

## **National Seminar organised by Women's Development Cell, Kalindi College, University of Delhi on "Engendering Laws and Crimes against Women: Challenges and Prospects"**

Convener: Dr. Anita Tagore

Co-Convener: Dr. Karnika Gaur

Under the Convenorship of Dr. Anita Tagore, the Women's Development Cell, Kalindi College, University of Delhi with the support of National Commission for Women (NCW) organized a one-day National Seminar on "Engendering Laws and Crimes against Women: Challenges and Prospects" on February 12. The inaugural session was graced by Guests of Honour Prof. Salil Misra, Vice Chancellor, Dr. B. R. Ambedkar University, Delhi and Sh. Shailendra Sharma, Principal Advisor to Director Education at Directorate of Education, NCT Delhi along with Special Guest Prof. Sunil K. Choudhary, Director D.C.R.C & Professor at the Department of Political Science, Delhi University and Keynote Speaker Prof. Ved Kumari, Professor, Faculty of Law, Delhi University and Prof. P.C. Tandon, Chairman, Governing Body, Kalindi College. Principal, Dr. Anjula Bansal welcomed the gathering and congratulated the Convener Dr. Anita Tagore and Co-Convener Dr. Karnika Gaur for organizing a successful event. Prof. Tandon focused on the recent events of sexual harassment at Gargi College and emphasized on the need for including courses on gender justice in academic curriculum.

The inaugural function began with the welcome note by Dr. Anjula Bansal, Principal, Kalindi College. She stressed upon the immediate need for stringent laws on gender justice. It was followed by a speech by Prof. P. C. Tandon, chairman, Kalindi College, who highlighted the fact that implementation of law was as important as the law itself. He encouraged the gathering to actively undertake responsibility for the same by acknowledging their role in society.

Many prominent honorable guests and experts from across disciplines addressed the gathering with their valuable perspective on the issue pertinent to the seminar. Dr. Anita Tagore briefly spoke about how the conception and organization of the seminar came into being. Prof. Salil Misra spoke on the issue of gender and patriarchy through the lens of a historian. He questioned, how patriarchy, which is based on a false consciousness could be so powerful? He asserted that law can play an important role in putting an end to the false idea of gender inequality. He also stressed upon the need to protect the 'legal life' of the citizens. He concluded his talk by saying that laws though significant, have many limitations, and therefore there is a need for discussion and deliberation on the role individuals play in upholding it.

Shri. Shailendra Sharma spoke on his experience and engagement with school education. He emphasized on the need to curb the practice of blaming the victim for violence and atrocities by quoting the recent incident of harassment of students of Gargi College, Delhi University. Mr. Sharma also shared his concern about prioritizing gender education in families and schools. He concluded his speech by saying that there is a need to introspect and work towards gender gap eradication both individually and collectively.

Prof Sunil K. Choudhary spoke on the connection between civil society, political society, and cultural society. He highlighted on the need to emphasize the cultural society and its education with respect to empowering women and reducing the gap of gender inequality. He reiterated on how gender studies and its focus need to move from political, social and economic towards cultural empowerment of gender because identity and culture is intrinsically linked. Prof. Sunil also pointed out the indispensable need to culturally educate society to respect the uniqueness and distinctness of a woman. There is an urgent need for women to be actively part of societal discourse and decision. He then concluded with the exhortation to consider individual as an agent of change, to

see women and her empowerment as real catalysts for change and progress and that the role of common folk and women is vital for any form of change.

The keynote speaker, Prof. Ved Kumari, exhaustively deliberated on the role of law and its limitations in addressing the problem of gender discrimination. She began by asking, what is law? Does law, an instrument of change and empowerment also harass the people it intends to serve? Supreme Court believes that the entry of law into the family sphere is like allowing a bull in a china shop. Engendering Law intends to provide special provisions to address the issue of discrimination based on sex or gender. Critical questions that needed to be asked then comprise of

1. How the biological body of women has been used to justify women's subordination and confinement at home by law?
2. How does law construct a woman?
3. Does law promote patriarchal structures in society?
4. Effectiveness of special offences against women?

Prof Kumari discussed the relationship between biological bodies and laws; how female body has been perceived as inferior to male body and considered as passive. Home, child rearing and bearing rendered as natural function whereas whatever women do is inferior to that of men. She then moves on to analyze how law has constructed women. Women's body has either been constructed as ordinary or categorized as special human being. She talked about how the patriarchal structures in law were deliberated.

The Valedictory Session marking the conclusion of the one-day long seminar, "Engendering Laws and Crimes Against Women" began as per schedule. The Principal of Kalindi College, Dr. Anjula Bansal in her welcome speech introduced the guests of honour, the special guest and the chief guest of the session, who were respectively Mr. Prashant Bhushan, Ms. Indira Jaising, Mr. Jasmine Shah and Justice Kurian Joseph, Former Chief Justice of the Supreme Court.

The first speaker of the session, Mr. Jasmine Shah of Dialogue and Development Commission, Govt. of NCT of Delhi, evocatively highlighted the problem of gender crisis which he said was not the only problem of the developing countries. He made a strong case of the constitutional power and the democratic exercise of voting that can lead to substantive changes in the governance. He elaborated several schemes initiated by the Delhi Government that were instrumental in addressing the problem of women safety in Delhi. He extensively talked about various schemes that brought vital changes in this direction, such as: One, the installation of CCTV cameras of which 3 lacs were already installed. He indicated how this move has helped as an effective tool to catch the culprits and deterrence of criminal activities. Asserting how vigilance is an important tool to curb the menace of crimes he impressed upon the fact that how local people must come forward and demand of their local governing bodies to implement such tools. Citizen's active participation is a key factor here, he said.

Secondly, eradicating dark spots in the city by installing more street lights. He elaborated how this move has come out of an understanding of the need for such a measure through 'will, commitment, and money'. Collaboration with safety police and the launch of the Chief Minister's street-light yojana proved essential for this move along with citizen's contribution through their local MLA's. The third initiative was the bus marshal schemes to ensure women's safety on DTC buses. He said that three thousand bus marshals are already recruited. Fourthly he talked about the Mohalla Marshals or community policing that would ensure regular policing on the streets of Delhi. He also

emphasized the importance of teaching gender equality to boys who study in schools and colleges and how a discussion of topics such as consent in various relationships between men and women shall be fruitful in this direction.

Lastly, indicating a shortage of staff in the Delhi Police he also pointed out the limitations within the functioning of the government.

Eminent Senior Advocate of the Supreme Court, Indira Jaising, focused on the importance of speaking up against crimes and violations. She too argued for local citizen's political participation and how their power comes from their right to vote. She emphasized another important factor of the citizen's power that comes from a feeling of compassion towards fellow human beings and how as citizens it is our civil duty to raise issues in the public domain. By giving her own example as someone who paid a price for speaking against sexual harassment at the workplace Ms. Jaising alerted the audience to be aware of the consequences when dissenting against high and mighty. She insisted on the fact that how harsh consequences can be overcome if people build solidarity amongst themselves which can take the shape of a national movement. While pointing out the functioning of the legal system she said that Law cannot take someone's life and further implying how demand for more criminal laws will not solve the problem of crimes against women. And in fact, reiterated how a more notional change is required to change the mindset of people in the society. She effectively spoke about how the sphere of family and intimate relationship can help bring this change by engaging in a discussion of the societal and cultural problems.

At the same time, primacy must be given to the Constitution of India, she observed. Quoting the recent legal proceedings of the Sabrimala Temple case Ms. Jaising presented her alarming reaction against the arguments of stakeholders who have opposed the intervention of the Supreme Court and the Constitution in religious denominations. By insisting on the fact that the constitution of India must have primacy in making decisions and as a result she argued that the primacy of the Parliament must be maintained through the duties of MPs in ensuring that the law is constitutional. Advocating for a more solidarity-based revolution she emphasized the need for a compassionate outlook towards victims and in fact, pointed out how people and young students especially must come forward and protest against laws that are discriminatory.

While he began with confessing his lack of expertise in the subject-matter of gender, Mr. Prashant Bhushan said the latter nevertheless interests him. Despite favourable laws like the POSCO Act, crimes against women persist, He said, suggesting the limits of legal intervention in this particular area for it has various other factors informing the culture of gender-based crime and injustice; namely the social, infrastructural and cultural factors. With respect to culture, he said further, the onus lies on the leadership to intervene to bring about favourable reforms. He cited the instance of the journalist Swati Chaturvedi whose book *I am Troll* investigates the state-sponsored IT-cells that propagate rape threats and death threats to the women activists on social media reiterating the larger rape culture that haunts the civic body which in turn bears witness to the utter failure of the leadership in the country. He went on to speak of the infrastructural influences that ought to look into matters of gender-crimes and he focused on the police as the primary law enforcement machinery. While the function proper of the police is to ensure protection of the rights and dignity of its civilians, we under present government see the latter being instrumental in instigating violence on the one hand in places like UP and refusing to intervene where they ought to in places like JNU where in the presence of police men, masked men and women entered the campus beating up the students. The machinery that is supposed to protect women, is committing those crimes suggesting how this machinery has been extremely politicized; that of the centre in the case of Delhi Police and that the state in the case of UP Police, whereby they fail as an institution to do what they are

supposed to do. In this context, he invoked police-reforms which were already directed by the Supreme Court in 2016 about which the SC is silent now. These reforms including the implementation Independent Police Complaint Authority would mean the use of the police force to meet political ends are prevented. Lastly, he dealt with the judiciary and the law where he spoke of the functions of judiciary to administer justice and to protect the rights of citizens. Just like the law enforcement machinery has been subjected to political motives, so is the judicial system where it has now become an instrument of the ruling party leaving us with a corrupt justice system that in turn leads to the increase in crimes. Reiterating the argument he made in the beginning, he said the laws are not the problem but the debased culture which is being promoted by the ruling party and the media that spreads misinformation promoting crime, which consequently determine the kind of law and judiciary that we have, hence these factors hitherto discussed, he argued, are interconnected, one affecting the other which should then urge us all to a movement demanding both judicial and police reforms to keep politicization of these infrastructures in check to ensure a crime free culture and environment.

Justice Kurian Joseph, former Chief Justice of the Supreme Court, who was the Chief Guest at the session began his lecture referring to Mr. Jasmine Shah's talk where latter mentioned the state of the police department that now has 52000 vacancies. Mr. Joseph urged all the students and the faculty present there to file a public interest litigation against this asking for these vacancies to be filled that could result in a stronger and effective police force in the capital which has become over the years the most unsafe city for women especially. He then spoke of the aspect of dignity which is something that the Constitution assures its citizens in its preamble that evokes fraternity. Women he said, as per the Constitution are equally entitled to dignity, not as mothers, sisters and daughter but more importantly and primarily as individuals. The culture we live does not allow in such a recognition of women which in fact goes against the Constitution itself. Referring again to the previous speakers, he also spoke of the need for solidarities in order to cultivate a healthier culture that takes in to account the individuality of its women. Culture he said cannot be reformed without such solidarities being forged within the civic body and therefore the "debased" culture that we witness today which promotes gendercrimes suggest more than anything else the failure of such solidarities. Further he mentioned the larger popular culture that in a more fundamental sense commits violence upon the dignity of women by objectifying them. The prevalence and persistence of this particular aspect contribute to the culturally sanctioned delegitimizing of women's dignity and individuality. Finally referring the current political climate, he said, as common citizens, in the context of failed and corrupt justice systems and infrastructure, where the keepers have become now the poachers, the only hope to be had is in generating civic solidarities.

The National Seminar saw participation of more than 200 students from both University of Delhi and outside. About 25 research papers were presented on various themes of the Seminar in parallel technical sessions. Each technical session was chaired and had expert resource persons recommended by National Commission for Women.