

বাবা 'কিংবা' মা থেকে বাবা 'এবং' মায়ের নাম

জাগরী বন্দ্যোপাধ্যায়

বাবার নাম নয়, অভিভাবকের নাম নয়, বাবা/মায়ের নামও নয়। এ বার থেকে লিখতে হবে বাবা ও মায়ের নাম।

গোটা দেশে না হোক, দিল্লি সরকার অত্যন্ত এই মর্মেই নতুন আইন আনছে। ফলে এখন থেকে দিল্লিতে স্কুলের সার্টিফিকেট থেকে শুরু করে রেশন কার্ড, ড্রাইভিং লাইসেন্স প্রভৃতি যাবতীয় সরকারি শংসাপত্রে মায়ের নাম লেখা বাধ্যতামূলক হয়ে যাবে। গত বছর নভেম্বর মাসেই কেন্দ্রীয় মানবসম্পদ মন্ত্রক সমস্ত কেন্দ্রীয় দফতর এবং রাজ্য সরকারগুলিকে সরকারি কাগজপত্রে বাবার নামের সঙ্গে মায়ের নামও অন্তর্ভুক্ত করা শুরু করতে অনুরোধ জানিয়েছিল। দিল্লি সরকার সেই অনুরোধেই সাজা দিল বলে মনে করা হচ্ছে। মঙ্গলবার দিল্লি মন্ত্রিসভার बैठকে মুখ্যমন্ত্রী শীলা দীক্ষিতের উপস্থিতিতেই এই নতুন আইন নিয়ে সিদ্ধান্ত হয়।

দিল্লি তো সিদ্ধান্ত নিয়েই ফেলেছে। বামপন্থী পশ্চিমবঙ্গ কি এমন কোনও আইনের কথা ভাববে

না? প্রকৃষ্টা কিন্তু উঠে পড়ছে। দিল্লির জওহরলাল নেহরু বিশ্ববিদ্যালয়ের ইতিহাস বিভাগে গবেষণার কাজ করেন কলকাতার মেয়ে, দেবযানী দাস। খবরটা শুনে তাঁর প্রথম প্রতিক্রিয়াই ছিল, 'দারুণ ভাল পদক্ষেপ। পশ্চিমবঙ্গে এটা কবে হবে?'

পশ্চিমবঙ্গ গণতান্ত্রিক মহিলা সমিতির নেত্রী তথা সপ্তম বামফ্রন্ট মন্ত্রিসভায় স্ননিযুক্তি মন্ত্রকের দায়িত্বপ্রাপ্ত রেখা গোস্বামী জানাচ্ছেন, এখনও তাঁরা ঠিক এই রকম কিছু ভাবেননি। তবে স্কুল কলেজে ভর্তি হওয়ার সময় যাতে মায়ের নাম লেখা যায় তার ব্যবস্থা তো আছেই। রেখা দেবী বলেন, 'মায়ের নাম রাখার জন্য আমরা দীর্ঘ দিন ধরেই আন্দোলন করেছি। '৭৭ সালে বামফ্রন্ট ক্ষমতায় আসার পরেই স্কুলের ভর্তি-ফর্মে যৌথ অভিভাবকের বিষয়টি আইনত স্বীকৃত হয়।' অর্থাৎ কেউ যদি চায় সে বাবার নামের সঙ্গে মায়ের নামও লিখতে পারে। অথবা, পশ্চিমবঙ্গ মহিলা কমিশনের সদস্য রমা দাস যেমন বলাছেন, বাবার অবর্তমানে বা বিবাহবিচ্ছেদ হয়ে গিয়ে থাকলে শুধু মায়ের নাম লেখা যেতেই পারে। কেউ যদি স্রেফ ইচ্ছার বশেও মনে করেন, তিন

বাবার বদলে মায়ের নাম নিতে চান, তা হলেও আইনত কোনও বাধা নেই। ১৯৯৬ সালে কেন্দ্রীয় মানব সম্পদ মন্ত্রকের তরফেও বলা হয়, শিক্ষাসংক্রান্ত সব সরকারি কাগজপত্রে বাবার সঙ্গে মায়ের নাম লিখতে হবে। ২০০৩-এ তামিলনাড়ু আবার শুধু মায়ের নাম দেওয়াটাই বাধ্যতামূলক বলে ঘোষণা করে।

কিন্তু এ রাজ্যের বাস্তব চিত্রটা কী? নারী আন্দোলনের কর্মী শাশ্বতী ঘোষের মতে, কেন্দ্রীয় নির্দেশ মানতে হলে সব স্কুল-কলেজকে বাবার নাম, মায়ের নামের পংক্তি আলাদা করে নতুন ফর্ম ছাপাতে হত। যা এখনও পর্যন্ত মোটেই সর্বত্র করা হয়নি। দাম্পত্য সমস্যায় সন্তানের স্কুলে ভর্তি হওয়ার সমস্যার কথা বলে স্ত্রীকে ব্লাকমেল করার রেওয়াজ এখনও ভালই প্রচলিত। এমনকী অধিকাংশ ক্ষেত্রে মায়েরাও ভাবতে পারেন না অভিভাবক হিসাবে নিজের নাম দিয়ে সন্তানকে ভর্তি করানোর কথা। যারা পারেন, তাঁদের আবার অন্য সমস্যা। রমা দেবী জানানেন, বছর যানেক আগে অবধিও তাঁরা অভিযোগ পেতেন, অভিভাবক মা হওয়ায় স্কুল ভর্তি নিতে চাইছে না।

দিল্লি সরকারের এ দিনের সিদ্ধান্ত কিন্তু এ সবার চেয়ে আরও এক ধাপ এগিয়ে গিয়েছে। প্রথমত বিষয়টি আর শুধু শিক্ষাক্ষেত্রে সীমাবদ্ধ থাকছে না। এমনভাবে এখন জন্মের নথি, পাসপোর্ট ইত্যাদি কয়েকটি মাত্র ক্ষেত্রে মায়ের নাম দেওয়া বাধ্যতামূলক। কিন্তু দিল্লির চৌহদ্দিতে এখন থেকে রেশন কার্ড বা ড্রাইভিং লাইসেন্সেও মায়ের নাম দিতে হবে। দ্বিতীয়ত, মায়ের নাম দেওয়া বা না দেওয়াটা সে ক্ষেত্রে কোথাওই ইচ্ছাধীন থাকছে না। আইনত বাধ্যতামূলক হয়ে উঠছে। ঠিক এই জন্যই নতুন আইনকে স্বাগত জানাচ্ছেন দেবযানীরা। মনে করা হচ্ছে, এর ফলে মায়ের ভূমিকটি অস্বস্ত খাতায়কলমে স্বতন্ত্র স্বীকৃতি পাবে। শাশ্বতী ঘোষ বলাছেন, উত্তর ভারতের বহু রাজ্যেই বাস্তব জীবনে মায়ের নামকে উপেক্ষা করতে দেখানো হয়। সে দিক থেকে এই আইন একটা বিরূপ পদক্ষেপ।

পশ্চিমবঙ্গ কোন পথে হাঁটবে? রেখা দেবী, রমা দেবী দু'জনেই মানছেন, বিষয়টি ভাববার মতো। দিল্লিতে কী ঘটছে দেখার পর, এ নিয়ে আলোচনা হতেই পারে।

24 MAY 2006

Misrabhojanam — In Kerala village, a bridge across caste divide

G. ANANTHAKRISHNAN
NEW DELHI, MAY 31

FAR from the theatre of divisive caste politics, Cherai, a tiny village on the Kerala coast, yesterday quietly celebrated the 89th anniversary of *misrabhojanam* — a unique revolution against caste discrimination — as its residents came together on the dining table.

"Over 1000 people from all castes and communities assembled at the historic Thundidaparambu and after a brief function had lunch together," Shornur Karthikeyan, chairman of the Sahodaran Ayyappan Smarakam (Brother Ayyappan Memorial), which organised the function, told *The Indian Express* over phone from Cherai. Noted educa-

tionist and Padma Bhushan M V Pylee inaugurated the event.

"Today's function was a retake of the mass feast organised by Sahodaran Ayyappan, one of Kerala's pioneer social reformers, at Thundidaparambu in 1916, when caste differences handed down by history were acute among the Hindus," says Karthikeyan.

Ayyappan, himself a backward Ezhava, had to face the wrath of his community for bringing the untouchable Pulayars to the food table. The attempt earned him the name 'Pulayan Ayyappan'. But Ayyappan was unfazed. His



Sahodaran Ayyappan

idea had the blessings of prominent spiritual reformer Sree Narayana Guru.

"Though his own community members boycotted Ayyappan, Narayana Guru came out in his support and issued a handwritten statement calling on people to rise above narrow differences of caste," remembers P Parameswaran, noted intellectual and director of Thiruvananthapuram-

based Bharatiya Vichara Kendram.

The effect of having different classes to participate in the feast was far-reaching. It shattered popular notions about cleanliness and, in turn, the practice of untouchability, he said.

Bar Code
High court rules that Mumbai
dance ban is unconstitutional

WHEN the Maharashtra government forcibly closed down dance bars in Mumbai and other parts of the state in August 2005, thousands of people were rendered jobless overnight. The move was justified by the police and the deputy chief minister on moral grounds — that shutting down these dance bars would put a stop to trafficking of women, crime and corruption. In other words, the state saw itself as the upholder of public morality, and clamped down on entertainment outfits that catered largely to the middle class. Curiously, the ban did not include dance performances in three-star and above hotels, ostensibly not to deprive tourists of local entertainment. Bar dancing girls and owners of these establishments, however, had a different story to tell. Not only did they deny there was any trafficking in these places, they stressed that the girls were decently dressed and patrons were not allowed to even touch them.

Mumbai is a bundle of contradictions: On the one hand it is flaunted as India's most cosmopolitan city, where women are safe any time of the day or night. On the other hand, it is in Mumbai that moral policing by the state has touched abysmal levels, with innocuous Valentine's Day celebrations and movies with bold social themes inciting political outfits to wreak violence on card shops and cinema halls. Following the dance bar ban, as many as 25 out-of-work dancers committed suicide, unable to make ends meet. Apart from the desperate being driven to end their lives, a good number resorted to walking the streets, something they'd never done before. Others, sole breadwinners, chose to migrate out of Maharashtra, even to Dubai, in order to support large families. If some dance bars were being misused by anti-social elements and unlicensed operators paid off corrupt policemen in order to continue operations, it points to poor regulation. The administration needed to initiate clean-up operations to rid suspect businesses of criminal influence. Instead of wasting precious court time the executive should act more responsibly, and strengthen its administration rather than impose blanket bans on legitimate businesses.

17 APR 2006

THE TIMES OF INDIA

Let them dance, it's their right: Bombay HC

HC VERDICT ■ 'If women other than dancers can work in prohibited establishments and that does not amount to exploitation, we don't see why when women dance to earn their livelihood, it becomes exploitation'

MOHAN KUMAR

MUMBAI, APRIL 12

PULLING up the Maharashtra government for taking the moral high ground when it closed down dance bars in the state, the Bombay High Court today struck down the ban, saying it was an act of discrimination as it violated Article 14 of the Constitution which guarantees the right to equality.

Quashing the Bombay Police (Amendment) Act, 2005, which had banned "holding of performance or dance of any kind" at "eating house, permit rooms or beer bars", Justice F I Rebello and Justice Roshan Dalvi struck down the law as it prohibited dance at a certain class of establishments, exempting others.



Banning this violates Constitution: HC; state will go to SC

"If women other than dancers can work in the prohibited establishments and that does not amount to exploitation, we do not see as to why when women dance to earn their livelihood, it becomes exploitation," the judges observed.

Section 33 B of the amended Act states that the ban on dance performances does not apply to holding of dance performance in a drama theatre, cinema theatre, auditorium, sport club or a gymkhana, or a

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Let them dance, it's their right: Bombay HC

"three-starred and above hotels", or any other establishment getting special permission from the state government for the purpose of tourism or cultural activities.

It was this exemption to high-end hotels and independent dance performances that proved to be the undoing of the legislation because the judges held that there was "no nexus between this classification and object of the Act... considering that object of the legislation is to prevent dances which are obscene, vulgar or immoral and hence derogatory to dignity of women". The High Court also took notice of the state government's claim that minor girls were being forced to

become bar dancers. In the verdict, Justice Roshan Dalvi noted separately that reports by NGO Prayas (floated by Tata Institute of Social Sciences) and Research Centre for Women Studies of SNDT University had indicated that a small percentage of bar dancers were minors.

Stating that "modicum of supervision and inquiry would be required" here, Justice Dalvi directed that SNDT and Prayas make an environmental study report of dance bars to see whether any minor girls are employed in this profession. If any such case is found, it should be reported to the local police station, he said.

While quashing the ban on dance

bars, the High Court also granted eight weeks' time to the state government to file an appeal in the apex court. State Advocate General Ravi Kadam made it clear that the government would be moving the Supreme Court soon.

The petitions challenging the ban were filed by associations of bar-owners and bar dancers, women's activists and NGOs.

The amendment to Bombay Police Act banning dance bars was passed by state legislatures in July, 2005 and came into effect on August 14 last year. Within three days, a petition challenging it was admitted by the High Court.

The Association of Hotel and Restaurants (AHAR) claimed in the court that the ban had affected some 2,500 establishments in the state and left around 75,000 bar dancers unemployed.

Following the verdict, Varsha Kale, who heads an association of bar-girls, said that they would return to the profession immediately.

She said that while half of these girls took up jobs as waitresses after dances were banned, some 15 per cent had been forced to take to prostitution. "Though the ban is now void, the harm done to lives of these girls who had to take up prostitution is irreparable," she said.

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Apex court wants all marriages registered

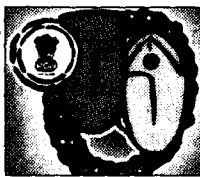
HT Correspondent
New Delhi, February 14

IF YOU know anyone who hasn't registered his or her marriage, ask them to waste no time. Three more months and registration will be compulsory across the nation.

The Supreme Court on Tuesday directed the Centre and the state governments to begin working in that direction. So far, only Maharashtra, Gujarat, Karnataka and Himachal have enacted laws for registration of marriages. Now, the Centre and all other states have three months to frame rules or amend the existing ones.

There may still be opposition, if not difficulties, and judges Arijit Pasayat and S.H. Kapadia directed the governments to bring out advertisements inviting public objections, if any. After taking these objections into account, the governments are to notify the rules within one month. Such rules would also have to address the implications of registration and non-registration, as well as the implications of making any false declarations.

In Kolkata, law minister Nisith Adhikary said the state was already trying to enact rules for registration of Hindu marriages, but pointed out that Muslim marriages would remain under the purview of the Centre. He said the state would start working on



AS OF NOW...

Compulsory

Only inter-religious marriages under the Special Marriages Act must be registered

Voluntary

Those migrating abroad

Authority

The local area magistrate

the Supreme Court order once it arrived.

The court directed that copies of the order be handed over to solicitor general G.E. Vahanvati for immediate action. It passed the order on a divorce case that had seen a dispute on the date of the marriage, which was unregistered. The court then sought the opinion of the National Commission of Women, which prayed for a central law on compulsory registration

The commission said registration was imperative to prevent child marriages and safeguard the rights of women and children. The data collected from registration could also be used for formulating and reviewing laws and policies on family planning, health, education, marriage, dowry and divorce.

The commission said non-registration of marriages affected women the most. Mandatory registration would check bigamy/polygamy and enable married women to claim maintenance and the right to live in the matrimonial house, while widows would get their inheritance

rights. It would also deter men from deserting their wives.

The Centre has spent 15 years toying with the idea of a law making registration of marriages compulsory. In the absence of any such central law, the commission had said, the existing laws, if any, would vary from state to state.

The challenge of curbing child marriage

Poornima Advani

IT IS not surprising that the report of 13-year-old Renuka, a seventh standard student in Andhra Pradesh's Medak district, escaping a marriage foisted on her by parents from both families made headlines. It is rare that young girls escape the noose of early matrimony despite a law prohibiting child marriage being in existence for 75 years — The Child Marriage Restraint Act, 1929. It is rarer still that the rescue is made by a police officer. The sad reality is that on *Akha Teej* or *Akshaya Tritiya*, hundreds of girls, some toddlers, are married off to grooms not much older, in collective ceremonies performed under the very nose of law enforcement agencies and not uncommonly with the benign blessings of the local VIPs including legislators.

The fight of Renuka was as rare as was the help of sub-inspector Prabhakar. They both deserve our salute.

The Parliamentary Standing Committee on Law and Justice has tabled its report on the Prevention of Child Marriage Bill 2004. It is also time to recall the exercises by numerable NGOs and social activists and the National Commissions for Women and on Human Rights to bring about changes in the law with regard to this social evil that has degraded the status of the girl child in our society.

As happens to all efforts concerned with entrenched customs and practices, the law has been slow to move. The implementation machinery has been even slower in enforcing the law. The 1929 Act comprising a bare 11 sections, though a major social reform law, has always had an ambivalent attitude on whether to enforce what is rational or to compromise with the reality. This ambivalence has naturally affected the enforcement machinery as well as society's per-

A more comprehensive law and better enforcement are key to checking child marriage. Compulsory registration of all marriages will also help.

ception of the role of custom, on the one hand, and law, on the other.

The central issue in child marriage revolves around the age below which marriage should be prohibited. This age has been redefined from time to time in tune with the evolving social norms beginning with 12 years in the original 1929 statute. It today stands at 18 for girls and 21 for boys. While the progression of the law concerning age has been in one direction so far, we suddenly have the recommendation of the Parliamentary Committee for revising the age for males from 21 to 18 years. Much has been made in this respect of the definition of 'child' under the Indian Penal Code, the Representation of the People Act, the Indian Contract Act, and the Indian Majority Act or the Prohibition Acts of various States. It is argued that since youth of 18 years are considered eligible to partake of the bottle and enter the polling booth, why should they not be considered fit to take a bride? At the other end of the spectrum is the so-called pragmatic argument that since the breach of law for underage marriage is so rampant, why not bring down the bar so that enforcement will be more manageable.

It cannot be overemphasised that the purpose of law is to enforce rational behaviour and to penalise breach rather than to legitimise the absurd and the irrational. So far as the argument relating to the discrepancy in various laws con-

cerning the age for men and women is concerned, lawmaking is not an exercise in equating different things. The age for marriage has to consider both physical and mental development, on the one hand, and, even more importantly, a young man's economic ability to support a family, on the other. Equally relevant is the social norm in all societies, across time and space, of accepting a certain age difference between men and women entering into matrimony.

It is an incontrovertible fact that a large number of marriages are performed in violation of the existing provisions of the law. It is also true that there is a large body of social opinion and customary practice that sanctions early marriage. Even economic factors may often weigh in favour of a family's decision to marry the girl child off early before the cost of marriage, including dowry, goes beyond their means. But all these factors only underscore the scale of the problem and emphasise the need for a comprehensive strategy for tackling the issue in all its facets.

These can hardly be the arguments for watering down the law. There is everything to be said for gradually increasing the age of marriage for both boys and girls in line with social advancement and economic realities, not to mention the exploding population problem facing countries like ours.

To take up first things first, the law must make

registration of all marriages mandatory. This will take care of not only the issue of checking child marriage but also help in 'proving' the fact of marriage in cases relating to bigamy and adultery in a court of law. Considering the prevailing realities in our countryside, the provisions of registration need to be implemented in as informal, simple, and user-friendly a manner as possible. The facilities for registration will need to be provided at the lowest rung of our administrative structures namely the village *patwari* or the *gram sevak* in rural areas and at the municipal ward or *thana* level in the urban setting.

The Parliamentary Committee's recommendation on making the offence of child marriage both cognisable and non-bailable is entirely in line with the recommendations of every committee or conference on the subject. The present legal framework has made the law a non-starter. The tentacles of the law must also reach out to all those who attend or participate in such marriages, giving them both sanctity as well as social recognition. The refusal of relatives, priests, and other socially important persons to participate in such marriages for fear of punishment can act as the most effective deterrent.

Crime and punishment

Stringency of punishment is the next important element in the strategy to tackle this menace. The present provision for simple imprisonment for three months and a fine has proved totally inadequate. The Parliamentary Committee's recommendation for increasing the sentence to two years is quite salutary.

However, it is a lesson from all social legislation that what matters most in curbing crime is the speed and certainty of punishment rather than the term and rigour of the sentence. And it is here that we meet with the greatest challenge, what with a gender-insensitive police machinery, a wayward prosecution, and a serpentine adjudication process.

At the base of the enforcement pyramid is the overworked *thana* and its general purpose constable who is too torn between law and order *bandobast* and grave crimes to find the time and the will for enforcing the law against child marriage. What is needed is a focussed approach at this base level where either separate Child Marriage Prevention Officers need to be appointed or duty needs to be cast on credible NGOs to report or even intervene with the help of the official machinery or other social workers. Such a focussed approach must be put in place at least in vulnerable districts. Needless to say, that enforcement is not only a matter of numbers or designation of the personnel but also a question of their knowledge, skills, and values. These can be inculcated through a large-scale gender sensitisation exercise for the police forces and the NGOs alike.

A related social malaise is child marriage linked trafficking. Many a girl child is forced into a marriage after kidnapping and maybe after sexual abuse. This calls for an even more stringent and sensitive enforcement of the Child Marriage Restraint Act in conjunction with the Immoral Traffic Prevention Act particularly in border areas and States, which have become high receiving zones for trafficked children.

Another variant of this social evil is the *mutah* marriage prevalent in several States where child brides are sold to foreign tourists in contract marriages for a predetermined sum and period. This 'trade' involves paltry gain for the parents or guardians of the girl children and high stakes for the pimps and middlemen who are involved in these rackets of exploitation, coercion, and fraud. Compulsory registration of all marriages and strict enforcement of the law will help curb such practices to a large extent.

Above all, it is to be hoped that, the Committee having concluded its labours, Parliament will soon legislate a new law and allow millions of girls to enjoy their childhood before motherhood is thrust on them.

(The writer is a former Chairperson of the National Commission for Women.)

CARTOONSCAPE

