



‘It’s not ever going to be easy’

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‘I’m the first lawyer from my family. My mother says that when I was 8 or 9, she asked me what I wanted to be when I was older and I was absolutely clear that I would be a lawyer. I don’t remember that, but I do remember the first time I knew I wanted to understand more about the Law. I was a teenager and I’d gone out with some friends to get ice cream, and as we were standing in the shop, we overheard some college students trying to intervene with the police to help a pedestrian who’d been stopped. I remember the policeman saying to the students, ‘And what do you know about the Law?’ It’s a refrain I’ve heard so often since then from authority figures in India when someone challenges them. I remember thinking, “Right, well if that’s what I have to know about to understand how things work, then that’s what I’ll learn.”

I was offered places to study Law at several universities, and I chose National Law University (NLU) Delhi partly because of its reputation but also because Delhi was where I’d grown up, because it’s the home of the Indian Supreme Court and India’s legal capital. For me, the jump to studying Law was both exciting and difficult. Indian schools offer some legal courses now, but there was nothing of that kind when I was at school, so it was all new to me.

At the end of my first year one of my professors, Dr Anup Surendranath, put out a call to ask for students interested in working on the project he was leading about prisoners sentenced to death in India. The Supreme Court of India upheld the constitutionality of the death penalty in *Bachan Singh* (1980) but also set out the doctrine that the death sentence should only be given in the ‘rarest of rare’ cases. Dr Surendranath’s project maps the socio-economic profile and experiences of prisoners.

I remember that I was nervous about interviewing the families, but also that I found it extremely interesting. Very quickly, I saw that when someone is sentenced to death, their whole family becomes part of that sentence: what the system does to people is never just about one individual. When I started working on the death row project, I’d already been part of two projects about labour law, and had worked alongside workers to help them get identity cards. What I appreciated from that was what a very low level of legal literacy all of us have. When

it comes to the death penalty, it shocked me to see how many cases involved those who at almost no stage had had anyone to help them understand what was happening to them.

After interviewing the families, I went on to interview some of the prisoners on death row. I was chosen partly because I wanted to do it, and also because I was one of only three students who spoke the relevant language to interview prisoners in a particular state. I have to say that I didn't know what I was getting into. Once again, I was shocked at what I saw. It didn't equate at all to the theoretical doctrine of 'rarest of rare' that I'd learned about. And one of the prisoners I spoke to said 'Promise me that, no matter how high you go, no matter how far you get, one day you will impart to other people what is happening here.' I spoke to the prisoners about the process they had been through, how late they had gained legal representation, and I realised that for people in this situation, who might not even know what a warrant was, they were already firmly gripped by the system before they had a chance to present their own case or even to be helped at all. I could see, too, that they viewed lawyers as unapproachable people.

I knew by the time I had been involved in the project for a few months that this was the area I wanted to work in, but then something happened that added another layer to my legal experience. While I was a student, I decided to speak out about something that had happened to me and I brought a charge of sexual harassment. It was an immensely difficult thing to decide to do, and something I am only just beginning to feel able to speak about, even now. It showed me what the criminal justice system looks like from the victim's side and, in particular, it showed me that, as lawyers, we have been trained to think stereotypically about what you might call an 'ideal victim' and even an 'ideal accused', in a way that isn't helping anyone get better outcomes from the justice system. My own experience very much echoed that of others who bring charges of this kind: there were certainly moments when I wanted to give up, to walk away, not just from the process, but from Law school altogether. But at my lowest points, I went back to something one of the prisoners I had interviewed had said to me, albeit in a different context: 'it's not ever going to be easy, but as long as you try, as long as you can face yourself, that's what matters'. And I realised that if I hadn't brought this charge, I wouldn't have been able to face myself. The interviews I had with prisoners on death row are my bedrock, my grounding, and they are what I always bring to mind if I'm finding things difficult.

In my last year of Law school, partly because of my own experience, I became especially interested in the question of sexual consent: how the definitions vary across and even within legal systems, and how they are applied (or aren't). This is something I'm hoping to work on as part of an MPhil once I've completed the BCL (my provisional thesis is entitled 'The idea of consent in rape law in India'). For me, it's been fascinating to bring together my two areas of interest, looking at the Law from the perspective of victims and of the accused, and realising that what matters to everyone is that we have a system that's fair, accountable and can be understood by all those who are a part of it. In the future, I want to do more comparative work, looking especially at how different jurisdictions deal with the issue of consent. I'm hoping to study South Africa and Canada as well as the US and the UK.

Oxford was a natural choice for me in terms of its reputation and the kinds of work I knew I would be able to do as part of the BCL programme. I was also inspired to come here because I knew that Dr Anup Surendranath, my mentor and role-model, completed his BCL, MPhil and DPhil at Oxford before taking up his position at NLU Delhi. Oxford has more than lived

up to my expectations and I'm enjoying it enormously. I'm focussing particularly on Comparative Equality Law, Comparative Human Rights, Children, Families and the State and Medical Law and Ethics.

That I'm here as a Cornelia Sorabji Scholar is hugely important to me. I read Sorabji's 1901 work *Love and Life Beyond the Purdah* in my first year at Law school: it was recommended by one of my professors. Now, I'm about to read more of her work in Somerville Library. Sorabji is an inspiration to me: such a pioneer. That she could write so radically and bravely about the position of women in India right at the start of the twentieth century made me realise that social change starts with those difficult conversations we have with each other about things that might well make us uncomfortable.

One of the things I've loved most about coming to Oxford is the chance to be part of the Cornelia Sorabji Programme and to be linked to the Oxford India Centre. I've been able to learn about areas of research that I'd never have come across if I hadn't been here. Somerville is already such a wonderful community, and to meet like-minded scholars within the Cornelia Sorabji Programme just adds to my sense of belonging and my feeling of what I can achieve here and in the future.

My aim? I want to bring real, relevant change to India's legal system. I want to bring my knowledge and understanding to bear on real problems. I know that my time at Oxford is going to be one of the most important ways I can start to achieve that aim. For me, the way to make change in the system is to ensure that I have the highest and broadest understanding of comparative systems, so that one day I can go into academia and also advise on legal policy. But it's also important for me to keep in touch with the people whose lives are affected by legal decisions, so I've made a resolution that in the vacations, I'm going to travel back to India and work with NGOs to keep myself firmly in touch with the real world.