

**SWAIISENGUPTA**

**Calcutta, Dec. 30:** The Buddhadeb Bhattacharjee government is keen to frame a policy that will address all issues related to women's development and is planning to utilise a visit by Pournima Advani, chairperson of the National Commission for Women, to kickstart the endeavour.

Advani is scheduled to arrive on January 7 for a meeting on women's issues, which will be attended by a host of state and central officials.

"The NCW chairperson wanted to know if the govern-

## Women policy on state plate

ment has a policy on women. We will suggest at the meeting that the state women's commission be asked to prepare a women policy," said S.N. Haque, secretary of the women and child welfare department. He explained that the women's commission — an independent body — was better pla-

ced to prepare a comprehensive policy than his department. "The response from all departments concerned, I feel, would be better, and being a woman's body, the commission would be able to frame a clear-cut policy without any bias," Haque said.

The idea behind framing a

comprehensive women's policy is to address all issues related to women's development together. "There are special programmes and schemes on women related to health, education, prisons, home, backward classes welfare, minority affairs, technical education and so on. All of them seek to provide women better opportunities and to bring about social equality... the purpose of framing a women policy is to integrate these so that a single policy can address women as a whole and show what the government plans to do for them in the state," he added.

# Tackle 'witch-hunt': NCW

Saroj Nagi  
New Delhi, December 24

THE NATIONAL Commission for Women (NCW) has voiced serious concern over the continuing practice of branding women as witches and sought stronger measures to tackle the social menace. It has also asked the Jharkhand government to take stringent action against those indulging in this illegal practice.

The NCW said the current punishment (three months to one year) and the paltry fine (maximum Rs 2000) have proved ineffective in dealing with the problem and suggested a minimum of three years and no anticipatory bail for the accused.

Urging the Jharkhand government to strictly enforce the Prevention of Witch Practices Act 2001 to prevent identification of women as wi-

## Recommendations

- Present punishment not enough
- Stronger penal measures needed
- Minimum three-year jail and no anticipatory bail
- Police, government officials, NGOs should be sensitised
- Witch-hunting cases must be monitored

tches and stop their torture, humiliation and killing, the NCW said: "Such taboos and dogmas have to be dealt with firmly by making the penal provisions stringent."

In its 139-page report on the Situational Analysis of Women and Girls of Jharkhand, the NCW underlined the need to sensitise the police, government officials

and NGOs on the issue, which it said was a major area of violence against women. An NCW team led by Poornima Advani had visited Ranchi in October, where it came across several women who have been declared witches by their in-laws.

"They brand the female member as 'daain' so they can muster support of other villagers in torturing and killing them. The real motive is to grab the property or to settle personal scores with the victims or even to remarry as the case may be," said the NCW report. In the last four years, for instance, there were 521 cases of women being declared witches. Of them 121 were murdered.

Besides recommending stringent punishment, the report proposed the establishment of special cells at state and district levels to follow up on awareness campaigns.

25 DEC 2004

THE HINDUSTAN TIMES

সম্পত্তিতে

মেয়েদের

ভাগ দিতে,

বাল্যবিবাহ

রুখতে বিল

স্টাফ রিপোর্টার, নয়াদিল্লি, ২০  
ডিসেম্বর: মহিলাদের কল্যাণের লক্ষ্যে  
দু'টি গুরুত্বপূর্ণ বিল আজ সংসদে  
পেশ করল কেন্দ্রীয় সরকার। একটি  
বিলে হিন্দু পরিবারের মেয়েরা পৈতৃক  
সম্পত্তিতে ছেলেদের সমান অধিকার  
পাবেন। অন্যটিতে বাল্যবিবাহ রুখতে  
কড়া ব্যবস্থার কথা বলা হয়েছে।

রাজ্যসভায় আজ বিল দু'টি পেশ  
করেছেন আইনমন্ত্রী এইচ আর  
ভরদ্বাজ। বাল্যবিবাহ সংক্রান্ত  
বিলটিতে মূলত মেয়েদের বাল্যবিবাহ  
রুখে তাদের দৃঢ় সামাজিক অবস্থান  
দেওয়ার কথা ভাবা হয়েছে। এই  
বিষয়ে আগে আইন থাকলেও নতুন  
আইনে আরও কড়া দাওয়াই সুপারিশ  
করা হয়েছে। বিলটিতে বলা হয়েছে,  
বিবাহিত নাবালকেরা বড় হয়ে যদি  
বিয়ে ভেঙে দিতে চায়, তা হলে সেই  
সুযোগ তাদের থাকবে। বিবাহ-পরবর্তী  
কালে বেআইনি ঘোষিত হলেও  
দাম্পত্য জীবন সূত্রে সম্মান হলে তার  
আইনি বৈধতা বজায় থাকবে। যারা  
এই ধরনের বিয়ে দেবে অর্থাৎ  
পুরোহিত, আত্মীয়-স্বজন, প্রমুখের  
দু'বছর পর্যন্ত জেল এবং ১ লক্ষ টাকা  
পর্যন্ত জরিমানা হতে পারে। তবে  
কোনও মহিলাকে এই আইনের  
অধীনে জেল খাটতে হবে না।

এ ছাড়া, প্রতিটি রাজ্যে বাল্যবিবাহ  
প্রতিরোধে অফিসার নিয়োগ করা  
হবে। প্রস্তাবিত আইনে বলা হয়েছে,  
নাবালকদের বিয়ে ধরা পড়লে সেই  
বিবাহ নিষিদ্ধ ঘোষিত হওয়ার  
পাশাপাশি বর অথবা তার পরিবারকে  
বালিকা-বধূর সমস্ত খরচ বহন করতে  
হবে। যত দিন না সেই মেয়েটির  
আবার বিয়ে হচ্ছে।

দ্বিতীয় বিল অর্থাৎ হিন্দু  
উত্তরাধিকার (পরিবর্তন) বিল ২০০৪-  
এ বলা রয়েছে, জন্মসূত্রের অধিকারেই  
মেয়েরা পৈতৃক সম্পত্তির সমান  
অংশীদার হবেন। ছেলে হয়ে জন্মালে  
যা যা অধিকার বা মেলে, তার সবটাই  
এ বার থেকে মেয়েরাও পাবেন।  
বিলটির ব্যাখ্যা দিতে গিয়ে সরকারের  
বক্তব্য, “পৈতৃক অধিকার থেকে  
মেয়েদের দূরে সরিয়ে রাখার যে-  
আইন রয়েছে, তাতে লিঙ্গের ভিত্তিতে  
মহিলাদের বঞ্চনা করা হয়। এবং  
সংবিধানে দেওয়া মৌলিক অধিকার  
লঙ্ঘনও করা হয়।” আইন কমিশনের  
১৭৪তম রিপোর্টে সম্পত্তিতে  
মহিলাদের সমান অধিকার দেওয়ার  
সুপারিশ করা হয়েছিল। ইউ পি এ  
সরকার সেই প্রস্তাব মেনে নিয়ে এই  
বিল আনল। উত্তরাধিকার সূত্রে প্রাপ্ত  
সম্পত্তিতে মেয়েদের সমানাধিকার  
প্রতিষ্ঠায় চালু আইনে ইতিমধ্যেই  
পরিবর্তন এনেছে অন্ধপ্রদেশ,  
তামিলনাড়ু, কর্ণাটক ও মহারাষ্ট্র।

সংরক্ষণ বিল: তফসিলি জাতি ও  
উপজাতিদের জন্য চাকরিতে  
সংরক্ষণের ক্ষেত্রে কাল একটি বিল  
আনছে কেন্দ্রীয় সরকার। কিন্তু সেই  
বিলের ‘অসম্পূর্ণতা’র বিষয়ে সরব  
তফসিলি জাতি ও উপজাতির  
সাংসদেরা। আজ রামবিলাস  
পাসোয়ানের বাড়িতে তাঁরা বৈঠকে  
মিলিত হয়েছিলেন। তার পরে  
প্রধানমন্ত্রীকে চিঠি লিখে জানানো  
হয়েছে তাঁদের আপত্তির কথা।  
রামবিলাসের বক্তব্য, “তফসিলিদের  
জন্য সংরক্ষিত পদে সাধারণ শ্রেণি  
থেকে কাউকে নিয়োগ করা যাবে না  
বলে বিলে উল্লেখ করা রয়েছে। কিন্তু  
এই নিয়ম ভাঙলে কী শাস্তি হবে, সেই  
বিষয়ে কোনও স্পষ্ট কথা বলা নেই।  
আমরা চাই শাস্তির বিষয়টিও পরিষ্কার  
জানানো হোক।”

21 DEC 2004

ZAR PATRIKA

MAY BE SENT TO JUVENILE HOME, NOT TIHAR JAIL

# Smut boy in net

2/12  
ST-1  
Statesman News Service

## Consular access to Baazee CEO possible

NEW DELHI, Dec. 19. — The 17-year-old boy, who filmed his girlfriend on a mobile phone and started the MMS controversy, was arrested by the Delhi Police on Sunday.

The boy was arrested from the Nizamuddin locality of the city and was later taken to the crime branch office in south-west Delhi, where he will be questioned to get into the root of the MMS chain, which has already led to the arrest of an IIT student and CEO of *Baazee.com*.

Police says that questioning of the boy will also help them to establish the identity of the "professional" who reportedly paid Rs 10,000 to his friend and obtained the MMS clip. "The MMS clip remained in the school campus for over a week. Only when he passed it to his friend, who in turn sold it to a 'professional' that the entire controversy started," a senior police officer said.

The boy is a student of a posh south Delhi public school. Nothing happened till the MMS clip remained in the boy's circle of friends. However, the MMS clip was converted into CDs and also passed

NEW DELHI, Dec. 19. — Taking up the diplomatic cue over US reaction to the arrest of *Baazee.com* CEO, Avnish Bajaj, India today said it stood by the legal process though it was willing to provide consular access to the accused in the Delhi Public School MMS scandal case. "It is a legal process. Let it go on. If they (the US) contacts us and need consular access, we are ready to provide it," foreign secretary, Mr Shyam Saran, told a news channel today. Mr Saran was reacting to media reports that the US Secretary of State-designate, Ms Condoleezza Rice was taking personal interest in the India-born US citizen Bajaj's case. — SNS

through e-mails when it came out in the market.

Both the boy and the girl were later expelled from the school. Son of a prominent south Delhi businessman, the boy managed to get admission in another elite school here. When the arrests began, the boy along with his friend went to Kathmandu. Armed with arrest warrants obtained from a juvenile court, the Delhi Police on Saturday asked the boy's parents to produce him before the police.

Late this evening, he was detained for questioning. "So far, he has claimed that he was just having fun and it was never his intention to sell the MMS clip. We are following all proper legal procedure as the boy is minor and very young," said a senior police officer. The boy will be sent to

a juvenile home. "If need be, we will also question his parents," police said. The boy's mobile phone has been seized.

Being a minor, he will never have to spend his days in the high security Tihar Jail. The Juvenile Justice Act, protects him. If ever convicted, he will spent few months in a correctional home. On the other hand, those already arrested — Ravi Raj and *Baazee* CEO Avnish Bajaj — have spent a day in the Tihar Jail.

While Raj has been accused of selling the MMS clip on *Baazee.com*, Avnish is being blamed for not stopping the bidding of pornographic material. Police is also planning to question the girl who featured in the MMS clip. She has gone abroad after the controversy.

Another report on page 5

20 DEC 2004

THE STATESMAN

## স্বাগত সার্ব্য

১৯৫৬ সালের হিন্দু উত্তরাধিকার আইন সংশোধন করিয়া কন্যাসত্ত্বানকে পৈতৃক সম্পত্তির সমান অংশীদার করিতে সংসদে বিল আসিয়াছে। এই সংশোধন জরুরি ছিল। নারীর সমানাধিকার প্রতিষ্ঠায় এই জরুরি পদক্ষেপটি করিতে দীর্ঘ ৪৮ বছর লাগিয়া গেল, ইহা নিশ্চয় পরম পরিতাপের বিষয়। এত কাল ধরিয়া পৈতৃক সম্পত্তির সমান উত্তরাধিকার হইতে বঞ্চিত নারীদের দীর্ঘশ্বাস, অসহায়তা ও ভাগ্যবিড়ম্বনার পুঞ্জীভূত প্রতিবিধান রূপেই এই বিল। বিলশ্বে হইলেও ইহা যে স্বাগত, সে বিষয়ে তাই সংশয় নাই। লিঙ্গবৈষম্য বজায় রাখিতে পিতৃতন্ত্র যে আইনগত রক্ষাকবচ আপনাকে মুড়িয়া রাখিয়াছিল, তাহা অবশেষে ছেদন করা সম্ভব হইবে। অন্তত তত্ত্বগতভাবে নারী তাহার প্রাপ্য অধিকার বুঝিয়া পাইতে আইনের লড়াই করিতে পারিবে। এত কাল লড়াই করার সেই হাতিয়ারটুকুও তাহার ছিল না।

লক্ষণীয়, আইনগত এই হাতিয়ার অঙ্গপ্রদেশ, তামিলনাড়ু, কর্ণাটক ও মহারাষ্ট্রে এবং অবশ্যই পশ্চিমবঙ্গে আগেই নারীদের করায়ত্ত। কিন্তু উত্তর ভারত, প্রাচীন কালে যাহার অংশবিশেষ আর্ষ্যবর্ত বলিয়া পরিচিত ছিল, ব্রাহ্মণ্য হিন্দু সামন্ততন্ত্রের সেই ঘাঁটিতে কোনও রাজ্যই নারীকে তাহার প্রাপ্য উত্তরাধিকার দেয় নাই। ভৌগোলিকভাবে ওই অঞ্চলেই লিঙ্গবৈষম্যজনিত অন্যায় ও অনাচার বেশি ঘটিয়া থাকে। পণপ্রথা হইতে সহমরণ পর্যন্ত যাবতীয় সম্পত্তিকেন্দ্রিক নারীমেধের পীঠস্থান এই আর্ষ্যবর্ত। সংসদে মহিলাদের জন্য ৩৩ শতাংশ আসন সংরক্ষণের প্রস্তাবটিও প্রস্তাবই রহিয়া গিয়াছে। কেন্দ্রীয় আইন উত্তর ভারতের শাসকদের ওই নিষ্ক্রিয়তার আংশিক প্রতিকার করিতে সক্ষম হইবে। ঠিক যেমন একই সঙ্গে সংসদে পেশ করা অন্য একটি বিলে বাল্যবিবাহ রোধে আগের চেয়ে অনেক কঠোর শাস্তি ও ব্যবস্থাপত্র ধার্য হইয়াছে। বাল্যবিবাহও প্রধানত উত্তর ভারতের একটি প্রাচীন কুপ্রথা। আর্ষ্যবর্ত এখনও সমাজসিদ্ধ নারী-লাঞ্ছনার শক্ত ঘাঁটি।

তাহার অর্থ এই নয় যে লিঙ্গবৈষম্যজনিত বঞ্চনা ও শোষণ হইতে পশ্চিমবঙ্গ বা দক্ষিণের রাজ্যগুলির মহিলারা সম্পূর্ণ মুক্ত। রামমোহন-বিদ্যাসাগরের সংস্কার প্রয়াসের একশো-দুইশো বৎসর পরেও বাংলার নারীরা পুরুষের সহিত সমানাধিকার ভোগের অধিকারী হয় নাই। আইনের শৈথিল্য দেখাইয়া দেয়, আইনপ্রণেতারা যে জনসমাজের প্রতিনিধিত্ব করেন, তাহা এখনও নারীকে সর্ব বিষয়ে পুরুষের সমকক্ষ বলিয়া গণ্য করিতে অভ্যস্ত হয় নাই। সমাজের এই দৃষ্টিভঙ্গি যেমন আইন প্রণয়নে দ্বিধাগ্রস্ত থাকিয়াছে, তেমনই অন্য দিকে আবার প্রণীত আইনের প্রয়োগে পদে-পদে রকমারি অবরোধ সৃষ্টি করিয়াছে। যেমন পণ লওয়া কিংবা তাহার জন্য কন্যাপক্ষকে চাপ দেওয়া যে অন্যায় এবং পণ না দিতে পারার জন্য নববধূকে পুড়াইয়া মারা যে শাস্তিযোগ্য ফৌজদারি অপরাধ, আইন তাহা নির্ণয় করিয়াছে। তাহাতে কি পণ প্রথা বন্ধ হইয়াছে? হয় নাই কারণ, সমাজ এখনও এই প্রথাকে বর্জন করিতে, ইহার অনুশীলনকারীকে বহিষ্কার বা বয়কট করিতে শিখে নাই। বরং এই ধরনের লোকেরাই নানা স্তরে সমাজের মাথায় বসিয়া আছে। রাজনীতিকদের সহিত যোগসাজশের ফলে অনেক নারীঘাতক নিত্য পুলিশের হাত হইতে, আইনের দীর্ঘ বাহুর নাগাল হইতে নিরাপদ দূরত্বে থাকিতে পারে। সমাজ বলিতে এখন প্রায়শ রাজনৈতিক দল ও তাহার নেতাকর্মী নিয়ন্ত্রিত পাড়া-মহল্লা-গ্রাম-পঞ্চায়েত বুঝায়, যাহা দুষ্কৃতিদের একঘরে করার সাহস রাখে না, লিঙ্গবৈষম্য ঘুচাইবার মতো বিশুদ্ধ নৈতিক বিষয়ে যাহার কোনও আগ্রহ নাই। সমাজ-সংস্কার তাই এখন নিচু তলা হইতে উৎসারিত সামাজিক আন্দোলনের উপর নির্ভরশীল নয়, তাহার জন্য উপর হইতে আরোপ করা সরকারি আইনের, রাষ্ট্রের হস্তক্ষেপের অপেক্ষায় থাকিতে হয়।

# Govt readies new Bill to nail wife-bashers

Draft Broadens Definition Of Domestic Violence

By Shivani Singh/TNN

**New Delhi:** Soon to be armed with a new, revised Domestic Violence Bill, battered wives may have the power to drag their violent husbands out of their homes and into the courtrooms.

To replace the lapsed Domestic Violence Bill 2002, the UPA government is working on a new one, which may be finalised soon. Apart from the usual penalties, a jail term and monetary fines, the draft Bill gives the court powers to drive an abusive husband out of the house he shares with his wife. The new draft has a provision of a protection order, which the court can use to prohibit the abuser from entering the victim's workplace. The court will also be given powers to stop the abuser from accessing bank accounts, lockers or any joint assets he may hold with his wife.

Depending on the nature of the case, the court can also direct the perpetrator to look for alternative accommodation and let the victim stay in the shared house, or pay her money to rent a house. The abuser can also be asked to return his wife her 'streedhan' or any other property or valuable security she is entitled to.

Officials say they have tried to rectify some of the lacunae pointed out by women's groups in the earlier Bill. The definition of domestic violence was one.

"It was defined as conduct of the perpetrator who ha-

bitually assaults or makes the life of aggrieved person miserable by cruelty even if such conduct does not amount to physical ill-treatment. We found this definition meaningless as it did not specify the kind of violence that amounts to domestic abuse," said Ranjana Kumari, director of Centre for Social Research.

The ministry seems to have taken her point. In the new draft, domestic violence is defined in more detail. "It mentions kinds of physical injuries that may be inflicted upon the victim and also includes sexual, verbal, emotional and economic abuses in the list," said an official. Women activists had stressed on the need to provide for the temporary custody of children (or child) to the aggrieved woman so she couldn't be blackmailed into taking back the case. Revising the Bill, the ministry promises to take care of this loophole. It is working on a provision to grant temporary custody of a child (or children) to the victim or her relatives and, if necessary, allow visitations by the father.

The new draft also takes care of another objection. The provision in the previous bill of making "the woman to undergo mandatory counselling along with the respondent (abuser)" has been changed on insistence of women groups. In the new draft, the counselling for the abuser "with service provider who is qualified in counselling" will be mandatory.



TUESDAY, DECEMBER 7, 2004

H9-10

## THE LONG ROAD TO GENDER EQUALITY

THE BILL PROPOSED by the Law Minister, H.R. Bhardwaj, to amend the law to grant women equal rights to Hindu undivided family property will be a significant step in bringing the Hindu law of inheritance in accord with the constitutional principle of equality. The series of Acts passed to reform the Hindu law in the 1950s left the Hindu undivided family largely untouched, creating a gross discrimination against women with regard to their rights to ancestral property. Thus under the dominant Mitakshara school that applies to most parts of the country, a son has a right by birth to a share in the undivided family property equal to the father's while a daughter can claim no such right. The Hindu Succession Act of 1956 granted daughters equal inheritance rights with sons in their father's share of the undivided family property. Even after the change, because the notion of coparcenary of males in the joint family property was left intact, a son could claim his share of the family property by birth and again inherit equally with the daughter the father's share in the family property, effectively inheriting at least three times as much of the ancestral property as a daughter.

It is this inequity that the Law Commission addressed in its report in 2000. It suggested that the Hindu Succession Act should be amended to grant daughters too a right by birth to the Hindu undivided family property. Already, Andhra Pradesh, Tamil Nadu, Karnataka, and Maharashtra have placed women on an equal footing through amendments to the Hindu Succession Act granting daughters the right by birth to the family property. Kerala has adopted a more radical course by abolishing the right by birth to the family property altogether. Instead of such State-specific laws, the case for an all-

India law is obvious and brooks no delay. The Law Commission has sent to the Government of India a draft bill to amend the Hindu Succession Act to grant daughters equal coparcenary rights with sons in joint family property. Ideally, such rights should be granted to all women, but the Commission recommended that they should be made applicable to women who marry after the new amendment comes into force and not to those who married before the change. The Commission reasons that extending the right by birth to joint family property to women who married before the amendment "would cause a lot of heartburn as married daughters normally receive substantial gifts at the time of their marriage though these are not commensurate with the son's share." But there is really no sound argument why the right should be confined to daughters who marry subsequently.

The move is bound to raise the demand for the reform of all personal laws that discriminate against women, more specifically Muslim personal law, and also brings to the fore the issue of a uniform civil code. Ideal as the constitutionally mandated uniform civil code would be, its introduction has been made problematical in part by religious fundamentalism and in part by its appropriation by the Bharatiya Janata Party and the Hindutva forces as a stick to beat the minority Muslim community with. However, without waiting for a uniform civil code, gross gender discrimination that persists in all personal laws needs to be addressed as a priority. Mr. Bhardwaj told Parliament that "we cannot speak for all communities until they are ready." But a readiness to reform can be created by a dialogue and debate addressing the laws that discriminate against women grossly and are indefensible.

07 DEC 2004

THE HINDU

# Scandal in school shakes up Delhi

AYSWARIA VENUGOPAL

**New Delhi, Nov. 26:** Sex may not exactly be new in posh Delhi schools. Now there's sex and the cellphone.

Two Class XI students had sex on their school premises and shot it with a mobile phone enabled with multimedia messaging service, or MMS.

Parents and teachers were shocked by news of the incident, but for the past month, a video of three to four minutes' duration has been the most widely known secret at Delhi Public School, R.K. Puram.

"I really feel sad for the girl. Maybe she was drunk or doped when it was happening. Or maybe she just got into bad company," said a student.

The video is said to have explicit footage of the two students — they should be 17 years of age — engaging in sex. The girl's face is reportedly visible in the clip that has been circulating among students, passing from one MMS-enabled equipment — camera phone in popular parlance — to another. Some are believed to have downloaded the video from some Internet sites.

Principal Shyama Chona was not available for comment, despite repeated attempts. Yesterday, she had told a TV channel that "disciplinary action had been initiated".

Both students come from affluent backgrounds — the boy is from a business family and the girl's father is said to be in the services.

The school has put up a notice warning parents and students against bringing mobile phones. Anyone caught with a cellphone on the premises will face confiscation and a Rs 1,000 penalty.

It is not clear what disciplinary action has been taken against the two students.

A shocked Springdales

School principal and National Progressive School chairperson, Jyoti Bose, said society, including parents, has to confront the question of sex in schools.

"There is a larger issue about the content of the MMS. Though we haven't discussed it in our meetings but after this incident, I think it has to be addressed," she said.

Once the incident came to light, separate lunch breaks have been started at DPS RK Puram — one for students of Classes XI and XII and another for the rest of the school — so that the authorities can keep a close eye on their wards.

It may, however, be too late to insulate the rest of the school from the scandal as the authorities were the last to find out.

A student of the school said: "It is not as if these incidents don't happen in other schools. Just because of what one person did all of us are being branded. I think what my mother said when she heard about it sums it all up. She told me that I should change my school."

The statement merely confirms the fact that sex does take place in Delhi's schools — and if it's happening in the capital, there's no reason to be-

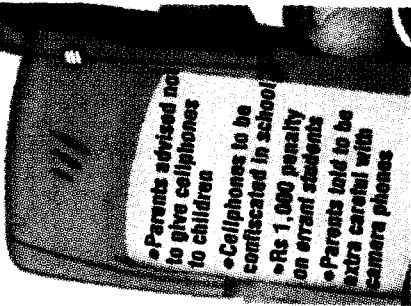
lieve other cities are immune — in which case changing schools will not help.

Bose said: "We do not allow students below Class XI to bring mobile phones to school. Those who bring cannot use it on the school premises. I can understand the parents' paranoia about their children, particularly as they have to use DTC (Delhi Transport Corporation) buses to get home."

Worried and well-off parents have given their children cellphones — to make contact in an emergency. But then they also send their children to school for a purpose other than sex.

## CELL SHOCK

The school's guidelines



Parents advised not to give cellphones to children

Cellphones to be confiscated in school

Rs 1,000 penalty on errant students

Parents told to be extra careful with camera phones



# CRIMES AGAINST WOMEN

## Need To Amend The Laws In India

By HL KAPOOR

It is a fact that crimes against women are on the rise. The rate of increase in the number of rapes is far in excess of the general increase in the crime rate. The Supreme Court advised judges to examine the broader implications of cases and stressed that they should not get swayed by minor contradictions. This view was expressed by Mr Justice AS Anand (who retired later as Chief Justice of India) and Justice Sagir Ahmed in 1996, in the case of Punjab vs Gurmeet Singh. The judgment said: "A rapist not only violates the privacy and personal integrity, but mentally causes serious psychological as well as physical harm in the process".

The Supreme Court held that in a matter like rape no self-respecting woman would normally come to a court of law merely to make a damaging admission against her honour. It stressed that if a court finds it difficult to rely on the evidence of the woman, it may look for evidence which may strengthen her testimony.

### Inhibited nature

It held that the inhibited nature of Indian women and unmarried girls caught in a tradition-bound, non-permissive society are factors that courts should not overlook. It noted how young girls are often reluctant to even admit any incidents that might sully the name of their family and that they are conscious of the danger of being ostracised by society.

The Supreme Court further asked the trial courts to bear in mind that their observations have wider implications on society. It held that even if the victim led a permissive life, no reference to the victim as being "a girl of loose moral character" was permissible. It held that even a promiscuous woman had the right to refuse to submit herself to anyone. It held that there is no justification for rendering such women vulnerable objects.

*The author is a former Assistant Commissioner of Police (Class I), New Delhi.*

The Rape Shield Law in the USA has come to be accepted as a rule of evidence because of the concern it extends to rape victims. It holds rape to be unique among crimes inasmuch as it permits a total exposure of the private life of its victims. The sexual history of a rape victim is considered permissible as evidence in cross-examination to lend credence to the fact that the victim had consented to sexual

fear among rapists.

According to the statistics of the National Crime Record Bureau, a rape is committed every 40 minutes somewhere in the country. On an average 37 rapes are committed every day. In 95 of the per cent of the cases, the accused get acquitted for one reason or the other. The crux of the matter is that even the molestation laws under Sections 354 and 509 of the IPC have not



activity in the past. Such rule of admission was justified on the ground that charges of rape are often hurled by vindictive women, and that women often fantasised being raped. Such evidence was also permitted as it was believed that previous sexual liaisons would undermine the credibility of the woman as a witness. Under the Rape Shield Law, any evidence alluding to the previous sexual history of victims is considered irrelevant and inadmissible as there is no basis for the assumption that a virgin was more truthful than those who had indulged in sexual activity.

### Ray of hope

The adoption of the Rape Shield Law by the Supreme Court, and its understanding and application by the trial courts throughout the country holds out a ray of hope for rape victims as it invokes a greater sense of

been amended despite the fact that the Supreme Court gave directions to check sexual harassment of women. The crying need is to amend these laws till new legislation is enacted. Enhanced punishment under these sections would discourage would-be rapists.

In the light of Article 14, the government has been trying to help women find gainful employment. They work in government offices and occupy posts in the judiciary, army, police and other departments. Yet women are made to feel inferior especially when they marry. Demands for dowry are not unusual, keeping in view the social status of the bridegroom and his parents. Husbands and in-laws further tend to harass women in numerous other ways. They resort to cruelty. Husbands cause harassment by forcing wives to do things that the latter may not like. The Supreme Court has

held that cruelty in the legal sense need not be a mere physical assault. The court holds that the conduct adopted by a married woman's husband or by any other relative, or treatment meted out to her which tends to undermine her health or reasonably affects her happiness can be termed "cruelty".

Newly married girls often fall victim to the machinations of unscrupulous in-laws. Both husbands and in-laws cause such mental torture that they are left with no alternative but to commit suicide. When cruelty for dowry is prime facie proved by certain acts of documentary evidence, a case under Section 498A, 304B IPC and under the Dowry Prohibitions Act is registered. Though this Act has been amended from time to time, the unscrupulous manage to escape. It is, therefore, imperative to amend the law.

### Financial loss

Divorce or judicial separation is sought on grounds of harassment, cruelty, misbehaviour, desertion, adultery, and so on. Even court proceedings are delayed, causing harassment and financial loss to aggrieved women. Poor women who do not have the means to spend on litigation are the worst hit. The police, too, does not usually move swiftly to secure justice for destitute women. Neither are FIRs recorded speedily nor any prompt action initiated unless some pressure is brought from higher levels.

The fact that women's problems are not attended to even when complaints are lodged with the local police or with various women's cells needs no reiteration.

A large number of complaints are received in the crime against women cell. The office of the Joint Commissioner of Police, Delhi, is flooded with such complaints. Only effective legal action would discourage the wrong-doers so that poor women are not made to run from pillar to post. Only speedy investigation would bring justice to them.

17 NOV 2004

THE STATESMAN

# Valley erupts in rape rage

*11/11*  
*Gr 2*  
*Women*  
MUKHTARAHMAD

**Srinagar, Nov. 10:** Srinagar erupted in widespread public anger on the fourth day of protests against an alleged double rape by an army major even as a separatist leader was detained.

Parts of the Valley have been tense since November 6 after news spread about the alleged rape of a mother and her 10-year-old daughter at Badran village near Handwara, 80 km north of Srinagar, during a search operation.

This morning, youths took to the streets in the heart of the summer capital, shouting pro-freedom and anti-government slogans.

They pelted police with stones, burnt tyres, tried to force markets shut and repeatedly tried to block the main road in Lal Chowk, the city centre. Police retaliated with teargas shells and repeated baton charges. In the afternoon, there was a repeat in

Maisuma locality.

Shops in most parts of the city were closed following a call given by the Kashmir Bar Association and the Dukhtar-e-Milat, a women's separatist group. Traffic, however, was plying.

Jammu and Kashmir Liberation Front chief Mohammad Yasin Malik was detained moments after he handed a letter protesting against the rape to the UN military observer group based here. Malik said he was beaten by police at the UN office, but a police officer denied the charge. He said Malik was taken into custody for disturbing public order.

The National Conference demanded a judicial probe, and its leaders and workers took out a procession here seeking action against the army officer.

The army has denied the rape allegation but ordered a high-level probe by a senior army officer following the public protests.

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# Child abuse: politicians had shown indifference

**S**ocial activists fighting against child abuse have been crying hoarse for many years that the Indian law needs to be more stringent and comprehensive in dealing with the social evil. More so, at a time when new technologies like the Internet are being misused by paedophiles.

Now, finally, there is some positive movement on this front. The department of women and child development under the Union ministry of human resources is in the process of examining various aspects of child abuse and the gaps which exist in the current legislation. A day-long workshop to this end was held in September and a core group formed to look into the matter. "We have to see whether we need a comprehensive legislation on the subject or an amendment would suffice," says a senior ministry official.

The ministry is looking at all aspects of child abuse, including its definition and issues like corporate punishment. "There are many aspects and varying levels to the problem. Even a child's own parents can be abusive," says the official.

After its first meeting late in September, the core group wants to do a situational analysis of child abuse in India; its forms and its impact. "The group also felt the need to bring out a White Paper on the subject after consultation with regional organisations," says Rita Panicker, a core group member and director of Butterflies, an NGO working with children.

In a judgment last May, the Supreme Court noted that cases of child abuse and rape are increasing at an alarming rate and appropriate legislation is urgently required to tackle it. "We hope that Parliament will give serious attention to this aspect and make appropriate legislation with all the promptness which it deserves," the then Chief Justice S. Rajendra Babu and Justice G.P. Mathur had said. Earlier, the 172nd report of the Law Commission had also examined the issue in detail and offered wide-ranging suggestions.

According to the World Health Organisation, one in every 10 children is sexually abused. Separate studies in North America show that one in four girls and one out six boys have been sexually abused before 18. Studies in India also show that child abuse, both physical as well as sexual, is widely prevalent. In a country where many victims are forced to remain silent due to fear of social stigma, it isn't easy doing research on the subject.

## TELLING FIGURES

● According to the World Health Organisation, one in every 10 children is sexually abused. Studies in India also show that child abuse, both physical and sexual, is widely prevalent in a country where many victims are forced to remain silent

On September 30, Butterflies released a field study of 100 children (70 boys and 30 girls) in the age group four to 18 in Delhi. The study shows that 68 per cent of them had suffered physical abuse and 32 per cent were sexually abused.

Another survey conducted in Delhi schools in the mid-Nineties by Sakshi, an NGO working against child abuse, shows a high percentage of child abuse. The study conducted among girls between the 11-17 age group showed that 63 per cent suffered some form of sexual abuse; approximately 22 per cent had suffered serious sexual abuse.

In this backdrop, activists are worried that in many cases, the accused have got away with light sentences. The case of paedophile Freddy Peats, an Anglo-German who was jailed for 20 years in Goa in the Nineties, is an exception. Cases documented by Sakshi illustrate that on

many occasions, the accused has escaped with sentences ranging between six months to two years.

Legal activists point out that the police find it very difficult to put child abuse under a particular section. This is because the Indian Penal Code does not specifically deal with child abuse. "Any legislation should create a proper section for this in the Indian Penal Code," says Supreme Court lawyer Meenakshi Arora, who has represented Sakshi, which had filed a PIL in the Supreme Court on this issue.

Activists believe that a legislation on child abuse has been delayed because of political indifference. Most politicians with a legal background agree that a law on the subject is urgently required. But the issue has never been on the priority list of any political party. Says senior Supreme Court lawyer Abhishek Singhvi, "Parliamentary overcrowding of bills, lack of priority and disruption of the House means that the legislation will happen in its own sweet time. This is an unacceptable situation."

Things are more encouraging on the judicial front. A recent Supreme Court order authorised lower courts to hold in-camera trial in offences related to child abuse, 'unnatural' sex and outraging women's modesty. So far, in-camera trial was permitted only in cases of rape.

Even the law enforcement agencies are more active. Those waging a war against child abuse are encouraged by the fact that Allan John Water, a British national, who was accused of being a child sexual offender by the Mumbai police, was nabbed in New York and deported to India on September 6.

In this backdrop, activists and ministry officials are optimistic that things can only get better from now on. But as Panicker warns, "Legislation is never enough to end a social evil. What we need is a multi-faceted approach to tackle it. We need social mobilisation in a big way."



**NABBED IN NEW YORK:** Suspected paedophile Briton Allan John Water was deported to India on September 6 (Photo: PTT)

# Beaten and bruised? Don't forget Sec 498-A

By Swati Deshpande/TNN

**Mumbai:** 498-A? That might seem like an arcane figure to the layman, but it's one that married women would do well to remember.

Section 498-A, introduced into the Indian Penal Code three decades ago, gives recognition to the ugly reality of domestic violence against a wife. The section makes cruelty by a husband or his family towards a married woman a cognisable and non-bailable offence and can even result in a three-year prison term for the culprit.

But the conviction rate in '498-A cases', as they are called, is barely one or two per cent, says women's activist Flavia Agnes. "Last year, only 200 cases were reported to the 73 police stations in Mumbai," she notes.

The crime figures, however, are not indicative of the existence of domestic violence in the cramped or spacious dwellings of millions of Mumbaiers. This year, a cross-cultural study across nations conducted by the Washington-based International Centre for Studies on Women showed that in India a woman's risk of being physically abused rose with her level of education. Violent women does not recognise religious or social barriers.

The recent incident of alleged wife-beating involving the Maharashtra governor's ADC Deepak Pandey and his bureaucrat wife is an attestation to the report's findings. It also brings into focus the legal rights, or the lack thereof, of women while dealing with cruelty within closed doors.

Geetanjali



## What the govt needs to do

- ▶ Enact a special bill
- ▶ Protect a woman's right to stay in her matrimonial home
- ▶ Ensure immediate monetary relief to victims
- ▶ Include protection against violence even in fraudulent marriages and live-in relationships

## Section 498-A of IPC says

- Cruelty (both mental and physical) by the husband or his family towards his wife includes:
- ▶ Conduct that is likely to drive the woman to suicide
  - ▶ Causes her grave hurt or danger to life or limb
  - ▶ Harassment to force her to hand over property or other valuables
  - ▶ Harassment because the woman does not agree to an unlawful demand

## Forms of cruelty recognised by the courts in India

- ▶ Persistent denial of food
- ▶ Perverse sexual conduct
- ▶ Locking a woman out of the house
- ▶ Denying a woman access to her children, thereby causing mental torture
- ▶ Taunting a woman
- ▶ Confining her to the house
- ▶ Abusing the children in front of her
- ▶ Threatening divorce unless dowry demand is met
- ▶ Litigational cruelty

to address the issue of domestic violence, and more women should resort to it as different forms of cruelty, including physical and mental, come under its ambit.

But even though the penal provision describes 'cruelty' to mean wilful conduct that could drive a woman to suicide or "cause her grave injury", it is still commonly perceived as an anti-dowry law. Even the Mumbai police register an offence under the figure that most men dread only in dowry-related cases, says Nandita Gandhi of Akshara, a voluntary organisation fighting for women's rights.

"Often mental cruelty is not very tangible and police do not know how to tackle it in ab-

## What women must know

- ▶ She has a legal right to reside in her matrimonial home and her husband cannot throw her out
- ▶ She can move court to seek an injunction against her husband from entering the house even in a domestic violence case
- ▶ She and the children have a right to interim maintenance under the criminal procedure code and in a matrimonial court in case of desertion
- ▶ She should never shy away from reporting a case because of the perceived stigma of being a victim.

sence of guidelines," says Gandhi. With few cases of domestic violence brought under the 498-A scanner, women's groups desired a special enactment on the subject. But a couple of years ago a draft bill to deal with domestic violence in its entirety died a premature death even before it could be tabled.

While most domestic violence complaints are not reported because of family pressure, there does exist a special cell for women and children in ten police stations which is the place to go to, say activists. The cell, which works quite effectively, has volunteers from the Tata Institute of Social Sciences, which ensures that victims are counselled. "Erring husbands are picked up and warned. If the matter requires to be taken to court, advice is given," says a volunteer.

The flip side of 498-A, maintain a few lawyers, is that it is abused by some affluent women to harass their husbands and get them arrested. The wives are, needless to say, often acting on advice given by their advocates. But Flavia Agnes of Majlis, an NGO, contends that few cases are false. "Most genuine cases of violence do not get registered," she says.

## মুখ্যমন্ত্রী : রাজ্যে মহিলাদের ওপর নির্যাতন বাড়ছে

উদয় বসু: ব্যারাকপুর, ১৯ অক্টোবর— ‘অন্যান্য অপরাধ কমলেও আমাদের রাজ্যে মহিলাদের ওপর নানারকম মানসিক ও শারীরিক নির্যাতন বাড়ছে। এ কথা অস্বীকার করার উপায় নেই’— মঙ্গলবার সন্ধ্যায় ব্যারাকপুর মহকুমা পুলিশ আধিকারিকের কার্যালয়ে ১০০ ডায়াল নিঃশব্দ আপৎকালীন পরিষেবা উদ্বোধন করতে এসে একথা বললেন রাজ্যের মুখ্যমন্ত্রী বুদ্ধদেব ভট্টাচার্য। তিনি বলেন, কোনও মহিলার ফোন এলে আগে অভিযোগ শুনুন, এবং ব্যবস্থা নিন। ১০০ ডায়ালের সুবিধা প্রসঙ্গে বলতে গিয়ে মুখ্যমন্ত্রী বলেছেন, সব মানুষের পক্ষে থানার নম্বর লিখে রাখা সম্ভব নয়। লাইন এনগেজ থাকতে পারে। জরুরি সময় ফোন নম্বর খুঁজে বের করা অসম্ভব হতে পারে। সঙ্গে

সঙ্গেই ১০০ ডায়াল করুন। কারণ ১০০ সহজেই মনে থাকবে। আমাদের লক্ষ্য সেবা করা। ধরুন কেউ জোর করে চাঁদা চাইছে। ফোন করুন ১০০। কেউ মাতলামি করে ঘরে ঢুকতে চাইছে, ফোন করুন ১০০। আপনি দেখছেন, আপনার বাড়ির সামনে ডাকাতি হচ্ছে, ফোন করুন ১০০। মহিলাদের উদ্দেশে বলেন, আপনি অত্যাচারিত হচ্ছেন, অপমানিত হচ্ছেন, সুযোগ নিন ১০০ ডায়ালের। বুদ্ধবাবু বলেন, আমাদের রাজ্যে সবচেয়ে কম সংখ্যক পুলিশ বাহিনী ও থানা নিয়ে আমরা সব চাইতে বেশি অপরাধ দমন করে রেখেছি। এর জন্য ইউ এন ডি পি আমাদের রাজ্যকে প্রথম পুরস্কার দিচ্ছে আগামী ডিসেম্বরে। পুলিশ মানে ভয়, এটা কাটাতে হবে। কিন্তু সমাজবিরোধীদের পুলিশ সম্বন্ধে ভয়

আতঙ্ক তৈরি করতে হবে। ভাল লাগে যখন দেখি, একজন পুলিশ কনস্টেবল একজন স্কুলের বালককে রাস্তা পার করিয়ে দিচ্ছে। পুলিশের দায়িত্ব অনেক। যখন রাতে সকলে ঘুমিয়ে থাকে, তখন একমাত্র পুলিশই রাত জেগে থাকে। তাই আরও বেশি করে মানুষের কাছে টেনে আনতে পুলিশকে। এলাকার বিশিষ্ট মানুষদের নিয়ে থানা কমিটি তৈরি করতে হবে। আধুনিক অস্ত্রের সঙ্গে সঙ্গে পুলিশকে টেলিকমিউনিকেশনের সাহায্য নিতে হবে। এখন ১৩টি মহকুমায় ১০০ ডায়াল চালু হচ্ছে। লক্ষ্য ৬৪টি মহকুমায় চালু করা। অন্যদের মধ্যে উপস্থিত ছিলেন ডিজি শ্যামল দত্ত, সাংসদ তডিৎবরণ তোপদার, পুলিশ সুপার পরভীন কুমার, টেলিফোনের সি জি এম প্রমুখ।

# Salwar backlash on teacher

DEBARATIAGARWALA

*women*  
*GI*  
*18/10*  
Malda, Oct. 17: Just over a month after the government issued a circular to all state-aided schools that lady staff members could come to class in salwar-kameez, a young teacher was allegedly hounded out of a school for wearing just that.

Aparna Sarkar, the zoology teacher of Hiralal Balika Vidyalaya in Bamungola, 60 km from Malda town, today alleged in a complaint to police that two of her senior woman colleagues had beaten her with umbrellas in the school yesterday because she was wearing a salwar-kameez.

Aparna said the school authorities had debarred her

from signing the register since June last year, when they decided she would not be allowed to do so unless she wore a sari to the institution. She also claimed that she was not paid salary between June 26 and August 31, 2003, for violating the "dress code".

The teacher said she was determined to sign the register yesterday, but was roughed up. "Those on duty at Bamungola police station refused to take my complaint. They asked me to come back on Monday. I left my complaint with them," Aparna said today from her home in Malda town.

The 26-year-old teacher said she had "been singled out for harassment by the teachers since the time I

joined (in 2002)".

In June 2003, the school management committee had decided "unanimously" that Aparna would not be allowed to sign the attendance register if she did not wear saris.

The resolution was signed by 10 members, including headmistress Nibedita Bhowmik Roy and committee secretary Kasimuddin Sarkar.

Sarkar today said: "We have passed the resolution, but it is yet to be conveyed to the teacher concerned. The lady in question here is not at all punctual. The dress code is not the issue here." He said he was "not aware of any incident".

The headmistress admitted that Aparna had been

warned not to wear salwar-kameez but denied that her salary was held up because of it. "The school has its norms and if everyone can wear a sari, so can she," Bhowmik Roy said.

All-Bengal Teachers Association district secretary Kajal Sarkar said he would get in touch with the school. "The school cannot dictate how a teacher will dress as long as he or she shows up decently."

District inspector of schools Dipak Dutta termed the incident "unfortunate". "School education minister Kanti Biswas has already cleared the wearing of salwar-kameez by teachers. The circular was sent to all state-aided schools."

■ Picture on Page 13

THE TELEGRAPH

18 OCT 2004

# Women and elections in Afghanistan

By Natasha Walter

IN THE elections held in Afghanistan last weekend, many reporters concentrated on the extraordinary spectacle of women queuing, their blue *burqas* billowing, at the polling stations. The United States President, George W. Bush, also hit upon this as proof of the success of the American presence in Afghanistan. He stated that the first person to vote in the election was a 19-year-old woman, and commented that she was "voting in this election because the United States of America believes that freedom is the almighty God's gift to each man and woman in this world."

Mr. Bush has frequently used his policy in Afghanistan as evidence of his commitment to women's rights, and as an attempt to woo women voters. Recently, Laura Bush spoke at an election rally at which women in the audience held placards saying, "W stands for women." She told her husband's supporters: "After years of being treated as virtual prisoners in their own homes by the Taliban, the women of Afghanistan are going back to work. And wasn't it wonderful to watch the Olympics and see that beautiful Afghan sprinter race in long pants and a T-shirt, exercising her new freedom?"

It was wonderful, but it was not the whole story. If we listen to what Afghan women themselves are saying we glimpse a darker reality than politicians in Britain or in the U.S. would like to show us. Undoubtedly, the removal of the Taliban did improve the

lot of many Afghan women, and I say that even though I opposed the war at the time. Many girls have gone to school, many women have gone to work. The sole female presidential candidate in the election, Massouda Jalal, can speak openly about building a society in which women have

who should be on trial for their crimes are still in key positions in the Government, so in such a situation speaking about democracy and women's rights is futile."

As is well known, the warlords — men such as Rashid Dostum and Atta Mohammed — have many of the

***The United States and Britain used the oppression of Afghan women to justify their intervention. That is not how it is seen on the ground.***

same attitudes to women as the Taliban. "Between Hope and Fear," a report just published by Human Rights Watch, provides a chilling reminder of what that means. These men are targeting women who take part in any political or development work. Even in Kabul, by far the safest and most open part of the country, one woman working at a women's organisation said: "Even entering the door of this office, that itself is a grave risk."

Even the figure of 40 per cent of voters being female has been questioned by observers, who have noted multiple registration in some areas, while in others fewer than 10 per cent of registered voters were women. Female reporters — able to talk to ordinary women who are often prevented from talking to male outsiders — talked to many women who obtained cards but were prevented by the men in their families from going to vote. It is a mistake to put too much

store on the election in the lives of the women in Afghanistan. Its outcome is not in much doubt, but even after the election Afghan women will have to go on living in a society in which, beyond Kabul, power is still parcelled out between those brutal regional commanders.

Those female voices that do get heard are still calling for more funding for development and disarmament initiatives in Afghanistan, and the expansion of the United Nations-backed peacekeeping force in order to create a less threatening situation on the ground. But although our politicians like to use the tale of the women of Afghanistan as a selling point, their real energy and interest has moved on.

In a strange twist of logic, Tony Blair said at Labour's conference that the resistance in Iraq was led by "the same people who stopped Afghan girls going to school ... They are in Iraq for the very reason we should be." The idea that the occupation forces in Iraq are fighting the Taliban is nonsensical.

It is bizarre that the example of the needs of Afghan girls should be used not as a spur for redoubled humanitarian efforts in that country, but as a spur for the occupation of another country. Politicians in the West are keen on using the rhetoric of women's rights as a justification for their policies, and they are refusing to listen to women who say those policies are failing them. — ©Guardian Newspapers Limited 2004

HINDI

14 OCT 2004

# Domestic abuse in NRI matches on the rise

By Pallavi Majumdar/TNN

**New Delhi:** For Urmila Mehra, a class I gazetted officer, dreams of walking past the Houston skyline with her husband turned into a nightmare. She married the "eligible" US-based executive five years ago. In return, he snatched away her PF money and assaulted her. Today, she is bringing up her four-year-old daughter single-handed, living in her Patparganj apartment.

Instances of desertion and domestic violence against women married to NRIs are on the rise, says the Commission for Women (DCW). The panel has received more than 10 cases this year.

Jolted by these cases, the apex body, National Commission for Women (NCW) has written to the ministry of external affairs asking them to frame guidelines to

curb this menace. According to DCW chairperson Kiran Walia: "Repatriation is one threat that can be used."

Mehra who is suffering



from depression, recently approached the DCW for help. The commission has issued a summons to her husband. "It doesn't matter whether the women are from progressive, educated families or from lower middle class ones. Domestic vi-

olence is all pervasive," Walia said. Dowry is not always the trigger.

Here's an indicator: Of the total 619 calls received by the DCW helpline in September, 72 were dowry related, 54 were related to mental and physical harassment by husbands and 38 to harassment by in-laws.

There is more damning evidence. The National Family Health Survey (1998-99) said 20 per cent of married women between 15 and 49 years, had been exposed to some form of domestic violence, at some point in their lives. In Delhi, the figure for physically-abused married women above 15 stood at 14.1 per cent, second only to Jammu and Kashmir in the northern region.

It is no surprise then that women's groups have been crying themselves hoarse for the early passage of pending domestic violence bill.

THE TIMES OF INDIA

14 OCT 2004



# Saudi govt bans women from voting, standing in polls

## Administrative And Logistical Reasons Cited For The Move

**Riyadh:** Women may neither vote or run in Saudi Arabia's first nationwide elections, the government has announced, dashing hopes of progressive Saudis and easing fears among conservatives that the kingdom is moving too fast on reforms.

An electoral official cited administrative and logistical reasons on Monday for the decision to ban women from the municipal elections, scheduled to be held in three stages from February 10 to April 21.

The official, who spoke on condition of anonymity, said there are not enough women to run women's-only registration centres and polling stations, and that only a fraction of the country's women have the photographs and identity cards that would have been needed to vote.

Many women in Saudi Arabia, the birthplace of Islam, have balked at getting the ID cards—introduced three years ago—because the photographs would show their faces unveiled.

Saudi women have limited freedoms.

Without written permission from a male guardian, they may not travel, get an education or work. Regardless of permissions, they are not allowed to drive, mix with men in public or leave home without covering themselves with black cloaks, called abayas.

The religious establishment had been lobbying against women's participation in the elections, diplomats said.

The decision was first announced by interior minister Prince Nayef in an interview published on Monday. In his comment to a Kuwaiti newspaper, Nayef said only: "I don't think that women's participation is possible."

His remark was the first by a named top official on the issue. It settled a question that had been occupying Saudis since the government set the date for the elections in August. When the election law was published, it did not explicitly bar women from voting, which encouraged three women to declare themselves candidates.

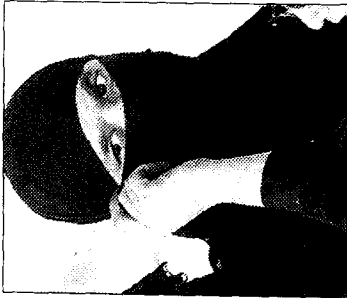
"I am surprised," said Nadia Bakhurji, 37, the first woman to announce she planned to run. "I was optimistic and didn't think they would ban it."

Bakhurji said she hoped Nayef and the elections committee would "rethink their decision" and show transparency by saying why women have been banned.

She said that would give women the chance to "work hand-in-hand with them to solve these problems in time for elections," said Bakhurji, an architect and a mother of two. "My concern is if they don't bring us on board now, we will be fighting for something that should be a given right," she said.

Saudi Arabia's only electoral experiences were some municipal polls held in a few cities in the 1960s. They did not cover the whole country, and their electoral rules and registration procedures did not conform to international standards. Women did not vote.

Registration for the new elections begins in November. Voting will start on February 10 around the capital, Riyadh. Voting in the eastern and southwestern regions will follow, starting March 3. Voters in northern parts of the country will go to the polls on April 21. <sup>AP</sup>



## আপনি আচরি সাম্য

পশ্চিমবঙ্গের প্রধান শাসক দল সি পি আই এম সিদ্ধান্ত লইয়াছে, দলের প্রতিটি আঞ্চলিক ও স্থানীয় কমিটিতে মহিলাদের জন্য আসন সংরক্ষিত থাকিবে। বিলম্বিত, কিন্তু গুরুত্বপূর্ণ সিদ্ধান্ত। কারণ দেশের অন্যান্য দলের তুলনামতেও (যেমন কংগ্রেস) সি পি আই এমের সদস্য-সমর্থকদের মধ্যে মহিলাদের সংখ্যা অকিঞ্চিৎকর, নেতৃত্বের স্তরে কার্যত তাহা অনুপস্থিত। দলের রাজ্য শাখার নেতাদের মনে হইয়াছে, নিছক প্রতিযোগিতার মাধ্যমে যোগ্যতাসম্পন্ন মহিলা সদস্যদের নেতৃত্বে তুলিয়া আনা সম্ভব হইবে না। তাই সংরক্ষণের বন্দোবস্ত। যদি প্রতিটি কমিটিতে উপযুক্ত মহিলা পাওয়া না যায়, সে ক্ষেত্রেও মহিলাদের জন্য সংরক্ষিত আসনগুলি পুরুষ সদস্যদের দ্বারা ভরাট করা হইবে না, ভবিষ্যতের আশায় শূন্য রাখা হইবে। মনে হয়, নেতৃত্ব লোকদেখানো বন্দোবস্ত করিয়াই ক্ষান্ত থাকিতে চাহেন না, সংগঠনের নেতৃত্বের মহিলাদের যোগদানের ব্যাপারে তাঁহারা দৃঢ়প্রতিজ্ঞ। ইহা দীর্ঘ কালের একটি অর্থোক্তিকতার প্রতিকার সুনিশ্চিত করিবে। যে দল সংসদে মহিলাদের জন্য এক তৃতীয়াংশ আসন সংরক্ষণের পক্ষে দৃঢ়ভাবে সওয়াল করিয়াছে, তাহার নিজের সংগঠনের নেতৃত্বকারী কাঠামোয় মহিলাদের জন্য আসন সংরক্ষণ প্রত্যাশিত ও অনিবার্য ছিল।

সংগঠন ও আন্দোলনে মহিলাদের সংখ্যালঘুদের জন্য একা সি পি আই এমকে দায়ী করা যায় না। কমিউনিস্ট তথা বামপন্থী আন্দোলনের সমগ্র ইতিহাসই এই সংখ্যালঘুদের দলিল। বস্তুত, এ ব্যাপারে বাম দলগুলি অনেক সময়েই তথাকথিত দক্ষিণপন্থী দলগুলির অনেক পিছনে পড়িয়া থাকিয়াছে। বিশ্বের কোনও কমিউনিস্ট দলে কখনও এক জন ইন্দিরা বা সনিয়া গাঁধী, এক জন সিরিমাভো বন্দরনায়েকে বা চন্ডিকা কুমারতুঙ্গা, এক জন গোল্ডা মেয়ার, এক জন বেনজির ভুট্টো, এক জন মেঘবতী সুকার্নোপুত্রী, এক জন হাসিনা ওয়াজেদ বা খালেদা জিয়ার অভিষেক হয় নাই। এই সব নেত্রীই বিভিন্ন 'বুর্জোয়া' দলের কর্ণধার থাকিয়াছেন। আন্তর্জাতিক কমিউনিস্ট আন্দোলনের সুবর্ণ যুগেও এক রোজা লুক্সেমবার্গ এবং অংশত ক্লারা জেটকিন ছাড়া অন্য কোনও কৃতী নারীর সন্ধান নাই। জীবৎকালেও তাঁহারা কেহই এমনকী স্লেখানভ কিংবা কাউটস্কি, টটস্কি, বুখারিনের সমান মর্যাদা পান নাই, স্তালিন কিংবা লেনিনের সমমর্যাদা তো দূরস্থান (পরে রোজা নবমূল্যায়িত হইতেছেন, সেটা ভিন্ন প্রশ্ন)। আর লেনিনের স্ত্রী না হইলে যেমন ক্রুপস্কায়াকে কেহ চিনিত না, মাও জে দণ্ডের স্ত্রী না হইলেও তেমনই মাদাম চিয়াং চিঙ বিশ্বের অচেনাই থাকিয়া যাইতেন। সি পি আই এমের সর্ব স্তরের নেতৃত্বে মহিলাদের অনুপস্থিতি এক হিসাবে আবিষ্কৃত বামপন্থী আন্দোলনের ধারার সহিত সামঞ্জস্যপূর্ণ।

কারণটি অনুমান করা কঠিন নয়। সমাজতন্ত্রের লক্ষ্যে নিয়োজিত মার্ক্সবাদী চিন্তাধারা কখনওই নারীকে পুরুষের সমকক্ষ ভাবে নাই, বরং শিশু, কৃষক, শ্রমিক, বুদ্ধিজীবীর মতো স্বতন্ত্র বর্গ গণ্য করিয়াছে। তাই মার্ক্সবাদী বা সমাজতন্ত্রী পুরুষদের জন্য আলাদা সংগঠন না থাকিলেও মহিলাদের জন্য পৃথক সমিতি গড়া হইয়াছে, যেখানে লিঙ্গই তাহার শ্রেণিপরিচয়। কমিউনিস্ট পার্টিগুলি সর্বত্রই ভয়ানকভাবে পিতৃতন্ত্রের সহযোগী থাকিয়াছে। পিতৃতন্ত্রের স্ত্রীলিঙ্গনির্মাণের একপেশে দৃষ্টিভঙ্গি হইতেই মহিলাদের বিচার করা হইয়াছে। সমাজতন্ত্র আপনা-আপনিই নারীপুরুষ ভেদাভেদ বা লিঙ্গবৈষম্য ঘুচাইয়া দিবে, আলাদা করিয়া মহিলা আন্দোলনের প্রয়োজন নাই এবং সে ধরনের আন্দোলন সমাজতন্ত্রে পৌঁছানর মূল দিশা হইতে পার্টিকে বিভ্রান্ত, বিচ্যুত করিয়া ধনিক শ্রেণির হাত শক্ত করিবে, নারীবাদের নামে উগ্র, পশ্চিমী, অবক্ষয়ী যৌন স্বেচ্ছাচার ডাকিয়া আনিবে, ইত্যাকার অপযুক্তিজালে ষাঁসাইয়া কমিউনিস্ট পিতৃতন্ত্র মহিলাদের কেবল পুরুষ কমরেডদের অনুগামী রূপে প্রতিষ্ঠা করিয়াছে, সহগামী রূপে নয়, নেত্রী রূপে তো নয়ই। মহিলাদের পক্ষে এই অবস্থা অবমাননাকর বলিয়াই প্রতিবাদী বন্দা কারাট কিছু কাল আগে কেন্দ্রীয় কমিটি হইতে ইস্তফা দিতে চাহিয়াছিলেন। সি পি আই এম খিড়কির দরজা দিয়া হইলেও মহিলাদের দলীয় নেতৃত্বে অভিষেকের যে পথ খুলিয়া দিতে মনস্থ করিয়াছে, তাহা তাই সুস্বাগত।

7 OCT 2004

# 9/10 Woman as Gudiya

## Her Ordeal Amounts to Negation of Islam

By Syeda Hameed

11-19  
The Gudiya episode gives us an opportunity to examine the *Qur'an* and its spirit vis-a-vis women. During the Prophet's time, women freely questioned him on their status in the holy book. Tabari, in his treatise on the history of Islam, records that the Prophet's wife Umm Salama had asked her husband, "Why are men mentioned in the *Qur'an* and why are we not?" It was after this query that the following lines were revealed in verse 35 of Surah 33, *Al Ahzab*: For believing men and women/ For true men and women/ For devout men and women.../ For them has Allah prepared/ Forgiveness and a great reward.

The issue of *masawaat* or equality of men and women is once and for all settled in these lines. Allah spoke of the two sexes in terms of total equality. Having established this, the next text to turn to is *Surah Al Nisa* (The Women) containing laws on marriage, divorce, property and conduct. These were revolutionary verses which overturned pre-Islamic practices.

Surah Al Nisa not only laid down the law that women could no longer, as cattle and camels, be inherited by men but that they could themselves inherit. They could enter into competition with men for sharing of fortunes. The Qur'anic lines are "Unto the men belongs a share of what the parents and near kindred leave and unto women a share of what the parents and near kindred leave". These verses must have shattered the foundations of the patriarchal structures of Medina. Little wonder that the Prophet had to suffer immensely at the hands of the *qabilas* (tribes) for the boldness of his anti-establishment views.

What does this have to do with the story of Gudiya — the woman who suddenly found her world turned upside down because of the unexpected appearance of her husband who was presumed dead? In Islam, all three individuals enjoy equal rights. In this regard, the Preamble to the Indian Constitution, which promises "equality of status and opportunity" to all citizens is, in my view, very much imbued with the Islamic spirit.

There are two long Surahs — *Surah Al Baqr* and *Surah Al Nisa* — that are replete with injunctions about how women should be treated. In marriage, for example, a girl's consent is mandatory. At the time of Nikah, the Qazi must ask the girl if she is giving consent of her free will. No matter how sparse the Nikahnama, the girl, along with the boy, must affix her signature. It is another matter that girls who say 'Yes' or who sign the register often have no choice. But that is the fault of the practitioners of Islam, not of the religious injunction.

Maulana Abul Kalam Azad in his *Tarjuman-ul-Qur'an* writes about this "malaise" of the Muslims: "Instead of remaining in the Book of Allah, the fountainhead of *hidaya* (teaching) transferred into the hands of a few individuals. They turned the people blind and deaf and used them for their selfish ends. People became immersed in superstition and ignorance. Thus all the paths to the progress of human intellect were firmly shut."

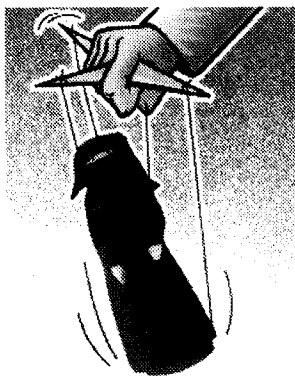
As in all matters, on the subject of divorce too, the *Qur'an* gives equal rights to women and men. Just as the man can divorce, so can the woman. The only difference is that in her case, the woman must approach the Qazi for *Khula*. This was done because traditional Arab society still had a long way to go before internalising Islam's egalitarian concept.

Let us consider Arif, Gudiya and Taufiq in the above context. Gudiya has literally been treated like a doll. The parents marry her off (to Arif), very likely without her informed consent. The man leaves for duty at the border within a month of marriage. Then he disappears for five years, assumed "missing in action" (read dead). Then Gudiya's parents, with the knowledge of Arif's parents, marry her off to her cousin, Taufiq. There is no question of seeking a divorce because she is assumed to be a widow and Islam strongly favours widow remarriage.

The Dissolution of Muslim Marriages Act (1939) states that "A woman married under Muslim law shall be entitled to obtain a decree for the dissolution of her marriage" on several grounds. The very first ground is "that the whereabouts of her husband have not been known for period of four years". This act was piloted by the famous scholar Maulana Asraf Ali Thanwi who wanted to rescue women from the odious practice of having to wait 99 years for the husband to turn up. In every era, enlightened Maulanas and others have fought for the rights of women. Today, who will fight for Gudiya?

The Muslim Women's Forum as well as other organisations, Muslim and non-Muslim, take up the cause of Muslim women. For us, the spirit of Islam and the Shariat lies in the first few words spoken by Gudiya when she heard that Arif had been found and was soon to be released. Gudiya, pregnant with their first child, said she wanted to stay with Taufiq. "Marriage is not child's play, sometimes here sometimes there. I love my husband and will stay with him for life," she said. What is paramount, according to Islamic principles, is Gudiya's choice. The cruelty and injustice meted out to Gudiya violates this concept.

(The author is a Planning Commission member)  
(Women's Feature Service)



# Punish guilty troops, says women's panel

11-10 1/10  
New Delhi: Accusing the army of "human rights violations" in the alleged custodial death of Manorama Devi in Manipur, the National Commission for Women (NCW) said the guilty should be given "exemplary

## DEATH IN MANIPUR

forces special powers act (AFSPA) an "emotional outburst".

Releasing the report of the commission's September 19-21 state visit to Manipur, NCW chairperson Poornima Advani said here on Thursday that the guidelines pertaining to human rights in the exercise of the special powers were clearly violated by the troops of the Assam Rifles in the Manorama case.

"The killing of Manorama by the armed forces is not a point of controversy. And it is clear that guidelines pertaining to human rights were violated, one major omission being that when the Assam Rifles

troops went to arrest Manorama, there was no woman police officer with them," Advani said.

The NCW in its report recommends a "fast and fair" trial in the case and "exemplary action" against



NCW chairperson Poornima Advani is flanked by Nafisha Hussein (right) and secretary of the All-Manipur Women Social Reformation and Development Samaj Ramani Devi in Imphal

the guilty. She, however, refused to comment on allegations of rape of 30-year-old Manorama before she was killed, saying there were contradictory reports on the issue.

Noting that the visit of the NCW team headed by her to the state was

dominated by the Manorama incident and the demand for withdrawal of the AFSPA, she said it was also clear that the agitation against the act was an "emotional outburst" and called for an "intellectual dialogue" on the issue.

"We met NGOs and representatives of the Apunba Lup, spearheading the protests. While they all demanded repeal of the Act, they could not specify the sections they had any objections to or suggest an alternative mechanism," she said.

The NCW in its report has said the way out of the situation was a consultation between all the concerned parties and the locals. It has also suggested that a solution could be an offer for a review of the Act resulting in some modification of nomenclature. "The Act by any other name, may be easier to sell," it said.

The commission also noted a "growing distance" between the people and those governing them, and said it was "providing ground for mischievous elements to foment anti-national feelings". PTI

# What about Gudiya?

women's  
8 Leave it to her to decide 279

An Indian soldier marries a young girl and within a week gets a call to serve his country. He accidentally crosses the LOC and goes "missing". The army calls him a "deserter". His family sends his young bride back to her parents. After four years the girl remarries according to her parents' wishes. Suddenly the "deserter" returns home after having been in a Pakistani prison for five years. When he looks for his bride, he is told she has remarried. He wants her back. A panchayat is called and they rule that the wife must go back to the soldier. But what about the child she is carrying? The jawan doesn't want it as it is another man's. The second husband wants both wife and child. This might sound straight out of a Bollywood potboiler but sadly Arif the soldier, Gudiya his bride and Taufiq her second husband are all real people whose lives have been turned upside down.

The debate has ranged from the seriously theological to the manifestly absurd but has accommodated all views except those of the woman. Gudiya is expected to accept such decisions as are made for her, such interpretations of personal law as are acceptable to her elders. Panchayat leaders quote the Shariat, but forget that Islam grants women more rights in a marriage. A nikah cannot take place without the bride's consent, so how can a decision about which man she will live with be made without her approval? Gudiya naturally doesn't want to give up her child. If she is forced to do so, how is the panchayat following her wishes? Even in a divorce, Shariat deems that custody of the child automatically goes to the mother until the child attains puberty. So how can a mother be expected to leave her newborn? The woman is being treated as a possession, not as someone with needs and feelings. This treatment itself goes against the tenets of Islam and Shariat. No doubt the situation is difficult, but the final solution should be left to Gudiya — after all it is her life and that of her child that the men in her life are playing with.

# Molestation jail term for ex-minister

JOHN MARY

**Thiruvananthapuram,** Sept. 23: Kerala, known for its social development as well as crimes against women, has become the first state in the country to convict a high-profile politician in a sexual harassment case.

A. Neelalohithadasan Nadar, a former minister in the late E.K. Nayana's cabinet, was today sentenced to rigorous imprisonment for a year by a magistrate for trying to molest a woman forest officer in 1999 when he headed the department.

Nadar was present when

First Class Judicial Magistrate P. Sasidharan pronounced the verdict in Kozhikode this morning.

The sentence will remain suspended for a month to enable Nadar to file an appeal in a higher court.

The incident occurred on February 27, 1999, when Nadar summoned Prakruti Srivastava, then divisional forest officer in Nilambur, to the government guesthouse in Kozhikode and tried to assault her sexually.

Srivastava, now deputy conservator of forests, kept quiet for some time but then mustered courage and filed a

complaint with the state women's commission after another government official, transport secretary Nalini Netto, went public on a similar attempt on her by Nadar.

"Justice has prevailed and truth has won," 40-year-old Srivastava said after the verdict. "This judgment upholds the honour and dignity of women."

Fifty-seven-year-old Nadar, who has had three stints as minister, maintained that the case was politically motivated and blamed it on a conspiracy by the forest mafia. The Janata Dal (Secular) leader said he was confident the higher judi-

ciary would uphold his innocence.

The conviction of the politically savvy Nadar, a four-time MLA and a former MP, highlights the sense of insecurity among women in Kerala, considered a model of social development.

That the accused is a family man — his wife is an officer at the State Bank of Travancore and the couple has two daughters; is a doctorate (in Hindi) and has been associated with the social justice movement in the state underscores the irony.

Nadar, who is from the backward but assertive Nadar co-

munity, had left the Congress after the Emergency and joined the Congress for Democracy formed by the late Jagjivan Ram. He later joined the Dal.

Once a giant killer, who floored the late CPI leader M.N. Govindan Nair in the Thiruvananthapuram Lok Sabha seat, he suffered a blow when former chief minister Nayana asked him to resign after the Nalini controversy.

Nalini, whose husband IG Desmond Netto is with the state vigilance department, had alleged that the minister summoned her to his Assembly chamber in connection with some official work and

later tried to molest her. Her lips bruised in the assault, she escaped from the room and two days later complained to Nayana.

The hearing on the Nalini case is in its final stages at the magistrate's court here.

Nadar, however, is not the only politician to have been accused of sexual misconduct. Several years ago, an airhostess accused former Maharashtra deputy chief minister Ramrao Adik of making a pass at her during a flight.

Although there has been no progress in the case, the "faint" ended Adik's hopes of becoming chief minister.

# গুড়িয়া নামের পুতুলকে নিয়ে সমাজের বিয়ে খেলা

সৌভদ্র চক্রেপাধ্যায় • নৌরঙ্গাবাদের

২৩ সেপ্টেম্বর: দেড় বছর আগে এই মুহূর্তে ১৯ বছরের মেয়েটিকে বাধা করেছিল স্বামীর ঘর ছাড়তে। বাবা, সং-মা, আত্মীয়, গ্রামবাসী — এখন এরাই ফের চপে ধরে গুড়িয়াকে ফেরৎ পাঠালেন পুরনো স্বামী আরিফের কাছে। গত চোদ্দ দিনের যে ঝড়ঝাপটা চিরকালের ক্ষত এবং বহু অনিশ্চয়তা রেখে গেলে তাঁর জীবনে, সে জন্য গুড়িয়া নিজে কী করেছেন? শরিয়ত নিয়ম মেনে পাক্কা চার বছর তিনি নিঃসঙ্গ দিনযাপন করেছেন স্বামী নিরুদ্দেশ হওয়ার পরে। সেই মেয়াদ শেষ হওয়ার তিন মাস দশ দিন পরে তাঁর নিকা হয় দূর সম্পর্কের আত্মীয় তৌফিকের সঙ্গে। এই বিয়েতে তাঁর অত্যন্ত উৎসাহ ছিল, এমনও কেউ বলছেন না। বাবা এবং সং-মার চাপ তো ছিলই, এমনকী আরিফের এক দাদাও এই বিয়েতে মত দেন। সকলেরই বক্তব্য এক: যুবতী স্নেহের বাকী জীবনটা এ ভাবে কাটবে, তা হয় নাকি।

নয়তা জেলার কলৌন্দা গ্রামে গুড়িয়ার বাসের বাড়িতে তৌফিকের 'বারাত' আসার সঙ্গে কেবল একটা তুল ছিল। মুন্ডালি ও কলৌন্দার লোকেরা বলছেন, নিম্ন অনুসারে চার বছর স্বামী বেপাতা থাকলে কোনও ক্রী বিবাহবিচ্ছেদের জন্য শরিয়ত বোর্ডের কাছে লিখিত আবেদন করতে পারেন। সেই আর্জি জমা পড়ার পরে আরও একশো দিন দখা হবে। তার

পরেও স্বামীর খোঁজ না মিলিলে ক্রী বিবাহবন্ধন থেকে মুক্ত হয়ে যাবেন। গুড়িয়ার অপেক্ষা ছিল, রীতি পালন ছিল, কিন্তু লিখিত আবেদনপত্র ছিল না। নৌরঙ্গাবাদের সালিশি সভায় প্রবীণেরা তাই রায় দেন, 'দ্বিতীয় বিয়ে অবৈধ। গুড়িয়ার বক্তব্য, 'যা হয়েছে সব শরিয়ত মেনেই হয়েছে। আমি তো আর শরিয়তের উপরে নই।' গুড়িয়ার বাবা এখন আর পিছু ফিরে দেখতে চান না। তিনি কেবল বলছেন, 'যা হয়ে গিয়েছে, হয়ে গিয়েছে। আমার মেয়ের জীবন নতুন করে শুরু হয়েছে। আমি খুশি।

তৌফিকের অন্যত্র বিয়ে হওয়াও তো অল্প আটকাবে না।' কিন্তু গুড়িয়া ও তৌফিকের বিয়ের ছুরিভোজনে যে আত্মীয়দের ভিড় ছিল, তাঁরা কী জানতেন না? নৌরঙ্গাবাদের লোডশেডিংয়ের রাতে যে উঠানে বসে আছি, এটাই সেই ঘটনাবস্থল সভাস্থল, যেখানে গুড়িয়ার ভাগ্য নির্ধারণ করা হয়েছিল। গুড়িয়ার মেসো জাহিদ আলি, দূর সম্পর্কের আত্মীয় মহম্মদ হামিদ বলছেন, 'আমরা সবাই গিয়েছিলাম সেই বিয়েতে খেতে। আনন্দও করেছিলাম। কিন্তু এখন বুঝছি তুল হয়ে গিয়েছে। নিয়ম পালন হয়েছে কিনা, দেখা



আমাদের দায়িত্ব ছিল।'

সভায় তাঁরা দেখলেন, আরিফ তালুক দিতে নারাজ এবং শরিয়তের বিধান ওই তালুক ছাড়া গুড়িয়ার দ্বিতীয় নিকা অবৈধ তখন। নিজেদের ভুলের মাসুল দিতে একযোগে তাঁরা সহজ পথটাই বেছে নিলেন— গুড়িয়াকে ফের চলে দেওয়া আরিফের যাবে। প্রত্যক্ষদর্শীদের বক্তব্য, গুড়িয়ার বাবা রীতিমতো চাপ সৃষ্টি করেন, যাতে তাঁর মেয়ে পুরনো ঘরেই ফিরে যায়।

তৌফিকের তুলনায় আরিফ বেশি অবস্থাপন্ন। তৌফিক কেসরকারি সংস্থায় কন্সপিউটার অপারেটর, অন্যদিকে আরিফের সেনাবাহিনীর চাকরি এবং হঠাৎ-পাওয়া যুদ্ধবন্দির সম্মান। পাঁচ বছরের বেতন হিসাবে থোক মোটা টকাও পেয়েছেন। এই তুলনামূলক বিচারে মহম্মদ হামিদ বলছেন, 'বাবা হিসাবে সে তো সবসময়েই সন্তানের ভাল চাইবে।' এই অবস্থায় শরিয়তের আইন, বাপের বাড়ির চাপ, আরিফের জিদ, সব মিলিয়ে গুড়িয়ার সামনে অন্য রাস্তা খোলা ছিল না।

'সসুরাল' মুন্ডালি থেকে ২০ কিলোমিটার দূরে নৌরঙ্গাবাদের মতো এলাকায় একটি মেয়ের জনৎ, ইচ্ছা,

নিজস্বতার মতো ব্যাপারগুলো যে সমাজের কোন কুলুঙ্গিতে থাকে, তা পক্ষাঘেত প্রধানের বাড়িতেই টের পাওয়া যায়। গৃহকর্তাকে গ্রামের লোকজন ক্রমাগত ডাকছেন 'প্রধানজি' বলে। টানা পনেরো মিনিট দেশে কুমার শর্মা বোঝালেন, কী পরিস্থিতিতে সালিশি সভা হয়েছিল, তিনি থাকলে কী করতেন। দু'হাত খোঁচা টানা তাঁর স্ত্রী একফাকে চা-চানাচুর রেখে চলে গেলেন। বেরিয়ে জানতে পারলাম, গ্রামে পক্ষাঘেত প্রধানের আসনটি মহিলাদের জন্য সংরক্ষিত। অর্থাৎ ওই চানাচুর পরিবশনকারীই কাগজে কলমে এই গ্রামের সর্বময়ী নেকী।

মহম্মদ আরিফের সঙ্গে বি বি দেওল দেখা করেছেন। মুন্ডালিতে তাই জোর আলোচনা এ বার আরিফের জীবন নিয়ে সিনেমা হবে। আপাতত গুড়িয়া-কাণ্ড বোধহয় এমন এক চিত্রনাট্য, যার কোনও এক বা দু'জন 'ভিলেন' পাওয়া মুশকিল। আরিফ? মা-হারানো এক ব্যক্তি যে স্ত্রীকে আঁকড়ে ধরতে চেয়েছে। নিজের সম্মান, প্রতিষ্ঠা বজায় রাখতে চেয়েছে। এবং প্রথমে আপত্তি করলেও গুড়িয়ার মুখ চেয়ে তৌফিকের সন্তানকে রাখতে রাজি। তৌফিক? সে গুড়িয়াকে সবচেয়ে কঠিন সময়ে আশ্রয় দিয়েছে। গুড়িয়ার বাবা-মা? চেয়েছিলেন সন্তানের ভাল হোক। মৌলবীরা শরিয়তের বিধান মেনেছেন।

তবু গুড়িয়ার বিয়ে পুতুলের বিয়েতেই পরিণত হল।

# Womanist Party puts gender justice on poll agenda

By S BalakrishnanTNN

**Mumbai:** For the first time ever, a political party exclusively run by women and committed to issues of gender justice will contest the state assembly election.

Called the Womanist Party of India (WPI), it is likely to put up candidates in at least 17 seats across Maharashtra. The party will finalise the exact number of seats it will fight on Wednesday, the last day for filing nominations.

One of WPI's nominees is a bar girl, who hopes to focus attention on police atrocities on her fraternity. WPI all-India general secretary Avisha Kulkarni-Gopalakrishnan (40), an expert in Russian and a sitar player with a doctorate from the Moscow conservatory, herself will contest from Goregaon against Subhash Desai (Shiv Sena) and Sharad Rao (NCP). "Politicians only talk about empowering women. They do nothing about it. Hence, we decided to capture power so that our agenda for gender justice can be implemented. Although 50% of the electorate consists of women, they are nowhere in the decision-making process," Avisha said.

But WPI activists like Avisha and Varsha Kale, however, have no illusions of capturing power in the coming election. "But by the time the election gets over, we would have made an impact on lakhs of women voters and sensitised people in general to issues concerning women," Avisha, who was the interpreter during the summit meeting between former PM Rajiv Gandhi and former Russian president Mikhail Gorbachev in Moscow in 1987, said. Kale, the party president, declared,

## The WPI's Demands



MANA YUOH

- ▶ Reservation of 50% seats in Lok Sabha and legislatures for women
- ▶ Inclusion of women's name in the 7/12 (saat baara) document which is the land ownership deed
- ▶ Implementation of the state women's policy
- ▶ Provision of micro credit to women through village cooperative societies
- ▶ Women's cooperative banks in all districts
- ▶ All-woman police stations in all the towns
- ▶ Gender sensitisation of government policies, schemes and budget

"We want to make history 'her story'."

According to them, even the Election Commission is biased against women. Avisha noted that the nomination forms had columns for the name of the candidate, 'his' address, 'his' educational qualifications, etc. "Why are the forms not printed with his/her option in it?" she asked angrily. The WPI has already drawn chief election officer U P S Madan's attention to the lacunae in the forms. In fact, several WPI activists who were planning to file their papers on Wednesday may not do so to protest against the gender bias of the EC.

The reservation of one-third seats in local bodies for women following the 73rd amendment of the constitution has created tremendous political awareness in rural Maharashtra. And the formation of the WPI is seen by political observers as a logical culmination of this heightened awareness.



# Is it yet another crime against women?

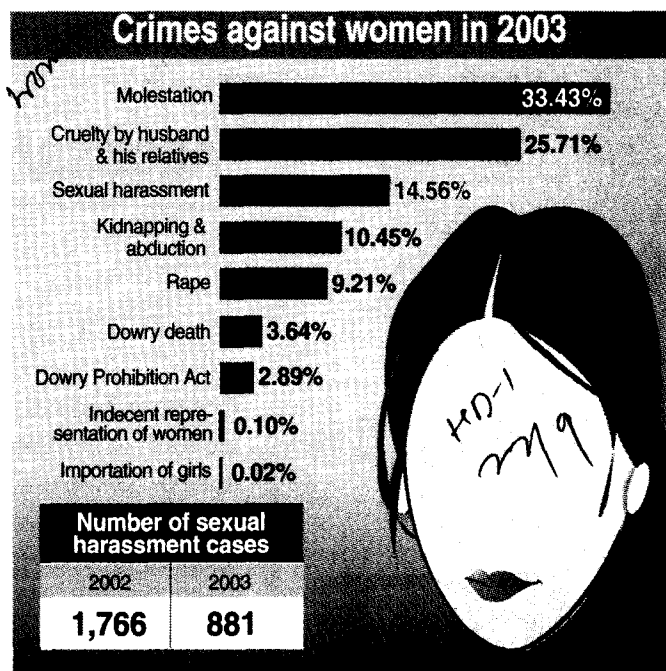
By K.T.Sangameswaran

**CHENNAI, SEPT. 21.** Saturday's death of a two-wheeler rider, Stephanie, here due to drunken behaviour by four youths may go down in records as one more crime against women in a State, which wants to focus more on tackling such offences.

Official statistics on crimes against women in 2003 in the State shows that Chennai recorded the highest number of "sexual harassment" cases — 212 out of 881 for the whole of the State. However, the total number of cases in Tamil Nadu under the head in 2002 was 1,766. Chengalpattu-East district, which has jurisdiction over the suburbs of Chennai, comes second with 62 cases, followed by Kancheepuram-60, Tuticorin-51 and Madurai city-49.

Compared to 2002, the total number of cases of crime against women last year came down by 252.

The crimes fall under categories including kidnapping, rape, sexual harassment, dowry



Source: Tamil Nadu Police

Graphic by Varghese Kallada

deaths and molestation. Official sources say the fall in the number of cases can be due to the steps taken by the Government "to effectively deal" with

offences and also to increasing awareness among women of their rights.

It is officially pointed out that besides the provisions in

the Indian Penal Code, there are special laws such as the Tamil Nadu Prohibition of Harassment of Woman Act and the Pre-Natal Diagnostic Techniques (Regulation, Prevention and Misuse Act).

## 'Crimes not reported'

However, women rights activists say that several crimes, particularly harassment and eve-teasing, are not reported to the police at all.

Interestingly, an official analysis of various cases reveals that rape and molestation were most prevalent in Villupuram and Tirunelveli districts. The highest number of cases of molestation was recorded in Salem district — 167, followed by Tirunelveli (122) and Chengalpattu-East, Thanjavur and Villupuram districts (100 each).

## Increase in rape cases

The number of rape cases increased by 45 — a total of 557 cases were reported in 2003 up from 512 the previous year. There were 2,022 cases of molestation as against 1,866 in 2002.

To assess the condition of India's women, look at how old they are when they marry and whether they are educated, not whether they are Muslim or Hindu

# A woman is a woman is a woman



are other reasons too, to do with medium of instruction, the cost of private tuitions (almost a necessity for all students), high dropout rates for Muslim boys, which adversely impacts Muslim girls, and so on.

However, puberty and *purdah*, the two factors usually cited, are almost irrelevant. Of course, because Muslims as a social group are much poorer than Hindus across the country, the status of Muslim women is correspondingly worse. But, whether Hindu or Muslim, if parents have to choose between educating sons or daughters, they will choose the former. If early marriage is the norm for all women, we would do better to look into the reasons for this phenomenon that cuts across caste and community rather than isolating religion as the culprit. Here too income disparities and compelling social and sexual mores seem to be much more important, and it is now generally agreed that an improvement in economic status makes for a dramatic improvement in all round literacy, health, morbidity and mortality, age at marriage, and obviously fertility.

If we want to see a real difference in all our gender-related Census data, from sex ratio onwards, we will simply have to look seriously at why, and how, women's subordination is perpetuated for all women—Hindu, Muslim, Sikh, Dalit, Christian, tribal and so on. We will have to ask why the sex ratio is lowest among Sikhs; why in Kerala, which has the best social indicators for women, female workforce participation is the lowest in the country; why figures for girls' education are the lowest in Bengal; why Rajasthan and Bihar report the highest number of minor/child marriages; why infant mortality is highest among mothers below the age of 20; why son preference persists across the board; and so on. Religion may be a convenient alibi, but gender and class inequities may turn out to be the

ried by 15 or 16 are remote—and, consequently, on smaller families.

The low socio-economic status of Muslims is now well-known. However there are significant regional differences. Muslims are generally poor in the north and the east, but less so in the south. Furthermore, it would be a mistake to think that socio-economic backwardness is a problem for Muslim women alone in these regions. The majority of women, Hindu and Muslim, are poor; and a closer analysis of comparative data from our survey throws up some interesting parallels. For instance, financial constraints are an important reason for girls dropping out of school; figures for Muslim girls are higher not because the community is backward or conservative, but because government, sex-segregated schools are not accessibly located. The fact that Hindu girls have better access to them makes for an improvement in their futures. There

have repeatedly drawn attention to the importance of medical facilities and the eradication of poverty in limiting family size. But why not begin by simply observing the legal age at marriage for women? Imagine what our fertility data would look

the Census and all our demographers been silent on the delicate matter of age at marriage, arguably the single most-critical determinant of fertility for Indian women? According to the Muslim Women's Survey (MWS), the mean age at

that declining fertility rates is an indication of improved economic status and low morbidity, rather than of being Muslim or Hindu. Middle-class Hindu and Muslim women have roughly the same number of children, just as a nation-wide sur-

Disaggregating various kinds of data by social, economic, gender and even religious or community groupings can be a very useful and informative exercise, provided that these are appropriately contextualised and cross-related with each other. So, for instance, data on fertility rates—whether stable, declining or increasing—can only be usefully analysed when placed alongside other data on income disparities, social backwardness, education, health, and so on.

One of the standard assumptions about Muslims is that religion prevents them from practising family planning. The current controversy around the so-called (incorrect) Muslim rate of growth only underlines the hazards and irresponsibility of focusing on one variable alone, when compared across income groups it will become clear

like if child-bearing were delayed by at least two years for all the women in the country. Women prefer it too. Further probing by our survey revealed that given a choice, women would marry at 18 or later, citing—interestingly enough—safer motherhood as an important reason. Delayed marriage might also have a positive impact on educational attainment—chances of continuing in school if you're mar-

riage for Indian women is 15.6 years—a full two years below the legal minimum age. In rural north India, it is as low as 13.9; rural west reports 14.2 years; and rural south, 14.3. For upper-caste Hindu women in rural India, it is actually lower than that of Muslim women, except in the rural east. Health activists, women's groups working on reproductive health, and other social movements

## CENSUS SENSATION

FOR the 50 years since Independence that the Census of India has been operating, the only data that have been disaggregated by religion are those pertaining to fertility. As the previous Registrar General of the Census of India told us, although data by caste and community are collected, they are not processed as such. Except on fertility. It would be instructive to find out why this sub-set has been the exception, especially in view of the manner in which it was presented for the 2001 Census. This time, other data sets, on education levels and distribution of workforce, are also presumably being processed by religion, but only religion-wise data on fertility has been released without taking into consideration other socio-economic parameters.

# War hero escapes prison of possessiveness...

Taufiq — joined by their family members and village elders, appeared in the studio in the presence of Islamic scholars, including Maulana Wahiduddin Khan and representative of the Dar-ul-Uloom, Deoband, to take a decision whether she should go with Arif or Taufiq and also the fate of the child.

At the end of the over-an-hour long show, Gudia said "I am ready to go with Arif if he will accept me. I am not above Shariat."

Asked about the fate of the child she was carrying from her second marriage, Arif said: "It is

NEW DELHI/MEERUT, Sept. 21. — After three days of storm, the highly-emotional drama of a pregnant woman going back to her first husband appears to be nearing a denouement with the three protagonists accepting the supremacy of Islamic law, *Shariat* an assurance to the second husband that his child would be looked after well.

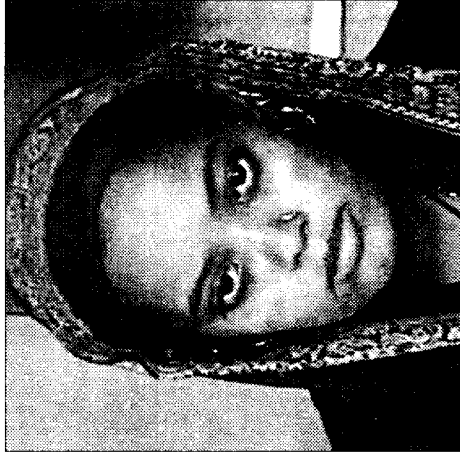
At an unusual reality show on Zee News channel the three dramatic personae — Gudia, Arif (first husband) and

what will happen to me? I may die or the child may also die. No one can say anything on it."

Mohammed Arif, who was in Pakistani jails for about five years after being caught during the Kargil war, said: "I am a Kargil-war hero. And now I don't want to be a zero."

Arif's earlier refusal to accept the child Gudia was carrying had lowered his esteem among the his family and villagers.

A resident of Mundali village in Meerut district of Uttar Pradesh, Arif had gone missing during the Kargil war and was tagged a deserter by the



Mohammed Arif and Gudia

when he grows up, Taufiq a question on the fate of can take with him." the child she is carrying Gudia, however, parried and said "Who knows



debate, agreed to return to her first husband, who, however, refused to accept her child.

It was decreed in the meeting that her marriage to Taufiq was illegal and according to *Shariat* she was still Arif's wife.

"*Shariat* also says that a boy child can stay with the mother till 8 years of age and a girl 12," said a villager.

The Shahar Quazi of Meerut, Zenus Sajiddin, while speaking to The Statesman, approved of the reunion of Guriya and Arif. He held that the Taufiq, as the father, had a claim on the unborn child.

Indian Army.

It was only recently that he was released by the Pakistan government after being kept imprisoned in different jails of the country for nearly five years.

But five years is a long time and Arif lost his wife in marriage to another man — Taufiq, a resident of Pataudi village of Gurgaon in Haryana.

When Arif wanted his wife back, a panchayat meeting was organised in Naurangabad on Saturday at the residence of Guriya's sister Rabiya. Here, Guriya, pressured by her father Imamuddin and after several hours of

22 SEP 2004

# When a woman has to choose between her unborn child & man she once loved

NAVEEN JORA



Arif with Gudiya in Mundali: He wants her, not her child

**KAVITA CHOWDHURY**  
MUNDALI (UP), SEPTEMBER 20

HER body burning with fever, Gudiya has returned to Mundali village. To the very home she left after waiting in vain for husband Mohammed Arif to return from the Kashmir front. Now eight months pregnant with second husband Taufiq's child, she has been ordered back to Arif's home — by her parents, clerics and a panchayat — because he has come back after five years as a POW in Pakistan.

For Gudiya, life suddenly seems a cruel joke. She been told that her second marriage is "illegal" and "against" the Shariat since Arif never divorced her. As if that wasn't tough, they are now telling her to abandon the child once it's born. Because Arif says he wants her, not Taufiq's child.

Village elders got together and decided that Gudiya will have to leave the child with her parents and start living all over again with Arif. But the very thought of abandoning the child has made Gudiya ill.

In fact, last month, she told *The Indian Express* that "There is no love now (for Arif). Today my life is here (with Taufiq). *Yeh koi khel thodi hai. Aaj iske saath, kal uske saath* (This isn't a game. Living with someone today, with another tomorrow)."

But Arif is firm: "I will not keep the baby. After the baby arrives, her parents will take charge and she will return to me. I love her, I want her back. Whatever has been decided is according to the Shariat."

What if the clerics hadn't stepped in? "*Tab man ki chahat, chahat hi reh jaati*

CONTINUED ON PAGE 2

# When a woman has to choose between child, man she loved

(then it would have been a desire not fulfilled)."

But Abdul Hamid, Arif's elder brother, isn't pleased at all. He says Arif never consulted him before taking this decision. "*Jiske paas aulad nahi hai, usko poocho aulad khone ka gam* (you can't imagine the suffering of someone who has lost a child)."

Hamid and his wife, who watched Gudiya settle down with her second husband, are rallying to her support: "*Bahu ka kasoor nahi hai* (it's not her fault)." The village doctor has advised the family to shift

Gudiya to a hospital. That she has taken ill in the last month of her pregnancy is not a good sign.

Village elder Taushif Mian says Gudiya's father asked the panchayat to settle the issue. "He accepted before everybody that Arif would always remain his son-in-law."

Gudiya had little or no say in the matter. Taushif says she and Arif were left alone in a room for two hours and they later told everyone that they wanted to get back together.

But they couldn't arrive at a settlement, he says, over the unborn child.

# UPHOLDING LIBERTY

## Defeat Of Gender Discriminatory Bill In Kashmir Is Very Welcome

The defeat of the Jammu and Kashmir Permanent Resident (Disqualification) Bill is a welcome development as it is not only discriminatory and gender insensitive but undermines the very notion of personal liberty, choice and equality before law, which are the bedrock of a liberal democracy. The bill proposes to divest Kashmiri women of their residency rights if they marry non-Kashmiris. Only a permanent resident of the state enjoys benefits such as voting rights, government jobs and buying property. By marrying a non-Kashmiri, the Kashmiri woman would have become a resident alien.

The genesis of the present bill goes back to the pre-Independence Maharaja's rule. On 20 April 1927, the then ruler Maharaja Hari Singh first promulgated a law concerning 'state subjects' to prevent rich foreigners from purchasing land, and to protect the interests of the peasantry. The law was later adopted by the state's democratically-elected government and continued till 1957 when the new constitution of the state was introduced and 'state subject' was changed to 'permanent resident'. Permanent Resident Status was accorded to those who had been living in the state for at least 10 years before 14 May 1954. The PRS was non-discriminatory.

### Fresh certificates

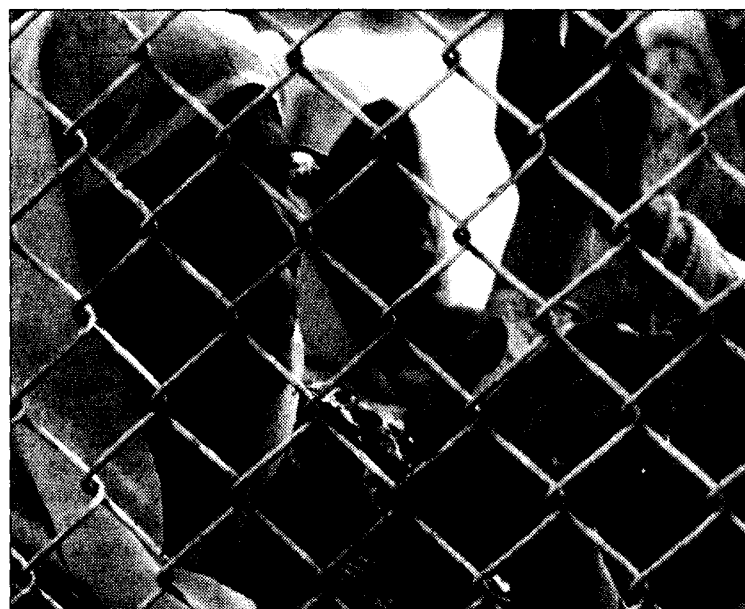
However, on 25 March 1969 the government issued a circular instructing all state deputy commissioners to issue permanent resident certificates to unmarried girls, valid until their wedding, and then the status of the girl "re-examined and defined on the basis of the status of her husband". At the time of marriage every single woman had to apply for fresh certificates explaining the status of their husbands. Thus marriage could deny women their citizenship rights. But men were allowed to retain the benefits of residency even after migrating to foreign lands extending it to their children even if born abroad.

Another extraordinary feature of the old law was that it not only discriminated between genders but also between women themselves. Those women, even non-Kashmiris who married men with permanent residency rights automatically became residents of the state. But women lost their daughters-of-the-soil status the moment they married non-Kashmiris. Malaysia, for instance, denies permanent residence to overseas spouses of its women while foreigners who marry Malaysian men may be granted

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By SUSHILA RAMASWAMY

citizenship. While the gender bias in this policy stands out like a sore thumb, the Malaysian law at least does not disown its own citizens. The Jammu and Kashmir Bill falls foul even in this respect. Despite several attempts to annul the discriminatory law those in favour outnumbered its critics both within and outside Kashmir. Women's groups protested at the blatant disparity on the grounds of being iniquitous but also affecting the livelihood of women decisively.



The efforts of 12 petitioners over the years led to the Jammu and Kashmir High Court overruling the law in October 2002 on the ground "that a female resident who inherited status of a state subject by birth could not be put to a disadvantage that would not be visited upon a permanent male resident". Clearly the court ruled against the continuance of the act as it contravened the idea of gender equality and thus restored parity between women and men. In March 2004 the lower house of the state assembly had unanimously passed the bill but could not muster support in the upper house. The bill lapsed, as it was not voted on within the three months needed for the proposed bill to become a law. It was sent back to the lower house on 27 August where it was voted out, as it could not muster the support of 2/3rds majority. It required 59 votes in favour but secured only 47 among the 87-member Assembly.

### The differences

The non-passage brought out the differences between the regions, as the Valley, which is the stronghold of the NC, PDP and CPI-M voted for it, while Jammu, where the Congress, BJP, Panthers Party and the Jammu State Morcha, CPI-M are strong, opposed it. Critics of the bill point out that the PDP led state government desired to dilute Indian sovereignty over Jammu and Kashmir as a way of

solving the Kashmir problem, and that state legislature has the authority to pass laws which contravenes the Indian Constitution in view of its special status under A-370. It is highly improbable that under the garb of the special provision the judiciary would accept any abridgement of the fundamental rights guaranteed by the Constitution. There is also the fear that the provisions of the bill are tantamount to religious cleansing against the Kashmiri Hindus, who unlike Kashmiri Muslims who do not restrict their women from marrying outside the state. Had the bill become a law it would have made bonafide Kashmiri Hindu girls non-state subjects.

The supporters of the bill on their part claim that it upholds the rich culture and heritage of the state and preserve the ethnic, linguistic religious and demographic character of the state. However, in a nutshell the bill promotes both an exclusive concept of culture and identity and gender inequality, as it strikes at the very roots of the fundamental rights of women, which are both untenable in the modern world. Forces of globalisation and the pluralistic nature of Indian society, which exemplify unity in diversity, make any kind of exclusive culture difficult to sustain, particularly in the context of what Smith calls a person's multiple identity. An individual's identity is divisible into gender, social class, ethnicity, religion, territorial location and family. All these identities co-exist which prevents the attribution to an individual of a single political identity.

Smith points out that universal mass political identities like gender are found to be less cohesive as geographic separation, class, ethnicity and religion leads to fragmentation rather than building a cohesive identity. Furthermore the bill defines culture and identity, important as they are, negatively — at the expense of

personal choice and individual preference that are guaranteed by the fundamental rights of the Constitution. Mehbooba Mufti points out: "The sensitivities of the majority of the state should be taken into consideration, she added. "Let us not think about a few elite women who have married outside the state. We have to know what the middle-class women want, what the majority of the Kashmiris want". It is a fact that most people in most parts of the world marry within their own community, but they do it out of choice. The bill on the contrary is paternalistic for it undermines choice, a point that Ms Mehbooba forgets. The argument of a majority wanting it is equally fallacious as it is not a question of an expression of collective rights but rather individual rights.

### No exception

This was categorically affirmed in the Maneka Gandhi vs Union of India in 1978 when the court established a relationship between Articles 14, 19 and 21, which was denied in the AL Gopalan vs State of Madras in 1950. A-21 includes A-19 and a law prescribing procedure for depriving a person of "personal liberty" will have to meet the requirement of A-21 and also of A-19 as well as of A-14. In his exposition of the concept of "procedure" Justice Bhagwati said it should be "right, just and fair" and not "arbitrary, fanciful or oppressive", and that procedure should conform to the principles of "natural justice" that is "fair-play in action". The right to privacy was explained in the R Raj Gopal vs State of TN in 1994 as being let alone and that a citizen has the right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child-bearing and education among other things. In 1991 in the State of Maharashtra vs Madhukar Narayan Madhukar case the court upheld the right of privacy to a woman of easy virtue and that none had the right to invade her privacy as and when one likes.

The supporters of the bill seem to have forgotten that a liberal democracy can function only if it cherishes individual choice, toleration, plurality, privacy and respect for others. There cannot be an exception to this either in the name of security or culture. The status and rights of every single individual throughout India has to be the same.

The defeat of the bill is a reflection that individual right of choice is slowly taking roots in India and that is a good development, not only for protecting the rights of women, but also for reminding us the importance of individual rights for all under any circumstances.

# মনোরমা-কাণ্ড খতিয়ে দেখবে জাতীয় মহিলা কমিশন

স্টাফ রিপোর্টার, গুয়াহাটি, ১৫  
সেপ্টেম্বর: মনোরমা-কাণ্ড খতিয়ে  
দেখবে জাতীয় মহিলা কমিশন।  
কমিশনের সভানেত্রী পূর্ণিমা আডবাণী  
নেতৃত্বে চার প্রতিনিধি এই কারণে  
মণিপুরে যাচ্ছেন।

জঙ্গিদের সঙ্গে যুক্ত থাকার সন্দেহে  
গত ১১ জুলাই অসম রাইফেলসের  
জওয়ানেরা থাংজাম মনোরমাকে তাঁর  
বাড়ি থেকে ধরে নিয়ে যায়। এর পরেই  
তাঁর মৃতদেহ পাওয়া যায়। এই ঘটনার  
জেরে যে আলোড়ন চলছে, তা নিয়ে  
পাশাপাশি দুই পর্যায়ে তদন্ত চলছে।  
এর একটি করছে রাজ্য সরকার।  
অপরটি অসম রাইফেলস-কর্তৃপক্ষ।  
পূর্ণিমা আডবাণী অবশ্য জানিয়েছেন,  
তাঁর কমিশন সরকারি পর্যায়ে  
মনোরমা-কাণ্ডের তদন্তের কোনও  
নির্দেশ পায়নি। তাঁদের মূল লক্ষ্য  
মণিপুরের মহিলাদের পাশে দাঁড়ানো।  
সেই সঙ্গে মনোরমা-কাণ্ড যতটা খতিয়ে  
দেখা সম্ভব, তার চেষ্টা করা। প্রয়োজনে  
সেই ব্যাপারে কমিশনের তরফে

কেন্দ্রকে প্রস্তাব দেওয়া যেতে পারে।

মনোরমার মৃত্যুর ফলে উদ্ভূত  
পরিস্থিতি খতিয়ে দেখতে বেশ কিছুদিন  
আগেই জাতীয় মহিলা কমিশনের এক  
সদস্যকে ইফলে পাঠানোর সিদ্ধান্ত  
নেওয়া হয়। অর্থাৎ সেই সফর  
স্থগিত রাখতে হয়। এই বার  
সভানেত্রীর সঙ্গে নাফিসা হুসেন-সহ  
কমিশনের সদস্যরা উত্তর-পূর্বের অন্য  
কিছু জায়গাতেও যাবেন।

এ দিকে, মণিপুরের  
বিক্ষোভকারীরা কনথাউজাম আসনে  
উপনির্বাচন বয়কটের ডাক দিয়েছে।  
বিরোধীরা এক জোট হয়ে ওই কেন্দ্রে  
প্রার্থী হিসাবে কনথাউজাম রণবীর নামে  
এক শিক্ষাবিদকে প্রার্থী করার কথা  
ঘোষণা করেছেন। বিক্ষোভকারীদের  
বক্তব্য, নির্বাচিত জন প্রতিনিধিরা যদি  
সাধারণ মানুষের সমস্যা দূর করার  
চেষ্টা না করেন। তা হলে যে-ই হোন,  
ওঁদের নির্বাচিত করে লাভ কি?  
বিরোধী জোটের মোর্চার প্রধান তথা  
রাজ্যের প্রাক্তন মুখ্যমন্ত্রী এল চন্দ্রমণি

সিংহ অবশ্য 'আপনবা লুপ'-এর  
নেতৃত্বকে বোঝানোর চেষ্টা করছেন,  
ভোট বয়কট করলে সেটা শাসক  
'সেক্যুলার প্রোগ্রেসিভ ফ্রন্ট' সরকার  
এবং কংগ্রেসের হাত শক্ত করবে। ১৩  
অক্টোবর ওই উপনির্বাচন হওয়ার কথা।

শান্তি রক্ষাকে কেন্দ্র করে পশ্চিম  
ইফলে জেলায় অসম রাইফেলসের  
জওয়ানদের সঙ্গে 'ইন্ডিয়া রিজার্ভ  
ব্যাটেলিয়ন'-এর (আইআরবি) এক দল  
রক্ষীর মধ্যে মারপিটের খবর পাওয়া  
গিয়েছে। পুলিশ সূত্রের খবর:  
কেইসামপাত এলাকায় একটি দোকানে  
কিছু জওয়ানকে নিয়ে অসম  
রাইফেলসের মেজর কে পি সিংহ ব্যাগ  
কিনতে যান। দোকানির সঙ্গে কোনও  
কারণে তাঁদের বচসা শুরু হয়। ওই  
অঞ্চলে শান্তি বজায় রাখার দায়িত্ব  
আইআরবি-র জওয়ানদের উপরে।  
তাঁরা উভয় পক্ষকে শান্ত করার চেষ্টা  
করলে দুই রক্ষীবাহিনীর মধ্যে তর্ক ও  
মারপিট শুরু হয়। দুই পক্ষের কয়েক  
জন এতে আহত হয়েছেন।

# Sex ratio

← women  
\$ 8  
1819

## Census shows fewer girls being born

While the latest Census figures has thrown up a political controversy with the growth figures of various religious groups in the country, the single most worrying trend to emerge is — the worsening child sex ratio in the county. The number of girls being born compared to boys is dropping at an alarming rate and it is thoroughly unchecked. The girl child is at a disadvantage from the moment she is conceived, and legislation banning sex determination tests has not controlled female foeticide, the proof being the skewed sex ratio. It is not enough to say the practice is illegal, constant supervision is needed, and punishment meted out to the guilty. Only then can the law act as a deterrent to the practice. Sex determination and abortion clinics abound even in rural areas under the guise of ultrasound centres, but so far not a single doctor or would-be parent who indulges in the practice has been caught.

While the malaise affects the whole of the northern belt, the worst offenders are, surprisingly, in the most prosperous state of the country — Punjab. The Sikh community are known for their progressive views and practices, and in fact the Akal Takht, the highest Sikh religious body issued an edict in 2001 which threatens excommunication to any Sikh indulging in female foeticide, but even then the community showed the lowest proportion of women to men. It is obviously not enough to issue an edict, the community needs to implement it. Governments, religious and civil society, all need to create greater social awareness aimed at changing negative attitudes towards women and the mindless preference for a male child.

THE STATESMAN

13 SEP 2004



# Rape in police barrack

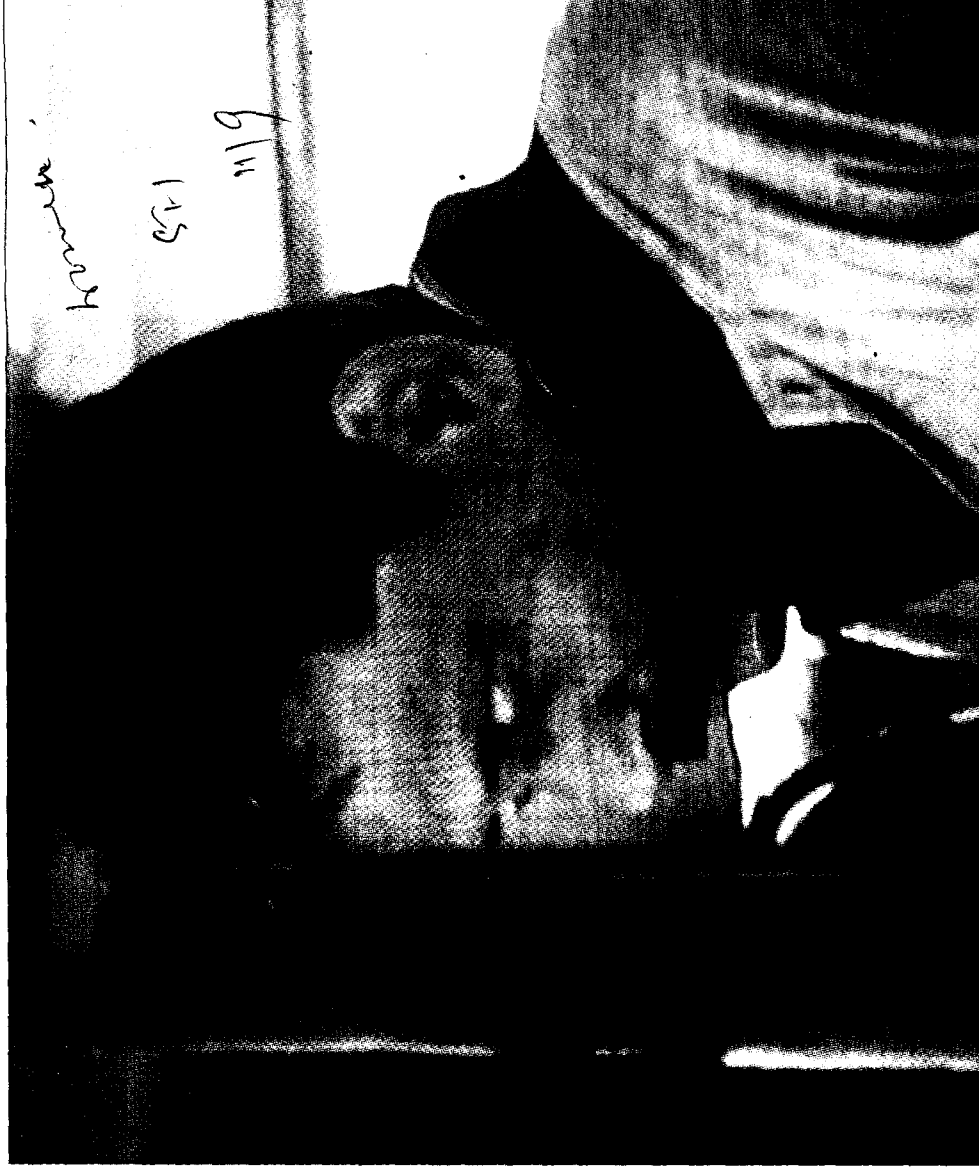
## Statesman News Service

HAROA (North 24-Parganas), Sept. 10. — *Boro babu dakchhe. Tomar birudalhe* police case *achhe*. (The OC is calling you. There is a police case against you).

With these words, Soumitra Choudhury (42), a constable, forced a 25-year-old woman to accompany him from Gorachand Pir Darga to the Haroa police barrack around 2.30 a.m. on Friday. And two hours later, the woman, mother of two children, was in tears as she recounted how she was raped by the constable inside the barrack. Though the barrack accommodates three persons, the other two did not even seem to have a clue of the incident. Mr Pravin Kumar, SP, North 24-Parganas, said: "If others are found guilty, appropriate action will be taken against them also."

The accused has been arrested and remanded in police custody. It could not be confirmed whether or not it was a case of gangrape. Devotees through the Gorachand Pir Darga every Thursday night. The constable had allegedly asked the woman to leave her children with someone else and walk with him to the police barrack. When some devotees tried to follow the constable, they were threatened with dire consequences. Nevertheless, Md Majeed Mollah, a member of the CITU-affiliated van-rickshaw pullers' union, followed them and waited outside the police station. Nearly two hours later, the woman came back with the constable. When Mollah asked her what had happened, she broke down in tears.

Mollah reported the matter to Mr Asim Chatterjee, local CPI-M leader, and some residents of the area. As the news spread, a large crowd gathered outside the police



THE ACCUSED: A video grab of constable Soumitra Choudhury being taken to Basirhat court on Friday. — The Statesman

station. They threw stones at the building and demanded the constable's arrest.

A large posse of policemen arrived at the spot, along with senior police officers. The police had to resort to a lathi-charge to disperse the agitated mob.

Around 6.00 a.m., the accused was about to be taken to the Basirhat court in a private car, which further angered the people. The accused was then handcuffed

and taken to the court in a prison van. The accused has been suspended from service.

Commenting on the incident, state home secretary Mr Amit Kiran Deb said the government would not tolerate such acts on the part of any policeman.

The Pir Darga committee members said that usually two of the Darga gates are kept open as there is a ritual bathing of women in the river nearby and one of the

gates also leads to the toilet. Darga Committee member Mr Kazi Pitu said: "The gates are usually kept open and policemen are posted outside." But he admitted that there was no security system in place this time.

Mr Pitu insists that he had seen the accused outside the Darga gate the night before as well. "I had seen him in a drunken state wearing shorts and a vest," Majeed Mollah recalled.

## TRACK RECORD

■ **Sept. 1992:** Nilkamal Ghosh, a constable of Phulbagan police station, forced a pavement dweller into the jeep while on night patrol, took her to the police station where she was raped. Ghosh is serving a life term. The driver was also convicted.

■ **1996:** Traffic sergeant Tamal Ghosh raped a woman in the Maidan area.

■ **31 December 2002:** Five Reserve Force personnel — Sridam Bauri, Mujibur Rahman, Pijush Goswami, Madhusudan Chakraborty and Shekhar Bhushan Mitra — killed traffic sergeant Bapi Sen who tried to stop them from molesting a woman. They have all been sentenced to life imprisonment.

■ **17 August 2004:** A 30-year-old woman was raped by RPF jawan Kapil Deo Raj inside a train compartment at the Hasnabad railway station.

To protest against the incident both the CPI-M and the Congress have called a bandh in the area tomorrow. While the Marxist have given a call for a 12-hour bandh, the Congress's bandh call is for 24 hours.

Mr Bimal Biswas, the general secretary of the West Bengal Police Association, expressed ignorance about the incident. "I have not heard about the rape by a constable of the Haroa police station," he said. Mr Biswas, however, refused to condemn the incident till an investigation was conducted.



# থানা ব্যারাকে ধর্ম্মখে কনস্টেবল ধৃত, উত্তাল হাডোয়া

নির্মল বসু • হাডোয়া

ফুলবাগানের পর হাডোয়া। থানা ব্যারাকের মধ্যেই এক মহিলাকে ধর্ষণ করল এক পুলিশ কনস্টেবল।

ধর্ষণের অভিযোগে পুলিশ উত্তর ২৪ পরগনার হাডোয়া থানার ওই কনস্টেবল সৌমিত্র চৌধুরীকে গ্রেফতার করলেও বৃহস্পতিবার গভীর রাত থেকে শুরুবার দুপুর পর্যন্ত প্রায় ১২ ঘণ্টা গোটা হাডোয়া ছিল পুলিশ-বিরোধী বিক্ষোভে উত্তাল। করেক হাজার মানুষের হাডোয়া থানা ধেরাও, ভাঙচুরের চেষ্টা, পুলিশকে লক্ষ করে ব্যুষ্টির মতো ইট-পাটকল—সবই ঘটল শুরুর দুপুর পর্যন্ত। কিন্তু জনতা দফায় দফায় ফটিয়ে দিল ধর্ষণকারী কনস্টেবলের। পুলিশ-জনতা দফায় দফায় সংঘর্ষে আহত হলেন সাত পুলিশ-সহ অন্তত ২০ জন। হাওয়া বৃষ্টি আমজনতার সঙ্গে ময়দানে নেমে পড়ে সমস্ত রাজনৈতিক দলও। থানায় গিয়ে পুলিশের বিরুদ্ধে বিক্ষোভে জানানো ছাড়াও পুলিশের কুপতুল গোড়ায় শাসক সি পি এম। মুখ্যমন্ত্রী তথা স্বরাষ্ট্রমন্ত্রীর ইস্তফা দাবি করে কংগ্রেস- তৃণমূল। আজ, শনিবার হাডোয়া থানা এলাকায় তিনটি দলই কন্ঠের ডাক দিয়েছে।

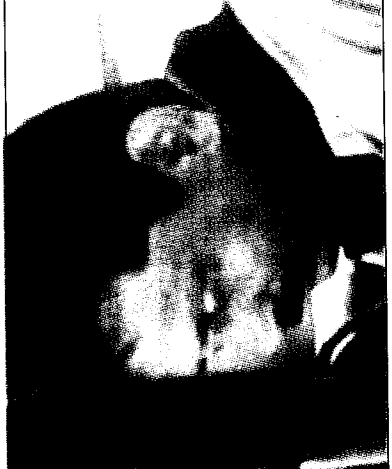
কিছু দিন আগে হাসনাবাদ স্টেশনে ট্রেনের ফাঁকা কামরায় এক বিবাহিতা মহিলাকে ধর্ষণের অভিযোগে গ্রেফতার হয় এক আর সি এফ জওয়ান। তা ছাড়া, সাম্প্রতিক কালে আইনরক্ষকের হাতে ধর্ষণের ঘটনা এ রাজ্যে ঘটেনি। শেষ ঘটছিল ১১ বছর আগে। '৯৩ সালে ফুলবাগান থানার ব্যারাকে ফুটপাথবাসী মহিলাকে ধর্ষণের দায়ে যাবজ্জীবন কারাদণ্ড হয় কনস্টেবল নীলকমলের।

বসিরহাট মহকুমা হাসপাতালে ধর্ষিতা মহিলার ডাক্তারি পরীক্ষা হয়েছে। ধৃত সৌমিত্রকে তিনদিন পুলিশি হেফাজতে রাখার নির্দেশ

দিয়েছে বসিরহাট আদালত। কিন্তু এ সব আইনি প্রক্রিয়ার আগে গোটা এলাকা দখল প্রবল গণরোষ। দেখল, বিবাহিত বাহিনী নিয়েও পরিস্থিতি নিয়ন্ত্রণে আনতে ব্যর্থ পুলিশ। জেলার পুলিশ সুপার প্রবীণ কুমার ঘটনাস্থলে গিয়ে অভিমুক্ত কনস্টেবলকে সাসপেন্ড করার কথা ঘোষণা করলে অবস্থা কিছুটা আয়ত্তে আসে।

হাডোয়া থানা সংলগ্ন পির গোরার্চাদের মাজারে প্রতি বৃহস্পতিবার ধর্ম্মীয় অনুষ্ঠান হয়। বহু মানুষ রাতভর থাকেন। বৃহস্পতিবার সন্ধ্যায় ছোট মেয়েকে নিয়ে আটঘরার স্বামী পরিত্যক্তা এক মহিলা প্রতিবেশীদের সঙ্গে সেখানে গিয়েছিলেন। থানায় লিখিত অভিযোগে বছর বাইশের ওই মহিলা জানিয়েছেন, রাত ১টা নাগাদ সাদা-নীল গেঞ্জি ও হাফ গ্যান্ট পরা এক জন পুলিশ বলে পরিচয় দিয়ে তাঁকে বলে, থানার বড়বাবু ডাকছেন। এখনই যেতে হবে।

দু'বছরের মেয়েকে এক পড়শির কাছে রেখে মহিলা বাইরে আসেন। এ দিন বসিরহাট হাসপাতাল চত্বরে দাঁড়িয়ে মহিলা জানান, বাইরে এসেই তিনি বোঝেন, ওই পুলিশকর্মী মৃত। তিনি যেতে আপত্তি করলে পুলিশটি তাঁর হাত ধরে টানতে থানার দিকে নিয়ে যেতে থাকে। ঘটনাটি স্থানীয় এক যুবকের চোখে পড়লে তিনি বাধা দিতে আসেন। রিভলভার উঁচিয়ে মত পুলিশ হুমকি দেয়, 'বেশি বাড়বাড়ি করলে



ধৃত কনস্টেবল সৌমিত্র চৌধুরী। — নিজস্ব চিত্র

থানায় ঢুকিয়ে দেব।' ভয়ে ওই যুবক পিছিয়ে যান। মহিলা-সহ ওই পুলিশ থানার ব্যারাকে ঢুকে যায়। সে সময় থানায় অন্য পুলিশকর্মীরা ছিলেন। কিন্তু তাঁদের দিক থেকে কোনও রকম প্রতিবাদ আসেনি।

ইতিমধ্যে থানার আসরে মহিলার মেয়ে কান্নাকাটি শুরু করে। মহিলার খোঁজ শুরু হয়। পুলিশের হুমকি-খাওয়া যুবকও এসে টিংকার শুরু করেন। বিষয়টি জানাজানি হতে গানের আসর থেকেই দলে দলে লোক মহিলার সন্ধানে সৌভিন থানার দিকে। কিছু লোক থানার মূল ফটক এবং কিছু লোক ব্যারাকের দিকের গেট আগলে দাঁড়ান। রাত ২টো নাগাদ ওই মহিলা

ভোর থেকে হাডোয়া-বেড়াটাঁপা রোড অবরোধ করে তৃণমূল। সি পি এম কর্মীরা থানা অবরোধ করেন। ভোর ৬টা নাগাদ এস ডি পি ও এবং সি আই বিবাহিত বাহিনী নিয়ে ঘটনাস্থলে আসেন। নেতাদের সঙ্গে দফায় দফায় বৈঠকের পর ভোরেই সৌমিত্রকে গ্রেফতার করা হয়।

সকাল সাড়ে ৭টা নাগাদ সৌমিত্রকে হাতকড়া পরিয়ে অধ্যক্ষসভর গাড়িতে তোলার সময় জনতা দাবি তোলে, তাকে পুলিশ ভানে নিয়ে যেতে হবে। বসন্ত, জনতা হামলা করে সৌমিত্রকে পুলিশের হাত থেকে ছিনিয়ে নিতে গিয়েছিল। তাদের বেপরোয়া মারে সৌমিত্রের মুখ এবং চোখের কোনা কেটে যায়। বাধ্য হয়ে পুলিশ তাকে ডালনে করেই আদালতে নিয়ে যায়। তাতে অবস্থার উন্নতি হওয়া তো দুর্বল, বেলা বাড়ার সঙ্গে সঙ্গে পরিস্থিতি আরও খারাপ হতে থাকে। বিভিন্ন গ্রাম থেকে মিছিল আসতে থাকে থানায়। পদস্থ অফিসাররা নেতাদের সঙ্গে কথা বললেও পরিস্থিতি পাল্টায়নি। আরও বাহিনী পাঠানোর জন্য জেলা সদরে ঘন ঘন বার্তা যেতে থাকে।

এর মধ্যেই জনতা থানা লক্ষ করে ইট-পাটকল ছুড়তে শুরু করে। ইটের যায়ে এক পুলিশ অফিসার আহত হলে পুলিশ বেধড়ক লাঠি চালাতে শুরু করে। শুরু হয়ে যায় জনতা-পুলিশের খণ্ডযুদ্ধ। দোকানপাট বন্ধ হয়ে যায়। লোকজন ছুটে পলাতে থাকেন।

কলকাতায় রাজ্যের স্বরাষ্ট্রসচিব অমিত্যকিরণ দেব বলেন, "অভিমুক্তকে দৃষ্টান্তমূলক শাস্তি দেওয়া হবে। এ সব বরদাস্ত করা হবে না।" ওই ঘটনার প্রেক্ষিতে রাজ্য জুড়ে প্রতিটি জেলায় থানার ও পি-দেব বার্তা পাঠিয়ে সমস্ত কর্তৃপক্ষকে রাজ্য সরকার। মুখ্যমন্ত্রীর শুক্রবার এ নিয়ে মন্তব্য করার সময় ছিল না। নন্দনে যাওয়ার আগে মহাকরণের লিফটের সামনে দাঁড়িয়ে যুবকদেব ভট্টাচার্য শুধু বলে যান, "আজ সময় কম। অন্য দিন এ নিয়ে বলব।"

# Women's Bill defeated in J&K Assembly

HD-1  
28/8

By Shujaat Bukhari

**SRINAGAR, AUG. 27.** The controversial Jammu and Kashmir Permanent Resident (Disqualification) Bill was defeated in the Legislative Assembly today amid strong opposition from the National Conference which wanted the discussion on the Bill to continue. The Congress, which supported the Bill in March, now opposes it.

The Bill denies the women of Jammu and Kashmir their State subject status and associate benefits in case they marry outsiders.

The Assembly, which reassembled after a day's gap, functioned smoothly till question hour. Later, the Speaker, Tara Chand, announced a two-hour discussion on the Bill, which had been passed by the Assembly on March 5 and later returned by the Legislative Council without any decision.

## Misconceptions

Initiating the discussion, the NC leader in the Assembly, Abdur Raheen Rather, said there was a lot of "misconception" about the Bill. There were no constitutional difficulties and the Bill would not weaken the country's federal structure. "There are similar laws in the north-east but there is no problem there. However, when it comes to our State, everybody is up in arms. If we are not able to

pass a simple piece of legislation in the House, the people will lose faith in democracy."

Another NC leader, Ali Mohammad Sagar, said that it was unfortunate to "label us as Pakistani agents" when we talk about the Bill. "Our party has given blood for the country as thousands of our workers were killed by militants. Still we are suspicious in their [New Delhi] eyes."

The Housing Minister, Ghulam Hassan Mir, said that to pass the Bill was to ensure the protection of "our rights and culture." It had unfortunately been blown out of proportion.

The ruling People's Democratic Party's A.R. Veeri and Peer Mohammad Hussain also supported the Bill.

The State secretary of the Communist Party of India (Marxist), M.Y. Tarigami, said the Bill was linked to the State's identity and suggested that a comprehensive Bill in which the rights of women were protected be brought forward.

The senior Congress leaders, Peerzada Mohammad Sayeed and Mohammad Sharief Naaz, spoke against the Bill. "We have to take into consideration the rights of those who have migrated and should not go in for such a law," said Peerzada.

## Domicile status

The Minister for Law and Parliamentary Affairs, Muzaffar

Baig, said it was a question of domicile. Dismissing the view that the Bill had no popular support, he said: "The people here are stuck with the problems that have arisen in the last 15 years. They want to live with peace." It was unfortunate that motives were being attributed to the Government's move to bring the Bill.

## Verbal duel

When Mr. Baig was speaking, the Deputy Chief Minister, Mangat Ram Sharma, interrupted him, leading to a verbal duel. After a while, the Speaker announced a vote on the Bill but nothing could be heard in the din created by the NC members who protested that the discussion was incomplete.

The PDP, the NC and the CPI — with a combined strength of 46 — supported the Bill, while the Congress, the Bharatiya Janata Party, the Panthers Party and several independents opposed it. Finally, after the Speaker announced that the Bill had been defeated, the NC legislators rushed to the well of the House raising slogans against the Chair and the Government.

"The Bill is still alive," Mr. Rather told *The Hindu* after the Assembly was adjourned for the day and accused the Speaker of not following the proper procedure.

**Ruling partners quarrel:  
Page 13**

THE HINDU

28 AUG 2004

# Manorama sexually abused: Forensic lab

Rahul Karmakar  
Guwahati, August 25

THANGJAM MANORAMA, whose death sparked mass protests in Manipur, had been sexually assaulted by Assam Rifles men, a forensic test report submitted to the C. Upendra probe panel said today.

The bullet-riddled body of 32-year-old Manorama, an alleged member of the banned People's Liberation Army, was found hours after she was arrested from the Bamon Kampu area of Imphal on July 11.

After getting the forensic report, Upendra, the retired judge heading the probe, said: "Semen stains were found on the petticoat" Manorama was wearing on the day she was killed. There were bloodstains on her undergarments too.

Digambar Dutt (naib subedar), Suresh Kumar (havildar) and T. Lotha and Ajit Singh (both riflemen) have been accused of raping and killing Manorama. Two autopsies were

conducted on Manorama before the government ordered her cremation. The second post-mortem was conducted after her relatives rejected the results of the first. Both the autopsies negated the rape charge.

The violent protests against the Assam Rifles and the Armed Forces Special Powers Act after Manorama's killing forced the government to lift the Act from some areas.

After the forensic report was submitted, counsel for Assam Rifles sought that the hearing of its four personnel be held in camera at the Kangla Fort, headquarters of the 17th Assam Rifles. The commission rejected the plea but said it was open to an in-camera hearing at the State Guest House.

Though the Assam Rifles has admitted to "lapses" in its internal inquiry, it filed a petition in the Gauhati High Court challenging the legal authority of the Upendra commission.

See also Page 2



REUTERS

A soldier stands guard on an Imphal street on Wednesday.

THE HINDUSTAN TIMES

2004

# Uproar in J&K Legislature over Women's Bill

By Shujaat Bukhari

SRINAGAR, AUG. 23. There was pandemonium in the Jammu and Kashmir Legislative Council today over the controversial J&K Permanent Resident (Disqualification) Bill, 2004.

Members, raising slogans for and against the Bill, moved menacingly towards one another but were separated by the marshals. Both the Council and the Assembly were later adjourned for the day.

The Opposition National Conference (NC) stalled the proceedings in the Assembly but the scenes witnessed in the Council were unprecedented.

## Unruly scenes *women*

The Council Chairman, Abdur Rasheed Dar, continued to take up questions amid the slogan-shouting and, at one stage, the Panthers Party member, Bhim Singh, and P. Namgayal of the Congress entered into an argument with the NC members. The verbal duel, however, took an ugly turn when the NC legislators alleged that Mr. Singh, as also the Minister of State for Rural Development, Gharu Ram, used "unparliamentary language" against them.

The NC members then rushed to the well of the House and started throwing papers all around and overturned furniture. A microphone was thrown towards Mr. Singh. This forced the Chairman to adjourn the House for the day. The members of the ruling coalition also went to the well of the House and a Minister tried to hurl a wooden railing towards the protesting NC members. However, a Council marshal stopped him from doing so.

The Bill denies the women of Jammu and Kashmir their State subject status and associate benefits in case they marry outsiders. It was passed by the Assembly on March 5. The Council, did not take any decision on the Bill, which in the meantime lapsed. Now it has been returned to the Assembly.

While the ruling People's Democratic Party supports the Bill, the Congress, its major coalition partner, now opposes it. It initially supported the Bill, but following criticism from many quarters, including the Bharatiya Janata Party, ahead of the elections, it changed its stand. The NC too favours the Bill, demanding that it be tabled in the House in its original form.

## Similar scenes

The scene in the Assembly was no different. As soon as the proceedings began, the NC members, led by their leader, Abdur Raheem Rather, called for adopting the adjournment motion. They demanded an immediate discussion on the Bill. The Chief Minister, Mufti Mohammad Sayeed, was unable to make a statement, forcing the Speaker to adjourn the House for half an hour initially.

Mufti's charge: Page 12

THE HINDU

# Juvenile crime on the rise

KOLKATA, Aug. 21. — The authorities are concerned over the rise in juvenile crime in the city. However, cops and psychologists cite various reasons for this aberration among the youth.

A senior official of Lal Bazar said: "About 10 per cent of today's youth belong to the affluent class who can afford a luxurious car, an Armani suit and latest mobile phones. Thirty per cent belong to middle-class families and the remaining 60 per cent to the lower-middle class. Many of this 90 per cent get attracted to the jazzy life led by the privileged, and try to copy them blindly. In the process, they often fall prey to anti-social activities."

The official cited other reasons as domestic tensions, love triangles, love affairs resisted by families and academic competitions to be responsible for youngsters going astray. He supplemented his statement with a number of instances like the case of Howrah's Kuntal Sai, killed by his friends Arijit and Sampad Mukherjee, for money. Sixteen-year-old Sumit of Behala was battered to death by his classmate Shantanu Mitra, as a fall out of academic competitions.

City based psychiatrist Dr Dipankar Mukherjee said that most are cases of Impulse Control Disorder (ICD), a state when a person lacks control over his stimuli. He said: "The culprit is our commodity based society, together with the visual stimulus provided by medium like the television. Sex and violence are portrayed on TV as the short-cut to stardom." — SNS

THE STATESMAN

22 AUG 2004

## WITH STICKS AND STONES

**T**he moment of trauma is never the time to absorb its full implications. When crowds of women pounced upon Mr Kapildev Rai, alleged to have raped a woman in Hasnabad station, the premises of the Barasat court were in complete disarray. The women were armed with shoes, sticks and brooms. They beat up Mr Rai in spite of his heavy police protection, and insisted that he be handed over to the public. Under any circumstance, such a happening is unthinkable. For one, it is men who are normally associated with manifestations of public anger. And such anger is quite often turned against women. It can be non-institutional group violence as displayed in the stripping and beating up of a woman in public to "punish" her for any imaginable or imagined offence. Or it can take the form of a judgment

with traditional or political backing, as in village committees. There too, women may have to pay through physical humiliation for having offended village society in some way. These expectations were reversed in Barasat, but there was an even more alarming rupture. Women stormed the court — the space demarcated for justice meant for all. But their demand proposed a different sort of justice, of which they were to be the arbiters.

Behind this looms the murder of Akku Yadav in a Nagpur courtroom, by women determined to go the whole way in protest against the criminal's reign of terror in the region, made

possible by his closeness to the police. Rape and molestation were his specialities. The parallels are striking, and frightening. The fact that the five women arrested as participants in the violence have been granted bail, only because an enormous crowd — again dominated by women — compelled the court to do so, is a remarkable development. The concept of popular justice may be inspiring, but the trend raises serious questions about the role and consequence of violence in civil society. This is a backlash against the vio-

lence women face in everyday life, from men, familiar and unfamiliar, and from institutions. It is also a reckless protest against the failure of the justice system that threatens the very foundations of society itself.

For these women in Barasat and Nagpur may have found a model for their actions in the

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**The reckless actions of women in Nagpur and Barasat are a backlash against the violence women face in everyday life**

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extraordinary and unforgettable protest against the army by women in Manipur. It is noticeable that the women who burst into the court premises were not organized under a political party or women's group. There is only one lesson to be drawn. It is dangerous to push victims so far over the edge that they feel they have nothing more to lose. That is when no space is sacrosanct, no action impossible. The breakdown of all traditional inhibitions and fears also means that violence becomes the only weapon. The women of Manipur turned the violence upon themselves by stripping publicly, the others are directing it outwards.

# Silent screams

There's something each one of us can do towards eliminating the malaise of child sexual abuse and we must act now, writes GOPALI BANDYOPADHYAY

It is not just as a parent that one is deeply affected by headlines that scream out day after day about children being abused, raped and even murdered by cold-blooded adults. We read these heart-breaking stories and wonder what's wrong with society. Surely, we assume righteously, we are not the ones to blame? It is those "sick" people who inflict such reprehensible suffering on other people's kids. Our kids are safe, thankfully, or so we seem to think. In spite of everything, truth is these culprits exist amongst us and we don't have to look too far.

Dhananjay Chatterjee, rapist and murderer of school student Hetal Parekh, lived for 15 years after the incident before he was finally hanged last week, a media star till the end. Then there is the "sensational" case of Maninder Pal Singh Kohli who raped and killed teenager Hannah Foster in England. Kohli gave British Police the slip and lived under a false name in Kalimpong as a happily married man till he was recently nabbed by the authorities and remanded in police custody.

There are many more such chilling stories... So, who are these rapists? What manner of men are these who indulge in such dastardly acts? Do they display unusual characteristics? How do we identify them? Can such incidents not be prevented?

The guilty have no doubt been tracked down in a majority of the cases. Yet, the uneasy feeling persists that these people seem to reside in realms beyond the reach of the law for justice to be delivered in full measure. They should be meted out such strong punishment so that it acts as a deterrent for others from following their example.

What may be cause for greater alarm is that evidence increasingly seems to suggest that most hardened rapists begin as child abusers. There are millions of children who fall prey to sexual predators, in India and around the globe. Though there are no exact figures, it is roughly estimated that one in every five girls is sexually molested and one boy in every 10 physically abused in some way before they reach adulthood. Enough to send the shivers down any parent's spine.

The absence of reliable data is primarily because most children are afraid to come out and speak about the crime. A majority of them are victims of close relatives and family friends who take advantage of the situation and sometimes repeatedly indulge in abuse. These experiences leave permanent scars, both psychological and physical. Who will protect these children from their ruthless predators? How tough are the laws which concern the safety and physical and mental well-being of minors? More often than not, the guilty possess considerable clout and their "connections" ensure they get away scot-free, even after being caught and apprehended.

Yet, there is much that we can do, as adults, and as concerned parents.

It is not an easy task to arrest those guilty and it is just as difficult to punish them. Parents have to be educated about the kind of threats their children face in their day-to-day life, be it on the streets, in the locality and from people around, including close friends and relatives.

Sometimes, child abusers are those least likely to arouse suspicion. There have been cases where paediatricians and teachers - persons who ought to be the ones to safeguard children the most - have donned the evil hat. Fortunately, however, such people are more often an



exception than the rule. Where doctors are concerned, it is imperative that one parent always accompany the child for any kind of check-up. If a tutor is employed to teach a student individually, the child must not under any circumstance be left alone in the house. It may become extremely difficult to maintain a system where the child is not left alone at times like these, but some sacri-

adulthood without symptoms of the crime perpetrated against them as children. Unfortunately, they have difficulty understanding the fact that it is the offender and only the offender who is responsible for this kind of abuse. It can never be the victim's fault since the person is a minor, and informed consent cannot be a crime. The average age of victims of such abuse is below 12 years, although some psychopaths have been known to strike at children much younger.

Each of us as adults must help prevent child abuse. Even if our own children are not at risk, we should keep a watchful eye on events in our neighbourhood. If there is reason to suspect a child being sexually abused, the police or concerned authorities in the locality should be contacted immediately. This may be the only chance for the unfortunate child. Some telltale signs to look for are protestations over being left alone with an acquaintance or academic, difficulties in adjusting at school, withdrawal, nightmares, sudden shifts in temperament, etc.

Children are easily manipulated or bribed by adults; force is rarely required by the perpetrator of child sexual assault except when it comes from a stranger. It is not surprisingly that most cases of such assaults involve a person known to the victim. One study found that in 85 per cent of the cases, the offender was known to the victim as a family member, neighbour,

family friend, uncle or cousin. A child will normally not mention being victimised even though he/she wanted to. Predators instruct their victims not to speak about it or insist that what they are doing is normal but should be kept secret. Parents need to be vigilant about the symptoms mentioned above. Children almost never invent stories of sexual abuse; they don't have the knowledge to invent details of this type of assault.

Most offenders are male and come from all backgrounds, from very poor to wealthy. There is no socioeconomic or intelligence profile for a predator.

Here are some guidelines on how to equip children in this regard. Without spooking them to nightmares, they have to know about the dangers of sexual abuse. This will not only give them knowledge about how to protect themselves but will also make them more open to divulge abuse should it occur. Prevention, after all, is always better than cure.

■ Teach your children their body is private and not supposed to be touched without their permission. Practice saying "no" to a touching request that they do not like or understand. Give them your unconditional permission to say "no" even to a family member. Teach them to tell you immediately about it if they are touched by anybody.

■ Some secrets are fun; others, especially between a child and an adult must be shared with a parent. Make it clear that you are available, open and on their side if an adult ever touches them in such a way that makes them feel uncomfortable and that you will protect them.

■ If your child tells you that something happened, please listen.

■ Teach your child that respect does not mean blind obedience, to adults and to authority. For example, don't tell children to, "Always do everything the teacher or the doctor tells you to do."

Child molestation is no longer something that can only happen to other people. Sex offenders come in all shapes and sizes, from all sections of society, and can be of any sexual preference. And chances are, more often than not, that the victim knows the offender.

The following may be borne in mind when responding to children who say they have been sexually abused -

■ If a child even hints in a vague way that sexual abuse has occurred, encourage him/her to talk freely about it. Avoid judgmental comments.

■ Show that you understand and take seriously what the child is saying. Assure the child that he/she did the right thing in telling. A child who is close to the abuser may feel guilty about revealing the "secret". The child may feel frightened if the abuser has threatened to harm him/her or other family members as punishment for divulging the "secret".

■ Tell the child that he/she is not to blame for the act. Most children in attempting to make sense of the act will believe that they caused it or may even view it as a form of punishment for imagined or real wrong-doings. A supportive, caring response is the first step in getting help for the child. ■ Offer protection and the promise that you will take steps to see that the abuse stops.

As responsible, caring adults let us work together in making the world a safe place for our children. It is time to heed the silent screams emanating from young, innocent hearts and help them regain their trust in adults. Let us act now.

(The author is on the staff of The Statesman.)



**Tell the child that he/she is not to blame for the act. Most children in attempting to make sense of the act will believe that they caused it or may even view it as a form of punishment for imagined or real wrong-doings**

lices are required keeping in mind the child's safety.

There are no clear rules for safety. Nevertheless, keeping the following in mind would help protect our children.

The first and foremost step is to create awareness about this particular kind of exploitation. "Child sexual abuse" refers to any inappropriate physical contact between a child and another person, with or without force. It is a heinous crime for which there is no excuse and which should not be tolerated at any cost. It has a direct and potentially permanent impact on the victim's self-esteem. Few victims enter



# Manorama probe hearing stalled

SAMUDRA GUPTA  
KASHYAP  
IMPHAL, AUGUST 12

**T**HE inquiry commission constituted by the Manipur government to probe the alleged custodial death of Th Manorama Devi has failed to make headway with the Assam Rifles refusing to send their personnel against whom summons were issued.

Fearing for the lives of its jawans — at least one underground group has announced cash rewards on the heads of the five personnel — the Assam Rifles has pleaded with the panel to arrange an in-camera hearing inside Kangla Fort, their headquarters in Imphal.

The one-man Upendra Commission, however, is yet to



**Bandh supporters set tyres on fire to block NH-39 at Chingmeirong on the outskirts of Imphal on Thursday. PTI**

decide whether it would hold any such hearing at a "safer" place. In view of the stalemate, the panel has adjourned hearing till August 18.

Though the commission has so far sent two summons to the five Assam Rifles personnel

to depose before it, the jawans have failed to appear. The five who have been summoned are — Colonel Jagmohan Singh, Commanding Officer of the 17 Assam Rifles, Naik Subedar Digambar Dutta, Havildar Suresh Kumar and Riflemen

Ajit Kumar and T.Lotha. Havildar Kumar had signed Manorama's arrest memo.

According to the Assam Rifles, she was a hardcore cadre of the proscribed People's Liberation Army (PLA) and was shot while trying to run away while taken on a lead.

Interestingly, lawyers appearing on behalf of Manorama Devi's family have also decided to abstain from the hearings in protest against the non-appearance of the Assam Rifles personnel. The deposition of the personnel is a must in establishing the factual events that led to the arrest and killing of the woman, they said.

Meanwhile, sources here confirmed that the court martial instituted by the Assam Rifles has already completed its procedures.

## BJP wants Assam Rifles to stay, for review of Act

EXPRESS NEWS  
SERVICE

NEW DELHI, AUGUST 12

**BREAKING** its silence on Manipur, the BJP today supported the continuation of the Armed Forces Special Powers Act as well as the presence of Assam Rifles in the state. It, however, called for a "review" of certain sections of the Act.

BJP leader and newly appointed chairperson of the Standing Committee on Home Affairs Sushma Swaraj said Assam Rifles should not be withdrawn as it was the only paramilitary force whose personnel were drawn exclusively from the North-East. Replacing AR would only worsen the situation, she felt.

In keeping with the BJP's traditional support for a "hard state", the party is also not for withdrawal of the AFSPA. But as an Opposition party, it cannot ignore the anti-Government movement gaining ground in Manipur. Striving to take a middle path, Swaraj said PM Manmohan Singh should initiate a "political dialogue" with the leaders of the people's movement in Manipur to understand their grievance. When Swaraj was contacted later on the state's decision to withdraw the Act, she said the party would give a reaction tomorrow.

## Anti-malarial drug leaves 60 children ill

**■ SIBSAGAR:** Following administration of anti-malarial drugs, 60 children fell ill on Thursday in Assam's Sibsagar district, official sources said. The drug was being given as part of the state Health Department's post-flood epidemic prevention campaign.

The children — who were administered the drug in Sonari and Mathurapur — immediately complained of vomiting and dehydration, sources added. The critically ill and some others were admitted to Sibsagar Civil Hospital while some were treated at the local health centres. —PTI

## Venkaiah takes on Arjun

PRESS TRUST OF INDIA  
NEW DELHI, AUGUST 12

**TAKING** up the Parivar battle, BJP president M. Venkaiah Naidu today described HRD Minister Arjun Singh's attack on the RSS as an act of "one-upmanship" aimed at projecting himself as a "champion of pseudo-secularism".

"His (Singh's) is an act of one-upmanship which he had done earlier during the prime-ministership of both Rajiv Gandhi and P.V. Narasimha Rao. He is trying to project himself as a champion of pseudo-secular-



**RSS INSULT**

ism and garner the support of the Communists," he told reporters here on the sidelines of the national executive meeting of the party's women's wing.

On Singh's challenge to the RSS to enter the political arena, he said:

"Power struggle and one-upmanship is his cup of tea. RSS is a premier institution working selflessly for the nation. It is not engaged in the quest for power. The RSS does not need his advice."

"We are proud of our association with the RSS. The people of this country have elected *swayamsewaks* to the top posts, including that of vice-president, prime minister and deputy prime minister."

Singh had on Sunday held the RSS responsible for the assassination of Mahatma Gandhi. He later challenged the organisation to "do its worst" when it threatened to sue him.

Yesterday, he dared the RSS to register itself as a political party and contest the elections "instead of controlling the administration through the backdoor".

## Cop admits: Yunus died in custody

S. AHMED ALI  
MUMBAI, AUGUST 12

**EIGHTEEN** months after Khwaja Yunus (26), an accused in the December 2, 2002 Ghatkopar blast, went missing, a senior police officer has admitted the chemical engineer was killed in police custody.

All this while the police had maintained that Yunus escaped from custody when the jeep taking him to Aurangabad for investigation met with an accident on January 7, 2003.

But on Wednesday, Addi-

### Statement that could be cops' undoing



■ On January 7, co-accused in the Ghatkopar blast case Dr Abdul Mateen says he saw police officers beating Yunus, kicking him while he lay on the ground

■ An hour later, Mateen claims to have seen Yunus vomiting blood. That was the last time he saw Yunus

tional Director General of Police (CID), Y.J. Umaranikar, who is heading the probe in the Yunus case, admitted to police brutality. "It's clear from our in-

vestigations that Yunus did not escape but was killed in police custody," he said.

The admission couldn't have come at a worse time for

the Mumbai Police. On Monday, the Supreme Court threw out the state CID appeal. Now the CID will have to comply with the HC order and use the statement of Dr Abdul Mateen — another accused in the case — as the basis of the FIR.

The earlier FIR filed by then Assistant Police Inspector Sachin Vaze said Yunus escaped while Vaze and constables Rajendra Tiwari, Rajaram Nikam and Sunil Desai were escorting him to Aurangabad.

"Once we get the written SC order, a fresh case will be registered," says Umaranikar.



# Sati: HC slaps notices on Vasundhara govt

EXPRESS NEWS SERVICE  
JAIPUR, AUGUST 6

**T**HE Rajasthan High Court today issued notices against the Vasundhara Raje government, one of her ministers and 10 others, after admitting a writ petition challenging the acquittal of 11 accused of "Sati glorification" in the Roop Kanwar case.

Judges S.K. Keshote and Anup Chand Goyal admitted a petition filed by 12 women's groups, which have challenged the lower court's

judgement, saying it misinterprets the meaning of "Sati glorification".

In their writ, these groups have asked for the quashing of the lower court order and a retrial. They have also asked for action against government witnesses who turned hostile.

On January 31, a special court had released many Rajput leaders, including Parliamentary Affairs Minister Rajendra Rathode and Vice-President Bhairon Singh Shekhawat's nephew Pratap Singh Khachariawas, due to lack of evidence.

Pronouncing the final judgement

in four cases — registered in Neem Ka Thana, Kotputli and Jaipur — the special court had ruled in favour of the accused, saying the prosecution had failed to produce evidence indicating Roop Kanwar had committed Sati.

Further, the court had stated that since the main case against Kanwar's in-laws was not registered under the Sati Prevention Act, and was being tried as a murder trial, the question

of glorification of sati did not arise. Moreover, the glorification cases were registered under the Sati Prevention Act, which became a law later, and hence did not cover this case.

Following the judgement, the BJP government had dithered over filing an appeal. It was after the timeframe to file an appeal expired that the writ petition was filed independently.

"The government appeals in all

kinds of cases, even robberies," argues activist Kavita Srivastav. "They did not appeal because its own people were involved. Officially, they say, they did not find it worthy of appeal. But the fact is that there are vested interests involved and the Rajput lobby also has a say."

Education Minister Ghanshyam Tiwari, however, says: "After the judgement, we referred the case to the Law Department. It was their opinion that since the witnesses had changed, it was not advisable to go into appeal. Now, the government

will review the new situation and take a decision accordingly."

On September 4, 1989, Deorala village had hit the headlines when a young, educated woman set herself ablaze on her husband's pyre. Kanwar's in-laws were tried for murder and found not guilty by a court in Neem Ka Thana. The case is now pending before the courts in Jaipur.

Besides the murder case, the police had also issued challans against 16 people, accusing them of glorifying Sati. Five of them have died in the past 16 years.

**Writ says state govt didn't file appeal to save Rajput leaders**

# Sexual harassment

*women* Charge must be handled with care *57.8*  
*26/9*

A doctor of the Chittaranjan National Cancer Institute has alleged sexual harassment, both "physical and mental" by the superintendent. This is a serious charge but like rape, difficult to prove because of the nature of the offence. The onus is on the victim to prove that the offender is guilty rather than the accused proving his innocence. That sexual harassment does take place in places of work is accepted, and only the naive believe that it is a figment of the woman's imagination. Much like rape, it is again the power equation at play. The man who sexually harasses is in a position to do so because the woman is generally his subordinate and her future career is often in his hands. It is also believed that the woman puts off complaining about it because she is worried about consequences. But that should no longer be the justification for keeping quiet.

There are more women in the workforce today than ever before, and more women in positions of power whom a victim can turn to in times of need. There are laws framed to protect women in the work place from exactly this sort of harassment. If she is confident and independent enough to be gainfully employed than she should be able to use the qualities to protect herself. Unfortunately, there is the danger that this empowerment may be used to settle other scores. If women do file genuine cases of sexual harassment, support for their rights must be ensured. But when women file imaginative cases, they harm themselves, as well as harm the entire women's rights movement. There will be other cases, with the same question mark over them — is she telling the truth or not?

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# Kohli admits to Hannah murder

Statesman News Service

CHANDIGARH, July 28. — "I abducted, raped and killed Hannah Foster." Maninder Pal Singh Kohli made this confession today, sitting in front of IG (Punjab Police) Mr Sumed Singh Saini.

The accused in the rape and murder of the 17-year-old Southampton girl told a TV channel: "I am already too tired to run here and there... and want to unburden myself and tell the truth (about) what happened that night... I was totally drunk that night... I strangled her and killed her."

There was no trace of remorse on Kohli's face as he narrated details of the crime. He denied that he had been stalking Hannah and said he first saw her on the night he raped and murdered her. After the rape, he pleaded with her to keep it secret. "I told her that I have two kids and an ailing mother in India." But Hannah would not listen and told Kohli that she would inform her parents and police about the rape. Kohli then killed her.

The incident took place in March 2003. Kohli fled Britain soon after and was arrested in Kalimpong on



**I am too tired to run here and there...**

16 July. On reaching India, he sought the help of his two brothers, who had provided him with money. In the interview today, Kohli sought to protect his brothers, both of whom were arrested, saying he had not told them about the nature of his crime. He said he was "open" to being deported to the UK and face trial there. (Incidentally, the UK does not have death penalty.)

Startling though it is, legal experts feel the confession is of no real value in the court of law. Confessions made before a judicial magistrate, and not police, are admissible in court.

They also feel Punjab police had no locus standi in taking the confession since they are probing a passport forgery case involving Kohli, and not the rape and murder case. The role of Punjab police in allowing the "confession" to be broadcast on TV is also being questioned.

Officers here said they would like to hand over Kohli to the CBI as soon as possible. Earlier today, a Kharar court remanded Kohli in police custody till 5 August in connection with the passport forgery case.

Punjab police got Kohli's custody on 26 July on the basis of a production warrant issued by a local court.

THE STATESMAN 29 JUL 2004

# Woman at Mumbai crime branch helm

## OUR CORRESPONDENT

Mumbai, July 19: Meera Borwankar has made history by becoming the first woman to head Mumbai's crime branch.

In a shuffle coinciding with the run-up to the September-October Assembly elections, the Maharashtra government has shunted out Satyapal Singh, replacing him with Borwankar as joint police commissioner (crime), effectively the crime branch chief. Singh's tenure as chief was marked by one damaging scandal after another.

Borwankar, a 1981 batch IPS officer, is a postgraduate in English literature from DAV College, Jalandhar, and was deputy director-general of the state administration academy, Yashada, in Pune until now.

A feted officer, Borwankar has been awarded the police medal and the director-general's insignia for meritorious service and has worked as DIC in the economic offences wing and the anti-corruption bureau.

"It sends a lot of right signals," a senior IPS officer said on Borwankar's elevation. "She has an impeccable reputation and is considered to be a no-nonsense officer. It could be a clean-up operation that the rumour mills were agog with all this while. It is one of the toughest jobs going around and she has to compete with the legacy of some of the best police officers the state ever saw. But she should come through," he added.

Another police officer said this could be a master stroke.

"Sometime women in powerful positions do a much better job than men because both seniors and juniors think twice before approaching them with requests or favours. Getting a no from a woman boss is tougher than getting a no from a male boss. Women are spared of attempts by colleagues at too much — and unnecessary — bonding," he said.

The multi-crore stamp paper scam and the damaging cash-for-postings scandal broke during Singh's tenure. The outgoing crime branch chief was also criticised for his handling of the Ghatkopar and Mulund blast cases.

Police commissioner A.N. Roy had earlier said he had a "game plan to transform the crime branch into a proper detection and investigation unit". It appears that having a woman officer at the top is the first step towards that end.

# Prisoner of gender

Domestic violence is a bigger issue

We watch helplessly yet another instance of a battered woman being put down, this time in a metro. It becomes complicated when a policeman enters the picture. In a complaint lodged with the Delhi Commission for Women last month, a sub-inspector of Delhi Police is charged with harassing his wife and her family for dowry. After two years of violence, which included brutal battering, she left her matrimonial home and lodged a dowry harassment complaint at the local police station. She was told to reconcile. Seeing her repeated complaints to the police with no action, the wife finally knocked at the door of DCW.

The wife of this cop is among a multitude of women who are hedged in their efforts at seeking redress even when their tormentors are not part of the enforcement. A major problem for victims of domestic violence are variously incapacitated. However, when it comes to the crunch, a civil legislative Bill, Protection from Domestic Violence Bill, 2002, fell victim to the establishment. With women's groups objecting to the handling of the issue, the Bill is due to be re-cast as per the recommendations of the Parliamentary Standing Committee. Half a century after women's liberation movements and numerous gender initiatives, violence against women continues to surge unabated. Domestic violence is on the rise as are dowry deaths and atrocities. But legal or institutional detours are not all in addressing violence in this sphere of life. Law is not a complete answer to the threat to a woman's liberty in her matrimonial home. This has to be addressed on a plane much higher and larger. It must be made a national issue, not just a concern of women. Discovering the roots of domestic violence must go beyond by-now-tired 'sensitisation', exploring afresh the social philosophy at the dynamics of man-woman relationship.

17 JUL 2008

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# Woman's death sparks protest

IMPHAL, JULY 16. Security has been tightened in volatile areas of Manipur today following police firing on protesters here.

Forty persons, including several women, were injured in the firing on those coming for a rally called to protest against the alleged rape, torture and murder of Thangjam Manorama on July 10.

Both Imphal east and west districts remained curfew-bound for the second day today. Personnel of the Indian Reserve Battalion, the CRPF and the State police were on 24-hour patrol. Streets remained deserted. Schools, colleges, government offices, banks and business establishments were closed.

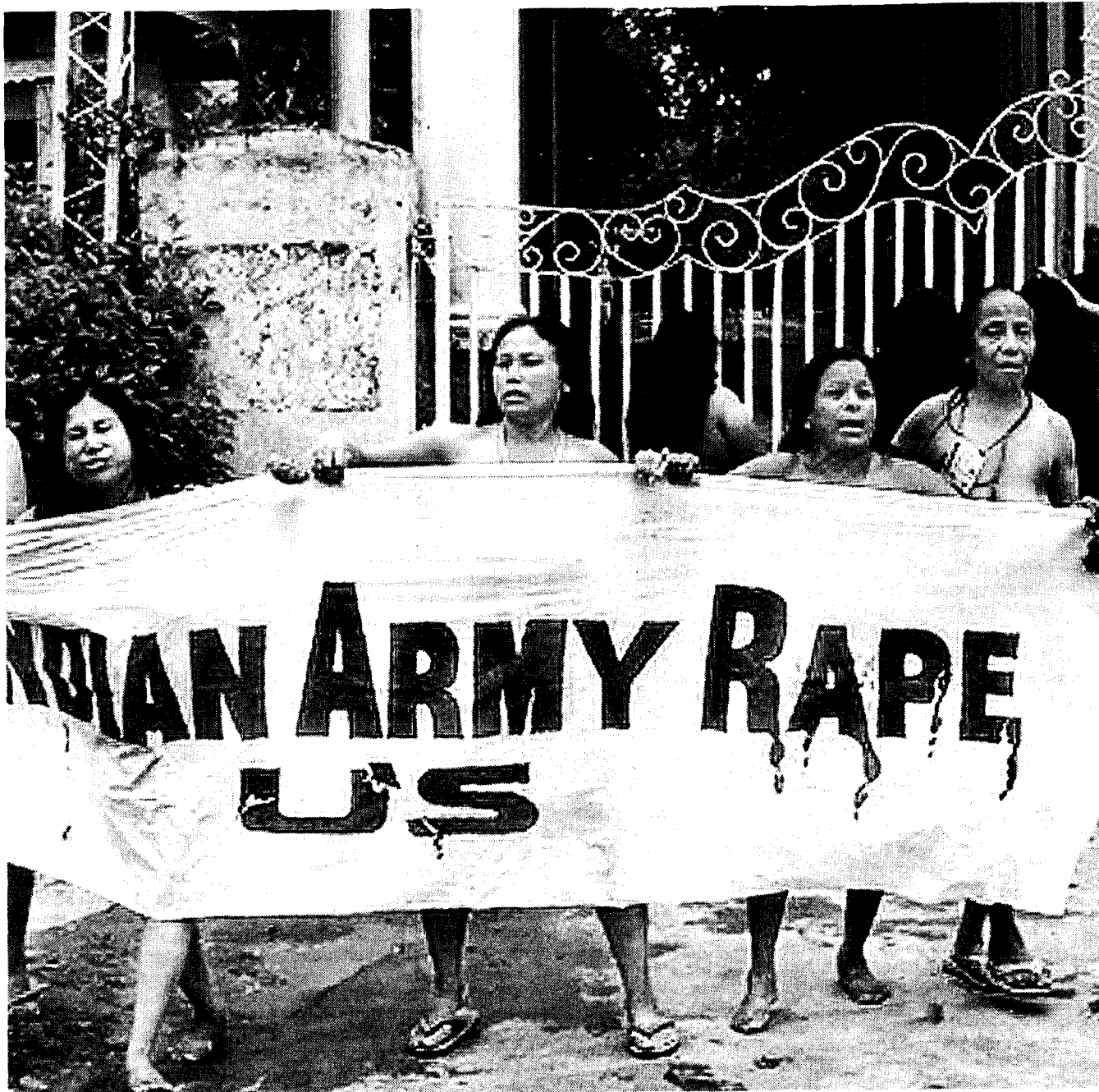
Though cases of security forces "committing excesses" and alleged fake encounters are not new in Manipur, the killing of a woman for the first time sparked off widespread violent reaction.

On Thursday, about 40 women staged a nude dharna here protesting the killing. Various social and civil organisations in Manipur, have denounced the killing. They demanded the removal of the Armed Forces Special Powers Act, 1958, and the setting up of a judicial inquiry into the killing.

## Cable news banned

The Manipur Government has banned the local cable network news as it may lead to violence in the current situation, official sources said today.

The network had on Thursday showed naked women protesting the woman's killing in front of the Assam Rifles Range office here. This had incited people to violence, the sources said. — UNI, PTI



**OUTBURST OF ANGER:** Anguished women protest on Thursday against the alleged rape, torture and murder of 32-year-old Thangjam Manorama by security forces in Imphal, Manipur. The demonstration was held outside the Assam Rifles base. — AP

THE HINDU

17 JUL 2004

# Rape as punishment

Such panchayats need to be punished

It is bad enough when a man rapes a woman — a heinous crime — for which he is accountable in law. How much worse when gangrape is perpetrated against helpless women by lawmakers as punishment for crimes they didn't commit. It is horrifying that three Dalit women were gangraped by 30 Yadavs, merely because a young boy of their family eloped with a Yadav girl in Madhya Pradesh. Worse, this 'punishment' had the backing of the village council. The barbaric sarpanch also stripped a Dalit woman in full public view a day after the gangrape, presumably to frighten the runaway couple into returning. Hearing of the atrocities committed the runaways will run away further. If the much-touted panchayat system is just another name for allowing feudal, barbaric laws to prevail and where sarpanches blatantly abuse the power invested in them, it is surely time to stop them right away.

Rape has always been a crime of power and it persists because women in most of northern India are still seen as a possession of men. If their false sense of honour and pride has been hurt in any way, it is always the woman who pays for it, and it doesn't matter if that particular woman is in any way responsible or not. In our still inherently caste-ridden society it is the Dalit woman who is at the bottom of the pile. She has been abused for centuries. Her body is useable by a man of higher caste without her permission. Or it will be said that her body is where her family's honour lies or through which another's honour is avenged. That makes them worse than chattel. How can India claim to be a civilised, modern superpower when casteism, exploitation of women and barbaric acts against them are tolerated in the name of 'village laws' or 'rural justice'. It is one thing allowing village councils to function to alleviate problems of villagers, but it is another to allow them to become oppressors or perpetrators of criminal practices. Along with the 30 Yadavs who gang-raped the three women, the sarpanch, the village council and all the villagers are guilty and should be punished.

# Triple *talaq*

AIMPLB on marriage reform

**T**he All India Muslim Personal Law Board — which is an authoritative body on Shariat law — have taken significant steps to entrench women's rights. The board wants revision of legal provisions that exclude women from inheriting agricultural property. In Islam a daughter inherits a share of the wealth of her father upon his death, along with the male siblings. And it applies to agricultural land as well. They also deserve credit for attempting a task which is both controversial and emotive within the community — discouraging the custom of "triple talaq in one sitting".

Popular perception of divorce in Islam is that the husband simply repeats the word *talaq* three times to the wife and the divorce is final — this is a fallacy which stems from lack of knowledge and the male domination of society that is prevalent in the country. Islam has a very strict code both as regards reasons for divorce as well as the methods by which it is obtained.

The Shariat stipulates that the divorce process should cover a minimum period of three months during which the couple is required to be separated physically, and at the end of each month the couple must be asked in front of witnesses if they still desire to end the marriage, and only then at the end of the third month can the divorce be finalised.

During the three months of separation the couple also have a chance to reconcile. Divorce known as — *talaq-e-ehsan* — stipulated in the Quran is practiced in most of the Islamic world and by all the 72 sects of Islam. It is regarded as a practical and humane way of ending an unhappy marriage. The "triple talaq" as it is known, does find a place in Shariat as an exception which should be used only in carefully regulated cases and extreme circumstances when an instant divorce becomes necessary.

Unfortunately, in India among the uneducated members of the community, it has gained currency, principally among Hanafi sect of Sunnism, presumably for lack of awareness. The AIMPLB has taken the right step in deciding to launch a campaign to discourage the use of "triple talaq".

Along with this the AIMPLB should also educate the community as to when and why a divorce is applicable under Islam. There is a false presumption that in Islam divorce is easy but there are very strict guidelines under which divorce is allowed; it must not be undertaken lightly. Most important, it is not a male prerogative. Even Muslim women are allowed to demand divorce, the difference is that it is called a *khula* not a *talaq*. Islam is a progressive religion towards the rights of women — the difficult part is the execution of laws. In any male-dominated society this is generally left to men, who find it difficult to share power with the fairer sex.



## রাতারাতি হইবার নয়

একটি শব্দ, উপর্যুপরি তিন বার যাহার উচ্চারণ একটি দাম্পত্যকে মুহূর্তে ধ্বংস করিয়া দিতে পারে, অসহায়, নিঃশ্ব, নিরাশ্রয় ও নিরাপত্তাহীন করিয়া তুলিতে পারে একজন জননী ও স্ত্রীকে যিনি তাঁহার সারা জীবন ব্যাপী তিল-তিল করিয়া একটি সুখের সংসার গড়িয়া তুলিয়াছেন। কম গল্পকথা রচিত হয় নাই সেই ভয়ংকর শব্দটি লইয়া। অতিরঞ্জন বাদ দিলেও অসংখ্য মুসলিম নারীর জীবনে মৌখিক তালাক-এর বিষময় পরিণাম সম্পর্কে সংশয়ের অবকাশ কমই। বিষয়টি লইয়া মুসলিম আইনপ্রণেতাগণ চিন্তাভাবনাও করেন। মুসলিম ব্যক্তিগত আইন পর্ষৎ-এর সদ্য-সমাপ্ত বৈঠকে বিষয়টি পর্যালোচিত হইবে, এমন আশ্বাস শোনা গিয়াছিল। অনেকে আশা করিতেছিলেন, হয়তো মৌখিক তালাক-এর মাধ্যমে বিবাহ-বিচ্ছেদ ঘটাইবার প্রথাটিই রদ করিয়া দেওয়া হইবে। সমগ্র মুসলিম নারী সমাজ এই আশায় বুক বাঁধিয়াছিলেন। শেষ পর্যন্ত তেমন বৈপ্লবিক কিছু ঘটে নাই। পর্ষৎ-এর সদস্যরা সুন্না বা শরিয়তের প্রথাগত ঐতিহ্য তথা ইসলামি আচরণবিধিতে এখনই কোনও মৌলিক পরিবর্তন ঘটাইতে পারেন নাই। শুধু তাহাই নহে, জানাইয়া দিয়াছেন, বিষয়টি তাঁহাদের আলোচ্যসূচিতেই ছিল না। ব্যক্তিগত আইনের সংস্কারের প্রক্ষে এমন ঘটনা হয়তো অস্বাভাবিক নয়।

অথচ ইহা এমন একটি স্পর্শকাতর বিষয় যে এই বিষয়ে সরকার বা রাষ্ট্রের পক্ষে আগ বাড়াইয়া কিছু করাও সম্ভব নয়। সঙ্গে-সঙ্গে ধর্মীয় সংখ্যালঘুর অধিকারে অবাঞ্ছিত হস্তক্ষেপের অভিযোগ উঠিবে। ধর্মনিরপেক্ষ সরকারকেও এ সব ক্ষেত্রে সংখ্যালঘুদের নিজেদের সম্প্রদায়ের ভিতর হইতে পরিবর্তন ও সংস্কারের দাবির জন্য অপেক্ষা করিতে হয়। ভারতে ইতিমধ্যেই এই অপেক্ষার কাল অর্ধ শতাব্দী অতিক্রান্ত। তথাপি ব্যক্তিগত আইনে প্রগতিশীল সংস্কার সাধনের কোনও কর্মসূচি বা এজেন্ডা সংখ্যালঘু সম্প্রদায়ের অভ্যন্তর হইতে উঠিতে দেখা যায় নাই। এমনকী সম্প্রদায়ের আলোকপ্রাপ্ত অংশের মধ্যেও এ ব্যাপারে দ্বিধা প্রচুর। বাল্যবিবাহ, কোলিন্য প্রথা, অকালবৈধব্য, সহমরণ প্রভৃতি শাস্ত্রানুমোদিত প্রথা তো একদা হিন্দু সমাজেও কম দৃঢ়মূল ছিল না। কিন্তু রামমোহন, ঈশ্বরচন্দ্র প্রমুখ সমাজসংস্কারকরা শাস্ত্রের অনুশাসন শিরোধার্য করিয়া বসিয়া থাকেন নাই,

সনাতন বলিয়াই সেই সব কুপ্রথাকে বৈধ বলিয়া মান্য করেন নাই, সেগুলি ঘুচাইবার জন্য আন্দোলন করিয়াছেন, নিজ সম্প্রদায়ের বিরোধিতা, সামাজিক বয়কট, প্রাণনাশের হুমকি অগ্রাহ্য করিয়া রাষ্ট্রকেও পাশে পাইয়াছেন, আইন করিয়া কুপ্রথাগুলি রদ করাইয়াছেন, প্রয়োজনে শাস্ত্রের সাহায্য লইতেও দ্বিধা করেন নাই। দুর্ভাগ্যবশত ভারতীয় মুসলিম সমাজে এ ধরনের আন্দোলন দানা বাধে নাই। ফলে রাষ্ট্রের তরফে মুসলিম নারীর সমানাধিকারের অনুকূলে হস্তক্ষেপ করাও সম্ভব হয় নাই। ইহাতে সবচেয়ে ক্ষতি হইয়াছে ওই সম্প্রদায়েরই। মুসলিম ব্যক্তিগত আইন পর্ষৎ-এর মতো সংগঠনগুলির নিজ সম্প্রদায়ের কাছে যে গ্রহণযোগ্যতা আছে, তাহার ভিত্তিতে সংস্কারের প্রস্তাব তাঁহাদের কাছ হইতেই আসা উচিত। তুরস্কের কথা ছাড়িয়া দিলেও ইরানে, মিশরে, মরক্কোয়, জর্ডানে, সিরিয়ায়, বস্তুত ইসলামি দুনিয়ার বহু স্থানে শরিয়তের যুগোপযোগী সংশোধন বা পরিমার্জনের জন্য আন্দোলন হইয়াছে, তাহা রাষ্ট্র কর্তৃক গৃহীতও হইয়াছে। হয়তো ভারতে মুসলিমরা সংখ্যালঘু বলিয়াই ব্যক্তিগত আইনকে বর্মের মতো আঁকড়াইয়া ধরিয়াছেন এবং তাহার যে কোনও সংস্কারের প্রস্তাবকে সাম্প্রদায়িক পরিচয়চিহ্ন বিলোপের ষড়যন্ত্র রূপে বর্ণনা করিয়াছেন।

পর্ষৎ অবশ্য অন্য দুই-একটি প্রাসঙ্গিক বিষয়ে সদর্পক সিদ্ধান্ত লইয়াছে। মৌখিক তালাক-এর উচ্চারণের মাধ্যমে বিবাহবিচ্ছেদ ঘটাইবার বদলে তৃতীয় পক্ষের মধ্যস্থতা বা সালিশিতে দাম্পত্য-বিবাদের নিষ্পত্তির প্রস্তাব করিয়াছে। এই মর্মে বিবাহের একটি আদর্শ চুক্তিপত্র বা নিকাহনামার খসড়াও করা হইয়াছে। সর্বোপরি, মুসলিম মহিলারা যাহাতে কৃষিজমি ও তাহা হইতে উৎপন্ন সম্পদের উত্তরাধিকার পান, তাহা সুনিশ্চিত করিতে সরকারকে আইন প্রণয়নে অনুরোধ জানানো হইয়াছে। ইহার ফলে শুধু বিবাহকালে প্রতিশ্রুত 'দেনমোহর' নয়, বিবাহবিচ্ছেদ মুসলিম নারী আপন ভরণপোষণের জন্য বিবাহপূর্ব পৈতৃক সম্পত্তির উত্তরাধিকারও অর্জন করিবেন। সংস্কার হিসাবে ইহাকে আমূল বা বৈপ্লবিক না বলিয়া প্রসাধনী বলা যায়। কিন্তু যে অচলায়তন চতুর্দশ শতাব্দী ধরিয়া নিগড়ে সাধনা করিয়াছে, তাহাতে রাতারাতি যুগান্তকারী পরিবর্তনের প্রত্যাশা করাও সমীচীন নয়।

# দেবী চৌধুরাণী

Women's Day 27/5

সেই কবেই বঙ্কিমচন্দ্র প্রস্তুত তুলিয়াছিলেন, 'অবলা কেন মা এত বলে'! দেশের প্রথম

মহিলা 'ডিরেক্টর জেনারেল অব পুলিশ' হিসাবে কাঞ্চন চৌধুরি ভট্টাচার্যের দায়িত্বভার গ্রহণের লগ্নে বঙ্কিম বাচনটিই মনে পড়িয়া যায়। কিরণ বেদীর পরে দেশের দ্বিতীয় মহিলা আই পি এস অফিসার হিসাবে কাঞ্চন অভিনন্দন এবং অভিবাদন পাইতে অভ্যস্ত, তবু এই গৌরবলগ্নে তাহাকে বিশেষ ভাবে অভিনন্দন জানানো কর্তব্য! কর্তব্য কেবল এই কারণে নহে যে তিনি ভারতের প্রথম নারী হিসাবে এই কৃতিত্ব অর্জন করিয়াছেন— বরং ব্যক্তির খণ্ডতায় নহে, প্রতীকের সামগ্রিক পরিসরে দেখিলেই এই কৃতিত্বশালিনীর কার্যক্রমের যথার্থ মূল্যায়ন সম্ভব। তৎকালে এই নারীর কর্মজীবনটি যেন এক দর্পণের মতো হইয়া উঠে, যাহাতে বিস্তৃত হয় দেশের নারীসমাজের স্থিতি ও গতির একটি রূপরেখা। সেই রেখাচিত্রে যে গতির তুলনায় স্থিতির মাত্রাই বেশি, তাহা নিছকই পুরুষতান্ত্রিক দৃষ্টির ফসল নহে, বাস্তব সত্য, যদিও সেই অগতির অন্তরালে পিতৃতন্ত্রের বিবিধ ছক ক্রিয়াশীল নিঃসন্দেহে। সেই প্রতিবন্ধের মোকাবিলা কাঞ্চনকেও করিতে হইয়াছিল, কিন্তু তিনি নিজস্ব উদ্যমে সেই বাধা ভাঙিয়াছেন। কর্মক্ষেত্রে শুধু উচ্চ পদে আরোহণ করেন নাই, গড়িয়া তুলিয়াছেন পরিচ্ছন্ন ভাবমূর্তি। দেশের প্রথম মহিলা ডিজিপি হইবার গৌরব এমন ঐশ্বর্যময়ীরই প্রাপ্য। তদুপরি, তিনি বাংলার বধু, সূতরাং তাঁহার কৃতিত্বে বঙ্গসম্মানগণ ঈষৎ বাড়তি শ্লাঘা অনুভব করিলে বিস্ময়ের কিছু নাই।

ইতোমধ্যেই কাঞ্চন প্রতিবাদী চরিত্র হিসাবে বন্দিত। তাঁহার জীবনকাহিনীর উপরে ভিত্তি করিয়া একটি জনপ্রিয় টেলিভিশন ধারাবাহিক আছে, সেই ধারানামটো কাঞ্চন-অনুসারী নির্ভীক নারীচরিত্রটির রূপদান করিয়াছেন তাঁহারই বোন কবিতা। এই তথ্যের সমাজতাত্ত্বিক তাৎপর্যটি লক্ষণীয়। টেলিভিশনের ন্যায় একটি গণমাধ্যমে এক প্রতিবাদিনীর গল্প জনপ্রিয় হইলে বুঝিতে হইবে, গণমানসে তাহার বিপুল গ্রহণযোগ্যতা আছে। ইচ্ছাপূরণের ছকে এই সংঘটনার এক প্রকার ব্যাখ্যা হয়। এমন নহে যে কেবল নারী-সমাজেই কাহিনিটি জনপ্রিয়। 'পুরুষ'রাও সাবাস দিয়াছেন সেই সাহসিনীকে। ইহা স্মরণে রাখিল, এবং কাঞ্চন চৌধুরি

ভট্টাচার্যের দৃষ্টান্তটি খেয়াল রাখিলে ফের বঙ্কিম প্রস্তুতিই উদ্ভিত হয়, অবলা কেন মা এত বলে? এই মাতৃ-সম্বোধনে লিঙ্গ-রাজনীতির এক বিশেষ প্রকাশ বর্তমান নিঃসন্দেহে, কিন্তু বৃহত্তর অর্থে দেখিলে নারীসমাজের ক্ষেত্রেই প্রস্তুতি প্রযোজ্য। যাঁহারা ধারাবাহিকটিকে বাহবা দিয়াছিলেন, তাঁহারা নিজস্ব জীবনে সেই নীতিকে কত দূর আচরণ করিয়াছেন, তাহাই দেখিবার বিষয়।

কৃতিত্বময়ী নারী হিসাবে কাঞ্চন চৌধুরি ভট্টাচার্য, নিঃসন্দেহে, দৃষ্টান্ত এবং এক অর্থে দৃষ্টান্ত বলিয়াই হয়তো তিনি এক বিশেষ প্রকার অভিবাদনে বন্দি। পিতৃতন্ত্র তাঁহার উপরে 'অনন্য'র অভিধা অর্পণ করিয়াছে, এবং এক হিসাবে ভাবাই যায় যে এই সম্মাননা আসলে তাঁহাকে নারীত্বেরই বিশেষ একটি ধাঁচায় পুরিয়া ফেলিবার আয়োজন। তিনি ডিজিপি পদে আসিয়াছেন বলিয়া যত না অভিবাদন, তিনি নারী বলিয়া অভিবাদনের মাত্রা ঈষৎ অধিক। পিতৃতন্ত্রের প্রকল্পটি এই রকম যে কাঞ্চন চৌধুরি ভট্টাচার্য এমন কোনও কাণ্ড করিয়া ফেলিয়াছেন, যাহা ঐতিহ্যগত ভাবেই পুরুষের এলাকা। তিনি 'বহিরাগত', ফলে বিশেষ সম্মানের যোগ্য। ভাবনার এই ছকটিকেই বস্তুত ভাঙিয়া ফেলা প্রয়োজন। কাঞ্চন চৌধুরি ভট্টাচার্য প্রথম মহিলা ডিজিপি বটে, কিন্তু সেই 'প্রথমা'র লিঙ্গচিহ্নিত পরিচয়েই তাঁহাকে আদ্যন্ত আবদ্ধ করিয়া ফেলিলে তাঁহার অসম্মানই হইবে। তিনি ভারতের জাগ্রত নারীর প্রতীক। তৎসহ, বিশুদ্ধ কর্মযোগেই তাঁহার আত্মপরিচয়ের শিকড়টি নিহিত। নারী হওয়ায় তাঁহাকে এই সমাজে অতিরিক্ত অনেকগুলি বাধা অতিক্রম করিতে হইয়াছে। তাহার জন্য প্রাপ্য গৌরব হইতে তাঁহাকে বঞ্চিত করিবার কোনও কারণ নাই। পাশাপাশি, মনে রাখা প্রয়োজন, 'অসমসাহসিকা' গোত্রের বাহিরেও তাঁহার একটি নৈব্যক্তিক কর্ম-পরিচয় বর্তমান। সেই পরিচয়টিও দৃষ্টান্ত বইকী! পুরুষ-নারী নির্বিশেষে তাহা সবার অনুকরণীয়। কাঞ্চন চৌধুরি ভট্টাচার্য নারী এক দায়িত্বশীল কর্মী যেন শুধু প্রতীকের নিঃসঙ্গতায় আটকাইয়া না পড়েন, যেন সমাজের বিভিন্ন স্তরে তাঁহার জীবনাচরণের প্রেরণা ছড়াইয় পড়ে। তাহা নিশ্চিত করাই সমাজের প্রথম কর্তব্য। সেই কর্তব্যপালনই হইবে এই সাহসিনীর উদ্দেশ্যে যোগ্যতম অভ্যর্থনা।

# Kanchan's Udaan: India gets first woman DGP

By Jaskiran Chopra/TNN

**Dehra Dun:** Remember the hit TV series *Udaan* about the trials, tribulations and triumphs of a woman officer in the Indian Police Service (IPS)? Most of us thought serial-maker Kavita Chaudhury was paying tribute to Kiran Bedi. Well, it turns out Kavita was getting her inspiration from much closer home—from elder sister Kanchan Chaudhry Bhattacharya, who on Wednesday became not only the first woman DGP of Uttaranchal, but also the first woman to head a state police force anywhere in India.

Bhattacharya belongs to the second batch of the IPS after women were allowed to apply for it. She is from the 1973 batch (the better-known Kiran Bedi, the first to get in, was a batch earlier). With a Master's degree in English Literature from Delhi varsity, she also has an MBA degree from the University of Wollongong, Australia.

She came to Uttaranchal as its first female Additional DGP in March 2003. Known for her sincerity and sensitivity, she has often spoken of how she

faced problems in her career initially, being a woman in a large force of men. "But as I went ahead with my resolve to work hard and honestly, the praise began pouring in and I felt I belonged," she told TNN here on Wednesday.

Kanchan is a woman of steel when it comes to duty. In her address to her staff at the police headquarters on Wednesday morning, she sternly but smilingly said, "I do not want to waste any time in polite speeches. What I want is that we should all begin our work in earnest, to rectify the damage done to our image in the state." (Her predecessor, Prem



Dutt Raturi, was removed after he came under a cloud). She called on her staff to "live up to the hopes which the people of the state have in us...I will go out of my way to appreciate your efforts."

Born in Himachal Pradesh, she studied for many years in Delhi. Her profession took her to Lucknow, Bareilly, Mumbai and Malihabad, besides Delhi, where she was DIG, CBI, South-West Zone. "My priority in Uttaranchal will be to clean up the image of our force...my appointment itself is a message for this mission," she said.

# Women's Bill being lapsed, NC seeks Mufti, daughter's resignation

Statesman News Service

JAMMU, June 4. — As the Mufti Sayeed-led coalition government has categorically been told by the Congress president Mrs Sonia Gandhi to get the Women's Reservation Bill lapsed and thus die its natural death, J&K's largest political party, the National Conference today demanded the resignation of chief minister Mr Mufti Mohammed Sayeed and PDP president Miss Mehbooba Mufti for not con-

vening a session of the legislative council and allowing Jammu and Kashmir Permanent Residents (disqualification) Bill to lapse. "The time has come when the chief minister and Mehbooba Mufti should take the moral responsibility and tender their resignation. The Bill seeks forfeiting of permanent resident status of a woman on marrying a non-state subject," said Mr Omar Abdullah, National Conference president and former minister of state for external affairs. He



Mr Mufti Mohammed Sayeed

added that Miss Mehbooba Mufti had herself said that she would quit if the Bill is not passed.

"As the Bill is being allowed to lapse now, she



Miss Mehbooba Mufti

should live up to her word and resign from the post of party president and Lok Sabha seat. Besides, her father who is the chief minister should also take

moral responsibility for failure in passing the Bill and resign," he said. The Bill is likely to lapse on 11 June as the government has not convened the session of the upper house to meet the deadline of three months to pass the Bill. It has triggered off a major controversy in the state with the Opposition going the whole hog against the ruling People's Democratic Party.

Saying that it was unfortunate that the Bill which was passed in the lower house has been allowed to

lapse, Mr Omar Abdullah alleged that Mr Mufti Mohammed Sayeed is a pawn in the hands of the Congress who can even sell the state for saving the chair. And blocking the Bill is one such example. The National Conference president added that PDP stands now exposed before the people over this issue.

**Ultras urged to lay down arms:** Encouraged by the recent surrender of many dreaded terrorists in the Jammu region before the Army and state police authorities, the Army today

**Plan for round III talks with Hurriyat**  
NEW DELHI, June 4. — Two days after Mr N N Vohra was asked to continue as the Centre's interlocuter in Jammu and Kashmir, the coordination group headed by him today held a meeting to discuss the modalities for the third round of talks with the Hurriyat Conference. The meeting among others was attended by home secretary, Mr Anil Bajjal, director of Intelligence Bureau, Mr K P Singh and officials from Research and Analysis Wing. The committee discussed the present situation including the recent attack on senior Hurriyat leader Mr Mirwaiz Umer Farooq, official sources said. — SNS

made a fresh appeal to Kashmiri militants to lay down their arms and join the national mainstream for ushering in a new era of peace and progress in Jammu and Kashmir. Interestingly, this is for the first time after the formation of the United Progressive Alliance government that such an appeal was made by the Army to the local militants.

# মহিলা, তাই শিক্ষিকা-পদে নিতে নারাজ ছেলেদের স্কুল

রানা সেনগুপ্ত • বর্ধমান

শ্রেণি মেয়ে হয়ে জন্মানোর কালনার সিমলনের একটি স্কুলে চাকরি পেয়েও কাজে যোগ দিতে পারছেন না এক তরুণী।

কাবেরী সাহা নামে এই তরুণীর অভিযোগ, স্কুল সার্ভিস কমিশন তাঁকে এপ্রিলে 'সিমলন এ কে বিদ্যামাশির' স্কুলে শারীরিক শিক্ষক হিসাবে যোগ দেওয়ার নির্দেশ দিলেও বারবার গিয়েও তিনি স্কুল-কর্তৃপক্ষের কাছ থেকে নিয়োগপত্র পাচ্ছেন না। কারণ, তিনি 'মহিলা'। যেসকলে তাঁকে যোগ দিতে বলা হয়েছে, সেখানে কেবল ছেলেরাই পড়ে। স্কুল-কর্তৃপক্ষের বক্তব্য, এক মহিলার কাছে ছাত্রেরা শারীরিক ক্রাস করতে 'লজ্জা' পাবে। স্কুল সার্ভিস কমিশন অবশ্য কাবেরীর পাশেই দাঁড়িয়েছে।

বস্তুত, তারা এটিকে একটি চ্যালেঞ্জ হিসাবেই নিয়েছে। কাবেরীকে নিয়োগপত্র না-দিলে স্কুলের সরকারি অনুদান বন্ধের কথাও বলেছেন জেলা স্কুল পরিদর্শক।

কাবেরীর বাড়ি নদিয়ার কোতোয়ালি ধানার শিবাজিনগরে। গত দু'মাস ধরে চাকরির জন্য তিনি শিক্ষা দফতরের নানা অফিসে ঘুরেছেন। কিন্তু এখনও স্কুলে যোগ দিতে না-পারায় বিধবা মা ও বোনকে নিয়ে আর্থিক সমস্যাতে পড়েছেন তিনি। কাবেরীদেবী যে লিঙ্গবৈষম্যের শিকার, তা স্বীকার করেছেন স্কুল সার্ভিস কমিশনের পূর্বাঞ্চল শাখার চেয়ারম্যান তপন দত্ত। তিনি বলেন, "এই স্কুল থেকে আমরা চিঠি দিয়ে বলা হয়েছে, সেখানে পুরুষ শিক্ষক পাঠানো হোক। কারণ, স্কুলটি ছেলেদের। কর্তৃপক্ষ জানিয়েছেন, এক তরুণীর কাছে শারীরিক শিক্ষার পাঠ নিতে ছাত্রেরা লজ্জা পাবে।"

স্কুল সার্ভিস কমিশনের পরীক্ষা দিয়েই শারীরিক শিক্ষার পদে মনোনীত হয়েছিলেন কাবেরী। তার বাবা লক্ষ্মীনারায়ণ সাহা ছিলেন ছোট ব্যবসায়ী। দু'বছর আগে তিনি মারা যান। তার পর থেকে মা ও বোনকে নিয়ে অতি কষ্টে দিন কাটছে তাঁর।

বুধবার তিনি জানান, এপ্রিলের মাঝামাঝি স্কুল সার্ভিস কমিশনের পূর্বাঞ্চলের অফিস থেকে তাঁকে এই স্কুলে চাকরি পাওয়ার কথা জানানো হয়। বলা হয়, তিনি যেন এই স্কুলে অবিলম্বে যোগাযোগ করে নিয়োগপত্র নিয়ে কাজে যোগ দেন। খবর পাওয়া মাত্রই তিনি স্কুলে যান।

কাবেরীর অভিযোগ, স্কুলের প্রধান শিক্ষক মুক্তিপদ চন্দ্র তাঁকে জানান, কমিশনের নির্দেশ তারাও পেয়েছেন। কিন্তু তখনই তাঁকে নিয়োগপত্র দেওয়া

সম্ভব নয়। স্কুল পরিচালন সমিতির বৈঠকে আলোচনার পরেই তাঁরা এই বিষয়ে সিদ্ধান্ত নেন। কাবেরীর অভিযোগ, কিছু দিন পরেই প্রধান শিক্ষক তাঁকে জানিয়ে দেন, তিনি 'মহিলা' বলে তাঁর পক্ষে ছাত্রদের শারীরিক শিক্ষা দেওয়া সম্ভব নয়। তা ছাড়া ছাত্রেরাও তরুণীর সামনে খেলাধুলা বা ব্যায়াম করতে লজ্জা পাবে। তাই তাঁকে নিয়োগপত্র দেওয়া সম্ভব নয়।

মুক্তিপদবাবু এ দিন বলেন, "স্কুল পরিচালন সমিতির বৈঠকে আলোচনার পরেই আমরা এই তরুণীকে নিয়োগ পত্র না-দেওয়ার সিদ্ধান্ত নিই। ছাত্রেরা এই তরুণীর সামনে প্যাট খুলে খেলাধুলা করতে লজ্জা পেতে পারে। এ কথা আমরা স্কুল সার্ভিস কমিশনকে জানিয়েও দিয়েছি।"

কিন্তু এটা কি লিঙ্গবৈষম্য নয়? শুধু

মেয়ে বলেই কাবেরী এই পদে নিয়োগপত্র পাবেন না? মুক্তিপদবাবুর সাক্ষ জবাব, "এটা গ্রামীণ এলাকা। এখানে ও-সব চলবে না।"

কাবেরীকে নিয়োগপত্র না-দেওয়ায় শিক্ষা দফতরের কর্তারা যারপরনাই ক্ষুব্ধ। তপনবাবু বলেন, "কয়েক দিন আগে আমরা সংশ্লিষ্ট স্কুলকে চিঠি দিয়ে জানিয়েছি, এই তরুণীকেই শারীরিক শিক্ষার শিক্ষিকা হিসাবে নিতে হবে। অন্য কাউকে আমরা পাঠাব না।"

জেলা স্কুল পরিদর্শক শিবাজি পোডেল বলেন, "আমি স্কুল-কর্তৃপক্ষকে চিঠি দিয়ে জানিয়েছি, কাবেরীকে নিয়োগপত্র না-দিলে সরকারি অনুদান বন্ধ করা হবে। এমনকী বেতনও আটকানো হবে। দেখি, এর পরেও স্কুল-কর্তৃপক্ষ এই তরুণীকে নিয়োগপত্র না-দিয়ে পারেন কী করে!"

# নারী নির্যাতন রোধে অ্যাকশন প্ল্যানের উদ্যোগ রাজ্যের

অংশু চক্রবর্তী

শহর ও শহরতলিতে নারীদের ওপর যে-কোনও ধরনের অপরাধ দমনে, কলকাতা ও রাজ্য পুলিশকে অ্যাকশন প্ল্যান করার নির্দেশ দিয়েছে রাজ্য স্বরাষ্ট্র দপ্তর। অন্য রাজ্যের তুলনায় নারী নির্যাতনের ঘটনা এ রাজ্যে কম। তবে কিছু ঘটনা ঘটছে। রাজ্য সরকার এ সব অপরাধ নির্মূল করতে বন্ধপরিকর। অহিনশুঙ্খলা পরিস্থিতি যে-কোনও রাজ্যের তুলনায় অনেক ভাল। এদিকে আজ বুধবার জাতীয় মহিলা কমিশনের উচ্চ পর্যায়ের প্রতিনিধি দল দু'দিনের সফরে কলকাতা আসছে। প্রতিনিধি দল ইন্ডিয়ান ইনস্টিটিউট অফ কেমিকেল ইঞ্জিনিয়ার্স, যাদবপুর বিশ্ববিদ্যালয়ের ক্যাম্পাসে স্বেচ্ছাসেবী সংগঠন, আইনজীবী, শিক্ষাবিদদের সঙ্গে কথা বলবে। শুধু তাই নয়, তারা এ রাজ্যে মহিলাদের অগ্রগতি, উন্নয়নের বিষয়েও স্বেচ্ছাসেবী সংগঠনগুলোর সঙ্গে কথা বলবে। রাজ্য মহিলা কমিশনের প্রতিনিধিরাও থাকবেন। অন্যদিকে কেন্দ্রীয় সরকার নারী নির্যাতন রুখতে বেশ কিছু পদক্ষেপ নেওয়ার জন্য রাজ্য সরকারকে চিঠি দিয়েছে। তাতে বলা হয়েছে স্কুল, কলেজ, হাসপাতালের মধ্যে হেল্পলাইন চালু করতে হবে। যাতে নির্যাতিত মহিলারা সঙ্গে সঙ্গে হেল্প লাইনের সাহায্যে যোগাযোগ করতে পারেন স্বেচ্ছাসেবী সংগঠন, থানার সঙ্গে। থানায় মহিলা পুলিশ সেল করা দরকার। সেই সঙ্গে শুধুমাত্র মহিলাদের জন্য মহিলা পুলিশ-পরিচালিত থানা করার পরামর্শ দেওয়া হয়েছে। সেই জন্য মহিলা পুলিশ নিয়োগের ওপর বেশি জোর দেওয়ার কথা বলা হয়েছে। স্কুল, কলেজের ছাত্রীদের নিরাপত্তার নজর, সেই সঙ্গে মহিলা পুলিশকে সেই সব জায়গায় নজরদারির কাজ করতে বলা হয়েছে। চিহ্নিত করতে হবে অপরাধপ্রবণ এলাকাগুলোকে। এফ আই আর নেওয়ার ক্ষেত্রে গড়িমসি একেবারেই চলবে না। নারীদের ওপর অপরাধ সংগঠিত হলে সঙ্গে সঙ্গে এফ আই আর নিতে হবে। এফ আই আরে অপরাধীদের নাম রাখতে হবে। পুলিশকে বলা হয়েছে, দ্রুত তদন্তের কাজ শেষ করে চার্জশিট দিতে হবে ৩ মাসের মধ্যে। ধর্ষিত মহিলাদের দেরি না করে ডাক্তারি পরীক্ষা বাধ্যতামূলক। যে-সব পুলিশ নারী নির্যাতনের ঘটনার তদন্ত করবেন তাঁদের সামাজিক আইন সম্বন্ধে স্বচ্ছ ধারণা থাকা দরকার। সমন্বয় রাখতে হবে স্বেচ্ছাসেবী সংগঠনগুলোর সঙ্গে। বাড়িতে হবে পুলিশ-পেট্রল। সবচেয়ে বেশি নজর রাখতে হবে এলাকার মহিলাদের ওপর। তাঁরা যেন সব ধরনের সাহায্য পান। জেলাশাসক, পুলিশ সুপারদের এদিকে বিশেষ নজর রাখতে বলা হয়েছে। জোর দেওয়া হয়েছে কাউন্সেলিং-এর ওপর। পুনর্বাসন, সামাজিক নিরাপত্তা যাতে নির্যাতিত মহিলাদের সুরক্ষিত থাকে তা দেখতে বলা হয়েছে রাজ্য সরকারকে। রাজ্য সরকার এক্ষেত্রে কী কী অ্যাকশন প্ল্যান করেছে তা এক মাসের মধ্যে কেন্দ্রকে জানাতে হবে। জাতীয় ও রাজ্য মহিলা কমিশন সমন্বয় রেখে কাজ করে চলেছে। ঘটনা ঘটলেই তারা ছুটে যাচ্ছে। অভাব, অভিযোগ শুনছে, দ্রুত রিপোর্ট দিচ্ছে কেন্দ্র ও রাজ্যকে।

# Arundhati Roy, Kiran Bedi Get World Honours

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*Women*  
*30/5*

**New Delhi:** May 29 turned out to be a red letter day for Indian women. While author-activist Arundhati Roy bagged the 2004 Sydney Peace Prize, supercop Kiran Bedi received the UN medal for outstanding service.

While Roy won accolades for peace, Bedi served the cause of peacekeeping. Arundhati Roy has been blistering in her criticism of the US role in the war against terror. "Today, in a world convulsed by violence and un-

believable brutality the lines between 'us' and 'the terrorists' have been completely blurred. We don't have to choose between imperialism and terrorism; we have to choose what form of resistance will rid us of both," she was quoted as saying.

The author of *The God of Small Things*, who won the 1997 Booker Prize for her work, has been an active political and human rights activist. "Arundhati Roy has been recognised for her courage in campaigns for human rights and for her advocacy of non-violence, as expressed in her demands for justice for the poor; for the victims of communal violence, for the millions displaced by the Narmada dam projects and for her opposition to nuclear

weapons," the Sydney Morning Herald quoted the jury's citation, as saying.

Roy follows the 2003 winner, the Palestinian academic and human rights campaigner Hanan Ashrawi, whose selection drew controversy and hostility from sections of the Jewish community. "Arundhati Roy is a

distinguished world citizen. She is an outstanding communicator who writes with great clarity and grace. At a time of terrible disregard for human life, we need to hear from citizens like Arundhati Roy," the director of the Sydney Peace Foundation, Pro-

fessor Stuart Rees, said. Arundhati will deliver the City of Sydney Peace Prize Lecture on November 3.

Kiran Bedi was felicitated along with 22 other military and police officers serving with the UN on Friday. The medal was pinned by assistant secretary-general for peacekeeping operations Hedi Annabi at an impressive ceremony where the recipients were dressed in their national uniforms. Bedi has been with the world body for more than one and half years, overseeing the police component of the expanding peacekeeping operations. The UN observes May 29 as International Day for Peacekeepers. This year, ceremonies were held a day earlier as May 29 falls on a Saturday.



11-11-27/5

# Women's groups meet Sonia

By Aarti Dhar

NEW DELHI, MAY 26. The Congress president, Sonia Gandhi, has said there would be a sympathetic consideration of women's demands in the common minimum programme of the United Progressive Alliance.

The assurance came when a delegation of women, representing 18 national women's organisations, met her this morning to ensure inclusion of certain demands in the CMP, including the passage of the Women's Reservation Bill.

Talking to reporters, Mohini Giri of the Guild of Service said the Left parties had extended their support for the inclusion of the bill in the CMP while other partners of the alliance are also being approached.

The women's representatives will meet the Prime Minister, Manmohan Singh, and the Rashtriya Janata Dal chief, Laloo Prasad Yadav, who is opposed to the bill. But, with the RJD being an alliance partner, the women are hopeful that he could be impressed upon to extend support.

In a memorandum to Ms. Gandhi, the delegation said that it was a matter of deep concern that in the three drafts of the CMP that had been circulated, there was no mention of the Women's Reservation Bill and it amounted to betrayal of



Members of women's organisations talking to the media after meeting the Congress president, Sonia Gandhi, in New Delhi on Wednesday. — PTI

women's interests.

Suggesting that the section on women in the draft CMP was "vague and very generalised," it said women were looking for a concrete commitment from her Government.

Presenting their mini CMP to Ms. Gandhi, the women's groups wanted a firm commitment to the passage of the Reservation Bill that has been hanging fire for the past decade, passage of the

Protection Against Domestic Violence Bill with amendments suggested by the women's organisations and implementation of the various recommendations of the Law Commission to reform laws concerning women.

Universalisation of the Public Distribution System, giving land ownership rights to women and special work schemes for poor women in rural and urban areas,

implementation of the non-coercive, non-targeted National Population Policy as opposed to the coercive anti-women policies in place in many States and strict implementation of the laws of sex selection and sex determination techniques and tests were other issues raised by the women's groups.

Importantly, the women demanded an end to licensing for liquor vends as

a revenue source and a comprehensive liquor policy taking into account the concerns of women.

"We assert that any CMP that seeks to provide the basis for pro-people governance must necessarily work out concrete measures for the advancement of women, without which it will surely be inadequate and incomplete," the delegation members told reporters here today.

The National Commission for Women has sent a charter to the Prime Minister seeking a better deal for women, which it believes could partly be achieved by the passage of the bill.

The organisations that extended support to the demands are the Guild of Service, All-India Democratic Women's Association, All-India Women's Conference, National Federation of Indian Women, Joint Women's Program, Young Women's Christian Association, Muslim Women's Forum, Delhi Commission for Women, Stop Trafficking and Oppression of Children and Women, All-India Trade Union Congress, War Widows Association, Centre for Social Change and Innovation, Women's Study Centre, Lawyer's Collective, Women's Rights Initiative, Women's Initiative for Peace in South Asia and All-India Bandhua Mazdoor Sangh.



# 'Divorce' over polio drops

OUR CORRESPONDENT

**Behrampore, May 26:** Montaj Sheikh "divorced" his wife yesterday for administering polio vaccine to their two children against his wishes.

Sheikh, a resident of Lochanpur-Shishapara village, 235 km from Calcutta, had instructed Tulbanu Bibi not to have their children vaccinated against polio.

Tulbanu, thus, did not go to the pulse-polio camps organised on Sunday. On Monday, too, she turned away health workers, members of NGOs and local villagers who were going door-to-door to administer the vaccine to children who had missed it on Sunday.

But, yesterday Tulbanu allowed her one-month-old son and three-year-old daughter to be vaccinated when health workers visited her house in the Islampur area of Murshidabad district and urged her to change her mind.

Sheikh, who was then working in the fields learnt of the vaccination when he returned home. The furious farmer uttered "*talak*" thrice addressing his wife.

However, the village elders refuse to accept Sheikh's utterance of "*talak*" three times as absolute divorce. They say "*talak*" has to be uttered in three consecutive months and have explained their stand to his wife.

"Uttering the word *talak* three times at a go in an angry state of mind does not amount to divorce. So, we are not accepting Sheikh's uttering *talak* thrice as divorce. If the word *talak* is uttered three times every month

within the next three months then only it will be considered as divorce, according to our religion," said Karim Sheikh, a village elder.

The elders have rebuked Sheikh for what he has done. "We were very angry when we heard what Sheikh has done. We told him not to carry this issue forward," said Wahab Ali, a villager. Sheikh, however, was not available for comment.

"My husband had strictly asked me not to have our children vaccinated against polio. According to his instructions, I did not go to the pulse polio health camps on Sunday. Health workers came to our house on Monday during the door-to-door campaign and I refused again," said a very depressed Tulbanu.

"But, yesterday, health workers, NGO workers and villagers pressured me to administer polio drops to my children and I gave in. When my husband came to know of it he became very angry, beat me up and uttered *talak* thrice," she said.

Murshidabad chief medical officer (health) Sachidananda Sarkar said he had received a report from the block health officer on Tulbanu's *talak*.

"The incident is shameful and very unfortunate. I have received a report from my block health officer. The incident is a pointer to the lack of awareness in rural areas. We have to work hard and take the polio vaccination programme forward by convincing the rural people that the vaccine is harmless," Sarkar said.

Health officials said Murshidabad district lags behind in polio vaccination.

# Dhaka passes women's Bill

Press Trust of India

DHAKA, May 16. — Bangladesh parliament today passed a controversial constitution amendment bill reserving 45 seats for women among other things, despite protest from opposition parties.

There were 225 votes in favour and one against the bill while main opposition Awami League (AL) legislators were not present when the Constitution (14th Amendment) Bill, 2004 was passed.

The Constitution Bill changed a number of provisions of the basic laws, including reintroduction of reserved seats for women, raising

the age limits of judges of superior courts from 65 to 67 and also of member of constitutional bodies like public service commission, and displaying of the portraits of President and Prime Minister in government offices.

The four-party ruling alliance led by Prime Minister Begum Khaleda Zia made sure that all of its members numbering 219 in the 300-member House were present during the sitting. It had earlier issued necessary directives to them to be present.

Sheikh Hasina, AL chief and leader of the Opposition in Parliament, who strongly opposed the bill, had termed the judge's retirement age provision as "politi-

cally-motivated". At a rally yesterday she claimed: "They (ruling party) are bent on passing the law to cling on to power, but people won't accept the provision." Mohammed Kader, a member of Jatiya Party (E), the second largest opposition party, had also said: "We'll use every means to protest the bill's passage of the bill".

The bill, originally placed in the House on 17 March, was withdrawn last month and re-tabled after incorporation of some new provisions. Besides AL, all other opposition parties had also protested the bill.

Law and parliamentary affairs minister Mr Moudud Ahmed, who has piloted the bill, said there was no way out to withdraw the bill or go back.

# Woman alleges abuse at work, gets the sack

ANAND SOONDAS

**Mumbai, April 28:** A Mumbai-based programme executive at Sahara Manoranjan has gone to police with complaints of sexual harassment at work and — finding no response — is now planning to move court.

The 29-year-old woman working with Lucknow-based Sahara India's entertainment division received her termination

letter yesterday.

"Sometimes the bosses would call me up and ask me to meet them in private and sometimes I would be asked to entertain certain important people while dressed in a certain way," she said.

A top official at Sahara's corporate communications office in Lucknow said he knew about the incident but there was "no substance" in the allegations. "She is of unsound mind and beat up

an employee on Holi," he said, "and she was not exactly Zeenat Aman that everybody would be after her."

"Matters came to a head when on Holi a colleague pawed me and I slapped him," the woman said. She said that on March 8 and again on March 21, she went to Goregaon police station with her complaint against a particular employee at Sahara. "But the police, instead of taking action,

offered to intermediate and asked me to make a compromise."

Aided by about 10 non-governmental organisations, the woman is now thinking of going to court. "The option is open but we are taking legal advice on how to go about it," she said.

The Sahara official said she was sacked because of "unprofessional conduct and for making baseless allegations against the company". "We even institut-

ed a fact-finding committee to look into the incident. They didn't find anything in it."

The woman said: "The management gave me a transfer order to Lucknow to kill the case. There was no investigation and the fact-finding committee was a farce."

NGOs backing her say that more than the immediate provocation, the point is that the Sahara group does not have a cell

for tackling allegations of sexual harassment.

In a letter to Sushanto Roy, Sahara chief Subroto Roy's son who looks after the entertainment division, the woman claimed she had written: "Sahara has violated the mandatory order of the Supreme Court (Vishaka judgment of August 13, 1997) by failing to set up a committee to look into the case even after it was brought to the notice of the

management." Every company has to have a cell to take care of such instances under the order.

A top Sahara official said from Lucknow: "We live and work as a parivar at Sahara and have no space for such staff. In fact, even you should not be treating her like Indira Gandhi."

The woman said: "I have been with the company for seven years and the calls asking for sexual favours began pretty soon..."

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THE TELEGRAPH

# Young women harassed at home and outside

OUR BUREAU

Calcutta, April 21: The 25-year-old who was molested at a crowded railway station on Monday on her way back from work today gave up her job, saying she did not feel safe outside her home in Buddhadeb Bhattacharjee's Bengal. But a 22-year-old has found she is not safe even at home.

Four men had been tormenting the housewife in Barasat, 40 km from here, for a week. On Sunday, they barged into her house and molested her in front of her four-year-old daughter.

The victim (name withheld) and her 20-year-old sister-in-law went to police, but no action was taken. The family today approached sub-divisional police officer Kanad Mukherjee who has asked Barasat police to act.

"*Bhayankar ghatana* (horri-fying incident)... there is no denying it," the chief minister said at Writers' Buildings, referring to Monday's incident at Hridaypur. "I have asked the director-general of police to initiate action. *Sab kotake tene bar korbo, sabaikhe arrest kara hobe* (All the culprits will be tracked down and arrested)." Three persons

were picked up late tonight.

He might have more to say about the Barasat incident. The men who stalked the 22-year-old every day and assaulted her in her house are activists of the DYFI, the CPM's youth wing.

The local DYFI leadership admitted that Ramen Dhali, Debu Kundu, Ratan Sarkar and Surjo Das — named by the victim — are party workers. "Yes, they do belong to our local unit in Barasat, but I will have to find out what crime they have actually committed," Pulak Kar, the DYFI (North 24-Parganas) district secretary, said.

Police said the woman used to find it difficult to walk down the narrow lanes of Chaitanyanagar, where the family had moved recently, because the youths passed lewd comments.

On Saturday, the woman's husband went to the local DYFI office and told the gang of four — all in their late twenties — to stay away from her. "Please stop bothering her or I will have to go to the police," he said.

The next day, at 9 pm, the youths landed at the house and called for the husband knowing he was not there. When the wife

came out, they grabbed her and pushed her back inside.

Hearing her cries, her sister-in-law rushed to help but was slashed by a pocket-knife on her right elbow. Neighbours looked the other way. As her little daughter watched and cried, the youths molested the 22-year-old for nearly 20 minutes.

"Don't you dare go to the police. We will kill your husband," the men warned before they left. The woman did go to the police, but no note was taken till Congress leader Bishal Sarkar raised the issue at a public meet.

Promising action against the Hridaypur culprits, Bhattacharjee insisted the incident was not a reflection of the law and order situation in Bengal. "Certain unfortunate incidents have indeed taken place, but the overall situation in Bengal is still the best."

But the two women would not agree. "I was viciously teased and tormented at a place like Hridaypur, which is only 15 km from Calcutta. I don't feel safe outside my home and there is no option left for me to save my honour except leaving the job," she told her employer, handing him the resignation.

# Court order bolsters in-laws' position

## BALANCE RESTORED, FEEL LAWYERS

Nandini Guha  
Kolkata, April 20

PARENTS-IN-LAW might now be able to turn their *bahu* out of their house without bringing upon themselves the threat of arrest before trial, lawyers said today.

The Calcutta High Court had ruled on Monday that "no son or daughter (or their spouses) above age 18 has any right to stay at their parents' house if they (the parents) do not like them". Noted lawyers explained to *Hindustan Times* that this means a couple who own a house can ask their son or daughter-in-law to leave on the ground of "misbehaviour".

What happens if the daughter-in-law lodges a complaint under Section 498-A of IPC, saying her in-laws threw her out? The section lays down that a verbal complaint from a woman against her husband or in-laws is enough to get them arrested straight away.

"After Monday's court order, a daughter-in-law's complaint that she had been thrown out of the house may not sustain under Section 498-A," said advocate Paritosh Sinha.

Retd Chief Justice Chittatosh Mukherjee explained: "If a daughter-in-law complains of any form of mental or physical torture, then it can be lodged under Section 498-A. If the father-in-law throws her out and there is any injury involved, then it clearly becomes a case of 498-A. But if the father-in-law can prove there was no harassment, he can oust the daughter-in-law without any legal complications."

But can't a woman who has been driven out, with or without injury, argue mental torture and invoke 498-A? Some lawyers — even women's activists — said Monday's order would restore the balance in such cases where, they felt, the in-laws sometimes got little legal protection.

"We know of many cases where a woman has misused Section 498A to spite her in-laws," said Maitreyee Chatterjee of Moitri, an umbrella women's organisation of the state. But she cautioned, "This order, too, can be misused by in-laws."

Writer and activist Mahasveta Devi, citing similar grounds, told *HT*: "It's too early to say if the judgment would be

### Point counterpoint

■ HC rules 'no son or daughter (or their spouses) above age 18 has any right to stay at their parents' house if they (the parents) do not like them'

■ Lawyers feel this could balance the provisions of Section 498-A of IPC, under which a woman can complain of being mentally tortured and thrown out and get her in-laws arrested straight away

■ Women's activists partly agree but caution that this order, in turn, can be misused by in-laws



good or bad for society."

"The order is significant in the context of the growing number of complaints from elderly people that their children are torturing them," Sinha said.

A former Chief Justice of Calcutta High Court, however, felt there is a "social relevance" to the order. "In Europe and America, children usually leave home by the time they are 18," he said. "Things are different here because of the joint family system. Maybe this order will protect the abused elders; but not too many parents will move court to oust their children or relatives."

With inputs from Mou Chakraborty

# 20 chargesheeted in Bilkis Yaqub rape case

By Our Special Correspondent

**NEW DELHI, APRIL 19.** The Central Bureau of Investigation today filed a chargesheet in the sensational Bilkis Yaqub gang rape-cum-massacre case.

It names as accused 20 persons, including six police officials and two doctors. The chargesheet, filed in a designated court at Dhoad near Ahmedabad, slapped charges against the accused under Sections 120-B, 302 and 376 of the Indian Penal Code. The provisions relate to conspiracy, murder and rape.

CBI sources said here that the recovery of photographs proved to be crucial evidence against the six police officials.

The CBI had produced more pictures of the victims who had been massacred by the mob in

the post-Godhra riot case than claimed by the State police.

According to the chargesheet, "the most vital breakthrough came when some pictures were seized by the agency in Ahmedabad.

Till the discovery of the photographs, some State police officers were constantly refusing to admit that there were more dead persons than had been stated on record."

During the investigation, CBI reportedly found that six police officers — a Deputy Superintendent of Police, one Area Circle Inspector, two sub-inspectors, one assistant sub-inspector and one head constable — had entered into a 'criminal conspiracy' not only to shield the accused but also to suppress and destroy evidence, a CBI spokesman

said.

In the act of suppressing material facts and destruction of evidence, the CBI also found the involvement of two doctors, he said. Those chargesheeted also included 12 private persons.

Out of the 20, 14 are in judicial custody.

The police officials were booked for allegedly entering into a criminal conspiracy and also suppressing and destroying evidence, besides falsifying the records.

The investigation into the case was begun afresh by the CBI in accordance with the direction of the Supreme Court. The agency had also submitted two status reports in the case to the court in which Gujarat Police had been indicted.

# LTTE frees 150 child soldiers, claims control of east

APD-11  
14/2  
By V.S. Sambandan *women's*

**COLOMBO, APRIL 13.** A day after gaining an upper hand in rebel-held parts of eastern Sri Lanka, the Liberation Tigers of Tamil Eelam (LTTE) today released 150 former child soldiers, and claimed that it had wrested control from the expelled eastern military commander, V. Muralitharan ['Col.' Karuna], who gave up some of his key bases and left for an undisclosed destination yesterday.

However, as the whereabouts of 'Col.' Karuna remain unknown, defence and police officials and ceasefire monitors declined to corroborate the LTTE's claim of ground-level control.

"That is what they have claimed. We cannot confirm it," Hargrup Haukland, Deputy Head of Mission of the Sri Lanka Monitoring Mission, told *The Hindu*.

With no fighting reported today, reports from Batticaloa said the rebel forces sent by the LTTE leader, V. Prabhakaran, "to get rid of" Col. Karuna were "consolidating" and carrying out "mopping up operations."

The Sri Lankan Defence Secretary, Cyril Herath, who yesterday offered "humanitarian help" for 'Col.' Karuna, if requested by him, said the eastern situation was "not very clear yet. We do not know into what situation it will develop."

Despite the continued absence of confrontation, eastern police remain guarded in assessing the situation. "Unless we know where Karuna is, we cannot consider this over," police sources said.

The UNICEF, which facilitated today's release, said: "All the children released were from the eastern region," which witnessed a more-than-a-month-long defiance by 'Col.' Karuna who broke ranks on March 3, citing "discrimination" against the east.

The UNICEF has called on the LTTE to "begin a process of releasing equal numbers of underage recruits from the northern cadres as well."

## Holiday for Central Government offices

**NEW DELHI, APRIL 13.** All Central Government offices, including industrial establishments, will remain closed tomorrow on account of the birth anniversary of Dr. B.R. Ambedkar, an official spokesman said.

The Government has decided to declare April 14 as a "closed holiday," which has also been notified under the Negotiable Instruments Act, 1881, he said. — PTI

# GENDER INJUSTICE

## Discriminatory Property Laws Where Women Are Losers

By FAIZAN MUSTAFA

India may be shining but certainly not for its women. The state never set out to fundamentally change gender relations or enable women to have access to land/property and other resources. Formal equality is enshrined in the Constitution. Notwithstanding formal guarantees of equality, Indian women's lives continue to be characterised by pervasive discrimination and substantive inequality. Though the J&K Bill could not be passed in Legislative Council, it has brought the larger issue of women's property rights to the fore.

The Jammu and Kashmir Permanent Resident (Disqualification) Bill, 2004 lays down that a female permanent resident on her marriage with non-permanent resident shall lose the status of a permanent resident and thus lose even her otherwise limited property rights.

### Appendages

In October 2002, in the famous case of Dr Susheela Sawhney, the Kashmir High Court's full bench granted limited "lifestate" rights to women but the government today declared that women of the state are not separate entities in themselves but are mere appendages of men either as daughters or wives. Paradoxically, the Bill was passed with total unanimity cutting across party affiliations and with the consensus of three women members of the House, including the ruling party's female president Mehbooba Mufti.

The Bill in this regard was moved on the last day of the budget session and was passed by voice vote with the questions pertaining to the divorcees, widows, adoption, children etc by some MLAs being left unanswered. There are serious doubts about the constitutionality of this Bill even by keeping it in Schedule 9 (laws put in this schedule cannot be challenged on the ground of being in contravention of fundamental rights). However, the Bill does not alter the legal position of female descendants of permanent residents in the matter of inheritance. Since Muslims are in big majority in Jammu and Kashmir, we need to know about the legal position of Muslim women in the state.

The Muslim Personal Law (Shariat) Application Act, 1937, which abolished the legal authority of custom among Muslims of British India, did not extend to

*The author is Associate Professor, Department of Law, Aligarh Muslim University.*

the state and consequently custom continue to govern Muslims in all such matters. It is interesting to note that all central laws applicable to Muslims extend to Jammu and Kashmir with or without amendments except for the Shariat Act. In Kashmir, the overriding importance of customary law is borne by Section 4 of the J&K Sri Pratap Consolida-

as interference in their personal law. A survey conducted by Professor Nisar Ganai found that 96 per cent of the respondents want a reform in this law but there is no willingness on the part of the government.

The BJP has threatened to make the recent Kashmir law an election issue. But are BJP lead-



tion of Laws Act, 1920 which explicitly provides that "in all questions regarding succession, inheritance, special property of females, divorce, adoption, guardianship, minority, divorce, the rule of decision in this province is the personal law excepting in so far as such personal law has been modified by any custom applicable to the parties concerned". The revenue courts have gone a step ahead by holding that "in matters of succession to agricultural property among Muslims, customary law and not Shariat is applicable".

### Bad deal

The general rule of succession under the customary law is that "succession first goes to the direct male lineal descendants of the last owner to the exclusion of female descendants, excepting in the case of daughters who have been married at home by their fathers in their life-time". One is at a loss to understand from which rule of Islam a distinction can be made between a married and unmarried daughter on the basis of their residence.

In Kashmir, while a married daughter living with father will get a share in property the one who is living with her husband won't get any share. It is indeed a clear violation of Islamic law yet Muslims will raise this issue

ers aware that women get a bad deal under the UP Zamindari Abolition & Land Reforms Act, 1952. Under this law, women get no share at all in the agricultural properties. The Muslims of UP have also accepted this law without any protest because the law benefits Muslim men. One is, indeed, at a loss to understand the whole definition of personal law under the Shariat Act as it does not include agricultural property.

The result is that while in matters relating to marriage, divorce, inheritance, gifts etc, Muslims are governed by personal laws, in case of agricultural properties, they are subject to secular state laws. The catch is that our modern looking secular land laws do not give any share whatsoever to women and, therefore, Muslim males stand to gain by accepting these laws since, under these laws, they won't be under an obligation to give half a share to daughters as mandated by the Islamic law. Muslim fundamentalists oppose only such secular laws or decisions which deny or restrict their rights, powers or control over wives and daughters.

The Uttar Pradesh law is highly discriminatory to the fair sex. The male inheriting from a male is full and absolute owner but a female heir has only limited rights. As such, on her death the

interest in the holding passes not to her own heirs, but it reverts back to the last male heir from whom she succeeded and devolves upon the nearest heir of the last male owner. The rule is in conformity with orthodox Hindu law. Moreover, on the death of a tenure holder, his interest devolves upon his son/sons. In the presence of sons, daughters cannot inherit. The exclusion of daughters in the presence of son is not only in total contravention of Muslim Personal Law but also modern Hindu law.

### Vital link

Under both the systems at present, son and daughter inherit simultaneously. The argument that exclusion of females prevents fragmentation of land holdings and the entry of strangers in the village community cannot convince any reasonable man. The story of discrimination goes further as the Act discriminates between married and unmarried daughters. The law provides that where an unmarried daughter succeeds her deceased father, she would lose her right to hold the property as soon as she marries and the property shall revert back to the last male tenure holder from whom she succeeded. There is probably no law in the world which punishes a daughter or sister on marriage.

The Hindu Succession Act recognises the male-dominated joint family system and thus gives precedence to the anti-women personal law of Hindus. What a shame for modern, egalitarian and secular India that the personal law of Muslims which at least give half a share to women in agricultural properties is overruled but the discriminatory Hindu law which excludes women from inheritance is allowed to continue. In both the situations women are losers.

There is indeed a vital link between violence against women and their lack of property rights. Brutal suppression in fact keeps women in their property-less and resourceless state. On the other hand, the basic economic dependence of women, their propertylessness and resourcelessness, renders them fearfully weak in standing up and challenging the violence and power that is used against them in society. Violence keeps women economically dependent and super-exploited while economic dependence and exploitation render them unable to combat violence. The relation is apparently circular: the question is, how is one to break the circle?



# Bengal tops... in flesh trade

Jayanth Jacob in Kolkata

March 19. — Social justice and women's empowerment are among the eternal slogans of the Marxists, but topping this chart does no good to Left-ruled Bengal. And, Bihar certainly will not complain for figuring last in the list either. Topping the list, along with West Bengal, is Andhra Pradesh.

Data provided by the Maharashtra government-run Special Rehabilitation Cell for Women say that 30 per cent of the women rescued from Mumbai red-light areas in 2003-2004 were from Bengal and Andhra Pradesh each. Only one per cent of the rescued women were from Bihar.

Compared to last year's figures, there has been a three per cent rise in the number of women from West Bengal rescued from brothels in

<sup>SM 2003</sup>  
Mumbai. There's an apprehension that a section of these women could be from Bangladesh.

Mr Ashley Varghese, counsel for International Justice Mission, said: "The number of women rescued from Bengal has gone up and a serious effort from all concerned is necessary to curb the trend."

He cited the example of the stringent laws in Nepal that have helped bring down the number of women being trafficked from that country.

There has been a considerable rise in the number of women being trafficked from the North-east too. The region's share stands at six per cent. Last year, it was around two per cent.

North India, considered to be home to "reactionary forces", fared better than the East. For instance, among the rescued women only two per cent were from Uttar Pradesh.

**65-year-old  
SR1 commits 19/3  
sati in Bihar**

SAMASTIPUR, March 18. —  
A 65-year-old woman committed *sati* by jumping into the funeral pyre of her husband at a village in Bihar's Samastipur district last night, her son and police said today.

According to initial investigation, O-C of Hasnapur police station Mr Sher Singh Yadav said Rukia Devi had committed *sati* by jumping into the funeral pyre of her 70-year-old husband Raghu Yadav at Sakardiha village.

Mr Yadav said he had sent a report to the district police headquarters confirming that the woman had committed *sati*.

No FIR has been lodged in connection with the incident, he said. — PTI

# Land laws in many states heavily loaded against women

By Sakina Yusuf Khan  
TIMES NEWS NETWORK

**New Delhi:** A bill in Jammu and Kashmir is creating a controversy. The Permanent Resident (Disqualification) Bill that would deprive Kashmiri women the right to own and inherit property if they marry an outsider. The same rule would not apply to men.

Here's some more bad news: the J&K bill is not unique. It is not entirely out of sync with property laws in the rest of the country, which seem heavily loaded against women.

If a Himachali woman marries a non-Himachali her children lose all benefits of a Himachali resident, according to documents submitted by the Women and Child department to

the Planning Commission. This, even though she continues to own agricultural land in the state. The same does not apply to Himachali men marrying non-Himachalis. A similar proposal is also said to have been mooted in Meghalaya.

As Nandini Varadarajan, associate professor, Centre for Law and Governance, JNU points out, "Given the patriarchal nature of our society the burden of maintaining community identity invariably falls on women."

The discrimination is there even in the matriarchal tribes of the north-east like the Khasis and Garos, says R. K. Roy Burman, an expert on the region. "Land ownership rests with women but management and control rights are exclusively with men."

"The bill might be politically motivated, but the Kashmiri anxiety about retaining their ethnicity is understandable," says Burman. In parts of the north-east where the community-land system prevails, even a person of the same tribe but belonging to another village cannot acquire land outside his village.

12/19 No space

► According to the Hindu Succession Act, 1956, women do not have a right to ancestral property, while men are born with this right. Earlier, daughters did not get a share even in their father's property (as opposed to ancestral) on the grounds that the money was spent on their marriage. Now, they have a right to a share in property.

► Among Muslims, a daughter gets only half of what a son gets from his father's property. If a man without children dies, the wife gets only 1/4 of her husband's property. The rest is divided between the husband's relative and includes not just landed property but even movable assets. A widow in possession of her husband's property cannot sell or gift the property.

# ✓ Bill of No Rights

## 11/3 J&K proposal militates <sup>Woman</sup> against Kashmiri women <sup>Gr 19</sup>

Ironic but hardly surprising. Two headline-making events dominated the International Women's Day this year. And each in its own way amounted to violence on the female gender; the first took the physical form of rape, the second was an assault on the woman's sense of identity and self-worth. Perhaps the two were not unrelated, after all. When a woman loses her individuality and is seen only as an appendage of her male relatives, it is in the logic of the order that she should also become physically vulnerable. It is in this larger context that the Jammu and Kashmir assembly Bill which denies domicile rights to women who marry outside the state — and thereby prevents them from claiming their rightful share in ancestral property — should be viewed. The Bill is a disgrace for more reasons than one. First, it assumes, indeed decrees, that women marry only within the community. Second, by making a distinction between the genders — men who marry outsiders are not similarly barred — it provides statutory sanction to the regressive notion that a woman's identity is derived entirely from her marital home. Unfortunately, the J&K government has tried to cloak the true meaning and aim of the Bill in the emotive argument of Article 370.

It is not our intention to question the special status that Article 370 confers on J&K. Far from it, these columns have often advocated going beyond Article 370 to protect the autonomy and exclusive character of Kashmir. If anything, this Bill is an attempt to destroy the spirit of Kashmiriyat. Till some years ago, Kashmiri women counted among the most progressive in the country. They were better educated and had a greater sense of independence. If the Bill is a grievous wrong in itself, it is made far worse by the fact that it was born in perverse response to a high court directive seeking precisely the opposite: to preserve the political and inheritance rights of Kashmiri women. To enshrine such a wrong in the Constitution is to subvert the latter's egalitarian spirit for blatantly partisan ends. We have still not gotten over the after-effects of the costly mistake Rajiv Gandhi made in the Shah Bano case. Ultimately, all this is a commentary on the way women are viewed in this country. Lest this should sound one-sided, Hindu women too get less than their legitimate share under the Hindu Undivided Family Act. Till recently, only the father was recognised as the natural guardian of a Hindu child. The last thing we want is for the struggle to be pushed back by the active efforts of a woman. Mehbooba Mufti, are you listening?

# Statistics show up the Swiss

By Vajju Naravane

**GENEVA, MARCH 10.** Tiny Switzerland is home to a mere 7.2 million people. It is extremely rich, modern, industrialised and democratic with excellent health care and a 100 per cent literacy rate. So why has this proud nation with its fiercely democratic traditions failed to curb violence against women?

"It is not a question of democracy, education, freedom or civic sense. Which is why the statistics for wife beating are about the same in the developed and the developing world. It is fallacious to think that there is a link between democracy, prosperity, education levels and domestic violence," counters Elizabeth Rod-Grangé, a Swiss sociologist and activist with Solidarité Femme, a women's rights group that runs shelters for battered women in Geneva.

"Domestic violence is a problem where one individual exercises power over another. The need to dominate and to beat the other into submission is born out of an individual's personal history and experiences and has nothing whatsoever to do with his public facade. I know of high-level bank executives, professors, lawyers even judges who abuse and ill-treat their wives and it is not as if these highly educated members of the ruling elite do not understand human rights and the democratic process.

In the West because of legislation and democracy, the woman now stands a better chance of redress or has more options and solutions available," she explains.

Julia Rios is living proof of the fact that domestic violence cuts across all social barriers and that judges, policemen and lawmakers have often displayed a bias against women.

A microbiologist of Brazilian origin, she was married to a Swiss architect. The publication in 2000 of her book *Le Piège (The Trap)* in which she describes savage beatings, repeated marital rape, sequestration and financial deprivation, revealed

## DOMESTIC VIOLENCE IN EUROPE — III

ing the double standards that underlie Swiss society, created shock and consternation in Switzerland. "I decided to write the book after a judge ruled in favour of my husband saying my injuries were self-inflicted. I wanted to tell other women that as a victim of violence, one need not feel guilty or ashamed. Women are not the cause of what they endure. Also we must not put up with inhumane treatment. What violent partners reserve for us is not love, it is a hunger for power disguised as love, jealousy," she said in an exclusive interview at a Geneva hotel.

It is only now in retrospect, Julia Rios says, that she realises the violence started long before her husband Bradley began hitting and abusing her. "He was extremely possessive and with time his jealousy became worse. He would spy on me, follow me to work, he would intimidate my friends. I became a virtual prisoner. He would confiscate my money, dole out a pittance.

He listened to my phone calls, opened my letters. Why did I put up with it? Why did I lie to my parents, pretend everything was all right? Because I was brought up with the idea that one married for good and that a woman's place was next to her man. I was three months pregnant when I left him. I was frightened his beatings would damage my child. The daughter I was carrying gave me strength."

Swiss social sociologist Lucienne Gillioz, author of a study entitled "Masculine Domination and Violence towards Women in the Swiss Family" told *The Hindu* in a lengthy interview in Geneva: "Our study showed that every shade and class of woman is affected by domestic violence. On the basis of an extensive qualitative and quantitative study we were able to establish that: more than one in five women is affected by physical and or sexual violence in her lifetime.

More precisely, 12.6 per cent of Swiss women or more than one in eight suffer physical violence, while one in nine or 11.6 per cent had suffered sexual violence. As far as psychological violence is concerned, over 40.3 per cent of those questioned were affected."

One of several false assumptions made about domestic violence is that violence between spouses or other intimate partners is a private family affair that brooks no interference from the outside world. Policemen, judges, neighbours or office colleagues are often reluctant to take action whether it be registering complaints, handing down sentences or calling the police.

"Even if people know, even when they can hear

the battered wife's terrified and often terrifying screams next door, neighbours do not call the police. What happens between the four walls of a home is considered private, sacrosanct. People feel guilty denouncing their neighbours.

Despite its apparent modernity ours is a very conservative society. Women won the vote very late. We are a discreet, non-demonstrative people and a public washing of linen is frowned upon. It is this attitude we have to change. Violence must no longer be tolerated. Period," explains Elisabeth Rod-Grangé.

It was only in 1997, when a scientifically conducted study showed that 20 per cent of Swiss women suffered from domestic violence that the taboo was broken.

After that it has been an uphill task persuading legislators to make laws protecting women. Since so many women love their violent partners, they feel guilty accusing them.

A large percentage of victims — as many as 75 per cent — withdraw their complaints once the husband has apologised. The new Swiss law makes it mandatory for the state to pursue the offender, even if the victim has withdrawn her complaint.

In Geneva alone, last year over 1,000 complaints were registered.

Leaving a violent man is often a long drawn out and traumatic process. Many women feel that with love they will be able to pacify their husbands' violent urges. The reverse is usually the case.

(Concluded)

# SC: Forcing a woman to drink is also outrage

By Rakesh Bhatnagar/TNN

**New Delhi:** Taunting a woman, using abusive language, or deriding her in any way are known to constitute the charge of 'outraging (her) modesty'. But the supreme court recently broadened its definition to rule that forcing a woman to drink liquor also amounts to outraging modesty.

This ruling came in the wake of an appeal by an accused in an eight-year-old rape case in Aurangabad. The accused, Raju Pandurang Mahale, had forced a woman to drink liquor by pouring it into her mouth. Once she lost consciousness, his friends raped her. While his friends were convicted for rape by the Aurangabad bench of the Bombay high court, Mahale was convicted for outraging the victim's modesty and only ordered illegal confinement. He contested the charge, saying he hadn't outraged the woman's modesty nor played any role in

photographing her in the nude which, he said, was done by another accused.

The victim had, however, testified that Mahale alone had forced her to drink liquor. Mahale's point was this could not be termed outraging a woman's modesty as defined in law. The supreme court differed, and ruled that forcing alcohol on a woman did, indeed, amount to such an offence. What is defined by 'forcing' is not very clear. Is it the physical act of opening a woman's mouth and pouring in alcohol, or would insistence on a woman having a drink, especially by a superior, also attract the charge? Legal luminaries contacted by TOI said if a woman was 'compelled' to consume alcohol against her wishes, it would attract the charge.

Section 350 of the IPC, which defines 'criminal force', notes that apart from using physical force, "...fear or annoyance to the person on whom force is used" amounts to use of "criminal force".

# Asian women in U.K. protest 'sexist' law

By Hasan Suroor

LONDON, MARCH 9. A large number of Asian women from all over Britain came here today to protest against what they called a "sexist" and "racist" law which was putting their lives in danger and violated their basic human rights.

They picketed the Home Office to demand the abolition of the controversial "two-year immigration rule" under which women who are not British citizens face deportation back to their countries if their marriage breaks down within two years of their arrival in this country.

"Many women who have come from abroad face a stark choice between remaining in abusive rela-

tionships and being forced to return to their countries of origin, often to a situation where their lives would be in danger as their families blame them for not making the marriage work," said Amrit Wilson of the South Asia Solidarity Group, one of the sponsors of the protest.

It is estimated that at least 500 Asian women, mainly from India, Pakistan and Bangladesh, are forced to walk out of their marriages every year because of domestic violence. Many are reluctant to return to their own countries fearing the wrath of their families, especially in cases where the concept of "honour killings" is still prevalent.

"The cases that come to light are

only the tip of the iceberg and the actual number is believed to be much higher," said a spokesperson of the Asian Women Unite, which represents 20 Asian women's groups that took part in the demonstration. She said that while theoretically victims of domestic violence were entitled to appeal against deportation, in practice even "solid" evidence from police was rejected by the Home Office.

Talat Jabin, an Oldham-based solicitor, representing a large number of women in this situation, said: "The Home Office claims to be concerned about violence against women but these women are being effectively penalised for leaving violent men. My clients are

in a situation of hostages, if they leave their husbands they are denied any benefits or means of survival in Britain. Many of them are receiving death threats about what will happen to them if they go back to Pakistan or India."

Among the protesters were several victims of domestic violence who faced deportation. They said that the two-year rule exposed the "hypocrisy" of the Government's claim that it was committed to women's rights.

"The Home Office has sanctioned a derisory £40,000 as a "last resort fund" to help women in this situation." The protest was supported by all major Asian women's organisations in Britain.

## Spanish women break the silence

By Vaiju Naravane

MADRID, MARCH 9. "Lying in a pool of blood, with 15 stab wounds in my body, my only thought was to keep my eyes open. I was fighting to stay awake for my children. I knew if I shut my eyes, I would die," explains Isabel Llinas, who directs the Institute for Women's Affairs in Majorca, Spain.

Stabbed by her estranged husband who later hanged himself in his prison cell, she flung herself into the women's movement in Spain. "I did so because there are thousands of women like me in Spain. I was lucky, I had education and economic independence — I ran a hotel — but there are many who are totally dependent on extremely brutal partners and it is those women I try to help," she said.

Spain has one of the worst records in Europe for domestic violence with over 100 women battered to death every year by their spouses and over 30,000 complaints of domestic violence. For a long time the problem was swept under the carpet. Until the mid-seventies, under the Franco dictatorship, women did not enjoy equal rights and were considered to 'belong' to their fathers and husbands. A woman could not open a bank account without her husband's explicit consent. Although they now enjoy equality on paper, the reality is still quite different, especially when it comes to family relationships, considered a private matter.

The question of domestic violence was thrust into the headlines by a particularly brutal murder in 1997. Ana Orantes, a 60-year-old woman, who had been beaten by her husband throughout their long married life, went on television to pub-

licly denounce her husband's habitual violence. Repeated requests to the police for a restraining order had been ignored and public denunciation was her last resort. Literally. Several days after her television appearance, her husband beat her black and blue. He then tied her to a chair, sprinkled petrol over her and set her alight.

A generally held assumption is that battered women themselves provoke their abuse. Evidence of this mindset is still visible in Spain where forensic medical doctors have been known to downgrade their report on the sever-

### DOMESTIC VIOLENCE IN EUROPE — II

ity of a woman's injuries if the doctor believes that the woman provoked the assault.

Ironically, women living with abusers often find that becoming more submissive or compliant has the opposite effect. The violence towards them actually escalates. Basically, no matter what the victim does, the abuse continues and usually escalates over time.

"Now I want to help other women recover their self-esteem and confidence. Many women continue to accept their lot because their husbands come back saying they are sorry and begging for forgiveness. They must be helped to realise that such situations never really change. They must be taught to break this psychological dependence, get out of the love-hate bind. That is what I try to do," says Ms Llinas. The Spanish

Government was forced to act in the wake of several highly publicised cases of murder where the guilty husband's calculated brutality, callousness and misplaced machismo shocked the nation. A woman can now obtain a restraining order within 72 hours of filing a complaint. In Madrid alone, over 25 women apply for such an order each day. But many women feel these measures do not go far enough.

Feminists point out that it is in the enforcement of existing laws that Governments, show their inefficiency if not their reluctance to act. As elsewhere, domestic violence in Europe also affects future generations. Children who are witnesses to abuse, even though not abused themselves, are more likely to be future abusers or victims. They are also six times more likely to commit suicide, 24 times more likely to commit a sexual assault, 50 per cent more likely to abuse drugs and alcohol, and 74 per cent more likely to commit crimes against others, according to a finding.

Concepcion Freire San Jose, a lawyer and women's rights activist with Themis, an association of women lawyers, jurists and magistrates in Madrid, said: "Ours has remained an intensely feudal society and it will take time to change attitudes. That requires political will and this Government lacks the will. The laws on paper look good. But the Government has done very little by way of application.

Its zero budget increase policy means that there is a permanent shortage of shelters and legal advice for battered women. Talk is cheap. Action costs money and we have seen very little of that indeed."

# Women, a battered section of society

By Vajju Naravane

**PARIS, MARCH 8.** The Amnesty International Secretary-General, Irene Khan, releasing a report on Saturday dealing with violence against women, described the phenomenon as a 'cancer' eating away at the core of every society.

According to the report, one in every three women suffers violence in her lifetime. The statistics in Europe are as appalling as anywhere else. In France, six women die each month at the hands of men who profess to love them. In Spain, some 100 women are killed each year by abusive spouses or boyfriends with over 30,000 complaints of severe physical violence, while in Switzerland, one of the wealthiest countries in Europe where "direct democracy" rules supreme, the number of women who suffer physical and psychological abuse tops 20 per cent. In Britain, one woman is killed by a partner every three days, one woman in four experiences domestic violence and attacks on partners account for a quarter of all violent crime.

In France, the subject became front-page news after the film actress, Marie Trintignant, was beaten to death by her lover, singer Bertrand Cantat. The trial, on charges of first degree murder, being held in Vilnius where the killing took place, has riveted the country. Despite media campaigns and shocking statistics, domestic violence continues to be one of Europe's most under-reported crimes. On International Women's Day this year, France has had reason to ponder Amnesty's devastating report.

"It is not a death I would wish upon anyone. However, the case of Marie Trintignant finally placed the spotlight on one of the most taboo subjects in Western democracies, that of domestic violence. We have a supposedly free press, a police and justice system reputed to be among the best in the world, several social and societal safety nets meant to protect our citizens. Yet, violence against women continues unabated in France, with an average of six women per month dying as a result. The unfortunate and much-publicised case of

Marie Trintignant has also highlighted the fact that violence against women is not restricted to a "lower social milieu" as many would have us believe. It affects every class of woman — the poor and under-educated as much as the rich and professionally qualified," said Lilliane Daligand, professor of forensic medicine and director a French association against marital violence called VIFF-SOS Femmes.

Says Marie-Dominique de Suremain of the National Federation of Women's Solidarity: "The real extent of the problem has been grossly underestimated. A study undertaken by the forensic services of the Paris hospital system indicates that over 60 women are killed annually by their partners in Paris alone. We have no idea of how many such killings take place in the provinces. No statistics exist on the number of women maimed or mutilated nor how many endure years of terror."

France commissioned its first comprehensive report

## DOMESTIC VIOLENCE IN EUROPE — I

on domestic violence in 1999. Published in 2002, it indicates women between 20 and 24 years of age are among the most affected. Women also tend to be persecuted by jilted lovers, former husbands or companions who stalk them, insult them, assault them and sometimes kill them.

"A strange link is that of love. Eighteen per cent of severely mistreated women told us they were still in love with their violent partners. In addition, there is an overwhelming feeling of guilt — of various types. Often women feel they deserved the beating because they had not been perfect wives or lovers. Or that they have failed to show enough sympathy or understanding to their partners for the trauma that they had suffered as children — for, most violent men have had a troubled childhood when they have been abused. Women have to fight these received images of themselves," says Ms Daligande.

Amina is French but of Algerian descent. She has a

cut lip, huge bruises around her right eye and is living in a shelter of battered women in a northern suburb of Paris. "None of these women who talk about women standing up for themselves know what it is like out there in the ghettos," she says. According to Amina, there is unimaginable violence against women in north African immigrant ghettos. "Our fathers, brothers, boy-friends, husbands, all beat us. I cannot tell you how miserable it is to be a woman there, ignored by social workers, without help of any kind." The World Organisation Against Torture, in a report entitled, "Violence Against Women in France", has denounced gang rapes, known as "tournantes" or passarounds, in which teenage girls or young women are handed over by their boyfriends to their buddies.

"Ni Putes Ni Soumises" (Neither Whores Nor Slaves), is an activist group set up to combat growing violence against women in the projects including gang rapes and forced marriages. Fedia Amare, a young second generation immigrant founded the organisation after the burning to death of a 19-year-old girl of North African origin, Sohane Benziane, in October 2002 shocked the nation. The group has come out in support of a controversial law banning the wearing of Islamic headscarves by girl students in state-run schools and decried women who have marched in favour of the right to wear the veil.

This year, the women's movement in France, one of the most vociferous in Europe, has seen deep divisions. Several thousand Muslim women have demanded the right to wear the traditional headscarf. They are seen as backward and retrograde by more radical women.

The National Collective for the Rights of Women (CNDF), which militates for women's rights in general, is concerned about "the erosion of social protection for women" by the current centre-right Government.

"We condemn the veil, but we say that the social assaults by the Government are just as serious," said Maya Surduts, a spokeswoman for the Collective, which is supported by the Opposition Socialist Party and left-wing groups.



# BJP plans gender cover for civil code

Womans (5-6 9/13)

**OUR SPECIAL CORRESPONDENT**

**New Delhi, March 8:** The demand for a uniform civil code may return to the BJP's Vision Document 2004, but repackaged as a gender-related issue.

Spurred by a recently-passed Jammu and Kashmir bill that curtails the rights of local women who marry outside the state, the BJP is preparing the intellectual ground to revive one of its pet themes.

Instead of linking the civil code to the personal laws governing religious communities, the contentious issue is likely to be

articulated and repackaged as one related to "gender equality and dignity".

Sources emphasised the likely rewording must not be "misinterpreted" as the party's readiness to forsake the demand for a uniform civil code, on the foundation of which a large part of the Hindurva edifice was built, post-Shah Bano.

The BJP's civil-code demand had got a big fillip when it whipped up public opinion against the Rajiv Gandhi government for overturning, through a constitutional amendment, the Supreme Court's ruling on maintenance for divorced Muslim women.

The RSS told the BJP clearly at a meeting at the Prime Minister's house on Friday that the Sangh saw no reason why contentious subjects should not be incorporated in the BJP's manifesto though it understood the party's compulsion of keeping these topics out of the NDA's.

The RSS further hinted that its support to the BJP in the coming elections must "not be taken for granted".

With deputy Prime Minister L.K. Advani reportedly giving the go-ahead, the BJP has picked on Jammu and Kashmir's Permanent Resident (Disqualification) Bill as the launchpad for re-

viving the civil-code debate.

Law minister Arun Jaitley took the opportunity on International Women's Day today to fire the first salvo. "International Women's Day," he said, "is being held in the shadow of one of the most retrograde pieces of legislation ever approved by an Indian legislative body."

The law, which had first been introduced in 1927 by former Jammu and Kashmir ruler Raja Hari Singh and struck down in 2002 by a full bench of Jammu and Kashmir High Court, was a repeat of the Shah Bano amendment, Jaitley said.

"We believe the Congress has

been deemed the common villain on both occasions. It was responsible for overturning the Shah Bano judgment and now it is part of a state government which brought this bill," he said.

The minister demanded all laws that encouraged "any form of gender discrimination" be reconsidered — whether at the Centre or in the states — and urged political parties to debate the issue and make public their stand.

BJP sources said various laws affecting the right of birth, death, marriage and inheritance were "still discriminatory". They maintained that the par-

ty's stand on a uniform civil code, as enshrined in all related resolutions adopted at national executives, was always linked to "gender sensitivity and justice".

While the Vision Document may stop short of speaking of "uniformity", it will wax eloquent on gender equality and mention how the personal laws — including certain sections of the Hindu Succession Act such as Section 6 — ought to be rectified of gender bias.

A politico-legislative mechanism alone could not correct the "flaws", the sources said. "An atmosphere has to be built," a source added.

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TUESDAY, MARCH 9, 2004

## DUMP THE ANTI-WOMEN BILL

110-10  
913

THE PERMANENT RESIDENT (Disqualification) Bill, 2004, which was unanimously adopted by the Jammu and Kashmir Assembly, is a patently discriminatory and obnoxious piece of legislation. Even though the country-wide outcry has forced a rethink on the People's Democratic Party-led Government, the Bill, aimed at denying women who married non-residents the status of permanent residents of the State, should never have been contemplated. Such a law would deeply damage the livelihood prospects of women. Under the special laws in force in the State, the legal right to Government employment, to admission in Government-administered professional colleges, and to purchase and retain property is a privilege available only to permanent residents of Jammu and Kashmir. Following an executive order issued under the State Subjects Law of 1927, women who married non-residents of Jammu and Kashmir could no longer retain their status as permanent residents whereas men continued to enjoy the right when they married outsiders. In 2002, the Jammu and Kashmir High Court overturned this position on the ground that a female resident who inherited the status of a State subject by birth could not be put to a disadvantage that would not be visited upon a permanent male resident. Any move to go back to the pre-2002 situation would be in direct conflict with the idea of gender equality.

There is a history in the State of governments re-opening sensitive issues during the run-up to an election, ostensibly to buttress the constitutionally guaranteed special status of Jammu and Kashmir. Prior to the State Assembly elections of 2002, the National Conference Government led by Farooq Abdullah attempted to revive the controversial Jammu and Kashmir Resettlement Act of 1982. That opportunist move offered all those who migrated to Pakistan before 1954 the right to reclaim lost property. The 1982 law itself

had been drafted to woo Muslim voters. Such short-sighted attempts at bolstering an incumbent Government's prospects in an election can provoke a chauvinist and communal backlash elsewhere in the country and work against fulfilling the real aspirations of the Kashmiri people. Political parties in this strife-torn State must show greater responsibility and statesmanship than they have done this far.

Matrimonial ties are one of the commonest ways for ordinary people to secure the right of passage into different countries and continents, overcoming the narrowness of national frontiers. Conversely, governments seeking to appease chauvinist and sometimes racist constituencies tend to whittle down this human right and play down the legal significance of marriage-conferred entitlements in order to check immigration in large numbers. In distinct cases, adherence to humanitarian norms and civil niceties become casualties of such measures. Malaysia, for instance, denies permanent residence to overseas spouses of its women while foreigners who marry Malaysian men may be granted citizenship. While the gender bias in this policy stands out like a sore thumb, the Malaysian law at least does not disown its own citizens. The Jammu and Kashmir Bill falls foul even in this respect. It is heartening that there is a national outcry over this crass move to appeal to the most backward sentiments in society for presumed electoral gain. Democratic women's organisations must be commended for taking a sensitively nuanced stand on this question: while it is necessary to respect and keep intact the demographic profile of the volatile State, the answer cannot possibly lie in making the already vulnerable situation of women in society worse through discriminatory legislation. It is imperative that J&K's special status is anchored in defensible democratic rights and sentiments.

# Hers not to inherit

The J&K assembly's move to deny women their basic rights is plainly untenable

THE Mufti Mohammed Sayeed government's bid to return Jammu and Kashmir to a patriarchal paradigm is regressive in the extreme. Last week the legislative assembly passed a bill, with alarming speed, to deny equal property and employment rights to women who choose to marry "non-state subjects". In its content, the Permanent Resident (Disqualification) Bill codifies medieval notions about a woman's identity being subsumed by her husband's. In its provenance, it raises the spectre of legislative intervention to wrest away fundamental rights that a citizen has fought for legally. And in its entirety, the bill is an audacious and untenable attempt to alienate a woman from her land. It is to be hoped that the political controversy that the issue has created in this electoral season will inspire a rethink.

The issue of a woman's resident status and her choice of groom has a long history in J&K. In the 1920s, Maharaja Hari Singh had pushed through a law detailing the rights of a "state subject" in the 1920s. Later, its contents were preserved through an executive order. Stories — many apocryphal — abound of parents re-

sorting to innovative tactics to get around the legal denial of their property to a daughter marrying someone from outside J&K. In 2002, however, the high court upheld a Kashmiri woman's petition against the order. In a farcical re-enactment of the Shah Bano episode, the state legislature drafted this bill to re-deny women what the court had recently termed their fundamental rights.

If the Congress's complicity in the process is unfortunate, its national leaders' directive to the J&K unit to review its support to the bill, which still awaits clearance by the legislative council, must be welcomed. The National Conference and PDP are rather wholesome in their support of the legislation. The two regional parties tend to be extremely sensitive to J&K's special status under the Indian Constitution. That status must be kept secure for good reasons, not least among them to guard the rights of the people of the state. Hence, they must know that by pushing through such a backward law, they would do immense harm to the residents of the state. They would renege on the most basic thing a modern state accords its citizens: equal rights.

# Five molested in Burdwan village

Statesman News Service

BURDWAN, March 7. — At least five women were molested by a group of hooligans yesterday in Putunda village, barely 15 km from Burdwan town. Eight offenders have been arrested till now. A police contingent has been deployed in the area.

Five women were brought to the Burdwan Medical College and Hospital for medical tests. The BMCH, meanwhile, has suggested forensic tests to justify further inquiry. There is tension in the village and most men have deserted the small hamlet fearing police action. The Burdwan court rejected the bail petitions of the accused when they were produced before the SDJM, Burdwan, today.

The women, coming from very poor families, said the offenders took advantage of the fact that there were few men in the area. Most of the men were in the fields where

they work as daily labourers. One 16-year-old victim went to the police station seeking action against the gang which had come as Holi revellers.

She said: "It was about 11.30 a.m. yesterday when they started raiding the area with colours in their hand, assaulting housewives and teenagers. When I saw them picking up a pregnant woman, I was frightened and locked myself inside a room. It was horrible when they broke open the door and entered the room." Eight of the gangsters then raped her, police said.

Other women too were allegedly molested during the mayhem. The local youths, led by Apu Malik and Chandan Malakar, allegedly dragged the women from their houses and continued molesting them for the next one hour. Rajendra Bhunia, a local youth who went to stop the culprits, was severely injured on his

head, chest. Relatives of some of the molested women alleged that the youths were all drunk and they belonged to the locality. A few of them were even armed.

Senior police officers rushed to the village as soon as the incident was reported to the Shaktigarh police outpost.

Different parties alleged that police inaction led to the incident. The CPI-M local committee leader, Mr Imdadul Haq, said: "It was a barbaric act and we've appealed for free and fair police action in the area. None of the culprits will be spared."

Pressure mounted on the police when leaders of the local Borshul panchayat condemned the act and sought immediate police intervention.

The DSP, Burdwan, Mr Ambika Mukherjee, later told The Statesman: "We've arrested eight of the accused named in the FIR." He ruled out charges of belated police action.

# Holi hooligans crush protester to death

SOURMEN BHATTACHARYA  
AND SUNANDO SARKAR

Calcutta, March 7: Shankar Pal of Dum Dum died on Saturday as Bapi Sen did over a year ago.

Pal's head was smashed beyond recognition because he ticked off drunk Holi hooligans who were watching and teasing women bathing in a neighbourhood pond.

After the fracas, 37-year-old Pal, who has a 10-year-old son, was lured out of his residence by the "revellers" — all staying in the same locality — with the promise that they would make

up with a drinking session.

He was taken to a nearby factory shed and, heavily outnumbered (like Sen who stood up to New Year revellers to save an unidentified woman), beaten up with blunt weapons for around two hours. Pal's limp body was dropped off near his residence in front of several witnesses.

But the similarities — between the 2003-eve incident in Bowbazar and the Holi fracas in Dum Dum — end in both being acts of courage against perverts and their idea of fun during festivals. For, if Pal — the driver of a key CPM functionary of South Dum Dum municipality — was alive,

he would have found police trying to pass off the murder as an accident.

Dum Dum police denied that the daylight incident was murder. "Pal was hit by a motorcycle and that resulted in his death," officer-in-charge Sudip Ray said. "No one came forward to tell us what happened, forcing us to frame a case of a mishap," he added.

The key to the case is Tapan Das, one of Pal's friends, who has gone "missing". Das, too, was picked up along with Pal but escaped with a thrashing. He came back but "went to a doctor" on Saturday afternoon itself,

his brother Subhas said.

It was around 11 am on Holi when Pal was standing outside his Kaitala residence near Baguiati. Some of his neighbours — all women — were bathing in the locality pond when they were spotted by the drunk revellers.

According to witnesses (and an internal report prepared by the CPM), Pal's resistance drove them away. The youths — all known faces in the locality — left, but returned in a few minutes. According to witnesses, they came and called Pal — and Das — out for a drink, telling them that bygones should be just that. But a couple of hours later,

Pal's near-lifeless body was dumped on the road, less than 100 metres from his residence.

Some of his neighbours claimed up on Sunday and a family whose home had a direct view of the spot where Pal was dropped, left soon after the Saturday incident. But a few said Pal was beaten up at an unused factory-shed in the locality. "We knew what was happening but felt it prudent not to get involved," one said.

After the assailants went away, Pal's neighbours informed his wife Kamala and son Joydeep and shifted Pal to a nursing home. "Pal was bleeding severe-

ly with deep gashes in his ears and some of his teeth were broken," Aditya Nursing Home administrator Sanjay Datta said. "Some blunt weapon must have been used on him."

The key CPM civic functionary, whose car Pal used to drive, said he would try to ensure that there was no miscarriage of justice.

"If a daylight murder in front of so many people is passed off as a mishap, it will be a severe betrayal of Pal's courage and sense of duty to society," chairman-in-council (conservancy and health) Atin Ray said.

■ See Metro and Page 9



Shankar Pal with his wife

# Outcry against J&K Bill on women's status

10-1  
17-2 ● Congress to ask State unit to 'rectify' Bill

By Aarti Dhar

**NEW DELHI, MARCH 6.** There is a national outcry against the Permanent Resident (Disqualification) Bill, 2004 passed by the Jammu and Kashmir Assembly on Friday. The Bill seeks to disqualify women from their status as permanent residents of the State if they marry a non-resident.

With the passing of the Bill, the State Government has turned an executive order into law that deprives women of the right to own and inherit immovable property, get government jobs and other privileges if they marry "non-State subject." Ironically, those affected by the law include the younger daughter of the Chief Minister, Mufti Mohammad Sayeed, and two daughters of the former Chief Minister, Farooq Abdullah, who are married to non-residents.

Apparently not happy with the development, the Congress — an ally of the Peoples Democratic Party-led coalition in the State — said today that it would issue necessary directions to its Jammu and Kashmir unit to "rectify" the Bill that had reversed the High Court judgment. The Court had described the executive order as a "violation of the fundamental rights of the women, granted to them under the Constitution and discriminatory on the basis of sex" and ruled that women would have the same rights as men even if they married outsiders.

The Congress chief spokesperson, S. Jaipal Reddy, told reporters here that the party had always been in favour of protecting women's rights at all

costs. "If there is any legal problem due to the special status of the State, it would be removed as per law."

The State had filed a special leave petition in the Supreme Court against the High Court judgment. However, it was subsequently withdrawn and the Bill was tabled on the ground that the Government had the right under the State Constitution to define the legal status of women who married outside the State.

## BJP's criticism

The Bharatiya Janata Party also criticised the Bill and said that it was unfortunate that a party led by a woman was supporting such a law and thus repeating its performance vis-à-vis the Shah Bano case. The party president, Venkaiah Naidu, said he hoped that all well-meaning people, including the Left parties supporting the Mufti Government, would make clear their stand on the law.

### Resentment in J&K: Page 10

A law defining the rights of the "State subject" was first enacted in 1927 by the then ruler, Maharaja Hari Singh, and it was converted into an executive order. The order was challenged by the granddaughter of the former Chief Minister (Prime Minister as he was known then), G.M. Bakshi. She had lost her status as permanent resident after she married the son of the former Punjab Governor, Surendra Nath. It was on this petition that the High Court gave its ruling in October 2002.

Women's groups have

strongly reacted to the Bill. The All-India Democratic Women's Association said that while it was necessary to protect the demographic profile of the State, it could not be done through the enactment of a highly discriminatory law against women.

"The law is also insensitive to the plight of Kashmiri women migrants who are forced to make their living outside the State," Brinda Karat, AIDWA general secretary, said in a statement here.

Also, the Bill had no provision for widows or women who might be deserted. The progeny of such marriages also faced discrimination, Ms. Karat said adding that the Act was against the Constitutional guarantee of equality and must be withdrawn in its present form.

The National Federation of Indian Women said the passage of the Bill clearly showed the "double-standards" of the political parties and the Congress, in this case, when it came to women's empowerment. On the one hand, the Congress supported the Women's Reservation Bill and, on the other, backed the Jammu and Kashmir Bill that curtailed the rights of women, Annie Raja of the NFIW said adding that the Bill would stand in the way of women's empowerment.

Ranjana Kumari, convener of the Centre for Social Research, described the Act as a "fundamentalist" piece of legislation that deprived women of their freedom of right to choose their place of living and marriage. "The law violates the Constitution that grants equal rights to women," she said.

# Woman abandoned at clinic for bearing girl

Rajib Chakraborty  
Barrackpore, March 2

SHE COMMITTED the gravest of crimes: she gave birth to a girl. Nitu Sau has been a prisoner at Panacea Nursing Home in Barrackpore for nearly four months now since neither her husband is willing to take her back nor her father keen to settle the bills. And the nursing home won't let her go till they get the dough.

The 24-year-old was admitted to Panacea on October 19. The baby was delivered the same day. But instead of the customary joyous welcome, all that was in store for the new member in the family was brutal rejection. Her father S.K. Sau, a cloth trader in Bhadreswar, never again came to the

nursing home. To this day, he has no idea what his daughter looks like. Ditto for the rest of the family.

The nursing home is unwilling to let go of Nitu till her family settles the bill — amounting to a staggering Rs 1 lakh. Nitu's father Madhusudan Sau has made it clear that there's no way he can pick up the tab. It's his son-in-law's responsibility, he has told the Panacea authorities. Madhusudan says he is already in deep debt as he had paid for Nitu's treatment on earlier occasions. She had to be hospitalised twice in recent years.

S.K. Sau is absconding. Nitu's condition, meanwhile, has been deteriorating by the day. Highly traumatised, she had a cardiac arrest about 10 days ago. She has now been put on oxygen.

# Women: dark spots on 'shining' India Inc

CHANDRIMAS,  
BHAITACHARYA

Mumbai, Feb. 29: India Inc. says it is willing, but what do facts show?

According to a study commissioned by the Confederation of Indian Industry (CII) on working women in well-known companies, the gender isn't faring too well and nor are companies too eager to change. The study was compiled by Anita Ramachandran of the Delhi-based agency Cerebrus and surveyed 35 top-ranking companies.

Employment of women is concentrated in a few sectors which have 20 to 35 per cent women employees, the study says. These are banking, infotech, IT-enabled services, media, travel, advertising and market research.

In these sectors again, women work mostly at administrative and junior levels, accounting for 60 to 70 per cent of the jobs. Women at the top level are very few or absent. They occupy 10 to 20 per cent posts at the senior management level.

In other industries, like manufacturing and technical jobs, women's employment is below 10 per cent and in many cases below 5 per cent.

The organisations that were

looked into were, among financial and banking companies, Citibank, HDFC, HSBC, the ICICI Group, Royal Sundaram and Standard Chartered Bank; and among IT companies, Cognizant, Covansys, Hughes Software, Infosys, NIIT, Satyam Computers, Sun Microsystems, Texas Instruments and Wipro. Among FMCG firms were Asian Paints, Colgate-Palmolive, Hindustan Lever and Johnson & Johnson, and among manufacturing companies were Ford, the Birla Group, Novartis, Aventis. Among IT-enabled services were Transworks, American Express, E-serve, ICICI One Source, E-funds, STAR TV, HTA, Hutchison Telecom and ICICI Prudential Insurance were also surveyed.

Companies felt the major drawbacks for women were that they were unable "to be flexible on work times"; unable "to take sustained long hours and pressure"; needed "to play second fiddle to husbands' jobs"; and did not have the "time/inclination to improve skills". Risk-taking ability of women was perceived to be lower by companies.

Men constituted 73 per cent of the organisations surveyed. Only 33 per cent of them had formal policies on women employees.

The survey said 80 to 90 per

cent women exited the workplace after they had children and 15 to 20 per cent left after getting married. Maternity benefits varied between 3 and 12 months.

About 64 per cent companies provided flexitime to all employees and 29 per cent firms offered part-time working facility to young mothers. But the concept of job-sharing, in which two employees worked on the same project, was non-existent.

Attrition, surprisingly, among women was lower than men.

Women felt firms ought to provide a safe, respectful work environment. They felt there was too much aggression in the workplace and a lack of "woman friendly work habits". Excessive travel was also seen as a barrier.

But a majority of the companies did not feel anything needed to be done in their organisations. They resented the idea of "special privileges" for women and felt the need to be genuine "equal" opportunity employers.

Women were also critical of themselves. They perceived themselves as reluctant to take risks; men were seen as making decisions quickly; women had a tendency to marry their sense of responsibility with concern for the team and, therefore, take on too much. Men delegated and led

by example, women felt. They also felt a lack of confidence in themselves and in their potential.

If there were perceived pay or promotion disparities, they tended to look outside rather than fight for a raise and needed to aspire higher.

About 64 per cent of the companies had a policy on sexual harassment; 22 per cent were planning a policy and 14 per cent still did not have one.

The CII has some recommendations. It asked companies to

- focus on industries with high women employment to improve employment levels especially at senior levels;
- to create awareness and work in areas where there is low concentration of women as in sales and technical;
- to enable more communication on sexual harassment;
- to work with media and others on campaign for safe work environment and on social attitudes.

It also addressed legal issues and asked for law changes to allow women working in the night to improve employment opportunities; faster legal redress for crimes against women and more conducive legal query process.

Now it's up to India Inc. to take up these challenges and make these dark spots shine.



**THE TOPPERS:** KJ Udeshi (top), the first woman deputy governor of the Reserve Bank of India; Naina Lal Kidwai, the head of HSBC's investment banking division in India.



# SC separates rape & assault

OUR LEGAL  
CORRESPONDENT

New Delhi, Feb. 18: Adding a new dimension to laws relating to rape cases, the Supreme Court has made a distinction between "indecent assaults" and "actual commission of rape".

On February 10, a division bench of Justices Doraiswamy Raju and Arijit Passayat ruled that "indecent assaults are often magnified to attempt at rape". The observation came after the bench reduced the sentence of 10 years' imprisonment imposed on a couple of rape accused to two years on the ground that the incident qualified only as an "indecent attack".

"In order to find an accused guilty of an attempt... to commit a rape, (the trial and appellate) court has to be satisfied that the accused, when he laid hold of the prosecutrix (victim), not only desired to gratify his passion upon her person, but that he intended to do so at all events and not withstanding any resistance from her," the judges said.

They added that in the instant case, "evidence regarding actual commission of rape is at variance from what was recorded by police".

"There is no material show that the accused were determined to have sexual intercourse at all events. In this background, the offence cannot be said to be an attempt to commit rape to attract culpability, but the case is certainly one of indecent assault upon a woman."

Tests of whether penetra-

tion, damage to hymen and other injuries have taken place are often coupled with evidence while deciding a rape case.

The judges pointed out that in this case, although there was "indecent assault" on the female organ, the actual commission of rape might not have been accomplished due to various reasons "unforeseen" by the accused.

However, they made it clear that "to constitute the offence of rape, it is not necessary that there should be complete penetration of the penis with emission of semen and rupture of hymen. Partial penetration within the labia majora of the vulva or pudendum with or without emission of semen is sufficient to constitute the offence of rape as defined in law. The depth of penetration is immaterial in an offence punishable for rape".

In the present case, there was "preparation for attempt to rape", the bench said, but it actually resulted in "indecent assault".

"If the attempt fails, the crime is not complete. But law punishes the person attempting the act. It makes all attempts to commit offences punishable with imprisonment... because every attempt, although it falls short of success, must create alarm, which by itself is an injury and the moral guilt of the offender is the same as if he had succeeded. Moral guilt must be united to injury in order to justify punishment. As the injury is not as great as if the act had been committed, only half the punishment is awarded," the judges observed.

# Molestation on way from wedding

## OUR CORRESPONDENT

**Basirhat, Feb. 12:** A gang of 10 stopped three Sumos packed with families returning from a wedding reception 80 km from Calcutta last night and looted and allegedly molested the passengers.

The dacoits had blocked Bhangar-Harua Road at Lauhati in Ghoshpara, North 24-Parganas, with logs.

Superintendent of North 24-Parganas police Basudeb Bag said relatives of a groom were returning from Bhangar in South 24-Parganas in a convoy of a bus

and three Sumos. The miscreants allowed the bus to pass Ghoshpara around 1.30 am but intercepted the smaller vehicles.

The bus had left the smaller vehicles far behind. Police sources said the Sumos screeched to a halt one behind the other on the dark road lit by their headlights after the first driver spotted the logs.

Brandishing daggers, the dacoits converged on the vehicles. In language that the victims said was foul, they ordered all 33 passengers out on the road. "They looted ornaments and about Rs

6,000 and fled. I have asked the sub-divisional police officer to conduct an inquiry into the incident," said the superintendent.

The police were tight-lipped about the molestation charge. But people from nearby villages said the dozen women among the victims complained of molestation and physical assault to the police.

Bibhas Mondal, a CPM member of the local Minakhan panchayat samiti, said: "We have received complaints from the women saying they were molested. They were too ashamed to men-

tion molestation in their written complaint to the police."

On an unknown road, in the dark, the men and women shouted for help but there was no one in the vicinity. Till dawn, 33 people remained huddled inside their vehicles fearing that they might be attacked again.

In the morning, people from the adjacent villages spotted them and informed the police.

An officer said the dacoits also hurled stones and fired at cars that went past them when they were fleeing the scene.

The incident rekindles mem-

ory of February last year when two buses returning from wedding receptions were waylaid at Nadia's Dhantola. The men were forced to climb onto the roofs of the buses at gunpoint and several women were allegedly raped.

Five people have been arrested for last night's incident. Raids are on at Bhangar, Harua and Minakhan. The scene of the crime is a fringe area for all three police stations. After a round of investigation, the police suspect that the attack could be the fallout of a feud between two CPM factions in the area.

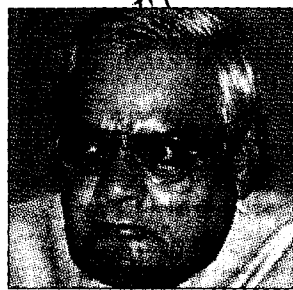
# Eve-teasers throw Atal kin off running train in UP

HT Correspondent & PTI  
Mathura, January 27

FOLLOWING HIS grand nephew's death after being thrown off a running train in Uttar Pradesh for protesting against eve-teasing, Prime Minister A.B. Vajpayee has rapped the Mulayam Singh government over the law-and-order situation.

He announced he would himself make a train journey in the state, from Katra to Ayodhya, on February 7 to inaugurate a bridge on the Sarayu, becoming the first Prime Minister to travel by train after Indira Gandhi in the early 1980s.

Vajpayee had rushed to his nephew's home at Kosikalan, near Mathura, after learning of the tragedy. "The guilty will not be



Atal Bihari Vajpayee  
Fumes at Mulayam

allowed to go unpunished," he told a gathering there on Monday evening.

As soon as the Prime Minister returned to Delhi, an anxious Mulayam dashed to his 7 Race Course residence on Tuesday to offer condolences. The chief minister described the murder as "unfortunate".

Manish Mishra (21), grandson of Vajpayee's sister, was travelling on the Delhi-bound Chhattisgarh Express with several fellow students from Mathura on Saturday night. During the journey, some drunken students from Meerut allegedly began harassing the girls in the Mathura group, setting up a clash.

The Meerut boys beat Manish and two others senseless and threw them off the train. Manish was found dead near the tracks. Another victim, Rakesh, who is critically injured, said the policemen on the train did nothing to stop the violence. The third victim is missing.

Railway Minister Nitish Kumar has visited the bereaved family and ordered a high-level probe.

# Rape charge shadow on global meet

CHANDRIMAS.  
BHATTACHARYA

**Mumbai, Jan. 19:** An anti-globalisation conference got sucked into an allegation of rape when a South African judge was arrested on charges of forcing a fellow South African delegate to have sex in his hotel room.

The judge, who is not being named because rape has not been proved yet, was picked up by police last night after the 27-year-old married woman — both are part of the South African delegation to the World Social Forum — lodged a complaint.

"We have registered a case against the South African judge and the matter is under investigation," said Ahmed Javed, joint commissioner of police.

The 53-year-old judge — who is of Indian descent — from Cape Town has denied the charge, saying the two met through mutual consent.

In an SMS message to *The Star* newspaper of South Africa, he said: "I am innocent. I find rape offensive."

He was remanded in judicial custody till January 23 and bail will be moved tomorrow.

Organisers of the forum said the incident was in no way related to the conference that some 100,000 people from across the world are attending.

"We have called a meeting to strongly condemn the incident," said a spokesperson as news of the incident spread.

"It took place in a hotel in south Mumbai and the forum does not have anything to do with it."

The judge's India lawyer, C.S. Irani, said the judge and the woman, who works on an AIDS project in South Africa, had gone to a downtown pub as part of a group and, after returning in the late hours, had gone back to their rooms. She joined him later on his invitation in his room.

South African newspapers, however, quoted her as saying she had gone there because she had made an appointment to talk about a community project.

"I think he must have got the wrong impression," the *Cape Times* quoted her as saying.

"There was a lot of kissing and holding... and there was a point where I wanted him to back off but he continued. The result was that there was sex without consent," she told a radio station.

Irani denied the use of force. He said as proof of the alleged rape, the woman gave the police the condom he had used. The lawyer said in a case of forced sex, the woman would not be in possession of the condom.

Asked if they were looking

into allegations that the woman had fabricated the story, the police said they were waiting for the results of the investigation.

The judge and the woman were tested medically and material evidence was taken from the room of the hotel at Cuffe Parade.

*The Star* quoted her husband, speaking from South Africa, on its website as saying he had spoken to the judge after the alleged incident and after being alerted by his wife.

"This is so sad," the husband said. "I told him this would bring shame on South Africa."

"I can't move. I don't feel like eating or drinking. He has caused tremendous problems in my young family."

"My seven-year-old daughter overheard me talking about it and she has gone very quiet."

The husband said he had suggested over the phone that the judge should ask for forgiveness.

"He told me he couldn't do that because there was nothing to forgive," the husband said.

He said he had spoken to his wife when she was outside the court.

"She cries and wants me to come to India but I'm battling to get help for the air ticket," he said. "I'm not sure when she's due home — her air ticket is for Thursday."

# S. African judge held for rape

## Shame, cry WSF delegates, plan protest rally in city

TIMES NEWS NETWORK

**Mumbai:** A South African high court judge from Cape Town, Sirajudin Desai (53), was arrested by the Cuffe Parade police on Monday on charges of raping a 27-year-old fellow national in his hotel room on Sunday morning.

Both the accused and the victim, Lizanne Isaacs, had come to the city to participate in the ongoing World Social Forum.

Produced in the Esplanade metropolitan magistrate's court on Monday afternoon, Mr Desai denied the charges and alleged that he had been falsely implicated. However, additional chief metropolitan magistrate B.A. Shelar refused to accept his submission and remanded him to police custody till January 23.

Ms Isaacs, who works as a project manager in an AIDS awareness trust in South Africa, told the police that she and ten of her colleagues had gone out on Saturday night with Mr Desai to an upmarket club in Colaba,



South African judge Sirajudin Desai is escorted out of the Esplanade Court by the police on Monday.

where they consumed liquor. On returning to the hotel, they went to Mr Desai's room in Hotel President, drank Coke and left.

The remand application submitted by the police to the court says Ms Isaacs told them that she called Mr Desai on his phone at 3.15 a.m. and went to his room to discuss some work. She alleged that the judge overpowered her and forced her to have sex with him. Ms Isaacs, how-

ever, begged Mr Desai to use a condom. The police have sent the used condom for forensic tests. In her complaint, Ms Isaacs claimed that she shouted for help but to little avail.

David Sanders, a health activist from South Africa who is attending the WSF, said, "If this is true, I am deeply shocked, because he is a highly respected figure". According to him, Mr Desai was part of the liberation struggle and although close to the power centre, is known for his fearless judgements.

Around 4 a.m., Ms Isaac's husband called on the phone from South Africa and she told him of the incident. Mr Isaacs informed the hotel about the rape. Ms Isaacs and a security officer from the hotel then went to the police station to lodge a complaint.

Mr Desai and Ms Isaacs underwent medical tests at the J.J. hospital, and the reports are awaited. The clothes worn by the two that night are with the police.

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THE TIMES OF INDIA

# 'I've left it to people to protest'



Taslima Nasreen at a hotel in Kolkata on Wednesday. — Piyal Bhattacharjee

## Sougata Mukhopadhyay in Kolkata

Jan. 14. — Taslima Nasreen is in town, for the first time since the Left Front government proscribed the third part of her autobiographical sketches, *Dwikhandita*, two months ago, and she has no intention to meet the chief minister, Mr Buddhadeb Bhattacharjee, and ask him personally what, he felt, was objectionable in pages 49 and 50.

"I have not sought any appointment with Mr Bhattacharjee. This is not a personal matter any more. I leave it to the people of this state to raise their voice of protest against the autocratic move. It is now for them to decide whether they would stand for an artiste's freedom, whether or not they agree with what she has written, or shrug off their responsibilities. Especially, since the ban order was issued when there wasn't even an indication of any possible communal ten-

sion, forget riots, in the state," she told *The Statesman* on Wednesday.

"There is still some difference left (as it were) between this government and the autocratic government of Bangladesh, but judging from the attitude of the Left, it's fast fading. If they

### Book on Shivaji banned

MUMBAI, Jan. 14. — The Maharashtra government tonight banned American writer James Laine's controversial book *Shivaji: Hindu King of Islamic India* which reportedly depicts the legendary Maratha warrior in poor light. — PTI

are not dissuaded now, it will not be too long before they metamorphose into a replica of the government across the border," the author said.

The author-in-exile arrived in the city this morning and intends to stay here for a month during which she will launch the fourth part of her autobiography, *Sei Sob Andhokar*, at

the forthcoming Kolkata Book Fair. A compilation of her essays, old and new, is also scheduled for publication at the same fair. Meeting old friends and *adda* are on her agenda.

Flanked by tight security at her hotel, the author recounted an incident at the NSC Bose Airport this morning: "In the midst of friends and incessant camera flashbulbs, I heard someone shouting — 'I've read *Dwikhandita* and found nothing wrong in those two pages.'" "The reaction here hasn't been strong enough to put the government on the backfoot and compel it to revoke the ban order. But, it sure has been more encouraging than that in my home country where fundamentalist forces have successfully curbed almost all voices of resistance," she said.

Contending that the ban was mere "trivia" compared to what she had faced in Bangladesh, the author, however, was insistent — "but why should even that happen?"

15 JAN 2004