

Narratives from the Margin: Sexual Harassment and Strategies of Resistance

Sandhya Balasaheb Gawali*

Abstract

In India, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 completed its ten years in April 2023. However, this is a crucial time to review its effects, provisions, and the awareness about the Act, and how much it has percolated at the grassroots level. Consequently, we must pay attention to the voices from the margin in order to comprehend the situation and need to bring these voices to the center to point out the lacuna and challenges of the Act as well as strengthen the discourse around the sexual harassment of women at the workplace. The study based on empirical findings, focuses on experiences of women workers at a wholesale vegetable market in Pune¹ and follows an ethnographic approach. The article argues that mainstream discourse on sexual harassment does not acknowledge experiences of women from the bottom of the socio-economic margins and it is a caste-blind gender discourse. Caste shapes women's experiences of sexual harassment at workplace differently and sometimes to mitigate the risk, women apply different strategies and build alternative mechanisms to combat sexual harassment at the workplace.

Keywords

Sexual harassment, strategies of resistance, gender and caste

Introduction

The Sexual Harassment Act 2013, in India, identifies women as a more vulnerable category to different forms of sexual harassment at the workplace in comparison with men. However, scholars (Dr. Punita Sodhi v/s Union of India and Others 2010, Gawali 2019: 288) have argued that the experience of sexual harassment is a subjective

*Research Scholar, Jawaharlal Nehru University, New Delhi, India
Email: sandhyagawali@gmail.com

¹Pune is a city in Maharashtra state of India.

phenomenon. Caste, class, religion, gender, and other social identities can shape women's experiences differently, and social institutions such as caste, workplaces, and educational institutes aggregate and sometimes help to normalize forms of harassment and violence against women. The mainstream discourse around the sexual harassment of women at the workplace is dominated by upper caste, class, urban, educated, and women in formal workplace settings. Therefore, their experiences of sexual harassment are more visible in the mainstream (Rowena 2017, Rao 2018). The recent #Metoo movement epitomized the fact of lack of representation of diverse groups and limited reach. There is a scarcity of studies on women's experiences in informal workplace settings, and of rural, lower caste, lower class, and uneducated women. How do these women from the bottom of the socio-economic pyramid encounter the daily experience of sexual harassment and violence? How do their experiences of sexual harassment differ according to their social location? How do caste, class, and gender matter at the workplace? And, last but not least, what are the mechanisms and support systems available to them? There is a need to bring marginalised women's everyday experiences to the center to provide essential insights into dealing with the sexual harassment of women in the workplace. Keeping these questions in mind, this article explores marginalised women workers' experiences of sexual harassment at the workplace. The data has been drawn from the more extensive Ph.D. fieldwork. The research study was conducted at the wholesale vegetable market in Pune, Maharashtra, and involved participatory observations and in-depth interviews with 88 women workers. To safeguard women respondents' identities and uphold confidentiality, their real names have not been used and initials have been utilised in place of their full names.

The Problem that has no Name: From Recognition to Sexual Harassment Act 2013

There is a substantial, in-depth body of literature on workplace sexual harassment of women. Prior to 1997, however, there was no legal term to describe sexual harassment despite the fact that women experienced it. Several incidents, such as those against Aruna Shanbag² and Rupan Bajaj³ took place, but due to the absence of terminology and a legal framework, these cases received less public attention. After a long struggle, Rupan Bajaj got partial justice. Several women faced sexual harassment in their daily lives but were in a dilemma of how to define it. In addition, Vibhuti Patel (2005) argues that since the early 1980s sexual harassment at the workplace has remained one of the central concerns in the women's movement. The issue emerged for discussion,

²Aruna Shanbag was nurse in Mumbai's KEM hospital. She faced a brutal sexual attack by her co-worker in the hospital. See Shreelekha Nair (2015) Aruna Shanbaug and Workplace Safety for Women: The Real Issue Sidestepped, *Indian Journal of Medical Ethics*.

³Rupan Bajan was working for the Indian Government as finance assistant. She faced sexual harassment from her senior officer Mr. K.P.S. Gill. See Chander Suta Dogra (2018) A Retired IAS Officer on How the #Metoo Movement Can Use Her Case Against K.P.S. Gill, *Wire*

in India, in the 1980s and gained momentum in the 1990s. Pratiksha Baxi (2001) argues that the category of *eve-teasing* (sexually colored remarks or taking physical advantage) finds widespread use in the 1990s. Varied forms of harassment that women were facing in public spaces were registered by the police under the molestation and outrage of the modesty of women. However, Baxi (2001) points out that women were differentiating between eve-teasing and sexual harassment. Eve-teasing was seen as less harmful and sexual harassment as more dangerous. Still, no legal framework was available for sexual harassment. Thus most complaints were filed under the IPC sections 354⁴ and 509.⁵ Further, Baxi (2001) argues that the eve-teasing discourse helped in later articulating sexual harassment terminology.

In 1992, Bhawaridevi's case marked a turning point in the understanding of sexual harassment at the workplace and the inter-relation of caste, class and gender shaping her experiences of sexual assault. The Rajasthan High Court's decision, in Bhawaridevi's case, epitomized caste patriarchal⁶ values by refuting the rape accusations by arguing that it is impossible for upper caste family members to rape a lower caste woman (Pandey 2017). The judge ignored the long history of caste norms of 'purity and pollution' co-existing with the rape of caste-oppressed women by 'upper caste' men who otherwise treated the women as 'untouchable'. The Rajasthan High Court failed to give justice to Bhawaridevi and acquitted the accused. Later, after constant efforts and struggle by Bhawaridevi and women's organizations, in 1997 Supreme Court of India legally defined sexual harassment of women at the workplace as an offence and enacted Vishakha Guidelines to deal with the sexual harassment issue. However, the Guidelines were a temporary solution. It was after 16 years that the Vishakha Guidelines were finally replaced by Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013. Similarly, in 2012 after the Delhi gang rape case, Justice Verma committee amended criminal law and added IPC section 354A to define sexual harassment. However, in the long journey of the struggle against sexual harassment, Bhawaridevi did not get justice but remained a powerful figure in the struggle.

During the Pinjra Tod and #Metoo, Dalit movements and scholars emphasized how Bhawaridevi's case was an example of caste-based violence, but got failed to adopt and replicate in the Act. Several scholars (Rowena 2017, Rao 2018, Kowtal 2019) have criticized the mainstream discourse on sexual harassment for being insufficiently attuned to how caste, class, gender, and religion structure experiences of sexual harassment. The discourse around caste in relation to sexual harassment

⁴Indian Penal Code (IPC) 354 section stands for outrage of women's modesty through several acts like sexual remarks, touching, pinching and so forth.

⁵Indian Penal Code (IPC) 509 section stands for insult to the modesty of women by making sounds or any gesture which creates uncomfortable feeling. This section also recommends punishment for such acts.

⁶Caste patriarchy upholds the privileges of dominant caste males. For more, see Sunaina Arya's work *Dalit or Brahmanical Patriarchy*.

first started in the spaces of higher education. A study by Vandana (2020) underscores that Dalit woman students often get targeted and humiliated by male professors and colleagues. Dalit girls' sexual harassment experience is not merely based on gender but has the connotation of caste and class backgrounds. Young Dalit women student scholars raised critical questions about the mainstream discourse of sexual harassment at the workplace through Pinjara Tod, which sought to challenge the mainstream movement and showed their disagreements with the campaign's hierarchical and discriminatory approach (Gawali 2019: 290). Jenny Rowena (2017) argues that mainstream discourse around the question of sexual harassment is caste-blind gender discourse. She points out that lower caste women in India are majorly situated in the informal sector, and sexual attacks that they face in the workplace are closely tied to the vulnerability of their workplace and caste locations (Rowena 2017). Further, she argues that, while enacting the Vishakha Guidelines, scholars did not emphasize and look at the complexities of caste.

The definition of sexual harassment Act majorly focuses on harassment which is sexual in nature and does not talk about violent forms such as rape, sexual assault, violence, character assassination, public humiliation, and so on. On a similar line, Pallavi Rao argued that upper-caste women consistently dominate the discourse around sexual harassment and Dalit, Bahujan, and Adivasi women's voices and existence were erased or were not taken cognizance of (Rao 2018: 1). All these scholars criticized the mainstream discourse and emphasized on bottom up discourse. Therefore, there is a need to bring all these important aspects together and build a comprehensive discourse around sexual harassment. There is a need to explore, understand and acknowledge the everyday sexual harassment experiences of marginalised women. By exploring these experiences, one can extend solidarity and fight a legal and social battle so marginalised women can live with dignity and enjoy their fundamental rights. As Sharmila Rege points out, 'Knowledge'⁷ has emancipatory potential when produced from specific social locations. If we produce knowledge from Dalit women's perspective, it will create a more emancipatory space because Dalit women's experiences are embedded in unequal power relations and exploitative structures of the society. Thus, it will not stick into the 'experience' but underline how these experiences are shaped in unequal power relations (1998: WS-40). Therefore, it is necessary to explore marginalised women's experiences and understand the question of sexual harassment from their perspective. When we understand their experiences, we will get to know more insights and the forms of harassment that they face in their daily lives. This subjective experience of sexual harassment and assault can lead toward theorizing experiences of marginalised women.

Sexual Harassment at the Workplace: Narratives from the Margin

As several scholars (Rowena 2017, Rao 2018, Kowtal 2019) argued for the importance of listening to marginalised women's experiences to understand the issue comprehensively, I have tried to incorporate women's narratives in this section. The

⁷Subjective experience as a form of knowledge production.

field study was carried out in Pune's wholesale vegetable Market (Mandi) from the first week of April to the second week of July 2022. Although women play a significant role in the market economy, male employees have historically predominated the Market/Mandi.⁸ Several productive tasks such as segregation of rotten goods, filling goods sacks, loading goods in vehicles, stitching gunny sacks, picking over stones, pests in grain, and so forth, are done by women workers. However, their nature of work is not given much respect and importance; as a result, they are not recognised as essential workers but rather as supplemental workers. The majority of women workers belong to Scheduled Castes (61),⁹ OBC (3),¹⁰ ST (1),¹¹ DNT and VJNT (8),¹² UR (14),¹³ and Muslim (1)¹⁴ categories. There is a history of migration. Women workers migrated to the urban city for several reasons, such as lack of resources, in search of livelihood, abandonment by husband/family members, and so on. In the cities, they were forcefully thrown into the labour market with no preparation or protection. They adopted menial labour and remained outsiders in the local area. Sometimes the outsider identity became a ground for their discrimination and humiliation in public spaces. The majority of women have been working in the Market for more than 15 years. There is a range of ages, from women who are 27 years old to those who are over 60. However, in my participatory observation, I found that adolescent girls also accompany their mothers to the workplace and work with them. Out of 88 women, 37 are married and stay with their husbands and children, 34 women are widowed, and 17 women are deserted. The women's caste, age, and marital status have an inter-connection with their experiences of sexual harassment at the workplace, which I elaborate below. Narratives of women workers in the Market also shed light on non-sexual harassment, which has caste connotations such as character assassination, remarks based on social location, physical appearance, etc. These narratives suggest that forms of humiliation based on gender and caste should be acknowledged in the discourse on the sexual harassment of women at the workplace.

In my field interviews, women workers accepted the existence of sexual harassment at workplace. Women in the Market experience multiple forms of sexual harassment on daily basis. In the participatory observation, I found that middlemen

⁸Market (Capital M) stands for wholesale vegetable Market, Pune.

⁹Scheduled Caste is a constitutionally designated group of people and among the most disadvantaged socio-economic backgrounds.

¹⁰Other Backward Classes was constitutionally recognised by the Government of India in the 90s. OBCs are described as socially and educationally backward classes in India.

¹¹Scheduled Tribe is a constitutionally designated group of people indigenous who are socially and educationally backward.

¹²De-Notified Tribe and Vimukta Jati Nomadic Tribe group of people were notified as born criminals during the British rule under the criminal Tribe Act 1871. In 1992, Government of India repealed the Criminal Tribe Act. From then these communities are known as De-Notified.

¹³Unreserved Category referred as general or socio-economically forward category.

¹⁴Muslim is a person who believes or follows Islam religion.

and male Hamals¹⁵ often tease women using double-meaning words. In one incident, I was standing in the onion shop, and women workers were filling onions in the sacks and two Hamals were standing next to them. Suddenly a male Hamal said to a woman, “Don’t you sweat while doing?”¹⁶ And he and his male colleague laughed out loud. ‘While doing’ has a sexual sense. The woman got anxious and replied, “You speak nonsense”¹⁷ and moved aside. After that Hamal started explaining that he was talking about work and, again, he laughed. The woman got so uncomfortable that she went directly outside the shop. In the second observation, some Pala¹⁸ women were segregating rotten potatoes and filling good quality potatoes in the sack at the metal shed. One woman in the group was approximately 31-years-old, and had a dusky/dark skin tone. A middleman was asking all the women to work quickly, and while asking, began to call out the women by their names. However, he called this woman “*Kale* (blackish) go fast and get some tea and water for me”.¹⁹ Her face twisted in a grimace of unwillingness, but she could not resist him. Her physical appearance becomes a means to humiliate and pass pejorative comments at workplace. These pejorative comments violate the dignity of a person and create a humiliating environment at the workplace. Still, Act 2013 does not talk about pejorative comments which are closely linked to sexuality.

Sometimes pejorative comments and character assassination at the workplace are linked with a person’s social location and works in a very subtle manner. For instance, in the same metal shed, L R and her 14-year-old daughter S R were working together. The middleman asked them “Yadi work fast”.²⁰ Yadi’s literal meaning is mother, but mostly this word is used to underline the social position of Lamani (Banjara) women. *Yadi* does not have respectability but is a word to differentiate and mark Lamani women as a whole. Workers in the Market frequently make fun of Lamani women, their language and mark them as outsiders. Middlemen, Hamals, and women workers often term Lamani women as *Lamani Tanda*.²¹ In informal conversation, women and men often claimed Lamani women as thieves and corrupt women. According to them, Lamani women steal onions and potatoes in large amounts and never tell the truth. However, there is an open secret that a majority of women steal goods while working but the offence is majorly placed on the shoulders of Lamani women. This kind of character assassination and misinformation occurs on a daily basis. This assassination of character and labeling of the Lamani community as thieves comes from the general understanding of Criminal Tribal Act, which brands the Lamani community as criminal

¹⁵Coolie/porter

¹⁶Participatory observation and field notes, 22/06/2022

¹⁷Ibid.

¹⁸Women those do segregation of rotten potatoes are known as Pala women.

¹⁹Participatory observation and field notes, 25/04/2022

²⁰Ibid.

²¹Lamani is also known as Banjara. They are nomadic trading caste in India. Tanda literary meaning is community/settlement.

and habitual offenders. While the Act does not exist now, the criminalization of this community takes place on a day-to-day basis.

The third observation of offensive comments embedded within a double meaning also came from informal talk. While talking with a woman and a male Hamal about garlic, a woman worker from a neighboring shop entered into the conversation and started talking with the woman worker. Suddenly a male Hamal said “Aali Zombadi²²” (Zombadi has come). I got shocked because I was aware of the local meaning of Zombadi. It refers to a person who tries to make sexual advantages or urges for sexual intercourse. He was making fun of her. Later, the woman worker with whom I was talking said, “Zombade is her surname. Do not misunderstand. Here, we people make fun”.²³ For other workers, it is a fun but it is difficult to understand how that woman would have felt. It was a deeply insulting and humiliating experience that she experiences on a regular basis. Her surname became a mean of humiliation. In India, an individual’s social location can be easily identified by their surnames, and they are mostly lower caste people with degrading names and surnames such as Dagadu (stone-like), Kachare (garbage-like), Ghadhav (donkey-like). Others use these surnames to humiliate and make fun. They also quickly mitigate the severity of the situation and normalize things by making jokes and masking their intentions. However, no one thinks of how deeply such comments and experiences break women apart. In male-dominated spaces, women frequently become an object of fun and humiliation. Vivek Kumar, a sociologist draws attention to the typology of violence against Dalit women. He argues that there are several types of vernacular sayings, which are used by people, especially upper caste people, to humiliate and ridicule lower caste people (Kumar 2019: 146). Thus, women face humiliation and violence due to their social locations and the nature of their occupations.

Apart from the participatory observation, women’s lived experiences of sexual harassment are harsh and humiliating in nature which displays the lacunas of the mainstream discourse on sexual harassment as to how the Act has failed to identify humiliating working environments. Women workers emphasised that staring remains a prevalent form of harassment. They struggle against the unwanted male gaze as underscored in informal talk: “How many people should we face? If we bend down and start filling the sacks, men look at us”.²⁴ This kind of subtle experience of sexual harassment women face on the regular basis but do not discuss much as it is a regular feature for them. While talking about her experience in the Market, N P a deserted women from Grain Market who belonged to Mang (Scheduled Caste) community underlined that men do stare in the Market. “Earlier, I used to dress up well. As you see, my complexion is fair. I used to put *sindur* in hair parting, wear *gajara* (flower garland worn in the hair), colour hair. It was my first or second day of work in the shop. Our *sheth* (shop owner) asked me my caste. I said Mang. He got astonished and

²²Participatory observation and field notes, 05/06/2022

²³Ibid.

²⁴Informal talk with onion market women, 12/05/2022

said, No Bai (woman). You are lying. You do not look like Mang. You look like from our caste. He is Marvadi. My living standard was different at that time, so he passed such a comment”.²⁵ Here it is crucial to understand that people do not think that lower caste women too can live dignified lives and do what they want. ‘You do not look like’ is itself a casteist comment made to perpetuate the stereotypes about the lower caste communities and control their sexuality by appearance, what to wear and other factors. N P Tai’s experience shows that marginalized women get excluded from the mainstream forms of beauty, and they generally get associated with dark skin complexion, less etiquette, quarrelsome personalities, and less attractive characteristics. Thus, when her shop owner saw her, he was amazed and inquired about her caste location. This shows that the notion of beauty is less related to physical features and more based on caste locations. Further, N P Tai (sister) added, “Male Hamals used to stare at me and come after me, but I never pay heed. However, some women spread rumors about me. They used to say Bai (woman) has come from a brothel. They judged me due to my appearance and categorised me as a sex worker. Then, one day V G, a union activist, called me outside the shop. I was terrified. I thought she would hit me, but she said, you do not get afraid. I am with you. She explained to other women that I am not a sex worker. Her living style is different than us. She is from our caste. Her husband has abandoned her. Then a woman said, if her husband abandoned her, how can she dress up like that? Then V G maushi consoled me and asked me to come to work in simple clothes. After that, I did not dress up, and now I do not feel like wearing nice clothes and dressing well”.²⁶ N P Tai’s character assassination and public rumour mongering enormously hurt and lowered her confidence. This incident onwards, she stopped wearing what she preferred. These kinds of small but not unimportant factual details need to be read very carefully to understand the lived experiences of marginalized women and how their sexuality and mobility are controlled at the workplace and caste becomes a great factor in increasing their marginalisation.

Women workers also faced sexual harassment in the form of taking physical advantage. Consider the details of S S *maushi* (aunty) about an incident that occurred to her. S S *maushi* is a middle-aged widowed from a Mahar caste. While narrating the incident, her hesitation was clearly visible through her body language. She rubbed her thumb on her other fingers and avoided eye contact with me. She said, “Mostly young women do face sexual harassment from Dalals (middlemen). A few years back, I experienced sexual harassment from a Dalal. I used to work in his shop. He trades chilly and onion. He frequently used foul language and humiliated me referring my caste location. I always stood firm and talked back to him. One day, he asked me to pour an onion sack on the ground. I said, this is not my work. Let Hamal come. He will pour it down. Also, I did not pour it down because it was too heavy. He insisted me to pull the sack and drop it down. So, I went near the sack and started pulling. Suddenly,

²⁵Interview with N T in the grain market, 11/05/2022

²⁶Ibid.

he came from my back, grasped me from the back side, and said, pull it like this...”.²⁷ She acted the moment to me using her hands how he grabbed her from the back. As soon as she realized his misbehaviour, she turned back and pushed him away. The next day, she narrated the whole incident to the woman activist in the Market. A woman activist approached the union office and reported S S’s complaint. The union called the middleman, asked him to pay 500 rupees to the Mathadi board²⁸ as penalty, and freed him from the charges. After that incident S S started to work in a new shop. The union neither helped her to search for a new shop nor took the right cognizance of the complaint. S S’s narration exemplifies the situation of powerless women who belong to the bottom of the caste hierarchy and overtly face humiliation and non-cognizance from social structures such as the workplace and union. This example also shows that when women report their experiences of sexual harassment, they face retribution. In S S maushi’s case, she lost her work and suffered from trauma and humiliation, which did not get recognised, and no one reached out to her after the incident to console her. It might be difficult for her to work in a different shop within the same Market because she faces the accused person on a day-to-day basis.

In the Market, touching, patting the back of a woman is common and taken for granted by male workers. R R, a 27-year-old deserted woman, who works in the onion market emphasized that, “When I was working at a potato shop there men colleagues used to stare at women and touch inappropriately”.²⁹ While narrating the incident, she pointed to the waist area and shoulder. She added that, ‘After touching men pretend it as normal and bad intention-less’.³⁰ Whereas, while sharing her agonizing experience about sexual harassment S S, a 41-year-old sweeper said, “There are so many bad experiences. If you want to come and work in the Market, you must keep your *izzat* (honour), *laz*, *lajja*, *sharam* (shyness) outside the Market. Also, where should we file our grievances? If our condition had not worsened, then we would not have come here to work. This is Bazaar (Market). Do you know what the Market means? Here butchers are large in number. Most of the time, men stare and pass comments and discuss with other men. So, what can we do? If we go and tell these things to the authority, he will also look with the same gaze. No one questions men, but women are easy targets. If a woman’s *pallu*³¹ gets slightly away, people will say she is a whore”.³² S S tai has rightly pointed out that they cannot approach and file their grievances due to the unavailability of a mechanism. Most of the people, sexual harassment is not an issue. Thus, no one pays attention on prevention. The vegetable market does not have an Internal Committee to deal with sexual harassment cases. Similarly, women’s economic conditions bring them to this work, and their work conditions are such

²⁷Interview with S S at home, 02/04/2022

²⁸Formal set up constituted under the Mathadi Act 1969.

²⁹Interview with R R at home, 16/04/2022

³⁰Ibid.

³¹The loose end of a sari.

³²Interview with S S in the Market, 09/05/2022

that they cannot take risks. It might backfire on them. Similarly, women have often raised the question of honour. “No one wants to spoil their honour, so they do not go and approach higher authority”.³³ In various studies, scholars (V. Geetha 2017, Anagha Sarpotdar 2016, 2020) have pointed out that women do not approach formal mechanisms due to shame and stigma. They have a constant fear that people will not believe in them, make fun, or gossip about them. In addition, there is a persistent fear of losing a job. Therefore, women do not come forward and file formal complaints.

Strategies of Resistance

Despite the apathetic approach of authorities towards the sexual harassment issue, women resist and actively refute male dominance, and forms of harassment in the Market. In my participatory observation, I found that women negotiate and adopt two different strategies to mitigate the risk of sexual harassment and being judged by male co-workers and clients. I observed that widowed and deserted women challenge patriarchal notions of an ideal woman and who can wear symbols of married women and who cannot. Almost all widowed and deserted women wear *Mangalsutra*³⁴ and put *bindi*³⁵ on their foreheads. Generally, social norms forbid widowed and deserted women from wearing these markers of marriage. In India, people can easily differentiate between married and unmarried women with the help of symbols such as *Mangalsutra*, *Jodvi* (toe ring), and *Sindur* (red power applied by married women). These symbols are visible markers of women’s marital status. I initially saw these as a mark of autonomy and revolution. They seemed to have transgressed traditional boundaries and claimed autonomy over their bodies. When I asked some women when and why they decided to transgress these boundaries, their answers were more interesting and related to the practicalities of their lives. U G, a deserted woman from an onion shop said, “This is a Market, and you will find end numbers of personalities here. I wear Mangalsutra to make people perceive that my husband is alive and living with me. Similarly, when the workload is huge and the owner does not allow me to leave early, I tell him that my husband drinks and beats me so relieve me from duty early”.³⁶ This is not only the story of U G, but of many other women. Symbolically women are signaling that they are not available and have male support at home. If women do not wear *Mangalsutra*, they face various questions. Thus, to avoid unwanted questions about their marital status, women wear it. Widowed and deserted women in the Market think that claiming their marital status will lead to more vulnerability. They do not have the support of male members of the family and thus, they will become an easy target to prey and an object of harassment. Claiming their actual marital status would send a message that ‘they are available’. Women in the Market are aware that in male-dominated spaces, they

³³Ibid.

³⁴It has seen auspicious tread/necklace in Hindu religion. This necklace is tied around the neck of the bride by the groom during the wedding ceremony.

³⁵It is small marker worn by majorly Hindu women on the forehead.

³⁶Informal talk with U G in the onion shop, 12/04/2022

are more vulnerable and prone to harassment. Thus, they strategically deal with the issue by not sharing their marital status. By wearing these symbols, women show that they are not available to other men, and their body and sexuality is controlled and maintained by marriage bonds. This shows that women use patriarchal symbols to refute patriarchal values and as a strategy to be safe.

Women workers' second strategy is adjusting to the environment and emulating the talk of their male colleagues. As S V from the vegetable and R S from grain market shared, when they first came to the Market, they felt uncomfortable. Men talk in double-meaning tones. Earlier, the women workers did not know the meanings. After a few months, they also learned the language and started using bad/abusive words and talking back. Now, men rarely try to mess with them. While sharing their experience, there was a smile on their face as they have won. Similarly, several women underlined the importance of talking back, being bold and courageous while working in the Market.³⁷ If they observe a man teasing or stalking, they grab and beat that man. S D from fruit market underscored, "When will Market Committee take action on our issue? Till that time, why should we wait for justice?" If a man harasses a woman, we collect 5 to 10 women and beat him up so he would not behave in the same manner".³⁸ Women's narratives show that they negotiate and apply different strategies to mitigate the experiences of harassment. Similarly, women build alternative mechanisms to deal with the issue. It shows that women do not have much faith in the union committee. Union also does not follow due process to address the women's issues. S S is a woman activist in the Market said that women who have problems approach her. Sometimes she takes the issue to the union office, and most often she resolves it through the process of conciliation or on mutual terms. However, there is no clarity that on what terms and conditions do these processes take place? Do women get a fair chance of representation and justice? What are the drawbacks of handling such sensitive matters outside the redressal mechanism system? However, when the matter goes to the union, what happens one can speculate from the S S maushi's case. The union summoned the accused, admonished him, and asked him to pay Rs. 500/- as a fine. In my opinion, the decision was abrupt and unjust. It did not follow due process and diminished the seriousness of the matter, which in turn shows the apathy towards women's issues. Despite the Act and legal provisions, women are not able to get justice. Act and the legal provisions have remained in the name only. There is a lack of implementation and monitoring of the legal provision. It is time to re-evaluate the Sexual Harassment Act 2013 and bridge the gaps as soon as possible.

Lack of Redressal Mechanism and Support System

Women workers sometimes deal with the sexual harassment issue on a personal level, and sometimes they approach the Union members. However, they do not get justice

³⁷Market perceived as a filthy, bad place for respectable women to work due to negative connotation attached to it. For more read Dipesh Chakrabarty.

³⁸Interview with S D in the fruit market, 19/04/2022

every time. There is an apathetic approach from the Union and Market Committee as well. The Market Committee did not constitute a committee on sexual harassment or make women and other workers aware of local committee³⁹ against sexual harassment. The majority of women workers are unaware about internal and local committees. They do not know whom to approach and how to file a complaint. They do not know where the district office is—how to get there, who will pay the cost of travel so and so forth. At the Market, most women are daily wage workers and earn Rs. 1 per sack, and that Rs. 1 further gets divided if women work together in a group. Some women said, sometimes they manage to earn Rs. 30 to Rs. 50 per day. In this case, they cannot afford the cost of travel, print outs of complaint copies, and other costs. Women from the outskirts cannot access places in the city easily, and it takes time to travel. There is high chance that they will lose their daily wage if they travel to a district office to file their complaint. A research study done by Martha Farrell Foundation and PRIA underlined that, out of 655 districts in India, only 29 per cent of districts constituted Local Committee according to the Act, 2013 (2018:7). Women workers in the informal sector approach a Local Committee as a last recourse but, if the mechanism is not in place, where will these women go? Without awareness, how can women from the informal sector get to know of a Local Committee's provisions? Therefore, there is need to rethink the district to block/village level assistance, mechanism system and create easy access to these mechanisms and support systems. Similarly, there is need to ensure establishment and proper set up of Local Committee.

After listening to the experiences of marginalised women, I conclude, women face sexual harassment at the workplace, sometimes overtly and covertly and their social location plays a vital role in sharing experiences differently. Their experiences of sexual exploitation and harassment are different and have never been heard or brought forward in the mainstream. Women from marginalised background are more vulnerable at the workplace, and their experiences of sexual harassment are frequently characterised as a serious matter of offence. They often face humiliation due to caste. Women working in the Market face sexual harassment from their co-workers and higher authority personnel, and most of the time, these harassers belong to upper caste backgrounds. However, on a personal level, women try to reduce the risk of sexual harassment by adopting several strategies. Therefore, there is need to think critically on the sexual harassment discourse and incorporate voices from the margins to strengthen the discourse and the provisions of the Act. The Act should address the violent and caste-based humiliation, which forms an offensive working environment. Similarly, while talking about strengthening the mechanism, one needs to understand the critical aspect of caste location, family and community safety. It has been seen in the atrocity cases and also in Bhawaridevi's case how her husband had been targeted

³⁹Local Committee is district level committee for those who do not have Internal Committee against sexual harassment at the workplace. Workers from informal sector can approach to Local Committee to file sexual harassment complaints.

and beaten up to teach a lesson to Bhawari.⁴⁰ Similarly, in the caste-based atrocities rape of women and emasculation of men is common. Thus, family and community safety becomes a competing priority with holding the perpetrator accountable such that a woman may choose not to speak out after being violated.

Therefore, providing assistance and safety to the survivor is important. Simultaneously, transparent and democratic mechanisms can be ensured through adequate representation from the marginalised community background. While the constitution of the Internal Committee 2013 Act underlines that senior women should be presiding officers and one member from law, social work background but it does not specify the social location of members. Thus, there is a huge possibility that due to the lack of knowledge about how caste and gender matters at the workplace, one may lose the main core of the complaint. Therefore, the Act and new guidelines should consider these factors. Bhawaridevi's experiences of sexual violence related to her caste oppression are not center to the policymaking. Thus the Act lacks a crucial part. Now there is time to address these past mistakes. Through policymaking one can incorporate marginalised women's experiences at the workplace to make democratic, transparent, sensitive and accessible mechanisms at the workplace.

Acknowledgement

I would like to thank Dr. Trina Vithayathil for her valuable comments on the article.

References

- Arya, S. (2020). Dalit or Brahmanical patriarchy? Rethinking Indian feminism, *Caste: A Global Journal on Social Exclusion*, Vol. 01, Issue 01, pp. 217–228. Available at: <https://journals.library.brandeis.edu/index.php/caste/issue/view/3/Full%20Issue>
- Baxi. P. (2001). Sexual harassment. *Seminar*, #505 <https://www.india-seminar.com/2001/505.htm>
- Gawali, S. (2019). Unpacking the sexual harassment of women in the context of the #MeToo and the PinjraTod Campaigns: Feminist understandings. *Jindal Global Law Review*, Vol. 10, No. 2, pp. 287–302.
- Geetha, V. (2016). *Undoing impunity: Speech after sexual violence*. New Delhi: Zubaan.
- Kowtal, A. (2019). Building a feminism that centres the voices of oppressed. *Wire*. Available at: <https://thewire.in/caste/building-a-feminism-that-centres-the-voices-of-the-oppressed>
- Kumar, V. (2019). The nature of violence against Dalit women. In *Gender and violence in historical and contemporary perspectives*. (Eds.) Jyoti Atwal and Iris Flessenkamper. New York: Routledge, pp. 141–152.
- Martha Foundation (2018). Who safeguards a woman's right to a safe workplace? A study of local committee across India using RTI data. Available at: https://www.marthafarrellfoundation.org/uploads/article_category/1598972840_1555302838_RTI%20Study%20PDF.pdf

⁴⁰Bhawaridevi's husband faced tremendous violence. He got beaten up and after that in front of him five members from the same family raped Bhawaridevi to show his and Bhawaridevi's social place in the society. Village ostracised them after the incidence.

- Patel, V. (2005). The history of the struggle against sexual harassment. *Info Change News & Features*.
- Pandey, G. (2017). Bhawaridevi: The rape that led to India's Sexual Harassment Law, *BBC*. Available at: <https://www.bbc.com/news/world-asia-india-39265653>
- Rao, P. (2018). Caste and LoSHA Discourse. *Communication Culture and Critique*. pp.1–4.
- Rege, Sharmila (1998) Dalit women talk differently. *Economic and Political Weekly*, Vol. 33, No. 44, pp. WS39–WS46.
- Rowena, J. (2017). What can we do with sexual violence hall of shame?, *Raiot Challenging the Consensus*. Available at: <https://raiot.in/the-sexual-harassment-discourse-a-bahujan-womans-perspective/>
- Sarpotdar, A. (2017). Implementing or ignoring the law on sexual harassment? *Economic and Political Weekly*, Vol. 51, Issue no. 44–45.
- . (2020). Examining local committees under the Sexual Harassment of Women at Workplace Act. *Economic and Political Weekly*, Vol. LV, Issue no. 20, pp.51–58.
- V. Geetha (2017). Sexual harassment and elusive justice. *Economic and Political Weekly*, Vol. 52, Issue no. 44.
- Vandana (2020). Dalit girls and sexual harassment in the university. *Indian Journal of Gender Studies*, Vol. 27, No. I, pp. 33–54.