

#METOO MOVEMENT: AN APPREHENSIVE CAMPAIGN

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ABSTRACT

The imaginative and innovative movement was started by Tarana Burke for helping sexual harassment victims. This paper endeavours to assess the #Metoo movement and respond to the question as to the reason why most of the survivors of sexual harassment has been mute till now. The paper deals with the #MeToo movement taking place in India and how it has created a lot of buzz and debate nowadays. The paper also analyses the positive and negative aspects of the movement and does not intend to defame any person and neither backs the allegations made against any person. The paper endeavors to enlighten about the opinions of the critics and the questions and also aims to give a brief idea of the social and judicial response to the movement.

Keywords: Sexual harassment, #MeToo, women, workplace, allegation, accused

INTRODUCTION

The consequence of the chain of sexual allegations encountered by Harvey Weinstein, who is among the most influential faces of Hollywood, the #MeToo movement became popular in social media.

The emergence of #MeToo movement establishes that women's molestation is a pan-cultural happening. Undoubtedly, the #MeToo movement was a brainchild of Tarana Burke in 2006 to help sexual abuse survivors. The credit of gaining a sense of the issue and spreading awareness about the measure of the sexual abuse that stays prevalent in the public workplace goes to the #MeToo campaign. This paper is an effort to bring in the notice and assess the unique #MeToo movement to unravel as to why the majority of the sexual harassment survivors opted to remain mute rather than blaming the perpetrators. This movement gave a platform to the victims of sexual harassment to raise their voice and to narrate the story to the society and reveal the name of the person on the social platform. Many women shared their story and many big names came out from the different fields. Though the entire allegation made during this movement may not be true at the same time all stories may not be false.

WHAT IS #METOO?

The hashtag #MeToo got well known in October 2017, going about as a stage for ladies to talk against types of inappropriate behavior they have confronted, particularly at working environment. The movement spread like a rapidly spreading fire not long after the charges of rape on Hollywood filmmaker, Harvey Weinstein was released. It went about as an intense blend of solidarity, strength, and sympathy for any lady who had experienced a comparative ordeal anytime throughout everyday life. Meanwhile, endless ladies had overwhelmed the online platform, offering records of their own experiences to social media be it Twitter, Facebook or Instagram. Numerous who decided not to unveil their accounts basically stated #MeToo.

HOW THE CAMPAIGN CAME TO INDIA?

In 2017, when the movement was spreading far and wide, it likewise advanced over to India. Ladies from regular circles of life were approaching and sharing their accounts, many remained

in solidarity. The development likewise turned into a path for some men to discuss their own encounters of being harassed.

Directly, India is experiencing what can be called to as “the second wave” of #MeToo, for the absence of a superior expression. In the start of October 2018, the development by and by became unmistakably in this way, when on 25 September 2018 the Bollywood on-screen character Tanushree Dutta got out Nana Patekar for explicitly harassing her 10 years back. What followed was a series of an ever-increasing number of ladies talking of their accounts, each disheartening, raising Goosebumps.

AN ALL-ENCOMPASSING MOVEMENT

What is distinguished about this movement is that it is a multilayered battle. It concentrates freedom from sexual mistreatment with freedom from caste, ethnic and religious oppression. Frequently, pointed to as India’s “Arab Spring”, this development made an expansive influence for different battles to break out. The “Chalo Dilli” or “#Notinmyname” developments emerged against the violence against Harijans and Muslims caused by state-led right-wing. In this sense, this new women’s upheaval speaks to a great level of wisdom, comprehensiveness and political advancement.

GOING PAST SEXUAL ORIENTATION

Despite the fact that the campaign began off as a ladies driven campaign, it developed to incorporate strange and cis-male encounters. Take the instance of Sudeep Swaroop, whose Facebook status right now states, "You'd be amazed to discover how edgy a female housekeeper and a neighbour can get. Young men are not protected as well," says the Bengaluru-based music executive who was explicitly mishandled as a kid.

The feelings of association that the campaign encouraged, helped him discuss these things, things that he has curbed for so long. As he saw an ever increasing number of such stories top off his courses of events, he understood that it was crucial that he talked as well. "A kid is a kid, independent of sexual orientation. It is astounding how evil prevails wherever in a general public," he says.

Furthermore, as author and gay rights activist, Rōmal Lāisram says, "It approves what we have experienced." Lāisram, as Swaroop, chose to share his accounts of maltreatment. From sexual abuse by his uncle to a companion who compelled himself on him, a cruel ex-sweetheart and a previous boss he says that "as a gay man I have been manhandled at a few levels. I have constantly pointed the finger at myself and attempted to put an end to the memories," he says. What's more, however, he approves that there is likeliness that a development via web-based networking media won't change the examples of maltreatment in this nation, "it gave us the spirit to put it out there," he says.

TERMS ASSOCIATED WITH #METOO IN INDIA

India's #MeToo, which started after the actor Nana Patekar and stand-up comedian Utsav Chakraborty was accused of harassment, quickly snowballed into a movement much larger than could have been anticipated. Ladies from varying backgrounds approached and shared accounts of maltreatment

While the sheer size of the campaign, was something remarkable in India, it likewise acquainted with Indians another set of terminology - words and terms that have particular significance relevant to the unique circumstance. Since the development played out to a great extent via web-based networking media, it is vital to grasp the particular inference joined to every one of these terms that entered India's vocabulary with #MeToo.

For the beginners, harassment is the catchphrase. While the word itself is well-known to Indians the #MeToo campaign made it a broader, more layered term. Many survivors came forward with their experiences of sexual abuse and incidents, where they were made awkward and uncomfortable by their seniors and associates. As all the experiences differ in details and amount of damage, what all come under sexual harassment was the question raised by many. The Supreme Court of India characterizes lewd behaviour as, "unwelcome sexually determined conduct (regardless of it being straightforward or implied) as physical contact and advances; a claim or request for sexual favours; sexually coloured comments; showing erotic entertainment; some other undesirable physical, verbal or non-verbal act which is of sexual nature. It was the first time in 1977 these were spelled out under the Vishakha guidelines that were replaced by the Sexual Harassment of Women at Workplace Act, 2013. A large number of records of lewd behaviour did not relate to physical abuse but rather to mental abuse things

that numerous in India did not think about abuse by any mean. With #MeToo, lewd behaviour currently incorporates even sending unwelcomed pictures of private parts. Any sort of conduct that has sexual suggestions, looking for sexual favours from employees, giving undue consideration via web-based networking media, all establish lewd behaviour.

Triggered - Something that sets off a reaction is referred to as Trigger. In case of inappropriate behaviour and #MeToo, different things can act as a trigger - a photo of one's abuser, references of the accused in respectable journals and columns, similar accounts of other victims. Often, those who have encountered molestation or otherwise can get emotionally and mentally triggered by the substance that is available in public, especially social network. Reading accounts of harassment and abuse can be traumatic and releasing. This triggering effect of #MeToo is one of the crucial reasons for the widespread success of the campaign. Majority of the experiences have acted as triggers to survivors that have led to more survivors revealing their own stories.

Gaslighting - This is also a term that has progressed towards becoming a piece of each Indian's word reference after #MeToo. The Oxford dictionary characterizes gaslighting as the act of mentally controlling somebody to the point that they begin questioning their very own sanity. In instances of sexual abuse and harassment, this method is utilized especially by the accused who endeavours to get out of allegations by claiming that the molestation was a victim's misunderstanding in reality. An instance of gaslighting would be a victim alleging someone of molestation and the accused in turn replying by stating that they were just trying to be friendly/polite and that instead, it was the victim who 'misinterpreted' the act. Or they may try to discard the harassment by saying that it never occurred and that the victim may have remembered incorrectly or imagined. The method is strong and dangerous as it permits the accused to exert mental control upon the victim and can often be seen in toxic relationships. For example, when a partner says they feel left out and uncared for and the other partner reacts by saying the reason is their own insecurities.

Victim-shaming - This term is important nowadays when victims are taking the first seat to talk about their experiences. Victim shaming refers to when a victim is shamed for narrating their experiences and accusations. For instance, when a victim states that she was raped in college, a victim-shaming reaction would be that her way of dressing up then, is the reason why she was raped. Or to say that the reason behind rape was her acquaintance with her rapist

before, which encouraged him to commit this act. Mainly, victim-shaming swirls around dishonouring a victim and their experience by diverting the attention from the crime to the likely faults in the victim that could have prompted the crime. It is effectively used by abusers and harassers to dishonour the victim. When Nana Patekar was accused by Tanushree Dutta for manhandling her, she was victim-shamed by calling her a 'B-grade' and 'inviting' actress who had no issues doing naked scenes and now aims to get media attention and publicity by disgracing the former. The kind of victim-shaming faced by the latter is usually referred to as '**slut-shaming**'.

Sham-apologies - A lot of people accused in #MeToo came forward with statements and apologies in reply to certain allegations, but not all the apologies that have come forward are sincere and genuine ones. When an accused seemingly 'apologizes', but does not really mean it, it refers to as Sham-Apology. The expression of the apology is framed in such a manner that it discredits the victim. Abusers often come up with such masterful silver-tongued statements in order to pretend like they are taking the higher ground and wanting to bring the chaos to an end. Instead, these sham-apologies are sarcastic excuses for their actions and often involve components of gaslighting and victim shaming. For instance, when writer Chetan Bhagat was blamed of sexual harassment recently, he asserted that he was truly interested in the victim and that his actions were not with mala fide intent.

Sexual predator - A person who has repeatedly and systematically molested a number of victims is termed a sexual predator. Many of the #MeToo accounts from the media sector refer to accusers who have over and over again committed similar harassment to numerous women. A sexual predator generally prefers victims with similar characteristics and commonly has a modus operandi. These sexual predators can commit crimes with freedom from fear against a number of women which makes them all more hazardous.

Ally - A friend is what an ally means. But in reference to #MeToo, an Ally is a male who is 'woke' to the cause of feminism, equality and equal rights. An Ally is a man who understands and supports and encourages women's liberation and feminist movements like #MeToo that

concentrates on women's rights without trying to adversely influence the aftereffects of the movement.

#METOO: A GLANCE AT THE PRESENT SITUATION

At the point when Dutta denounced Patekar, he denied the charges in a press conference arranged by him on 8 October 2018, notwithstanding indicating at making police move. Around a similar time, different callings were attempted from rest with ladies' records of bullying by acclaimed humorists, film directors and producers, and writers.

Utsav Chakraborty, an entertainer from the well-known gathering AIB was blamed for bullying by various ladies, some of them even underage. The gathering later issued a statement of regret, expelling all recordings featuring Utsav from their record, till a questionable timeframe. Vikas Bahl, chief of the motion picture company namely Phantom, was accused of bullying by a previous worker of Ghost films- the banner under which Bahl delivered his movies. Afterward, performing artist Kangana Ranaut likewise discussed her own experience with Bahl when he had made her exceptionally awkward.

The veteran on-screen character Alok Nath has been blamed for assault by a lady from the same industry. While he keeps on denying the charges, other ladies have likewise approached, referred to him as a drunkard who manhandled women.

While innumerable names keep on crawling up, constantly, the most prominent name maybe is that of M J Akbar, an erstwhile columnist and former union minister in Narendra Modi cabinet. Various female writers, Priya Ramani, Ghazala Wahab, and Saba Naqvi have made references to how Akbar was a predator in the newsroom, going after youthful columnists. Supposedly, his bad reputation among ladies was notable, when he was related to Congress and the time when he joined BJP. While MJ Akbar has totally denied the claims, and instead slapped Ramani with defamation charges, most recent improvements have kept trust alive in the female columnists. On 17th October 2018, Akbar ventured down from his post of junior minister for external affairs, following increasing allegations.

Apart from the above, the names accused in this campaign are:

1. Kanan Gill- A comedian accused of touching a group of ladies in an intoxicated state. Kanan apologized to the lady and in turn, she accepts the apology and refuses to extend the issue.
2. Anu Malik- A famous music director and a singer of Bollywood is also accused of misconduct during the movement.
3. Kailash Kher- A well-known musician who is accused of touching women in an inappropriate manner. He denied all the accusations and said that he has no knowledge of such instances.
4. Rajat Kapoor- An actor who is accused of making unwelcomed moves towards women and even harassment. The actor wrote an apology on Twitter.
5. Jeeveshu Ahluwalia- A stand-up comedian, who is being accused of asking inappropriate questions to an interviewer. He apologized for his acts.
6. Zulfi Syed- A model-actor who is being accused by Natasha Hemrajani of making sexual advances forcibly. He apologized to Hemrajani.
7. Abhijeet Bhattacharya- A well-known singer who is being accused of bullying and molestation. He denied all the claims.
8. Raghu Dixit- A musician who is being accused of molestation and making unwelcome sexual advances by multiple women. The musician acknowledged the allegation of one survivor and apologized.
9. Sajid Khan- A renowned filmmaker and brother of the famous director-choreographer Farah Khan. He denied all the allegations and stepped down from the post of director of Housefull 4.
10. Varun Grover- A writer who is being accused of molestation. He, in turn, rebuts the allegations, claiming them to be completely made up and defamatory. He even claims that he is open to investigation.
11. Aditi Mittal- A comedian who is accused of kissing on stage forcibly by Kaneez Surka. Mittal issued an apology to Surka and says that she had no intention of causing hurt.
12. Sachin Garg- A writer accused of molestation. Garg stated that according to him the act was consensual and apologizes for causing hurt.
13. KR Sreenivas- A journalist who is being accused by multiple women of making inappropriate gestures and unwelcomed physical advances.

14. Rameez Shaikh- A journalist who is being accused of compelling women for sex, molesting women and requesting them for nude pictures for about 2 years. He apologized for his acts but denied the allegations of molestation.
15. Prashant Jha- A journalist who is being accused by Avantika Mehta of sending unsuitable and uninvited messages. Jha has resigned from the post of Chief of Bureau and political editor of Hindustan Times.
16. Aayush Soni- A journalist who is being accused of uninvited sexual moves to which he confessed to having done such an act and he apologized for his behavior.
17. Meghnad Bose- A journalist who is being accused of objectifying females, making vulgar comments about ladies, touching them in an inappropriate manner and molesting them. Bose apologized for his acts.

SEXUAL HARASSMENT IN CURRENT INDIAN SCENARIO

While the list of names of alleged perpetrators is getting longer, the #MeToo campaign has finally kept its foot in India. Just as this crusade picked up its pace, it was condemned as it focused on vigilante justice, overlooking the principles of appropriate process and natural justice. While the national daily's are filled with the "he said, she said" discussions, there have been attempts to decode the statutory provisions present to deal with the issue of sexual harassment at workplace, with the purpose of giving just about the rise in the campaign.

Groping as well as touching in a wrong manner definitely comes under sexual harassment but it is just the crust of the earth. According to *the Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Act, 2013*:

- Physical Contact and Advances.
- Claim for or request Sexual Favors.
- Showing inappropriate videos like Pornography.
- Any other unpleasant physical, verbal or non-verbal act of sexual essence.

The following Five also come under the ambit of sexual Harassment according to the Act

- Suggestive or clear-cut assurance of preferential treatment in the course of her employment.
- The suggestive or clear-cut hazard of adverse treatment in the course of her employment.

- Suggestive or clear-cut hazard about her current or upcoming employment status.
- Hindrance in her work or creating a fearsome or obnoxious work environment for her.
- Embarrassing treatment that is likely to affect her health or safety.

Where does it apply?

The ambit of 'workplace' includes the following:

1. Places of all government and private bodies that are engaged in any economic activities, or work in education, entertainment, vocational services, sports facilities such as stadiums and sports complexes, medical and health services;
2. Any area visited by the employee arising out of or during the course of employment, including while in movement for work-related activities; and
3. Societies, trusts, and non-governmental organizations, where people work on a deliberately.

Here, it must be kept in mind that with regard to domestic workers, the Act considers even a house as a workplace.

LAWS UNDER INDIAN PENAL CODE (IPC)

- **Attack or using criminal power on a lady with a goal to insult her modesty**

What does the law speak in regards to the assault of a female?

Section 354 of the IPC criminalizes any demonstration by a man that assaults or uses criminal power against a lady with the expectation or information that it will insult her chastity. Such a demonstration is blameworthy with either simple or thorough detainment of up to 2 years, or a fine, or both.

Indian courts have decided that the substance of a lady's chastity is her sex, i.e.: a lady has purity by virtue of being a lady.

- **Lewd behavior**

Sexual Harassment as characterized under the IPC

Lewd behavior is characterized under S. 354 A of the IPC as a man performing any of the following activities:

- I. physical contact and advances including unpleasant and expressive sexual suggestions;
or
- II. An interest in or demand for sexual favors; or
- III. Showing explicit videos like porn against the desire of a lady; or
- IV. Making explicitly sexual comments,

This law covers a wide ambit of acts that comprise lewd behavior, including undesirable verbal or physical advances of any sort. This law isn't restricted by area at which the inappropriate behavior happens, not at all like the law to avoid lewd behavior at workplaces which is clarified in a later segment.

The penalty for Sexual Harassment under the IPC

The penalty for (I), (ii) and (iii) as given above is harsh detainment for a term that may reach out to 3 years, or a fine, or both while the penalty for (iv) is either basic or harsh detainment for a term which may stretch out to 1 year, or a fine, or both.

Utilization of criminal power on a lady with the goal to undress

Section 354B of the IPC criminalizes attack or utilization of criminal power against a lady with the aim of undressing her, i.e. with the aim of denying her of her dress or compelling her to be Stripped. Such an act is chargeable with both basic or harsh detainment of 3 to 7 years and a fine. Helping such a wrongdoing likewise conveys a similar punishment.

While this may sound like insulting modesty, it isn't. It is viewed as an offense regardless of whether the man planned to insult the modesty of the lady.

- **Voyeurism**

Voyeurism characterized under the IPC

Section 354C of the IPC criminalizes the act of voyeurism. It characterizes it like a man watching or catching the picture of a lady occupied with a private activity in conditions where she would for the most part not hope to be seen by the culprit or by some other individual on the requests of the culprit or the circulation of a picture so caught by the culprit.

The penalty for an act of voyeurism

The penalty for committing this offense is basic or harsh detainment of 1 to 3 years and a fine. Repeated guilty parties are punished with simple or thorough detainment of 3 to 7 years and a fine.

- **Stalking**

Stalking characterized under the IPC

Section 354D of the IPC criminalizes stalking of a lady by a man. It characterizes the Act to incorporate continuous following or reaching a lady by a man or aims to contact a lady to establish a personal relationship with that lady despite the fact that the lady has shown a reasonable absence of interest. It likewise incorporates acts of observing a lady's electronic communication, i.e. communication over messages, social networks and so forth.

Penalty for stalking

First-time guilty parties are punished with either simple or harsh detainment of up to 3 years or a fine while repeated wrongdoers are punished with simple or harsh detainment of up to 5 years and a fine.

When is stalking not thought as a wrongdoing?

Stalking isn't viewed as a wrongdoing in the event that it is done as a lawful obligation for abstaining and detecting wrongdoing by the State or under any lawful obligation forced by a law or in a circumstance where such an act of stalking is viewed as sensible and legitimized.

- **Human Trafficking**

Human trafficking characterized under the IPC

Section 370 of the IPC characterizes human trafficking as the activity or practice with regards to transporting individuals wrongfully or without their assent across regions primarily to be utilized in the work or business of the sex industry. The Immoral Traffic (Prevention) Act, 1956 is the law directing human trafficking in India.

- **Assault**

Assault as characterized under the IPC

Section 375 of the IPC characterizes assault to incorporate any or the majority of the following demonstrations, by a man against a lady:

1. The entrance of a man's sexual organ (penis) into a lady's mouth, vagina, urethra or anus or influencing her to do as such with him or another person; or
2. Thrusting any object, not the penis, into a lady's vagina, urethra or anus, or influencing her to do as such with him or another person; or
3. Controlling any part of the lady to cause infiltration into her vagina, urethra, anus or some other body part or influencing her to do as such with him or another person; or
4. Applying his mouth to a lady's vagina, urethra or anus or influencing her to do as such with him or another person.

Under the below-mentioned conditions:

1. Without wanting to;
2. Without her assent;
3. With her assent, if such assent is acquired by causing her fear of death or hurt for herself or for somebody she knows;
4. With her assent, if she thinks that the male she is drawing in with explicitly is her significant other;
5. With her assent, where because of unsoundness of mind or state in which is she is under the influence of alcohol, the lady can't completely comprehend the nature and outcomes of the act she agrees to;
6. With or without the assent of a lady who is underneath 18 years of age;
7. At the point when the lady can't impart assent.

Assent is characterized as clear, willful communication that the lady gives for a specific sex act. The absence of physical wounds from the act does not infer that assent was engaged with the occurrence. Medical procedures or medications don't comprise as assault.

Conjugal assault, i.e. assault by one mate on another is likewise listed as an exemption to the act of assault, as long as the lady is over 15 years old. Assault by a spouse of his significant other establishes as an assault on the condition that they are living independently and has a punishment of 2 to 7 years imprisonment and a fine.

In October 2017, the Supreme Court expressed that the act of sex by a spouse with his better half who is under the age of 18 years would likewise be treated as assault. The Supreme Court read down the special case, and the age of assent has been changed from 15 to 18 years.

Punishment for an act of assault

The punishment is harsh detainment of 7 years to life and the individual will likewise be subject to pay a fine.

Exasperated assault as characterized under the IPC

Special provisions are given to instances of exasperated assault under the IPC, as changed by the Criminal Law (Amendment) Act, 2013. An assault is viewed as exasperated on the condition that it meets any of the following conditions:

1. Assault by somebody having authority over the lady in light of lawful status (for instance: cop, armed force faculty)
2. Assault by somebody who is in a place of trust in connection with the survivor (for instance: family, hospital staff)
3. Unique nature of the lady (a pregnant lady, a rationally sick lady, a lady who can't give assent, a lady beneath the age of sixteen)
4. Assault including brutal conditions (assault during communal riots, over and over assaulting somebody)
5. Different types of exasperated assault include where the victim dies because of the assault, where the survivor lands up in a vegetative state or where the survivor is gang-raped.

Punishment for an act of exasperated assault

A man blamed for exasperated assault can be detained from ten years to life with a fine. In case of assault by many persons or one where during the act of assault, the accused kills the woman or puts in her in a continuous vegetative state, he can be charged with 20 years harsh imprisonment to life, or be given a death sentence. The Supreme Court has defined a continuous vegetative state as a state where the victim is alive but not aware of her surroundings.

AUTHENTICITY OF THE ALLEGATIONS

As stated by Times of India 9 out of 10 sexual abuse accusations have confirmed to be true. As India is struck by the wave of #MeToo and allegations are trickling out in huge numbers,

the authenticities of these allegations are being questioned by many. One such issue that essentially needs to be discussed but instead has not been dealt in the manner it should be, and therefore it looks like that the sudden boost in the number of complaints has not been going well with some people. Nobody pays attention to them anymore but this time this crusade is here to persist.

There were 34,186 cases of sexual harassment in 2016 out of which police were able to complete inquiry in 75.6% cases. 67.3% cases were in which charge sheets were being filed which were further sent for trial.

Only 22% of the total cases i.e. 7,665 trials were accomplished in a year. Only 2,295 convictions could be seen that is only 6.6% of the total cases that were investigated by the cops. Only a little 29.9% of the entire 7,665 cases ended in absolute conviction.

As of this month, more than 100 cases of sexual abuse have come into the picture because of this #MeToo wave. On average, over the previous 3 years, 3 cases of molestation had been reported to the authorities each hour. The social stigma of Victim-shaming is one of the major reasons why many cases go unreported. The question here arises that whether this issue is as widespread as it looks like? It is claimed by the exponents that this could actually only be the tip of the iceberg.

IS THERE A NEED FOR CITY CAMPUSES HAVING REDRESSAL COMMITTEES TO DEAL WITH SEXUAL HARASSMENT COMPLAINTS?

According to the University Grants Commission (UGC), educational institutions affiliated to UGC are mandated to have a committee to whom students can approach for filing their complaints. Even though many campuses have obeyed to this rule, according to students colleges have now started taking these complaints seriously. According to students of various colleges, before the commencement of the academic year, ICC in the colleges conduct an awareness drive on a large scale which is compulsory for all the students. There takes place an interactive session where a lot of questions are being asked by the students.

STUDENTS ARE STILL HESITANT TO APPROACH THE REDRESSAL COMMITTEES

One of the most renowned private institutions in India has come into the glare of public after the director of Symbiosis Centre for Media and Communication (SCMC), Anupam Siddharth has been accused of neglecting the complaints made by the students against sexual harassment and even molestation by 106 girls of the institution. The petition was signed by 106 girls and many of the valedictorians of the institution have come up in the support. In the light of these accusations, the authorities of the institution have sent Anupam Siddharth on a leave and have constituted an Internal Complaint Committee (ICC) to probe into the matter and give a report which will be the basis of further actions.

Even though ICC's are set up in colleges, students have a feeling that the committees are not approachable. According to the students, there is an ICC committee only on paper as no real procedure takes place that makes lodging a complaint easier. Only a number is provided on the website and if someone tries to approach the committee through it, it is a laborious process. There are many web pages that appear before one can actually file a complaint.

Nevertheless, students are of the opinion that only when such an unfortunate situation arises, education institutions consider these matters in a serious way. When the students approach the college authorities of setting up of ICC's then is when the colleges set up them which should not be the scenario. Such committees should never be asked for, they should be present. In addition to this, some students are of the opinion that even if the committee hears the complaints they just brush it off. Instead, student's parents are called and a meeting is held and the conclusion of such a meeting is a settlement without an official complaint being filed.

JUDICIARY'S #METOO CAMPAIGN

It is an opportunity to make sure that the defamation law is no longer used as a device for harassment

In Isaac Asimov's popular Foundation novels, one of the exponents often explains that "violence is the last refuge of the incompetent". In India, the spread of the #MeToo movement has recently re-highlighted what was already well-known: defamation is the first refuge of the influential. Whether it is M.J. Akbar's criminal defamation complaint against Priya Ramani,

or Alok Nath's criminal and civil defamation complaints against Vinita Nanda, allegations of sexual harassment have seen a likely response: the leveraging of criminal defamation law as a way of retaliating.

It is common to say that there must be a balance between the freedom of expression and the right to reputation. No legal system can permit fake and slanderous statements to be made openly, with liberty. Defamation law is the device that is utilized to strike a balance. But it is the shape and the kind of defamation law that generally determines whether the balance has been struck in an appropriate manner, or whether, in the form of preserving reputation, the freedom of speech and expression has been effectively suppressed.

In one of the most popular judgments in the history of U.S. Supreme Court, *New York Times Co. v. Sullivan* (1964), it significantly transformed defamation law to make sure that it could no longer be used as a device of abuse and blackmail. In 2018, our courts are now facing a similar situation: an important public movement is intimidated by the bulky hand of the law of defamation. And, like the American courts during the civil rights movement, our courts to have a golden chance. They may, for once, opt to revisit the constitutionality of criminal defamation. But even without that, there are sufficient methods to judicially interpret Section 499 to make sure that it no longer remains the device of the influential to blackmail, molest, and silence awkward speech. Incorporating the Sullivan standard into the law might be a beginning, but the interpretive likelihoods have no end. All that we require is for the courts to realize what is at stake, and respond with the boldness and the reactivity that these times demand of them.

WHY WOMEN WERE MUTE EARLIER?

This is not the first time the Hashtag #MeToo is trending all over the country. Last time when it came into headlines, women were just utilizing it to make people understand how molestation is in their lives. This time, MeToo is coming up with experiences of the survivors of abuse. Many cases have come up and many dreadful cases are still about to surface. Many well-known actors, journalists, academicians, politicians, etc. have been accused of molestation and the campaign is expanding day by day. Why so many women are speaking up now? Is one of the main questions asked by the critics of the campaign. Some of the

survivors are coming out with their stories after many years of harassment. What is actually the aptness of #MeToo and why it was much required during the third wave of feminism?

The most common questions pointed out by critics are:

1. Why the survivors are raising up their voices after so many years/ months?
2. Why not survivors are opting for the due legal process instead of doing public shaming?
3. Why so many people are still not in favour of #MeToo?
4. Are all the accounts narrated by the survivors trustworthy/ true?

There are many factors that cause hesitation to women from reporting an incident of molestation (these can be considered for victims of abuse other than women too but in a patriarchy, they experience this the most). These include –

- a) **Victim Blaming** – Society blames the survivor for the assault. The society expects women to get trained on how not to get raped or avert rape rather than punishing the harasser or the rapist. The most regularly asked questions are – In what way she was dressed? What was the purpose of her being out so late? What was the need for her getting drunk? Etc.
- b) **Intimidation** – More often, threats by the abuser begins just after the molestation. It could range from damaging image, killing or injuring the survivor or their family members, more abuse, etc.
- c) **Backlash and slut-shaming** – Reasons, why the victims or their family members do not speak up, are slut-shaming, backlash, social boycott. Society does not believe in many survivors when they speak up.
- d) **Lack of justice** – One of the huge reasons for not raising their voice is loopholes in the due process which ends up with survivors getting no justice.

The first question which is frequently surfacing is –

Why Is This Surfacing After So Many Years?

The response to it is simple and complex simultaneously. The survivors experience a lot of trauma when they get harassed. Many of them never come up or speak about their harassment even in their last days. There can be numerous reasons for speaking up right now, including –

Hope that they might get justice – Some of them are approaching the courts in pursuit of justice. They are now of the notion that they are not alone in this fight for justice which might have not been the scenario long ago.

If the abuser is now in an influential position and can hurt others – For example, in the U.S, Dr. Basley Ford came up with her experience after many years when Brett Kavanaugh was running for a Supreme Court post because she became aware of the fact that it's not about her anymore, it was about shielding more females who might approach the court to seek justice and a harasser will be passing judgments. There are abundant numbers of women who choose to remain mute for the sake of their safety but noiselessly inform people around regarding the abuser for their well-being. Many ladies raise their voices when they realize that their harassers will have the power to harass many more, in fact, hundreds of women if they choose not to raise their voices.

Because they had suffered a lot due to abuse – Many of the victims are raising their voices after suffering abuse and the consequences of it for years. They are feeling that people will pay attention to their experiences and trust them.

Because the consequences of abuse made them take a step back – The consequences of harassment can range from PTSD, depression, anxiety, inability to believe in people, if it is done by a close partner then it affects relationships which are about to come in future of the victim, and could cause seclusion, underperformance for years.

The harasser is unknown/ known – The harasser might be a family friend, family member, partner/husband/ boyfriend/girlfriend/wife, a superior, which made them accept it and stay mute for the sake of not spoiling relations/ties. Sometimes the harasser is unknown, they molest and leave. If you got manhandled at a function, on the street, workplace, etc. and don't know who the harasser was then they think they cannot even communicate it to anyone.

The second issue is of public shaming-

Why Not opt for Due Legal Process Instead Of Public Shaming?

Some survivors don't trust in the due legal process – It is noteworthy that somewhere this lack of trust in due process is a defeat of a larger movement. They are sure about not getting justice and day and night experiencing their trauma in the court while being doubtful if they will be trusted, is a notable reason. The complete process might take a couple of years, they might be lacking in financial resource to carry on a case in the court of law. They want to avert the never-ending character assassination. For understanding the root cause of the unexpected rise in the #MeToo movement, a hypothetical situation can be illustrated.

For example, a female employee X is being molested by her employer and after giving a thought to the situation, she gathers up the courage to speak up the employer to the Internal Complaints Committee against the employer. She then understands that her employer, taking advantage of his position in the organization has swayed the committee to such an extent that instead of acting like the saviour of X, the committee is now assassinating her character. After being disappointed by the committee X approaches the Local Complaints Committee at her place against the infringement of the principle of the appropriate process by the Internal Committee only to realize, yet again, that this so-called her saviour didn't exist in reality.

Finally, X gives it a last chance and approaches her nearest police station to lodge a complaint, where even after more than a decade of *Lalita Kumari v. Union of India*, lodging an FIR is a struggle.

After all, this X gets disheartened and thus speaks her out on Social Media for the people to come to know with a hope that maybe someone in the crowd will understand her agony and help her to get justice.

They feel unsafe – One of the most common factors why many victims are public shaming their harassers and many of them haven't even shared their experiences is feeling unsafe. They don't feel all right. The threat by their harassers, followers of their harassers, etc. will be frightening enough for them.

Their abusers are influential – The class, caste factor comes in the picture here. If the victims are aware of the fact that their abuser is influential in terms of facilities or funds or is of higher class/caste, the victims decline to file cases being aware of the fact that that filing a case will only result in more backlash. Be it urban areas or rural ones, women don't want to suffer and make their family suffer because of raising their voice. The same scenario is in villages; for decades, upper caste men have been abusing lower caste females to maintain their domination over the entire caste group, and women are likely to stay silent as raising their voice will only lead to more disgrace. In urban settings, this could be the scenario in the reference to class and reputation that a male has. Many survivors like Tanushree Dutta, are getting mocked, abused daily for raising their voices against their abusers. There is a sufficient number of examples from the daily lives of ladies at the workplace and universities where survivors were morally investigated and they gave up the complaint.

Why Are So Many People Still Not In Favour Of the #MeToo Movement?

If we start paying attention, there is an anti-MeToo chronicle equivalent to this movement mainly in right wing circuits. Men's Rights Activists (MRAs), right-wingers, conservatives, capitalists are the most common people not in favour of #MeToo because #MeToo injures their power structure and campaigns like these put them under the scanner. They are more expected to moral-police females and LGBTQIA+ community as such campaigns hurt their approach towards everyone. It directs mostly men to be accountable for their acts which are a hindrance to the patriarchal arrangement. The chronicle of attention-seeking, false cases to procure fame are stories of these groups to force the survivor to take a step back, it's nothing but an alternative to putting 'women back in their positions'. Over the years, harassment is also used to punish women and other people who do suit the patriarchal ideals. It is used as a tool of social design which came up with zero accountability as women declined to raise their voices or are silenced by victim blaming. Again, the parallel story is attempting to put women back in their places by victim blaming, slut shaming, character slaughter and spreading the word that sexual assault abuse spoil careers and reputations of men. The story of "reputation of our sons, brothers, fathers" are at stake as any woman can claim molestation under #MeToo; it is a hazardous pressure building up to silent the survivors by portraying men as vulnerable to fake cases while labeling all accounts of abuse as fake.

CONCLUSION

#MeToo has become a stalwart movement in India. It is brave on the part of those majorities of women who are coming out in the open with their experiences of workplace harassment and unwelcomed sexual overtures from male colleagues. In a principally conservative setting like that of our society, these activities are no mean feats. If not for any other cause, these women need the help of society at large because they have mustered the guts to speak up. Workplace harassment is not just a trivial crime — it is a vicious crime. For an act to be violent it need not always be physical. It can be mental. It can be emotional. By the means of words and deeds, a person has the capability to outrage the feelings and emotions of another. This is much easier and more detrimental in the context of sexual abuse and terrorization. We must not forget that for every ordeal told by women, there are dozens of ordeals untold. Maybe those stories that find a room in the media belong mostly to prominent professions like the media and film industry, but the victims are in every nook and corner, from villages to rich

urban households. It is the fear of societal response and stigma that forces them to go through it silently or in extreme cases, to end their lives. If the society takes a stand of those who raise their voices, slowly but definitely, the menace will come to an end and reform will set in. There could be some who will likely try to misuse the situation for their own aspirations. But that shouldn't be an argument to scrap each and every voice, raised feebly and intensely. This happens with every major reformist upheaval. There could be instances of people misusing many other statutory provisions as well. But that can't be a justification against the law itself. If anything, we must further strengthen the enactments. Similarly with #MeToo, while those accused of misconduct may have a right to defend themselves, one or two unsubstantiated cases can't be held against the entire campaign for the dignity, freedom, and safety of women. Safety of women should be an essential article of faith with any government. To that end, we need tougher laws that ensure that those found guilty of workplace abuse are punished. But what ladies need is not just security, but dignity. Dignity can be bestowed by society, not by enactments. And with dignity comes equal opportunity and freedom of thought and action. It is lamentable that some sections of our society still live with the regressive outlook that freedom and equality are synonymous to immorality. It is among these sections that women are put through undignified lives.

Let that hope, not mere compassion for the victims, or fury against the accused who must have a fair opportunity to answer and defend themselves, instructs us in creating a better India where our women will have more opportunity and independence.