



#UsToo

The movement to make workplaces safe for women must involve us all

In what has been called India's MeToo moment, the social media is thick with women coming forth with stories of sexual harassment. In the quick aftermath of actor Tanushree Dutta's allegations, in an interview in end-September, of harassment at the hands of actor Nana Patekar on a film set a decade ago, women have been speaking of their experiences and the trauma, mostly on Twitter and Facebook. The testimonies so far have mostly concerned the film world and the mainstream media, and cover both the workplace and private spaces. They range from stories of assault to propositioning, suggestiveness to stalking. In the vast majority of cases, the naming is a result of the failure to receive a just response from the system, a signal that it is no longer possible for such behaviour to be breezily dismissed or excused because boys, after all, will be boys. The MeToo hashtag gained currency a year ago in the U.S. when women came out one after another to first corroborate allegations of sexual assault against Hollywood mogul Harvey Weinstein, with each further account making clear that there was a systemic pattern of abuse and silence. In the outpourings in India too, a year on, a disturbing picture is emerging. It is not only that many of the allegations are extremely grave – for instance, against M.J. Akbar, a star editor who left journalism for government, to become a Minister of State for External Affairs. What is perhaps of even greater disquiet is that for so very long an official silence was kept around what were, in many instances, open secrets.

Now that women are speaking up – picking up the stories where others have left them, making public suppressed memories, breaking free from the helplessness or a false sense of humiliation that kept them quiet for so long – there can be no looking away. It is important to identify the exact transgression in the various cases that are being outed, and to ensure that action is taken with due process. No one can be deemed guilty only because he had been named and any punishment must be proportionate to the misdemeanour. But the larger issue perhaps is the message sent out by the outpouring – namely, that there has been a systemic disregard for making workplaces and common spaces free of harassment. It must disturb us that a thread that binds so many allegations now coming out is that many women thought that their words and feelings would be dismissed, their careers would suffer, or their families would pull them back into the safety of home. This fear of making a complaint needs to be overcome in all workplaces, not only the media and the film industry. All of society needs to internalise a new normal that protects a woman's autonomy and her freedom from discrimination at the workplace.

An economics fix

The Nobel to work on growth and long-run sustainability frames a crucial priority

American economists William D. Nordhaus and Paul M. Romer were jointly awarded the 50th economics Nobel prize this week in recognition of their work on economic growth and its long-run sustainability. The Nobel committee noted that the duo's work "brought us considerably closer to answering the important question of how we can achieve sustained and sustainable economic growth". The committee's praise is fitting as both economists devoted their careers to the study of the various "externalities" or "spillovers" that affect economic growth in a market economy. Mr. Nordhaus, for one, has been a pioneer in the movement towards quantifying the impact of economic growth on the climate and, in turn, the impact of climate change on economic growth. To correct this problem, he recommended imposing appropriate carbon taxes to curb pollution that was detrimental to growth in the long run. Mr. Romer, on the other hand, studied the importance of technology in achieving economic growth. He proposed the endogenous growth model where technological progress is seen as the outgrowth of businesses and other entities investing in research and development. At the same time, he recognised ways in which the market economy may undersupply technological innovations. Consequently, he recommended the use of subsidies, patents and other forms of government intervention to encourage economic growth through increased investment in technology. In essence, the Nobel committee's decision is a recognition of economic research concerning market failure.

Of course, critics have highlighted flaws in the works of these two noted economists. For one, it may often be impossible to arrive at an objective measure of the carbon tax rate or the ideal amount of pollution to allow in a developing economy. It is equally troublesome when one needs to determine how much subsidy, or other forms of government support, should be allotted towards research and development. Even though mathematical models have been devised to address these problems, they are only as good as the data fed into them. Further, such decisions regarding the perfect carbon tax rate or the ideal subsidy allocation are likely to be determined by political considerations rather than simply pure economics. So the threat of government failure may have to be taken as seriously as the effects of market failure. These concerns lead to questions about the real-world impact of the policies supported by the pair. Nonetheless, many would argue that Mr. Nordhaus and Mr. Romer's works are an improvement from the past in that they try to use the market mechanism itself to address its failures. The Nobel committee has done well to recognise important work on issues that are particularly relevant to the developing world.

The great Indian abdication

The judiciary alone cannot take forward the mission of deepening democracy and protecting social freedoms



NISSIM MANNATHUKKAREN

*Unless... philosophers become kings in the cities... there can be no cessation of evils... for cities nor, I think, for the human race. – Plato, The Republic*

After the slew of verdicts by the Supreme Court, on triple talaq, Section 377, adultery, and the Sabarimala temple, a prominent cartoonist adapted the famous "Road to Homo Sapiens" picture to depict the Supreme Court Justice as a barber who cleans up the barbarous Neanderthal to make him a modern human.

India, at present, is going through a deep crisis in which the mission of deepening democracy, and protecting and advancing social freedoms is placed solely upon the judiciary. On the one hand there is a complete abnegation of the role of the legislature, and on the other there is a dichotomy between social morality and judicial morality (itself an interpretation of constitutional morality).

Both are dangerous tendencies.

A divide

The Supreme Court verdicts have curiously become a spectator sport on primetime television with a great amount of anticipation about the judgments in pending cases. The same curiosity is missing about parliamentary bills/debates, which are absolutely vital to a parliamentary democracy.

One example would suffice. Earlier this year, the government

amended the Foreign Contribution Regulation Act to retrospectively legalise political donations from foreign companies and individuals since 1976. This move – with potentially catastrophic ramifications for Indian democracy – was pushed through without discussion in Parliament and hardly any debate in the public sphere.

If the judiciary has assumed the role of the single most important pillar of India's parliamentary democracy, built on separation of powers, it is mainly because of the degradation and abuse of the roles of the legislature and the executive.

Parliament's erosion

Parliament, the supreme venue representing the people, has become a shadow of what it should be (even when the representation of marginalised communities has gone up). The words, "A fraud on the Constitution, used by Justice D.Y. Chandrachud's words (in a recent judgment), have ironically been used before by the Supreme Court to refer to executive and legislative actions.

The Prime Minister rarely attends parliamentary debates, affecting the sanctity of the forum. If the Lok Sabha met for an average of 127 days in the 1950s, in 2017 it met for a shocking 57. If 72 Bills were passed in a year in the first Lok Sabha, the number was 40 in the 15th Lok Sabha (2009-14).

The Budget session for this fiscal year saw a scarcely believable usage of 1% of its allotted time in the Lok Sabha, and the Budget, the most vital cog of a national's material basis, itself passed without discussion through the guillotine process. The basic minimum that could have been done amidst mounting allegations in the Rafale fighter aircraft deal was to institute a probe by a Joint Parliamentary



Committee, but even that is not forthcoming. And what is the worth of Parliament when its convening could be held to ransom to the campaigning by the ruling party in the 2017 Gujarat elections?

Parliament, instead of representing the highest democratic ethos, panders to electoral majorities, leaving it incapable of challenging barbaric social/religious practices enforced by dominant interests. That is why it took 70 years for Section 377 to be partially struck down. Is it then surprising that the Supreme Court steps into this dangerous void left by the executive and the legislature?

But the task of democratising society cannot be left to the judiciary, an unelected body, the higher echelons of which self-appoint their members through the collegium system (itself a result of the executive trying to muzzle the independence of judiciary). Instead, it must be through social and political struggles from the bottom, and not through judicial diktats from above (even if the latter can be useful).

State of the judiciary

More importantly, the judiciary does not exist in a vacuum. Even when it attempts to correct regressive social practices, it is still a reflection of our society. Nothing could be more illustrative of this

Not without her consent

The #MeToo outpouring demands a new, fair system that delivers brisk justice



VEENA VENUGOPAL

At last count, Minister of State for External Affairs M.J. Akbar had been accused of sexual harassment by at least 10 women journalists. These accusations fall in a large spectrum – from inappropriate behaviour to acts of physical impropriety – and some date back to more than 15 years. That the clamour for his resignation reached such a crescendo this week is indicative of the fact that the #MeToo movement has truly arrived in India and it will have an impact in not only making powerful men pay for their past mistakes but also etching a new behaviour code for everyone.

While the latest fire was lit by actor Tanushree Dutta's accusation against Nana Patekar, the trend of naming perpetrators began last year when a list of men in academia who behaved inappropriately with colleagues and research associates went around. Not much came of that list, barring one whose service was terminated. It is notable that even women

who were pushing for a due process of investigation then have now thrown in their lot with the list and are choosing instead to name and shame people through social media.

About due process

At the heart of this change is the utter failure of due process. Victims who have written formal complaints and tried to get their organisations to act have mostly found themselves facing a system that prefers to be complicit with the perpetrators. In the case of the former TERI chairman, R.K. Pachauri, for instance, despite the victim filing a police complaint and compelling the organisation to initiate an inquiry, he not only continued in TERI for another year but was publicly supported by the board members. The case of rape against the former Editor of *Tehelka*, Tarun Tejpal, is another example. In spite of being a "fast track" case, five years on, it has only seen a series of adjournments, with no sign of justice on the horizon. These events, added to the daily news cycle of multiple rapes, stalking, and harassment from all across the country has resulted in victims of sexual crimes entirely losing faith in the justice system.

This failure of due process is the success of #MeToo. After decades

of witnessing the impunity of the perpetrators, #MeToo is fuelled by an impunity of sorts of the 'victims'. Publicly naming and shaming, sometimes through anonymous screen shots, is obviously a flawed process, and nobody is blind to that. Yet, for many people, including the senior journalists who have pointed their fingers at Mr. Akbar, that is the only option available for any hope of justice.

A metamorphosis

Now that the floodgates have opened, various kinds of stories are getting exposed – ranging from awkward flirting to physical assault. One other factor that is cleaving the discussion into two is the nature of consent. What needs consent is often a function of society – many aspects of intersexual behaviour especially in the workplace that were acceptable 30 years ago, needless to say, are not tolerated any more. However, with the advent of smartphones and instant messaging, interpersonal behaviour and the definition of consent have undergone a particularly momentous metamorphosis in the last decade. It is imperative at this point, therefore, to consider that consent is not static, but needs to be continuous and incremental.

In the dating mores of millennials, seeking and swapping inti-

mate photographs of each other is par for the course. While the tendency, especially among the older generation, is to sweep subsequent allegations of violation of this trust as something the victim should have accounted for, and maybe even taken responsibility of, the #MeToo movement has revealed that to be outmoded. What is regarded as appropriate behaviour is anchored in many things – the age of the participants, their geographic location (what is acceptable in Denver is questionable in Delhi, and what is true for Delhi need not be conventional in Dindigul), as well as the social and economic demographic they occupy. A one-size-fits-all rule is not applicable. As more people get on board social media, where many of these structures tend to be invisible, a code of conduct that is constantly evolving is an inevitability, as will be the violations of this. As the on-

line space matures, so will user behaviour. Dismissing these incidents as irresponsible acts by the victims is only going to postpone the inevitable meltdown, not prevent it.

ing verdicts on Public Interest Litigations (PILs), seeking, to take a couple of instances, a ban on pornography or making the national anthem mandatory in cinema halls? The PIL, a unique and powerful tool to seek justice for the weakest sections, has now degenerated. Witness the recent example of one having been filed seeking segregated seats for vegetarian and non-vegetarian passengers in trains.

Overworked courts cannot become a one-stop solution for performing legislative/executive tasks such as banning fire crackers/loud speakers, enforcing seat belt/helmet wearing rules, or solving theological/civil society questions such as what the essence of Hinduism is or whether a mosque is integral for namaz (going beyond whether religious practices violate constitutional norms).

The process of abolishing religious or secular hierarchies/injustices cannot become deep-rooted if it is merely judicial or legal. Take the Supreme Court's recent directive urging new legislation to curb lynching. Politically-motivated lynchings targeting a community do not happen because of the absence of laws. They happen because of a wilful subversion of laws by the executive backed by mobs riding on electoral majorities. That is why the head of India's most populous and politically crucial State can declare publicly that he is proud of the demolition of Babri Masjid.

Yet, the irony of democracy is such that the task of completing the world's largest democracy's political and social revolution cannot be laid only at the doorstep of the wise men and women in robes.

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line space matures, so will user behaviour. Dismissing these incidents as irresponsible acts by the victims is only going to postpone the inevitable meltdown, not prevent it.

The larger message

Lastly, many people – especially men – have raised concerns regarding false accusations. This is valid, and there have been instances of this even in the last 10 days. No movement is perfect, and all battles have collateral damage. This makes it important that men, instead of beating their chests about potential victimhood, be active allies in making the due process a fair and functional one in which all victims – including those of false allegations – can seek justice.

There is no doubt that the genie is now out of the bottle. Everything is fair game – misread cues, unsolicited text messages, unnecessary comments can all find their way to a large audience, sometimes stripped of context and continuum. This is no foreseeable way to go back to a time when victims – real and perceived – chose to remain quiet. This makes the building of a new, fair system that delivers brisk justice critical to everyone's interests.

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LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

Killer roads

It is a serious issue that last year, nearly a lakh-and-a-half people lost their lives in the country as a result of road accidents (Editorial, "Deadly roads", October 11).

There are several reasons for accidents on Indian roads – poor lighting, increasing encroachments into carriageways, open violations of traffic rules, an absence of safety procedures and a lack of traffic education. Though this may sound cliched, it should be ensured that schoolchildren are proficient in traffic rules. There also needs to be a complete overhaul of road use behaviour in India.

NAGARAJAMANI M.V,  
Hyderabad

■ The Supreme Court recently called as "frightening" the deaths caused by potholes on roads. It even said that the number

of fatalities as a result of such incidents was more than those in terror attacks. The less said about the state of roads in India the better.

NIRAJ UPADHYAY,  
Rishra, Hooghly, West Bengal

■ Poor quality roads, poor road maintenance, deviations in standards while laying roads, encroachments, sand and garbage lining and narrowing road widths, frequent digging by different agencies for various reasons and a failure to relay them are some of the many woes of road users in India. Over-speeding, drunk driving, non-compliance of rules which include jumping signals are the other major issues.

Another crucial issue is this. Despite awareness about the 'golden hour', passers-by are still reluctant to help a person involved in a road accident out of fear of being harassed, having to bear the fees for admission and

treatment of accident patients, and also having to visit police stations or courts whenever they are summoned. A solution? All road-traffic violations should be put down heavily and deterrent fines imposed.

R. SAMPATH,  
Chennai

■ There appears to be pride now in violating road safety rules. Zebra crossings, it would appear, are for zebras. Fines are nominal in most cases and prosecution of the guilty neither treated with priority nor taken up with sincere commitment. Poor planning of roads, a callous approach to road maintenance, an absence of deterrent fines, an easy availability of driving licences and inadequate use of technology to nab violators only make the task more difficult. Very importantly, pedestrians are given short shrift when it comes to road planning. All you need is the willpower

to enforce the rules, equitable treatment of all violators and the use of technology.

KRISHNAMURTHY K.A.,  
Tripunithura, Kerala

The #MeToo whistle

Women power is at its peak now which has emboldened at least a minuscule percentage of women to break their silence over the assault on their dignity on the basis of the concept, "better late than never" (Inside pages, October 11). If the empowered women are really serious about a logical conclusion to the injustice done to them, they should make use of the legal procedures available. Unless it is done, social media will only help in tarnishing the image of those accused until they find ways to clear their names. But, one has to admit that the social media revelations might check the activities of regular offenders in higher positions who take women for granted. This

would be the limited success achieved by the #MeToo movement.

RAMEEZA A. RASHEED,  
Chennai

■ India, which is a largely patriarchal society, needs a shock wave which can transform it into becoming a more gender inclusive society. The #MeToo movement is quite likely to sweep across India. A patriarchal society silences the voices of women against the injustices perpetrated by men.

It is the right of women to live in a free, fair, safe and inclusive society where they can breath freely without fear of molestation, harassment or rape.

SAMEER BODRA,  
Banghikussum, V. Singhbhum, Jharkhand

CORRECTIONS & CLARIFICATIONS:

In the Editorial page article, "Polls and polarisation politics" (Oct. 11, 2018), the reference to the 2106 surgical strikes on Pakistan should be corrected to read as the 2016 surgical strikes on Pakistan.

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