



SPIRIT OF INQUIRY IN SOCIAL LIFE : USING GENDER LENS



**SPIRIT OF INQUIRY
IN SOCIAL LIFE:
USING GENDER LENS**

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About Department of Justice, Ministry of Law and Justice

Keeping in view the increasing workload and formulating many policies and programmes on judicial reforms in the country, a separate department namely the Department of Justice was carved out from the Ministry of Home Affairs and placed under the charge of Secretary to the Government of India, and it started working as such from 1st January 2010 under the Ministry of Law and Justice. The Department of Justice introduced a scheme on access to justice titled 'Designing Innovative Solutions for Holistic Access to Justice' for a period of five- years (2021-2026). It aims to secure 'justice' for the people of India as enunciated in the Preamble and under Articles 39A, 14 and 21 of the Constitution of India. It widens the outreach of its Tele-Law, Pro Bono Legal Services (Nyaya Bandhu) and Legal Literacy and Legal Awareness programmes, both qualitatively and quantitatively. It further aims to create awareness and dissemination through the use of technology and developing simplified Information, Education and Communication (IEC) material for the masses.

About National Law University Delhi

Being a premier law university in India and securing a second rank in the National Institutional Ranking Framework for three consecutive years, National Law University Delhi (NLUD) believes in imparting legal education that is socially relevant. It endeavours to make legal education an instrument of social, political and economic change. Other than the legal education that it provides through undergraduate, postgraduate and Ph.D. programmes, it also regularly conducts capacity-building programmes for vital stakeholders involved in implementing the law, such as police officers, revenue officers, the Central Reserve Police Force, etc.

About Centre for Law, Justice and Development, National Law University Delhi

Established in 2018, the Centre for Law, Justice and Development (CLJD) envisions revisiting, analysing, and engaging with development discourse and its interface with legal discourse. It has been specifically working on the rights of the marginalised communities through empirical research, policy interventions, training and the creation of resource materials.

Acknowledgements

We at the Centre for Law, Justice and Development, National Law University Delhi (CLJD, NLUD) are deeply grateful for the trust reposed in us by the Department of Justice, Ministry of Law and Justice, Government of India, for partnering with them in their mission of raising legal awareness. This comic booklet was conceptualized as part of creation of information education and communication material for sensitising people on gender. This idea of publishing comics for sensitising people generally and children in particular could not have been transformed into reality without active, continuous and valuable support of some officials in the Department of Justice. Shri Raj Kumar Goyal, Secretary; Shri Niraj Kumar Gayagi, Joint Secretary; Ms. Monika Rani, Director; Mr. Ashutosh Srivastava, Dr. Seram Rojesh, and Ms. Mahima Khera have been involved continuously in the project under which these comics are prepared.

We also want to thank National Law University Delhi for the logistical and institutional support extended to operationalize this deliverable in letter and spirit. To this end, we thank Prof. (Dr.) G. S. Bajpai, Vice Chancellor, and Prof. (Dr.) Ruhi Paul, Registrar at National Law University, Delhi. The contribution of Ms. Lubhyathi Rangarajan deserves special mention for facilitating the CLJD, NLUD team in the process of initiation of this collaboration with the Department of Justice.

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About the Comics

Centre for Law, Justice and Development (CLJD), under the aegis of National Law University Delhi (NLU-Delhi) undertook a project titled *Adhikaaron ka Gyaan, Unnati ki Pebchaan*, funded by the Department of Justice, Government of India under its broader scheme of ‘Designing Innovative Solutions for Holistic Access to Justice (DISHA)’. Our project under this scheme focused on raising legal awareness on violence against women. This collection of comics was created as part of this research and outreach project.

CLJD remains cognizant of the dual understanding of violence against women, one that is condemned as a crime (largely dealt under the prevailing criminal law) and the other which is invisible and infused in society as a way of life. Any attempt at building capacities of readers with respect to preventing and addressing violence against women requires efforts at both the levels. This set of comics focuses on the second aspect that is a more diffused and an invisible form of violence, which is systemic in nature and is manifested routinely in our social practices and ways of thinking. Being embedded in the practices of our everyday life, this form of violence remains hidden and thus ordinarily unrecognised, unengaged with and normalised. A learning manual titled ‘Towards Transformation’ is another deliverable under this project that focuses on the first aspect. It seeks to raise awareness regarding crimes against women, the redress under the criminal law or special legislation and the support structures available to aid and assist women.

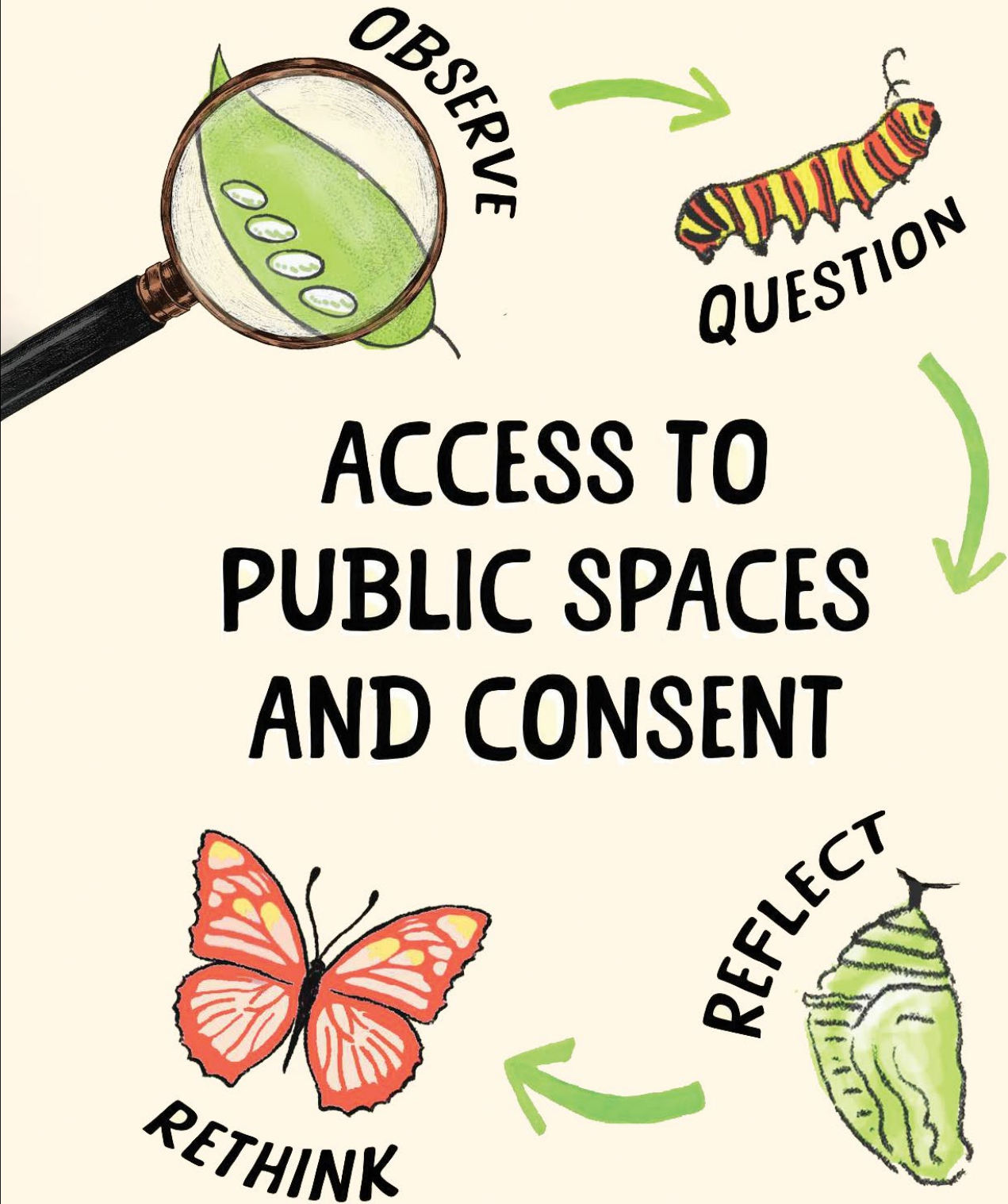
This collection of comics unpacks our everyday practices, statements or ways of thinking as manifested in our conversations using the gender lens. Gender as an analytical category has been used to discern the structures within which we exist. Structures refer to a set of practices that are prevalent in society determining what is allowed, expected and valued among people in society. The approach involves drawing attention of the readers to everyday social life which they may have come across ordinarily but may not have ever paused to ponder over. The comics therefore help in comprehending how (i) how our actions impact people around us; (ii) expectations vis-à-vis attributes and roles in a person arise within a gendered framework, thereby conditioning our interpersonal relationships; and (iii) how several social, economic, cultural, ideological factors determine the content of a concept.

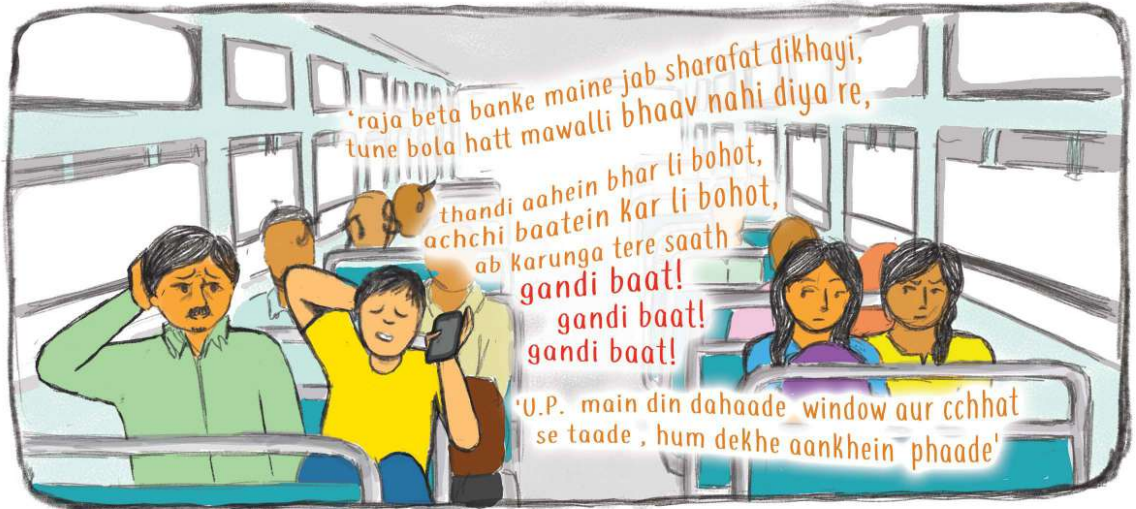
The first comic ‘Access to Public Spaces and Consent’ focuses on the issue of freedom in public spaces as well as engages with those structures that clandestinely curtail women’s agency or condition their decisions completely. The second comic ‘Respecting Choices and Challenging Categories’ unpacks a common conversation between a mother and her son. The concerns of the mother and resistance by the son will resonate with the readers. The point the comic seeks to drive home is that most of the changes one expects arise

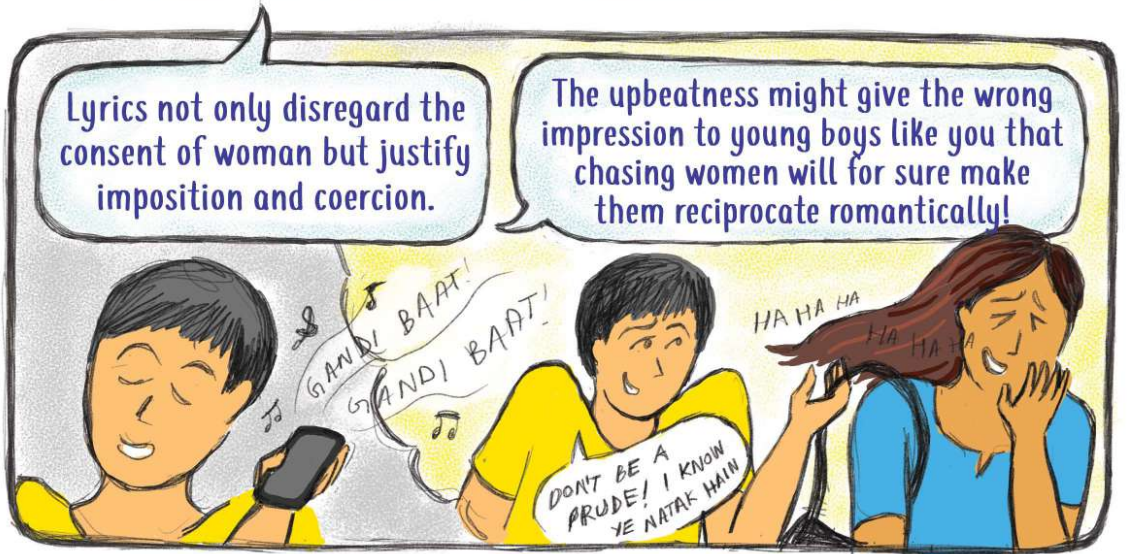
out of a gendered notion of who should have what roles and attributes. The last comic 'Rethinking the Concept of Work' highlights how a concept neither emerges instantly or naturally nor is exhaustive. The comic highlights the students' confusion, initially; and reflection on their own thought process, later to appreciate why it is crucial to avoid taking concepts and their meanings at face value.

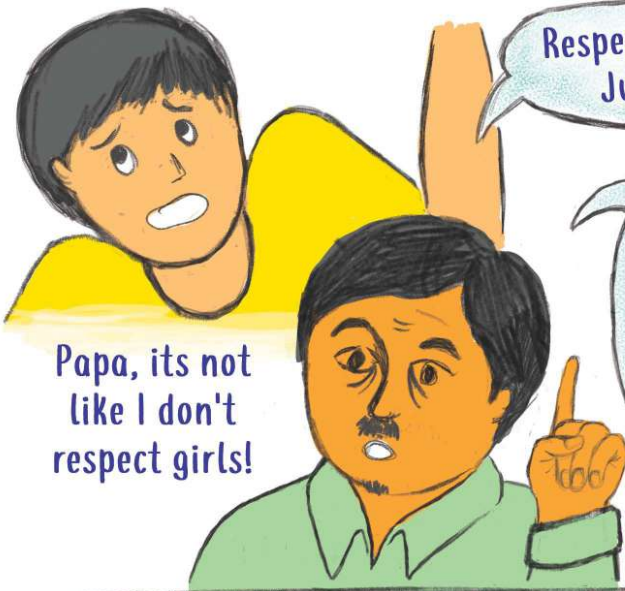
The comics are intended to be a stimulus to think further and therefore refrain from prescribing a holistic alternative. In its zeal to ensure that the stimulus is holistic, each comic is followed by an exercise that seeks to not only delve deep into the issue at stake in the comic but also to steer the readers into considering the deeper message of the particular comic and using it to reflect on related issues.

These comics are therefore an attempt to encourage readers to keenly observe, pause, question, reflect and rethink about such practices of our everyday life by identifying and then engaging with the ideas and values that form the basis of these practices. In doing so, the comics aim to operationalise one of the fundamental duties enshrined in Article 51A (h) our Constitution i.e. "to develop the scientific temper, humanism and the spirit of inquiry and reform."









Papa, its not like I don't respect girls!

Respect should manifest in action. Just consider these lyrics -

The song translates into 'because you rejected me when I approached you courteously, I now have a right to misbehave with you.'



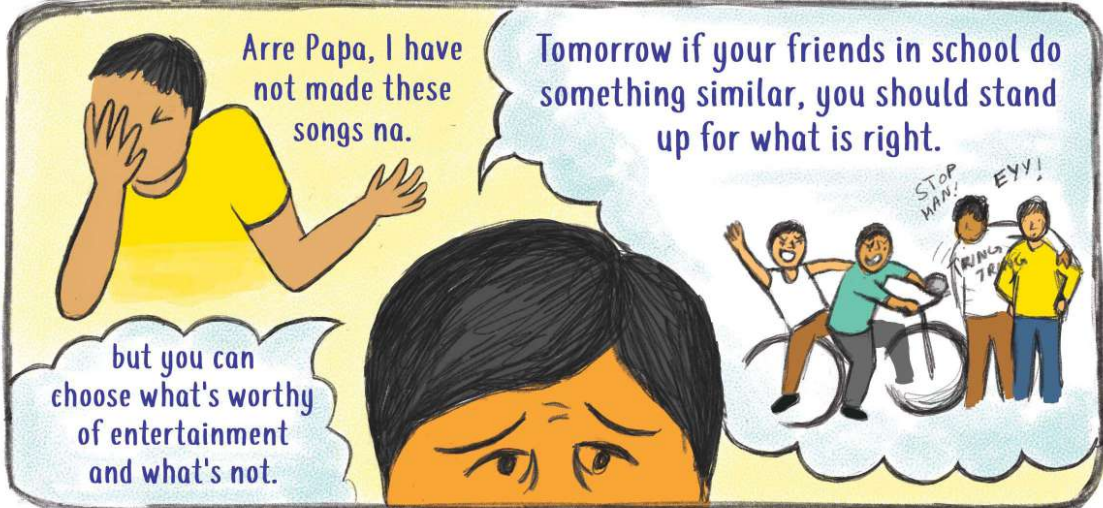
Imagine someone intimidating you into talking to them?



Is it enjoyable?



Remember we need to respect someone's choice to talk or not talk to us.

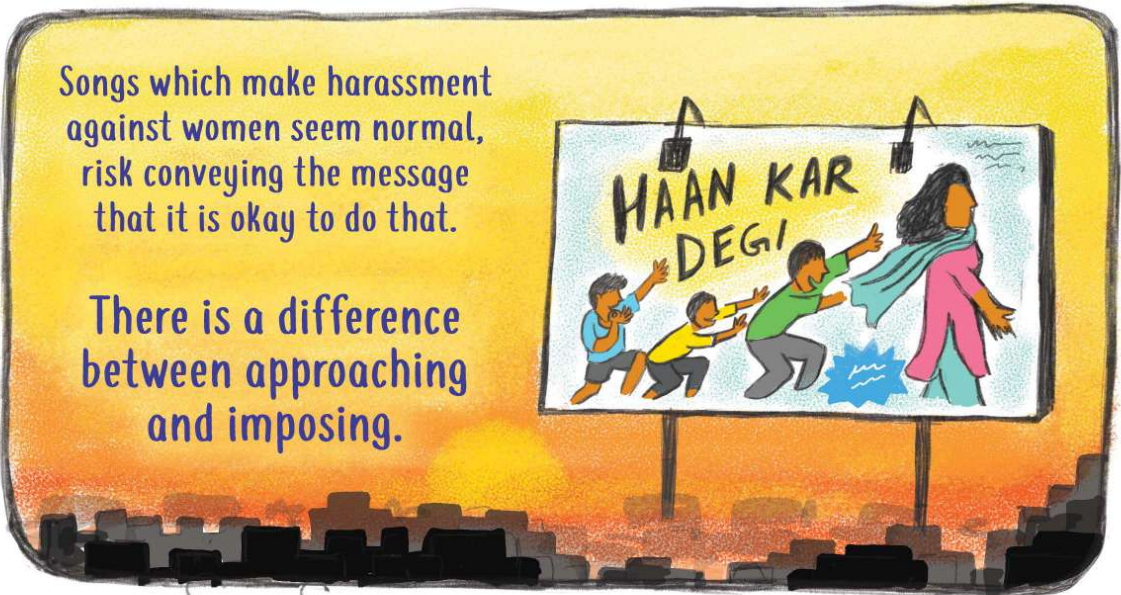


Arre Papa, I have not made these songs na.

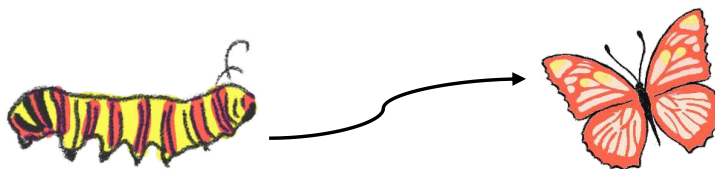
Tomorrow if your friends in school do something similar, you should stand up for what is right.

but you can choose what's worthy of entertainment and what's not.





RETHINKING THROUGH THE COMIC



Consent means to agree to something or to allow something to happen or to approve. Agreeing, allowing or approving presumes a choice being made. It is therefore **a voluntary act**

Consent is absent where agreement or approval is a result of coercion, fear, force, pressure or compulsion.

Consent recognizes and respects freedom to make choices.

1. Even though this comic relates to songs that impose decisions on women without their consent, the issues at stake are broader. Some of them are as follows:

Rethinking behaviour that is normalized as routine;

Making public spaces safe for everyone;

Rethinking consent in different circumstances

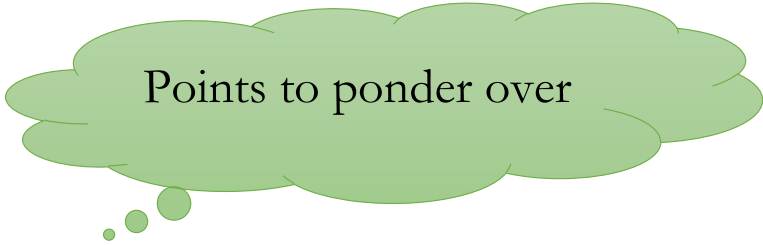
2.

One may think of consent as invasion of autonomy. However, does it only happen through actions of others? Or it may also be self-imposed on account of unquestioned practices that prevail in society? For instance, how do you consider consent, *if any*, in the following instances?

A girl wants to pursue education, but her parents don't let her. Being hopeful about getting married to a considerate and supportive person, she postpones her plans of pursuing higher education.

A boy appreciates nail art and is happy to apply the same on his nails. However, when asked by a friend if he wants to go to the salon to apply, he said no as he was not sure how his family and friends would react.

3.



i.

Think about Bollywood songs that fit under the following categories:

Songs that you think encourage eve-teasing, stalking, or harassment of women	Songs that you think encourage taking consent from women

ii.

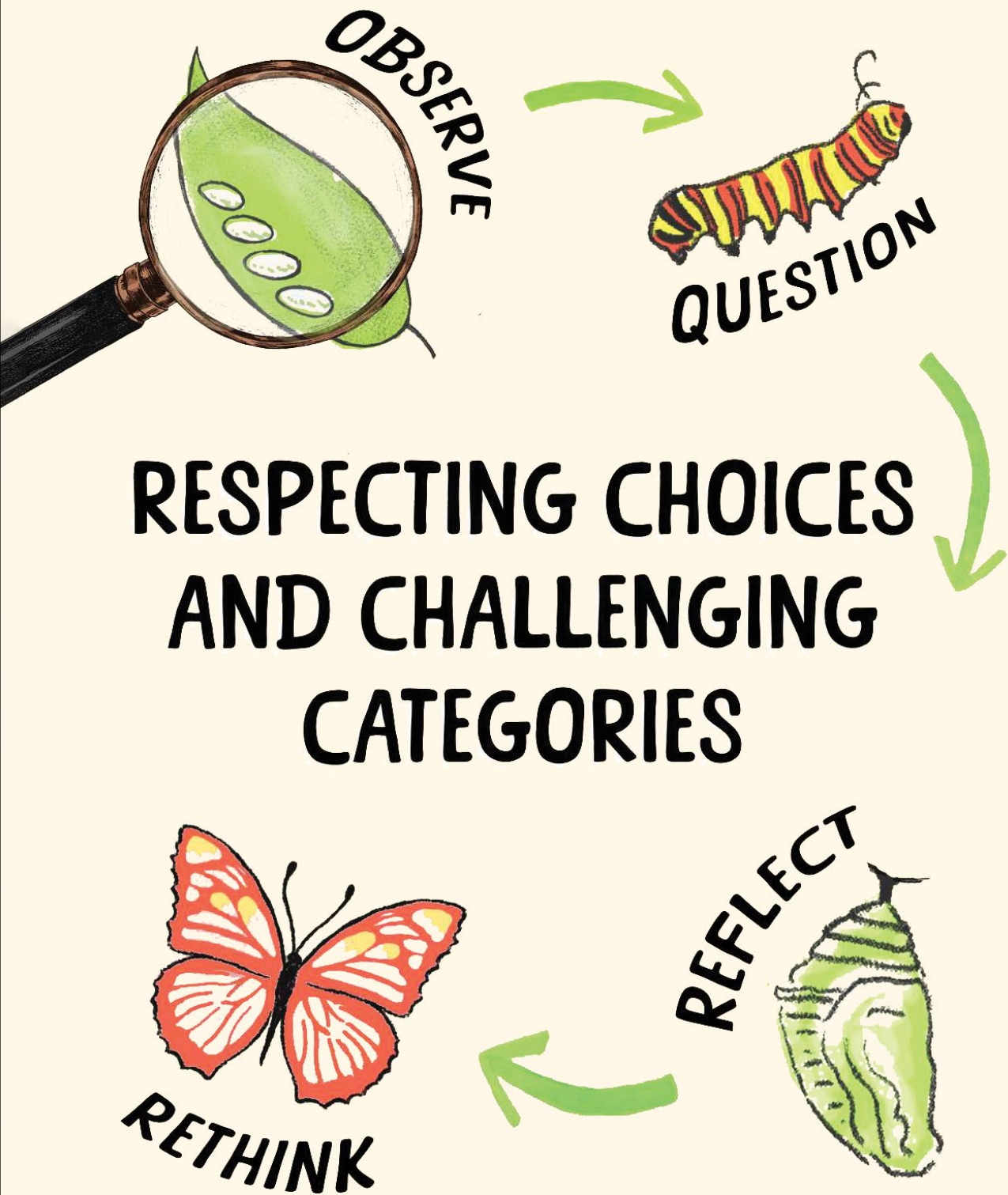
What are the kinds of constraints you have faced in public as well as private spaces?¹

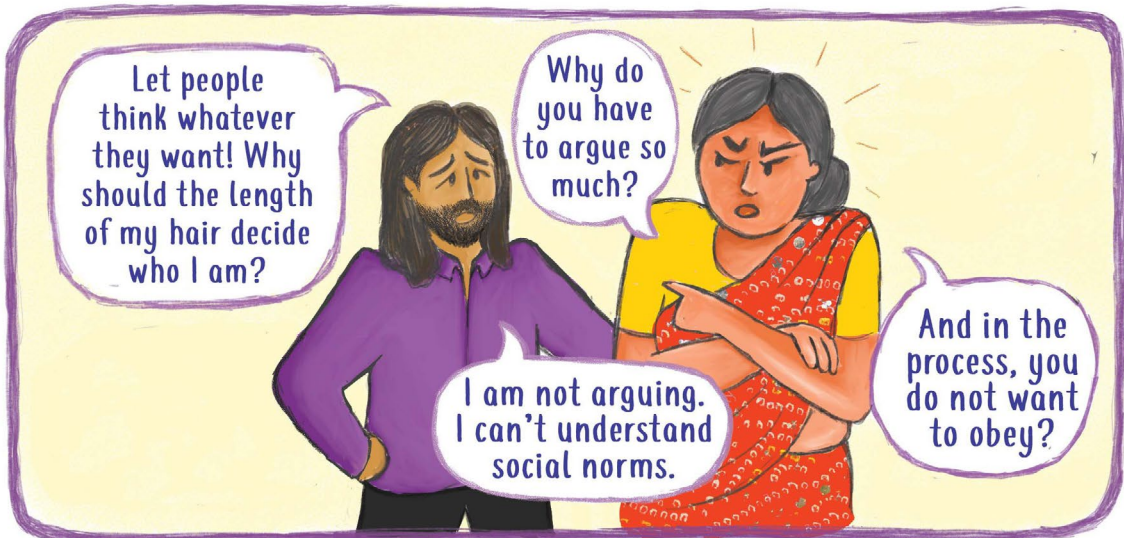
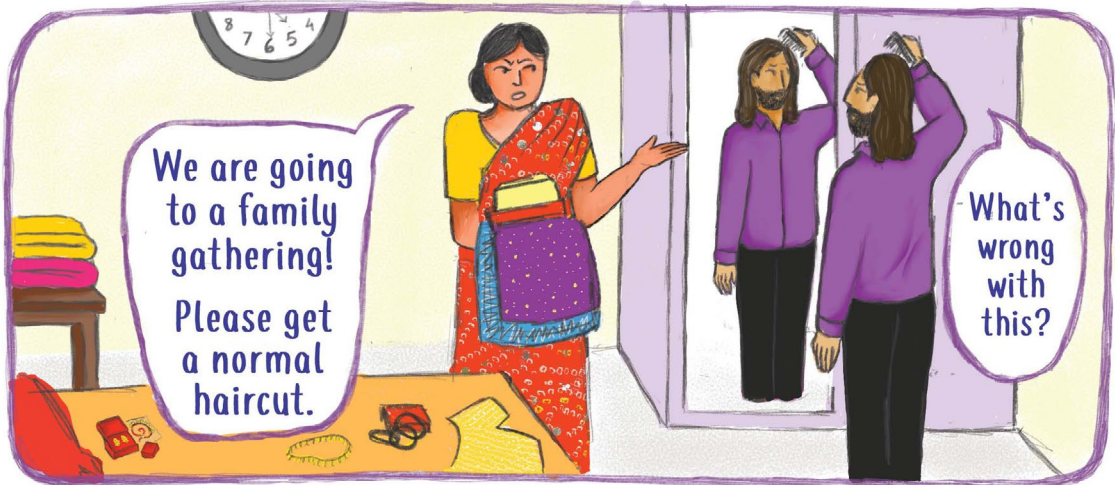
iii.

How many times are we asked about consent in our life?

iv.

List your experiences where you have taken a decision, solely on your own account, free from any constraints.

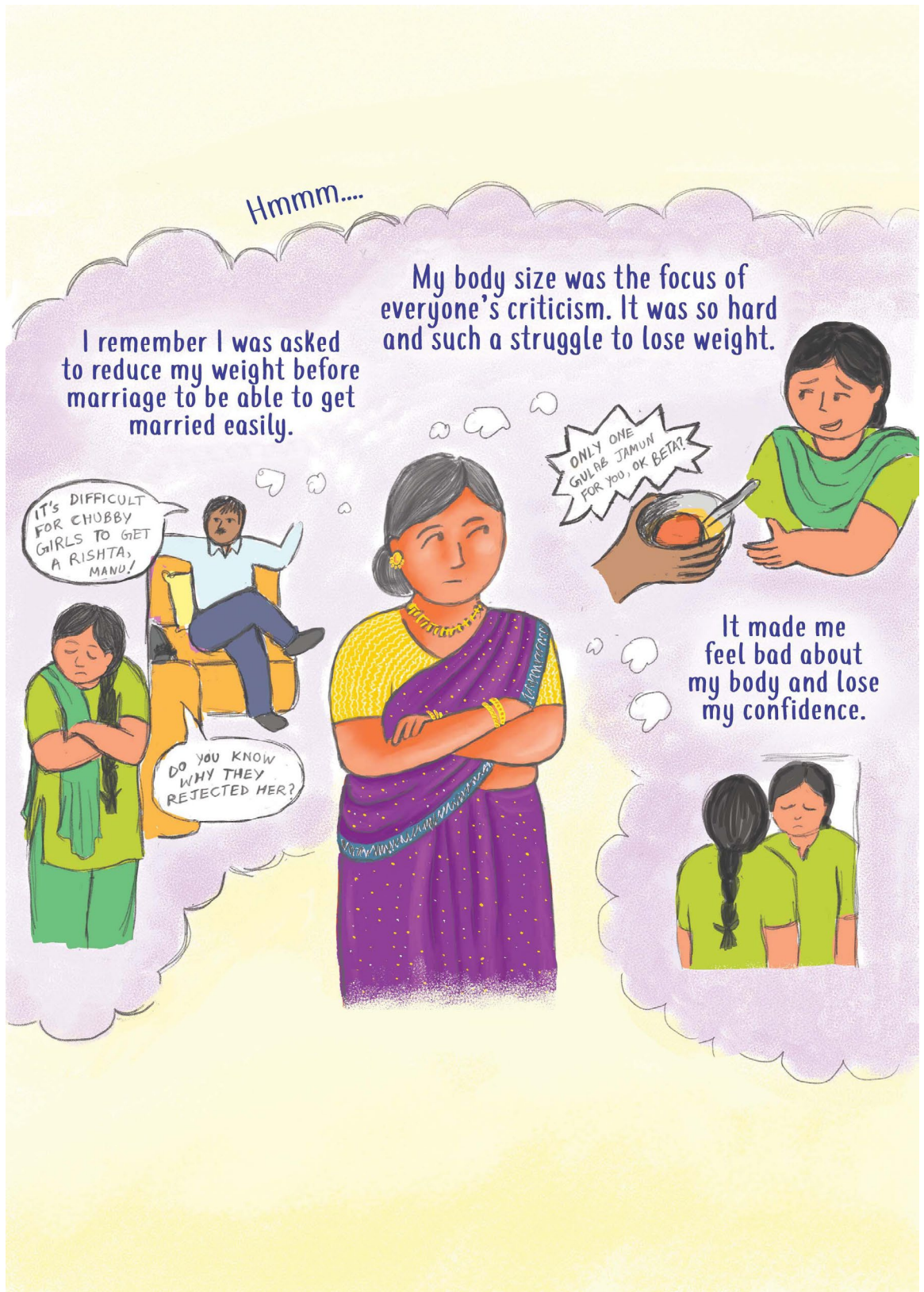




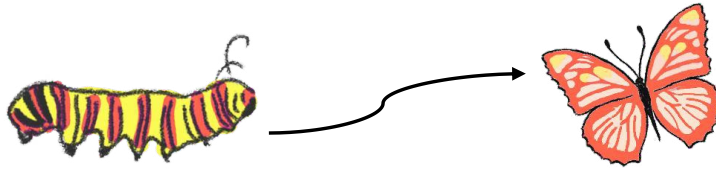








RETHINKING THROUGH THE COMIC



1. Even though this comic relates to mother and son regarding son's long hair, the issues at stake are broader. Some of them are as follows:

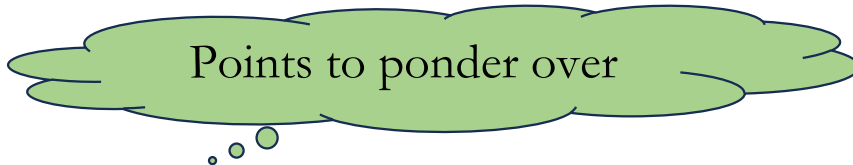
Rethinking behaviour that is normalized as routine;

Rethinking our behavior and expectations with people who we are related to;

Reflecting on and cherishing our capacities to embrace differences of opinion, preferences and choices;

Rethinking about the personal attributes that are considered necessary (height, weight, complexion, appearance).

2.



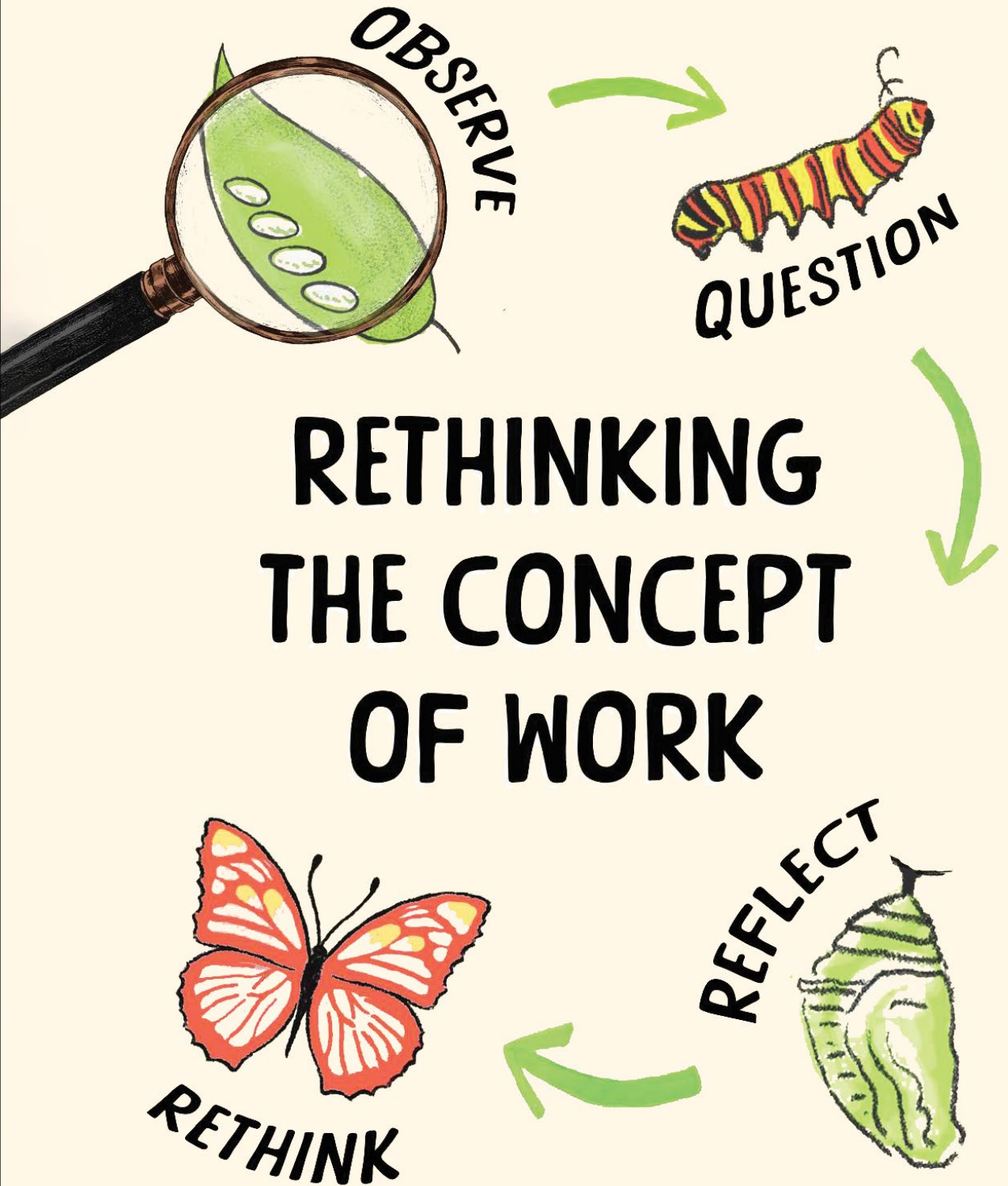
- i. Can you think of instances where you passed comments on a person's choice or physical attributes?

ii. In light of this comic, re-think the conversation that you may have had with that person.

iii. Can you think of instances where someone passed comments on your personal choices or physical attribute?

iv. In light of this comic, re – think the conversation that you may have had with that person?

v. Do social norms affect everyone equally? Identify groups of people who suffer from exclusion in our society.



It's a mystery: Women in India drop out of the workforce even as the economy grows

Source: National Post

Growth in Female Labour Force Participation in India Now Seems to Be Stagnating

Source: The Wire, 20th March 2023

Share of women in wage work declined to 15.9% in 2022-23, says PLFS

Source: Business Standard, 15th October, 2023

iPhone Manufacturer Won't Hire Married Women In India, Report Claims

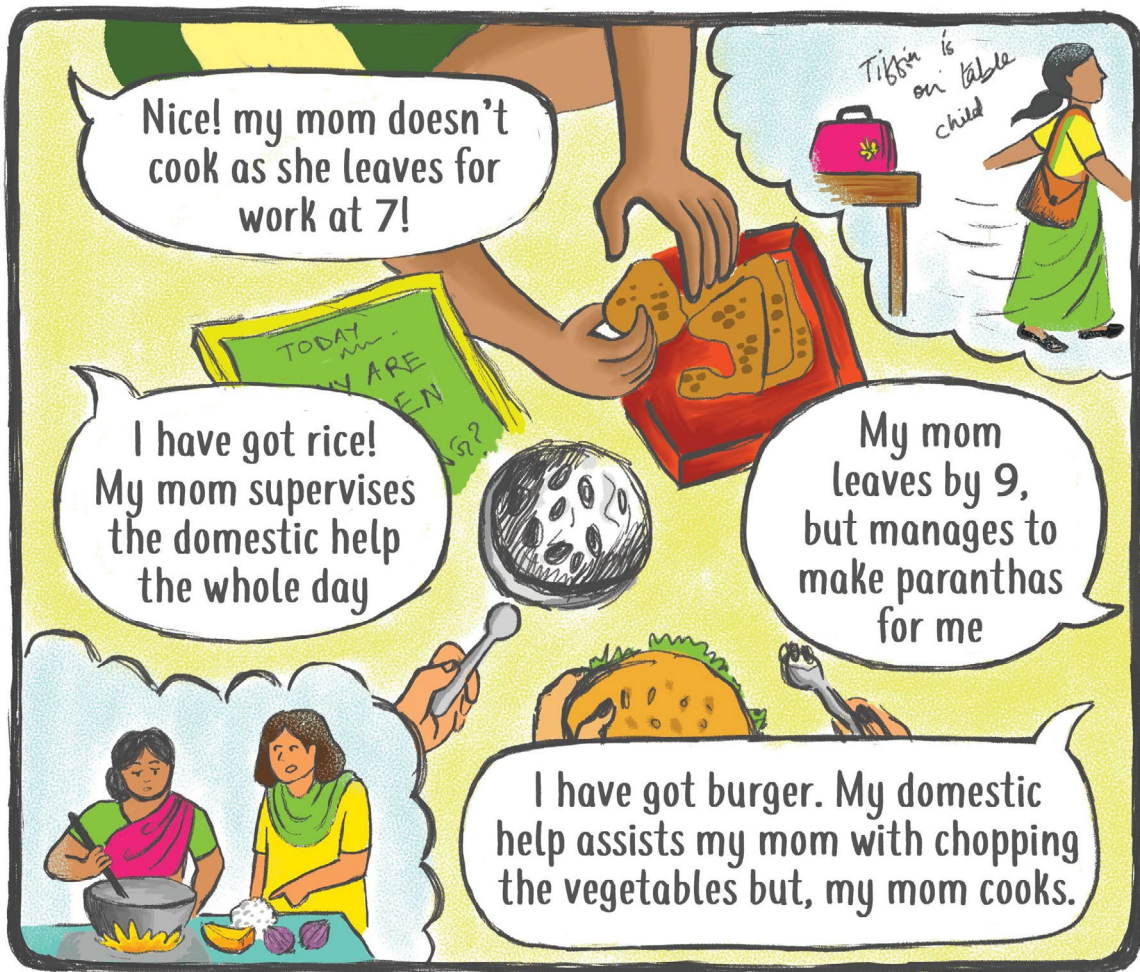
Source: Forbes, 25th June, 2023

Female labour participation declining in India: Why are women **NOT** working?

Less than 20% of India's women work at paid jobs and female workforce participation has been declining in the country. Here are the factors holding women back from paid jobs in rural and urban settings.

Source: India Today, 11th June 2023











Our moms do a lot of work! But news says otherwise. **What is work?**

Do you remember work force energy chapter in science?

Yes! I remember. When application of force results in change of place, direction, shape, size of a thing then work gets done.

So **scientifically, cooking is work** because vegetables/lentils/meat are changed into delicious food.

$$\text{work} = \text{force} \times \text{distance}$$



But I thought **work is when you are paid** for certain tasks that you have been trained to do. My father works and runs the house and my mother stopped working when I was born.

Yes, the headlines refer to work **IN THE ECONOMIC SENSE** ✓

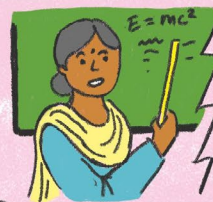
Oh! Basically work that contributes to the GDP!



✓ Chef vs Mom's food



✓ Nurse at hospital vs Taking care of sick at home



✓ Teacher at school vs mom teaching at home



Work done at home is not counted as work

Private	Public
No Earning x	Earning
No formal degree x	Formal degree / skill
<u>HOME</u>	<u>OUTSIDE</u>
Unpaid 24/7	Paid 9-6pm
Unregulated	Regulated
Bonds of love and affection	Unrelated people collaborating with each other
Work never ends. No leave	Application for leave, public holidays, etc

house work = no work house work = devalued work house work = work

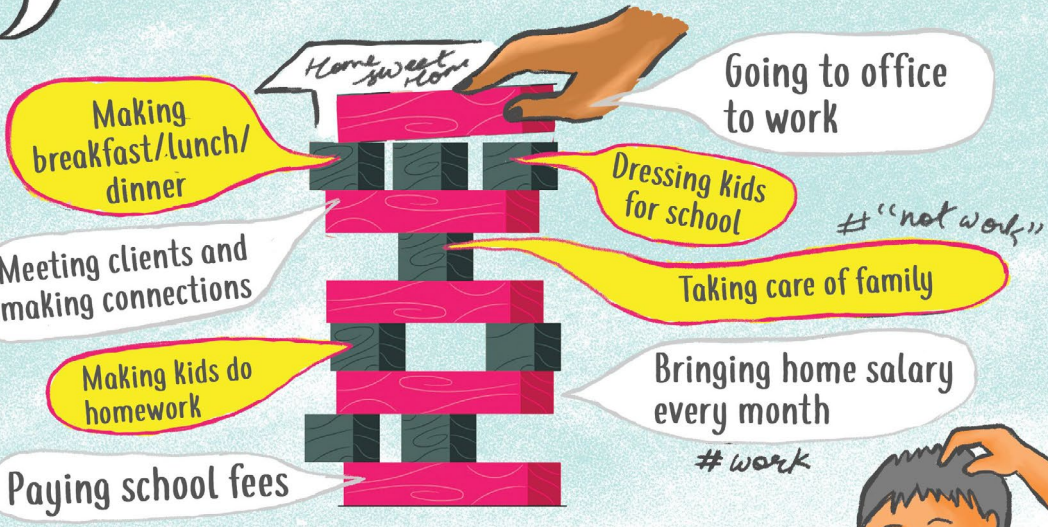
Household work - multiple possible categories.

Oh! So many definitions!

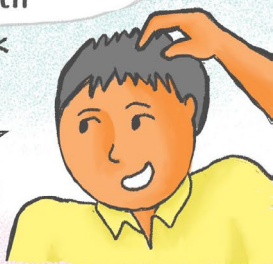
- Mother's Profession - Just a housewife
- Economic categorization - no work
- Moms categorisation - lot of work
- Family's categorisation when mom is home - some work
- Family's categorisation when mom is away - lot of work

This means we have dominantly categorised housework as no work.

Concepts are human-made, they don't exist naturally. Concept of work is socially created by human beings



This way do we need to re-evaluate everything that we take as settled?



It's always good to continuously evaluate and re-evaluate ourselves, no? It's not just the concept of work, there are many other concepts that are taken for granted. For instance:

what constitutes 'PROPERTY'?



how do we define 'FAMILY'?



identifying features of a 'VICTIM'

- traumatised
- voiceless
- defenceless

How do humans MAKE concepts?



Which human being made this concept?

But how?



when I say human made, I mean concepts emerge through social processes and practices.

there is a process of differentiation involved.

Certain aspects are taken to define a concept.

While certain other aspects are neglected.

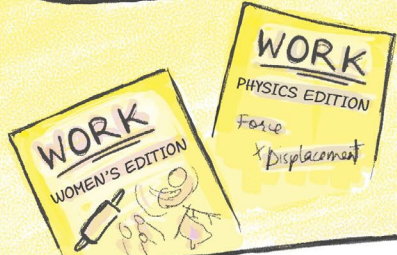
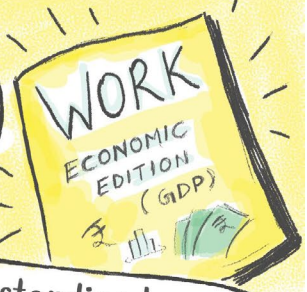
WORK

- Economic
- Money making
- "Skilled"

WORK

- ✗ Emotional/relational
- ✗ Unprofitable
- ✗ Home related

So ma'am the economic definition of work which is distinct from the scientific definition has emerged as the dominant understanding of work.



This dominant understanding has conditioned us so much that we take it as the only way we think about work.

Oh, No! Ma'am all of us thought that our moms who did not work out of home, don't work. Whereas we always **enjoyed** the fruits of their work.



Female labour participation declining in India: Why are women not working?

Less than 20% of India's women work at paid jobs and female labour participation has been declining in the country. Here are the factors holding women back from paid jobs in rural and urban settings.

Oh this is how they are differentiating house work from economic work

But such captions unconsciously reinforce the prevailing dominant understanding.

Such statements are made, understood and passed off seamlessly. However reflective progressive attitude requires -

"To develop the scientific temper, humanism and the spirit of inquiry and reform"

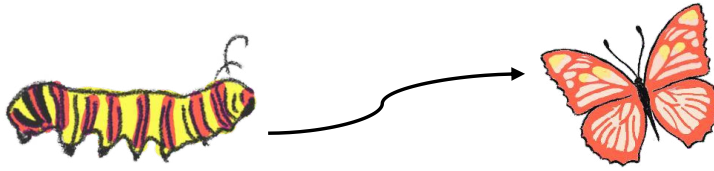
- Identifying the assumptions? *Why? Who decides? ? ? ?*
- Questioning and unpacking them
- To counter the dominantly pervading subordination of the counter understanding
- Don't imbibe without thinking
- Don't get swayed
- Don't homogenize (Treating everyone in a category as exactly the same)

Ma'am, now I also understand the implication of the Fundamental Duty laid down in our Constitution i.e.



Sometimes questioning the status quo is the biggest step in ushering a great change!

RETHINKING THROUGH THE COMIC



1. Even though this comic relates to whether house work qualifies as economically productive work, the issues at stake are broader. Some of them are as follows:

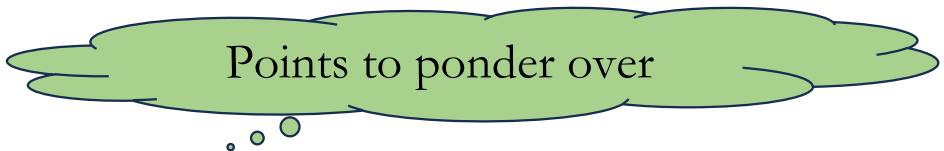
Being conscious that every concept has been constructed in specific ways;

Identifying the criteria on the basis of which the concepts (such as work, woman, child) are defined in the society;

Reflecting and rethinking about the above-mentioned criteria to explore the possibility of constructing the concept differently;

Identifying challenges and possibilities that reconstruction of concepts poses.

- 2.



- i. Which of the following acts would you classify as 'work' or 'no work'?



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©Song Speckles



© VectorStock



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ii. Please reflect upon each of the images below, in the light of assumptions raised and challenges posed.

a.

Women driving vehicles



© Adventure.com



©alamy



©The Quint

What are the assumptions that society has when they see or hear women drive?	How can these assumptions be challenged?

b.

Women are weak



©TheWire



© jaagrukbharat.com



© Westend61



© Firstpost

What are the assumptions that society has when they comment on the strength of women?	How can these assumptions be challenged?

c.

Men performing classical dance



©Pinterest Ajith Dass



©Vadaamalar

What are the assumptions that society has when they see men perform classical dance?	How can these assumptions be challenged?

d.

Men crying and in fear



© Freepik



© dreamstime

What are the assumptions that society has when they see men show these reactions?	How can these assumptions be challenged?

iii. The comic identifies one fundamental duty in the constitution. What is it? Why is it important?



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