



## Sexual Harassment - Law & Policy 101

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The legal definitions of sexual harassment in global, local, and transnational contexts are diverse in their interpretations of gender, violence and labor. For example, the United States formalizes sexual harassment law through Title VII of the Civil Rights Act of 1964 which places any and all “discrimination on the basis of sex” in the same category as race, color, religion, and national origin. Title VII specifically encompasses the issue of unlawful employment practices which fall under the investigation of the U.S. Equal Employment Opportunity Commission (EEOC).

On a larger scale, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)--which was adopted in 1979 by the United Nations Assembly and remains the basis for many policies on gender equality officiated across the globe--moves beyond gender-based discrimination solely in the workplace to define it as a human rights issue prevalent in many spheres of life. Yet the bill also adopts the same language used in Title VII to categorize sexual harassment as discrimination “on the basis of sex”, though the United States has not formally ratified the Convention.

In the context of India, sexual harassment in the workplace would first be recognized as a specific issue within the confines of gender-based violence and labor rights through the Vishaka Guidelines as established by the Supreme Court in 1997 during the landmark case Vishaka vs. State of Rajasthan. But a legislative follow-up to these guidelines would only be executed in 2013 through the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act. Before this specific resource, sexual harassment could only have been addressed through Section 354 and Section 509 of the Indian Penal Code which, while gender-specific, do not contextualize the situation in which violence or harassment has occurred.

While legal recourse has been established through these diverse models of legislation and policy, sexual harassment in the workplace continues to be a global issue largely unresolved and highly controversial. Contemporary movements such as #MeToo and #TimesUp have showcased how defining and recognizing sexual harassment continue to be the first challenge in this lengthy search for justice.

### Resources

[Full Text: UN Convention on the Elimination of All Forms of Discrimination Against Women](#)  
[U.S. Equal Opportunity Employment Commission - Sexual Harassment](#)  
[Title VII of the Civil Rights Act of 1964](#)  
[Siegel, R. “A Short History of Sexual Harassment” in \*Directions in Sexual Harassment Law\* \(2004\)](#)  
[Vishaka Guidelines Against Sexual Harassment at Workplace \(1997\)](#)  
[India - The Sexual Harassment of Women at Workplace Act, 2013, in English](#)



## Acid Attacks - Law & Policy 101

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Acid attacks remain one of the most notorious forms of gender-based violence associated with India and South Asia at large. In 2015, the National Crime Records Bureau, an agency part of the Indian Ministry of Home Affairs, disclosed that 72% of acid attacks were reported by women, with many cases going unreported due to the stigma and dishonor attached to female victims.

As a criminal offense, the Indian government did not formally recognize acid attacks in the Indian Penal Code (IPC) until an amendment to Section 326 was passed in 2013. For victims of acid attacks, **Section 326 A** of the IPC convicts those who “voluntarily cause grievous hurt by use of acid”. This amendment seeks to guarantee victims medical, financial, and legal recourse while providing punishment to the perpetrator. Additionally, **Section 326 B** provides a minimum sentence to perpetrators of an *attempted* acid attack.

The legal recognition and defining of acid attacks is an important step in addressing this specific, highly visible, and common form of gender-based violence in India. The Indian government has also sought preventative steps to counter the easy acquisition of acids used in these attacks recently as well.

### Resources

#### Section 326 A: Voluntarily causing grievous hurt by use of acid, etc

Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine;

Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim;

Provided further that any fine imposed under this section shall be paid to the victim.

#### Section 326 B: Voluntarily throwing or attempting to throw acid, etc.

Whoever throws or attempts to throw acid<sup>1</sup> on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.