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**TIPS FOR TEENAGERS &
YOUNG ADULTS**

October 2013

Revised Edition

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Dear friends,

We are pleased to share this booklet on sexual harassment in public spaces and workplaces to be used by teenagers and young adults.

Do share this widely with your family, friends, colleagues and peers.

Be a change maker and join the campaign to claim spaces of respect and dignity for all and to end all forms of violence against women and girls.

Join us on :

www.safedelhi.in

<https://twitter.com/jagorisafedelhi>

<http://www.facebook.com/SafeDelhiCampaign?ref=ts&fref=ts>

SEXUAL HARASSMENT IS

- Unwanted touching, hugging or kissing.
- Staring, leering, whistling, winking.
- Sexually offensive gestures such as deliberate brushing or stroking private parts, smacking lips, elevator eyes, pinching.
- Sexually suggestive, intrusive, explicit and lewd comments, questions, words, songs or sexual remarks on women's body, clothes, anatomy, sexuality.
- Indecent exposure/flushing of private parts, masturbating in public causing annoyance or harassment to women.
- Invading personal space and privacy through actions such as cornering, peeping, breathing down one's neck.
- Exposing deliberately/forcibly to sexually explicit internet sites, pornographic films, photographs, text, graffiti, jokes or/ and cartoons.
- Sexually explicit telephone calls, emails, SMS, MMS, letters, cards, posters, gifts.
- Unwanted invites for 'dates', inducing or seducing women to have sex or soliciting for sexual favors.
- Stalking (spying, attempting to contact physically or electronically in spite of disinterest).

- Disrobing or compelling a woman to be naked.
- Voyeurism (Watching, capturing and / or circulating pictures and / or film of a woman engaged in private act)
- Insulting the dignity of women through any kind of action, utterances, comments, songs, etc.

(The following crimes against women have been specially added to Criminal (Amendment) Law, 2013)

Remember: Sexual harassment is **not** sexual interaction, flirtation, attraction or friendship.

It is not mutual, consensual, reciprocated and welcome.

It hurts, it disturbs and it degrades.

Sexual harassment is a crime against women and girls.

THE LAW SAYS...

Criminal Law (Amendment) Law 2013 penalises and punishes the perpetrators of sexual harassment under the following sections of the Indian Penal Code (IPC):

- **Section 294:** Obscene acts and songs—whenever, to the annoyance of others:
 1. does any obscene act in any public place, or
 2. sings, recites or utters any obscene song, ballad or words in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

- **Section 354:** Any man commits to assault or use of criminal force to woman with intent to outrage her modesty or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment or fined or both.
 - A) Sexual harassment -
 1. physical contact and advances involving unwelcome and explicit sexual overtures
 2. demand or request for sexual favours
 3. showing pornography against the will of a woman
 4. making sexually coloured remarks

Punishment: imprisonment which may extend to three years or with fine or both.

B) Using assault or criminal force to a woman with intent to disrobe her.

Punishment: imprisonment for not less than three years which may extend up to seven years and fine

C) Voyeurism (Any man watching or capturing the image of a woman engaging in a private act.

Punishment: (On first conviction) Imprisonment for not less than one year which may extend to three years and fine.

(repeated offenders) Imprisonment not less than three years, this may extend to seven years and fine.

D) Stalking (Any man following a woman and attempting to contact, or foster personal interaction despite a clear indication of disinterest by her or monitors the use by a woman of internet, email or any other form of electronic communication)

Punishment: Imprisonment which may extend up to three years. *(repeated offenders)* imprisonment may extend to five years and fine.

- **Section 509:** uttering any word or making any gesture intended to insult the modesty of a woman
Punishment: imprisonment for three years and fine.

The Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act 2013

“No woman shall be subjected to harassment at **any** workplace, whether public or private, whether the aggrieved woman is employed there or not.”

Defines **sexual harassment** as per (S. 3 (2) of the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act 2013

1. Implied or explicit
 - a. promise of preferential treatment in employment;
 - b. threat of preferential treatment in employment;
 - c. threat about her present or future employment status
2. Interference with her work or creating an intimidating or offensive or hostile work environment for her;
3. Humiliating treatment likely to affect her health or safety.

Workplace defined as per S. 2(o) of this Act:

1. A Government department/institution;
2. A private sector organization/institution;
3. Hospitals/Nursing homes;
4. Sports complexes;
5. Places visited by an employee during the course of the employment including transportation provided by the employer

Complaints Committee: As per this law, every employer employing 10 or more persons is mandated to constitute an Internal Complaints Committee to handle complaints of sexual harassment at the workplace (S. 4, SHA) . Failure to constitute this committee or act per the recommendations of the committee shall result in being punished with a fine which may extend to Rs. 50,000/- (1st time), double the fine or cancellation of license to carry out business the 2nd time. (S. 26, SHA)

The employer is also under an obligation to initiate action under the Indian Penal Code against the perpetrator and to provide assistance to the aggrieved woman if she chooses to initiate action under the Indian Penal Code herself (S. 19, SHA).

If an internal complaints committee has not been constituted, the woman can file a complaint with the Local Complaints Committee set up by the District Office (S. 5, SHA)

To register a Complaint under this Act: A woman can make a report of sexual harassment within 3 months of the incident with the internal/local complaints committee (S.9, SHA). If the woman is unable to make the complaint herself, owing to mental/physical incapacity or death, her legal heir may also make the complaint.

Transfer During the Inquiry:

1. The aggrieved woman or the respondent may be transferred;
2. she may be granted leave up to 3 months;
3. other reliefs may also be prescribed by the Government.

Results of the Inquiry: The internal/local complaints committee may recommend after its inquiry that the employer within 60 days (S. 13, SHA) take action against the respondent for sexual harassment as a misconduct as per the service rules or government prescriptions; or deduct adequate sums from the respondent's salary/wages;

The aggrieved woman can also appeal from this inquiry in the court/tribunal as designated by the government. This appeal should be made within 90 days from the recommendations.

The MANY targets of harassment

Besides girls, women, boys and men, there are other socially vulnerable groups and communities that are often subject to sexual harassment due to their social identities. Our society privileges a certain kind of gender and sexual orientation as 'normal'. Anyone who does not conform to this is more vulnerable to violence.

People with disabilities (physical, sensory, psychological) are often subjected to sexual harassment or are treated as inferior and incompetent. Similarly persons with alternative sexual orientations (transsexuals, gays, lesbians, bisexuals, etc.) and unconventional gendered behaviours (effeminate men and masculine women) often become the subject of ridicule and jokes because of the way they talk, behave, dress and/or their sexual preferences.

Any kind of discrimination, exclusion, offensive or derogatory remark or invasion of privacy is unlawful, illegal and amounts to sexual harassment.

It is important that we understand and respect the choices made by 'others' and refrain from behaving in a way which exhibits our prejudices and discomfort. We need to ensure that rights and choices of such people are safeguarded and protected.

Quick tips for girls/women: Do's and Don'ts



- **Recognise sexual harassment:** Anything that makes you feel uncomfortable, humiliated or intimidated is harassment. It is not what the other person intends but what you feel that matters. If you feel harassed, you have the right to protest.
- **Say “NO” loudly and firmly:** Confront the perpetrator when you are being harassed. It might help to prepare a few statements as responses, for instance, “I don’t like this” or “STOP”. You might want to practise saying it to yourself to make it a reflex action.
- **Be alert and confident:** Remain calm and look straight in the eye of people who threaten you. Speak with clarity and firmness to send a message that you are aware of yourself and that you have a right to be where you are.
- **Socialise and support:** Isolation can make you feel vulnerable. Friends or acquaintances who could be supportive and accessible might go a long way in checking harassment. Also, always be ready to respond and support if anyone is being harassed in your presence.
- **Report the incident:** It is pertinent to make a formal complaint with police for action in case of sexual

harassment. Sexual harassment is a crime and must not be ignored. It is a serious violation of human rights and must be reported to concerned authorities.

- ➔ **Appreciate boys/men who respect you:** Being dismissive and scornful of boys because of their background, dress or language conveys your prejudices and negativity. Such behaviour might be a cause of alienation and could also invite retaliatory harassment.
- ➔ **Don't Hesitate:** You can ask for help. It is not your fault. It is likely that people will help if you approach them. Don't wait for them to come for your support. You can be proactive and reach out to them.
- ➔ **Try not to be explicit about your fears:** Do not look scared, nervous, unsure or walk with your head bowed down on the road or in a public place. A determined and confident body language can at times act as a deterrent against harassment.
- ➔ **Don't blame yourself for harassment:** Harassment is an expression of power and masculinity by men over women. The way you dress or your attitude is not an invitation to harassment or any form of unsolicited behaviour.





Quick tips for boys/men: Do's and Don'ts

- **Avoid being 'macho'.** Vulgar display of muscle power or pompous masculine behaviour is never appreciated by anyone. Boys often adopt a so-called 'masculine' attitude to gain acceptance and recognition amongst peers and to escape bullying. This kind of behaviour is not appropriate. Try and reflect on your own actions/ words, being respectful and non-threatening. It might help to ask a female friend about what girls/women find offensive or threatening about typical 'male' behaviour.
- **Be aware of how you behave with women.** Women dislike bullying, over-friendliness and persuasive intimacy. Speak and behave respectfully. Avoid using sexist language, slangs and swear words. You might want to practise ways of talking and behaving that are friendly and appropriate without being over-familiar and threatening.
- **Treat girls/women as equals.** Learn to respect women as friends and colleagues. An attitude of contempt and superiority can often jeopardise healthy friendships.
- **Be alert and ready to help.** Be alert to possible sexual harassment in your vicinity. Be ready to help when asked or if you think your help is required. Often, your offer of help will be enough to deter the harasser. Yet, remember that not every girl is a 'helpless victim' needing your protection; in fact, some may even feel harassed by your unwanted 'help' and it may at times also aggravate the situation

- **Don't assume that women like being 'teased'.** Sexual harassment is an offence and unacceptable; it is not 'eve-teasing'. Women hate harassment and never enjoy any kind of sexist remarks or unwelcome teasing. Their "no" does not mean "yes". Contrary to Hindi movie clichés, harassment is uncomfortable and makes them feel insecure.
- **Women who dress 'daringly' do not deserve harassment.** What you wear is a reflection of your choice, neither attitude nor behaviour. Men and women both have the right to dress as they want. You may not like what a girl is wearing, but that does not give you the right to show your anger or disapproval. Sexual harassment is an offence and cannot be justified on any account.
- **Don't trivialise harassment.** Harassment is not a light hearted joke or eve teasing. It is an unwanted and abusive display of power that can undermine self confidence in girls/women and make them feel angry and resentful.
- **Harassing women is not a proof of your masculinity.** It is wrong to harass women to prove you are a 'man' and to feel accepted amongst your peers. Women need partners and friends not aggressors who are disrespectful and put them down. Following the herd might be the right thing for sheep and goats, but standing apart from the herd of harassers will always earn you respect from people who are important to you.



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When someone harasses me, at first I feel scared. Slowly, this changes to irritation and then it becomes anger.



I don't touch girls, only pass comments. It feels good!



I respect my female friends, but we also tease them. What's the big harm in that?

The best way is to just ignore it. One day, they will feel guilty and stop it.



AGAINST SEXUAL

When I tell my friends that I don't enjoy harassing girls, they say I am a sissy and not "man" enough.

Being touched by a known or unknown person against my will makes me feel upset and unclean inside

Why should I be treated like an object? I have a right to be what I am.

If girls wear clothes that show off their bodies, they should also be ready to face comments

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HARASSMENT



A final word for girls/women

Don't fool yourself and ignore sexual harassment.

'Covering up' will not prevent harassment nor is an Indian dress 'safer' than a Western one.

You have the right to dress as you like. Choose clothes which make you feel comfortable and confident. Also think through what you will do or say if others react negatively to your attire.

You have a right to live with dignity and self-respect irrespective of your social identity and choices. Social change takes a long time but should not lead you to compromise your rights.

Always remember, sexual harassment is a serious crime; it must not be ignored. Be proud of your identity. Never blame yourself. Report the crime and take action against it. It is time to **ACT NOW!**



A final word for boys

Here is a simple “harassment detector” for you:

Before cracking a joke, passing a comment, playing a prank or making an advance towards a girl, ask yourself these questions:

“Am I forcing myself on her or being too pushy?”

“How would I feel if this incident was filmed and shown on reality TV?”

“Am I doing it for fun and actually making her uncomfortable in the space that we are supposed to share?”

“How would my mother, sister or girlfriend or any other woman acquaintance react to this action?”

If the answers to these questions make you uncomfortable, never do it!

If she does not respond, take the hint and **STOP NOW!**

When you/others face sexual harassment:

- **In a public place or on the street:**

Take help from people around you (friends/strangers) and draw attention towards the harasser and the crime.

Lodge a written complaint at the nearest police station. It is the duty of the police and your right to demand immediate action against the harasser.

- **In school/college/university/ any workplace:**

Approach the College Complaint Committee or any other statutory body to register a complaint. In absence of any such statutory body, approach the Women's Development Cell or share with teachers/ professors/ principal or any other representative of school authority.

For socio-legal counselling and casework:

You can also take help of other organisations/groups. Legally, lodging a First Information Report (FIR) with the nearest police station under the appropriate section of India Penal Code¹ is recommended as one of the first steps.

The police is to record an FIR in cases of sexual harassment/ rape and any refusal by a police officer shall result in him imprisonment which may extend from 6 months to 2 years along with fine (S. 166A, I.P.C.)

All private and public hospitals shall are also mandated to provide free aid and medical treatment to all victims of acid attacks, and victims of certain instances of rape (S.357C, Criminal Procedure Code) failing which the person in charge of such a hospital shall be imprisoned for a period which may extend to one year or with fine or both (S. 166B, I.P.C.)

In case of an emergency, call any of the following helpline numbers:

Police	100
Women's Helpline	1091
Senior citizen	1291/ 1091
Chief Minister's Women in Distress	181
Jagori (Mon-Fri, 9:30am -5:30pm)	01126692700/ 8800996640

For more information and copies contact safedelhi@jagori.org

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