten times harder. What can you say about the ones who have dared to take on these institutions, all of them without exceptions are embedded in those morasses of patriarchy including the courts?

One of the union member said there were no examples of concrete example of imposition of penalty on the men. Confidentiality was another issue. It was not maintained and proper procedures were not followed by the
employers which made women unsure of getting justice. Since the committee was situated in that premises, it became a barrier and women were unable to access it the way they approached the police with ease. Women could increasingly come forward to complaint if the complaint committee members were not people from their office and from some other office.

One of the lawyers and trade union members said, it took incredible courage on the part of the woman to give evidence in the labour court inspite of having support systems such as the women’s groups who accompanied her to the court for the hearing on each date. It was impossible to talk about the situation where the woman is battling alone.…

Sexual harassment continues to remain underreported because after the Apparel Export judgement, I have not seen any judgement going in the favour of women who have complained of sexual harassment. Moreover, the Vishakha judgement has been talking about the complaints committees and these committees have no teeth. Ultimately, if the woman is not getting justice through the complaints committee she has to move the court. It is time consuming and an expensive affair for her. Her reputation is at stake. Nobody believes her. There are no significant cases of sexual harassment that have come up in limelight where justice was delivered to the woman.

Proportion of complaints was low since women had many responsibilities and the support systems were few. In a meeting called by a human rights organisation some women working with the state transport corporation were invited. Though they were from the organised sector the union did not take up their problems because it was new for the corporation to get women as their employees. It was tough if support of colleagues and family was not there for the woman. If they complained their family started doubting them and they needed the job. If they received support from family and colleagues women were sure to complain. There was pressure on them that there would be discussion in the about it in the office as a result of which perception of people towards them would undergo change. Some other reasons for not complaining were cited as follows.…

There are many problems since sexuality of women is there as an issue. Women are not comfortable talking about sexuality. Whatever I am doing, am I instigating? It is a long way to go for a woman to come out of her shell and know it is sexual harassment. She should be provided with a space where she is able to have her time to realise that what is happening to her is sexual harassment. This is a part of creating safe environment within the workplace for women. It is a tight rope walk. Punishments too need to be evolved creatively. Sexual harassment continues to remain underreported because the way to reach a point where the woman can say that it is sexual harassment is a complex path.

If I accept that I am sexually harassed then I am declaring that I am a bad woman. That conflict of good and bad is not something which can be resolved within few hours or few days. That kind of support and space; that whatever you are thinking is not wrong it is correct it has nothing to do with good or bad your notion of good and bad whatever you have experienced you have experienced. That is one hurdle where her acceptance that something is wrong. Over the years I feel that women have sixth sense. That sixth sense is lost in the construction of sexuality of women. They lose sensitivity.
Women cannot accept that they are victims. They take it on them that they have done some mistake and that their step was wrong they have done something. In that process gets lost since women are taught to be in a particular manner. We do not get to know the struggle she goes through until she reaches us. The problem is more when it is power related and the given fact is that she is vulnerable.

Vulnerability of the woman is accentuated if they were not employees of the organisation. One of the participants said….

In one of the cases it was difficult for the woman to tell about the harassment because her child was the patient and the harasser was the doctor looking after the treatment of the child. Points that came up during the case were why she did not tell about the harassment immediately? It could be her exaggeration and drama. She was doing it so that the child was paid attention or it was just her perception, it did not happened actually. She saw more than whatever had happened because she was upset and disturbed since the child was not well. She tolerated until it was benefitting her. We could see that she had no stake in the entire thing.

**SUB THEME TWO: REASONS FOR SEXUAL HARASSMENT BY MEN TO WOMEN**

a. Women who Reported Sexual Harassment

Men harass because they are in a comfort zone. In the government set up the laws are in the favour of the government employees. If you do a random survey in the government offices you will find same kind of answers. Men think, nobody can do anything to me since I am government servant. Therefore you will also find negligence of duty, shirking of responsibility, running away before time all this common because nobody questions them.

Participants added, men who were on senior posts thought that they could demand anything from the subordinates because of the power they held. It was their bad mentality. According to women men did not like the fact that women were employed along with them and may be their ego was hurt due to some reason. The male clerks had the audacity to harass the young women appointed on compassionate grounds by pulling them by them by their hands. This happened because the men knew that there was no one to give justice to these women. No one would fight from her side.

One of the participants said sexual harassment happened because of masculinity. When boys grew they are made to realise that since he being a man he had to behave in a particular manner. These values imbibed in him both at home and in the society gave message that he was to look at a woman as an object of enjoyment and that he was to dominate her. Harassment happened because of this feeling of superiority in the man. It happened when the
man treats the woman as inferior. A girl or a woman wearing a short outfit could be seen by thousands of men. However it was seen that there was only one man who harassed her sexually.

One participant stated as a society people were still not convinced that men and women could be friends too. So anytime that a guy and a girl came in contact there was some kind of speculation about romantic angle between them. It is shameful that in this day and age we live like this. She saw that people around ended up encouraging the man to pursue the woman. Not knowing where to draw the line, and unable to understand that it could be unwelcome, men ended up harassing women.

Also, during the course of work colleagues got friendly and shared some personal issues as well, very often men ended up construing that as an expression of interest in them. Women tend to be tender hearted, and an innocent smile or genuine concern is assumed as an expression of interest by most men. Further, even when a woman makes it clear she is not interested, men continued pursuing her.

b. Members of Complaints Committees including Chairpersons of the Committee and Human Resource Managers

(Men) They think that who are these women and what can they do to me? They are poor and they will not complain against me. I can do this to this woman. They are assured and relaxed in their mind that she will not complain against me.

In the context of the government hospitals it was said, the resident medical doctors had tremendous arrogance because of their education. They harassed women coming to the hospital thinking that they would not complain because of poverty. Some said men indulged in sexual harassment because they thought that they could get away with it and it would remain unnoticed. They thought if the woman talked to them a lot, then she would be comfortable with whatever they did. If she dressed in a particular manner then she was seen having loose character by men and the perception was that they could do whatever they wished with her. Another participant said that people in her organisation were neither traditional nor modern. Women did not have a level play and they were not supposed to be in competition with men. They came from a background where women were treated as objects….

In some cases it is so that the woman complains that the man keeps staring at her, he pulls the chair to sit beside her, he keeps telling her that she looks pretty; when she wears a particular saree she will look prettier.
Some participants saw beauty of women as reason for sexual harassment. Men wanted to take advantage of the vulnerable women especially widows appointed on the compassionate grounds.

Men harass women due to many reasons one of them being the beauty of the woman. It may happen due to revengeful attitude, jealousy at the work or just for fun also it is happening. People indulge in it because they think that they can get away.

Participants said constructs of how men and women should behave existed worldwide. Both men and women were made like that. It was a man’s world and men needed to show their manhood. One of the participants said:

According to me sexual activity is the only area where men are forceful and women are less compared to them. In this context, men are aggressive and women are not aggressive compared to them. It could be given by the nature. Women are equal to men and/or ahead of them in other areas. This is the only area where men are stronger than women are and this is one tool remaining in their hand to prove their power and dominance. It is not about attraction but used as a tool by a man working at a lower level to show to the woman that atleast in this area, I am powerful than you. As a woman you can be 99% powerful than me, but in the remaining 1% I am powerful than you.

Others said sexual harassment was done by men to women to prove their power and dominance. It was not about attraction but use of power by the man to show that he was powerful than the woman in the area of sexual activity. One of the participants explains the modus operandi. She said in their circles, some men boasted about their sexually determined behaviour with women. It was used as an asset by them. If the woman did not protest then it was seen by all men that she welcomed it. Other men repeated that behaviour with her to check her reaction and it became a sort of competition. Those men who were not opposed by women gained importance in the group.

According to some participants men harassed women because they were not educated enough on the issue of sexual harassment. Even women thought that sexual harassment was limited to rape and molestation. Harassment happened because some men took women casually. One of the participants cited a case:

In one of the cases reported here, it was so that the complainant and respondent were having a frank attitude with each other. He used always talk to her in vulgar language and she accepted it. She was okay with it to certain extent. However when the respondent uttered bad words in the presence of everyone she was hurt. She complained against him after this incident. The question that arises here is that while he spoke to her in vulgar language from past two-three years why did she not complain? Did she not know that this was sexual harassment? Only when he spoke to her using bad words before many employees she realised it. She approached then woman MD. She took the complaint seriously and ordered for an action against the respondent. However, he passed away due to cardiac arrest before the action could be initiated against him. Both, the respondent and the complainant had no understanding about sexual harassment at workplace in terms of what kind of behaviour constituted sexual harassment.
If you track the past then there have been many instances of sexual harassment in this organisation. However, employees have no knowledge about what exactly is sexual harassment. Employees feel that they are being frank with each other and that use of vulgar language is part of work culture. I can remember that one of the woman IAS officers posted here around two-three years earlier took this issue sensitively. She had ordered action in the sexual harassment cases.

Advent of western culture was seen as a reason for sexual harassment of women. Indian ethos and culture was different from the Western culture. There was impact of newspapers, films and television serials which misrepresented women on the culture. Indian culture was good but it was forgotten.

According to participants sexual harassment happened to men too and it was not restricted to women. Some said they had cases where women harassed men to the point where the man was on his brink and passed sleepless nights. However these cases were a rare phenomenon. One of the participants said while the Vishakha guidelines talked about providing safe environment to women it was needed to be kept in mind that call centers had young people and therefore half the cases of sexual harassment were that of love relationships gone sour. She said in face of the current culture and exposure to the youngsters’ flexible approach was needed as there was too much of looseness or openness in the generation which made them come out and do what they wished.

c. External members - Complaints Committees, Lawyers and Trade Union Members

There is a particular kind of outlook and mind-set that men have in them. Some men absolutely want to control women who are around them sexually. The deeper motivation is about their perception about women. They will go after women who are perceived as vulnerable. They will not openly try it out with all women. Often these are single women, divorcees or widows who could be fending for them and their family. They are seen as in need of protection, support and help. They can be easy preys with which men can try out and get into sexual relationship. Man can dominate her since she needs his support, protection, help and resources as she may be drawn in that kind of patronage. Then he can take advantage of her. It is kind of preying on a perceived vulnerable woman. She may not be vulnerable the way he perceives her, however a single woman is seen as both easy prey and vulnerable. He has a motive. He uses sexuality to control and lure women under his control. His moves are open and suggestive with single women. He uses sexuality as a weapon to target and destroy her.

There is this patriarchal mind-set that the woman should not overtake the man and be secondary to him at the workplace. The outlook that women are colleagues and that there is way in which one interacts with a colleague is absent. There has to be a certain formal approach at a workplace. This has not been a part of our educational upbringing. At home it is like this is how you talk to your seniors. However, when the youngster steps out into the world he thinks he is nice young yuppie, going to this rather fancy corporate setup. Then he behaves as per his notions of what is modern. There is no real understanding of being progressive. He may think that cracking certain kind of jokes give him an edge over others. Actually speaking, such behaviour may become offensive. The Vishakha guidelines gave a certain degree of awareness which was not there about these issues and how they are depilating in a work place. This was a good step since the woman can take up sexual harassment as an issue formally.
Participants said construction of masculinity and masculine sexuality was responsible for sexual harassment. According to men whistling, staring, brushing women was not sexual harassment and it was not to be seen as so. Socialisation in India was such that men could get away doing as per their wish. Male attitude was that he can do anything which is seen in the family and then at the workplace too. Sexual harassment happened in social structure in which men thought that women were sex objects available to them to be enjoyed. It was a mindset which made them believe that woman was an object and she could be used plus fondled the way they liked. Usually men thought eventually she would come around. They attributed perception of men towards women as the reason for sexual harassment.…. 

It happens because of the social structure in which men think that women are available for them, women are a sex object, and women are an object to be enjoyed. Many men have the point of view that women are there for giving sex as a service to them and therefore with this point of view it is easy for them to harass women. Sexual harassment happens if the perception of the man towards a woman is not healthy and accordingly he looks at her as an object that she is ‘available’ and he can say ‘anything’ to her. There is a male attitude that he can do ‘anything’.

Men feel that she is available for them. Comments can be easily made upon a woman. It can be both verbal and non-verbal conduct. Sexual harassment happens because our culture is patriarchal. It is male dominated culture. Men feel that they can get away by teasing women and overpower the women by using abuse. Other reason is that the men feel that she being woman he can treat the way he treat women at home. Another reason is that because men have power at the workplace they feel that they can overpower the woman because of their status of power. This is my observation. I think that men are not able to distinguish between sexual boundaries. It will differ from woman to woman. Men do not understand that sexual boundaries differ from woman to woman. They need to respect that. It is not respected at all in workplaces. Hug with one woman employee may be fine and not fine with another woman employee. These are some of the reasons that I see for sexual harassment.

Some said perceptions of men about what women liked and what they did not like was an important factor since men took women for granted.

In the cases that I have observed men take women for granted. This part plays a big role. Sometimes it is not a crime from their point of view. They say that she is saying it is harassment. I think it is important to question them there. Punishments will not help them to look at their behaviour which is causing problem to the other person. Such kind of process should begin. There is nothing to initiate that kind of process. We do not know where the man is coming from. We need to know that. We tend to do this and we have talked to the man at length number of times though not always. When the situation is dicey and the man says that he did not understand or it was not his intention then we have spoken to the man.

Analysis of the issue by the participants revealed that sexual harassment happened because of power and domination by men. At times, position power did not play role in sexual harassment. Man could be at a lower position than the woman. Men thought since women were in minority at the workplace they would not be able to
protest against it. Participants further said sexual harassment could happen to any woman and it did not matter the way she was and where she belonged. It was a broader issue since the women were coming out of the four walls. Some said men harassed women sexually because they knew that the system allowed them to do that and they could get away with it. They were validating their sense of power. Sexual harassment could not be regarded and measured as serious or less serious or more serious since impact on every person was different. Though men behaved in a particular way, women did not harass them.

Few said attraction could be one of the reasons for sexual harassment. A well educated and decent man could be diverted. Sexual harassment could happen because of attraction that a man felt for a woman or because of his flirtatious attitude. She added that if the woman was critical, quiet or perfect then she could face sexual harassment. It was done to tarnish her image and create an issue about her. She would then become topic of discussion in the office.

The activist while dealing with the argument of attraction said…

It is misuse of position and authority. Suppose people are working together and there is attraction of one person towards another person. It could be homosexual or heterosexual. Nobody has right to push their emotions on the other person and expect reciprocity.

SUB THEME THREE: ONUS ON WOMEN FOR INVITING SEXUAL HARASSMENT

a. Women who Reported Sexual Harassment

Women who reported sexual harassment said it was mentality of a man which made difference because if few out of many men harassed women sexually the fault lied with those men. Values and attitude of those men were seen. According to them if women invited men for sexual harassment such invitation would begin from home. One of the participants added that in her case she resisted his comments by expressing dislike and telling him that she could not take it as fun. Even then, he was trying to get close to her which pushed her in depression. Who was responsible for this?

However, two complainants spoke in a different voice….

Moreover, in the present day there are cases of women who truly enjoy being pursued and people end up stereotyping most women as loose since they work and assume that they are available. Unintentionally as well as intentionally women also end up encouraging men at work to harass them and this leads to a lot of the harassment which ultimately they detest. It also has a lot to do with the fact that these are issues that aren’t discussed, and are mostly hushed. Women are the first ones to
point out such associations, and while it starts as a joke, the guy involved ends up feeling really encouraged. A woman can (should) understand how another woman feels, she should stand by her side because some day it could be her too. Also, a lot of women truly enjoy getting the attention, they love being sought after. Also, most women don’t realize where and when to draw the line with colleagues until it is too late. In Indian context, apart from being downright rude and staying aloof from everyone, there’s little a woman can do.

One of the women spoke at length about of woman in her office who gave sexual favours to the man, abetted sexual harassment of other women colleagues by not stopping the man. She supported the man by telling people in the office to not interact with woman who protested against that man.

**Members of Complaints Committees including Chairpersons of the Committees and Human Resource Managers**

There was division between participants when it came to expressing their views about responsibility of sexual harassment.

I read an article in a newspaper in the beginning of the year. A minister from Andhra Pradesh said that women dress in a particular manner and they attract the attention of men. He meant women should not dress provocatively because they attract men. Woman dresses the way she dresses. What about the man? Has ever he been told to not look at women and not do such things? That is my belief that a woman can dress the way she wants and man can dress the way he wants. Individual space should be respected. However that is too theoretical and too difficult to bring in practice. This is something I have heard and I just love the statement. Even a prostitute can claim rape. I just love that statement because it is so true. Prostitution is my profession. I have decided to take that on because whatever needs are there. That does not mean that anybody can do against my wish.

I think that is the basic problem today. Fingers are always pointed to the woman. I have seen for fact that the moment the man is punished or action is taken against the man she feels super guilty that I have been the cause for a bread winner to be out of his job. Why would the guilt rest on the woman? That is a societal issue. We have been brought up that way. We are living in a progressive environment. We are living in Mumbai. However trust me major part of the country is following some of our age old traditions and beliefs that we have been brought up in. Woman should be second in hand and she should succumb.

Some participants expressed women were not responsible for sexual harassment but patriarchy and power. This was particularly relevant for rigid and hierarchical set ups such as the government organisations where power was concentrated in some positions leading to misuse by men. Rape would not happen to two year old or eighty year old woman if women were to be held responsible for provoking the man.

One of the participants said people had perceptions that women who chose to dress up fashionable manner were loose and free. However, according to her it was not an invitation for men to harass women sexually. Men needed to be educated on these aspects. Her view was supported by another participant…. 
We have a code of conduct at work which talks about coming professionally dressed. As an organisation, as a corporate and as a professionally run institute we want to ensure that those people who come here dress professionally. The reason is that you are in a professional environment and it is not a party. You meet clients and other people it is the image of the company that you are taking before them. The fact that you should dress professionally is part of professionalism and code of conduct. I would not want to say that I want to put a dress policy to avoid sexual harassment. There is a difference.

The code of conduct should be there because of the professional environment and because of the decorum. I want people to come professionally dressed. It is for both men and women. That is for the decorum of the organisation. I do not want to mix that with sexual harassment because it has nothing to do with sexual harassment. A woman who comes stylishly dressed in knee length skirt with a good top would look absolutely ravishing and a man could say oh! That has got nothing to do with sexual harassment. Code of conduct for dressing is different and sexual harassment is different. People are mixing up the two. If a case comes up and the woman is someone who is dressed up then people say that implement code of conduct or a dress policy. I do not think that should be the fall out. You want to do that then do it from a professional point of view.

In one of the multinational software company they put it in a nice way. I have not been there but I have heard of it. They said that spaghettis are nice to be eaten not worn. They gave a message that do not wear spaghettis and come to work. The intention is come professionally dressed. Sometimes people say look at the kind of dresses she wears to work. I say that is immaterial focus as far as the case is concerned. If she has come up with a case just focus on the problem. She can come dressed the way she wants. See what the problem is. Even if she does not dress appropriately it is not a signal for the guy to harass her.

Some participants differed from the above views. They expressed women invited sexual harassment and they were responsible for it too.

I feel it is the behaviour of the women which matters. Women are responsible. It depends on how she responds dresses and behaves. Men will joke with each other and clap with each other. However you cannot do it openly in society with men. Somebody takes it as a different signal. It is about the mental makeup of the society.

Some participants saw dress code of women an important aspect in prevention of sexual harassment. It was said presentation of women needed to be proper so that men would not dare to harass them. Women invited sexual harassment by not maintaining a proper dress code and wearing exposing clothes. If women wore tight fitting and short clothes then men would definitely turn their heads and look at them. Women needed to maintain dress code at workplace. If dress code was followed properly then sexual harassment would not happen and proper work culture could be maintained. If women wore clothes such as salwar kameez that fully covered their bodies then sexual harassment would not happen.

It was said that within the private sector women working on marketing and reception jobs wore short clothes to attract attention of male customers. These men were happy to see those women and thus their jobs became easy.
This was unusual and wrong. Participants felt though women definitely had freedom to choose their clothes but the freedom needed to be limited as there is limit for everything. Limit was to be decided by the individual. One of the participants added that he was planning to recommend to the MD of his organisation dress code was needed for women employees. MD scolded men for not being dressed formally.

We are also women but we handle the things properly. Women also need handle the things properly when they behave with men. They have to see their limitations. Their presentation should be proper that the person should not dare to harass them. However, some men are not bothered and they take women casually and have a casual attitude. They are bound to harass women. Then we have to see how we have to act against them. If the woman keeps quiet, they will harass more. They have to be stopped on the spot. Then they will not proceed and see that the next person they will not harass. Once one woman gives them a proper lesson he will stop there only. If women keep quiet and bear then it will encourage them.

Girls do invite sexual harassment. See their dress code. We cannot say everything positive about women. Women need to maintain their dress code. Nowadays they are very friendly. You can see anywhere and anytime that difference between boy and girl is not there. They sit alone in lonely places and they are not afraid. At workplace, I do not think women are much responsible for the sexual harassment. It might happen because of ambition. Possibility is there.

Participants said everything could not be said positive about women since women were over friendly with men. There was no difference between boy and girl in these times. It was seen, in corporate sector women talked to each other using vulgar and sexually coloured language. Women could be responsible for sexual harassment if they were ambitious and they were favoring the man to get something, it was taken otherwise by the man. Some women invited sexual acts from men and used it for their selfish gains and benefits. However all women were not same.

May be to some extent women are party to the sexual harassment. Until it becomes horrifying, they bear such things. If it goes beyond limit then they consider it as sexual harassment. Initially they enjoy the attention but later on when it comes to a situation, it turns out to be harassment, not knowing that they are being harassed. Men are at higher positions and women being at the lower rungs at the workplace, women put up with the harassment depending upon the circumstance they are placed in their family, their own situation at home and as an individual.

One of the participants quoted her experience....

I told you that I was instrumental in taking these two hundred and fifty women who husbands died twelve-fifteen years back. I said why we are waiting and taking from outside. Let us take all of them. Everybody was arguing with me that women cannot work and you will create a problem. I said nothing doing I am woman and I am working so they can work too. When we interviewed them and they were coming they came in torn saree and blouse. They fell at my feet and said that I could give them any kind of work. They were working as domestic help in houses and managing somehow. Some were getting pension while some were not getting pension. They were in a bad situation. They went begging before every committee member than they would do any work that would be given. However
they wanted a job. We gave jobs to all of them. Within few months of time I found that fifty percent of them had aligned with men in the office. I am saying this with a sense of responsibility. I was greatly disturbed by this thing.

There was one incident which hurt me where one of the wives of the one of employee committed suicide. She jumped out of the window in the colony. Her husband had aligned with one of the peons we had posted in the office. Since it happened at his home nothing got reported. It was a personal issue. However you get to hear rumours. Slowly I got to know that she was unhappy because of the affair of the husband with the other woman. She could tolerate it therefore she jumped out of the window. It was one of the reasons. There were other problems too between them like they were not getting along well. This got me thinking as to why has this happened? These women were alone for long time with small kids may be for twelve years. They brought up their kids. Now that they had money we asked them to put their kids in school. We followed up with them. However the social strata are such in which they were living they did not have a man. This is the conclusion that I reached. They were exposed and they were earning money. Now they were exposed more. Therefore they took shelter with one man somewhere or the other whether married or unmarried.

Another example, we took a young girl. She left her mother and got tied up with a man who was of the age of her father. Ultimately she married him because she got a child. Is this not harassment of somebody else? Sometimes I feel guilty for going to into all this. However not all fell into it and at least fifty percent of them did not go with a man. Children did well in life because of their jobs. There are many stories. What I am trying to say that this is the social requirement of their life.

b. External Members - Complaints Committees, Lawyers and Trade Union Members

I do not agree that women are either responsible and / or they invite sexual harassment. Men behave in the same way but do women sexually harass them? It is a mind-set they feel that the woman is an object. She can be used and fondled the way they like. Just because the girl has worn a skirt that does not mean that a man has a right to harass her.

All participants said that women were not responsible for sexual harassment. No woman would invite sexual harassment since no one would want to keep crying about an issue for months together. In fact women complained to a committee or to an NGO when they were not in position to handle the situation or it impacted them. This was particularly applicable to women from the lower and the middle class. They were conscious of their character due to the socialisation and their belief in the social framework.

I do not think that women are responsible for sexual harassment. We need to understand why that woman has complained of sexual harassment against a particular man. Something has made her uncomfortable and her instinct has told her that whatever has happened is wrong. She can understand that it was sexually determined.

One of the participants said it was inexcusable to hold women responsible for sexual harassment. Some policies required women to wear sober clothes at office. Such policies needed a debate as it was inappropriate to bring focus on clothes of women within a sexual harassment policy. There could be a HR policy which said that both women and men were supposed to wear suitable clothes appropriate to the occasion. However it could not be
included in a sexual harassment policy as it is brought spotlight on women and organisation was given the responsibility to see if clothes of women are proper. She said many people felt showing arms was not appropriate. These were subjective views and including them in the sexual harassment policy was not understandable.

SUB THEME FOUR: MISUSE OF THE LEGAL PROVISIONS (RELATED TO SEXUAL HARASSMENT AT WORKPLACE) BY WOMEN.

a. Women who Reported Sexual Harassment

We belong to the semi managerial cadre. We are quite aware. I do not think that women are misusing since who has the time to go to the complaint authority? It is taxing both in terms of time and emotions. It must be financially taxing sometimes. Entire working is disturbed. Family life is disturbed.

I was working sincerely and my work was appreciated by my head office. I am an educated person. My motto was to work hard and rise above. I became a working woman not for doing time pass. I do not think that the Vishakha guidelines can be misused by women because the suffering of women cannot be explained. Nobody will complain just for the sake of it.

One of the participants spoke of a case. One of her colleagues was charged with sexual harassment by a girl who came to the hospital for treatment. It was dealt strictly by the complaints committee. He was terribly scared and worried when he received call from the complaints committee. His diabetes and blood pressure had increased. Though the complaint was not proved, from his condition she could make out that there was some element of truth in that complaint. She came to know that one of their colleagues had plotted against this male colleague who was charged with sexual harassment though she was not sure about the truth.

Women added that by now most women were aware that if they filed a frivolous complaint they would face repercussions. One of the women said that misuse was possible because there was no use of the legal provisions because women rarely knew about the laws.

Some participants said it could be happening. However, in each case truth needed to be found out in terms of her family atmosphere etc. Inquiry officer needed to think in this manner. One of the women said that in a case happened at her office; the woman had problems at home. Male officer was compelled to take voluntary retirement from the service because of her.
b. Members of Complaints Committees including Chairpersons of the Committees and Human Resource Managers

One of the complainants was working as helper in a hospital. We asked her whether the man had held her saree pallu; he caught her hand, called her by some name, or addressed her as tu etc. She told us nothing of this sort was done. Then we asked her as to why she came to this committee. She told us that since we dealt with cases immediately she came to us.

Some participants said there were remote chances of misuse of the legal provisions related to sexual harassment by women. It was possible that sexual harassment was done through administrative harassment. There were many aspects to a sexual harassment case. There could be relationship between the two and later the man started harassing the woman. In such cases, people said if she was fine with it earlier why she was complaining about it later? It was affirmed that women complained of sexual harassment only when there was a reason for it. Data showed that in the last six-seven years there was only one false complaint therefore the Corporation was not concerned about false complaints. Only if there were more false complaints then they would relook at the policy. They were flexible and open to review however at the moment they were focusing on women.

In some cases it is so that the woman complains that the man keeps staring at her, he pulls the chair to sit beside her, he keeps telling her that she looks pretty; when she wears a particular saree she will look prettier. Many such things are there in the cases. However, it was found that the woman went late to the office; she went to the market to buy vegetables in the office time, and was found cleaning vegetables if there were no patients. He had to shout at her once or twice. She wrote that the post mortem was done when it was not done. It could have been a lapse on her part or she may have avoided work. Such things are found to be happening but that does not mean that whatever the man does is okay.

Some said….

Every rule is misused by some percentage of people. That is a fact. The Indian Penal Code and the Criminal Procedure Code can be maneuvered the way you want. Just because handful of people one or two percent may have misused, it should not deter the entire law from being imposed.

Views above were contradicted by some others. They thought that both if were in a relationship willingly then the woman cannot complain since both were equally responsible for it. If the man turned his back then the attitude of teaching lesson was not proper. It was misuse of the complaint mechanism; this view was elaborated as under….

You get into a relationship voluntarily and later you want to get out of it. You do not find any way and this could be one way. We are hearing of some instances where this has been done. I have not seen any instance except that I know one from one of the departments where I have been told. I have not read the case to make a judgement of it. It happens to any complaint not just to a sexual harassment complaint. A woman makes an allegation. Proving himself innocent is the requirement of the other person. His name is spoilt by the time he goes through all this process. He undergoes such traumatic
conditions. By the end the slur which remains on his name is extremely bad. You may ultimately tell that he is innocent but that poor man’s career and name is finished. It could happen in any charge.

Suppose in a work charge I will say that he has taken so much money and make some complaint to somebody. It comes to somebody through the central vigilance committee. It follows the same course. Ultimately it may be proved that this person has not done anything. Who can compensate the trauma that he has undergone. The woman will say that I felt so and ultimately you are not going to punish the woman for making false complaint. Laws are made however the misuse of the law cannot be prevented. Unless the misuse percentage gets alarming, this applies to any other law. It is not anything different. Cooked up charges can be brought. Women can gang up.

One of the participants further said:....

There is a possibility of misuse because if law can used it can be misused too. It depends upon the intentions of the person. It is for this reason role of the complaints committee is important. It is clear whether a woman is using or misusing the Vishakha guidelines through the procedures of the enquiry such as cross-examination. If a person is misusing the provision, the committee will come to know about it and then if it is so the committee can stop it.

Another dimension was highlighted:....

I have some experience around the misuse of the provision. I think there is a scope for it. It can happen because of various other ratios that matter. She must be fond of him for whatever reasons. It depends on the individual. She may want or taint or malign the reputation of the individual. Probably something like that could happen. However I am not against the Vishakha guidelines. I think they are important.

There was an article sometime back about a judgement being passed the false complaint will be dealt with against the individual who does so. If you have these two-three conditions put in I do not think there will be any problem. If you have good policy which empowers the woman to such an extent and then have a section which tells that we are empowering but do not misuse it then I think it will send the message. If the case is not proved it means that the case could not be established. However it does not mean that it is a false complaint. False complaint is the one when you have enough to prove that she is the one who has done something.

c.  External Members - Complaints Committees, Lawyers, Trade Union Members.

I am of the opinion that this kind of complaints cannot be false because for a woman to make a complaint of sexual harassment especially at her workplace where she spending quality time of her day and then she knows that if she makes a complaint of this kind her reputation will be at stake. Knowing all the repercussions and pro-cons of what would happen; even then, she is coming ahead and making a complaint. I feel a woman needs a lion’s heart to make a complaint of sexual harassment since it is not easy for any woman to do. She knows the consequences and what she will have to undergo if she makes a complaint of sexual harassment. The kind of enquiry she might have to face and the kind of evidence she may have to produce. Therefore, I do not think a woman make a false complaint.
One of the participants further explained, since women were busy both at home and work front, they did not have time to pay attention to such things. In Mumbai no woman would invest time coming to an NGO or complaining and then going through the proceedings. Women would not do so because for them it was going ten steps behind in their career or at work. Women were interested in their progress and would complain only when it was necessary. The mindset that women misused the provision needed to undergo change.

There is a possibility that a woman involves the man in the complaint out of revenge. However, it cannot just happen that she has involved him just like that. To some extent, the man is involved in the case because of which the woman does it. I really think that men harass women sexually. I do not want to say that there is misuse. The complaints that are reported are genuine. Otherwise, women are busy in their own things and they do not have time to pay attention to other things. There is no space for personal things.

Some clearly denied the possibility of misuse of the legal provisions by women….

I do not think that women misuse the Vishakha guideline provisions because women do not want anyone to talk about their character at the workplace and when this issue arises then there is definitely a discussion about the character of the woman. There will be discussion about her clothes, hairstyle, the lipstick she wears, the purse she carries with her. She is aware for sure that there will be a detailed discussion about these aspects and if I misuse the provision, this will happen. I do not think any woman will misuse the section for maligning her character. Women are in fact scared of using the provision, no chance of misuse.

One of the participants said, sexual harassment was under reported and therefore it could not be said that women who complained of sexual harassment misused the provisions. There was nothing of benefit for them if they did so. One of the participants while going deeper into the issue said….

When it comes to the misuse argument let us go for a moment from the issue of sexual harassment. In a workplace women have complained of victimisation from both men and women managers / supervisors. Any supervisor can feel threatened from a better performing and dynamic younger person. In such circumstances there are complaints of women supervisors harassing women by not allowing them to come up, suppressing their work records, giving them hard tasks which will demoralise them and never make them achieve the targets as much as the men supervisors. Since there are such few women in the management / supervisory level these complaints are not frequent about women.

In a power relationship such arbitrary practices are possible vis-à-vis women to women. Women to men are also possible. One has heard of women to women. A person in a position of authority feels threatened is bound to happen. However to say that women will employ sexual harassment to control a threatening subordinate, teach him a lesson or maintain authority over him, how many women will do that? It is difficult to say how that is possible. It is not unimaginable. It is about taking advantage of your position to settle scores sexually. One needs to look at the case studies where men have been harassed. What can be the argument if we try to look at harassment from women to men? Why would women want to harass men? How would we explain that? Is it that it is the senior person feels a sense of threat or exerting a sense of power? Why would it be sexually over a male? In professionalism you
do not allow the relationships to go beyond a certain level to get into a personal sphere. How do you maintain a certain professional distance? There could be natural attraction. It is a simple thing. However it is a work relationship and one does not cross certain etiquette. However if it happens from a woman in a power position to a man it could be embarrassing to that man.

Some said misuse of the legal provision by women existed. Sometimes there were false complaints by women to deliberately harass the man. But such instances of false complaints were few. According to one participant men did not indulge in sexual harassment suddenly since one knew their overall attitude and behaviour otherwise. Whenever it happened suddenly it was because of provocation. She quoted an example of false complaint….

In one of the incidents, our schools run in two sessions i.e. morning and evening. Since the number of students attending school as per the attendance register became less, one of the senior male teachers combined two divisions into one class. He did this on the instructions of the officers. After one division of students was created, the woman complained that the male teacher harassed a sexually. Actually, there was no connection between the two as it was an academic and administrative part of work. The man was sober kind of person. Nothing happened about the complaint. In that case, as a union person I took a stand that there should be enquiry in this matter to stop the misuse by any person.

However, the officer who was in charge for doing the enquiry was about to retire. Therefore, he said that this matter should not be taken forward and in this way, the matter was suppressed. However, the man charged with sexual harassment was totally affected because of this, as he was god-fearing man. He was Urdu language teacher. He was a man who was religious and offered Namaaz regularly. He was depressed. He said that because of such a complaint against him, he got a bad name in the society and could not face people in the society.

It was also expressed…

There is a thin line between having a stake and misuse especially in the context of sexual harassment. In cases of sexual harassment it important that the committee believes the woman. If the woman makes it clear that though it was with consent earlier and now it is without her consent then it is harassment. It could be an outside marriage relationship most of the times in the workplace she is more suppressed because of it. If she is appointed on compassionate grounds men get a license to harass her. The fact that she gets into the organisation on the basis of compassionate grounds there is so much involvement. Not all women get through on those grounds. Only few women get it. In such things the aspect of sixth sense of the woman gets marred. The compulsions on the woman that she must be feeling alone therefore hungry for relationship all these things increase her vulnerability to the situation.

**SUB THEME FIVE: PREVENTION OF SEXUAL HARASSMENT**

a. Women who Reported Sexual Harassment

Even if it is a verbal harassment it is as good as physical assault. These kinds of taunting; eat you up from inside! It should be dealt equally as physical assault. There should not be any bifurcation. In my case that man had said it verbally. If do not prevent that man the very next step is that he will do it
pragmatically. He will do it physically. I feel there should not be a demarcation between verbal and physical harassment. Verbal harassment calls for act of prevention.

Prevention is better than cure. Prevention should be done when it is verbal. I do not think that these kinds of workshops are helpful. He attended that workshop. He had taken it for granted. I feel that at the time recruitment every man should be given strict warning. It should be given in writing at the time of recruitment. When they are given work order there should be a clause that this kind of harassment would be dealt with strictly and no kind of mischievous act would be tolerated by the administration. I think this is the best tactic. I think the court should also initiate directives in that manner. There will be some kind of fear and restraint.

Women who faced sexual harassment said penalty to one man would be a preventive measure for hundred men around. Only if the men were given penalty they would able to realise that it was misconduct. However sexual harassment at workplace was seen as issue of women and no one took the complaints committee seriously. Unless the men were punished, committees would not be seen seriously. According to them compensation to an affected woman was not justice. One way could be to take in writing from the man with an aim to prevent the occurrence of sexual harassment. Next time if the same man was found indulging in sexual harassment, the organisation could be able to proceed without doing an enquiry.

As part of prevention, women needed to be better informed about what exactly constituted sexual harassment. Also, the way to differentiate between friends and colleagues and learn to draw the line of what was acceptable and what was not acceptable. It was essential that women stood up for other women. Open discussions about sexual harassment were required who faced it could discuss it with others and combat it much better. It was further expressed that it was important for the human resource to be in touch with employees and maintain a good rapport with each of them so women are comfortable reporting and discussing such instances with them.

Organisations should keep a close watch on the interaction between employees, and strongly condemn any gender bias, exchange of jokes with sexual connotations etc. Every employee should understand the meaning of sexual harassment, and the implications when it is reported. They should understand the reporting system, and the process that it follows. Supervisors and team members should be answerable if such instances happen, and their performance must be linked to it to ensure they discourage such instances.

b. Chairpersons of Complaints Committees, Members of Complaints Committees and Human Resource Managers

To make the procedure women friendly, why do we need an enquiry? This is my first question. You need an enquiry because you are allowing certain things to happen. Why do not we nip it in the bud itself? That should be the primary aim of any organisation to sensitise all men. Anything you remark, you be careful. You cannot escape. If one or two cases are very severely handled, severe punishments are meted out for sexually harassing a woman it should be able to desist at least ninety percent of the
people from repeating it or involving in it. For the remaining ten percent we need to have a procedure. We need to have a system in place. More than the inquiry procedure, the organisation should put all its efforts to ensure that such incidents do not occur in their organisation. That will be a much better way to deal with this problem rather than thinking about an enquiry procedure. Like in the case of drinking and driving police tried to make lot of announcements. It used to come in the newspaper. Now every person who drives is aware that I cannot drink and drive. That awareness is required.

One of the participants said that in some awareness sessions were done in organisation where she worked with help of an NGO member to sensitise people. This was the only activity done by the organisation since the Supreme Court gave Vishakha guidelines (1997). She said organisations needed to publicly communicate that certain people did sexual harassment, it was not correct and no one should behave in this manner. Employers needed to ensure that sexual harassment did not happen and that the working environment was free. Women would then get a feeling that they could work peacefully and go home. Congenial atmosphere needed to be provided where people worked as team and there was no gender bias.

Prevention of sexual harassment was directed by the Supreme Court of India in the Vishakha judgment. It was the need and it was up to the organisation to ensure that it did not happen. According to her, a women’s cell needed to be established within the organisation to do day-to-day seminars to educate employees. There could be a basic and common training programme to both men and women. Though cases were not reported the prevention and awareness work needed to continue as sexual harassment happened frequently in nook and corner in minor form of staring and comments. Awareness programmes needed to be done on regular basis where people could be told that this could lead to this. She said activities for prevention of sexual harassment had to be a continuous activity and in small doses.

Prevention was not something to be done in spurts. It had to be in the form of constant awareness of people and in focus all the time. It was important to tell people that sexual harassment was not only rape and molestation. Making remarks which were unwelcome by the woman and degrading a woman by some routine actions was sexual harassment. It was important that people were sensitised. It is only then they would start learning and be cautious. It could be done by giving training to men about what are the things that can harass, trouble, hurt a woman and they needed to restrain their behaviour.

Men needed to be given training regarding how they were to approach and behave with the woman. This would create awareness since many men today also did not know that staring at a woman / girl can be an act of sexual harassment. They think that they were just looking at them and he could do it casually. But it could hurt the woman. She said awareness on such small things needed to be created.
Posters could be put up for creation of awareness. Men could be given instructions at the time of recruitment about the ways to behave with the other sex and about the rules. Neither at home, school nor in the college curriculum were men taught the way to behave with women. Women needed to be educated that nonsense should not be tolerated. This could be facilitated by having simple procedure and redress mechanism looking at which women would not hesitate to come forward. It was important that women support women and the organisation needed to sensitize both men and women to the effect that if women report their names would not be maligned and dragged into unnecessary controversies.

Only then women would come out of fear and they would report sexual harassment. If women kept quiet then the harassment would grow and those men could harass other women. Keeping quiet and bearing the harassment would encourage them. If they were taught proper lesson by one woman then they would stop it there. Action should be taken against men. If sexual harassment was proved then the man needed to be heavily penalised. Man should be made aware that whatever he did was a clear case of sexual harassment. He needed a chance to reform himself since he would be mingling with women. He needed to be cautioned against such behaviour to any other woman. However this was not happening.

Contrary to this view, one of the participants said:

We have organised some awareness sessions on sexual harassment within the organisation. However principally I do not think this a much issue within the Bombay city. Concentration of women here is more in offices. On the basis of the data I can say that I do not find many complaints. I am sure there are more complaints due to interpersonal relations being there. However the personal behaviour between a man and a woman cannot be controlled. You can only promulgate that there should be no gender bias. Sometimes there could be misconception in the friendship. One person misconceives that it is more than friendship. These areas cannot be defined. Human behaviour cannot be defined to a standard pattern.

She added, sexual harassment was different from the general misconducts since it happened between man and a woman, therefore personal. Since men and women were working together equality in all aspects was to be there and women could not be treated differently. Otherwise gender bias would continue and out of fear men would be scared to say anything to women. If women were not happy with lower status they could not have higher status too at workplace.

Few said it was crucial that men were told initially about behaviour with the other sex and rules when they took up the job. It was said…. 
In a workplace, segregation of women in a particular area and not making men and women sit together closely may be done to prevent sexual harassment at workplace. Lack of space is there in many organisations. Spaces are cramped. They should be given enough room to sit and do their work. Dress code is one aspect, which should be kept in mind. It should not be done to the extent of exposing themselves. That should not be there.

Organisation has employees who belong to various communities such as Hindus, Buddhists and many more. Every community has their role model such as Shivaji Maharaj for the Hindus, which include the Marathas, Gautam Buddha, and Dr. Babasaheb Ambedkar for the Buddhists. If the views of these role models are implemented here then I am sure there will not be any problem in the organisation. For example, Shivaji Maharaj in work had said that men should not look at women above their feet and in his kingdom; men would never look at women directly. That was the atmosphere prevalent in Maharashtra at that time. However, what has happened that it has changed over the last three hundred and fifty years? We want to implement thoughts and principles of Shivaji Maharaj here. We have kept photos of Shivaji Maharaj in every department. Whenever an employee looks at the picture, he should be reminded of the views of Shivaji Maharaj and not look at him as a great personality or a man with a long beard.

Shivaji Maharaj Jayanti (birth anniversary) is celebrated here every year and the MD has sanctioned to the committee an amount of rupees five thousand only for the celebration of the occasion. However, that amount of rupees five thousand only is not for performing Satyanarayan pooja and playing disco. It goes for Dr. Babasaheb Ambedkar too. I am working on changing the cultural management aspect and I am sure then there will be a day when will no cases of sexual harassment in the organisation. We have been told by the MD that this should be our goal and I am working towards that goal.

One of the participants shared that he started publishing a magazine containing news about the organisation to reach out to a cross section of people. These included employees of the organisation, their families, IAS officers and other employees at Mantralaya. Few articles about sexual harassment were published in the company magazine that stated definition of sexual harassment. In the first issue of the magazine the editorial was about sexual harassment at workplace. It contained in depth inputs on the issue for which he received positive feedback.

On the suggestion of a complaints committee member, 2012 was the year when they celebrated the International Women’s Day for the first time. It brought women employees together who could speak to each other freely. Such a practice could help eliminating sexual harassment at workplace. He was with the organisation for past one and half year and felt the work culture needed to be changed. MD of the organisation was serious about the issue of sexual harassment and set out a goal that there should be no case of sexual harassment in the organisation.

To achieve this goal he was talking to the chairperson of the complaints committee of the organisation and to some colleagues working with prominent private sector companies with an aim to know and benchmark
innovative practices they are following in their offices. He thought it was important to educate employees and therefore he focused on the training and development aspect.

It being an old government organisation, according to him it was important to change the mentality of the employees. Although the union never confronted with the management on the issue of sexual harassment they lacked approach i.e. they do not have the knowledge about the issue of sexual harassment in terms of its forms and what needs to be done to the issue since they had no training on the same. He planned educate the Union members about sexual harassment.

According to him it was a shameful situation that amongst the nine office bearers of the union there were no women. Only when there women were office bearers, then women employees could approach the union. Assuming that the employees did not have access to education about sex and sexuality; it was the responsibility of the organisation to impart it to them. If they were found indulging in sexual harassment inspite of investing funds for the training and education they needed to be penalised heavily.

He said attitude of women who complained of sexual harassment needed to undergo change. She needed to feel comfortable at the workplace and sees colleagues as brothers, sisters and father. He said traditional penalties would not bring attitude change in men. Instead some innovative ways needed to be tried. Families of both complainant and the man could be called to the office in the presence of colleagues. Once the wife and parents of the man got to know about the complaint he would feel guilty. This method worked in other company to reduce absenteeism of the workers. He was planning to have programmes within the organisation and send employees outside for the same. He intended to invite their families to the organisation for programmes. He believed in cultural management for prevention of sexual harassment.

One of the participants stated that awareness was created in women by reading the articles published in the organisation magazine. Committee conveyed the management that lectures and workshops needed to be arranged. She was expecting that they would happen soon.

One of the participants said that one day training programme for the complaints committee members was done few years back. It was done by outside resource persons….

**We have awareness camps for our nursing staffs that do not happen everywhere. These are different from training programmes. When the nursing students, medical students, interns arrive, the complaint committee makes sure that they talk with them about this issue at least for two hours. We have separate camps for class three and class four. We go their departments and talk to the ten-fifteen people present there. We have many cases from the schools and they do not know to whom they should complain.**
Committees issued instructions for notice boards to be displayed at prominent locations. They asked for the boards to be placed next to the anti-corruption / bribery boards. This way people could become aware of existence of the committee and women could know about the complaint mechanism in case they needed to put in a complaint. Complaint committee members made sure that they talked about sexual harassment for atleast two hours to the nursing students, medical students, interns at the time of beginning of the academic programme.

The reason was, students were most vulnerable to sexual harassment. As part of prevention, the organisation came out with IEC material along with regular awareness sessions. Committee members were told to conduct ongoing awareness programmes at their workplaces.

We talk about the prevention every time we talk about the policy. We say that prevent rather than get into the cure mode. It is not an easy task. It has not been easy for the last five years. It needs lot of effort to get into that state.

In the private company, participant shared that they were one step ahead in prevention of sexual harassment at workplace and this was done by spreading positive message that if that sexual harassment would not be tolerated by the company and that there would be action. Reputation was built by the policy and the company that the rule was same in all the cases. Company believed that prevention was better than cure and focus was on prevention while talking about the policy.

Company did prevention activities at three levels. The complaints committee members were the primary group. They were repeatedly trained to understand the concept of sexual harassment and to do the investigations properly. Training on investigation included the component on asking questions during the enquiry and documentation of verbal and written communication with individuals. The second group was the managers who managed teams in the company. Particular kind of session was done with the managers where the focus was not only on sexual harassment but all other problems which could be reported by the team members. Sexual harassment was touched upon towards the end since the intention was to cover sexual harassment as the topic. The managers were advised not to take things in their hand and not deal it all by themselves since it could do more harm than good. They were told that there were people who were trained in particular aspects to take things in a particular manner. The third group was the large employee base.

Drive on sexual harassment awareness was done across the company once a year mostly from the month of December to January to address large employee group. Company intended to do it once in six months. During this drive a kit was given to every committee member and HR teams as a guide for their communication with the employee. Poster campaigns, cross words, puzzles with messages on anti sexual harassment and the policy were
circulated. The email id for receiving sexual harassment was made prominent during this time. These were some of the other ways apart from training in which message was given since all people would not be interested in training.

According to her awareness around sexual harassment was needed every company needed to have a policy in place and the company was to protect rights of its employees. That part would come with more help from the industry through sharing of knowledge. Few companies did sharing and were willing to come out and speak.

She cited an example that about a year and half back a leading English news channel took up the subject of sexual harassment at workplace and they contacted quite a few companies. Former HR head of her company and a leading IT company in India were the only two companies that gave interviews. She failed to understand the reason for the same since no one expected them to talk about cases but rather about importance of the policy. It was only about spreading awareness.

Since diversity was a hot subject in the market today and all companies were going for it, it was through this that it could be made sure that anti sexual harassment became an important subject. One of the important policies was that on sexual harassment.

c. External Members - Complaints Committees, Lawyers and Trade Union Members.

Importance of dialogue on consent and sexuality on large scale was emphasised by participants for creation of safe workplaces.

**Sexual harassment is one thing which the woman would not talk about it openly. Publicity to the issue is needed. Posters should be exhibited in all the conspicuous places in the office premises. Awareness programmes should be there on this issue. Role of the committee members needs to be chalked out and displayed. Names and phone numbers of the committee members should be displayed so the woman knows to whom she has to go. Unfortunately this is not done with much consciousness. There is no awareness about this issue in the organisations.**

**Women do not know what needs to be done immediately after she faces sexual harassment in the office premises. Whether she has to report the matter, whether there should be a written complaint in place and/or whether she has to inform her establishment, this procedure is not set in place. Employees are not aware of the guidelines and they feel that this is something, which is part of their working atmosphere, and they have to bear with it. They feel that this is an offence or harassment and it is not allowing them to perform. They do not look at it from that angle I feel.**

Participants expressed that organisation played a major role in the process of prevention by creating awareness about the fact that sexual harassment would not be tolerated there in the organisation. This would lead to women working with feeling of safety and in a carefree manner. Prevention of sexual harassment would create an
environment in the office whereby women would feel that the employer was sensitive and it was conducive for them to report sexual harassment. Only then women could fulfill their responsibilities at home and work properly.

One of the participants said for prevention of sexual harassment a clearly laid down and well publicised policy on sexual harassment was needed. There should be cells where grievances could be heard. NGO members said they did not see prevention activities in the form of awareness sessions happening within organisations. Therefore women were not aware about the existence of the complaints committee. They did not know that they could approach the committee if they faced sexual harassment.

Some organisations conducted regular meetings of the committee but there was not much follow up of these discussions in terms of organising awareness sessions for women. Discussions held during complaint committee meetings did not reach the employees. Few committees held awareness sessions, general discussions with women and gave publicity to the committee.

**Awareness building through discussions on gender and sexuality is important for prevention of sexual harassment and the organisation plays a major role in this process.** Pamphlets, leaflets, and small posters can be distributed on the Women’s Day and some other occasions when there are programmes in the organisation to tell women that there is a complaints committee and the names of the complaints committee members. Since the complaints committee members keep changing over the years it is important to update the employees on the same. It should be told that confidentiality will be maintained by keeping a complaint box so that women can drop in their complaints without revealing their names. All these procedures are important. By doing so an environment could be created in the organisation and women feel that there is conducive atmosphere and the employer is sensitive enough for us to report sexual harassment.

One of the participants said sexual harassment happened a lot in hospitals to the patients, their relatives or to persons attending them. Therefore manner in which information was displayed is important. She said…..

**Once we go as per the law then it says that there should be display. However it can read by people who can read.**

Further she said for making the environment safe it was important to create a space within the organisation where the woman could express her feeling about something not being worried whether it was correct what she felt. She needed to be heard. Other NGO members stated sexual harassment could stop if the complaints yielded results. If this was coupled with regular awareness then sexual harassment could be prevented as employees would be scared of losing jobs in these times. They added that if penalties were given as per the expectation of the woman and she could be satisfied. This could send message to other men in the organisation. But if the redress mechanism was meant to fail then sexual harassment would never cease to exist.
One of the participants narrated experience of dealing with a case of sexual harassment in her organisation.

**Our perspective here is that of prevention. The case that happened here in the organisation years ago rang a bell that prevention is important.**

As part of prevention they debated on certain issues within the committee. Some of these issues were what happens when people did not maintain professional and personal boundaries? Whether the project head had the authority to intervene in personal issue if the work was not suffering? Would the project head be mere spectator and wait for the woman to complain? Or was the project head going to tell the abuser immediately that his behaviour was wrong? At workplace how could one distinguish between personal and professional domain? This dichotomy needed understood. She said that the committee members had the right to tell the man that workplace being a professional set up he could not behave in that manner. This too was part of prevention and one could not be mere spectator. If a senior was found indulging in sexual harassment, it was decided that the observer would contact senior person of the committee who would communicate with the man. As part of prevention code of conduct was introduced in the organisation.

*I do not see the fear of the Vishakha guidelines in men. There should be awareness about the guidelines for both men and women. Women need to know that the guidelines are for them and the men too should know that they are applicable to them too. Men ought to know that if they are behaving in a particular manner then the behaviour can fall within a particular category and that there is a particular punishment for it. The fact that it can cause loss to them is not known to men. This awareness is not there is my observation. It should be displayed in form of posters and there should be discussions in the offices about it consistently. There is so much vulgar talk in the offices that too consistently. Nobody feels anything about it. However when it comes to sexual harassment as an issue, people think that it is terrible and it will be misused. In this way by portraying such a picture, the attempt is to keep it under the cover as much as possible.*

She said that awareness and publicity about the complaints committees within the government offices was not there. They have large number of women employees. In a government office, in the beginning some senior employees in the system were doing awareness through workshops and posters. They made efforts to see that there was publicity and awareness about the issue. After they retired the work did not progress much.

Whenever there were trainings and workshops for workers by the union especially with her unit the Union member made sure there was a component on sexual harassment within those programmes. She expressed the need to involve men more in the prevention programmes. She said that their union was affiliated to the international union and since the union was there across India they conducted many programmes on rights of women including sexual harassment at workplace both at national and local level.

Chapters nine and ten contain analysis and discussion on the three themes elucidated above.