

Turning the Page, Countering Violence: A Challenge for Pedagogy

Meenakshi Gopinath

Abstract

Institutions of higher education in India today are at a critical juncture in relation to the basic ideals of equality enshrined in the Constitution. The recent expansion in higher education has made colleges and universities more demographically democratic than ever before, with growing diversity and heterogeneity among social groups. As spaces that engage with youth, higher educational institutions (HEIs) are well placed to reflect on, become sensitized to and oppose all forms of discrimination and violence, especially against women. This paper reflects on the discourse in India post-2012 (following the gang rape of a young student in New Delhi, referred to as the Nirbhaya Rape Case of December 16, 2012) on addressing violence against women and asks if Indian higher education campuses are stepping up to play their part.

Author Profile

Meenakshi Gopinath is Director, Women in Security Conflict Management and Peace, an initiative of the Foundation for Universal Responsibility of His Holiness the Dalai Lama. She is also Chairperson, Center for Policy Research, New Delhi. She has over four decades of experience in administration and teaching at higher education institutions and was the Principal of Lady Shri Ram College for over 25 years. She serves in consultative and advisory capacities in both government and non-governmental bodies. An award-winning educator and peacebuilder, she is a former member of the Advisory Board of the Planning Commission of India and the University Grants Commission (UGC). At the UGC, she was Co-Chair of the Committee on Measures for Safety of Women and Programs for Gender Sensitization on Campuses. For her contributions to education, the Government of India honored her with the *Padma Shree*.

Turning the Page, Countering Violence: A Challenge for Pedagogy

Meenakshi Gopinath

An oft repeated *mantra* among the cognoscenti about India is that the social and economic costs of endemic gender based violence (hereafter referred to as GBV) including sexual violence are staggering. Equally, that the discrimination that girls and women in the country face in terms of access to education, denial of equal property rights, gender bias in access to livelihood opportunities and inadequate participation in the public sphere – all continue to undermine women’s security and well-being and consequently, national capital.

Yet, how widely acknowledged or accepted is this perceptible and how much does policy reflect this understanding? This remains an open question. Are some positive changes already underway that will contribute to a positive perspectival shift towards gender justice? If some recent developments in India are an indicator of how imaginative civil society initiatives, law and public institutions can exercise agency to propel the process, there is hope indeed. What still remains to be seen is how youth will be engaged in countering violence and how educational spaces will step up to this challenge?

Following the gang rape (referred to as the Nirbhaya Rape Case) of December 16, 2012 in the city of Delhi and the widespread protests that followed, there was a new phase of public awareness and mobilization, including both young women and men, about the nature and extent of sexual violence in the country and the targeting of young women and students more specifically. There grew greater awareness of the misogyny prevalent in contemporary society, as more and more young people accessed (higher) education in the hope of upward mobility and expanded knowledge and independent futures. Many more cases of sexual violence started coming to light and many more were being reported, whether it be in metropolitan India or in seemingly backward locations. It was clear that GBV had finally “come out of the closet” and commanded the attention of governments, international agencies, universities and other public bodies. This was borne out by the ubiquitous rise in the reported crimes against women as demonstrated by the National Crime Records Bureau (NCRB) data.¹

The spontaneous mobilization among the youth following the Nirbhaya incident, (shaking off the efforts of political parties to hijack the movement for electoral gain) the expressions of outrage, dismay and anger at the continued and dehumanizing experience of brutal systemic and overt violence against women (VAW) across faultlines of class, caste, community etc. shook the establishment and society out of its denial and stupor.

Making use of the public awareness and outcry generated by the Nirbhaya Rape case and the pathbreaking Justice Verma Committee Report, women’s groups in India highlighted a disturbing legacy of VAW, reinforced by cultures of impunity and cultures of silence. The

¹ The number of reported cases of crimes against women have been growing as per the Crime in India report brought out annually by the National Crime Records Bureau. For instance, the rate of crime was 24.4 per 100,000 women in the population in 2013 and had risen to 58.8 by 2018.

debate and public pressure led to two landmark legislations: The Criminal Law (Amendment) Act 2013 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.² Together, these legislations made changes to the Indian Penal Code, the Code of Criminal Procedure and the Indian Evidence Act, thereby seeking to alter the experience of women's security in public spaces and at the workplace. India's law to punish sexual violence catalyzed new movements bringing together women and male activists, scholars, civil society stakeholders and disparate social movements. In addition, the Justice Verma Committee Report, foregrounded the many levels and layers of violence and its multiple forms, both manifest and structural that are arraigned against women in Indian society. This led to a more nuanced, substantive revisiting and interrogation of the many sectors in which violence against women manifests in the Indian state and society. A pathbreaking contribution of the Report in signaling a new discourse is the Appendix 3 of the report that details The Bill of Rights (often referred to by activists as the Magna Carta of Women's Rights). It sets out the rights guaranteed to women under the Constitution of India, its commitment to international covenants, including Convention on the Elimination of All forms of Discrimination against Women (CEDAW) and the International Covenant on Civil and Political Rights. It explicitly speaks to "the historical exclusions and restrictions on the basis of gender while also taking note that certain practices including cultural, social, political, religious and customary norms are patriarchal and impair the agency, dignity and equality of women."³

The Bill of Rights⁴ covers six basic areas and their subjects namely Right to Life, Security and Bodily Integrity (Part – I), Democratic and Civil Rights (Part – II), Equality and Non-Discrimination (Part – III), Right to Secured spaces (Part – IV), Special Protections for elderly women and women with Disability (Part – V), and Special Protection of Women in Distress (Part – VI).

The Bill of Rights provides formal articulation and a conceptual vocabulary which reflects the aspirations of the women's movements in India that had from the mid-1980s sought to highlight the many forms of VAW in society. Their long struggles did have some successes, but also a string of setbacks and reversals. Right from the unsuccessful battle to bring justice to the victims of the infamous Mathura and Rameeza Bi rape cases in the 80s; to the spirited fight against the practice of Sati (the Roop Kanwar case), the protests against patriarchal *khap Panchayats* that decreed that community 'honor' was 'inscribed' on the bodies of women; to their sustained battle to bring justice in the Bhanwari Devi Rape Case in the 1990s against recalcitrant judges and patriarchal courts (that finally yielded, the landmark Vishaka Guidelines against Sexual Harassment at the Workplace); to their courageous (albeit failed) struggle against religious orthodoxy in the Shah Bano case in 1985 – the women's movements had focused largely on the pivot of victimhood.

The Verma Committee turned this metaphor on its head giving women 'agency' and enlisting

² Government of India, Report of the Committee on Amendments to Criminal Law, January 23, 2013. The 14 core areas highlighted by the report referred to as Justice Verma Committee Report cover: Constitutionalism, Republicanism, and Gender Equality, Gender Justice and India's Obligations under International Conventions, Rape and Sexual Assault, Sexual Harassment at the Workplace, Other Offences against Women, Trafficking of Women and Children, Child Sexual Abuse, Khap Panchayats and Honour Killings, Sentencing and Punishment, Provision of Adequate Safety Measures and Amenities in respect of Women, Medico-Legal Examination of the Victim, Police Reforms, Electoral Reforms, Education and Perception Reform

³ Ibid. The Bill of Rights, p.429

⁴ Ibid. The Bill of Rights, pp.428-433.

both men and women in the struggle for gender justice. It is also relevant to mention here that from closing decades of the Twentieth century India has seen an upsurge of people's movements – protesting forced displacement, big dams, dismantling of workers' rights, marginalization of minorities, environmental issues, food security etc. Many of these have been led by women – the Chipko Movement, the Anti-Dam Narmada Agitation, Vandana Shiva's Navdanya movement against Genetically Modified products, the Right to Information Movement led by Aruna Roy, the Rights of Minority Women (by leaders like Syeda Hameed) and many more.

The growing acknowledgement that women along with men, are not just 'objects' of history, but have the intrinsic capabilities to shape and reshape their destiny has yielded a wide range of initiatives—intellectual, political, cultural and economic—where barriers are being broken and spaces being reclaimed. The significance of this particular moment needs to be seized, putting our heads together, sharing our collective experiences to evaluate the progress made; the challenges encountered and the potentialities that the future holds. Above all, how do we harness the energy of the “youth dividend” that is likely to be most impacted by violence in order to craft protocols of justice for our '*democracy-in-the-making*'.

This paper seeks to put the spotlight on the rich plethora of creative and imaginative initiatives that have been taken to push the agenda of gender justice, post-Nirbhaya.

The aim is to extend the canvas of discourse and push the envelope to engage both with the challenges and the possibilities ahead. The primary aim of sharing these best practices and experiences from the field, is to engage the youth to see themselves as stakeholders and as a force that can provide effective responses to quell the violence (GBV in particular) that is almost endemic in contemporary society. It is also an attempt to open up potential pathways for constructive engagement through critique, dialogue and a nuanced understanding of the intersectionalities of caste, class and regional identities that compound the experience of violence in India. The manner in which women and children experience heightened violence in regions of conflict. Equally, the violence of exclusion, and the “peacetime war” that women and sexual minorities experience in quotidian but relentless ways provides the backdrop against which the impact of initiatives to counter VAW is explored.

The Gendered Nature of Violence

In the land of Gandhi and Buddha, ironically, there is a high degree of ambivalence to violence. Violence in India unfortunately is not episodic or sporadic, but is in fact routinized, every day, and in turn seemingly 'normalized'. Whether it is symbolic or systemic violence or the 'subjective' violence (of immediate physical, physiological even psychological nature), it is often structurally embedded and more often than not gendered.

Women's movements (feminists in particular) have worked tirelessly to understand the issue of VAW, to provide services to women and girls impacted by violence and also to engage in advocacy and activist work. While the experience of violence is dark and oppressive, a violation of dignity and even bodily integrity, the fact is that women *are* capable of making the journey from being victims to 'citizens with agency' and collectively fight and resist violence. The substantive action-research that has been generated, the insightful reports and initiatives from the field that have

emerged post-Nirbhaya fill us with hope and anticipation of the power and the will to change. No discussion on the gendered nature of violence can overlook its inextricable links with power, control, oppression and dominance. But the stories of resistance are equally important in that they provide invaluable lessons for engagement. They provide resources, both in theory and praxis to encourage women and men to resist regressive patriarchies, their ideas of hegemonic masculinity and their illegitimate use of power and control. To demystify the source of this power, exercise the right to redressal and take charge of their lives, women (and men) are building solidarities across traditional faultlines and forging communities of choice to resist communities of coercion.

The world over, movements and initiatives during the last three decades have resulted in forcing an interrogation of tradition and institutions that legitimize violence against women. Governments have been exhorted by civil society groups, internationally, to adopt policies that debunk monolithic static representations of culture, participate in validating alternative and non-hegemonic interpretations of culture by women, encourage cultural negotiation and ultimately declare zero tolerance for all forms of violence against women. Gradually, states have moved from a mere obligation to ‘protect victims’ towards dismantling obstacles to ‘agency’ and enabling prevention of violence.

The United Nations and UN Women in particular have played a considered role in this process. Eighty Six governments have put in place National Action Plans on issues of Women, Peace and Security.⁵ There are any number of reports, guidelines, assessment studies and links that provide conceptual resources put together by scholars, activists and legal practitioners.

India too has witnessed a growing body of work and spirited attempts by civil society groups to provide an alternative discourse to combat patriarchy and VAW. Yet, the incidents of VAW continue, decreasing in some pockets, but alarmingly on the rise in other locations.

Educating for Gender Sensitization

There exists in India an architecture of institutions at the National and State level tasked with promoting gender equality.⁶ The erstwhile Planning Commission had in the 12th Plan document incorporated a special focus on gender in public policy as part of its inclusion priorities. Yet socially sanctioned stereotypes prevail, serving to dilute their impact in practice. For example, while a big milestone in challenging gender stereotypes was the Supreme Court Judgment of 2014, recognizing the third gender, the Apex Court has also, following a patriarchal heterosexuality bias, effectively endorsed the criminalization of same-sex relationships in the Naz Foundation case of 2013. It took five years for the Court to move with societal change and decriminalize same sex relationships in *Navtej Johar v. Union of India* (2018).

The Verma Committee Report has highlighted the role of education, as critical and central to the urgently needed behavioral and perspectival change for gender justice to strike roots in India. Of the fourteen chapters in the Verma Committee Report, the one on Education and

⁵ <https://www.peacewomen.org/member-states>

⁶ National and State Commissions for Women, Missions for Women’s Empowerment and tools such as gender budgeting, microcredit, banking sector initiatives etc.

Perception Reform (Chapter 14) reflects an in-depth analysis and critique of areas in which education has fallen short in reversing gender stereotypes, thereby reinforcing patriarchal and severely retrogressive practices in society.⁷

There are specific exhortations here to building alternative perspectives and perceptions in the education space, for example i) preventing stereotyping and ‘blinkered’ acculturation, ii) interrogating cultures of ‘replication and consensus’ in the context of caste and gender, iii) notions of manhood and masculinities and women as the repository of ‘honor’, iv) received structures of power and entitlement, v) recognizing discrimination, vi) abuse of age, authority, power and position by teachers/mentors in the education space, vii) asymmetrical power relations viii) prevalence of transgressions, verbal abuse, and violence and harassment in schools and educational institutions, ix) the need for sexuality education, x) psycho-social effects of abuse, xi) problematic construction of identities xii) kinds of peer pressure, xiii) forms of corporatization impinging on autonomy and creativity in the education space, xiv) intolerance of alternative sexualities xv) need for ‘alternative’ life skills training etc.⁸

The Education Space

Education plays a crucial role in promoting the egalitarian commitments of equality and justice enshrined in the Indian Constitution. It is integral to processes that engender and expand horizons of opportunity for all disadvantaged and marginalized groups, including women. Promoting equity through education reflects the commitment to nurture and preserve democratic praxis in spaces of learning. Gender equality, consequently, is integral to this imperative.

The spate of disturbing events of gender based violence in the national capital and in other parts of the country necessitate a critical review and interrogation of the existing arrangements in our institutions of higher learning to ensure the freedom, safety and security of girls and women in particular and of the entire youth population in general. While institutional mechanisms have been mandated for Higher Education Institutions (HEIs) to follow truly responsive or emancipatory practices, processes are still woefully inadequate. Not merely careful supervision but also educational interventions, counseling and quick redressal, are the need of the hour.

Colleges and universities are complex institutions engaged in the education of future generations. Institutions of higher education today are more diverse than ever before and in terms of numbers also have a growing proportion of women among their ranks. To this extent these are institutions that may be the closest to fulfilling the potential of the ideals of equality and social justice. Furthermore, members within these institutions are in a position to reflect on existing hierarchies and differences, oppose the growing prevalence of violence, especially sexual violence and harassment, and evolve impactful practices to preserve the rights and dignity of citizens in a democracy.

At one level, a quiet revolution has been taking place in institutions of higher education in recent years. In terms of growth and expansion the current situation appears unprecedented.

⁷ See Report of the Committee on Amendments to Criminal Law, Chapter Fourteen - Education and Perception Reform, pp. 383-410.

⁸ Ibid pp.404-410

On the eve of the Twelfth Five Year Plan (2012-17), there were 31,935 higher educational institutions as of August 2011. Out of these just over 600 are universities. The total enrolment stood at approximately 13 million in colleges and 2 million in universities. In less than a decade these numbers had gone up to 39,991 institutions, of which over 900 are universities. Enrollment in 2018-19 stood at 37 million. There has been a mushrooming of HEIs of all kinds across the country, some with state financing and many more from private sources. Among the largest in number of HEIs, are the undergraduate college with their arts, science and commerce faculties, and this is reflected in the proportion of students inhabiting the Under Graduate (UG) space.⁹

There is a complex combination of uneven representation together with very significant rates of growth in enrolment from social groups that even as recently as 20 years ago were effectively marginalized if not excluded from higher education.

What these numbers are telling us, is that the much cited ‘demographic dividend’ representing the youth of our country are placing their faith in higher education more than ever before in India’s history. Families are sending their daughters and sons to college or university for several years, sometimes at considerable financial cost, in the hope of a new and better future. Huge aspirations for change are being incubated in HEIs in India today. Claims of equality, dignity and the ability to live, work and study without fear of harassment are intrinsic to this moment.

Institutions of higher education in India today are at a critical juncture in relation to the basic ideals of equality enshrined in the Constitution.

The recent expansion in higher education has made colleges and universities more demographically democratic than ever before, with growing diversity and heterogeneity among social groups. Women constitute 48.6% of all students in higher education in India today.¹⁰ At the same time, this closing gender gap hides on-going inequalities and disparities among women and men, which can only be approached with an intersectional analysis that combines gender with region, class, caste, religion, ability and sexuality, among others. As institutions of higher education engage in teaching, research and the spread of knowledge, HEIs are well placed to reflect on, become sensitized to and oppose all forms of discrimination and harassment, especially sexual harassment on campuses across the country.

Social conditions vary from state to state and the composition of university and college communities displays distinct patterns depending on their size, type and location and how entrenched feudal and patriarchal tendencies are in a particular milieu. At the same time, the vulnerability of women seems to be pervasively high. There are signs of widespread misogyny in contemporary society as women from all groups and regions seek to realize their full potential, especially through education and higher education. The need is to build self-correcting mechanisms in our society but more especially in institutions of higher education. The Constitution needs imaginative interpretation in terms of contemporary conditions and contemporary aspirations, and the role of HEIs in this enterprise remains crucial.

⁹ About 79.8% students are enrolled in undergraduate programs. All India Survey on Higher Education, 2018-19. Ministry of Education, Government of India.

¹⁰ All India Survey on Higher Education, 2018-19. Ministry of Education, Government of India.

It is important to transform our campuses into spaces that respond to the democratic aspirations for genuine citizenship of ever-growing numbers of young Indians.

The SAKSHAM Report¹¹ of 2013, tasked by the UGC to recommend Measures for Ensuring the Safety of Women and Gender Sensitization on Campuses, made scathing observations about the systemic violence, gendered practices, and patriarchal norms and hierarchies prevalent on campuses. Even the mandated *Vishaka Guidelines* were flouted in practice, there was a singular lack of awareness of rights to safety and dignity and an atmosphere of silence and impunity existed on issues of gender based violence. Basic infrastructural arrangements and civic amenities to women and sexual minorities were inadequate, and mandated institutional redressal mechanisms were not even in place on many campuses. Intimate partner violence, sexual harassment at the workplace including *quid pro quo and hostile working environment* were experienced by women faculty, staff and students and especially research scholars. Many women and some men became targets of sexual harassment and violence; such vulnerabilities were compounded by other axes of discrimination and exploitation based on class, rural location, caste, minority identity, sexuality and so on. Fortunately, the *Saksham* recommendations were taken on board by the MHRD, which sent directives to all HEIs in the country for compliance.

Seven years down the line, an impact assessment study is yet to be done on how far the recommendations have transformed the ethos of HEIs vis-a-vis gender sensitization. The question remains, on how best, educational institutions can empower themselves to play this transformatory role. How can they introduce alternate paradigms of perception around sexual stereotypes, gender bias, discrimination and regressive socialization? What initiatives have been taken that have proved game changers within the education space? What more can be done, and what are the institutional and ideological challenges that the community of learners and ‘educators’ face? What are the methodologies that have enabled gender based violence to be addressed in the curriculum of ‘gender studies’ programs on campuses?

The fact that much needs to be done is clear. The challenge still remains on how the time frame for changing entrenched mindsets can be shrunk and fast-tracked to impact more citizens in a country of 1.3 billion. The pathway clearly is that the institutions of learning be crafted as ‘liberating’, ‘transformative’ and ‘engendered’ spaces for the pursuit of knowledge and for making young people “future ready”.

¹¹ See http://www.ugc.ac.in/pdfnews/5873997_SAKSHAM-BOOK.pdf

References:

Government of India. August 2019. All India Survey on Higher Education–2018-19. Department of Higher Education, Ministry of Human Resource Development.

Government of India, Report of the Committee on Amendments to Criminal Law, January 23, 2013.

National Crime Records Bureau. December 2019. Crime in India. Vol 1. New Delhi: NCRB, MHA. Available at www.ncrb.gov.in

SAKSHAM: Measures for Ensuring the Safety of Women and Programs for Gender Sensitization on Campuses. December 2013. New Delhi: University Grants Commission. Available at http://www.ugc.ac.in/pdfnews/5873997_SAKSHAM-BOOK.pdf