

Indian Feminisms Concepts and Issues
Prof. Dr. Anandita Pan
Department of Humanities and Social Sciences
Indian Institute of Science Education and Research-Bhopal

Lecture-25
Sexual Harassment in Workplace

Hello everyone, in the previous lectures we learned about the broad history of gender and labour in India. Issues of class relations, women's participation in left party-led movements in India and its consequences. The aftermath of the independence and the liberalization process was also something we talked about. We also looked at some significant industries such as the jute industry, SEWA, cotton textile industry, etcetera, to see how labour has been skewed in terms of its distribution according to gender stereotypes and how wage is also determined accordingly.

Moreover, the movement also the so-called women's work was mechanized and skill oriented, those specific jobs were kept for men. The gender disparity in labour became prominent even more during the liberalization phase with tendencies such as feminization of labour. As Shah et al., write feminization of labour refers to one or all of the following tendencies.

Number 1, increase in the female participation rate relative to men.

Number 2, the substitution of men by women who take over jobs traditionally handled by men.

Number 3, the increase in women's involvement in invisible work that is family labour and home working and number 4 the changing character of industrial work on the basis of new technology and managerial strategies whereby work is decentralized, low paid, irregular with part-time or temporary labour contracts that is increasingly like women's work.

Now feminization of labour showed how the claim of more work opportunities for women was actually a failure. Women were relegated to less paid, unskilled, invisible work in unorganized sectors. Such analysis has been made possible through the Marxist feminist framework. At the core both Marxism and feminism talk about power and its unequal distribution. Marxism talks about it in terms of class or workers and feminism talks about it in terms of sexually hierarchized world.

The analysis of class has influenced gender analysis in myriad of ways, such as the structures of productive and reproductive labour, women's exploitation resulting from capitalism, the issues of ownership and so on. In this lecture we will talk about the second component of this model that is accessibility. While labour has remained central in Indian feminist analysis, a major aspect that is largely invisible is the role of identity in impacting and restricting women's access to labour.

This section we will delve into caste and heteronormativity in understanding how they shape the contours of gender and labour. It will elaborate the points with reference to the Bhanwari Devi case, the laws regarding sexual harassment in workplace and the problematic of sex work. Now the law on sexual harassment on women is considered to be one of the landmark moments that recognized the problems women face at workplace and also how workplaces are shaped by gender discourses.

It showed that workplace is not an innocent space that practices equality; in fact, it was quite the opposite. I have mentioned the genesis of these guidelines in an earlier lecture, if you have any questions you can go through the lectures once again. So, the laws regarding sexual harassment in India were codified as the Vishakha guidelines set by the Supreme Court in 1997. The guidelines list the following as instances of sexual harassment.

Number 1, physical contact and advances, number 2 a demand or request for sexual favours, number 3 sexually coloured remarks, number 4 showing pornography, number 5 any other unwelcome physical verbal or non-verbal conduct of sexual nature. The periphery of workplace in sexual harassment such as it is known also as the Prohibition and Redressal act, 2013. It includes government, non-government, private ventures, hospitals or nursing homes, any sports institute, stadium and in relation to unorganized sector.

Workplace means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind, whatsoever and where the enterprise employs workers and the number of workers is less than 10. As a preventive measure the judgment recommended establishing a complaints committee at all workplaces headed by a female employee with not less than half of it is members comprising of women.

Now you have to remember that in terms of the question of women's dignity, etcetera, the judgment has brought significant change. It has at least theoretically tried to address issues of women's right to dignity in workplace, implicit gender hierarchy in workplace and has also defined workplace in a broad sense of the term. However, as many have pointed out women often did not find any complaint due to the stigma attached to sexual harassment being a woman's fault.

So, they continue to either diffuse the situation or negotiate and so on. Several studies were done across India to measure the extent to which women face sexual harassment in their workplace and whether the Vishakha judgment had any sort of impact in changing it. A survey by a Delhi based organization called Sakshi revealed that 80% of respondents mentioned that sexual harassment of women in workplace exists.

49% had encountered it, 41% had experienced it, 53% women and men did not have equal opportunities, 53% were treated unfairly by supervisors, employers and co-workers, 58% had not had heard of the supreme court's directive of 1997 and only 20% of organizations had implemented the Vishakha guidelines. Now it has often been argued that the complexity of a legal procedure also deterred women from approaching the court for help.

Now while it is interesting to note the impact the Vishakha guidelines had in bringing about a new direction in feminist movement and also feminist articulations in India. In the process of its formulation it also often erased an important aspect that is the origin of the guidelines. As I have mentioned in the previous lectures the background of this law was the Bhanwari Devi rape case.

As a response to this incident various women's groups led by Naina Kapur and her organization Sakshi filed public interest litigation to enforce the fundamental rights of working women under articles 14, 19 and 21 of the constitution of India. But what was this case and how did it lead to the Vishakha guidelines? What happened at the aftermath of these incidents? Let us take a look. Bhanwari Devi was a Saathin in village Rajasthan who was also part of the women's development project run by the government of Rajasthan. Saathin literally meaning friend was a term given to grass root workers like Bhanwari to showcase their contribution to the society. Her work included

taking up to issues related to land, water, literacy, health, public distribution system and payment of minimum wages at famine, relief works.

Now some significant moments of intervention were, for example, in 1987 she took up the issue of attempted rape of a woman from a neighbouring village. In 1992 she stopped the child marriage of a 1 year old girl child; it was this last incident which actually worked as a catalyst against her. Child marriage was widely practiced in that area and was considered to be a matter of caste pride.

So, when Bhanwari a woman belonging to a lower caste group stopped the child marriage in an upper caste family, it caused tremendous fear. As a retaliation she was raped by 5 upper caste men in front of her husband. Now why is this case so significant? How do we see gender and labour being related to caste structure in this case? How will this influence the way we understand different dimensions of gender relations in India?

Interestingly, the district court ruled the case as a baseless case on the grounds that upper caste men could not have touched a lower caste woman because of untouchability. The case was primarily represented as a case of gender violence which then led to the famous Vishakha judgment in 1997 on women's sexual harassment at workplace. Feminist groups connected this incident to women sexual assault at the workplace.

The feminist interpretation of the issue very interestingly presumed the category woman to be a homogeneous and completely organized whole wherein sexual harassment was assumed to be operative similarly for all women with the same intensity. Mainstream feminism viewed woman solely through the single axis of gender and erased the specificity of caste. The Bhanwari Devi case is a classic example of violence against Dalit women who participate in social labour.

Her participation in the Saathin program resulted in her gang rape in the public sphere by the hands of upper caste men. Both the approaches taken by the high court and the feminist groups ignored the fact that Bhanwari Devi was gang raped due to her participation in the village panchayat and the new knowledge making processes. An analysis of the court verdict would underline it is Brahmanical vocabulary.

That is the incident as the court suggested was impossible because she belonged to the lower caste category and therefore is an untouchable. Brahminism justifies accessibility of sexuality of lower caste women because of their participation in labour outside their household, while at the same time indicating the lower caste men's failure to protect their women. This assumption stems from the stereotype that women are the protectors of family and society's honor.

Therefore, women who stay within the domestic sphere are considered to be pure; those who step outside the boundaries of the space and are visible in the public sphere are often associated with immorality. Such an interpretation strategically disregards the whole lot of lower class and lower caste women who were visible in the public sphere engaged in different kinds of professions. It imposes one type of model for women to follow.

In the absence of adequate focus on the links between caste and gender the Bhanwari Devi case remains closeted within sexual atrocity. Now this case shows that when we are talking about women in workplace there is no one category of women. Different groups of women belonging to different castes and classes face sexual harassment differently. Through this case we saw how sexual violence is used to not only punish the lower caste women but also served as a cautionary note to the entire Dalit community.

It is for this reason that it is very necessary to recognize that the structures of labour and genders are not equal and similar for all women. In fact, as I have been emphasizing from the very beginning of this course there is no one category of woman or one type of feminism whether it is in India or elsewhere. Therefore, while analyzing women's concerns various dimensions need to be considered, we cannot have a blanket policy for all women because their situations are different.

This is precisely what happens with the way in which the Bhanwari Devi case gets translated to Vishakha judgment as well. The Judgment viewed women as a homogeneous category; an intersectional analysis on the other hand would challenge the binary of caste or woman often done by Dalits and Savanna categories in fact. By arguing that Dalit woman as a category needs to be recognized and reconstituted within the patriarchal relations of graded inequalities.

And instead, it puts focus on the differences among Dalits and women. By dealing with representation of Dalit women's body and Dalit women in the workplace we need to approach the issues in terms of difference. Now let us summarize today's lecture. Today we dealt into the famous Vishakha guidelines regarding sexual harassment in the workplace and the case which led to the famous judgment that is the Bhanwari Devi case.

We saw the significant aspects that we gathered from the study. Now we can list our observations in the following manner. Number 1, women sexual harassment in workplace is a reality. Number 2, many women are either not aware of the laws or do not want to report the cases for fear of stigma. Number 3, even as laws exist, they fail to incorporate the specific conditions of different groups of women. Number 4, it is absolutely necessary to understand how different structures interact with each other in creating different oppressive situations for women.

Number 5, while analyzing gender and class we also need to recognize how for example caste contributes uniquely to this equation. And we have to very clearly remember that we cannot subsume caste within gender or class. We are interested in exploring how these structures intersect with each other. In fact, this lens provides ways to generate new knowledge about gender, labour and also caste. Thank you.

(Refer Slide Time: 20:03)



(Refer Slide Time: 20:08)



References:

- Patel, Vibhuti. 2005. 'A Brief History of Battle against Sexual Harassment at Workplace (Nov)'. Retrieved August 12, 2017, from: <http://infochangeindia.org/women/analysis/a-brief-history-of-the-battle-against-sexual-harassment-at-the-workplace.html>
- Rege, Sharmila. 2013. *Against the Madness of Manu: B. R. Ambedkar's Writings on Brahmanical Patriarchy*. New Delhi: Navayana.
- Sarpotdar, Anagha. 2012. 'Sexual Harassment of Women at Workplace in India: Journey from a Workplace Problem to a Human Rights Issue', *Blue Ocean Research Journals*: 18-27.
- Shah, Nandita, et al. "Structural Adjustment, Feminisation of Labour Force and Organisational Struggles." (1994).