

NHRC – NALSAR CONFERENCE

Minutes of NHRC-NALSAR Conference on Integrating Women's Development with Nation's Development: Role of Stakeholders held on 17 January, 2020

1. The National Human Rights Commission in collaboration with National Academy of Legal Studies and Research (NALSAR) University of Law, Hyderabad held a one-day conference at NALSAR University of Law, Hyderabad. The conference was chaired Ms. Jyotika Kalra, Member, NHRC. Other guests of honour included Mr. Jaideep Govind, Secretary General, NHRC; Mr. G. Chandraiah, Chairperson, State Human Rights Commission (Telangana) and Mr. Jagadeeshwar, Principal Secretary, Telangana State Government.
2. The conference observed participation from practitioners, academics, women as entrepreneurs, industry experts and law students and others. A list of participants is annexed. The theme of conference was divided in to four broad sessions – two reserved for panel discussions and two for paper presentations. Each of the session examined a different angle to the overarching topic. The broad themes for the two panel discussion sessions were: (1) Sociological Dimensions, and (2) Women's 21st Century Stories. Each of the panel discussions were further divided in to sub-themes. The themes for the paper presentation sessions were (1) Economics Through the Lens of Feminism, and (2) Women in Democracy.
3. The main objectives of the conference were: (i) to raise awareness among various stakeholders of the various issues specific to women's development, (ii) start a dialogue among stakeholders at various levels – students, academics, practitioners – of the ways in which women's development will positively impact the development of the country, (iii) to attempt to identify various areas that need the attention of society and law-making bodies which will bring about the results aforementioned.
4. **INAUGURAL SESSION:** A welcome address by Prof. (Dr.) Faizan Mustafa, Vice Chancellor, National Academy of Legal Studies and Research (NALSAR) University of Law, emphasized the role played by the National Human Rights Commission in the promotion of human rights in the country and including students at the university level. Dr. Mustafa underlined the need of creating such importance especially in the current socio-political scenario which is seeing the increased participation of women in every sphere.

(ii) Mr. Jaideep Govind, Secretary General, NHRC, set the tone for the conference while recalling the historical struggle of women and the in role across the world in quelling oppression and rising above several challenges. While emphasizing the need for extraneous assistance to women in meeting their challenges, like providing access to justice, he also pointed to the need to achieve participative development, which would see women become a part of the decision-making process – whether as a part of the labour force, or as a part of the Panchayati Raj system. Mr. Govind also reemphasized that the NHRC plays a key role in bringing together various forces in society which are capable of achieving the goal of integrating women's development with that of the nation's. The importance of the NHRC cannot be understated given the high compliance rate with the decisions of the body.

(iii) Hon'ble Member, Smt. Jyotika Kalra, NHRC, also the Chief Guest of the conference, emphasised on the critical problem that is faced by women today – the perception of other stakeholders, as to the cost that might have to be paid for promoting the development of women. Ms. Kalra's address reflected critically on the need to dispel misleading notions and stereotypes surrounding the development of women – whether at the micro level, that the development of women will always happen at the expense of her family, and at the macro level, that the provision of economic opportunities for women like providing reservation for women will be at the cost of economic development of man needs to be challenged. She invited to conduct a research to study the impact of economically independent/ working women on relation between mother and children, relation between father and children, elderly in families, relatives, financial/social status of family, relations between husband and wife etc. She quoted Esther Duflo Nobel Laureate that empowering women may benefit development and Ejaz Ghani- lead Economist at World Bank- "Gender is a new driver of growth". She concluded by quoting Annette Dixon, Vice President World Bank, South Asia, India could boost its growth by 1.5% to 9 % per year if around 50 % of women could join the work force

(iv) Justice Shri G Chandraiah, Chairperson, State Human Rights Commission, Telangana recalled the historic movements so to promote the cause of women's development, with a special emphasis on education of women. His address laid the foundation for much of the discussion that followed during the day. His speech revolving around the commitment undertaken by India and its Constitution in respect of providing women with equality of opportunities in every field, and thereby ensuring that the nation develops in the true meaning of the term.

SESSION I: PANEL DISCUSSION: SOCIOLOGICAL DIMENSIONS

Moderated by: Ms. Soso Shaiza, Member, National Commission for Women

Speakers: Dr. Manisha Sethi, Dr. Indu Agnihotri, Mr. Pallav Kumar, Dr. Sarfarz Ahmed Khan, Dr. SK Sathyaprabha, Dr. Sarath Davala and Dr. Shahida Murtaza

- (i) The first session, a panel discussion, witnessed the deliberations on various issues which affect the development of women, and therefore, the nation. The session was moderated by Ms. Soso Shaiza, Member, National Commission for Women, who is herself a prominent figure in the field of women's development.
- (ii) The Panelists in this session represented various areas of expertise, as well as professional affiliations. While there were academics related to legal and non-legal academia, there were also those who were actively involved in the field realities of achieving the development of women.
- (iii) The panel discussion saw deliberations on the following topics that affect women and their development: changing family structures; religion and its impact; migration and its gender nuances; Dalits and the oppression of Dalit women; women and food/nutrition security; basic income and autonomy over spending; health and sanitation.

- (iv) **Discussions and problems identified:** The discussion on the issue of changing family structures and its impact on women brought about the need for women to have independence and freedom not just outside the house but also within the house and family. Women have greater freedom of movement outside home but less inside. The need for education of women continued to be a dominant suggestion for achieving this. The discussion on both religion and its impact on woman, as well as the state of Dalit women in the country highlighted the struggles faced by women specifically because of the peculiar sociological nature of the situation they find themselves. Migration and its impact on women saw a discussion on the inevitability of migration and the role that legal as well as non-legal institutions of the state play in preventing migrations from becoming unsafe. It was pointed out that the violation of women's rights also amounts to a violation of human rights. Importantly, it was pointed out that when dealing with human rights violations that arise due to migration, the victim must be made central to the justice system so that the focus is not just on punishing the perpetrator but also on ensuring that the woman is provided with a method of redressal. While discussing the impact of nutrition on women, it was pointed out that the availability of food does not necessarily translate to the availability of proper nutrition for women. Even while families often depend on the woman in the house for directly supplying their food (food preparation, purchase of ingredients), studies have shown that women and girls are most affected by malnutrition. It was pointed out that even today the best and most nutritious food is reserved for the male child, a practice stemming from years of prejudice against the "usefulness" of the girl child. The discussion then moved to the concept of universal basic income, which unconditionally guarantees an individual a stipulated sum of money on a monthly basis. Basic income was explained to alleviate the issue of gender inequality because it is a tool to address the issue of not paying women for the unquantifiable tasks that they regularly perform. It was further explained that basic income is transferred only to the concerned person, and so also ensures autonomy over spending such income. Finally, the discussion on health and sanitation and its impact on women's development highlighted several related issues that are crucial to the overall development of women. Issues of health and sanitation affecting women are known to affect even young girls when the schools that they attend do not have hygienic facilities, nor even water in taps. This often leads to withdrawal of the girl child from school. The consequences of this are seen even later in life when women are unaware of their right over their own health, including reproductive choices. The need to improve health and sanitation facilities for girls and women starting right from the grass-root level is crucial.
- (v) **Solutions identified:** The need for support for women from the early stages of their lives was an undercurrent during the entire panel discussion session. While the importance of education of women was emphasized as one way to tackle the struggles faced by women who are affected by the changing family structures of today, it was also seen as a key factor in empowering women's awareness when it came to improving and protecting their health. In the context of health and sanitation challenges, the need for suitable infrastructure in the schools set up was underlined. It was also proposed that making the victim the centre of the criminal justice system (instead of merely focusing on the perpetrators) might be a more effective way of helping women who fell prey to the cruelties of migration gone wrong. Notably, it was suggested that the idea of reparations must not include only compensation, but also other aspects like repair to reputational damage. It was

suggested that several issues related to women's and girls' malnutrition could be combated by a combination of government policies as well as individual practices. For example, one suggestion in respect of the latter was that women must consume their meals along with family members instead of being the last ones to eat. On a larger policy level, several government initiatives already in place to combat nutritional challenges like the Janani Suraksha Yojana, institutional birthing, supplements, MNREGA card leading to job opportunities, clean drinking water, etc. continue to play a pivotal role. The idea of universal basic income was itself argued to be a way to battle several forms of oppression that women often face, including, importantly, the anticivilization of the labour of women, thereby depriving a large section of society of dignity and identity. Notably, universal basic income was proposed as a method to ensure that autonomy over spending was achieved. This was based on the fact that women are often the care-givers of the family, and allowing them control over spending money would help give them an identity and a sense of freedom.

- (vi) The session concluded with questions and observations from members of the audience, followed by closing remarks from Ms. Shaiza.

SESSION II: PAPER PRESENTATIONS: ECONOMICS THROUGH THE LENS OF FEMINISM

*Chaired by: Dr. Jagadeeshwar, Principal Secretary to the Telangana State Government
Speakers: Dr. Vasanthi Nimushakavi, Ms. Aditi Shekhar and Mr. Aditya Kumar and Mr. Divyansh Dubey*

(i) The second session of the day saw paper presentations made by law students from various law schools. The session was chaired by Dr. Jagadeeshwar, Principal Secretary to the Telangana State Government. The overarching theme for the session was "Economics through the Lens of Feminism".

(ii) The session began with opening statements by Dr. Jagadeeshwar, who emphasized on the role of technology and education, and how when combined with women's empowerment would lead to equal opportunities for all. While discussing the issue of wage disparity in the unorganized sector, it was pointed out that social stereotypes surrounding women often lead to disparity in wages, a problem that is exacerbated by the ineffective implementation of laws. The presentation on women's participation in the informal sector highlighted the lack of inclusion of women's contribution in the informal sector when official statistics are tabulated. While the experiences of women in different parts of the country cannot be painted with the same brush, the fact remains that women are underrepresented in various walks of life remains. It was recognized that welfare of the world can be brought about only by attending to the welfare of women as the two are inseparable.

(iii) Students either presented individually or co-presented on various sub-themes which related to the theme of the session. Issues that were explored during this session included wage disparity in the unorganized sector; and participation of women in the informal sector.

SESSION III: PANEL DISCUSSION: WOMEN'S 21st CENTURY STORIES

Moderated by: Ms. T.S. Annapoorni, Entrepreneur

Speakers: Ms. Nandita Sethi, Ms. Priya Iyengar, Ms. Vanita Datla, Ms. Ridhima Puri and Ms. Rita Manchanda

(i) The third session of the conference was also a panel discussion. The theme of the discussion was 'Women's 21st Century Stories' and saw an all-woman panel. The panellists included entrepreneurs, lawyers and academics. The session was moderated by Ms. T.S. Annapoorni, herself an entrepreneur.

(ii) This panel discussion was slightly different from the previous one. While each of the panellists expressed their thoughts on specific issues that they might have faced in the early years of their own careers, or that they feel, continue to affect women in the 21st century. The session played out in a question-and-answer format.

(iii) **Issues identified:** The session began with the moderator asking the entrepreneurs on the panel whether they faced any challenges that were specific to entrepreneurship (apart from those women face, in general). In respect of this, there were several responses that reflect the social pressures faced by women which get amplified depending on the career chosen. First, it was pointed out that women entrepreneurs are often questioned about their choice to be an entrepreneurship, a consequence of the social conditioning that women's incomes are only *additional* to that of men's, thereby leaving little scope for following one's passion if slightly unusual. Second, male-dominated societies often question credentials of women entrepreneur. Third, it was pointed out that from the personal experience of some of the panellists, issues of 'discrimination and glass-ceiling' exist. Fourth, more broadly speaking, India ranks first in the world when it comes to measuring the number of overqualified women who are homemakers – a reflection of the fact that educational attainment might be high among women, but their participation (or continued participation) in the work force being low. Once again, one of the causes for this was deemed to be societal expectations of women in terms of marriage and caregiving to children. In addition to this, the lack of recognition for the economic contribution of women was pointed out.

(iv) **Solutions proposed:** One undeniable solution is to promote the education of women, including through government initiatives like the National Education Policy. It was largely agreed by the panelists that even as larger policies are worked upon for the empowerment of women, the immediate focus must be on self-empowerment and taking on the biases that exist in society. It was also suggested that it would be a powerful tool if men, in a male-dominated society, also undertook the responsibility of championing the cause of women. In relation to the role of women self-help groups, it was suggested that such groups could act as a tool for women's development, by especially addressing the issue of lack of acknowledgement of their economic contribution.

SESSION IV: PAPER PRESENTATIONS: WOMEN IN DEMOCRACY

Chaired by: Mr. Sudesh Kumar, Senior Research Officer, National Human Rights Commission

Speakers: Ms. Rusha Ghosh, Ms. Ila Nath, Mr. Sanchay Kumar, Mr. Soumyajit Joardar and Ms. Akanksha Kumar

- (i) The final session of the conference was reserved for paper presentations. Once again, the presenters were law students from various law schools in India. The session was chaired by Mr. Sudesh Kumar, Senior Research Officer, National Human Rights Commission.
- (ii) The theme of the session was Women in Democracy, and highlighted through its various sub-themes not only the role that women play in a democratic society like India; but also, the challenges they face as well as the strides they have made. The sub-themes addressed in this session included, women in politics, and proxy control; education and gender segregation; women's protection as a consequence of transformation of legal rights.

The student presenters discussed the disadvantages of segregating based on gender in the field of education – especially since education is seen as a unifying force. The students also discussed the rise of feminism globally and in India, and the impact it had on women in various fields, especially politics. In this respect, it was noted that today, even though in quantitative terms women are more present in the field of politics, in qualitative terms proxy control continues to play a role – meaning that even though women might be participating in this field on paper, true control over their decisions may be resting with someone else. Finally, while presenting on the issue of transformation of legal rights and the protections offered to women, two specific areas were focused on – restitution of conjugal rights, and the law on prostitution. While discussing the issue of restitution of conjugal rights, the presenter examined several court decisions spanning from colonial times to the present in determining whether women were afforded protection in this crucial aspect of their lives. This necessarily entailed a discussion on the overlap with the idea of privacy, taking in to consideration the apex courts recent elaboration on the subject. On the sub-theme of transformation of legal rights and the protection of women, another issue that was identified was the law on prostitution. The presenter explored the issue of stigmatization of sex workers on the back of prohibition imposed by the law on their profession. The presenter then went on to consider various models adopted by various countries, which employ different degrees of recognition of the profession in balancing the rights of sex workers with traditional objections to the prohibition. A brief analysis of India's obligations in this respect under international law was also undertaken.

CONCLUSION:

The conference highlighted various components of women's empowerment: women's sense of self-worth; their right to have and to determine choices; their right to have access to opportunities and resources; their right to have power to control their own lives, both within and outside the home; and their ability to influence the direction of social change to create a more just social and economic order, nationally and internationally. In this context, education, training, awareness generation, building self-confidence, expansion of choices, increased access to and control over resources, and actions to transform the structures and institutions that reinforce and perpetuate gender discrimination and inequality are important tools for empowering women and girls to claim their rights.

It further, focused on the achievements of women, including their overcoming of traditional roadblocks in their empowerment. However, it also highlighted that despite women in twenty-first Century India being more modernised than several decades ago, there still exist several challenges that specifically affect women. The conference emphasized that while violation of women's rights is certainly a violation of human rights. it is necessary to ensure that women's empowerment and their advancement is not to be ignored if the development of the entire nation is to take place. The panellists, moderators, as well as student presenters all appeared to agree that the development of women cannot be the sole responsibility of the State and its instrumentalities, but also must be the responsibility of the society as a whole. While it is important for the State to provide the structures for ensuring the development of women, it is equally necessary for men and women in society to shoulder the responsibility of ensuring that women's progress, and more importantly, to understand that the development of women does not take place at the cost of the nation but for its benefit. Thus, the conference served as a platform to not only bring to light these issues, but also to start the dialogue on how to combat women issues as an inclusive society.

MAJOR RECOMMENDATIONS:

1. To conduct research to study the impact of economically independent/ working women on relation between mother and children, relation between father and children, elderly in families, relatives, financial/social status of family, relations between husband and wife etc.

(Action: NHRC)

2. Proposal of universal basic income should be made. In order to alleviate the issue of gender inequality across the country, the universal basic income is crucial to address the issue of not paying women for the unquantifiable tasks that they regularly perform. Wage disparity in unorganised sector should be tackled by strict implementation of related laws and breaking social stereotypes surrounding women.

(Action: Ministry of Law and Justice and Ministry of Labour of State Governments)

3. Proper and prompt redressal of violations of rights of women should be done, especially at workplaces. In cases of human rights violations, making the victim as the centre of the criminal justice system (instead of merely focusing on the perpetrators) might be a more effective way of helping women, especially the ones who fall a prey to the cruelties of migrations gone wrong.

(Action: Ministry of Law and Justice and Ministry of Labour of State Governments)

4. Suitable infrastructure in schools and at workplaces should be setup for maintenance of hygiene and sanitation. This will also discourage dropout of girl students from schools.

(Action: Ministry of Human Resource and Ministry of Labour of State Governments)

5. Women's education and entrepreneurship should be encouraged. This is the single most important tool for bringing about change.

(Action: Ministry of Human Resource and Ministry of Labour of State Governments)

6. Self- help groups should be encouraged. In relation to the role of women, self-help groups could act as a tool for women's development and help in building confidence in them.

(Action: Ministry of Human Resource and Ministry of Labour of State Governments)

7. Encouraging men to share the responsibility of house hold as the women are sharing the outside responsibilities, by awareness programs.

(Action: Ministry of Women and Child and Ministry of Social Justice)

LIST OF PARTICIPANTS

1. Ms. Jyotika Kalra, Member, National Human Rights Commission
2. Mr. Jaideep Govind, Secretary General, National Human Rights Commission
3. Justice Shri G. Chandraiah, Chairperson, State Human Rights Commission (Telangana)
4. Dr. Jagadeeshwar, Principal Secretary to the Telangana State Government
5. Mr. Sudesh Kumar, Senior Research Officer, National Human Rights Commission
6. Mr. Pallav Kumar, Research Consultant, National Human Rights Commission
7. Ms. Ridhima Puri, Research Consultant, National Human Rights Commission
8. Ms. Soso Shaiza, Member, National Commission for Women
9. Dr. Manisha Sethi, Associate Professor, Centre for Jawaharlal Nehru Studies, Jamia Milia Islamia
10. Dr. Indu Agnihotri, Special Monitor on Women, NHRC
11. Dr. Sarfaraz Ahmed Khan, Director, Symbiosis Law School, Hyderabad
12. Dr. S.K. Sathyaprabha, National Institute of Rural Development and Panchayati Raj
13. Dr. Sarath Davala, Co-ordinator, India Network for Basic Income
14. Dr. Shahuda Murtaza, Department of Women Education, Maulana Azad National Urdu University
15. Ms. T.S. Annapoorni, Entrepreneur
16. Ms. Nandita Sethi, Founder and Managing Director, The Entrepreneur Zone
17. Ms. Priya Iyengar, Founding Partner, Compass Law Associates
18. Ms. Vanita Datla, Vice President and Managing Director, Elico
19. Ms. Rita Manchanda, Research Director, South Asia Forum for Human Rights
20. Ms. Aditi Shekhar, BA LLB (II Year), Jindal Global Law School
21. Mr. Aditya Kumar, BA LLB (II Year), Jindal Global Law School
22. Mr. Divyansh Dubey, BA LLB (I Year), Jindal Global Law School
23. Ms. Rusha Ghosh, BA LLB (III Year), Jindal Global Law School
24. Ms. Ila Natha, BA LLB (III Year), Jindal Global Law School
25. Mr. Sanchay Kumar, BA LLB (I Year), Himachal Pradesh National Law University
26. Mr. Soumyajit Joardar, BA LLB (II Year), Jindal Global Law School
27. Ms. Astha Madan Grover, BA LLB (I Year), National University of Juridical Sciences
28. Ms. K Varalaxmi, Telangana State Women's Commission