India needs gender justice, not draconian laws

We are living in strange times. For every minimum act of governance there is maximal rhetoric. While the government has permitted people who wield power to defend rapists and obstruct due process, and while some of India’s lawmakers are under a cloud, we have been presented with the Criminal Law (Amendment) Ordinance, 2018, as a deterrence against the commission of rape. After the horrific Delhi gang rape in December 2012, a fine legal team led by Justice J.S. Verma came up with a set of studied recommendations. In unequivocal language it stated that “the deterrent effect of death penalty on serious crimes is actually a myth”. In the light of the Kathua and Unnao rape incidents, the government has opted for an ordinance which may hog the headlines but is destined to open the proverbial Pandora’s box instead of fully implementing the recommendations of the Justice Verma Committee.

Sex and gender

The issue is more complex. A large section is refusing to understand some basic facts. First, lawmakers should not only understand but also internalise the difference between sex and gender. The World Health Organisation has made this difference clear: “‘Sex’ refers to the biological and physiological characteristics that define men and women. ‘Gender’ refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women. Aspects of sex will not vary substantially between different human societies, while aspects of gender may vary greatly.” It is the lack of gender equality that leads to sexual violence, and not biological constructs.

For years, women’s groups have been arguing for fostering gender sensitivity. They have analysed masculinity through a critical gender lens and have produced an oeuvre of literature on this subject. As a newspaper ombudsman, my concern is that the ugly side of masculinity is undermining women journalists without sleeping with top bosses. When there was justifiable outrage over the post, he came up with a lame excuse that he had shared the post without reading its content. The troubling aspect is that the law-enforcement system never really moves against the blatant misogyny of ruling party members. But it misses no opportunity to move against women journalists who seek accountability from the ruling regime. Based on a complaint by a self-styled organisation, the Hindu Sangathan, there is an FIR against journalist and cartoonist Swathi Vadlamudi for her stinging cartoon referring to the recent incidents of sexual assault.

Women journalists do not feel secure even in the virtual space. The number of nasty, personalised attacks, including threats to kill and rape, is growing at an alarming speed. The NWMI has documented the ordeal faced by Anna M.M. Vetticad, Dhanya Rajendran, Neha Dixit, Kavitha Muralidharan, and Kavin Malar, to name a few. After the murder of journalist Gauri Lankesh, we have to take these threats seriously. The term ‘presstitute’, popularised by a sitting Minister, is not only an insult but a call to instigate violence against women journalists. The time has come to conduct gender-sensitive training workshops for those in power so that we are not left with draconian laws and no justice.