

#MeToo: The road ahead

By SHALKIE AND VANESSA VIEGAS | The Asian Age | Published: 10th October 2018

Some lawyers are coming together to open the doors of the legal system as a way to help survivors.



With social media sites being flooded with survivor stories on sexual harassment and lawyers offering to take up pro bono cases, we take a look at what comes after naming and shaming the perpetrators.

Social media campaigns such as #MeToo and #TimesUp break new ground every time a sexual harassment survivor feels vindicated. A spate of chilling accounts by survivors in the last few days alone from high profile sections of the society has left most of the people distraught and furious. While these campaigns have been successful in amping up social awareness, boosting the morale of those involved and emboldening thousands of women to come forward and speak up against their perpetrators, they also tend to be limited to naming and shaming. The social media trials view this as an end in itself, instead of looking at this as a means to an end. There is nothing necessarily wrong in quick victories, but does it deter sex pests and change their fetid mentalities?

While it is completely in the purview of the survivors to decide their course and means of acquiring justice, there are some lawyers who are coming together to open the doors of the legal system as a way. In a tweet, Delhi-



based advocate Veera Mahuli and Rutuja Shinde, a practicing lawyer at the Bombay High court offered pro bono services to people who have faced sexual harassment at their workplace. Talking about this, Rutuja says, “Even though I think social media is a very powerful tool, it depends from survivor to survivor on how they want to deal with their experience. If they do not want to press charges and also want to tell the world that this person was my perpetrator, they can still do that. But if they want to press charges, they should not feel helpless because they can’t afford it or they don’t know how to go about it.” She also says that in some cases, the accused might threaten to sue for defamation, “So, in that case, they (survivors) shouldn’t feel threatened or pressurised to take their words back. I just wanted to give them assistance as to what they can do in such cases,” assures Rutuja

Dealing with workplace harassment

In an outburst of tweets, a lot of women narrated their ordeals where their bosses and colleagues have made sexual overtures. In cases of workspaces, Rutuja reminds us of the functional Internal Complaints Committee (ICC) under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, under which every workplace must constitute this redressal committee for sexual offenses. About approaching the committee, Rutuja says, “I could advise on how to go about the inquiry and what submissions they can make and if they are aggrieved by whatever decision is passed by that committee, then they can come to me and we can always challenge it in the court.”

Tanushree Datta and the survivors of the Utsav Chakraborty and Vikas Bahl cases were helpless owing to the unorganized working environment and lack of redressal structures like ICC. For Veena Gowda, who is a women’s rights lawyer from Mumbai, believes that the lackadaisical approach in the unorganised sectors and the lack of awareness is why harassment cases are rampant in such fields of work. She cites, “For example, Maneka Gandhi in January asked the Bollywood film industry to set up a system, but they haven’t done that yet. The government has also created the Local Complaints Committee (LCC) under the Act. They have set it up in Bombay, but they have not publicised it and, no one really knows about it.”

For the uninitiated, one can lodge complaints of sexual harassment with the government set up LCC, if the workplace is unorganized (including household) or organisations do not have a sexual harassment committee in place. While the ICC and LCC are devised for those seeking help through the



civil law, under the criminal law, the aggrieved can also file an FIR and subsequently press charges under Sec 354A of the Indian Penal Code. And in the case of cyber offences, one can press charges under section 67A of the Information Technology Act.

Policies in place

While one option is the legal framework; the other is evidently just to shake up the culture. Hence, Veena believes there is no disgrace attached in naming and shaming and it is important to disempower the perpetrator. She gives a rather strong insight when she explains, “When Jyoti Singh’s mother said that you could use my daughter’s name, it is because shame doesn’t come from her. The shame has to be shifted from us to them. When you say naming and shaming, we have been shamed so much, the churning has happened, and it’s changed the wave.”

In addition to the above redressal mechanisms, Veena suggests that the problem is nipped in the bud itself by including stringent zero-tolerance policies in the work contract. “When they (employers) give you the contract, they mention that they want to protect your intellectual property – the ideas you can’t share. Why can’t they make zero tolerance for sexual harassment a part of your contract?” She questions.

Meanwhile, the Producers Guild of India, headed by Siddharth Roy Kapur, set up a committee on Tuesday to ensure safe workplaces in the wake of the mounting sexual abuse allegations from members of the film fraternity.

In an official statement, the Guild said, "We believe that there is an urgent need to set up a robust process to ensure the highest standards of safety for employees and crew members at the workplace - whether in offices or on sets of productions. We are instituting a committee within the Guild to lead this effort, and we are determined to stay the course till workplaces in the industry are safe spaces for everyone."



Behind the screen

Besides workplaces, the cyberspace has also become a breeding ground for sexual predators, mainly because as Nirali Bhatia, a cyber and clinical psychologist says it feeds the “disinhibition effect” - a theory propounded by Prof. John Suler which explains why people say and do things in cyberspace that they wouldn't ordinarily say or do in the face-to-face world.



Nirali Bhatia

In cyberspaces, women are hounded by various men right from their classmates, strangers from dating sites, Internet stalkers, men asking for nudes and sending them unsolicited pictures of their genitals to those making derogatory sexual remarks. Nirali explains why such cases are rampant online and says, “It's basically you are communicating with the screen, there is no individual on the other side. You don't get any cues in terms of whether they are comfortable or getting embarrassed or are angry. One can go on doing everything that they want to do because the cyberspace is all about them, never about the person on the other hand”.

While taking a legal action can exact justice, the discourse of mental trauma faced by the survivor gets drowned out. It is in such cases that professionals like Nirali step in to provide therapy, to both the survivor and the accused.

Talking about counselling the accused, she says, “Absolutely therapy is an option, because we need to understand what it is that is driving their actions; what kind of pleasure values are they associating with this kind of act; because every reaction is triggered by an incident or a memory and that's where therapy really helps in understanding. My line of work is cognitive behavior therapy, so basically it involves correcting the faulty cognitions we create.” She adds, “It takes courage to come out and admit that yes I did that and it happened and I want to take it to the next level and change myself.”

Tags: #metoo movement, #timesup, sexual harassment, social media

<http://www.asianage.com/life/more-features/101018/metoo-the-road-ahead.html>

