

## Gist of EPW December Week 1, 2019

### Demanding the Wrong Kind of Justice

#### Context

The brutal rape and murder of a veterinary surgeon from Hyderabad has shaken the conscience of the country.

#### Regarding laws dealing rape case

- The nationwide public outcry, in 2012, following the gang rape and murder in Delhi, led to the passing of the Criminal Law (Amendment) Act in 2013 which widened the definition of rape and made punishment more stringent.
- Parliament introduced the amendments on the recommendation of the Justice J.S. Verma Committee, which was constituted to review the criminal laws in the country and recommend changes.
- The 2013 Act, which came into effect from April 2, 2013, increased jail terms in most sexual assault cases and also provided for the death penalty in rape cases that cause the death of the victim or leaves her in a vegetative state.
- It also created new offences, such as the use of criminal force on a woman with intent to disrobe, voyeurism and stalking.
- The punishment for gang rape was increased to 20 years to life imprisonment from the earlier 10 years to life imprisonment.
- Earlier, there was no specific provision in law for offences such as the use of unwelcome physical contact, words or gestures, demand or request for sexual favours, showing pornography against the will of a woman or making sexual remarks. But, the 2013 Act clearly defined these offences and allocated punishment.
- Similarly, stalking was made punishable with up to three years in jail.
- Punishment for the offence of acid attack was increased to 10 years of imprisonment.

#### Concerns

- The society reacts only after an incident of heinous rape crime occurs.
- The media chooses to highlight only specific cases with the intent of raising its target rating points (TRPs).
- Putting the onus on women to “keep themselves safe”.
- Asking for the accused of “heinous” cases of rape to be hanged is, yet again, another way of separating ourselves from the blame and guilt.
- Another problem is cultural: it lies in our skewed gender relations.

#### Reactions of society

- Like milestones, the society marks the ones that disturb the sense of civility with the names of places: Delhi, Unnao, Kathua, and now Hyderabad.
- But the outrage is reserved only for those rapists who also kill and in graphic and horrifying ways.
- Therefore there is a line that rapists must cross in order to consider their acts as objectively condemnable.
- As long as this line is not crossed, there are no serious reactions within the society. But, when this line is crossed, and there is no defence that can be mounted, it is only then that we cry injustice.

#### Media as a commercial machinery

- After such incidents take place there are reactions on social media, in the mainstream media and generally in the public sphere, that focuses on treating these incidents as anomalies.
- The sensationalisation of these incidents serves the commercial machinery that benefits from rising target rating points (TRPs) and page views that incidents like these generate.
- This reinforces rape culture and the inherent patriarchal biases of the public that enable these crimes. All of this works together to place the blame squarely on individuals, rather than on the society as a whole.

### **Onus on women to “keep themselves safe”**

- Since the veterinary surgeon's burnt body was found, everyone, from politicians to film stars, was quick to express their shock and horror.
- Notably, the Telangana home minister commented that if the veterinary surgeon had dialled the police rather than her sister, she might have saved herself.
- Such comments point towards women putting the onus on themselves to remain safe.
- Even after four men were taken into custody, several people belonging to the right-wing chose to fixate on the fact that one of the accused was Muslim to malign the entire community.
- Deliberate comments of this kind only obscure the voices of women and bring a divide in the society.

### **Cries for justice**

- Every time such an incident occurs, there are cries for justice demanding death penalty for the accused and advocates that such punishments will serve as an effective deterrent.
- Asking for the accused of “heinous” cases of rape to be hanged is, yet again, another way of separating ourselves from blame, because, in legal terms, the death penalty would apply to the “rarest of the rare” cases of rape.
- Once again, we are relying on that line that rapists must not cross. So, what we, as a society, are really saying is that rape and sexual abuse is okay as long as it is done within certain limits.

### **Cultural Issues**

- Despite laws, despite protests, every time something like this happens, the need for the patriarchal structure to be dismantled by recognising and correcting everyday acts of sexism is always ignored and not given much importance.
- In doing so, we fail as a society because, with each incident, we choose to react with anger and violence. We do not think about the fact that small acts of everyday injustice that we ignore eventually build-up to the impunity with which certain men commit heinous crimes.

### **To read more about the issue:**

1. [National Shame](#)
2. [Constitutional justice is non-negotiable](#)

### **Conclusion**

- We treat sexual abuse as a “safety” issue, and we continue to put the onus on women to protect themselves.
- Therefore, there is really nothing new to say here. The problem, then, must lie with those who need to listen. They are not listening hard enough.

# The Cost of Opportunity in Higher Education

## Context

- The opportunity sphere, particularly in the field of higher education, is expanding along with the global transformation that is taking place in the life of universities.

## Advantages of transformation in Higher education

- Students from India can now pursue higher studies in some of the globally known universities.
- The growing number of private universities at home seems to open up opportunities in terms of new courses taught by competent faculty.

## Challenges

- The seeming expansion of opportunities in higher education also has an unintended consequence in that it results in the exclusion of many.
- Social inequality grows along with the decline in educational aspirations of the stakeholders: students and their parents.
- Access to higher education is costly and relatively more costly when higher education is transacted through private universities.

## Significance of Public Universities in India

- Public universities in India are supposed to encourage access for students with underprivileged backgrounds to higher education and thereby counterbalance such skewed developments in the field of higher education.
- Thus, a subsidised fee structure in public universities has become one of the enabling conditions that are so crucial for such students to be able to even enter the institutions of higher education.
- Entry into such institutions, particularly for those students with marginalised backgrounds, comes with the added moral responsibility of converting opportunity into an asset.
- Such students do develop a deep sense of responsibility in terms of not only fulfilling the aspirations of their parents but also to find, in access to higher education, the promise to live the life of a creative mind.
- It is in this transcendental sense that higher education can offer an opportunity to affirm the life of the mind; a mind that refuses to be disciplined by conservative influences.
- Students from the deprived sections cannot be devoid of the moral responsibility that is involved in the conversion of opportunity into an asset, which can be defined in terms of a double commitment to the social cause and scholarship.
- Such students look at affordable fee structures as an opportunity for achieving such a normative conversion.

## Issues in the higher education system in India:

- India's higher education system is structurally flawed and underfunded. This crisis will affect innovation and human capital, the two pillars of labour productivity and GDP growth while cheating India's largest demography of its potential.
- The mammoth system deserves better than the superficial data that is being bandied about.

- For example, a surge in women's enrolment has been much-talked-about but this does not necessarily imply better outcomes. The latest 'India Skills Report' suggests that only 47% of Indian graduates are employable — a problem exacerbated by startlingly low faculty figures.
- Faculty vacancies at government institutions are at 50% on average. The problem lies in increased demand and stagnant supply.
- The number of institutions has surged in India since the 2000s, while the number of students doing PhD has remained constant. Meanwhile, there are over a 1,00,000 India-born PhDs in universities around the world, kept away by paltry salaries and poor funding.
  - China solved this problem by attracting Chinese-origin PhDs back home with dollar salaries and monetary incentives for published research.
  - The Council of Scientific and Industrial Research, at rank 155, was our highest in the Scimago Institutions Rankings (SIR) for research while six Chinese institutes figured in the top 50.
  - Indian universities persist in separating research and teaching activities, depriving students of exposure to cutting-edge ideas.
  - It is not surprising that Indian universities rank low in both research and teaching. Monetary incentives for academia are practically non-existent, and Indian R&D expenditure at 0.62% of GDP is one of the lowest in emerging economies.
- Keeping the fee structure at an affordable level is an initial or necessary, but perhaps not a sufficient, condition. It may not lead to the development of a person in becoming a complete student.
  - The educational atmosphere that exists in some of the university campuses, however, does not allow some sections of students to freely develop their mental capacity and argumentative abilities. This is because of the lack of reciprocity between the teachers and these students.
- Some students face difficult situations that eventually force them to drop out of the system.
  - The experience of the Scheduled Caste (SC)/Scheduled Tribe (ST) students, particularly in law schools, Indian Institutes of Technology and Indian Institutes of Management, are telling examples of such forms of coercive inequality.

### **Rashtriya Uchchar Shiksha Abhiyan (RUSA)**

- RUSA is a Centrally Sponsored Scheme (CSS), launched in 2013 which aims at providing strategic funding to eligible state higher educational institutions.
- The central funding (in the ratio of 60:40 for general category States, 90:10 for special category states and 100% for union territories) would be norm based and outcome dependent.
- The funding would flow from the central ministry through the state governments/union territories to the State Higher Education Councils before reaching the identified institutions.

### **Objectives of RUSA**

- Improve the overall quality of state institutions by ensuring conformity to prescribed norms and standards and adopt accreditation as a mandatory quality assurance framework.
- Usher transformative reforms in the state higher education system by creating a facilitating institutional structure for planning and monitoring at the state level, promoting autonomy in State Universities and improving governance in institutions.
- Ensure reforms in the affiliation, academic and examination systems.
- Ensure adequate availability of quality faculty in all higher educational institutions and ensure capacity building at all levels of employment.
- Create an enabling atmosphere in the higher educational institutions to devote themselves to research and innovations.
- Expand the institutional base by creating additional capacity in existing institutions and establishing new institutions, in order to achieve enrolment targets.
- Correct regional imbalances in access to higher education by setting up institutions in unserved & underserved areas.

- Improve equity in higher education by providing adequate opportunities of higher education to SC/STs and socially and educationally backward classes; promote inclusion of women, minorities, and differently-abled persons.

### **RUSA and Higher Education**

- RUSA replaced the principle of “need-based” funding with that of “norm-based” funding
- As per the RUSA document (GoI 2013), “low Gross Enrollment Ratio (GER) very aptly indicates, increase in the number of institutions has still remained inadequate to meet the increased demand for higher education.”
- Among various objectives enumerated in RUSA, one that is most pertinent here is, to “expand the institutional base by creating additional capacity in existing institutions and establishing new institutions, in order to achieve enrolment targets.”
- The targets set under RUSA were to increase the enrolment ratio in higher educational institutions to 25% by the end of Twelfth Plan (2012–17) and to 32% by the end of Thirteenth Plan (2017–22).
- Notwithstanding that the entire planning process is now abandoned, it is clear that the last two plans emphasised on expanding existing capacity and opening new institutions for increasing GERs. The Draft National Education Policy completely ignores this.

### **Summary**

- In the context of an acute situation of indifference, what one notices is the caste- and ethnicity-bound group formations on educational campuses.
  - Universities, as the site of generating knowledge, are supposed to provide discursive opportunities that would free them from the entrapments of caste and ethnicity.
  - The public use of theoretical reason that is embodied in universities as a knowledge-building system, would help these students seek external expansion of the vision; a vision that is internally present in the structures of aspiration of such groups.
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