

#Metoo: Some Unheard Voices

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ABSTRACT:

The safety of citizens is the bedrock of working of every democracy in the world. It includes protection at workplaces. In recent past, world witnessed a wide wave of me too which touched the Indian society too. It strengthened the unheard voices of the people that went through trauma following such incident. It didn't aimed to bring out the whistleblower but provide resources to the needy women and console them that they don't survive in solitude. There are other women also who underwent the same story and by letting the story out, they can help others too. This article focuses the history mandatorily to be carved out to understand the objective of movement and remedies available to individual victim. The truths and myths of gender neutrality of laws and the survival story of prostitutes too. the wave reflected out the outcomes that it proposed? The campaign covered all the unheard voices? Didn't it again stirred up the questions of trial by media and the dreadful effect over the court by easily molding the opinions of the members of the Bar and BENCH?

One side of the coin shows women being respected and worshipped as goddess but the other side of the same shows that there were instances of sexual abuse faced by them. This paper draws out the historical outline of the movement and the impact it left in the society. They together aim at bringing out an equalitarian society where people are paid reverence with a safe and sound working environment made available to all.

Keywords: *women workers, gender neutrality laws, trial by media, solutions*

"I raise up my voice—not so I can shout, but so that those without a voice can be heard...we cannot succeed when half of us are held back." —MalalaYousafzai

In the recent past year, India has witnessed a wave of social reform. With the progressive mindset of the society, it was a result of the global campaign where women from different walks of lives came forward and share their survival theory. This created a subtle difference in the orthodox society. It served as a wakeup call for the people who consider themselves as preemptors of the society and think that no voice can tarnish their dazzling reputation. Many social workers also extended their hand to help those unheard voices. However, this movement decoded some truths and some lies.

Me too movement initially started¹ for coloured women who went through sexual abuse. It involved the paths to find solutions to heal the wounded souls of the young girls and women. It dates back to 2006, when in USA, an African-American socialist Tarana Burke used this phrase but it gained momentum when the celebrity sensation Alyssa Milano supported it, in 2017. She empathized with the other woman and consoled them by saying that you are not solitary but the world stands by you. And this same event happened with her also. She used the hash tag and then it became a wave which joined other global issues, which is indisputable. Her tweet served as an eye opener to the billions and it invoked a feeling of oneness despite cultural or language difference. The movement started a decade ago but got intensified two years ago only. Soon, people saw different linguistics with hash tag to show their respective story so that a stark lesson is taught to people who think that they can be

¹ <https://metoomvmt.org>

forgiven always. It started with the main objective so that means can meet the end and resources meet the needy. To step out from the stigma of fear and enrich, empower yourself so that a person can reclaim power. It doesn't mean to bring in the light the whistleblower but the culprit who sought can go away very easily. It was veraciously pointed out-“Standing behind predators makes prey of us all.”- DaShanne Stokes

In India, it marked its prominence when the actor Tanushree Dutta accused veteran actor Nana Patekar of sexual abuse during the sets of their previous movie 'Horn Ok Please' where both the co-actors worked together and the former faced harassment from the latter on the sets in 2008. With the aid and assistance of State Women Commission she initiated legal actions against him in 2018. Although he was set free but it set a bedrock example where many names with high fame came out. Instances include the breaking of the renowned movie organization and actors, writers who are well established coming out and publicly apologizing for their misdeeds and creating discomfort to the women. Politicians from the Union level also stepped down from the cabinet and bore the consequences.

This chain of events however has posed some serious questions. The event was given a holistic coverage by media which is indisputably commendable. But the interference and indirectly declaring a person convict of sexual assault by the media not only insults the emotions of that individual but his kith and kin too. It proposes serious question of trial by media not trial by courts. It covers some truths, some myths. It also contradicts the duty of an advocate towards his client² as well as the principles of natural justice. This all add to a subtle difference in functioning of the court machinery. This also put the gravity of the situation towards improper application of the Vishaka guidelines³ and subsequent laws⁴. It intensifies the issue of gender biased laws⁵. There were unheard voices of the female but there was not even equal representation given to their counterpart male voices. However, it is indisputable that crimes against males (sexual offences) also happen in closed vicinity. The psychological pain that victim goes through is faced by both sexes equally. Now, with partial decriminalization of Section 377 of Indian Penal Code, 1860⁶, India has witnesses the rise of third gender. But, even their voice was left unheard. The hostile environment and its subsequent consequences are borne by every one of them. There are welfare, prohibition on working in night hours, safety and other provisions under Factories Act, 1948 given to the women under Labour Laws but no effective and stringent application can be seen available to them.

In the notion of the civilized society, the need of the hour is the Rule of Law. It clearly implies that there is no arbitrary power. All are treated equally in the eyes of law. It also includes the plight of destitute sex workers

² Rule 15 of Part VI, Chapter II of Bar Council of India Rules, 1961

³ Vishaka v. State of Rajasthan (1997)6 SCC 241

⁴ The Sexual Harassment of Women at Workplace Prevention, Prohibition and Redressal Act, 2013.

⁵ Criminal Laws (Amendment) Act, 2013

⁶ Navtej Singh Johar and Ors. v. Union of India and Ors. AIR2018SC4321

who strive day and night in the inhumane conditions to earn a livelihood. They sell their body as a means for sustenance of life. But they don't even have the resources to step forward and share their stories. The wave of me too is meant to cover them too. As veraciously pointed out by SC that "even a woman of easy virtue is entitled to privacy and no one can invade her privacy as and when he like"⁷.

With the emergence of this wave, the country has seen the real implication of the laws. On the one hand country is striving hard to achieve Millennial Development Goals (MDGs); the other side of the coin shows the safety of the women at the workplace. This global campaign was started with a different cause but it meant and now covers broad spectrum of safety and victims of abuse who intend to not get devastated by their traumatic incident and warn other people who wish to enter the same profession. It acts as a disclaimer or sign of warning for them.

All remedies that law stands with is the formation of a strong and independent interdepartmental committee headed by a woman and with the aid and assistance of an NGO who will work day and night to achieve the betterment of the workers. The remedies at the global campaign rest is with taking assistance from the me too movement organization or sharing their story at a global platform so that it reaches the heart of every individual. People are aware of such blots of the society who uses the need of people to establish their career and stop taking favors from them. They can climb and scale new heights on their own. The move toward gender neutrality of laws so that males and third gender are given the rights is the most rejoiced notion of the civilized society. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013⁸ empowers a women can register the incident at Internal Complaint Committee who is under a statutory obligation to dispose it within 3 months. Aggrieved or unsatisfied by the result women can approach the court or state women commission for help. Constitution of India, 1950 mandates⁹ state to provide free legal aid to the needy to avail justice. The late registration of the complaints brings into light the Section 468 of Criminal Procedure Code, 1973. The Code however specifically gives power to the Court to try an offence after the lapse of the period if Court is satisfied by the facts and circumstances of the respective case. The remedies are available but it doesn't really help the deplored class of the society who become mere victim. The voice against the CJI was raised by her own employee served the purpose of the campaign. Although, Internal Committee absolved the Hon'ble CJI from all the charges as baseless but it set an instance for the others to approach the authority for justice.

⁷ State of Maharashtra vs. Madhukar Narayan Mardikar, AIR 1991 SC 207

⁸ Section 9. Complaint of sexual harassment.—(1) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident.

⁹ 39A. Equal justice and free legal aid.—The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

#Me too movement wave started as a global campaign on social media but the wave engulfed many cine workers, advocates, medical students, writers and other women from different walks of life to strengthen their voices. The wave serves as an open letter to the society so that no women can ever again say #ME TOO.