

**Harvard Gender Violence Project**  
*Gender Justice and Criminal Law Reform Conference*  
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**CHIEF GUEST'S ADDRESS**

BY

*Gopal Subramaniam, Senior Advocate*  
(Former Member, Justice J.S. Verma Committee)  
(Former Solicitor General of India)  
(Former Chairman, Bar Council of India)

**CURRICULAR INNOVATION AND GOOD PRACTICES:**

**Towards Equality in Gender Just Education**

**I. Background to Harvard's Gender Violence Project**

1. Harvard Gender Violence Project (GVP) is a collaboration between the Harvard South Asia Institute, Harvard Law School, and the FXB Center for Health and Human Rights at Harvard, and regional experts working in the area of gender violence prevention and intervention programs. The GVP was established shortly after the 2012 Delhi gang rape case that generated wide spread attention both nationally and internationally and a call for action.
2. GVP intends to bring together an interdisciplinary group of faculty, students and administrators with relevant past experience who hope to join forces with colleagues working in South Asia, to develop ideas and synergies, that might contribute to progressive change to this pervasive problem.
3. This conference is a first step in holding expert and general consultation from the members of the public and private sectors, the academy, service providers and NGOs. The object of the GVP is to bring together minds, and provide an opportunity for information exchange and discussion across a range of issues – legislative, educational, policy and service oriented – relevant to sexual assault and gender violence in India and, more generally, South Asia.

*“The GVP will focus on three key issues:*

- ***Law and Law Enforcement*** - *While public pressure over highly visible cases often spurs new laws the question of enforcement of such laws needs to be addressed at the outset. Our experience in the United States with the federal Violence Against Women Act, originally passed in 1994, and recently reauthorized by President Obama, is instructive in certain ways. It illustrates the need for a sustained focus on law enforcement through police accountability as well as community involvement. We hope to engage in substantive dialogue regarding civil rights approaches to addressing sexual violence to supplement the criminal justice procedures and laws already in place. We hope to work with colleagues in India to consider what new legislation might be considered to achieve sex equality in India.*
- ***Building Good Practices*** - *Our discussion will highlight programs which demonstrably work to fast forward reform. While our main research emphasis will be on programs in India, we also plan to include in our preliminary research particularly pertinent examples from other jurisdictions. The goal is to explore creative policy making and practice as a prelude to collaborating with sister organizations already actively encouraging innovation in this area. The study will include preventative programs strengthening adolescent girls' life options, supportive programs supplying legal, medical and psycho-social assistance to survivors of rape, incest and other forms of sexual violence, medium and long term mentoring and accompanying activities targeted at victims of violence. We also plan to include initiatives that strengthen criminal justice institutions from a rights perspective, including police training, interventions with law makers and judicial entities, with emergency physicians, primary health care workers and other responders to gender violence. The work of community organizations developing a zero tolerance approach, and interrogating prevailing notions of masculinity in the public sphere, including in the media, in educational institutions, in employment contexts will also be relevant.*
- ***Curricular Innovation*** – *With a view to contributing to ongoing discussion about the importance of relevant teaching in school, we plan to document good practice examples of curricular innovation related to sex education and other relevant topics. We hope to collaborate with others to build a network of teacher organizations, education experts and relevant community stakeholders. This network will, we hope, be engaged in developing a program of curricular reform that includes enhanced adolescent participation in the design of curriculum, new teaching materials and techniques, new topics for secondary school class discussion, and new perspectives challenging stereotypical notions of male and female roles. Subjects such as menstruation and menstrual hygiene, homosexuality, HIV/AIDS and others that are currently taboo will be included in the discussion.”*

4. The objective of the conference is to generate concrete recommendations for policy makers and service providers as well as action plans for practical

implementation of the recommendations of Justice J.S. Verma Committee over an extended period.

## II. Introduction on Role of Education in Fostering Gender Equality

5. Chief Justice Verma also chaired a committee on “*Operationalization of Fundamental Duties of Citizens*” wherein he recommend that:

*“3.40.2 Education is not confined only to the time spent in schools and colleges. Education begins at birth in the subconscious and continues till death. Anyone who says that he has nothing more to learn is already brain-dead. It follows that the influences that play on a child at home are of great importance. Parents should understand that education begins at home, the examples they set, the environment of enlightenment and tolerance that is necessary to produce good citizens cannot be sub-contracted to formal schooling important though this is. Schemes should, therefore, be framed that include parents in social activities that have as their objective the country's age-old traditions, its welcome to the persecuted of every faith, its virtue of tolerance of and respect for all religious and a certain pride in belonging to this land and in being considered as Indian. The highest office in our democracy is the office of citizen; this is not only a platitude, it must translate into reality. The distinction is not illusory. This country has given far too much indulgence to an attitude of mind that acts on the question - what is there in it for me Education and the process of inculcating unselfishness and a sense of obligation to one's fellowmen should inspire the question - where does my duty lie? The transformation has the potential to make our nation strong, invincible and able to command the respect of the world.”*

6. The Verma Committee had noticed that a number of provisions in the Constitution exist that mandate the State and its various organs to guarantee gender equality. In order to give effect to this Constitutional goal, it is necessary that laws and policies which involve crime against women must also be sufficiently structured to give effect to these guarantees.
7. The fundamental duties of every citizen specified in Article 51A of the Constitution of India include the duties ‘to renounce practices derogatory to the dignity of women’ in clause (e), and the foremost duty ‘to abide by the Constitution and respect its ideals’ in clause (a). In the Verma Committee

Report, we had pointed out that these fundamental duties are merely a reiteration of the values of the Indian ethos, which needed a reminder in the waning moral structure of the society, more prevalent in the institutions of governance. In fact, Aristotle, in *'Politics'*, has rightly underlined the importance of 'education of citizens in the spirit of the Constitution' in the following words:

*"The greatest of all means...for ensuring the stability of Constitutions—but which is nowadays generally neglected—is the education of citizens in the spirit of the Constitution..."*<sup>1</sup>

8. As suggested in the Verma Committee Report, the ethos of empowerment of women does not limit itself to political equality, but also extends, in equal terms, to social, educational, and economic equality.
9. All endeavour must be made that woman are equally capable and productive for the purpose of becoming self-sufficient, which would be one of the intrinsic safeguards for 'feeling' and 'perceiving' equality embodied in Article 14 of the Constitution. Naturally, this cannot detract from the reality that political power, domestic violence, education and social status are indeed vital concerns. In terms of 'education' it is absolutely necessary the curriculum is 'gendered', and the curriculum as well as teaching methodology while taking into account gender differences does not perpetrate discrimination.
10. There is no doubt that regular practices, rituals and methodology that interact with our children has an indelible impact on their impressionable minds. Any exercise to foster gender equality, or attempts to correct gender bias and to cure the mindset of the prejudices influencing the society has to necessarily address the aspect of the role of education, and particularly the curriculum and pedagogy. It is generally perceived that until recently, attempts were only to treat the symptoms, and no attention seems to have been paid to address the systemic problem that lies at the root of misogyny that also manifests in violence on the basis of gender. *"Patriarchal constructions of knowledge perpetuate patriarchal*

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<sup>1</sup> Aristotle, *Politics*, ed. R. F. Stalley, trans. Ernest Barker (Oxford, 1998)

*ideology and this is reflected in educational institutions, knowledge system and media which reinforce male dominance. More subtle expressions of patriarchy was through symbolism giving messages of inferiority of women through legends highlighting the self-sacrificing, self-effacing pure image of women and through ritual practice which emphasized the dominant role of women as a faithful wife and devout mother.”<sup>2</sup>*

11. We had suggested in the Verma Committee Report that education has to begin at birth in the home, in formal education, personal behaviour, social interaction, and it has to continue life-long. The process may take time for its completion, but it must commence forthwith. And that is where the importance of curricular reform has rightly come into focus.
12. In the formation of curriculum, there is a necessity to probe deeper in recognizing multiple patriarchies and striking at a wider ‘culture of misogyny’ through a change in educational practices, curriculum reforms and pedagogy. Such curriculum change ought to focus not only in fostering gender equality, but also to develop a sense of empathy and developing the ability to understand from other vantage points.
13. While presently, a noticeable thrust for women’s development with respect to girls’ education exists, there seems to be little that is done to bridge the gender disparity and ensuring a curriculum change, and analyzing the causes of disparities in achievement of boys and girls. This requires further interrogation into integration of both and women in to economic activities, and whether in terms of curricular there exist any systemic reason that discourages participation of women.
14. As highlighted in Verma Committee Report also, discrimination between sexes in the allocation of scarce resources in various fields such as nutrition, medical care and education is directly related to the greater desirability of the son and the transferability of the daughter. In most families, girls are brought up seeing

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<sup>2</sup> Suranjit Ray, Understanding Patriarchy, last accessed at [http://www.du.ac.in/fileadmin/DU/Academics/course\\_material/hrge\\_06.pdf](http://www.du.ac.in/fileadmin/DU/Academics/course_material/hrge_06.pdf) on July 4, 2013

their brothers get more and better food, and more attention and priority. This attitude is internalized by girls often without being conscious of it; but a conscious effort is also made so that the girls inculcate the cultural norms which legitimize a differential treatment between girls and boys, which then is not questioned.<sup>3</sup>

15. We are all now aware of the Constitutional position that 'non-discrimination' is not merely the absence of discrimination, and in fact is an affirmative position. It does not require too much effort to understand that the purpose of equality under the Constitution can simply be defeated by recourse to subtle, slants of behaviour, attitudes and power play as well as the exhibition of arrogance.
16. The problems arising out of gender inequality and repression of sexuality also affect the political crusade against the real problems of life such as impoverishment, mal-nutrition, child abuse, lack of physical protection, destitution, and lack of access to education. Stereotypes of masculine and feminine behaviours and characteristics permeate our culture in ways that we may not even be able to identify easily. There is an additional aspect, when a child's aptitudes and interests deviate from 'accepted' norms, he is often subjected to discrimination and ridicule.
17. Therefore, when it comes to gender justice and fostering a sense of equality, there is more to be done than what could be achieved through legislation alone.

### **III. Curricular Reforms**

18. It is noted in African Development Bank Groups Checklist for Gender Mainstreaming in the Education Sector with a Special Focus on Education, Science and Technology Sub-Sector that:-

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<sup>3</sup> Towards Equality-Report of the Committee on the Status of Women in India, Sharma K. and Sujaya C.P. (Ed), Pearson, 2012

*“Education is critical for the empowerment of both men and women. According to available literature, education expands opportunities, enhances people’s capacity to develop their full potential, contributes to more equal gender relations and ultimately enables recipients to benefit from development interventions. Education also enables the use of ‘voice’ more effectively in decision making in the household, community, workplace and the public arena. For women, basic literacy is essential in improving women’s living standards. Furthermore, investment in the education of women yields multiple benefits for overall development goals which contribute significantly to the poverty reduction goal of the Bank given the positive effect of education on the role women play in the health, food security, education and socialization of their children.”*

19. The Beijing 1995 Platform for Action identifies two strands in gender mainstreaming that have practical and operational implications: the integration of gender in policy analysis and formulation, and ensuring that the priorities of women as well as men are heard in participatory consultation and development process.
  
20. While the process of gender identification starts at a very young stage, by the time a child reaches the middle of childhood, gender identification continues to become more firmly established, not only in children's interest in playing more exclusively with youngsters of their own sex, but also in their interest in acting like, looking like, and having things like their same-sex peers. As suggested in the Verma Committee Report, school teachers should promote group interactive practices so that the idea of a male child having masculinity and which necessarily implies an implied repudiation of femininity or sensitivity must be discouraged. Education at this level must involve breaking down many of the sexual stereotypes (including relating to emotions) that direct and limit our behaviour, and creating an environment of greater sexual equity and balance. We had also suggested in the Report that the attempt of education should be to liberate children from social constructs and not to reinforce them; and thrust has to be inculcation of respect for other persons especially that of the other gender.
  
21. The African Development Bank draws the checklist from Asian Development Bank Gender Checklist for Education and has devised a strategy to endeavor that its projects are in compliance with the millennium development goals for

achieving universal primary education is equally available to boys and girls and that gender is given due regard to.

***“Priority Gender Equality Issues in Education Sector Projects Gender Issues in basic and primary education:***

- *equal access and participation rate to school for girls and boys in various social groups;*
- *availability of facilities (separate dormitories, toilet facilities, special financial incentives to ensure ; female retention rates, etc.) needed to improve girls’ access to schools;*
- *improvement of dropout rates of girls/ boys;*
- *inadequate female teachers at the various educational levels to act as role models;*
- *poor quality and relevance of teaching/ training;*
- *limited women involvement in school management;*
- *lack of support services such as counselling and health service to address inter-sectoral factor that affect girls participation in education;*
- *inaccessibility of opportunities for training or scholarship for both girls and boys.*

***Gender issues in secondary education***

- *improved awareness of existing education and training opportunities for girls in all available programs;*
- *increased availability secondary education offered in rural communities;*
- *improved facilities at secondary training institutions (e.g., secure women’s dormitory accommodation, study facilities for women where sex segregation is a cultural norm) to allow women to enrol;*
- *increased training, recruitment and retention of female teachers at this level.*

***Gender issues in non-formal education and training***

- *restricted free time for women in the client population to participate in training;*
- *offered at times when women with family responsibilities or jobs are unable to attend;*
- *limited women participation in the choice of training programs;*
- *courses or training sessions held in locations that are accessible to women as well as men, considering cultural norms and women’s mobility? Are childcare services needed to facilitate women’s participation;*
- *inadequate mechanisms for poor women, in particular, to receive information about non-formal education/ training opportunities;*
- *high cost of training prevents the participation of women without independent sources of income;*
- *lack of arrangements for scholarships, adequate physical facilities, and other special arrangements to ensure female participation;*
- *poor understanding by education planners of the contribution of training to improving women’s productive capacity and increase of their marketable skills and income-earning potential;*

- *lack of consideration of health and population issues or other issues relevant to women in training;*
- *lack of mechanisms in education interventions monitoring and evaluation of effects on women participation and empowerment.”*

22. The check list formulated by the African Development Bank aims to ‘engender education’ which could mean, inter alia, the following:-

- gender sensitive targeting
- deepening understanding of gender equality
- reconceptualising learning
- making schools more responsive to local needs
- child centeredness
- empowerment of girls
- involving parents specially mothers in decision making
- intervening in social spaces to influence change
- empowering and resourcing teachers specially women teachers
- building traditions that celebrate learning
- using research to identify problems and hear voices
- continuous monitoring of goal achieved

23. Commonwealth Secretariat has also highlighted the importance of linking promotion of girls’ access to education with learning processes. To ensure sustainable improvements in female education, both access and quality reforms cannot be separated from one another.

24. As highlighted above, involvement of mothers in the decision making process is a valuable method because mothers have been consistently identified as a key driver for change especially for improving daughter’s education prospects. Reasons for targeting the involvement of mothers are not just about drawing their roles as home makers and carers but as a way of improving women’s capacities and skills to hold service delivery accountable.

25. Crimes against women are an egregious violation of several human rights demanding strict punishment with deterrence to prevent similar crimes in future by the likeminded. As noted in the Justice Verma Committee Report, “*If rape*

*has to be prevented, it has to be prevented not only as a crime, it has to be also prevented by substantive attitudinal changes in society.”* Formulation or incorporation of a curriculum with a preventive outlook or preventive programmes helps inculcate social competency and reduce aggressive and impulsive behaviour.

26. I am of the firm view that the scope of criminal law is not only to punish for transgressions but also to prevent commission of transgressions, and this approach is also reflected in Verma Committee Report. During our consultations, the Committee was surprised to find out that offences such as stalking, voyeurism, ‘eve-teasing’ etc are perceived as ‘minor’ offences, even though they are capable of depriving not only a girl child but frail children of their right to education and their freedom of expression and movement. Justice Verma Committee took the view that it is not sufficient for the State to legislate and establish machinery of prosecution, but conscious and well thought out attempts will have to be made to ensure the culture of mutual respect is fostered in India’s children. Preventive measures for the initial minor aberrations are necessary to check their escalation into major sexual aberrations.
27. In schools, even in co-educational schools in India, the students are rarely introduced to the concept that people develop themselves as men and women, which forms a dynamic part of their overall self-perception. Understandably, there is a certain level of discomfiture in traditionally rooted parents in the schools introducing to children the development of gender identity and the stability and dynamics of self-perception in terms of gender role over the course of one's life, and dependent on personal experiences. Conditioning of social behaviour that takes place in schools and colleges, reflects varying degrees of aggression, dominance, dependency, and gentleness which may be attributed to the ‘man’ or ‘woman’.
28. The only institution which can counteract the indoctrination process which affects the development of individual personalities is the educational system.

*“If education is to promote equality for women, it must make a deliberate, planned and sustained effort so that the new value of equality of the sexes, can replace the traditional value system of inequality. The educational system today has not even attempted to undertake this responsibility. In fact, the schools reflect and strengthen the traditional prejudices of inequality through their curricula, the classification of subjects on the basis of sex and the unwritten code of conduct enforced on their pupils.*

*We received criticisms of school textbooks in this respect in many places. In Manipur, and Andhra Pradesh in particular, a number of women were highly critical of the inclusion of stories of Sita and Savitri, as ideals of womanhood, since they tend to perpetuate the traditional values regarding the subordinate and dependent role of women. This results in the development of social attitudes among even many educated persons, men and women, who accept women’s dependent and unequal status as a natural order of society.”<sup>4</sup>*

29. The State or any institution for that matter must be careful in choosing text books and must ensure the readings should serve the overarching object of liberation and education in the true sense.

30. In fact, I have seen a letter dated 5<sup>th</sup> March, 2013, by which, subsequent to the Recommendation of the Verma Committee, the Central Board of Secondary Education has added an “elective” course on Human Rights and Genders, whose objects are under:

*“At the same the teaching of gender issues encompasses a wide range of questions, which are related to the underlying concepts of gender as they are evolved in various academic disciplines, epistemological approaches and institutional setting of modern educational systems on all levels. Teaching gender also involves the potentials and the problems of gender being a universal individual experience, personal or social in the institutional setting and focuses on gender mainstreaming in the light of Human Rights. This course is intended to make students aware of the ways in which gender is “taken for granted” and how gender is learned, the implications of gender for our lives, and prospects for change insofar as men and women are able to combine and/or reject elements of traditional masculinity and femininity.”*

*This knowledge and respect of rights as well as gender that students attain, combined with understanding, respect and tolerance for difference; can empower them to tackle prejudice, improve relationships and make the most of their lives. In our ever more diverse and challenging society, it thus becomes even more important to instil young people with these positive and open-minded attitudes.”*

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<sup>4</sup> Towards Equality- Report of the Committee on the Status of Women in India, ed. Kumud Sharma & C P Sujaya, Center for Women’s Development Studies, 2012

31. The curriculum, methodology, sufficiency and suitability of the courses may not be without doubt, and would need its evaluation to be done. However, it is a good starting point. Central Board of Secondary Education alone seems to have incorporated this recommendation of Justice Verma Committee, and State Boards seem to be lacking.
32. Justice Verma Committee had held extensive consultations, and a direct and rational nexus between methods of parenting and school curriculum and the rights of women was noticed, especially in relation to the girl child. Through proper parenting and appropriate school curriculum, India can teach its children to respect the members of the other and the same sex, and that would to a great extent succor gender mainstreaming.
33. Making education 'gender just' would lead to reduction in drop outs, and would enable better understanding, mutual acceptance of each other when children enter into adolescence. These practices in schools are a must. We must again remind the State that these practices should be practiced in every school in India.
34. Investigators, judges and counsels are part of the society and products of the educational system of India. The multi-faceted problem and concerns noticed above are not confined to ensuring gender justice in educational institutions, and is reflected in professions, services and governments as well – and legal systems are just the reflection of the educational system prevalent in India. In this background, it is absolutely imperative, as also recommended by the Verma Committee, that these areas of law and the issues which have been raised herein are taken up with all seriousness and earnestness.

#### **IV. Inclusion of Sex Education and Gender Reform**

35. In the Report, we have observed that most children's education in South Asia have focused primarily on lecturing children about what they should do without encouraging them to express their opinions about perceived needs.

Scholars have suggested that schools have to act as counter-socialisers to tackle gender bias and discrimination. Therefore, methodologies that can set up such counter-socialisation have to be explored.

*“Though the content of education and classroom pedagogy are critical to altering gender and other social relations it has not been paid the attention it deserves. Efforts to make curricula gender-sensitive have been undertaken but can be considered initial attempts as they have remained largely at the level of removing stereotypes or increasing visibility and not have looked at gender in terms of social relations. Problems related to the representation of marginalized communities continue to exist and contribute to the deep sense of alienation of these communities from the mainstream education system and a reason for children dropping out. Sexuality is addressed in a problematic manner in educational materials. It is either related to population or reproductive health or seen as a problem associated with promiscuity and shame.”<sup>5</sup>*

36. Sexuality education is the process of assisting young people in their physical, social, emotional and moral development as they prepare for adulthood, marriage, parenthood and ageing, as well as their social relationships in the context of family and society. The need to impart appropriate education on sexuality is an important issue that the system, the parents and the teachers must acknowledge and address if they want to make sure that their children are well adjusted and safe, and will grow up to be mature and balanced individuals.<sup>6</sup> Various issues in the light of sexuality require to be addressed to foster informed choices and awareness of the diversity of the expressions of sexuality and gender among children. In turn such information and awareness would become vital to help them deal with violations.

37. The society should demonstrate a commitment to support all who are affected by sexual abuse, and school and curriculum education play a dominant role in building up of mindset that supports the victim, prevents in crime and also helps the society emerge out from the repression.

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<sup>5</sup> India Second and Third NGO Alternative Report on CEDAW

<sup>6</sup> Sheshadari. S and Rao .N, 2012 *Parenting The art and science of nurturing*, Byword Books Private Limited.

38. As noted in the Report, evidence from rural Bangladesh showed getting more girls to school did not necessarily transform attitudes to women, including the objectification of women, or the acceptability of violence against women.<sup>7</sup> Instead discriminatory attitudes became worse. This is because schools are reproductive, not just productive: they reflect prevailing structures, not only provide vehicles to change them. <sup>8</sup>‘Educating’ more people means nothing – attitudes will not necessarily transform with ‘more education.’ While we are driving more and more pupils to school, we need to also ensure that they are educated and not just schooled.
39. Women continue to remain victims of an increasing number of rapes, sexual harassment and sexual assault cases. The fact that women may be obtaining education in roughly equal numbers and levels to that of men would not mechanically imply that they occupy an equal status in comparison. Discrimination based on gender is embedded on equal terms within the social, economic and political structures, and “*as part of the system of patriarchy, education plays an active role in perpetuating the status quo of unequal social and economic roles of women and men within our society.*”<sup>9</sup>
40. The training of teachers to deal with health and sexuality issues among adolescents merits considerable deliberation, however, our teacher training curriculum does not consider this as an important part of their training. Though sex has ordinarily been a taboo topic in India, there is an increasing need to train teachers to construct a value system around sex education, and to de-educate them in respect of the value judgment about various contiguous issues. It is also even more essential where a shift is required to be marked from a biological or reproductive understanding to a more socio-cultural one; and shift from “sex education” to “sexuality education” so to speak. It is of critical

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<sup>7</sup> See Chisanya et al, (2011), *Gender and Education for All: Progress and Problems in Achieving Gender Equity*, International Journal of Educational Development

<sup>8</sup> See Stromquist, (2006), *Gender, Education and the Possibility of Transformative Knowledge*, A Journal of Comparative and International Education.

<sup>9</sup> Barbara Anne Murphy, *Education an Illusion for Women*, Southern California Review of Law and Women’s Studies, Vol 3, Issue 1 pg.22

importance that teachers must not normalize sexual assaults even if they are perceived to be minor incursions.

41. Further it must be noted, from various surveys that that sex is a sensitive issue of discussion in India and other developing countries. The usual argument to oppose introduction of sex education in schools, which were all rejected by the Verma Committee are:

- a. *Sexuality education leads to children indulging in sexual intercourse at an 'early age';*
- b. *Sexuality education deprives children of innocence;*
- c. *Sexuality education is against culture or religion;*
- d. *It is the role of parents and the extended family, and not of the State or the formal education system, to educate our young people about sexuality;*
- e. *Parents will object to sexuality education being taught in schools;*
- f. *Sexuality education may be good for young adults but not for young children."*

42. And the Report concludes that:

*"We find that research does not indicate early sexual initiation on account of sexuality education. On the contrary, there is better and more responsible sexual behaviour. Secondly, the information being available in a scientifically accurate, non-judgmental, age appropriate and in a carefully phased process is something which will benefit young children. Thirdly, parents and families also play an important role in shaping the identity of children's sexual identity and must create an appropriate environment. We notice that there is adequate basis for the view that there was increased cognition of consequences as a result of which risky sexual behaviour as well as repression could well be avoided. We are of the opinion that on account of repression, the element of increased aggression leading to violent behaviour would be well avoided."*

43. To be successful in reducing sexual aggression and foster respect for gender difference, we must find the resources to address the violent and under-acknowledged epidemic of repression including sexual repression. We may spend a lot of energy in holding persons accused for sexual offences accountable for their actions, and of course there is a need to hold them accountable under the Constitution and even morally. It is however equally important to address the psychology of a sex offender, and address the cause.

44. Treatment of mental health disorders that can precipitate sexual abuse have to begin early at schools, with parent groups, with health care professionals working with individuals at risk, or with civic organizations in the community.
45. Further, in order to fight the endemic sexual exploitation, society must change the way it thinks about sexual abuse, talk more about sexual abuse. For some aspects, we can take note of an article by Gerald Blanchard and Joan Tabachnick wherein they argue that *“By moving toward a public health approach, we can understand how to address societal factors and social norms that discourage us from discussing sexual behavior learn how to confront unhealthy sexual behaviors, and disclose sexually abusive behaviors so that they can be treated and managed.”*<sup>10</sup>
46. The curriculum of school based teaching, while appearing to be limited to teaching of formal subjects may actually be extended to teach behavioural subjects allowing students to develop the capability to deal with life situations better. As noted by David Finkelhor, *“School-based educational programs teach children such skills as how to identify dangerous situations, refuse an abuser’s approach, break off an interaction, and summon help. The programs also aim to promote disclosure, reduce self-blame, and mobilize bystanders. Considerable evaluation research exists about these programs, suggesting that they achieve certain of their goals. Research shows, for example, that young people can and do acquire the concepts. The programs may promote disclosure and help children not to blame themselves.”*<sup>11</sup>

## **V. Engendering Education for the Educators**

47. Education on gender for young men and adults will need to be distinct from education on gender for children, and therefore different approaches need to be devised for different groups.

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<sup>10</sup> Gerald Blanchard, Joan Tabachnick, THE PREVENTION OF SEXUAL ABUSE: PSYCHOLOGICAL AND PUBLIC HEALTH PERSPECTIVES, in SEXUAL ADDICTION & COMPULSIVITY, 9:1–13, 2002.

<sup>11</sup> David Finkelhor, *The Prevention of Childhood Sexual Abuse*, last accessed at [http://futureofchildren.org/futureofchildren/publications/docs/19\\_02\\_08.pdf](http://futureofchildren.org/futureofchildren/publications/docs/19_02_08.pdf) on July 7, 2013

48. ‘Gender’ (and the associated idea of ‘masculinity’ and ‘femininity’) is a social (not biological) construct. By young adulthood perceptions of gender are more fixed,<sup>12</sup> and therefore the requirement of teacher’s vis-à-vis pedagogy will necessarily vary.

*“Male silence response to female expression of emotions or appeal to group solidarity can also serve to reinforce messages of female inferiority encouraging further female silence... One reason little boys become inexpressive is not simply because our culture expects boys to be that way – but because our culture expects little boys to grow up to hold positions of power and prestige.”<sup>13</sup>*

49. In addition to several problems we face, we also face the problem that “[I]n India and indeed across the world, the steering of education seems to have shifted from academicians to corporate industrialists.”<sup>14</sup> As highlighted in Justice Verma Committee Report, this corporatization impinges on the autonomy of education and its functioning. This is accompanied by the decline in standards of education and the promotion of higher education at the expense of primary education, contributing to its neglect.

50. Educational curricula are encouraging ‘cut-throat competition’; newly-emergent information based societies exhibit elitism compounding the inequities existing in education. In such an atmosphere, education seems like an inadequate preparation for developing students’ “capabilities to face, understand and negotiate the complexities of real life situations” This is evidence that schools are not educating our children for ‘life’ but for ‘jobs’: they do not seem to focus on the realm of ideas, empathy, emotional intelligence, moral dilemmas and critical thinking- all factors that influence a child’s development and capabilities.

51. In order to be effective, for the process of internalization of gender equality, it is important that teacher training has to go alongside changes in curriculum.

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<sup>12</sup> Verma et al, Challenging and Changing Gender Attitudes among Young Men in Mumbai, India

<sup>13</sup> Andrew E. Taslitz, Extracts From Rape And The Culture Of The Court Room, New York University Press (1999) P71

<sup>14</sup> Kiran. S et al, “Development of a life skills program for educationalists using experiential methodologies”, (2007) The International Journal on School Disaffection p22, 23

Therefore, when the changes in curriculum are suggested the same must be understood as change in curriculum at pre-school stage leading upto the highest levels of education and must particularly include teacher training. The process of absorption of values has to be at all stages and in all forms and has to be alongside structural changes that facilitate work environment with due regard to the importance and relevance of such an approach in the daily works.

52. Therefore, while advocating curriculum change, it is equally important to have trained teachers, and psychologists available at the services of schools and educational institutions so that effective steps could be taken at a timely stage. These recommendations of the Verma Committee Report, which go to the root of the issue have found little attention.

53. Since gender sensitization involves change in mind, attitude, behavior, perception, work culture, organizational priorities, resource allocation and monitoring systems, the word “training” as a prefix to teachers does not entirely capture what needs to be done. Ultimately, teachers also form a part of the society, and therefore, mere training may not be able to deliver long term goals. The process of change can begin with training, but has to be much more extensive.

## **VI. Hidden Curriculum in Pedagogy**

54. Impressionable minds of young children are most influenced by what they observe, in what is known as the ‘*hidden curriculum*’. While issues relating to values explicitly in courses are vital to the discussion at hand, the questions relating to values taught implicitly by teachers, in what they teach and how they teach it merit equal deliberation. “*There are many ways, including silence, of conveying the idea that it is not appropriate for students to bring their own women’s experiences and perspective to bear on what is being learnt. It may be unnecessary to tell a class that women do not matter, when the message can be conveyed as effectively by a*

*sexist joke or by habitually interrupting women students.*”<sup>15</sup> Therefore these “*un-written work rules*”<sup>16</sup> for teachers forms part of the larger social text which they transfer to the children and reinforce through their conduct.

55. Consequently, gender equality is still perceived as a women’s issue. Stereotypical views of gender roles and widespread indifference among both men and women affect male participation in gender discussions and activities that promote greater gender justice.<sup>17</sup> No emphasis is paid in neutralizing “gender roles”. Even where curriculum requires students take additional skills, for instance in crafts – teachers would encourage women to learn cooking & sewing, and men would be encourage to learn gardening and the like.

56. Therefore, training programmes for children have to be different from the conventional programmes. This is because as opposed to conventional training methods where the trainer is entrusted with the task of giving information, when we are dealing with attitudes, mere information transfer is not sufficient. In such a training programme, the role of facilitator who is required to engage with the participants to list the information, classify it and involve the group in separating ‘facts’ from value loaded statements is very important.

57. In *Bihar State Government, Secondary School Teachers Association v. Bihar Education Service Association* (Civil Appeal No.8226-8227/2012), the Supreme Court was pleased to observe the abysmal conditions in which the teachers are functioning in the State of Bihar in the following words:-

*“The attitude of the State Government in this matter has caused unnecessary anxiety to a large number of teachers. The State Government must realize that in a country where there is so much illiteracy and where there are a large number of first generation students, the role of primary and secondary teachers*

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<sup>15</sup> Christine Boyle, *Teaching Law as if Women Really Mattered, or What about the Washrooms?*, Canadian Journal of Women and Law, Vol 2, Issue 1, pp. 98, 99

<sup>16</sup> Robert J Bezucha, *Feminist Pedagogy as a subversive activity*, in *Gendered Subject: The dynamics of feminist teaching*, ed. Margo Cully and Chatherine Portuges, (Boston, 1982) 81, 82

<sup>17</sup> *Masculinities: Male Roles and Male Involvement in the Promotion of Gender Equality*, a Study by UNICEF, accessed at [http://www.unicef.org/emerg/files/male\\_roles.pdf](http://www.unicef.org/emerg/files/male_roles.pdf) on July 9, 2013.

*is very important. They have to be treated honourably and given appropriate pay and chances of promotion....”*

58. In ordinary lives, people have the ability to quickly reflect on social relationships, dominant prejudices, public face of the government from a lay person’s everyday perspective and it is rather critical for a training programme to ask trainees to not mix a professional approach from common sense fragments of experiential reality. In fact, as suggested above, a fair bit of unlearning would also be required before effective learning could take place.
59. Exercise of the training programme would be internalization of bare facts and shedding of prejudices. The training programme requires a shift from internalization to conviction which may not happen instantaneously and, therefore, creating a long term support structure to legitimize the process of internalizing facts and shedding prejudices or value loaded statements is necessary for the training programme to yield long term benefits.
60. Given the position of teachers in Indian society, in fact, the motivated teachers may be allocated the role to mobilise parents and getting girls to school. At the same time, it is also central to the objective that activities considered to impede access to education to girls are discouraged and curbed.
61. This approach was an important factor for why stalking was suggested to be criminalized in the Justice Verma Committee Report. It was found that many girls are discouraged from pursuing further education because they feel insecure in public spaces.
62. In a recent judgment in *DIG v. S. Samudiram*<sup>18</sup>, the Supreme Court of India has referred to “eve-teasing” as a euphemism wherein Justice Radhakrishnan perceptively looked at not only sexual harassment at workplaces but the safety of women in all places and made the following observations:

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<sup>18</sup> (2012) 11 SCALE 420

“26. We may, in the facts and circumstances of this case, wish to add some aspects which are also of considerable public importance. We notice that there is no uniform law in this country to curb eve-teasing effectively in or within the precinct of educational institutions, places of worship, bus stands, metro-stations, railway stations, cinema theatres, parks, beaches, places of festival, public service vehicles or any other similar place. Eve-teasing generally occurs in public places which, with a little effort, can be effectively curbed. Consequences of not curbing such a menace, needless to say, at times disastrous. There are many instances where girls of young age are being harassed, which sometimes may lead to serious psychological problems and even committing suicide. Every citizen in this country has right to live with dignity and honour which is a fundamental right guaranteed under Article 21 of the Constitution of India. Sexual harassment like eve-teasing of women amounts to violation of rights guaranteed under Articles 14, 15 as well. We notice in the absence of effective legislation to contain eve-teasing, normally, complaints are registered under Section 294 or Section 509 IPC.

...

28. It is for the prosecution to prove that the accused committed any obscene act or the accused sang, recited or uttered any obscene song; ballad or words and this was done in or near a public place, it was of obscene nature and that it had caused annoyance to others. Normally, it is very difficult to establish those facts and, seldom, complaints are being filed and criminal cases will take years and years and often people get away with no punishment and filing complaint and to undergo a criminal trial itself is an agony for the complainant, over and above, the extreme physical or mental agony already suffered.

30. The burden is on the prosecution to prove that the accused had uttered the words or made the sound or gesture and that such word, sound or gesture was intended by the accused to be heard or seen by some woman. Normally, it is difficult to establish this and, seldom, woman files complaints and often the wrong doers are left unpunished even if complaint is filed since there is no effective mechanism to monitor and follow up such acts. The necessity of a proper legislation to curb eve-teasing is of extreme importance, even the Tamil Nadu Legislation has no teeth.

31. Eve teasing today has become pernicious, horrid and disgusting practice. The Indian Journal of Criminology and Criminalistics (January- June 1995 Edn.) has categorized eve teasing into five heads viz. (1) verbal eve teasing; (2) physical eve teasing; (3) psychological harassment; (4) sexual harassment; and (5) harassment through some objects. In *Vishaka and Others v. State of Rajasthan*; (1977) 6 SCC 241, this Court has laid down certain guidelines on sexual harassments. In *Rupan Deol Bajaj and Another v. K.P.S. Gill*; (1995) 6 SCC 194, this Court has explained the meaning of ‘modesty’ in relation to women. More and more girl students, women etc. go to educational institutions, work places etc. and their protection is of extreme importance to a civilized and cultured society. The experiences of women and girl children in over-crowded buses, metros, trains etc. are horrendous and a painful ordeal.

32. *The Parliament is currently considering the Protection of Woman against Sexual Harassment at Workplace Bill, 2010, which is intended to protect female workers in most workplaces. Provisions of that Bill are not sufficient to curb eve-teasing. Before undertaking suitable legislation to curb eve-teasing, it is necessary to take at least some urgent measures so that it can be curtailed to some extent. In public interest, we are therefore inclined to give the following directions:*

1) *All the State Governments and Union Territories are directed to depute plain clothed female police officers in the precincts of bus-stands and stops, railway stations, metro stations, cinema theatres, shopping malls, parks, beaches, public service vehicles, places of worship etc. so as to monitor and supervise incidents of eve-teasing.*

2) *There will be a further direction to the State Government and Union Territories to install CCTV in strategic positions which itself would be a deterrent and if detected, the offender could be caught.*

3) *Persons in-charge of the educational institutions, places of worship, cinema theatres, railway stations, bus-stands have to take steps as they deem fit to prevent eve-teasing, within their precincts and, on a complaint being made, they must pass on the information to the nearest police station or the Women's Help Centre.*

4) *Where any incident of eve-teasing is committed in a public service vehicle either by the passengers or the persons in charge of the vehicle, the crew of such vehicle shall, on a complaint made by the aggrieved person, take such vehicle to the nearest police station and give information to the police. Failure to do so should lead to cancellation of the permit to ply.*

5) *State Governments and Union Territories are directed to establish Women's Helpline in various cities and towns, so as to curb eve-teasing within three months.*

6) *Suitable boards cautioning such act of eve-teasing be exhibited in all public places including precincts of educational institutions, bus stands, railway stations, cinema theatres, parties, beaches, public service vehicles, places of worship etc.*

7) *Responsibility is also on the passers-by and on noticing such incident, they should also report the same to the nearest police station or to Women Helpline to save the victims from such crimes.*

8) *The State Governments and Union Territories of India would take adequate and effective measures by issuing suitable instructions to the concerned authorities including the District Collectors and the District Superintendent of Police so as to take effective and proper measures to curb such incidents of eve-teasing*

63. I must also add that in order to ensure that women do not lose out on higher education, there is an obligation on the government to provide secured spaces to women for the purposes of residence, work and personal development. During preparation of the Verma Committee Report, we found out that many women are rendered vulnerable because there does not exist a secured space for them.<sup>19</sup>
64. Most women in India who become teachers do so because their family see it as an appropriate profession for women as the work involves children within an organization which allows the regular vacations, involves no investment in infrastructure or resources and is perceived to be a relatively easy in terms of time and effort involved. However, for the very same reason of the dual responsibility of women (at home and at work), women teachers may be highly constrained in the effective fulfillment of their professional roles. It is ironic that despite highlighting the role of women teachers in enhancing education for girls, little attention is paid to their means, interests and training in pedagogy.
65. I have considered the syllabus of the B.Ed. course of University of Pune which provides “*to be sensitive ... about emerging issues such as environment, population, gender equality, legal literacy etc.*”. In its Unit 3 dedicated to individual differences related to academic achievement, gender is specified as one of the causes. In Unit 6, gender equality is listed as one of the values alongside patriotism, national integration, neatness, modesty and tolerance towards all religion.
66. In B.Ed. syllabus of Indraprastha University, Delhi, Unit 5 is dedicated to special concerns in Indian education which lists “women education for gender equality” as an aspect. In Maharishi Dayanand University, Rohtak “gender

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<sup>19</sup> A connected thought that occurs to me is about the accessibility enhanced by development of transport which is especially true for women. Studies indicate that Delhi Metro for instance has enhanced access to the city and has emancipated them from the dependency on male family members for mobility in the city. Provision of dedicated ladies coaches provides a private space for women which in addition to the safety aspect, gives them a secured space where they can be themselves. This may be contrasted with the DTC where generally spaces are shared with anonymous men.

sensitization in school” is listed as one of the optional objects for B.Ed. course part I. Prima facie, the syllabus seems inadequate, and there is a need to adopt a coherent, and well thought syllabus and methods of teaching for the teachers.

67. In her work titled “*Women’s Teachers Empowered in India: Teacher Training through a Gender Lens*” published by United Nations Children’s Fund, Dr. Sandra Stacki (2002) argues that for women teachers to be true role models and be able to pass on the value of gender equity to girls and boys, they need to be able to facilitate their own empowerment in both private and public life. If women are to achieve equality in Indian society, women teachers must be in the forefront of those who encourage social transformation for girls. They must themselves be, and help young females to be, critically aware of their society’s norms and include an understanding of patriarchy. This is because in the classroom, repeatedly, women teachers may also perpetuate these behaviours and pass on traditional messages by calling on boys first and allowing other male behaviours while discouraging women from same behaviours. Educators themselves need to be empowered supporters of gender equity and of women teachers who will serve as positive role models. Dr. Stacki vehemently argues and I agree that if an educational system is to engender normative change, the entire system must be restructured to allow all actors to participate more democratically.

## **VII. Sexual Harassment at Workplace and Educational Institutions**

68. Justice Verma Committee had taken note of “*the extensive references to gender inequality in workplace, in areas apart from the workplace and that how law must override patriarchal, customary, traditional and religious provisions which have unequal outcomes and that collective societal environment is imperative for the country to realise substantive gender equality.*” Article 24 of Convention on Elimination of all forms of Discrimination against Women (“**CEDAW**”) requires State parties to include in their reports information about sexual harassment, and on measures to protect women from sexual harassment and other forms of violence or coercion in the workplace. It is absolutely unacceptable that India has thus far taken no steps in this direction.

69. Sexual harassment is a discriminatory conduct which may happen in spaces where women interact with other persons. Sexual harassment is discriminatory because it inhibits exercise of other rights including that of equality and treatment with dignity. Discriminatory behaviour including sexual harassment at work place and educational institution affects work performance, career progression and regularity. Since it affects participation and dedication to the work, institution may also suffer along with women.
70. In *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011, Justice Verma who wrote the judgment begins by saying: “*The incident reveals the hazards to which a working woman may be exposed and the depravity to which sexual harassment can degenerate; and the urgency for safeguards by an alternative mechanism in the absence of legislative measures. In the absence of legislative measures, the need is to find an effective alternative mechanism to fulfil this felt and urgent social need*”. The judgment is to be seen as a mechanisms to ensure that working women are not exposed to threats that affront their dignity, which in absence of any support from the Government received some judicial succuour. The Supreme Court recognized that, “*the meaning and content of the fundamental rights guaranteed in the Constitution of India are of sufficient amplitude to encompass all the facets of gender equality including prevention of sexual harassment or abuse.*” The Supreme Court was able to perceive that women in India are equal partners in growth, and they could not be left vulnerable at workspace merely because the legislators could not spend time to put together a legislation for their protection.
71. In *Vishaka*, the Supreme Court further held that, “*There is no reason why these international conventions and norms cannot, therefore, be used for construing the fundamental rights expressly guaranteed in the Constitution of India which embody the basic concept of gender equality in all spheres of human activity.*” *Vishaka* brought the paradigm of gender justice at workplace into the forefront of globalising India, making the workplace more amenable to women’s participation, and recognised women’s partnership in India’s growth. Legally, it is one of the first instances which noticed the invisibilisation of women.

72. Activists believe that the judgment in Vishaka, “gave us a map for creating accountability. Workplaces, organisations, institutions (including educational establishments) were compelled to raise awareness about sexual harassment, take steps to prevent it and to offer effective redress. We sought and were granted the presence of a third party expert on complaints committees for sexual harassment, a mechanism mandated by Vishaka for all workplaces.... Still, Vishaka made it impossible for us to slip back to the way things are. It gave us language. Women’s experience of unwelcome sexual conduct was no longer a patronising moral transgression of her “modesty”, it was sexual harassment – a violation of her constitutional equality.”<sup>20</sup>

73. It is only recently that the Government has put together Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill, 2012, which to say the least does not reflect either the efforts made by the activists and scholars of the years, nor does it reflect the mandate of Justice JS Verma Committee. In fact, Justice JS Verma Committee had recommended for reconsideration of the Bill because many parts of it were against the fundamental tenets of Constitutionalism. For instance, Verma Committee noted that “Section 10(1) of the Sexual Harassment Bill, 2012 stipulates that on receipt of complaint of sexual harassment, conciliation must be attempted between the complainant and respondent. This is in violation of the mandate prescribed by the Supreme Court in Vishakha, which was a direction to the State ‘to ensure a safe workplace / educational institution for women’. In this context, we think that the attempts to get justice cannot be muscled by attempts at conciliation. There are certain areas, such as contractual matters where there could be conciliation, but in matters of harassment and humiliation of women an attempt to compromise the same is indeed yet another way in which the dignity of women is undermined. We are in agreement with the objections raised by many women’s organisations that the said provision actually shows very little regard for the dignity of women. We think that Section 10(1) of the Bill, in so far as it proposes conciliation as a first step, must be deleted”.

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<sup>20</sup> Naina Kapur, *Workplace Sexual Harassment: The Way Things Are*, Economic & Political Weekly, Vol - XLVIII No. 24, June 15, 2013.

74. Likewise, at page 128, Justice JS Verma Committee Report recommends that “*Section 14 of the Bill appears to penalise a woman for filing a false complaint. We think that such a provision is a completely abusive provision and is intended to nullify the objective of the law. We think that these ‘red-rag’ provisions ought not to be permitted to be introduced and they show very little thought.*”
75. Justice Verma Committee had noted that “*since each and every act of sexual harassment at the workplace is a form of sex discrimination which in effect denies a woman her fundamental rights guaranteed under the Constitution, it is proposed that any legislation dealing with the said issue should have the widest possible application so as to take within its scope every female member of the national workforce. Therefore, any legislation must apply to all government institutions, all public bodies, all panchayats, all establishments covered under the Factories Act and the Industrial Disputes Act and all employers in the private sector who are not otherwise covered by the categories listed above....*” and expressed its dissatisfaction for the fact that the proposed Bill does not apply to the unorganized sector.
76. In *Vishaka*, both preventive and curative guidelines were laid down including the guidelines that “*It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.*” However, the Bill in its present form is grossly insufficient and in fact dilutes the guidelines laid down in *Vishaka*.
77. Despite the guidelines in *Vishaka*, and subsequent scholarly work concerning development of a legislation that develop the guidelines of Vishaka, the Government has only come up with an unacceptable Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill, 2012. Certainly, we do need to get our legislations right in order to seek accountability from the Government. With imprecise drafting, the legislators are probably doing a greater disservice. The guiding objective of law on sexual harassment at workplace and educational institutions ought be what is set out in Justice Verma Committee Report (at page 129): “*It is our aim that the*

*applicable law relating to sexual harassment at the workplace ought to ensure that not even an imperceptible influence of any gender bias is felt against the female workforce either in the performance of their duties or in their career progression”*, which seems to have been completely ignored.

### **VIII. Need for Transformative Gender Law**

78. The purpose of the Verma Committee Report was to move towards a transformative gender law. The Verma Committee was conscious in asking what is gender and is the current legal regime indeed responsive to gender. Obviously, the formal equality legal regime is completely insufficient to protect identities which arise out of gender which could include not only female identities but could include transsexuals and also men with different sexual orientation. Indeed, gender outlaws are individuals who break social expectations about how to exist as a man or a woman. We felt in the Verma Committee that the law necessarily had to cover all those who may have assigned characteristics or designated characteristics – feminine or masculine. We also believed that on the basis of years of stereotyped thinking, the mind was predisposed into avoiding or confronting major issues relating to gender justice and gender equality. In our view, the formal equality regime is of little consequence unless and until the constitutional recognition to individual capability contained in Article 21 along with group membership also equally recognised as a part of fraternity and equality, the articulation of formal equality regime is somewhat incomplete.

79. Thus, we must notice that discrimination which is practiced and which is protected for women is not only in the context of discrimination by the State and its agencies, it in fact means further, it means even discrimination practiced in society. After all, it is the State which has a major responsibility in preserving the social order as a secure order where a person belonging to whatever gender and particularly a woman can pursue their potentialities.

80. It must be noticed that obviously the National Mental Health Policy has done very little in India to deal with chronic cases of abhorrent behaviour. Mental health is still not a high priority item in Indian public health. I, personally as well as member of the Verma Committee, do believe that on account of large scale repression, unemployment, lack of direction, lack of self-esteem and a host of other factors, the fulfilment of daily existence appears to be to aggressively advance who think that sexual exploitation is a form of release. This is indeed one of the most serious mental illnesses which need to be dealt with.
81. The Verma Committee went through large degree of literature including socio-biological theories of rape. We were aware about the genetically advantageous behavioural adaptation which was written about by Randy Thornhill and Craig Palmer in “A Natural History of Rape”. But however, there can be no doubt that the evidence for the hypothesis that rape is adapted is missing and it is completely impossible to annex it to any kind of survival instincts. We therefore rejected that even though rape may have been viewed as a natural biological phenomenon by certain anthropologists that it was a product of human evolutionary heritage. We believed that while evolutionary psychology may have its own insights, it was far more important for us to look at the human life as one where responsibility had necessarily to be assumed. We, therefore, went by the more modern understanding of a man being well adjusted in society well within himself and to others outside him and to be able to appreciate them in their identities including the gender in which they were placed.
82. In Verma Committee Report, we had appended “Bill of Rights” as Appendix 3 to the Report, in which we have crystallised various rights that arise out of Constitutionalism in the Indian context and had recommended for it to be adopted in statutory form to give a set of enforceable rights to women. The Bill of Rights is “*A charter to set out the rights guaranteed to women under the Constitution of India, and to provide for justiciability of the various rights*”. Article 20 of the Bill of Rights provides that “*Every woman especially the girl-child must be protected from all forms of abuse including sexual harassment in schools and other educational*

*institutions and provide for sanctions against the perpetrators of such practices”.* However, the Bill of Rights remains as such, with no attention being paid by the Governments for making the Bill of Rights statutorily enforceable.

**IX. Concluding remarks**

83. Through teachers, our children understand ideology, values, and cultures of a nation, state and its people. As Dr. Sandra Stacki (2002) observed, misinformation and constricted learning behaviours that children internalize socially can be filtered through teachers’ lack of knowledge, misjudgments or biases. Therefore, while we are talking about curricular reform, we have to also improve on the teaching curriculum for teachers and emphasise on empowerment of teachers that includes the real opportunity for them to share perspectives, power and decision making.
  
84. The past three decades, with the spate of legislations concerning protection of women has contributed little in fostering respect for women in the society. While the legislations or the special provisions in the law may have been able to protect women, they by themselves have not been able to stitch together a society that respects gender and encourages equal participation of women. The shift of emphasis from welfare to empowerment i.e. creating enabling mechanisms that would empower women to take control of their lives, has to accompany a societal transformation reflected in the change of mindset. We have certainly realized that larger doses of welfare and service delivery have not altered women’s status and that women need to be given the (secured) space and the opportunity to realize their full potential. There is an evident accent on providing the right environment, stimulus, a collective identity and tools to gain access to knowledge, skills and management structures that would achieve the goal of gender equality and preventing violence against women.
  
85. As stated in the earlier part, mere provision of access to education is not sufficient, what remains most important is the question as to the kind of education which is being provided and under what conditions. Gender

equality does not mean only providing incentives and creating opportunities for girls to participate in school alongside boys. It is also important to enhance access and measure the experiences in terms of success in creating social consensus about the importance of girls' education and the importance of treating girls equally with boys. Given the Indian scenario, one can understand that the initial thrust was only to get girls to schools and colleges; but at this stage of development, it is rather critical to also embark upon changes in curriculum and pedagogy to ensure gender neutrality in classrooms. We must begin the process now.

86. Education, compared with many other sectors has been the most receptive to issues of gender and being a foundation stone of a society, it holds the key to social change and positive developmental outcomes. The problems being inherent within the system itself curriculum reforms are paramount that need to be address appropriately. Otherwise education will seize to achieve its vast potential of being a great means to foster equality between men and women.

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