



BINA AGARWAL

Blurred lines

Most forms of sexual harassment are difficult to define, let alone prove

ASK ANY group of college-going women today to list what they consider sexual harassment and they are likely to come up with a list like the one below:

Whistling or hissing, inviting by winking, soliciting or beckoning, writing songs with suggestive words or tunes, using amorous words, grasping and squeezing the wrist, caressing, placing a foot on the toes, touching the breasts, embracing and clinging, knocking down or forcing to lie down, assaulting while lying down, etc.

The list would include not only actions that can invite criminal charges under India's current laws but also the many invisible forms of harassment that women face every day — be it at their workplaces or elsewhere — and which make them feel violated.

But here is the surprise. I did not compile this list by talking to students. I stumbled upon it while researching India's matrilineal Garos for my book, *A Field of One's Own*. It was prepared in the early 1950s by a missionary, who wrote down the ancient oral code of "moral laws" followed for generations by the Garos of Meghalaya. The actions described were punishable if reported to the village chief.

The list (or rather code) is compelling for many reasons. To begin with, it is amazing that such a nuanced understanding of what can cause women "shame and embarrassment" existed in an agricultural community so long ago. But equally, the code reminds us that

rural women — working in the fields, grazing cattle, selling wares, producing at home — are among the worst sufferers of sexual harassment. The code details many forms of harassment that could take place in any space, not just a defined workplace.

Many of these elements are missing in the two major Indian laws that seek to legally protect women against harassment and assault today: the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and the Criminal Law (Amendment) Act, 2013.

The most important lacuna

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lies in the way a workplace is conceptualised. The law is framed largely keeping in mind formal workspaces — offices, factories, other institutions and enterprises — where complaints can be referred to committees set up under the Vishaka guidelines. But a majority of women don't work in institutions or enterprises, or in cities. They work in the informal sector — in the fields, on the roads, or as self-employed producers or vendors. Their workspaces are everywhere, and there are no watchdogs to prevent the everyday forms of sexual harassment they endure. How do we address their problems?

The second gap arises because

of the failure to recognise that the most common form of sexual harassment in India does not even involve touch or speech — on which our laws are primarily based. It involves the male gaze — the way men stare at women on the streets, in buses, in offices, at a rural mela, at the village Ramlila etc. I still remember a night performance of Ramlila that I went to in my grandmother's village in Rajasthan, at the age of 13, accompanied by two male cousins my age. I was the only female in that gathering, and every male eye turned to look at me rather than the stage. Feeling acutely uncomfortable, I left. It was

no wonder that the village women avoided such events.

Harassment also lies in the "inadvertent" touch. Travelling in buses or local trains, clinging to their bags with one hand and roof clamps with the other, women have men lean too close, fall on them at every road bump, touch them inappropriately, sandwich them deliberately. Or consider a call centre worker whose supervisor leans ever so close each time he has to give her instructions, several times a day. How should women deal with these insidious manoeuvres, which leave them angry and mortified?

Beyond advances on interns in hotel rooms, or assaults on women

by their bosses in lifts, are the many stealthy forms of sexual harassment that millions of women face in public spaces. These offences are difficult to even define, let alone prove. Here FIRs and courts provide no answer.

But the ancient Garos, among whom there were no class differences, have something to teach us. They allowed both sexes substantial sexual freedom (when consensual), but recognised that unwelcome overtures, however mild-seeming (whistling, winking, etc) and no matter where they occurred, undermine a woman's dignity and ability to move and work freely. They defined a moral code of human conduct, not a religious or moralistic one, and enforced it socially.

Indeed, in our culture of pervasive sexual harassment, such a code can only prove effective if it is widely accepted and enforced by social institutions, and not only legal ones. It will need a society more equal than the one we live in. Rural women in particular will require support to speak out. And it will entail drawing up codes of conduct in consultation with women, especially in villages, and enforcing them through the committees they elect/ select, rather than monitoring conduct only through the laws framed in our cities.

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