

**LEGAL LITERACY CAMPS FOR WOMEN :
A Report**

8 - 14 December, 1994

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Organised by

**Institute of Social Studies Trust,
New Delhi, India**

Sponsored by

**Economic and Social Commission for Asia and the Pacific
United Nations, Bangkok.**

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PREFACE

The Institute of Social Studies Trust, under the sponsorship of United Nations Economic and Social Commission for Asia and the Pacific, organized Legal Literacy camps for women in three Delhi Colleges in December 1994. This report provides a description of the camp proceedings, the rationale behind the manner the camps were structured and an assessment of ISST's experience in organizing these camps.

Holding these camps was one of the activities that ISST undertook under the multi-country ESCAP project on 'Promotion of Legal Awareness among Women', the other being organizing a National Seminar on Women and Law at the India International Centre, New Delhi. (Cf. the companion volume, Proceedings of a National Seminar on Women and Law, December 1994.).

We would like to put on record our deep appreciation for the help and co-operation we received from the student volunteers and faculty members in the three colleges where the camps were held. In particular, we would like to thank **Mr. Salman Hashmi**, Principal, **Dr. Sukrita Kumar**, and **Dr. N. Saxena** Faculty Member at **Zakir Hussain College**; **Ms. Asha Singh** of the Department of Child Development, **Ms. Archana Kumar**, Faculty-member-in-charge of the National Social Service- (NSS) and **Dr. Satindar Bajaj**, Principal, at **Lady Irwin College**; and **Ms. Jaya Gupta**, Principal and **Ms. Vandana Sinha** of the Sociology Department at **Janaki Devi Mahavidyalaya** for their support and assistance. The student volunteers, especially those involved in NSS activities, in all three colleges, extended enthusiastic co-operation in holding the camps. The legal experts from the Multiple Action Research Group (MARG) who were the principal resource persons for the question-answer sessions, the lawyers, legal experts and the police personnel who served as panelists in the various panel discussions, **Mr. Habib Tanvir** and his talented group of artists who kept the audience spell-bound -- we owe a debt of gratitude to all. We would like to thank UN-ESCAP, in particular **Ms. Meena Patel**, Director of the Rural and Urban Development Division at ESCAP, for the grant that financed the expenses incurred towards holding the camps.

Finally, the list will be incomplete unless I put on record the thanks I owe to my enthusiastic and committed colleagues at ISST who made working in a team, even under the most trying of circumstances, such a satisfying experience. All of us worked pretty hard in making a success of this project. However, I would like to mention in particular **Ira Singh**, **Adity Nandy** and **Pushpa Rani** for the effort they put in. For all of us at ISST, it was worth all the effort.



Swapna Mukhopadhyay
Director, ISST.

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ISST/ESCAP Legal Literacy Camps for Women, December, 1994.

Introduction

Three Legal Literacy Camps for Women were organized in three Delhi colleges between 8 and 14 December 1994. These were as follows:

Thursday, December 8, 1994 : Zakir Hussain College
Jawahar Lal Nehru Marg,
New Delhi - 110 002.

Saturday, December 10, 1994 : Lady Irwin College
Sikandra Road,
New Delhi - 110 001.

Wednesday, December 14, 1994 : Janaki Devi Mahavidyalaya.
Ganga Ram Hospital Marg,
New Delhi - 110 060.

Each camp was attended by between 250 to 300 students and faculty members.

The Strategy and rationale behind the Camps :

The rationale for holding the camps at colleges was two fold. At one level the attempt has been to reach out to college students (girls and boys : Zakir Hussain College is a Co-educational College), sensitize them about the need for special laws for women, impart basic knowledge to the students on the nature of such laws and hold discussions on the process of accessing the existing structures of law and law-implementing agencies when needed. At another level, we wanted the students to take this knowledge to the communities they interact with.

In order to ensure the latter, we accessed the National Social Service (NSS) outfits in each of these colleges. The NSS volunteers in the colleges are supposed to be involved in community work in their respective neighbourhoods. We discovered that

the strength and commitment of the NSS outfits vary considerably between different colleges, depending upon the commitment of students and the faculty members, resources available, and the general orientation of the college's extra-curricular activities. For the purpose of holding our camps, we chose one college with a well-established tradition of community involvement (Lady Irwin College), one college where the faculty showed keen interest in developing community involvement among students and which runs a women's studies course at the undergraduate level (Janaki Devi Mahavidyalaya), and a third college which was co-educational, had a strong NSS outfit, and of which a sizeable fraction of the student body comprised of Muslim women (Zakir Hussain College).

Structuring the camps

Each of the camps had three basic elements, albeit organized in different order according to the convenience and constraints of the college concerned. These were :

- i) A panel discussion on the social context of affirmative law on women,
- ii) An intensive question-answer session between NSS volunteers and other interested students and faculty members on the one hand and legal experts on the other, on the specific details of existing laws on women in India, and
- iii) Staging of two plays by the renowned theatre personality and drama director, Mr. Habib Tanvir, highlighting the special vulnerabilities that women suffer from in society.

About a month and a half before the actual camp day in each college, several sets of the ten-volume Legal Literacy Manuals on Women [prepared by the Delhi based NGO, Multiple Action Research Group (**MARG**) under the sponsorship of the Department of Women and Child Development of the Government of India] were distributed among the NSS volunteers. During the camp day, the question-answer session provided the student volunteers with a forum giving them direct access to the lawyers who were instrumental in preparing these manuals. The doubts and questions the students had about specific legal provisions, judicial processes and other procedural matters were cleared during this session. The idea is that the NSS student volunteers will carry the newly acquired legal knowledge to their respective communities in the coming months. Each college has promised to submit a report to ISST on such activities by the end of March 1995.

Panel discussions were organized in each college to deliberate on the social context of affirmative law for women. The panels were drawn from a group of well-known practising feminist lawyers, legal experts, activists, social commentators and representatives of law-implementing agencies. The experts spoke on a whole range of issues such as the social vulnerability of women and the need for special laws for them, the potential and inadequacies of law as a transformative instrument, the process of legal reform, the accessibility of the judicial process and the police, and the problem of pervasive lack of legal awareness and information. The panelists also answered questions coming from the audience on a variety of issues.

The plays of Habib Tanvir

The renowned stage personality and drama director, Habib Tanvir, staged two plays in each of the three colleges with the help of his talented group of tribal artists from the Chattisgarh region of the state of Madhya Pradesh. The play titled "Bagh" is based on a Bengali play of the same title written by the well-known scholar-litterateur Prof. Sisir Kumar Das. It is a powerful commentary on the special vulnerability of women caught up in the scourge of communal frenzy. "Jamadarni" on the other hand explores the nature of gender discrimination in the context of casteism. While 'Bagh' is a deeply disturbing play with a compelling impact and 'Jamadarni' is cast in a lighter vein, both plays succeed in delivering the message of indignities that women are made to suffer in society in a very powerful and convincing manner. These plays were used in the design of the camps primarily for two reasons. On the one hand they succeeded in attracting and retaining student interest in the proceedings of the Camps. On the other, the two plays staged by Mr. Tanvir drove home the nature of women's vulnerability in a manner and with an impact which would not have been possible otherwise.

Assessment and conclusions

While the three camps had somewhat different orientations primarily reflecting the differences in the specific issues emphasized by the speakers and the questions raised by the audience, - certain common features characterized all the camps. The response received by ISST from the student community and the faculty in all three colleges was uniformly enthusiastic, al-

though the degree of impact the camps succeeded in making varied from college to college according to the extent of commitment forthcoming from the faculty and the student community, existing infrastructural facilities in the colleges and such other factors. The major conclusions that emerged from the experience of holding the camps in the colleges can be listed as follows :

* The strategy of accessing college students to spread literacy in general and legal literacy in particular among local communities, is something that needs to be more fully explored. The National Literacy Mission has utilized the services of the student community in the effort to make the population literate. But using the National Social Service to spread legal awareness among the community as was done in this project is, to the best of our knowledge, something new. The potential of such a strategy has to be explored further.

* The camps brought out in clear relief the necessity for greater gender sensitization in Delhi colleges. While girls in all three colleges expressed concern and dismay against sexual harassment of women in public places and the various indignities women are subjected to within the family and outside, opinions expressed by students on such issues as gender roles and responsibilities or the notion of female chastity clearly indicated the prevalence of notions of sexual stereotypes. Girls were found to be generally more reticent to talk about such matters in the one co-educational college where we held a camp as compared to the two

women's colleges. While one part of the explanation could lie in the somewhat different socio-economic background the girls came from in the co-educational college, it was felt that the presence of a large number of young men certainly made a difference to the tenor of discussions in the latter.

* Much interest exists among the girls about existing legal provisions on marriage, dowry and property rights of women.

In one case detailed questions were asked of the panelists about specifics of the girl's rights in the natal and the material family and her rights to family property under different hypothetical situations.

* The concerns about the inadequacies in the legal and judicial processes came up for repeated questioning. Doubts were raised about the efficacy of legal reforms to alter social oppression of women, especially the views of the gender-insensitivity of various state functionaries. There is a clear need to press for accountability of the law-implementing agencies, and college students can be mobilised to this end.

* The camps highlighted the need for greater access of those needing or seeking legal justice, to lawyers, legal experts, social activists and the police. The community of students and faculty members in all these colleges were very appreciative of the opportunity given by these Legal Literacy Camps to establish links with such agencies. The eagerness with which these were explored by the community suggests the

need to explore avenues of generating greater access to such structures and expertise.

* The camps utilized Habib Tanvir's plays to set out the social context of affirmative law for women. The enthusiastic audience response to these plays reiterated the enormous potential of good drama as a powerful medium of social commentary.

* Our experience at the one co-educational college the camp was held suggests that gender-sensitization of men in general, and young men in particular, needs to be an essential dimension of strategies of women's empowerment in Indian society.

In the process of organizing these camps and in participating in the deliberations in them, the organizational assessment and insights of ISST in the area of women's legal rights have been considerably enriched. The potential of law and legal reforms to change the gender equations are pitted against heavy odds in the face of an insensitive society and unresponsive state functionaries. Thus the need for women to speak up and assert these legal rights becomes a necessary precondition for the delivery of justice.

The role of NGO's in the sensitization process and in networking between those needing and seeking legal justice on one hand and the existing redressal structure involving the police,

the lawyers and other support structures on the other, is vital. Given the various constraints one had to work under, our assessment is that the camps had succeeded to a great measure in bringing this about.

ZAKIR HUSSAIN COLLEGE
(Thursday, 8th December, 1994)

The programme in Zakir Hussain College was scheduled as follows :

09.30 - 11.15 a.m. - Question-answer session on the Legal Literacy Manuals distributed earlier to students and faculty members.

11.15 - 12.00 p.m. - Staging of play 'Bagh' by Habib Tanvir's group

12.00 - 01.00 p.m. - Panel Discussion.

Panelists:

Naina Kapur, Lawyer and Social Activist

Sundari Nanda, Deputy Commissioner of Police and Head of the Crime Against Women Cell, Delhi Police.

Swapna Mukhopadhyay, Director, ISST.

01.00 - 01.30 p.m. - Staging of play 'Jamadarni' by Habib Tanvir's group.

01.30 p.m. - Lunch.

The question-answer session was attended by NSS volunteers, other interested students, several faculty members including the Principal of the college and ISST staff. The session started off with a discussion conducted by **Abha Joshi**, a lawyer from **MARG**. Students were asked what they understand by 'law' and its relevance to their lives. Problems in accessing rights guaranteed under the law emerged as an issue of concern. Access in turn depends on both knowing about and being aware of the laws that do exist, as well as action on the part of citizens to demand that these laws be implemented. Abha stressed that a big reason

for laws 'irrelevance' in our lives today derives from the fact that we are not taking responsibility for ensuring their implementation.

This is especially relevant in the context of women's rights where even laws that do exist are not being followed: for example, in the case of the dowry law which prohibits not merely the taking or giving of dowry, but even the asking and advertising of dowry demands. Despite the existence of this law, the number of dowry deaths occurring are on the increase. Other laws that were touched upon include the Maternity Benefits Act, Women's Property Rights, and Labour laws for Women.

An interesting debate was sparked off regarding the issue of reservations/special privileges for women. In response to Abha's explanation of Article 14 in the Constitution (guaranteeing equal opportunity regardless of sex) a (male) student remarked that on the one hand women demand equality, yet at the same time they want special reservations. The issue of equality before law versus protection under affirmative law was debated.

Questions were raised about women's rights under Muslim personal law. The famous Shah Bano case was discussed in reference to Muslim women's rights to maintenance. Property rights of women from different communities were dwelt upon at length.

The issue of violence against women and sexual harassment came up for discussion. In response to a comment that much of the

violence against women within Indian homes is perpetrated by women themselves, the Director of ISST, Prof. Swapna Mukhopadhyay, said that the issue is not one of confrontation between the sexes, but one of fighting a patriarchal value system that denigrates women in general. Such values may have been imbibed by both men and women. The whole purpose of having affirmative laws for women is to counter these forces and work towards greater gender equality.

Following the discussions, Habib Tanvir's theatre troupe staged the play 'Bagh'.

There was a short panel discussion in which Naina Kapur, a feminist lawyer, and Sundari Nanda, Deputy Commissioner of Police and Head of the Crime Against Women Cell in Delhi Police, made their comments. Naina Kapur described her work with victims of rape and the humiliation they are subjected to when going through a trial. She said that unless the process of implementation and the implementors of law are not gender sensitized, victims of such incidences will not come out into the open and access basic rights that are their due.

Sundari Nanda described the functions of the Crime Against Women Cell and encouraged the students to approach her at her office if they ever needed her help.

The programme came to an end with the staging of the play 'Jamadarni'.

LADY IRWIN COLLEGE
(Saturday, 10th December, 1994)

The programme in Lady Irwin College was scheduled as follows :

- 09.30 - 10.00 a.m. - Inauguration
- 10.00 - 11.00 a.m. - Staging of play 'Bagh' by Habib Tanvir's group.
- 11.00 - 01.00 p.m. - A combined question-answer session on the Legal Literacy Manuals and a panel discussion on the social context of affirmative law for women.

Panelists :

Kirti Singh, Practising lawyer, Supreme Court.

Abha Joshi, MARG

Seema Mishra, MARG

Habib Tanvir, Theatre personality and social commentator.

Swapna Mukhopadhyay, Director ISST.

- 01.00 - 01.30 p.m. - Staging of play 'Jamadarni' by Habib Tanvir's group.
- 01.30 p.m. - Lunch

The camp was inaugurated by the Principal of the College, Ms. Satinder Bajaj, who lit a lamp. This was followed by a short speech by the Director of ISST, Prof. Swapna Mukhopadhyay, giving the background and rationale of the camp. She said that the basic purpose of holding the camps in the Delhi Colleges is sensitization and awareness-raising at two levels.

At one level, the camp would encourage the students of this college to raise questions about their own legal rights. At another level the expectation is that the awareness and knowledge

will be taken to the communities that students in their various programmes are currently involved with.

The programme started off with the staging of **Habib Tanvir's** play, 'Bagh'.

Following this, a combined question-answer session and panel discussion was initiated. Panelists included **Kirti Singh**, a feminist lawyer, legal experts **Abha Joshi** and **Seema Mishra** from **MARG**, and **Mr. Habib Tanvir**. The discussion was moderated by **Prof. Swapna Mukhopadhyay**, Director, ISST.

The discussion started off with comments by **Ms. Kirti Singh**. Remarking on the inadequacy of the Indian Penal Code written in 1853, she said that amendments in certain laws need to be made. For example, the Rape Law defines rape only in terms of penal penetration, a definition that is highly inadequate since it ignores other forms of brutality. Similarly, the law for eve teasing is highly limited in scope.

Prostitution was an issue that was debated at length. Students asked why is it that the law relating to prostitution penalizes only the victims (i.e. the women involved in it) and not the offenders. The legal experts present made clarifications about the ITPA (Immoral Traffic Prevention Act), another example of a legislation in need of amendment.

Some students felt that prostitution should be banned altogether since it is as heinous a crime as murder. In response to

this, **Mr. Habib Tanvir** pointed out that norms vary from society to society and we cannot impose what is morally right in our scheme of things on others. There are tribes in Rajasthan and Madhya Pradesh for example, which condone this practice. What one needs to tackle are the compulsions that drive a girl into becoming a part of the flesh trade in the first place, such as economic deprivation. **Prof. Mukhopadhyay** commented that there are associations of sex workers in many Western countries. The members of such associations look upon their vocation like any other, and would defend their right to do what they feel is no more degrading than many other kinds of sweated labour that the poor are forced to perform. The basic problem is the poverty and deprivation that drive young girls to this profession and the unholy nexus between agents and others that use women's bodies for profit.

A brief explanation was given on Section 498 A that deals with domestic violence and protects women against hitting, verbal abuse, dowry harrasment, etc. A student asked whether there are any laws that deal with incest or sexual assault during childhood. The legal experts clarified that in this case all you can do is file for damages since there is no specific law that deals with the subject of incest. They also pointed out that it is only when greater and greater numbers of women come out into the open about such experiences that a law in this regard can be enacted.

Some examples of gender discriminatory policies in the functioning of state agencies and corporations were brought up by the audience. Women criticized the fact that when a woman is

pregnant, or if she is likely to get pregnant, insurance companies discriminate against her. Such practices came up for criticism.

Women's property rights were discussed. **Ms. Abha** explained that there are different laws relating to property inheritance in different communities and briefly went over the provisions of the Hindu personal law.

The programme ended with the staging of 'Jamadarni' by Habib Tanvir's troupe and a vote of thanks by Prof. Mukhopadhyay.

JANAKI DEVI MAHAVIDYALAYA
(Wednesday, 14th December, 1994)

The programme in Janaki Devi Mahavidyalaya was scheduled as follows :

- 09.30 - 10.30 a.m. - Question-answer session on the Legal Literacy manuals distributed earlier to students and faculty members.
- 10.30 - 12.30 p.m. - Staging of plays 'Jamadarni' & 'Bagh' by Habib Tanvir's group
- 12.00 - 01.30 p.m. - Panel Discussion.
Panelists: Jasjit Purewal (SAKSHI)
Abha Joshi (MARG)
Seema Mishra (MARG)
Habib Tanvir
Swapna Mukhopadhyay (ISST)
- 01.30 p.m. - Lunch

The camp at Janaki Devi Mahavidyalaya was attended by not merely the students and faculty members from the college itself, but by several students from other colleges like Indra Prastha College for Women and Shyama Prasad Mukherjee College. Several others including some visiting legal experts from an American University, members of the Legal Aid Cell and the Family Counseling Centre at the University Women's Association of Delhi University, parents of some students and other invites attended the camp. The Principal of the College Ms. Jaya Gupta and several members of the faculty and students participated in the proceedings with much enthusiasm.

The proceedings at the camp were started off with Prof. Swapna Mukhopadhyay, Director of ISST, explaining the rationale behind holding these camps at the three colleges in Delhi and

linked it up with the issues discussed at the National Level Seminar on Women and Law that was held under the auspices of the same project sponsored by ESCAP.

This was followed by an hour-long discussion conducted by legal experts from MARG. Problems that were brought up by the girls included the apathy displayed by the implementors of law, for example the police. Incidences where even the Crime Against Women Cell has been apathetic were brought up. The students asked about the procedure for filing an FIR (First Information Report), and asked what to do if the police refuses to register an FIR. The legal experts present described the procedures and elaborated on other options, which include filing a complaint or filing a writ. In cases where there a lower ranking police official does not respond, the way to pursue it is to approach a higher ranking official, they said.

Problems such as eve teasing and harassment by inlaws were talked about, and the girls wanted to know if there was any punishment for the mental anguish resulting from this. They were told that there really is no provision for such punishment, but mental torture is a ground for divorce.

After the session was over, the audience moved on to the open auditorium of the college. Tanvir's two plays, 'Jamadarni' and 'Bagh' were staged in quick succession, bringing the issues of gender justice in Indian society into sharp focus. The panel discussion that followed started off with a heightened awareness

of the nature of discrimination and indignities that society as a matter of course subjects women to.

Jasjit Purewal, a feminist activist who runs an organization called 'Sakshi', was asked by Prof. Mukhopadhyay to start off the discussions with a description of the kind of work she is involved in. In describing her work with 'Sakshi', she mentioned that one thing she is constantly confronted with is the problem of girls not wanting to acknowledge the violence in their lives. Statistics show that women are most at risk within their own families with as many as 80% of the girls and women she had worked with through workshops being victims of child abuse. The extent of this problem continues to be highly understated due to the unwillingness to acknowledge the problem and talk about it by the victims themselves.

The first step then is to give women the strength to talk about such issues and bring them out in the open. Of vital importance is empowering women to deal with these problems and acting to redress these problems rather than suppressing them. Law in itself is no panacea, for without a sense of self empowerment and self-esteem you cannot expect the laws to work.

This is not to negate the value and relevance of law altogether, for there is no denying that affirmative law has given us a basic consciousness of our rights, she said. They have also acted as deterrents to crime. However, Ms. Purewal pointed out that laws lose their deterrent effect due to their non-implementation.

Mr. Habib Tanvir spoke out in strong support of Ms. Purewal's views. He emphasized that it is more a social battle of rooting out patriarchal biases and oppression that have permeated every facet of society, be it culture, politics, law or whatever else.

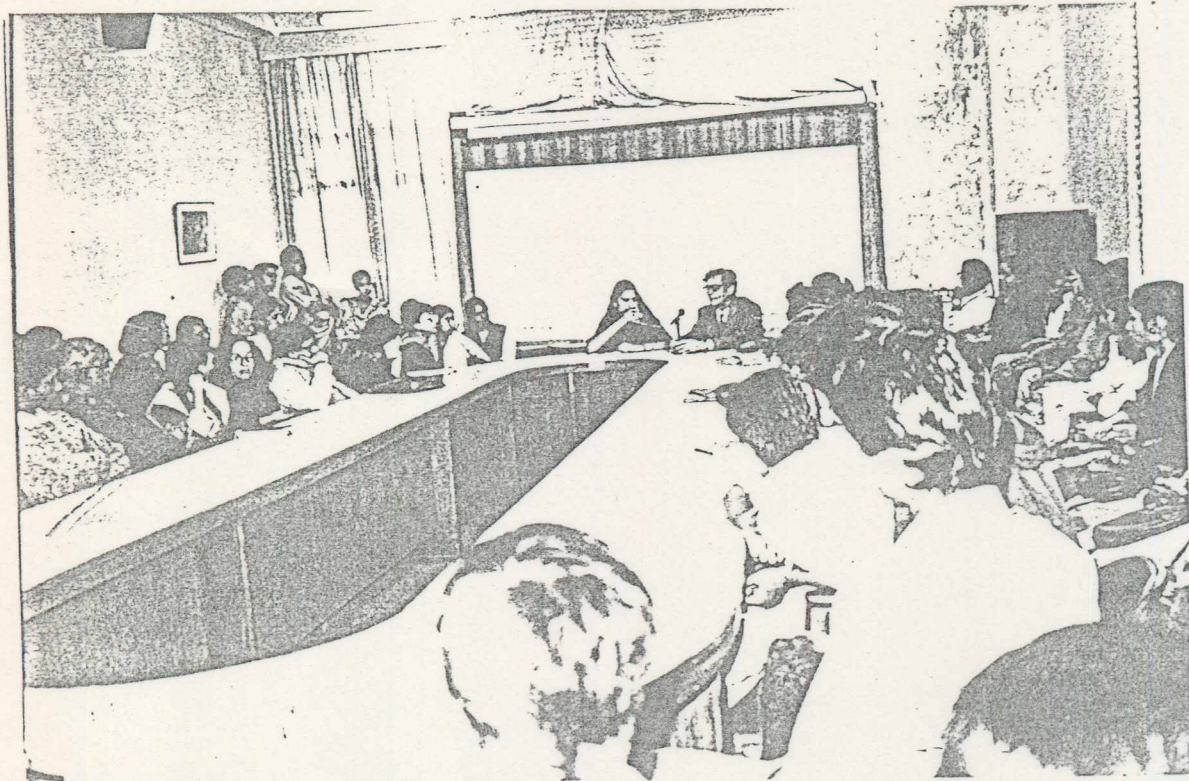
The discussion was followed by lunch which concluded the camp.

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ISST staff involved in organization of the camps:

1. Aditi Nandy
2. Harpal Singh
3. Ira Singh
4. Pushpa Rani
5. Ram Singh
6. Rina Bhattacharya
7. Salekh Chander
8. Seema Sharma
9. Shilu Ray
10. Swapna Mukhopadhyay

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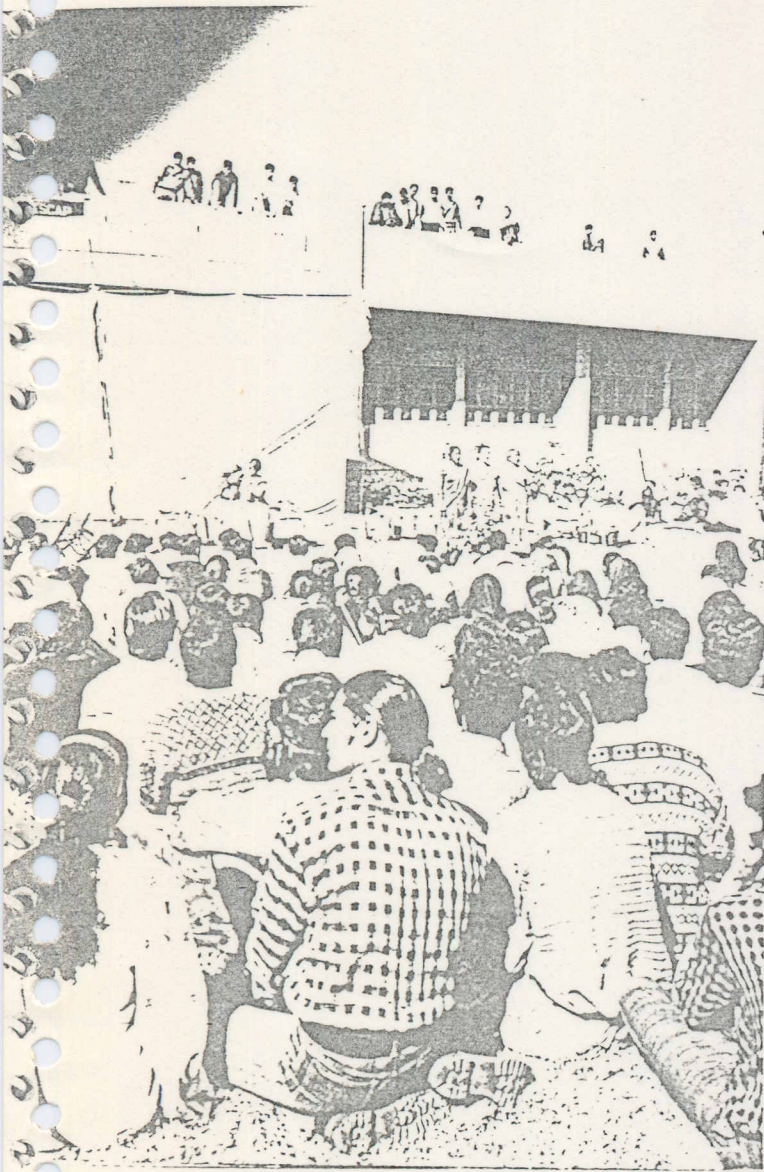


Students and faculty members at Zakir Hussain College interacting with the MARG lawyers.



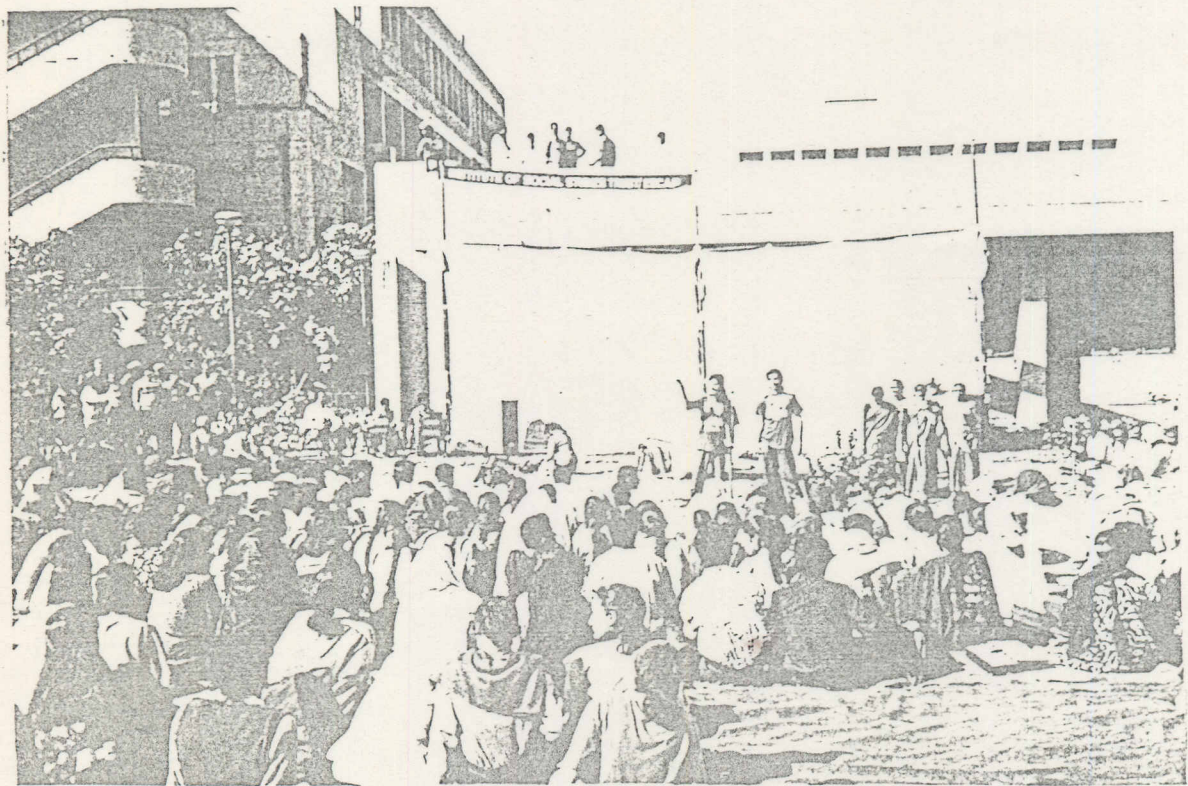
Lawyer Naina Kapur talks to students, while the Director of ISST and D.C.P. police Ms. Nanda look on.

The students of Zakir Hussain College attending the camp; watch "Bagh."

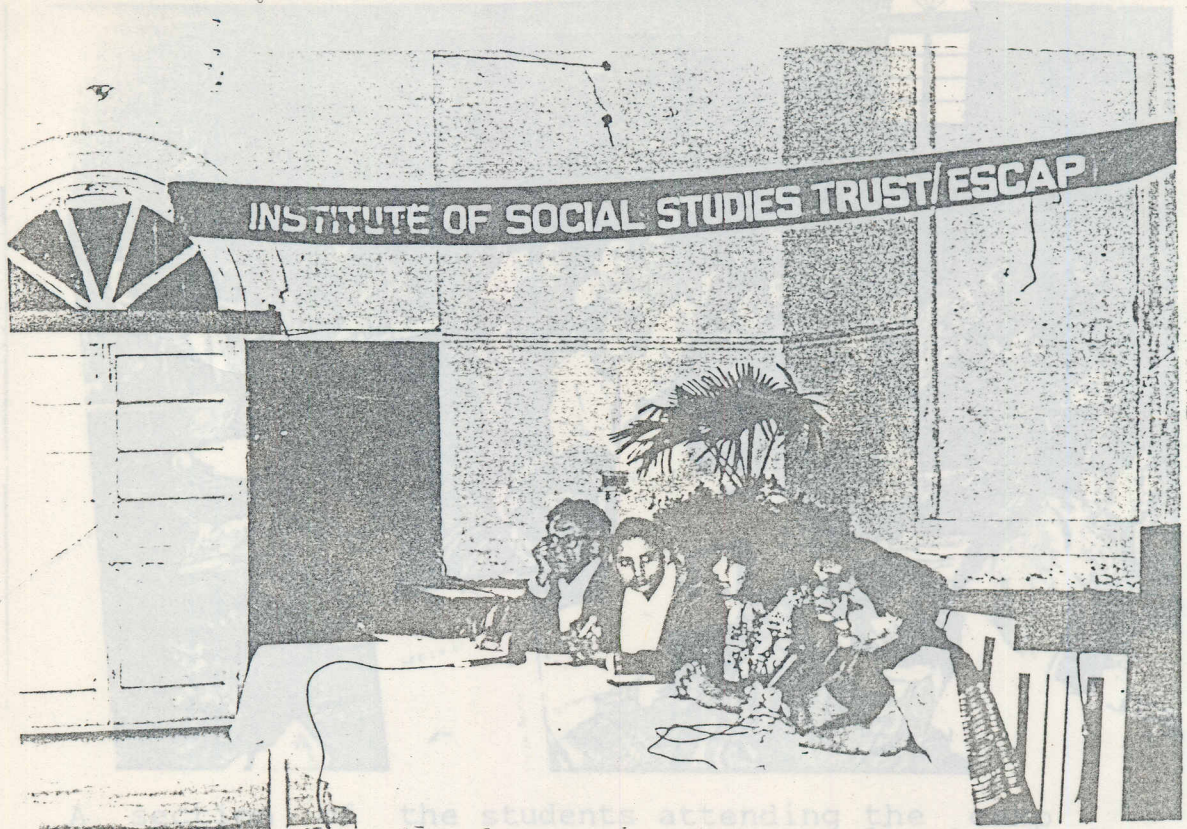




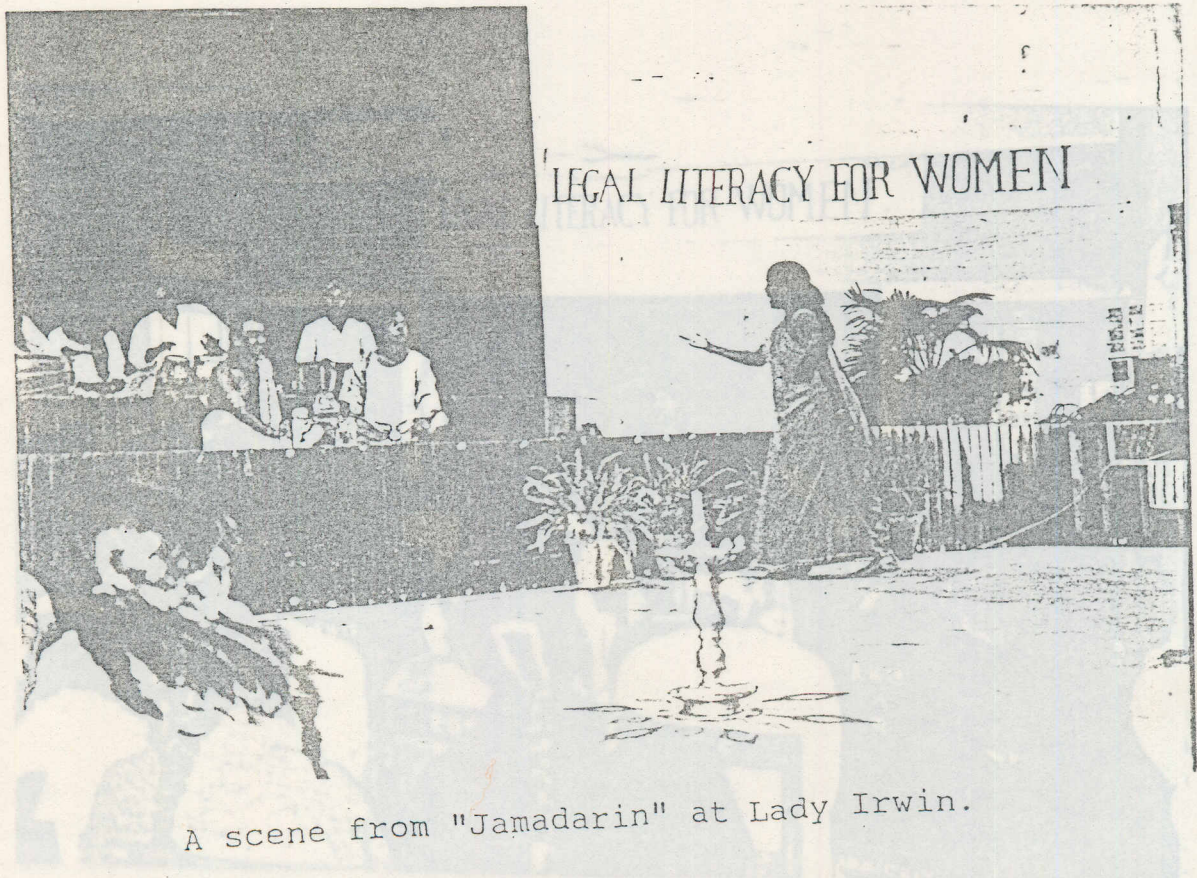
A scene from Tanvir's "Jamadarin."



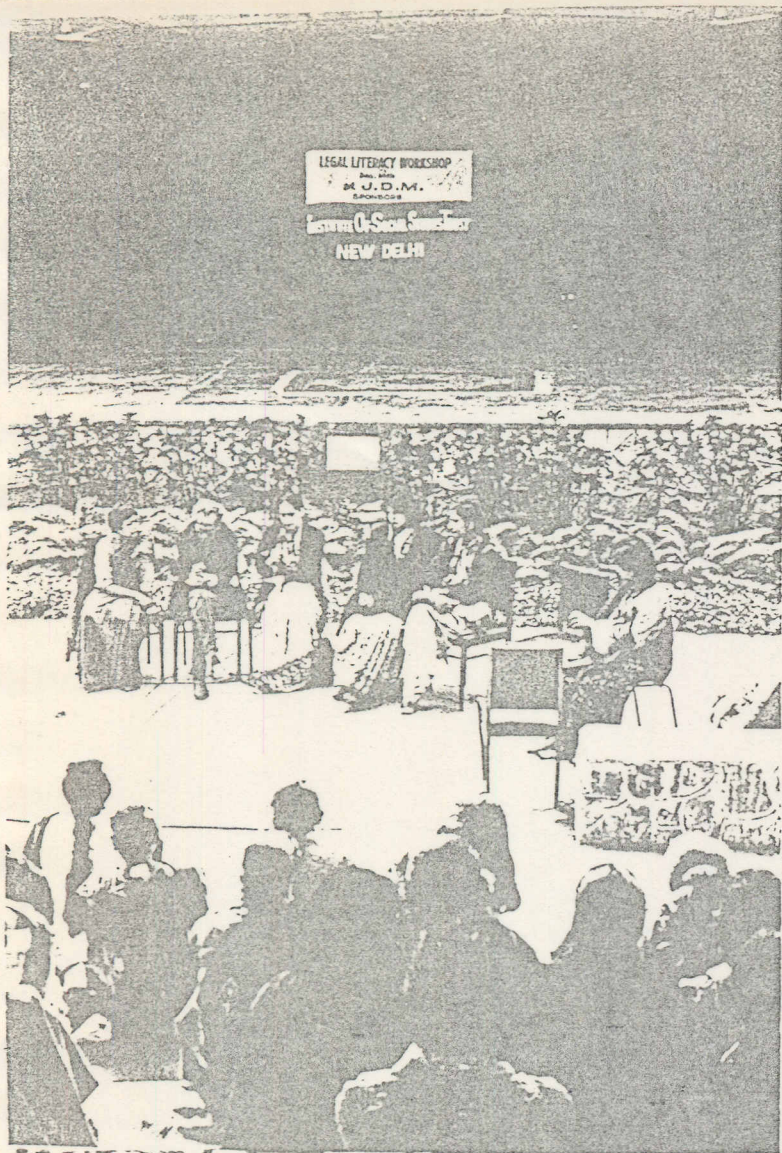
The tribal artists of Tanvir's group in action at Zakir Hussain College.



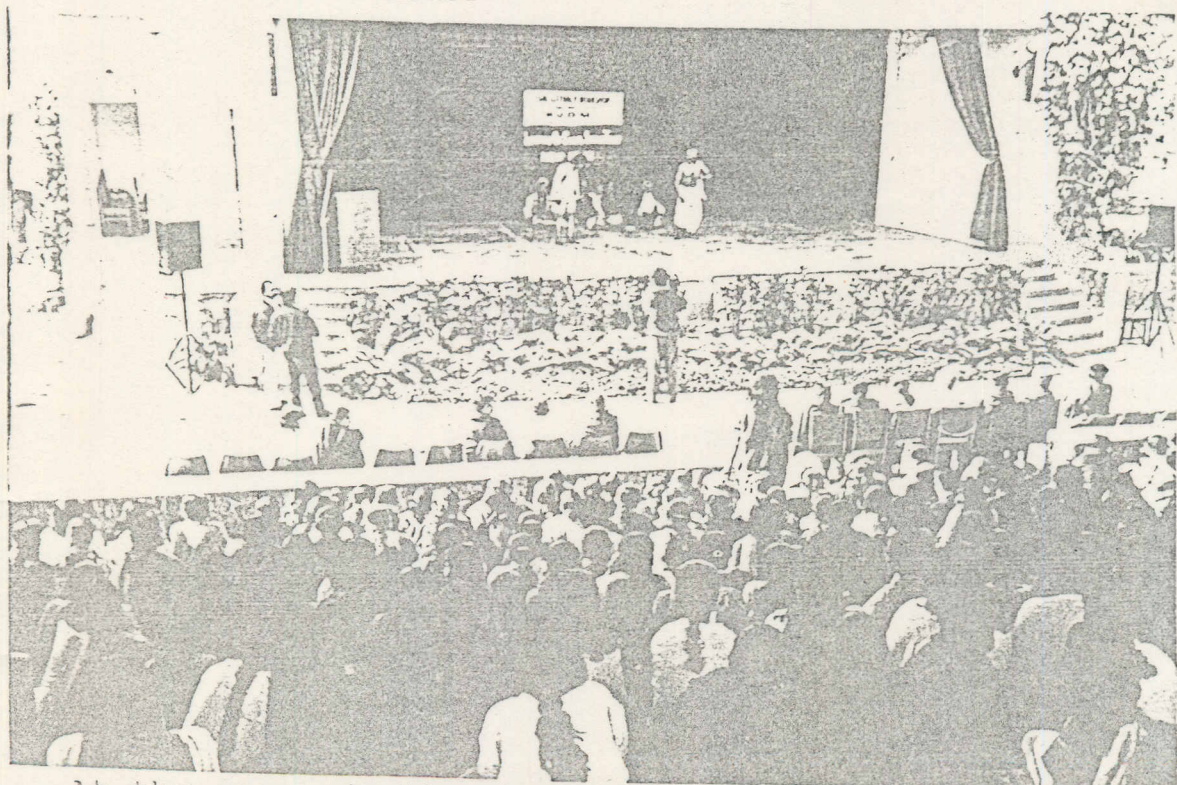
The panelists in the Lady Irwin College.



A scene from "Jamadarin" at Lady Irwin.



The panel at
Janaki Devi Mahavidyalaya.



At the open air theatre of Janaki Devi Mahavidyalaya.