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GENDER AND SOCIETY IN
INDIA: CONTEMPORARY
DEBATES AND EMERGING
ISSUES

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Prof. (Dr.) D. T. Shirke

Offg. Vice Chancellor

University of Mumbai, Mumbai.

Prin. Dr. Ajay Bhamare

Offg. Pro Vice-Chancellor,

University of Mumbai.

Prof. Prakash Mahanwar

Director

IDOL, University of Mumbai.

- Programe Co-ordinator** : **Mr. Anil Bankar**
Associate Professor,
IDOL, University of Mumbai.
- Course Co-ordinator
& Editor** : **Pankti Surve**
Assistant Professor,
IDOL, University of Mumbai.
- Course Writers** : **Prof. Mariyah Gour Ghor**
Professor, Head of the Dept,
Rizvi College of Arts, Science and Commerce
- : **Dr. Rajula N. Shah**
Asst. Professor
Sophia College for Women
- : **Dr. Jennifer Coutinho**
Associate Professor and Head
Ratnam College
- : **Dr. Samya Shinde**
Associate Professor and Head
L.S. Raheja College of Arts, Science and Commerce
- : **Dr. Santosh Gangurde**
Prof. and Head,
Patkar College
- : **Dr. Iaxmi Periyaswamy**
Developer, UNESCO
- : **Prof. Shahida Shaikh**
Asst. Professor
Rizvi College of Arts Science and Commerce

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Syllabus
Paper VI
TYBA Semester VI
Gender and Society in India: Contemporary Debates and Emerging Issues

Objectives

- To understand new and emerging issues in the Indian feminist landscape
- To understand newer methods of protest and resistance

Unit I Sites of Violence Against Women

- Family as a site of violence: Invisible forms of everyday violence
- Women in situations of conflict: communal conflict, caste violence and armed conflict.
- Sexual harassment: Street and work place (Protection of Women from Sexual Harassment (Prevention and Redressal) Act, 2013)
- Violence in virtual spaces: Twitter and facebook misogyny and trolling

Unit II Marginalised Genders

- Gender galaxy
- Queer activism
- Section 377

Unit III Protests and Resistance

- Reproductive Health: Debates on surrogacy
- Livelihood struggles: Land and forests
- Legislation: A feminist critique (rape and domestic violence)

Unit IV Feminist campaigns in digital spaces

- Why loiter
- Right to bleed
- Pinjra Tod
- Me too

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UNIT I

1

FAMILY AS A SITE OF VIOLENCE: INVISIBLE FORMS OF EVERYDAY VIOLENCE

Unit Structure

- 1.0 Objectives
- 1.1 Introduction
- 1.2 Violence within homes – Domestic Violence
- 1.3 Girl Child Abuse
- 1.4 Wife Beating
- 1.5 Reasons for India's high rate of domestic violence
- 1.6 The legal measures to prevent domestic violence
- 1.7 Conclusion
- 1.8 Summary
- 1.9 Questions
- 1.10 References

1.0 OBJECTIVES

- To introduce you to various forms of violence prevalent against women in the society
- To understand the reasons for India's high rate of domestic violence
- To explore legal measures to prevent domestic violence in society

1.1 INTRODUCTION

Violence in its multiple forms is an inescapable and all pervasive constituent of most women's existence. They either have a firsthand experience of it or live in conscious or sub-conscious sphere of it. Women face specific forms of violence that includes rape, sexual abuse, witch hunting, sati, dowry, wife beating etc. Different forms of violence are different means of eliminating women and excluding them from equal participation in the public sphere. It is a reflection of an exploitative society based on inequalities of caste, class and gender. Violence plays a major role in keeping women suppressed and economically exploited. The economic dependence of women and their lack of access over property makes them weak in standing up and challenging the violence and power structures that exploit them in society.

1.2 VIOLENCE WITHIN HOMES – DOMESTIC VIOLENCE

Violence within homes is a global phenomenon that cuts across culture, religion class and ethnicity. Hierarchical gender relations perpetuated through gender socialization and socio-economic inequalities are the root cause of violence against women. Powerlessness within the home as well as constraining social and economic factors provides few options to women outside marriage and is associated with high levels of abuse.

Domestic violence is one of the most common forms of violence. It involves individuals who have a continuing inter-personal relationship that leads to repeated violence. Theoretically, the feminist perspective explains violence towards women using the concept of power and coercion (force). Gender-power relations are maintained through patriarchal expectations regarding the roles for men and women in intimate relationships.

1.3 GIRL CHILD ABUSE

The family and the bond between members in the family have always been glorified in Indian life and culture. Violence and abuse within homes is an issue that challenges the cultural notion of a safe home and protective family. Girl child abuse within the home includes sexual or aggressive beatings as well as forceful work from children who should be in school or at play. Children are victims of abuse of physical, psychological and emotional nature. Research conducted on child abuse have shown that almost 80% of victims of physical abuse and a large percentage of rapes are of girl children in the ages of 10 to 16 yrs. These figures are indicative of sexual vulnerability (unprotected) of girl child in and around homes & also the social environment that encourage her violation. Those committing the crimes are mostly immediate neighbors & relatives. Many cases go unreported, surrounded by secrecy and shame. This attitude of the society increases the problem of sexual violence. Girl child abuse can be differentiated into the 4 categories - physical abuse, emotional abuse, neglect and sexual abuse. From not providing required environment for health and growth combined with physical torture, mental trauma to sexual ill treatment of a child, girl child abuse is a major problem.

It is also seen that within the household girls too are seen as physically & mentally weak. The dominant ideology which restricts girls & women to definite roles & obligations leads to their devaluation & discrimination in many areas. The basic assumption is that girls are inferior, physical & mentally weak & sexually vulnerable. The girl's right to share in the resources such as healthcare, nutrition, education & material assets as well as parental interest & attention is limited.

1.4 WIFE BEATING

Even though incidences of violence against women in society are being recognized, silence is maintained with regards to violence at home. An

increasing number of women are killed or driven to suicides in cases of domestic violence. An important reason for this is a patriarchal ideology that sanctions such behaviors. There are a number of reasons that lead to wife beating & battering. Anything & everything is used as a justification for severely beating up women. The most frequently stated causes for wife beating was jealousy, not doing the household work properly, unfaithfulness, not bringing enough dowry, alcoholism & money matters.

Alcohol is often blamed for violence by men. However, most women argue that this merely provides men with a convenient & acceptable reason & may not necessarily be a direct cause of violence. Dowry is also used as a justification for violence. Madhu Kishwar, a feminist writer feels that oppression of wives due to rising consumerism & dowry is also an excuse for using violence. In patriarchal societies based on private property & male inheritance, a woman is considered not only a husband's property but also as a vehicle for producing male children. If a woman's loyalty & purity is in doubt, her husband's absolute rights over his possession gets violated and therefore there is violence. However adultery in males is glorified.

Women as victims of violence have been subjected to severe physical & mental torture. Their self worth & confidence is crushed. The community & neighborhood offers no support. The police & administration uphold the structures of violence.

Wife beating has health social legal & economic consequences survey based studies have indicated that 35-75% women in India face verbal, physical or sexual violence from their part or other men known to them. Majority of women irrespective of their socio-economic backgrounds accept power differentials based on sex & hence believe that men have a right to discipline them. Most women do not ask for help from the violence that they suffer from & very few approach social service organizations. The major causes of violence are the husband suspecting his wife of being unfaithful, dowry, showing disrespect to in-laws, neglecting the house or children, not cooking food properly. The NFHS (National family health Survey) indicates that among men and women a greater proportion of those who were illiterate, poor, young & those in rural areas, who were divorced or deserted, justified wife beating. This shows that when women failed to observe accepted norms of behavior in their married homes they face violence. The societal norms, men's idea of self-esteem, their perception of women influenced husband's behavior. Husbands exercised control over their wives by clearly indicating how they should behave. Talking to other male members that includes cousins, neighbors or male friends invokes jealousy that justifies wife beating; as it questions the woman's character. Women who are beaten or physically abused justified their husband behaviour to rationalize the treatment towards themselves. The experience of violence & controlling behavior by husbands lowers women's self-esteem, make them fearful & lowers their ability to fulfill daily tasks to the satisfaction of other family members. Economic empowerment & education of women also does not make women seek help.

1.5 THERE ARE SEVERAL REASONS FOR INDIA'S HIGH RATE OF DOMESTIC VIOLENCE:

1. Patriarchy:

The patriarchal mindset, which sees women as objects and assigns them low social standing, is a primary contributor to men's aggressive behaviour. Patriarchal views of ownership over women's bodies, labour, reproductive rights, and amount of autonomy give rise to violence.

2. Dowry system:

Domestic abuse and dowry are inextricably linked. A 2005 study published in the World Development report, shows the dangers of domestic violence if dowry expectations are not met. The Dowry Prohibition Act has had little influence on dowry-related violence, and several examples of brides being burned for dowry have been documented.

3. Social culture:

The Indian culture promotes the image of a tolerant and responsive lady, which is another factor that discourages women from leaving violent relationships. Furthermore, religion creates a culture in which women are expected to be submissive to their husbands.

4. Gender inferiority:

According to research conducted in several regions of the world, any social system that sees women as inherently less valuable than men is favourable to violence against women. The World Economic Forum's Global Gender Difference Index 2019-2020 puts India 112th, showing a significant gender difference. Because men believe they are superior, resorting to violence reinforces and feeds their egoistic superiority complex.

5. Lack of support:

The lack of realistic survival choices, as well as a proper support network, causes a woman to continue tolerating violent actions. For example, uneducated women receive little help from their maternal kin and hence continue to suffer as a result of economic reliance.

6. Lack of awareness:

Women's low self-image and inferior status are perpetuated by a lack of awareness of their own rights and a pervasive social belief in women's subjugation. Women are taught that marriage is the ultimate objective they should strive for. All of this indoctrination gradually becomes an Indian woman's nature.

7. Other reasons:

Poverty, drunkenness, unemployment, and other factors all lead to aggressive behaviour. Because of the financial stress, these variables place women at a higher risk of violence.

1.6 THE LEGAL MEASURES TO PREVENT DOMESTIC VIOLENCE

1. Criminal offence:

With the addition of Section 498-A to the Indian Penal Code in 1983, domestic violence was acknowledged as a distinct criminal offence. This section addresses cruelty committed by a husband or his family against a married lady.

2. Dowry Prohibition Act, 1961:

This Act makes it illegal to give or receive dowry. This is to achieve a shift in India's dowry culture and attendant violence.

3. Protection of Women from Domestic Abuse Act, 2005:

The Protection of Women from Domestic Violence Act, 2005 requires domestic abuse against women to be reported to a Protection Officer. The purpose of the Act was to make justice available to women who may not always want criminal procedures but would like to have the option of doing so.

4. Mission Shakti:

Equally concerning is the Centre's umbrella initiative for women's protection, "Mission Shakti," which calls for the construction of one-stop clinics to combat domestic abuse. According to a 2019 study, the majority of these centres remained closed due to staff shortages.

1.7 CONCLUSION

Article 21 of the Constitution guarantees women the right to live in dignity. There is a considerable amount of information available about the abysmal incidence of complaint and conviction under Section 498A of the Indian Penal Code, which is intended to protect married women from mistreatment by husbands and family. The Protection of Women from Domestic Abuse Act of 2005 has done nothing to prevent domestic abuse. A concerted effort is necessary at both the society and governmental levels.

1.8 SUMMARY

Even after so much of advancement, progress and even constitutional safeguards, women even today continue to face specific forms of violence that includes rape, sexual abuse, witch hunting, sati, dowry, wife beating

etc. Different forms of violence are different means of eliminating women and excluding them from equal participation in the public sphere. Violence plays a major role in keeping women suppressed and economically exploited. The economic dependence of women and their lack of access over property makes them weak in standing up and challenging the violence and power structures that exploit them in society. Women as victims of violence have been subjected to severe physical & mental torture. Their self worth & confidence is crushed. The community & neighborhood offers no support. The police & administration uphold the structures of violence.

1.9 QUESTIONS

- 1 Explain various forms of Violence against women in society.
- 2 Explain reasons for domestic violence and also discuss the legal measures to prevent domestic violence.

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WOMEN IN SITUATIONS OF CONFLICT: COMMUNAL CONFLICT, CASTE VIOLENCE AND ARMED CONFLICT

Unit Structure

2.0 Objectives

2.1 Introduction

2.2 Gender and Violence

2.3 Communal Violence, Caste-based Gender Violence & Armed Conflict

2.4 Summary

2.5 Questions

2.6 References and Further Readings

2.0 OBJECTIVES

- To understand the how power and violence operates within patriarchy
- To familiarize students with some specific forms of gender-based violence

2.1 INTRODUCTION

Patriarchy, the ascendancy of male power and the control of women, emerged together with the rise of the state and the accumulation of wealth. Thus, the first process of polarization, based on wealth and power, has led to a second level of social polarization based on gender. Yet, both levels of social polarization embody repression, exploitation, and control.

The control of women is a process through which women's power is deformed, leaving only one permissible form of dominant, formal power, male power. This process ensures the supremacy of male power, and by controlling women, eliminates any challenges to this power. Because this process elevates one power and at the same time suppresses another, it is a process of violence.

The UNHCR defines Gender-Based Violence as “harmful acts directed at an individual based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms. Gender-Based violence (GBV) is a serious violation of human rights and a life-threatening health and protection issue.” The repercussions of such forms of violence which include intimate partner violence, sexual violence, child marriage, female genital mutilations and honour crimes – are severe and long-lasting.

Gender-based violence in India takes myriad forms which include high levels of domestic violence, dowry death, human trafficking, sexual violence, acid attacks, unnatural offences, and honour killings. These crimes are a direct result of the hierarchies that underpin the cultural and social milieu in India based on the ascriptive norms of gender. These crimes stem from the disparity in power and the resultant inaccessibility to social, cultural, political resources that are embodied in patriarchal societies.

2.2 GENDER AND VIOLENCE

Violence is strongly connected to power. As an instrument of power, violence intimately and inextricably entwines with power. Violence is simultaneously an instrumental and an expressive act; its instrumentality rests on the fact that it is a powerful method of social control. In this way, violence is an expression of authority and power aiming to ensure control and domination. More specifically, violence relates to the domination of men over women.

Violence connects to patriarchal power, which is a form of domination that subjugates women by blocking them from doing certain things or thinking in certain ways; women are controlled through demands for social conformity and obedience. Violence is both an effect of male power and crucial to the continuance of that power. Violence is a tool that men can use to keep women out or subordinate and thereby maintain male power and control.

Gender structure cannot by itself account for the entire process of violence in society. Gender relations are constructed, perceived, enforced, negotiated, made, and remade through a set of interplaying economic, political, religious, cultural, and social factors. Yet, there is a strong linkage between gender and violence. Not underestimating the fact that women can also be violent, it cannot be negated that there is a widespread dominance of male violence in society.

Gender-based violence is violence that targets an individual or a group of individuals based on their gender, which results in physical, sexual, or psychological harm. It is rooted in gender inequality, the abuse of power, and oppressive gender norms. Gender-based violence is a serious violation of human rights and is an issue that threatens health, life, protection, and socio-political security of individuals. In most cases, gender-based violence disproportionately affects women and other gender minorities.

Gender-based violence is not just limited to physical violence but encompasses everything from dowry deaths, honour killing, trafficking, domestic violence, intimate partner violence, sexual and emotional abuse, online abuse, child abuse, and caste-based violence among others. Further, one cannot ignore the relationship between violence and the intersectional identities of individuals while talking about gender-based violence. Caste, class, gender identity, sexual orientation, ethnicity, religion, skin colour, and disability, all play a key role in the perpetration of violence against

individuals. The survivors operate under intersecting oppressions, not just on account of their gender but also other socio-economic marginalizing factors. All of this affects one's exposure to and experiences of violence.

Check Your Progress:

1. Write a note on gender-based violence.

2.3 COMMUNAL VIOLENCE, CASTE-BASED GENDER VIOLENCE & ARMED CONFLICT

Women have traditionally been seen as one of the major determinants in mass violence, rioting and genocide. Taken generally as passive sites of male dominance and possession, women's bodies become 'inscribed' with male violence in times of contingency such as war and rioting. However, paradoxically, women as part of the bourgeois family, perpetrators, and victims alike, also uphold the 'honour' of 'their' women as a badge of chastity to be displayed for public approval. Worse still, they themselves become co-opted within the reactionary machinery of bourgeois patriarchy to become perpetrators themselves in such rioting.

It is certainly true that in communal rioting, women are seen as indexes to the perceived 'honour' of the victims and perpetrators alike. The riots in West and East Pakistan during the partition of the Indian subcontinent is the first that comes to mind. Ethnographic research shows that women are the first victims of communal violence. Feminist scholars such as Ritu Menon and Kamla Bhasin write in *No Woman's Land: Women from Pakistan, India and Bangladesh*, "[t]he most predictable form of violence experienced by women, as women, is when the women of one community are sexually assaulted by the men of the other, in an overt assertion of their identity and a simultaneous humiliation of the Other [by] dishonouring [their women]" (23). Sadat Hassan Manto's *Thanda Gosht* (Cold Meat), Manju Kapur's *A Married Woman* and Anita Rau Badami's *Can You Hear the Nightbird Call?* are fictional representations of this very violence. The 1971 riots in East Pakistan were no exception, nor were the Godhra riots in 2002.

In religious genocides such as Godhra, it must be acknowledged that the perpetrators were mostly men who committed violence on women. However, if we take the Babri mosque riots, there is evidence to suggest that women often take part in perpetrating violence on other women. All of these examples point to the fact that women's bodies and identities are heavily loaded ideological sites for contestation and claim.

Why is this special type of violence reserved for women and girls during these conflicts? In the world at large and especially in South Asia, women are considered the bearers of the honour of their community, and rape is viewed less as an act of violence in which the woman is assaulted and more as an act of staining the woman's dignity, honour and purity and by extension that of her community. Her sexual assault is emasculating to the men of the community to which she belongs, in that they are powerless to protect her.

Dalit women disproportionately experience violence at home public and private space of work. The power relationship between dominant caste men and the Dalit women can be conceptualized to understand the caste-based violence. Caste-based violence can sometimes be seen as being much more than gender-based violence where cases of atrocities and the politics before and after the violence are based on caste. Every case of atrocities is politicized.

The social and political location between Dalit women and dominant caste men are opposites. The various agitations and assertions did not bridge this gap but have isolated Dalit women from the whole village. In some cases, even their community people have denied to support them, due to inherent patriarchy. Gender within caste society is thus defined and structured in such a manner that the 'manhood' of the caste is defined both by the degree of control men exercise over women and the degree of passivity of the women of the caste. By the same argument, demonstrating control by humiliating women of another caste is a certain way of reducing the 'manhood' of those castes.

Throughout history, women and girls have often been targeted in wartime for violence, especially sexual violence. They have also been excluded from conflict prevention and resolution efforts. Rape as a tool of war and oppression during riots, pogroms and genocides is unfortunately not new, nor is it exclusive to a few countries or regions. Mass rape of women of a particular community has often been wielded as a weapon against that community as a whole. This has been true in many international and national conflicts such as World War II, the Rwandan genocide, the Bangladeshi struggle for independence and even parts of North Eastern India where the Armed Forces Special Powers Act (AFSPA) gives undue impunity to the Indian Army.

The women whose rapes would be called "collateral damage" in military parlance, would never receive statuses of honour for dying or sacrificing their bodies in the battle. Often, these violent acts go unreported, unregistered, unremembered. There have been some measures taken to recognize rape and sexual violence as a weapon of war under international law. However, this has done little to prevent the weaponization of rape and sexual violence against women. International law is not enforceable in most nations' courts of law, and the taboo nature of sexual violence often prevents such cases from being filed and fought, or even brought to light.

Check Your Progress:

1. What is communal violence? How it affects women in particular?

2. How is caste-based gender violence connected to the idea of 'honour'? Elaborate.

3. Explain the character of gender-based violence during the armed conflicts.

2.4 SUMMARY

India posits a highly alarming case when confronted with gender-based violence. The deeply patriarchal structures that characterize it and the inadequate response of the state in countering its presence within the country is disquieting. India's engagement with GBV is often whimsical and disproportionate. The cultural and social forces of the country outweigh the legislative and policy framework existing in the country to address the disproportionate level of violence faced by women. This violence is further proliferated along markers of class, caste, religion, and ethnicity.

Data pertaining to gender-based violence continues to be of concern. To enable women to live and enjoy their citizenship rights it's important that any attempt to punish women who resist normalization of violence should be dealt with strictly. No longer can violence against women and children be treated as social normal. Social workers have a very important role in generating awareness against these institutionalized wrongs, practices, and behaviour. which see men and women temperamentally different from each other.

2.5 QUESTIONS

1. How are power and violence interlinked?
2. What is the nature of gender-based violence in India?
3. What are the locations or sites of violence against women in India?

2.6 REFERENCES

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SEXUAL HARASSMENT: STREET AND WORK PLACE (PROTECTION OF WOMEN FROM SEXUAL HARASSMENT (PREVENTION AND REDRESSAL ACT, 2013)

Unit Structure

3.0 Objectives

3.1 Introduction

3.2 Sexual Harassment at the Work Place

3.3 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

3.4 Summary

3.5 Questions

3.6 References and Further Readings

3.0. OBJECTIVES

- To understand the issue of sexual harassment
- To familiarize students with legal aspects of dealing with sexual harassment

3.1 INTRODUCTION

The U.S. Equal Employment Opportunity Commission, a federal agency that was established via the Civil Rights Act of 1964 to administer and enforce civil rights laws against workplace discrimination, has defined sexual harassment in its guidelines as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment includes many things...

- Actual or attempted rape or sexual assault.
- Unwanted pressure for sexual favors.
- Unwanted deliberate touching, leaning over, cornering, or pinching.
- Unwanted sexual looks or gestures.
- Unwanted letters, telephone calls, or materials of a sexual nature.
- Unwanted pressure for dates.
- Unwanted sexual teasing, jokes, remarks, or questions.
- Referring to an adult as a girl, hunk, doll, babe, or honey.
- Whistling at someone.
- Cat calls.
- Sexual comments.
- Turning work discussions to sexual topics.
- Sexual innuendos or stories.
- Asking about sexual fantasies, preferences, or history.
- Personal questions about social or sexual life.
- Sexual comments about a person's clothing, anatomy, or looks.
- Kissing sounds, howling, and smacking lips.
- Telling lies or spreading rumors about a person's personal sex life.
- Neck massage.
- Touching an employee's clothing, hair, or body.
- Giving personal gifts.
- Hanging around a person.
- Hugging, kissing, patting, or stroking.
- Touching or rubbing oneself sexually around another person.
- Standing close or brushing up against a person.
- Looking a person up and down (elevator eyes).
- Staring at someone.

- Sexually suggestive signals.
- Facial expressions, winking, throwing kisses, or licking lips.
- Making sexual gestures with hands or through body movements.

Sexual harassment does not always have to be specifically about sexual behavior or directed at a specific person. For example, negative comments about women as a group may be a form of sexual harassment. Sexual harassment can occur in the workplace or learning environment, like a school or university. It can happen in many different scenarios, including after-hours conversations, exchanges in the hallways, and non-office settings of employees or peers.

In social science research, sexual harassment is defined and measured by specific behaviors and the victim's subjective experience of those behaviors; however, the constructs parallel legal conceptualizations of sexual harassment.

3.2 SEXUAL HARASSMENT AT THE WORK PLACE

Workplace harassment based on sex and gender was once conceptualized as a sexual problem: coercive or unwanted sexual attention from one employee to another that stems from natural and/or inevitable feelings of sexual desire. Today, this behavior is more appropriately understood as discriminatory conduct that has little to do with sexual desire and much to do with hostility. With this progress in understanding sexual harassment came evolution in the law, research, and preventive and corrective mechanisms.

The constitution in India prohibits discrimination based on sex and, given the unwelcomeness of the behaviors and potential for job harms, the courts define both *quid pro quo* and *hostile environment* sexual harassment as unlawful sex discrimination. Cultural ideals of dignity and womanly modesty have played a role in sexual harassment cases in India, but overall, the law has done little to protect women (especially working class women) due to its limited reach and enforceability.

The gravity of sexual harassment is elucidated by its numerous negative outcomes, affecting all areas of working women's lives. Two large meta-analyses found that all forms of workplace sexual harassment – gender harassment, unwanted sexual attention, and sexual coercion – are strong predictors of psychological impairments. Also, workplace sexual harassment can lead to mental illness. Researchers have also examined the effect of sexual harassment on women's physical health. All forms of this workplace abuse are associated with decreased satisfaction with one's general health and increased somatic complaints.

In addition to mental and physical detriments, sexual harassment takes a toll on women's professional wellbeing. Across a wide range of industries, experiencing sexually harassing conduct at work (i.e., sexual coercion,

unwanted sexual attention, and/or gender harassment) is associated with decreased job satisfaction and organizational commitment.

Check Your Progress:

1. Write a brief note on 'sexual harassment'.

3.3 THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

The Prevention of Workplace Sexual Harassment Act and the Prevention of Workplace Sexual Harassment Rules have been enacted 16 years after the Supreme Court of India's landmark judgement in Vishaka and others v. State of Rajasthan ("Vishaka Judgement"). The Supreme Court, in the Vishaka Judgment, laid down guidelines making it mandatory for every employer to provide a mechanism to redress grievances pertaining to workplace sexual harassment and enforce the right to gender equality of working women.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Prevention of Workplace Sexual Harassment Act") was made effective from December 09, 2013 by the Ministry of Women and Child Development, India. The Government has also notified rules under the Prevention of Workplace Sexual Harassment Act titled the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013. The Act and Rules framed thereto have put onus on the employer to constitute Internal Complaint Committee (ICC) and on the district officer to constitute Local Complaint Committee (LCC) to address such complaints.

Provisions under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013:

Applicability and Scope:

The Prevention of Workplace Sexual Harassment Act extends to the 'whole of India' and stipulates that a woman shall not be subjected to sexual harassment at her workplace. It is pertinent to note that the statute protects only women and is not intended to be a gender neutral legislation.

Further, the Prevention of Workplace Sexual Harassment Act applies to both the organized and unorganized sectors in India. The statute, inter alia, applies to government bodies, private and public sector organisations, non-governmental organisations, organisations carrying out commercial,

vocational, educational, entertainment, industrial, financial activities, hospitals and nursing homes, educational institutes, sports institutions and stadiums used for training individuals and a dwelling place or a house.

Sexual Harassment –Definition:

The Prevention of Workplace Sexual Harassment Act defines ‘sexual harassment’ in line with the Supreme Court’s definition in the Vishaka Judgement. As per the statute, ‘sexual harassment’ includes unwelcome

sexually tinted behaviour, whether directly or by implication.

Workplace:

Recognizing that sexual harassment of women may not necessarily be limited to the primary place of employment, the Prevention of Workplace Sexual Harassment Act has introduced the concept of an ‘extended workplace’. As per the statute, ‘workplace’ includes any place visited by the employee arising out of or during employment, including transportation provided by the employer for the purpose of commuting to and from the place of employment.

Complaints Committee:

An important feature of the Prevention of Workplace Sexual Harassment Act is that it envisages the setting up of grievance redressal forums for both organized and unorganized sectors. The Prevention of Workplace Sexual Harassment Act requires an employer to set up an ‘internal complaints committee’ (“ICC”) at each office or branch, of an organization employing 10 or more employees, to hear and redress grievances pertaining to sexual harassment.

Punishment and Compensation:

The statute prescribes the following punishments that may be imposed by an employer on an employee for indulging in an act of sexual harassment:

- Punishment prescribed under the service rules of the organization;
- If the organization does not have service rules, disciplinary action including written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service, undergoing a counselling session, or carrying out community service; and
- Deduction of compensation payable to the aggrieved woman from the wages of the respondent. The statute also envisages payment of compensation to the aggrieved woman.

Confidentiality:

The statute specifically stipulates that information pertaining to workplace sexual harassment shall not be subject to the provisions of the Right to Information Act, 2005. The statute further prohibits dissemination of the

contents of the complaint, the identity and addresses of the complainant, respondent witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC/LCC and the action taken to the public, press and media in any manner.

Check Your Progress:

1. What are key features of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013?

3.4 SUMMARY

Experiences in many countries have shown that effective action against sexual harassment in the workplace requires a combination of legal frameworks as well as greater enforcement, adequately funded institutions and a greater awareness of the issues.

The U.S. Equal Employment Opportunity Commission, a federal agency that was established via the Civil Rights Act of 1964 to administer and enforce civil rights laws against workplace discrimination, has defined sexual harassment in its guidelines.

Workplace harassment based on sex and gender was once conceptualized as a sexual problem: coercive or unwanted sexual attention from one employee to another that stems from natural and/or inevitable feelings of sexual desire. Today, this behavior is more appropriately understood as discriminatory conduct that has little to do with sexual desire and much to do with hostility. With this progress in understanding sexual harassment came evolution in the law, research, and preventive and corrective mechanisms.

The Prevention of Workplace Sexual Harassment Act and the Prevention of Workplace Sexual Harassment Rules have been enacted 16 years after the Supreme Court of India's landmark judgement in *Vishaka and others v. State of Rajasthan* ("Vishaka Judgement"). The Supreme Court, in the *Vishaka Judgment*, laid down guidelines making it mandatory for every employer to provide a mechanism to redress grievances pertaining to workplace sexual harassment and enforce the right to gender equality of working women.

3.5 QUESTIONS

1. What are the implications of sexual harassment at workplace?
2. How do men and women experience sexual harassment at work?

3. What are the legal aspects of the Prevention of Workplace Sexual Harassment Act ?

Sexual Harassment: Street and Work Place (Protection of Women from Sexual Harassment (Prevention and Redressal Act, 2013)

3.6 REFERENCES

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VIOLENCE ON WOMEN IN VIRTUAL SPACES

Unit Structure

- 4.0 Objectives
- 4.1 Introduction
- 4.2 Gender Violence in Virtual Spaces
- 4.3 Why are women and Girls Targeted?
- 4.4 What the Law Says
- 4.5 Solution to the problem
- 4.6 Summary
- 4.7 Questions
- 4.8 References

4.0 OBJECTIVES

- To understand violence against women in virtual spaces
- To explore various laws for protecting women in virtual spaces
- To analyse the situation of women in virtual spaces

4.1 INTRODUCTION

Public spaces in the physical sense are shrinking, and we also visit them less frequently than before due to the increasing influence of electronic media like computers, TV, internet, mobile phones, etc. However, public spaces in the virtual sense especially social media platforms have only been expanding. Facebook, Twitter, Instagram, Wordpress, YouTube, Snapchat and even WhatsApp are all public spaces that offer several functions to users. And these virtual public spaces are much bigger than any physical public space can ever be. For example: Facebook has almost 150 million Indians on it.

Among the top 20 countries in internet usage worldwide, India has the highest yearly growth rate of internet users. Easy access to the internet has enabled many people, especially women and other marginalised groups, to overcome traditional barriers and participate in the public sphere.

4.2 GENDER VIOLENCE IN VIRTUAL SPACES

However social media is full of attacks on women on a daily basis. The number of abusive and unwanted intruders and trolls has increased on social media and women are losing their right to express themselves

freely. We have seen the growth of misogyny on online platforms such as 4chan and Reddit, that encourage and incite violence against women.

These virtual public spaces are being utilized by the world of connected individuals. Unlike physical spaces, women don't always know all our "friends" and "followers" on social media. So, often—depending upon what is shared, commented or posted—women may be subjected to some of the most abusive and violent reactions, called "trolls". Mahendra Singh Dhoni's wife Sakshi was subjected to filthy remarks and comments on Twitter recently when she reacted strongly against information that had been leaked from her husband's Aadhaar application.

Thus, online violence against women violates their human rights and is thus a barrier to the attainment of gender equality. Amnesty International India recently launched a campaign to address the issue of online violence faced by women in the country. It has been interviewing women who express their opinions online, documenting their experiences of being active on social media platforms and the violence they regularly face online. At an event organised in New Delhi on April 24 2018 as part of this campaign, Rana Ayyub, an award-winning writer and journalist, shared how she had received rape and death threats on platforms like Twitter and how, more often than not, her complaints to the platform fell on deaf ears. Similarly student activists like Shehla Rashid and celebrities like Swara Bhaskar have also faced an increased wave of abusive tweets and online abuse because they are vocal about issues they feel strongly about.

Abuse against women on Twitter and other platforms can also include "doxxing" i.e revealing personal information or details about someone, on an online platform, without their consent. Rana Ayyub's address, phone number, and an obscene video with her face morphed on it were shared online. She feared for her safety and that of her family and filed a police complaint. Thus, the violence women face in these virtual spaces has left women feeling vulnerable, not empowered.

Kiruba Munusamy, an advocate in the Supreme Court of India, says that the abuse and violence faced online is gendered. Especially if a woman is from a minority religious, racial or ethnic background, disabled, lesbian, bisexual or transgender. It gets even worse when the abuser finds out that the person posting her picture or opinion belongs to a 'lower caste'. Comments on a short dress turn into comments on a woman belonging to a lower caste wearing them. In spite of being a practising lawyer at the Supreme Court, Munusamy was advised by some officials not to file a case of online abuse that she faced on Facebook, and most of the comments received on her profile were deleted without her consent.

In 2017, Amnesty International interviewed 4,000 women in eight countries, including the UK and the US, and found that two-thirds of women who experienced abuse or harassment on social media platforms said that they felt a sense of powerlessness after experiencing online abuse. Forty-one percent of women said that on at least one occasion,

these online experiences made them feel their physical safety was threatened.

A lot of times we think about online misogyny as being perpetrated more by strangers, but people in our lives can and are perpetrators as well – the stalker from your college, the work colleague who won't stop calling and texting, the person who sends you creepy messages on Facebook. These may seem like tiny or subtle examples, but they add up fast over a lifetime. They push women back, little by little, in a way that retreat from the online world and platforms is less visible. The more visible a woman is, more vicious the online violence.

4.3 WHY ARE WOMEN AND GIRLS TARGETED?

Whilst women and girls suffer more offline, this is likely to be reflected online.

- Technology may have the power to connect and empower, but it also can reinforce and normalise gender roles and cultural customs. The online world is not just a mirror image, but a “hall of mirrors” of the offline world, reflecting and amplifying the positive and negative. For women and girls, this mirror image often reflects a culture of misogyny, marginalisation, and violence.
- Although digital technologies have the ability to empower, connect, and liberalise, they can also serve as platforms for marginalisation and exclusion. Constant abuse may cause the victim to opt out of online use due to serious pressure on their emotional wellbeing, causing stress, depression, and anxiety. Online threats of physical abuse of victims or their families are also common, causing fear for physical safety.

Kavita Krishnan, Secretary of the All India Progressive Women's Association, who has been on the receiving end of rape threats and misogyny, says that online violence needs to be taken seriously and it often end in physical abuse, stalking and harassment and violence.

- In many places there are negative perceptions of women and girls who use digital technologies, with many reporting that their family would feel uncomfortable with them owning a mobile. Women who use mobile phones in private are often suspected of being unfaithful; a girl posting a picture of herself on Facebook might be labelled immoral and be excluded from a highly religious community. For these reasons, women may not be permitted to use these technologies, may chose not to due to safety and acceptance concerns, or may be limited in their use, leading to more digital exclusion.

4.4 WHAT THE LAW SAYS

India already has laws that can be used to deal with online abuse. They are:

4.4.1 Criminal Amendment Act 2013:

1. **Section 354A:** demanding sexual favours/showing pornography against will, making sexually coloured remarks.
2. **Section 354C:** voyeurism and disseminating such information without consent.
3. **Section 354D:** cyberstalking, despite clear indication of disinterest, or monitoring cyber activity.

4.4.2 Information Technology Act, 2008

1. **Section 66C:** identity theft
2. **Section 66E:** violation of privacy
3. **Section 67:** publication and transmission of obscene content
4. **Section 67A:** publication and transmission of sexually explicit material.
5. **Section 67B:** publication and transmission of child pornography
6. **Section 72:** breach of privacy and publication of material without consent.

4.4.3 Indecent Representation of Women (Prohibition) Bill, 2012

The Indecent Representation of Women (Prohibition) Amendment Bill, 2012 seeks to broaden the scope of the law to cover the audio-visual media and content in electronic form, prescribing stringent penalties which would act as deterrent to violation of the law.

However this is easier said than done. The legal process is very slow and time consuming. The online platforms also don't take quick action on complaints received. For example, a recent case in India showed Facebook failing to take down photos of children with graphic descriptions of abuse for over a year. Also reporting of online abuse can lead to victim-blaming or the case trivialized. Mistrust of online platforms can lead women to leave it completely.

Therefore, what needs attention is a better implementation of the laws. This implementation needs to be coupled with non-legal measures to address the structural inequalities that are part of the patriarchal notions of morality. But what is clear is that gender-based violence has and will continue to follow women online as long as the world is tilted towards patriarchy.

4.5 SOLUTION TO THE PROBLEM

A starting point to address this gender-based online abuse on online platforms can be asking these platforms to start following their own guidelines on "abuse and hateful conduct", which, as research has shown, are flouted by the platforms themselves!

So are women again going to give up our public spaces to antisocial elements? Should women continue to behave like mute consumers or become aware and act like responsible citizens? Just like in a physical space, social media users should come together to protect other members of the community. Women should come forward to reclaim and reoccupy their virtual public spaces.

In 2016, #Digital Hifazat was started by women as a campaign against online gender abuse. The internet is a space of violence and also one of empowerment. The online platform looks at ways in which women use the internet to fight back against oppressive systems of power that seek to limit their voice and expression. With this in mind, #Digital Hifazat launched a series of 4 videos that answered the questions we had about how women used the internet. The first video was a crowd sourced video where 6 young women spoke about their experiences of the internet. This was followed by women with disabilities, Dalit women and finally, queer women talking about their challenges and victories in the online sphere.

Whilst the world is not free, fair, and equal, neither is online space. The internet can create social inclusion as well as exclusion for women. Failure to address online abuse will only serve to further slow down the digital inclusion of women and girls, putting them at further risk of exclusion from enjoying digital dividends. In a world where the internet is not friendly and inclusive, we reduce opportunities for innovation, open discussion and empowerment. In the end, nobody wins.

4.6 SUMMARY

Not only in the physical world, in the everyday society, but women continue to be the victims in online spaces as well. The virtual world has also not been the space to keep women free from becoming a victim. social media is full of attacks on women on a daily basis. The number of abusive and unwanted intruders and trolls has increased on social media and women are losing their right to express themselves freely. We have seen the growth of misogyny on online platforms such as 4chan and Reddit, that encourage and incite violence against women.

4.7 QUESTIONS

1. Explain the condition of women in virtual space.
2. Explain the reasons why women are targeted in virtual spaces?
3. Explain the laws protecting women from becoming victims in Virtual Spaces.

4.8 REFERENCES

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GENDER GALAXY

Unit Structure

- 5.0 Objectives
- 5.1 Introduction
- 5.2 Gender Identities
- 5.3 Gender Galaxy – Limitless Possibilities
- 5.4 Summary
- 5.5 Questions
- 5.6 References and Further Readings

5.0 OBJECTIVES

- To understand the complexities of gender identities
- To understand the inclusive notion of gender galaxy

5.1 INTRODUCTION

Gender is often defined as a social construct of norms, behaviors and roles that varies between societies and over time. Gender identity is one's own internal sense of self and their gender, whether that is man, woman, neither or both. Unlike gender expression, gender identity is not outwardly visible to others. For most people, gender identity aligns with the sex assigned at birth, the American Psychological Association notes. For transgender people, gender identity differs in varying degrees from the sex assigned at birth.

People tend to use the terms “sex” and “gender” interchangeably. But while connected, the two terms are not equivalent. Generally, we assign a newborn's sex as either male or female based on the baby's genitals. Once a sex is assigned, we presume the child's gender. For some people, this is cause for little, if any, concern or further thought because their gender aligns with gender-related ideas and assumptions associated with their sex. Nevertheless, while gender may begin with the assignment of our sex, it does not end there. A person's gender is the complex interrelationship between three dimensions: body, identity, and social gender.

While we are often taught that bodies have one of two forms of genitalia, which are classified as “female” or “male,” there are Intersex traits that demonstrate that sex exists across a continuum of possibilities. The relationship between a person's gender and their body goes beyond one's reproductive functions. Research in neurology, endocrinology, and cellular biology points to a broader biological basis for an individual's experience

of gender. In fact, research increasingly points to our brains as playing a key role in how we each experience our gender.

5.2 GENDER IDENTITIES

Bodies themselves are also gendered in the context of cultural expectations. Masculinity and femininity are equated with certain physical attributes, labeling us as more or less a man/woman based on the degree to which those attributes are present. This gendering of our bodies affects how we feel about ourselves and how others perceive and interact with us. Thus, gender identity is our internal experience and naming of our gender. It can correspond to or differ from the sex we were assigned at birth.

Understanding of our gender comes to most of us early in life. This core aspect of one's identity comes from within each of us. Gender identity is an inherent aspect of a person's make-up. Individuals do not choose their gender, nor can they be made to change it. The two gender identities most people are familiar with are boy and girl (or man and woman), and often people think that these are the only two gender identities. This idea that there are only two genders—and that everyone must be either one or the other—is called the “Gender binary.” However, throughout human history we know that many societies have seen, and continue to see, gender as a spectrum, and not limited to just two possibilities.

While gender identity is our internal concept of our own gender, gender expression is how we present our gender identity through our appearance—including how we act or talk, what we wear, and how we style our hair or makeup. How we express our gender may or may not conform to what our families, friends, or society associate with our sex or gender identity. As we grow up and get to know ourselves, each of us tends to develop a personal sense and experience of our gender identity. Some of us fall into a binary gender category (male or female), while others of us are somewhere in between (nonbinary) or do not feel connected to either gender (agender). Those whose gender identities match their sex assigned at birth are referred to as cisgender, while those whose identities do not match their sex assigned at birth may identify as transgender.

Check Your Progress:

1. Write a brief note on gender identities.

5.3 GENDER GALAXY – LIMITLESS POSSIBILITIES

The constructed “naturalness” of a world made up of two sexes, two genders, and heterosexual desire as the only legitimate desire has been continuously questioned and challenged by those marginalized by these norms. This forces us to ask some important questions: How is gender really understood and constructed in the world that we inhabit? How does it operate through the various socio-political-cultural structures around us? And, most crucially, how is it lived?

Gender plays out in public and private institutions like the family, educational institutions, work and public spaces. Indeed, there are specific ways in which binary gender norms are woven into each arena and there are multiple ways in which interlocking systems of heteronormativity, casteism, class and ableism are enmeshed within patriarchy to create exclusion, marginalization, pathologizing and violence.

Gender does not exist by itself. Apart from the gender which is assigned at birth, it is also largely constructed. The rules for the same are passed on through social interactions, institutions, situations and so on. With the world around you telling you that you must be either this or that, there is no space for anyone who does not confirm to this or that. Even with those who do not conform to gender binary, there is this constant pressure to conform with either one of the gender binaries, or live in the constant fear of repercussions. Gender, should be understood, not as an independently existing identity but as one which works in tandem with one’s locations on the basis of caste, class, sexual orientation, race, education and so on.

With evolving interpretations of human rights law suggest that third gender recognition is gaining momentum. With regional courts in Latin America and Europe already affirming that countries must allow citizens to change their gender markers from female to male or vice versa, it seems only a matter of time before an equally strong norm is established around the right to a gender identity that is neither male nor female, or is both. Gender markers sit within a field of contestation in which bureaucratic systems of classification are at odds with the rich tapestry of human experience.

Check Your Progress:

1. What is a ‘gender galaxy’?

Thus, the gender binary that exists is increasingly seen as being very constraining and restricting. A more inclusive and liberal idea to think gender in the form of a galaxy, with infinite possibilities.

5.6 QUESTIONS

1. Explain the concept of ‘gender binaries’.
2. Elaborate on ‘gender binaries’ and ‘gender non-binaries’.
3. How can gender galaxies be understood as being more gender inclusive? Give examples.

5.6 REFERENCES

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QUEER ACTIVISM

Unit Structure

- 6.0 Objectives
- 6.1 Introduction
- 6.2 Queer Identity
- 6.3 Queer Theory
- 6.4 Queer Activism in India
- 6.5 Summary
- 6.6 Questions
- 6.7 References and Further Readings

6.0 OBJECTIVES

- To understand the significance of queer identities
- To familiarize students with queer activism

6.1 INTRODUCTION

Before we proceed to understand queer activism, we need to understand what exactly is queer and what are the concept's chief arguments. The earliest recorded use of the word 'Queer' as a form of homophobic abuse is said to be an 1894 letter by John Sholto Douglas, the Marquess of Queensberry. He was the father of Alfred Douglas and famously accused Oscar Wilde of having an affair with his son. Queer in time became a derogatory term for same-sex sex or for people with same sex attractions, particularly 'effeminate' or 'camp' gay men.

Queer is an identity which stands on the other side of the hetero identity. Queer was negatively used against those with same-sex desires or relationships in the late 19th century. Around late 1980s, queer scholars and activists started reclaiming their identity as separate from the gay political identity to establish their own distinct community. Simultaneously, Queer identities became essential for those who shunned the traditional gender identities and were looking for a broader, less conformist, and deliberately ambiguous alternative to the label LGBT that is lesbian, Gay, Bi-sexual and Transgender population. Now queer feminism or Queer feminists are mainly those who identify themselves as a radical group in opposition to patriarchy.

Not only this they define feminism as an inclusion of queer people and goes beyond LGBT and other gender/sexuality minorities. The term 'queer' is an umbrella term to include both who are closeted and who are public about their non-heterosexual inclinations to those who prefer to label themselves and the ones who choose to reject labeling or unable to

choose a label and name themselves'. Queer includes activism and protest through art, literature, academic criticism and included too forge alliance with any counter hegemonic project.

6.2 QUEER IDENTITY

Queer identities are quite complex. Queer includes those who openly wear sexual identities like lesbian, gay, bisexual, and transgender and those who use indigenous terms like hijras, kothis, panthis to describe themselves. In addition to this, there are regional identities of sexual non-conformity, such as jogappa and jogtas (Karnataka) and ganacharis (South India).

“Queer” only recently became a political term, yet people who used it were very successful in mobilizing various signifiers around this concept. Although there is a variety of topics and metaphors around which “queer” was deployed in texts. The first act of redescription that informed the recent history of the term came about when the abusive and diminishing term “queer” became an empowering word. This act of redescription is a powerful political act and it occurred on two levels, political praxis, and theory. “Queer” was applied to demonstrations that used performance and play as political tools, and the term was also introduced in academic discussions that used a new vocabulary of cultural critique that was not yet present in political debates of the 1980s.

Thus, Queer is often used as an umbrella term to denote sexual identity within a particular community. A queer community may be made up of people who identify as lesbian, gay, bisexual, transgender, and so on. Some find queer an easy way to describe such a large community. Labeling people whose sexual identities fall outside of heterosexuality may create solidarity among people based on commonality, which may in turn encourage them to identify with one another and create a community in which they find support and organize to initiate a political movement.

Besides sexuality, queer is also used to describe a particular gendered community. This is a community made up of people who fall outside society's prescribed male/female and masculine/feminine dichotomies. Their gender identities and the way they embody and perform gender do not coincide with either the fixed biological notion of sex or societal notions of gender. Queer communities may have political agendas; they may fight to be accepted by heterosexist mainstream society or resist assimilation into the heteronormative culture.x

Check Your Progress:

1. Write a note on queer identities.

6.3 QUEER THEORY

Since its conception, one of the defining characteristics of queer as a critical scholarly and political perspective has been that it resists definition. On the one hand, this reluctance towards precision reflects the queer-theoretical position that clear-cut categorizations are problematic as such. On the other hand, it is a strategy to maintain the dynamism of the perspective.

The relationship between queer theory and activism has not been straightforward. The labelling of the work by Judith Butler, Eve Kosofsky Sedgwick, and other poststructuralist thinkers on gender and sexuality as “queer theory” was apparently originally inspired by the activist reclamation of the word, and students informed by Foucault’s concept of power contributed as activists to the often aesthetically and conceptually innovative forms of demonstrations. Nonetheless, the theorization was soon to be criticized for being too abstract and esoteric for application in practical politics.

Women, including queer women remain invisible in our history as if they never existed. Similarly, feminism too kept away queer feminism for the longest period as if they did not exist. Like feminism, queer feminism too has feminisms within and it is not necessary that they match with each other. Likewise queer theory too has multiple theories, several of which contradict with each other. In fact, many queer theorists refused to talk about any theory as they believed that it is difficult to theorize ‘being queer’. Queer theory has been criticized for being inaccessible and for containing difficult words.

Queer theory is a theoretical approach that goes beyond queer studies to question the categories and assumptions on which current academic and popular understandings are based. One of the main tenets of queer theory is that their understanding of sex and sexuality, sexual identity and pretty much everything about life is contextual- that is all their understanding is a lived experience in different ways over time and across cultures. Queering is the process of reversing and destabilizing heterosexuality as a norm.

Queer theory finds its roots in post structuralism and in deconstructionism. Queer theory is also closely tied to the multicultural theory in sociology and is integral to the rise of postmodern social theory. Hence in order to understand the rise and development of the queer theory, one need to refer to the work of Foucault, Derrida, Lacan and Butler who engaged in the deep understanding and theorizing of queer theory.

Queer Theory critically examines the way power works to institutionalize and legitimate certain forms and expressions of sexuality and gender while stigmatizing others. Queer Theory followed the emergence and popularity of Gay and Lesbian (now, LGBT or Queer) Studies in the academy. Often considered the “deconstruction” of LGBT studies, Queer Theory destabilizes sexual and gender identities allowing and encouraging multiple, unfettered interpretations of cultural phenomena. It predicates

that all sexual behaviors and gender expressions, all concepts linking such to prescribed, associated identities, and their categorization into “normal” or “deviant” sexualities or gender, are constructed socially and generate modes of social meaning.

Queer theory argues that academics and activists rely on and reinforce dichotomous notions of sex, gender, and sexuality within their work. These binaries may be male/female, man/woman, masculine/feminine, heterosexual/homosexual. Queer theory problematizes these binaries by arguing that they reify difference and hierarchy and, as a consequence, reinforce the notion of the minority as abnormal and inferior; for example, homosexual desire as inferior to heterosexual desire, acts of femininity as inferior to acts of masculinity.

Check Your Progress:

1. What is the focus of queer theory?

6.4 QUEER ACTIVISM IN INDIA:

The first ever visible queer movement started in the year 1999, with the gay pride in Kolkata. The queer movement in India focuses on sexual identity and the rights of lesbian, bisexual, gays, transgender, kothi and hijras and also work at a structural level whereby they challenge the norms of heteropatriarchy which dictate the Indian society at large.

In fact, the queer movement in India developed around challenging the existing laws, which criminalized same sex act and also those who identify themselves with alternate sexuality. In India, the entire queer movement could be understood in two broad perspectives- the academic engagements and in the activist engagement. Academic world aims to give us a history of how the movement took shape over the years, developed and the challenges that ‘queerness’ as an identity and politics had to experience in the face of a hetero-normative culture and even a stronger hetero-normative sexual preferences.

Along with this the academic world flourished in its engagement with the queer world with the help of various academicians, many of whom openly identified themselves as either, gay, lesbian, and queer and those who strongly believed in the queer ideology and showed their solidarity in continuing the queer debate. The activist engagement has been very vibrant at an organizational level and there are numerous LGBTQ organizations in different parts of the country who not only provide support to young and old minds who are drowned in queries about their

own identity and how they relate to their social world but also help in voicing concern at the state level and impact the decision of the state.

Check Your Progress:

1. Explain how queer theory resulted into queer activism.

6.5 SUMMARY

Thus, queer theory is a call to transgress conventional understandings of gender and sexuality and to disrupt the boundary that separates heterosexuality from homosexuality. Instead, queer theorists argue that the heterosexual-homosexual division must be challenged to open space for the multiple identities, embodiments, and discourses that fall outside assumed binaries. At this point in history, queer connotes a new meaning and political commitment. Since the widespread emergence of biological and social notions linked to sexuality and gender, queer has been used to challenge the pervasive inequalities that stem from this recent historical shift in constructions of heterosexuality and homosexuality. Although queer has opened space for resistance, transnational research and debates have also challenged it. Despite these challenges, queer remains a concept, form of activism, and theorizing that continues to push and disrupt established boundaries and binaries.

6.6 QUESTIONS

1. How is queer feminism different from feminism?
2. Distinguish between feminist theory and queer theory.
3. Elaborate on queer activism in India.

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SECTION 377

Unit Structure

- 7.0 Objectives
- 7.1 Introduction
- 7.2 What is Section 377?
- 7.3 Natural v/s Unnatural Offences – A Debate
- 7.4 De-criminalization of Section 377 IPC
- 7.5 Summary
- 7.6 Questions
- 7.7 References and Further Readings

7.0. OBJECTIVES

- To understand the historical context of Section 377 of IPC
- To familiarize students with its current legal/constitutional status

7.1 INTRODUCTION

Some claims pertaining to sexuality need to be critically evaluated. These claims are as follows:

- a) Sex as natural and universal
- b) Sex as a private matter
- c) Sex as compulsorily heterosexual and linked with heterosexual marriage
- d) Notions of “normal” and “abnormal”/ deviant” sex

The popular belief persists that homosexuality is an aberration imported from modern Europe or medieval West Asia, and that it was non-existent in ancient India. This is partly because same-sex love in South Asia is seriously under-researched as compared to East Asia and even West Asia. With a few exceptions, South Asian scholars by and large ignore materials on homosexuality or interpret them as heterosexual.

However, same-sex love and romantic friendship have flourished in India in various forms, without any extended history of overt persecution. These forms include invisible partnerships, highly visible romances, and institutionalized rituals such as exchanging vows to create lifelong fictive kinship that is honoured by both partners’ families. Like the erotic temple sculptures at Khajuraho and Konark, ancient and medieval texts constitute irrefutable evidence that the whole range of sexual behaviour was known in pre-colonial India.

British nineteenth-century administrators and educationists imported their generally anti-sex and specifically homophobic attitudes into India. Under colonial rule, what used to be a minority puritanical and homophobic voice in India became mainstream. The new homophobia was made overtly manifest by the British law of 1861, Section 377, Indian Penal Code, in force in India till 2018, whereas homosexuality between consenting adults was decriminalized in England in 1967. Section 377 penalizes ‘unnatural’ sexual acts with ‘imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.’

7.2 WHAT IS SECTION 377?

The British Colonial Rulers encircled the Indian Penal Code during the nineteenth century. The entire code depended on the then existing British laws and was full of inconveniences, one of which was Section 377. As such, the Section 377 of the Indian Penal Code (IPC) is an act that criminalizes homosexuality and was introduced in the year 1861; it referred to ‘unnatural offences’ and says whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life.

However, in a historic verdict, the Supreme Court of India on September 6, 2018, decriminalized the Section 377 of the IPC and allowed gay sex among consenting adults in private. The SC ruled that consensual adult gay sex is not a crime saying sexual orientation is natural and people have no control over it.

This colonial-era law was first challenged by NGO Naz Foundation and AIDS Bedhbhav Virodh Andolan, in the Delhi High Court in 2001. However, both the petitions were dismissed in the court. In July 2009, the Delhi HC decriminalized sex between consenting adults of the same gender, holding it in violation of Article 14, 15 and 21 of the Constitution of India. Article 14 of the IPC guarantees equality before the law, Article 15 prohibits discrimination on grounds of religion, race, caste, sex or place of birth, and the Article 21 guarantees the protection of life and personal liberty.

However, the HC’s judgement was overturned in 2013 by the SC who found it to be “legally unsustainable.” The court also quashed the review petition filed by Naz Foundation. The SC in 2014 directed the government to declare transgender a ‘third gender’ and include them in the OBC quota.

In 2016, five petitions were filed in SC by LGBTQ activists claiming that their “rights to sexuality, sexual autonomy, choice of sexual partner, life, privacy, dignity and equality, along with the other fundamental rights guaranteed under Part-III of Constitution, are violated by Section 377.”

In August 2017, the SC had upheld the Right to Privacy as a fundamental right under the Constitution. It also observed that “sexual orientation is an essential attribute of privacy”. In July 2018, a five-judge Constitutional

bench started hearing petitions challenging Section 377. On September 6, 2018, the apex court bench announced that consensual adult gay sex is not a crime and article 14 and 21 of Indian Constitution contradict the present view of Section 377.

Check Your Progress:

1. What is Section 377 of IPC?

7.3 NATURAL V/S UNNATURAL OFFENCES – A DEBATE

The court's decision overturned part of a 19th-century law introduced by the British and known as Section 377 that made sex "against the order of nature" a crime punishable by life in prison. (The law had been overturned in 2009 but was reinstated in 2013.) While rarely enforced, Section 377 has had serious consequences for India's LGBTQ community. The law had left individuals open to harassment, beatings, and blackmail. Some have been forced into loveless, sexless marriages; other couples have run away together or even died by joint suicide. There were even horrific cases of what is called 'corrective rape,' in which lesbians were raped by men with the intention of turning them into heterosexuals.

Despite the ruling by the SC in 2018, the society still does not accept the homosexual sex as well as homosexual behaviour. Even today, being a homosexual in India can mean being rejected by family, being ostracized by the community and even facing violence.

In the studies done to explore the impact of the law on the mental well-being of sexual minorities in India, it has always be found that the perceived impact of Section 377 and the stress of concealing their true selves led to increased depressive symptoms and a diminished sense of belonging. Something that has been so 'natural' to some people, was and continues to be labelled as being 'unnatural' in a society obsessed with gender binaries and heterosexuality.

The validity of heterosexism is not just shared by the mainstream society, even the doctors, psychologists, lawyers and law makers, etc. all seem to be pre-occupied with such ideas and assumptions. Hence, this makes homosexuality seem abnormal and undesirable, thus supported by the 'unnatural offence' argument.

Check Your Progress:

1. What is 'unnatural' about homosexuality in India?

7.4 DE-CRIMINALIZATION OF SECTION 377 IPC

Section 377 was introduced by British India, modelled on the Buggery Act of 1533. This section of the Buggery Act was drafted by Thomas Macaulay in 1838 and was brought into effect in 1860. It defined 'buggery' as an unnatural sexual act against the will of God and man, thus, criminalizing anal penetration, bestiality and homosexuality, in a broader sense.

Eventually, a five-judge Bench unanimously dismissed Section 377 of the Indian Penal Code on 6 September 2018 to the extent that it criminalized same-sex relationships between consenting adults. Now it is legally permissible for LGBT people to engage in consensual intercourse. In Section 377, the Court upheld provisions that criminalize on animals' non-consensual acts or sexual acts.

Issues raised in the case:

1. By engaging in unreasonable classification, does Section 377 infringe the right to equality under Article 14 of the Constitution?
2. Does Section 377 infringe freedom of speech and expression according to Article 19 of the Constitution?
3. Does Section 377 violate the right to privacy under Article 21 of the Constitution and the right to life with dignity under it?
4. Is Section 377 prohibited by Article 15 of the Constitution in respect of discrimination?

The judgment order of 6 September 2018 reads:

Section 377 was unanimously declared unconstitutional in so far as it criminalized two adults of the same sexual orientation having consensual sexual intercourse and this is a matter of utmost privacy. The Court depended on its ruling in the *National Legal Services Authority v. Union of India* where it reiterated that "gender identity is intrinsic to one's personality and denying the same would violate one's pride."

If we segregate between the LGBT dependent on the ground that they structure a minority of the population, their crucial right to security would be violated. Something that two people with a place with the LGBT

people group choose to do in private does not in any way hurt the “open tolerability or ethical quality.” “The affection between consenting like-minded adults is beyond the accurate interests of the state.”

Check your progress:

1. Why was Section 377 decriminalized?

7.5 SUMMARY

Homosexuality refers to the interaction between persons of the same sex. In many societies, homosexuality has been widely insulted as freak or corrupt conduct, frames of view derived from philosophical and religious emotions about what practices are in keeping with nature and normal law. Moreover, several cultures have explicit jobs from the beginning of time for sensual love and sexual articulation between same-sex people.

Criminalizing carnal intercourse under section 377 Indian penal code was termed as irrational, indefensible and manifestly arbitrary. Its decriminalization has been hailed as a big victory and a definite step towards inclusion of hybrid sexual identities.

7.6 QUESTIONS

1. State the consequences of Section 377.
2. What is the significance of decriminalizing Section 377?

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REPRODUCTIVE HEALTH: DEBATES ON SURROGACY

Unit Structure

- 8.0 Objectives
- 8.1 Introduction
- 8.2 Definition and Meaning
- 8.3 Types of Surrogacy
- 8.4 India – A top destination for surrogacy
- 8.5 Reasons for surrogacy in India
- 8.6 A free choice under constraints
- 8.7 Becoming a surrogate
- 8.8 Surrogacy as labour
- 8.9 A monitored and closed environment
- 8.10 Conclusion
- 8.11 Summary
- 8.12 Questions
- 8.13 References

8.0 OBJECTIVES

- To introduce you to the concept of Surrogacy
- To Understand the reasons why India is an international leader of surrogacy

8.1 INTRODUCTION

Since the 1980s, medicalization of child birth, advances in medicine have made possible to overcome the problems of infertility through assisted reproductive technologies (ART) and since 1990's through the use of donors (for sperm, oocyte or embryo donation) and Surrogates. The political guidance and the medical practices in relation to ART vary from country to country.

Infertility is considered as a prevalent medical problem in India. This social pressure on women to bear children has enabled the rapid growth of the “ART industry in India”, which has rapidly become an important lucrative market and business.

Surrogacy as a new reproductive technology is a growing practice and a burning issue on the transnational scene. The question of its legitimacy

gives rise to new controversies since it creates complex relationships between rich people from the North and vulnerable women from the South. However, the literature in this area essentially tackles ethical, medical, and family issues in Western countries. Very little is known about Southern countries due to the paucity of empirical studies focusing on them.

8.2 DEFINITION AND MEANING

The word Surrogate is derived from the Latin word surrogate means appointed to act in the place of. The English term surrogacy or surrogate means Substitute or Replacement. In medical parlance, the term surrogacy means using of a substitute mother in the place of natural mother. A surrogate mother is one who lends her uterus to another couple so that they can have a baby.

Surrogacy is a method of reproduction where by a woman agrees to become pregnant and delivers a child for a contracted party. She may be the child genetic mother (the traditional form of surrogacy) or she may act as a gestational carrier to carry the pregnancy delivery often having been implanted with a legal medical procedure.

8.3 SURROGACY CAN BE CLASSIFIED INTO THE FOLLOWING FOUR TYPES

1. In **Traditional Surrogacy** which is also known as the straight method the surrogate is pregnant with her own biological child, but this was conceived with the intention of relinquishing the child to be raised by others such as the biological father and his spouse. Sperm from the male partner of the commissioning couple may be used, or alternatively sperm from a donor can be used.
2. In **Gestational Surrogacy** in other word Host Mother the Surrogate becomes pregnant with embryo transfer with a child of which she is not the biological mother. Because the child was conceived using egg donation, sperm donation or is the result of donated embryo. The surrogate mother may be called as gestational carrier.
3. **Altruistic Surrogacy** is a situation where the surrogate receives no financial reward for her pregnancy or the relinquishment of the child although usually all expenses related to the pregnancy and birth are paid by the intended parents such as medical expenses, maternity and other related expenses.
4. **Commercial Surrogacy** is a form of surrogacy in which gestational carriers are paid to carry a child to maturity in her womb and is usually restored to by higher income infertile couple who can afford to cost involved or people who save and borrow in order to complete their dream of being parents.

8.4 INDIA – A TOP DESTINATION FOR SURROGACY

As an important destination for “medical tourism”, India has become an important destination in cross-border reproductive care, and an international destination for surrogacy. Recently, this practice has spread both locally and internationally, facilitated by the context of growing globalization.

8.5 REASONS FOR SURROGACY IN INDIA

- Lower cost of surrogacy arrangements
- High numbers of well-qualified physicians
- The important Indian diasporas all over the world who prefer to use
- Surrogacy in their native home/family country
- Availability of English-speakers
- Significant pool of reproductive workers
- Easy availability of working-class Indian women willing to be surrogate
- Lack of clarity in Indian law that governs the practice of surrogacy

8.6 A FREE CHOICE UNDER CONSTRAINTS

One important component of reproductive rights is the ability to take free decisions concerning one’s reproductive life and body without suffering violence and coercion. This mainly concerns the right to decide whether or not to have children, when, how and with whom, and the access and availability of contraception. The act of making one’s body available for someone else may raise the same issues from the perspective of reproductive rights. This may emerge as the right to dispose of one’s reproductive body to have (bear) a child – or not – even if this child is for other parents. Do women engage in the surrogacy process freely or are they forced into doing so by authorities, men, or family?

8.7 BECOMING A SURROGATE

In India, surrogates are generally recruited through word of mouth: they often have a friend, a family member or a neighbour who previously was or still herself is a surrogate. Recruitment is also facilitated by formal and informal surrogacy brokers or agents, employed by the surrogacy clinics to recruit “desperate mothers”.

India has not escaped the global phenomenon of the feminization of poverty. Men are considered as the breadwinners of the family, but they are no longer able to meet the needs of the family alone. Henceforth, women have to work to supplement family income. The women who engage in surrogacy are usually poor and have no career prospects; they

are generally uneducated and get casual work; they are sometimes migrants, and they generally live in slum areas. Husbands of surrogates are generally employed in informal or contract work, or not employed at all. Therefore, the main motivations of Indian women for becoming surrogates may be related to immediate needs, paying debts, or buying a house. Surrogacy may emerge as a “survival strategy”.

Nevertheless, the sample from the studies highlights that the majority of the women engaged in surrogacy were not among the poorest women in the area studied, and that they had employment before surrogacy. The “new opportunity” of surrogacy, leading to higher income in comparison to their previous job, lured them to accept it. With their low level of education and lack of employment prospects, they couldn’t hope to find a better opportunity to earn money.

Agents are generally previous surrogates, egg donors, or candidates who were not selected to be surrogates. They are paid by the number of surrogates they “recruit”. Surrogacy for Indian women appears as “the last decent resort to earn money”. According to Anne Donchin, becoming a surrogate is a better option than being a prostitute or unemployed.

Although surrogates appear to be making a subjective free choice, without coercion and violence, to enter into the surrogacy process the fact that this involvement is objectively motivated by financial constraints raises questions about surrogacy as a free reproductive choice.

Controlled and supervised (reproductive) freedom Surrogacy is a stigmatized practice in India, especially for surrogates. Catholicism and Islam do not permit surrogacy, but Hinduism, the main religion in India, allows surrogacy. Surrogacy is also permitted according to Buddhist law.

Surrogacy is not accepted in India as work. Some feminists also argue that neither surrogacy (nor prostitution) is a professional activity.

8.8 SURROGACY AS LABOUR

Surrogacy is a new kind of labour as it is an activity, a “capacity to produce and reproduce”, in order to earn money of the complex realities of women’s experience. Further, by identifying commercial surrogacy as labour, susceptible to exploitation like other forms of labour, and by simultaneously recognizing the women as critical agents, we can deconstruct the image of the victim that is inevitably evoked whenever bodies of third-world women are in focus”

Engaging in what they consider to be a new form of wage labour, surrogates develop certain strategies of resistance and valorisation of their work. “These women create a discourse about surrogacy that remediates the stigma attached to it, and they simultaneously resist the subordinate position to which women are assigned in dominant discourses”

8.9 A MONITORED AND CLOSED ENVIRONMENT

A surrogacy agreement gives no decision-making power to the surrogate. Its content is wholly decided and negotiated between the clinic and the intended parents, and clearly indicates the decision-making powers of physicians and intended parents during the entire surrogacy process. No negotiation and no discussion are possible from surrogates regarding the contract. “The surrogacy contract ensures that the decisions related to pregnancy are made by the intended parents or physicians”.

During the whole surrogacy process and until the act of relinquishment, surrogates are under the supervision of someone. First of all, if surrogates are married, the consent and signature of their husband is required, which creates a first form of dependence and domination of their reproductive body. At the same time, during the entirety of the surrogacy process, from before pregnancy until delivery, they are under the supervision of physicians or a medical team. Surrogates are “not consulted about their place of stay, the medical procedures and the compensation appropriate for this service”

Indeed, during the surrogacy process, the majority of surrogates stayed in special houses, rented by the clinic. In cases where surrogates go home during the pregnancy, then they are paid less.

Limiting women’s movement and behaviour and putting the woman’s body under permanent supervision may appear as a concrete manifestation of control, as is the fact that there is no separation between work and home. And the constant supervision exercised by medical staff highlights a clear bio-power over both women and women’s bodies. The stay of surrogates in special houses is analysed as a way to perform “perfect mothers”. This permanent control may be a way to avoid medical complications.

8.10 CONCLUSION

In India, there is still a high rate of maternal mortality. Because of the permanent domination and control of surrogates there is no decision-making during the surrogacy process: “The asymmetric power relationship within surrogacy hardly gives decision-making power to GMs [gestational mothers”, i.e. surrogates] as compared to the intended parents and medical practitioners”. It is important here to highlight however that medical power and domination is not specific to surrogacy: in India, as elsewhere, medical power is generally exercised over the economically disadvantaged and socially marginalized people.

8.11 SUMMARY

Infertility is considered as a prevalent medical problem in India. This social pressure on women to bear children has enabled the rapid growth of the “ART industry in India”, which has rapidly become an important lucrative market and business.

Surrogacy as a new reproductive technology is a growing practice and a burning issue on the transnational scene. The question of its legitimacy gives rise to new controversies since it creates complex relationships between rich people from the North and vulnerable women from the South. However, the literature in this area essentially tackles ethical, medical, and family issues in Western countries. Very little is known about Southern countries due to the paucity of empirical studies focusing on them.

8.12 QUESTIONS

1. Explain the concept of Surrogacy in detail.
2. Write a note on Surrogacy in India

8.13 REFERENCES

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LIVELIHOOD STRUGGLES – LAND & FORESTS

Unit Structure

- 9.0 Objectives
- 9.1 Introduction
- 9.2 Women's Right to Land and Forests
- 9.3 Centrality of Women's rights
- 9.4 Obstacles for women
- 9.5 Resistance
- 9.6 Constructive Changes
- 9.7 Conclusion
- 9.8 Summary
- 9.9 Questions
- 9.10 References

9.0 OBJECTIVES

- To understand the livelihood struggles related to land and forests
- To understand the role of women in struggle for saving the environment

9.1 INTRODUCTION

Indian forests, blessed with diversity, were a store house of nutritious foods including exotic fruits, some of which had medicinal value. In addition, some forests were treasure troves of spice plants like curry leaves, pepper and cinnamon. 'But the British had only contempt for these treasures of forests. People's dependence on their forest produce was for them a nuisance, standing in the way of their design to devote these forest lands to grow timber for their navy, their gun carriages, their railways, their urban buildings. So, their laws had turned people's age-old dependence on forests into legal offences'.

Forest resources being crucial for survival and central to the upkeep of families, women predictably became natural stakeholders in regulations regarding forest land and the area of utilization for forest dwellers. The then existent survival system was hostile to the British rulers taking over forest land. Women faced a sudden lack of access to the forest produce and suffered loss of control over their primary role of feeding their offsprings, leading to harassment and despair. In the Garhwal Himalayas, a British official wrote around the year of 1913 that 'forest administration consists for the most part in a running fight with the villagers'

9.2 WOMEN'S RIGHT TO LAND AND FORESTS

There are two kinds of thought in terms of women rights on natural resources, one that talks about efficiency and welfare, other thought is the women's struggle for equality and social justice.

The first thought is **neo liberal agenda** whereas the struggle for equality, dignity and social justice is the real struggle of women that should be the prime agenda for women's rights struggle on the natural resources. But the context of rights of women living in forest area and that of settled agriculture is not same. In forest, women are free, independent, common linkages are much strong and there is less male domination. There are vast resources and community control in forest thus social and community control can be achieved more in the forest.

Women have been denied access to the resources both by state and by the family since women were considered "property" and they were supposed to perform only reproductive role to enhance family. The land reform policies adopted by Indian Government, revenue laws and the personal laws were based on discrimination against, landless, cultivating women agricultural force, women collecting Non Timber Forest Produce inside forest. Women were neither recognized as "cultivators", nor "gatherers" of food. Hence no place was given to women in any of the land reform laws or any other laws of forest to protect their social-political-economic rights over livelihood resources. However it was for the first time any special legislation "Forest Rights Act" has been enacted to protect the people and forest resources by granting more control to communities but this legislation also spells very little for women control at a large in the forest area.

We have seen that naturally "Forest" is synonymous with "women" and so as "women" with "forest". Women spend almost 80 per cent of their time in collecting fuel wood, fodder, grass, NTFP (Non Timber Forest Produce) etc from the forest. They are more close to nature. We can see that in various forest regions the sex ratio is higher and must be higher in previous times also as women were not totally dependent on families for their food, they would depend on forest for food and livelihood for their entire family. Women in forest were more independent as forest acted like a big reserve of food security for them. But forest women also have been enslaved after these resources were privatized by the state. Ramshakal, a tribal from village Manbasa, Sonebhadra, UP says, that earlier when we use to feel hungry our parents use to send us to forest but now when a tribal child feels hungry he runs towards house. This simple statement is very good analysis of how tribal economy was based on forest.

9.3 CENTRALITY OF WOMEN'S RIGHTS

1) **If rights of land are not given:**

a) It will create insecurity that can lead to inefficient productivity.

- b) There will be restriction on women's access to input and information.

2) If rights of land are given:

- a) It will improve the position of women as farmers. Women will have direct access to better inputs and information. It would motivate them to adopt improved technology. All this will increase the agricultural productivity and would increase the self-confidence of women farmers.
- b) It will improve the position of women as individuals. They will become more assertive at home as well as outside home. They will be in a better position to make demands in Government programmes of health-care, education, etc. Owning land will improve support from the family especially for widows and elderly women. They will be treated as central and not marginal.

9.4 OBSTACLES FOR WOMEN

There are significant obstacles in giving rights of land to women. They are as follows:

- a) Unequal laws.
- b) Discrepancies within laws.
- c) Gap between legal rights and actual ownership due to family and emotional pressure.
- d) Illiteracy.
- e) Reproductive role.
- f) Restrictions on mobility and public interaction.
- g) Marriage related mobility.
- h) Male bias in Government policy.

9.5 RESISTANCE

The depletion of forest has resulted adversely on the health of women and of the entire tribal and forest people. It was in the forest only that traditional health healers use to treat the ailments and illnesses with their traditional knowledge but since the shift of forestry to commercial forestry the traditional health practitioners also went into oblivion. The state promoted commercial forestry in last six decades that completely changed the ecology of the forest, such monocultures prevented the grass, shrubs, herbs to grow naturally. In other words the monocultures have destroyed entire biodiversity, flora and fauna of various regions.

For women, the resistance is less for ecological and more for economic reasons. It is for their survival. The soapstone and magnesite mining in the Almora and Pithoragarh districts of the Kumaon hills, leading to the

degradation of common forest and pasture land, significantly reduced access of local women to fuel wood, fodder and water. Social activists did not have to work hard to draw women into the struggle through *sangarsh samitis* (resistance committees) in affected areas to protest the activities of commercial mining. It is because their own domain is most adversely hit by degradation of forest land that women participated and played a leading role in sit-ins and hunger strike to persuade the mining labourers to go on strike. Hill women of Gopeshwar (1978) and Bhyudar Valley in Dongary Patoli (1980) in Uttarakhand (inspired by the 27 women of Reni village of Chamoli district who stood their ground, hugging trees for three days in March 1974, while their menfolk were tricked into going to Chamoli town to collect compensation for land acquired by the army) did not merely protest destruction of forest wealth but staked claim for equal rights in forest management. The ‘Chipko’ movement of the 1970s, spearheaded by a 40-year-old widow Gaura Devi of village Reni, Chamoli (Uttarakhand) and the Narmada controversy of the 1990s over the Sardar Sarovar project shall only prove to be forerunners of larger movements that are yet to come.

9.6 CONSTRUCTIVE CHANGES

Certain constructive changes are essential in order to give women their rights. They are as follows:

- a) Gender perspective in Planning.
- b) Change in laws.
- c) Legal literacy.
- d) Change in social attitudes, norms and perceptions.
- e) Institutional changes such as individual ownership of land or collaborating with other women such as purchasing land jointly, owning it individually and farming it collectively.
- f) Planting trees on degraded land as a part of waste-land management.
- g) Collective action from Government, political parties and NGOs.

9.7 CONCLUSION

The women should be recognized as the ‘collector’, gatherer, peasant, protector, and producer and accordingly various schemes should be linked with her development and special programmes should be incorporated for the development of her children also. One very important component is education that is based on their knowledge system and enhancement of their traditional knowledge.

These land reform legislations and forest laws should also incorporate very important component that should be linked with traditional health system and should be part of these legislation. Women should be specially trained in this and should encourage becoming para health medical practioners.

9.8 SUMMARY

Indian forests, blessed with diversity, were a store house of nutritious foods including exotic fruits, some of which had medicinal value. In addition, some forests were treasure troves of spice plants like curry leaves, pepper and cinnamon. 'But the British had only contempt for these treasures of forests. People's dependence on their forest produce was for them a nuisance, standing in the way of their design to devote these forest lands to grow timber for their navy, their gun carriages, their railways, their urban buildings. So, their laws had turned people's age-old dependence on forests into legal offences'.

Forest resources being crucial for survival and central to the upkeep of families, women predictably became natural stakeholders in regulations regarding forest land and the area of utilization for forest dwellers. There are two kinds of thought in terms of women rights on natural resources, one that talks about efficiency and welfare, other thought is the women's struggle for equality and social justice.

9.9 QUESTIONS

1. Explain women struggle for livelihood in saving land and forest.

9.10 REFERENCES

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LEGISLATION – A FEMINIST CRITIQUE (RAPE AND DOMESTIC VIOLENCE)

Unit Structure

- 10.0 Objectives
- 10.1 Introduction
- 10.2 Feminist critique of rape
- 10.3 Feminist critique of domestic violence
- 10.4 Summary
- 10.5 Questions
- 10.6 References

10.0 OBJECTIVES

- To understand the feminist critique towards the existing rape laws
- To learn about the feminist critique with reference to the domestic violence acts.

10.1 INTRODUCTION

In this chapter the discussion is on understanding the existing laws and re-reading them from the perspective of feminist. This practice is essential as it helps to look into the loop holes in the laws. This could improve the laws and play a role in improving it. This chapter would be very much useful for you as students of gender studies and even help you gain some perspective.

Meaning of Legislation:

Legislation is the formal process of creating laws by a governing body, like local, state or larger bodies such as a parliament. This process involves proposing, drafting, discussing, and enacting laws. It is a crucial aspect of democratic societies because it enables citizens to participate in the development of laws that govern their lives. Legislation can take different forms, such as statutes, regulations, bylaws, and ordinances, and it can cover various topics, including taxes, healthcare, education, the environment, and civil rights.

Meaning of Feminist Critique:

Examining and evaluating social, cultural, political, and economic issues from a feminist perspective is known as feminist critique. This strategy aims to pinpoint and combat the ways that patriarchal ideals and gender inequality are supported in various spheres of society. Analyzing and combating gender stereotypes, disparities in power, and prejudice against

women and other marginalised groups are common components of feminist critique. Several disciplines, including literature, the arts, movies, politics, and economics, among others, are subject to feminist criticism. It frequently involves challenging conventional beliefs and values, investigating the viewpoints and experiences of women, and promoting changes in society and politics to address the problem of gender inequality. Generally, feminist critique tries to question gender norms and stereotypes, advocate for equality, and bring attention to gender-based injustices.

10.2 FEMINIST CRITIQUE ON RAPE

Before understanding about the feminist critique on rape, firstly let us look into the basics like the definition of rape.

Definition of Rape according to 375 Indian penal code

Rape — A man is said to commit “rape” if he—

- (a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or
- (b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or
- (c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or
- (d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person,

under the circumstances falling under any of the following seven descriptions:

First. Against her will.

Secondly. Without her consent.

Thirdly. With her consent, when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or of hurt.

Fourthly. With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly. With her consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

Sixthly. With or without her consent, when she is under eighteen years of age.

Seventhly. When she is unable to communicate consent.

Explanation 1. For the purposes of this section, “vagina” shall also include labia majora.

Explanation 2. Consent means an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act:

Provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity.

Exception 1. A medical procedure or intervention shall not constitute rape.

Exception 2. Sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape. One can observe that here this line conflicts with the POSCO ACT.

Review of Exception 2- The IPC provision and the Protection of Children from Sexual Offences Act (POCSO), 2012, respectively, and claimed that both provisions were in conflict. According to the POCSO provision, having a physical relationship with a minor is prohibited it also includes relationships between a man and his underage wife. Hence, we can observe that there is a conflict in this case.

Critique of Rape Laws:

According to the 2019 Transgender Persons (Protection of Rights) Act, crimes committed against transgender people are punishable. For instance, the person involved is punished with a minimum of six months and a maximum of two years in prison as well as a fine are the penalties for the physical and sexual abuse of transgender persons.

On the other hand, Men who are found guilty of raping a woman, face mandatory minimum prison terms of 10 years and maximum sentences of life. The death sentence may also be applied when a woman is left in a vegetative state, when the criminal commits the same crime twice, or when a girl under the age of 12 is raped.

Lighter sentences, according to transgender activists, send the message to society that transgender people’s lives aren’t valuable enough to be protected, making them more susceptible to attack. One of India’s first transgender judges, Swati Bidhan Baruah, noted that the stark disparity between the punishment for rape and that for sexually abusing a transgender person is just another example their needs to laws made for them. The argument here is that all genders are human and hence they need to be protected from any form of violence.

As explained above the current rape law doesn't take into account the transgender as the definition of rape has the usage of man and woman. For example the law defines rape as - A man is said to commit "rape" if he—

- (a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person.

While the POSCO Act (Act for protection minor i.e., child below the age of 18) views Children irrespective of gender, i.e., its gender neutral. Hence, there needs to strict rape laws which focusses on all genders.

Another argument is that the socioeconomic patriarchal mechanisms that support and sustain violence against women need to be reworked. It is insufficient to merely impose the death penalty or increase the number of executions, and lengthen jail terms policies focusing on gender sensitive. At the grass root level changing the mindset is important. Let it be in village level and at home level. Right education and discussion are some of the paths towards it. The media should also be used constructively so that they reduce in objectifying the women.

Check Your Progress

1. The POSCO Act is connected to whom?

2. Does the marital rape is recognized by the existing rape laws of 375 – comment.

The above image is taken from National Crime records bureau of 2020. It shows the number of cases reported against women and the conviction. This shows how though the convicted cases by the time it reaches the courts is less as it reduces due to several factors.

It is observed that there are instances where rape has been committed by someone who is known often like relatives. Yet, its not reported by the family due to multiple reasons. In such cases, laws have very limited role to be applied. Due to social stigma, lack of support from the family. Hence, just having a law in place is not often enough to solve the problem.

There is also large number of pending cases. Hence the two-month window period for solving a rape case is being made. (As the author of

this chapter could not find any statistics to see how much the implementation has happened as the 2-month window has been recently added). A detailed view of the national statistics data for crime against women also shows that cases from last year are carry forward which again portrays the backlog.

Martial rape:

Martial rape is rape which happens within the close doors of the house. The discussion about marital rape is very minimal. Infact, it has not been acknowledged by law since long. It is in the recent verdicts one can find some discussion about it. There are several instances where the court has given verdict like granted divorce when there is martial rape, (unconsented) or intervened when there is abortion needed by the female due to unconsent sex from the husband. However, in both the instances the solution was seen not punishing but solving the issues (week article).

10.3 FEMINIST CRITIQUE OF DOMESTIC VIOLENCE

Before learning about Feminist critique on Domestic violence let us learn about the domestic Violence Act.

Domestic Violence:

Any act of violence or abuse, including mental, physical, and sexual abuse, that takes place in a domestic setting, such as a marriage or cohabiting relationship, is referred to as “domestic violence.” Another common word for domestic violence is “intimate partner violence.” This problem is more prevalent in India than it is in other countries due to cultural conventions such as dowry, male dominance, and joint family arrangements. As a result, these factors raise the possibility that women will experience domestic violence. Women commonly experience abuse from both the husband and his family when dowry is anticipated but not given, or when the amount given is insufficient or during conflicts and several other reasons. One of the important acts is the Protection of Women from Domestic Violence Act, 2005 let us look into it in detail. Some important points related to the Domestic Violence Act has been discussed here as the Act is itself has lot of sub points. You can read more about Domestic violence Act at India code website.

Protection of Women from Domestic Violence Act, 2005:

- (1) This Act may be called the Protection of Women from Domestic Violence Act, 2005.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date² as the Central Government may, by notification in the Official Gazette, appoint.

An “aggrieved person” is defined as any woman who is or has been in a domestic relationship with the respondent and who alleges to have been the victim of domestic violence by the respondent according to the Section

2(a) of the DV Act. As a result, any woman who is or has ever been in a domestic relationship is qualified to file a complaint under the Act's provisions. It is not essential for the petitioner and respondent to have resided or have lived together for a specific amount of time in order for there to have been a relationship. So, a woman's request for maintenance from a male she had a close relationship with is maintainable. *Palani, v. Meenakshi*, 2008 SCC Online Mad 150.

Section 498A:

Husband or relative of husband of a woman subjecting her to cruelty.

1[Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation. —For the purposes of this section, “cruelty means”—

- (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.]

Critique:

The Transgender and the LGBTQ community faces violence at home as well as outside the home. As the definition of the Domestic violence Act only specifies the aggrieved person as Women, through the act it excludes the non-binary groups and other genders who are marginalized like transgender, LGBTQ+ community. This in a way is denial of rights as human.

There are other problems like when there are reports of domestic abuse, the police frequently use discretion to avoid making an arrest. Policies for domestic “disputes” in many police stations explicitly discourage arrest, focusing instead on solutions like inviting the abuser to the station for “conciliation,” among other tactics.

Another problem is that public prosecutors frequently give up on cases of domestic abuse covered by Sec. 498A because the accusing parties frequently become hostile and agree to withdraw the accusations. For those found guilty of domestic abuse, sentences are frequently less severe. As a result of these procedures, domestic violence cases have a greater prosecution dismissal rate than other violence cases, and they also receive less severe punishments.

In both the Domestic Violence Act 2005 and Sec 498 A. the punishment is three years or more. Feminists feel that the punishment is insufficient. As the impact in the life of a woman is larger due to the violence upon her.

The justice system must respond to domestic violence in a coordinated and systemic manner. Although though Sec. 498A is one of the most important criminal law changes protecting women's rights, this change is insufficient. Ultimately, we must keep in mind that criminal legislation is a blunt instrument because it is very challenging to alter police culture. Even though domestic violence against women is considered an offence by the law, the police may still choose not to follow the law and may not effectively enforce it. Hence, it is essential that we implement a new model of policing - the victim empowerment - in order to advance towards the effective operation of Sec. 498A and other criminal law remedies. In addition to intensifying efforts to improve policing, to have a better civil law which takes the domestic violence into consideration is needed.

Check Your Progress

1. Explain Domestic violence

2. List out some of the Acts connected to Domestic Violence?

10.4 SUMMARY

In this chapter we learn about how the existing definitions of rape or that of domestic violence and we saw how these laws exclude the non-binary groups and there by excluding a large section of people. The data through the National Crime Bureau of India also shows how the cases reaching till the court is very less and the time taken to solve the case is also lengthy. Hence, there needs to measures which needs to work at grass root level too as viewed by feminists.

10.5 QUESTIONS

1. Discuss the feminist critique on rape
2. Explain the feminist critique on domestic violence.

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WHY LOITER?

Unit Structure

- 11.0 Objectives
- 11.1 Understanding Why Loiter movement
- 11.2 Solution offered by Why Loiter movement
- 11.3 Summary
- 11.4 Questions
- 11.5 References

11.0 OBJECTIVES

- To learn about the Why loiter movement
- To understand the public spaces and the uses by women.
- To learn the importance of why loiter.

11.1 UNDERSTANDING WHY LOITER MOVEMENT

This chapter discusses about the why loiter movement which is based on the book Why Loiter. The movement emerges through the book; and it became popular through social media by collective action.

The “Why Loiter?” movement was initiated by Neha Singh in May 2014 who had read the book “Why Loiter? – Women and Risk on Mumbai Streets” published in 2011 by Shilpa Phadke, Sameera Khan, Shilpa Ranade. Presenting an original take on women’s safety in the cities of twenty-first century India. The movement operates on the principle of reclaim the places by loitering on them and aims to normalize the sight of women “doing nothing” in public spaces by loitering in them during the day and at night, either on foot or by cycle, in small and large groups. The movement has spread to other Indian cities such as Jaipur, Delhi, and Aligarh. The movement has also gained support from large women, with hundreds of photos and posts submitted online. There is also a blog whyloiter.blogspot.in which has a large viewer from around the world.

The “Why Loiter” movement is a initiative that promotes women’s entitlement to occupy public areas without any fear or harassment. This campaign originated in Mumbai, India, and has extended to other cities in India and around the world. The movement inspires women to reclaim public areas and take part in activities that are typically considered male-oriented, such as loitering, strolling, and mingling in public places. The objective of the campaign is to question the gender-based conventions and

assumptions that limit women's movement and access to public spaces and to establish public spaces that are more secure and inclusive for everyone.

The Why Loiter campaign is an online movement in India that aims to challenge the gendered expectations and stereotypes surrounding public spaces. The campaign encourages women to reclaim their right to public spaces and engage in activities such as loitering without the fear of harassment or judgement. It aims to shift the responsibility for safety from the victim to the perpetrator and promote the idea that women have the right to enjoy public spaces without being subject to violence or harassment.

The campaign has sparked important conversations about gender relations and the nature of public space in India, and it has been successful in creating safe spaces for women to gather and engage in activities. The movement has also led to policy changes such as the installation of more streetlights and the establishment of women-only police stations. However, the campaign faces opposition from those who believe that women should not challenge traditional gender roles.

The Why Loiter campaign is an important example of how grassroots movements can challenge social norms and empower women. It aims to create a more inclusive and safer public space for all genders, emphasizing that gendered violence and harassment are not inevitable and should not be accepted as a normal part of life.

The Why Loiter movement in India challenges gendered expectations and norms regarding public spaces. It advocates for women's right to occupy public spaces without fear or judgment, and to engage in activities such as loitering. The campaign aims to change the dominant narrative that women should not be in public spaces, especially at night, and to shift the responsibility for safety from the victim to the perpetrator.

The campaign highlights that safety and enjoyment of public spaces should be accessible to all, and that gendered violence and harassment are not acceptable. It has sparked important conversations about safety, gender relations, and the nature of public space in India, and has created safer spaces for women to gather and engage in activities.

Even today female continues to face opposition from those who uphold traditional gender roles. The Why Loiter campaign is an example of how grassroots movements can challenge social norms and bring about change, empowering women and creating a more inclusive and safe public space for all genders.

The Why Loiter campaign has initiated significant changes in public policies and norms in India. It has helped to create a space for women to enjoy and inhabit public spaces without fear of harassment, and to challenge traditional gender roles that restrict women's mobility and access to public spaces. The campaign has also been successful in bringing

important issues related to gender, safety, and public space to the forefront of public discourse in India and beyond.

In addition to creating safe spaces for women, the Why Loiter campaign has also worked to educate and raise awareness about the importance of women's right to public space. By highlighting the fact that women have a fundamental right to occupy and enjoy public spaces, the campaign has helped to challenge the dominant narrative that women are responsible for their own safety and should therefore avoid public spaces.

Overall, the Why Loiter campaign has made significant strides in creating a more inclusive and safe public space for women in India, and has inspired similar movements in other parts of the world. It has demonstrated the power of grassroots movements in challenging social norms and bringing about change, and serves as an important example of the ongoing struggle for gender equality and justice.

The right to loiter is a fundamental and unconditional right for women, just like it is for men. For far too long, we have been using justifications like education, employment, and shopping to explain women's presence in public spaces. But the right to loiter affirms that women can be in public spaces, during the day or night, for work or pleasure, alone or with others, and wearing whatever clothes they choose, without fear of physical, sexual, or psychological violence. It is a direct challenge to victim-blaming, where women are often held responsible for violence against them in public spaces.

Loitering as a sustained, long-term, and peaceful resistance is also a way to normalize women's visibility in public spaces and challenge norms of respectability, safety, and reason. This will create far-reaching effects on women's physical safety, social, physical, cognitive, and economic growth. It will also change societal perceptions of women in public spaces, eradicating victim-blaming and self-blaming. Additionally, it will push the state to create infrastructure that supports women's accessibility and safety in public spaces, including street lights, public toilets, helplines, patrolling, and more.

The right to loiter is part of a larger spectrum of rights, including basic sanitation, reproductive rights, and the fight against domestic violence. All of these rights seek to ensure that women are treated as individuals with equal social, economic, and political opportunities. The right to loiter is based on the pleasure principle, which is the most basic and yet the most evolved way of achieving equality in society. It forces society to see women as evolved, creative, free-spirited, inspirational, adventurous, and productive beings who demand that their cities, villages, and towns belong to them in every respect, unconditionally, as they belong to men. Through making women invisible in public spaces, society is not making them safer but rather making public spaces even more dangerous for them.

When society views women as wholesome beings occupying 50% of all spaces, they will also be open and accepting of women's right to reproduction, sanitation, and the fight against domestic violence. Society's

tendency to view women's presence in public spaces as a risk is not a solution. Rather, it makes women invisible in public spaces, thereby making those spaces even more dangerous for women.

Check Your Progress

1. Through which book Why loiter movement began.

2. Who started the why loiter movement?

11.2 SOLUTION OFFERED BY WHY LOITER

The Why Loiter campaign advocates for a different approach to creating safer public spaces for women. Rather than imposing strict controls and regulations on public spaces in the name of safety, the campaign argues that the key is to occupy and enliven public spaces with large numbers of people, including women and other marginalized groups. By doing so, the campaign contends, these spaces can become more welcoming and safer for everyone, including men, children, transgender individuals, religious minorities, and people with disabilities.

The campaign points to examples such as Shivaji Park in Mumbai, which is open, accessible, and always occupied by large numbers of people, making it one of the safest public spaces in the city for women. In contrast, spaces that are strictly controlled and privatized, such as Oval Maidan in Mumbai, tend to be less welcoming to women and other marginalized groups. As a result, very few women are seen as loitering there.

Privatization of spaces and denial of access to certain sections of society makes spaces dangerous for women. Another case in point, after the hawkers and book sellers were removed from the fort area of South Bombay, the area became desolate and dangerous for women, who earlier would stroll around till late browsing through books, eating pani puri and chatting on the roads, safe because of the sheer numbers of hawkers and food stalls.

Why Loiter? believes that the only way to make spaces safe is to access the right to risk, in large numbers, and occupy these spaces during day and

night, thus making it accessible and safe for the entire society, and normalize women's and other minorities' presence in these spaces.

The very act of loitering in public spaces that are free and open to all creates a gradual change in the minds of all that are watching, irrespective of class/caste/religion and inspires others to do the same.

The Why Loiter campaign argues that creating safer public spaces requires allowing for risk and promoting the right to loiter in public spaces. By occupying public spaces in large numbers, women and other marginalized groups can normalize their presence and gradually change social attitudes towards their right to be in public spaces. The campaign believes that this approach is more effective than attempting to regulate or exclude certain groups from public spaces in the name of safety. A journalist in Pakistan started similar movement called Girls at Dhaba.

Check Your Progress

1. According to you how can we make public spaces more accessible for women.

2. Discuss oval maidan infrastructural complexity for women.

Why Loiter today after the book:

There is growing awareness of the relationship between women and the city, but actual action to address systemic issues of exclusion is often limited to visible projects like hostels for working women. Gender-sensitive planning is often just a lip service to meet development goals or for good public relations. Furthermore, the author argues that even when there is a recognition of the need for gender-sensitive planning and policymaking, the actual implementation of such policies is often inadequate. This is because there is a lack of political will and commitment to truly address the systemic issues of exclusion faced by women in the city. Instead, efforts tend to focus on quick-fix solutions that are easier to implement and can be showcased as achievements, rather than addressing the root causes of gender-based discrimination.

While there is an increasing recognition of the need for gender-sensitive planning and policymaking in cities, there is still a long way to go in terms

of actual implementation and addressing the systemic issues of exclusion faced by women. It is essential that policymakers and planners adopt a more comprehensive and long-term approach to address these issues, rather than focusing on quick-fix solutions that do little to address the root causes of gender-based discrimination in cities.

11.3 SUMMARY

The Why Loiter movement was started by Neha Singh after reading the book why loiter written by Shilpa Phadke, Sameera Khan, Shilpa Ranade which presents a realistic picture of women in cities.

The “Why Loiter” movement aims to challenge societal norms and change perceptions of women’s right to occupy public spaces. It advocates for women’s unconditional and uninhibited presence in public spaces, both during the day and at night, for work or for pleasure, alone or in a group, regardless of their appearance or behavior. The movement seeks to normalize women’s visibility in public spaces, break norms of respectability, and eradicate victim blaming. It also calls for the creation of infrastructure that supports women’s accessibility and safety in public spaces, such as street lights, public toilets, helplines, and patrolling. The movement believes that by pushing the envelope of society and making women more visible in public spaces, women will be seen as evolved, creative, free-spirited, inspirational, adventurous, intelligent, and productive beings, and will be granted equal social, economic, and political opportunities.

11.4 QUESTIONS

1. Discuss the Why loiter movement?
2. Write a note on the solution provided by the Why Loiter movement.
3. Discuss the impact of the Why loiter movement?

11.5 REFERENCES

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RIGHT TO BLEED

Unit Structure

- 12.0 Objectives
- 12.1 Introduction
- 12.2 Right to bleed
- 12.3 Menstrual Hygiene Scheme in India
- 12.4 Happy to bleed campaign
- 12.5 Summary
- 12.6 Questions
- 12.7 References

12.0 OBJECTIVES

- To learn about the right to bleed campaign
- To understand the conditions of female and health

12.1 INTRODUCTION

In this chapter we are going to learn about Right to bleed. The “Right to Bleed” movement is focused on achieving menstrual equity, which means ensuring that all individuals who menstruate have access to the resources needed to manage their periods without any problem. The campaign aims to advocate for policies and practices that make menstrual products affordable and easily available to everyone, irrespective of their gender, socioeconomic status, or location.

In addition to this, the campaign aims to create awareness about the discrimination and stigma that individuals who menstruate face and encourage acceptance of menstruation as a natural and normal part of life. The “Right to Bleed” campaign is part of a larger effort to promote gender equality and reproductive justice and to establish a world where everyone can live with dignity and respect, regardless of their biological sex or gender identity.

Meaning of Campaign:

A campaign refers to a coordinated and planned series of actions, events or efforts that are aimed at achieving a specific objective or goal. Campaigns are generally geared towards creating awareness about an issue, advocating for a cause, or driving social or political change. The nature of campaigns can vary depending on the desired outcome. For example, political campaigns may include rallies, speeches, and advertisements to promote a candidate or a policy. Social media campaigns, on the other hand, may involve creating hashtags, sharing

posts, or organizing online events to raise awareness about a specific issue. A fundraising campaign may involve a series of appeals or events to collect donations for a cause or organization. The primary objective of a campaign is to mobilize people around a particular issue or cause and drive action and change. Successful campaigns are usually well-planned, strategic, and focused on specific goals and objectives. They may use various tactics and approaches to reach their target audience.

12.2 RIGHT TO BLEED

The “Right to Bleed” initiative is an online movement with the purpose of promoting menstrual equity and ensuring that all females have access to menstrual products and facilities. The campaign began as a social media movement with the hashtag #RightToBleed and gained significant momentum throughout the country.

The initiative involved numerous activities such as online petitions, social media campaigns, and offline demonstrations and protests. The organizers utilized various online platforms, including WhatsApp, Twitter, and Facebook, to mobilize supporters and increase awareness of the importance of menstrual equity.

The right to bleed encompasses access to adequate menstrual hygiene products and a nutritious diet. This knowledge should not be limited to just girls and women, but should also include boys and other members of society. The achievement of dignified menstruation requires the involvement of various members of society. Schools, colleges, and workplaces should organize awareness campaigns to educate people about menstruation (Dega, 2019).

The “Right to Bleed” movement is an ongoing campaign that aims to promote the concept of menstrual equity, which advocates that all individuals who menstruate should have access to the resources they require to manage their periods with respect and without shame. The primary focus of the campaign is to push for policies and practices that would make menstrual products affordable and accessible to everyone, regardless of their socioeconomic status, gender, or location.

Additionally, the campaign aims to increase awareness about the discrimination and stigma that individuals who menstruate often face and promote better understanding and acceptance of menstruation as a normal and natural part of life.

In general, the “Right to Bleed” campaign is part of a larger effort to promote reproductive justice and gender equality and to create a world where every individual can live with dignity and respect, regardless of their gender identity or biological sex.

The “Right to Bleed” campaign focuses on providing sustainable menstrual hygiene solutions for women and girls in rural areas. Since its inception, the campaign has gained momentum and has played a

significant role in raising awareness about the difficulties and obstacles that women and girls face while managing their periods.

Over the years, there have been significant advancements in menstrual equity and reproductive justice in India as a result of the “Right to Bleed” campaign. For example, in 2017, the Menstrual Hygiene Scheme was introduced, which aims to enhance access to menstrual hygiene products and facilities for women and girls in rural areas. Additionally, the Goods and Services Tax (GST) was removed from menstrual products in 2018, which had previously made these products more costly and less accessible for many women and girls in India. Yet, there is GST on the raw materials used in making the feminine products which further the cost is transferred to the customers by the producing companies.

To raise awareness about the rights related to Menstruation and women’s health, May 28th is celebrated as the Menstruation Day. The reason for observing the day on May 28th is that the average menstrual cycle lasts for 28 days and individuals typically menstruate for around three to five days each month. As May happens to be the fifth month of the year, it aligns with this pattern. The purpose of the movement is to promote menstruation as a natural bodily function that people can be experienced without experiencing exclusion, fear, shame, or any other negative treatment. Additionally, it aims to increase understanding of period poverty, which refers to the lack of access to menstrual products and the resulting inability to maintain menstrual health and hygiene with dignity (UNPF).

Menstrual activism and discussion on Right to bleed also emerged in the United States during the 1970s as a response to toxic shock syndrome, a rare and potentially fatal condition linked to the use of tampons. This movement initially focused on improving women’s comfort during menstruation and has since expanded to include efforts for “menstrual equality” all genders who also menstruate. The movement has led to initiatives such as providing free menstrual products in school bathrooms, including in restrooms. There are different human rights connected to human and menstruation. **These movements have brought attention to the connection between menstruation and human rights, including the right to water and sanitation, right to human dignity, right to adequate health, right to education, right to work, and the right to informed decisions about hormonal control of periods.** Despite some education about menstruation and menstrual hygiene, more action is needed to change societal perceptions and promote menstrual equality worldwide. In addition to education, there are several practical steps that can be taken to improve menstrual health and hygiene globally. In a way there needs to be right to education. There are jobs where companies’ owner penalize the females when they take bathroom break. This in a way, creates stress and fearful and hence overall effecting the health of females. Specially if the work is manual like weight lifting like in construction industries it turns out to be more painful. Hence to right to dignity in work is needed. Hence, a decent workplace and safe work place is needed and clean toilets are needed whether it be schools or workplace. In terms of right to be informed is knowing one’s own body and the different cycles

so that the females know whether they wish to make choices related to their child birth if they themselves wish to. In other words, body literacy is needed. In many parts of the world, menstrual products are prohibited and are expensive or simply unavailable. This can lead to girls missing school or women missing work during their periods. Governments and NGOs can work to increase access to menstrual products, including reusable options like menstrual cups and cloth pads.

Another step is to **improve sanitation infrastructure**. Access to clean water, toilets, and handwashing facilities is essential for menstrual hygiene. In many communities, these facilities are inadequate or non-existent. Governments and NGOs can invest in sanitation infrastructure to ensure that everyone has access to safe and clean facilities. Here right to clean water is needed.

It is important to **challenge the stigma and shame** surrounding menstruation. As still there is menstruation related exclusion in schools, houses, workspaces, teasing, guilt which leads violation of **human right to dignity**. There is still stigma associated with periods and hence females are hesitant to take medical help when in pain, they are expected to bear it. Menstruation should be seen as a normal and natural part of life, not something to be hidden or ashamed of. This requires changing cultural attitudes and beliefs around menstruation, which can be a slow and challenging process.

Overall, there is still much work to be done to ensure that menstruation is seen as a human rights issue and that everyone has access to safe and dignified menstrual health and hygiene. By educating ourselves and others, advocating for change, and taking practical steps to improve menstrual health, we can work towards a more equitable and just society for all.

Menstrual hygiene management (MHM) is a crucial aspect of the broader efforts to promote Sexual and Reproductive health and rights. MHM is an issue that intersects with various human rights, particularly economic and social rights, such as the right to health, education, and employment. Ensuring that women and girls can manage their periods with privacy, safety, and dignity is essential.

Check Your Progress

1. Sanitation infrastructure needs to be developed or not – Comment.

2. What is Menstruation hygiene management ?

12.3 MENSTRUAL HYGIENE SCHEME IN INDIA

The Ministry of Health and Family Welfare of India has launched a program to encourage menstrual hygiene among rural adolescent girls aged 10-19. The goals of the program is to raise awareness about menstrual hygiene, increase access to and use of high-quality sanitary napkins, and ensure that the napkins are disposed of safely and in an eco-friendly way. In 2011, the program began in 107 selected districts in 17 states, providing a pack of six sanitary napkins called “Freedays” to rural adolescent girls for Rs. 6. From 2014 onwards, funds have been provided to states and union territories under the National Health Mission to buy sanitary napkin packs at a subsidized rate of Rs. 6 for six napkins. ASHA workers will continue to be responsible for distributing the napkins and will receive an incentive of Rs. 1 per pack sold, as well as a free pack of napkins every month for their own use. Monthly meetings will be held at Aanganwadi Centres or other platforms to discuss menstrual hygiene and other sexual and reproductive health issues, and a range of information, education, and communication materials will be created to raise awareness among adolescent girls.

Period poverty:

Period poverty refers to the absence of menstrual products and education, along with the social stigma and financial constraints that hinder individuals from managing their menstrual cycles with respect. The period poverty campaign endeavors to increase awareness of the issue and campaign for policies and programs that combat it. The objective is to guarantee that everyone has access to cost-effective and safe menstrual products, in addition to information and guidance required to manage their periods with dignity, devoid of shame or stigma. The campaign also aims to promote education and consciousness on menstrual hygiene and health, and abolish social and economic barriers that hinder access to menstrual products and services. The period poverty campaign is a crucial initiative to foster menstrual equity and assure that people can handle their menstrual cycles with respect, regardless of their gender, income, or background.

Numerous online and offline campaigns have taken place in the UK to promote menstrual equity and combat period poverty, which is the inability to afford or obtain necessary menstrual products. Among these campaigns, “Free Periods” stands out, initiated by activist Amika George in 2017. “Bloody Good Period” and “The Homeless Period” are other campaigns that have concentrated on supplying menstrual products and assistance to marginalized and vulnerable groups, such as refugees and homeless individuals.

In India one even today period poverty exists where women do heavy work even during periods out of the fear that they would lose their jobs and would face stigma from co-workers. For example – Sugar cane workers. The nature of poverty leads them to do heavy work in addition to that pregnancy, household work. This leads to health issues and when they approach doctors there are cases where they are asked to remove their uterus and that is seen as the solution though it leads to other new set of health issues. Hence organizations like Healthians are launching a petition to ban uterus removal surgeries in rural areas. The disabled girls face more problem with misguidance both from doctors and parents (Down to earth).

12.4 HAPPY TO BLEED CAMPAIGN

The “Happy to Bleed” campaign is a social media movement that emerged in India in 2015 as a reaction to the limitations imposed on women’s access to specific religious places during menstruation. The campaign encouraged women to openly discuss menstruation and combat the social stigma and taboos surrounding it. Women shared pictures of themselves with menstrual products on social media, along with empowering messages of solidarity as part of the “Happy to Bleed” campaign. Its aim was to challenge the notion that menstruation is a not shameful or unclean thing and promote reproductive justice and menstrual equity. The campaign quickly gained popularity in India and attracted international attention, leading to a broader conversation about menstrual equity and the difficulties faced by women and girls in managing their periods. Although the primary focus of the campaign was to address the issue of menstrual taboos and restrictions in religious spaces, it has since evolved into a more extensive movement for menstrual equity and reproductive justice.

Check Your Progress

1. What is the relevance of May 28th?

2. What are the different human rights connected to menstruation.

12.5 SUMMARY

In India, the “Right to Bleed” campaign has been an important movement to promote menstrual equity and raise awareness about the challenges and barriers that women and girls face when it comes to managing their periods. In India, as in many other countries, menstruation is often considered a taboo subject, and women and girls may face discrimination and stigma as a result.

One of the key issues that the “Right to Bleed” campaign seeks to address is the lack of access to menstrual products and facilities. Many girls and women in rural areas of India do not have access to affordable and hygienic menstrual products, such as pads or tampons, and may resort to using unhygienic materials like old cloth or rags during their periods. This can lead to health problems such as infections and urinary tract infections. The chapter discusses other concepts like period poverty.

12.6 QUESTIONS

1. Explain the concept period poverty.
2. Discuss in brief the happy bleed campaign.
3. Write a note on Right to bleed.

12.7 REFERENCES

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- Unfpa – United nations population fund.
- <https://www.degruyter.com/document/doi/10.36019/9780813549538-007/pdf> The emergence of menstrual activism.

PINJRA TOD MOVEMENT

Unit Structure

- 13.0 Objectives
- 13.1 Introduction
- 13.2 History of the movement
- 13.3 Critique
- 13.4 Conclusion
- 13.5 Summary
- 13.6 Questions
- 13.7 References

13.0 OBJECTIVES

- To introduce you to Pinjra Tod Movement
- To understand how the social movements play a major role in bringing about changes in the society

13.1 INTRODUCTION

“Pinjra Tod,” or ‘Break the cages,’ is a group founded in August 2015 by women students of various universities demanding equal rules for men and women in Indian universities. Pinjra Tod, started in 2015 by women students of various universities in the capital city of New Delhi, has been demanding equal rules for men and women in Indian universities, especially university hostels. Over time, the movement gathered momentum and came to include more ideas and perspectives, from the issues of accommodation to fighting the general atmosphere of patriarchy in the campuses.

The Pinjra Tod movement, comprised of women from colleges in Delhi University, Jamia Milia Islamia, Ambedkar University, National Law University and Jawaharlal Nehru University, grew out of a simple Facebook page, where female hostel and PG residents began sharing their bitter experiences with guards, wardens, principles, landlords and the like. What is clear from all these stories is the need for an all-out rejection of these restrictive rules and the patriarchal protectionism they are built on.

13.2 HISTORY OF THE MOVEMENT

In 2015, Jamia Millia Islamia University, a Central University in Delhi, decided to cancel late night permissions for women students. The hostels in Indian universities have a curfew time for women ranging from 7:30 pm to 10:00 pm and it varies for undergraduate women and post-graduate

women, while men's hostels do not have any curfew. In cases where men's hostels have a curfew, they are just on paper with no real implementation.

The women accommodation authorities allow women to have two to four "late nights" per month and a similar amount of "nights out" with written permission from their parents 24 hours before they want to go out. For night outs, the students have to bring back a signature of their "local guardian" on a hostel issued permission book which proves that they have stayed with the guardian and not with anyone else.

Jamia Millia University decided to cancel "late nights" for women students, which angered them. A student then penned an anonymous letter criticizing the move by the university restricting the mobility of female students and deems them childish. The university legitimized their decision by saying that they are doing this to provide safety for the women students since Delhi is known as the rape capital of India.

"This reason is ridiculous because if a woman for any reason comes late and cannot make it to the hostels by the curfew time, they are asked to stay outside of the hostel without any regard to their safety," argued Avantika. "Where is the concern for their safety then?"

After the anonymous letter, women students of various universities came together and started the movement demanding their respect and autonomy and an end to the infantilization of adult women.

In 2016, women from educational institutions across the country joined Pinjra Tod to speak about their suppression, taking the fight against curfew hours much further, challenging deeply entrenched attitudes about women's bodies—be it a ban on wearing shorts in some hostels, or being forced to wear a dupatta over laboratory coats, or the lack of enough accommodation.

In 2016, Pinjra Tod continued to walk the streets at night, especially through the streets in Delhi where most of the hostels are located, shouting slogans, demanding locks be broken. They documented their processes through photographs and video and shared them on social media, inspiring women from lesser-known colleges in other parts of the country to share their experiences.

Unlike other feminist campaigns and movements, Pinjra Tod has been attentive to gender-based discrimination and its relation to other forms of discrimination based on caste and class. The reason Pinjra Tod is unique, says feminist historian Uma Chakravarti, is that it has been responsive to movements that challenge other forms of discrimination based on caste. Its participants travelled to Gujarat when Jignesh Mevani raised the issue of discrimination against Dalits. "They have localized the movement to reflect South Asian patriarchy, which ties in with elements of caste, class and the politics of reproduction," Chakravarti says.

But PinjraTod has spread to other institutions because of their sense of a feminist collective that can be replicated, as opposed to a rigid leadership.

Their core team intends the movement to be issue-driven rather than leadership-driven," says Chakravarti. "The metaphor of the cage (pinjra) is reminiscent of the language used in literature by women since the 19th century," she adds. "The word evokes the easily recognizable attempt to continue the patriarchal social order. This evocation has hence travelled far, and has opened a way of resistance that resonates with a lot of Indian women."

13.3 CRITIQUE

On February 18, 2019, Live Wire reported the release of a statement by 9 ex-members of the popular women's movement. The statement comes as an explanation for the members' decision to quit the organisation, and in doing so it brings to light the multi-layered problems of race, caste, religion, etc. that lead to anxiety and unease among members, prompting them to quit the movement, although no figures were explicitly reported apart from these 9 undersigned.

The statement accuses Pinjra Tod of being an exclusionary organisation, run and controlled by their oppressors, "the upper caste Hindu women" who use the labour of the women belonging to marginalised groups and include them only for performative purposes, side-lining them when it comes to actual decision making.

According to the statement, Pinjra Tod only includes the marginalised to show inclusiveness and diversity while there are hardly any women from marginalised groups, apart from a few exceptions, in the core committee. The other issue that was raised was the way in which the upper caste women in Pinjra Tod try to "organise" and "politicise" the women of marginalised groups. Another issue that was raised was how the voices and opinions of women of marginalised groups either go unheard or do not get the same consideration as that of the upper caste Hindu women. This also throws light upon the hegemony of the few Hindu women who lead and run the organisation, and how there is not enough space to put forth diverse opinions. One major example made this difference apparent. Some wanted reservation for students of the OBC community in hostels, and to do away with the merit based system of allocation of seats in the college accommodation. But, there was no consensus for the demand among other members of the group.

"And we know in full confidence that if the demand for OBC reservation had been the central issue of the 2018 protest or to do away with the admission procedure based on merit, then only a handful (that too doubtful) would have turned up for the "militant" protest held outside the LSR gates."

The statement alleges, pointing how the interests of marginalised sections are not brought to the forefront. The issue of discrimination and problems that the women of marginalised groups face at the hands of the upper caste women in their hostels and colleges was also raised several times but did not get any voice from the movement at large.

“If Pinjra Tod was a movement led by women from oppressed communities or even a movement for social justice in its true sense, then wouldn’t this come first in their agenda?” they asked.

Finally, the tension that Pinjra Tod is experiencing draws our attention to a very interesting aspect in the trends of Indian social movements and pressure groups. The fact is that India has an added layer of hierarchical distinction (read the caste system) – along with regional, lingual, religious and racial differences becomes a hindrance when it comes to mobilising people for a cause.

13.4 CONCLUSION

Even when the goal is common, the rift and tension caused by conflicting interest often manages to overwhelm the uniting force of a common goal.

If one looks at it from another perspective, it is not the “bringing people of diverse groups together for a common cause” that leads to problems. When viewpoints clash even under an umbrella goal, the fight over whose interest be prioritised takes precedence. This is where toxic hierarchical distinctions in India puncture solidarity.

In a situation like this, conflicting ideologies and problems arising from them are inevitable. For any collective to be successful in India what is needed is proper accommodation of overlapping ideas, a space for each of them to grow and express.

13.5 SUMMARY

“Pinjra Tod,” or ‘Break the cages,’ is a group founded in August 2015 by women students of various universities demanding equal rules for men and women in Indian universities. Pinjra Tod, started in 2015 by women students of various universities in the capital city of New Delhi, has been demanding equal rules for men and women in Indian universities, especially university hostels. Over time, the movement gathered momentum and came to include more ideas and perspectives, from the issues of accommodation to fighting the general atmosphere of patriarchy in the campuses.

The Pinjra Tod movement, comprised of women from colleges in Delhi University, Jamia Milia Islamia, Ambedkar Univeristy, National Law University and Jawaharlal Nehru University, grew out of a simple Facebook page, where female hostel and PG residents began sharing their bitter experiences with guards, wardens, principles, landlords and the like. What is clear from all these stories is the need for an all-out rejection of these restrictive rules and the patriarchal protectionism they are built on.

13.6 QUESTIONS

1. Write a note on Pinjra Tod movement.

13.7 REFERENCES

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ME TOO

Unit Structure

- 14.0 Objectives
- 14.1 Introduction
- 14.2 Understanding the Me too movement
- 14.3 Me too movement in India
- 14.4 Summary
- 14.5 Questions
- 14.6 References

14.1 INTRODUCTION

In this chapter you are going to learn about one of the impactful online movements of the globalization era, i.e., me movement. As students of sociology studying social movements is very important. Hence, learning about me too is useful for both awareness and learning about the gaps in the system and to learn about the injustice and problems women face even today. The uniqueness about this online campaign which is different from the traditional movement and it cuts across time and space.

The advent of social media has led to significant changes in society, as online platforms have enabled information to reach larger audiences than ever before. The Me-too movement, which had a significant global impact. Women's voices on social media were able to reach a vast audience. Given its popularity and impact, it is essential to learn more about this movement.

Before learning about Me too movement let us learn about the background of it i.e., **online movements**. Online activism is made possible by social media in main ways. First, they provide people a platform to share their thoughts and experiences while connecting them to social problems. Second, they give members of the online community the opportunity to encourage one another, plan events, and respond to criticism of their actions. In this context, there is a term used i.e., “digilantism, which means using the internet to punish those they believe are guilty or corrupt through monitoring, bad publicity, unwelcome attention, and repression. People who practice Digilantism take matters into their own hands. This can promote activism in-groups and raise awareness. However, it can also lead to an inter-group backlash and has drawbacks comparable to vigilantism.

Origin:

The MeToo movement originated in 2006 through the efforts of Tarana Burke, an American community organizer and activist she used me too in her social media account called Myspace. Nonetheless, the movement achieved worldwide recognition and gained momentum in 2017 when actress Alyssa Milano tweeted an invitation to women to share their stories of sexual harassment and assault using the hashtag #MeToo, which became viral on social media.

The Me-too movement, which originated in 2017, utilized the hashtag #MeToo to generate widespread awareness about sexual harassment and assault. Women from different backgrounds used the hashtag to share their experiences and to call for a shift in societal attitudes towards such behavior. This movement resulted in significant conversations about the issue, and high-profile individuals faced consequences for their alleged sexual misconduct.

The Me-too movement has demonstrated the power of social media in initiating social change. It has emphasized the importance of online platforms in enabling those who have been silenced or marginalized to have a voice. Therefore, the Me-too movement serves as a valuable example for studying the impact of social media on society. By providing a platform for women to share their stories, the Me-too movement also helped to reduce the stigma and shame associated with reporting instances of sexual harassment and assault. The movement has led to a shift in societal attitudes towards these issues, with more people now willing to speak out against such behaviour and to hold perpetrators accountable for their actions.

Moreover, the Me-too movement has inspired other social media campaigns aimed at raising awareness about a range of social issues, such as racial discrimination and gender inequality. These movements have further demonstrated the potential of social media to bring about change and to empower those who have traditionally been marginalized in society. The Me-too movement has had a profound impact on society, initiating important conversations and changes in attitudes towards sexual harassment and assault. It has demonstrated the power of social media in creating social change, empowering those who have been marginalized, and providing a platform for their voices to be heard.

Check Your Progress

1. Explain the concept digilantism.

2. How did the me too movement began explain?

14.3 ME TOO MOVEMENT IN INDIA

The Me-too movement gained momentum in India in 2018 after an actress accused her co-star of sexual harassment on a film set. This led to a wave of women coming forward on social media to share their own experiences of sexual harassment and assault in various industries, including Bollywood, journalism, and academia.

The movement in India brought attention to the widespread issue of sexual harassment and assault, and emphasized the need for change in societal attitudes towards such behavior. It led to the downfall of several prominent figures in the Indian entertainment industry, and resulted in the creation of organizations aimed at supporting survivors of sexual harassment and assault.

The Me-too movement in India is considered a pivotal moment in the country's approach to tackling sexual harassment and assault. It has given women the courage to speak out against such behavior and prompted many industries to reassess their practices and policies. The movement has also brought attention to the need for greater education and awareness around issues of consent and sexual violence, resulting in the establishment of organizations dedicated to supporting survivors and driving change.

Overall, the Me-too movement in India has been a catalyst for change, creating greater awareness around issues of sexual harassment and assault, leading to important legislative and social changes, and sparking conversations around gender equality and human rights in India. Despite facing opposition and obstacles, the movement has had a significant impact on Indian society.

The Me-Too campaign in India gained momentum and has been extensively covered by major media outlets. Victims have been calling out their abusers, resulting in significant social consequences for the accused, such as job termination, condemnation and disassociation from their industry, and backlash from their fans and the public. Despite receiving support and coverage from the media, accusers have also been subject to countersuits from the accused.

Positive impact of me too:

The MeToo movement has had several positive effects, including the formation of a supportive community of women who can openly discuss their experiences of sexual abuse and harassment. This community has

helped victims to feel more integrated into society. The movement has also increased awareness among women about their rights in the workplace and beyond, while simultaneously educating men about the potential consequences of their actions. Additionally, the movement has played an important role in exposing individuals like Harvey Weinstein who was previously shielded from accountability, and bringing them to justice. Finally, the movement is inclusive and provides support to individuals regardless of their gender, race, or religion who are suffering from sexual abuse and harassment. Due to the me too movement, the larger debate opened up and thought process that any kind of abuse should not be tolerated. A strong message was conveyed to girls and boys that they can raise the voice against even a powerful person let it be a teacher, neighbour etc. The discussion with me too brought this space.

In October 2018, journalist Priya Ramani accused former Union minister MJ Akbar of sexual harassment while she was working under him at an Asian Age newspaper in the late 1990s. This led to many other women coming forward with their own stories of harassment. In January 2019, Akbar filed a defamation case against Ramani, which the Delhi High Court began hearing. The National Commission for Women (NCW) also conducted an inquiry into the allegations against Akbar and concluded in April 2019 that he was guilty of sexual harassment. Akbar resigned as Union minister in August 2019 and filed a defamation case against Ramani and others who accused him of harassment. However, in February 2021, a Delhi court acquitted Ramani of defamation charges, stating that she was speaking the truth when she accused Akbar of harassment.

The MeToo movement in India helped to raise awareness of the issue of sexual harassment and assault in the country, but progress in holding perpetrators accountable has been slow. Nevertheless, it prompted amendments to the POSH Act in 2018 and 2019, which expanded the definition of sexual harassment to include incidents outside of the workplace, extended the time limit for filing complaints, and provided protection for complainants and witnesses, including anonymity and protection against victimization.

Criticism:

Despite facing criticism, some argue that the Me-too movement has given rise to a culture of “cancellation” without verifying the facts. There are also debates around the effectiveness of social media activism, which may not always result in concrete outcomes. Some criticized the movement for targeting men without due process. Despite this, the movement sparked crucial conversations about consent, power dynamics, and accountability in Indian society, and underscored the urgency of addressing the pervasive problem of sexual harassment and assault in the country.

Nonetheless, the movement has brought attention to an issue that has often been overlooked and normalized in society. It has led to significant discussions around accountability, power dynamics, and consent. Furthermore, the Me-too movement has inspired other social media

movements aimed at generating social change, such as Black Lives Matter and climate activism.

Overall, the Me-too movement stands as a powerful instance of the potential for social media to create societal change. Despite its shortcomings and criticisms, it has managed to amplify the voices of those who have been marginalized and silenced. It highlights the importance of continuing to have open conversations and taking action to address issues surrounding sexual harassment and assault. Additionally, it emphasizes the role that social media can play in bringing about changes in society.

The Me Too movement has been criticized for lacking a clear purpose, with questions raised about whether it aims to inspire change in all men or just a certain percentage, and what specific actions it aims to achieve. Additionally, the movement's publicizing of victims' experiences could potentially cause trauma by triggering memories of their assault and harassment. The movement has also been criticized for not acknowledging the sexual assault and harassment experienced by sex workers. Furthermore, the movement's lack of fact-checking could result in false rape accusations.

With the Me too movement becoming popular several other Acts which protect women's rights became known to lay person like Vishaka Guidelines, (Posh Act), Sexual harassment of Women at Work place, Prevention, Prohibition and Redressal Act, 2013, She box. Let us look more into the she box.

Check Your Progress

1. What changes was brought in the Posh Act?

2. Did me too movement inspire social media campaigns – comment.

She box:

The Government of India with the Ministry of Women and Child is making an effort with the Sexual Harassment Electronic Box (SHe-Box) to give every woman, regardless of her employment status—whether employed in the organised or unorganized, private or public sectors—a single point of access to make a complaint against sexual harassment.

Through this platform, any woman who has experienced sexual harassment at work can file a complaint. When a complaint is made using the “SHe-Box,” it is immediately forwarded to the relevant authority with the authority to investigate the situation.

14.4 SUMMARY

The MeToo movement, which originated in the United States and gained global momentum, has had a significant impact on society and culture. By bringing allegations of sexual harassment and assault to the forefront, it has raised awareness and empowered women to speak out. However, the movement has also faced criticism regarding issues like false accusations and the re-traumatization of victims. Despite these challenges, the movement has resulted in legal and social reforms related to workplace safety and harassment. It has sparked essential discussions around power dynamics, gender inequality, and consent. In conclusion, the MeToo movement has brought about important changes and will continue to influence society’s response to sexual harassment and assault.

14.5 QUESTIONS

1. Write a note on the post impact of me-too movement
2. Discuss in brief the me-too movement
3. Write a note on the she box
4. Discuss some of the criticism of me-too movement.

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Faculty of Humanities

TYBA

(Choice Based Credit System, CBCS) Semester V and Semester VI Question Paper Pattern for T.Y.B.A
(CBCS) applicable to all the papers from Paper IV to Paper IX.

As per University rules and guidelines With Effect From 2018-2019

(Time: 3 Hours)

Note: 1. Attempt all questions

2. All questions carry equal marks

(Total = 100 marks)

Q.1 (Based on Module I)

(20 marks)

a.

or

b.

Q.2 (Based on Module II)

(20 marks)

a.

or

b.

Q.3 (Based on Module III)

(20 marks)

a.

or

b.

Q.4 (Based on Module IV)

(20 marks)

a.

or

b.

Q.5 Attempt any two short notes. (Based on Module I, II, III and IV)

(20 marks)

a.

b.

c.

d.
