

INTERNATIONAL CONFERENCE ON AFFIRMATIVE ACTION AND THE SUSTAINABLE DEVELOPMENT GOAL OF GENDER EQUALITY

22-23 September, 2018



TNNLU Photography Club



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MEDIA REPORT

The Tamil Nadu National Law University, in collaboration with Oxford Human Rights Hub, United Kingdom hosted the two day International Conference on Affirmative Action and the Sustainable Development Goal of Gender Equality between 22nd and 23rd September, 2018. The opening plenary witnessed the attendance of all the Chairs and Co-Discussants along with participants of the conference and the students of the University. The session was addressed by Honourable Justice Indira Banerjee, Judge, Supreme Court of India, Professor Sandra Fredman, Director, Oxford Human Rights Hub, UK and Professor Dr. Kamala Sankaran, Vice Chancellor, Tamil Nadu National Law University, Tiruchirappalli.

.The attendees include Hon'ble Justice Dr. Muralidhar, Judge, Delhi High Court, Hon'ble Justice M.M.Sundresh, Judge, Madras High Court, Hon'ble Justice T. S. Sivagnanam, Judge, Madras High Court, Prof. (Dr.) M.P. Singh, Chancellor, Central University of Haryana, Dr. Rukmini Sen, Associate Professor, Ambedkar University, Delhi, Prof. Vidhu Verma, Professor, Jawaharlal Nehru University, New Delhi, Dr. Meghan Campbell, Lecturer, University of Birmingham, Prof. N.S. Soman, Dean of School of Legal Studies, Cochin University of Science and Technology and Visiting Professor, Tamil Nadu National Law University, Prof. T.C.A. Anant, Delhi School of Economics, University of Delhi, Prof. Raghupathy, Gandhigram Rural Institute, Dr. P. Puneeth, Associate Professor, Jawaharlal Nehru University, Dr. Maria Santiago, Research Professor, Autonomous University of Tlaxcala, Dr. Urs Lindner, University of Erfurt, Germany, Prof. Ananta Kumar Giri, Madras Institute of Development Studies, among others.

Prof. Sankaran welcomed the attendees and observed that we have come a long way from mere anti-discrimination protests to Affirmative Action in the form of Sustainable Development Goals. She emphasised the significance of holding the conference in this University as Tamil Nadu has been a pioneer in social justice movements.

Prof. Fredman followed with the words of appreciation and noted that it is the very first time that human rights were mentioned in Sustainable Development Goals. She thanked the Vice Chancellor and the University for arranging this collaboration and expressed her gratefulness to be in India during this time. With the hope of an enormously fruitful discussion, she welcomed Honourable Justice Banerjee to address the gathering with her key note.

Justice Banerjee started with congratulating TNNLU and Oxford HR Hub for organising the conference. She observed that even though women constitute 50% of the world population, discrimination against them still exists all over the world. She reminded the audience that till the late 19th and earlier 20th century, women were able to secure several rights including right to vote, maternity leave and right to work in humane conditions.

Further, comparing the rights guaranteed under the constitution of India with those guaranteed under various international covenants including the Universal Declaration of Human Rights (Articles 1, 2, 3, 5, 6 and 16), Fundamental rights under Art 14, 15, 16, 19, 21, DPSPs, Fundamental duties of Constitution of India, Article 23 of the Rio Declaration mentioning participation of women, Convention on Biological Diversity and United Nations Framework Convention on Climate Change which improved the efficacy of women in several fields. She also shared her experience of having decided a large number of cases of dowry deaths and cruelty against women. She pointed out that our constitution is a woman friendly document as it includes Article 15(3) which enables Affirmative Action for women. It was observed that people don't think of long term effects of unrestrained pattern of consumption and rapid rise in inequality in economic, social and environmental terms have left women with poor working conditions. She especially noted that unpaid work such as caring for children and family by women is an important part of economic growth. She expressed her distress over the ever-recurring news reports of rapes of women in India. Highlighting the additional aims to eliminate child marriage and Female Genital Mutilation, recognition of unpaid work, shared household, access to ownership and control over land and equal inheritance, she called for sound policies and legislations for gender equality.

There were six technical sessions with six different themes which included 1) Measuring Efficacy: Does Affirmative Action lead to Gender Equality? chaired by Prof. M.P. Singh, Chancellor, Central University of Haryana and Dr. Rukmini Sen, Associate Professor, Ambedkar University, Delhi; 2) Beyond the Binary: Expanding the Definition of Gender under SDG 5 chaired by Justice (Dr.) S. Muralidhar, Delhi High Court and Prof. Sandra Fredman, University of Oxford; 3) Affirmative Action beyond the Legislature chaired by Prof. Vidhu Verma, Jawaharlal Nehru University and Dr. Meghan Campbell, University of Birmingham; 4) Affirmative Action in the Corporate Sector chaired by Dr. K.V. Nityananda, Indian Institute of Management, Tiruchirappalli and Prof. T.C.A. Anant, University of Delhi; 5) Theorizing Affirmative Action and Gender Equality chaired by Prof. Sandra Fredman, University of Oxford and Prof. Kamala Sankaran, Vice-Chancellor, Tamil Nadu National Law University, Tiruchirappalli; and 6) Achieving Gender Equality: Looking beyond Affirmative Action by Prof. Kamala Sankaran, Vice-Chancellor, Tamil Nadu National Law University, Tiruchirappalli and Prof. N.S. Soman, Dean of School of Legal Studies, Cochin University of Science and Technology and Visiting Professor, Tamil Nadu National Law University, Tiruchirappalli.

The presenters of the first session raised methodological, procedural and conceptual questions during their presentations. Prof. TCA Anant highlighted the importance of an accurate and adequate measurement framework to report progress on gender equality, which would facilitate policy formulation. Ms. Nomfundo Ramalekana discussed the scope of SDG-

5 and the intersectionality between gender and race. Prof. Raghupathy analysed secondary data to demonstrate how high human development may not necessarily lead to greater representation of women.

In the second session Ms. Deekshita Ganesan & Ms. Mandakini J raised important questions of whether 'Transpersons' need to formally identify as third gender to avail of the affirmative action measures. Ms. Jasmine Joseph highlighted the difference of opinion between the Transgender community and the Government, which believes that screening is necessary for ensuring that only people who meet the criteria avail the benefits.

In the third session, Dr. Puneeth primarily compared the ratio of number of women in the higher Judiciary with that of women in the lower Judiciary and analysed the models of affirmative action preferable for higher judiciary. Dr. Rukmini Sen dealt with the affirmation of equal leadership opportunities, reservation and the need for plurality in the administration of academic sphere. Students Diksha Dubey and Ashi Jain looked at the efficacy of affirmative action for women under Mahatma Gandhi National Rural Employment Guarantee Act.

In the fourth session, students Janaki, Kanmani and Mrinalini addressed and questioned the efficacy of reservation guaranteed to women in Corporate Boards under the Companies Act, 2013. Ms. Anindita Jaiswal explored the various possible approaches in addressing the issue of gender in Corporate Leadership with the combined use of soft law and hard law. Ms. Rishika Sahgal drew parallels between three issues, namely that of reservation, the gender wage gap and the Equal Remuneration Act of 1976 and suggested for transition from the existing 'Equal Pay for Equal Work' test, which is based upon the factors of work of same and similar nature, to a more accommodative and all-encompassing factor(s) of same skill, effort and responsibility.

In Session 5, Dr. Urs Lindner aimed at building an equality framework for affirmative action by using the framework given by Dworkin and Owen Fiss and attempting to find the balance between binging policies in relation to positional inequality and the traditional method of classification based on social inequalities. Prof. Ananta Kumar Giri attempted to rethink affirmative action by linking it to affirmative meditation. Prof. Vidhu Verma analysed affirmative action policies in political institutions in India and focussed on the challenges in implementing the same. Mr. Hari Hara Sudhan stated that there should be a concretised version of legal theory to achieve equality and offered some plausible policy recommendations with regard to legal and human rights implications.

In session 6, students Anjana A. and Divya Muralidhar described the efficacy of Kudumbashree model as a mode of women empowerment. Students Pranjal Gupta and Ayush

Patel argued on the need to re-initiate the debate of unpaid work and care. Ms. Jasoon Chelat talked about how despite labour laws covering only formal workers, informal workers have creatively placed themselves under them. Finally Dr. Meghan Campbell examined the efficacy of Temporary Special Measures under CEDAW.

The concluding plenary session was a round table discussion chaired by Prof. Sandra Fredman, Prof. Kamala Sankaran, Mr. TCA Anant and Prof. M.P. Singh. Prof. Fredman focussed on transformative gender equality. She focused on the idea that the SDG Goal 5 is to be read with the various other SDG Goals in order to completely realize the agenda that the Goal 5 represented. Prof. T.C.A. Anant noted that a much more comprehensive approach to the gauging of the attainment of the goals is to be recognized. Prof. M.P. Singh referred to the role that women played in the political movement that led to the attainment of independence and the drafting of the Constitution of India. He mentioned that Article 15(3) in particular represented the conception which is part of the theory of justice that people must be treated equally and that women, in order to be treated equally are to be provided with the opportunities which they were denied historically, thereby increasing their participation in the civil society and public life in general. The session's final talk was delivered by Prof. Kamala Sankaran. She carried forward from the theme presented by Prof. Fredman, in relation to the concept of unpaid care work and defended the idea of monetizing such care work. She further mentioned that the way women enter into the labour market is usually through informal work which is then over time transformed into the formal work after going through an arduous process. In recognizing the arduous process, she acknowledged the fact that the easier goal to achieve was to provide for social protection and health insurance.

Apart from this the University also held a short panel discussion "Need for Anti Discrimination Law in India" with Prof. M.P.Singh, Prof. Sandra Fredman and our Vice Chancellor Prof.Kamala Sanakaran for its students and faculty members on 24th September, 2018 between 05:30pm and 07:30pm.

