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**Critical Analysis on Women's Sexual Harassment at Ride-Sharing
Platforms: A Legal Discussion**

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Sk. Md. Habibullah
Senior Lecturer, Department of Law,
East West University**

**Submitted by
Muhsina Alam Joyee
ID: 2018-2-66-023**

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Declaration

I, Muhsina Alam Joyee, ID:2018-2-66-023, do hereby solemnly declare and affirm that this research paper titled “Critical Analysis of Women’s Sexual Harassment at Ride-Sharing Platforms: A Legal Discussion” is original and my own work and is not copied from anywhere or from anyone’s view. The purpose of this research is to complete my undergraduate degree as it is a course. A list of references is inserted to maintain the citation materials.

(Muhsina Alam Joyee)

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Abstract

This paper provides an illustration of sexual harassment at ride-sharing in Bangladesh. In our country there are some existing laws and ride-sharing policies which have been analyzed the neighboring countries like India, Pakistan also has specific laws and relevant provisions to resolve these offenses but in our country this issue remains the same. Sexual harassment is occurring in different places such as workplace, educational institution, public transportation. To avoid this harassment women, adopt the ride sharing services but women are also being harassed while using the ride-sharing app. So many people are still unaware about existing legislation and ride-sharing service policies. This circumstance needs to be changed because the ride-sharing service has increased the transportability of middle-class citizens. The data and information are used to illustrate the abuse and harassment that women experience when using ride-sharing services. This paper will provide a discussion based on existing legislation and ride-sharing policies as well.

Keywords: *Women, Sexual harassment, laws and policies, ride-sharing service, Bangladesh.*

Chapter-1

Introduction

1.1 Introduction:

Sexual harassment is another kind of sexual violence. Sexual harassment is a common problem in our society nowadays. Everyone deserves a secured and safe life. Sexual harassment includes unwanted touch, inappropriate body gesture or language. Men and women both face sexual harassment but women face this problem more than men. Women face this problem at their workplace, shopping mall, public transportation, ride-sharing transportation etc. In Bangladesh sexual harassment is one of the most serious problems. There are multiple laws but this problem remains the same. Few related laws deal with sexual harassment. Ride-sharing service is an app-based service system which is increasing drastically day by day in Bangladesh. Female passengers choose ride-sharing services over public transport, because these ride-sharing services are supposed to ensure more safety and security. Ride-sharing services like Uber, Pathao, Obhai, Taxiwala, Garivara, chhalao, Shoj ride, Obon etc¹. has their own policy and service quality. Unfortunately, after having their own policy even with these relevant laws women are still facing sexual harassment. So, this study paper discussed about the issues of sexual harassment, laws and ride-sharing policy in Bangladesh perspective. This study paper tried to create awareness about this violence and policy issues.

1.2. Research Questions

1. Whether the existing ride-sharing policies are enough to stop sexual harassment at ride-sharing service in Bangladesh?
2. Whether the existing laws regarding this issue in Bangladesh are enough to ensure justice and women's safety at ride-sharing service?

¹ Sakib, Md. "The Ride-Sharing Services in Bangladesh: Current Status, Prospects, and Challenges." *European Journal of Business and Management* ISSN (2019): 2222-1905.

3. whether or not these ride-sharing service policies can provide comfort to women?

1.3. Objectives of this research paper

- To analyze the existing laws and ride-sharing policies regarding this issue.
- To make a discussion between two neighboring countries on the basis of their perspective.
- Recommended changes in the ride-sharing services policies
- Recommended suggestion to resolve this issue from the user's perspective.

1.4. Methodology

This research paper is qualitative research. It is based on certain legal provisions, methods, interviews, journals, articles, governing laws, ride-sharing policies, publications, and concerned scholar's view. This study tries to show the laws and ride-sharing policy issues regarding sexual harassment. It will describe the existing provisions and policies of current situation and tries to detect the reason behind this sexual violence. It will analyze different statutes, case studies as a secondary source of information. It will also refer to the international laws regarding this issue. In this paper there will be a Discussion with the context of India and Pakistan. This study also discussed about national laws and ride-sharing policies

1.5. Limitations of the Study

Sexual Harassment of women is a vast topic for research, such for reason this paper discusses about this specific area of sexual violence. This research papers deals with the sexual harassment of women during ride-sharing services mainly in Dhaka city. There is also discussion between India and Pakistan perspective. The critical discussion on this issue might be able to provide a useful outcome. The limitation of this research is time and non-availability of resources, most importantly there were no specific cases in Bangladesh regarding this issue and non-availability of books. There are not enough materials because most of the women did not raise their voice against this issue and there are no specific landmark cases on ridesharing services. Moreover, this paper analyzes all the legal provisions, some certain International Convention, articles and recent scenarios in Bangladesh.

1.6. Literature Review

There are some research papers and authors who have written regarding sexual harassment because this issue is the most common problem in our current society. But there are multiple journals and articles regarding sexual harassment at workplace, educational institution, public transportation etc. but this study did not find any specific case or article on sexual harassment at ride-sharing service on Bangladesh context. Md. Mahabub Ul Alam Khan & Gita Debi Halder, in their writing explained the definition of sexual harassment which include unwelcomed behavior. They also discussed the relevant laws and tried to create awareness.² Nahela Nowshin, did her research on ride-sharing services and women's perceptions towards this matter but did not analyze the ride-sharing service policy.³ Md. Nazmus Sakib & Md. Hasan Mia also did their research on ride-sharing services in Bangladesh. They talked about the challenges and prospects of ride-sharing services on the basis of the current situation.⁴ The authors tried to establish their own point of view but there is no specific analysis about ride-sharing service and sexual harassment on Bangladesh scenario, existing laws and ride-sharing service policy regarding this matter.

For such a reason, I have decided to do my research on this topic. The purpose of this research paper is to make awareness regarding the existing different legal provision and policies of ride-sharing service which deals with sexual harassment. This paper focuses on the concurrent situation of sexual harassment in Bangladesh and its laws and ride-sharing policies.

² Khan, Mahabub Ul Alam, and Gita Debi Halder. "Sexual Harassment in Bangladesh: A Note on Legal Perspective." *Society & Sustainability* 4, no. 1 (2022): 107-113.

³ Nowshin, Nahela. "Women's perceptions towards ride-sharing services: The case of Dhaka city." PhD diss., Brac University, 2020.

⁴ Sakib, Md. "The Ride-Sharing Services in Bangladesh: Current Status, Prospects, and Challenges." *European Journal of Business and Management ISSN* (2019): 2222-1905.

Chapter-2

Introduction of Sexual Harassment at Ride-Sharing Service

2.1. Concept of sexual harassment:

Sexual harassment means unwelcomed request of sexual behavior, sexual advances, or other verbal or physical abuse. It also occurs for gender discrimination, unwanted sexual attention, and inequality.⁵ Telling sexual jokes, passing comment which is related to sexuality, following someone with the intention to get sexual favors, stalking someone, giving massage in sexual nature is also considered as sexual harassment.⁶ In Bangladesh it is a major problem in our country. Women get harassed everywhere even in the ride-sharing services. This service has its own app, GPS tracker, users can easily observe the driver's movement yet women do not feel secure when they use it. The network system is not developed like other countries such as the U.S.A, UK etc.

2.2. Concept of Ride sharing service in Bangladesh:

Bangladesh is developing economically and technologically, Ride-sharing service is a part of this development and as a developing country most of the citizens do not have personal cars. Public transportation is affordable but yet the quality of its service is not suitable for everyone, especially women passengers. In the current situation traffic-jam is the main problem of Dhaka city. This traffic-jam kills 3.2 million work hours per day in Dhaka city (The World Bank, 2017)⁷. If everyone gets a personal car the situation gets even worse. So, ride-sharing services have gained popularity. Ride sharing means a common vehicle used by a driver and one or more passengers or users using the ride-sharing app. It is a paid service which is affordable.⁸ Ride-sharing service is an app-based vehicle service which is used via smartphone. It is a new innovation of technology.

⁵ Franks, Mary Anne. "Sexual Harassment 2.0." *Md. L. Rev.* 71 (2011): 655.

⁶ What is Sexual Harassment? <<https://www.un.org/womenwatch/osagi/pdf/whatish.pdf>> accessed 29 March,2023.

⁷ <<https://www.worldbank.org/en/country/bangladesh>> accessed 29 March,2023

⁸ Mitropoulos, L., Kortsari, A. & Ayfuotopoulou, G. A systematic literature review of ride-sharing platforms, user factors and barriers. *Eur. Transp. Res. Rev.* 13, 61 (2021).

To use the ride-sharing services user's need online excess, smartphone, ride-sharing apps. Such as Uber which is an app-based ride-sharing service. It started its journey for the first time in Bangladesh and gained much popularity among the youth. In the same way Pathao, Jobike, Obhai, Obon, Amarbike, Texiwala, Gariwala, Sohoz-ride, Chalu, and others have started their journey and these app-based services gained the same popularity as well.⁹

2.3 Women Facing Sexual Harassment at ride-sharing in Bangladesh:

In the present circumstances, the urban traffic system is not strong enough to give the best quality of life in urban areas. In Bangladesh the birth rate was 17.22per 1000 people in 2021.¹⁰ 66.8 million people are living in urban areas and 49.47% of them are female. According to the world bank data, the female labor participation rate is 36.3%. In urban areas such as Dhaka, most of the women are working women. They are working in offices, industry, educational institutions etc. major of them are students.¹¹ The transportation system is not ideal for women. Women are being harassed more than men. In Dhaka city women face emotional and mental abuses because of this defective transportation system. Ride-sharing companies have their own quality of service that's why women choose ride-sharing services over other transportations such as Rickshaws, CNG, public transportation etc. These companies with their own services are supposed to give the highest safety to women but there are numerous complaints against the drivers but drivers are not willing to follow the app's instructions; rather they take passengers based on the contact info after getting the information from the apps. Security of female users' needs to be increased. This study is going to highlight some points that female users are still facing when they use ride-sharing services. These are:

⁹ Sakib, Md. "The Ride-Sharing Services in Bangladesh: Current Status, Prospects, and Challenges." *European Journal of Business and Management ISSN* (2019): 2222-1905.

¹⁰Demographics of Bangladesh,

<[https://statisticstimes.com/demographics/country/bangladesh-demographics.php#:~:text=The%20Sex%20Ratio%20in%20Bangladesh.compare%20to%2050.53%25%20male%20population.](https://statisticstimes.com/demographics/country/bangladesh-demographics.php#:~:text=The%20Sex%20Ratio%20in%20Bangladesh.compare%20to%2050.53%25%20male%20population.>)> accessed 30 March,2023.

¹¹ Nowshin, Nahela. "Women's perceptions towards ride-sharing services: The case of Dhaka city." PhD diss., Brac University, 2020

- ***Occurrences in ride-sharing services:*** people especially women passengers face sexual harassment, reckless driving, bullying etc. In 2018 a study found that 94% of women were being harassed in many ways. It leads to an uncomfortable situation that 25% of them avoid using public transport.¹² For such reasons women choose ride-sharing services. In astute it shows that countless complaints have been filed against these services such as reckless driving, misbehaving with passengers which include sexual behavior¹³. This type of incident shows that women's safety is still not ensured at ride-sharing services.

- ***Misuse of passenger's personal information:***

A study shows that about 52.8% of users give their actual home address or pickup point via these apps.¹⁴ The driver got the whole information about the passenger, which increases the risk of violence. Female passengers also try to avoid travel at night because the security concern is not established yet properly. That's why people do not have that much trust in ride-sharing services.

- ***Inappropriate Gesture:***

Female passengers face inappropriate gestures throughout their ride sharing services. Female passengers also get bullied by the driver. Some people also face threats from the driver.

¹² Rubab Nayeem Khan, 'A day in the life of a woman in this city' (10th March,2020), <<https://www.thedailystar.net/opinion/perspective/news/day-the-life-woman-city-1878499>> accessed 1 April,2023.

¹³ Nowshin, Nahela. "Women's perceptions towards ride-sharing services: The case of Dhaka city." PhD diss., Brac University, 2020.

¹⁴ S. T. Cynthia, M. Majumder, A. Tabassum, N. N. Khanom, R. Amin Tuhin and A. K. Das, "Security Concerns of Ridesharing Services in Bangladesh," *2019 2nd International Conference on Applied Information Technology and Innovation (ICAITI)*, Denpasar, Indonesia, 2019, pp. 44-50, doi: 10.1109/ICAITI48442.2019.8982128. <<https://ieeexplore.ieee.org/document/8982128>> accessed 2 April,2023.

Chapter-3

International Legal Framework Regarding Sexual Harassment

Sexual harassment of women is becoming a global issue. In our neighboring countries such as India, Pakistan is also dealing with this problem. Nowadays women are self-independent. Due to the poor transit system women are still suffering when they are about to travel. Ride-sharing service such as “Uber” was discovered in 2009 by Garret Camp. Now uber is available around two hundred cities and 40 countries.¹⁵These ride-sharing services transform people's communication. The head office of Uber is situated at San Francisco, California, United States.¹⁶

So, in this chapter the study discussed about the present circumstances of sexual harassment at ride sharing Platform in international perspective.

3.1. Introduction

According to the UNHCR Sexual harassment is defined as any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation. When such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. Sexual harassment may occur in any place. While typically involving a pattern of conduct, sexual harassment may take the form of a single incident. The victim's point of view must be taken into consideration when determining whether the behavior is offensive.¹⁷

¹⁵ Schneider, Allison. "Uber takes the passing lane: disruptive competition and Taxi-Livery service regulations." *Elements* 11, no. 2 (2015). <<https://doi.org/10.6017/eurj.v11i2.9060>> accessed 2 April, 2023.

¹⁶< <https://www.uber.com/bd/en/careers/locations/> > accessed 2nd April,2023

¹⁷ <<https://www.unhcr.org/what-is-sexual-exploitation-abuse-and-harassment.html>> accessed 5 April, 2023.

3.2 Effectiveness of international laws regarding sexual harassment

Every human being has the right to live a safe life. If we talk about international level sexual harassment is a violation of Human rights.¹⁸ There are various international legal instruments still working to stop this global problem. There are still some loopholes. Every state party has their own national laws to give remedy to their citizens. As this study already mentioned that sexual harassment is a violation of human rights, the UDHR still working for to ensure justice. According to,

- **Universal Declaration of Human Rights (UDHR)**

The aim of UDHR is to ensure the rights and freedom. According to **Article 3** of the UDHR “Everyone has the right to life, liberty and security of person.”¹⁹

- **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

A huge portion of the global population are women. There is still gender discrimination all over the world. Where the Human Rights instrument specifically mentions the gender discrimination issue. According to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), this convention specially deals with the discrimination against women and ensures justice towards women. The Convention has twin objectives: to prohibit discrimination and to ensure equality. According to **Article-1 of CEDAW** The most important development is

¹⁸ Ruchira Baruah, ‘The Law Against Sexual Harassment’ <<https://www.legalservicesindia.com/article/2545/The-Law-Against-Sexual-Harassment.html>> accessed 11 April, 2023

¹⁹ United Nations: ‘Universal Declaration of Human Rights’ <<https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Article%203,liberty%20and%20security%20of%20person.>>> accessed 11 April, 2023.

that for the first time, the Convention provides an extensive definition of the term “discrimination against women”²⁰

According to **Article-3 of CEDAW**²¹, it deals with fundamental freedoms of women the same as men. Which means state parties are directed to take necessary steps to eliminate discrimination against women. This convention mainly tries to ensure equality between men and women.

- **International Covenant on Civil and Political Rights (ICCPR)**

Article-3 says every man and woman has the equal right to enjoy civil rights. Article-4 says No one should be discriminated against based on their sex, color, race, religion, and social region.

Article-17 deals with right to privacy which means no one has the right to interfere someone’s privacy without the consent of that person or unlawful attack on someone’s reputation. It also says that every person has the right to get protection against such interference before the law.²²

Women hold a large number of the population.it is impossible to afford a private car for every woman. Women use the ride-sharing services for the better service of quality all over the world. There are human rights instruments and even with the help of technology women still are not safe. Unfortunately, these conventions talk about rights, freedom but there is no specific provision regarding sexual harassment at ride-sharing services.

On the other hand, the ride-sharing companies are making their own policies without the safety concern of women. The ride-sharing service companies like uber, Lyft need to focus on their policy. To ensure safety recently introduces ‘Urgent investigation’ on sexual harassment cases.²³ A study

²⁰ United Nations, ‘Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979’, <[Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979 | OHCHR](#)> accessed 11 April, 2023

²¹ *ibid.*

²² International Covenant on Civil and Political Rights (ICCPR), Art-3,4,17

²³Uber launches 'urgent investigation' into sexual harassment claims<<https://www.theguardian.com/technology/2017/feb/20/uber-urgent-investigation-sexual-harassment-claims-susan-fowler>> accessed 13 April, 2023.

found that the ride sharing service called Uber creates a negative point of view between the passenger and the riders because of the sexual incidents.²⁴ CNN found that about 103 Uber drivers are alleged for molesting women and mistreating them and 31 drivers were found guilty of sexual assault and rape cases.²⁵

²⁴ S. T. Cynthia, M. Majumder, A. Tabassum, N. N. Khanom, R. Amin Tuhin and A. K. Das, "Security Concerns of Ridesharing Services in Bangladesh," *2019 2nd International Conference on Applied Information Technology and Innovation (ICAITI)*, Denpasar, Indonesia, 2019, pp. 44-50, doi: 10.1109/ICAITI48442.2019.8982128

²⁵ Sara Ashley O'Brien, Nelli Black, Curt Devine and Drew Griffin, 'CNN investigation: 103 Uber drivers accused of sexual assault or abuse', (April 30, 2018) <[103 Uber drivers accused of sexual assault or abuse \(cnn.com\)](#)> accessed 15 May,2023.

Chapter-4

Discussion on Sexual Harassment at Ride-sharing Platform: On India and Pakistan Perspective.

After multiple research this study can address that sexual harassment is a global issue. This issue is present in our neighboring country as well. Women are self-sufficient and employed nowadays. The female citizens of these countries are embracing ride-sharing services for better service but unfortunately women still have to face unwanted sexual behavior while utilizing this app-based services. India and Pakistan have their own laws and provisions to present these issues.

In this chapter the study will discuss about Sexual Harassment at Ride-sharing Platform: On India and Pakistan Perspective and their relevant laws related to sexual harassment.

4.1 Laws related to sexual Harassment & present circumstances of ride-sharing Platform in India

- ***Laws regarding sexual harassment in India:*** According to **Section-354A** of The Indian Penal Code sexual harassment means when a man demands a favor or request sexual behavior from women, an unwanted gesture, inappropriate sexual comments, physical contact without the consent of women is considered as sexual harassment.²⁶ Whoever commits this offense shall punished with rigorous imprisonment which may extend to three years or fine or both.²⁷

²⁶ What Are The Important Laws Governing Sexual Harassment in Public Spaces in India? <<https://www.safecity.in/faq/what-are-the-important-laws-governing-sexual-harassment-in-public-spaces-in-india/>> accessed 10 April, 2023

²⁷ The Indian Penal Code, 1860, s 354A

Section-294 of The Indian Penal Code deals with the obscene Acts and songs which means whoever annoys the person in a public place by singing, reciting or uttering an obscene song that person is punishable by imprisonment for up to three months or a fine, or both.²⁸

Section-354B of The Indian Penal Code says when any man sexually assaults a woman by forcing or undressing her to be nude without the consent of that woman shall be sentenced to prison not less than three years and which may extend to seven years of imprisonment and will also be subject to a fine.²⁹

Section-354D of The Indian Penal Code deals with “Stalking” which means

i. when a man follows a woman or continuously disturb such woman with the intention of sexual activity without her consent or

ii. a woman when she is stalked by a man through the internet, email or contact number or other electronic devices is considered as stalking.³⁰

Whoever commits the (1) clause that person shall be sentenced to prison not less than 3 years or fine or both and whoever commits the (2) clause that person shall be sentenced to prison which may extend to 5 years or fine or both.³¹

Section-509 of The Indian Penal Code says whenever a woman faces inappropriate gestures, sounds or words which makes a woman feel insulted and if these types of behavior violate such a woman's privacy, then whoever commits this offense shall be sentenced to prison which may extend to 3 years or fine or both.³²

In India Women have the same rights as males and this guarantee of equality before the Court.

²⁸ Ibid, s 294

²⁹ Ibid, s 354B

³⁰ Ibid, s 354D

³¹ ibid, s 354D

³² ibid, s 509

Article-14 gives the equal protection and equality before the law **Art-21** declares that women have the right to live with dignity.³³

Article-15 says that there will be no gender-based discrimination and art-15(3) specially deals in favour of women.³⁴ The term “favour of Women” stands for women’s fundamental rights, equality before the law and most importantly if any woman faces harassment they are entitled to get justice under this provision.

- **Present circumstances of ride-sharing Platform in India**

In India urban population will increase approximately 600 billion by 2030.³⁵ Ride-sharing services play a huge role for transportation. Women are adopting this platform for a better life but the problem remains the same. As we know ride sharing service is an app based service but lack of the wifi connection and GPS errors women do not feel secure to use this service. That is the big reason not every city all over India uses this platform. Ride-sharing services share the international platform while using this app such as “Uber” and it needs internet connection but when the service got out of network drivers are not willing to call the international numbers for help so it is a nightmare for some female users.

Sometimes the drivers do not use the map instruction they want to go the other way in this situation women face many harassments.

On 5th December, 2014 a woman who was 27years of age was raped at Delhi. She was using the uber-taxi app. She was going home on Friday night. This rape case has shown that even with the GPS tracker women are not safe. After this incident Delhi government banned Uber and uber did not take the liability because they said the drivers are not their private drivers, rather, they are the contractor. The ban means any Uber taxi in Delhi will

³³ srikrishna1, ‘Crime Against Women & its Impact on Them’<<https://www.legalservicesindia.com/article/540/Crime-Against-Women-&-its-Impact-on-Them.html>> accessed 13 April, 2023

³⁴ibid.

³⁵Shah, Pranav, Varun Varghese, Arnab Jana, and Tom Mathew. "Analysing the ride sharing behaviour in ICT based cab services: A case of Mumbai, India." Transportation Research Procedia 48 (2020): 233-246.<https://www.sciencedirect.com/science/article/pii/S2352146520304348?ref=pdf_download&fr=RR-2&rr=7b65a4911f45f448> accessed 13 April 2023.

now have the authority to fine the service. But it is not clear yet how the ban will be enforced.³⁶

4.2 Laws related to sexual Harassment & present circumstances of ride-sharing Platform in Pakistan

- **Laws related to sexual harassment in Pakistan:**

Section 354 of Pakistan penal Code,1860 deals with whoever assaults or uses any criminal force to any woman with the intent to outrage her modesty; that person shall be punished with the imprisonment for such term which may extend to two years, or fine or both.³⁷

Section 354A of Pakistan penal Code,1860 says that whoever assaults or uses any criminal force on any woman and strips her clothes with the intention to expose her in public view shall be sentenced to Death penalty or with imprisonment for life and shall also be liable to fine.³⁸

Section 509 of Pakistan penal Code,1860 directly deals with the sexual harassment. It says:

- i. Whoever intends to insult the modesty of any women or causing sexual harassment by uttering inappropriate words, gesture, sounds and if such women feel insulted which violate her privacy:
- ii. Whoever seeks inappropriate favor which is related to sexual behavior to any women and which causes insult to such women at workplace, individual's employment or create offensive work environment shall be

³⁶ Uber banned in Delhi over taxi driver 'rape'[2014]<<https://www.bbc.com/news/world-asia-india-30374070>>accessed 13 April, 2023.

³⁷ Pakistan Penal Code (Act XLV of 1860) s. 354

³⁸ Pakistan Penal Code (Act XLV of 1860) s. 354A

sentenced to prison which may extend to three years of imprisonment or with fine up to five hundred thousand rupees or with both.³⁹

- **Present circumstances of ride-sharing Platform in Pakistan**

The famous ride-sharing service called Uber stated its journey at Pakistan in mid-2016. A study found that service like uber was banned by the government because it was regulated outside the Lahore. There was serious violation of privacy such misuses of personal data, staking, sexual assaults, etc. The Police and ride-sharing service policies should investigate the driver's profiles to prevent this matter but this addition is totally new at Pakistan. This study also found that the ride-sharing service users mostly female passenger faces 46% of Unwanted conversations, 24% of inappropriate comments, 15% of wanted contact after the ride had ended, 9% of inappropriate jokes, 6% undesirable flirting, 5% comments on sexual nature, 2% female users experienced unwanted touch this study also shows that 82% of users are not comfortable to use uber and other ride sharing services.⁴⁰

³⁹ Pakistan Penal Code (Act XLV of 1860) s.509

⁴⁰ Kamran, H., Z. Rehman, A. A. Chaudhri, and S. Farrukh. "Ride-sharing apps and privacy in Pakistan: A detailed study on the practices of Uber and Careem." Digital Rights Foundation (2019).

Chapter-5

National Law Regarding Sexual Harassment & Ride-Sharing Service Policies

5.1 Introduction

Ride-sharing is a fantastic technological innovation. It has its own set of service guidelines and policies. The question of whether these services should be regulated is still up for debate. National laws provide us guidelines for what we are and are not allowed to do in our country. Ride-sharing service gives the idea that it will decrease the traffic jam by avoiding the ownership of private cars by sharing its service with multiple users at the same time. In my opinion, the safety of women should be the major concern of ride-sharing services. In our country national laws and Bangladesh Road Transport Authority (BRTA) set some guidelines for ride-sharing services.

This chapter will discuss some national laws regarding sexual harassment and ride sharing service policies.

5.2 Bangladesh's National legal framework regarding sexual harassment

Bangladesh adopted the idea from International Law to give effective security against women. The current legal system of Bangladesh is not strong enough to give the protection against sexual harassment. There are so many legal provisions but there is no specific remedy by addressing this issue.

- *The Penal Code, 1860*

According to **section-354**, it deals with sexual assaults. It provides “whoever assaults or uses criminal force to any woman, with the knowledge or intention to outrage her modesty, shall be punished with a maximum of two years imprisonment and fine”⁴¹

⁴¹ The Penal Code, 1860 s. 354

Section-509 deals with “uttering any words, improper gesture, with the intention of insulting the modesty of any women”⁴² whoever will commit this offense shall be punished with the imprisonment which may extend to one year.

- **“Nari-O-Shishu Nirjaton Damon Ain, 2000”**

The Act called “Nari O Shishu Nirjaton Damon Ain,2000” deals with sexual assaults against women and children. According to section-10 “if any person, in furtherance of his sexual desire, touches the sexual organ or other organs of a woman or a child with any of the organs of his body or with any substance, or he outrages the modesty of a woman, he will be said to have committed sexual assault”⁴³

- ***The Dhaka Metropolitan Police Ordinance,1976***

Section-76⁴⁴ deals with ‘penalty for teasing women’. This section says, “Whoever intentionally and indecently mistreat any person in any street or public place within sight of, and in such manner, as may be seen by, any woman, whether from within any house or building or not, or willfully presses or obstructs any woman in a street or public place or insults or annoys any woman by using indecent language or making indecent sounds, gestures, or remarks in any street or public place, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand takas, or with both.”⁴⁵

⁴² The Penal Code,1860 s 509

⁴³Yasmin, Taslima. "Laws against Sexual Harassment: Analyzing the legal framework of Bangladesh." *Dhaka University Law Journal* (2021): 103-118)
<<https://www.banglajol.info/index.php/DULJ/article/download/57960/40609/172940>> accessed 7 May,2023.

⁴⁴ The Dhaka Metropolitan Police Ordinance,1976. s. 76

⁴⁵Yasmin, Taslima. "Laws against Sexual Harassment: Analyzing the legal framework of Bangladesh." *Dhaka University Law Journal* (2021): 103-118)
<<https://www.banglajol.info/index.php/DULJ/article/download/57960/40609/172940>> accessed 7 May,2023.

- ***Bangladesh Telecommunication Act, 2001***

Section-69 deals with “Penalty for obscene and indecent messages. It says “ If- (a) a person offers an offensive, threatening, insulting message to another person operating a radio or telecommunications device, or (b) the person secondly mentioned, pursuant to such offer, knowingly or intentionally sends that message, then, in case of clause (a), the person offering to send, and in case of clause (b), both the person offering to send and the person sending, the message commits an offense, and for such offense the person who sending the message shall be liable to be sentenced to imprisonment for a term not exceeding 6 (six) months or to a fine not exceeding 50 (fifty) thousand taka or to both.”⁴⁶

According to **section-70** of this Act, “if someone causes annoyance to a significant other with the intention of disturbing them or repeatedly calls them without reasonable grounds then the offender will be liable for fine which is not exceeding twenty-five thousand taka or to an imprisonment which may not exceed three months.”⁴⁷

5.3 Ride-sharing policies in Bangladesh perspective

Ride-sharing service is an app-based service, not only that these services are controlled by tech. Companies as well. Recent few years in Bangladesh, these app-based services gained popularity for their quality of service. As these companies have their own policies and guidelines, the vehicles are bound to obey those policies. When the ride-sharing services such as uber, pathao, obhai etc. travel in Bangladesh, according to our statutory laws they adopt some of the policies. There were some changes. Even the government of Bangladesh passes a gazette called ‘**Ride-sharing Service Policies, 2017**’ so that the Government of Bangladesh can have control over them.

⁴⁶ THE BANGLADESH TELECOMMUNICATION ACT, 2001 s. 69

⁴⁷ *ibid*, s.70

Most of the ride-sharing services have similarities with each other's policies. The study shows ride-sharing service company's policies such as Uber, pathao etc. The main thing they mentioned in their policy is that any sort of crime which is done while using these apps is prohibited by laws. It includes National laws, traffic laws and other relevant provisions. For better understanding this study uses the Uber company's policy as an example. The Uber community guidelines talk about 'Other unacceptable activities'⁴⁸ which deal with sexual activities. It clearly mentioned that there is no room for these types of activities. There is also a feature called "Safety line" through which riders can connect with safety anytime.

Two ride-sharing service companies of Bangladesh named Patho and Uber did a safety campaign to ensure safety.⁴⁹ It includes verified details of drivers, vehicles and other mandatory documents which ensures the safety trips to users.

Fahim Ahmed, CEO of Patho stated that " We have always prioritized our safety trips. He also added that he believed the collaboration with Uber will help this ride-sharing service to set higher standards for safety and ensure quality of rides for all."⁵⁰

Armanor Rahman, head of Bangladesh and East India stated that, " safety and magical user experience is the first priority for this company"⁵¹.

Now, if we talk about the responsibility of ride-sharing services, ride-sharing services must have the application which is SOS. through this applicator users can easily call 999 in the case of an emergency⁵². The detail of the ride-sharing service of a particular trip that details of the trips must be kept recorded not exceeding three months. Ride-sharing services are bound to tell the price of

⁴⁸ Uber Bangladesh, 'Follow the laws', <<https://www.uber.com/bd/en/safety/uber-community-guidelines/follow-law/>> accessed 11 May,2023.

⁴⁹ Pathao, Uber launch joint campaign to ensure higher safety, (20th July,2022) <<https://www.dhakatribune.com/bangladesh/2022/07/20/pathao-uber-launch-joint-campaign-to-ensure-higher-safety> > accessed 11 May, 2023

⁵⁰ ibid.

⁵¹ ibid, 26.

⁵² The Ride-sharing service policy, 2017, Article-B(1)

a trip to users. When a user uses the ride-sharing service the riders nor the companies are allowed to give users information to any other or third party.⁵³

⁵³<<http://www.brtta.gov.bd/site/page/a7c23d2f-3971-4e84-923a-94e36d75ddff/Ride-Sharing-Service-Guideline-2017>> accessed 12 May,2023.

Chapter- 6

Conclusion

6.1 Findings

1. The national laws only mentioned the “insult of modesty of women” and intention of the men which is unable to create a strong ground in favor of women. If a woman fails to prove the intention, they will not get justice. The laws did not address the term ‘Sexual Harassment’ specifically. So, in terms of giving the benefit to women it opens the door of victim blaming.
2. The ‘**Ridesharing Service Policy, 2017**’⁵⁴ which was fixed by the Government of Bangladesh. Through this guideline the government can control the existing ride-sharing services in Bangladesh. Now the Bangladesh government can control the ride-sharing service policies according to its own national laws. According to **Article-B ‘Ridesharing Service Policy, 2017’** which deals with responsibility of ride-sharing services. **Article-B (1)** says ride-sharing services must include an SOS feature, after pressing that button, all relevant vehicle information and its GPS position will be sent to 999⁵⁵. In reality, there is no visible SOS button in existing vehicles.
3. According to Article-B (11) of ‘**Ridesharing Service Policy, 2017**’ ride-sharing service must have this feature that the police control room will be notified in case of emergency.⁵⁶ Unfortunately most of the passengers are unaware about these features because of lack of knowledge.
4. After some studies this paper finds that Bangladesh and its neighbor countries are facing the same issues. Every country has its own certain laws and provision regarding sexual harassment. India, Pakistan and Bangladesh these countries follow Penal codes which deal with criminal offenses but the neighboring countries India and Pakistan did not issue any guidelines for ride-sharing services. They just adopt the idea of policy making from ride-sharing companies like uber, lyft etc. India still tries to make the guidelines for ride-sharing

⁵⁴ The Ride-sharing service policy, 2017, Article-B

⁵⁵ The Ride-sharing service policy, 2017, Article-B(1)

⁵⁶ The Ride-sharing service policy, 2017, Article-B(11)

services. They only come up with the idea that tech companies like Uber, Ola should have an emergency button to avoid crime⁵⁷. This emergency button is not enough to prevent such crimes. Pakistan does not have any certain guidelines on Ride-sharing services.

5. National laws of Bangladesh still working to stop this social disease which is sexual harassment but it does not mention the specific area such as sexual harassment at ride-sharing services. In order to stop sexual harassment at mobility, this area requires additional focus.

6.2 Recommendation

After discussing these certain provisions and policies this study already found that there are still some loopholes which need to be fixed. The government of Bangladesh only pass the guidelines which is 'Ride-sharing service Policy, 2017' but this gazette needs more specific provision regarding sexual harassment at ride-sharing services. Therefore, here are some proposals that might raise awareness of this problem and help victims find their appropriate remedy. These are:

- The existing laws and ride-sharing service policies should add clearly worded definition of sexual harassment with the element of unwelcomed behavior of sexual nature. This problem 'Sexual Harassment' needs a legalistic approach. It should include policy on violence against women.
- Ride-sharing companies should implement safety protocols for women. Which means their policy should include a specific guideline on preventing sexual harassment.
- Most of the time female users becomes the victim of sexual harassment, if ride-sharing service arrange a training campaign on preventing sexual harassment and educate their riders about this offence it may help them to understand what behavior constitute sexual harassment and legal liability.
- Users need to use the instructions of the ride-sharing app carefully and apply them. If they face any inconvenience, they should dial 999 in the case of an emergency.
- Users need to make sure that ride's information is matched with the ride-sharing app and before getting into the car users should confirm the exact license plate or car.

⁵⁷ Catherine Shu, 'India Proposes Legal Guidelines For Ridesharing Apps Like Uber And Ola', (14th October,2015)<<https://techcrunch.com/2015/10/14/india-ridesharing-guidelines/>> accessed 12 May,2023.

- There is another ride-sharing app which is U.S based company. This app has its own safety services and it has its own safety feature through which users can share their location with friends and family. The uber which is most likely Lyft. Uber has its own safety features which is called ‘App’s safety toolkit’. If there is any disturbance, users can call 911 at any time through this option.⁵⁸ The guidelines which are made by the government of Bangladesh should adopt the idea.
- Besides that, women need to raise their voice with internal grievances to file a complaint.

6.3 Concluding Remarks

After discussing all the legal provision and existing policies, this study shows that women still facing sexual harassment which violating their fundamental right. Most of the women of our country do not even know how to seek help from police or ride-sharing services. As this study mentioned before, there is no specific legal provision to deal with this issue directly. So, it is high time to take this problem seriously. The Government also should take necessary steps to resolve this matter.

Last but not least this study paper is not against the ride-sharing services, rather this research aimed to raise awareness to prevent sexual harassment of women at ride-sharing services.

⁵⁸ Cutter Law P.C, ‘Ride-Sharing Sexual Assault Safety Guide’ <<https://cutterlaw.com/sexual-assault-ride-sharing-guide/>> accessed 10 May.

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