

## Backdoor moves to scuttle Women's Bill

By Our Special Correspondent

NEW DELHI, NOV. 30. Backdoor political moves are being made to scuttle the Women's Reservation Bill with the Government informally contacting representatives of Opposition parties as well as its own coalition partners to discuss the "merits" of the Election Commission's suggestion to amend the Representation of People Act to make it mandatory for parties to give at least one-third of all party tickets to women.

The strategy being worked out seems to be that the Bill, as approved by the Geeta Mukherjee joint select committee and introduced in the Lok Sabha, be taken up for discussion towards the end of the session. The "suggestions" to amend the RPA instead or increase the total number of Lok Sabha seats and then accommo-

date women could then come from different parties across the political divide and a "consensus" could emerge to drop the Bill and take a different route out.

It seems that Mr. Pramod Mahajan, Minister for Parliamentary Affairs, has already begun contacting representatives of different parties to sound them out. Ms. Margaret Alva of the Congress (I) confirmed this.

Today, a delegation of the women's wing of the BJP met the Prime Minister, Mr. A.B. Vajpayee, to present a memorandum to demand 33 per cent reservation for all parliamentary and Assembly seats for women. Mr. Vajpayee is reported to have told them that he would like this Bill to go through. Efforts were being made to create a favourable opinion for the Bill.

However, while the major parties — the BJP as well as the Congress and the Left — are officially sticking to their positions that they will vote in the Bill's favour if it comes up, considerable opposition remains inside the parties.

### Alternatives HD-1

The idea of rotating constituencies — which would be 'women's constituencies' for one or two terms and then revert back to the general pool — is being resisted strongly. The argument is that this goes against the very idea of nursing constituencies. Rotation would mean that MPs will simply not bother to look after their constituencies.

Another idea is that the number of constituencies be increased by roughly 30 per cent, and then, women can be given one-third of it. This would ensure support for

the Bill for the sitting MPs would not feel threatened.

However, the view among both the ruling and Opposition parties is that even proportional increase in seats in all States would mean that the gap between the larger States and the smaller ones would increase in terms of absolute number of seats. The smaller States and the southern States may strongly resist such a move.

Yet another suggestion is that women should settle for 15 to 20 per cent reservation. Such a change in the Bill could ensure support from parties which have otherwise been opposing the Bill on other grounds such as reservation of seats for OBC women within the overall women's quota, a demand which also has the support of some BJP leaders like Ms. Uma Bharati.

THE HINDU

1 DEC 2000

# Women's bill: Will the jinx never end?

Saroj Nagi  
New Delhi, December 1

IT WAS billed to be historic when Prime Minister H D Deve Gowda piloted the draft legislation to earmark 33 per cent seats in the Lok Sabha and state assemblies for women. That was September 1996. But four years, three Prime Ministers, three introductions and half a dozen all-party meetings later, the Bill remains jinxed.

It continues to be on the backburner for want of a 'consensus', even though the joint parliamentary committee, which vetted the Bill, recommended its early passage.

What has perhaps changed over time, is the nature of opposition. Firstly, the Bill -- which had to be introduced anew each time a fresh Lok Sabha was constituted -- was openly opposed by members cutting across party ranks. Now, ruling party and Congress members, who are individually opposed to the Bill, prefer to watch their own battle on the issue being led by parties

vehemently opposed to it -- particularly the SP and the RJD.

In fact, the first opposition to the Bill in its existing form had come from BJP's Uma Bharati during the United Front regime. Recently, too, she called for a sub quota for OBCs.

square one. Whether one of these meets approval remains to be seen.

The women groups are against the reduction of the quota from 33 per cent to between 10-15 per cent. The suggestion of turning one third seats into dual constituencies electing both men

and women has also not found much favour -- one, logistics apart, because of the existing freeze on Lok Sabha seats and two, because it would also involve a reduction in the 33 per cent quota. The Left parties are against any sub-quota. The BJP is against a sub-quota for 'minorities'.

Women MPs and groups are opposed to the idea that the Representation of People Act be amended to allocate one-third tickets to women. Women candidates, they apprehend would then fielded in constituencies, which the party does not hope to win or be pitted against stalwarts and titans.

Meanwhile, there is an attempt to gain political mileage on it. A delegation of the BJP's Mahila Morcha has trying to talk to opposition leaders to push the Bill through in this session.

## PROPOSALS TO BREAK STALEMATE

- Reduce reservation from 33% to between 10 and 15%
- Earmark 33% seats as dual member constituencies
- Weave in a sub quota for OBCs and minorities
- Amend RPI so that parties allocate 33% tickets to women for contesting elections
- Rotate 33 % constituencies as women's constituencies.
- Increase Lok Sabha seats by about 30% and reserve one third of these for women
- Each of these has a counter-view.

Secondly, the stalemate over the existing Bill and the quest for the elusive 'consensus' has seen the revival of several proposals that had figured at earlier all-party meetings. Each of these had met with resistance from one quarter or another, taking parties and members back to

THE HINDUSTAN TIMES

- 2 DEC 2000

# Ruchika case: CBI condonation plea allowed

By Rajesh Ahuja

AMBALA, DEC. 5. The Central Bureau of Investigation (CBI) achieved a major victory today with the designated Special Magistrate for CBI cases in Haryana, Mr. A.K. Tyagi, allowing the premier agency's plea for condonation of delay in filing a chargesheet against the Director-General of Haryana Police, Mr. S.P.S. Rathore, in the sensational Ruchika molestation case. The judge also fixed January 11 as the next date of hearing.

The brief order, which amounts to admission of the CBI's chargesheet, filed on November 16, was pronounced late in the afternoon in a packed court. Large crowds had gathered outside awaiting the crucial verdict which would either let Mr. Rathore off the hook on a legal technicality or pave the way for his legal trial.

Fourteen-year-old Ruchika, a tennis player, was allegedly molested by Mr. Rathore in August 1990 when he was Inspector-General of Police and the then President of the Haryana Lawn Tennis Association. Ruchika, a resident of Panchkula, had committed suicide three years later in December 1993.

Mr. Tyagi observed in his order that the Haryana Government had failed to explain the reasons for the delay in registering the FIR against Mr. Rathore. Because of this delay, the victim and her family had been unable to get

justice. He further said that considering the importance of the case, the delay on the part of the CBI in filing the chargesheet was justifiable.

Mr. Rathore, the senior-most police officer in the State, who has attracted flak and public condemnation for not "resigning" from the top-most post in the State, was not present in court today as he had been granted exemption from personal appearance. Interestingly, he was present in the court on December 2 along with his counsel, Mr. Dinesh Mathur. Even though the alleged incident of "molestation" might not have drawn much attention, Mr. Rathore's continuation in office and the rigid stand of the Chief Minister, Mr. Om Prakash Chautala, to virtually "shield him" has evoked widespread protest not only from the public but also from political parties besides social organizations. Even INLD's political ally, BJP, has demanded action against the DGP. The Union Food and Supplies Minister, Mr. Shanta Kumar, too has sharply criticised Mr. Chautala on this issue.

Political observers here seem confused by the conflicting statements being made by Mr. Chautala. Initially he had stated that Mr. Rathore would be removed if the chargesheet was admitted but yesterday at a function in neighbouring Punjab, he asserted that he would not only dismiss Mr. Rathore from service but will

also see to it that he was "socially boycotted" in case the police officer was "convicted." It is to be seen whether the Chief Minister takes immediate action now as the chargesheet stands virtually admitted or will he wait till the "conviction" or "exoneration" which may take months.

Mr. Dinesh Mathur had argued that the case was time-barred and the delay in starting investigations and delay in taking cognizance were two different issues.

The period of limitation had already expired and there was no question of his client taking undue advantage. Moreover, since Ruchika was dead, his client had lost the right to cross-examine her.

The prosecution must abide by the letter of law or risk failure of law of limitation. He had also contended that the CBI's application had been filed with "dishonest intention to harass and defame Mr. Rathore in collusion with the complainant, his rivals in the service and disgruntled media".

The Counsel for CBI, Mr. Chandresh Sahai, argued that the issue of delay was raised by Mr. Rathore in the High Court and the Supreme Court but they ordered the CBI to continue with the investigations. Therefore, the trial court should also accept the CBI's plea so that the trial could continue.

THE HINDU

6 DEC 2000

# Some thought on women's quota bill

By Neera Chandhoke

*It is time we began to think seriously of the effects of all irresponsible policies born of patriarchy upon those who are systematically deprived of their rights and of justice.*

THE IRRESPONSIBLE and rather cavalier way in which the male members of our political class have either dismissed or short-changed the Women's Reservation Bill is irritating at best and obnoxious at worst. Because, such attitudes not only exhibit a callousness and amorality, they demonstrate a profound lack of understanding. In other words, the opponents of the bill have simply not comprehended either the logic of the demand or even the thinking that informs the demand.

We would do well to recollect that the demand for this bill has not been made in a theoretical or political vacuum. Neither is it a bid for power by upper class and upper caste women, which is what our representatives, who have themselves come to power on the issue of reservation for the OBCs, would like us to believe.

For, behind the demand for women's representation in Parliament and the State Assemblies lies an entire body of thinking, thinking that has emerged out of experience of the unpalatable reality in India and other parts of the world. In other words, four significant and thoughtful shifts in the way we conceive of an activity called politics have given rise to the demand.

The first relates to the way we think of justice. It has been assumed for long that if we put in place fair and just procedures for taking decisions, the decisions which emerge from such procedures will possess the virtue of justice. If we, for instance, institutionalise a fair electoral system based on universal adult franchise and the principle of one person one vote, the outcome of the election will be just, simply because it has been conducted fairly. It does not matter who of the candidates we have voted is elected, because he or she has been elected according to fair and just procedures. This is what can be called an 'outcome-neutral' concept of procedural justice, because we concentrate on the processes and not on the outcome.

The problem is that procedures, however fair and just, simply do not ensure properly in a society that is unequal and hierarchical, just look at the kind of representatives thrown up by our electoral system. Considering the record of our

decision-making bodies, it becomes quite clear that the laws that have emanated from these bodies have proved simply inadequate when it comes to the needs of the weaker sections — the oppressed among Dalits, women or the disabled.

Given the composition of the legislatures all these years, it is not surprising that none of the basic problems affecting women — landlessness, domestic violence, lack of control over decisions and above all, female infanticide — has been addressed seriously by our male-dominated bodies. Prof. Amartya Sen has spoken of all these missing women in India. Where, we can ask, have they gone? Killed at birth? Died of malnutrition or because of rape or domestic violence? We may have institutionalised fair systems for the election of legislators but these representatives have simply proved themselves unequal to the task. Fair procedural justice has not led to outcomes that are either fair or just.

All this has led theorists to believe that we need an 'outcome-regarding' conception of justice. In this conception, we pay attention not only to fair procedures but also to outcomes. Therefore, if women are not represented in the legislatures because of wider structures of patriarchy, we will have to reserve seats for them. We have to reserve seats for them in much as we have to reserve seats for the weaker sections among the Dalits, simply because the wider context of elections, that is patriarchal society, is so palpably unfair and unjust.

The second shift has occurred in theories of representation. It is not as if women have not occupied seats in the legislatures; it is simply that they have not addressed the questions which pertain to the problems of women adequately, sensitively or with sensitivity. Had they done so, we would not have had all these missing women or illiteracy or hunger or homelessness or violence both at home

and at the work place. The demand behind the Women's Reservation Bill is that women representatives should address the specific problems of their constituency. The issue, let it be said, is not only representation of women in the decision-making bodies; the issue is that of accountability to the constituency. I should add that any adequate theory of representation recognises that the representatives have to be accountable to the least advantaged women — the Dalit, landless woman, for instance, who is triply oppressed by class, caste and gender.

The third shift in political thinking relates to theories of citizenship. For long, the citizen has been conceptualised abstractly as someone who holds rights that are common to all. This bearer of rights or the citizen, note, has no name, no gender, no caste and no class. It has now been recognised that universal rights alone do not serve the least advantaged in a deeply inegalitarian society. For instance, the rights to land do not mean anything in a society where women have traditionally been excluded from inheritance of property. Because our society is unequal, different sections of citizens need different rights that address their specific condition, in addition to universal rights. Therefore, women need special rights to guard their person and their dignity. An unequal society, in short, needs differentiated rights which address the problems of weaker sections.

The fourth shift has to do with the expansion of the idea of political. Too long the political has been conceptualised as something people do in the public sphere of politics and the market. By this definition, the household has been considered outside the domain of the political and hence outside the sphere of political interventions. But as feminists have told us the household is a microcosm of the political because it is stamped with the relations of power that deny to women their

rights. The women's movement has through constant struggle placed issue pertaining to the household — marital rape, violence, injustices that have been wreaked on the girl child and denial of property rights — on the political agenda. These issues have now to be negotiated seriously and with some measure of commitment. This is the logic behind the demand for women's representation.

Two additional points have to be made. A just democratic society has to ensure that people are self-governing inasmuch as they have control over decisions which affect them deeply. It is only then that we will have fuller and richer human beings. Women have been denied self-government because they have no control over their bodies, labour and income in a patriarchal society. Therefore, they have been diminished as human beings. And this violates all norms of democracy and justice. It is time we began to think seriously of the effects of all these irresponsible politics born of patriarchy upon those who are systematically deprived of their rights and of justice. Perhaps committed women legislators will be able to deliver what their male counterparts have failed to deliver in India. Let us at least try.

Finally, and this is a point that is addressed to the defenders of the Women's Reservation Bill. No struggle of and for the underprivileged can be carried out in a vacuum; it has to link up and make common cause with the struggles of the least advantaged — the homeless, the hungry, the oppressed, the disabled. Only then can we even envisage the possibility of a social transformation through recognition of human rights — the right to be human.

These four shifts in thinking will prevent any bid for power by well-to-do women as Mr. Mulayam Singh Yadav and Mr. Anwar Singh of the Samajwadi Party ostensibly fear, because the very logic of political representation for the least advantaged women will prevent misuse of power. Women, once they are granted reservation in Parliament, will have to address the problems of the least advantaged in their constituencies. They have no choice. Are the opponents of the bill listening?

THE HINDU

6 DEC 2000

HD-13  
6/12

## Advani hints at cut in quota in Women's Bill

**NEW DELHI, DEC. 5.** The Union Home Minister, Mr. L.K. Advani, today indicated that the percentage of reservation for women in Parliament and State Legislatures may have to be reduced from 33 to 25 to ensure that it is passed in the current session.

"I will be happy if the Bill is passed by the House in the current session," the Home Minister told reporters after a 15-member delegation of women MPs and women's organisations called on him.

A statement issued by the 'joint action front for women', said M.r Advani had assured the delegation that the Bill would be brought for discussion in the current session and in order to get it passed, "we may think of reducing the percentage from 33 to 25".

He said he did not apprehend any division

within the National Democratic Alliance over the Election Commission proposal that political parties themselves should give more representation to women.

The delegation included Mrs. Renuka Choudhary, Ms. Jayaprada and Mrs. Jayanti Natrajan. The women MPs demanded that the Bill be moved next week and not on the last day of the session and said the Government's aim should be to get the Bill passed in the ongoing session as it would help women get one-third of the 1,500 seats in next year's elections in Tamil Nadu, West Bengal, Pondicherry and Assam.

They said the bill could easily be passed with support from the NDA, Congress and the Left parties. The Samajwadi Party and the Rashtriya Janata Dal are opposing the Bill saying Dalits should also be given representation. — UNI

THE HINDU  
DEC 5 1990

---

# Govt firm on tabling Bill this session

Kalyani Shanker  
New Delhi, December 5

6/12  
H/11

THE VAJPAYEE Government is determined to table the controversial Women's Reservation Bill for discussion and voting in the last week of the current session, even though consensus remains elusive.

This was confirmed by Law Minister Arun Jaitely (who is to pilot the bill) and Parliamentary Affairs Minister Pramod Mahajan. The bill is for providing 33 per cent reservation for women in Parliament and legislatures.

Home Minister L.K. Advani has been entrusted by Prime Minister A.B. Vajpayee to evolve a consensus on the bill. He told newsmen that the government would try to push the bill.

Mr Advani pointed out that the problem is that it is a constitutional amendment and two thirds of the members must vote for it.

So far, women MPs from the BJP, Congress and other parties have been running from pillar

to post in every session demanding the passage of the bill. Congress President Sonia Gandhi has also demanded that the government should get the bill passed.

However, due to lack of political will, the jinxed bill may not see the light of day as many men MPs in their heart of hearts are opposed to the bill. They feel the bill may deprive them of

## Reservation for Women

their own constituency if the rotation method is introduced.

The Home Minister said he has asked women MPs to put pressure on their parties to agree for a consensus.

A BJP woman's delegation led by BJP General Secretary Maya Singh met the Home Minister recently and urged the government to vote for the bill. Today, MPs Mabel Rebello, Rani Nara (both Congress) and Jayaprada (TDP) met Mr. Advani and pleaded their case.

Although there is no consensus within the BJP, the Home Minister expressed confidence that the party would not create problems.

Sports Minister Uma Bharti and others hold the view that there should be a quota within the proposed quota. Otherwise, they should at least agree to the suggestion mooted by the Election Commission that the political parties should provide reservation for women. Mr Advani also indicated that this could also be an option if the bill does not go through.

The fate of the women's bill has been hanging in balance for a long time. The first time it was about to be passed was during Prime Minister Deve Gowda's regime. Uma Bharti stalled it by raising the quota issue.

During the Gujral Government, opposition came from the UF allies including Janata Dal leader Sharad Yadav and Mulayam Singh. Now Sharad Yadav is in the government and is not opposing it openly. But Mulayam Singh and the RJD are against the bill seeking a quota for minorities and Backward classes.

---

THE HINDUSTAN TIMES

6 DEC 2000

## WOMEN AND THE WORKPLACE <sup>HO-12</sup>

THERE ARE MYRIAD ways that women are discriminated against at the workplace. The prohibition on them working night shifts is but one of a long list of discriminatory practices that women have suffered. The prohibition has often been dressed up as a concession to women — to save them the tribulations of working the so-called "graveyard shift". But in reality the ban has only served to reinforce gender bias and prevent women from realising their full potential. Given this, the ruling of Madras High Court — which struck down as unconstitutional a Section in the Factories Act which prohibited industrial establishments from placing women on night shifts — will be applauded by all those in favour of equity at the workplace. The ruling held that barring women from working night shifts constituted a denial of employment in violation of Article 15 of the Constitution, which prohibits discrimination on the grounds of sex. Since the petitions in the case were filed by both women's groups and some factories, the ruling will find favour with both feminists and those industries which felt restricted by the impugned Section in the Factories Act.

Most laws which prevent women from working at nighttime were fashioned a long while back and in very different social circumstances. In recent times, a number of countries have taken steps to end restrictions on women's working hours. Japan, for instance, recently passed legislation reversing the ban on women working night shifts, which feminist groups in the country felt had prevented women from excelling and earning managerial positions in many industries. In India, sections of the IT sector have been clamouring for permitting women to work night shifts for some time now. The global nature of the software business, which requires interacting with clients across the world in different time zones, makes

flexible working hours and employing women during night shifts a compelling necessity. Some State Governments have already initiated steps to make this possible. For example, the Karnataka Government has drafted legislation to permit women to work night shifts in the IT sector. And the Maharashtra Government has proposed the amendment of the Shop and Establishment Act to do likewise. <sup>14/12</sup>

Iniquitous laws, even if originally drafted to prevent the exploitation of women, have no place in the altered social paradigm. At the same time, however, it is extremely important to ensure that permitting women to work night shifts is accompanied by the necessary steps to make their work environment secure and comfortable. Measures to deter sexual harassment must be implemented and services such as transport facilities must be made available. Significantly, the Madras High Court was alive to the danger of permitting women to work night shifts without the necessary facilities and safeguards. The Court has directed employers to provide canteen, transport and medical facilities for women. Just as importantly, the Court has issued a few guidelines to discourage the possibility of sexual harassment by ruling that women should not be employed in less than batches of ten and directing employers to set up a complaint mechanism to deal with charges of those victimised sexually. It was the Supreme Court in 1997 that defined sexual harassment and directed employers, both public and private, to take steps to prevent it. It is only natural that any decision which increases the risk of women being subject to sexual harassment be accompanied by firm measures to minimise this danger. As long as women are provided safe and comfortable working environments, there is no reason to prevent them from working night shifts.

THE HINDU

14 DEC 2011

# Women's empowerment policy next year

H BULA DEVI  
STATESMAN NEWS SERVICE

NEW DELHI, Dec. 16. — The Centre is gearing up to implement the Women's Empowerment Policy in January, 2001.

The policy, drafted in 1996, ran into rough weather in the past four years and it got a push only after the government decided to observe next year as Women's Empowerment Year.

The Group of Ministers which met recently under the chairmanship of Planning Commission deputy chairman, Mr KC Pant cleared the proposal. It is expected that the policy will be implemented after a nod from the Cabinet. The GoM meeting was attended by Cabinet ministers, Mr Murli Manohar Joshi, Mr CP Thakur, Miss Mamata Banerjee, Mrs Sushma Swaraj, Mr Arun Jaitley and minister of state, Ms Sumitra Mahajan.

The special features of this policy include steps to empower women economically and socially. The policy aims to address issues related to health, education, domestic violence and

employment in a comprehensive manner, sources said.

Before framing the policy, inter-ministerial consultations were held with ministries of labour, rural development, information and broadcasting, finance and Planning Commission. Seminars, discussions with NGOs and other women organisations were also held.

The existing laws which are likely to be amended include National Commission for Women Act, Immoral Traffick Prevention Act, Indecent Representation of Women Act, Child Marriage Restraint Act and Sati Prevention Act.

The Domestic Violence Prevention Act is one among many new laws that are expected to be introduced.

With the implementation of the policy, new schemes for women will also be introduced. The human resource development minister has written to all the chief ministers in this regard.

The government plans to start an integrated women development project, to enhance women's participation in social activities and community ventures in association with self-help groups.

THE STATESMAN

17 DEC 2000



## Sexual harassment cases <sup>H.T-8</sup> on the rise

1 New Delhi, December 17, ~~1999~~ <sup>over 18/12</sup>

2 EVEN THOUGH crimes against women have marginally declined, incidents of sexual harassment and indecent representation of women have shown a marked increase in the country.

3 National crime records bureau figures state that though overall crime against women has declined from 1,31,475 in 1998 to 1,31,332 in 1999, sexual harassment cases have risen from 8,054 to 11,363. Incidents of indecent representation of women have increased more than 11 times from 190 to 2,116 while importation of girls from 146 to 162.

4 Significantly, five cases under Sati Prevention Act were also registered in 1999 while no such case was reported during the previous year. Of the five cases, three were registered from Gujarat and one each from Maharashtra and Goa. However, incidents of rape, dowry deaths, kidnapping and abduction of women, cruelty by husbands and relatives, molestation have declined. Registration of cases under the Immoral Traffic Prevention Act and the Dowry Prohibition Act has also come down during this period.

5 Rape cases have come down from 15,151 to 14,675, dowry deaths from 6,975 to 6,574 while kidnapping and abduction of women have declined from 16,351 to 15,722 during the period. Cruelty by husbands and relatives decreased from 41,376 to 38,439 and molestation from 30,959 to 30,712.

6 While 3,578 cases were registered under the Dowry Prohibition Act in 1998, only 3,066 such cases were reported in 1999. (UNI)

THE HINDUSTAN TIMES

18 DEC 2000

## Women's bill: BJP pushing for poll panel formula

20/12  
By Neena Vyas H9

**NEW DELHI, DEC. 19.** The Bharatiya Janata Party is making serious backroom efforts to arrive at a "consensus" not on giving women 33 per cent reservation in the Lok Sabha and State Assemblies, but on the "suggestion" by the Election Commission that the Representation of the People Act be amended to make it mandatory for all recognised political parties to select at least 33 per cent women candidates for all Lok Sabha and Assembly seats the party contests.

Officially the BJP went on record to say that the Union Home Minister, Mr. L. K. Advani, had

"almost" arrived at a consensus among the National Democratic Alliance partners on the Women's Reservation Bill in the form it was introduced in the Lok Sabha. But separately, authoritative government sources indicated that efforts were on to get political parties to agree to the Election Commission formula which also has the support of parties such as the Samajwadi Party, which is otherwise opposed to the bill.

What the BJP wants is a "yes" from the Congress to this effort. "We will be ready to initiate a discussion on this among parties and bring it as a government proposal," a government source said. It was denied that if the Congress

were to agree the BJP would simply use it to spread the message that the Congress was opposing the bill. The issue came up at the BJP parliamentary party this morning where Mr. Advani said he was hoping for unanimity on the bill in the NDA. Some members again raised the issue of a quota for the backward caste women within the overall reservation, but it was not taken forward.

That some other "option," other than a straight 33 per cent reservation for women was being seriously considered, was first revealed by the BJP spokesperson, Mr. V. K. Malhotra, who said at the briefing that there were "several other options (to the bill)."

Later, a senior Minister confirmed this, saying that "if the Congress were to agree on the Election Commission formula we are prepared to take this up as a government initiative." Of course, the Government has a valid point — that the bill in its present form does suffer from several infirmities. The question of "rotation" of reserved constituencies and the neglect of those constituencies this may result in was one issue of concern to MPs of all parties, and then there were the demands for sub-quotas for backward castes, for the Scheduled Castes and the Scheduled Tribes apart from the existing reserved SC/ST seats. Also the question would arise, why

not one-third seats for women in the Rajya Sabha and upper houses in the States. "It would open a Pandora's box," was the comment.

No one, but no one in any political party really believes that on December 21, when the Government plans to bring it to the Lok Sabha for consideration and passing, the bill would be adopted.

THE HINDU

20 DEC 2000

# Govt formula to skirt women's Bill problem

SUDESH K VERMA  
STATESMAN NEWS SERVICE

NEW DELHI, Dec. 19. — The managers of the Vajpayee government have reportedly realised that the women's reservation Bill, seeking to reserve 33 per cent elected seats for women, is unlikely to be adopted due to intense division within all parties.

Although the government is slated to take up the Bill for consideration on Thursday, the penultimate day of the winter session, these managers are trying to work out a formula by which all parties are forced to allocate 33 per cent of the Lok Sabha and Assembly seats tickets for women.

The Representation of People's Act could be amended to ensure its compliance. The Election Commission could be authorised to derecognise a party or to deny it a symbol if it failed to comply with this provision, one of them said.

Mrs Sonia Gandhi today rejected informal suggestions from the Treasury benches that the reservation should be implemented by the Election Commission and charged the government with being "non-serious" on women's reservation.

Talking to a group of reporters at an iftar hosted by the Minister, the Congress chief said the government's managers were trying to find excuses to subvert the women's Bill. She said that the Congress was fully committed to support the Bill.

Asked to comment on the demand for a sub-quota within the 33 per cent quota for women, she said her party had no reservations if Parliament reached a consensus on the issue of reservation within reservation. If there is no consensus, the Congress would want the Bill to be passed in its present form, she added.

The government appears certain that the Bill cannot be taken up for consideration because of intra-party divisions. As there is no consensus, its consideration was likely to be opposed tooth and nail, a minister said. The Bill would be taken up only after the government completed its important legislative business.

Even the BJP is vertically split with its OBC MPs demanding an OBC clause within the 33 per cent quota. This was evident at today's parliamentary party meeting where Miss Uma Bharati stressed that the Bill must have a sub-quota for women from the OBCs.

The SC/ST MPs in other parties too have been demanding reservation within this quota besides the reserved quota for them. Also sensitive is the issue of reserving seats for women on rotation basis, a BJP leader said.

To overcome these problems, the government managers have concluded that the best thing is to persuade the Congress and Left parties to agree to reserve 33 per cent of the seats for women.

A BJP minister privately said that no party would be in the dock for accepting this suggestion as the government would initiate a new Bill on these lines if there was a consensus. No party would, thus, lose face, he added.

THE STATESMAN

20 DEC 1999

## Once more with feeling

Spare us the usual histrionics on the Women's Bill

**W**HEN it was first mooted, the Women's Reservation Bill (WRB) was promoted as a legislative innovation. It soon degenerated into a farce. Indeed, the WRB has set a new record of sorts. It must be one of those rare Bills which has been brought up innumerable times before Parliament, only to be put on the back burner indefinitely. This time too, it was cleverly postponed until the penultimate day of Parliament. The purpose behind this slotting is clear. The later it is presented, the easier it would be to scuttle it, of course! Although the likes of Sharad Yadav — remember his acerbic comments about women with "short hair" — are usually blamed for the Women's Bill not becoming law, the main reason is obvious. All male MPs and MLAs, regardless of party affiliation, stand to lose from it, ergo, they have no desire to see it translated into law!

This time the Bharatiya Janata Party has, it seems, another ace up its sleeve. It is reportedly making serious backroom efforts to arrive at a "consensus" on amending the Representation of People's Act. The intention is to make it mandatory for all recognised political parties to select at least one-third women candidates for all the Lok Sabha and Assembly seats they contest. The Election Commission is supposed to oversee this exercise. Although the BJP unofficially claims that they are ready to initiate a discussion on this proposal, clearly there is very little time to do this in this session at least. There are

anomalies that need to be addressed, of course. For instance, while the turnout of women during elections is on the rise, even at a faster rate than that of men, their representation in both Parliament and the assemblies is on the decline.

But will the new proposal to let political parties reserve one-third of their tickets for women help at all? Some argue that while this does not amount to a definite quota in legislatures, it provides an opportunity for women to contest elections in much larger numbers. Moreover, there won't be the problem of reserved seat rotation that mars the WRB. But there are disadvantages in this approach too. Political parties which are not serious about women's reservation — which includes the overwhelming majority of them — will most likely field women for those constituencies that are considered "unwinnable". However this argument, although it is often cited, is a flawed one. The winnability factor is more a myth than political high commands would like to acknowledge. After all, the ratio of the number of women winning, to the number of women contesting, is higher than the number of men winning, to the number of men contesting. In other words, by any objective measure, women are far more likely to win than men. Of course, if the new move emerges as a "consensus" proposal then, like the Model Code of Conduct, it will have no legal binding. But if legal binding is to be the criterion for the new proposal it may, like the WRB, never see the light of day.

INDIAN EXPRESS

21 DEC 2000

...with the members of the party, hosted by the Congress president. A Telegraph picture

# Quota revolt brews in Congress

FROM OUR SPECIAL  
CORRESPONDENT

**New Delhi, Dec. 21:** The Congress is committed to supporting the women's reservation Bill, but a near revolt is brewing against quota system in the party organisation.

While senior leaders like A.K. Antony and Digvijay Singh want Sonia Gandhi to nominate the 24-member Congress Working Committee (CWC) and correct the lacunae in the amended party constitution, younger leaders favour polls.

The CWC consists of 12 elected and an equal number of nominated members handpicked by the AICC chief. In the new constitution, four seats have been reserved for women in each category with a provision that if they get

electd in the "general" pool, their numbers could go up beyond eight seats. Two seats are reserved for Scheduled Castes and Scheduled Tribes in each category.

The revised provisions have caused a lot of heartburn, particularly among Young Turks like Mani Shankar Aiyar, Kamal Nath, Priya Ranjan Das Munshi, Santosh Mohan Dev, Prithviraj Chavan, P.J. Kurien, Suresh Kalmadi, Subbirami Reddy, Vayalar Ravi, Murlidhar Deora and others who are vying for CWC berths.

These leaders fear that if Sonia packs the working committee with different quotas, her promise to infuse fresh blood and make the Congress a party of the "best and brightest" will not be realised.

The young lot feels that if out of 12 elected berths six are reserved, they will be pitted against leaders

like Madhavrao Scindia, A.K. Antony, Ghulam Nabi Azad, Ahmad Patel and Ambika Soni for the lone remaining berth. Similarly, in the nominated category, they would have to contend with veterans like Arjun Singh, Natwar Singh, Motilal Vora, Oscar Fernandes and N.D. Tiwari, who are all CWC members.

The old guard, however, is opposed to polls as the veterans do not relish the prospect of losing to "juniors". The outcome would also indicate how popular they are with the electoral college that consists of 1000-odd AICC delegates.

Digvijay said today that he was in favour of Sonia being authorised to select the entire CWC polls. "*Abhi halat aise hain ki madam hi sab ko select karen* (The conditions are such that she should select all)," he said. Digvi-

jay's view is endorsed by Antony, Pranab Mukherjee, Janardhan Reddy, Vora, Azad and Patel.

Scindia, Soni, Aiyar and some other younger leaders want Sonia to hold elections instead of nominating the entire CWC. They said if Sonia is authorised to pick the entire CWC, all those who are left out would turn into dissident leaders.

The AICC's central authority chairman, Ram Niwas Mirdha, has announced CWC polls on January 6 and 7. But some senior leaders today expressed doubts about the poll schedule.

They said that in view of the Tamil and Assamese new year, the polls will be held after *Makar Sankranti* (Hindu new year). They have conveyed to Sonia that the period before that is inauspicious.

THE TELEGRAM

22 DEC 2000

22 DEC 2000

# Uproar in Parliament over Women's Bill

HT Correspondent  
New Delhi, December 21

27-8  
22/18

EVEN AS an effort was made to transpose the Women's Reservation Bill from Parliament to the Election Commission, the two Houses of Parliament went into a tailspin. Opponents of the Bill that seeks to reserve one-third seats for women in the Lok Sabha and state assemblies, stalled a discussion on it, disrupted proceedings and forced adjournments.

In a veritable replay of earlier occasions, the Government brought the Bill before the House on the penultimate day of the Winter Session while those openly against it stormed the well of the House even before the presiding officer took the chair.

The Samajwadi Party, RJD, BSP and JD (S), who led the assault on the Bill, found support from the JD (U) and the Samata members in the ruling combine. A number of closet opponents, both in the NDA and the Opposition spectrum, also watched Mulayam Singh Yadav fight their battle which saw two adjournments in

the Lok Sabha and one in the Rajya Sabha. In fact, after the adjournment, women MPs in the Upper House gheraoed Prime Minister Atal Bihari Vajpayee demanding that the Bill be brought before the Rajya Sabha

on the issue. His appeal to allow a discussion lest "a very wrong message" went unheeded.

At the high-level meeting, which was attended by the Prime Minister and Leader of Opposition Sonia Gandhi, the SP,

the Election Commission.

Former Prime Minister Chandra Shekhar elaborated on this theme. Since the present Bill would cause heart-burning, he suggested that the EC's proposal could be the basis for evolving a consensus. The proposal talks about amending the Representation of People's Act to reserve one-third party tickets for women.

Home Minister L. K. Advani immediately seconded the "Chandra Shekhar proposal" after recording his Government's commitment to the Bill. The Prime Minister also intervened later to endorse the proposal. "Some compromise formula has to be found in such a situation," he reportedly said.

But Mrs Sonia Gandhi, who favoured the existing Bill, pointed out that her party has already rejected the proposal when the EC had called an all-party meeting. The CPI-M too had opposed the suggestion.

During the Speaker's meeting, the Government came in for flak for not making an attempt to build a consensus.

## WOMEN'S RESERVATION BILL : A TORTUOUS JOURNEY

- **12 Sept 1996:** Introduced in 11th Lok Sabha as Constitution (81st) Amendment Bill. Later, it is referred to Joint Committee of Parliament
- **9 Dec. 1996:** Joint Committee presents report to the House
- **16 May 1997:** Motion for consideration moved but lapses because of dissolution of House
- **14 July 1998:** The 84th Constitution Bill is brought before the House but could not be introduced because of pandemonium
- **14 Dec 1998:** Leave granted to introduce the Bill. Bill lapses as the Lok Sabha is dissolved
- **23 Dec 1999:** Bill introduced as 85th Constitution Amendment Bill
- **21 Dec 2000:** Listed for consideration and passing but could not be taken up because of disruption

for passage.

A pandemonium was on the cards when the all-party meeting convened by Lok Sabha Speaker G. M. C. Balayogi -- reportedly at the Government's behest -- failed to break the four-year deadlock

RJD and the BSP remained firm that they would block the Bill until a sub-quota was woven into it. Ignoring the BJP, Congress and the Left plea for a discussion, Mr Yadav instead suggested that the issue of reservations be left with

THE HINDUSTAN TIMES

22 DEC 2000

## Right noises, wrong idea

THE TROUBLE with the Women's Reservation Bill is that it is trapped between the twin horrors of political correctness and prejudice. On the one hand, there are those who recognise it for what it is: unnecessary, unfair and uncalled for. But such is the pressure of political correctness that they dare not say this aloud. On the other hand, there are those who oppose not just women's reservation but women themselves. Their medieval mindsets will not allow them to sit in a House where a third of the members are women.

In the clash between political correctness and prejudice, logic is the first casualty. None of the people who opposed the Mandal recommendations so strongly now bother to explain why it is wrong to reserve seats for Yadavs but okay to do so for women. Surely, those who opposed backward caste reservation were against reservation, not the backward castes. So, if you oppose reservation on principle, then can you make an exception for a politically trendy cause? You cannot have one law for Laloo Yadav and another for Arundhati Roy. Similarly, successive governments throw logic to the winds when they persist in introducing the Bill, knowing that it has no hope of passing. Their only interest is to be seen as politically correct.

The truth is that the Women's Reservation Bill is a classic case of using the wrong solution for the right problem. Yes, there should be more women in Parliament. But no, reservation is not the way to do this. If the political parties that pay lip service to this idea are really serious, then they should start at the very first step: give tickets to more women candidates. This is easy to do, requires no constitutional amendment, and does not involve a parliamentary debate, let alone a consensus. The fact that no party seems willing to do this should tell us something about how they really feel about the issue. That alone should explain the eventual fate of this Bill.

THE HINDUSTAN TIMES

22 DEC 2000

# Govt roots for EC plan on women

STATESMAN NEWS SERVICE

NEW DELHI, Dec. 22. — Realising that it would be difficult to use the parliamentary route to push through 33 per cent reservation for women in legislative bodies, the government today said it would try to seek a consensus on the Election Commission's proposal.

The proposal envisages that parties should compulsorily allocate 33 per cent of their Lok Sabha and assembly tickets to women.

Mr LK Advani said the passage of the women's Bill in Parliament seemed difficult. Even NDA partners are not unanimous on the Bill.

The Centre will seek a consensus among NDA partners on the EC proposal, Mr Advani said. "If a consensus is achieved, we will approach the Congress and left parties, which have so far favoured the reservation Bill and not the commission's proposal," he said while releasing a book on the Emergency by the BJP MP, Mr Ramanand Singh.

The commission's proposal will be easier since it will require an amendment to the Representation of the People Act and not a constitutional amendment that requires a two-thirds majority in both Houses, Mr Advani said.

■ See WOMEN: page 8

## WOMEN:

(Continued from page 1)

Though the proposal may not ensure 33 per cent representation to women, at least 20 to 25 per cent may elected, he said.

The BJP tried to press for the EC suggestion. The party spokesman, Mr Vijay Kumar Malhotra, said if there was a consensus on the alternative reservation proposal, the government would have no objection. He said he was confident that by the budget session the government would be ready with a consensus on an alternative formula, at least within the NDA.

The party took care to give the impression that it was serious about the women's Bill but could not help due to Opposition's objections.

The Congress and Left parties have insisted that the Bill be taken up for consideration in its present form. The Samajwadi Party, BSP and the RJD have demanded a sub-quota for OBCs within the 33 per cent reservations. Even the JD-U, Samata Party and some BJP leaders have made this demand.

Earlier, SP and RJD men demanded withdrawal of the women's Bill when the House assembled in the morning. They entered the well of the House and indulged in slogan-shouting, not allowing the Speaker to conduct business. Mr GMC Balayogi adjourned the House till 3 p.m. When the House reassembled, it was again not allowed to function.

The Lok Sabha was adjourned sine die after Mr Vajpayee's valedictory speech and singing of *Vande Mataram*.

The BJP tried to brush aside any blame for not being able to manage smooth functioning of the two Houses.

Only 15 per cent of the time of the session (the longest winter session with 25 working days in 13 years) was used for government business.

THE STATESMAN

21 DEC 2000



VAJPAYEE, SONIA TRADE CHARGES IN LS

## Curtains for women's bill?

By Neena Vyas HD-1

**NEW DELHI, DEC. 22.** The Prime Minister, Mr. Atal Behari Vajpayee, today virtually sounded the death-knell for the Women's Reservation Bill saying the Government would try to build a consensus on "other ways" to increase representation of women even as the last 15 minutes of the winter session witnessed a stand-off between him and the Leader of the Opposition, Ms. Sonia Gandhi.

The session ended with the two leaders squarely blaming each other for wasting parliamentary time through tactics adopted by their parties. Mr. Vajpayee charged Ms. Gandhi with "breaking the dignity of the House," a remark bordering on rudeness which was not missed by the BJP benches from where cries of "shame" were raised. The Lok Sabha transacted no business today. After two adjournments — the result of the women's bill being on the list of business even today and yesterday's scenes repeated again — it met in the evening only to wind up. After a brief summing-up by the Speaker, Mr. G. M. C. Balayogi, it was Ms. Gandhi's turn to take the floor.

Confident and speaking fluently, she blamed the Government for the loss of working time in Parliament by not agreeing to discuss the issue related to the three Ministers charged in the Babri Masjid

demolition case on the first day the matter was raised, only to agree later. She also charged the Prime Minister with showing "no evidence" of fulfilling the promise made a year ago of working for a consensus on the women's bill except the Speaker's meeting yesterday. The Congress leader attacked the Prime Minister's controversial Ayodhya remarks, emphasising the need to "cool down communal passions unnecessarily aroused by statements made outside the House by a senior member of Government."

Reaffirming her party's support for the Kashmir peace initiatives, she hoped the Government was ready with a "contingency plan" in case of "disruptions in the ceasefire." She also sounded a warning: her party would not cooperate with the Government on issues and bills on which it differed.

All through her speech, the BJP benches were restive, and there were comments that it was not the occasion for her to raise unpleasant issues. But she continued undeterred.

It was then the turn of the Prime Minister who, predictably, referred to his "40 years" in Parliament and charged that he had always maintained the dignity of the House and it was the "first time it had been broken" and that what the Leader of the House had said at the end of the session was "unprecedented". "Aaj bhi choda na-

hin" (even today you did not spare me), he said.

After the usual mention about maintaining the "maryada" (decorum) of the House, Mr. Vajpayee referred to his Government's concern about farmers, but added that it had been tied "hand and foot" by the WTO agreement signed by the previous Government.

### Other options

It was on the women's bill that Mr. Vajpayee completely gave away the Government plan to virtually put the bill aside and try and work for a consensus on some "other way" to increase the representation of women.

Separately, the Union Home Minister, Mr. L. K. Advani, for the first time virtually admitted the lack of consensus within the NDA on the women's bill — some Shiv Sena, Samata Party and JD(U) members had vocally opposed the bill in the Lok Sabha over the last two days. He said the Government would first seek a consensus within the NDA on the proposal of the Election Commission to make it mandatory for political parties to select women against at least one-third of all seats contested by them in the Lok Sabha and Assemblies.

Ironically, even as the Congress and the BJP took opposing positions, it was those opposing women's reservation who had the last laugh.

THE HINDU

23 DEC 2000

## Give enough space to fair sex: Gill

By Vinay Kumar

*women*  
**NEW DELHI, DEC. 22.** As drama over the Women's Reservation Bill continued to stall the proceedings in Parliament, the Chief Election Commissioner, Dr. M. S. Gill, today repeated the suggestion for evolving a broad consensus among all recognised political parties to give adequate space to women in the political process.

Suggesting a simple legal provision, making it mandatory for all the recognised parties to put up a specified percentage of women candidates in the elections to the Parliament and States, Dr. Gill said, if implemented, the Commission's proposal would go a long way in ensuring gender equality and justice.

"Recognition and privileges of a political party shall be retained by it so long as the party in any Parliamentary or State elections puts up certain percentage of women candidates," Dr. Gill told *The Hindu*.

On the possibility of a party putting up women candidates in States where it may not have anything at stake, Dr. Gill said the provision would ensure that the fixed percentage

*110-15*  
was maintained in each of the States during a parliamentary election.

Terming the proposal an "organic and sensible solution," Dr. Gill said that studies by the Commission had shown that winnability of women candidates was much higher than men. "It is over 50 per cent. Even if 20 per cent of the women candidates make it to Parliament, there will be about 120 to 130 women members. There will be a sea change in the complexion of Parliament. Today there are just about 8 per cent women members in Parliament.

Opposing rotation of seats and reservation within reservation, the CEC said the flaw in the working of parties was sought to be pushed in through a Constitutional amendment. "Over the past 50 years we have witnessed 80 to 90 amendments which is not good. Instead, we must give legally-guaranteed political space to women in all recognised political parties," he said.

Parties could take a decision quickly and the coming Assembly polls in five States could prove to be a turning point in electoral history.

*23/12*  
"The Commission wants to ensure greater presence of women in Parliament and State Legislatures without diminishing the vibrancy of Indian political action and effectiveness of parliamentary institutions," he said. The aim was to achieve genuine active participation of women in the political process and their adequate representation in decision-making bodies at all levels.

In its meeting with the recognised national and State political parties on April 29, the Commission had put up its proposal on representation of women in Parliament and State Legislatures for discussion.

The Commission's proposal would also end the controversy on further internal reservation, making it unnecessary. The mechanism of ensuring a minimum percentage of women candidates had worked well in the Northern European countries. "The suggestion has the merit of not needing a Constitutional amendment and going ahead with a simple amendment in the Representation of the Peoples Act. It is for the political parties to decide the percentage to be fixed," Dr. Gill said.

THE HINDU

23 DEC 2000

**LALIT MANSINGH NEXT AMBASSADOR TO US**

## Chokila Iyer first woman foreign secy

W BSI

Our Political Bureau

29/12

NEW DELHI 23 DECEMBER

INDIA WILL get its first woman foreign secretary with Chokila Iyer preparing to take over from Lalit Mansingh in March 2001. Ms Iyer will serve in this post till June 2002.

Ms Iyer, who is at present serving as India's ambassador to Ireland, is a 1964 batch IFS officer. She is from Sikkim and was ambassador to Mexico before her current stint in Dublin. Ms Iyer was on her way to The Hague before she was appointed to her new post.

Mr Mansingh will take over from Naresh Chandra as India's next ambassador to the US. He was appointed foreign secretary after K. Raghunath's superannuation in December 1999.

Though Ms Iyer is second in seniority to Dev Mukherjee, senior-most in the 1964 batch, she was selected for the post as Mr Mukherjee would have had only seven months in office. Therefore, his current assignment as ambassador to Nepal will be his last before he retirement. Moreover, since India's relations with Nepal are considered very important at this stage, it was not considered necessary to uproot him from Kathmandu.

The other 1964 batch officers being considered for the foreign secretary's post were Kanwal Sibal and Dalip Mehta.

Mr Sibal, brother of Congress leader Kapil Sibal, was recently recalled from his stint as ambassador to Paris to take over the job of secretary (East), fuelling speculation that he would be appointed the next foreign secretary. But this would have meant superseding about 17 officers of the same batch, which was not considered prudent under the circumstances. However, Mr Sibal can still get a shot at the top job after Ms Iyer retires in June 2002, because he will have another year-and-half to go.

Mr Mehta is currently the dean of the Foreign Services Institute and is likely to remain there.

Ms Iyer is known to be a Spanish language expert and has served twice in Mexico. In the ministry she rose from director, Europe (West) to joint secretary (policy planning), joint secretary (Africa) and joint secretary (coordination) before being additional secretary (passports and visas).

*The Economic Times*

24 DEC 2000

# Parties should decide women quota: Election Commissioner

**PRESS TRUST OF INDIA**  
CHENNAI, DEC 23

POLITICAL parties should decide whether men or women should be fielded as their candidates, and the Election Commission could have no say in the matter, Election Commissioner T S Krishnamurthy said on Saturday.

"The Election Commission cannot enact any provision to fix percentages of women candidates

for political parties," he said, while fielding questions from the audience after delivering a talk here.

Krishnamurthy was answering a question on the proposal to ensure reservation for women in legislatures by asking political parties to earmark a specified percentage of the total number of candidates fielded by them for women.

He said while the Election Commission could not legislate, what it could do was to enforce any

political party's constitution if it laid down such reservation for women in their parties.

"We can insist that recognised parties should abide by their constitution. Parties should decide whether men or women should contest," Krishnamurthy said. "We need good candidates, whether male or female."

"All these were his personal opinions," added the Election Commissioner.

INDIAN EXPRESS

24 DEC 2000

## GENDER BENDER

Scrap the women's bill

ALMOST every Parliament session over the last three years has witnessed the farce of the women's bill. The session just ended was no different. If political parties were honest, they would have said by now that the bill has no hope of ever attracting a parliamentary majority. Ergo, the bill should be dropped. There's a bigger reason for it -- it is wrong in principle. Legislative representation cannot be on the basis of quotas. The women's bill is unwelcome for the same reason reservations in general are, and someone in the political class should have the guts to say so. If getting more women in Parliament is desirable, the way to do it is for political parties to give more tickets to women candidates. That can be done without a bill, without legislative discussions, without the Election Commission's help. But the fact is that most political parties are at present unwilling to make a commitment on increasing women's representation at the party/electoral level. Whether or not that is a proof of male chauvinism, or an appreciation of ground realities, or a combination of the two, is irrelevant for the argument that this disinclination is itself proof that increasing women's representation by fiat will simply not work.

This point must be first appreciated by women MPs themselves. The cross-party alliance of women MPs who agitate at every Parliamentary session has arguably let passion and political correctness get the better of reason and reality. Instead of trying to goad their male colleagues into passing a bill in Parliament they should work on and with them at the party/political level. Women MPs would do a great service to their cause were they to determinedly pursue the issue of gender representation at party deliberations. Strangely, one never hears of women MPs of the BJP or the Congress or the CPI-M raising the subject at their national executive meetings or conclaves. Why not be feisty in your house instead of raising the banner of revolt in the House. The best outcome for the next parliamentary session, therefore, will be that the women MPs take the lead in advocating the scrapping of the women's bill and instead post notice that they will persuade/force their male colleagues in their respective parties to change their mindset or strategy or both. Senior, responsible male leaders are too afraid of appearing politically incorrect to call for throwing out the bill. Senior women leaders should step into the breach.

THE STATESMAN

25 DEC 2000

MONDAY, DECEMBER 25, 2000

## THE WOMEN'S RESERVATION BILL

AFTER THE ADO about the Constitution 85th (Amendment) Bill there has been an "agreement" among the major political parties to achieve representation of women in Parliament and the State Legislatures with a simple change in the Representation of the People Act, 1951. The change contemplated is to add a provision to the Act making it mandatory for all recognised parties to field women in at least one-third of the total number of constituencies they contest in. Such a change, on the face of it, is bound to be challenged on grounds that the law will amount to an infringement on a political party's right to choose its candidates. After all, a cross-section of the political leadership in Parliament had revealed so clearly in the past few years its "commitment" (rather the lack of it) to the idea of positive discrimination of women with a view to ensuring their representation in Parliament and the Assemblies. And in this context one cannot but perceive the suggestion to achieve women's empowerment through changes in the RP Act with with some scepticism particularly when a change carries with it some serious legal infirmity.

Indeed, the Constitution Amendment too, at least in the manner in which the Bill has been drafted, is not free from problems. For instance, the Bill provides for rotation of constituencies reserved for women; a fallout will be that elected representatives (from constituencies reserved for women) will stop attending to the demands and aspirations of their constituents when it becomes clear that the particular constituency will fall in the "non-reserved" category in the next election. In the same context, MPs or MLAs representing the "general" constituencies at a given time are bound to be caught up in a state of uncertainty over their own position in the next election. Such a con-

text is bound to further the process of alienation of the elected representatives from the voters; the implications of this are not far to seek. But despite all these infirmities, the idea of Constitution Amendment gained support from a cross-section of public opinion only because there was hardly any better way left to achieve a semblance of gender equity in the legislative apparatus. The failure of the political leadership, cutting across the ideological divide, in ensuring representation of women in Parliament and the Assemblies invested the Constitution Amendment Bill with a sense of urgency. And the inspiration came from the working of the panchayati raj institutions in many States in the post-73rd Constitution Amendment context (with one-third of all elected posts in the local bodies reserved for women).

Be that as it may, the manner in which the Bill has been dealt with in the past few years has exposed leaders of almost all the parties to the charge of doublespeak. For instance, the Congress(I) is also guilty of dragging its feet on the Bill at one stage. The BJP (despite Mr. Atal Behari Vajpayee having moved a private member's Bill on the lines of the 85th Constitution Amendment Bill in his capacity as Leader of the Opposition) was unable to discipline its own MPs to fall in line, in support of the Bill now. And such leaders as Mr. Mulayam Singh Yadav and Mr. Laloo Prasad Yadav were blatantly opposed to the idea. These two leaders, whose parties' combined strength in the Lok Sabha is not even a tenth of the total membership, managed to prevent even a debate on the Bill; this was possible only because there were several others from the other parties opposed to the idea. This, indeed, is what led to the virtual shelving of the Constitution 85th (Amendment) Bill.

THE HINDU

25 DEC 2000

# Baying against the Women's Bill

Another Parliament session is over. But the Women's Bill remains just a Bill as a major section of the political class is still to reconcile with the idea of reserving Lok Sabha seats for women. Neeraja Chowdhury analyses why it is so.

THE Women's Reservation Bill is dead for all practical purposes. Both the BJP and the Congress can keep shouting "Long live the Bill", but those who have been inside Parliament building during the last week, hearing MPs talk (in private) and witness the strategies being formulated to abort the Bill know how beautifully they are shamming. Minutes after the pandemonium to prevent the Bill from being taken up for discussion, a cabinet minister quipped: "Only the front-benchers — Atal Behari Vajpayee, Sonia Gandhi and Somnath Chatterji — are for this Bill. The truth is 90 per cent of the MPs are opposed to it." He was dead right.

The reason is not far to seek and has been analysed at length. If 182 male MPs stand the risk of losing their seats — and nobody knows on whom the axe will fall — there is consternation, and male bonding, among them to see that the Bill does not see the light of day.

This is not like the 73rd and 74th Constitution Amendment bills which had run into rough weather not because of 30 per cent reservation to women in panchayats they provided for but because the states saw it as a curtailment of their powers. It got passed on December 22, 1992, when everyone's attention was engaged elsewhere after the demolition of the Babri Masjid. More important, the MPs were not giving away their own seats.

No party is coming out openly to oppose the Bill. The methods for opposing an idea have become increasingly sophisticated over the years. Congress leader Sonia Gandhi wants it, but not her partymen. Vaj-

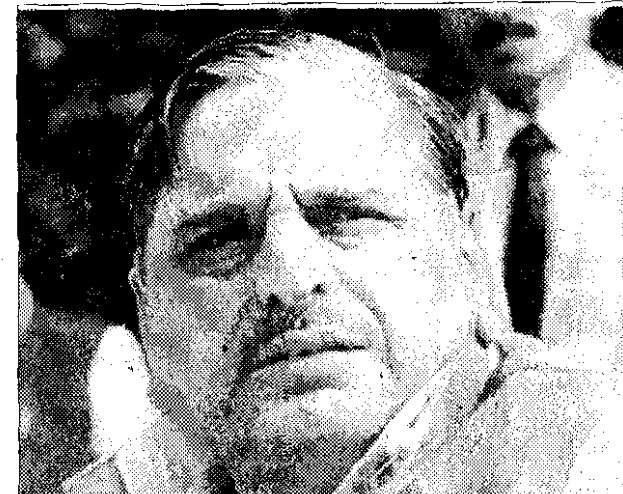
payee and Advani desire it, but this is not the case with their partymen. The BJP cannot be seen to be left behind the Congress, which has already taken concrete steps to provide for 33 per cent reservation for women in party posts, and this will be implemented in the forthcoming elections to the CWC.

Both mainstream parties feel safe in the knowledge that Laloo Yadav, Mulayam Singh Yadav, Sharad Yadav and Mayawati will not even permit a discussion on the subject. They have shouted down the Bill by insisting on a sub-quota for OBC women inside the quota providing 33 per cent reservation for women in the Lok Sabha and the country's legislatures.

The Bill is a badly drafted piece of legislation. Whoever formulated it did women a disservice. It was first introduced in the Lok Sabha by former Prime Minister H.D. Deve Gowda who was hoping to forge an electoral alliance of farmers, OBCs, women and minorities.

The parties' approach has not been to move amendments or to shoot it down at the time of voting. The Bill's provisions, like, for instance, the concept of rotation, give women MPs no incentive to nurture their constituencies, knowing they will have to change them at the end of a term. The focus is to prevent the Bill from coming up.

OBC MPs concede privately that their demand for a sub quota is a ploy. Their opposition has less to do with their professed fear of upper class/caste-short haired, urban women taking over, and more to do with their reluctance to share power with their own womenfolk. (Why should any party



**MPs belonging to the Congress and the BJP are quiet about Bill, fully knowing that leaders including Mulayam Singh Yadav and Mayawati will not even allow a discussion on the Bill**

field an uppercaste woman in an OBC-dominated constituency?) Prominent Dalit leaders were seen shooing off their SC/ST colleagues from Parliament building in 1996 in an attempt to prevent the requisite quorum in the House for introducing the Bill. The SC/ST MPs will have to yield one-third of their existing quota of seats in Parliament to their womenfolk.

Advani, who was authorised by the Prime Minister to evolve a consensus, has said that he will now try and evolve a consensus on the Chief Election Commissioner's suggestion to make it mandatory for every recognised political party to give 33 per cent tickets to women. This could be done by a change in the Representation of People Act. But women fear that they will be dumped with all the non-winnable seats. If the Congress is weak in Tamil Nadu or in UP, women are likely to be given tickets in these states.

Another idea is to have double member constituencies. In other words, every constituency will elect two representatives, a man and a woman, leading to a two-shift Parliament. Yet another suggestion is to en-

hance the present strength of the Lok Sabha by adding 33 per cent more seats to it.

Several government spokesmen and male MPs of major parties have, however, mooted what they describe as the only "practical" solution out of the present impasse. And that is for women to reduce their demand for from 33 per cent to 15 per cent reservation. Women today add upto almost 9 per cent of Lok Sabha's total strength. The House's strength, they say, can be increased by another 6 per cent through delimitation which can be undertaken immediately.

The idea of reservation for women is an imperfect solution, when they are no less capable than men. They have stormed every male bastion. They have entered the corporate world and gone into space. They are pilots and lawyers, soldiers and scientists. But there is one area where their participation has dwindled and that is in the country's politics. After the general elections in 1937, when women had thrown themselves excitedly into general elections and 80 of them were elected, India had ranked third in the

world in the number of women who were represented in the country's legislatures, after the US and the then USSR. Today it ranks 65th.

Women themselves have resisted the idea of reservation all through the last century, whether it was in 1917 when Sarojini Naidu led a delegation of women to call on the Secretary of State for India to demand voting rights for women on par with men, or when the Constitution came to be framed, or in 1975 when the landmark Status of Women Report was written. The demand for reservation surfaced only in the 1990s, when women found they were being systematically kept out of the political arena.

The issue does not agitate a large mass of women, and that is one reason why the political classes can afford to ignore the demand. And yet it agitates a large enough number of women who are in positions to influence opinions, be it in the media, among the NGOs, or in the professions. It is they who constitute a pressure group which political parties, particularly, the BJP and the Congress and the Left, would not like to antagonise.

**EXPRESS  
FOCUS  
WOMEN'S BILL**

# Violence against women

By Kuldip Nayar

*Missionaries are hapless victims of a dastardly plan which certain forces have hatched to make Christians feel insecure.*

ANATICS KNOW no human rights. And they cross every limit when the state is on their side. This is what happened in Karpanic, near Ranchi, where teachers belonging to the Sisters of St. Anna's Congregation were assaulted. One cook was raped. Authorities are trying to cover up the crime. The medical report has been doctored, says Sister Anupa. She recalls how three men raped the young cook repeatedly and then dumped her in a bathroom.

"Instead of nabbing the criminals, the entire administrative machinery is out to bury the incident", says Sister Anupa. The school has been closed. She asks sadly: "What is the use of our working among the poor when they themselves do not appreciate what we are doing?" The students, primarily Adivasis, have nowhere to go. In fact, the situation is so grim that nobody dares to go to the place where the school flourished at one time.

That the missionaries are hapless victims of a dastardly plan which certain forces have hatched to make the Christians feel insecure goes without saying. These forces are satisfied that they have 'disciplined' Muslims. "It is the Christians' turn," they say openly. It is difficult to believe that such persons are important in a country which is proud of its secular credentials. The Government is used to hushing up such cases whenever they are reported. Frankly speaking, when it comes to the minorities, particularly women, the state machinery is callous and collusive.

Take the sordid story of excesses against widows at Varanasi. Not long ago, a woman director wanted to show their sad plight through a film, *Water*. Hers was an indictment of the Hindu society which had come to accept that a widow was an outcast, deserving of a marginal existence. Even when she and her cast were driven out by goondas from Varanasi, the director did not give up. It was a mission for her. She changed the venue, decided to shoot the film in Sri Lanka and persuaded a private TV network to finance her. But the Uttar Pradesh Government, more so its Minister for Tourism, Mr. Asok Yadav, got wind of her plan and once again held out threats to her. The result: the project has been abandoned. In a television interview, Mr. Yadav proudly said the other day that he did not

allow the shooting of *Water* because it was against the Indian culture.

Who is he or, for that matter, his Chief Minister, Mr. Rajpath Singh, who has banned beauty contests in the State, to define Indian culture? (The RSS has said honeymoon and the wedding cake impinge on the Indian culture). In any case, what do they know about culture? Their attitude can be judged from their support to the demolition of the Babri Masjid. Whatever else he may have done, Mr. Yadav has blatantly violated the human rights of millions of people, not allowing them to see a film which touched their life. The talented artists, Ms. Nandita Das and Ms. Shabana Azmi, braved all indignities heaped on them

at Varanasi and had their heads shaven to be able to give a realistic account of the plight of those women, whose life was worse than death. Indeed, Mr. Yadav should have at least been hauled up before court for having denied the two the freedom of expression, which the Constitution guarantees.

The BJP-led Governments in Lucknow and New Delhi are in league to keep from public gaze the treatment meted out to widows by the Hindu society. It is their way of denying the evil. It is their way of upholding culture. How does this help the Hindu society which is so complacent? It needs to be exposed.

The BJP-ruled Gujarat has its own way of focussing on culture. Socialisation of women into subordinate positions, male patriarchy and domestic violence. A recent study conducted in some rural areas in the State shows that two-thirds of women suffer some form of psychological, physical or sexual abuse. As many as 42 per cent of them have been beaten up. A study in Tamil Nadu puts the figure at between 36 and 38 per cent. The percentage goes up to 42 to 45 in Uttar Pradesh. Eighteen to 45 per cent of married men in the State acknowledge that they have physically abused their wives.

A letter, which I have received from the

International Centre for Research on Women, says that in a multi-site survey of nearly 10,000 rural and urban households, approximately 50 per cent of the women have reported experiencing some form of violent behaviour within marriage. Of these, 65 per cent women reported severe physical abuse, including being kicked, hit or beaten up. The data at the National Crimes Record Bureau, Home Ministry, reveal a shocking 71.5 per cent increase in cases of torture and dowry deaths from 1991 to 1995.

A special cell in Mumbai, established by the Police Commissioner to provide a range of support services to women and their families, says 43 per cent of women put up with domestic violence from the age of three to 17, before complaining to the police. The records also indicate that 6.2 per cent of women attempted suicide before seeking outside help.

The fate of women elsewhere is no different. Globally, violence within home is universal across culture, religion, class and ethnicity. Such violence, however, is not customarily acknowledged. It is considered a problem unworthy of legal or political attention. The social structure of the divide between the public and the private underlies the hidden nature of domestic violence against women. Legal jurisprudence has historically considered the domain of the house within the control and unquestionable authority of the male head.

Thus, acts of violence against members of the household, whether wife or child, are perceived as part of discipline, essential to maintain the rule of authority within the family.

No doubt, women activists have brought the matter to the fore. They have organised demonstrations against dowry or other deaths. An examination of court records between 1986 and 1997 in Karnataka alone confirms that domestic violence cases, unless linked to dowry

harassment, are difficult to establish under the present rules of evidence.

The International Centre for Research on Women believes that a comprehensive legislation is essential to provide immediate protection to women. It thinks that legislation covering various points will usher in a peaceful society, free of violence against women, and develop a comprehensive approach to reduce violence. Of particular concern is the report on Muslim women. But if the attitude of the public is to be changed -- this is a must from any point of view -- mere legislation will not do. There are numerous laws to deal with domestic violence but they fail to curb the evil because what happens at home is viewed as a private matter. Even the best of human rights activists are considered outsiders.

Syeda Saiyidain Hameed, former member of the National Commission for Women, has brought out an excellent report, *Voice of the Voiceless*. It tells about the status of Muslim women in India, a subject rarely discussed. She says: "Muslim women are the weakest link in the generally disempowered chain of Indian womanhood."

Syeda has held hearings from Ahmedabad in Gujarat to Tezpur in Assam and from Kerala to Kashmir. Testimony after testimony has shown that their (Muslim women) low status in every sphere of life is because of the men who have pushed them into stereotype roles of earners, carers, bearers of children and beasts of burden. The negligence is also attributed to the inefficacy of state-sponsored schemes and the lack of will on the part of the Government to make them work. Illiteracy, ignorance, male domination and traditional beliefs have proved the major roadblocks to the progress of a majority of the Muslim women.

The report points out that "the increase of communalism and the large number of attacks on the lives and properties of minorities are cause for deep sorrow." Syeda explains that such incidents are a blot on the fair name of our country. Her inference is that the rioting is deliberately triggered by militant communal elements "who do not hesitate to sacrifice the strength and security of the country for their own narrow, nefarious ends." Will the BJP-led Government at the Centre pay heed?

THE HINDU

28 DEC 2000



# Afghan women running from Taliban's reach

Light of learning kept alive, but militia closing in

Rory McCarthy in Faizabad

**B**AZIA HAS been running from the Taliban for four years. A month ago she fled to Faizabad, the last significant town in Afghanistan still outside the control of governing Islamic militia, and began taking a degree in medicine.

Now the Taliban forces are closing in, desperate to take this small slice of north-eastern Afghanistan. "After Faizabad, where can we go", said the 21-year-old.

As ethnic Tajiks, Bazia and her family are despised by the Taliban, who come mainly from Afghanistan's dominant Pashtun tribe. As an eloquent, educated woman, she is a threat to their deeply conservative, male-dominated tribal structures.

In 1996, Bazia escaped from Kabul with her family as the hard-line militia seized power and began enforcing Islamic edicts. Women were confined to the home behind blackened windows and forbidden from working. Girls' schools and colleges were closed. Bazia took refuge in Parvan province, 30 miles north of the capital.

Then, as the Taliban approached last year, she fled again with her family 200 miles north to Taloqan, an opposition stronghold. Last month, Taloqan too fell and Bazia drove with her family on rough dirt tracks through the mountains for two days to reach Faizabad.

"When the fighting got close to Taloqan, artillery fire was coming all around us," she said. "They wouldn't hesitate to abduct girls. I was an eye-witness that the Taliban burned many houses and plundered them."

Opposition forces promise to recapture Taloqan before the winter snows, but in reality they are struggling to hold back the Taliban drive. "We will stay and resist the Taliban until the last drop of our blood," she said.

In the meantime, she and her 14 classmates, all women, are sitting on crudely hewn wooden chairs in a cold, white-washed room in the Badakshan Medical College, trying to start a seven-year medical degree.

There are few textbooks for the college's 180 students, no laboratories and no electricity, but it is still said to be the best medical school left in Afghanistan.

## Women

Faizabad is little more than a big dusty village, caught in a valley of the Hindukush and divided by the cold waters of the Kokcha river, which flows west to the Oxus. Here women are as free as they can be in Afghanistan. They can work and walk alone in the streets. Yet outdoors, they still must wear a burqa, the cloak that covers their hair, face and body.

When no men are watching, they flick back the burqa to uncover their faces in a small sign of resistance that would earn them a beating in Taliban areas. Even mixed classes at the Badakshan Medical College have been forbidden theology lessons are compulsory.

"Since we are living in an Islamic country, we want to have the veil to observe Islamic law. But we don't want to be kept inside our homes," said Lida, a second-year medical student who fled from Mazar-i-

Sharif, a bustling city in the north now under Taliban control.

"Women living in Taliban areas are not free. I ask you, is it a sin to be a woman. If women bring such shame to Afghanistan, then why don't they exterminate us all?"

Burhanuddin Rabbani, the Afghan President, ousted by the Taliban in 1996 but still regarded by most countries as the head of state, is himself a deeply religious man. He has promised that the burqa will go when the war is ended.

"Our policies to women are quite clear," Mr Rabbani said in an interview. "They are equal. We have enabled women to work in government offices and to get an education." But teachers are now paid just 60 pence a month, and often wait months for even that. Many have given up trying to teach.

Most women have had little education and some have married as young as 12. Many have lost husbands in the course of 20 years of fighting, leaving them to cope alone with an many as 10 children.

Those with money could join the 5 million Afghans, who have moved abroad since the fighting began and find a better life among the refugees in Pakistan, Iran, Europe and the United States.

But for Bazia and her proud classmates, perhaps Afghanistan's last educated generation, escaping into exile is out of the question. "In the future, we will become doctors and treat the sick people of our country," she said. "We cannot leave now. Our country is everything."

(Guardian News Service)

THE HINDUSTAN TIMES

11 NOV 2000

ics of how both working women and nonworking women use the products and services and respond to the media. In the data gathered in this study, this basic demography is intertwined with attitudes and social values that are clues to aspirations and motivations. The first simple demographic fact is, of course, the presence of women in the workforce. But in looking at demography around the world, we find there is no such thing as a simple demographic fact in international research. We observe wildly conflicting estimates of the number of women working in each country. For example, the estimate of the United States ranges from 54 per cent to 63 per cent and that for Canada from 46 per cent to 62 per cent.

There is no space here to discuss the nature of the data sources and the reasons for their diversity. It was decided to use the most recent population census of each country as the basis for this study. So,

although the demography is not simple and may not be precisely parallel, anywhere from 27 per cent to 55 per cent of women in these 10 countries go to work.

Although there are more working women in the United States than in other countries, there are places in the world that have higher levels of working women. For instance, relatively more women in the Eastern Bloc and Scandinavia are in the workforce than in any of the countries discussed here.

The highest proportion of working women in North America. Some 55 per cent of all women in the United States and 52 per cent of women in Canada go to work.

The level of working women in Japan, Great Britain, and Australia is also high.

West Germany is in the middle at 39 per cent.

Relatively fewer women in Italy and the three Latin American countries are in the workforce. How does this compare with the past? Between 1960 and the 1980s the most dramatic increase occurred in North America — in Canada and the United States — followed by Australia. Although there are currently more English than Italian women in the workforce, the rela-

tive gain has been more intense in Italy than in Great Britain. Although slightly fewer women in the three Latin American go to work, there has been real change in that region. The proportion of working women doubled in Venezuela and rose sharply in Mexico and Brazil.

On the other hand, there were minor declines in Japan and West Germany. In each of these countries the population is trending older, and each has a retirement age of 60. There are relatively fewer women of working age available to work. However, there have been major structural changes in the nature and quality of the women's workforce in Japan and in West Germany.

Not all nonworking women are housewives

We might assume that in each of these countries the women who don't work must be at home keeping house. Therefore, they must be our traditional target consumers, the homemakers. However, when we consider the occupational profiles of all women in these countries, we see that some women are neither keeping house nor going to work. These others include schoolgirls who are too young to be at work or to be married, and retired/disabled women who are out of the mainstream.

It is frustrating that we don't have precise profiles for all the countries in our study, but there is a report on those for which we do have these data:

- The highest proportion of non-active women or others is in West Germany, where 25 per cent of women are neither working nor keeping house. The majority of these are past working age.

- The second highest level of others is in Italy, mostly retirees.

- In Australia, 22 per cent of women are out of the mainstream, again mostly retirees.

- In Japan 19 per cent of women are retired, disabled, or still in school.

- In Venezuela, 16 per cent of women are neither at work nor keeping house. The majority of these are still in school.\* In the United States, 15 per cent of women are neither keeping house nor in the workforce.

- A small proportion of women in Canada are labeled "others". Only 10 per cent of women in that country are either retired or still in school.

*The Economic Times*

- 2 APR 2000

Women offer *namaz* at Jama Masjid. Picture by Ramakant Kushwaha

# Women find space in mosque

FROM RASHEED KIDWAI

New Delhi, Oct. 24: Muslim women have begun offering *namaz* inside mosques that had remained until now the exclusive domain of men.

In the Jama Masjid, several women can be seen during *Asar* (afternoon), *Magrib* (sunset) or *Jumma* (Friday) prayers. But they have a separate enclosure.

Another orthodox group, Ahle Haddith (followers of the sayings of the Prophet), has gone a step further — it has put up posters in the narrow bylanes of Shahjahanabad inviting women to special prayers for Id in December.

"We want to encourage women to visit mosques as frequently as possible. It is always better to offer *namaz* behind an imam in a *jamat* (gathering)," a representative of Ahle Haddith said.

The clergy has reluctantly accepted the new trend as there is nothing in Islam that prohibits women from offering prayers five times a day 365 days a year in mosques. According to Islamic scholars, women regularly attended mosques until Khaliph Omar re-

stricted their entry. Anis Durrani, chairman of the Delhi Haj Committee, said: "In Islam, there is no discrimination between genders in fulfilling religious obligations. Performing Haj is mandatory for both men and women. In the holy mosques of Mecca and Medina, women and men pray together."

In the Arab countries, women frequent mosques where they have a separate enclosure. In India, however, women praying in mosques is considered taboo.

Not all sections are happy with this new trend. Many Muslims with strong religious sentiments

feel women should offer prayers at home as Islam has made such a provision. They believe that in a country like India, it can lead to "*shar*" (mischief) and the community will earn a bad name if anything goes wrong.

Bhai Zaki, a resident of Matiamahal, Jama Masjid, said he would allow his wife, sister and mother to visit mosques provided there are "proper arrangements" such as separate enclosures and preferably separate entrances and exits. "You see, it is all a matter of how strong your faith is," he said, regretting that piety

has become a rare trait among Muslims.

Muslim society has been going through a slow but significant social transformation over the past few months. First, the All-India Muslim Personal Law Board agreed to hold a dialogue with the National Commission for Women on gender-specific discriminations. It then decided to prepare a model *nikahnama* (marriage contract) to put an end to postal *talaq* and instant triple *talaq*, and enforce payment of *mehr* (bridal price) and maintenance in case of separation.

THE TELEGRAPH

25 AUG 2000

25 AUG 2000

# Women as targets

8  
2/2  
ET 8 2/4  
Rena Bartos discusses the global trends in advertising *Media*

**I**T IS a truism that effective and advertising must be built on understanding of the consumer. Yet sometimes perceptions and assumptions about people and about countries prevent marketers from responding to the opportunities inherent in social change. There are two subjects about which everyone in the marketing and advertising communities has strong opinions and preconceptions. One of them is women. The other is international marketing.

It isn't too many years ago that markets in the United States were clearly separated by gender. The assumption was that men were the targets for all the expensive, big ticket products and services, such as cars, travel and financing services. On the other hand, women were sold food, household, fashions and cosmetics. It is remarkable to recall that at that time, working women were invisible in the marketing and advertising plans.

Most advertisers thought of women consumers as housewives. The usual target definition was "any housewife, 18 to 49". Occasionally, they would recognise young, single women, who in those days they described as girls as natural targets for cosmetic and fashion products. These two perceptions of women dominated marketing approaches to women in those days.

The surge of women entering the workforce has revolutionised the way we define the consumer marketplace. We find that men are crossing over into the supermarket and shopping for food and household products that used to be exclusive responsibility of the housewife.

We find that women crossing over into the big ticket product categories. They have become good customers for financial services, for travel, and for cars. We find that not all working women are young, single girls, and not all housewives are married.

In short, our perception of the total consumer marketplace has been turned upside down as a result of this one simple demographic fact. The concept of that effective advertising and marketing must be built on understanding of the consumer is particularly relevant to the international marketplace has been turned upside down as a result of this one simple demographic fact.

The concept that effective advertising and marketing must be built on understanding of the consumer is particularly relevant to the international marketplace. The stereotypes and assumptions that marketers in the United States used to hold about consumers in their own country are compounded when they move overseas.

Some believe that consumers are fundamentally the same around the world and that strategies that work in one market can be transported to others. Some concede that rapid change has occurred in the United States but they believe that consumers in other parts of the world are still motivated by traditional values. Still others think that there are such strong cultural differences between countries and regions that every marketing effort should be based on indigenous cultural patterns and lifestyles.

The changes in the women's market in the United States have been documented extensively. The question is, Have these changes occurred in other parts of the world or is this a uniquely American phenomenon? Do the traditional assumptions about the women's market hold up in Europe? In Latin America? In the

Far East? In Canada. Even if some women in the countries have, in fact, entered the workforce, is it because they are so driven by economic necessity that they are not very good customers for advertised products and services? Or even if the surface manifestations of demography are similar to those in the United States, are the underlying attitudes and perceptions of women in those countries markedly different from those of American women? The answers to these questions are essential if marketing and advertising in different parts of the world are to remain relevant to their target consumers. J Walter Thompson has examined the status of the women's market in 10 countries around the world: Canada, the United States, Brazil, Mexico, Venezuela, Great Britain, Italy, West Germany, Australia and Japan. There are a number of basic demographic facts, such as occupation, marital status, presence of children, and age, that help us define the consumer marketplace and understand the dynam-

*The Economic Times*

- 2 APR 2000

P. T. O.

# Women, interrupted

Women's lives are constantly being ravaged by ill health as two recent family health reports indicate. **PAMELA PHILOPOSE** on the lessons that emerge

If people are a country's greatest asset, their physical well-being should logically be a more eloquent indicator of national progress than mere growth rates. But when was the last time you heard the Union finance minister boast of bringing MMR rates down by 1 per cent, or define the health of nation in terms of people's health?

Even as India boasts of having one of the fastest growing economies in the world, its Maternal Mortality Rate (MMR) is estimated to be the highest — 540 per 100,000 live births. That is, India accounts for 130,000 of the 500,000 women who die each year from causes related to pregnancy and childbirth. This is the figure thrown up by one of the most comprehensive health surveys conducted nationally — the National Family Health Survey-2 (NFHS-2), involving a representative sample of 90,000 married women between the ages of 15 and 49.

**EXPRESS  
FOCUS**  
HEALTH

This high number of dying mothers is confirmed, incidentally, by a recent report of the United Nations Population Fund (UNFPA), which states that four mothers die for every 1,000 live births in India, or one woman dies due to pregnancy and childbirth every five minutes in this country. Orissa still records the highest number of such deaths — 739 — and Kerala, the lowest — 87.

There are, of course, good reasons for these deaths, and they have been extensively documented over the years. The Voluntary Health Association of India (VHAI) in its last report underlined two of them: lack of general health care, and the absence of a rational management of high risk mothers and those needing emergency obstetric care. For every woman who survives childbirth, VHAI points out, 18 to 20 are left with serious complications like cervical lacerations, pelvic inflammatory diseases, uterine or bladder prolapse. UNFPA



Education is the best health investment a government can make

figures indicate that 12 per cent of such deaths can be attributed to abortion-related complications; 20 per cent to anaemia; 13 per cent each to toxemia

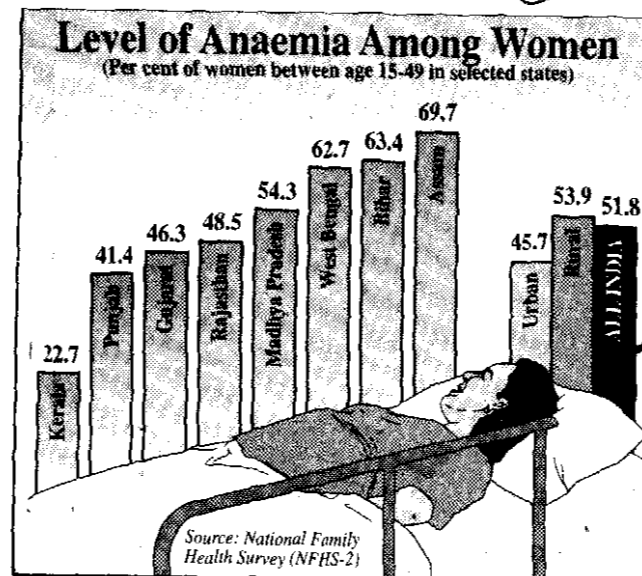
women believe that wife-beating is justified. But why should that surprise anyone in a situation in which at least 30 per cent of women aged 15-19 are married,

and sepsis and 23 per cent to excessive bleeding.

All these figures add up to a bleak narrative of national priorities and personal compulsions; of social norms and individual choices and of age-old gender discrimination. The media made a great deal of one particular statistic that emerged from the NFHS-2 — 3 out of 5

many of them much before the legally minimum age of 18? When at 1 in 5 have experienced domestic violence? When 68 per cent of women have to ask for permission to go to the market and 76 per cent, to visit a friend or relative? Not entirely surprisingly, low powers of decision-making was most manifest in Bihar, UP, Rajasthan and MP.

The persistence of early marriage was one of the disturbing trends and, interestingly, very little seems to have changed on this issue from the days of the first NFHS survey conducted in '92-'93. The median age of the first childbirth for women aged 20-49 was unchanged at 19.6. Even when change had occurred, as in the declines witnessed in child mortality rates, things were still



IE Graphics/B.K. SHARMA

dire.

There is evidence of 1 in 15 children dying within the first year of life, with infant mortality levels being 56 per cent higher in rural areas and with the risk of dying for girls, aged between 1 and 5, 47 per cent higher than for their male counterparts.

Health and education then continue to be priority areas for possible intervention. The NFHS-2 findings clearly indicate that educating girls remains the best health investment the state can make. Whether it is in postponing the age of marriage; bringing down infant mortality rates (children born to illiterate mothers are more than twice as likely to be underweight or stunted as children born to mothers who have completed at least high school); providing better nutrition within the family; or in pegging down fertility rates (the TFR, or total fertility rate, for women who have completed at least high school is 2 children, compared to the TFR of 3.5 for illiterate women), female education changed the picture radically.

At a time when the state is increasingly withdrawing from the social welfare sector, recent data highlights the crucial role that public healthcare institutions continue to play in people's lives. While 70-80 per cent of healthcare in India is handled by the private sector, the State remains the primary source of preventive services, such as immunisation, maternal healthcare and family planning services.

With cutbacks in funding to public hospitals even supplies of iron and folic acid tablets, so important in antenatal

care, tend to be erratic, even unavailable.

What comes through is the neglect of health in the everyday life of Indians. Only 50 per cent of women participated in decisions concerning their own health, according to the NFHS-2. The UNFPA Report highlights that health, especially women's health, is just not a priority area for most families. In 25 per cent of cases involving maternal death, family members were not even aware of the seriousness of the woman's condition. Combine this with the existing levels of disease and malnutrition — said to be the highest in the world for women and children — and you have all the elements of a tragedy.

In the NFHS-2 survey, about 1 in 10 women never consume milk or curd and 1 in 3 have never eaten chicken, meat or fish. In some states, like Orissa, the problem is even more marked, with 50 per cent undernourishment among women reported. At a national level, 52 per cent of women suffer from anaemia. It is no surprise that children are also affected — 74 per cent Indian children are anaemic.

It's time to stop considering a nation's health just in terms of GDP. We're facing nothing short of an emergency, no less significant for the silence that enshrouds it. Of course, there are the occasional spots of brightness in this picture. Today, one-third of deliveries take place in health facilities, the NFHS-2 tells us — up from one-quarter last time. We need to replicate these success stories in regions where death sits like a family member at the dinner table.

# SC reverses HC ruling on rapists

PRESS TRUST OF INDIA  
NEW DELHI, NOV 29

THE Supreme Court on Wednesday severely criticised the Delhi High Court for acquitting two persons, convicted by trial court of raping a four-year-old girl who died of internal injuries, and sentenced the duo to life term.

"The division Bench of the High Court has grossly erred in interfering with such a correct conclusion made by the trial court as the reasons adopted by the High Court for such interference are very genuine," a Bench comprising Justices KT Thomas and R P Sethi said.

Narrating the events, the court said the little girl Anuradha was taken away from her mother's house on the forenoon by one Sunil, who knew the girl's mother. Later, the mother recovered the child's body from Sunil's house.

"When the doctor conducted autopsy on the body he described the dimensions of the imprints left in the infantile body reflecting horrible sexual molestation inflicted on the child," Justice Thomas, writing for the Bench, said.

Police arrested Sunil and Ramesh, with whom a breathless and naked Anuradha was found by the mother at Sunil's house, and charged them with kidnapping, rape and murder. The trial court, while convicting them, awarded death penalty to Ramesh and life term to Sunil.

The High Court acquitted the duo on the premise that there were difference of opinion

among the two doctors who examined the body.

According to the first doctor there was multiple bruises all over the body but the second one, who conducted a detailed autopsy narrated the savagery the child was subjected to.

The High Court also found discrepancies in the statement of witnesses on the charge of kidnapping and took objection to the way police

**SC criticises Delhi HC for acquitting two persons convicted by a trial court of raping a 4-year-old girl who died later of internal injuries**

prepared the seizure memo, on the blood stained knicker of the girl found on the basis of information given by Ramesh, without getting it signed by an independent witness.

The Supreme Court Bench scotched all the doubts that arose in the mind of the Division Bench of the HC and said "We have no doubt that the trial court had come to the correct conclusion that the Sunil and Ramesh were the rapists who subjected Anuradha to such savagery."

On the discrepancy in doctors' report, Justice Thomas said "no court could afford to ig-

nore the report of the doctor who conducted the autopsy with meticulous precision about the features noticed, merely on the strength what another doctor had scribbled in the Medico Legal Certificate (MLC) at the initial stage."

Referring to the seizure memo, Justice Thomas said "We feel it is an archaic notion actions of the police officer should be proached with initial distrust. We are aware such a notion was lavishly entertained during British period and policemen also knew it.

"Its hangover persisted during post-independence years but it is time now to start at least initial trust on the actions and the documents made by police," he said.

Justice Thomas said when a police officer gives evidence in court that a certain article was recovered by him on the strength of the statement made by the accused it was open to the court to believe the version to be correct if it was not otherwise shown to be unreliable.

In this case, he said the mere absence of independent witness when the police recorded statement of Ramesh and the knicker was recovered pursuant to the said statement, was not a sufficient ground to discard the evidence.

On the kidnapping aspect, the Supreme Court said though there were discrepancies between the evidences of the witnesses, all of them were immaterial.

INDIAN EXPRESS

30 NOV 2000

INDIAN EXPRESS

# Chandrika calls Sinhala racists 'traitors' UN Council to secure special treatment for women in war zones

PK Balachandran  
Colombo, November 1

**S**RI LANKAN President Chandrika Kumaratunga has dubbed Sinhala racists as "traitors" to their community and said that their acts provide the "foundation" for LTTE's terrorism. She was speaking to the nation over TV on Tuesday following the massacre of 27 Tamil/LTTE detainees in Bindunuwewa by a gang of Sinhala extremists on October 25 and the subsequent violent agitation of the Indian Origin Tamils (IOTs) in the hill country surrounding Bindunuwewa.

"Those who spread narrow racist ideals are the very people who become traitors to the Sinhala people of our country. It is Sinhala racism that becomes the greatest strength of the Tamil racism of Prabhakaran. The best foundation for Prabhakaran's terrorism is thuggery against the Tamil people," Ms Kumaratunga said. She paid tribute to the Sinhala masses who had generally remained non-communal and peaceful in the face of provocations by Sinhala extremists and the LTTE.

In regard to the Bindunuwewa massacre, Ms Kumaratunga did not blame anybody in particular. She only said that investigations were on to see if there was any conspiracy behind it if the camp staff had acted irresponsibly. But referring to the protest agitation of

Meanwhile, reflecting what appears to be the general mood of the Tamils, both Indian Origin Tamils (IOTs) and Sri Lankan Tamils (SLTs), Suresh Premachandran, leader of the Eelam Peoples' Revolutionary Liberation Front (EPRLF), said that the President's oration would help calm down tempers, but the Tamils were disappointed that the culprits who had instigated and carried out the massacre had not been identified and arrested while Mr. Chandrasekharan was arrested for a much lesser deed.

Mr. Premachandran said the Tamils did not have much faith in the investigations promised. "Going by our experience since Sri Lanka's independence, the culprits may never be brought to book and such incidents might occur again," he told The Hindustan Times. He also felt that with incidents of this sort happening in the plantation areas populated by Indian Origin Tamils, the gap between the Sri Lankan Tamils and the Indian Origin Tamils might close. As it is, the Sinhala extremists and the police have stopped making a distinction between the two and look upon the plantation areas as a

hothbed for the LTTE. Meanwhile, several Tamil parties have asked for the release of Mr Chandrasekharan. But the Sinhala extremist "Sihala Urumaya" has called for an immediate session of Parliament to discuss "Tamil terrorism" in the hill areas.



Women of Sri Lanka's Marxist JVP, or People's Liberation Front, demonstrate on Wednesday in Colombo denouncing the massacre of 26 Tamil detainees at an open prison in central Sri Lanka a week earlier. Photo: AFP

# UN Council to secure special treatment for women in war zones

United Nations, November 1

**T**HE SECURITY Council has adopted unanimously its first resolution recommending women in war zones get special treatment as victims of conflicts and be partners at the negotiating table.

The resolution, which was adopted yesterday, urges Secretary-General Kofi Annan to use women as chief envoys to pursue peace talks or head peacekeeping missions. UN member governments are asked to submit candidates to this end.

It says peacekeepers should have special training, beginning in their home countries, to protect women they meet abroad and should support local women's peace initiatives to resolve conflicts.

And Annan is asked to carry out a study on the impact of war on women and girls and the role of women in "peace-building and the gender dimensions of peace processes and conflict resolution."

Noelleen Heyzer, the Singaporean executive director of the UN Development Fund for Women (UNIFEM), has noted that of the 61 special UN envoys appointed to peace negotiations or to head peacekeeping operations "not a single one is a woman."

While the council has passed resolutions on civilians and children in armed conflict, this is the first time it tailored a resolution on the impact of war on women and girls. Tuesday's dense three-page resolution calls on all parties to a conflict as well as UN personnel to take special measures to protect girls and women from "rape and other forms of sexual abuse" both in war zones and in refugee camps.

The Security Council, which authorises peacekeeping missions, also expressed willingness to ensure operations "take into account gender considerations and the rights of women, including through consultation with local and international women's groups," the resolution says.

"Women are more likely to confide in women peacekeepers about matters such as rape and other sexual violence," she told the council. "Women are frequently less hierarchical in dealing with local communities and listen more, thereby having better insights into the root causes of conflict."

"We are here because women have played a leadership role in the cause of peace, but their efforts have not been recognised, supported or rewarded," she said.

# Right & Left of sex abuse

FROM MONOBINA GUPTA

New Delhi, Oct. 12: The Red Book says a sexually-harassed woman deserves to be punished if she is on the wrong side of the Left. A man had masturbated on P.E. Usha in a Calicut bus last year. She had forced the bus to stop and registered a case at the nearest police station.

But her protest was the beginning of the end for Usha, a Grade-I employee of Calicut University. She was brought before the firing line of the CPM's women's wing, which seems to reserve its sympathy only for a certain kind of women.

Members of the All India Democratic Women's Association (AIDWA), the CPM-controlled women's organisation, piled the blame on Usha. "One of the women members asked why it had happened to me? There were lots of other women. Nothing happened to them," says Usha.

Usha's crime: she had spoken up against the CPM on a number of occasions.

The Calicut University staff, whom the CPM holds in its vice-like grip, attacked Usha personally. "They started spreading all kinds of rumours — that she sleeps with men and deserves what she got," says Rajitha Seelam, a journalist, who had been with Usha in Calicut University.

As her case became known, Usha started getting anonymous phone calls, threatening her and her 11-year-old daughter. "The callers threatened to kidnap my daughter. Pragati spent long hours alone at home and I could not risk her life. So I was forced to quit Calicut," says Usha.

Mother and daughter had to leave the university campus and started to stay with a friend in Thiruvananthapuram.

The CPM was squaring up with Usha, who had been an active campaigner against its decision to give away university land for cashew plantation. Usha had also raised her voice against the state government's Mavoor Gwalior Grasim project.

The Grasim project was polluting the river in the region, raising the infant mortality rate. Usha and her friends had joined the local residents in opposing the project.

Earlier, Usha had also supported the mess workers' agitation for minimum wages in Calicut University while the SFI, the CPM students' wing, along with the university authorities, were against giving the wages.

"The CPM does not like to be opposed, especially in West Bengal and Kerala, where it has put in place a chain of command manned by party functionaries who are out to teach the anti-party elements a lesson they will not forget easily," says a friend of Usha.

*women*  
of the National Commission for Women and the National Human Rights Commission.

She is also looking for a job in Thiruvananthapuram. "But it is very difficult because the CPM has its appointees in every place," she says.

23/10/2003



# Women and personal law in Iran

By Asghar Ali Engineer

10-12/19/10

**W**OMEN HAD played a very active role in Iran's Islamic revolution from the beginning. The Shah had imposed modern secular reforms and had abolished the veil and western dress was encouraged. However, these reforms were quite superficial as women had no freedom to participate in political activities. It was more an imitation of western culture than true freedom for women. Women too, therefore, joined the Islamic revolution. They freely chose, without any compulsion whatsoever, to give up their mini-skirts and took to the chador. One more reason why women voluntarily took to the chador was that since the Shah accused the revolutionaries of being communist agents, they wanted to prove their authentic Islamic character. Ayatollah Khomeini had also assured them of full political, cultural and social freedom after the revolution.

However, Khomeini did not fulfil his promise and women were to some extent disappointed as more restrictions were sought to be placed on them after the revolution. But they did not give up fighting for their rights. Afsaneh Najmabadi, a women's activist, described the post-revolutionary years in Iran as "years of hardship, years of growth". Women's issues have always been sensitive in the third world in general, and Muslim societies in particular. As a weekly women's journal *Zan-i-Ruz* (Today's Woman) pointed out in its editorial, "Colonialism was fully aware of the sensitive and vital role of woman in the formation of the individual and of human society. They considered her the best tool for subjugation of the nations... women serve as the unconscious accomplices of the powers-to-be in the destruction of indigenous culture to the benefit of imperialists". The editorial went on to conclude that "for the glory and depth of Iran's Islamic revolution to occur, woman must be transformed".

The centrality of gender to the construction of an Islamic political discourse thus changed that which had been marginal, secondary, postponed, illegitimate, and discredited into that which was cen-

tral, primary, immediate and authentic. However, what is authentic remains highly controversial. Does it mean women's role should be restricted as against what is prevalent in the west?

In countries such as Afghanistan there could possibly not be any contesting voice as women in that primarily tribal society had not played any role in bringing about an Islamic revolution. However, in Iran, the active role played in the

the Islamic consciousness, especially among the university students, both male and female; these students, in turn, played a great role in bringing about the Islamic revolution in Iran.

However, the post-revolutionary regime took measures promoting some of the most misogynist policies. Mibrangiz Kar, a noted feminist activist, says: "Iranian women have gone through a difficult test. During the past decade, they have

dat's assassination, this law was reversed, under pressure from the conservative ulama.

Another important right which the Iranian women have won is of divorce on the following counts: 1) if the husband does not pay maintenance for more than six months and if there is no possibility that he will pay and similarly his inability to fulfil the obligations of married life and ensuring the rights of his wife for that period; 2) misbehaviour and mistreating the wife and if she is unable to bear this, she can claim divorce; 3) if the husband suffers from addiction to alcohol or drugs; 4) if the husband neglects wife or family life without any reasonable ground for more than six months continuous; 5) and if the husband takes another wife without the permission of the first wife or unjust behaviour towards her.

These are far reaching concessions as far as conventional personal law is concerned. Not only this, an Iranian woman can also now claim compensation for all the house-keeping she did during the years of marriage if it is proved that she is not to blame for divorce. This is quite a revolutionary provision. These provisions considerably restrict the privileges of man available to him in other Muslim societies. This is the demand by women's organisations in many countries including the west. This has been possible in Iran because the whole society is in the throes of change and people are engaged in continuous struggle and this creates sharp consciousness of one's rights.

In Iran, the women's press is also quite strong. A number of magazines and journals are published by various women's organisations and it is very difficult for the regime to suppress them. This has been possible as the female literacy rate in Iran is quite high. In the post-revolutionary period, there has been special attention on female literacy. Women's participation in the Iranian revolution played very vital role in this respect. Still, Iranian women have a long way to go to achieve equal status with men. But eventually they will give the consciousness of Iranian women and the continuous struggle on their part.

## *Women in Iran today are in a far better position than in many Arab countries... Women's participation in the revolution played a vital role in this respect.*

experienced difficulties and dangers that were unprecedented in their individual and social lives... Women have come out of these testing times, without owing any debt to anyone's propaganda machinery, registering themselves from the margins to the centre of social text... Now women, who have fulfilled their obligation, demand, not beg, their rights".

It can be said without fear of any contradiction that despite all these problems Iranian women today are in a far better position than in many Arab countries, through the sheer grit of their struggle. In Kuwait, women are struggling even for voting rights. In Iran, on the other hand, they not only have voting rights but can be and are elected to Parliament and to high elective offices such as that of Vice-President.

Not only this, women in Iran have won many concessions for themselves as far as personal laws are concerned. Today in Iran, if a divorce takes place for no fault of the woman, she can claim half the property acquired during the years of the marriage, or its equivalent. Such a provision does not exist in any other Muslim country. In Egypt, a law was passed during Anwar Sadat's time, due to the efforts of his wife, Jehan Sadat, that a man had to provide his wife a house in her name at the time of their marriage. However, after Sa-

revolution by women opened new vistas and possibilities for the growth of all kinds of feminisms — including secular. New configurations of Islam, revolution, and feminism, are now emerging. It is very difficult for the conservative clergy in Iran to ignore women's demands. Not that there are no attempts to suppress women's movements. Like the reform movement in Iran, women's movements also face the ire of the conservative clergy. But it is beyond the clergy's might to do away with them. Initially, some in Iran did feel betrayed by the clergy but did not lose courage and continued their struggle — and with good result.

The acts of defiance and resistance by women, as pointed out by Afsaneh Najmabadi, were instantly termed counter-revolutionary, a label that not only made these women easy targets of repression but also cut off any possibility of building alliances with Islamic women activists of the revolution, many of whom were shocked into silence, frozen in disbelief at this unforeseen turn of events. Islamic women activists had been political supporters and active organisers of the mass movement that overthrew the old regime. Many of them had been inspired by the Islamic womanhood as expounded, for example, in the writings of Ali Shari'ati who played a very vital role in building up

THE HINDU

19 OCT 200

# The feminisation of poverty in Bihar

By Brinda Karat

A PART of the ongoing campaign against violence and poverty, the All India Democratic Women's Association (AIDWA) had recently organised a jeep jatha through eight districts in Bihar holding on an average five meetings a day. The participants were almost all rural women workers, mostly Dalit, with little or no land. Feminisation of poverty in India occurs as a result of the process of the intensification of poverty due to macro-economic policies and not because poor men shift the burden of poverty on to poor women. Patriarchal hierarchies, socially as well as within the family, lead to women bearing a disproportionate part of the burden. Official documents coopt the language of gender-sensitive analysis but deliberately ignore the context, in this case the current economic policies being followed by the Government. Thus the Government country paper presented at the Beijing Plus Five conference in New York mentions feminisation of poverty but ignores the evidence of creation of more poverty in the last decade of so-called economic reform. Estimates of poverty vary between the National Sample Survey which puts the increase of those below the poverty line to 70 million since 1991 to the recent Planning Commission estimate that poverty has decreased though inequality has increased.

Statistical jugglery of poverty figures helps justify the state refusal to increase budgetary provisions for the rural poor. It is also said that since only a fraction of the money budgeted actually gets to the beneficiary, why spend the money anyway? But who bears the cost of cutting state subsidies, who pays the price? During the Bihar jatha, in meeting after meeting, women spoke of extra unpaid work but down on their own food, of ignoring their own ill-health because of the lack of money to pay the doctor's bill and because of the huge increase in the price of drugs. In Bihar, among poor rural families, women subsidise family survival through complex strategies of survival based on self-deprivation. They thus fill the gap created by Government cuts. This is one aspect of the feminisation of poverty.

Through the route of the jatha, we

found mainly women, children and the elderly in the villages. Bihar probably has the highest number of female-headed families. Although male migration is not new particularly to the green revolution belt, in the last two years, according to the accounts given by the women we met, while migration has increased there has been little or no money sent back to the villages. In the meetings, women asked us whether there was "some trouble in the north, is that why our men are not sending any money?" The reality is somewhat different. The thrust of current agricultural policies has encouraged a shift from foodgrain cultivation to cash crops, most requiring less labour. This along with in-

der water. An added problem was that of security. Lines of trucks on their way across the State were stranded on the highways which meant that the nearby villages were visited by hundreds of outsiders, truck drivers, helpers and so on. There had been incidents of sexual assault. In one case, the women had caught hold of a would-be rapist and beaten him up. After this incident, the women decided to have their own security system and several of them would group their families together for the night and take turns on the security watch.

Everywhere, women were demanding work. The NDA Government had promised at least 200 days of work a year for

**The tremendous work burden shouldered by poor women in rural Bihar does not enhance their social status. The hope only lies in their own increasing assertion.**

creasing mechanisation of agricultural production processes has meant that Bihar migrant workers are now finding less work in Punjab.

The women take their own decisions, deal on their own with the recurring crisis of managing families with no regular income. This is not an empowering process. The women are under extreme stress, and vulnerable. Their reality shows up the irrelevance of an issue which is so popular in the cities, that of a bigger role for women in decision-making processes within the home. Here it is the other way around. There are too many decisions they have to take and too few resources. The problems of female-headed families were brought up most sharply in a meeting at a place called Runisaipour in Sitamarhi district. This is a flood-affected area. We had to get to the block office by a small boat since the roads were flooded. Food relief supplies, a few kg of foodgrains per family, were being distributed. The entire block office had barely eaten for the last week. The women told us that because they were on their own, they became completely exhausted rushing from one camp to another wherever they heard that relief was being supplied. Most of the huts were un-

kg has not been implemented. When we asked a local dealer the reason, he said that there was no use in getting supplies since even if his shop was completely stocked, BPL cardholders did not have the money to buy their full quotas.

Even while we were in the jatha, news came that the Vajpayee Government had set up a committee to discuss what to do with the 44 million tonnes of foodgrains rotting in Government godowns at an annual expense of Rs. 9,000 crores. The criminality of such economics becomes evident when you match the figures with the desperation of families struggling against starvation, like the women we met all through the jatha. It would be cheaper for the Government to distribute the foodgrains free of cost, alternatively massive food-for-work schemes would ensure some relief. But the Government is more keen to comply with World Bank/WTO conditions to cut down on food subsidies.

But through the difficulties and the deprivation, what stood out most of all was the power of female resilience. In one example in Jabniharpur block of Madhubani district, women *machhuaries* (fisherwomen) related how they had formed a group which challenged the hegemony of a local mafia gang and got control of three fish tanks in the area. In Darbhanga, in several villages women had not only played a leading role in struggles for surplus land over the ceiling but were also instrumental in defending the land. The most popular demand in these areas was that for land titles in the name of both the husband and the wife.

Bihar's politics has little or no space for these women or the issues which concern them. Although caste hierarchies have been challenged through social justice movements, conspicuously absent in those movements has been the crucial element of economic entitlements, wages and land. Absent also has been any effort for gender-based social reform and a recognition of women's contribution and role. Thus the tremendous work burden shouldered by poor women in rural Bihar, does not enhance their social status. The hope lies only in their own increasing assertion.

every poor rural family. But here waged work had clearly decreased. Most women get agricultural work for only about three months a year. The wages are dismal, ranging from one and a half kg of foodgrains, which comes to less than the chaff is removed, to Rs. eight or 12 a day. The only villages where women were getting a wage of Rs. 20 to 25 were where there were peasant or agricultural worker organisations which ensured wage payments through agitations. There was not a single village we visited where women had got work in any Government scheme. In fact, the women could not remember last when they had got work through the Government.

We were told that the public distribution system is a total shambles. In one block in Sitamarhi, the ration shop opened once in six months. In another, the shop opened for just two hours and by the time the news reached the village and women rushed there, it was already closed. In Chandauli village of Samastipur district, the ration shops open once in two months when below the poverty line (BPL) cardholders are given 20 kg of foodgrains. Thus in the Finance Minister's own home State, his promise to increase the quota of BPL families from 10 kg to 20

## STOCKHOLM SYNDROME

No feminism please, <sup>will</sup> we are Indians <sup>gkb</sup>

ACCORDING to the National Family Health Survey 98-99, 56 per cent of Indian women think wife beating is okay! This only goes to show that the Stockholm syndrome is very active within the family, where women are concerned. What is extraordinary, or not so extraordinary, is that almost half of the urban interviewees agreed with the proposition that neglecting the house, going out without permission, disrespectful behaviour towards in-laws, infidelity and bad cooking are legitimate grounds for getting beaten up. All this only confirms the suspicion that the consensus on what are called euphemistically, "male prerogatives" is not determined by social indices like literacy and economic status, but by solid cultural factors such as religion. See, for example, the difficulties the Government of India are having getting the Indian Divorce Act of 1869 amended. The Hindu Marriage Act, for instance, is a straightforward and modern piece of legislation, but it doesn't seem to have enhanced the sense of security among Hindu women.

This is because marriage is treated as a sacrament and not a civil act which can be annulled at will in conformity with the law. It is about placing women in a traditionally prescribed role. Being educated or earning a living doesn't change this status too much. Marriage is not a contract to be dissolved. Breaking the taboo requires a mental effort that most Indian women are not up to. In a society in which identity is so overwhelmingly determined by family and community, they prefer getting beaten up, rather than walking out, taking recourse to the law and losing their social moorings completely.

THE STATESMAN

20 NOV 2007

## Women beware women

IF ONE goes by logic alone, the figures simply don't make sense. According to the National Family Health Survey for 1998-99, an incredible 56 per cent of Indian women justify wife-beating. One is not talking about a majority of women accepting the phenomenon of wife-beating, but about justifying the practice. Why on earth would victims of domestic violence justify it? While the result of the survey — which questioned 90,000 married or once-married women in the age-group of 15-49 across the country — may seem absurd, there is little scope of doubting the fact that women have come to accept domestic violence as a part of life.

A study by the International Centre for Research on Women published last year showed that over 40 per cent of women in the sample experienced domestic violence. When wife-beating seems to have become almost *de rigueur* in Indian society, justifying it is only a step away from accepting it. The recent survey shows that while 40 per cent women are likely to agree that "neglecting the house or children" deserves wife-beating, 37 per cent accept the practice if they "go out without telling their husband". Twenty-five per cent justify wife-beating on the grounds that the woman is "unable to cook properly"! One explanation for this kind of reaction is that women, finding themselves powerless against such a 'custom', accept it, even going to the extent of justifying it. By internalising the condition that one finds oneself in — and that of generations before her — the woman may be unable to distinguish between accepting 'reality' and being opposed to it. In the process, what comes out is a bizarre tradition of masochism.

The taboo of standing up against the husband — by not justifying his actions — may have contributed to the alarming message given out by the survey. Social scientists will ponder over certain 'anomalies': while the number of women justifying wife-beating declined with a better standard of living, working women are as sympathetic to the practice as their house-working counterparts — thereby showing that economic independence does not change the mindset. This wake-up call shows that for most Indians — perpetrators and victims — 'gender justice' is a violation of traditional gender norms. As long as this roleplaying is perpetrated, it should come as little surprise that it is also justified.

THE HINDUSTAN TIMES

20 NOV 2000

# Divorce Bill change will help Christian women: Mahajan

By J. Venkatesan

NEW DELHI, NOV. 16. The Union Cabinet today approved the Indian Divorce (Amendment) Bill, (IDA) 2000 intended to make suitable changes in the Indian Divorce Act, 1869.

The Parliamentary Affairs Minister, Mr. Pramod Mahajan, said the Bill was intended to remove hardships to Christian women on account of gender inequality and to the estranged spouses on account of the need to obtain confirmation of the concerned High Court for giving effect to divorce decree or decree annulling the marriage.

This Bill to be introduced in Parliament during the winter session by the Union Law Minister, Mr. Arun Jaitley, will amend Sec. 10, 17 and 20 of the IDA and also make certain consequential changes. Under Sec. 10, a man seeking dissolution of marriage needs to prove only adultery on the part of his wife.

However, in case a wife seeks dissolution she is required to prove some other marital offence

in addition to adultery to be able to obtain dissolution. Mr. Mahajan said the Bill sought to remove this discrimination and "what is available to a husband will be available to a wife".

Similarly Sec. 17 and 20 of the IDA relate to procedural matters wherein a decree passed by a District Court has to be confirmed by the High Court. Mr. Mahajan said the Bill sought to correct this procedure by deleting this clause and would make divorce easier as it need not be confirmed by the High Court.

Later official sources said that the Government prepared the Christian Marriage Bill, 2000 as suggested by the Joint Committee of both Houses of Parliament for introduction during the budget session. As there was no agreement among the Christian community on certain specific provisions of the Bill at the talks held by the Government, the Bill was not introduced.

However, amendments to the IDA was felt as the High Courts of Madras, Calcutta, Bombay and Andhra Pradesh had come down

heavily on gender inequality in the matter of grounds of divorce as contained in Sec. 10 of the IDA. While dealing with Sec. 17 and 20 of the IDA, the Kerala High Court struck down the words "incestuous" and "adultery coupled with".

Further the then President of the Catholic Bishops Conference of India, the late Archbishop Alan De Lastic and several other persons had declared these provisions "obsolete, antiquated and gender biased". It was therefore, necessary to bring about uniformity in application of Sec. 10, 17 and 20 to the entire Christian community all over the country by amending these provisions, sources said.

The amending Bill will also seek to repeal three related laws such as the Indian and Colonial Divorce Act, 1926; the Indian and Colonial Divorce Act, 1940 and the Indian Divorce Act, 1945 as these Acts had outlived their utility and become obsolete as per the recommendations of the P.C. Jain Commission on review of administrative laws.

THE HINDU

17 NOV 2000

## South Asian women invisible in governance

By Our Special Correspondent

NEW DELHI, OCT. 10. Women in South Asia may work from dawn to dusk, but their economic contribution is scarcely acknowledged at the national level and their access to health, educational and other facilities lags far behind that of men says this year's Report on Human Development in South Asia produced by the Mahbub ul Haq Centre for Human Development in Pakistan. This year's report concentrates on the theme of 'The Gender Question'.

The report relies heavily on information provided by various agencies of the United Nations and individuals. If there was any help from the Indian official machinery for the indicators on India, it is neither highlighted nor acknowledged. The report brought out and presented by Dr. Khadija Haq, president of the Centre, was released today by the Deputy Chairperson of Rajya Sabha and UNDP's Human Development Ambassador, Mrs. Najma Heptullah, in the presence of the former Prime

Minister, Mr. I.K. Gujral and Dr. Brenda Gael McSweeney, the U.N. Resident Coordinator and UNDP's Resident Representative. The report has been funded by the Canadian International Development Agency (CIDA), the Norwegian Agency for Development Cooperation (NORAD), the Aga Khan Foundation and the UNDP, the UNFPA and the UNFEM.

As Dr. Haq said in her presentation, many of the indicators in the report have already been made but it only reinforces earlier findings: South Asia has entered the 21st century with 515 million people in absolute poverty, some 400 million illiterate adults and approximately 80 million malnourished children.

The majority of South Asian women work in the informal sector or as unpaid family helpers. The globalisation wave has benefited urban educated women, leaving the vast majority of women in the agriculture and informal sectors to cope with its negative impact. The region has a "shocking profile" in

educational deprivation of girls and women and suffer from lack of health facilities.

While lauding the reservation for women in panchayats in India, the report says that in South Asia, women occupy only 7 per cent of parliamentary seats, only 9 per cent of the women members are cabinet ministers, only 6 per cent of the positions in the judiciary are held by women. Dr. McSweeney said for the U.N., the report has huge strategic implications on how to address the gaps that still remain between intention and achievement on gender equality agenda. Referring to the reservation for women and the Bill before Parliament, Mr. Gujral said the issues of gender equality acquired much more importance than before.

Ms. Heptullah said although India has had women in power it had not translated in women getting in positions. She suggested a system of dual constituency wherein a man and a woman could be elected from 33 per cent constituencies.

# Uma urges PM to include OBCs in women's bill

The Times of India News Service  
and Agencies

NEW DELHI: Uma Bharati is back in action. After her 41-day sojourn in the Himalayas, the colourful sanyasin-turned-politician has announced her comeback into Delhi power politics by raising the issue of backward caste quota within the proposed reservation for women in the Lok Sabha.

When asked about it, Ms Bharati did not sound unwilling to take up ministerial responsibilities if the Prime Minister so desired, but ruled out accepting a party post.

Countering reports that she was raising a banner of revolt if the BJP did not accept her suggestion for a separate quota for backward castes within seat reservations for women, Ms Bharati told the *Times of India*, "There is no question of any revolt. I will try to convince my party to take up the issue of backward caste reservation within the women's bill. If the party fails to get convinced, then there is no point in me raising the issue."

However, she said if the party failed to pay attention to her demand, she would stop attending Parliament. In a press conference earlier in the day, she had asked for better development of the Bundelkhand.

Virtually endorsing the stand taken by BJP's political adver-

saries like the RJD and the Samajwadi Party on the issue, 41-year-old Bharati said, "People's interest is my priority."

She told reporters that she had already spoken to both Prime Minister Atal Behari Vajpayee and home minister L.K. Advani, urging them that she would like to move an amendment for such a quota on behalf of the party. "The

Prime Minister told me he would give his response after placing this view before the parliamentary party," she said. "I want that women belonging to OBCs be also given their due share in the women's reservation bill and I should be allowed to move the necessary amendment in Parliament," she added.

"I told the Prime Minister that if I am not allowed to move this amendment, I will not attend Parliament. The ball is now in his court," she said.

Ms Bharati said the reservation bill had been introduced by three prime ministers —Deve Gowda, I.K. Gujral and Vajpayee—but it had never come up for discussion in Parliament.

"I told the Prime Minister that even though the BJP-led government had introduced the bill, but it was always done towards the end of the session thus raising doubts in the minds of the people about the government's sincerity on this legislation," she said.



Uma Bharati

## UMA STRIKES BACK

- Uma returns after 41-day sojourn in the Himalayas
- Seeks quota for OBCs in women's reservation bill
- Ready to take up ministerial responsibilities
- Says no to party post
- Threatens to boycott House if her demand is ignored

THE TIMES OF INDIA

9 OCT 2001

# Women in Pakistan

## Finding Themselves a Niche

By MANOSHI MITRA

11-12  
9/10

WHEN thinking of women in Pakistan, the images that often spring to mind are either of beautiful, bejewelled begums, imprisoned in purdah, or women subjected to *karokari* and other forms of patriarchal domination and restriction. However, there are other faces to these women, many of which are unknown to us in India. While engaged recently in field research in rural Pakistan, I met some of the brightest and most energetic young women, from middle class rural and mofussil backgrounds, who were highly educated and extremely motivated to carve out a niche for themselves.

Contrary to popular perception, the parents were highly supportive towards the desires and ambitions of their daughters, facilitating and encouraging them to take up demanding jobs. These were young women who were out to change the world and who chose to work with non-government organisations and research institutions. They took their first major step towards independence when they left home to study in universities, often in other towns.

The next big step for these young women came when they became the first girls ever in their families to take up paid employment and not opt for marriage right after college. Young women strongly preferred working with NGOs. NGO employment is not preferred by men on account of its temporary nature, as well as its relatively low ranking in terms of prestige. In any case, the nature of work with an NGO is very different from anything that is in the nature of acceptable types of jobs for young girls, such as in teaching, medicine, etc. I met young women from small Pakistani towns who had never travelled alone by bus, prior to joining NGOs. However, the norms set by NGOs include travel by local means of transport so as not to create further gaps between the NGO staff and rural communities that form their area of work.

One young woman recounted, "I had never been in a bus before. The first time I went, I felt really afraid of the likelihood of accidental physical contact with men on the bus. The next time and thereafter, however, my courage grew, until I could politely but firmly tell men to keep their hands to themselves." To girls travelling every day by bus to universities in Indian towns, this must seem a familiar story.

Young women working as agents

of social change find themselves face to face with the landowning elite of villages who still dominate the socio-economic structure in the area and quite often, provide the only source of employment, credit, housing, access to land, etc. One young woman narrated her remarkable experience of working in a landlord-dominated village. The landlord owned all the cultivable land and all the service households were his sharecroppers or daily wage labourers. The women of the village worked on the homestead of the landlord, processing agricultural produce and doing domestic work. The homesteads of these households were owned by the landlord.

There was no school for the children of this village. When the NGO established contact with the village, it was welcomed by the landlord who felt that he would gain support among the labour population, by allowing the NGO to set up a

him to apologise for his actions.

It was not just these educated, urban young women, however, who impressed with their determination and courage. While doing fieldwork in deep rural belts, I met women who went against the stereotypical notion of the oppressed and unresisting rural Pakistani woman. During a series of meetings with rural women on the issue of women getting organised to deal with problems of drinking water scarcity, as well as equitable access to irrigation water, one enthusiastic elderly woman stated, "If women in Kashmir can run the jihad, why can we women not get organised and solve our water problems?" Rural women in west Punjab in Pakistan are as closely involved in agricultural operations as their counterparts on this side of the divide. They are fully involved in all activities except ploughing.

There exists a great deal of controversy as to whether women are involved in irrigating fields. Men universally deny their role in this, and stress that irrigation is men's work. Women also deny working in irrigation, if asked publicly. Privately, however, such women admit to being fully involved with irrigation tasks. Women work at irrigation along with their family members even during the nights. They attribute this to their desire to reduce their menfolk's workload. There are also female-headed households where women have to perform such work.

We do hear a lot about restrictions on women's mobility as a limiting factor in terms of their access to employment opportunities. A lot of this is indeed applicable. However, it is also true that poor women have to be mobile in order to find work. In several villages, I met women who walked long distances to neighbouring areas in search of work. They travel in groups and are not necessarily accompanied by male relatives. They often negotiate their work contracts with landowners independently. Women are also forced to be mobile in order to meet the drinking water needs of the family during times of scarcity. Fetching water is women's work universally and in Pakistan too, this has to be done by women and girls, irrespective of their having to travel outside village boundaries for this.

(The author is a social development specialist)

### IN BRIEF

- Pakistani parents are supportive of their daughters' desires and ambitions to take up demanding jobs
- Pakistani women are increasingly moving away from home to study or to work
- Rural women who travel to neighbouring areas in search of work are often not accompanied by male relatives

madarsa, which he would control thereafter. However, the women of the village were not agreeable to a madarsa being set up; they wanted a regular, secular school for their children. The NGO representative, a young woman, backed the village women's demand and this led to open confrontation with the landlord. The young woman representative of the NGO had to travel daily to the village by horse cart, the only mode of local transport between the bus stop and the village.

The village landlord, infuriated by the challenge to him, openly threatened to have her kidnapped if she did not desist in her support to the village women's demand for an English school. Although she was afraid, she managed to reach the village where the local women formed a procession to the wife of the landlord. That lady was ashamed of her husband's behaviour and forced

THE TIMES OF INDIA

7-9 7061 2000

7-9 001 2000



# Seven-yr jail for rapist-captain

9/10 Women Feb  
FROM MUKHTAR AHMAD

Srinagar, Oct. 4: An army captain has been sacked and sentenced to seven years' rigorous imprisonment for raping a girl in Naugam Banihal village of Doda district.

The announcement came in a defence press release, which indirectly blamed the state government for not taking action against a special police officer involved.

Official sources in Jammu said Capt. Ravinder Singh Tewatia of Rashtriya Rifles, along with special police officer Bharat Bhushan, raped 17-year-old Kulsuma Bano on February 14. Tewatia was posted at Banihal for anti-militancy operations.

A defence spokesman said medical examination confirmed the rape. However, the release said: "It is not known as to what action has been taken against the SPO, Bharat Bhushan, by the state government.

"Whereas the expeditious dispensation of justice by army au-

thorities have reinforced faith in the army, the delay in trying the SPO is causing immense agitation in the minds of the public."

The release added that "neighbours were hopeful that the civil authorities would ensure speedy award of punishment to the co-accused, who presently is reported to be exercising influence on higher-ups to get away scot-free".

Sources in Banihal said Tewatia and three special police officers -- all dressed in civilian clothes -- raided the house of Sonallah Tantray posing as militants and asked the residents to serve them tea.

While the panic-stricken family rushed to satisfy their nocturnal visitors, two of the police officers took Tantray's wife Zarifa upstairs and raped her repeatedly.

Tewatia and Bharat Bhushan then grabbed Tantray's 17-year-old daughter. Kulsuma was raped by the army officer, who acted as the leader of the group. The four then escaped under cover of darkness.

THE TELEGRAPH

5 OCT 2000

At 66, Gloria Steinem ties the knot for the first time

# Feminist high priestess at marriage altar

Los Angeles, Sept. 7 (Reuters): Surprised, shocked and even disappointed, the "Ms" feminists of America on Wednesday struggled to come to terms with the sudden wedding of their high priestess, Gloria Steinem.

Steinem, credited with the line "a woman without a man is like a fish without a bicycle", which became the rallying call for the 1970s women's liberation movement, was herself pretty amazed at becoming first-time bride at the age of 66.

"Though I've worked many years to make marriage more equal, I never expected to take advantage of it myself," Steinem said in a statement announcing her weekend marriage to South African-born entrepreneur David Bale, 61.

"The twice-married Bale is the father of actor Christian Bale, who plays a serial killer preying on women in his latest film, *American Psycho*."

"I'm happy, surprised, and one day will write about it, but for now I hope this proves at feminists have always said — that femininity is about the ability to choose what's right at each time of our lives."



**Who's Gloria Steinem?**  
Sixty-six-year-old feminist icon who once dismissed marriage as an institution that destroys relationships. Co-founded *Ms.* magazine, which became a rallying point for the women's liberation movement. Worked with Mahatma Gandhi in India. Wrote guidebook *A Thousand Indias*, which was published only in pamphlet form.

**Why is she making headlines?**  
She has married.

**Who's the groom?**  
South Africa-born entrepreneur David Bale, 61.

**Favourite lines**  
Then: A woman without a man is like a fish without a bicycle  
Now: Feminism is about the ability to choose what's right at each time of our lives

But coming after years of heated feminist debate over whether marriage was merely a necessary evil or a form of prostitution, her decision drew fire as well as congratulations.

"Steinem's marriage is proof positive of the emotional desperation of ageing feminists who for over 30 years worshipped the steely career woman and callously trashed stay-at-home moms," outspoken feminist Camille Paglia said.

Steinem, who had previously derided marriage as "designed for a person-and-a-half", or an institution that destroys relationships, said she had married for love. When posed the inevitable question, why now, Steinem said: "We are at an age when marriage can be chosen and not expected. Marriage is also much more equal now under the law."

Steinem's attraction to men had never been in doubt. The glamorous face of American feminism, who co-founded *Ms.* magazine in 1972, her past companions included a string of handsome and wealthy admirers.

CONTINUED ON PAGE 6

## Feminist high priestess

FROM PAGE 1

Once dubbed the "mini-skirted pin up girl of the intelligentsia", she reassured her sisters in the movement that eschewing men or femininity was not a prerequisite for women's lib.

But she carefully avoided marriage. Only four years ago, the author of such influential tomes as *Outrageous Acts and Everyday Rebellions* and *Revolution from Within* said her interest in sex had waned. She told her biographer Carolyn Heilbrun that she was beginning to relish the "upcoming pleasures of being a 'nothing to lose, take no' older woman."

Wednesday's online bulletin boards of *Ms.* magazine buzzed with incredulity. "This is really sort of shocking to me, and apparently to the rest of the country," wrote *Ms. Teek*, adding gamely "whatever makes her happy."

Amid the stunned cries of *Bravo* lay the mixed feelings of contributors like *Heart*. "I can't deny that I feel a little disappointed. Something about Gloria's refusal to get married encouraged and inspired me in a really deep and meaningful way, even though here I sit, married as the day is long," she wrote.

Steinem's followers should, however, take heart in the fact that Sunday's wedding ceremony at the Oklahoma home of former Cherokee leader Wilma Mankiller substituted the word "partners" for "husband and wife."

The couple, who met in October 1993, plan to divide their time between New York, where Steinem is consulting editor for *Ms.* magazine and a co-founder of the political action group *Voters For Choice*.

THE TELEGRAPH

23 SEP 2000

## Shame for society

IN NEW millennium India, these are the subterranean narratives of the dark ages. Scattered reports of 'witch-hunts', especially from Assam, Bihar and West Bengal, are reflective of the twilight zones of stark underdevelopment which still persist in the interiors of modern India. Of late, these primordial tales have seemingly acquired a sinister methodology. Or may be it was always like this except that now these incidents are coming to light. The victim is almost always a vulnerable woman, often a tribal or a Dalit, branded as a 'witch' by the village quack masquerading as an exorcist, and a third party which is the principle instigator, driven by vested interest, usually wealth or land.

What follows is a nightmare. The woman is beaten and paraded naked, and often, like the Dalit widow Jeetan Devi from Gaandi village of Ranchi district in Bihar, murdered in cold blood in front of the entire village. Not everyone is as lucky as 45-year-old Subhadra Basumatary from Bhabanipara in Goalpara, Assam, who escaped with a battered body after the intervention of women activists. And what was her crime for which she was branded as a 'witch'? She had demanded her legitimate share in her father's property. Obviously, the local administration and the police care two hoots about the course of justice; that is if they are not hand in glove with the perpetrators of the crime with private property as the backdrop.

In most cases, a woman is condemned as a 'witch' because she is either demanding her property rights, or because she has become an obstacle to a family or neighbourhood conspiracy. At other times, it is the abysmal state of health care in the villages that is the primary cause: a simple disease like malaria is interpreted as an ailment caused by black magic while the village quack bestows upon himself supernatural powers of prophecy and sanctions the collective 'witch-hunt'. Either way, what is consistent is the indifference of a callous bureaucracy and police apparatus which refuse to intervene or, as in a customary *masala* film, choose to arrive after the madness is over. What stays are the remains of a tragedy — a landmark of shame for any self-respecting society.

THE HINDUSTAN TIMES

15 SEP 2000

# Disabled girl 'raped' in prison van

STATESMAN NEWS SERVICE

CALCUTTA Sept. 20. — An 18-year-old deaf and dumb undertrial was allegedly raped by her police escort while being driven from Alipore Court to Presidency Jail in a prison van yesterday.

A woman homeguard was supposed to be in the van, police said. It's unclear whether she got down before the rape allegedly happened.

The Alipore O-C tonight questioned the constable who was escorting the girl, and the driver. A test identification parade will be held so that the girl can identify the rapist.

The undertrial was examined by doctors today; the report will be available tomorrow.

The girl was arrested on 6 September by Watgunge police on the charge of stealing sarees from a doctor's home in Dr Sudhir Bose Road. She was remanded in judicial custody at Presidency Jail.

Yesterday, she and two other woman undertrials were driven to Alipore court, escorted by a Reserve Force constable and a woman homeguard. The girl was brought back to jail in the evening and sent to her cell.

There, as she broke down and refused to touch food, other woman inmates grew curious.

To their questions, she explained through gestures somehow that she had been raped.

Fellow prisoners noticed scratches on her body. The girl also suggested that her attacker had tried to throttle her.

Angry woman prisoners began a demonstration outside the jail superintendent's office, demanding the guilty be arrested.

The superintendent, Mr Parimal Das, called the girl to his office. Around midnight, he contacted the Alipore O-C, Mr Pinaki Ranjan Mondal. The O-C came over and examined the girl's injuries.

Soon, a further clue was dis-

covered: The jail records showed that the girl was brought back to her cell at 5.30 p.m. — yet the entry at the SDJM's court, Alipore, said she had left the court lock-up at 6.20 p.m.

"She must have been taken out of the court before 5.30 p.m. The Reserve Police constable made an incorrect entry on the court register," a senior officer at Lalbazar said.

Today, a specialist from a school for the deaf and dumb at Rajabazar was brought to Presidency Jail. With his help, the girl recorded her complaint before the Alipore O-C and the jail superintendent.

THE STATESMAN

21 SEP 2000

**B**BC for business training videos available only to institutional members of the library of the British Council. Call: 282-5944 or 282-5945 for details between Tuesday and Saturday, 11 a.m. - 7 p.m. (B015071)

**B**uild Software Career Join 6 months Diploma in Advanced Software Technology (Computer Fundamentals, Unix, C, C++, Windows 98, Visual Basic, JAVA, Internet). Rs. 7,500 (instalments) October 19, Nehru Museum, 223-1551 / 3517 / 6878 (Mondays closed). (37411)

**C**AT 2000 - 40 sectionals with printed solutions. Rs. 1,000. RLS: 217-0138 / 98310 34481. (B016085)

**C**ertificate Course in Desk Top Publishing (Windows 98, Adobe Page Maker 6.5, Corel Draw 9.0), 30 classes, Rs. 2,500 (instalments), October 10, Nehru Museum, 223-1551/3517. (36218)

**C**ontemporary oil, old water colour, renowned painters, private collection. Box **PS 1435**, Statesman, Calcutta-700001. (37211)

**D**iploma in advanced Desk Top Publishing (Windows 98, Adobe Page Maker 6.5, Corel Draw 9.0, Adobe Photoshop Internet), 4 months and 2 weeks, Rs. 4,000 (instalments), October 10, Nehru Children's Museum, 223-1551/3517. (36220)

**D**iploma in Integrated Financial Accounting covers one of the most popular Financial Accounting packages (DOS, Windows 95, Fact (11), Tally (5.4), Ex-Next Generation Internet) - 3 months, 2 weeks Rs. 3,700 (instalments). Admission open up to September 26, 2000. Nehru Museum, 223-1551 / 3517 / 6878 (Mondays closed). (37410)

(Continued on opposite page col. 5)

## HORRIFIC CRIME

Rape of mute girl in prison van

**R**APE is perhaps the most heinous crime perpetrated by man. While murder snatches life, rape snatches self-respect, leaving the victim to die a million deaths. While the physical scars may heal, the psychological remain for life. Apart from its obvious sexual connotations, it is also a crime of power. The aggression, violence and violation of a person's very being all smack of the rapist's power over his victim. Rape is used in times of war as a weapon with which to teach the enemy a lesson, corrupt the sanctity of the opponent's race, and take forcefully what belongs to others. In most societies, even in the 21st century about to dawn, women - their chastity in particular - is regarded as man's possession, they have the right to do what they will with it.

The rape of a 18-year-old girl, in police custody, is a particularly repulsive outrage having been inflicted on a deaf and dumb girl, who cannot cry for help or speak of her trauma. Worse, it was committed by the very people in whose safe custody she was placed by the court. If the guardians of the law commit such crimes, what hope is there for society. The manner in which the policewoman was forced to leave the van in which the victim was being taken back to jail points to a pre-meditated plan. The victims are identified and charged but not arrested on the plea that men in uniform do not abscond. "We can arrest them any time", says the DC Headquarters, to justify not arresting them. This is a new dimension to the Criminal Procedure Code. Instead of making an example of them, the DC protects them, a grotesque extension of fellow feeling. Arrest them now before they tinker with evidence or is that the reason for letting them loose? We demand an answer!

THE STATESMAN

24 SEP 2000

# Catching up with the rest

**KERALA PROBABLY JUST JOINS THE GANG NOW. MOST OTHER STATES SUCH AS BIHAR, RAJASTHAN, UTTAR PRADESH AND MADHYA PRADESH AND SEMI-STATES LIKE DELHI HAVE BEEN UNSAFE FOR WOMEN FOR A LONG WHILE NOW AND NOTHING SEEMS LIKE CHANGING, REPORTS POORNIMA JOSHI**

**A**ROUND THE time a jubilant Lara Dutta grabbed the Ms Universe crown this summer a strunken figure called Jyoti Dhaswan was rescued from a tiny cell where she spent the last two years. Her fault: she did not bring enough dowry.

That's India. The dazzling success of some women in the country in their chosen professions has in no way made life any better or safer for many others. As the most female-friendly state yet, Kerala, joins the infamous badlands, the time, it appears, has come for a hard look at the issue.

Concerned by the rising crimes against women, President K R Narayanan gave the issue as much importance in his speech to the nation on the eve of the Independence Day to the other matters of state and country. It was a sobering reminder of the situation in the country, coming as it did on the eve of this millennium's first I-Day.

National Crime Records Bureau (NCRB) statistics reveal that in 1998 alone, the total number of cognizable crimes against women throughout the country increased by a whopping

10,210. No state or Union Territory could be singled out for showing a downward trend in the number of heinous crimes against women. The increase in incidents of violence was not even marginal. In every category of heinous crimes, the NCRB documents revealed, a substantial increase was recorded.

Nuns are raped in Jhabua, minors are preyed upon by paedophiles in Delhi, a handicapped girl is gang-raped again in the Capital and college student is raped in Rajasthan university. Is a woman safe anywhere in the country? Kerala was apparently the last place available to them.

Without exception, in Madhya Pradesh, Bihar, Uttar Pradesh, Rajasthan, Maharashtra, Andhra Pradesh, Assam, Orissa, West Bengal, Delhi, Haryana and Gujarat, the total number of rapes, sexual harassment, dowry deaths, cruelty, kidnapping and abductions

was higher than 3000.

While there was just a 0.6 per cent in the crime rate all over the country, rape jumped by four per cent, kidnappings and abductions by over five per cent while the number of dowry deaths went up by 8.9 per cent. In Delhi alone, the number of rape incidents was over 438 in 1998 while in Madhya Pradesh, the number went up to 3354

in the same year. Maximum cases of kidnappings and abductions of women and dowry deaths were recorded in Bihar.

These are just some of the many number of unreported cases are estimated to be several times more. And simply because there is, one, routine resistance to going to the police and, two, the baggage of social stigma that comes with every crime against woman.

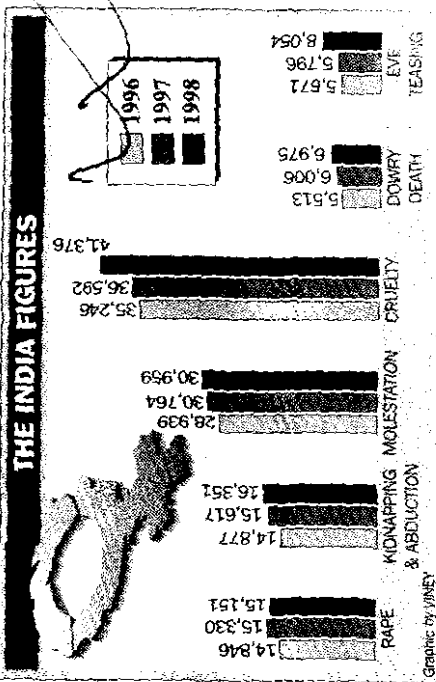
According to author-activist Ranjana Kumari, who has actively been involved in sensitising the Delhi police in issues relating to women, the training programmes have not made much difference to the way policemen perceive the existing situation.

"It is a deal and dumb society," she snorts in disgust. Most policemen, with the exception of seniors, do not even feel that there is any need for such efforts.

Assam and Bihar to the crowded lanes of Connaught Place in New Delhi, the threat to women is uniform. Every year, there are more women being raped, tortured and murdered than the total number of murders in our country. Incidents of children being raped have shown an increase of 26.6 per cent in the last few years. Despite newer and better laws being promulgated, crimes against women have not been checked in any way.

But long ago, in 1983, Jasbir Singh, who has been part of the Lawyers Collective team that recently drafted the Domestic Violence against Women (Prevention) Bill, says persistent efforts at the policy and implementation level definitely go a long way in changing attitudes.

"The situation is quite alarming. I have also been looking at cases of violence against women from Kerala. Trafficking of women and violence have shot up. But I would not say that nothing works. Sensitisation of the police force has definitely helped. If you observe the situation in Mumbai where a sensitisation programme was launched for the police, things are looking up. I do not agree with those who argue that no more laws are required to deal with the existing situation. There are reasons and need for a law to check domestic violence.



# No alternative to the women's quota Bill

By Brinda Karat

40.12

THE WOMEN'S Reservation Bill has not been listed in the business agenda of the current session of Parliament which is scheduled to discuss 60 Bills. Although some women MPs have raised the issue in the Rajya Sabha, it would seem that there is a sort of "Bill fatigue" even among the supporters of the Bill. Parliament has lost sight of the urgency of the issue. Since 1996, when the Bill was first introduced, there has been a spate of Assembly elections. In 1999/2000, elections took place in Andhra Pradesh, Maharashtra, Karnataka, Bihar, Orissa, Haryana, Manipur, Arunachal Pradesh and Sikkim. Taken together, there are 1,519 seats in these States. If the Bill had been passed before the elections, there would have been 509 women elected to these Assemblies. Instead only 85 women MLAs have been elected, a meagre 5.5 per cent. In the previous elections, 51 women had been elected in these States, which was 3.3 per cent. In five years, the number of women elected has gone up by 2.2 per cent. If this dismal rate continues, it will take 75 years and 15 terras for women to even approach 33 per cent. Unless the Bill is discussed and passed in this session itself, it will not be possible to fulfil the constitutional requirement of ratification by the Assemblies in time for the next lot of elections scheduled next year. Women in these States therefore will also be deprived of the benefit of affirmative action.

The substantive opposition to the Bill concerns the issue of separate quotas for OBC women. Mr. Mulayam Singh Yadav who led the physical assault to prevent the Bill from being placed on the floor of the House on this demand has since stated that in his opinion women are politically inexperienced and it will weaken the security of the country if they get more than 10 per cent representation. A positive fallout of this outrageous statement is that it puts paid to his pretensions of being concerned about OBC women since his description presumably also includes them. However, evidence of the performance of women of oppressed castes when given the opportunity by their parties to contest elections is quite different from what is projected by those

who claim to represent their interests. Even in the recently-held elections, of the 85 women elected in the nine States as many as 34 belong to Scheduled Castes or Scheduled Tribes which is more than 40 per cent. In a rough calculation, of the remaining 51 seats half belong to OBC communities. Thus both within communities, as the victory of Scheduled Caste women candidates from reserved seats where they fought Scheduled Caste men shows, or between communities, as shown by the victory of OBC women many of whom fought general category candidates, women from oppressed

some State Assemblies. If, however, it is felt that there are grounds for political reservation for OBCs, why is the issue not being raised? The Greta Mukherjee-led Parliamentary Select Committee formed to finalise the Bill had recommended that Parliament should have a separate discussion delinked from the Women's Bill on reservation for OBCs including for OBC men. But surprisingly neither have the self-proclaimed champions of the OBCs demanded such a discussion nor has the Government called their bluff by initiating such a discussion.

The other bugbear for some opponents

**There can be no justification for the Women's Reservation Bill not being listed for discussion in Parliament. The Prime Minister's argument of postponement till a consensus is reached does not ring true.**

castes can hold their own vis-a-vis others. The victory of Mrs. Rabri Devi in the recent Bihar byelections when there was an about alliance against her also shows that in most of these States where OBCs have a substantial political presence, the OBC label is an advantage not a disadvantage compared to other women candidates.

The crucial issue here is that once a seat is reserved for women, all contesting parties will be forced to field them and the present number of SC, ST and OBC members will not decrease but within these categories the number of women will increase — it will be an OBC woman not a man who will get elected. Although the motives of the leaders of the so-called OBC lobby seem to be to sabotage the Bill, it is true that caste prejudice exists in varying and diverse forms, polluting if not destroying democratic institutions. Post-Mandal mobilisations did succeed in breaking upper caste political monopolies whether by OBC platforms or by SC mobilisation in many parts of India including the two important States in the Hindi heartland, Uttar Pradesh and Bihar. At present, OBCs constitute the largest single caste group in Parliament and in

terests to get rid of such a person and the quicker the better. Indeed the rotational system will broaden the base of representation. The rotation schedule for the next 15 years can be decided well in advance of the elections to avoid uncertainty so that candidates and political parties can make preparations. Many of the opponents of the Bill look to the United States for inspiration in democratic governance. They do not need to be reminded that the U.S. Constitution prevents its President from serving for more than two terms.

Some alternative suggestions to the Bill have been made. One is that the constituencies should be double-member, with male and female members for each. Apart from the huge drain on the public exchequer this will make Parliament completely unmanageable with over 1,000 members. Another suggestion is to reserve one-third of the party ticket instead of seats. The basic flaw is that since there is no guarantee that parties will give winning seats to women this will end up in tokenism, with the final numbers of women well below the one third minimum. The Bill has been criticised for not reserving seats in the Rajya Sabha. Women's organisations deliberately did not press this demand, because there is still no reservation for Scheduled Castes and Scheduled Tribes in the Rajya Sabha and their numbers are very low. It would be unjust to demand women's reservation without first having reservation for Scheduled Castes and Scheduled Tribes.

In any case, whatever the opposition to the Bill, there can be no justification for its not being listed in Parliament for discussion. The Prime Minister's argument of postponement till a consensus is reached, as he does not want the Bill to be defeated on the floor of the House, does not ring true. The support offered by major parties to the Bill provides the two-thirds majority required for the constitutional amendment. Yet the Government allows itself to be blackmailed by a handful of MPs, putting a question mark on its own intentions.

(The writer is general secretary of the All-India Democratic Women's Association.)

# Maintenance for Muslim women

By Asghar Ali Engineer

WHO IS not aware of the Shah Bano controversy of the mid-1980s? Begum Shah Bano was divorced at the age of 70 by her husband who was an advocate. She sued him for maintenance under the Criminal Procedure Code (CrPC) Section 125, according to which he had to maintain her until she remarries or dies if she has no means of her own for survival. However, Shah Bano's husband refused to pay her maintenance beyond the period of *iddah* (i.e. the three-month waiting period after divorce before which she cannot remarry). He maintained that under Muslim personal law he was obliged to pay her maintenance for this period only. However, the Madhya Pradesh High Court and later the Supreme Court decided in Shah Bano's favour, granting her maintenance for life under Section 125 of the CrPC. The Supreme Court said that since the CrPC was common for all citizens she could claim maintenance under it and that Muslim personal law would not be applicable in this matter.

The Ulema took offence and opposed the Supreme Court judgment saying it was interference in Muslim personal law. They said the Shariat was divine and could not be interfered with. The Supreme Court had quoted Abdullah Yusuf Ali's translation of the Quranic verse 2:241: "For divorced women maintenance (should be provided) on a reasonable (scale). This is a duty; on the righteous." However, the Ulema maintained that the Supreme Court has no right to interpret the Quran.

The controversy snowballed into a major political problem as thousands of Muslims took to the streets and demonstrated against the Supreme Court decision. Ultimately the Rajiv Gandhi Government bowed to the pressure and enacted a law exempting Muslim women from the purview of Section 125 of the CrPC. The new law, the Muslim Women (Protection of Rights on Divorce) Act, came into force in 1986. Progressive Muslims and others dubbed this enactment as a great setback for Muslim women. They felt that Section 125 of the CrPC was not essentially un-Islamic. The new Act provided for one-time payment as the Mus-

lim theologians argued that the Quranic verse 2:241 used the word *maita* which means (one-time) provision at the time of divorce.

According to the Muslim Women's Act, the husband, at the time of divorce, should pay the *mahr* amount (if not already paid), should make one-time provision for her as provided for in the Quran and should give three months' maintenance. Thus a woman was to get a lump-sum amount at the time of divorce. The very first judgment under this Act was given by the District Magistrate of Lucknow, Ms. Rekha Dixit, who awarded Rs. 80,000 to a woman — Rs. 60,000 was the

the lower court's verdict. The Calcutta High Court judge tried to interpret Section 3 of the 1986 Act very broadly saying "A divorced Muslim woman is entitled to maintenance after contemplating her future needs and the maintenance is not limited only up to the *iddah* period. The phrase used in Section 3 (1) (A) of the Act, 1986, is reasonable and fair provision and maintenance has to be made to see that the divorced woman gets sufficient means of livelihood after divorce and that she does not become destitute or is not thrown out on the street."

The full Bench of the Bombay High Court has given a similar judgment on

**Muslim women had feared that a 1986 Act had taken away their right to maintenance beyond the *iddah* period. But recent court judgments have given them hope.**

July 11, 2000. It also held that a man must make a "fair and reasonable provision" within the *iddah* period to last the woman for her lifetime or till such time that she remarries or incurs any other disability under the 1986 Act. While the man's liability to pay maintenance ceased the moment the *iddah* period ended, the court said he had to provide within that period a reasonable amount to the woman which should take care of her beyond the period. The Bench came to this conclusion after debating whether a Muslim woman was entitled to get maintenance after the *iddah* period. It also had to resolve the controversy about the scope and effect of Sections 125 to 128 of the CrPC. The question before the Court was whether a man's liability under Section 3(A) of the 1986 Act to make a reasonable and fair provision and pay maintenance was restricted to the *iddah* period or whether it extended beyond it. The Court held that while deciding the amount to be provided, several factors including the standard of living enjoyed by the woman during her marriage and the means of income of her former husband would have to be taken into account. If the husband was unable to arrange a lumpsum

amount he could ask to be allowed to pay in instalments.

Thus it will be seen that the courts have been interpreting Section 3 (a) of the 1986 Act to give the benefit of maintenance to women beyond the *iddah* period which is in fact the intention of Section 125 of the CrPC. Instead of giving maintenance every month as provided for in the CrPC the man under the 1986 Act will have to pay lumpsum within the *iddah* period. The Muslim theologians too were insisting during the Shah Bano agitation that the Quran provides for one-time provision only. There were of course different interpretations of verse 2:241 by the companions of the Prophet. But some such as Abdullah bin Abbas did hold that the provision (*maita*) has to be substantial and not merely symbolic.

Seen in this light, the Calcutta and Bombay High Courts' judgments are quite in keeping with the spirit of the provisions of the Quran. In fact, the Quran made this provision for divorcees much before any modern enactment. It is regrettable that this was not projected by the leaders of the Shah Bano movement. Instead they gave the impression that they were against the rights of women. The Shah Bano movement has to be seen in the backdrop of the 1980s when Muslims, like the Christians today, were facing a major threat to their security. Many major riots had taken place during that period. The Shah Bano movement could gather momentum only because of the feeling of acute insecurity among the Muslims. Today, despite these landmark judgments by two leading High Courts, there is no sign of protest from Muslim leaders. The Shah Bano movement was basically a political movement in response to the prevailing situation in the country.

The Muslim women had feared that the 1986 Act had taken away their right to maintenance beyond the *iddah* period. But these court judgments have given them hope. The Muslim leaders are not likely to protest against these judgments as they did in the Shah Bano case and even if they do, they will not get the kind of response from Muslims as they did in the mid-1980s.

THE HINDU

7 AUG 2000



## Women's groups want enactment of quota Bill

By Our Staff Reporter

NEW DELHI, AUG. 7. Women's organisations, which are all set to take to the streets for enactment of the Women's Reservation Bill, have urged political parties to make the allocation of 33 per cent of seats in Parliament and all legislatures a non-partisan issue of justice.

Speaking on behalf of 40 women's organisations from across the country, the secretary-general of the All-India Women's Conference, Ms. Lalita Balakrishna, said, "Indian politicians must find the courage to enact this legislation." Concerned about the fate of the Bill — given the fact that it does not figure in the agenda for the ongoing session of Parliament — women's organisations have decided to lobby at all levels for its enactment.

As part its move to mount pressure on the Government, 40 organisations have united under the 'Joint Action Front for Women' and decided to participate in the rally being organised here on Tuesday by the All-India Mahila Congress.

However, the spokesperson for the Front, Ms. Ranjana Kumari, was quick to clarify that participation in the rally should not be seen as a political move. "We will join forces with any organisation that takes up the issue."

Ms. Kumari said the Government had gone back on its assurance of putting up the Bill for discussion in the current session of Parliament. "The Prime Minister had given us this assurance in May. Now the Bill does not feature in the agenda prepared by the Business Advisory Committee."

As for the absence of political consensus, she said no Bill had ever been passed by a consensus. "There have always been differences but now the plea of political consensus is being used to stall the Bill."

Privy to the delaying tactics of a male-dominated establishment, the Front is of the view that it was important for people to know who was stalling the Bill: the Government or Parliament.

THE HINDU

8 AUG 2000

# Women's body rejects Seagull case report

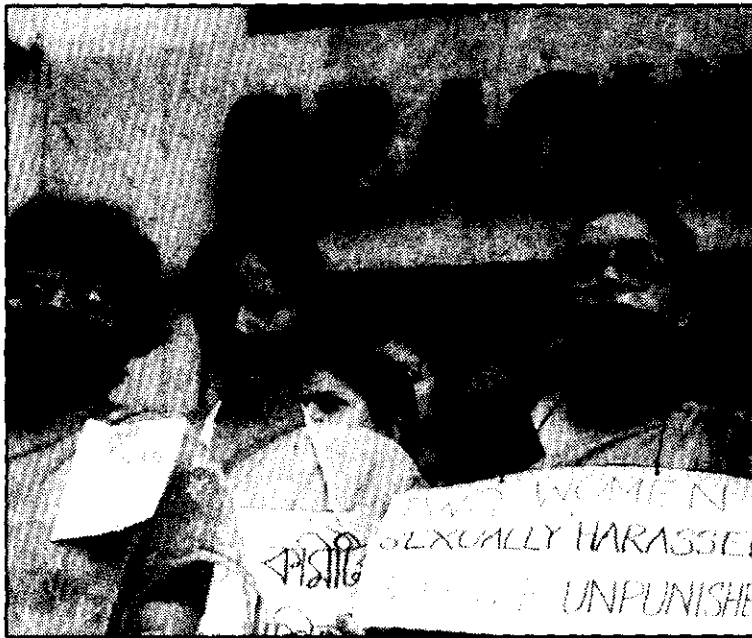
HT Correspondent  
Calcutta, August 8

MAITREE, A platform of woman activists and NGOs, today rejected the Complaints Committee Report on allegations of sexual harassment brought by a women employee of Seagull against a senior official of the bookstore. They held a demonstration outside Seagull Bookstore today as a mark of protest.

The protestors said the report had violated the spirit of the Supreme Court guidelines on sexual harassment of women at the workplace by disregarding the trauma faced by the staffer.

"The guidelines make it clear that any committee formed should be sensitive to the woman's complaint. Here, the complainant was disbelieved throughout, while the accused was believed all through", a Maitree release said.

The members claimed that the complainant faced an unequal situation, for she had been dismissed. The plaintiff had been thoroughly confused by the way she had been questioning. And such was done deliberately. The committee had taken no cognizance of a previous complaint of sexual harassment against the accused, though the management in its letter to the complainant had acknowledged it.



Members of Maitree protest in front of Seagull Bookstore on Tuesday. Photo: HT

The members claimed they did not consider Mahasweta Devi, committee chairperson, as neutral because of her publishing links with Seagull. "Although the complainant was forced to quit under pressure as soon as she went public with her complaint, the committee did not take this into account," the release said.

"We want to know why the previous Complaint Committee, chaired by Soma Marik,

resigned. All depositions given to the previous panel must be made public. So must the documents and findings of the second committee," the release added.

The Seagull management, however, brushed aside the allegations against it. In a statement, it said the woman in question submitted no written complaint of sexual harassment even when she was quitting. She submitted her first written complaint only on February 29, two months after her resignation.

"...By the time we received her written complaint, not only had the Complaints Committee held a preliminary meeting, but also the management had requested that the first complaint investigated be the woman's, even though the allegation was only verbal. We undertook this in the interest of maintaining a gender-healthy and equitable work environment, even though it was not legally binding on us to do so", the management's statement said.

The management said the complainant was a former employee when her written complaint came in. "We were under no obligation to even accept her verbal allegations, especially since she had no witnesses to back them up. If we wanted a cover up, all we needed to do was to issue a denial. Instead, we opted to investigate the truth," the statement said.

THE HINDUSTAN TIMES

3 AUG 2000

# Political Match-fixing

## Women's Bill Off the Agenda

By BRINDA KARAT

A significant feature of the recent panchayat elections in Uttar Pradesh, Haryana and Rajasthan, was the increased self-assertion of rural women as participants, whether as candidates or as campaigners in the elections. In village after village, groups of women were independently campaigning on issues which were important to development. This is only the second term in the implementation of the one-third reservations Bill in these states and already women are displaying a confidence and a skill which will soon challenge the bane of proxy politics. Whereas rural men have more or less resigned themselves to sharing one-third of the seats with women, the same spirit of adjustment is absent in the higher echelons in political parties. As a result once again in this session of Parliament, although the government has listed as many as 60 Bills for adoption, the Women's Bill does not find a mention.

The urgency of the issue lies in the fact that next year as many as six important states including Uttar Pradesh are slated to go to the polls. If the Bill is not discussed and voted on in this session, there will not be enough time to get the ratification of all the state assemblies in time for the next lot of elections. Apart from the two general elections, over 13 states have had elections since the Bill was first introduced in 1996. In Maharashtra, Bihar, Karnataka, Andhra Pradesh, Orissa, Manipur, Arunachal Pradesh and Sikkim which held elections in 1999 and 2000, a total of 1,519 seats were involved.

If the Bill had been passed, then one-third of these seats would have been reserved for women and there would have been 507 women in these assemblies. Instead there are only 85 women, a meagre 5.5 per cent. Compared to the previous elections held five years ago, this is an increase of just 2.2 per cent. At this rate, it will take more than half a century for women's representation to reach one-third.

It is not because voters do not want to vote for women candidates that the representation of women is so low, but because parties contesting the polls do not give women tickets. There is no satisfactory system so far which allows people a say in the selection of party candidates. It is the party leaders, in

some cases just one supreme leader, who decide the candidate. So if the representation of women is low, the responsibility lies with the political parties and this is valid for all parties regardless of ideological differences.

Clearly, a process of gender-sensitive and responsible reform within political parties is a must. This also requires a larger number of women to be active in political parties and to assert themselves within party fora. Unfortunately, the present political climate and the trend of alienation of younger people from the political process hampers rather than encourages more participation of women. However, it is a fact that the struggle for women's reservations in Parliament and the widespread public support it has received, have helped the struggle for gender-sensitive policies within parties also.

The two processes, reform within

### IN BRIEF

- Women at the panchayat level may soon challenge the bane of proxy politics
- Political parties, not the voters, are responsible for the low representation of women in politics
- If the Women's Bill is passed, this obstacle can be overcome
- The Bill proposes reservations only for 15 years, minimising the scope for political manipulation

parties and reform within the larger polity have to go together; they are complementary to each other not contradictory. The Women's Bill deals with one of the issues, that of increasing representation of women in elected bodies.

Sensibly, in the context of the dismal record of political parties on this score it does not leave any scope for political parties to interfere in this process. This is because the Bill reserves one-third constituencies for women, so that extent political parties will have no choice but to put up women.

A suggestion has been made that instead of seats, the People's Representation Act should be amended to ensure one-third reservation is made for women in the lists of candidates put up by political par-

ties. But what is the guarantee that women will be given seats where the party is strong and confident of winning? Most political parties, including the strongest, have uneven spheres of influence even within districts, leave alone at the state or national level. The suggestion will provide political vested interests the loophole to retain their monopolies on the winning seats and farm out unwanted, unwinnable seats to women. Although the number of women in party lists will go up, the number of women in state assemblies and Parliament will not. Reservation of seats is the best way to prevent political match-fixing against women.

Some political leaders have objected to the clause in the Bill which proposes that women-reserved seats should be rotated. They feel that this clause will be used by their political opponents to keep them out of elected office by reserving the seats they contest for women. The objection is far-fetched. First of all what many people do not know is that the Bill proposes such reservations only for 15 years during which a horizontal spread of women's representation will be ensured. In other words, the scope for political manipulation is limited, since at one time or another all seats will be reserved. From the panchayats to Parliament, all over the country, women will be given the opportunity to represent the people. It will also give women the foothold they require to make a space for themselves based on their own capacities. This can only strengthen democracy.

The Bill does not specifically mention the method of deciding the reserved seats for assemblies or Parliament. Presently, at the panchayat level this is decided by lottery on the eve of the elections. This is highly unsatisfactory since it does not give either the political party or the candidate enough time to prepare. Women's organisations have suggested that the list of reserved seats should be decided by the election commissioner at one go for the next 15 years so that there is no uncertainty in the process.

There is no democracy when half the population is denied a place in decision-making institutions because of gender. The Bill is the best way of correcting this imbalance.

THE TIMES OF INDIA

10 AUG 2000

# Opposition walks out over women's bill

BY OUR SPECIAL CORRESPONDENT

**New Delhi, Aug. 10:** There were noisy scenes in the Lok Sabha during zero hour on Thursday when the entire Opposition demanded that the Women's Reservation Bill be taken up and passed in the current session of Parliament.

As the government rejected the demand saying there was no consensus, angry Congress and CPM members staged a walkout while others kept up their protest.

Rejecting the Opposition's demand, parliamentary affairs minister Pramod Mahajan said it had become a bit difficult for the government to take up the bill seeking to reserve 33 per cent seats in Lok Sabha and state

Assemblies as some political parties were divided on the issue. "Since it is a Constitution amendment bill requiring a two-third majority in the House for adoption, the government is trying to reach a consensus so that the bill can be passed in peace," Mr Mahajan said.

According to him, the government had already introduced the bill and will like to pass it as early as possible "in its present form but every party wants to support the bill on its own terms and conditions."

Referring to views of the Samajwadi Party, Bahujan Samaj Party, Rashtriya Janata Dal and the Muslim League, all of which wanted separate reservation for OBCs, SCs, STs and minorities in the bill, Mr Mahajan said he

was in no position to comment on them right now.

Before staging the walkout, Congress deputy leader Madhavrao Scindia wanted to know how long the government would make efforts to reach a consensus and demanded that it fix a deadline.

Raising the issue, A.K. Premajam of the CPM accused the government of double-peak, saying she did not understand why the government was delaying it.

Mr Yerramaidu of the Telugu Desam Party said his party would support the passage of the bill if it was brought up for consideration.

Opposing the bill, Samajwadi Party chief Mulayam Singh Yadav said OBCs and

minorities should be given separate reservation in the bill. BSP leader Mayawati also demanded that due place be given to women belonging to OBCs, SC, ST and minorities before the bill is taken up in the Lok Sabha. Mr Ramdas Athawale of the RPI also made a similar demand. AIADMK leader P.H. Pandiyan said the Prime Minister had not honoured his commitment to get the bill passed in the House.

Trinamul Congress member Sudip Banopadhyay supported the bill in its present form while Mohan Rawale of the Shiv Sena wanted political parties to ensure one third reservation in their party posts. CPM deputy leader Basudeb Acharya also pressed that the bill be passed in the current session.

THE ASIAN AGE

11 AUG 2000

# 10 years for rape of minor: SC

New Delhi, Aug. 18 (PTI): The Supreme Court has ruled that a person convicted of raping a minor should ordinarily be punished with a sentence of not less than 10 years, while setting aside an order of the Andhra Pradesh High Court reducing the sentence of a convict in such a case to five years.

Expressing its unhappiness over the reduction of the sentence, a three-judge bench headed by chief justice A.S. Anand said: "To show mercy in a case like this would be travesty of justice."

Section 376(2) of Indian Penal Code provides that in case of rape of a child below the age of 12, a punishment of "not less than 10 years rigorous imprisonment"

shall be imposed.

However, it also provided that "for special and adequate reasons" a lesser sentence could be imposed.

One Raja Rao raped his neighbour's five-year-old daughter in 1985 and was sentenced to 10 years imprisonment by the trial court. The high court upheld the trial court order but reduced the sentence to five years.

Criticising the high court of reducing the statutory minimum sentence, the bench comprising Justice Anand, Justice R.C. Lahoti and Justice K.G. Balakrishnan said: "We do not find any extenuating or mitigating circumstances available on the record which may justify imposition of

sentence less than the prescribed minimum for the respondent."

Rejecting the amicus curiae's plea that the Supreme Court should not interfere with the high court order as it was an old case and that the convict might have got married and was established in life, the bench said these might be reasons for appealing to executive or constitutional authorities for remission of sentence.

"But insofar as our judicial conscience is concerned, we find no reason to go against the legislative mandate and award any lesser sentence," it said.

The Supreme Court said: "The sentencing court must hear the loud cry for justice by the society

and more particularly, in cases of heinous crime of rape of innocent, helpless children as in this case, of the victim of crime and respond by imposing a proper sentence."

Referring to the High Court order, the bench said the sentence has been reduced perfunctorily without proper application of logic and reason.

The bench said: "It appears that the provisions of 376(2) of Indian Penal Code were not at all present to the mind of the (high) court." It added that the Supreme Court has time and again drawn the attention of subordinate courts to the sensitivity required to deal with cases involving crime against women.

THE TELEGRAPH

19 AUG 2000

# Rape case gap plugged

FROM R. VENKATARAMAN

New Delhi, Aug. 24: The Supreme Court has held that the absence of spermatozoa on the body or clothes of a rape victim could not be cited to disprove the charge.

The ruling plugs a loophole through which several rape cases have fallen through, keeping the national conviction rate low. The order also sets the stage for a radical change in judicial approach to law of evidence.

The court said the absence of "consent" is sufficient to establish the charge and removed the ambiguity surrounding the term.

The court's conclusion came in a case in which a 17-year-old girl alleged that she was raped by her uncle. The court rejected the argument that the charge did not hold since there were no marks of

violence on the girl and that "she herself had not deposed anything about the extent of penetration".

It was also argued that the absence of sperm on the clothes of the girl indicated that there was no sexual act. But a three-judge bench, headed by Chief Justice A.S. Anand, refused to accept this contention.

"The absence of consent on the part of the prosecutrix (victim) has clearly established that the accused had committed rape on the prosecutrix and is liable for the offence punishable under Section 376 of the Indian Penal Code," the court ruled.

The difficulty in proving penetration and consent accounts for most of the acquittals. Often, the victim submits herself under fear, which has been interpreted as "consent obtained by her not

amounting to rape". But the court said: "Submission of the body under fear cannot be construed as a consented sexual act. Consent requires voluntary participation not only after the exercise of intelligence based on the knowledge of the significance and moral quality of the act but after having fully exercised the choice between the resistance and assent.

"Whether there was consent or not is to be ascertained only on a careful study of all relevant circumstances. From the evidence on record, it cannot be said that the prosecutrix had given consent and, thereafter, she turned round and acted against the interest of the accused."

The court said the medical evidence had to be appreciated against the background of oral evidence given by the alleged victim.

THE TELEGRAPH

25 AUG 2000

Academic  
HD-B

## Show greater sensitivity in rape cases, SC tells courts

By T. Padmanabha Rao 26/8

NEW DELHI, AUG. 25. The Courts should show 'greater sensitivity' bestowing 'careful attention' in dealing with cases involving offence of 'rape' which is a 'serious one', a three-Judge Bench of the Supreme Court has emphasised.

The evidence in such a given case should be appreciated not being carried away by "insignificant contradictions", the Bench said.

Delivering the judgment of the Bench, Mr. Justice K. G. Balakrishnan, set aside a judgment of the Himachal Pradesh High Court which affirmed the verdict of the Sessions Judge (Trial Court) acquitting the accused (17 years) in a case of 'rape' of a young girl (14 years) in a village on March 17, 1993.

The Bench which included the Chief Justice, Dr. Justice A. S. Anand and Mr. Justice R. C. Lahoti, on scrutiny of the evidence, held that the finding of the Trial Court that there was "consent" on the part of the prosecutrix (victim) was "without any basis".

"The evidence as a whole indicates that there was resistance by the prosecutrix and there was no voluntary participation by her for the sexual act," the Bench said.

"Submission of the body under the fear of terror cannot be construed as a consented sexual act" and "consent for the purpose of Section 375 of the Indian Penal

Code (IPC) requires voluntary participation not only after the exercise of intelligence based on the knowledge of the significance and moral quality of the act but after having fully exercised the choice between the resistance and assent," the Bench pointed out.

Whether there was consent or not, "is to be ascertained only on a careful study of all relevant circumstances," the Bench held.

On a careful perusal of the oral evidence of the victim which was corroborated by medical and other evidence, the Bench observed that the absence of 'nail marks' or minor injuries on the body of the accused "is not of much significance".

Even if it was assumed that the victim was above 16 years, the reasons attributed by the Trial Court to prove that she had given "consent" for the sexual act "are not true" the Bench noted. The Trial Court's finding that the victim was above the age of 16 (on the date of the incident) was "based on faulty reasons" unsupported by evidence, the Bench said.

As regards the sentence, the Bench took a 'lenient view' in view of the plea of the counsel for the accused that both the victim and the accused — both teenagers — were related and that any custodial sentence "at this distance of time" might cause rupture to social harmony in the village and might only help to re-

kindle the flames of anger which had been smouldering for so long between near relatives. The Bench thus held that the sentence already undergone by the accused would be sufficient to meet the ends of the justice.

THE HINDU

26 AUG 2000

# Are courts lenient towards rapists, that's the question now

By Rakesh Bhatnagar

NEW DELHI: At a time when there is a growing demand to enhance the punishment meted out to a rapist, some of the supreme court verdicts on the issue have created confusion.

Instead of maintaining a consistent stand that a rapist must be dealt with sternly, the court, in the recent past, set a trend that may not match with its pronouncement that sexual violence is "a dehumanising act and an unlawful intrusion of the right to privacy and sanctity of a female".

A month ago, the court shocked many by acquitting two teachers who had raped their colleague. The victim could not withstand the humiliation and committed suicide four months after the assault, which took place in the school premises.

The court might have found it difficult to connect the accused with the victim's suicide and acquitted them of the charge of abetment to suicide. But, by doing so, the court acquitted the accused of the charge of rape also.

Though the supreme court had been castigating various high courts and trial courts for being insensitive in dealing with rape cases and showing undue leniency to the accused, recently it also set a trend by convicting a rapist but with a rider that the sentence already undergone by the accused—may be two years—"would be sufficient to meet the ends of justice".

Another reason for the court not ordering the accused to undergo maximum sentence was that "the custodial sentence at this distance of time may rapture the social harmony in the village—where he (the rapist) and the victim (niece) live—life and may only help to rekindle the flames of anger which have been smouldering so long between near relatives".

Having said earlier that protection of society and deterring the criminals are the avowed object of law and that is required to be achieved by imposing an appropriate sentence, the court seems to have forgotten its words when it showed leniency on the ground that "We take a lenient view for the reason that the prosecutrix and the accused are related. Both were immature and young. Evidence indicates no mark of violence at all on any

part of her body. The incident happened in 1993. After the acquittal, the members of the two families must have buried their hatchet if any arisen on account of this incident (rape)."

In fact, the judgment in the state of Himachal Pradesh versus Mango Ram case has given a unique dimension to the jurisprudence of imposing sentences in heinous crimes.

Should one ignore its mandate that "Courts must hear the loud cry for justice by the society in cases of heinous crime of rape on innocent helpless girls of tender age, as in this case, and respond by imposition of proper sentence... To show mercy in cases of such heinous crimes would be travesty of justice and the plea for leniency is wholly misplaced".

Another directive said that "Crimes of violence upon women need to be severely dealt with... It is a serious blow to her (their) supreme honour and offends self-esteem and dignity—it denigrates and humiliates the victim and where the victim is a helpless innocent child, it leaves behind a traumatic experience.

"The courts are expected to properly operate the sentencing system and to impose such sentence for a proved offence, which may serve as a deterrent for the commission of like offences by others."

Referring to the high court's approach, the apex court said, "In this case, the court had also reduced the sentence on the ground that the convict's daughters were of marriageable age." It had wanted to enhance the sentence from 10 years to life term but certain "extenuating circumstances" restrained it from doing so. What were those factors? His two daughters were of marriageable age.

Therefore, the period of his incarceration was enough and "he should not be made to further suffer the consequences of bestiality".

The convict had raped a nine-year-old baby. The trial court sentenced the accused to 10-year imprisonment.

It is evident that the law provides maximum 10 years jail term in a rape case, but it cannot be guaranteed due to the individual perception of the judiciary.

## LEGAL VIEW

THE TIMES OF INDIA

28 AUG 2000



# Top honchos of MP district administration are women

Manish Dixit  
Vidisha, August 27

**WOMEN RULE** the roost in this Madhya Pradesh district which, historically, has been a centre of ancient learning. They hold key positions in the district administration and enjoy excellent rapport among themselves.

Veera Rana is the District Collector and Anuradha Shankar is the Superintendent of Police. Pushpa Nigam is the district judge, Anju Baghel is the chief executive officer and Alka Sirohi is the secretary in charge of the district. The latest addition to the list of powerful women here is the new Commandant of the Central Industrial Security Force.

Asked whether the happy coincidence of women manning (manning?) almost all the top positions in the district administration makes her work easier, District Collector Rana said: "All of us enjoy excellent rapport with each other and that helps us work in close co-ordination."

Between them, these officers



Illustration: Kripal

have given a new dimension to women empowerment, specially in the fight against crime against women.

Their efforts are greatly supplemented by panchayat president Rajshree Singh and activists of the local unit of the Bhopal-based Women's Rights Council.

Says Collector Rana: "Here in Vidisha, women are struggling to break out of traditional straitjackets. And we in the district administration have extended unqualified

support to activists of the Women's Rights Council that is fighting crimes against women. We pull out all stops to help them because the cause they are fighting for is noble."

Rana said local women activists sought her help in drawing attention to two recent dowry-related murders.

"I advised them to create awareness among the people, instead of merely presenting a memorandum to me," she said, adding, "they liked the idea so much, they immediately began work in that direction."

Says woman activist Kamini Malik: "We found the (women) officers here very responsive to our cause. Emboldened, we have decided to publicly humiliate people who commit crimes against women. A rally has been planned for August 29 to highlight such horrifying crimes."

According to Malik, Madhya Pradesh Chief Minister Digvijay Singh too endorses their cause and the work they have been doing and is keen that their movement spread to other districts.

THE HINDUSTAN TIMES

28 AUG 2000

# 1257 Women still lag behind

STATESMAN NEWS SERVICE

NEW DELHI, July 24. — After a half century of freedom and with as many as 14 Constitutional guarantees, the status of women in the country continues to be unsatisfactory, shows a Planning Commission study of indicators like health, education, employment, political participation and decision-making.

A statistical profile prepared by the Commission's Social Development and Women's Programme division reveals that where women's participation at work has increased by 8.1 per cent in the past three decades, selected crime against them has increased manifold.

Work participation rate, which was 14.2 per cent in 1971 (against 52.8 per cent for men) increased to 19.7 per cent in 1981 and 22.3 per cent in 1991.

However, from 1990 to 1998, the number of rape victims went from 10.07 lakh to 15.03

lakh, and the number of dowry deaths rose from 48.36 lakh to 69.17 lakh. The number of cases of cruelty by husbands and relatives rose from 1.34 crore in 1990 to 4.13 crore in 1998.

In nearly 17 years from 1983 to 2000, women's representation in politics and administration has increased by a mere 2.3 per cent. Representation in public sector undertakings has increased by 7.8 per cent between 1971 and 1996.

The statistics reveal women are lagging behind men in four major indicators: sex ratio, mean age of marriage, literacy and work participation.

In 1987, out of 4,202 IAS officers, 339 were women (8.1 per cent). The figure improved to 10.4 per cent (535 of 5,159) in 2000.

There were a mere 21 women against 2,418 men in the IPS in 1987 (0.9 per cent); there are 110 in 3,301 (3.3 per cent) in 2000.

In politics, though the num-

ber has increased from 141 out of 2,773 to 229 out of 4,067 between 1985 and 2000 in Assemblies. The percentage increase was from 5.1 to only 5.6 in nine states — Gujarat, Haryana, Karnataka, Kerala, Madhya Pradesh, Punjab, Rajasthan, Tripura and West Bengal. In Parliament, the number increased from 47 (6.1 per cent) in 1989 to 67 (8.4 per cent) in 1999.

According to statistics, there is a major decline in the sex ratio in the past 40 years. In 1951, the ratio was 946:1000. It came down to 941 in 1961 and 930 in 1971.

It increased to 934:1000 in 1981 but fell to 927 in 1991. Life expectancy at birth, which was 59.1 years in 1986-91, increased to 61.7 in 1991-96 and 63.4 in 1991-2000.

The Mean Age at Marriage is maintaining a steady growth rate — from 15.6 years in 1951 (male — 19.9) to 17.2 in 1971 (male — 22.4) and 19.3 (male — 23.9) in 1991.

THE STATESMAN

# Sushma nudges govt on Women's Bill

STATESMAN NEWS SERVICE

NEW DELHI, July 25. — The Centre came under pressure from within on the Women's Reservation Bill today. Mrs Sushma Swaraj, BJP member of the Rajya Sabha, said it should be brought to Parliament and put to vote since almost all the major parties had expressed themselves in favour of its passage.

While she appreciated the Prime Minister's desire to have the Bill approved by consensus, and suggested that he make one last effort to attain that, the Centre should reconcile itself to its being approved by the requisite two-thirds majority, she observed.

Joining in the demand laun-

ched by some women members today, Mrs Swaraj said if party leaders assured the Prime Minister of voting for the Bill, its passage should be delayed no further.

Though leaders of the Congress, CPI, CPI-M, and the DMK made it clear that they would support the Bill, the Centre declined to offer any assurance on its being legislated soon. Its commitment to the Bill is "unambiguous and undiluted" said the leader of the House, Mr Jaswant Singh. Mr Atal Behari Vajpayee was doing his best to evolve a consensus, this was not an issue on which to score points.

The Bill was before the Lok Sabha and after the lower House dealt with it the Rajya

Sabha would be given the opportunity to clear it, Mr Singh said.

What had begun as one of the now-routine demands by women members assumed a different dimension after the opposition leader, Dr Manmohan Singh, said the Congress would extend "all possible cooperation".

The leaders of the CPI-M, CPI and DMK were quick to assure their parties' support, as did members from the Telegu Desam.

However, the Samajwadi Party and the Rashtriya Janata Dal members insisted they would oppose the Bill unless it provided sub-quotas for backward classes and minorities.

THE STATESMAN

9/1/77

## Bangladesh army to recruit women officers

By Haroon Habib

**DHAKA, JULY 6.** The Bangladesh army has decided to recruit women candidates for the commissioned officer cadre. The candidates will be recruited for the newly-created Army Women Corps (AWC). Women are already serving in the army as doctors and nurses in the Army Medical Corps (AMC).

The authorities have put out an advertisement in the country's newspapers calling upon women candidates "who want to undertake the challenges of an undaunted leadership." The decision to recruit women was taken by the Government of the Prime Minister, Sheikh Hasina Wajed, in view of the sweeping changes taking place in the armed forces in different countries, relating to gender equality, and the demand from the country's women groups to offer them a greater role in the armed forces. But it is unclear whether the decision will be viewed favourably by the country's religious orthodox class. The Bangladesh police already have women officers who occupy important positions.

However, women are not recruited for non-commissioned cadres in the Bangladesh armed forces.

RECEIVED

JUL 10 1973

# U.S. General 'guilty' of sexual harassment

WASHINGTON, July 8. The two-star general accused of sexually harassing the Army's highest-ranking woman has requested early retirement after military investigators endorsed the charges against him, Pentagon officials said on Friday.

Maj. Gen. Larry G. Smith has denied any wrongdoing, but he asked to step down after a letter of reprimand was entered into his personnel file, the officials said. He is to retire on Sept. 1. The Army's Inspector General determined that the General harassed and assaulted Lt. Gen. Claudia Kennedy in her Pentagon office in 1986. But officials said there were no plans to reduce his rank or retirement benefits through a Grade Determination Review Board. Lt. Gen. Kennedy, whose high-profile allegations were closely followed throughout the armed services and by women's rights advocates, released a statement expressing satisfaction at the conclusion of a case she had pursued reluctantly. "I am satisfied with the Army's action in this case," she

said. "As far as I am concerned, this matter is closed."

In a statement released by the Army, Maj. Gen. Smith said, "I have always and continue to maintain that I did not commit these allegations and I am deeply disappointed with the decision to substantiate them. However, for the good of my family and the Army, we have elected to put it behind us and move on with our lives."

The action against the General, a 55-year-old veteran of three tours in Vietnam, ended the first instance of sexual harassment charges lodged by one Army General against another. The case embarrassed the Army, which has been hit by a series of sex scandals and has sought to appeal to women by insisting that it will not tolerate sexual harassment.

In a heavily edited report released on Friday under the Freedom of Information Act, the Army's Inspector General, Lt. Gen. Michael Ackerman, concluded that Lt. Gen. Kennedy, who is 52, told the truth about

the encounter with Maj. Gen. Smith even though only the two were present. At the time of the incident, the two were of equal rank, and they both said only that they had met in Lt. Gen. Kennedy's office and that the encounter ended with a hug, the report said. Beyond that, they "were in total disagreement as to what happened when they were alone," it said.

Maj. Gen. Smith testified that he gave her "a hug and possibly a 'cheek kiss,'" the report said, but he "strongly denied any wrongdoing." Prior to her allegations, Maj. Gen. Smith said he considered her a "family friend," it said. But the Inspector General concluded that Maj. Gen. Smith's actions amounted to assault and battery and sexual harassment.

The evidence did not support a more serious charge of indecent behavior to gratify sexual desires, the investigation found. "By holding her and kissing her against her will," the report said, Maj. Gen. Smith displayed conduct that "was unbecoming of

an officer and a gentleman." HD-12

The Inspector General largely based his conclusions on the strength of Lt. Gen. Kennedy's testimony and the belief that she had more to lose than to gain by making her charges public. She filed charges against Maj. Gen. Smith only last year, three years after the incident. She pressed the case after Maj. Gen. Smith was named to become the Army's deputy inspector general, a post that would have given him responsibility for investigating charges of sexual harassment.

"Evaluating the allegations came down to a question of credibility," the report said. "There appeared to be no motive for Lt. Gen. Kennedy 'to jeopardize her career and reputation by making false allegations.'" "They were not in competition for assignments," the report said. "She did not arrange the office call. There was no apparent incentive for her to ruin his unblemished career and destroy their friendship with false allegations." — *New York Times*

U.S. ARMY

# Govt set to announce policy on women

Jay Raina  
New Delhi, July 9

THE VAJPAYEE Government is set to announce a National Policy for the Empowerment of Women. While avoiding suggestions for assertive action on the uniform civil code and the equally contentious gender-based reservation issue, the policy is expected to focus on eradication of polygamy (bigamy), compulsory registration of marriages, restraint on child marriage and desirable improvements in divorce and maintenance laws.

According to reliable sources, while attempting to build a broad consensus on the politically thorny aspects of women's empowerment, the Government is keen to set pace for both legal and administrative action in other, less controversial areas, to ensure a better deal for the weaker sex.

These sources maintained that the Government has done all groundwork for deliberate and planned efforts to accelerate change in social attitudes and the work-culture of relevant institutions. "Even in areas where con-

sensus hasn't been possible, the Centre will work for spreading awareness through activist groups and non-governmental organisations. The information technology revolution will help us reach wider audience in a much shorter period, in this endeavour," they averred.

education. 1977 HF 17  
The policy document would call for determining afresh the priorities for women's education, especially when there has been an appreciable increase in the number of illiterate females despite expansion of educational facilities

## Recipe for women power

- Review disabilities and constraints on women stemming from socio-cultural settings.
- Create public awareness on contentious issues concerning women's empowerment.
- Ensure equal status by making appropriate changes in law.
- Re-determine priorities for the women-specific educational programmes.
- Initiate special policies and programmes for women's welfare and child development.
- Enforce laws protecting women workers.
- Ensure due share in property from inheritance and matrimony.

The highlights of the document - to be presented in Parliament during the forthcoming Monsoon Session - include renewed emphasis on prevention of dowry, assured share for women in property from inheritance and matrimony, and a host of maternity benefits alongside greater avenues for women's

across the country. The document, being finalised at the level of the Group of Ministers (GOM), is likely to be cleared soon by the Union Cabin et. The draft relies heavily on the report of a ten-member committee, headed by Prof. S Nurul Hasan, on the 'Status of Women in

India.' Gathering dust over the last 26 years, this report was presented to the Centre in December, 1974. The report had made a set of 51 recommendations.

Among other things, the committee had sought expeditious implementation of the constitutional directive (Article 44) by the adoption of a uniform civil code, reforms in criminal law for the protection of women's rights, improvement in laws on divorce, changes in the Medical Termination of Pregnancy Act and reservations for females in all elective bodies besides statutory provisions for the constitution of women's panchayats at the village level exclusively for implementing development programmes for women and children.

The NDA Government's policy statement is also expected to touch upon the recommendations of various women's organisations and Supreme Court judgements on gender issues. While making efforts to implement the policy, the Centre would call upon the States to follow suit in areas under their jurisdiction.

THE HINDUSTAN TIMES

10 JUL 2000

# ✓ 11/7 Stereotypes of submission Lomen HFB

It is time the National Commission for Women stops publishing reports that target imaginary enemies of the past in order to keep a section of the rulers happy, says SHAMSHUL ISLAM

THE NATIONAL Commission for Women (NCW) has recently released a report: *Rape — A legal study*. The report seems to have arrived at the following conclusion in the prologue of the report itself:

"In India, in ancient times, women had enjoyed an able position in the household and in society. As the 'queen' of the household, her position was envied by her counterparts elsewhere. Unfortunately, constant invasions by foreign elements from about Eighth century changed the scenario to the detriment of women. Her vulnerability to abuse by the invading hordes bestowed upon man a responsibility to protect her and from thence developed the inherent dominant role of the male within the family-fold and her inevitable dependence on the male. Long years of invasion and infliction of crime on her resulted in many protective measures. The direct effect of this state of affairs was per force, keeping women within the four corners of the home and consequentially enforced illiteracy which has been, by and large, her lot since then."

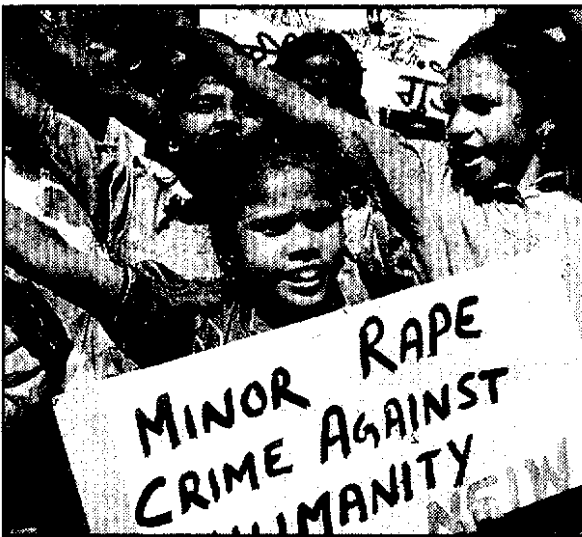
This thesis is an over-simplification of a complex issue, apart from being factually incomplete and biased. The crucial thing here is not only the inferior status of women in a male dominated society, but also on how atrocities on women were supposed to be socially and politically legitimate under all regimes, irrespective of their religious affiliations. And this is not only specific to India. Even China and Japan, which were never subjugated, don't have a better record to show historically, as far as gender equality is concerned.

In mythical India as per our oral tradition and epics (which is 'theoretically' much before the arrival of the 'invaders' in Eighth century), Draupadi was not only used as a pawn in a gambling game but also disrobed publicly by the Kauravas. We had powerful kings like Ravana who kidnapped Sita, and innumerable other 'great kings' who did not really care too much about the dignity of women, including their own wives. For instance, sections of the *Shri Shiv Mahapuram* not only equated women with death, degeneration, snake, poison and

## PLATFORM

destructive fire but also concluded, that "there is no bigger sinner than women. Women are the roots of sin, you must know." (*Umasanhita*, chapter 24).

The history of injustice inflicted on women in India or elsewhere is too complicated to be wished away as some invaders' misdeeds only. Who can deny the fact that Arabs and later the Mughals who came to our land from the western route, did not believe in gender equality, nor in human rights. Some of them inflicted mass atrocities on people,



especially on women.

Organisations like the NCW, instead of wasting time on a questionable thesis like the one stated above, should take serious note of the kind of cultural narratives, symbols and idioms being used in popular literature which debase women and reduce them into submissive stereotypes. This kind of pulp in Hindi and English is easily available everywhere including in government allotted stalls at all major railway stations.

For instance, the Geeta Press publishes mass religious literature espousing the 'Hindu way of life' for women with titles like, *How to Lead a Household Life*, *Nari Shiksha* and *Striyon Ke*

*Live Karavya Shiksha*. They have a bulky edition preaching *Sati*. Witness some excerpts from this variant of popular literature:

"What should the wife do if her husband beats her and troubles her?" The answer is: "The wife should think that she is paying her debt of her previous life and thus her sins are being destroyed and she is becoming pure."

"Is *Satipratha* (viz. the tradition of wife being cremated with the dead body of the husband on the funeral pyre) proper or improper?" The answer to this query in one of these books reads, "A wife's cremation with the dead body of her husband on the funeral pyre is not a tradition. She, in whose mind truth and enthusiasm come, burns even without fire and she does not suffer any pain while she burns. This is not a tradition that she should do so, but this is her truth, righteousness and faith in scriptural decorum." Also, "a *Sati* woman snatches her husband from the hands of *Yamdoot* and takes him to *Swarglok* (paradise)." This stream of literature openly decries equal rights between men and women, is against modern, educated, working women, the idea of co-education in public spaces and upholds the veil.

Interestingly, sections of the Muslim orthodoxy do not lag behind in pushing this kind of anti-women literature in India. This literature in circulation makes horrible reading and is available in regional languages. Some of these books are titled as *Musalman Biwi* and *Mian Biwi Ke Haqooq*. One of these books even has a chapter, *Right to Batter Wife* which says, "husband may use the stick to beat the wife but he should avoid hitting her on the face or cause deep scar."

The authors of such literature quote the scriptures to convey the message that a woman must treat her husband as master and herself as slave.

Why should organisations like the NCW keep their eyes, ears and mouth shut when such dehumanised and anti-women philosophy is openly preached? It is high time the NCW awakes to this grim reality also, instead of wasting time on publishing a report targeting imaginary enemies of the past in order to keep a section of the rulers happy.

THE HINDUSTAN TIMES

11 JUL 2000

# Rights rebuff spurs Kuwait women

FROM ASHRAF FOUAD

Kuwait, July 4 (Reuters): Kuwaiti women activists said today they would bring new court cases in pursuit of their demand for full political rights despite the Constitutional Court's rejection of four cases on procedural grounds.

The five-man bench ruled against the activists in the first four of several cases they have brought in a bid to have the election law, which bans women from voting and standing for public office, declared unconstitutional. The court cited procedural flaws.

Activists and lawyers said a case brought by Adnan al-Isa, a Kuwaiti man, which will be heard in September, could meet all the procedural requirements and produce a court ruling on the sub-

stance of the case.

Kuwaiti women filed numerous cases after being banned from registering in February when voters' lists were drawn up. They said the ban on women from voting and holding public office violates the Constitution.

Isa, an eligible voter, complained about the list in his constituency, claiming that it failed to meet regulations as women of the area were not allowed to register. The next parliamentary and municipal elections are due in 2003.

Rola al-Dashti, a 36-year-old Kuwaiti woman with a doctorate in economics from the United States, had her case rejected by the Constitutional Court today. "This is unbelievable, the United States today celebrates Independence Day and we are still fighting

for a simple right," she said. "This is only one of many rounds and we shall fight on."

Last November, tribal and Islamist politicians in the all-male parliament twice narrowly killed laws — including a decree by the country's ruler, Emir Sheikh Jaber al-Ahmad al-Sabah — that would have granted women full political rights.

Despite not being allowed to vote, Kuwaiti women are seen as the most emancipated in the Gulf Arab region.

They head diplomatic missions, run businesses and hold senior positions in the vital oil sector of Opec member Kuwait.

Women account for about half the 750,000 Kuwaitis. There are about 113,000 eligible voters in the

country of some 2.2 million people, some 65 per cent of whom are foreigners.

Kuwait is the only Gulf Arab state in a generally conservative Muslim region with an elected parliament.

Dashti said her legal team was preparing a new case which would be presented to the courts next week, demanding the nullification of the parliamentary vote which kept women without political rights.

"This is not over ... every February we will go to register on voters' lists and will come back here to file new cases if we are denied the right to participate in the political process. We are learning the procedures and how it is done and will keep after our rights," said Dashti.

THE TELEGRAPH

5 JUL 2003



# 'Women at assault risk from loved ones'

ALOKESH SEN  
STATESMAN NEWS SERVICE

CALCUTTA, June 30. — On an average, one in every three women across the world has experienced violence in an intimate relationship.

In India, if a woman has more than secondary-level education, the incidence of such violence falls by more than two-thirds.

Domestic violence in India is sensitive neither to years of marriage nor to the wife's age. It is not even related to the living arrangements, but to the woman's education, the UNDP report on Human Development 2000 says.

Yes, education empowers women. But it also changes the dynamics in households and thus changes norms.

Domestic violation is a serious human rights threat to women in every society — rich and poor, developing and industrialised — the report observes.

To improve the protection of women's rights, many domestic laws have been changed. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was

Country	Percentage ever assaulted
Bangladesh (1992) . . . . .	47
New Zealand (1994) . . . . .	35
Barbados (1990) . . . . .	30
Nicaragua (1997) . . . . .	28
Switzerland (1994-96) . . . . .	21
Colombia (1995) . . . . .	19
Moldova, Rep. of (1997) . . . . .	14
South Africa (1998) . . . . .	13
Philippines (1993) . . . . .	10

Source: Johns Hopkins University 1999a

agreed to in 1979.

In doing so, legislatures have often drawn on CEDAW and overruled domestic laws in favour of international ones. In Thailand, a new law ensures gender equality in obtaining citizenship.

In India more than one million women have been elected in panchayat elections, reflecting broad participation in local government. Nine per cent of

the seats in Parliament are held by women in India.

Yet discrimination and atrocities on women continue worldwide.

Some alarming figures stated in the report are: every year, an estimated two million young girls undergo genital mutilation.

Between 85 million and 115 million girls and women have already undergone some form

of female genital mutilation and suffer from its adverse physiological and psychological effects.

Among the worst personal threats are those to women. In Estonia 463 per 1,000 women were raped in 1994.

In Canada, which tops the human development index 267 rapes were recorded per 1,000 women. However, in India the figure was 4.6.

Even rapes by prison guards have been reported in many countries.

Trafficking in women and girls for prostitution has increased with globalisation, with 500,000 women trafficked out of countries in Eastern Europe and the CIS every year.

In Asia, about 2,50,000 people, mostly women and children, are estimated to be trafficked every year.

Discrimination on the basis of sexual orientation rampant throughout the world.

In West Asia and the Persian Gulf region, 1.2 million women work as domestic servants without labour protections, facing inhuman working hours, assaults and abuse and other discriminations.

# Not a Woman's World Boldly Take on the Male Preserve

By MADHU KISHWAR

FOR those who have been pleading for improvements in the Women's Reservation Bill for the last four years, it is a matter of great satisfaction that finally something resembling a debate is emerging on the issue.

It is even more encouraging that eminent people like Justice Rajinder Sachar are responding to the Alternative Reservation Bill drafted by the Forum for Democratic Reforms and are coming up with yet more options. However, it is a pity that Justice Sachar chose to base his critique of the Bill not on a close reading of the actual text as prepared by us but on sketchy news reports of the Chief Election Commissioner's presentation of the alternative legislation.

The crucial difference between the two Bills is as follows: instead of the lottery-based and rotating reserved constituencies for women proposed in the government's Bill, this Bill makes it mandatory for every recognised political party to nominate women candidates in at least one-third of the constituencies in which it is fighting elections.

However, any discussion of the Alternative Bill is incomplete without mentioning how it tries to prevent a party from nominating women candidates only in states or constituencies where the party's chances of winning elections are weak. The unit for consideration (the unit in which at least one out of three party candidates shall be a woman) for the Lok Sabha shall be a state or Union territory. For the state legislative assembly, the unit shall be a cluster of three contiguous Lok Sabha constituencies.

In the event of any recognised party failing to nominate one-third women candidates, for the shortfall of every single woman candidate, two male candidates of the party shall lose the party symbol and affiliation and all the recognition-related advantages. Thus, each recognised party will be compelled to ensure an even spread of women candidates.

It is surprising that the proposal to deny the reserved symbol and related privileges to those parties which fail to nominate the required percentage of women has been described as "near blackmail" by Justice Sachar. By that logic, forcing voters to elect women from one-third of constituencies, whether they so desire or not, is a greater "blackmail". Going by Mr Sachar's criteria, reserved seats for SCs and STs also amounts to blackmailing or coercing voters to elect people from

certain castes since people from other castes are not even allowed to contest from those territorially marked constituencies.

The main reason for the declining presence of women in our legislatures is the deliberate denial of tickets to women by party bosses, rather than discrimination by voters. Therefore, we need to correct this distortion by building a system of judiciously worked out incentives and disincentives to prevent male leaders from sidelining women by denying them tickets to contest elections. This Bill achieves that purpose without curbing the democratic choices of voters by coercing them to elect only women in certain constituencies while being denied the possibility of electing women candidates in the rest.

Justice Sachar shares the unfounded fears of the proponents of the Bill that in the absence of actual reservation of seats, women may not

ment party-based quotas.

Justice Sachar suggests that the existing number of seats should be left undisturbed as a male preserve. Instead, one-third additional seats be added and reserved for women by making one-third of constituencies in the country elect two members — a man and woman. This will enhance the strength of the Lok Sabha to about 750 from the present 543.

This in his view, "will eliminate the threat perception that men have at present of losing their berths." To begin with, this will still necessitate rotation through a lottery system because the same one-third constituencies cannot be frozen in perpetuity for dual-member seats. This, in effect, means that while male politicians are ensured continuity and can nurture their constituencies for second and third terms, women politicians will be compulsorily uprooted after their constituencies are de-reserved and another set chosen for dual-member representation. Women will thus always remain as one-timers.

Moreover, the representation of women will be artificially frozen at 33 per cent as in the existing Bill whereas the Alternative Bill allows for an incremental representation for women as they gain in experience and electoral strength.

Most important, the basic premise and philosophy behind Mr Sachar's proposal is dangerous. To accept his scheme is to accept the idea that the existing seats are a male monopoly, which should not be touched for fear of annoying men. So he suggests the creation of extra seats for women in a way that men are not dislodged from the existing power centres.

By this logic, if women demand that there be gender equality in the distribution of property and economic resources, would Mr Sachar recommend that women be settled on Mars or Venus, because men have become habituated to exercising near exclusive ownership over property?

In any case, if dual-member constituencies are a better way of power-sharing, why confine this boon to only one-third of India's constituencies at a time? Why not implement it in every single constituency? This way, we avoid the pitfalls of rotation and give women their actual due. The percentage of reserved seats for SCs and STs is calculated to match their proportion in the population. Using that criteria, women should have the reserved right to 50 per cent of the seats in legislatures.

## IN BRIEF

- Proposed alternative bill on women's reservation makes it mandatory for all recognised parties to nominate women candidates to at least one-third seats
- If any party fails to do so, two male candidates must be made to forfeit the party symbol
- A system of incentives and disincentives must be worked out to prevent male leaders from sidelining women candidates
- If dual-member seats are considered, this should apply to all seats, not just a third

be elected in one-third constituencies, as the voters may prefer male candidates over female candidates on account of gender bias. However, evidence so far suggests that women candidates of parties have not suffered any gender discrimination at the hands of voters. The average success rate of women candidates in Lok Sabha elections since the 1950s has been nearly 70 per cent higher than that of males. Therefore, it is reasonable to assume that if every recognised party fields 33 per cent women candidates, the presence of women in the Lok Sabha might well exceed one-third. It is noteworthy that women's participation has increased dramatically, to near equal or even higher than equal participation, only in countries like Sweden, Denmark, Finland, Germany and the Netherlands which have imple-

THE TIMES OF INDIA

20 JUL 2000

# Four countries meet target

Shree Venkatram  
New York, June 4

ONLY FOUR countries have passed with flying colours. In the last ten years, they have achieved and surpassed targets of gender equality, with women participating equally in different walks of life. These countries are Denmark, Finland, Norway and Sweden.

The stock taking of what and where things have changed for women in the last decade and especially so since the Fourth Women's World Conference at Beijing has been in progress for many months now. The official week-long session called 'Women 2000', a United Nations General Assembly session, however, will begin here tomorrow (June 5). Hundreds of women representing NGOs, activist groups, and government delegates from 188 countries will participate in what is billed as the most important session for women coming as it does in the beginning of the new millennium.

The United Nations Development Fund for Women (UNIFEM) which has done the review exercise has found that apart from the four Scandinavian countries, four others - Germany, Iceland, the Netherlands and

South Africa follow close bridging the gender gap when it comes to women's participation in fields of education and legislature. But the first four have also an equal participation of women in the fields of paid employment in industry and services. The report called Progress of the World's Women 2000 makes comparison of data between mid eighties and 1997 in the field of enrolment in secondary education, their representation in Parliament and their participation

## Gender Equality

in the workforce in industry and service to arrive at the results.

Only 11 per cent of countries have achieved equality in secondary education, but in 51 per cent of countries still have a lower enrolment ratio for girls than boys. Despite the link between education and income, studies from all regions show that equal years of education do not mean equality of job opportunities for men and women. In no countries do men and women with the same level of education receive identical wages.

India's report card is average, with 33 per cent improvement in the number of girls enrolling for

secondary education, with a marginal improvement from 12 per cent to 15 per cent their participation in the workforce and no improvement in the number of seats they hold in Parliament. Even Sri Lanka and Thailand have improved their record in female participation in paid labour force to over 40 per cent. Only 68 girls compared to every 100 boys come to secondary school. Women's share of seats in Parliament stands at 8.9 per cent.

If a teacher were to write comments based on the performance, the report card for India would read - "Lacklustre performance. Has not tried its best. Heart is not into the matter. Commitment and dedication by people's representatives and bureaucrats urgently needed. Mass awareness and the will to work will help."

As Devaki Jain, an activist from India, who has participated in all the women's conferences since Nairobi in 1975 is saddened. She says progress has been very slow and a lot of work remains to be done. But what has changed is that the state has got educated about women's issues and that women have established that they are an identifiable mass. But these are non tangible issues," she says.

THE HINDUSTAN TIMES

JUNE 4 2000

# 'Men and women must work together to address gender disparity'

By Anita Katyal  
The Times of India News Service

**UNITED NATIONS:** The days of bra-burning and militant feminism of the sixties are now over. The women of the nineties are in a far more mellow mood. They have not given up their ongoing battle for equality, justice and development but there is a growing realisation among the women that this journey cannot be covered on their own. That they have to work along with men, as partners and not as adversaries, if they are to achieve any of their goals.

If the women are gradually reaching out to the men to help them in their battle, the men, too, appear to be responding positively, realising that they also have a role and responsibility in addressing issues of gender disparity both at the

work place and at home.

"The role of men was put on the agenda at the Beijing conference on women five years ago and since then the issue has picked up momentum. Women have realised they cannot do it alone and they don't want to do it alone... after all, what is the point of having men who are filled with resentment or with low esteem," remarks Angela King, special adviser to the UN secretary-general on gender issues and advancement of women.

It is also important to involve the men for it is they who dominate policy-making structures, the judiciary and parliaments, she added.

The issue of involving men and creating awareness among them about their role in promoting women's equality is among the issues being discussed quite animatedly at panel discussions being held

on the sidelines of the ongoing special UN session on women 2000 here.

Addressing one such discussion, organised on Tuesday by the United Nations Development Fund for Women (UNIFEM), its executive director Noeleen Heyzer Norman pointed out, "Gender equality and violence against women are not just a woman's problems... they are everybody's problems."

Norman Tjombe from Namibia, shared experiences of his country about how they had succeeded in involving men in the issue of violence against women. "We organised a national conference of all concerned men last February who expressed a desire to do something about this issue and find a solution to it," he said.

What was really encouraging, he added, that people really went back sensitised for this meeting was fol-

lowed up with formation of small local-level men's groups. "In fact, only a week after the conference, a huge demonstration was organised by men outside a local court where a man accused of rape was applying for bail," he added.

Michael Kaufman, international director, White Ribbon Campaign, Canada, told the audience how they had managed to involve men in the campaign against violence against women. "Through their collective silence — by not saying anything about this issue — men have been allowing this violence to continue," he said. The White Ribbon Campaign, he said, was attempting

to break this silence through the simple gesture of encouraging men to wear a white ribbon on their lapels for a week.

At the UN itself, men on the staff of the United Nations Development Programme (UNDP) have formed an informal "Men's group on gender equality" which is urging other male colleagues to reevaluate their attitude towards gender issues. It plans to educate men about gender equality and to make them realise that "jivehoods of men and women are interwoven and that men can make a difference."

A monograph on "Men, Masculinities and Development"

brought out by the UNDP has recorded evidence of limited change in this sphere. A study of new fathers in Jamaica showed that 50 per cent reported significant involvement in chores like cooking, cleaning and shopping and in in Brazil younger men are far more flexible in their attitude towards women than the older men.

In Mumbai, a volunteer organisation — Men Against Abuse and Violence — is focussing on ending domestic violence and in Nicaragua, an organisation — CANTERA — is developing training materials for working with men on the eradication of violence against women.

THE TIMES OF INDIA

8 JUN 2000

# New law to prevent exploitation of female prisoners

Tapan Das  
Calcutta, June 3

MALE OFFICERS and warders will not be allowed to enter female wards or enclosures alone in State prisons. However, just in case he has to do so to carry out the order of his superior, he will have to be accompanied by the matron and a female warden in a central prison and by a female warden in a district jail.

These restrictions are some of the new provisions that are there in the newly amended West Bengal Correctional Services Act, 1992. The Act, which has already obtained presidential assent, has been promulgated with the primary objective of preventing sexual harassment and exploitation

The Act has already obtained presidential assent and has been promulgated with the objective of preventing sexual harassment of female prisoners

Male warders escorting any visitor to a female prisoner shall remain outside the female ward or enclosure and the visitor will be accompanied by two officers not below the rank of controller, says the amended law.

The law has also made it mandatory for a female prisoner to be accommodated in a female ward, especially at night. The jail superintendent will depute a female warden for the purpose.

Making it compulsory that medical offi-

cers, pharmacists, trainers, matrons and other staff attending to female prisoners will only be women, the law divides female prisoners into three broad categories. While habitual offenders will not be put in the same ward or enclosure where non-habitual ones are accommodated, under-trials will be segregated from convicts.

Also, female prisoners convicted or charged with offences like prostitution, pick-pocketing or shop-lifting will be segregated from all other categories. "When a female prisoner is confined in a cell, the key of the cell shall be in the custody of the female warden who shall be within hearing distance of the female prisoner and, for day and night duties, two separate female warders shall be placed on duty..." the law says.

THE HINDUSTAN TIMES

4 JUN 2000

# Debate on sexual rights rages at UN women's meet

11-20  
9/6

By Anita Katyal

The Times of India News Service

UNITED NATIONS: While the General Assembly of the special UN session on Women 2000 is meandering along at its usual pace, the real work is going on in the smaller committee rooms where member countries are locked in hard-nosed negotiations to finalise the draft document to ensure its adoption at the close of the session on Friday.

As in previous conferences in Cairo and Beijing, efforts at forging a consensus are not proving easy. There is widespread fear among the non-governmental organisations that instead of moving ahead, the Platform for Action (POA) endorsed at the 1995 Beijing conference on women is actually being diluted.

And, like in earlier conferences, issues relating to sexual rights and sexual health have kicked up a controversy. Although some kind of agreement was hammered out on these issues at Cairo and Beijing, the debate has once again been reopened. Delegates from the Holy See or the Vatican, backed by several Catholic and Islamic countries, have made it clear that their earlier objections to the paragraphs dealing with these issues still remain. And though they unable to block consensus on these issues before, this had not deterred them from trying again.

According to delegates, involved with the negotiations, the Holy See has grudgingly accepted the term 'reproductive health' but its objections to 'reproductive rights' and 'sexual rights' remain. Reproductive rights, it was explained, is understood as spacing of children and

the choice to decide on the number of children a woman wants to have. 'Sexual rights', however, is seen as a woman's right to decide when and with whom she has sex.

"All these are basically delaying tactics," says Gita Sen of the Indian Institute of Management, Bangalore, adding that the UN system should step in to help the delega-

**'There is widespread fear among the non-governmental organisations that instead of moving ahead, the Platform for Action endorsed at the 1995 Beijing conference on women is actually being diluted'**

tions move forward so that a small minority is not allowed to obstruct the document.

There is similar objections to the paragraphs dealing with 'sexual orientation' which gives women 'the right to decide freely and responsibly on matters related to their sexuality right, including sexual and reproductive health, free of coercion, discrimination and violence.'

However, those opposing gay and lesbian rights, including religious right organisations, have raised serious objections to these references and are lobbying hard to exclude them from the final docu-

ment. At the government level, opposition has come predictably from the same countries which have objected to the reference to sexual rights. Those supporting the inclusion of this paragraph maintain this debate is not and that there has been consensus on it since Beijing.

The Lesbian Caucus has been meeting regularly to discuss the status of this reference in the draft outcome document and they plan to lobby hard for its inclusion. Hard bargaining is also on by the language of paragraphs dealing with the aid that developed countries are to commit to the developing nations to enable them to meet the goals decided upon at Beijing. Developing countries, according to delegates, do not want to be reminded about the commitments they made five years ago.

They are trying hard to ensure the final document does not bind them to any time-frame or a target date in meeting these commitments.

Fears that they might end up going back instead of moving forward, more than 500 NGOs from 92 countries endorsed a statement challenging governments to stand behind the commitments they made to the world's women at Beijing. Copies of the signed statement were delivered to the offices of UN secretary-general and the president of the General Assembly. "As the General Assembly convenes its special session, it is time to bring the preparatory negotiations to a successful conclusion with a strong outcome document—a document with specific, bold actions to speed up the implementation of the Beijing Platform for Action," said the statement.

THE TIMES OF INDIA

9 JUN 2000

49-13

## 'U.N. meet on women encourages solidarity'

9/6

By Kalpana Sharma

**NEW YORK, JUNE 9.** The temperature in New York is soaring as are the tensions in the basement of the United Nations building. Typical of previous such United Nations conferences, bureaucrats and diplomats from around the world as well as representatives of hundreds of non-Governmental organisations have been burning the midnight oil to meet the deadline of producing a document acceptable to all.

The fight over words and phrases appears pointless at times. But according to Prof. Gita Sen from India who has followed a whole range of U.N. conferences, the struggle to find international acceptance of certain concepts does have meaning for women worldwide. "It has a political meaning in an era of globalisation when international political mobilisation cannot be ignored. Purely local mobilisation will not do. Look at Seattle," she said.

Prof. Sen acknowledges that none of the documents that Governments sign at such conferences is binding on them. Yet, she says, "it is a bit like laws. We know the point of laws when we don't have them."

On the surface, the debates seem to revolve round a few issues. A small group of countries is opposed to words that grant recognition to homosexuals. Some are opposed to any language that legalises abortion. But there are others who insist that all forms of discrimination ought to be opposed including discrimination against people with a different sexual orientation. They also insist that even if countries do not legalise abortion, they must not move against women forced to undergo abortion.

But Prof. Sen says the fight is not about these issues at all. "The battle is about gender equality and not about abortion or sexual orientation". The real divisions she holds are between those countries which have accepted gender equality as articulated in CEDAW (Convention on Elimination of all forms of Discrimination Against Women) and those opposed to it. "We are talking of a group of countries whose primary view of women is as mothers and for whom sex is biology. These are the countries that also opposed CEDAW."

Whatever the differences, the Governments gath-

ered at Women 2000, the U.N. conference to assess progress made five years after the Beijing Women's conference, will have to, at the very least, reiterate what was agreed upon at Beijing even if there is no agreement on moving some of those concepts forward.

For the thousands of women, and some men, who converged on the U.N. last week, the deliberations over this final official document have been of peripheral interest. They have concentrated on building linkages and learning about issues in other countries. There have been meetings on the impact of armed conflict on women, on domestic violence, on sexual rights, on micro-credit, on the problems of older women workers, on women in decision-making positions.

As Ms. Bharati Ray, CPI (M) Rajya Sabha Member, points out, "the conference has given many of us a tremendous exposure. It is specially encouraging to see so many women from developing countries who have so much confidence. It has given us many ideas about what we need to do as this gives us courage and a feeling of solidarity."

The type of women Ms. Ray is referring to include Judge Navanethem Pillay from South Africa, who is the only woman on the International Criminal Tribunal on Rwanda. In what was one of the most impressive panel discussions over the last five days on "Challenges for realising women's human rights", Ms. Pillay shared her experiences on the Rwanda tribunal. The tribunal has 42 people in custody, including the entire political leadership of Rwanda as well as the former Prime Minister. They are charged with a planned genocide that resulted in the death of 500,000 people in just 100 days.

Ms. Pillay said that despite the Universal Declaration of Human Rights, the first conviction on grounds of genocide took place only in 1998. She said very few Governments had a law dealing with genocide. On the other hand, in international law there was no definition of rape. The War Crimes tribunals on the former Yugoslavia and on Rwanda were establishing precedents in these areas which national Governments could follow. For instance, the tribunals had established, for the first time, rape as a war crime. These were important precedents in implementing human rights.

THE HINDU

8 JUN 2000

9 JUN 2000

# Men speak up for women's cause

Shree Venkatram  
New York, June 8

9/16  
HT-12

THE FOCUS shifted to men here on Tuesday. At this very women affair 'Women 2000', there was immense interest in listening to the role of men and boys in ending gender-based violence. And, it seems, finally men are starting to speak up against violence on women by other men, be it a youth caucus worker from Kenya, a human rights activist from Pakistan, a lawyer from Namibia or an author from Canada.

As women have gathered to take stock of what has changed for them in the last decade, Michael Kaufman presented his white ribbon campaign launched a few years ago to end violence on women. Kaufman said gender-based violence is the only epidemic that has so far been challenged by only one half of the human species and the other half has remained silent. It is because of this silence that the epidemic has continued to grow. Kaufman, through his campaign launched in Canada persuades men to break their silence and speak out. The

men are asked to wear a white ribbon as a pledge to the cause. It has helped men speak up and the campaign has now spread to many countries in Africa, Asia, Latin America and the US and Australia.

Philio Thigo who works among youth in Kenya says young men are being made to question, think and address the issue of violence on women. The men who meet in groups are now seeking new visions to redefine their perspectives and identities.

Norman Tjombe who runs a legal assistance centre in Namibia nar-

## Women 2000 Meet

rated Howa national conference of men was called in his country to discuss violence on women. About 250 men from all over the country participated. A national steering committee was formed and then these men went back to their respective towns and villages where they started mobilising public opinion against all kinds of violence on women.

Recently in a small town a huge demonstration was held outside a courtroom where a rapist had moved an application for bail. The demonstrators were largely men.

THE HINDUSTAN TIMES

9 JUN 2000



# UN chalks plan on equality of sexes

REUTERS

UNHQ, June 10. — After an all-night session, 180 countries at a UN conference on women's rights, completed today a plan on practical measures toward achieving equality of the sexes, including combating violence against women in the home.

The one-week conference also broke new ground on battling HIV/AIDS and took a strong stand against "trafficking" - the luring of women and children across borders for prostitution or domestic slavery.

At issue was a follow-up document to an action programme devised at a landmark global women's conference in Beijing five years ago.

The week-long New York meeting was to accelerate plans toward women's equality and emphasise new issues that have arisen since 1995. Ms Angela King, the UN Assistant Secretary-General and special adviser on women, was upbeat about the result. Nevertheless, a large group of activist organisations that attended the conference from around the world issued a joint statement expressing some disappointment at the outcome of the week-long negotiations.

On most programmes involving sexuality, including the treatment and punishment of women who had legal or illegal abortions, there were few advances on the provisions negotiated in Beijing.

Much of the debate on sexual rights pitted Islamic nations, especially Algeria, Libya, Iran, Pakistan and Sudan, along with the Vatican, against Western and African nations and nearly all of Latin America except for Nicaragua.

THE STATESMAN

11 JUN 2000

on women have rarely achieved long-term goals in crucial areas concerning their welfare, says NIVEDITA

MUKHERJEE in the context of the just concluded special session — Women 2000 — in New York

599

At the 1980 World Conference on Women, a call to end female circumcision provoked a protracted debate. Delegates from the North African and Middle East countries argued that only they had the right to speak on the issue. This is just one example of the petty squabbles that undermine the women's movement.

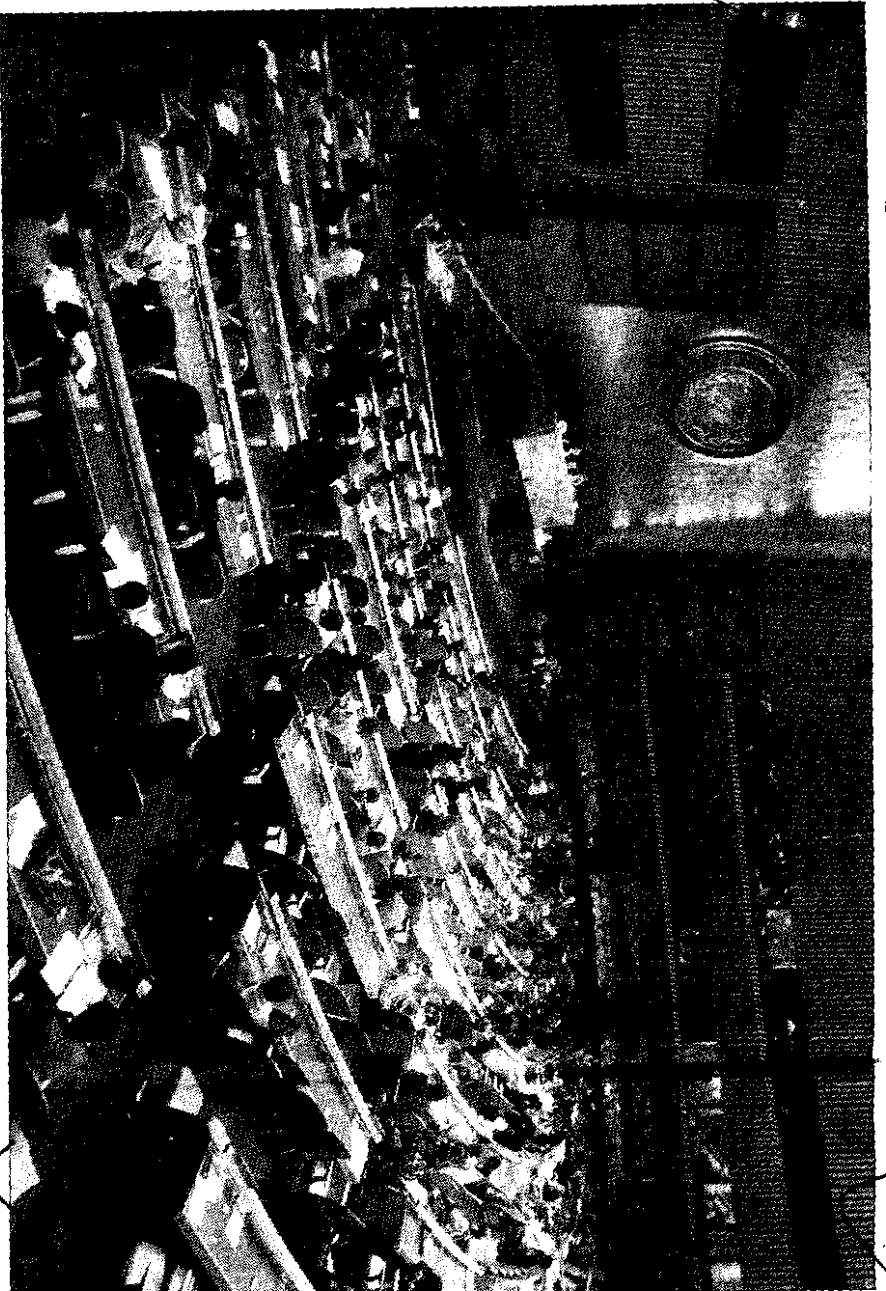
Sure, the international women's movement has grown in size and diversity over the past 25 years. Since it had begun in Mexico City, the movement has been an impressive record of attendance. Women comprised 73 per cent of the 1,200 delegates from 75 countries at the Mexico Conference. But these conferences have, however, failed to offer a strong platform for removing gender imbalances and achieving the UN target of 50/50 gender equality by 2000.

The delegates, clearly short on arguments or logic, spent the major part of the conference pitting conflicting development approaches against one another. There was rhetoric galore but neither ministers nor officials nor NGOs was really able to force a change in the pattern of donor's aid which has remained appallingly low. The prevention strategies vis-a-vis violence against women discussed and devised at the conferences, however, elicited fair amount of participation.

The agendas, which are heavily loaded, lack specific issues of global attention. Clearly, the perils of such an approach haven't resulted in lessons being learned as the agenda of the ongoing shows still focus on good practices, positive actions, obstacles and challenges remaining. There is no mention of issues like armed conflict, employment of girl soldiers in warfare, the burgeoning number of women refugees.

The Mexico meeting in 1975 adopted a World Plan of Action but was devoid of an agreed set of strategies and a time-frame within which the objectives were to be achieved. No wonder the Mexico Conference had negligible impact. Women's issues continued to occupy low priority in

# Progress has been so slow



international matters.

At the Copenhagen Review Conference on the progress made in the years and obstacles to implementing the World Plan of Action, the themes were employment, health and education. The conference was dogged by political tension over the Palestine issue and cultural imperialism, delaying the adoption of the revised draft of the WPA.

The review process couldn't achieve tangible gains, for at Nairobi, delegates discovered that improvements in the status of women and efforts to reduce discrimination had benefited only a small minority. Though the Nairobi Forward Looking Strategies to the Year 2000 adopted by the consensus of 157 participating governments broke new ground by recognising that women's participation in decision-making and the handling of all human affairs was a social and political necessity, the efforts made in the previous two decades had failed to change the basic structure of inequality. Though the Beijing Platform for Action has helped to bring about the recognition of the need to change the focus from women to the concept of gender, it was singularly lacking in far-sightedness to anticipate the change in approach to

women's issues that globalisation would entail.

Another reason why these conferences cannot boast of tangible gains is that policies and betterment programmes proposed at such meets have been undermined by bureaucratisation and inter-agency bickering. For instance, health, one of the key areas of concern, has been caught between an uneasy collaboration between Unicef and WHO with both sparring over who has greater jurisdiction over children's health projects.

Take the pet theme of all conferences — women's access to decision making, the record of which is abysmal. Women's representation at the highest levels of national and international policy-making has not changed in the five years since Beijing. They continue to be in minority in national parliaments with an average of 13 per cent worldwide in 1999, despite the fact that women comprise the majority of the electorate in almost all countries.

As of August 1999, there were only 10 women serving as heads of state and government namely in Bangladesh, Guyana, Ireland, Latvia, New Zealand, Panama, Switzerland, Sri Lanka. Women rep-

resentation in government decision-making positions at the cabinet and sub-ministerial levels, permanent secretary and head of department, show very little progress. In 1996, women made up 6.8 per cent of cabinet ministers worldwide, 7 per cent in 1997 and 7.4 per cent in 1998. In 1999 there were only 677 female members of the upper house compared to 5,639 male members. The majority of women ministers are still concentrated in social sectors such as education, health, women and family affairs.

There have been several important conferences in the 1990s with women's concerns forming an intrinsic part of the discussions and deliberations. The UN Conference on Environment and Development, the World Conference on Human Rights, the UN Conference on Population and Development and World Summit on Social Development. However, the same problems have plagued these same conferences. No wonder then that progress in enhancing the rights of women in and through the UN, has been so slow.

Slow enough, the four world conferences on women convened by the UN in the past quarter of a century, have been instrumental in transforming

the paradigms of advancement (women from regarding women almost exclusively in terms of their development needs to recognising their essential contributions to the entire development process, to seeking their empowerment and the promotion of their right to full participation at all levels of human activity).

To be fair, some strides in gender equality have been visible in developing and marginalised societies. In Morocco, last year, a group of women activists got together to set up a shadow parliament and to republish a feminist newspaper founded in 1983 that had to stop publishing for lack of funding. In Egypt, President Hosni Mubarak bowing to a sustained campaign by women to change the 1929 Personal Status Law which curtailed the rights of women, forced parliament to adopt amendments; women comprise a sizeable bulk of the 1.2 million workers in Bangladesh's garment industry from only a few thousand in 1978; 80 per cent of the food production in Africa, 60 per cent in Asia, and 40 per cent in Latin America is under women, as a measure of their expanded role in food production.

A study covering 165 countries has concluded that women work approximately twice the unpaid time that men do. Women make up 31 per cent of the official labour force in developing countries. In Argentina women produce 60 per cent of the goods and services but receive only 40 per cent of the remuneration. Men are paid 30 per cent more than women. Women are 40 per cent of the workforce in Israel but they constitute about 70 per cent of those receiving minimum wage. Women concentrated in the most precarious forms of low-skilled wage employment has affected their access to hi-tech skills and knowledge requisite for the globalised work culture and the consequence has been massive retrenchment. In Indonesia, the textile industry which employs mostly women, has laid off half a million workers. In Thailand, by February 1998, women comprised 80 per cent of unskilled labour which was laid off because of low skills.

There has been a recognition of the fact that the negative impact of globalisation is being borne disproportionately by women and countries. Sixty per cent of those freed from poverty under the poverty alleviation programmes in China are women. Elsewhere schemes of micro-credit and assistance to families headed by women have been instituted. This special session should have been seen as an opportunity to examine the lacunae and challenges. But, surprise, surprise, it wasn't.

(The author is on the staff of The Statesman, New Delhi)

# An Unequal Music

## Quotas for Women Don't Add Up

By YOGESH ATAL

CHIEF Election Commissioner M S Gill's proposal to make it mandatory for all political parties to nominate at least a third of women candidates for the seats contested by them deserves to be commended. The opposition to Mr Gill's proposal from the key political parties casts doubts on their stated intentions. If they are not prepared to accept the principle of representation within their own parties, what moral right do they have to advocate reserving parliamentary constituencies for women?

The EC proposal is based on ground realities. In the last elections, none of the parties put up anywhere near 30 per cent women candidates. And the electorate chose only 10 per cent women MPs. Both facts seem to indicate that neither the political parties nor the electorate back the 30 per cent reservation principle. In such circumstances, a legal measure to reserve constituencies will amount to imposing an unrealistic standard.

Legislation has no meaning unless it has teeth. Quotas are reserved for SCs and STs in public sector jobs and yet not all the positions could be filled. Commenting on the impracticality of the EC proposal, Rajindar Sachar in an article published in *The Times of India* (May 9, 2000) says that major political parties are opposed to the suggestion because they "will have to deny, a larger number of male candidates if they are forced by law to nominate a third women candidates". But, says Sachar, "smaller and regional parties could make up their quota by formally putting up women candidates from constituencies they may not be contesting otherwise just to comply with the letter of the law." What Sachar implies is that the larger parties would refrain from contesting those reserved seats, and smaller parties will exhibit their indifference while putting up candidates.

The EC's proposal does not question the desirability of having more women in the political arena. It is about the modality of attaining this goal. Given past experience, it is indirectly raising the question of whether reservation is the most efficient way of ensuring greater, and better, participation of women, and whether it will ensure participation by all classes of women. If any particular percentage is fixed as a "quota" for women, it will ensure

that many women in Parliament. But will they be only proxy candidates and power change hands only nominally? Then, there is the question of how the constituencies will be allotted to women. Already, there are reserved constituencies for SCs and STs; additional reservation for women will mean denial of that number of constituencies for males. It may also mean that the SC and ST women will have a double advantage in that theoretically they will be eligible to seek tickets from two sets of reserved constituencies.

As against this, if the constituencies were rotated every fifth year — as is proposed by some — women in constituencies reserved in the first round will be denied the right to contest in future elections

### IN BRIEF

- The CEC proposal saying one-third of candidates of all parties must be women is a welcome one
- Reservation for women will not ensure the quality of candidates and could give SC and ST women a double advantage
- If candidates of all political parties in a chosen seat are women then only a woman will win
- Reservations have not always benefited the disadvantaged for whom they were intended
- Usually, the more powerful in a particular section which has got reservation benefits from it

for 15 years. This would also discourage politicians from nurturing their respective constituencies because of their dwindling chances of contesting from the same constituency.

Sachar's suggestion for double-member seats will have its own adverse implications. The failure of that scheme in the case of SCs and STs should serve as a guide. Moreover, the principle of double-member seats is applicable for groups that have a high concentration in certain areas. As a demographic category, women cannot have such spatial concentration to allow for demarcation of double-member constituencies. The idea of fixing a time limit to reservation is equally fraught with difficulties. Once a provision is made for reservation, vested interests will never allow that privilege to disappear.

Considering all these points, I see merit in the proposal made by the chief election commissioner. It would be better if all major political parties voluntarily agreed to field a certain percentage of women candidates. Sachar opposes this suggestion on the ground that "even if a third of women candidates are put up by political parties, there is no guarantee that the same number will get elected." This is one logical possibility. But there is also a mathematical possibility of having more than the desired percentage of women candidates.

If different parties fielded a third of women candidates from different constituencies with no overlap, the chances are that more of them will get elected. In the worst-case scenario, the electorate may return none of them. In those cases where all the political parties field women candidates any winner will certainly be a woman.

If the EC's suggestion is taken seriously, this modality will certainly ensure greater participation of women in the political process without denying any citizen the right to contest, and every constituency will have simultaneously the opportunity of sending a woman representative to the decision-making chamber.

The insistence on reservations only suggests that we have not learnt from our past experience. The politics of reservation is a product of our colonial history. The colonial masters took advantage of the prevailing diversity in India to create sub-cultural identities to hinder the process of emerging unity against the alien rule.

Fifty years have passed and the list of SCs is getting larger with no signs of any caste getting "descheduled." The vested interest in remaining backward has not abated because of the advantages it continues to proffer to the elite among the Dalits. The result is that the poor among these castes have remained poor and the rich among them have reaped the benefit on the basis of their ascribed status conveniently underplaying their standing on the achievement ladder.

The question of "reservation" is a serious one and should be carefully and objectively examined against the stated goal. "Reservation" is one of the "means" to attain that goal and it should not itself become the goal. That is a dangerous path.

THE TIMES OF INDIA

14 JUN 2000

# Maintenance for divorced Muslim women

UNITED NEWS OF INDIA

CALCUTTA, June 15. — Calcutta High Court has ruled that divorced Muslim women will get maintenance allowance till they remarry. Mr Justice Basudev Panigrahi gave the ruling on a revisional petition filed by a divorced Muslim woman, Ms Sakila Parvin, residing at Narkeldanga.

Deserted by her husband, Mr Haidar Ali in 1993, Ms Parvin filed a case before Sealdah court seeking maintenance allowance.

Though a copy of the petition was served on Mr Ali, no one represented him before the court, nor did he respond to the trial court by any means.

In an order on 15 July, 1993, the trial court, however, grant-

## ALLOWANCE TILL THEY REMARRY: HIGH COURT

ed maintenance allowance of Rs 800 for a customary three-month *iddat* and told Mr Ali to Ms Parvin the *den mehr* of Rs 2,500.

Unhappy with the judgment, she moved the High Court praying for its revision.

Mr Justice Panigrahi on 8 June ruled that the trial court had wrongly constructed the provisions of section 3 of the Muslim Women (protection of rights on divorce) Act, 1986 and also held that the expression "such as all reasonable and fair provisions and maintenance to be made and paid to her" should be constructed liberally.

Mr Justice Panigrahi observed that the Supreme

Court had unequivocally held that the provisions of section 125 of the Code of Criminal Procedure overrode the Personal Law and it necessitated the enactment of the Muslim Women (protection of rights on divorce) Act in Parliament in 1986.

Referring to a judgment of a Division Bench of Allahabad High Court in 1994, Mr Justice Panigrahi said: "According to the provisions of section 125(3) (c) of the Act, the right to receive maintenance allowance cannot be restricted to the period of *iddat* only in case of a divorced woman.

Even no such restriction is imposed by the family court. The appellant should get main-

tenance allowance till her remarriage.

"A divorced Muslim woman is entitled to maintenance after contemplating her future needs and the maintenance is not limited only up to the *iddat* period.

The phrase used in section 3 (1) (a) of the Muslim Women (protection of rights on divorce) Act, 1986 is reasonable and fair provision and maintenance to be made and paid to her by which Parliament intended to see that the divorced woman get sufficient means of livelihood after divorce and that she does not become destitute or is not thrown on the streets without a roof over her head and without any means of sustaining herself and her children".

THE STATESMAN

15 JUN 1994

# NGOs steal the thunder from government on women's issues

By Meenakshi Shedde

MUMBAI: The local response to the recent U.N. Women 2000 conference in New York, which sought to assess women's progress worldwide since the Beijing World Conference on Women in 1995, has been mixed. While some feel it was just a big jamboree with women "chasing their own tails" and "creating jobs for the U.N. staff", others feel there was an upside as well.

Says Kalpana Sharma, author and writer on women's issues who recently returned from Women 2000, "The negative aspect is that a lot of energy is spent on these meetings, that does not necessarily lead to change, but there are positive aspects as well. The bill proposing reservation of 33 per cent of seats for women in Parliament was a direct outcome of the Beijing conference. The New York conference mainly reiterated the positions on many issues that were taken in Beijing, for instance, the proposal that marital rape should be included in the definition of rape."

"There were incremental advances," she continues. "But on the question of reproductive health, there was not much headway, say, on the proposal to have maternal mortality viewed as an important indicator of public health, or to prevent the victimisation of women having abortions in countries where it is not accepted. Nor was there agreement on inheritance laws for women, mainly because of religious and cultural differences."

However, such meetings can stimulate pressure groups to bring about change. Says Sharma, "In India, the National Commission for Women is reassessing how best to tackle the increasing problem of dowry deaths and other issues. In Pakistan, the military government has recognised 'honour killings' as a crime (in which women are killed or mutilated for bringing 'dishonour' to the family or clan by marrying for love or speaking to a man in the street)."

The post-Beijing women's movement in India has yielded mixed results. The Indian NGOs' report at Women 2000 points out that the Indian government drafted a national policy on women in 1996, but has yet to approve it; the proposal to set up a national commissioner for women has been turned down by the home ministry, and most of the National Commission for Women's 200-odd recommendations, including amendments to laws on dowry and trafficking in women, have been practically ignored. The government also wants to close down the all-women police stations in various states, as being "ineffective," it added. All this is at a time when crimes against women are on the increase, and dowry deaths alone have risen alarmingly by over ten times in 15 years, from 427 cases in 1983 to 6,917 in 1998.

The U.N. report presented at Women 2000 reveals Indian indicators that are far from satisfactory. Women's share of seats in Parliament is 8.9 per cent, enrolment of girls in secondary education is 38 per cent, and the female share of paid employment in industry and services is a mere 15 per cent.

But what does Maharashtra's own progress card show? On the political front, the women's share is currently 13 seats out of 288 (22 per cent) in the state legislative assembly and seven out of 78 (11 per cent) in the state legislative council. There are four women ministers of state — Vasudha Deshmukh (Finance), Meenakshi Patil (Fisheries and Ports), Sulekha Kumbhare (Water Supply and Sanitation) and Vimal Munda-da (Women and Child Development).

Nowhere near 33 per cent in the political arena, but have government initiatives achieved anything significant in other areas? Neera Desai, former director of the Research Centre for Women's Studies at SNDT University, reflects, "The state policy is a very pious one. It is really the NGOs and feminist groups that have done much more than the state itself, especially with regard to education and health. Certainly, the government supports NGOs and initiatives like establishing all-women police cells, or supporting the TISS cell concerning police cases involving women and families. But it is more in the nature of structural assistance, rather than active intervention."

Former Mumbai mayor Nirmala Sawant-Prabhawalkar, who was appointed chairperson of the Maharashtra State Commission for Women last week, acknowledges that "NGOs have been more committed than the government, especially in areas such as family planning awareness, vocational training and self-employment, and they are often able to achieve multiple objectives."

A lawyer herself, what are her priorities as head of the women's commission? "I think our legal provisions in dowry death cases are adequate, but their implementation needs to be much better. I would also like to reduce the discrimination in basic laws. For instance, there are a number of papers, like affidavits or government certificates, which a woman can't sign unless she also has the signature of her father or husband. A single woman or single parent can be perfectly competent on her own to take certain decisions. Moreover, I would like to ensure proper implementation of the initiative of the earlier Congress regime, which had waived stamp duty in the case of female litigants in court."

*(This is part of an on-going series on the women's movement)*

THE TIMES OF INDIA

23 JUN 98

# Justice still eludes women

By Mythili Sivaraman

**T**HE 33RD Special Session of the United Nations General Assembly (UNGASS) to review the implementation of the Platform for Action (PFA) of the 1995 Beijing Women's Conference — popularly known as Beijing+5 — took place during June 5-9 this year. Attended by thousands of government delegates and non-governmental observers, this was truly a mega event. However, women round the world may ask: do such mega U.N. events, full of sound and fury, signify anything at all to them? Can they lead to any change?

One answer could be that within the unipolar world of today, the U.N. still seems to serve a purpose, if only to give credence and weight to certain ideals and concerns for which struggles are being waged throughout the world. Further, the growing role of the NGOs as watchdogs of the U.N. process and of their own Governments lends credibility to events such as Beijing+5.

What is the role played by the NGOs in this high drama? Do they 'do their country proud' in the international arena, or do they stay committed to gender justice? For the NGOs, the behind-the-scenes actors in the U.N. drama — only five of them were allowed to address the Assembly very briefly — the PFA was not just an international document to pay lip service to, as it is to most of the political delegates, but was the "culmination of women's struggles for justice in their diverse contexts around the world and an embodiment of their vision and hopes for a society that recognises women's rights as human rights," as an NGO at Beijing+5 put it. One example of the NGOs asserting their independent judgment, going against the state authorities, is the position taken by the Catholics for a Free Choice, that while the Church builds women's capacity through education, education is not always truly empowering, and a feminist critique is required for the development of methods that combat socialisation, both secular and religious, that undermines women.

The NGO field level experience of the impact of globalisation and structural adjustment policies on women the world

over was reflected in the grim observations made in the NGO Alternative Global Report presented to the UNGASS. The report identifies the policies that aggravate feminisation of poverty: privatisation of public services, trade liberalisation, deregulation of economies, withdrawal of subsidies, downsizing of government, substitution of food production by cash crops and failure to monitor and regulate the inflow of foreign capital and enterprise. The final document of Beijing+5

PFA is the creation of an enabling environment for women to build and maintain sustainable livelihoods, but despite the current unprecedented period of economic growth in the U.S., too many women and children continue to live in poverty, particularly minority and rural women. More women are working than ever before, but they are working for low pay in insecure jobs where they don't earn enough to adequately support their families. Government policies of the last

and in terms of practices of the new private sector. Following the collapse of communism and lack of a new identity, a sudden upsurge of nationalism is threatening diversity, tolerance and peace in the... region. These forces have already proved to be destabilising."

The NGOs have been assessing and monitoring not only Government measures aimed at gender equity but also the funding policies of the World Bank. The Women's Eyes on the World Bank, launched in Beijing, is engaged in a study of the Bank's compliance with the commitments it made there in relation to gender equity, participation and consistency. On this evaluation, critical reports on 10 Latin American countries were presented at a symposium as part of an NGO event at the U.N.

five years have not only failed to address this issue, but some policy decisions have actually exacerbated the situation."

On the scandalous situation of the U.S. not having ratified yet the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the U.N. General Assembly, the report says that while the U.S. legislators are out of step with most other governments in the world on this ratification, women advocates in San Francisco have been successful in lobbying for its provisions to become an official part of city functioning on a day-to-day basis — a 1998 city ordinance is expected to positively impact on how San Francisco hires women, how money is spent on them and how services are provided to them. The CEDAW has been taken more seriously by American women's groups than by their Government.

The NGO Alternative Reports show a keen sensitivity to the far-reaching fallout of political events in the regions for women. The new challenges confronting women in the former socialist countries of Europe are captured in this comment in the Central and Eastern Europe report: "The economy in transition, the process of privatisation in the sub-region, has often had negative impacts on women — both in terms of gaining access to assets

ND-12

THE HINDU  
21 JUN 2000

# Women in legal limbo since Shah Bano

FROM RASHEED KHAN

New Delhi, June 24: The landmark Shakila judgment has once again brought in sharp focus the complete indifference of the government and the clergy towards Muslim women.

Though the Muslim Women Protection of Rights on Divorce Act was passed in 1986, in the last 15 years not a single woman was paid maintenance in accordance with the law as no modifications were made in the Waqf Act to make it operational.

The 1986 Act had said that cash-rich state Waqf boards were to provide for maintenance in case the divorced woman was unable to sustain herself and had no relatives — father, brother or son — to support her.

The Rajiv Gandhi government had enacted the law after community leaders convinced him that Shariat laws did not permit former husbands to pay maintenance beyond the *iddat* period, which is approximately three lunar months.

The Shakila case has once

again made it clear that as far as rights of Muslim women are concerned, nothing has changed since the Shah Bano verdict 15 years ago.

The All India Muslim Personal Law Board — which forced the Rajiv government to over-ride the Shah Bano verdict for a "more honourable" Rs 500-per-month maintenance against the Rs 125 under the Code of Criminal Procedure 1973 — has sought a copy of the judgment from Calcutta High Court to "study" and take "corrective steps".

But the ministry of social welfare is yet to react, though Waqf and the Central Waqf Council of India come directly under it.

Congress deputy leader in the Rajya Sabha K. Rahman Khan slammed the government for its failure to even convene a meeting of Waqf boards to ensure payment to destitute divorced Muslim women.

"It is shocking that successive governments made no effort to allow the state Waqf boards to ensure implementation of the 1986

law," Khan, who runs a Rs 300-crore Amanat bank in Karnataka, said.

"They cannot escape responsibility by blaming the Muslim community," he added.

According to informed sources, most Waqf boards in the country are making huge profits, but the benefits hardly ever reach the community.

The annual turn-over of the Haryana and Punjab Waqf Board is anything between Rs 50 and 70 crore.

However, the Uttar Pradesh

and Bihar Waqf Boards — which have more than 1,00,000 Waqf properties — are facing a crunch because of rampant corruption and political interference.

The Central Waqf Council of India functions from the dingy barracks near India Gate. But though the advisory body comprises well-known Muslim

personalities, its meetings are rarely held with virtually no involvement of social welfare minister Maneka Gandhi.

THE TELEGRAPH

25 JUN 2000

# Teacher targeted in campus backlash



Nishi Pandey

FROM ANAND SOONDAS

Lucknow, June 26: Nishi Pandey is caught between the gender divide.

The Lucknow university professor, who had declared war against her male colleague for "sexually harassing" her, has retreated into a shell after a campus backlash.

Students and teachers joining classes today after the weekend break were shocked to find the walls screaming with lewd graffiti.

"Nishi Pandey is a prostitute," proclaimed one, while some said that a "loose woman like her had no place in decent society."

"It's the darkest and the most shameful day in the history of Lucknow University," said Roop Rekha Verma, former vice-chancellor of the university and currently the head of the Centre for Women's Studies.

On Saturday, the 40-year-old Pandey, had said she

would break the "unwritten rules of silence governing women" and sue G.S. Bhadouria, a lecturer of Ancient Indian History and Archaeology, for sexual harassment and slander.

The alleged harassment occurred on June 14. Bhadouria had scribbled on an invitation card for the inauguration of a Lucknow University website that Pandey was a prostitute and a "nagar badhu" — an euphemism for a woman who is common property.

Bhadouria had read his message aloud in the university administrative office, even bragging that he would say it a hundred times over.

Pandey's fight for justice has unleashed a storm that has shredded to pieces whatever semblance of gender equality existed on the campus.

Today, hordes of boys — all supporters of Bhadouria — blocked traffic, gheraoed the vice-chancellor's office and hurled obscenities at Pandey

in an obvious reaction to the protest of some 300 girls who had held up traffic for more than three hours on one of the city's busiest thoroughfares on Saturday.

The enraged girls had gheraoed the vice-chancellor, demanding that Bhadouria be immediately removed as he was a "threat to all women on the campus".

Bhadouria, incidentally, was reinstated this January after a three-year investigation by the university for allegedly molesting a girl student.

But what is worrying Pandey's supporters most are rumours that the Lucknow University Teachers' Association is planning to hold an executive committee meeting where a proposal to suspend both Pandey and Bhadouria for "vitiating the university atmosphere" will be discussed.

"I am very worried about the report," said Verma. The women's studies head feels she is "sure" that

she won't be informed about the meeting as she happens to be at the forefront of the agitation to remove the ancient history lecturer.

"This just shows a blindness to gender issues, where it is not the victimiser but the victim who is punished," she said. "Everyone wants Nishi Pandey to keep quiet."

With the scene getting murkier, Bhadouria has filed an FIR against Pandey for instigating students against him and has even asked the university to terminate her service.

Earlier, various groups comprising teachers, students and academicians had sent written representations to the Governor and sought an appointment with Prime Minister Atal Behari Vajpayee.

According to them, the Prime Minister can hardly remain silent about what is happening in his constituency.



# Women's forum seeks alternative reservation Bill

Our Political Bureau

NEW DELHI 2 MAY

THE FORUM for democratic reforms, an umbrella organisation of women rights bodies and social research groups, has proposed an alternative Women's Reservation Bill on the lines of the Election Commission's suggestion that all recognised political parties allot a mandatory quota of seats to women candidates.

Against the 85th Constitutional Amendment Bill, proposing 33 per cent reservation for women in the Lok Sabha and state assemblies, the alternative Bill will seek to

amend the Representation of Peoples' Act, 1951, making it mandatory for every recognised party to nominate women candidates in one-third of the constituencies being contested by it.

The Bill has been hanging fire for over three years now due to staunch opposition by parties like the RJD and the Samajwadi Party. The Forum for Democratic Reforms, comprising women's rights activist Madhu Kishwar's vehicle "Manushi," Centre for Social and Development Studies, and the Hyderabad-based Lok Satta, in a press release observed that the proposal "gives the political parties the flexibility to take social equations into account while choosing the constituencies to field women candidates from."

The existing Bill proposes rotation of seats so reserved for

women by drawing of lots so that a seat shall be reserved only once in a block of three general elections.

According to the forum, this provision is flawed, given that it will result in a further erosion of accountability as more than two-thirds of the elected representatives will be forced to change constituencies in each election.

The alternative Bill, endorsed by over 200 eminent citizens, including former Orissa chief minister Nandini Satpathy, economist M.S. Swaminathan, sociologist Ashis Nandy, writers Gail Omvedt

and Meher Pestonjee, columnist Tavleen

Singh and Mrinal Pande, Javed Akhtar, Rani Jethmalani and others, will incorporate the following safeguards to ensure that the parties do not give ticket to women in "weak" constituencies:

- For an LS election, the state shall be the unit to nominate women in at least one-third of the constituencies being contested

- For an election to the legislative Assembly, a cluster of three contiguous LS seats shall be a unit

- In case of a parliamentary election in states with less than 3 seats a cluster of states, to be defined by the EC, will be treated as unit

- In the event of any recognised party failing to nominate one-third women candidates, for the shortfall of every single woman candidate, two male candidates of the party will lose the party symbol and affiliation.

*The Economic Times*

3 MAY 2000

# Indo-Pak women put up a brave front

The Times of India News Service

NEW DELHI: "Pehle ki tarah lachaar nahin hum, Aata hai hamen apne muqaddar ko banana... (We are not helpless like we were before, we know how to chart our destiny.)"

Words from a *nazm* beautifully rendered by Pakistani singer Sara Zaman which set the tone for a meeting of the women's delegation from across the border, here on a peace mission, with a large number of members of National Women's Organisations here on Thursday.

And if there was this feeling of solidarity and the assertion of a woman's identity in her own right that came through, what also emerged was the desire to forge bonds, politicians and politics notwithstanding. After all, women on both sides share so many things — language, culture, poverty, even incidents of dowry deaths.

Goodwill was evident not just in what was spoken but also in the messages sent by Pakistani schoolchildren through their teacher, Uzma Kardar.

"The best solution would be to solve matters peacefully and not by cutting each other's throats," wrote one. "The enmity should be limited to the cricket pitch," penned another. "Why do we hate each other? Aren't we all human beings?" asked a puzzled 10-year-old.

In a telling comment, Kardar noted that it was her third visit to India and "it is mind-boggling to

see that while our governments always seem at logger-heads with each other, our people always seem to be friends."

Noted Asma Jahangir, chairperson of the Pakistan Human Rights Commission: "If there is any enmity, it is between the two governments and is due to their vested interests." As she put it, "It is not necessary that Musharraf or Vajpayee will listen to us." The need really was, she said, to forge linkages through songs, writings, thought.

Continuing, she told the gathering, "Hum aapse mafi mangne aaye hain, hamari galtiyan maaf kar dena (we have come here to seek forgiveness, please pardon our mistakes)."

Pointing out that there is fundamentalism in Pakistan because of the religious leaders, Jahangir attacked the late Zia-ul-Haq too blaming him for providing arms and money to such fundamentalists. Shiv Sena leader Bal Thackeray wasn't spared either with Jahangir saying, "You also have your Bal Thackeray" adding, "Kamzor par haath dalte hain (he targets the weak)."

She observed, "there is a silent majority in Pakistan that wants a stop to cross-border terrorism. But that silent majority is not heard." Drawing an analogy, she wondered how one arm could survive if the other was destroyed. Or how the children of Pakistan could thrive if the children of India were suffering.

THE TIMES OF INDIA

6 MAY 2002

# The Third Factor

## Women in Double-member Seats

By RAJINDAR SACHAR

11-10  
CHIEF Election Commissioner M S Gill has unwisely chosen to trespass into the political field by suggesting an alternative to the Constitutional Amendment (Women Reservation Bill) which seeks to reserve one-third of seats in Parliament and legislatures for women. The suggestion is to amend the Representation of People Act, (1951) to compel political parties to mandatorily nominate at least a third of women candidates for the seats they are contesting. This suggestion is both politically flawed and is not even constitutionally permissible. It is unfortunate that some well-meaning women's groups and other individuals should have gone along with this almost unworkable alternative.

### Near Blackmailing

Section 29A of the Representation of the People Act, 1951 provides for registration of political parties with the Election Commission, so as to facilitate the procedure for allotting symbols for the election.

By virtue of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission has reserved certain symbols for parties recognised by it. The advantage to the recognised political parties on a national or a state level is that they are able to get the same symbol for all their candidates throughout the country; even a state-recognised party is able to get the same symbol in elections to Parliament or the legislature of a state where it is not recognised as a state party. This has certain advantages in the matter of publication of the symbol, the familiarity to the electorate and the election propaganda.

Such advantages are sought to be denied to a political party which does not nominate a third of women candidates for the total seats it is contesting, by refusing to recognise it as a political party and thus not entitled to a common symbol. In my view, such an action would amount to near blackmail and be violative of the fundamental rights to form association guaranteed under Article 19(1)(c) of the Constitution. The only permissible restrictions are those in the interest of sovereignty and integrity of India or public order or morality.

That apart, this suggestion, even if unilaterally enforced will not achieve the objective behind the

Amendment Bill. The reason is that even if a third of women candidates are put up by political parties, there is no guarantee that the same number will get elected. The major political parties i.e. the Congress and the BJP are opposing this suggestion. It is only the Samajwadi Party and RJD which are in favour. The reason is obvious, because major political parties will have to deny a larger number of male candidates if they are forced by law to nominate a third women candidates. As both the major parties contest an almost overwhelming number of seats in Parliament, they will be in a bigger predicament but smaller and regional parties could make up their quota by formally putting up women candidates from constituencies they may not be contesting otherwise just to comply with the letter of the law.

Moreover, this suggestion is impractical, since it is assumed that the very same members who will pass the legislation will voluntarily impose on themselves the provision of giving up a third of the seats. This is precisely why the bill has been pending for so long.

In my view, this whole exercise will merely delay the bill. Mr Gill has candidly admitted that he was against reservation even in the matter of Scheduled Castes and Scheduled Tribes. If this thinking is allowed to prevail, then a demand may soon be made to abolish reservation for SC and STs—an eventuality one cannot contemplate with equanimity.

### Harmonious Solution

I believe there is a harmonious solution to facilitate the passing of the Women's Bill. The UK has over 600 members of Parliament. Our Lok Sabha can legitimately consist of 750 members of which one-third could be reserved for women. Knowledgeable members feel that space is not a problem in Parliament.

The objections that reservation of seats for women would mean rotation of seats at every general election with the result that they will not be able to nurse the constituency and also that male candidates will be uncertain of their constituencies will also be overcome if a third of the total seats in Parliament are made double-member constituencies. This would ensure that it will have a third of women members as well as eliminate the threat perception that men have

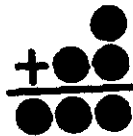
at present of losing their berths.

9/5  
This law of double-member constituencies prevailed upto the 1957 general election for general and reserved candidates. The object of such a provision as explained by the Supreme Court was that the members of certain castes and tribes should have the double opportunity of seeking election from a double-member constituency. An interesting situation arose in the general election of 1957 when the late V V Giri who contested a parliamentary seat from a double-member constituency could not be declared elected because the Scheduled Tribe candidate got more votes than him with the result that reserved candidates were declared elected to both seats. By the same analogy, this would ensure that in a double-member constituency, one woman will always be declared elected as a matter of right, but it is possible that both the seats may go to women.

### Sub-quota Rhetoric

If there is a double-member constituency, the question of rotation of the constituency every general election will not arise because the same double-member constituency could legitimately be retained for at least two to three general elections. This will also ensure that there would be a minimum of a third women legislators. Whereas Mr Gill's suggestion may have the cosmetic effect of a third of women being nominated by the political parties, their representation may still remain five to 10 per cent because of the uncertainty both in the selection process by political parties and the vagaries of election results.

The suggestion of a sub-quota for backward and minorities in the women quota, is constitutionally improper. That apart, women in our country face a number of problems. They are one of the most exploited sections of society. Though the Dalits suffer the slings and taunts of society the most, women even among non-Dalits, are extremely oppressed. In the matter of the fight against injustice and discrimination, women as a class should not be weakened by seeking to bifurcate them on caste lines. The women's movement must resist this design by male chauvinists to weaken their struggle for empowerment.



THE TIMES OF INDIA

5.9 MAY 2000

# Women MPs meet PM over quota Bill

Kalyani Shanker  
New Delhi, May 9

**THE CONTROVERSIAL** Women's Bill may once again elude Parliament even as the women MPs cutting across party lines and NGO's made fresh bid today to rope in the Prime Minister for a firm decision.

"Bring it for voting in the current session even if it is going to be a conscience vote" is the demand of the women MPs, who are ready for a showdown now.

The Bill was introduced with during the winter session amidst noisy scenes. There is vertical division in almost all parties with the men members against one-third reser-

vation for women in Parliament. In private conversation, they speak vehemently against reservation and a Cabinet minister was even heard saying that "there are at least over 300 men MPs who are against the Bill."

Parties like the Rashtriya Janata Dal, Samajwadi party and Janata Dal (U) are against the Bill. With barely nine working days left for the budget session, to end, Ms Mabel Rebello, a Rajya Sabha MP of the Congress took lead in getting an appointment with the Prime Minister.

The main aim of the women MPs and the NGOs is to expose the double standards of the men MPs in case they vote against the Bill.

"Let them vote against and show the world their true colours. They will be beaten up when they go to their constituencies," some women MPs contended.

However, confusion prevailed among the women MPs as well as political parties regarding the fate of the Bill. They must evolve a consensus even on conscience vote and then the Business Advisory Committee has to agree for discussion of the Bill, following which comes the voting stage.

The meeting with Mr Vaipayee itself turned out to be a controversial one. Mrs Margaret Alva, chairperson of the Parliamentary Committee for Women Empowerment, claimed that the

Prime Minister has agreed for a conscience vote while the PMO promptly sent a clarification that the idea came from the women members who met Mr Vaipayee. "They were shouting for a conscience vote and the Prime Minister told them to evolve a consensus," a PMO spokesman said.

There was confusion within the Congress since the party has not discussed the issue of a conscience vote. Congress president Sonia Gandhi is said to be opposed to any conscience vote.

Ms Alva said, "We are hoping there will be a positive response and we accepted the conscience vote because it will be clear who stands for what."

THE HINDUSTAN TIMES

10 MAY 2000

## One-dimensional man

THE PROPOSED ban on *talaq* by the National Commission for Women is a positive move and needs to be considered with objectivity and openness by the Muslim community in India. The recommendations, authored by senior NCW member Syeda Saiyidain Hameed, are not based on a prejudiced paradigm, nor do they have any intention of intervening in the private realm of the community. All it seeks to put on record is the fact that Muslim women constitute the "weakest link" in the "disempowered chain of Indian womanhood" and it is time that the community recognises the fact. The NCW has also pointed out that *talaq*, as an arbitrary form of divorce enjoyed by Muslim husbands, is an appendage of an "old and antiquated system" and denies Muslim women the room for reconciliation, or the fundamental rights integral to a marriage or divorce.

As of now, the prevailing system gives unilateral rights to a Muslim male not only to practise polygamy, but also to divorce his wife "whenever he so desires without assigning any cause," and even in absentia. Recently, an e-mail divorce has been reported and this could very well become the new virtual reality for irresponsible men. Surely, women are not only at the receiving end of this lopsided power equation, but also reduced to a subject of utter degradation and left virtually anchorless.

It is crucial for the betterment of the Muslim community that a dialogue "within" should begin. When women in Turkey and Iran can enjoy equal rights of divorce, or when a divorce in Bangladesh and Pakistan has to go through a reconciliatory process or an Arbitration Council, there is no reason why the Muslim Personal Law should be so conservatively interpreted in India. It is ironical that India is the only country where this one-dimensional male authority of *talaq* is exercised. It is hoped that this archaic system is ended, so that marriage becomes an equal partnership and not an arrangement tilted so arbitrarily against the wife.

THE HINDUSTAN TIMES

19 MAY 2000

# States Bills may go the women's quota way

By Our Special Correspondent

**NEW DELHI, MAY 18.** A day after the drama in the Lok Sabha over the three Bills on the creation of the States of Uttarakhand, Jharkhand and Chattisgarh, it has become clear that it was no more than a half-hearted attempt by the Vajpayee Government to score political points over its rivals.

It is also likely that these controversial bills could meet the fate of the women's reservation bill as the Opposition, particularly the Rashtriya Janata Dal (RJD) and the Samajwadi Party (SP), are determined to stall them in their present form.

The RJD Parliamentary Party leader, Mr. Raghuvansh Prasad Singh, asserted here that his party would not allow the introduction of the Jharkhand Bill as it does not incorporate the amendment approved by the Assembly/ Legislature Council for a financial package of Rs. 1,79,000 crores to Bihar.

The Opposition parties reacted sharply to the manner in which the Government sought to introduce the Bills in the supplementary agenda of the Lok Sabha. The drafts were circulated minutes before the Home Minister, Mr. L.K. Advani, rose to introduce the Bills.

The Lok Sabha Secretariat circulated the Bills among the members around 3.35 p.m. Several members complained that they never received the drafts.

According to sources, the Secretariat had waited till 10 p.m. on Tuesday for copies of the Bills from the Home Ministry so that they could be sent for printing. But it was only in the early hours of Wednesday, 2 a.m. to be precise, that the Secretariat received the typescripts of the Bills; the Ministry officials did not even bother to leave any word about the delay. "You cannot expect us to arrange for printing at that hour. We had to send them only during morning," a senior Lok Sabha official said.

The Government had sought permission from the Speaker, Mr.



Uttarakhand Sanyukt Samiti activists protesting the delay and non-passage of the Uttarakhand Bill in front of the Prime Minister's residence in New Delhi on Thursday. — Photo: Anu Pushkarna

G.M.C. Balayogi, for the introduction of the Bills and their circulation among members. As the copies were not ready, the Speaker did not give the permission. He agreed to waive the rule which requires the circulation of Bills 48 hours before their introduction only after Mr. Advani and the Finance Minister, Mr. Yashwant Sinha, walked into his chambers and made a case to allow the Government to ahead with them.

The drama did not end there. Immediately after the House was adjourned following the furore over Mr. Advani's attempt to introduce the Uttarakhand Bill, a group of 20-odd BJP MPs urged the Speaker to extend the House by another two days to enable completion of the business on the new States. However, the Speaker rejected the plea.

Mr. Raghuvansh Prasad Singh, also a former Speaker of the Bihar Assembly, pointed out that under the rules a Bill for the creation of a

new State has to be gazetted a month in advance of its being introduced, and it has to be circulated among MPs at least one week in advance.

Under special circumstances, the Speaker can waive the rule and allow for the circulation of the Bill 48 hours in advance. "I do not understand the emergency in this case. Why are the rules waived at the drop of a hat," he asked.

He strongly refuted the Government's contention that the delay in finalisation of the Bills was on account of the time taken by the Bihar Government. The Jharkhand Bill was approved by the Bihar Assembly and State Legislature on April 25 and sent back to the Centre.

Mr. Singh said Bihar cannot accept the creation of Jharkhand without being compensated with Rs. 1,79,000 crores as 91 per cent of the State's revenues are from the mineral-rich Jharkhand re-

gion. He said as per the amendments suggested by the Assembly/ Council, the Centre should declare the rest of Bihar as "extremely backward" and extend 90 per cent grant to compensate for the loss of Jharkhand.

## In monsoon session

UNI reports:

The Prime Minister, Mr. A.B. Vajpayee, has assured his party colleagues that the Government would introduce the States' reorganisation Bills during the monsoon session of Parliament. He gave this assurance to 15-20 MPs of the BJP and other parties representing Jharkhand, Uttaranchal and Chhattisgarh regions, who had an informal interaction with him.

The Minister of State, Mr. Babulal Marandi, who was part of the delegation, said Mr. Vajpayee gave a patient hearing and agreed on the need for an early introduction of the Bills.

THE HINDU

9 MAY 2000

9 MAY 2000

# Women and political power

By Gail Omvedt

*There is no need to accept the inept rotation system of reservation. There is a new proposal. This would require political parties to give one-third of their ticket to women.*

**T**HE DRIVE for women's political power had its beginnings in the rural areas. Even in 1975, when we had the first major feminist rally, a "Samyukta Stri-Mukti Sangarsh Parishad" in Pune, a group of rural women afterwards went back to their village and decided, with the help of some young male activists, to put up women for the village elections. Ten years later in 1985, women of Indoli village in Satara district in Maharashtra decided to organise an "all-women panel" for the elections — a decision perhaps influenced by the "liberationist" atmosphere around them, but by no means thought of by the more widely known feminist activists they knew. A similar attempt was made by women from a nomadic community in another Satara district village. Finally, a year later, in 1986, at the founding conference of the Shetkari Mahila Aghadi, women's front of the Shetkari Sanghatana, a resolution was passed to sponsor all women candidates for the upcoming Zilla Parishad elections — and to call on all progressive political parties to participate.

The road to empowerment is not easy. In a literal sense, all the above attempts were failures. The isolated village attempts lost; were in fact met by derision and open hostility. "Why don't you put on bangles?" was the way Congress party bosses in Indoli taunted the husbands of the women candidates, as they exerted all kinds of pressure, including near-kidnapping, to force them to withdraw. The "all-women panels" for the Zilla Parishads never really got off the ground. The Shetkari Sanghatana itself in a major campaign, confronting in the process the prejudice of male activists, succeeded in collecting an impressive number of women. None of the other political parties — Dalit-based, Left or whatever — gave a favourable response.

"Where will we find the women?" was a common refrain, as if in all their lakhs of membership no qualified women were to be found. "You're splitting the left and democratic vote", was another accusation. In the end, the elections were postponed so long that the reserved seats for local government bodies intervened, and the Shetkari Mahila Aghadi put up candidates only for these, with some modest success in several constituencies. Yet none of the

times, almost always accompanied by the worst kind of parliamentary brawling. The issue has taken on the colour of Women versus OBCs — because the mainly rural "backward caste" politicians who have been gaining representation in the Lok Sabha in the last couple of decades fear that they will lose their seats to sophisticated, urbanised upper-caste women. The lack of education among Dalit-Bahujan women makes this a genuine danger.

But "quotas within quotas" is not the answer. What most women's organisations have stubbornly refused to recognise is that the Women's Bill in its present form is a very bad bill. It is based on a system of rotating constituencies — at each election, constituencies reserved for women candidates would be chosen by lottery, with those that have just been reserved excluded. In other words, reserved seats held by women at each subsequent election would be declared open, and the reservation would "rotate" to a different constituency. This would have several consequences, damaging both to women themselves and to parliamentary stability. For women, the fixed reserved constituencies would mean a kind of ghettoisation: they would forever be campaigning only against other women. They would not have a chance to build much of an ongoing political career, since once the seat is made open in a new election, the possibilities are overwhelming that it will revert to a male candidate. With one-third constituencies reserved for women, the other two-thirds will be clung to with even greater obstinacy: "keep to your own seats" would be the general attitude. A woman MP also will not be able to move when her constituency rotates; she would have to wait a full two terms to have another chance as she had before. Rotation would also mean an even greater destabilitation of Parliament, with a minimum of two-thirds of the sitting members due to change at every election. Many might feel that "an infusion of new blood" will help Parliament; but the fact is

women participating in these campaigns felt they were failures. "We stood and so we won," has been the general refrain. There was an exhilarating sense, especially among the women of the farmers' movement, some of whom were moving outside their homes for the first time, that they were breaking new ground. And, though the parties generally mocked the idea of "all-women panels", some kind of process was set off in Maharashtra. By the early 1990s at least ten villages could be found, five of them in Shetkari Sanghatana areas, in which women had gotten the support of their men to campaign and win for all-women gram panchayats.

This "push from below" of women for political power has been met by efforts to give legal support through reserved seats. As a result hundreds of thousands of women throughout India are becoming members and sarpanches and even mayors, and a new kind of political process is taking place. Women's organisations have by and large given up the drive to independently organise for power, and have focused on constitutional change to guarantee representation. And so the last several years have been spent pushing for the "Women's Bill" in Parliament, to guarantee reserved constituencies for women. This is, as the Dalit-Bahujan activist, Mr. Kancha Ilaiah, has pointed out, a unique "Indian" response to the oppression of women. "Everywhere in the world," he notes, "women are subordinate, but nowhere else have they turned to reservations as a way out. It is an imitation of the caste situation."

Fair enough. It can be added that in some Scandinavian countries political parties are required to put up a certain proportion of women candidates, but it is true that no country reserves a fixed quota of seats for women in parliamentary bodies. However, this apparently pioneering effort in India to give women political representation is also not very successful. The Women's Bill has not been stalled several

that it takes time to build up the experience to be a useful contributor to legislating and ruling; a majority of seasoned legislators is a better guarantee of effective laws.

In fact there is no need to accept the inept rotation system of reservation. There is a new proposal, originally proposed by the Samajwadi Party's Mr. Mulayam Singh Yadav, endorsed by many leading citizens and now backed by the Chief Election Commissioner, Dr. M. S. Gill. This would require political parties to give one-third of their ticket to women. It would have to be in a continuous geographical area — for instance, the Samajwadi Party would not be able to give all the ticket to women in Tamil Nadu, it would have to give one-third of those in Uttar Pradesh itself. This innovation would avoid all the flaws of the rotation system. Women will stand against both women and men; they will not be in danger of losing a seat simply because the reservation rotates away from them; and men MPs in turn would not be thrown out of their seats simply because their constituency is declared reserved in the lottery. It will produce a much more stabilised Parliament. And it would not require a Constitutional amendment, only a simple amendment to the Representation of the People Act, 1951.

Most significantly, the alternative proposal would hit at the heart of women's exclusion from political power. In all general elections until 1998, 17.16 per cent of all women candidates were elected to the Lok Sabha but only 10.32 per cent of male candidates; of candidates of recognised parties 32.53 per cent of the women were elected as compared to 26.5 per cent of the men. In other words, voters — rural and urban alike — are quite ready to elect women; it is in the power-hungry competitiveness of party politics that they are excluded. The backwardness of the political parties has also been a major lesson of the earlier campaigns for women's empowerment. The need then is to tackle the parties, not to give women reserved constituencies which they don't need. It is time to give women the support they need for their ongoing aspirations to empowerment, not through a badly-thought-out Constitutional Amendment, but through direct legal pressure on political parties.

20 MAY 2000

## **NHRC opposes nocturnal arrest of women**

The Times of India News Service

CALCUTTA: In a general circular the National Human Rights Commission (NHRC) has instructed the police not to arrest women at night. The circular categorically states that police cannot arrest any woman under any circumstances from the period of sunset to sunrise.

The city police, which has received the circular, is in a fix, as the number of crime committed by women are gradually increasing in the city. City police detective department chief Narayan Ghosh said, "We have received the circular through the home department. We have sent a letter to the department explaining our practical difficulties."

The circular also redefined the arrest procedures and imposed some new restrictions, like one on handcuffing, so that human rights are not violated at the time of arrest.

City police anti-immoral traffic section is in trouble since they have received the circular copy. "We used to conduct raid against immoral trafficking activities, most of which happens during the night. Now it's impossible for us to conduct any raid. We just can't arrest the accused male and let the female go", an anti-immoral traffic officer said.

In a month, at least ten women were arrested in the city under immoral traffic act. At Sonagachhi, the city's biggest and oldest red light areas, the Burtolla police station used to conduct regular raids to restrict prostitution. The commercial sex workers often tends to spill over from the area and spread to other areas.

Women activist Moytreeye Chatterjee of Narinirjatan Protirodh Mancha, legal aid services organisation, however, said that the circular is nothing new but a reminder to the police.

It was long over due as police in the name of arrest under immoral traffic act broke open the door of commercial sex workers. They gave the excuse that a minor was in the brothel.

THE TIMES OF INDIA

12 MAY 2008



# Sabotage in the guise of support?

By Madhu Kishwar

THE ARTICLE "Women and Political Power" by Gail Omvedt published in *The Hindu* on May 19, 2000, is an apt example of the systematic distortions fairly typical of leftist feminist historiography. One characteristic feature of many feminist writings on social movements is that momentous events in the history of contemporary India are assumed to happen only when the author herself is either present as a participant or at least appears as a patron of some group's effort. Ms. Omvedt begins her article by informing us that "the drive for women's political power had its beginning in the rural areas". But in the very next sentence she goes on to convince us that the quest for women's political empowerment found the first-ever expression only in 1975 as an offshoot of her involvement in a feminist rally. To quote her: "Even in 1975, when we had the first major feminist rally, a Sanyukta Sri Mukti Sangharsh Parishad in Pune, a group of rural women afterwards went back to their village and decided ... to put up women for the village elections." The next moment when women of Indoli village, led by Sri Mukti Sanghatana, (expectedly an organisation that Ms. Omvedt was once associated with) decided to organise an "all women" panel for the panchayat elections. Thereafter, the next momentous step is taken in 1986 at the founding conference of the Shetkari Mahila Aghadi, women's front of the Shetkari Sanghatana, when a resolution was passed to sponsor all women panels for the upcoming zilla parishad elections. Needless to say the Shetkari Mahila Aghadi finds a place of honour in Ms. Omvedt's version of history because it was precisely in 1986 that she decided to associate herself with the Shetkari Sanghatana — a mass organisation of Maharashtra farmers. Prior to this till, the various writings of Ms. Omvedt in *Eclectic and Political Weekly* and elsewhere presented the Sanghatana in the most negative light.

For Ms. Omvedt, the history of women's quest for political power begins and ends with the few instances in Maharashtra with which she had personal association. But even in those instances, her account is far from accurate. It is absurd to suggest

that the two villages that she cites as examples of women's resolve for power, were the only ones in all of India, where some women dared stand for elections. Even in these cases, the role of male activists in encouraging and lending support to women candidates was crucial. Likewise, the Shetkari Sanghatana's move to field women candidates is not an appropriate example of women providing a "push from below". Since I myself was closely associated with the Shetkari Sanghatana work in promoting the political participation of women, I can say with a great deal of certainty that women of the Sanghatana did not press on their own to get representation in panchayats and zilla parishads. The move came from the farmers movement

pecially in rural India, have so far come from men.

While all of the above could be attributed to partisan selection of facts, the most inexplicable distortion is in tracking the origins of the Alternative Women's Reservation Bill. Ms. Omvedt confidently asserts that this was "originally proposed by the Samajwadi Party's Mr. Mulayam Singh Yadav, endorsed by many leading citizens and now backed by the Chief Election Commissioner." Anyone even peripherally involved with the reservation debate knows that Mr. Mulayam Singh has only titled to sabotage the Women's Reservation Bill by insisting on a quota for OBC women, within the women's quota. He has made no alternative proposal.

In actual fact, the Forum for Democratic Reforms (initiated by "Manushi") is responsible for drafting the Alternative Bill and mounting the campaign for its adoption. Ms. Omvedt is well aware of this because she sent her endorsement signature to our Alternative Bill several months ago. All the arguments, figures and statistics she musters in support of the Alternative Bill are taken verbatim from the campaign document prepared by four of us — Jayaprakash Narayan, Yogendra Yadav, Dhirubhai Sheth and this writer. The attempt to attribute the Alternative Bill to Mr. Mulayam Singh Yadav, when he is widely known only for obstructing the Bill rather than suggesting improvements, is the surest way to destroy the credibility of the alternative proposal and prevent it from being taken seriously.

For years, dominant sections of the women's movement were unwilling to allow any discussion on the merits and disadvantages of the Women's Bill. This is an important reason for the ugly stalemate over the Bill for the last four years. Now that our Alternative Bill is beginning to get a hearing among women's groups and among parliamentarians; instead of sabotaging its validity by attributing its origins to suspect and discredited sources, those interested in women's political empowerment should be using their talents to disseminate the right information about the Bill's lineage and intent, so that we can finally witness a well-informed debate about its actual contents and long-term advantages.

## Instead of sabotaging its validity by attributing its origins to suspect and discredited sources, those interested in women's political empowerment should be using their talents to disseminate the right information about the Alternative Women's Bill.

leader, Mr. Sharad Joshi, who worked hard to instil political ambition among women and make politics more woman-friendly, though with limited success. It is also noteworthy that for several years the male cadres of Shetkari Sanghatana accepted this pro-women thrust very gracefully and worked hard to secure the success of women candidates.

It is absurd that Ms. Omvedt should forget that the process of bringing women into contemporary politics began in the early decades of 20th century. As soon as Mahatma Gandhi assumed leadership of the Indian National Congress, he worked tirelessly to get women to play a leading role in the freedom movement. This was not confined to getting a few high profile women such as Sarojini Naidu, Kamaladevi Chattopadhyaya, Hansa Mehta and Muthukashmi Reddy included in the deliberations and mass actions of the Congress party. Hundreds of thousands of women in small towns and villages were galvanised into action as a result of Bapu's efforts to link women's rights issues with the struggle for Indian Independence. Even in post-Independence India, there

mining trade union agendas, and also managing the internal health of the working class communities.

The crucial initiative in women's political empowerment came from Ramakrishna Hegde's Government in Karnataka in the mid-1980's. Along with a new and radical Panchayati Raj Act, Mr. Hegde also enacted a law providing 25 per cent reservation for women in panchayats. It was this move which inspired Rajiv Gandhi to attempt a similar reservation for women at an all-India level. It is noteworthy that both Mr. Hegde's vital move and the historic 73rd & 74th amendments brought in by Rajiv Gandhi's Government were implemented before women's organisations lobbied to have such a law enacted. Thus, in this whole process of women's political empowerment, certain men have played a pioneering role in giving women new aspirations. They did not respond to women's "push from below" but initiated moves which generated a new ferment and facilitated women's entry into politics. But feminist writers are extremely reluctant to admit the fact that most important initiatives for strengthening women's rights, es-

# Commonwealth lauds India's role in women empowerment

Kumkum Chadha  
New Delhi, April 16

**E**VEN WHILE political parties here battle over whether or not the Women's Reservation Bill should be passed in Parliament, the Commonwealth Plan of Action on Gender and Development specifically mentions India among those countries where strategic actions have been taken to increase the critical mass of women in decision making.

In the Secretary General's report to be presented at the sixth conference of Commonwealth Ministers Responsible for Women's Affairs beginning tomorrow, the 84th Constitutional Amendment finds a mention under "good practices".

As against this, India does not figure among the ten top reporting countries on Women's participation in the National Executive or Cabinet, and Parliament. While New Zealand tops the list with 30 per cent of women in its National Parliament or Assembly, United Kingdom is the lowest ranking in the list with 18 per cent women representation. India, on its part, had only 7.8 per cent women representatives in Parliament last year. The representation in the Cabinet was a mere 8.57 per cent as against The Gambia's 30.8 per cent - the highest in the top ten - and Antigua and Barbuda with 17.6 per cent.

In the context of the local Government's, however, India ranks third in the series with 33.5 per cent representation of women. Its record is bettered by Seychelles with a 54 per cent and Uganda with 40.8 per cent women representation.

The report also mentions India's

"committed and systematic approach" to mainstreaming gender in areas such as education, health, rural and urban development as well as community development.

The "substantial outcomes", listed in the report, include the Women's Component Plan to ensure that no less than 30 per cent of the funds and benefits flow from other development sectors to women; an integrated approach to empower women through effective use of financial, physical and human resources in both women specific and general programmes and dissemination and enforcement of guidelines on sexual harassment.

While noting that economic empowerment of women and the availability of alternative employment are seen as "viable strategies" to be looked at by Governments in their search for ways to end violence against women, many countries are linking the exploitation of women and children to national programmes on economic development, poverty alleviation and employment creation.

India, the report records, has taken measures which include the provision of alternative, gender sensitive employment for the rehabilitation of sex workers and their children and the voluntary sector has initiatives to end the cycle of the commercial sexual exploitation of children.

Even while India has to ensure effective action to its seemingly impressive fact-sheet, the report underlines the need for implementation of effective gender equality policies and programmes which "must go beyond words to action at policy, planning and operational

levels". Political commitment, it further points out, is critical coupled with resource availability to National Women's Machinery's (NWM's). According to the report in 1999, all but six countries have had some constraints placed on their capacity and ability to implement the national women or gender policy. In many countries "tight constraints on either human or financial capacity" and lack of technical training and resources have resulted in lower performance levels: "NWMs and their parents Ministries receive less than 0.5 per cent of the national budget," the report states adding that most NWMs budgets represent only a fraction of that of their Ministry's overall allocation ranging between 0.2 per cent and 1.46 per cent. India is also mentioned as one of the six countries which are analysing the gender impact on national budgets.

The report, however, notes with concern the "significant lack of progress" for the majority of countries in strengthening the capacity of their NWMs since 1996 especially in the areas of strategic co-ordination and monitoring of programmes or advocacy and policy advice roles: "Factors such as low public awareness of gender issues, strong traditional practices and values, the caste system, religion and lack of co-operation from key stakeholders as well as under representation of women in decision making positions have compounded the difficulties" the report notes. It points out that 88 per cent of the NWMs have a "continuing need" for training in gender issues.

More than 45 member countries of the Commonwealth will attend the three-day conference.

THE HINDUSTAN TIMES

17 APR 2000

# 'Male marginalisation' issue divides members

**Kumkum Chadha**  
New Delhi, April 19

THE ISSUE of "male marginalisation", which was heatedly debated at the ongoing Commonwealth Women's Affairs Ministers Meet here, reportedly took a turn for the worse with some delegate countries feeling that the issue was pushed into the meet with a "deliberate design" to damage the gender movement. That opinion was sharply divided was evident from the fact that the communique was delayed even as delegate countries tried to arrive at a consensus on the issue till well after the sessions concluded.

The issue was widely debated with many participants actually questioning the validity of including this issue in an international conference. The issue, "Emerging Male Policy Issues: Participation and Marginalisation", it was felt, was restricted to the Caribbean

## Commonwealth Women's Affairs Ministers Meet

countries which first mooted the concept after they found that girls were accessing educational facilities to a much higher degree than males. As a consequence, males were being "marginalised" and there was an opinion that some sort of "affirmative action" against

the males was called for. Many participants, it is learnt, expressed surprise at the whole question of "male marginalisation" being deliberated simply on the basis of information regarding the education system and more particularly the drop-out rate among the

boys. That the trend was restricted to perhaps one or two Caribbean countries made this all the more intriguing. In fact, some delegate countries were visibly upset because they saw this as an attempt by some men to "hijack the gender movement on the somewhat unrec-

ognised bogey of male marginalisation".  
Meanwhile, even as the Women's Reservation Bill is hanging fire, the country paper by the Government of India ironically lauds the "close and symbiotic relationship between the women's movement and Government".  
Dubbing this as a "remarkable and enduring feature" of the "Indian democratic spirit", the paper merely states that the Women's Reservation Bill has "huge support" from law makers, opinion leaders and policy makers among others.

More details at:  
[www.hindustantimes.com](http://www.hindustantimes.com)

BID TO OVERCOME DEADLOCK OVER BILL

# Parties should fix quota for women: E.C.

By Our Special Correspondent

**NEW DELHI, APRIL 21** The Election Commission has suggested that it should be made mandatory for political parties to give a fixed percentage of seats to woman candidates rather than reserve constituencies exclusively earmarked for women. This is one of the series of suggestions made by the Commission in its agenda for electoral reforms commended for political parties.

The Election Commission has called a meeting with representatives of recognised national and State parties on April 29 to discuss the agenda.

Besides the need for enhanced representation of women in Parliament and legislatures, the agenda covers rationalisation of constituencies, qualification for election to Rajya Sabha, the disciplinary jurisdiction of the Election Commission over officials employed in connection with elections and the use of common electoral rolls in elections conducted by the Election Commission and State Election Commissions.

Addressing a press conference here, the Chief Election Commissioner, Dr. M.S. Gill, said the proposal made by the Commission on women's reservation was more practicable and viable than what has been envisaged in the Constitution Amendment Bill pending before Parliament.

Dr. Gill said reservation of a fixed percentage of constituencies for women and their rotation after every election were not feasible and could have a destabilis-

ing effect on parliamentary democracy. "A woman elected from a particular constituency in the current election cannot be expected to run to another constituency in the next election on account of the rotation."

**'Simple amendment enough'**

The CEC said, as compared to the present Constitution amendment with all the complications, the proposal made by the Commission would require a simple amendment to the Representation of the People Act (RPA). He said the Election Commission proposal, if accepted, would mean all recognised political parties would have to set up a specified percentage of women candidates in all state and parliamentary elections. The percentage will have to be uniform for all States and Union Territories.

"The Commission has observed that this mechanism of ensuring a minimum percentage of women candidates has apparently worked well in northern European countries. The suggestion has the merit of not requiring a constitutional amendment, eliminating current controversies, and going forward with a simple amendment in the RPA. It will be for the political parties to decide on the percentage to be fixed," he said.

**On delimitation**

The Commission has sought powers to go about the task of delimitation of constituencies to ensure that there is uniformity in the size of Lok Sabha/ Assembly con-

stituencies within a State/ Union Territory without altering the number of constituencies in each State/ Union Territory.

At the moment, there is a freeze till 2000 on the number of constituencies in each State/ Union Territory represented in the Lok Sabha. Recently, the Cabinet has decided to extend the freeze for a further period of 25 years to ensure that lifting of the bar does not impede implementation of the population policy. A bill to further amend the Constitution is likely to be moved soon.

The Commission has no quarrel with the decision of the Government and has, in fact, welcomed the move. However, the Commission is keen on a rationalisation of the size of constituencies within the existing number of seats and in upholding the equivalent of the 'one man-one vote' principle.

The situation in the State of Delhi best illustrates the point. While Chandini Chowk constituency has 3.76 lakh voters, the number of electors in Outer Delhi is more than 31 lakh. So, as compared to the vote value of an elector in Chandini Chowk, the vote value of an elector in Outer Delhi is much less.

The Commission wants the parties to address the controversy on persons who are not ordinary residents of a State contesting for the Rajya Sabha election in view of the specific provision in the relevant law which stipulates that only citizens who are ordinarily residents of the State can stand for election to the Upper House from the State.

THE HINDU

22 APR 2000

# 'Male marginalisation' clause dropped

**Ankur Chadha**  
New Delhi, April 21

WHILE India is chucking its reported victory over the "male marginalisation" clause being dropped from the communiqué issued at the end of the Conference of Commonwealth Women Ministers yesterday, the issue that Caribbean men were "in a crisis" and being "increasingly marginalised" through the "policies and practices" of the State has been widely debated.

The thesis implies Caribbean gender systems are unjust for men. As against this the theory of men feeling threatened following changes in the offing had a substantial support base at the conference with one of the Indian delegates dubbing it as a "canard." Gender equality, according to the Commonwealth brief, cannot be achieved if male marginalisation exists. The point is substantiated in the summary paper presented at the meet by Dr Eudine Barriteau, director, Centre for Gender

Studies, in Barbados, which says: "If one sex group in society would be experiencing disadvantages in relation to the other, the Caribbean states cannot claim to have attained gender equality."

"The existence of marginality for Caribbean men is not determined by the particular biases investigators bring to research. Rather it is revealed in the lived experiences of men," the paper further states.

## Commonwealth Women Ministers' conference

This was also among the major areas which led to the delay in the communiqué at the end of the three-day meet. Interestingly, while education emerges as the arena, co-education in particular has been targeted as the main contributing factor to the marginalisation of males, the paper points out.

Coined by Prof. Errol Miller in Jamaica, the term "men at risk" or "male marginalisation" denotes

majority of men are being "eclipsed" by women "rising" in areas of education and labour. It also points to a decline in the proportions of men's earning power in comparison to women's, especially in white collar occupations.

Counter arguments, on the other hand, dub the male marginalisation theory as a myth.

Warning the women's groups against being trapped into this, Indian delegate and chairperson of the National Commission for Women, Vibha Parthasarthy, said that while men should learn to take on the responsibility of coming to terms with "gender equations," women should resist their "conditioned reflex" of "saving" the situation as it were. "Some men see the change in the offing and already feel threatened; insecure that their prime position may slip away in times to come. Instead of coping with the change, they are crying wolf in the hope that women will run to their rescue." Ms Parthasarthy told the conference.

THE HINDUSTAN TIMES

22 APR 2000

# Party tickets must be reserved: EC

51-12 2214  
STATESMAN NEWS SERVICE

NEW DELHI, April 21. — The Election Commission supports the view that an increase in women's representation in Parliament should be done through reservation in the allotment of tickets by political parties and not through reservation of constituencies.

This proposal is in the agenda of the 29 April meeting between the commission and recognised political parties.

The Chief Election Commissioner, Mr MS Gill, said it should also be mandatory for parties to allot seats in each state where they contested so that they do not field women candidates only from states where they have no, or a limited presence.

The proposal still does not take into account the possibility of fielding candidates from losing seats just to fulfil the mandatory requirement.

To ensure a success rate, a much higher rate of reservation, up to even 50 per cent, would be required — something that parties are likely to cavil at.

The proposal also doesn't take into account the complexities involved in the allocation of seats when parties have an alliance or pre-electoral seat-sharing arrangement, something which is fast becoming a norm.

Explaining the rationale for the commission's support to the proposal of ticket quota, Mr Gill said since views differed on the quota percentage, further internal reservation, methodology and wisdom of allocation

## WOMEN'S QUOTA

and rotation of constituencies and the destabilisation effect of regular and continuous rotation of a large number of parliamentary seats, a better way would be to introduce a legal provision requiring recognised parties to reserve seats for women. This should be done so that the accepted success rate is high enough to ensure a sizeable increase in the presence of women in Parliament and Assemblies.

Spelling out the agenda for yet another bid to secure the

interest of parties on the issue of electoral reforms, the Chief Election Commissioner also pointed to the need to rationalise existing laws with reality as in the case of the domicile requirement for Rajya Sabha elections. He sought powers for delimitation of constituencies and disciplinary jurisdiction over officials employed in connection with elections, changes in the RPA to keep out persons who had been chargesheeted, and adoption of the EC rolls by the state election commissions.

On Rajya Sabha polls, Mr Gill said candidates were seeking to be registered as electors in states where they were not residing and are consciously making incorrect statements. This is common public knowledge and evident even in the recent Rajya Sabha polls where residents of Delhi had contested from states with which they had no links.

Asking whether "we should live this lie", the CEC said it would be more honourable to realise the ground reality by giving the practice a statutory sanction through an amendment in Section 3 of the RP.

THE STATESMAN

22 APR 2000

# Rights for widowed daughters

FROM R. VENKATARAMAN

New Delhi, April 21: The Supreme Court today ruled that a widowed and destitute Hindu daughter is entitled to maintenance from her father if she has nothing to fall back on. The court also ruled that her right over the property of her father would become an absolute right and not just a "life interest".

Delivering its judgment, the apex court said the Hindu Adoption and Maintenance Act "creates an independent, personal right against the father (or mother) if the daughter is unable to maintain herself out of her earnings".

In their judgment, Justice S. B. Majumdar and Justice M. Jagannadha Rao said the property — which might have been willed to her by her father or mother — would "mature into full ownership" even if the will was only for a lifetime interest.

Section 19 of the Act also creates an independent and personal right.

"This provision also indicates that in the

case of a widowed daughter-in-law of the family — if she has no income of her own or no estate of her husband to fall back upon for maintenance — then she can legitimately claim maintenance from her father or mother," the judges ruled.

In a relevant case related to property dispute, one Sham Singh had willed one-third of his property each to his widowed daughter, who was dependent on him, and his two brothers.

In his will, Singh had made it clear that though the sole right of the one-third property rested with his daughter Balwant Kaur, it would revert to his brothers upon her death.

After Singh's death, his daughter claimed full ownership of the property willed to her. But Balwant Kaur's uncles — Sham Singh's brothers — challenged her claims, saying that according to the will, her share would revert to them after her death.

But the judges said that even if Singh had left no will, the widowed, destitute daughter

had a pre-existing right over the property of her father which would become an absolute one.

"It is easy to visualise that if the testator had created a life-interest to the extent of one-third of his property in favour of his maid-servant or a female cook — who might have served him during his lifetime — then such female legatees could not have claimed the benefit of Section 14(1) (which confers absolute right)," the judges said.

"But the appellant, as a destitute, widowed daughter of the testator, stands on an entirely different footing," they ruled, saying that the "will in her favour recognises her pre-existing right". The judges added that the will was "different from the will created in favour of a maid-servant or a cook".

"Under these circumstances, Section 14(1) can legitimately be pressed into service on the basis of the legal right flowing to her (the widowed, destitute daughter) under the relevant provisions of the Maintenance Act," the judges said.

THE TELEGRAPH

22 APR 2000

MF-13 **Sensible move** W.B.W.

THE ELECTION Commission's proposal to make it compulsory for political parties to allot a certain percentage of seats to women contesting elections deserves serious consideration. For a start, it provides a well-conceived alternative to the proposed constitutional amendment setting aside one-third of the parliamentary and legislative assembly seats for women. If the amendment is yet to see the light of day despite the open support expressed for it by nearly all the parties, it is evidently because of deep reservations that are secretly nurtured by all of them. It will be unfair to say that the objections are the result only of male chauvinism. It is also undeniable that, first, most parties do not think it is possible to field so many women candidates capable of winning; and, secondly, the question of reserving certain constituencies for them is also considered politically unacceptable since it might mean evicting popular male candidates.

In addition, as Chief Election Commissioner M.S. Gill has pointed out, the rotation of such constituencies is equally problematical, for an elected woman "cannot be expected to run to another constituency in the next election." As he has said, the proposed amendment can have a destabilising effect on the parliamentary system. Given these difficulties, it will be preferable to begin at the beginning by compelling parties to nominate a certain percentage of women who can then contest from any constituency. In fact, Mulayam Singh Yadav did suggest some time ago that 10 to 15 per cent of nominations by each party should go to women only, but it was ignored in the emotional clamour in favour of the constitutional amendment. Now that the Election Commission has endorsed this proposal, it should receive much greater attention and lead towards a solution which will raise no cavils.

The other sensible suggestion made by it relates to the elimination of the provision calling for a person to be a registered voter in a State from where he seeks election to the Rajya Sabha. By wanting to do away with it, the Commission is merely accepting the fact that this rule was honoured more in the breach since most parties used false declarations to get its candidates elected to the Upper House. The Commission's failure to stop this malpractice is its own indictment, especially since the political ruses were all too apparent. The proposed change may lead to more honest elections (notwithstanding what happened recently in the contests for the Rajya Sabha), but it will also do away with the concept that the Council of States represents the States. Perhaps the Commission hopes that whoever is elected from wherever, he will consider himself as a representative of that province.

THE HINDUSTAN TIMES

24 APR 2000



# Seagull forms new panel to probe harassment charges

Soumya Bhattacharya  
Calcutta, April 25

MEMBERS OF the panel constituted by Seagull Bookstores to probe the sexual harassment charges brought by a former employee against a managing director of the company have resigned. Seagull has formed a new panel to probe the charges.

Despite several attempts, it could not be immediately known why the entire panel — which had heard the case twice over the last one month — resigned rather suddenly. The members are not willing to disclose the reasons behind the resignations.

This new, "completely external, high-powered" committee is already getting in touch with various people for depositions and trying to get to the bottom of the charges. The new panel is headed by writer Mahasweta Devi and includes legal aids expert Snigdha Goen and lawyer Gitanath

Ganguly. It is expected that its verdict should be out within a week or so. The former five-member panel, too, had been constituted by Seagull.

**Despite several attempts, it could not be known why the entire panel — which had heard the case twice over the last one month — resigned suddenly**

As the inquiry drags on, the complainant waits anxiously for the findings. In fact, she had written to the chairperson of the former panel, asking when the investiga-

tion would be complete. She is also contemplating legal advice.

The *Hindustan Times* had reported the allegations of sexual harassment brought by the complainant and the point-for-point rebuttal that Seagull had given. The complainant, who authorities say was sacked in January on grounds of a poor track record, had also appealed to the former panel to link the allegations of harassment with the dismissal.

Seagull director Naveen Kishore was not too keen to talk about the issue, pleading that the new panel be given the cover of confidentiality while investigating the charges. Kishore said he would be happy to speak about the matter as soon as the investigation is complete.

Women's rights organisations and human rights bodies that had once promised to take up the case are treading very cautiously on the issue and are refusing to be drawn into conversation about it till the verdict is out.

THE HINDUSTAN TIMES

26 APR 2000

# Hindu nationalism & women — I

AG-12/274 By Gail Omvedt

**D**ALLIES HAVE reason to be worried, with the RSS in control of the Ministry of Human Resources Development. Not only is it in a position to impose its cultural agenda on the nation, but it also seems to be moving to cut off the development of a Dalit intelligentsia which has been one of the powerful forces challenging it. Recent correspondence calling for an end to reservation for Scheduled Caste and Scheduled Tribe students at the M.Phil and Ph.D. level is an indication of this. So are statements in the Rajya Sabha by Ms. Vasundhara Raje, Minister of State for Personnel, that the Government is considering applying an "income criterion" for reservation.

But if Dalits should be concerned, so should women. The kind of nationalism that is being peddled by the RSS is one that has been functioning for the last century and a half to maintain the highly subordinate position of women in India. The nature of women's encounter with nationalism is a complex one and has been endlessly dissected in recent scholarship.

On the one hand, the role of women in national liberation movements has legitimised their coming out of the home into the public sphere, and has helped them confront their own subordination within a domestic patriarchy along with the national oppressor. It has left a heritage of struggle and pride, as indicated in the title "We Also Made History" given to an account of women's role in the Telengana movement.

On the other hand, the elite's concern to defend their "national culture" against western invasion has led them to defend the subordination of women to the community, and with it some of the most retrograde of traditional customs. The well-known paradigm is the veil: women in many Muslim countries threw aside the veil as they emerged to take part in the struggle, or at times used it as a form of disguise, a means of hiding from imperialist forces. But after the struggle, in too many cases the veil was re-imposed. Not only the veil; African nationalists like Jomo Kenyatta were ready to defend even the cruel custom of female circumcision

as a symbol of tradition and self which had to be maintained.

The long-term meaning of nationalism for women, then, has varied with the collective strength they have gained in the course of struggle. Too often it seems that the male nationalist elite has been able to deprive them of this strength. The case of India is becoming increasingly well documented with recent scholarship. Among some of the most important works are historian Uma Chakravarty's study of Pandita Ramabai and her times, titled "Rewriting History", and an impressive collection of articles edited by Chakravarty and Kumkum Sangari, "From Myths to Markets". Pandita Ramabai was the

daughter of an outcast Brahmin — out-cast partly for educating his daughters — and famously defended by Mahatma Phule; for her contributions to women's education. Phule had argued that education was the key to women's liberation as to that of the "Shudras and At-Shudras", saying that once the daughters and daughters-in-law of Brahmins learnt to read the sacred scriptures they would scornfully hurl them all away.

## The kind of nationalism being peddled by the RSS has been functioning for the last century and a half to maintain the highly subordinate position of women in India.

But this did not happen: although Ramabai herself was an early feminist, founder of perhaps the first autonomous women's organisation, she was neatly sidelined by the elite after she converted to Christianity, having discovered that in her words, "there were two things on which all these books the Dharmashastras, the sacred epics, the Puranas and modern poets, the popular preachers of the present day and orthodox high caste men were agreed, that women... as a class were all bad, very bad, worse than demons, as unholily as untruth, and that they could not get moksha like men".

This was too much for even the moderate Brahmins, who continued to idealise

many aspects of ancient Vedic society. But in telling this story, it needs to be asked, whose history is Chakravarty rewriting? Apparently that of the nationalists themselves, including such contemporary intellectuals as Partha Chatterjee of the well-known Subaltern studies school. In an early article Chatterjee had argued that the "nationalist resolution of the women's question" was achieved when the nationalists used the division between "inner" and "outer", the "home" and the "outside" world to maintain the inner, spiritual world as the realm of their inviolate cultural essence, barred to western aggression in contrast to the humiliation they had to face in the

public world of the colonisers. Women became both the symbol of the inner world and its guardians; they were not to be subordinated in the traditional religious way but they were to be discouraged from taking part in the public sphere except as an extension of the home, and they were to be educated to be conveyers of the national culture. It may be said that just as the RSS is out to control education today, nationalist men were anxious to control it from the nineteenth century onwards.

For Indian women, however, the inner world has had characteristics of a prison; the family has been the collective agent of her subordination. Escaping from the "four walls" of the home has always been a major theme of women's struggles for liberation, whether they were organising as part of the broader workers' or farmers' movement or on their own issues. It is no wonder then that feminists have begun to critique Chatterjee for being too satisfied with his "nationalist resolution". Indeed, the communitarians who have posed the national community as an alternative to the heartless individualism of the world

of western commercialism have generally been silent about what these communities have meant for women. Thus in a recent article in *The Economic and Political Weekly*, Himani Bannerjee notes that Chatterjee's writings on the women's question signalled a departure from the earlier agenda of Subaltern studies of critiquing nationalism and recovering the history of the oppressed.

Feminists have also extended the interpretation of this "nationalist resolution". One of the strongest chapters in Chakravarty's book is a depiction not of the orthodox elite but of the liberal reformer M. G. Ranade. Ranade, as is well known, caved in to family pressures and rather than marry a child widow, agreed to marry the girl chosen by his father. He then had her educated — but to be a suitable companion and fit wife and mother for a new generation of "modern" Indians. It was not so different from Gandhi dragging Kasturba along with his dietary quibbles and his brahmachari vows.

This "guided" education of women, organised both privately and in public schemes for women's education, was designed to undercut the radical potential of education that had been embodied in the spectre of Pandita Ramabai. It produced women such as Anandibai Joshi and Kashibai Kanitkar, who — as is shown by Meera Kosambi's study in the *Myths to Markets* volume — in spite of being a woman doctor and woman novelist respectively, continued to subordinate themselves to their family. In becoming educated, they had to confront all the tensions generated among more orthodox women left behind. "Women became the site where the conflict between the old and the new was played out", as Kosambi puts it. In Bengal also, the first woman's autobiography by Rashsundari Debi reveals the incredible amount of household labour even elite women put in to maintaining the traditional "inner world" to the liking of nationalists.

Thus the nationalist project of maintaining the spiritual core of their culture, identified with the family, often simply gave a new justification for ongoing patriarchal control of women's sexuality and labour.

# Hindu nationalism & women — II

By Gail Omvedt

BY MANY measures, India is one of the most patriarchal countries in the world. It has lower female literacy rates than many African countries; only recently have women's lifespans begun to equal men's — in sharp contrast to most countries where women tend to outlive men — and maternal mortality rates remain high. The most stark measure of all is perhaps Prof. Ariyaratna Sen's concept of "missing women" — the low sex ratio in India means that some 37 million to 38 million women who might otherwise be alive today have died due to neglect and maltreatment.

This seems clearly related to aspects of Indian culture, rather than simply worldwide economic and political processes. Feminists have been reluctant to examine the specific causal factors behind this, in particular the role of Brahminism and caste society, though condemning Manu is a common theme of the women's movement. However, one of those who had asked analytical questions recently, Nirmla Banerjee, comes up with some provocative answers. Banerjee's essay, "Analyzing Women's Work Under Patriarchy", is published in the volume "From Myths to Markets", edited by Kumkum Sangari and Uma Chakravarty, and begins with a critique of the "common sense" understanding that greater work-force participation will give more independence to women. Banerjee argues against both neo-classical and marxist versions of this, claiming that the evidence in India is against it, showing that jobs are often defined as "women's work" and assigned low pay and status only after they get filled by women. Indeed, many of the other studies in the volume document the continuing joint family control over women's work, just as with education, the potentially liberating influence of "economic" independence has been neutralised by patriarchal controls in India.

The solution that Banerjee favours derives from a thesis by Heidi Hartmann in regard to European development. Hart-

mann argues that male control over women's participation in the workforce — and the resulting low pay and worsened conditions for women — did not come simply from the prior subordinate position of women in the family, with time occupied in domestic work and childcare. Rather, the specific collective powers gained by male workers through the trade union movement functioned against women in Europe, allowing them to use union repatriations and powers to subordinate women both in the workplace and the home. In Europe what gained strength with the rise of capitalist

was replaced by a single model. Given the popularity of literature about women, probably as much energy went into building the new structures of women's subordination as into any aspect of national culture.

Recently, some historians have argued that far from caste being a "timeless" feature of Indian society it was, if not actually constructed during the colonial period, strengthened and helped to consolidate its hold throughout India. The "brahminic" model, which had been most hegemonic in the irrigated areas and river valleys, now was taken as the norm

for Phule, the family was very far from being the centre in which the inner spiritual identity of the nationalist Hindu could be maintained; he even postulated that in his ideal family, the father could be a Satvasamajist, the mother a Buddhist, the son a Muslim, the daughter a Christian! This represented a radical separation of the family and cultural identity. Similarly, as V. Geetha has shown, Periyar not only linked the subordination of women to brahminic caste hierarchy, but also questioned traditional "Tamil cultural" notions of chastity.

But these were dissenting voices. It was the "nationalist resolution of the women's question" which triumphed, and which has probably helped in maintaining the continued strength of the patriarchal family and the culture that surrounds it in India today. Now that the BJP is in power, and the RSS is pushing its "Hindu nationalist" cultural agenda in all the educational and cultural institutions of society, the situation is likely to become worse — or at least provoke sharper conflict.

However, the question remains, if the women's movement was too weak in the colonial period to confront elite nationalism with its own equalitarian and nationalist agenda, where is the hope that it will gather renewed strength today?

(Concluded)

## The new communication and transportation networks in colonial India — and arguments for "national unity" against the alien rulers — helped the patriarchal elite in consolidating a "modern" form of the subordination of "Hindu" women.

Industrialisation was the notion of a "family wage" which assumed the existence of a working male and a housebound wife. Strikingly, the institution that proved helpful for the betterment of male workers' condition, unions, worked against women.

Hartmann's thesis, as Banerjee notes, does not apply *per se* to India, where the union movement was never so strong. But it does point to collective agency, and it suggests — though Banerjee does not herself draw this conclusion — that the equivalent in India to the labour movement in Europe, the nationalist movement, played the same role. The ideological role played by the "family wage" in maintaining home and children in Europe was matched by the cultural-nationalist role of the "Hindu woman", modelled after Sita and Savitri, which was popularised and spread in India during the colonial period. It was a time when, as Uma Chakravarti shows in "Rewriting History", the differentiated caste-hierarchical model of women's subordination

throughout British courts helped in that they enforced "brahminic" as Hindu law, but elite action was just as crucial. In the same way it can be argued that the new communication and transportation networks in colonial India — and arguments for "national unity" against the alien rulers — helped the patriarchal elite in consolidating a "modern" form of the subordination of "Hindu" women. Women who would otherwise have protested more strongly against oppressive customs were also drawn into assent to them as an aspect of maintaining their national identity; this can be seen in the autobiographical writings of Anandibai Joshi and even Pandita Ramabai, who was provoked by the chauvinism of church authorities to insist on many of the customs of the "high-caste Hindu woman", whose situation she was otherwise so critical about.

There was protest against this version of "national unity", of course, and arguments that an equalitarian nation had first to be created — coming from Bahu-

THE HINDU  
APR 2000

## EC meet

up "the controversy of further inter-  
national reservation will also become un-  
necessary". R Pillai (CPI-M) and A  
B Bardhan (CPI) said the EC pro-  
posal would not ensure adequate  
reservation for women and efforts  
should be made to evolve consensus.  
The same view was echoed by De-  
vendra Dwivedi of NCP. Political  
parties remained divided on issues  
like delimitation of constituencies,  
qualification for election to RS, dis-  
ciplinary jurisdiction of the EC over  
the officials employed in conduct-  
ing polls and criminalisation of poli-  
tics. On the delimitation of con-  
stituencies, while BJP said there  
should be consensus among parties  
whether to entrust the task with the  
poll panel or the Delimitation com-  
mission, Congress opposed "over  
burdening" the EC with the work.

# Consensus eludes EC meet on reservation for women

PRESS TRUST OF INDIA  
NEW DELHI, APRIL 29

**C**ONSENSUS eluded  
Election Commission's  
suggestion on fixing a  
quota for women con-  
testants and other contentious is-  
sues at an all-party meeting con-  
vened by the Commission here on  
Saturday.

Almost all political parties ex-  
cept Samajwadi Party rejected the  
proposal on fixing a specified per-  
centage of women candidates in all  
state and Parliamentary elections  
to ensure a sizeable increase in  
their representation.

"All contentious issues were  
talked about at great length,"  
Chief Election Commissioner MS  
Gill said, adding the Commission

could not make the law on elec-  
toral reforms but could only give  
suggestions.

The meeting discussed among  
others delimitation of constituen-  
cies, qualification for contestants  
for Rajya Sabha, disciplinary juris-  
diction of EC over officials em-  
ployed in poll duty, criminalisation  
of politics and use of common  
electoral rolls.

On the EC's proposal that po-  
litical parties should fix a quota for  
women contestants, which met  
with strong opposition from  
women's organisations, Gill said  
though all parties felt something  
should be done, there was differ-  
ence of opinion among them.

However, he hoped the deli-  
mitation on the issue will continue  
to reach some consensus before

the on-going Budget Session of  
Parliament ends on May 17. "Let  
us see what they (parties) do in the  
Commission."

However, Samajwadi Party  
leader Mulayam Singh Yadav, a  
staunch opponent to the present  
Bill, welcomed EC's suggestion  
and hoped that political parties  
would support the measure.

The Commission's proposal  
envisaged that the parties fix such  
a percentage for women candidates  
that the accepted success rate was  
enough to ensure a sizeable in-  
crease in the presence of women in  
Parliament.

The three-member poll panel  
had noted that the current repre-  
sentation of women in Parliament  
was about eight per cent. It had  
said that if its proposal was taken

CONTINUED ON PAGE 2

INDIAN EXPRESS

30 APR 1977

0 APR 1977

## WIVES' CLUB

59-6 Lip service to gender equality 399

WHEN it comes to paying lip service to the cause of reservations for women in the Lok Sabha, all political parties voice their full-throated approval while some include a proviso seeking reservations for certain communities within the reservations. But when it comes to giving women the opportunity to stand on an equal footing in allotment of seats, all of them display their male chauvinist colours. Even Sonia Gandhi is unable to make a difference in her party. The fair sex have not even been given 10 per cent of the total tickets allotted. Of those few the majority claim kinship with an established politician — daughter, daughter-in-law or wife. In their own right, women are not regarded as possessing what they call the "winnability" factor. Despite the fact that women have entered almost every walk of life and have proven again and again that they can stand shoulder to shoulder with men if given the chance, politics is one area where they have been held down — thanks to the stubborn refusal of men to share the spoils of power. Are men afraid to let women come forward in this field?

Despite the near unanimity on the subject, at least at the level of protestations, it is obvious that male politicians have not learnt any lessons. Reservations are difficult to implement; how will constituencies reserved for women be determined, for instance? Or are these difficulties responsible for the cussedness of the male of the species?

THE STATESMAN

10 OCT 1997

## Daily wage women employees are entitled to maternity benefits: SC

By Our Legal Editor

NEW DELHI: In a major ruling which may benefit all the daily wage women employees in the country, the Supreme Court on Wednesday said they are also entitled to the maternity benefits available to their counterpart regular employees. Failure to extend these basic rights by an employer would be a penal offence punishable with at least one year in prison and fine.

The SC judgment, coinciding with the International Women's Day, also said that denial of maternity benefits would be violative of the Universal Declaration of Human Rights and the various constitutional provisions which guarantee equality, dignity and social justice.

A bench comprising Justice S.S. Ahmad and Justice D.P. Wadhwa, which recently held that a woman divorced by her husband for having deserted him would also be entitled to maintenance, directed the Delhi Municipal Corporation to extend the Maternity Benefit Act, 1961, to its daily wage women employees, many of them working for over 10 years as "muster roll" employees drawing meagre wages for doing such hazardous jobs as digging trenches and carrying heavy load in

the construction projects.

Dismissing the Corporation's appeal against the high court and also the Industrial Tribunal's orders, the judges asked it to pay full wages for the daily wage women workers who are entitled to avail the Maternity Benefits Act.

"A just social order can be achieved only when the inequalities are obliterated and everyone is provided what is legally due. Women, who constitute almost half of the segment of our society, have to be honoured and treated with dignity at places where they work to earn their livelihood," the court added.

The court asked the Corporation to implement the Industrial Tribunal order by approaching the state government and also the Central government for issuing necessary notification under the proviso to sub-section(1) of section 2 of the Act if it had not already been issued. In the meantime, the benefit under the Act should be provided to its daily wage women employees.

"To become a mother is the most natural phenomenon in the life of a woman. Whatever is needed to facilitate the birth of child to a woman who is in service, the employer has to be considerate and sympathetic towards her and must

realise the physical difficulties which a working woman would face in performing her duties at the workplace while carrying a baby in the womb or rearing the child after the birth," the court observed.

The Act provides all these facilities to a working woman in a "dignified manner so that she may overcome the state of motherhood honourably, peaceably, undeterred by the fear of being victimised for forced absence during the pre or post-natal period," the judges explained.

The provisions of the Act are in consonance with the Directive Principles of State Policy, the court said, adding: "A woman employee, at the time of advanced pregnancy, cannot be compelled to undertake hard labour as it would be detrimental to her health and also to the health of the foetus."

Therefore, the Act says that she would be entitled to maternity leave for certain periods — prior to and after delivery. The court said it had scanned the Act and did not find "anything contained in it which entitles only regular women employees to the benefit of maternity leave and not to those who are engaged on casual or on muster roll on daily wages".

# Today is International Women's Day, but every day is Men's Day anyway!

By Moon Moon Sen

CALCUTTA: Women's Day? Is there any point in celebrating something like this when we all know that every day is men's day?

You may ask why we can't have a men's day instead, but will there be any takers for such a concept? This fad of 'celebrating' certain days is totally market-driven. The moneyed class just want an excuse to blow up their cash and credit cards at Park Street joints. For those struggling to make a living, this is just another day of hard work. These so-called 'special days' are all media-created. It's a make-belief ideal world out there. Advertisers and those in the entertainment industry try their best to put meaning into non-events, because it generates money.

Picking and choosing days at random makes it even more meaningless. For this reason, I don't believe in celebrating March 8 as Women's Day. What is there to celebrate? Has there been any change in the condition of women in general? Even if I wanted to celebrate the day in some way, the vision of an unclad, insane woman, whom I have seen on the streets of Calcutta, comes to my

mind. I feel baffled by the mere thought of unemployed women being forced into prostitution, be it along the lanes of Sonagachi or seedy Park Street flats.

The woman who commits suicide when her marital life becomes unbearable makes a mockery of Women's Day. How can you think of celebration when we still have dowry deaths? And what about

triumph of human beings, of men and women. So, whether it's men's day or women's day, it doesn't carry meaning unless we celebrate 'causes'—women who fought for freedom and even the woman who becomes a mother. Similarly, if a man achieves something great, it is worthy of celebration.

We ought to felicitate men and women who overcome the odds. Let us celebrate Mamata Banerjee who has set an example for many of us. Why not celebrate the Italian woman who is trying her best to inject a sense of unity into the warring factions of the Congress? Sonia Gandhi should be celebrated for the effort she puts in to unite the Congress.

Let's celebrate Sister Nirmala for her unflinching work for destitutes or Saurav Ganguly, who has a tough time ahead with a team whose morale is at its lowest at the moment.

Or maybe, even I can be 'celebrated' for remaining the unalloyed, unblemished Moon Moon all these years. Remaining true to oneself is challenging. I, at least, could achieve it.

(As told to Krishnendu Bandyopadhyay)

**Women in charge**  
UNESCO director-general Koichiro Matsuura has appealed to all news organisations around the world to hand over editorial charge to women journalists on International Women's Day, March 8. Accordingly, all editions of *The Times of India* are placed under the editorial charge of women journalists today.

the old unsheltered woman who lives and dies at the mercy of others? I can't celebrate trauma. Celebration of Women's Day is just a mockery to womanhood.

March 8 doesn't carry any significance for me. I spend the day just like any other day. Instead, let us celebrate the achievement and

THE TIMES OF INDIA

- 8 MAR 2000

## Women's participation has benefited politics: study

NEW YORK: Male politicians hold their tongues in the presence of a large group of female colleagues, a study by the Inter-Parliamentary Union (IPU) revealed.

The study was presented in advance of the International Women's Day on Wednesday, which will be celebrated at the UN headquarters with meetings of various non-governmental organisations to advance professional careers of women.

"There has been a virtual elimination of sexist language," a respondent from a North American country told the study.

"There used to be incidents in our Parliament where women MPs were called 'slut', 'bitch', 'baby'," she said, adding, "Once, a woman MP was laughed at for raising the issue of violence against women. There is still a tendency to discount the contribution when women raise issues of particular relevance to women."

According to the study, 86 per cent of the respondents said women's participation had changed the nature of politics by causing positive developments in both the form and the substance of political behavior as well as in the methods used and the result achieved.

Respondents from Western Europe said female participation in politics had "humanised" the political world. However, the study showed that 81 per cent of women interviewed believed that their perception of politics was different

from that of men and 92.6 per cent agreed that their participation would bring about changes in politics.

"Women's long march towards parity and a place in the political arena does seem to have made some important differences to society," the study said. A West African woman told the study that the qualitative effect of women's political action had forced men to acknowledge the role of women. "Women today are becoming actors and even leading actors on the political stage," the woman said.

Those interviewed for the study were not identified by names. The Geneva-based IPU, which groups most Parliaments around the world, gathered the data for the study from interviews with 200 women politicians in 65 countries.

"Women are, all in all, less adversarial and more consensus-driven (than men), seeking solutions to problems rather than scoring points," a Western European woman said.

The study quoted a respondent from the Pacific region as saying that women focussed more on community rebuilding, creating real security and opportunity for citizens.

It said women had four specific motives to enter politics: A natural interest in or a vision for society, the family background, the current political circumstances of the country or region and the desire to transfer locally-acquired experience to the national level. (DPA)



# PM appeals to political parties to support women's quota bill

**The Times of India News Service**

NEW DELHI: On International Women's Day, Prime Minister Atal Behari Vajpayee, appealed to political parties to support the women's reservation bill and expedite its passage in Parliament.

"I appeal to all political parties to extend support to the legislation which the government has introduced in Parliament and expedite its passage so that empowerment of women gets legal sanctity," Mr Vajpayee said presiding over a function at Vigyan Bhawan.

Recalling the contributions of late CPI leader Geeta Mukherjee for her significant role in Parliament, he said women like her have not only brought pride to Parliament but also enhanced its efficiency.

"I firmly believe that if we can reserve one-third of seats for women in Parliament and state legislatures, not only women will get justice in

representation but the entire democratic system will be further strengthened," he said.

Mr Vajpayee said the 73rd and 74th amendments to the Constitution relating to panchayati raj institutions had immensely increased women's participation in governance. The government, he said, will take more steps for their political empowerment.

Mr Vajpayee also emphasised the importance of educating the girl child and said that it was the basic foundation of national reconstruction. However, he said even five decades after Independence, the country was still lagging behind in work on women literacy.

"Even in some developed states, women literacy rate is far behind. There is also a social taboo about educating a girl child. Even if they are provided with primary education, they are deprived of higher education," he said.

Mr Vajpayee said there was a need for concerted campaigns and a social movement to set this right. Religious heads and organisations should also play a vital role in this attempt, he added.

He said there was a need to bring women to the forefront for the country's economic development. For this, he said, the government would soon set up a task force to review all provisions relating to women participation in national economy.

The task force, headed by experts, would help the government in preparing special programmes to celebrate the year 2001 as women empowerment year.

At the same time, Mr Vajpayee said for upliftment of women and their economic development, it was not only essential to provide women with jobs but also to ensure "equal work, equal pay" in the private sector.

THE TIMES OF INDIA

9 MAR 2000

# Another Women's Day goes by, but the crimes keep growing

## EXPRESS FOCUS GENDER

The latest figures of the National Crime Records Bureau shows that Indian women continue to experience the grossest forms of violence. PAMELA PHILIPSE reports

IN one of those ironic coincidences that sometimes come about, the latest figures of the National Crime Records Bureau emerged just in time for Women's Day. From all evidence, there's nothing to celebrate: the experience of Indian women continue to be a predictable smorgasbord of rape, dowry deaths, torture, molestation and trafficking. Twenty years after a Supreme Court judgement on the Mathura Rape Case provoked a storm of protest and led to a review of the administration of justice to women, the evidence from the field suggests that the lives of women.

Meanwhile, something else had happened. Everybody seemed to have got tired of the tales of brides and stoveburns and beaten housewives which were staple fare for the media in the '80s and early '90s. The stories disappeared, almost magically, from the front pages as the '90s progressed.

As media attention shifted to other women — like the Spice Girls or an Aishwarya Rai — so it seemed did the attention of policy

makers and administrators. Unlike the 1970s and 1980s, which saw several laws for women being enacted, the 1990s witnessed a remarkable calm on this front. With the possible exception of the 73rd and 74th Amendments, which brought about reservations for women in panchayats and municipal bodies in 1993, and an amendment to the 1961 Maternity Benefit Act in 1995, there was very little else by way of women-friendly legislation.

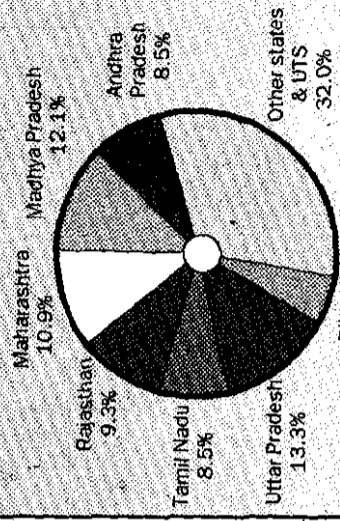
This "invisibilising" of gender violence did not mean that those old familiar crimes of yore, disappeared. In fact, they have steadily increased as the years went by: from 11,5723 in 1996 to 13,1338 in 1998 as the latest National Crime Records Bureau's report states. Whether it was kidnapping and abduction, which rose from 14,877 in 1996 to 16,381 in 1998, or molestation, which rose from 35,246 to 31,046 in the same period, things have only deteriorated.

Of the states, Uttar Pradesh notched the highest number of cases followed by Madhya Pradesh and Maharashtra. Delhi, despite accounting for only 1.3 per

## Year by year, a steady increase ...

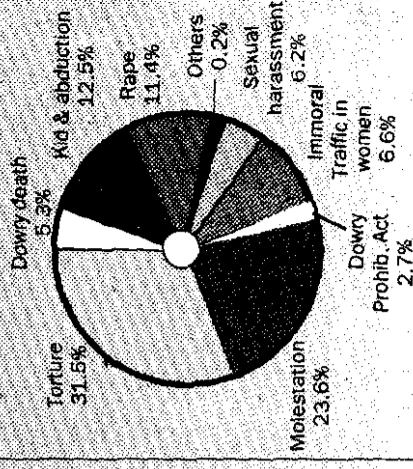
Crime Head	Year		Percentage variation in 1998 over 1997
	1996	1997	
Rape	14846	15330	-2.0
Kidnapping & Abduction	14877	16381	4.9
Dowry Death	5513	6006	15.2
Torture	35246	36592	12.9
Molestation	28939	30764	0.9
Sexual Harassment	5671	5796	40.1
Importation of Girls	182	78	87.2
Sati Prevention Act	0	1	-100.0
Immoral Traffic (P) Act	7706	8323	4.5
Indecent Rep. of Women (P) Act	96	73	163.0
Dowry Prohibition Act	2647	2685	29.9
<b>Total</b>	<b>115723</b>	<b>121265</b>	<b>8.3</b>

## State-wise break up of total crimes against women



Source: National Crime Records Bureau

## Crimes against women, 1998



IE Graphics AMAR KUMAR

## According to the National Crime Records Bureau (NCRB) report, rapes registered a 2 per cent decline in 1998 from the 1997 figure, although the total number of incidents stood at an unconscionably high 15,031

cent of the national population, reported the third highest rate of such crimes.

Interestingly, according to the National Crime Records Bureau (NCRB) report, rapes registered a 2 per cent decline in 1998 from the 1997 figure, although the total number of incidents stood at an unconscionably high 15,031. Of these, 56 per cent of cases involved women in the age group of 16-30 years, 22.8 per cent were in the age group of 10 to 16 years. Children below 10 accounted for 4.2 per cent of total rapes committed in 1998.

In contrast to this, sexual harassment in 1998 rose markedly, registering an almost 40.1 per cent

and in the workplace. "We could put in systems to handle such crime in the workplace — as the recent Supreme Court order of 1997 in the Vishaka versus the State of Rajasthan case attempted to do. It's more difficult to handle crime perpetrated while women are in transit, on the streets and in the public transport systems, but even this problem could be addressed to an extent by educating the public to interacted within the four walls of the home that is extremely difficult to address. This is one area where reporting is minimal and where the woman is often most exposed to peril," says Prasad.

The findings of a recent survey covering seven Indian cities that was conducted by the International Centre for Research on Women only went to underline this. Some 43.5 per cent of respondents had experienced some form of physical or psychological violence at least once in their lifetimes. These ranged from threats to abandonment.

Urbanisation and modernisation does not necessarily make women's lives more secure. Observes Prasad, "The new privileged generation believes that they can force their way into any situation. They think they can get away with sexual molestation and the fact that they drive fast cars

helps in creating this illusion." What we have here then is an old violence in a new situation. And the old laws just don't help. The Indian Penal Code continues to view women as mere property. The law on adultery, for instance, allows only the husband to make a complaint. It is as if his property rights are being violated.

In the Vishaka versus State of Rajasthan case, the Supreme Court observed that sexual harassment is not just violative of a woman's right to equality, it is violative of her right to life. This principle needs to be reiterated in the face of the damning evidence provided by the National Crime Records Bureau.

## Pak women fight on, aware of their rights

INTER PRESS SERVICE  
LAHORE, MARCH 9

ON the eve of international women's day, a young Pakistani woman narrowly escaped an attempt on her life by her father as she came out of a court after recording her statement that she wanted to live with the man of her choice.

In February last year, Narjis Sultana from Multan, Punjab province, had married Muhammad Iqbal. Her father Zafar Ali Khan filed a case of illegal confinement against Iqbal, and 'recovered' Nargis in August with the help of the police.

They then 'married' her off to someone else. Meanwhile, Iqbal, who had escaped arrest by the police, filed a writ for the recovery of his wife in the High Court.

Nargis was produced before the court on January 14, and stated that she had been forcibly 're-mar-

ried'. The court sent her to the Darul Aman, a women's shelter, until the next hearing. On March 7, Nargis told the court that she wanted to go with her husband Iqbal, rather than to the Darul Aman or to her parents'.

The court observed that she was an adult and could therefore decide her future. The court also asked her to seek police help if she feared threats to her life.

When Nargis came out of the court, she was attacked by her father and other male relatives, who tried to kidnap her.

On resistance by her police escort, the assailants opened fire, and beat up some of the male and female constables.

Meanwhile, Nargis was saved by a court official who locked her into a lawyer's chamber until the fracas died down. Most of the assailants fled, but one was arrested, and the police has registered a case against them.

The story illustrates not only how women in Pakistan are increasingly exercising their rights, in this case to marry of their own choice, but also how society reacts when they do this.

International Women's Day, March 8, may not mean much to most Pakistani women, but the women's movement, combined with economic necessities, has contributed to increasing numbers of women asserting their rights to jobs and to education.

This phenomenon, think some activists, may be among the causes for the increasing violence against women in this largely conservative and traditional society.

Says Shahtaj Qizilbash, a para-legal trainer in Lahore, "more women are in the work-force now, working in factories, as field surveyors for multinational companies. They are aware of their rights, thanks to the work being done by various organisations."

At least half-a-dozen seminars are planned in Lahore alone for Women's Day—attended and organised not only by women, but also the many men who have been working for the cause of women's empowerment, and the struggle for democracy.

And while some may dismiss these events as more preaching to the converted, Qizilbash thinks these provide a valuable source of support to the women who attend.

Many of her para-legals, from the poorer areas of Lahore, will be at the seminar organised by the Joint Action Committee, an umbrella group of 30 organisations working for social change, including the Aghs legal aid cell that Qizilbash works with.

"Attending such events gives them confidence. Exposure to women from another social class who are working for change, shows them they have the support of other women," she says.

INDIAN EXPRESS

10 MAR 2000

## POWER OF SPEECH

Women bring down loquacity factor

IT now appears that women really hold the whip hand. A study conducted by the UN's Inter-Parliamentary Union has found that male members get tongue-tied in the presence of a larger group of women. It would be an excellent idea in that case to replicate such a situation in legislative bodies in India including Parliament, to forestall shouting and screaming when there is not even provocation for a whisper. But that would hardly turn august Houses into venerable legislative bodies, because it would still be open to legislators to rush to the well of the House, throw slippers, chairs, microphones and sundry missiles at hand with hardly a care in the world. Not to mention wrestling matches, bouts of boxing and other such innocent forms of disportment. Those who commissioned the review probably never attended a session of the Indian Parliament, it did not, therefore, occur to them to inquire about the effect of a larger group of women on the body language of their male colleagues.

Proponents of reservation for women can now approach the issue from a completely different angle. They can up the 33 percent ante to 51 per cent, arguing that it will bring sanity to parliamentary proceedings. It will also bring brevity to debates, if not the kind of perspicacity that attended debates in the Nehruvian era. There could also be a study on how being outnumbered affects males in other occupations. All those who have been buttonholed in their places of work by intolerable bores might hope that these moves could improve their working lives. The only fly in the ointment is that the study does not mention how prone to speech women in a majority can be. If they emulate the males in long-windedness and decibel levels, we would be no better off. Resign to the inevitable!

THE STATESMAN

1 0 MAR 2 000

## MALE CRIMINALS

### Crimes against women go unpunished

A SENIOR police officer in Manipur who raped a woman constable and molested another 12 years ago is not only at liberty but has advanced to the higher echelons of the police force. That is not all; the two women assaulted by him were dismissed from the force. Their representations for justice have been ignored by an establishment which is trying, it appears successfully, to protect the rapist. Rape fundamentally represents male power. Forcing the sexual act on a woman demonstrates the male's power to intrude into her most intimate space. It is the obverse of controlling female sexuality by stereotyping the woman as mother and wife. Which is why to an uncomfortably large number of Indian males, there are two images of womanhood — the pure which resides in the domestic sphere; and the impure — the prostitute — in the public sphere. Rape is basically a drastic extension of the harassment principle, rather than desire — which is why so many men in authority brutalise women. That is, in fact, the statement policemen make when they commit rape — all too often.

What the Imphal case proves again is that male authority has a cohesion, in the context of semi-feudal patriarchy, which allows sexual crimes not only to go unpunished but be justified. Thus, a range of arguments is deployed to justify rape — she was asking for it, being the most common. Asking for it covers a multitude of sins — from "provocative" clothing to a pushy, combative dispensation. For the latter, witness reactions to Anjana Mishra's unrelenting, and largely unappreciated, fight for justice. The answer is not more stringent punishment — the death penalty, for instance, as LK Advani has suggested, but greater stringency in handing out the punishment that is already provided for. And, it follows, more emphasis on investigating crimes against women. But if police officers are prime offenders, who will police the police?

THE STATESMAN

24 MAR 2000

# Rs 10 lakh compensation to rape victim

HT Correspondent  
New Delhi, January 31

THE SUPREME Court has upheld a Calcutta High Court order, directing the Railway Board to pay Rs 10 lakh as compensation to a Bangladeshi woman, who was gangraped by Railway employees at the Howrah station, two years ago.

The court also rejected the plea that foreign nationals cannot seek such relief under the country's public law.

"Even those who are not citizens of this country and come here merely as tourists or in any other capacity will be entitled to the protection of their lives, in accordance with the Constitutional provisions", a Division Bench, comprising Justice S Saghir Ahmad and Justice R P Sethi, ruled.

Dealing with the right of foreign tourists, the Bench said: "Just as the State is under an obligation to protect the life of every citizen in this country, so also is the State under obligation to protect the life of persons who are not citizens".

Hanuffa Khatoon, a Bangladeshi national, was gangraped by several persons, including Railway employees, at the Rail Yatri Niwas at Howrah station on Feb 26, 1998.

Acting on a PIL by a woman lawyer, the Calcutta High Court had awarded the amount as compensation to the victim on grounds that the incident had taken place in a building belonging to the Railways.

The apex court directed the Railway Board to hand over the compensation amount, payable to the victim, to the Bangladesh High Commission within three months.

"Ms Hanuffa Khatoon, who was not a citizen of this country but came here as a citizen of Bangladesh was, nevertheless, entitled to all Constitutional rights available to a citizen, so far as the 'Right to Life' was concerned. She was entitled to be treated with dignity and was also entitled to the protection of her person as guaranteed under Article 21 (Right to Life and Personal Liberty) of the Constitution", the Bench said.

However, the court said, "Primacy of the interest of nation and the security of State will have to be read into universal declaration, as also in every Article dealing with fundamental rights, including Article 21, of the Indian Constitution".

The Supreme Court said that the Constitution guarantees all basic and fundamental human rights, as envisaged in the Universal Declaration of Human Rights, 1948, to the country's citizens and other persons.

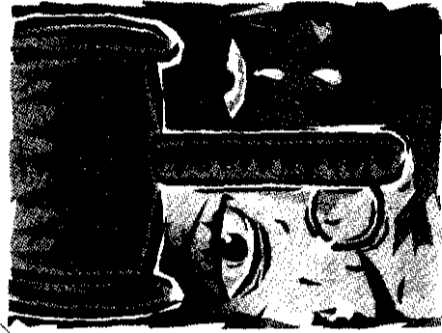


Illustration: Aya Prahara

# 3 years' RI for former AG in Anjana case

HT Correspondent  
Bhubaneswar, February 1

FORMER ADVOCATE General of Orissa Indrajit Ray was sentenced to three years' rigorous imprisonment by assistant sessions judge Srikant Nayak in the Anjana Mishra case that hit the headlines after she accused Ray of molesting



her. The sessions judge also imposed on the former Advocate General a fine of Rs 5,000 under section 354 of the India Penal Code. The sentence for rigorous imprisonment pronounced on the charge made out under section 376 of the IPC amounting to rape.

Mr Nayak, however, released him on a bail of Rs 40,000 and two sureties of 40,000 each.

The final arguments in the case concluded on Jan 30. In accordance with the directions issued by the apex court, the judgement had to be delivered almost immediately. "We have been waiting for this case to be over for such a long time. It has changed the entire complexion of my life," said Anjana Mishra while talking to *The Hindustan Times* just as the final arguments were about to be over.

The sensational case, which was filed during the tenure of Mr J B Patnaik as the Chief Minister of the State, had created a furor. Subsequently, a number of local dailies had quoted Ms Mishra as saying that she would contest against Mr Patnaik from wherever he contests in the next elections.

Later, Ms Mishra, however, denied having ever declared that she would contest against Mr Patnaik. "I have no interest in politics," she said, adding, "I never said that I would contest against J B Patnaik. "This is purely somebody's imagination."

THE HINDUSTAN TIMES

- 2 FEB 2000

# Women's panel suggests time limit for trial

Aradhana Kalla  
New Delhi February 4

**CONVICTION RATE** in rape cases will not go up and there will be no reduction in the number of cases, unless deficiencies in law enforcement procedures are corrected. The conviction in rape cases is as low as four per cent and cases take years before a judgement can be delivered. The Delhi Commission for Women feels there is an urgent need for putting the entire process of affording justice - both investigative as well as judicial - to the rape victims on the fast track.

The DCW wants a panel of committed lawyers to be drawn up and associated with the police from the investigating stage itself. Legal guidance to the investigating officers would definitely improve the quality of the evidence, feel members of the commission.

While the commission wants a separate cell to deal with rape cases, for such time that this provision is not possible, they want all cases relating to rape and molestation of women to be investigated by women police officers in their

respective districts. As for the separate cell, the DCW wants it to be in line with special cells set-up by the police department for other crimes like the Narcotics Cell,


rape and molestation to be conducted by special courts presided over by women judges. The trial, according to them, should be conducted in camera. The DCW has

investigation and trial should be fixed and should not exceed six to eight months from the date of registration of the case.

The delay in filing first information report in sexual offences and reluctance of the victim or the family members to report immediately should be treated as natural. "After all there is always a possibility that the victim takes time before she is able to gather courage to report the incident", said member secretary, DCW, Neeru Nanda.

The commission has also objected to antecedents of the victims being cited during the proceedings of the case.

They want the relevant section to be amended making the evidence of victim's previous conduct including promiscuous conduct as inadmissible in the court. No question that impinges upon the character of the victim should be allowed. As for death penalty, the commission wants that it should be restricted only to extreme cases. However, they added that punishment for custodial rape - rape of a girl when in police custody or by a member of the family, should be given most severe punishment.



	Number of cases		Cases in which arrests could be made	
	1997	1998	1997	1998
<b>RAPE CASES</b>				
EAST	33	22	19	8
WEST	73	68	52	59
NORTH	40	29	12	8
SOUTH	101	72	61	39
NORTH-EAST	60	56	17	20
NORTH-WEST	96	55	39	33
SOUTH-WEST	61	49	9	11
CENTRAL	29	20	10	6
NEW DELHI	14	8	7	3
<b>TOTAL</b>	<b>507</b>	<b>379</b>	<b>226</b>	<b>187</b>

Graphic by VIKKY

Crime Branch and Crime Against Women Cell.

In order to facilitate speedy trial, the commission wants the cases of

also recommended that the investigation and the trial should be time bound. They suggest that the outer time limit for completion of inves-



# Personal laws are stacked up against women: UN panel

By Anita Katyal  
The Times of India News Service

NEW DELHI: It is ironic but true. At a time when the National Commission for Women (NCW) is battling for greater powers and its recommendations are dutifully ignored by the government, the commission is being projected in the international fora as a definitive body mandated to provide equality to women and end gender discrimination.

Called upon to present its report on the progress made on the implementation of the convention on all forms of elimination at a recent UN meeting, India credited the NCW with an exhaustive agenda. The NCW was cited as a body entrusted with the task of reviewing the constitutional safeguards in place for women, looking into cases of atrocities against women, gender discrimination, violation of constitutional provisions relating to rights of women, recommending amendments on laws on women and suggesting measures for eliminating deprivation of women.

In fact, the NCW was described as a high-powered autonomous and statutory body which, going by the report presented to the UN committee on the elimination of discrimination against women (CEDAW), has been invested with full powers to deal with all matters pertaining to women.

What was left unsaid was the fact that the NCW's recommendations are routinely ignored by the Centre and that its functioning suffers because of budgetary constraints as the commission is dependent on government funding while most state commissions are virtual non-starters.

The UN committee questioned the Indian delegation extensively about the NCW's role in carrying out legislative reforms and delivering justice to women, whether the existence of the NCW and state commissions had improved the

condition of women and how the NCW acted as an ombudsman.

Not just the role of the NCW, but the entire gamut of issues concerning women came in for extensive scrutiny from the UN committee. It sought details about the prevalence of violence against women, particularly domestic violence, which found little or no mention in the Indian report. It also questioned India about the perpetuation of discriminatory practices against women through personal laws of different religious groups. Other issues figuring in the discussion ranged from some peculiar problems faced by women in areas of conflict to equal rights to education, health issues, political representation and equal opportunity in employment.

The UN committee members expressed concern over India's unwillingness to intervene in the personal laws of different religious and ethnic communities, stating that such groups tend to be responsible for patriarchal traditions that discriminate against women. "Perpetuating the personal laws of ethnic and religious communities is incompatible with women's rights and a breach of the convention," committee members commented.

They urged India to find a way to deal with the issue and ensure that non-discriminatory mechanisms are put in place, adding that unless this was done, the advances made in policies on health and education would be nullified.

According to Ruth Manorama and Madhu Mehra from the National Alliance of Women (NAWO) which represented an alternative NGO report at the meeting, the Indian report essentially enumerated the laws regarding women. However, the committee, they said, went beyond this and sought details on the actual implementation of these laws, whether women had access to legal remedies and the impact of these legislative measures.

THE TIMES OF INDIA

10 FEB 2000

# Minister quits over sex abuse charge

FROM OUR CORRESPONDENT

**Thiruvananthapuram, Feb. 12:** Charges of sexual harassment at workplace have cost a minister his job. Kerala transport minister Neelalohitadasan Nadar was forced to quit today for allegedly molesting a woman IAS officer.

Nadar submitted his resignation letter to chief minister E.K. Nayanar in the face of a snowballing uproar. Nadar, however, denied the charge and sought a judicial inquiry. He belongs to the Janata Dal (Secular), a constituent of the ruling Left Front.

Nalini Netto, who charged the minister with sexual harassment, was transport secretary till the controversy erupted. Netto, considered an upright and efficient officer, has been shifted to the taxes department.

In a letter to Nayanar, Netto had alleged that Nadar harassed her "sexually and officially".

The letter, dated February 1 and delivered on February 9, alleged that Nadar summoned her on December 21 to his chamber and made advances. The complaint said the minister, under the pretext of discussing official work, suddenly lifted both her hands from the table and drew them towards his face. "I instinctively reacted by pulling my hands off..." the letter said.

Nadar is quoted as having said: "I have been waiting for one year. Really longing for it. This is not to trouble you. These are the only moments to rejoice in life. I will come wherever you go (on tour). Let it be in Delhi."

When she said he was talking "nonsense" and got up to leave, he charged at her "and tried to forcibly outrage my modesty", the letter said. "I reacted physically, pushing him away from me."

According to local newspaper reports, an official of the Indian Forest Service has also complained that the minister often passed suggestive remarks at her.

Netto today said she did not consider the resignation a personal victory. "I have asked for justice. It is basically a question of justice being given," she said.

"It had assumed a much larger canvas and become a general issue. The government had been very fair," she added.

"To be able to be understood is the greatest relief. It has been a very unique experience. Many more must have learnt a lesson from my experience."

Asked if she would stop pursuing action against Nadar, Netto said: "The law will take its own course."

She said the episode would encourage women to speak out. "I have received a lot of telephone calls from women, narrating similar experiences. There was a general feeling among them that a woman should be ashamed if she was subjected to such treatment by men," Netto said.

**THE TELEGRAPH**  
13 FEB 2000

# Women: more educated, more victimised

STATESMAN NEWS SERVICE

LUCKNOW, Feb. 20. — The greater the gap between husband and wife's education and employment status, greater is the possibility of psychological and physical violence against her. Employment of women, as well as her education makes her an easy target of violence.

Women who experienced harsh physical discipline as a child and who witnessed their father being abusive to their mother, were also easy victims of violence, compared to those who did not witness violence as a child.

These were the key findings of the primary household study on domestic violence in the country, conducted by the International Centre for Research on Women (ICRW), an US-based organization. The findings were released today on the eve of the two day conference here.

Forty five per cent of women reported at least one incident of physical or psychological violence in their life. Of these, most experience multiple forms of violence not once but several times in their life.

The research study was conducted at Bhopal, Delhi, Lucknow, Vellore, Thiruvananthapuram and Chennai. It covered nearly 10,000 households in urban, semi-urban and rural areas, representing different geographical and cultural regions of the country.

The findings point out that there is no significant variation between field sites in the North and South India. It is also a myth that violence was prevalent only in poor or illiterate families. Across the different stratum of the women who were targets of violence, as many as 58 per cent considered it to be a normal happening. Researchers found out that violence was less in the extended families where the vic-

tim had others to fall back on.

In 50 per cent of cases husbands indulging in regular drinking, were perpetrators of violence. However, less than only two per cent of the victims reported the matter to the police. Other findings of the study, that were released by Dr Geeta Rao Gupta, president ICRW, were:

- High prevalence of psychological abuse, which included insults, belittlement, threats or abandonment.

- Pervasiveness of severe physical violence. Slapping was excluded from the purview of the study. Yet 26 per cent reported at least one moderate to severe physical violence, like being kicked and beaten even during pregnancy.

- As many as 14 per cent of the women reported forced sex.

- Violence was higher among women who had less social support from their maternal family, friends or neighbours.

## *'Water' will benefit Varanasi widows*

By Subhash K. Jha

The Times of India News Service

PATNA: In a telephonic interview from Toronto, the producer of *Water*, Ajay Virmani, said, "If and when *Water* is made, we'll donate one-third of the film's profits for the betterment of the widow ashrams in Varanasi." He wanted to make the announcement last month, he said, but when the protests and demonstrations erupted, he restrained himself lest it be misconstrued as an attempt on his part to gain public sympathy.

"There are proper legal monitoring agencies in Canada like the Canadian Film Board to look into how much money we spend overseas. All financial transactions pertaining to *Water*, including the money given to the widows, will be on paper. It isn't like the Mumbai film industry where a part of the movie transactions are conducted in black," Mr Virmani explained.

"We are ready to appoint an auditor, we'll make sure that we funnel our profits to the widows," he

said. He admitted that the experience of seeing the way the widows lived changed his perceptions on poverty. "There's poverty among the widows of Varanasi but there is also a tremendous dignity and it's this dignity that *Water* addresses," Mr Virmani declared emotionally.

He is seriously considering setting up a permanent foundation or trust in Canada or the U.S. for the widow ashrams of Varanasi. "But the money must be channelised properly so that it reaches the right people," Mr Virmani reiterated. "The problem in India is funds seldom reach the deserving." He has been part of several fund-raising campaigns in the U.S. and Canada for distressed women and other charitable causes, Mr Virmani claimed.

The India-born Toronto-based shipping magnate firmly believes that *Water* is a project that every Hindu in every part of the world would be proud of. "It's neither against India or Hinduism. People who are spreading rumours to the effect are ill-informed. They seem

to have got their hands on illicit versions of the script. While writing the screenplay the director may flirt with several ideas and characters. But finally there is only one script of *Water* and it has been approved by the I&B ministry in New Delhi and by some very knowledgeable and learned Hindus in India. Our leading man Akshay Kumar is a staunch Hindu. He visits Vaishno Devi every year. To my mind he's an exemplary Hindu. He'd never agree to do a film that's even remotely anti-Hindu," he said.

Mr Virmani said all his cast members have agreed to charge nominal fees because they believe in the subject and its purpose. He describes himself as a 'practising Hindu' and one who wouldn't dream of being associated with a film that is derogatory to Hinduism. The *Water* producer revealed he lost U.S.\$1.2 million due to the delays, disruptions and finally cancellation of shooting in Varanasi.

"I'm still fully committed to the project," Mr Virmani asserted from Toronto.

THE TIMES OF INDIA

28 FEB 2000

## Women's issues are likely to top Iran Parliament agenda <sup>H-14</sup> <sub>29/2</sub>

Tehran, February 28

IMPROVING THE status of women will be at the top of the agenda for Iran's new Parliament dominated by moderates and reformists, a woman MP has said.

Soheila Jelodarzadeh, a women's rights activist, said she hoped women would benefit from the more liberal thinking in the incoming Assembly, which convenes in May. "Given the scarcity of women elected, we need help and cooperation from male deputies for enough votes to pursue women's issues," she told the official IRNA news agency.

A total of nine women were elected to the 290-seat Parliament and six more face run-off votes. The outgoing Assembly has 14 women out of 270 members.

The new Parliament will be dominated by moderate MPs, including more than 100 hard-core reformers sympathetic to women's causes.

Ms Jelodarzadeh, one of the biggest vote-winners in the February 18 elections, said she would push to amend laws in favour of women in the civil code.

"The present civil code is 90 years old and ineffective," she said. "The law has to be revised, given the high status of women in Islam."

Women's social and professional status has generally improved in Islamic Iran, but many women still feel discriminated against.

The present Parliament dominated by religious conservatives voted last week to make it easier for a woman to seek divorce but the conditions attached still make it difficult for many women to do so.

Grounds for divorce by a woman include: The husband's leaving the family for more than six months, his addiction to drugs, refusal to support the family, impotence or sterility, mistreating his wife or favouring other wives.

Ms Jelodarzadeh said she was preparing a Bill to stop parents forcing their daughters to get married at an early age. Women were entitled to greater financial support from the State, she added.

"Women are being discriminated against and making the least use of public resources. They are entitled to a bigger chunk of State budget," she said. (Reuters)

THE HINDUSTAN TIMES  
29 FEB 2000

Incidents of manipulation have hit credibility of genuine cases: Panel

## Sexual harassment laws exploited by women

LEELA MENON  
KOCHI, JAN 12

THE Vanitha Commission is facing increasing incidents of manipulation of laws specifically crafted to ensure gender justice, with women becoming tools in the hands of unions and vested interests.

This was causing concern in the Vanitha Commission which feels that such manipulation of women would not only divest them of their credibility but the distortion could wreak injustice on the innocent, even while emasculating the Act itself. "Pro-women laws are cutting both ways. They need to be amended. Politicisation and unionisation is forcing women to exploit the law by falsely implicating unpopular bosses. This is a dangerous new trend," said Vanitha Commission chairperson Sugatha Kumari.

For example, a woman came complaining of sexual harassment by a vigilance officer of a cooperative society. This officer had discovered malpractices and referred the case for a vigilance enquiry. Enquiries by the Vanitha Commission exposed the spuriousness of the complaint. "When I found that the evidence was flimsy, I asked her what the stake was. She said

she was prepared to withdraw the complaint if the report referring the case to Vigilance was withdrawn and returned to her," Sugatha Kumari said. In another case, a blind girl who had become pregnant had accused her neighbour, a Central Government employee, of sexually exploiting her. The concerned employee stoutly denied any involvement and said he was willing to undergo a DNA test. The girl underwent an abortion and when the foetus was subjected to a DNA test, it was proved that the accused was innocent. "When the mother of the blind girl came to know about the DNA test, the girl withdrew her complaint. Investigations revealed that the mother had an ongoing land dispute with the man and was instigated by neighbours to resort to this ruse to cow him down," Sugatha said.

"It is more common in North India. If a boss writes a confidential report against anyone, he is threatened with the charge of sexual harassment. This is because of the flaw in Law itself. In Indian criminal jurisprudence, the accused is presumed innocent until proven guilty. In pro-women laws, we are following the French system under which the accused is presumed guilty until proved otherwise. It is difficult for a man who is accused by a Union-backed woman to

provide proof. In their enthusiasm to protect women, law makers did not give adequate thought about possible misuse of such law," said advocate Vincent Panikulangara.

Advocate Lekha Suresh also conceded that these laws were misused. But sexual harassment was a reality and needed to be countered, Lekha said. "Many women feel embarrassed even to report cases of sexual harassment. In the telephone exchange here, a woman was chased and molested but no action was taken against the oppressor," Lekha points out. She suggested that proper guidelines be drawn up for implementation of pro-women laws, with strict training imparted for its enforcement and induction of third party members. According to Jacob Thomas IPS, former director of the Vanitha Commission, misuse of the law is the exception rather than the rule, with one among 100 women misusing it. "It is beneficial for the majority of women. What needs amendment is the Evidence Act," he said. Even Vibha Parthasarathy, chairperson of the National Women's Commission, endorsed the same view. "Only one woman out of 100 does it. Such people exist. It is difficult to close loopholes. Society has to become civilised," she said.

# GO BOOM, GO BUST: TWO FACES OF GLOBALISATION

BY ROBERT J. SAMUELSON

**A**t the edge of a new century, globalisation is a double-edged sword: a powerful vehicle that raises economic growth, spreads new technology and increases living standards in rich and poor countries alike, but also an immensely controversial process that assaults national sovereignty, erodes local culture and tradition and threatens economic and social instability.

A daunting question of the 21st century is whether nations will control this great upheaval or whether it will come to control them.

In some respects globalisation is merely a trendy word for an old process. What we call the market is simply the joining of buyers and sellers, producers and consumers and savers and investors. Economic history consists largely of the story of the market's expansion: from farm to town, from region to nation and from nation to nation. In the 20th century, the Depression and two World Wars retarded the market's growth. But after World War II ended, it reaccelerated, driven by political pressures and better technology.

The Cold War, from the late Forties through the Eighties, caused the United States to champion trade liberalisation and economic growth as a way of combating communism. A succession of major trade negotiations reduced average tariffs in industrialised countries to about 5 per cent in 1990 from about 40 per cent in 1946.

After two World Wars, Europeans saw economic unification as an antidote to deadly nationalism. Technology complemented politics. Even before the Internet, declining costs for communication and transportation — from jet planes, better under-sea telephone cables and satellites — favoured more global commerce. By the early Nineties, world exports (after adjusting for inflation) were nearly 10 times higher than they had been four decades earlier.

Globalisation continues this process but also departs from it in at least one critical respect. Until recently, countries were viewed as distinct economic entities, connected mainly by trade. Now, this is becoming less true. Companies and financial markets increasingly disregard national borders when making production, marketing and investment decisions.

As recently as 1990, governments — either individually or through such multilateral institutions as the World Bank — provided half the loans and credits to 29 major developing countries (including Brazil, China, India, South Korea and Mexico),

AA-7  
according to the Institute for International Finance, a banking industry research group in Washington.

A decade later, even after Asia's 1997-98 financial crisis, private capital flows dwarf governmental flows. In 1999, private flows (bank loans, bond financing, equity investment in local stock markets and direct investment by multinational companies) totalled an estimated \$136 billion to these 29 countries, compared with government capital flows of \$22 billion, according to the institute.

Meanwhile, multinational companies have gone on an international acquisition binge. In the first half of 1999 alone, the value of new cross-border mergers and acquisitions passed \$500 billion in both advanced and developing countries.

The total roughly matched the amount for all 1998 (\$544 billion) and was almost seven times larger than the 1991 levels (\$85 billion), according to the World Investment Report by the United Nations. The recent takeover struggle between British and German wireless giants — Vodafone AirTouch PLC and Mannesmann AG — is exceptional only for its size and bitterness.

Behind the merger boom lies the growing conviction that many markets have become truly global. By trying to maximise their presence in as many nations as possible, companies seek to achieve economies of scale — that is, to lower costs through higher sales and production volumes — and to stay abreast of technological changes that can now occur almost anywhere.

In addition, companies increasingly organise production globally, dividing product design, component manufacturing and final assembly among many countries.

But it is not just multinational companies, seeking bigger sales and profits, that drive globalisation. Governments do, too. In Europe, the relentless pursuit of the "single market" is one indicator. This reflects a widespread recognition that European companies will be hard-pressed to compete in global markets if their local operations are hamstrung by fragmented national markets.

Among poorer countries, the

After two World Wars, Europeans saw economic unification as an antidote to deadly nationalism. Technology complemented politics

THE ASIAN AGE  
11 JAN 2000

best sign of support is the clamour to get into the World Trade Organisation. Since 1995, seven countries — Bulgaria, Ecuador, Estonia, Kyrgyzstan, Latvia, Mongolia and Panama — have joined. And 32 (the largest being China) are seeking membership. There is a belief that global trade and investment can aid economic development by providing new products, technologies and management skills.

It's no myth. Countries succeed or fail mainly based on their own workers, investment and government policies. But engaging the wider world economy can help.

Consider Asia. Despite its financial crisis, rapid trade expansion and economic growth sharply cut the number of the desperately poor. From 1987 to 1998, those in the region, including China, with incomes of \$1 or less a day dropped to 15 per cent from 27 per cent of the population, the World Bank estimates.

Meanwhile, Latin America and sub-Saharan Africa — whose

P.T.O.

remains possible that abrupt surges of global capital, first moving into Asia and then out, will have caused, with some delay, a larger instability.

Globalisation's other problem is political, cultural and social. People feel threatened by any kind of economic change — and change from abroad naturally seems especially alien and menacing.

The street protesters at the Seattle meeting of the WTO in early December may have lacked a common agenda or even a coherent case against trade. But they accurately reflected the anxiety and anger that globalisation often inspires. So do European fears of genetically modified food or nationalistic opposition to cross-border mergers.

The ensuing spending boom in turn aided Europe, Japan and the US by increasing imports from them. Then the boom abruptly halted in mid-1997 when it became apparent that as a result of "crony capitalism," inept government investment policies and excess optimism, much of the investment had been wasted on unneeded factories, office buildings and apartments.

What prevented the Asian crisis from becoming a full-scale global economic downturn has been the astonishing US economy.

Its relentless growth helped the rest of the world by purchasing more and more of their exports. Since 1996, the US current-account deficit in its balance of payments — the broadest measure of the country's international trade — has more than doubled, from \$129 billion to an estimated total of \$330 billion in 1999.

The world economy, as treasury secretary Lawrence Summers has repeatedly said, has been flying on one engine. The trouble is, as Mr Summers has also warned, this cannot go on forever.

The great danger is that the world has become too dependent on American prosperity and that a slowdown or recession — reflecting a decline in the stock market, a loss of consumer confidence or higher interest rates — might snowball into an international slump.

By economic forecasts, Europe and Japan are going to do better. In 2000, the European Union's gross domestic product will grow 2.8 per cent, up from 2.1 per cent in 1999, according to projections by the Organisation for Economic Cooperation and Development in Paris.

Japan is projected to grow 1.4 per cent, the same as the OECD is predicting for 1999 but a big improvement from the 2.8 per cent drop in 1998. If the forecasts materialise — and the OECD's growth estimates for Japan exceed most private forecasts — they will restore some balance to the world economy and relieve fears of a global recession.

Asia and Latin America can continue to recover without relying solely on exports to the US. But until that happens, no one can be certain that Asia's financial crisis has truly ended. It

**W**hat is local and familiar is suddenly being replaced or assaulted by something that is foreign and unfamiliar. And even if trade helps most people, it will usually create some losers. In the US, workers in some high-cost industries — steel and autos, most conspicuously — suffered from intensified import competition.

Just because globalisation is largely spontaneous — propelled by better communications and transportation — does not mean that it is inevitable or completely irreversible. Governments can, in subtle and not-so-subtle ways, shield local industries and workers against imports or discriminate against foreign investors. If only a few countries do, their actions will not matter much.

Global capital and trade will go where they are most welcome and productive. Indeed, it is precisely this logic that has persuaded so many countries to accept globalisation. If they don't, someone else will. Judged by their behaviour, most governments believe they have more to gain than to lose.

But this does not mean that a powerful popular backlash, with unpredictable consequences, is not possible. In a global recession, too many sellers will be chasing too few buyers. A plausible presumption is that practical politicians would try to protect their constituents from global gluts. If too many countries did, globalisation could implode.

It's a scary prospect. Economic interdependence cuts both ways. Under favourable conditions, it helps everyone; under unfavourable conditions, it hurts everyone. Globalisation's promise may exceed its peril — but the peril is still real. Both await the new century. One of the great dramas will be to see which prevails.

*By arrangement with the International Herald Tribune*

embrace of the world economy has been late or limited — fared much less well. In Africa, for example, the World Bank reckons that 46 per cent of the population lived on less than \$1 a day in 1998, exactly what the percentage was in 1987.

Well, if globalisation is so good, why is it also so risky? The answer is that two problems could neutralise its potential benefits.

The first is economic instability. The global economy may be prone to harsher boom-bust cycles than national economies individually. The theory that international trade and investment raise living standards works only if investment funds are well used and if trade flows do not become too lopsided.

The Asian financial crisis raised questions on both counts. In the early Nineties, most of Asia thrived because it received vast flows of foreign capital as bank loans, direct investment in factories or stock-market investment in local companies.

**People feel threatened by any kind of economic change, and change from abroad naturally seems especially alien and menacing**

**THE ASIAN AGE**  
**11 JAN 2000**