

## Rescuing grace from disgrace

The words 'customary', 'ceremonial' and 'ritual' are employed to describe the addresses of the President of India to our Parliament at its opening sessions each year and, likewise, to characterise those of Governors when they address the Legislative Assemblies in their State capitals.

India being the land of largely unquestioned custom, ceremonials and rituals, these addresses of the Head of State have also become part of the life of our polity. The President of India and Governor arrive with 'due' fanfare, perform the ceremony of which the officiating 'priest' is the Speaker or Chairman, and depart feeling greatly relieved that it is over.

The speeches or addresses of the Head of State for these occasions, following British practice, are drafted by the government of the day. They are not written by the President of India or Governor, but only read out by them. The drafts for these are received in their offices generally very close to the event and require time to be gone through against a tight time frame. This in itself makes the suggesting of changes by them difficult.

### A thought that was worth pursuing

R. Venkataraman, the President of India from 1987 to 1992, was fond of saying, with his characteristic smile, to staff (I was his Joint Secretary), "When I am asked to read these Addresses, I feel like saying 'Rashtropati Bhavan' and sitting down!" He went through the drafts of the Addresses he got from the Government of the day line by line and word by word. And he – not so much we on his staff – would mark out those he felt needed modification. I do not recall a single occasion when his responses were not accepted *in toto*. But there was one 'move' of his which did not go through.

He asked us, shortly after he assumed office, to contact the Indian High Commission in London to find out what the form of Her Majesty's 'Throne Speech', delivered at the opening of the sessions of the two Houses each year or immediately after a general election, was like. It was his distinct impression, he said, that the speech prepared by Her Majesty's Government is very brief, merely outlining the outer contours of policy and the legislative business proposed for the session ahead – and nothing more. That, he said, is how it should ideally be with the opening of Parliament in India, in place of the long speech that is read out *in extenso* to a progressively tired gathering of Hon'ble Members of Parliament, followed by an equally long translation into Hindi or English as the case may be. President Venkataraman's chief concern was the saving of time and the avoiding of tedium. But he was also aware of the gain from such a reform in terms of the avoiding of interruptions and the other phenomenon which has come so unfortunately to be associated with legislatures' opening ceremonies – tension between the writer and



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reader of the speech.

The High Commission was 'duly' approached and specimens of Her Majesty's speeches obtained, all of which went to show President Venkataraman's memory to have been spot on. But, sadly, the suggestion made to the government of the day that the British practice be considered for adoption in New Delhi was not heeded.

President K.R. Narayanan, in office from 1997-2002, was no less painstaking with the drafts. We on his team (I was Secretary to the President) would marvel at his being able to spot phrases with subtle connotations which would be best rectified. It gave me no small happiness to see officers of the government acknowledge the pertinence and propriety of changes that 'KRN' directed us to convey. Needless to say, the changes suggested were so patently un-biased and good that they were accepted not just without demur, but gratefully.

### A cameo from Kolkata

In Kolkata, as Governor of West Bengal (2004-2009), it was my privilege to suggest, on a few occasions, some changes to draft Addresses to the Hon'ble Legislative Assembly and Chief Minister Buddhadeb Bhattacharjee invariably accepted them. On the first such occasion, when he had accepted the suggestion at once, there was a slip. On the night before the ceremony, I noticed, to my dismay, that the printed text which had just come to me, had not carried out the change. The matter was important enough for me to bring it to Buddhadeb's attention over the telephone. He said to me, "I am to blame. Let me see what I can do but rest assured it will be done." Was there enough time to re-print hundreds of copies of the Address? There was not. The Chief Minister did the next best thing. He had a piece of paper pasted over the paragraph concerned, on each and every copy, overnight.

This, of course, drew more attention to the paragraph than its appearance in print would have done and Opposition Members of the Legislative Assembly found cause to explode. Buddhadeb told me later that day, "If the matter comes up formally in the House I will say frankly that you had suggested an important change, that I had agreed to it, but due entirely to my oversight it could not be carried out in time and the next best thing was done... I will lay the facts on the table." This was political civility.

Occasion arose for me to officiate as the Governor of Bihar (January to June 2006). Exactly as now, Nitish Kumar was Chief Minister, heading a coalition of the Janata Dal (United) and the Bharatiya Janata Party, with Rabri Devi being Leader of the Opposition. The draft for the Governor's Address was unexceptionable and written in flawless Hindi which was, for me, a pleasure to read out. There was not one

interruption (which I was expecting) and I noticed throughout when I looked in her direction that Rabri Devi was listening attentively and with the greatest dignity. After the ceremony was over, Nitishbabu said to me that it was the first time in his experience that a Governor's Address to the Assembly had gone off without a single interruption, and he thanked me for it. "Why are you thanking me?" I said to him. "The speech was not mine, it was yours." I will not detain the reader with his rather overwhelming reply.

To conclude: turbulence in the House is not new. Unseemliness has been seen in them for decades. But controversy over Governors' addresses in Assemblies are now rising in frequency and velocity, with Governors, whose dignity is inseparable from that of the edifice of the state and the government bartering accusations and counter-accusations.

### Where the problem lies

The root of the problem lies in the foundational dichotomy of one agency writing the speech and another reading it. Professor A.R. Venkatchalapathy published not long ago a fine book, *Who Owns That Song?* – about the rights to Subramania Bharati's 'nationalised' works. One may, following that, ask of the Governor's Address 'Who Owns that Speech?' The one who writes it or the one who reads it out? Subject to correction by constitutional experts, I believe that the Address of the Head of State to the Legislature is an ornament of convention, not a condition precedent for Bills becoming law. If it was, then the business of a House that has not had the Governor's Address read out in full, or in tokenistic part, would become invalid. That is not the case. Address or no Address, the Legislature continues its work.

Since political polarisation between the Centre which appoints Governors and the State which elects the Chief Minister is, to all appearances, set to accelerate in the visualisable future, a way out has to be found. I believe President Venkataraman's suggested solution gives us that way out. If all concerned agree that the Head of State need read out just the bare outline of the legislative business ahead, the Address will then belong to neither its drafter nor its reader but to its rightful owner-listener, namely, the collective body of Legislators. Presidents and Governors will, I think, be relieved with such a rearrangement.

But what of the governments? Will they be ready to forego the chance to air their accomplishments and plans? They would need convincing that the Motion of Thanks that follows the address is where that airing is best done – as it is, in British Parliament.

It will take an innovative and self-denying Chief Minister to start the reform to rescue a custom, ceremony and ritual of grace from disgrace.

## A demand that could hamper gender equality

The Sabrimala temple issue was one that ruled our collective consciousness. It was unfathomable that menstruating women were deemed 'unfit' to enter a temple. Echoes of 'menstruation is not a disease, but a natural phenomena' could be heard all around. This was a case that highlighted the ongoing struggle to eliminate discriminatory practices related to menstruation, and to promote gender equality.

The demand for paid leave for menstruation works to undermine it.

Menstrual cycles can be challenging – almost debilitating for some – but to collectively label all those belonging to a gender without considering the potential adverse effects, is trivialising the women empowerment movement.

### On the global gender gap

The World Economic Forum's Global Gender Gap Report 2021 says that the gender global gap has widened (instead of shrinking). In the current situation, it would take the world 135.6 years to achieve gender equality. Looking at it specifically at the workforce level, a woman earns 84 cents for every dollar that a man makes. The participation of women in the labour force is significantly lower than that of men, and even fewer women hold leadership positions. If one adds mandatory paid leave for periods to this, it would end up further dissuading companies from hiring women.

If the government ratifies 'special status' for menstruating women, it validates the social stigma around menstruation. It would exacerbate period shaming in a country where large swathes of people (both men and women) consider



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Paid leave for menstruation may create awareness on the subject but could end up widening the gender gap

menstruation to be 'impure'.

The most recent National Family Health Survey (NFHS) report has highlighted how approximately 50% of women between the ages of 15 to 24 in India continue to rely on the use of cloth for menstrual protection. Experts caution that reusing cloth can increase the risk of contracting multiple infections, attributing this practice to a combination of insufficient awareness and societal taboo around menstruation. Girls are often compelled to leave school or face social exclusion during their menstrual cycles.

Arguments in favour of paid leave for menstruation will claim that granting special status to menstruation would aim to create subject awareness. But this would only magnify it. It could turn out to be another well-meaning step, but one that ends up widening the gender gap inadvertently.

### The case of Japan

There are countries such as Japan that provide leave for painful menstruation- but it is mostly unpaid, and unused. Women claim that they are reluctant to avail this leave and 'broadcast' that they are on their period, for the fear of sexual harassment. This is the situation (today), even though this policy was introduced in Japan more than seven decades ago. Data show(s) that a mere 0.9% of women in the workforce avail menstrual leave days in Japan. As per the World Economic Forum's ranking in 2019, Japan ranked 121 out of 153 in terms of gender equality. It has slipped to the 125th position in 2023. It is interesting to note that though young women in Japan have higher education levels than men, it is in the workforce

that disparities creep in. Women in Japan are less likely to be employed (even with the same credentials) than men, and are often paid lesser.

Let us assume that we have in place paid leave for periods. Now comes the implementation. Who is to say when such leave would be taken rightfully, and when they would be misused? Further, who is to say which enforcement methods would be acceptable, when used by the employer? In 2020, 66 girl students in an institute in Bhuj in Kutch, Gujarat, were forced to strip to check who was menstruating. This mirrors an incident in 2017 in Muzzaffarnagar, where 70 girls in a residential school were compelled to undress by staff to check for menstruation.

### A fight that continues

In the recent past, women have fought to be on the front line in a war. The Supreme Court of India even urged the government to enable equal evaluation of women, and to have them undergo the same standards of testing as men. In response, the government argued that women are not suitable for ground combat roles. Women in corporate organisations are fighting for pay that is the equivalent to that drawn by their male counterparts.

As a woman, I understand the issue and am empathetic towards period pain and symptoms. But I am averse to terming it a blanket biological disadvantage. Recognising the diverse nature of menstrual experiences is essential. Tailoring support and being accommodative on a case-by-case basis promotes inclusivity, while also addressing the individual needs of those navigating their (difficult) periods.

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