

THE CRITICAL ISSUE

Seventy and counting

Of women, for women, by women — a scorecard on the 70th year of Independence to gauge what we have to show for ourselves



Lift the veil Among the most recent setbacks to laws that protect women is the dilution of Section 498A, which allows filing of criminal cases against violence and abuse within the home
VIJAY SON EJI

Whenever occasions such as Independence Day come round, they provide a moment to reflect, to look back and measure the positives and the negatives. When the Independence Day we're talking about marks a particular anniversary, in this case the 70th, there's a greater push to pull out scorecards and see where we stand.

I've been watching and reading things people have said on this occasion, and here's a question. Why am I not surprised that there's so little about women? Or indeed, that there's so little by women? Yes, gender figures in an op-ed or three, but barely.

It's not as if there aren't things to talk about. A 10-year-old has been repeatedly raped by a relative and she is now pregnant. An abortion isn't possible because it's too late, but can her body bear the burden of childbirth? This is a fraught question. Why is there so little outrage about this?

The courts have seen fit to pull back on one of the most important pieces of legislation, 498A, that allowed women to file criminal complaints for abuse and violence within the home. They've done this because some men's groups have complained that many of these complaints are 'false' and represent a 'misuse of the law'.

Quick to jump into the fray, the Ministry of Women and Child Development appears to have forgotten its brief — to work for women and children — and has instructed the National Commission for Women to open online windows where men can register complaints against 'false complaints'.

The UGC has issued a circular (in June this

year) that threatens to cut funding for all 163 women's studies centres and schools across the country.

It bears remembering that India was one of the first countries to set up such centres in the '70s and became a world leader in this regard. And it's these centres that, over the years, have created space within many mainstream disciplines for gender to be taken seriously. Seventy years into the creation of our so-called Constitutionally gender-equal nation, we're not covering ourselves in glory here.

Perhaps the most sinister aspect is the ways in which individuals are being targeted. And how all norms of ethical behaviour have been thrown out the window. Indeed there doesn't seem to be a need for even a pretence of fairness.

In JNU, for example, academic Nivedita Menon has been questioned for addressing students in the University's academic block in December last year. The enquiry committee constituted to look into her case is headed by a man against whom she once testified publicly in a sexual harassment case and who was found guilty. Can we expect impartiality here?

A teacher talks to her students. Whether she talks to them within the four walls of a classroom or out in the open, how does that make a difference?

More recently, advocate Vrinda Grover, who has consistently fought for human rights, and particularly for the rights of the poor and marginalised in India, has had a defamation suit slapped against her for doing her job.

I'm totally mystified by this. When someone brings a complaint to a lawyer and asks her to file a case, and the lawyer does so on behalf of her client, surely the lawyer is only doing her job? How can you sue the lawyer for defamation or anything else?

What lawyers put forward in court are not their personal views but that which they feel best represents the interests of their clients. And this is true of both sides.

So how can they be thus sued? How can the courts admit such a plea?

And am I wrong in thinking that this is something the legal profession should be concerned about? Why are they not standing up in defence of one of their own? Could it have anything to do with her being a woman, that the complaint is one of sexual harassment?

In this country, women have fought long and hard for change, and there have been some victories, some milestones to celebrate. Like others, I've also believed that having got to this point, there's no way we will go back. Things will get better, they will not get worse.

But in the face of the kind of things I've mentioned above, it's hard to keep the faith. There's so much that is negative that it's hard to see the positives. Perhaps the next time round when we take stock, things will be different and better? In the absence of other positive signs, this is a hope to cling on to.

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