

Abstract of Thesis Proposal titled 'Problematizing Sexual Harassment at Workplaces (SHW): The context of anti-SHW policies in India

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Anti-sexual harassment at workplace (SHW) policies in the Indian context have been examined and critiqued by extant policy analysts for a variety of concerns (Sakhrani, 2017). These include process centric issues, which comment substantively on the procedural aspects of policy design – such as lack of collective action possibilities for aggrieved persons (John, 2014), composition of complaint committees within organizations (Bhavila & Bushra Beegom, 2017) and the guidelines for due process of enquiry (Sarpotdar, 2016). However, majority of extant research focuses on a 'problem-solution' approach (Turnbull, 2006), where policies are assumed to address pre-ordained 'problems'. The statement and nature of the identified 'problem' is not called into question. We analyze India's SH policies through the lens of problematization (Bacchi, 2009), thereby asking – how has the 'problem' of sexual harassment come to be defined in specific forms and how does the drawing of boundaries through such definitions, lead to exclusions and assumptions for the policies addressing these 'problems' (Bacchi & Goodwin, 2016). We employ Carol Bacchi's 'what's the problem represented to be' (WPR) framework, which posits that policies produce 'problems' rather than address them. A policy on anti-SHW is not assumed to cater to an existing, pre-established and agreed upon 'problem' of sexual harassment. Rather through its particular solutions, articulations and policy statements, it assumes the 'problem' to be of a specific kind. This approach urges the analyst to examine how SHW has been conceptualized and represented as a 'problem' and what assumptions are made for such a representation. We use policy texts such as declared SH laws in the Indian context along with case verdicts from the Supreme Court of India (SCI) and state High Courts (HC), over the last three decades (1989-2019) to identify how SH has been addressed and what associated 'problems' are assumed about the nature of SH. We then further investigate these policy articulations for the

underlying assumptions about what is 'sexual' about SH, who can be an 'aggrieved person' (are men, children, tribal, lower caste and lower class farm labor etc. addressed in this category?), what is a 'workplace'? How does defining SH as 'protecting the modesty' of a woman shape the manner of 'solutions' proposed in policies?

Beyond this, we analyze the genealogy of these assumptions – how have they come to be in their current shape? This involved studying legal literature to analyze how important legal tenets such as 'quid pro quo' and 'hostile work environment' have come to be over a period of time. We illuminate specifically, the role of legal knowledges and how the overall legal apparatus is constituted to be the authoritarian form of 'knowledge' that it represents (Smart, 1992). In India, anti-SH policies have largely found space in mainstream policymaking, through legal means and channels (viz. writ petitions, public interest litigations,

court verdicts) (Baxi, 2001; Menon, 2004; 2010). Thus it becomes important to examine these 'knowledges' for their inner logics and their role in making 'problems' and 'subjects' within anti-SHW policies.