



Indian Association for Women's Studies

In collaboration with NLU & CWDS

XVI NATIONAL CONFERENCE ON WOMEN'S STUDIES

28th to 31st January, 2020
National Law University, Delhi-110078

PRESIDENT'S ADDRESS



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President's Address

Meera Velayudhan
President, IAWS

On behalf of all members of the Executive Committee of the IAWS, I extend a warm welcome to all the delegates at this, the XVI National Conference on Women's Studies. I would also like to thank all our collaborating institutions, in particular our host, the National Law University, Delhi (NLUD) and the Centre For Women's Development Studies, (CWDS), Delhi for their support at all times. In IAWS' 38- year old journey, in this movement of women's studies and in this broad-based platform where women's studies (now located in varied institutional sites) meets lived realities, holding the conference in Delhi is momentous. The focus of the national conference of IAWS is the Constitution, its key principles- an attempt to locate our concerns within the frame of the ongoing and newer constitutional conversations. This is the 70th year of the Constitution with its idea of India rooted in diverse popular movements, intellectual contests and interactions and varied notions of justice, in different regions and moments, in the pre-

independence era. As articulated by a dalit woman member of the Constituent Assembly, Dakshayani, the Constituent Assembly should go beyond framing a Constitution and “give people a new framework for life”, use the opportunity to make untouchability illegal, and ensure “moral safeguard that gives real protection to the underdogs of India” She said,

“To frame such a Constitution is not an easy task because there are many models for us to imitate... but to renew a people on a new foundation requires the synthetic vision of a planner... what we want is not all kinds of safeguards. It is the moral safeguards that give us real protection. What we want is the immediate removal of our social disabilities. Our freedom can be obtained only from Indians and not only from British government.” (CA Debates, 151-152). Constitutional morality as central to a new framework for life and for renewing a people on a new foundation and as real safeguard that gives protection to the marginalized, is what distinguished the Constitution of India from social orders of the colonial and pre-colonial eras. It is this transformative potential of the Constitution that has both facilitated the long struggles for women's rights, engagements with the state for ensuring liberty, equality, non-discrimination and also brought to the fore the violation and lack of constitutionally entrenched rights for women across diverse social groups and in more recent times, an erosion of some of the rights gained through sustained engagements, struggles, resistance and at varied levels.

Today in India when we witness women from all sections and communities in the forefront of protests to ‘save the Constitution’, we recall the women in the Constituent Assembly of India too, although only 15 in number, what was striking about the women are their diverse histories, which point to the rich history and trajectories of women's leadership and activities in pre-independence era, in the freedom struggle in particular. If one picks only the speeches of women in Constituent Assembly, and come to a conclusion, we cannot really be capturing the essence of their interventions. We need to go through the entire session in

which a speech is located and discourse, different political positions, and then to historical background of the same. For example, Dakshayani, in the Cochin Legislative Council, spoke of proportional representation which is a different narrative from reservations. Overall, the interventions by women in the Constituent Assembly was about varied freedoms, non-discrimination, equality, liberty - core principles underlying the Constitution and about citizenship in a new nation.

The women 15 members of the Constituent Assembly were Ammu Swaminathan, Annie Mascarene, Begum Aizaz Rasul, Dakshayani Velayudhan, G Durgabai, Hansa Mehta, Kamla Chaudhry, Leela Ray, Malati Chowdhary, Purnima Banerji, Raj Kumari Amrit Kaur, Renuka Ray, Sarojini Naidu, Sucheta Kripalani, Vijay Lakshmi Pundit. They were variously influenced by Gandhiji, Babsaheb Ambedkar, Jawaharlal Nehru, Sardar Patel, as evident from their speeches, apart from their own specific regional and national politics of the time. They critiqued colonial rule and how women will have opportunities and equal rights under the Constitution. Social issues particularly those concerning marginalized sections were raised such as labour, caste slavery, untouchability, human trafficking, including Devadasi system and control of state over religious instruction in educational institutions, minority rights including discrimination minorities faced in educational institutions, educational planning, protection of children against exploitation, against making the acquisition of property by the state non-justiciable (with reference to zamindari), for de-centralization of powers, against nomination of governors, against centrally administered areas and for placing the draft Constitution before the people through a general election.

Beyond the Constitution, the Central and Provincial governments should conduct campaigns against untouchability as, according to Dakshayani, 'The working of the Constitution will depend upon how people will conduct themselves, not on the actual execution of the law. So, I hope that in course of time there will not be a community known as Untouchables.' Also, supporting the clause to end

forced labour, she said, it would bring about ‘an economic revolution in the fascist social structure existing in India.’ It will enable ‘underdogs to rise up and be in a position to assert their rights and keep up their self-respect and dignity and they too will have a right to enjoy like the upper class and upper caste’ Bhabha Ambedkar had while introducing the Draft Constitution, pointed to the contradiction between the political which upholds principle of non-discrimination while social and economic inequalities persist and perpetuate discrimination and the obligation of the state to ensure dignity, justice to all sections of the people through social and economic rights. Hence, his stress is on the transformative and radical potential of directive principles and its interpretation. Kannabiran (2012-Tools of Justice)) points out that while discrimination could be a shared experience, there could be specificities of histories, location and that we can understand article 15-non discrimination- fully when linked with Article 21- right to Liberty which can present distinct features in the contexts of say persons with disability, Adivasis, Dalits, religious minorities, women, sexual minorities and the conditions of liberty of these sections. This understanding holds special significance for movements, struggles, resistance, engagements of the marginalized and suggests an intersectional reading of articles of the Constitution.

Even as the women in the Constitution Assembly spoke on the debate on Fundamental Rights and Directive Principles of State Policy, while some moving amendments, it was evident that with the transfer of power, the experiences and violence of the Partition had an impact on the Constitution making process. Begum Aizaz Rasul arguing against separate electorate, said, ‘We do not want any special privileges accorded to us as Muslims but we also do not want that any discrimination should be made against us as such. That is why I say that as nationals of this great country, we share the aspirations and the hopes of the people living here hoping at the same time that we be treated in a manner consistent with honour and justice...’ Begum Aizaz also held that proof of loyalty could not be linked with religion. Hence, in today’s context, the Constitution making process, the

debates, from the readings on women members of the Constituent Assembly, we note that negotiating citizenship is an ongoing process, then and now.

IAWS conferences, regional meets, studies have noted that women from working classes, marginalized castes, tribes and communities, sexual minorities, LGBTQ, the elderly and those with disabilities face violent discrimination and oppression as an everyday experience and in newer forms. This conference aims at unravelling the multiple points and axes of these inequalities, prejudices and discrimination, and power relations underlying the same. The conference will also look at how the intersectional systems of inequalities are challenged by counter cultural discourses and varied social movements discussing power, violence, and justice. This, we hope, will lead to newer methodologies of enquiry and a more nuanced understanding of agency.

Today, in the globalising circuit of capital, little attention has been paid to the labour side of the story, both at academic and policy levels. Millions of workers in Asia make a living at different points of this global circuit of capital. This also points to the trajectory of development and labour and the ways in which labour struggles developed, post-1980s in particular, as they did in India. There are few possibilities of the 'traditional industrial working class' emerging while people are forced to access capitalist labour in some form or the other for their survival. This process involves displacement, dispossession and depriving them in various ways of their common resources, whether it is land, forests, skills and knowledge, and with tertiary labour expanding, in particular through women's participation. In this process, the social cost of labour falls on individual workers, as employers do not bear costs of health, unemployment and by bringing in new labour codes and regimes, to make huge profits. Neoliberal sweatshops, are characterised by informalisation of labour, vulnerability, lack of labour security and stable work-based identity, low wages, lack of basic facilities, lack of individual and collective rights. Labour laws or regulations covering workers are limited and workers do

not have the power or institutional tools to protect themselves. This process is also highly gendered. Workers are also fragmented, depriving them of the power and means to protect themselves. Hence worker's struggles are also no longer following the usual model of working class mobilisation. They are emerging more as social movements of the working poor in diverse forms, in neighbourhoods, urban centres—a contrast to the tripartite industrial working class, trade unions (institutionalised labour) and worker-based political parties—looked upon almost as the 'universal' model. The recent amalgamation of 44 central labour laws into four Labour Codes needs intense study and debate.

Degraded and stigmatized labour, discrimination pervading labour markets are taking on newer forms of labour exploitation. Globalization and changing socio-economic realities are driving people, especially women, to labour migration in risky situations. The violence of development accentuate the ongoing processes of displacement, dispossession and alienation of people from their land, resources and livelihoods. The vulnerability of tribals to protect and promote their rights to control and use land and forest is also curtailing their ability to protect their pluralistic cultural identities. In February 2019, a Supreme Court order, instead of considering the mandatory provisions of the Forest Rights Act (FRA), 2006 and its procedures, directed the eviction of about two million people from forest areas spread across 17 states. The bulk of the claims by Other Traditional Forest Dwellers (OTFD) under the FRA 2006, were termed as a 'nebulous category of people not defined by the Constitution'. Six of the nine court cases against FRA claimants were filed in various High Courts were by retired forest officers, one a former zamindar/landlord.

Intersectional analysis has shown that violence does not take place in isolation and that there are intersecting factors such as identities and institutions that lead to gender-based violence. We note how caste, religion and varied forms of patriarchies intersect as witnessed in the recent spate of violence against inter-caste marriages

in south Indian states in particular or how resisting dominant caste sexual harassment had lead to beheading of a Dalit girl, for example. An intersectional approach considers peoples' overlapping identities and allows the unravelling of multiple points and axes of prejudice and oppression that contribute to everyday experience of the marginalized gender. Drawing upon this foundational approach, and drawing from growing studies on intersectionalities, Dalit feminists in India, for example, debated that 'Dalit women speak differently' and framed their struggles as being informed by caste, class and gender and initially terming it as 'triple burden'. Increasingly drawing from such studies, it was evident that intersectionality unravels layers of an individual's identity which was not possible using a single primary marker and as in the case of Shah Bano, her intersecting identity of being a Muslim and a woman was at conflict. Her oppression arose from the intersection of religion and patriarchy, facing opposition from within the community for challenging the Muslim Personal Law (Shariat) Act, 1937. More recently we are witness to women across religions challenging patriarchal religious orthodoxy, be it the nuns or women calling for entry into temples, or those fighting Genital Mutilation (Khatna) within a religious sect in India. In a context where religion cannot be understood through a single lens and in which identities are complex, IAWS Southern Regional Conference last year in Calicut explored the dynamic relations between gender, religion and other identities as an important dimension of people's constructed lives in general and women's in particular. We looked into theoretical and empirical research on religion and intersectionality and its effects on politics of inclusion and exclusion. In this context, contemporary popular religions and spirituality (urban popular religions, folk religions etc) in the context of multiple modernities, needs to be explored in more in depth.

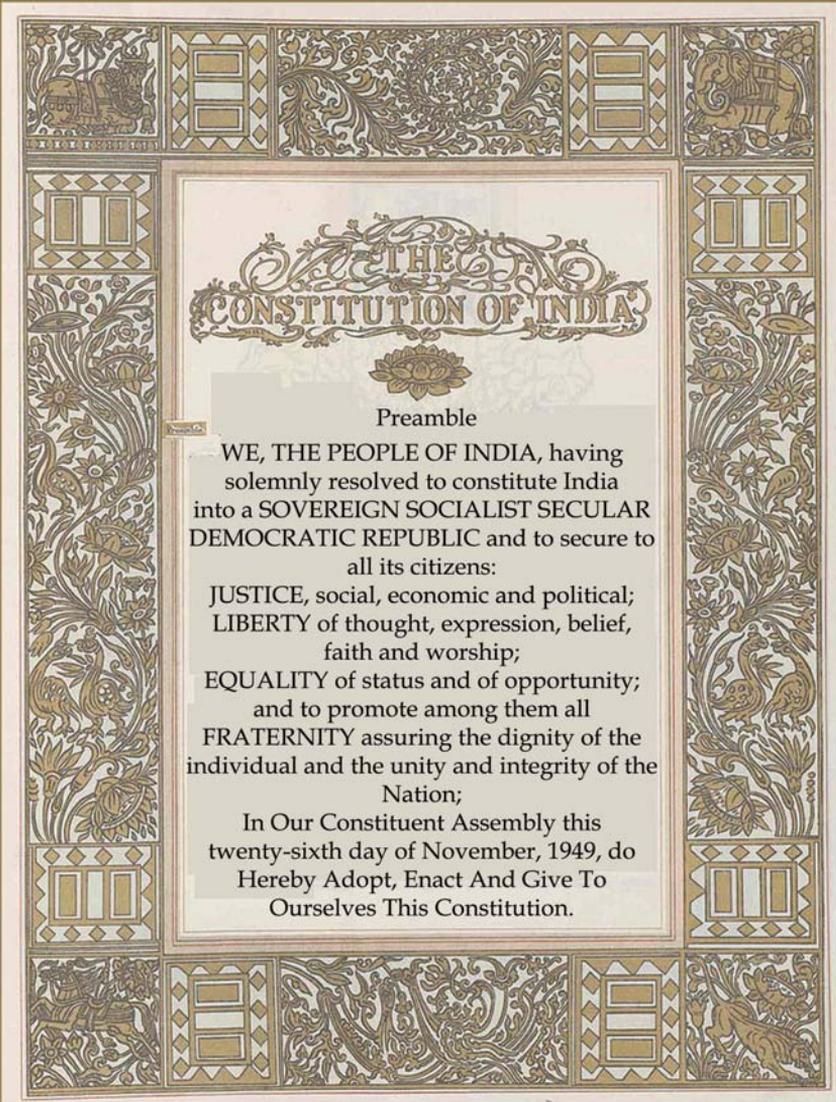
Women's movements and varied forms of engagements focusing on constitutional rights, often joining other movements/platforms for justice and equality, have resulted in both shaping and enacting several laws and policy changes, and in the process have expanded the concept of justice. The enactment of laws and the

widening scope of rights and claims by the women's movement and other democratic assertions have taken the shape of creative engagement with the Constitution and constitutional morality as in the case of Justice Verma Commission Report and Nirbhaya. These gains are being challenged and hence need to be protected and the scope of justice expanded. In recent years, attempts to interpret the constitutional principles and to assert rights have brought to the fore, the discrimination and lack of citizenship rights of diverse sections, from sexual minorities, LGBTIQ to sewers and manual scavengers, focusing on issues ranging from entry in religious shrines, adultery, euthanasia, inter-faith, inter-caste marriages, degraded stigmatized labour, to self-identity and citizenship.

More than at any time since independence, the need to build an environment where freedom to think, express, dissent are being widely articulated in different forms, with visible and pronounced voices of diverse section of women, youth in particular. Social movements of marginalized castes and communities for right to access public spaces and for education played a significant role in the beginning of the 20th century for the demand for universalization of education. This along with campaigns by women's organizations in the pre-independence years. However, the incorporation of education as a justiciable Fundamental Right in Article 21-A of the Constitution (86th Amendment Act) 2002 entitled free and compulsory education for children aged 6 to 14 and with the Right of Children to Free and Compulsory Education (RTE) Act , 2009, which is the law envisaged under Article 21-A. Since then, there has been a retreat in the right to education , with an aggressive economist discourse of cost benefits and 'outcomes' (Rampal,2018). New hierarchies and divisions are being crafted of 'knowledge' for some and 'skills' for the rest, dismissing the goal of equality and equity for children and youth. The dynamism, idealism, agency of the youth of the National Literacy Campaigns of the 1990s, the Kala jathas, Bal Kala jathas, Bal Melas, conducted by district administration with Bharat Gyan Vigyan Samiti (BGVS) not only led to 'a circle of learning' led by youth but also skilled them for community actions, to

discover empathy and to act and feel for the other who may be from very different social background. Recent findings suggest that school systems are replacing democratic citizenship education with a 'curriculum of fear' through creation of 'vigilant' citizens with ideas of national security and linked patriotism. The Draft National Education Policy 2019, or NEP needs greater scrutiny and any hasty implementation could reverse the painstaking efforts to democratize the context and contents of education (Roy, 2019). NEP calls for 'heavy promotion' of Indian and local traditions, Indian languages, analysis of 'uplifting literature' or 'upliftment of underrepresented groups (URGs) and special education zones for them. What is not key is the Constitution and 'the community' appearing to take its place. Women's Studies, among the most exciting and challenging inter-disciplinary fields are among the omissions in the draft (Roy, 2019). These combined with cuts in scholarships, particularly pre-matric scholarships for Dalits and Tribals, educational loans by banks replacing scholarships, closure of university centres on social exclusion by ending funding, with students being transferred to other departments and teaching faculty losing jobs, etc are part of the reversal processes.

By thinking along with the Constitution, this conference is an attempt to collectively deliberate, listen, share, analyze, by drawing also from the rich and growing data bases and lived experiences of women, from the learnings of IAWS regional conferences in the past two years in particular, and on the above cited concerns, the IAWS hopes to achieve more clarity on how to move forward and address the challenges facing all of us.



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