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LEX BONA FIDE - LAW JOURNAL is an open access, peer- reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

LEX BONA FIDE: LAW JOURNAL

HUNTING THE SURVIVORS

(Rithika Ramesh, School of Excellence in Law, Perungudi)

ABSTRACT

This article starts with explaining the context of the so-called #ME TOO MOVEMENT and its legal consequences. It shall be followed by a comprehensive evaluation of its social perspective, i.e., bringing to light the taboo that revolves around sexual harassment and the issues faced by the survivors of such traumatic experiences.

What is the percentage of unreported sexual assault cases? I asked myself. Around fifty, sixty per cent? I made some rough guesses before turning to google for the answer. I was not even close. To my utter shock, **nearly 99% of the sexual harassment cases go unreported.**

This disturbed me and triggered me to find out the reasons behind this highly alarming percentage and also bring out a few solutions that can help us rise against the issue. Though we live in the 21st century with so many advancements in science & technology, human attitude towards sexual harassment and its awareness is still outdated. A small change in the mindset of people in approaching one another can make a big difference.

The motive of this article is simple- Self-realization is the key to putting an end to this issue. So, is breaking down the stereotypes and being bold enough to face the issue all enough? Hold on. Let's go into the article and find out the answer.

“EVERYTHING STARTS FROM WITHIN”

Before I jump into the content, let me narrate a small story. A girl aged 15 years once travelled in a public bus with her mother & grandfather. She was enjoying the travel, dwelling in her world, listening to her fav tunes. As time passed, she started to sense something different, something disgusting beyond words. She realized that she was being physically abused even when her mother was next to her. And yes, this has become one among those untold stories which every girl has, so common to the extent that the girl is yet to share it with her mother to date.

#ME TOO MOVEMENT

This movement was started in the year 2006 by Tarana Began to raise awareness for women who had been abused. Practically, the movement received a global reach only after 11 years after a viral tweet by Actress Alyssa Milano. As far as India is concerned this movement saw its rise in 2018 when Tanushree Dutta accused actor Nana Patekar of sexual harassment. With this gist, let's look into the legal consequences that were brought into force as a result of the widespread reach of the movement.

- SEXUAL HARASSMENT OF WOMEN AT WORKPLACE ACT,2013

2013, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act augmented the meaning of the work environment and covered the casual area, including homegrown specialists, that is domestic workers. Popularly, known as the POSH Act, it gives assurance to all specialists in general society and private areas, including wellbeing, sports, training, or government foundations, and any spot visited by the worker for her business, including transportation.

As matter of fact, the Me Too movement was helpful only to users of social media such as celebrities, influencers, and so on, where they started using hashtags to publicize the issues of abuse. A majority of informal groups were excluded and this act came as a ray of hope.

- LAWS AGAINST DEFAMATION

Another drawback of the Me-Too Movement is a rise in the number of false allegations against men. Therefore, the laws against defamation have become stringent to the extent of making women liable. Those women who are unable to prove their allegations are punished with imprisonment which may extend up to two years¹.(Criminal defamation)

- PRODUCERS GUILD OF INDIA

It is an association of premiere film, television & digital content producers representing preeminent producers of audio-visual content in India.

Few amendments were made to their existing bye-laws by way of including two main provisions;

1. Existing, as well as new members, are asked to sign a declaration stating that they have implemented the provisions of the POSH Act as required by law and it has to be signed within 30 days of such declaration.
2. If she or he is found to be involved in sexual harassment by its Internal Complaints Committee, the guild has the right to remove any member at any cost.

1. Section 499 & 500 of IPC

SAY NO TO TABOO

“Many women have since come to me because they have been very worried about the possible backlash they would have to face if they spoke out. It is evident no one is speaking

about sexual harassment anymore” says a practising advocate named Rebecca John. A general phenomenon in our culture is that sexual harassment against women is still perceived to be taboo. By taboo, I mean shushing [to shut their mouths] or shaming anyone so quickly for the fact that they speak about it. With so much **left untold** it leaves all of us unsure of what the boundaries are. To put it in even more clear terms, what to do if the boundary is transgressed (goes beyond limits). At the end, who is ultimately benefited from this? The predators hide under the shadow of the blurred lines.

Another myth that prevails is that sexual harassment is difficult to define. But to appreciate, there is a US-based company where they have an extensive online course on sexual harassment as part of their every semester. Predominantly, they not only define sexual harassment but also explain **what actions to be taken and where to seek support**.

“It's High time we stop Complaining and Start Acting”

An act that is felt to be harassment to one person need not be felt like harassment to another person. Though this notion is acceptable, what I stress is we can't regulate sexual harassment based on individual perceptions, but it can be regulated by setting clear standards of what is **unacceptable conduct**.

SUGGESTIONS TO A BETTER TOMORROW:

- **Widespread education:** Education is the means to answer all questions. Sex education right from school is the need of the hour to clear the air surrounding sexual harassment.
- **Bystander intervention training:** The outcome of such programs must not be an awkward perspective but an empowering one. Women must come forward and speak up with a broad vision of avoiding such issues happening to the girl next door.

There is a legal term called **habitual offender** also known as a repeat offender. It refers to a person who has been previously convicted of one or more crimes in the past and is currently facing new charges. The claims that are made by the women by speaking up will serve to be evidence to trace out such habitual crimes as well.

Thus, I believe the key to solving the issue is- EDUCATION, ACTION & CONSEQUENCE that is upheld by a proper LEGAL framework.

#HUNTING THE SURVIVORS

All of us are aware of the issue raised between Chinmayi & Vairamuthu, where she along with 8 other women had lodged complaints of sexual allegations against this well-known lyricist of Indian cinema. Since the day she came forward, a lot had happened against Chinmayi but nothing against him. I would like to make it clear that I am not in favour of either of them. What I would like to point out from this incident is- on one side Chinmayi had to go through

slut-shaming, name-calling, was barred from the dubbing union, and a lot more which hit her professionally; whereas on the other side Vairamuthu has been signed up as the lyricist of Manirathnam's next movie. In an issue where both of them had allegations against them, do you think it is fair that one party alone is deprived of opportunities and not the other? Firstly, there must be a proper investigation. Even before all that, just because the survivors are coming forward, we can't hit them away. Rather, RESPECT THE SURVIVOR, LISTEN to them, TREAT them without any taboo and start NORMALIZING such things.

To the future mothers of future sons: With all such incidents happening around, society is implicitly sending me a message that if I am bold enough to open up about the harassment I had faced, I will also end up being hit and cornered. Meaning, on that day in the public bus, I enduring the physical abuse and hiding it from my mother is fair enough to do, Right?

THINK ABOUT IT!!

“FORGETTING IS DIFFICULT, REMEMBERING IS WORSE”

